

“ when Mines are working under the Canal. In case of Danger, proper Works, &c. to be made to support the Canal, &c. at the Owner's Expence. Miners to give Notice of their Intention to work within twelve Yards of the Canal; and if the Proprietors refuse Liberty to work, they are to pay for the Coal that might be got. Disputes to be settled by the Commissioners. Company impowered to take Rates for less than a Mile, &c. Satisfaction to be made within three Months for Damage done in getting Materials, &c. Powers of the Commissioners by former Act relating to the Purchase of Lands. Value of Lands and Damages sustained to be separate. Ascertainings of Damages for Lands to be cut through, not to occasion Delays in carrying on the Works. Not to hinder Owners from applying to Commissioners for Satisfaction for Lands, &c. Power for Land Owners to exchange Lands on the Sides or near the Canal. Company of Proprietors may take in a greater Breadth of Land in particular Cafes than allowed by the former Act. Weight of the Lading of every Vessel to be marked, and also the Names of the Owners. Penalty for offending. Clause relative to the holding of Meetings by the former Act repealed. Time and Place where Meetings may be held by this Act. Committees may adjourn, &c. Provisions, &c. of former Act (except as excepted), and this Act, to be in Force. Persons thinking themselves aggrieved may appeal to the Quarter-Sessions. Limitation of Actions. General Issue. Treble Coists. Public Act.”

C A P. X.

An Act to restrain the Trade and Commerce of the Provinces 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 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 *Viñal* 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 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, which are 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.

II. 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

Preamble,
Clause in Act
12 Car. II. repe-
cited.

After July 1,
1775, no Goods,
Wares, &c. enu-
merated in, and
by Act 12 Car. II.
being of the
Growth, Pro-
duct, &c. of
Massachusetts
Bay, &c. are to
be brought into
some other *Brit-
ish Colony*, or
into *Great Bri-
tain*;
and no other
Goods of the
Manufacture of
the Provinces
mentioned are to
be transported to
any other Place
except to *Great
Britain* or *Ire-
land*, &c.

Bonds, with
Sureties, to be
given, besides
the Shipmaster,
before taking on

Board any Goods of the Growth, &c. of said Provinces.

Shipmasters to deliver Certificates of the due landing of Goods, which are to be signed by the Collector at the Port where landed.

After Bonds have been delivered, Collector to certify the same.

Goods laden on Board before Bond given, or without Certificate, are to be forfeited, with the Ship, &c.

After Sept. 1, 1775, certain Goods prohibited to be brought into the Colonies, unless without Fraud shipped from Great Britain.

This Act not to extend to Goods, &c. necessary for his Majesty's Ships of War, or Forts, &c.;

not hinder the lawful Importation of Goods from the British West India Islands into the said Colonies.

After July 20, 1775, all British Vessels not fitted out from Great Britain, &c. fishing on the Banks of Newfoundland, &c. to be forfeited, with their Tackle, &c.

Place where such Goods are intended to be laden, or taken 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.

III. 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 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.

IV. 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.

V. 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.

VI. 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 may now by Law be imported from thence into the said Provinces or Colonies, or any or either of them.

VII. 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*, *Jersey*, *Sark*, *Alderney*, or *Man*, 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, on 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

duce 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, West Florida, Bahamas, and Bermudas*, setting forth, that such Ship or Vessel, expressing her Name, and the Name of her Master, and describing her Built and Burthen, 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 authorized and required to grant.

unless the Master, &c. produce proper Certificates, &c.

VIII. 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 Fisheries 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 suspected to be carrying on the said Fisheries; and to seize, arrest, and prosecute, in Manner herein after directed, all and every such Ships and Vessels as shall be found to be carrying on the said Fisheries, not belonging to and fitted out from *Great Britain or Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, which shall not have on Board the Certificate herein before required.

Commanders of his Majesty's Ships empowered to search all Ships carrying on the said Fisheries, and to seize, &c. such as shall not have the Certificate before required.

