

CHAPTER 197

**An Act to Incorporate the Trustees of the Onslow Cemetery Company.**

(Passed the 4<sup>th</sup> day of April. A.D. 1901, as amended by Chapter 30 of the Acts of 2013 and Chapter 61 of the Acts of 2014)

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Be it enacted by the Governor, Council, and Assembly, as follows:

**Incorporation.**

1. Charles Hill, James Lorraine and Silas C. Morrison, all of Onslow, in the county of Colchester, farmers, and their successors in office, duly appointed as hereinafter provided, are hereby constituted a body corporate, by the name of "The Trustees of the Onslow Cemetery." 1901, c. 197, S. 1.

**General powers of corporation.**

2. The said corporation shall consist of the trustees now of or hereafter to be appointed, the lot holders in the said cemetery and any other person who meets the membership requirements prescribed by the by-laws of the corporation, and shall have the general powers legally incident to such a corporation, and may take, hold and purchase real and personal estate, and may enclose, improve, use, ornament and sell the same. 1901, c. 197, S. 2; 2014, c. 61, S. 1.

**Power to hold and purchase land.**

**Certain land to vest in trustees.**

3. The land and premises known as "the island" or Onslow cemetery, and the road thereon, shall be the property of the said corporation, and the said corporation may purchase such other land as may be necessary for the purposes of the corporation. 1901, c. 197, S. 3.

**By-laws, rules and regulations.**

4. (1) The trustees may make policies or by-laws not inconsistent with this Act respecting

- (a) the management and care of the cemetery;
  - (b) the ornamenting, improving, laying out and disposing of lots;
  - (c) the regulation of all matters essential to the management of the cemetery.
- (2) The trustees may make by-laws increasing the number of trustees.
- (3) The trustees shall make by-laws prescribing

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- (a) the requirements that must be met in order to become a member of the corporation;\_
- (b) the manner of advertising annual and special meetings.

(4) The by-laws are of no effect until approved by the members of the corporation. 2014, c. 61, S. 2.

**Trustees, number of.**

5. The number of trustees shall be three or such greater number as may be prescribed by the by-laws of the corporation, and those persons named in the first section of this Act shall be trustees until the first annual meeting of the corporation. 1901, c. 197, S. 5; 2014, c. 61, S. 3.

**Annual meeting,  
Special meetings, notice of.**

6. The annual meeting of the corporation shall be held by the end of April of each year, at the date, time and place determined by the trustees and advertised in the manner prescribed by the by-laws of the corporation, at least seven days before such meeting. Special meetings may be called by the trustees or any two of them, of their own motion, or of necessity on a requisition signed by five members of the corporation. Notice of the time, place and object of any special meeting shall be advertised in the manner prescribed by the by-laws of the corporation, at least seven days before the day appointed for such meeting. 1901, c. 197, S. 6; 2014, c. 61, S. 4.

**Trustees, election of.**

7. The trustees shall be elected annually by ballot or otherwise by a majority of members present at the annual meeting. Every member not indebted to the corporation shall be entitled to vote at any annual or special meeting of the corporation. No person shall have more than one vote. Any or all of the retiring trustees shall be eligible for re-election. 1901, c. 197, S. 7; 2014, c. 61, S. 5.

**Trustees to submit account.**

8. At such annual meeting the trustees shall submit a true and faithful account of all moneys received and expended by them during the year then expired. 1901, c. 197, S. 8.

**Power to assess.**

9. The corporation shall have the power to assess the lot holders ratably, in proportion to the value of the lots owned or held by them, for any money required to pay for improvements already made and for the further protection and improvement of the cemetery, or for the purchase of additional land or for other necessary purposes connected with the management of the cemetery at any annual meeting or at any special meeting called for the purpose, and such assessment may be sued for and recovered in the name of the corporation before any justice of the peace in the county of Colchester. 1901, c. 197, S. 9; 2014, c. 61, S. 6.

**Expenditure of funds.**

10. All funds accruing from the sale of lots or otherwise shall be expended on the improvement of the cemetery. 1901, c. 197, S. 10.

**Value of lots, how determined.**

11. The value of the lots in said cemetery shall be fixed by the trustees. The value of the lots mentioned in any of the clauses of this Act shall have reference to the original value before any improvements were made thereto or thereon. 1901, c. 197, S. 11; 2014, c. 61, S. 7.

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12. If any lot is not filled, and the owner thereof or his or her legal representative fails or refuses to pay his or her assessment after due notice in writing, such lot or so much thereof as remains unoccupied may be sold for the benefit of the corporation. 1901, c. 197, S. 12; 2014, c. 61, S. 8.

**Grounds and lots not subject to execution.**

13. The cemetery grounds or private lots shall not be liable to be taken under execution and sold for the debts of the corporation, or of individual members thereof, but any lot holder may dispose of his or her lot by written transfer to any person, in accordance with any policies of the trustees or by-laws of the corporation made for that purpose, and entry by the secretary on the books of the corporation. 1901, c. 197, S. 13; 2014, c. 61, S. 9.

**Trustees shall keep plan.**

14. The trustees shall keep a plan showing the lots of the cemetery, with the name of the owner or occupier of each, and also a list of the names of the original lot holders or their legal representatives or transferees, which plan and list shall be *prima facie* evidence of ownership. 1901, c. 197, S. 14; 2014, c. 61, S. 10.

**Appointment of officers.**

15. The trustees shall appoint one of themselves to be president for the year. They shall also appoint a secretary and treasurer for the year. The secretary shall also be treasurer and may be appointed from among the trustees. 1901, c. 197, S. 15.

**Provision respecting payment of officers.**

16. The trustees shall perform all duties gratuitously, but the secretary-treasurer may receive such compensation as may be allowed by the said trustees or corporation. 1901, c. 197, S. 16.

**Quorum.**

17. At any annual or special meeting of the corporation five members shall constitute a quorum. 1901, c. 197, S. 17.

**Fencing and improvement of lots.**

18. Subject to the policies of the trustees and the by-laws of the corporation, a lot holder may ornament his or her lot, including by erecting monuments and setting out plants on his or her lot. 2014, c. 61, S. 11.

**Certain law repealed.**

19. Chapter 46 of the Acts of 1853 and all Acts in amendment thereof are hereby repealed. 1901, c. 197, S. 19.