

CHAPTER CCCVII.

AN ACT LAYING A DUTY ON FOREIGNERS AND IRISH SERVANTS
IMPORTED INTO THIS PROVINCE.

Whereas an act of general assembly of this province was made in the eighth year of the reign of the late King George for preventing the importation of persons convicted of heinous crimes. And whereas it appears necessary that a further provision be made to discourage the great importation and coming in of numbers of foreigners and of lewd, idle and ill-affected persons into this province, as well from parts beyond the seas as from the neighboring colonies, by reason whereof not only the quiet and safety of the peaceable people of this province is very much endangered, but great numbers of the persons so imported and coming into this government, either through age, impotency or idleness, have become a heavy burden and charge upon the inhabitants of this province and is daily increasing. For remedy whereof:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the free-men of the said Province in General Assembly met, and by the authority of the same, That all persons being aliens born out of the allegiance of the King of Great Britain and being of the age of sixteen years or upwards shall within the space of forty-eight hours after their being imported or coming into this province, by land or water, go before some judge or justice of the peace of the said province or before the mayor or recorder of the city of Philadelphia for the time being and there take the oaths appointed to be taken instead of the oath of allegiance and supremacy and shall also take the oath of abjuration, for which each person shall pay to the person administering the said oaths the sum of twelve pence and no more. And if any such alien (being of the age aforesaid) shall refuse or neglect to take the oaths aforesaid, it shall and may be lawful to and

for any judge, justice of the peace or other magistrate of this government forthwith to cause such person or persons to be brought before them, [and] oblige them to give security for their good behavior and appearance at the next court of general quarter-sessions of the peace to be held for the city or county where such magistrate resides.

And for the more effectual discouraging the practice of importing such persons as may affect the peace of and become chargeable to the inhabitants of this province from foreign states and kingd[oms] and from parts beyond the seas:

[Section II.] Be it enacted by the authority aforesaid, That every person being an alien born out of the allegiance of the King of Great Britain and being imported or coming into this province by land or water shall pay the duty of forty shillings for the uses in this act hereafter mentioned.

And that all masters of vessels, merchants or others who shall import or bring into any port or place within this province any Irish servant or passenger upon redemption, or on condition of paying for his or her passage upon or after their arrival in the plantations, shall pay for every such Irish servant or passenger upon redemption as aforesaid the sum of twenty shillings.

And for the more effectual discovering what aliens or Irish servants or passengers shall be hereafter imported into this province:

[Section III.] Be it enacted by the authority aforesaid, That all masters of vessels, merchants or others who shall bring into any port or place within this province any aliens or servants or persons upon redemption as aforesaid shall make such entry and in such manner and under the same penalties as in and by the aforesaid act of general assembly, entitled "An act for imposing a duty on persons convicted of heinous crimes,"¹ &c., is enjoined, required and provided; and that the justices to whom report shall be made by the collector of the said duties for the time being, according to the directions of the said act, shall have and are hereby vested with the same powers and au-

¹ Passed May 5, 1722, Chapter 248.

thorities for the effectual putting this act in execution as by the aforesaid act of assembly they are empowered and authorized for the executing the same.

And whereas it hath been a practice for masters of vessels, merchants and others trading into this province, with intent to avoid complying with the payments of the duties and giving the securities required in the cases of convicts by the aforesaid act of assembly, to land their servants and convicts in some of the adjacent governments, which servants and convicts have afterwards been secretly brought into this province:

Therefore, to prevent such practices for the future:

[Section IV.] Be it enacted by the authority aforesaid, That if any alien or servant or passenger upon redemption as aforesaid, being imported into the river [of] Delaware after the publication of this act and shall be found within this province within the space of twelve months after their being imported as aforesaid, whether such persons were landed within this government or elsewhere, it shall and may be lawful for the collector of the duties appointed by this act or his deputy for the time being, and for any justice of the peace or principal magistrate or magistrates of any city or county or town within this province, to apprehend, take up and examine upon oath or affirmation all such aliens, Irish servants or passengers as aforesaid and all other persons who may be supposed to be able to make any discovery of the time and manner of their being imported or coming into this province and from whence they came last, how long they have been come from parts beyond seas, of what country and in what vessel, and who was master or merchant of such vessel, and whether such vessel at the time of such person or persons being shipped or coming on board [was] bound to or designed for Pennsylvania, and whether such person or persons shipped themselves with intent to come into this province; and if upon examination it shall appear to any two justices of the peace within this province or to the mayor and recorder or either of them, with any one of the aldermen of the city of Philadelphia, that the said persons were shipped or took their passage for Pennsylvania, then the said magistrates before whom such examination is

