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B I L L,

INTITULED

An Act to restrain the Trade and Commerce of the Province of *Massachusetts Bay* and *New Hampshire*, and Colonies of *Connecticut* and *Rhode Island*, and *Providence Plantations*, in *North America*, to *Great Britain*, *Ireland*, and the *British Islands* in the *West Indies*; and to prohibit such Provinces and Colonies from carrying on any Fishery on the Banks of *Newfoundland*, or other Places therein mentioned, under certain Conditions and Limitations.

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Gr. Brit. Laws, statutes, etc., 1760 - 1820 (George III)

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# B I L L,

I N T I T U L E D

An Act to restrain the Trade and Commerce of the Province of *Massachusetts Bay*, and *New Hampshire*, and Colonies of *Connecticut*, and *Rhode Island*, and *Providence Plantation*, in *North America*, to *Great Britain*, *Ireland*, and the *British Islands* in the *West Indies*, and to prohibit such Provinces and Colonies from carrying on any Fishery on the Banks of *Newfoundland*, or other Places therein mentioned, under certain Conditions and Limitations.



WHEREAS by an Act, made in the Twelfth Year of the Reign of King *Charles the Second*, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, and by several subsequent Acts of Parliament, which are now in Force, it is, amongst other Things, enacted, That for every Ship or Vessel which shall load any Commodities in those Acts particularly

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ticularly enumerated, at any *British* Plantation, being the Growth, Product, or Manufacture thereof, Bonds shall be given, with One Surety, to the Value of One thousand Pounds, if the Ship be of less Burthen than One hundred Tons, and of the Sum of Two thousand Pounds, if the Ship be of greater Burthen, that the same Commodities shall be brought by such Ship or Vessel to some other *British* Plantation, or to some Port in *Great Britain* :

**And whereas**, by several other Acts of Parliament which are now in Force, no Commodities of the Growth, Product, or Manufacture of *Europe*, (except Salt for the Fisheries, Wines of the *Madeiras*, and *Azores* and *Western* Islands, and Victual and Linen Cloth from *Ireland*, under the Restrictions in such Acts particularly mentioned), can be imported into any Plantation, Colony, Territory, or Place, belonging to His Majesty in *Asia*, *Africa*, or *America*, but what shall be *bona fide*, and without Fraud, laden, and shipped in *Great Britain*, and carried directly from thence :

**And whereas**, during the Continuance of the Combinations and Disorders, which at this Time prevail within the Provinces of *Massachusetts's Bay* and *New Hampshire*, and the Colonies of *Connecticut* and *Rhode Island*, to the Obstruction of the Commerce of these Kingdoms, and other His Majesty's Dominions, and in Breach and Violation of the Laws of this Realm, it is highly unfit that the Inhabitants of the said Provinces and Colonies should enjoy the same Privileges of Trade, and the same Benefits and Advantages, to which His Majesty's faithful and obedient Subjects are intitled; **be it therefore enacted** by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July*, One thousand seven hundred and seventy-five, and during the Continuance of this Act, no Goods, Wares,