IX. 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.

This Act not to extend to Ships cleared out from the said Colonies before June 1, for the Whale Fishery only;

X. 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 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, or if 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 Burthen) 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 any wise notwithstanding.

nor to affect Ships belonging to the Island of Nantucket, cleared out for the Whale Fishery, having a proper Certificate.

XI. Provided also, and be it 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 extend, or be construed to extend, to any Ship or Vessel, being the Property of any of the Inhabitants of the Townships of *Marblehead and Scituate*, in the Province of the *Massachusetts Bay*, employed in or carrying on the *Mackarel, Shad, and Alewife Fisheries* only, if 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 Burthen) is the whole and entire Property of his Majesty's Subjects of the said Townships of *Marblehead and Scituate*, 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, which Certificate or Certificates such Governor or Commander in Chief is hereby authorized and required to grant.

Nor any fitted out by the Townships of Marblehead and Scituate.

XII. Provided always, and be it enacted, That the River which emptieth itself into *Passamaquadi Bay*, on the Western Side, and is commonly called and 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*.

The River running into Passamaquadi Bay deemed the Boundary between Massachusetts Bay and Nova Scotia.

XIII. 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*, 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

Whenever it shall appear to the Governor of New Hampshire, &c. that Peace is so far restored in any Province, that Trade may be carried on, he is to notify the same by Proclamation;

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

and all Officers of the Customs, &c. are required to pay due Obedience thereto.

If Application be made on Behalf of the Colonies of Connecticut and Rhode Island, &c. and it be proved to the Governor in Chief, &c. that lawful Trade hath been carried on, he is to issue the like Proclamation.

XIV. 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 public 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 the said Colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, and *Great Britain*, is and hath been carried on in Manner herein before mentioned within the said Colonies, 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 of the Customs in the said Colonies, and all others, are hereby required to pay Obedience to such public 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.

XV. Provided 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.

Proclamation not to discharge Proceedings upon any Seizure made before issuing thereof.

Persons giving false Certificates, or counterfeiting, &c. the same, to forfeit 500 l.

XVI. 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.

How Penalties and Forfeitures may be prosecuted and applied.

XVII. 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 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.*

Persons sued for any Thing done in pursuance of this Act, may plead the General Issue,

XVIII. 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

after the Defendant or Defendants shall have appeared, or if Judgment 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.

and recover
treble Costs.

C A P. XI.

An Act to amend an Act, made in the eleventh Year of his present Majesty's Reign, For improving and completing the Navigation of the Rivers Thames and Isis, from the City of London to the Town of Cricklade, in the County of Wilts.

