



BILL NO. 43

Private Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

**An Act to Amend Chapter 6 of the Acts of 1844,
An Act to authorize the Congregation
of the Baptist Church at Canard, in Cornwallis,
to appoint Trustees to take charge of the said Church,
and Cemetery adjoining the same,
and to enclose and ornament the same**

CHAPTER 29
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2010**

Jim Morton
Kings North

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 6 of the Acts of 1844,
An Act to authorize the Congregation
of the Baptist Church at Canard, in Cornwallis,
to appoint Trustees to take charge of the said Church,
and Cemetery adjoining the same,
and to enclose and ornament the same**

Be it enacted by the Governor and Assembly as follows:

1 The first Section of Chapter 6 of the Acts of 1844, *An Act to Amend Chapter 6 of the Acts of 1844, An Act to authorize the Congregation of the Baptist Church at Canard, in Cornwallis, to appoint Trustees to take charge of the said Church, and Cemetery adjoining the same, and to enclose and ornament the same*, is amended by adding “no fewer than” immediately before “three” in the ninth line.

2 Section 10 of Chapter 6, as enacted by Chapter 115 of the Acts of 1935, is amended by adding immediately after subsection (3) the following subsections:

(4) In this Section,

(a) “fiscal year” means the period from and including January 1st to and including December 31st in each calendar year;

(b) “trust funds” means the capital funds held by the trustees for the operation of the cemetery;

(c) “trust income” means the interest and other income earned by the trust funds.

(5) Following each fiscal year, the trustees may

(a) designate as surplus the amount of the trust income for that fiscal year that exceeded the amount required for the fulfilment of their duties and obligations for the preservation and maintenance, in a proper and reasonable manner, of the cemetery during that fiscal year; and

(b) set aside up to eighty per cent of that surplus.

(6) Notwithstanding subsections (1) and (2) but subject to the terms of any gift, assignment, devise, bequest or other transfer, the trustees may, as determined by a majority of the trustees at any duly called meeting of the trustees, use the moneys set aside pursuant to clause (5)(b) for charitable gifts in keeping with the objects that govern the First Cornwallis Baptist Church.

(7) For greater certainty, twenty per cent of the surplus designated pursuant to clause (5)(a) and the remaining trust income, if any, not designated as surplus become part of the trust funds and must be invested accordingly.

3 Chapter 6 is further amended by adding immediately after Section 10 the following Section:

11 (1) For greater certainty, the Board of Trustees is a body corporate pursuant to Chapter 69 of the Acts of 1878, *An Act securing to Baptist Churches of Nova Scotia the benefits of incorporation.*

(2) Notwithstanding subsection (1) and Chapter 69 of the Acts of 1878, the Board of Trustees includes the Treasurer, the Deputy Treasurer, the Plot Keeper of the cemetery and the Pastor as voting members.
