

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4th day of December 1759, and in the 33^d year of His Majesty's Reign.

33 George II – Chapter 13 (Session 2)

An Act to prevent any private Trade or Commerce with the Indians.

Whereas articles of peace have been concluded by and between his Excellency the Governor, in behalf of his Majesty, and the Indian delegates from the tribes of St. John's river and Pasmaquadie [Passamaquoddy], in the Bay of Fundi [Fundy], and parts of the tribes of the Mickmacks [Mi'kmaq], whereby said tribes have obliged themselves not to trade with any person or persons whatsoever, but such as shall be appointed truck-masters or licenced for that purpose, by the governor, lieutenant-governor, or commander-in-chief of the province for the time being.

And for the better and more effectual carrying on a trade and commerce with the said Indians, according to the said articles, and to prevent private persons from carrying on any separate trade, commerce, or dealings whatsoever with the said Indians;

Be it enacted by His Excellency the Governor, council, and assembly and by the authority of the same it is hereby enacted, that from and after the twenty-first day of May, 1760, no person or persons whatsoever, other than such as shall be appointed truck-masters, by His Excellency the Governor, lieutenant governor, or other commander in chief for the time being, or persons licenced by them or either of them, for that purpose, shall or may presume by themselves or any others for them, directly or indirectly, to buy, sell, truck, barter, exchange, give, or receive in gift, any kind of provisions, goods, or merchandize whatsoever, to or from any of the aforesaid Indians, or to or from any person or persons in their name or for their account, on the penalty of forfeiting the sum of fifty pounds sterling for each and every offence, and also the commodities to clandestinely bought or bartered for.

And be it further enacted by the authority aforesaid, that from and after the said 21st of May 1760, the master of any ship or vessel, or any mate, mariner, or passenger, on board any ship or vessel in any bay, harbour, port, river, or creek, within the province, or upon the coasts thereof, who shall be found or convicted of trading with the said Indians, contrary to the tenor or effect of this law, that then the master of such ship or vessel shall forfeit the sum of one hundred pounds sterling, and suffer twelve months imprisonment; and the vessel carrying such goods for trading with said Indians, with all her appurtenances, shall be forfeited, together with all such goods as shall have been so illicitly purchased of, or bartered for with the said Indians; and it shall and may be lawful for any of His Majesty's justices of the peace in the said province, or any officer commanding any fort or garrison in the province, or any of the said truck-masters, in case no such justice be resident at or near such fort or garrison, upon information either by the said Indians themselves, or any other person or persons whatsoever, made of such illicit trade, to apprehend the said master, and keep him in custody, and to detain the said vessel and goods so illicitly purchased of or

bartered for with the said Indians, until the said matter be fully enquired into, and finally determined; and all His Majesty's justices of the peace, officers of forts and garrisons, and truck-masters, and all His Masters, and all His Majesty's subjects within said province, are hereby required and directed to aid and assist in the due execution of this act.

And it is also hereby enacted, that all fines, forfeitures, and penalties incurred by this act, shall be recovered by bill, plaint or information, in any of His Majesty's courts of record in this province, (except in the case where any ship or vessel may be deemed liable, in which case the same shall be tried and determined in His Majesty's court of vice-admiralty) and shall be paid one half to the treasurer of the province for the use of the government, and the other half to the informer, who shall sue for and recover the same.

And it is also further enacted, that this act shall continue and be in force for and during the term and space of two years, from and after the said twenty-first day of May, 1760, and no longer.