

*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 4

**An Ordinance for the more Effectually preventing Damages by Unseasonably burning or Setting fire to the Woods Under Brush &c &c**

Whereas much Damage to the lumber in this Island and its Dependencies as Well as the Houses, Hay, Fences and Other Property of Individuals have Arisen in Consequence of the Woods being set fire to at improper seasons of the Year. And Whereas, in the present Situation of this Infant Settlement, it Appears necessary that such Regulation should be made as will be most Convenient and Expedient for Clearing of Land, with the least risk in the spreading of Fire in the Woods, Marsh Lands, Houses, and Habitations of the Settlers.

Be it therefore Ordained and Ordered By His Honor Lieutenant General Despard President of His Majesty's Council for the said Island And by and with the Consent and Authority of the said Council it is Ordained and Ordered, That the Justices in the General Sessions of the Peace, which shall next happen after the Publication hereof in the Respective Districts in this Island and its Dependencies shall Give it in Charge to the Grand Juries then and there Summoned to Settle and Establish such Rules and Regulations within their Districts Respectively as to them may appear most Expedient and Effectual [illegible word] served and followed by the Several Inhabitants within the said Districts for preventing Damage by Setting fire to and burning the Woods Under Brush and Marsh Lands at unseasonable times with as little Prejudice as possible to the Clearing of Lands in the different Settlements in this Island and its Dependencies.

And such Rules and Regulations so Settled and Established by the said Grand Juries and Approved of by the Said Justices in their Respective Sessions shall be and are hereby Declared to be Established Rules and Regulations to be Observed and followed by the Inhabitants in the Respective Districts for and during Twelve Months thereafter And until other Regulations shall in like manner be made to Supersede them.

And Be it also Ordained, And Ordered by the Authority Aforesaid, That the said Justices in the respective Session as aforesaid, Shall be and are hereby Empowered to Select and Adopt such part or parts of the Regulations proposed by the Grand Juries, as to them shall seem most fit Expedient, and Effectual to the purposes intended. And shall settle and Appoint Such Pains and Penalties to be inflicted upon such Person or Persons who shall Neglect or Refuse to Observe and Abide by the Rules and Regulations so settled and Established as aforesaid as to them shall Appear Just and Equitable

Provided always that such pains and Penalties shall not Exceed the Sum of Five Pound for any Offence, nor more than Three Months Imprisonment, and that the Prosecution for any offence Against this Ordinance shall be Commenced and Prosecuted by Information before the next Supreme Court or General Sessions of the Peace. Whichever next shall happen ensuing the Commission of the Offence.

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And Be it further Ordained and Ordered by the Authority Aforesaid, That every Fine Imposed in Consequence of any Prosecution for Breaches of this Ordinance shall be Appropriated to the General Improvement of the Roads and highways in this Island and its Dependencies.

John Despard Lieut General  
Commr in Cape Breton

Passed in Council  
the 2d day of June  
One Thousand Eight  
Hundred and Six