

1862, P. L. 496; April 15, 1863, P. L. 501; April 9, 1864, P. L. 369; March 4, 1865, P. L. 271; March 21, 1865, P. L. 444; March 23, 1865, P. L. 675; February 9, 1866, P. L. 23; March 27, 1866 P. L. 332; (the five acts of) April 11, 1866, P. L. 562, 576, 703, 716, 737; June 26, 1866, P. L. 1114; April 3, 1867, P. L. 691; April 8, 1867, P. L. 940; (the four acts of) April 10, 1867, P. L. 996, 1021, 1071, 1082; April 13, 1867, P. L. 1224; March 12, 1868, P. L. 301; March 23, 1868, P. L. 514; April 1, 1868, P. L. 573; April 9, 1868, P. L. 779; April 11, 1868, P. L. 865; April 14, 1868, P. L. 1122; April 2, 1869, P. L. 672; April 9, 1869, P. L. 800; April 13, 1869, P. L. 892; April 17, 1869, P. L. 1125; February 10, 1870, P. L. 123; February 24, 1870, P. L. 230; March 17, 1871, P. L. 411; May 29, 1871, P. L. 1279; March 9, 1872, P. L. 295; March 13, 1873, P. L. 310; April 8, 1873, P. L. 565; April 10, 1873, P. L. 700; May 23, 1874, P. L. 230; (the two acts of) May 22, 1878, P. L. 96, 99; June 23, 1885, P. L. 142; May 24, 1887, P. L. 204; April 4, 1889, P. L. 27; April 26, 1889, P. L. 64; May 23, 1889, P. L. 277; May 23, 1891, P. L. 108; May 31, 1893, P. L. 185.

CHAPTER CCCIV.

AN ACT FOR LAYING A DUTY ON NEGROES IMPORTED INTO THIS PROVINCE.

We the representatives of the freemen of the province of Pennsylvania desire that it may be enacted:

[Section I.] And be it enacted by the Honorable Patrick Gordon, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That for every negro which shall be imported, landed or brought into this province at any time after the publication of this act, other than such negroes as are actually shipped for sailors and shall continue in the service of the vessel they were brought in and not be exposed to sale in this province, and other than such negroes as shall be brought or sent into this province upon their master's immediate business and not to remain in the province and not for sale, there shall be paid for the uses hereafter mentioned the sum of two pounds, lawful money of America.

And that all masters of vessels and others who shall within

the time aforesaid bring into this province by land or water any negroes shall forthwith make entry and give or cause to be given, upon oath or affirmation, to the person hereinafter appointed to collect the said duty or [his] lawful deputy a true and just account of all the negroes so imported or brought in and to whom they respectively belong, which the said collector shall duly enter in a book for that purpose and thereupon shall grant a permit, for which the person obtaining the same shall pay the sum of six pence for every negro contained in the said permit for landing them.

[Section II.] And be it further enacted by the authority aforesaid, That every master of a vessel or other person who by this act are obliged or ought to make such entry as aforesaid and shall refuse or neglect to make the same accordingly, within the time and in the manner directed by this act, and being thereof convicted before any one justice of the peace or before the mayor or recorder of the city of Philadelphia for the time being, shall forfeit for every negro of which he ought to give an account to the collector of the duties imposed by this act the sum of thirty-five shillings, to be levied on the goods and chattels of the party offending by warrant under the hand and seal of the justice or of the mayor or recorder aforesaid before whom the party is convicted.

And that every such importer, owner or claimer of such negroes shall before landing of them pay down the said duty in ready money, or otherwise become bound to the collector for the time being with one or more sufficient sureties or procure some other sufficient person or persons to be bound to the said collector to answer and pay the said duty hereby imposed upon such negroes within six months next after the date of the said obligation, for which the collector shall receive of the party one shilling and six pence and no more.

And if any of the said negroes shall be imported, landed or brought in within the time aforesaid without making entry and obtaining a permit as aforesaid, or without paying or giving security for payment of the said duty in manner aforesaid, that then all the negroes so imported, landed or brought in, or the value of them if they cannot be found, shall be forfeited by the

importer or owner; one moiety (after the said duty and all charges of seizure and prosecution are deducted) shall go to the governor for support of government, and the other half (after the said deduction) to the said collector or such other person as will sue for the same in any court of record in this province by bill, plaint or information, wherein no essoin, protection or wager of law nor any more than one imparlance shall be allowed.

And that the said collector of the said duty arising by this act or his deputy shall have full power and authority by virtue hereof, without any further or other warrant, to enter on board any ship or vessel and into any house or place whatsoever where he shall suspect any of the said negroes to be concealed, and make searches and do all other matters and things which may tend to secure the true payment of the said duty and the due and orderly collection thereof; and in case of opposition or refusal, the said collector or his deputy, with the assistance of the sheriff, water-bailiff, constable or other officer, who without any further or other warrant are enabled and required under the penalty of five pounds (for every neglect or refusal in that behalf, to be recovered as aforesaid) to be aiding and assisting unto the said collector to seize the said negroes which shall be concealed or endeavored so to be as aforesaid, and for that end to break open doors and other things and to do and perform all other act and acts which by this act is and are required to be done for collecting, receiving and recovering the said duty and the penalties and forfeitures herein mentioned, or for making seizures of negroes landed or brought in without making entries and paying or securing the said duty, in as full and ample manner to all intents as any of the collectors or officers of the King's customs may or can do by the laws of Great Britain.

