

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1801. National Archives of the United Kingdom CO 219/2.

41 George III – Chapter 1

An Ordinance in addition to amendment of an ordinance made and passed the 14th day of July in the 33rd Year of His Present Majesty's Reign and in the Year of Our Lord 1793, Entitled an Ordinance for Preventing Trespasses.

Whereas it has been found by Experience that the good purposes intended by the said Ordinance made and passed as aforesaid have not been affected, and that some further Rules and Regulations are necessary to Prevent the Inconveniences and disorders occasioned by the aforementioned Ordinance being incomplete and defective,

Be it therefore Ordained and Ordered by His Honor the President, by and with the advice and consent of His Majesty's Council and it is hereby Ordained and Ordered by the Authority of the same, that the Grand Jury at the Court of General Sessions of the Peace to be holden for the Body of the Island of Cape Breton at Sydney next issuing the Publication of this Ordinance and thereafter Annually at the same Term of Sessions of the said Court shall nominate out of the Inhabitants residing in the Town of Sydney, Two proper Persons, one of whom the said Court shall appoint to be Town Clerk of the said Town of Sydney, who shall be sworn truly to Enter and Record all such matters and things as shall relate and appertain to His office.

And Whereas these will not be any Court of General Sessions of the Peace, until the first Wednesday in the June next, and it being expedient that a Town Clerk should be immediately appointed.

Be it therefore Ordained and Ordered by the authority aforesaid, that until the next meeting of the said General Sessions of the Peace, William Day shall be and he is hereby Impowered to act as Town Clerk and Common Herd for the Town of Sydney.

And Whereas many Inconveniences have arisen for want of Cattle being Branded, or otherwise marked, which run in the Common Herd in the Town of Sydney,

Be it therefore Ordained and Ordered by the authority aforesaid, That all and every the owner or owners of any Horse or Horses, Neat Cattle, Sheep or Swine, Pasturing in the Common Herd appertaining to the Town of Sydney shall brand or otherwise mark all such Horse or Horses, Neat Cattle, Sheep and Swine in such manner as that the same may be clearly known and distinguished, which Mark or Brand shall be Entered with the Town Clerk in a Book to be kept by him for that purpose, and the said Town Clerk, shall receive for Recording the said Mark or Brand the sum of Fifteen pence,

And Be it further Ordained and Ordered by the Authority aforesaid, that no person or persons whatsoever whether owner or owners of the said Horse or Horses, Neat Cattle, Sheep or Swine, or otherwise, shall take drive or carry away from out the said Common Herd and Horse or Horses, Neat Cattle, Sheep or Swine, without first giving notice of such their Intention to the said Town Clerk, who is to attend either by himself or his sufficient Deputy in order to ascertain

the exact Number and Species so to be taken driven or carried away, and that the same is done by the Consent and Knowledge of the Owner or Owners of the same, of which the said Town Clerk is to make an Entry thereof in his Registry, and is to receive for his trouble in this Case the Sum of Three pence for each and every Horse, Neat Cattle, Sheep or Swine, so taken out of the Common Herd,

And Be it further Ordained and Ordered by the Authority aforesaid, That if any Horse or Horses, Neat Cattle, Sheep or Swine be found running or Pasturing in the Common Herd in the Town of Sydney, without being duly Marked and Entered in the Registry of the Town Clerk as aforesaid, the same may be Impounded in the Common Pound, and there remain until redeemed for which the said owner or owners shall pay a Fine, that is to say, Ten Shillings for every Horse or Neat Cattle, and Two Shillings and six pence for every Sheep or Hog, the same to be applied to repairing the Public Roads in the Town of Sydney, and shall also pay to the Pound Keeper for each and every Beast of the aforementioned description so Impounded for his trouble, Six pence, and if the Owner or Owners of the ward Horse or Horses, Neat Cattle, Sheep or Swine, shall after three days notice of their being so Impounded, Neglect or refuse to redeem them in that time, the same may be Publicly Sold and the Fine and Expences Attending the Impounding and Sale to be retained by the Town Clerk out of the money arising from said Sale and the remainder or residue to be paid to the Owner or Owners thereof, which if he, she, or they refuse to receive the same shall and may be applied towards repairing the Public Roads in the said Town of Sydney,

And Be it further Ordained and Ordered by the Authority aforesaid , That if any Person or Persons shall be found Clandestinely taking, driving or carrying away from the Common Herd of Pasturage in or belonging to the Town of Sydney without the Knowledge and Privity of the Town Clerk or Common Herd shall forfeit and pay a fine not exceeding Five pounds to be recovered on Complaint or Information before any Two of His Majesty's Justices of the Peace or before the General Sessions of the Peace, next ensuing the Commission of the offence, the same to be levied by Warrant of Distress and Sale of the offenders Goods and Chattels, one half to the Prosecutor, and the other to the Public uses of the Government.

And Whereas it appears Essentially Necessary for the good of this Government, more particularly in the Town and Vecinity of Sydney to prevent as much as possible the Malicious Killings, Maiming or otherwise destroying Cattle,

Be it therefore Ordained and Ordered by the Authority aforesaid, that if any Person or Persons shall Maliciously, Unlawfully and Willingly, Kill, Maim, or otherwise hurt any Horse, Sheep or other Cattle every such offender or offenders shall loose and forfeit unto the Party Grieved, Treble the Damages which he, she, or they shall sustain to be removed by Action of Trespass or upon the Case in any of His Majesty's Courts of Record in this Government.

And it is further Ordained and Ordered by the Authority aforesaid that nothing contained in this Ordinance is meant or intended to prevent or obstruct the Owner or Owners of any Horse, Milck [Milk] Cows, or Working Cattle, to take them out of the Com-mon Herd as often as they find it requisite and Necessary, only signifying to the Town Clerk at the time they shall Register their Brand or Mark, that they shall have Occasion to do so from time to time,

And it is also Ordained and Ordered by the same Authority that the Commencement of each Season of pasturing of Horses, neat Cattle, Sheep and Swine in the Common herd in the Town of Sydney shall take place the 24th day of April in each and every year.

Ordained Ordered and approved
and passed in Council this 6th
day of March in the 41st Year
of His Majesty's Reign and
in the Year of our Lord one
thousand eight hundred and one

By His Honors Command
John L. Stout
Act.g. Secretary