

An Act to prevent the abuse of breaking open & concealing publick & private Letters.

W Hereas the trade & comerce of this Province is in great measure confined to the Kingdom of *England* and the inhabitants of this Province of necessity are obliged to lodge their Effects and wholly correspond with the Merchants in *England* by which means we have great dependance upon their advice in Trade, and often protected Bills of Exchange are remitted hither to the severall persons interested therein, which are sometimes of considerable value, and for want of due care of such Letters in which the same are inclosed, no settled Post-houses being appointed for the reception of them, many times sundry evil minded persons find occasion clandestinely to take such Letters out of the publick houses (where they are generally left) and break open & conceal the same to the great detriment & injury of the inhabitants Merchants & Traders, and many ill designing persons who have drawn Bills of Exchange not having any bottom in *England* to answer the same, well knowing and observing to what Merchant or Merchants such Bills are remitted do diligently watch the returns of such Bills from the Merchants, and guessing at some Letters to be the covert of their protected Bills, get 'em into their hands and destroy the same, to the great detriment of many honest Traders & Dealers & others concerned, and many times others out of a dishonest & inquisitive temper secretly take & break open publick & private Country Letters to the great dissatisfaction & prejudice of severall the inhabitants her Majestys good Subjects and great delay of publick busiess, for the prevention whereof for the future,

Be it Enacted by the Queens most Excellent Majesty by & with the Advice & Consent of her Majestys Governour Council & Assembly of this Province and the Authority of the same, that if any person or persons whatsoever shall hereafter presume to take & break open the Seal or Seals of any Letter or Letters whatsoever not being unto him or them directed, or not having especial License (from the persons to whom the same are directed their Executors or Administrators) so to do, shall upon due conviction thereof either in the Provincial or Country Courts of this Province suffer imprisonment of his her or their body or bodys for & during the space of six days without bail or mainprize and forfeit the Sum of five pounds Sterling, the one moyety to her Majesty her Heirs & Successors for the support of Government, the other moyety to him or them that shall inform or sue for the same, to be recover'd in any Court of Record within this Province, by Action of Debt Bill Plaint or Information wherein no Essoyn Protection or Wager of Law to be allow'd.

And in case any such person or persons shall break open any Letter or Letters directed to his Excellency her Majestys Governour, or any of her Majestys Council of this Province for the time being, or other publick Letters superscribed or directed for her Majestys Service, and signed by any person having authority so to do, and shall be thereof legally convicted, his he or they so offending shall suffer two Months imprisonment without bail or mainprize, and forfeit to our Sovereign Lady the Queen her Heirs & Successors the Sum of twenty pounds Sterling to be recover'd & divided as aforesaid.

And whereas also the Sheriffs of this Province whose duty it is to convey Letters for her Majestys Service are very much complained of for their negligence, Be it Enacted by the authority advice & consent aforesaid, that if any high Sheriff or his Deputy or Deputys receive any publick Letter, he shall if required give a Receipt for the same, shewing the Day and Hour when he received the same, and when he delivers the same Letter to the next Sheriff or party to whom directed, the party that receives the same shall likewise if required give such like Receipt to the Sheriff that first received it, and if any high Sheriff or his Deputy or Deputys from whom the high Sheriff shall be answerable shall refuse to give such Receipt to be proved by the Oath of the person demanding such Receipt, or having received such Letter shall wilfully neglect immediatly to forward such Letter as directed, so that such Letter is kept 24 hours longer than it reasonably need be (respect being had to the wind & weather) the high Sheriff shall forfeit the Sum of two thousand pounds of Tobacco in Cask, the one moyety thereof to our Sovereign Lady the Queen her Heirs & Successors for the Support of Government of this Province the other moyety to him or them that will sue for the same, to be recover'd by Action of Debt in any Court of Record in this Province, and such neglect of such Sheriffs shall be evidenced by the date of the Receipts.

And the better to ascertain what Letters shall be accounted publick Letters. Be it Enacted by the authority advice & consent aforesaid, that all Letters directed to the Governour of this Province for the time being endorsed for her Majestys service, and all Letters sent by the Governour having his or the Clerk of the Councils name endorsed and for her Majestys service directed to any person whatsoever, and all Letters sent by any Member of her Majestys Council with the subscribers name endorsed and for her Majestys service, and all Letters sent by a Justice of the Provincial Court with the subscribers name endorsed and for her Majestys service, and all Letters sent by the publick Treasurers of each Shoar to any Naval Officer with the subscribers name endorsed and for her Majestys service shall be accounted only publick Letters for which the Sheriffs shall not refuse to give a Receipt as aforesaid, under the penalty aforesaid, any former Law usage or custom to the contrary notwithstanding.