

An Ordinance to render more effectual an Ordinance passed the 21st day of November in the Year of Our Lord one thousand seven hundred and eighty seven, Entitled an Ordinance for the preservation of Moose & Caraboo

Whereas it is found that the Ordinance passed the 21st day of November 1787, entitled an Ordinance for the preservation of Moose and Caraboo is ineffectual to answer the good purposes thereby intended and to prevent the base and destructive practices pursued by a set of Lawless Men on this Island who assemble in Gangs every winter and Spring and set themselves on the extremam and uninhabited parts of this Government for the purpose of destroying the Moose and Caraboo merely for the profits accruing from the sale of their Skins —

And whereas it is found by experience that the preservation of the Moose and Caraboo in this infant Government is absolutely necessary as well for the Subsistence of the present Inhabitants as an encouragement to other Settlers to resort to this Island where it has been impossible as yet to procure a sufficiency of live Stock to supply their necessary wants, and the good Inhabitants of this Island having signified their most earnest wishes

Wm. Maramack
S^r Gov^r of Cape Breton

to His Excellency the Lieutenant Governor that every
possible mode may be attempted to put a stop to a prac-
tice so injurious to the prosperity of this Government
and threatening an extirpation of the Race of Moore
and Caraboo. It is therefore become absolutely necessary
that the most rigorous steps should be taken in order
to prevent if possible so injurious a practice: The endea-
vouring to effect which cannot by any means or
construction to be deemed an introduction of a game
Law to preserve the Luxuries of life but only to secure
a real benefit to the Inhabitants in General abso-
lutely necessary to their Existence

Be it therefore Ordained and ord-
ered by His Excellency the Lieutenant Governor by
and with the consent and advice of His Majesty's Coun-
cil and it is hereby Ordained and ordered by the Auth-
ority of the same. That from and after the publication
of his ordinance all and every Moore's and Caraboo
Skin or skins found in the possession of any person or
persons in this Island or its Dependencies or on
Board any Shallop or boat in any of the Harbours
or Rivers of this Island or its Dependencies shall
be liable to seizure by warrant under the hand and
Seal of any one of His Majesty's Justices of the
Peace for the said Island or under the hand and
seal of any one Justice of the Peace for the County
or District in which the said Skin or skins may
be

be Discovered and the said Justice is hereby Authoriz-
 ed required and directed on information being given
 him on Oath by one or more Credible person or persons of
 any person or persons within his Jurisdiction of having
 any Moose or Caraboo skin or skins in his or there posses-
 sion immediately to Issue his Warrant directed to the
 proovost Marshall of said Island or his Deputy or to
 any Constable or Constables of the Township County or
 District within his Jurisdiction - requiring and Com-
 manding the said proovost Marshall or his Deputy
 or Deputy or any one or more of the said Constables forth-
 with to proceed to such place or places mentioning the same
 in the said Warrant where information shall have been
 given the said Justice, that such skin or skins is or are hid-
 den or concealed and then make Seizure of the same which
 said skin or skins shall by the said proovost Marshall his
 Deputy or Deputy or by the Constable or Constables who
 shall have seized the same be with all possible dispatch
 Conveyed to the dwelling House or habitation of the said
 Justice who shall have issued the said Warrant who here-
 by required and directed to take charge of the same and
 give the said person or persons so bringing the same a
 Receipt specifying the Number and Quality of such skin
 or skins, so Received by him and in case the person or persons
 claiming property in the said skin or skins shall not within
 thirty days after such seizure make it appear to the Satisfac-
 tion of the said Justice that the Moose or Caraboo from
 which

