

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1790. National Archives of the United Kingdom CO 219/1.

30 George III – Chapter 3

An Ordinance for making mending and Repairing Highways Roads and Bridges in King and Queen Districts Cape Breton.

An Ordinance for making and mending the Highways Roads and Bridges in King and Queen Districts

Be it Ordained and Ordered by the Lieut. Governor by and with the Advice and consent of His Majesty's Council and, It is hereby Ordained and Ordered by the Authority of the same, That His Majesty's Justices of the Peace residing in Kings District which said District shall comprehend all the Lands laying within the following boundaries, to wit,

Beginning at the Entrance of Pownal or Forché [Fourchu] Harbour and from thence bounded by a straight line to the Head of upper Mira River, from thence by the South side of the said River down the Stream of the same, to the south Entrance thereof all the Head of Mira Bay, thence by the south shore of said Bay, and the several Courses of the Lia shore of the Sea Shore ~~of said Bay~~ and of the different Bays Harbours and Inlets thereon until it meets the first mentioned boundary including Wolfe, Pownal and all other Islands adjacent to the said shore; And that his Majesty's Justices of the Peace residing in Queen's District shall Comprehend all the Lands laying within the following boundaries (viz), Beginning at the North East Entrance of the River Inhabitants from thence bounded by a straight line to the south west Entrance of the most Western Cove or Barrachois in the Head of the Western Arm of Lake George, thence by the several Courses of the south shore of said Arm and of saint Davids and Saint Andrews Bays in the said Lake Johnne Grotto to a point of Land on the south shore of said Arm a little East of the Eastermost of Moggges Islands thence by a straight line to the Head of upper Mira River from thence in a straight line to the North East Entrance of Pownal or Forché Harbour from thence by the Several Courses of the sea shore of Grenville Bay and Harbour and of the North side of the Petit Passage to the Boundary first mentioned – Also the Islands Madame or Richmond comprehending also all other Islands adjacent to or within the limits before described, shall on the first day of July next and on the first Monday in March annually thereafter until a Court of General Sessions of the Peace shall be regularly constitud in each of the said Districts, Assemble the Inhabitants of their respective Districts at the most public place in each District first giving Twenty days public notice by puting up written Advertisements at the most public places of the time and place where the said Meetings are to be held: Who shall then and there by plurality of Voices Nominate and choose in the presence of the said Justices or one of them Two or more fit Persons to be overseers of the Highways for the said respective districts, who shall be sworn to the faithful discharge of their Office for the year ensuing before any one of his Majesty's Justices of the Peace residing in the said districts, And in case the Inhabitants in either of the said districts shall refuse or neglect to attend such Meetings in their respective districts, Then and in such it shall and may be Lawful, and the said Justices residing in such Districts are hereby authorized and required to Nominate and appoint Two or more fit

Persons to be Overseers of Highways for such Districts for the year ensuing, And any Person being so nominated and chosen either by the said Inhabitants or nominated and appointed by the said Justices who shall refuse to accept of the said Office or shall neglect to be sworn as aforesaid within ten days after such Nomination or having accepted shall neglect his duty shall forfeit for every such refusal or neglect the sum of five Pounds

And be I further Ordained and Ordered by the Authority aforesaid, That every Person within the said respective Districts keeping any Cart, Team or Truck shall on every day appointed by the said Overseers of Highways for such district, send 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 or Bridges in such district allowing eight hours to each day's work, and such person not attending or neglecting to perform the said Duty shall forfeit and pay for every day's neglect Twelve shillings and six pence, And that every other Householder or Labourers, not being a hired Servant by the Year shall on every day appointed as aforesaid, either by himself or some other sufficient Person to be hired by him, provided with such necessary implements as shall be directed by the said Overseers for such district, work for the space of six days in every year on the said Highways, Roads, or Bridges within such district and every such person shall forfeit the sum of five shillings for every days neglect...

