

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1787. National Archives of the United Kingdom CO 219/1.

28 George III – Chapter 12

Schedule of Ordinances passed in the Government of Cape Breton from the arrival of Lieutenant Governor Macarmick to the 1st of Sept 1788.

An Ordinance in addition to and amendment of an ordinance made and passed the 11th day of August in the Twenty fifth year of His present Majesty's Reign and in the year of our lord 1785 intituled "An Ordinance for regulating and restraining the retailing of spirituous Liquors in small quantities without Licence"

Whereas it has been found by experience that the good purpose 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 Evils and disorders occasioned by retailing in small quantities distilled Spirituous Liquors and strong Waters within the Island of Cape Breton and its Dependencies.

Be it therefore Ordained and ordered by His Honor the Lieutenant Governor by and with the advice and Consent of His Majesty's Council and by the Authority of the same that from and after the public notification of this ordinance by proclamation or otherwise in the respective Townships and Settlements in this Island and its Dependencies All Licences that have been heretofore Granted for retailing Spirituous Liquors and Strong Waters within the same, shall cease determine and be utterly null and void And every Person and Persons who shall thereafter within such Townships and Settlements respectively by themselves their Wives Children or Servants presume to Sell or dispose of by Retail any distilled Spirituous Liquors or Strong Waters mixed or unmixed without first obtaining a Licence for so doing bearing Date after the notification of this Ordinance under the hand and seal of the Governor or Commander in Chief for the time being or such Person or Persons as he shall think fit to appoint for that purpose each and every such offender and offenders shall be liable forfeit and pay for each and every such offence the Penalties, forfeitures Costs and Charges and suffer such other Pains and Punishment as in and by the before in part recited Ordinance Persons retailing Spirituous Liquors without Licence are liable to pay forfeit and suffer.

And Be it further Ordained and Ordered by the Authority aforesaid that all and every Person and Persons hereafter to be Licenced to retail distilled spirituous Liquors or Strong Waters shall before receiving such Licence enter into a Bond with two sufficient sureties in the Penal sum of Twenty Pounds each to such Person or Persons as the Governor or Commander in Chief for the time being shall appoint for the use of His Majesty and Service of this Government Conditioned that such Licenced Person or Persons shall during the Continuance of such Licence yield strict and due obedience and in all things Conform to all the Laws, Ordinances, Rules and Regulations which shall then be inforce or thereafter shall be made by the Legislature of this Government respecting such Licenced Retailers.

And Be it further Ordained and Ordered by the Authority aforesaid That no Person or Persons Licenced or to be Licenced as aforesaid shall entice or encourage any menial Servant or Servants knowing them to be such to sit drink or Tipple in Company or alone, in the House, Outhouses or other Places belonging to such Licenced Retailer or Retailers any distilled Spirituous Liquors or Strong Waters mixed or unmixed under the Penalty and forfeiture of Twenty Shillings for each and every offence.

And Be it further Ordained and Ordered by the Authority aforesaid that upon all Licences to be Granted as aforesaid the following Fees allowed and taken over and above the Fees allowed in the before in part recited Ordinance to wit to the Governor or Commander in Chief for the time being Three Pounds Ten Shillings and to the Clerk of the Licences or such Person or Persons as the Lieutenant Governor or Commander in Chief for the time being shall appoint for taking the Bond Ten Shillings

And Be it further ordained and ordered by the authority aforesaid That all and every Person or Persons to be appointed in all parts of this Government except the County of Sydney shall have the same Powers and authority in their respective Jurisdictions and observe the same Rules orders and Regulations as are in and by the before in part recited Ordinances or this ordinance prescribed and directed as the office and duty of the Clerk of the Licences.

And be it further ordained and ordered by the authority aforesaid That all Fines Penalties and Forfeitures which shall be levied recovered and paid by virtue of this or the before in part recited Ordinance shall be divided paid and applied in manner following that is to say one moiety thereof to His Majesty for the public use of this Government and the other Moiety to him her or them who shall inform or sue for the same.

And Be it further ordained and ordered by the authority aforesaid That this Ordinance and before in part recited Ordinance shall be publically read at the opening of every Session of His Majesty's Supreme Court and of every Court of General Quarter Sessions of the Peace immediately after the Grand Jury are sworn and before the Charge is given and such respective Grand Jury shall be Charged to enquire of and present all offenders against the said ordinance and all such Presentments shall be heard tried and determined in this Court of General Quarter Sessions of the Peace for the County in which the offence shall be Charged to have been Committed in like manner as if the Case had come before said Court by Appeal.

And Be it further ordained and ordered by the authority aforesaid That all and every Person and Persons hereafter Licenced to retail distilled spirituous Liquors and strong Waters shall not suffer or permit any Spirituous Liquors or strong Waters to be sold or drank in their respective Houses on Sundays nor after the Hour of Eight oClock in the evening on any other day except to Strangers and Travellers under the penalty of forfeiting for every such Offence the sum of Twenty Shillings.

Approved Ordained and Ordered
accordingly in Council this

From: British North America Legislative Database; University of New Brunswick
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Twenty first day of November
1787 in the Twenty eighth year of
His Majesty's Reign
Wm Macarmick

Passed in Council
this 21st day Novembr 1787

R: Gibbons.

A true Copy faithfully compared
with the Original A Cuyler