

BURKE, MACDONALD & LUCZAK
BARRISTERS & SOLICITORS *

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HAND DELIVER

Ms. Bea Renton
Town Manager/Clerk
Town of Lunenburg
PO Box 129
Lunenburg NS B0J 2C0

Dear Bea:

RE: COMMON LANDS

As a result of the consideration of a Lease to the Lunenburg Dog Park Society, we became aware that certain lands in the Town of Lunenburg are Common Lands. This is significant because the King made a Crown Grant of lands in the "Township" of Lunenburg. Although there was some confusion as to the bounds of the Township, essentially it ended up being the land in between the LaHave River and the Martin's River from the County line to the end of Stonehurst. Some of the earlier Statutes dealing with the Common Lands refer to the "Township".

As authorized by you, I had Wendy Gingell review records at the Land Registry to determine in a general sense how much of the Town would consist of Common Lands. For your reference:

- A. I am enclosing a rough transcript of the Crown Grant of Common Lands in 1785. It describes, among other things, 2000 acres, exclusive of the Town plot of Lunenburg (which would be the original plot from Kaulbach to Kempt), the Garden lots, School and Glebe lands, fish lots and land granted to Creighton/Jessen/Cunningham/Mauger et al.
- B. See Plan attached. Plan 277 at the Registry shows these lands and Ms. Gingell attempted to transfer the information to the current mapping. Also superimposed on the same sheet are the Town boundaries. Some of the exceptions from the Grant are shown on No. 277.
- C. Ms. Gingell found a section of a Plan in her files from 1985 when David Brattston did research of the School lands showing the location of school lots in the Town. She is not

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COPY FOR YOUR INFORMATION

aware of the date of the Plan or when the school lots were established. (The Common Lands abutted the School lands.) She believes that there was originally a Grant or Statute in June, 1831 and a later Statute in 1910 vesting school lands within the Town of Lunenburg in the Town. Unless you advise otherwise, we will not attempt to determine the status of the school lands.

- D. Regarding the area between the Pound Gate and Leonard Youngs: The 1862 Statute describes lands below the Garden lots and extending westerly to Leonard Young's. Leonard Young owned lots 9 and 10 of the Common Range Lots which would have adjoined the western boundary of the Common Lands. (This is in the approximate location of Bluenose Academy.) Although Bill Plaskett's book shows these lots as 1 and 2, it appears from the Minutes that the numbers have been reversed. Note the Plan in the Winthrop Bell book Foreign Protestants in Nova Scotia which shows the area west of Kaulbach Street as the "Lunenburg West Common"
- E. Attached is a copy of a Plan prepared by Charles Morris (undated and without a source) which shows that the Town Plot and burial ground is bounded westerly by Common. You will note the location of school lands.
- F. See also the Plan of Survey attached to the Common Land Grant in 1785 which shows the general location of the Common Lands surrounding the Town Plot of Lunenburg.
- G. I have forwarded you, by e-mail, a copy of the Plan received from the Archives. This was only a copy and I am not certain of the source. It does show some reserved lands around the Town plot and large areas of Common Lands within the Town boundaries.

Given the foregoing, there are likely substantial lands in the Town of Lunenburg which are owned by the Town and may be subject to certain restrictions.

Please refer to my letter of June 4, 2013 attached, concerning some of the possible restrictions.

It is therefore my recommendation that the Town consider having a Private Members Bill passed by the legislature of the Province of Nova Scotia to ensure that the Town holds the Common Lands within the Town of Lunenburg in the same manner as any other Town lands without restriction on the use or alienation thereof.

Should you require further clarification, please do not hesitate to contact me.

Yours very truly,
BURKE, MACDONALD & LUCZAK

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