[Section III.] And be it further enacted, That all masters of vessels and others trading in the river Delaware and coming into any port or place of this province having negroes on board which by this act are liable to pay the said duty are hereby required to comply with the directions of this act as if such vessels came from sea directly, and that all persons obliged by this act to pay the said duty shall apply to the said collector

or his deputy without any notice given or request made by him for [their] so doing.

[Section IV.] And be it further enacted by the authority aforesaid, That in case any vessel shall arrive at any port, member, creek or landing-place in this province with any negro or negroes on board and there remain the space of twenty-four hours without making entry, under pretense of going to some other port or any other pretense whatsoever, the master or owner of said vessel shall give a true account of the number of negroes on board, and shall give security to the said collector that he shall not land any of the said negroes without entry made and permit obtained from the said collector under the penalty of seizure and forfeiture of the said negroes, to be recovered as aforesaid.

Provided always, That if any of the said negroes for which the said duty is paid or secured as aforesaid shall within the space of six months die or be exported or carried out to sea, then and in such case three-fourths of the said duty hereby imposed shall be abated for such of them as shall die or be exported as aforesaid, and on payment of the remaining one-fourth part the security given shall be delivered up and discharged, and the officer shall and may deduct five shillings per head for his care and trouble therein.

Provided also, That all such negroes for which such deduction shall be made shall actually (and *bona fide*) be forthwith shipped off or sent out of this province so as not to return again without complying with this act, under the penalty of seizure and forfeiture as aforesaid.

Provided also, That if any person or persons shall during the continuance of this act transport him or themselves with their families and negroes in order to settle in this province, and shall upon oath or affirmation declare before the said collector or his deputy, who are hereby empowered to administer the same, that such negroes so brought in are for their own service and not for sale, he or they shall not be liable to pay the said duty for such negroes, but shall forthwith give security to the said collector (which he is hereby empowered and required to take) by a bond of the full value of such negroes, conditioned

for the payment of the rates aforesaid in case such negroes shall be sold or the property of them directly or indirectly altered within the space of sixteen months after the date of such bond.

And to prevent the clandestine practice of landing or bringing in of negroes into the remote parts of this province by masters of vessels, merchants or otherwise without making entry of and paying the duty for the same according to the directions of this act:

[Section V.] Be it enacted by the authority aforesaid, That the constables of the respective townships, hundreds or wards within this province shall and are hereby obliged upon oath or affirmation to bring in a list to the respective courts of quarter-sessions for the city or county where they live of all the negroes that shall come or be brought into their respective townships or wards, and by whom the same negroes were imported or brought in, and in whose possession such negroes are.

[Section VI.] And be it further enacted, That Charles Read, of Philadelphia, merchant, shall be and is hereby appointed the present collector of the said duty hereby imposed and receiver of all fines, forfeitures and penalties hereinbefore appointed to be set, imposed and levied by virtue of this act, which the said collector, by himself or his lawful deputy, is hereby empowered to demand, collect, receive and recover of and from all persons importing, landing or bringing in any negroes during the continuance of this act, and shall from time to time take all bonds required to be given as aforesaid.

And the said collector shall keep true and fair accounts in writing of all such transactions relating to the premises, which he shall from time to time submit to the view and inspection of the provincial treasurer and lay the same before the assembly when required, and once in six weeks or oftener if required during the continuance of this act pay into the said treasurer's hands all such sums of money as he shall receive by virtue of this act, and shall deduct out of the same for his own use five per cent for all sums so by him paid, and shall further be allowed by the said treasurer in the final adjusting of his accounts all reasonable charges by him expended in the prose-

cution of the said seizures and recovery of any of the said fines, forfeitures and penalties, in pursuance of this act.

Provided always, That the said collector before he enter upon the execution of his office shall be sworn or attested before some justice of the peace, and shall, with one or more sufficient sureties, become bound in an obligation of five hundred pounds to the treasurer, conditioned for the due and faithful execution of his said office.

And in case of the death or removal of the said collector, the provincial treasurer for the time being shall appoint another in his stead to collect the said duty until some other person be appointed for that purpose by the general assembly of this province.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for anything done in pursuance of this act, such person or persons so sued or prosecuted may plead the general issue and give this act and the special matter in evidence for their excuse or justification; and if the plaintiff or prosecutor become nonsuit or forbear prosecution or suffer a discontinuance, or if a verdict pass against him in such action, suit or information, the defendant shall have treble costs, as in any cases where costs by law are given to defendants.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I. Repealed by the Act of Assembly passed March 14, 1761, Chapter 467.

CHAPTER CCCV.

AN ACT FOR CONTINUING AND ESTABLISHING A FERRY FROM THE LANDING-PLACE OF JOSEPH KIRKBRIDE OVER DELAWARE RIVER AT THE FALLS.

Whereas by an act of general assembly of this province, entitled "An act for establishing a ferry over Delaware at the