or Merchandises, particularly enumerated in, and by the said Act, made in the Twelfth Year of King *Charles* the Second, or any other Act, being the Growth, Product, or Manufacture of the Provinces of *Massachusetts Bay*, or *New Hampshire*, or Colonies of *Connecticut*, *Rhode Island*, or *Providence Plantation*, in *North America*, or any or either of them, are to be brought to some other *British* Colony, or to *Great Britain*; or any such enumerated Goods, Wares, or Merchandise, which shall at any Time or Times have been imported, or brought into the said Provinces or Colonies, or any or either of them, shall be shipped, carried, conveyed, or transported, from any of the said Provinces or Colonies respectively, to any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than to *Great Britain*, or some of the *British* Islands in the *West Indies*, to be laid on Shore there; and that no other Goods, Wares, or Merchandises whatsoever, of the Growth, Product, or Manufacture of the Provinces or Colonies herein-before mentioned, or which shall at any Time or Times have been imported, or brought into the same, shall, from and after the said First Day of *July*, and during the Continuance of this Act, be shipped, carried, conveyed, or transported, from any of the said Provinces or Colonies respectively, to any other Land, Island, Territory, Dominion, Port, or Place whatsoever, except to the Kingdoms of *Great Britain*, or *Ireland*, or to some of the *British* Islands in the *West Indies*, to be laid on Shore there; any Law, Custom, or Usage, to the Contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of *July*, before any Ship or Vessel shall lade, or take on board any Goods, as aforesaid, in any or either of the Provinces or Colonies before mentioned, sufficient Bond, with One Surety, besides the Master of such Ship or Vessel, shall be given to the Collector, or other Principal Officer of the Customs, at the Port or Place where such Goods are intended to be laden, or taken  
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on board, in the Penalty of One thousand Pounds, if the Ship be of less Burthen than One hundred Tons, and of the Sum of Two thousand Pounds, if the Ship shall be of that or any greater Burthen, with Condition that such enumerated Goods shall not be landed, or put on Shore, at or upon any other Land, Island, Territory, Dominion, Port, or Place whatsoever, except some Port or Place within the Kingdom of *Great Britain*, or some of the *British* Islands in the *West Indies*; and that all other Goods, Wares, or Merchandises, so intended to be laden, as aforesaid, shall not be landed or put on Shore at or upon any Land, Island, Territory, Dominion, Port or Place whatsoever, other than and except some Port or Place within the Kingdoms of *Great Britain* or *Ireland*, or some of the *British* Islands of the *West Indies*; and with further Condition to bring a Certificate in Discharge thereof, within Eighteen Months from the Date of such Bond, for such of the said Goods as shall be entered for or landed in *Great Britain* or *Ireland* respectively, and within Six Months for such of the said Goods as shall be entered for or landed in any of the *British* Islands in the *West Indies*; which respective Certificates shall be under the Hands and Seals of Office of the Collector and Comptroller, or other principal Officer of the Customs, resident at the Port or Place where such Goods shall be landed, testifying the Landing thereof; or such Bond or Bonds shall and may be discharged by Proof, upon Oath made by credible Persons, that the said Goods were taken by Enemies, or perished in the Seas.

And it is hereby further enacted by the Authority aforesaid, That where any such Bond or Bonds shall be given, as aforesaid, in pursuance of this Act, the Collector, or other principal Officer of the Customs, to whom such Bond or Bonds shall have been given, shall deliver, under his Hand and Seal of Office, without Fee or Reward, to the Master of the Ship or Vessel taking in such Goods, for the Security of her Navigation, a Certificate, that such Bond or Bonds

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hath or have been given, expressing therein the Quantity and Species of the Goods, with the Marks and Numbers of the Packages, and the Port or Place for which they were entered; and if any such Goods shall be laden on Board any such Ship or Vessel in any of the Provinces or Colonies in this Act before mentioned, before such Bond or Bonds shall be given, or shall be found on Board any Ship or Vessel, without the Certificate herein before directed, that such Bond or Bonds hath or have been given, the Goods so laden, together with the Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel, and Furniture, shall be forfeited; and if any Goods so laden, as aforesaid, shall be landed or discharged at any Port or Place, contrary to the Intent and Meaning of this Act, over and above the Penalty of the Bond or Bonds, the Shipper and Owner of such Goods, and the Master or Person taking Charge of the Vessel on Board which they were laden, shall respectively forfeit the full Value of the Goods so landed or discharged, to be estimated according to the highest Price or Value which such Sort of Goods bear in the Province or Colony where, and at the Time when, they were shipped and laden; which Ship and Goods may be seized and prosecuted, or the Value of such Goods prosecuted for, by any Admiral, Chief Commander, or Commissioned Officer of His Majesty's Fleet or Ships of War, or by any Officer of His Majesty's Customs, in the Manner herein-after directed.

