

ward of a line drawn from the north point of the mouth of Pongoteague creek to the south point of the mouth of the river Patowmack. C H A P. III.

IX. And provided also, That nothing herein contained shall extend, or be construed to extend, to prohibit the transporting, carrying, or conveying, any of the commodities herein before mentioned, from this state, to any port or place out of the same, by, from, or under, the direction of congress, or any committee thereof. Proviso.

X. Provided also, That in case the governor and council shall at any time think a suspension of this act necessary or proper, the governor, with the advice of the council, is hereby authorized and empowered, by his proclamation, to permit and suffer the exportation generally out of this state, of all or any of the said commodities, any thing to the contrary notwithstanding. Proviso.

XI. And be it enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance 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 nonsuit, 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 and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law. Defendants may plead the general issue, &c.

XII. Provided also, and be it further enacted, That it shall and may be lawful for the governor and council to permit any inhabitant or inhabitants of this state, or any person or persons who shall come recommended by the executive powers of any of the United States, to export, transport, and carry away, any of the above enumerated articles and commodities, into either of the states of New-Hampshire, Massachusetts-Bay, Providence plantation, or Connecticut, such person and persons exporting, transporting, or carrying away, any of the articles and commodities aforesaid, and also every person on board such vessel, whether seaman or passenger, first taking his solemn oath, or (if a quaker, menonist, or dunker) affirmation, "That he or they will not, directly or indirectly, be privy to, or concerned in, any measure whatsoever which may tend to defeat the arrival of such vessel at the port to which such vessel shall clear out, but that he or they shall and will, without any deception, mental reservation, or equivocation, whatever, take every measure to carry into effect the licence granted to such person or persons, for exporting, transporting, and carrying away, the articles and commodities aforesaid." Proviso.

XIII. And be it enacted, That the shipper or shippers shall first agree with the commissary general, or person by him duly authorized for such purpose, on the price for which the flour or other articles, shipped under the licence aforesaid, shall be delivered for the public use at some port in one of the said eastern states. Shippers to agree for the price, &c.