WHEREAS by an Act passed in the twenty-fourth Year of the Reign of his late Majesty (intituled, *An Act for the better carrying on and regulating the Navigation of the Rivers Thames and Isis, from the City of London Westward, to the Town of Cricklade, in the County of Wilts*), the Commissioners thereby appointed were, amongst other Things, impowered to make Orders and Regulations touching the Sizes and Draughts of Water of all Boats, Barges, and other Vessels, navigating the said Rivers, and to settle proper Gauges on the Sides thereof, and how deep they should load at all Times, and in different Seasons of the Year, so as no Boat, Barge, or other Vessel, navigating the said Rivers, should draw more than four Feet of Water at any Season of the Year: And whereas by another Act, passed in the eleventh Year of his present Majesty, for improving and completing the said Navigation, the Commissioners thereby appointed were also (amongst other Things) impowered to make Orders and Regulations touching the Sizes and Draughts of all Boats, Barges, and other Vessels, navigating the said Rivers, and to settle proper Gauges on the Sides thereof; and how deep they should load at all Times, so as no Boat, Barge, or other Vessel whatsoever, navigating the said River, should draw more than three Feet of Water, which Depth should be ascertained by a straight white Line one Inch broad, extending from Head to Stern, on each Side of every Barge, Boat, or Vessel; and every Person offending therein, by navigating his Boat, Barge, or Vessel, drawing more than three Feet of Water, or not having the said white Line on each Side thereof, is thereby made liable to a Penalty or Forfeiture, not more than twenty Pounds, nor less than five Pounds, to be levied and recovered in Manner therein mentioned: And whereas the said Restrictions, touching the Depth of Water to be drawn by Boats, Barges, and other Vessels, navigated upon the said Rivers, have been found to be very prejudicial to the Bargemasters, and other Persons employed in the said Navigation, and tend to enhance the Price of Carriage of the Goods, Wares, and Merchandises navigated thereon: And whereas the white Lines before mentioned are frequently worn out or rubbed off by unavoidable Accidents, whereby innocent Persons become liable to the said Penalty, and the Depth of Water would be better ascertained by Pieces of Tin, Lead, or other Metal, to be affixed in different Places on each Side of such Boats, Barges, and other Vessels; may it therefore please your Majesty that it may be enacted; and be it 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 no Person or Persons whatsoever shall, from and after the passing of this Act, be subject or liable to any Penalty or Forfeiture mentioned in the said Act of the eleventh Year of his present Majesty, or any other Penalty or Forfeiture whatsoever, in respect of the Depth of Water to be drawn by any Boat, Barge, or other Vessel, navigated on the said Rivers, in any District beyond the Flux of the Tide, unless such Boat, Barge, or other Vessel, shall draw more than three Feet of Water, between the first Day of *May* and the first Day of *November* in any Year, or more than three Feet and eight Inches between the first Day of *November* in any Year and the first Day of *May* in the succeeding Year; or unless such Person or Persons shall wilfully disobey any Order which shall, from Time to Time, in Scarcity of Water, be made by the Commissioners, or any seven or more of them, at any General Meeting to be held in pursuance of the said Act of the eleventh Year of his present Majesty, for limiting occasionally the Draught of Water between the first Day of *November* in any Year and the first Day of *May* in the succeeding Year, fourteen Days Notice of such Order being first printed in the *Reading* and *Oxford Journals*; any Thing in the said two Acts of Parliament contained, or any Order or Regulation made by the Commissioners, in pursuance of the said Acts, or either of them, to the contrary thereof in any wise notwithstanding.

II. And, for the better ascertaining such Depth of Water to be drawn by Boats, Barges, and other Vessels navigated upon the said Rivers, be it further enacted by the Authority aforesaid, That instead of the white Line directed by the said Act of the eleventh Year of his present Majesty to be had and used for the ascertaining thereof, the same shall, from and after the passing of this Act, be ascertained, as well by Frames, Gauges, or Regulators, to be fixed in every District, at such Places as shall be directed by seven or more Commissioners at any General Meeting, or by three or more Commissioners at any District Meeting, to be held in pursuance of the said Act of the eleventh Year of his present Majesty, as by three Pieces of Tin, Lead, or other Metal, to be nailed or fastened at proper and convenient Distances on each Side of every Boat, Barge, or other Vessel, navigated on the said Rivers, each of which Pieces of Tin, Lead, or other Metal, shall be and contain eight Inches in Length, and shall be placed perpendicularly, so as for the Bottom Parts thereof to denote the Depth of three Feet, and the Tops thereof to denote the Depth of three Feet and eight Inches, hereby allowed to be drawn by such Boats, Barges, and other Vessels, during the different Periods of Time herein before mentioned: And if any Person or Persons shall navigate his or their Boat, Barge, or other Vessel, not having the said Pieces of Tin, Lead, or other Metal, of the Dimensions aforesaid, nailed or fastened thereon, according to the Directions herein before mentioned, every such Person and Persons so offending shall be subject and liable to the same Penalty and Forfeiture which he or they would have been subject or liable to for not having the white Line on each Side of such Boat, Barge, or other Vessel, if this Act had not been made; to be recovered and levied in

Preamble
Clause in Act
24 Geo. II.

and Act 11
Geo. III. re-
cited.

The said Clause
now found pre-
judicial.

Regulations un-
der this Act to
be observed con-
cerning the
Depth of Water
allowed to be
drawn.

In what Man-
ner the Depth
of Water is to
be ascertained.

Penalty for ne-
glecting the
Marks prescrib-
ed in this Act,
the same as for
neglecting the
white Line.
11 Geo. III.