

*Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1788.* National Archives of the United Kingdom CO 219/1.

29 George III – Chapter 1

**An Ordinance for Making repairing and Mending the Highways Roads Bridges and Streets in the County of Sydney**

Be it Ordained and Ordered by His Excellency the Lieutenant Governor by and with the consent and advice of His Majesty's Council, and it is hereby Ordained and Ordered by the Authority of the same, That the Grand Jury at the General Quarter Sessions of the Peace held for the County of Sydney next after the first of January annually shall nominate six fit persons out of whome the said Court of Quarter Sessions shall appoint Two or more to be Overseers of the Highways of the County of Sydney who shall be sworn to the faithfull discharge of their Office for the Year enduring before the said Session or before any one Justice of the Peace within or nearest to the Year of Sydney and any person being so Nominated and chosen who shall refuse to accept of the said Office or shall Neglect to be Sworn as aforesaid, within fourteen days next after such nomination or having accepted shall neglect his Duty shall forfeit for every refusal or Neglect Five Pounds.

And be it further Ordained by the Authority aforesaid, That every person within the County of Sydney keeping any Cart Team or Truck shall send on every day Appointed by the said Overseers of Highways one Cart or Team or Truck with two Oxen, or two Horses and one able Man to Drive the same for four days in every Year to work on the Highways, Roads, Streets, or Bridges allowing eight Hours to every days Work and Such persons not Attending or Neglecting to perform the said Duty shall forfeit for every days Neglect Twelve Shillings and six pence, and that every Other Householder or Labourer not being an hired Servant by the Year shall every day Appointed as aforesaid either by himself or Other sufficient person to be hired by him provided with such necessary implements as shall be Directed by the said Overseers work for the space of six days in every Year on the said Highways Roads Streets, or Bridges within the said County of Sydney and Such persons not Attending or Neglecting to perform the said duty shall forfeit five shillings for every days Neglect.

And be it further Ordained and Ordered by the Authority aforesaid. That the said Overseers of Highways Shall and are hereby impowered in the fittest and most seasonable time between the first day of April, and the Thirty first day of December Yearly (seed time and Harvest Excepted) to Summon the Inhabitants of the County of Sydney giving them at least six days notice of the time and place where they intend to employ them, and shall oversee and Order them persons so summoned to Labour in making mending or repairing the Highways, Road, Streets and Bridges in the Most usefull manner during the number of days Appointed by this Act for each person to Labour and the said Overseers Shall be excused from any Other Service on the highways than the summoning Ordering and Directing thereof.

And Whereas it may so happen that the Labour of Men may be more usefull that the employing Team Carts or Trucks, Be it therefore Ordained and Ordered by the Authority aforesaid that when

the Overseers of the Highways shall Judge the Labour of Men more useful and Necessary than that of Teams Carts, or Trucks, the persons who by this Ordinance are to find Teams Carts or Trucks, Shall be Obligated under the like penalty to send two Labouring men instead thereof furnished with necessary implements as aforesaid.

And be it further Ordained and Ordered by the Authority aforesaid that all persons able of body between the age of sixteen Years and Sixty Shall be obliged to Labour at the said Highways, Roads Streets and Bridges or procure a proper person for the same, and that all persons keeping Carts Teams or Trucks, who by being Sixty years Old or Upwards are Excepted from Labouring themselves on the said Highways or Roads shall nevertheless send their Carts Teams or Trucks to Assist in making or repairing the same.

And be it further Ordained and Ordered by the Authority aforesaid that if any person or persons shall alter any public Roads or Highway or Shall make any Encroachment on the same Such person or persons Shall forfeit the sum of five pounds,

And be it further Ordained and Ordered by the Authority aforesaid, that all such forfeitures as are herein before mentioned Shall be sued for by the Overseers of the Highways in like manner as debts of the like value are sued for and Recovered before any one of His Majesty's Justices of the peace and the said forfeitures shall be applied for the making or repairing the said Highways, Roads, Streets, or Bridges.

And be it Ordained and Ordered by the Authority aforesaid that any one of His Majesty's Justices of the peace Shall and may on his own View or on the Oath of one Credible witness impose a fine not exceeding Twenty Shillings on any person who shall incumber or Stop up the way in any of the Highways or Streets in the County of Sydney by laying Timber, wood, Carts, Trucks, or in any Other thing thereon to be recovered by Warrant of Distress and Sale of the Offenders goods and Chattels or in Case Such Offender Shall not be known or found the same shall be recovered by sale of so much of the Timber or wood and the Carts, Trucks or Other thing incumbering or Stopping the way in such Highway or Street as aforesaid and be paid to the Overseers of the Highways for the aforesaid rendering the Overplus (if any be) to the owner when found, and if the said Hinderance shall continue the same shall be deemed a new Offence and Shall be presented and liable to the penalty Aforesaid.

And Whereas the public Streets in the Town of Sydney are frequently rendered impassable during the Winter and Spring by the Drifth of Snow and repeated falls thereof to great injury of Individuals and Inconvenience of the public in General for remedy whereof

Be it further Ordained and Ordered by the Authority aforesaid, That it shall and may be Lawfull for the said Overseers of the Highways to order and Direct the Inhabitants of the Town of Sydney as often as they shall deem necessary during the Winter and Spring to Work on the public streets in Order that they may be rendered passable, Provided always that not any Inhabitant Shall be compelled to furnish more than one Days Labour for any one fall of Snow or where the fall or Drifth of snow shall not exceed Twelve Inches and that every Inhabitant refusing or Neglecting to

obey such Order of the Overseers of Highways shall forfeit for each refusal or neglect, the sum of five shillings to be recovered before any one of his Majesty's Justices of the peace and the Money so recovered to be paid unto the hands of the said Overseers of the highways to be applied for the uses of repairing the same.

And be it further Ordained and Ordered by the Authority aforesaid that the said Overseers of Highways shall at the expiration of their Office annually Account at the General Quarter Sessions of the peace for all the fines received by them for the use of the highways and shall pay the Overplus (if any in their hands) to their successors in the said Office for the aforesaid uses, under the like penalty as for any Other neglect of Office to be sued for and recovered by their said Successors in like manner as any Other forfeiture is hereby made recoverable.

Approved Ordained and ordered  
Accordingly in Council this 16th day  
of December 1789 in the Thirtieth  
year of His Majesty's Reign  
(Signed) Wm. Macarmick  
Lt Governor Cape Breton

passed in Council  
16th day Decr 1789  
(signed) D Mathews P.

(A true Copy)  
Crawley Secy. & Clerk of Council