

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1795. National Archives of the United Kingdom CO 219/1.

35 George III – Chapter 1

An Ordinance for the more effectual preventing the Clandestine taking and carrying away His Majesty's Coals from the Island of Cape Breton and its Dependencies

Whereas sundry persons have made it a common practice of coming with their vessels to some of the Out Posts or Harbours of this Island where veins of Coal appear in the banks of such ports or Harbours and do there in a private and Clandestine manner take and carry away His Majesty's Coals from the same For remedy whereof

Be it Ordained and Ordered by His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, and it is hereby Ordained and Ordered by Authority of the same, that from and after the Publication hereof, if any Vessel or Boat shall be found in any of the Ports or Harbours of this Island, or hovering about the Shores of the same, and shall have on board any Coals taken from any place on this Island or its Dependencies without having a permit for the same signed by His Excellency the Governor, Lieutenant Governor, or the Commander in Chief for the time being every such Vessel or Boat shall be subject to forfeiture and the Cargo on board the same, and also all the Guns, Furniture, Ammunition, Tackle, and Apparel to such Vessel or Boat belonging

And it is hereby further Ordained and Ordered by the Authority aforesaid that all forfeitures incurred by this Ordinance shall and may be prosecuted, sued for and recovered in any Court of Record in this Island

And it is hereby further Ordained and Ordered that all forfeitures so recovered under this Ordinance shall be paid and applied as follows That is to say, after deducting the charges of prosecuting from the Gross produce thereof, and all such Duties as belong and appertain to His Majesty on the Coals so seized and forfeited, the remaining net produce shall be paid to him or them who shall seize inform and sue for the same.

And it is hereby further Ordained and Ordered by the Authority aforesaid, that if any Vessel or Boat shall be seized for any cause of forfeiture under the Ordinance, and any dispute shall arise whether the Coals on board such Vessel or Boat have been legally ship'd on board, them and in such case the proof thereof shall lie on the Owner or Claimant of such Vessel, Boat or Coals, and not on the Person or Persons who shall seize or stop the same

Passed in Council the 13th April 1795

a true Copy
By Command of His Excellency
W. McKinnon Secry.

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