

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, in the Thirty-Third Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the First Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

33 George III – Chapter 9

An Act to enable the Inhabitants of the Town of Annapolis, and the Officers of His Majesty's Garrison, stationed for the time being in the said Town of Annapolis, annually to nominate and appoint Supervisors, to take charge of the Common appertaining to the said Town, and for other purposes therein mentioned.

Whereas the inhabitants of the town of Annapolis, in the county of Annapolis, have, at a very great expence, dyked a marsh, situated north of the said town of Annapolis, and which marsh was reserved, in and by His Majesty's letter patent, to Erasmus James Philips, and others, bearing date the sixth day of September, in the year of our Lord, 1759, as a perpetual common, (or pasturage to, and amongst, the said grantees, and all the inhabitants in the town of Annapolis, and garrison of the fort of Annapolis.) And whereas it will tend greatly to the advantage of the proprietors of the said common, to have proper persons annually nominated, to take charge of the said marsh, and to make rules and regulations for the government of each person, having a right of common in the said marsh:

- I. Be it further enacted, by the Lieutenant Governor, Council and Assembly, that it shall and may be lawful, for the Grand Jury of the county of Annapolis, annually, at the spring court of the said marsh, out of whom the said court of sessions of the peace, shall appoint two, to be supervisors for the year then next ensuing, who shall respectively be sworn to the faithful discharge of their duty hereafter set forth, in and by this act.
- II. And be it further enacted, by the authority aforesaid, that the commanding officer of the garrison of Annapolis, for the time being, if a commissioned officer, shall be a third supervisor for the purposes hereinafter expressed, and if at any spring court of sessions, aforesaid, there shall be no commissioned officer belonging to the said garrison, stationed at Annapolis, then and in such case, the said grand jury shall nominate six of the aforesaid inhabitants as supervisors aforesaid, out of whom the said court of the sessions of the peace shall appoint three to be directed to meet and convene together, from time to time, as occasion may require, to view, consider, consult, and order such ways and methods for repairing the fences thereof, and to assess and tax each and every person, entitled to commonage in the said marsh, his equal proportion of labour, in, and towards the same, and from time to time, as occasion may require, to call on such person or persons for the performance thereof.

III. And be it further enacted, by the authority aforesaid, that each and every person disobeying, or refusing to comply with, such order, assessment or tax, shall forfeit, for each and every day's manual labour so ordered, assessed or taxed, the sum of five shillings; and for each and every day's labour of his horse or horses, oxen, cart or wagon, the sum of ten shillings; to be recovered before any of His Majesty's justices of the peace, in and for the county of Annapolis, on the oath of one of the said supervisors, that such person had been duly notified to perform such labour, and had neglected and refused to do the same: the forfeiture arising from such conviction to be applied to the purpose for which the person convicted had been assessed.

IV. And be it further enacted, that the said supervisors, shall annually, by public advertisements put up in three of the most public parts of the town, direct and appoint the day when the said marsh shall be opened for pasturing, and direct and appoint the day when the cattle, appertaining to the commoners, shall be taken out of the marsh, and no longer permitted to pasture there, until the ensuing spring, and next notification; and the said supervisors shall annually, in the said advertisements, specify how many head of cattle each commoner shall be permitted to depasture in the said marsh; and shall appoint a keeper of the said marsh, who shall have power to turn out, or impound, the cattle of any commoner, put into the said marsh, contrary to the said advertisement, or over and above the number specified by the said supervisors, which said keeper, for his care and trouble in and about the said marsh, shall, and is hereby exempted from any expences, assessments or taxes, which may accrue, or arise in, about or concerning, the said marsh, during the time of his being keeper aforesaid.

And whereas it is reasonable and just that such persons as hereafter may become inhabitants of the town of Annapolis, and consequently entitled to a right of common in the said marsh, should pay a rate or proportion for the expences already incurred in, and about, the dyking, ditching and fencing the same:

V. Be it therefore enacted, by the authority aforesaid, that each and every person, not an inhabitant of the town of Annapolis aforesaid, (His Majesty's officers of the garrison of Annapolis, and persons claiming by descent, devise or conveyance, from and under any of the present proprietors, excepted) on the first day of the publication of this Act, shall, previous to his being for the time being, the sum of five pounds, which said sum shall be applied by the said supervisors, in, and towards the keeping in repair the said dykes, ditches, aboiteaux and fences, and for the purpose of purchasing stationary for the use of the said supervisors.

VI. And be it further enacted, that the said supervisors shall keep a book, wherein all fines, forfeitures and admission payments, shall be entered, and the expenditures thereof accounted for, and a journal of their meetings and proceedings regularly kept, which book shall be ready and opened for the inspection of any commoner on demand, and from year to year transmitted by the supervisors, for the time being, to their next succeeding supervisors.

VII. And be it further enacted, that David Seabury, and Joseph Winniet, esquires, shall be supervisors as aforesaid, for the purposes herein before expressed, until the next general court of sessions of the peace, for the county of Annapolis, to be holden at Annapolis aforesaid, on the first Tuesday of April, in the year of our Lord one thousand seven hundred and ninety four.