

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1808. National Archives of the United Kingdom CO 219/2.

48 George III – Chapter 2

An Ordinance to Amend and render more effectual and reduce into One Ordinance the several Ordinances heretofore made in this Island concerning the retailing Spirituous Liquors in small quantitys, by Licence, and for regulating Tavern's.

I. Be it Ordained and Ordered by His Honor the President of His Majesty's Council by and with the advice and consent of the said Council, and by the authority of the same, it is hereby ordained and Ordered that from and after the publication hereof, no person or persons whatsoever within this Island and it's Dependencies shall or may on any Account or pretence whatsoever sell retail exchange or deliver any strong or Spirituous Liquors to any person or persons whomsoever in any less quantity than three Gallons bonafide delivered at one and the same time, without a Licence for so doing first had and obtained under the Hand and Seal of the Governor Lieutenant Governor, President or Commander in Chief for the time being. (Which Licence shall be and continue in force for such term or time only as shall be therein expressed not exceeding the term of one Year from the date thereof) under the penalty of forfeiting and paying for each and every such Offence the Sum of Ten Pounds, one Moiety of which shall be paid and applied for the use and Maintenance of the Poor in the District where the offence shall be committed, and the other Moiety to him her or them who shall inform and prosecute for the same.

II. And whereas His Honor the President is pleased to consider that the fees heretofore by [illegible word] upon all such Licences for retailing Spirituous Liquors may with [illegible] propriety be applied to the use of the poor. Be it therefore ordained and Ordered by the Authority aforesaid that [illegible] and after the publication hereof all and every person or persons applying for and obtaining any such Licence for retailing Spirituous Liquors as aforesaid shall at the time of his her or their obtaining the same pay into the hands of the Clerk of the Licences the sum of Five pounds for each and every such Licence to be by him from time to time accounted for paid and applied to the use and Maintenance of the poor in such manner and [illegible word] as the Governor Lt Governor President or Commander in Chief for the time shall be pleased to direct, any law or usage to the contrary notwithstanding

III. And be it ordained and ordered by the Authority aforesaid that Licences to be granted as aforesaid, shall by a Clerk of the Licences to be appointed by the Governor, Lt Governor, President or Commander in Chief for the time being be fairly entered at full length as Book, to be by him kept for that purpose, which Book, shall be [illegible word] for the search and inspection of all persons whomsoever. And such [illegible word] shall be entitled to demand and receive the following few for the [illegible word] his Office aforesaid and no more. vizt.

For Writing and Entering every Licence, and attending to get the same signed and sealed by the Governor:	} £~..	5.	0
For writing and taking every Bond with Sureties from Tavern Keepers.....	} ~..	5.	0
For every Search.....	~..	1.	0
For every attested copy or extract.....	~..	2.	6

IV. And be it further Ordained and Ordered by the Authority aforesaid that all and every person or persons hereafter to be Licenced to retail Spirituous Liquors as aforesaid, shall before they obtain such licence enter into a Bond to Our Sovereign Lord the King with two Sufficient Sureties in the penal sum of Twenty pounds for the use of His Majesty's 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 the laws ordinances rules and regulations which shall then be in force or thereafter shall be made by the legislature of this Government respecting such licenced Retailers.

V. And be it further Ordained and ordered by the Authority aforesaid that no person or persons now licenced or here-after to be licenced shall Sell or permit any Spirituous liquors to be sold or drunk in their respective Houses on Sundays nor after the hour of three O'Clock in the evening of any other day except to standers or travellers, under penalty of Twenty Shilling for each and every such offence, to be paid and applied for the use of the poor as aforesaid.

VI. And be it also hereby Ordained and Ordered by the Authority aforesaid, that no person or persons licenced or to be licenced as aforesaid, shall sell or deliver nor suffer to be sold or deliver any Spirituous liquors to any apprentice, menial or hired Servant of Servants (knowing them to be such) or suffer any such Servant or Servants to set tippie drink or Idly spend their time in the House out Houses or other places belonging to such licenced Retailer, without the special permission of the Master or Mistress of such Apprentice Menial or hired Servant, under the penalty for every such offence of Twenty Shillings to be paid and applied for the use of the Poor as aforesaid.

VII. Provided always that this Ordinance nor anything therein contained shall extend or be construed to extend to prevent any person or persons whomsoever from supplying his her or their Servants, tradesmen or labourers actually employed in his her or their Service, with such daily, weekly or other allowance of rum or other Spirituous liquor as they think proper for their own perticular use.

VIII. And be it further Ordained and Ordered by the Authority aforesaid that all fines penalties and forfeitures not exceeding the sum of Ten pounds ordained inflicted and imposed by this present Ordinance shall and may be sued for and recovered in a summary way before any one of His Majesty's Justices of the peace of the District wherein the Offence shall be Committed, upon the Oath of one or more credible Witness or Witnesses, in like manner and with like cost of suit, as debts of Five pounds or under are sued for and recovered in this Island, which penalty or penalties, fines or forfeitures together with costs of prosecution, shall upon conviction of the offender or offenders, and default of immediate payment of the same, be

levied (of the Goods and Chattles [Chattels] of the Offender or offenders, by Warrant of Distress and Sale under the hand and seal of the Justice before whom the offence shall be tried and determined.) And for want of such Goods and Chattles [Chattels] being sufficient to satisfy such penalty fine or forfeiture, together with the costs of suit, such offender or offenders shall by Warrant under the Hand and Seal of such Justice be committed to the common Goal of the Island or of the District where the offence shall be committed there to remain without Bail or *Mainprize* untill the same shall be paid and satisfied, together with all other lawful costs and charges occasioned thereby, not exceeding the term of three Months.

IX. Provided always that if any person or persons convicted as aforesaid shall think himself, herself or themselves aggrieved by the Judgment of such Justice he she or they may appeal therefrom and remove the proceedings by Writ of *Certiorari* before his Majesty's Supreme Court, at the next term ensuing but no afterwards, such Appellant or Appellants first entering into a Recognizance with sufficient Sureties in double the amount of the Judgement to be removed conditioned to prosecute his her or their appeal, with effect.

X. And Be it further Ordained and Ordered by the Authority aforesaid that this Ordinance shall be publicly read at the opening of every Sessions of His Majesty's Court and at every Court of General Sessions of the Peace immediately after the Grand Jury is Sworn, and before the Charge is given, and such respective Grand Juries shall be charged to inquire of and prevent all offenders against the said Ordinance, and all such presentments, shall be tried heard and determined in the respective Courts in which the same shall be found, in such and like manner as if the Case had been brought before such Court by *Certiorari* as a Court of Appeal.

Passed in Council 6th June 1808.

W. McKinnon

Approved, Ordained, and Ordered
in Council 6th June 1808.

Nich. Nepean

B. Genl. Commr