And it is hereby further enacted by the Authority aforesaid, That from and after the First Day of *September*, One thousand seven hundred and seventy-five, and during the Continuance of this Act, no Sort of Wines, Salt, or any Goods or Commodities whatsoever, (except Horses, Victual, and Linen Cloth, the Produce and Manufacture of *Ireland*, imported directly from thence) shall be imported into any of the said Colonies or Provinces, herein before respectively mentioned, upon any Pretence whatsoever, unless such Goods shall be *bona fide*, and without Fraud,

laden and shipped in *Great Britain*, and carried directly from thence, upon Forfeiture thereof, and of the Ship or Vessel on Board which such Goods shall be laden; and it shall be lawful for any Admiral, Chief Commander, or Commissioned Officer of His Majesty's Fleet, or Ships of War, or any Officer of His Majesty's Customs, to seize any Ship or Vessel arriving at any of the said Provinces or Colonies before mentioned, or which shall be discovered within Two Leagues of any Shore thereof, having such Goods on Board, and the Goods laden thereon, (except as before excepted) for which the Master, or other Person taking Charge of such Ship or Vessel, shall not produce a Cocket or Clearance from the Collector, or proper Officer of His Majesty's Customs, certifying, that the said Goods were laden on Board the said Ship or Vessel, in some Port of *Great Britain*; any Law, Custom, or Usage, to the Contrary notwithstanding.

**Provided** always, and it is hereby further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to prohibit the Exportation, or carrying out from any of the Provinces or Colonies before mentioned, or the Importation into the same, of any Goods or Commodities whatsoever, for the victualling or providing any of His Majesty's Ships of War, or other Ships or Vessels in His Majesty's Service, or for His Majesty's Forces, Forts, or Garrisons, any Thing herein contained to the Contrary notwithstanding.

**And provided** also, That nothing herein contained, shall extend, or be construed to extend, to hinder or restrain the lawful Importation into any or either of the said Provinces or Colonies herein before mentioned, from any of the *British* Islands in the *West Indies*, of any such Goods or Commodities, being the Growth or Produce thereof, as  
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may now by Law be imported from thence into the said Provinces or Colonies, or any or either of them.

And it is hereby further enacted by the Authority aforesaid, That if any Ship or Vessel, being the Property of the Subjects of *Great Britain*, not belonging to and fitted out from *Great Britain* or *Ireland*, or the Islands of *Guernsey* or *Jersey*, shall be found after the Twentieth Day of *July*, One thousand seven hundred and seventy-five, carrying on any Fishery, of what Nature or Kind soever, upon the Banks of *Newfoundland*, the Coast of *Labrador*, or within the River or Gulph of *Saint Lawrence*, or upon the Coast of *Cape Breton*, or *Nova Scotia*, or any other Part of the Coast of *North America*; or having on Board Materials for carrying on any such Fishery, every such Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel, and Furniture, together with the Fish, if any shall be found on Board, shall be forfeited, unless the Master, or other Person having the Charge of such Ship or Vessel, do produce to the Commander of any of His Majesty's Ships of War, stationed for the Protection and Superintendance of the *British* Fisheries in *America*, a Certificate, under the Hand and Seal of the Governor or Commander in Chief of any of the Colonies or Plantations of *Quebec*, *Newfoundland*, *Saint John*, *Nova Scotia*, *New York*, *New Jersey*, *Pennsylvania*, *Maryland*, *Virginia*, *North Carolina*, *South Carolina*, *Georgia*, *East Florida*, or *West Florida*, setting forth, That such Ship or Vessel, expressing her Name, and the Name of her Master, and describing her Built and Burden, hath fitted and cleared out from some one of the said Colonies or Plantations, in order to proceed upon the said Fishery, and that she actually and *bona fide* belongs to, and is the whole and entire Property of, His Majesty's Subjects, Inhabitants of the said Colony or Plantation, which Certificates such Governors or Commanders in Chief respectively are hereby authorised and required to grant.

