

be discharged and made void by virtue of this Act, and that if any action or suit shall be prosecuted or commenced against any person or persons, for or by reason on any such act, matter or thing so advised, commanded, appointed to be done or forbore to be done, or such contract or agreement not performed, he, she or they may plead the general issue and give this act and the special matter in evidence, and if the Plaintiff or Plaintiffs in any action or suit so to be prosecuted or commenced after the first day of February next, shall become nonsuit, or forbear further prosecution, or suffer discontinuance; or if a Judgment or Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her or their double costs, for which he, she or they shall have the like remedy as in cases where the Costs by law are given to the Defendants; and if any such action or suit shall be commenced after the said first day of February, the Court before which such action or suit shall be commenced, shall allow to the Defendant the Benefit of the discharge and indemnity hereby provided, and shall further allow him his further costs of suit in all such cases as aforesaid.

Wheat, &c. exported before the 1st. Sept. 1796 or shipped with that intent to be forfeited as also the Vessel.

II. And be it further enacted, that no person or persons shall until the first day of September next in the year one thousand seven hundred and ninety-six, directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed out or from any part or place within this Province, or load or lay on board or cause or procure to be loaded or laid on board of any ship, Vessel or boat, in order to be exported, transported, carried or conveyed out of any port or place in this Province, any Wheat or Wheat Flour, Bread or Biscuit, Oats, Barley or Pease, under the penalties and forfeitures herein after mentioned, that is to say, that all such articles as shall be so exported, transported, carried or conveyed, or so loaded or laid on board on any ship or other vessel or boat, in order to be exported transported, carried or conveyed out of this Province contrary to this act, shall be forfeited, and that every offender or offenders therein shall forfeit the sum of Two Shillings Currency for every bushel of Wheat, Oats, Barley or Pease, and Six-pence for every pound weight of Bread, Flour or Biscuit which shall be so exported, transported, carried or conveyed, or so loaded or laid on board in any ship or other vessel or boat in order to be so exported transported, carried or conveyed out or from this Province, and also the ship, vessel or boat in or on board of which any such Wheat, Wheat flour, Bread or Biscuit, Oats, Barley or Pease shall be so respectively transported, exported, carried or conveyed, or in or upon which any such Wheat or Wheat flour, Bread or Biscuit, Oats, Barley or Pease shall be so respectively loaded or laid on board in order to be so exported, transported, carried or conveyed, together, with all her Guns, Furniture Ammunition, Tackle and Apparel shall be forfeited and shall and may be seized by any officer or officers of the Customs and one moiety of all the said penalties, fines and forfeitures, when recovered, shall be immediately paid into the hands of His Majesty's Receiver General for the use of His Majesty towards the support of the Government of this Province, and shall be accounted for to His Majesty through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct, the other moiety to him or them who shall sue for the same, and for any offence which shall be committed against this Act, such penalties and forfeitures shall be recovered by action of debt, plaint or information in any of His Majesty's Courts of King's Bench in this Province, and the Master or Mariners of any such ship, vessel or boat wherein any such offence shall be committed, having any knowledge of such offence and willingly aiding and assisting therein, and being thereof duly convicted in any Courts as aforesaid,

Application of Penalties and how they are to be recovered.