

John Despard  
Major General  
& President of Council

An Ordinance in addition to  
amendment of an Ordinance made  
and passed the 14<sup>th</sup> day of July in the  
33<sup>d</sup> 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 effected, 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 con-  
-sent of His Majesty's Council, and it is hereby Or-  
-dained 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 ensuing 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 ap-  
-point to be Town Clerk of the said Town of Sydney,  
who shall be sworn truly to Enter and Record all  
such

In Validation of the  
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such matters and things as shall relate and appertain  
to His office.

And Whereas there will not be any Court of  
General Sessions of the Peace, until the first Wednesday  
in 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 Own-  
ers 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 man-  
ner as that the same may be clearly known and dis-  
tinguished, 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,

Just Debts out of the Effects

And Be it further Ordained and Ordered by the Authority aforesaid, that no person or persons whatsoever<sup>2</sup> 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 of the said Common Herd any 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

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 said  
House or Houses, 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 such  
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 to=  
wards 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 Per=  
sons 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 Know=  
ledge 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,  
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

Goods and Chattels, one half to the Prosecutor, and the 3  
other to the Public uses of this Government;

And Whereas it appears Essentially Necessary for the good of this Government, more particularly in the Town and Vicinity of Sydney to prevent as much as possible the Malicious Killing, 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 Horses, 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 recovered 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 Horses, Milch Cows, or Working Cattle, to take them out of the Common 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 for Pasturing of Horses, Neat Cattle, Sheep and Swine in the Common Herd in the Town of

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of Sydney, shall take place the 24<sup>th</sup> day of April  
in each and every Year.

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

By His Honours Command  
John L. Stoull  
Actg. Secretary