

BILL

No. 3 of 1938.

An Act to incorporate the Springvale Hutterian Mutual Corporation.

(Assented to , 1938.)

WHEREAS a religious community of farmers exists in this province under the name of the Springvale Hutterite Brethren Colony, who have associated themselves together for the purpose of promoting and engaging in the Christian religion, Christian worship and religious education and teachings according to their religious belief, and of having, holding, using, possessing and enjoying all things in common, and who are desirous that the said religious community may be incorporated;

And whereas Paul Hofer, Jacob Wurz, Joseph Wurz, John Gross, John Tschetter, Samuel Wurz, Lawrence Tschetter, William Gross, Jr., Frank S. Wollman, John S. Wipf, Joseph P. Walter, Michael K. Wurz, George K. Wurz, Frederick Gross, Darius Hofer, Jacob J. Wurz, Jr., John A. Wipf, Sr., John M. Wurz, Andrew S. Wurz, Joseph Wipf, Paul A. Wipf, Michael M. Wipf, Frank A. Wollman, Jacob Wollman, Paul Wollman, Andrew A. Wurz, Joseph A. Wurz, John A. Wurz, Elias Hofer, George S. Wurz, members of the said religious community, have by their petition prayed that they be incorporated under the name of "Springvale Hutterian Mutual Corporation" for the objects hereinafter set forth;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. The persons named in the preamble of this Act, together with all other persons who are or shall from time to time become members of the corporation hereinafter named in accordance with the provisions hereof and its by-laws, rules and regulations, shall be and are hereby constituted and declared to be a body corporate and politic and are hereby incorporated for the general purposes of the said religious community under the name of "Springvale Hutterian Mutual Corporation" and by that name shall have perpetual succession and a common seal with power to break and alter such seal and shall have general powers and privileges incident to corporations by Act of the Legislative Assembly, and by that name may sue and be sued, and plead and be impleaded, answer and be answered in all courts and places whatsoever.

2. The objects of the said corporation are,—

- (a) to promote, engage in and carry on the Christian religion, Christian worship and religious education and teachings, and to worship God according to the religious belief of the members of the corporation;
- (b) to engage in, and carry on farming stock-raising, milling and all branches of these industries; and to manufacture and deal with the products and by-products of these industries;
- (c) to carry on any other business (whether manufacturing or otherwise) which may seem to said corporation capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the corporation's property or rights;
- (d) to acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which said corporation is authorized to carry on or possessed of property suitable for the purposes of said corporation;
- (e) to apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of said corporation, or the acquisition of which may seem calculated directly or indirectly to benefit the corporation, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired;
- (f) to do all or any of the above things as principal, agents, contractors or otherwise and either alone or in conjunction with others;
- (g) to do such other things as are incidental to or conducive to the attainment of the above objects.

3. For the benefit and in furtherance of the objects of the corporation, it may purchase, acquire, take, have, hold, exchange, receive, possess, inherit, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever given, granted, devised or bequeathed to it or appropriated, purchased or acquired by it in any manner or way whatsoever and may also sell, convey, exchange, alienate, mortgage, lease, demise or otherwise dispose of any such real or personal property.

4. The said corporation shall have full power to borrow money, to issue bonds, debentures, or other securities; to

pledge or sell such bonds, debentures or securities for such sum and at such price as may be deemed expedient or be necessary; to charge, hypothecate, mortgage or pledge any or all of the real or personal property, rights and powers, undertaking, franchises, including book debts of the said corporation to secure any bonds, debentures or other securities or any liability of the said corporation.

5. All the lands, estates, leases, charges, mortgages, encumbrances, securities, assets, properties, real, personal or mixed, effects, rights, credits, choses-in-action, and causes of action of every description belonging to or standing in the name of or existing in or held in trust for the said the Springvale Hutterite Brethren Company, and without limiting the generality of the foregoing, all the personal property, goods and chattels of whatsoever nature and kind now situated on the said lands or used or enjoyed in connection therewith, are subject to all registered encumbrances, hereby vested in the said corporation, its successors and assigns for all the estate, right, title, interest, claim and demand which the said the Springvale Hutterite Brethren Company had at the time of the passing of this Act become, or may become entitled to, and the said corporation shall be and is hereby empowered to exercise all the powers, rights and privileges for or in respect of the same or any of them that the said the Springvale Hutterite Brethren Company have or had or could or might have exercised. The trustees who hold real or personal property for the said the Springvale Hutterite Brethren Company at the time of the passing of this Act are authorized and directed to transfer, set over and assign to the said corporation all such real and personal property held by them.

6. The said corporation shall assume and be liable for the debts or obligations which the said the Springvale Hutterite Brethren Company had contracted or incurred at the time of the coming into force of this Act.

7. The said corporation, at a meeting at which not less than four-fifths of the members thereof are present, shall have full power to make, establish and sanction, amend, repeal or abrogate all such rules, regulations and by-laws as they shall judge necessary for its good administration and government, providing the same be not contrary to the provisions of this Act nor to the laws of this Province.

8. No individual member of the corporation shall have any assignable or transferable interest in the corporation or in any of its property, real or personal.

