

*W. Munnick*

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 Ports 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

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, Lieuten-  
-ant 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

under this Ordinance, and any dispute shall arise  
whether the Coals on board such Vessel or Boat  
have been legally shipped on board, then 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 —

Landed in Council the 13<sup>th</sup> April 1795—

a true Copy

By Command of His Excellency  
W. M. Hincks Secy