

ACT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTH DAY OF AUGUST, A. D. 1755.

CHAPTER 11.

AN ACT FOR PREVENTING THE EXPORTATION OF PROVISIONS AND
WARLIKE STORES, OUT OF THIS PROVINCE.

*Be it enacted by the Lieutenant-Governour, Council and House of
Representatives,*

Exportation of
warlike stores
and provisions
prohibited:

Saving.

Penalty, &c., for
breach of this
act.

[SECT. 1.] That no warlike stores, or provisions of any kind whatsoever, fish only excepted, shall be exported or carried out of any port or harbour in this province, in any vessel whatever, before the thirtieth day of September next: *saving* only such provisions or warlike stores as are necessary for the defence of each respective vessel outward bound, and victualling the mariners on board the same during their intended voyage, and whereof an account, in writing, shall be given by the master of such vessel [1], on oath, to the impost officer or his deputy, and where there is no impost officer or deputy, then to a justice of the peace or the town clerk, on pain of one thousand pounds lawful money, to be forfeit[ie][ei]ted and paid by the master, and the like sum by the owner and owners, factor and factors of each respective vessel in which any warlike stores or provisions shall be exported or carried out of any port or harbour in this province; one moiety thereof to the use of this government, and the other moiety to him or them that shall inform or sue for the same; and such masters, owners and factors, respectively, upon their being convicted of the offence aforesaid, at the superiour court of judicature, court of assize and general goal delivery, shall be further liable to stand in the pillory, and have one of their ears cut off.

And be it further enacted,

Governor and
council to pro-
long the time
above limited.

[SECT. 2.] That if the governour or commander-in-chief for the time being shall see fit, with the advice and consent of the council, to issue a proclamation, prohibiting the exportation of provisions or warlike stores out of this province, for any time after the said thirtieth day of September next, not exceeding the thirtieth day of November in this present year, the master, and owner and owners, factor and factors of any vessel or vessels on board of which such provisions or warlike stores shall be exported, contrary to such proclamation, shall be, respectively, liable to the same pains and penalties as if the same had been exported before the said thirtieth day of September; contrary to this act.

Provided, always,—

Proviso for land
or sea forces.

[SECT. 3.] That it shall and may be lawful for any provisions or warlike stores to be exported for the service of his majesty's sea or land forces, on board any vessel or vessels licen[c][s]ed for that purpose by the governour or commander-in-chief for the time being, with the advice of the council.

Provided, also,—

[SECT. 4.] That it shall and may be lawful for provisions and warlike stores to be laden and transported on board any coasting vessel or vessels, passing from one port to another within this province, bond being first given, in a thousand pounds, lawfull money, with sufficient sureties, to the impost officer or his deputy (and where there is no impost officer or deputy, then to a justice of the peace or the town clerk) to reland the same in some town or district in this province, and to return a certificate thereof from the deputy impost officer residing in the town or district where they are so relanded, or from the town or district clerk of such towns or districts where no deputy impost officer resides.

Proviso for coasting-vessels, &c.

Provided, also,—

[SECT. 5.] That in such towns where the fishery is carried on, and out of which vessel[1]s coasting from one port to another, in this province, and wherein neither the impost officer or his deputy dwells, the masters of such fishing, or coasting, vessel[1]s may render the account aforesaid, on oath, to a justice of the peace, or the town clerk of the respective towns out of which they sail, who is hereby impowered to take the same; and the account so taken and attested shall be by them transmitted to the impost officer, which shall be as effectual as tho' the same were taken by him or his deputy.

Proviso, also, in towns where the fishery is carried on.

And be it enacted,

[SECT. 6.] That the impost officer shall be allowed one shilling for each bond so taken, and every justice and town or district clerk the like sum for every such certificate by them respectively transmitted as aforesaid, to be paid by the master.

Impost officer, his fee.

Provided, also,—

[SECT. 7.] That it shall be unlawful for any of his majesty's subjects of this province, and they are hereby strictly forbidden, to hold any correspondence or communication with any inhabitants of Louisbourg[h], or any other of the French settlements in North America, either by land or water; and if any person or persons belonging to this province shall be so audacious as to go or send to Louisbourg[h], or any other French settlement in North America, during the continuance of this act, the ship, sloop or other vessel[1] employed, with all her tackle and appurtenances, and her cargo, shall be forfeited, one half to his majesty for the use of this province, the other half to him or them who shall inform and sue for the same in any of his majesty's courts within this province proper to try the same; and be further liable, if a ship or vessel[1], the master to have one ear cut off, and be publicly whipp[e]'d thirty-nine lashes, and be render[e]'d forever incapable of holding any place of honour or prof[fit]it[t] under this government, and the owner or owners, and factor or factors of the owner or owners, of such ship or other vessel[1] shall forfeit and pay, each, five hundred pounds, to be recovered and dispos'd of as above, and also be forever disabled to hold any place of honour or prof[fit]it[t] under this government.

Penalty for holding correspondence or communication with inhabitants of Louisbourg, &c.

[Passed and published August 16.]