

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the fifth day of December 1785, in the Twenty Sixth Year of his said Majesty's Reign, and there continued by several Prorogations unto the Fifth Day of March, 1789, in the Twenty Ninth Year of his Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Province.*

29 George III – Chapter 6

**An Act to enable the Inhabitants of the Town Plot of Dartmouth to use and occupy the Common Field, granted them by His Excellency the Lieutenant Governor, in such way as they may think most beneficial to them.**

Where His Excellency the Lieutenant Governor hath granted a certain tract of land adjoining to the town plot of Dartmouth to the inhabitants thereof for the time being, for the purpose of a common field for feeding cattle, &c. and as the intention of said grant cannot be carried into effect without the aid of a law for that purpose.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that it shall and may be lawful for the proprietors and persons interested in said common-field, to assemble in such place in said town, as the trustees names in said grant shall appoint once in every quarter of a year, and one or more of said trustees are hereby empowered to grant an order for such meeting, directed to one of the constables for the district of Dartmouth, requiring him to notify the proprietors and other interested in said common field of the meeting, and the time and place for the same, which notification shall be given in writing posted up in some public place within the town aforesaid, five days before the day appointed for the meeting, and such and so many of the proprietors and persons interested in said common field, who shall be assembled, and meet accordingly, shall have power by a majority of votes to chuse a clerk to enter and record all votes and orders that from time to time shall be made and passed in said meeting, respecting the said field and the management thereof, who shall be sworn to the faithful discharge of his office, and also to pass orders for the managing and improving said common field.

And for the better enabling the said proprietors and persons interested in said common field and improve the same.

II. Be it further enacted by the authority aforesaid, that the proprietors and persons interested in said common field, that by either of the trustees for the time being may sue, commence and prosecute any suits or actions (respecting the management of said common field) in any court proper to try the same, and in like manner to defend all such suits and actions that shall be commenced against them, and the said proprietors and persons interested in said common field are hereby empowered at their quarterly meetings to order the raising of any suitable sum or sums of money, that shall be by them thought sufficient to carry on and prosecute, or defend any actions or suits that may be brought by or against them, or for the carrying on or managing any affairs relating to the said common field, and

to appoint three of the proprietors aforesaid, to proportion such sum or sums, as shall be thought necessary to be raised for the ends and uses aforesaid upon the proprietors and persons interested therein, and to appoint a collector or collectors to gather in, and collect the same, which collector or collectors shall be and are hereby fully authorized any empowered to levy and collect the sum or sums set, and apportioned for such proprietors to pay in the same manner as the collector or collectors in the town of Halifax are empowered to collect the public taxes; and to pay in the same to the clerk of said meeting) who is hereby empowered to grant warrants for levying and collecting such assessments) at such times as shall be by them appointed for the payment thereof, and such clerk shall be accountable to said collectors that shall be appointed, shall be under oath for the faithful performance of their services respectively.

III. And be it further enacted by the authority aforesaid, that the proprietors and persons interested in said common field at a meeting warned (as by this Act directed) and assembled, shall and may have power by a majority of votes of the persons then assembled, too make and pass such orders for fencing and improving of said common field as by them shall be thought proper and convenient, and to annex penalties to the breach and non-observance of such orders; provided such penalties do not exceed fifteen shillings for one offence. Provided also, that such orders so made are not repugnant to the general laws of the province, said penalties to be recovered before any of His Majesty's Justices of the Peace for the county of Halifax, and to be disposed of as said proprietors shall order or direct, any law, usage or custom to the contrary notwithstanding. Provided always, that this act nor any thing therein contained shall be construed to empower said proprietors or the trustees to alienate said common field, or any part thereof, or to assess or levy any money on any commoner, who shall not use his right of common, or on any commoner, except in proportion to the beasts he may departure there, and the benefit he may derive from said common field.