

UNEDITED

The Benevolent Societies Act

being

Chapter 83 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE

CHAPTER 83

An Act respecting Benevolent and Other Societies

Short title

1 This Act may be cited as *The Benevolent Societies Act*.

R.S.S. 1920, c.83, s.1.

Application

2 Any five or more persons of full age may become incorporated under this Act for any benevolent or provident purpose or for any other purpose not illegal save and except for the purpose of trade or business or any purpose provided for by any of the Acts mentioned in the schedule hereto.

R.S.S. 1909, c.79, s.1; R.S.S. 1920, c.83, s.2.

Incorporation

3 The proceedings to obtain incorporation shall be as follows:

1. Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed and such other particulars and provisions as the society thinks fit, provided that the said particulars and provisions are not contrary to law;

2. The declaration may be made and signed in duplicate or in as many parts as are required;

3. The said declaration may be produced to the Registrar of Joint Stock Companies for Saskatchewan at Regina, and if the same appears to him to be in conformity with this Act he shall indorse thereon a certificate to that effect;

4. One of the original parts of the said declaration shall be filed in the office of the said registrar and the fee of \$10 shall accompany such filing;

5. When these requirements have been complied with the persons who signed the declaration shall thereby become and they, their associates and successors, shall thenceforward be a body corporate and politic and shall have the powers, rights and immunities vested by law in such bodies;

6. The Registrar of Joint Stock Companies shall thereupon certify under his hand and seal the fact and the date of the incorporation under this Act of the said persons under the corporate name of the society as stated in the declaration or as in view of the circumstances he determines, and se. certificate shall be evidence in any court in Saskatchewan of the facts therein stated.

R.S.S. 1909, c.79, s.2; 1912-13, c.46, s.21; 1913, c.67, s.16; R.S.S. 1920, c.83, s.3.

Branches

4 The society so incorporated may from time to time have or establish and maintain any number of branches thereof to promote the objects of the society.

R.S.S. 1909, c.79, s.3; R.S.S. 1920, c.83, s.4.

Officers/Bylaws

5 The society may from time to time appoint trustees, a treasurer, a secretary and other officers for conducting its affairs and for the discipline and management of the society; and may from time to time make bylaws, rules and regulations for the government and for conducting the affairs of the society or of any branches thereof; and may from time to time alter or rescind such bylaws, rules or regulations.

R.S.S. 1909, c.79, s.4; R.S.S. 1920, c.83, s.5.

Union

6 Any two or more societies or branches of a society may unite and form one society or branch for the purpose of erecting buildings for the use of the societies or branches and if they so desire for other purposes, on such terms as may be agreed upon by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united:

Provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union to be specially called for that purpose.

R.S.S. 1909, c.79, s.5; R.S.S. 1920, c.83, s.6.

Minors' liability

7 A person under the age of twenty-one years elected or admitted as a member of a society or appointed to any office therein shall be liable to the payment of fees and otherwise under the rules of the society as if he were of full age.

R.S.S. 1909, c.79, s.6; R.S.S. 1920, c.83, s.7.

Benefits/Exemption from claim of creditors/Payment to wrong person

8 When, under the rules of the society, money of the society becomes payable to or for the use or benefit of a member thereof, such money shall be free from all claims by the creditors of such member; and when, on the death of a member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof or shall be applied by the society as may be provided by such rules; and such money shall be to the extent of \$2,000 free from all claims by the personal representative or creditors of the deceased; and in

Payment case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same or is applied in good faith for the purposes by the rules provided, no action shall be brought against the society or such treasurer or officer in respect thereof; but nevertheless, if it subsequently appears that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who has wrongfully received it.

R.S.S. 1909, c.79, s.7; R.S.S. 1920, c.83, s.8.

Land holdings

9 No society or branch shall be entitled to acquire or hold as purchaser or otherwise any lands or tenements or any interest therein exceeding in the whole at any one time the annual value of \$5,000, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society.

R.S.S. 1909, c.79, s.8; R.S.S. 1920, c.83, s.9.

Lands by gift, devise or bequest

10 Any such society or branch may from time to time take by gift, devise or bequest any lands or tenements or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same; but the society or branch shall at no time take by gift, devise or bequest lands or tenements or any interests therein the annual value of which, together with that of all other lands and tenements theretofore acquired by like means and then held by the society or branch, exceeds in the whole \$1,000; nor shall the society or branch at any time take, by gift, devise or bequest lands, tenements or hereditaments the annual value of which together with all the other real estate of the society or branch exceeds \$5,000; and no lands or tenements, acquired by gift, devise or bequest within the limits aforesaid but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch; and the society or branch shall have power within such period to grant and convey the said lands and tenements to any purchaser so that the society or branch no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures or other approved securities not including mortgages on land for the use of the society or branch; and lands, tenements or interests therein required by this Act to be sold or disposed of by the society or branch, which have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

R.S.S. 1909, c.79, s.9; R.S.S. 1920, c.83, s.10.

Disposing of lands

11 Any society may in pursuance of a resolution, assented to by a majority of the members present at a general meeting specially called for that purpose of which public notice shall be given in the manner provided by the bylaws, mortgage, sell, exchange or lease any lands of the society.

R.S.S. 1909, c.79, s.10; R.S.S. 1920, c.83, s.11.

Statement of real property

12 It shall be the duty of the corporation, when thereunto required by the Lieutenant Governor in Council or by the Legislative Assembly, to furnish a statement of the real property and of the estates therein held by the society, and to give such details thereof as the Lieutenant Governor in Council or the Legislative Assembly may from time to time require.

R.S.S. 1909, c.79, s.14; R.S.S. 1920, c.83, s.12.

Change of name, etc.

13(1) When a society incorporated under the provisions of this Act is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, the Registrar of Joint Stock Companies for Saskatchewan upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

Order filed

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order certified by the Registrar of Joint Stock Companies for Saskatchewan or his deputy to be a true copy of the order filed in the said office shall be *prima facie* evidence of the change having been made as therein set forth.

Rights and obligations not affected

(3) No change under this section shall affect the rights or obligations of the society, and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name.

R.S.S. 1909, c.79, s.15; 1912-13, c.46, s.21; R.S.S. 1920, c.83, s.13.

Forms

14 In case the Lieutenant Governor in Council adopts or approves any forms for any of the proceedings under this Act and the order adopting or approving of the same is, with the forms, printed in *The Saskatchewan Gazette* such forms shall be as effectual for the purposes mentioned in this Act or in the order in council as if the said forms had been inserted in this Act.

R.S.S. 1909, c.79, s.16; R.S.S. 1920, c.83, s.14.

SCHEDULE

(Section 1)

Acts for purposes not intended by this Act.

1. Chapter 68 of *The Revised Statutes of Saskatchewan 1920*.
2. Chapter 76 of *The Revised Statutes of Saskatchewan 1920*.
3. Chapter 85 of *The Revised Statutes of Saskatchewan 1920*.
4. Chapter 118 of *The Revised Statutes of Saskatchewan 1920*.
5. Chapter 129 of *The Revised Statutes of Saskatchewan 1920*.
6. Chapter 196 of *The Revised Statutes of Saskatchewan 1920*.