9. The property, affairs and concerns of the said corporation shall be managed by and the business of the said corporation shall be carried on by a board or five directors, namely: the president, vice-president, secretary-treasurer

and two other members, all of whom shall be male members of the corporation, elected in accordance with the by-laws, rules and regulations of the said corporation.

10. The first board of directors shall be composed of Paul Hofer, president; Jacob Wurz, vice-president; Joseph Wurz, secretary-treasurer; John Gross, John Tschetter.

11. The board of directors shall have full power and authority to exercise all powers of the corporation but only in accordance with its by-laws, rules and regulations, and in accordance with the provisions of this Act.

12. All property, both real and personal, that each and every member of the corporation has or may have, own, possess or may be entitled to at the time that such member becomes a member of the said corporation, and all the property, both real and personal, that each and every member of the said corporation may have, obtain, inherit, possess or be entitled to after such person becomes a member of the said corporation shall be and become the property of the said corporation to be owned, used, occupied and possessed by the said corporation for the common use, interest and benefit of each and all the members thereof.

13. If any member of the said corporation shall be expelled therefrom or retire or otherwise cease to be a member thereof, the said member shall not have, take, withdraw from, grant, sell, transfer or convey or be entitled to any of the property of the said corporation or any interest therein; and in the event of a member of the said corporation dying or being expelled from membership in the said corporation or retiring or ceasing to be a member thereof, the personal representatives, heirs-at-law, legatees or devisees or grantees of such member, or any other person, firm or corporation claiming any interest whatsoever from or through such member, shall not be entitled to any of the property of the said corporation or any interest therein, whether or not such member owned, possessed or had any interest in or to any of the property of the said corporation at the time when such member became a member thereof or at any time before or after such person became a member thereof and whether or not such member had given, granted, conveyed or transferred any property or interest in property at any time to the said corporation.

14. Each and every member of the said corporation shall give and devote all his time, labour, services, earnings and energies to the said corporation and the purposes for which it exists, freely, voluntarily and without compensation or reward of any kind whatsoever other than as herein provided or in the by-laws, rules and regulations of the said corporation expressed.

15. Subject to the provisions of any Act of the Legislature in force or hereafter brought into force, the said corporation shall not be dissolved and the charter hereby granted shall not be surrendered except by and with the consent of all the members of the said corporation.

16. If any member of the said corporation refuses to obey and conform to the by-laws, rules and regulations of the said corporation or refuses to give and devote all his time, labour, services, earnings and energies to the said corporation or refuses or neglects to do and perform the work, labour, acts and things required of him by the by-laws, rules and regulations of the said corporation, or refuses or neglects to attend and engage in the regular meetings, worship and religious services of the said corporation, or abandons or quits membership in the said corporation, such member may be expelled or dismissed from membership upon a resolution passed by a majority of not less than three-fourths of all the members of the said corporation at a general meeting of which notice specifying the intention to propose such resolution has been duly given.

17. The president, or vice-president and the secretary-treasurer for the time being of the said corporation, shall be and they are hereby empowered and authorized to transact and manage all banking business of the said corporation, to pay and receive all moneys, to give acquittances for the same; to make, draw and sign all orders, cheques and drafts for payment of money; to settle, balance and arrange all books and accounts, and generally to do any act, matter or thing which the nature of the business of the said corporation with the bank or banks shall or may require.

18. The board of directors of the said corporation, by and with the consent of a majority of the members of the said corporation, may contract for, buy, sell, assign, transfer, encumber, guarantee, hypothecate, mortgage, pledge, charge, lease, and dispose of all or any of the real and personal property of the said corporation for any purpose whatsoever, and upon any terms whatsoever, and as security for any moneys borrowed or any liability of the said corporation, may execute and deliver under the seal of the said corporation or not, as may be necessary, in favour of any moneylender, mortgagee, bank, person, firm or corporation any mortgage, pledge, charge, bonds, debentures, warehouse receipts, bills of lading, negotiable instruments and such other securities on the real and personal property of the said corporation as in its discretion the board of directors may see fit, and may also give to any bank any securities as permitted or required under *The Bank Act* as security for any moneys borrowed from time to time from any bank.

19. The board of directors of the said corporation may, by and with the consent of a majority of the members of

the said corporation, guarantee or become surety for the payment of any debt or liabilities or the performance of any obligations of any one or more Hutterian organizations, and may, for that purpose, execute any bonds, pledges or undertakings whatsoever.

20. Every deed, transfer, mortgage, bill of sale, chattel mortgage, negotiable instrument or other document relating to or dealing with the property of the said corporation, or any interest therein, executed under the seal of the said corporation and signed by the president or vice-president and by the secretary-treasurer of the said corporation, shall be binding on the said corporation, according to the tenor and effect of such instrument.

21. The said corporation shall, at all times when called upon to do so by the Lieutenant Governor in Council, render an account in writing of its properties and affairs and nothing herein contained shall affect in any manner or way the right of His Majesty, his heirs or successors or of any body politic or corporate.

22. The head office of the said corporation shall be in the postal district of Rockyford, in the Province of Alberta.

23. This Act shall come into force on the day it is assented to.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act to incorporate the Springvale
Hutterian Mutual Corporation.

Received and read the

First time.....

Second time.....

Third time.....

MR. McCUNE.

EDMONTON:
A Shnitka, King's Printer
1938