

*Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1785.* National Archives of the United Kingdom CO 219/1.

25 George III – Chapter 8

**An Ordinance for regulating the Market for Wild Provisions Game and Fish at Sydney.**

1st Be it Ordained and Ordered by His Excellency the Lieutenant Governor of the Island of Cape Breton and its Dependencies that a Public Market for the sale of Wild Provisions, Game and Fish shall be held at Sydney every Day in the Week Sunday's excepted at such Place as shall be by His Excellency the Governor or Commander in Chief for the Time being by Proclamation Order and Direct and that from and after the Publication of such Proclamation no Person or Persons whomsoever on any pretence whatsoever shall presume to bargain Sell buy Purchase contract or barter for or exchange any Venison, Moose Flesh, Bear's Flesh, Hares, Rabbits [Rabbits], Partridges, Pidgeons [Pigeons], Ducks, or other Water Fowl, or any other Species of Wild Game or Provisions killed and brought for Sale to the said Town of Sydney except in the said Market Place and within the Public Market Hours, That is today between the Hours of Eight O'Clock in the Morning and four O'Clock in the afternoon between the 21st Day of September and 21st Day of March and between the 21st Day of March and the 21st Day of September between the Hours of six O'Clock in the morning and six O'Clock in the Afternoon under the Pain and Penalty of Forfeiting all such Venison, Moose, Flesh, Bear's Flesh, Hares, Rabbits, Partridges, Pidgions, Ducks, or other Water Fowl, or any other species of wild Game or Provisions, so bargained sold bought purchased, contracted or bartered for, or exchanged contrary to the Form of this Ordinance and also forfeiting the further Penalty of Ten Shillings by each of the Parties for each and every offence to be recovered in a Summary Manner before any one of His Majesty's Justices of the Peace for the District of Sydney and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders and in default of payment of the said Penalty within two days after Conviction and no Goods or Chattels being found whereof to Levy the said Penalty such offender or offenders shall by Warrant under the Hand and Seal of such Justice be committed to the common Goal, there to remain without Bail or *Mainprize* In the space of three Months unless said Penalty shall be sooner paid.

2d And be it further Ordained and Ordered that after said Market shall be opened no Person, or Persons whomsoever shall in the said Market or within five Mile thereof, buy, barter, bargain, or Contract for the Purchase of any quantity of the Provisions Game and Articles aforesaid with Intent to Sell or Dispose again of the same in the said Market or in any other Shop or Place in the Town of Sydney aforesaid or within five Mile thereof under the Pain of forfeiting all such Provisions Game and articles and Ten Shillings Fine for each and every offence to be levied and recovered or the offender or offenders punished as aforesaid.

3d And be if further Ordained and Ordered that a Clerk of the Market to be appointed by His Excellency the Governor or Commander in Chief shall deligently attend the said Market during Market hours and shall see the Provisions and articles therein sold duely weighed counted and Delivered to the Purchasers and shall take especial care that this Ordinance be strictly observed

and obeyed and shall for his care and trouble be allowed to demand and receive of the vender or venders one Twentieth Penny of the Value paid or bargained to be paid for all Provisions Articles and things sold and disposed of in said Market and shall without delay give information to some of His Majesty's Justices of the Peace for the District aforesaid of all visitations and breaches of this Ordinance with the Names of the offender or offenders and those of the Witnesses for proving the same and shall seize all such Provisions and other Articles as shall by this Ordinance be liable to seizure and forfeiture and shall cause the same to be publicly sold at auction and the money from thence arising to be accounted for and paid to such Person as shall be by His Excellency the Governor or Commander in Chief of this Island and its Dependencies for the time being appointed to receive the same.

4th And be it further Ordained and Ordered that such Clerk of the Market shall for every wilful neglect or refusal to perform any part of the Duties of this office prescribed by this Ordinance forfeit and pay a fine of Twenty Shillings to be recovered and levied or the Offender punished in manner and form aforesaid.

Provided always never the less that nothing in this Ordinance shall extend or be construed to extend to prevent any Person or Persons bringing any of the articles aforesaid to said Market for Sale after having exposed the same publicly to Sale therein for one whole day in Market hours or during the last six Market Hours in a Market day from selling and disposing thereof to any other Person or Persons whomsoever either within or out of Market Hours or to prevent the Person or Persons to Purchasing or receiving the same from there after exposing the same again to Sale either Gross or by retail if in Market hours within the said Market or out of Market hours in every other Place he, she, or they may choose, or to prevent the original Proprietor or any other Person out of market Hours from Hawking or Carrying about for Sale in Sydney aforesaid such before unsold Provisions, Articles and Things, or to prevent any Person or Persons from buying or receiving the same the Vender or exposes having first obtained a License or Certificate from the Clerk of the Market expressing the kinds and Quantity of all such Provisions, Articles, and Things and that the same had been duely and publicly exposed to Sale in the said Market according to the Form of this Ordinance and had remained unsold and undisposed of in such Market any thing in this Ordinance to the Contrary thereof notwithstanding.

5th And be it further Ordained and Ordered that all fines, Penalties and Forfeitures imposed by this Ordinance shall be to and for His Majesty's use in the Public Service of this Government as His Excellency the Governor or Commander in Chief for the Time being shall Order and Direct.