

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, and thence continued by several Prorogations to Wednesday the First day of June, 1803; in the Forty-third Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, &c. being the Fourth Session of the Eighth 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.*

43 George III – Chapter 10

**An Act to enable the Inhabitants of Digby to improve the Common belonging to the said Town.**

Whereas the common granted for the use of the township of Digby is injured by the growth of brush wood; and, for want of fences to such common, the persons claiming right of common therein, are deprived of the benefit of such right, by the cattle of strangers; and that, by continuing long without tillage, such common is overgrown with moss, and of little benefit for pasturage, and that, by the law now in force, the justices are not authorized to provide a remedy for those evils:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the publication of this act, it shall and may be lawful for the justices of the county of Annapolis, on the application in writing from the majority of the inhabitants of the said town, being interested in the said common, to make rules and regulations for the fencing of such common, and clearing of such brush wood, thistle, and other incumbrances; for regulating the number of cattle to be depastured in such common, and the rates to be paid by the owners thereof for defraying the necessary expences, of building and repairing fences, clearing brush, and leasing such common, not exceeding one third part of the whole, on improving leases, to persons who will break up and till the same; such leases not to exceed the term of three years; and for establishing an allowance to a herdsman, an dother charges necessary for the securing full benefit of said common to the persons having right therein; and such justices shall have authority to establish fines not exceeding forty shillings for any persons transgressing such rules and regulations, to be recovered before any one justice of the peace, and levied by warrant of distress and sale of the offender's goods and chattels, in like manner as other distraints.

II. And be it further enacted, that it shall and may be lawful for the Grand Jury of the western district of the county of Annapolis, at the usual terms of appointing town officers, to nominate four fit persons, of whom the justices may appoint two to be supervisors of the common of Digby, who shall be sworn to the faithful discharge of the duties of their office, and whose duty it shall be to take charge of the common of that town, and enforce the rules which may be made by the justices aforesaid for the regulation thereof; and also to prosecute all offenders against such rules, and any such supervisors refusing to accept such

office, or neglecting the duties thereof, shall be liable to a fine of forty shillings, to be recovered as aforesaid.

III. And be it further enacted, that all fines and forfeitures incurred under this act, shall be applied by the supervisors of the general benefit of the common of said town. Provided always, that no person shall be convicted for any offence, under this act, unless prosecuted for the same within thirty days after the offence is committed.

IV. And be it further enacted, that this act, and every clause and thing therein contained, shall continue and be in force for five years, from the publication hereof, and until the end of the next session of general assembly, and no longer.