

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1806. National Archives of the United Kingdom CO 219/2.

46 George III – Chapter 2

An Ordinance to Revive, Amend and Continue an Ordinance Entitled an Ordinance for the Appointment of Commissioners to Manage and Superintend the Expenditure of the Public Revenue, And for other Purposes tending to the Public Benefit and Improvement of the Island. Made and passed the 12th day of January 1803.

Whereas an ordinance was made and passed the 7th day of January now last past to prolong Amend and Continue the said in part Recited Ordinance which was limited in its duration to the 12th day of January now last past. And Whereas the said Ordinance so made and passed on the said 7th day of January now last past, is lost or mislaid by which the said in part Recited Ordinance has Expired and the Salutary Benefits Accruing to His Majesty's Island from its operation and Effects have ceased or become Suspended.

Be it Ordained and Ordered by His Honor Lieutenant General Despard President of His Majesty's Council by and with the Advice and Consent of the same Council, And by the Authority of the same it is hereby Ordained and Ordered that from and immediately after the Publication hereof the said in part recited Ordinance and every matter clause and thing therein contained shall revive take date and become operative and effective to all intents and purposes the same as if it had never ceased Expired or terminated. And that every matter Act, or thing which has been done, executed and performed by the commissioners appointed or Acting under the Authority of the said before in part recited Ordinance from and since the time of its Expiration to its Revival by this present Ordinance and are hereby confirmed Sanctioned and made Valid And that the persons who have Acted as Commissioners during said person are hereby Exonerated and Indemnified for every matter Act or thing by them or any of them done and performed in the Execution of their duty as Commissioners to all intents and purposes the same as if the said before in part recited Ordinance had never ceased but remained in its full force operation, Power and Authority.

And Whereas it is found Necessary and Expedient that the Powers given to the said Commissioners in and the before in part recited Ordinance should be enlarged and extended more particularly as to the laying out of the Public Highways, Roads and Bridges in the said Island and its Dependencies, and also to the direction of the Statute Labour to be done thereon.

Be it therefore Ordained and Ordered by the Authority aforesaid that immediately from and after the Publication hereof in every Township place or Harbour in this Island or its Dependencies where new highways or common Roads from Town to Town or place to place shall be wanting or where old ways and Roads may be turned or altered with more conveniency and advantage to the Public the said Commissioned Appointed or to be Appointed any three of them may and shall, and they are hereby Authorized and Empowered to lay out the same anything to their best Skill and Judgement for the Public good and with the least prejudice or damage to any particular person, and also to direct and enforce the Statute Labour to be done and performed on such Highways or Common Road so laid out by them as

aforesaid. And all Overseers or Surveyors of Highways are hereby enjoined and directed to obey and carry into effect all such orders and directions as the said Commissioners or any three of them shall signify to them from time to time in writing respecting the Statute Labour to be done and performed on such highways Roads or Bridges as aforesaid under the Penalty of Ten Pounds for each and every neglect or omission of them each or any of them the said Overseers or Surveyors, the same to be Recovered by the said Commissioners or any three of them in His Majesty's Supreme Court by Bill – Plaint or Information, and applied as other fines and forfeitures are directed to be applied in and by an Ordinance heretofore made and Passed for making and Repairing of Highways. Provided always that when and, so often as the said Commissioners shall so lay out and direct any Highways or Road or alter or turn any old way or Road they shall give three days notice of such their intentions by putting up the same in the most Public places in such Township place or Harbour where the same Highway or Road is proposed to be made or altered with the intent that of any person shall think himself aggrieved or injured thereby he may make complaint thereof to the said Commissioners who are to inquire into the cause of such complaint in order that if the same be found real they may give such Relief to the Complaint as they are Authorized to do in and by the before in part recited Ordinance hereby revived.

And Be it further Ordained and Ordered by the Authority aforesaid that the several Overseers or Surveyors of Highways in the respective Townships Places or Harbours in the said Island or its Dependencies shall at the time or their entering in their office in each and every year give in or Transmit to the said Commissioners a List of the Names of all person within their respective districts who are liable by Law to perform Statute Labour on the Highways, and at their going out of office to account for all Fines and Forfeitures which they may have Received during the time they have been in office to the said Commissioners who are hereby Empowered to direct the Expenditure thereof on the Highways or Roads in the Districts where such fines and forfeitures shall arise, And at the same time the said Overseers or Surveyors are also to deliver to the Commissions correct Lists of all defaulters distinguishing there who have paid and satisfied the fines and forfeitures which they have incurred.

And Be it also Ordained and Order by the Authority aforesaid that whenever the Lieutenant Governor, President of Council or Commander in Chief for the time being shall judge it necessary and Expedient that the Commissioners or any three of them should repair to any of the Townships, Places or harbours in this Island or its Dependencies at a distance from Vicinity of the Town of Sydney to Execute any part of their duty, He may direct them or any three of them to proceed by the most convenient opportunity to execute the said duty and all the Reasonable and Unavoidable expences incurred by the said Commissioners on those occasions The Lieutenant Governor President of Council or Commander in Chief for the time being is hereby Authorized and empowered to satisfy the same out of the Public Revenue of the Island by Warrant for the amount on the Treasurer of the Island. Provided the said Accounts have been previously examined approved and audited in Council

Be it also Ordained and Ordered by the Authority aforesaid that whenever the Lieutenant Governor President of Council or Commander in Chief for the time being, shall not deem it essential or expedient to direct the Commissioners Appointed or to be appointed to proceed to any of the Townships Places or Harbours at a distance from the Vicinity of Sydney where and when Highways or Roads are required to be laid out he is hereby Authorized and

Empowered to appoint three or more Persons residing in or near the Township Place or Harbour where such Highways or Roads are Required to be laid out who shall be Empowered to lay out and make the same, And to Report their doings thereon to the said Commissioners in order the same may be laid before the Lieutenant Governor, President or Commander in Chief for the time being for his Consideration and determination

Be it also Ordained and Ordered by the Authority aforesaid that when any Highways or Public Road in this Island or its Dependencies shall by Sanctioned approved and Established by the Lieutenant Governor President or Commander in Chief for the time being the same Highways and Public Roads with a Survey and description thereof shall be entered in the Records of His Majesty's General Sessions of the Peace, in the Respective districts where such Highways or Roads lie, by the said Commissioners or any three of them and that the said Commissioners or any three of them are hereby Empowered to Employer Surveyor to take the courses and make descriptions of such Highways and Public Roads as they the said Commissioners shall be directed to lay out and make which Surveyor shall be paid in the Commissioners Account of their Expences in the Cases Allowed by the Government the amount to be at the discretion and Judgement of the said Commissioners, Provided that in no instance the Pay of the said Surveyor shall exceed Ten Shillings per day

Be it further Ordained and Ordered by the Authority aforesaid that this ordinance and the before in part Recited Ordinance hereby Revived and Established with every matter clause and thing contained therein And also in this Ordained shall be an continue in full force and Virtue untill the Eleventh day of April which shall happen and taken place in the Year One Thousand eight hundred and Nine

Approved Ordained and Ordered
in Council 11th April 1806
John Despard Lieut Governor
Commr in Cape Breton

Passed in Council the
11th day of April 1806

A.C. Dodd
Rd Stout
JB Clarke
T. Crawley

} Signed