

## New England Restraining Act

THE

Statutes at Large,

From the Thirteenth Year of the Reign of

KING GEORGE the THIRD

To the Sixteenth Year of the Reign of

KING GEORGE the THIRD, inclusive.

To which is prefixed,

A TABLE of the TITLES of all the Publick and Private

Statutes during that Time.

With a COPIOUS INDEX.

VOLUME the TWELFTH

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MDCCLXXVI.

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 that 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 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 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 entitled; 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 Merchandise, whatsoever, of the Growth, Product, or Manufacture of the Provinces or Colonies hereinbefore 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 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 Merchandise, 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 in 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 maybe 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 hereinbefore 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 hereinafter 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 hereinbefore 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 hereinbefore 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, upon the banks of Newfoundland, the Coast of Labrador, or within the River or Gulf of St. 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 superintendence of the British Fisheries in America, a Certificate, under the hand and seal of the Governour or Commander-in-Chief, of any of the Colonies or Plantations of Quebec, Newfoundland, St. 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 build 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 Governours or Commanders-in-Chief, respectively, are hereby authorized and required to grant.

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 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 suspected to be carrying on the said Fisheries, and to seize, arrest, and prosecute, in manner hereinafter 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 hereinbefore 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.

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 Governour 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.

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 Marshfield and Scituate, in the Province of Massachusetts Bay, employed in or carrying on the Mackerel, 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 Governour or Commander-in-Chief of the Province of 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 Marshfield 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 Governour or Commander-in-Chief is hereby authorized and required to grant.

XII. 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 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.

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 Governour 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 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 Governour 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 hereinafter 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 hereinbefore mentioned, in like manner as if this Act had never been made; any thing herein contained to the contrary notwithstanding.

XIV. And be it further enacted, That the Governour 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 empowered, upon application for and on behalf of the Colonies of Connecticut and Rhode-Island, and Providence Plantation, or either of them, by the Governour 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 Governour 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 Governour 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 hereinbefore 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 hereinafter provided;) and all Officers of the Customs in the said Colonies, and all

others, are hereby required to pay obedience to such publick notice of the said Governour 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.

XVI. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall give or grant any false Certificates, 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.

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 expenses 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, entitled “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.”

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 non-suited, or discontinue his action 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.

The logo for The Jefferson MONTICELLO. It features the name "The Jefferson" in a stylized, cursive script font, with "MONTICELLO" in a bold, uppercase, serif font directly beneath it. The entire logo is set against a dark blue rectangular background.