which the said Skin or Skins was or were taken had been
killed by an Inhabitant of this Government and that
the Moose and Caraboo meat thereof had been either
conveyed to the public Market on this Island or was killed
for the express purpose of supplying some of the Inhabit-
ants of this Government with fresh provisions and that the
person or persons who killed the same did not belong to
or was concerned with any set or Gang of Men who had
assembled together for the purpose of killing Moose or Car-
aboo in order to make a Traffick of their Skins the said
Justice shall in such case (adjudge the said Skin or Skins
to be forfeited and shall thereupon with all convenient
speed cause the said Skin or Skins to be deposited in the
care and custody of the provost Marshall of this Island,
taking his Receipt for the same and the said provost Mar-
shall is hereby authorized required and directed to receive
the same and immediately on Receipt thereof to cause
Notices to be fixed up at three or more of the most public
places in the Town of Sydney (not less than 7 days
from the time of receiving the said Skin or Skins) for the
sale thereof at public Auction on which day the said pro-
vost Marshall shall proceed to the sale of the said Skin
or Skins to the highest bidder and after deducting the
Necessary expences of Seizure Transportation and sale
he shall apply (and pay) the net proceeds of such Skin
or Skins in manner following to wit: The one Moiety
thereof to the person or persons who shall have first given
information thereof to the said Justice, and the other
Moiety.

Moiety thereof to the order of the Governor, Lieutenant Governor
 or Commander in Chief; for the time being for the public use
 of this Government. Provided always that in case any
 person or persons shall come to the possession of any Moose
 or Caraboo Skin or Skins and shall immediately thereupon
 make it appear to the satisfaction of any one of His Maj-
 esty's Justices of the peace for this Island and its Depen-
 dencies or any one of the Justices for the County or Distric-
 t where such person or persons so having possession
 of such skin or skins resides, that the meat from which the
 said skin or skins was taken had been killed by an Inha-
 bitant of this Island and the meat thereof had been
 either disposed thereof in public market in this Island
 or its Dependencies or used in his or their family or families
 so killing the same or had been supplied to some of the
 Inhabitants of this Island or its Dependencies for their
 Consumption and that the person or persons who killed
 the same did not belong to, or was concerned with any
 set or Gang of Men collected together for the purpose of
 killing Moose or Caraboo in order to make a Traffick
 of their Skins (and shall obtain from said Justice a Certi-
 ficate, wherein such case is hereby required and directed
 to give the same, specifying the number of the said skins
 which certificate shall be a full and sufficient protection
 to the said person or persons for having the said skin or skins
 in his or their possession on producing the same to any Officer
 or Officers appearing to seize the said skin or skins and
 on making Oath, if required, before any one of His Majesty's
 Justices

Justices of the Peace that the skin or skins then in his
or their possession are the same for which the said Certifi-
-cate was granted.

And be it further ordained and orde-
-red by the Authority aforesaid that in case any person or
persons shall be convicted before any one of His Majesty's
Justices of the Peace for this Island or before any of the
Justices for the County or District in which the offence
shall be committed by the oath of one or more Credible
Witness or Witnesses of erecting or of having been concerned
in the erecting or building of any Hut or Dwelling place
on any of the Crown Lands in this Government for the
purpose of a shelter during the carrying on his or their
destructive schemes of killing Moose or Caraboo, every
person and persons so convicted shall be to (and forfeit) the
sum of Five pounds current Money of Nova Scotia for
every such offence to be levied by distress and sale of the
Goods of every such offender by a Warrant of the Justice be-
-fore whom the said Conviction shall be made, the one half
of which forfeiture to be for the public use of this Govern-
-ment and the other half to the use of him or them who sh-
-all prosecute and cause such offender or offenders to be
convicted. And if no sufficient Distress can be found
the said Justice is hereby authorized and Directed by
Warrant under his hand and seal to commit the
offender or offenders to His Majesty's Goal in the Town
of Sydney there to remain in close Confinement for
the space of three Months unless the said fine and
Costs of prosecution shall be sooner paid.

And

And Whereas it has been a practice for persons to come from other parts of this Island for the sole purpose of killing the Moose and Caraboo in order to make a Traffick of their Skins for remedy whereof. Be it ordained (and ordered by the Authority aforesaid. and it is hereby ordained and ordered by the Authority of the said. That, every person or persons not being Inhabitants of this Government, who shall kill or Destroy any Moose or Caraboo on this Island or its Dependents or be aiding or assisting in the same every such person or persons so offending and being thereof Convicted, as aforesaid shall be liable to (and forfeit) the sum of Five pounds Current Money as aforesaid for every such offence to be levied by Distress (and sale of the Goods of every such offender or offenders by Warrant under the hand and Seal of the justice before whom the Conviction shall be made, the one half of the said forfeiture to be for the public use of this Government, and the other half to the use of him or them who shall prosecute and cause such offender or offenders to be Convicted and for want of Goods whereof to levy the said Fine then the said justice shall by Warrant under his hand and seal commit the said offender or offenders to His Majesty's Goal in the Town of Sydney there to remain in Close Confinement for the space of three Months unless the said Fine and charges of prosecution shall be sooner paid.