And be it further Ordained or Ordered by the Authority aforesaid, That the said Overseers of Highways in the said respective districts, shall and are hereby impowered, in the fittest and most seasonable time of the year 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 said respective districts giving them at least six days notice of the time and place where they are to be employed and shall there oversee and order the Persons so summoned to labour in making, mending or repairing the Highways, Roads or Bridges in their respective districts in the most useful manner during the number or days appointed by this Ordinance for each person to Labour and the said Overseers shall be excused from any 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 useful than the employing Teams, Carts or trucks, Be it therefore Ordained and Ordered by the Authority aforesaid, That whenever the Overseers of the ~~Highw~~ Highways in either of the said districts 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 obliged 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 and Bridges in their respective districts or procure a proper person for the same And that all Persons keeping Teams, Carts or Trucks who by being sixty years Old or upwards are exempted from Labouring themselves on the said Highways, Roads and Bridges, shall nevertheless send their Teams, Carts or Trucks to assist in Making or repairing the same

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 their respective districts in like manner as debts of the like value are sued for and recovered before any one Justice of the Peace and the said forfeitures shall be applied for the making or repairing the said Highways Roads or Bridges in the district such forfeiture shall accrue

And whenever the principal Highways and Roads to be made in each of the said district will run through ungranted and Vacant Crown Lands, And Whereas it is highly expedient in such cases for the better locating of such Grants as may hereafter be made in the said districts, That all such Highway and Roads should be marked and laid out by the Chief Land Surveyor with the consent and approbation of his Excellency the Lieutenant Governor or Commander in Chief for the time being, Be it therefore Ordained and Ordered by the Authority aforesaid That the Overseers of the Highways in the said respective Districts in the making all such Highways and Roads in either of the said Districts, That are to run through any ungranted or vacant Crown Lands shall from time to time follow such directions as will with regard to the Place where the said Highways or Roads are to begin on the said ungranted or vacant crown Lands in the said Districts as the Overseers [illegible], The said Highways or Roads are to run through the same as shall be marked and laid out by the Chief Land Surveyor and appointed approved of by his Excellency the Lieutenant Governor or Commander in Chief for the time being

And be it further Ordered and Ordained by the Authority aforesaid, That in case the Overseers of Highways for the said respective Districts or either of them shall refuse or neglect (in the making of such Highways or Roads as are to run through any ungranted or vacant Crown Lands.) to follow such directions as will the Places where the same shall begin on the said ungranted Lands as the courses the said Highways or Roads are to run through the same, as shall be marked out by the said Chief Land Surveyor and approved of by His Excellency the Lieut: Governor or the Commander in Chief for the time being, such Overseers shall for every such neglect or refusal forfeit and pay the sum of Fifty Pounds, to be recovered by Bill Plaint or Information in his Majesty's Supreme Court of Judicature for this Island, The one half whereof shall go to his Majesty for the public uses of this Government, and the other half to him who shall prosecute or sue for the same

And be it further Ordained and Ordered by the Authority aforesaid, That if any person or persons shall after any public Highway or Road, That shall be marked and laid out by the Chief Land Surveyor, by and with the consent and approbation of his Excellency the Lieutenant Governor or the Commander in Chief for the time being, or through any of the ungranted and vacant Crown Lands shall make any incroachments on the same such person or persons shall forfeit for every such Offence the sum of Five Pounds to be sued for and recovered by the said Overseers of the Highways for such district before any one of his Majestys Justices of Peace for the said District and be applied to the making, mending or repairing the said Highways, Roads or Bridges in such District where the said forfeiture shall occur

And be it further Ordained and Ordered by the Authority aforesaid, That any one of His Majesty's Justices of the Peace in the said respective Districts, shall and may on his own view or in 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 Roads in the said respective districts by laying Timber, Wood, Carts, Trucks or any other thing thereon to be recovered by warrant of Distress and sale of the Offenders Goods and Chattels or in case the Offender shall not be known or found the same shall be recovered by sale of the Timber or wood or Carts Trucks or any other thing incumbering or stopping the way in such Highway or Road as aforesaid, and be paid to the said Overseers of Highways for such district for the uses last aforesaid rendering the overplus (if any) to the Owner when found, And if the said nuisance shall continue the same shall be judged a new offence and shall be prosecuted and liable to the penalty aforesaid

And be it further Ordained and Ordered by the Authority aforesaid, That the said Overseers of Highways for the said respective districts shall at the expiration of their Office annually Account to the Justices of the Peace in their respective Districts 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 Office in like manner as any other forfeiture hereby made recoverable

Approved, ordained and ordered accordingly
in Council this 13th day of May 1790 in the
30th Year of His Majesty's Reign –

passed in Council
this 13th day of May 1790
D. Mathews President
(A true Copy)
[illegible initial] Crawley Secretary and Clerk of Council