And,

And, to the End that the foregoing Prohibitions, Restrictions, and Regulations, may be more effectually carried into Execution, it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the Commanders of His Majesty's Ships, or Vessels of War, stationed and appointed for the Regulation and Protection of the *British* Fishery upon the Coasts of *North America*, or to and for the Commanders of any other of His Majesty's Ships or Vessels employed at Sea, and they, and every of them, are hereby required and enjoined to examine, search, and visit, all Ships and Vessels carrying on the said Fisheries; and to seize, arrest, and prosecute, in Manner herein after directed, all and every such Ships and Vessels, not belonging to and fitted out from *Great Britain* or *Ireland*, or the Islands of *Guernsey* or *Jersey*, which shall not have on Board the Certificate herein before required.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to empower any Officer of His Majesty's Ships of War, or of His Majesty's Customs, to seize any Ship or Vessel which shall be fitted and cleared out from any of the said Colonies and Provinces, before the first Day of *June*, One thousand seven hundred and seventy-five, for the Whale Fishery only, and which shall be found carrying on such Fishery within the Limits aforesaid, between the said First Day of *June* and the First Day of *November*, One thousand seven hundred and seventy-five, and not carrying on, nor having on Board any Materials for carrying on any other Fishery.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained, respecting the Fisheries carried on by His Majesty's Subjects in *North America*, shall affect, or be construed to affect, any Ship or Vessel, her  
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Guns, Ammunition, Tackle, Apparel, Furniture, or Fish, on Board, being the Property of any of the Inhabitants of the Island of *Nantucket*, employed in the Whale Fishery only, if it shall appear, by the Papers on Board, that such Ship or Vessel was fitted and cleared out from thence before the First Day of *June*, One thousand seven hundred and seventy-five, ~~that~~ the Master, or other Person having the Charge of any such Ship or Vessel as aforesaid, shall produce a Certificate under the Hand and Seal of the Governor, or Commander in Chief of the Province of the *Massachusetts Bay*, setting forth, that such Ship or Vessel (expressing her Name, and the Name of her Master, and describing her Built and Burden) is the whole and entire Property of His Majesty's Subjects of the said Island of *Nantucket*, and was the Property of One or more of them, on or before the Twenty-fifth Day of *March*, in the Year One thousand seven hundred and seventy-five; and that she was cleared out, with Materials on Board, in order to proceed upon the Whale Fishery only; any Thing in this Act to the Contrary thereof in anywise notwithstanding.

Provided always, and be it enacted, That the River which emptieth itself into *Passamacadie* or *Passamaquadi Bay*, on the Western Side, and is commonly called or known by the Name of *Saint Croix River*, be held and deemed, for all the Purposes in this Act contained, to be the Boundary between the Provinces of *Massachusetts Bay* and *Nova Scotia*.

And whereas it is the Intent and Meaning of this Act, that the several Prohibitions and Restraints herein imposed upon the Trade and Commerce, and Fisheries, of the said Provinces and Colonies, should be discontinued and cease, so soon as the Trade and Commerce of His Majesty's Subjects may be carried on without Interruption;

be it therefore enacted by the Authority aforesaid, That: whenever it shall be made appear, to the Satisfaction of His Majesty's Governor or Commander in Chief, and the Majority of the Council in the Provinces of *New Hampshire* and *Massachusetts Bay* respectively, that Peace and Obedience to the Laws shall be so far restored within the said Provinces, or either of them, that the Trade and Commerce of His Majesty's Subjects may be carried on without Interruption within the same, and that Goods, Wares, and Merchandise, have been freely imported into the said Provinces, or either of them, from *Great Britain, Ireland,* and the *British West Indian* Islands, and exposed to Sale, without any Let, Hindrance, or Molestation, from or by Reason of any unlawful Combinations to prevent or obstruct the same, and that Goods, Wares, and Merchandise have, in like Manner, been exported from the said Provinces, or either of them respectively, to *Great Britain, Ireland,* and the *British West Indian* Islands, for and during the Term of One Calendar Month preceding; that then, and in such Case, it shall and may be lawful for the Governor or Commander in Chief, with the Advice of the Council of such Provinces respectively, by Proclamation, under the Seal of such respective Province, to notify the same to the several Officers of the Customs, and all others; and after such Proclamation, this Act, with respect to such Province, within which such Proclamation or Proclamations have been issued, as aforesaid, shall be discontinued and cease, (except as herein-after provided); and all Officers of His Majesty's Customs, and all other Persons, having Charge of the Execution of this Act, having received due Notice of such Proclamation, are hereby directed and required to yield and pay Obedience to such Proclamation, and to proceed in the Discharge of their respective Duties, in admitting to Entry, Clearing, and Discharging, all Ships and Vessels, and all Goods, Wares, and Merchandises, into and out of such respective Province, and to permit and suffer any Ships or Vessels to carry on the Fisheries within the Limits herein before

before mentioned, in like Manner as if this Act had never been made; any Thing herein contained to the Contrary notwithstanding.

