

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Fifth day of February 1818, in the Fifty-Eighth 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. &c. being the Eighth Session of the Tenth General Assembly, convened in the said Province.

58 George III – Chapter 13

An Act for the improvement of the Common of Halifax.

Whereas, two hundred and forty acres of land were, on the twenty-third day of June, in the third year of His present Majesty's reign, granted to John Collier, Charles Morris, Richard Bulhely, William Nesbitt, Charles Proctor, and William Best, the survivor of them, and the heirs of such survivor, for the use of the inhabitants of the town of Halifax, as a common: and whereas, owing to the death of the said grantees, and the absence and minority of the persons in whom the legal estate in the said common, may be now vested, it is expedient to appoint trustees, in the legal estate in the said common may be vested, for the more effectually carrying into execution the purposes of this act:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that all the estate and interest of the heirs at law of the before-named grantees, be, and the same is hereby, divested, and for ever determined.

II. And be it also enacted, that the legal estate title and interest, in the said two hundred and forty acres of land, and in all the common of Halifax, be, and the is hereby vested in the Chief Justice, the Attorney General, the Solicitor-General, and the Surveyor-General, of the province, and their successors in office, for ever, for the use of the inhabitants of the town of Halifax.

And whereas, it would be advantageous to the town of Halifax, if part of the said common, which is now waste and unproductive, were leased in convenient lots, for the purpose of enabling persons whose occupations require the keeping of horses and cattle, to build thereon, and in order that part of the said common may be gradually improved by inclosures and trees planted thereon:

III. Be it therefore enacted, that it shall and may be lawful for the said trustees to lease part of the said common, not exceeding twenty-five acres, in lots of half an acre each, for the term of nine hundred and ninety-nine years; which leases shall be made of such parts of the said common as are described in a plan submitted to the General Assembly in this present session; which plan is signed by the president of His Majesty's council, and the Speaker of the Assembly.

IV. And be it further enacted, that the said lots shall be put up separately at public auction, by the commissioners herein after named, excepting such lots or parcels of ground as are marked by a blue line in the said plan, which shall be reserved for markets, or other public uses of the town, and shall be leased to the best bidder; who shall covenant to perform the conditions of the lease; and the substance of all the several covenants, intended to be inserted in such lease, shall be publicly notified to the bidders at the time and place of holding such auction or auctions.

V. And be it further enacted, that in addition to the covenants usually inserted in leases, there shall be inserted these following:—That one year's rent shall be paid upon the lease being executed; that the rent shall, after the first year, be paid annually at the expiration of each year; that the lessee shall cause the lot to be inclosed with a good and sufficient fence within one year after receiving possession, and shall plant and set out at least ten trees; that no steps, porches, windows, cellar doors, or any other building, erection or incumbrance whatever, shall be placed or put outside of the lines and boundaries of the lot; it being the intention of this act that there shall be handsome and convenient side-walks in front of the said lots.

VI. And be it further enacted, that the several leases to be made and executed pursuant to this act, by the beforenamed trustees, or any three of them, shall be good and valid, to all intents and purposes, to convey to the lessee or lessees a good and sufficient estate in the lands so leased for the said nine hundred and ninety-nine years.

And for the more immediate and better carrying into effect the purposes of this act:

VII. Be it enacted, that Richard Tremain, John Liddell, and William Pryor, Esquires, be, and they are hereby, appointed commissioners to mark and lay out the said lots of land, and the streets described in the said plan, and to superintend and direct the planting trees, making the roads, and such other improvements, as are herein contemplated.

And whereas, owing to many persons having placed and put large quantities of manure, ashes, stones, bricks, broken glass, and other rubbish and substances, upon the said common, the same is much incumbered, and rendered dangerous for cattle pasturing thereon:

VIII. Be it enacted, that the said commissioners shall cause the same to be immediately removed, and take care of the said common, and forbid all persons from taking or carrying therefrom any of the soil, sod, pear mould, earth, or from laying thereon any manure, ashes, stones, rubbish, earth or other substances; and any person or persons, or the owner or owners of any cart or team, that shall carry away such sod, soil peat, mould or earth, from the said common, or shall lay thereon any manure ashes, stones, rubbish, or other substances, shall, for each offence, forfeit and pay a penalty of not more than forty shillings, nor less than five shillings; to be recovered with costs of suit before any two magistrates of the county of Halifax, who shall decide the amount of the penalty, which shall be paid to the

trustees, and applied by them to the use of the common. Provided always, that nothing in this act shall extend, or construed to extend, to prevent the commissioners as aforesaid, from permitting gravel, stones and earth, for repairing streets in the town of Halifax, from being taken from such place and places, and in such manner, as they shall think fit.

IX. And be it further enacted, that the rents of the said lots for the first year, and such further time as may be necessary, shall be applied by the said commissioners for improving the said common, and the remainder of the said rents shall be applied either for the further improvement of the said common, in lighting the streets of Halifax, or in making paved side-walks in the said streets of the town of Halifax, as the justices of the peace in their general sessions in the town of Halifax, shall appoint and direct.

X. And be it also enacted, that the justices of the peace for the county of Halifax, in their next June sessions, shall make such rules and regulations for the said common, and also to prevent the same from being surcharged with cattle, as they shall deem expedient, and shall enforce the same under such penalties, not exceeding twenty shillings, as they shall think fit; and nothing herein-contained shall prevent the said justices from making such other regulations, relative to the said common, as they are authorised to do in and by an Act, passed in the tenth year of His present Majesty's reign, entitled, an Act for regulating the commons belonging to the several townships in this province.

XI. And be it further enacted, that it shall and may be lawful for the said trustees to lay out and mark off, in some convenient part of the said common, a space not exceeding ten acres, for the use of the bridewell or house of correction in the town of Halifax, which land shall be under the management of the justices of the peace of the county of Halifax, to be used for the purpose of raising vegetables for the use of the house of correction, and for no other purpose whatsoever.