And Whereas it is the Duty of every well wisher to the prosperity of this Government, not only to be aiding and assisting in the detecting offenders against this Ordinance, but also in preventing as much as in their power

power all such persons who may be inclined to offend from
being supplied with the necessary articles to carry on their
pernicious purposes. And whereas there is good reason to be-
lieve, that numbers of persons who enter into these practices
would not be able to carry the same into execution if it was
not for the supplies furnished them before hand by persons
in this Government, on contracts to have their pay for the
said supplies in Moose or Caraboo skins for remedy whereof,

Be it further ordained and ordered by
the Authority aforesaid and it is hereby ordained and ordered
by the Authority of the same that if any person or persons
shall be convicted before any one of His Majesty's Justices
of the Peace for the Island of Cape Breton (and its Depend-
encies) or before any one Justice of the Peace of the County
or District where the offence shall be committed, by the
oath of one Credible Witness of having supplied or furnished
any person or persons concerned with or belonging to any
Gang or set of Men collected or intended to be collected for
the purpose of killing Moose or Caraboo in order to make
a Traffick of their Skins, knowing him or them to be concern-
ed in such a scheme, with arms Ammunition Cloathing
or provisions shall for every such offence forfeit and pay the
sum of Fifty pounds like Money as aforesaid to be recovered
by Bill plaint or information in any of His Majesty's Cou-
rts of Record in this Island, the one half of which forfeiture
to be for the public use of this Government, and the other
half thereof to the use of him or them who shall prosecute

and

and cause such Offender or Offenders to be Convicted: Provided always that ^{if} any person shall deem himself wrongfully charged by any Judgements given by any Justice of the Peace in consequence of any matter or things contained in this Ordinance (and shall within six days from the time of such Judgements given, enter into Recognizance before the said Justice who has given the said Judgement with two good Sureties - himself in the sum of Fifty pounds and his Sureties in Twenty five pounds each to prosecute his Complaint before His Majesty's Supreme Court of Judicature at their then next sittings (and in case the said Judgements shall be confirmed by the said Supreme Court that he will pay (and satisfy) all such Costs and Charges as shall attend thereon such person may Appeal from the said Judgements of the said Justice to the next sittings of the Supreme Court where the whole Cause may be heard and determined by such Court in a Summary manner,

And Be it further ordained and enacted by the Authority aforesaid that in case any person or persons shall be prosecuted for any matter or cause or thing done by him or them in Virtue of any powers or Authorities given or granted him or them by this Ordinance, It shall and may be Lawfull for such person or persons so prosecuted to plead the General Issue and give this Ordinance in evidence.

And Whereas the native Savage Inhabitants of this Island have frequently represented their fears that they will be under the absolute necessity of quitting this Island unless some measures be pursued to preserve the Moose and
Caraboo

Carabos from the destruction that has of late years taken place And Whereas from the Uniform behaviour of these savages there is no reason for apprehending that any bad Consequences can arise by exempting them from the penalties of this ordinance who from their wild and uncivilized State Situation (and Circumstances cannot be expected to understand the Laws) and guard against the Penalties -

Be it therefore ordained and ordered by the Authority aforesaid that nothing in this ordinance contained shall extend or be construed to extend to in any wise Effect the native savages Inhabitants of this Island -

Approved, Ordained and Ordered Accordingly in Council this sixteenth Day of December in the Thirtieth Year of His Majesty's Reign (and in the Year 1789)

signed - Wm Macarthur
 Lt. Govern. of Cape Breton

Passed in Council this 16th day of Decem^r 1789

(signed)
 D. Matthews Sr

(A true Copy)
 Hawley Sec^y & Clerk of Council