

An Ordinance for Making, repair-
-ing, 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 such fit persons
out of whom the said Court of Quarter Sessions shall appoint
Two or more to be Overseers of the Highways for the County of Sydney
who shall be sworn to the faithful discharge of their Office for the
Year ensuing before the said Sessions or before any one Justice of the
Peace within or nearest to the Town 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 four-
teen 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 afo-
-resaid, 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

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for every day Neglect Twelve Shillings and sixpence, 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 ne-
cessary implements as shall be Directed by the said Overseers
to 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 day Neglect.

And be it further Ordained and Ordered
by the Authority aforesaid. That the said Overseers of Highways
shall and are hereby empowered in the fittest and most sea-
sonable 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 man-
ner 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 highway than the summoning Ord-
ering and Directing thereof.

And Whereas it may so happen that
the Labour of Men may be more usefull than the employing Teams,
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 usefull and necessary than that
of Teams Carts, or Trucks, the persons who by this Ordinance
are

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.

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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 after 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 further 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

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 use, 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 1709 in the 11th year
of His Majesty's Reign

(Signed) W^m Maccormick
Lth Governor Cap^{tn} Bolton

Passed in Council
16th day Decr 1709
(Signed) D Mathews C^l

(A true Copy)
W^m By Sec^y & Clerk of Council