And be it further enacted, That the Governor or Commander in Chief, with the Advice of the Council of the Province of *Massachusetts Bay*, shall and may, and he is hereby authorized and impowered, upon Application for and on Behalf of the Colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, or either of them, by the Governor or Commander in Chief of the said Colonies respectively, to issue the like publick Notice or Notices by Proclamation within the said Colonies, or either of them, if it shall be proved to the said Governor or Commander in Chief, and Council of *Massachusetts Bay*, by the Testimony of the Officers of His Majesty's Customs in each of the said Colonies respectively, and the said Governor or Commander in Chief, and Council, shall be satisfied of the Truth thereof, that the lawful Trade between *Great Britain, Ireland*, and the *British West Indian Islands*, is, and hath been, carried on in Manner herein-before mentioned, within the said Colonies of *Connecticut, Rhode Island, or Providence Plantation*, or either of them, for the Space of One Calendar Month preceding the Date of such Application; and from and after such Proclamation, this Act shall, with Respect to such Colonies, or either of them, be discontinued and cease, (except as herein-after provided); and all Officers in the Customs in the said Colonies, and all others, are hereby required to pay Obedience to such publick Notice of the said Governor or Commander in Chief, as aforesaid, and to proceed in the Discharge of their respective Duties in admitting to Entry, Clearing, and Discharging, all Ships and Vessels, and all Goods, Wares, and Merchandise, into and out of such Colony or Colonies, in like Manner as if this Act had never been made; any Thing herein contained to the Contrary notwithstanding.

Prohibited nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That such Proclamation or Proclamations shall not extend, or be construed to extend, to discharge or suspend any Proceedings upon any Seizure which shall have been made, or any Prosecution which shall have been commenced, for any Penalty or Forfeiture inflicted by this Act, before the issuing of such Proclamation or Proclamations.

And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall give or grant any false Certificate, Cocket, or Clearance, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty, His Heirs and Successors, in any Office whatsoever; and if any Person or Persons shall counterfeit, erase, alter, or falsify, any Certificate, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make use of any false Certificate, Cocket, or Clearance, or of any Certificate, Cocket, or Clearance, so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of Five hundred Pounds, and such Certificate, Cocket, or Clearance, shall be invalid and of no Effect.

And be it further enacted by the Authority aforesaid, That the several Forfeitures and Penalties inflicted by this Act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like Manner, as other Penalties and Forfeitures inflicted by any Act or Acts of Parliament, relating to the Trade or Revenues of the *British Colonies or Plantations in America* are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by Two several Acts of Parliament, the One passed in the Fourth Year of His present Majesty, intituled, ‘ An Act for granting certain Duties in the *British Colonies and Plantations*

Plantations in *America*; for continuing, amending, and making perpetual, an Act, passed in the Sixth Year of the Reign of His late Majesty King *George* the Second, intituled, “ An Act for the better securing and encouraging the Trade of His Majesty’s Sugar Colonies in *America*; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expences of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act, made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for the Encouragement of the Greenland and Eastland Trades; and for the better securing the Plantation Trade, and for altering and disallowing several Drawbacks on Exports from this Kingdom; and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain;*” and the other passed in the Eighth Year of His present Majesty’s Reign, intituled, *An Act for the more easy and effectual Recovery of the Penalties and Forfeitures inflicted by the Acts of Parliament, relating to the Trade or Revenues of the British Colonies and Plantations in America.*

**And be it further enacted** by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act of Parliament, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant

or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law.

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