taken shall demand and compel the persons of aliens immediately to comply with the directions of this act by taking the oaths or affirmations and paying the duties hereby imposed upon them. And shall and are hereby empowered and required to send for the master and merchant of such vessel or either of them in which the said persons were supposed to be imported and to examine such master or merchant upon their oaths or affirmations concerning the said aliens, Irish servants or passengers [as] aforesaid and their importation or coming into the province; and if it shall appear that the said persons so apprehended or any other aliens, Irish servants or passengers as aforesaid are come into this province who were shipped or taken on board to be imported into Pennsylvania and put on shore or permitted to go on shore by such master or merchant in any other government upon the river Delaware or upon any place or island within the said river without making report and complying with the directions of [this] act, then in such case the [said] master or merchant shall be obliged forthwith to give security for his appearance at the next court of [general] quarter-sessions of the peace to be held for the city or county where such examination is taken, and shall upon being legally convicted of such fraudulent practices forfeit the sum of twenty pounds for every person so by him or them imported or brought in as aforesaid and put or permitted to be put on shore (and afterwards within the space of twelve months being found within this province) without making such entry and paying the duties imposed by this act, one-half to the governor and the other to the collector or informer, to be recovered by bill, plaint or information in any court of record within this province, and shall further pay the same duties for such aliens, Irish servants or passengers upon redemption, as aforesaid, as if such persons had been imported into this province and report thereof made according to the directions of this act.

[Section V.] And be it further enacted by the authority aforesaid, That upon information given to the mayor and recorder of the city of Philadelphia for the time being or the mayor or recorder together with one of the aldermen of the

said city, or to any two justices of the peace of any county within this province, that any old persons, infants, maimed, lumatic or any vagabond or vagrant persons are imported, come or brought into this province, the said mayor, recorder and aldermen or two of them as aforesaid, or any two justices of the peace, shall cause such impotent or vagrant persons to be brought before them, and if upon examination they shall judge that such person or persons are likely to become chargeable to the city, town or county where they are found or were imported, it shall and may be lawful for the said mayor, recorder and aldermen or any two justices of the peace by warrant or otherwise to send for the master, merchant or other person who imported any such impotent or vagrant person or persons as aforesaid as are likely to [be-] come chargeable as aforesaid; and upon proof made of their being the importers or owners of such impotent or vagrant persons, who shall be judged to be likely to become chargeable as aforesaid, the said mayor, recorder and aldermen or any two of them as aforesaid, or any two justices as aforesaid, shall and may proceed against the said masters, owners or importers of such impotent and vagrant persons, as likewise against such impotent and vagrant persons so imported in the same manner, and to inflict the same penalties, and to make such warrants for apprehending and removing or sending away such impotent persons or vagrants, as the justice or justices of the peace in England are enabled and empowered to do in the case of vagrants by the statute of the twelfth of the late Queen Anne, chapter twenty-three.

Provided always, That if any person or persons shall apprehend him or themselves aggrieved with any such order or judgment of the justice or justices of the peace or other magistrates who shall make the same, [he or they] may traverse such order, and shall enter into recognizance to pay the costs and charges as in the aforesaid act of Parliament is directed and provided.

[Section VI.] And be it enacted by the authority aforesaid, That Charles Read, of Philadelphia, merchant, who is the present collector of the duties imposed upon convicts, &c., by the aforesaid act of assembly, shall be and is hereby appointed col-

lector of the duties imposed by this act, and is hereby empowered to receive, collect, demand and recover from all persons importing, landing or bringing in any [such] alien, Irish servants or persons upon redemption into any port or place within this province all and every the duties arising and growing due by virtue of this act in the same manner as he is empowered and directed to receive and collect the duties arising upon the importation of convicts by the aforementioned act of assembly, and shall pay the same unto the provincial treasurer of this province towards the support of government, deducting to himself ten per cent for receiving and paying. And in case of death or removal of the said collector the provincial treasurer shall appoint another in his stead to collect the duties aforesaid until another shall be appointed by the general assembly.

Passed May 10, 1729. Repealed by the Act of Assembly passed February 14, 1729-30, Chapter 314.