

[SECT. 2.] And that the inhabitants on the land aforesaid be and are hereby vested with all the powers, privile[d]ges and immunities which the inhabitants of other towns are or by law ought to be vested with. [*Passed and published April 10, 1741.*]

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## CHAPTER 26.

### AN ACT TO PREVENT THE EXPORTATION OF PROVISIONS FOR SUPPLYING HIS MAJESTY'S ENEMIES.

WHEREAS, the supplying his majesty's enemies with any provisions whatsoever, may be of dangerous consequence during the present war,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, no ship or other vessel be permitted to take on board any wheat or other grain, bread, flower, beef, pork, fish or any other provision of any sort, nature or kind whatsoever, unless bond be first given by the master of such ship or vessel, with one sufficient surety, to the impost officer or his deputy, in the sum of two thousand pounds sterling, for each vessel of or above one hundred tons, and one thousand pounds sterling, for each vessel under that burthen, that all such provisions shall be landed in some place within his majesty's dominions, or delivered to some of his majesty's ships of war, or some of his majesty's officers in the land service (the danger of the seas excepted), and that the master of every ship or vessel already loaden or now taking in their lading, give bond as before expressed; and that a legal certificate of the landing, discharging or delivering said provisions accordingly, shall, within eighteen months from the date hereof, be produced and brought to the said impost officer or his deputy; and, upon such certificate's being produced, said impost officer or his deputy is hereby impowered and directed to cancel such bond. The impost officer's fee for taking such bond shall be four shillings, old tenor bills, and no more.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That every master of a ship or other vessel, before clearing in the impost office, shall give in to the commissioners of said office, under his hand, a true manifest of all the provisions of all sorts taken on board for exportation; and shall also make oath that the said manifest contains a just and true accompt, to the best of his knowledge, of all the provisions of any kind or sort whatsoever taken on board said ship or vessel, and that, if he shall know of any more provisions of any sort or kind taken on board, or to be taken on board before his leaving the port, he will add them to said manifest.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That, if any person shall presume to take or load any provisions on board any vessel, before he has first given bond, as aforesaid, such provision, together with the said vessel, tackle and appurtenances, shall be forfeited, and may be seized by the governour or commander-in-chief for the time being, or any person or persons by him authorized in that behalf, or by warrant of any justice of the peace (which warrant such justice is hereby impowered and required to give upon request), or by any impost officer, or any person or persons under him or them accompanying, aiding and assisting; and all and every such offence and forfeiture shall and may be prosecuted for and recovered in any court of record in the county where such offence is committed; and such penalties and forfeitures so recovered shall be divided as follows;

vizt., two-third parts thereof, for the use of his majesty, to be applied for the support of this government, and the other third part to the informer or prosecutor who shall sue for the same.

And for the effectual carrying this act into execution,—

*Be it further enacted,*

[SECT. 4.] That the expence of prosecuting any offence against this act, be paid, in the first place, out of the part of the penalty and forfeiture hereby given and granted to his majesty.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel outward bound, until it be certified, by the commissioner or receiver of the impost, that bond is given, as afore-expressed: *saving, nevertheless, a liberty of transporting fish to any part of Europe or Africa, altho' inhabited by foreigners, if not at war with his majesty, the master giving bond that such fish shall not be sold, delivered or landed to or for any foreigners in America.*

[SECT. 6.] This act to continue and be in force until the end of the sessions of this court in May next, and no longer. [*Passed April 10, 1741.*]

NOTES.—There were four sessions of the General Court this year. The third session appears, by the record, to have commenced Friday, November 21; but the printed acts describe it as beginning the previous Wednesday. It is possible that the Court was prorogued two days, by a proclamation, not recorded. The fourth session began March 26, and sat until April 10, when it was adjourned to April 17. The session continued from the last date to April 21, when the Court was adjourned to the 24th, and was dissolved the next day.

The engrossments of the acts of this year are preserved, except of chapters 1 and 10; and all were printed with the sessions acts, except chapters 17 and 26.

The acts of the third and fourth sessions were delivered to the clerk of the Privy Council, August 26, 1741; referred to the committee on plantation affairs, September 8; and by them referred to the Board of Trade, on the tenth of November following. These acts were sent to Mr. Fane November 26, 1741, and he reported, December 21, that he had no objection to any of them in point of law. The representation of the Lords of Trade upon these acts bears date December 8, 1743. In this they report that chapters 11, 17, 18 and 26 “were for a temporary service and have had their effect”; that chapters 12, 13, 14, 15, 19, 20, 21, 22, 23 and 24, “relating to the Economy of the Province, are enacted for their private convenience & We see no reason why His Majesty may not be graciously pleased to confirm them”; and that chapters 16 and 25, “relate to the settling & dividing Townships.” (See note to those chapters, *post.*) An order in Council, confirming all the acts of these two sessions, except the temporary acts, was passed January 5, 1743.

The acts of the first and second sessions were delivered to the clerk of the Privy Council in writing, July 8, 1743; referred by the Lords Justices to the committee on plantation affairs, July 12; and by them referred to the Lords of Trade, July 24. They were then sent to Mr. Fane July 24, 1743; and he reported, December 11, 1745, that he had “no objection.” &c. The Lords of Trade reported to the committee of the Privy Council, April 17, 1746, that chapters 1, 2, 3, 8 and 10 “were for a temporary service, and are either expired, or the purposes for which they were enacted have been completed”; that chapters 4, 5, 6 and 9, “relating to the Economy of the Province, are enacted for the private convenience thereof, and We see no reason why His Majesty may not be graciously pleased to confirm them”; and that chapter 7 “relates to the dividing and settling a Township.” (See note to chapter 7, *post.*) Upon this report an order in council passed, May 28, 1746, confirming chapters 4, 5, 6, 7 and 9.

Chap. 2, § 1. “July 11, 1740.—In the House of Representatives Voted that His Excellency the Governor be desired to give his Orders for the Enlistment of sixty effective men to be posted at His Majesty’s Castle William, including Officers: and for their encouragement, It is further Voted that such Persons enlisting as aforesaid shall have given them one good Coat of the value of Six Pounds, and shall receive the following Wages, vizt The Captain after the rate of Two hundred and ten Pounds per Annum; the Lieutenant One Hundred and twenty-five Pounds per Annum; the Chaplain One Hundred & Seven Pounds per Annum; the Gunner One Hundred Pounds per Annum; Six Quarter-Gunners, Four pounds per Month each; two Sergeants, Four Pounds per Month, each; three Corporals and two Drummers three pounds sixteen shillings per month each; and forty three Centinels at three pounds per month each: all the aforesaid sums to be in Bills of the old Tenor or in new Tenour Bills equivalent thereto, Provided the said officers, soldiers and others retained in His Majesty’s service and Pay of the aforesaid Garrison attend the service and perform the duty of their respective posts; and that no Indian, Negroe or Molatto, except one servant of the Captains be enlisted or retained in that Service and no other Man, unless he be *sui juris*, be enlisted as aforesaid; that the Captain General be also desired to order an Enlistment of two independent Companies, each consisting of eighty of the ablest and most effective men out of the Regiments nearest the said Castle for the service of that Fortress in case of an attack; that the Captain General also be desired to give Order that those men shall attend the Military Exercises of the great artillery eight times every year;