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SESSION OF JANUARY 1699/1700

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CHAPTER 151.

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AN ACT FOR PREVENTING FRAUDS AND REGULATING ABUSES IN TRADE  
WITHIN THE PROVINCE OF PENNSILVANIA & COUNTYS ANNEXED.

For as much as It hath been the wisdom & care of all nations to encourage cherish & protect their respective Colonies transplanted into new & forreign Countreys, not only in the free Enjoyment of their inherent rights & priviledges, but more especially in those that did induce them to leave their native Land & undertake at their own private Charges remote hazardous & expensive Expeditions - And that it is likewise the wisdom & duty of such Colonies in all their Commerce to pay a due Regard to the Interest, honour & Security of their Mother Countrey by readily Complying with such Regulations & Methods of Trade as may best engage her care & protection of them: which can not both be done in those parts under the King & Crown of England without a strict & punctuall Observance of the severall Acts in force concerning Trade and Navigation & due Regulation of the Ports & places of Loading and unloading Goods & Merchandizes

And whereas the Commissioners of the Kings Customs have appointed Three Collectors for this Government, One to reside at the Port of Philadelphia, the other at the Port of New Castle, and the third at the Port of Lewis: Between which two last mentioned Ports (being about One hundred Miles distant) There lyes the County of Kent, where most of the Tobacco in this Government is raised. And for want of an Officer residing in the said County of Kent, ill minded persons may take the opportunity to defraud the King by promoting & carrying on illegall Trade

For prevention whereof & for the better Securing the Kings Customs

Be it Enacted by the Proprietary and Governor with the advice and Consent of the Representatives of the Freemen of the said province & Countys annexed in generall Assembly mett and by the Authority of

the same That in Case the Collector of New Castle, or upon his refusall, the Collector of Lewis, shall not within one month after publication hereof appoint one or more Deputys for that County, Then it may be lawfull for the Proprietary & Governor or his Lieutenant & Governor to appoint an Officer or Officers to officiate instead of a Collector within that County untill the Commissioners of the Customs shall Signify their pleasure therein; which said Officer or Officers Deputy or Deputys so appointed shall constantly reside & attend in some convenient place near Dover River in the said County of Kent.

And That the Collectors or Officers of the Kings Customs now & for the time to come shall reside in or near the Port appointed or to be appointed by the Proprietary & Governor or his Lieutenant & Governor according as the Commissioners of the Customs from time to time may direct or oblige them and there by themselves or sufficient Deputys shall constantly attend the Service & perform the Dutys of their Severall places according to the Laws of Trade & Navigation & true intent & meaning of this Act

And Be it further Enacted by the authority aforesaid That all Masters or Commanders of Shippes or other Vessells bound to or from any part of this province shall make Report to the Collector or Officer of the Kings Customs in the said Port of New Castle whence they come and whither they are bound Provided always That the said Officer or his Deputy or Deputys be there to take such Report.

And That no Officer or Officers belonging to that or any other of the Ports, Harbours, Creeks or Members appointed or to be appointed within this province & Countys annexed, shall without just or reasonable cause detain any Shipp or Vessel inward or outward bound (under colour of Searching the Goods therein Laden) above one Tyde upon pain of rendering treble Damages to the Merchant & Owner of the said Shipp or Vessel so detained to be recovered in any Court of Record within this province or Countys annexed.

And to the end That all Fraud & Abuses in Trade so injurious to the King & discouraging to Lawfull Traders may as much as in us lyes be prevented and the Acts of Trade & Navigation duely Observed.

It is therefore Enacted by the Authority aforesaid That if any person or persons being duly convicted or found guilty of importing or export-

ing any Goods or Merchandizes by Land or by Water or of exercising any illegall Trade contrary to the Acts of Trade and Navigation & the true intent & meaning of this Act, Shall not only be liable to the pains penalties & forfeitures mentioned in the Act or Acts of Parliament which he shall so transgress, but be fined by the Governor & Council in any Summ not exceeding the value of the Goods so imported or Exported as aforesaid Provided he or they so offending be prosecuted within one year after such offence is committed.

And whereas Tobacco (the only Enumerated Commodity of this COUNTRY Growth) yields so considerable Duty to the King And that it is therefore highly necessary That diligent care be taken to prevent the illegall Exportation thereof,

Be it Enacted by the authority aforesaid That if any Tobacco shall be Laden or taken from Shoar into any Boat or Vessell whatsoever to be Carried on board any Shipp or Vessell outward bound for the parts beyond the Seas, Or shall be found carrying by Land or by Water into any other Government, Or shall be Laden or taken in from or out of any Shipp or Vessell coming into or arriving from any forreign or other parts without a Warrant or Permitt from one of the said Collectors or his Deputy aforesaid such Boat or Vessell, Cart or Carr, Waggon & Team so carrying or conveying the said tobacco shall be forfeit & lost. And the Merchant, Freighter or Owner shall forfeit the said Tobacco. And the Boatman Waterman or any other person offending herein and knowing & consenting thereunto shall pay Five pounds as a Fine over & above the penalty contained in the Act of Parliament made in the 14th of King Charles the Second now Extended to America by the 7th & 8th of the present Reign

And Be it further Enacted by the authority aforesaid That no Shipp or Vessell inward or outward bound Shall (without Licence first had from one of the said Collectors or their Deputies) load or unload any Tobacco or other ennumerated Commodities or any European Goods, but openly in the day Light betwixt Sun rising & Sun Setting, and only at the lawfull Ports Belonging to this Government or in the Harbours Creeks & Members thereof upon pain of forfeiting their Shippes or Vessells with their Lading furniture and Apparrell And the Master of

such Shipp or Vessell shall forfeit for every such offence One hundred pounds Sterling.

And if any person shall Shipp or cause to be Shipt in order to be Exported any Tobacco under any colour cover or pretense of any other Commodity shall for every such Offence forfeit the same, & shall pay & make good all Damages the Master Owner or other Freighters of the said Shipp or Vessell shall or may Suffer or Sustain for or by reason thereof.

And Be it further Enacted by the authority Aforesaid That all Tobacco Casks Chests or Cases shall be exactly Tared by the Planter or first Packer thereof & the true Tare putt on them under the penalty of Twenty Shillings to the party wronged for every Tobacco Cask Chest or Case not so Tared: But in as much as Hillyards & Weights may vary, Therefore no person shall be liable to the said penalty where there is not above three pounds Weight difference in One Draught.

And whereas the Exportation of Tobacco in Bulk may give opportunity to defraud the King

For Remedy where of - - - - -

Be it Enacted by the Authority aforesaid That from & after the first day of the Fourth month June next ensueing no Tobacco Shall be Shipt in order to be Exported otherwise than in Cask Chest or Case to contain Two hundred weight of neat Tobacco at least each Hundred whereof shall contain One Hundred & Twelve pounds under the penalty & forfeitures following That all the Tobacco So shipped to be exported contrary to this Act shall be forfeited And every person or persons offending contrary to this Act shall forfeit Six pence for every pound weight thereof Provided nevertheless That such small Quantities as shall be necessary for the Shippes Companys Smoaking in the said Voyage shall not be deemed or construed any breach of this Act.

And Be it enacted by the authority aforesaid That every Master Freighter or part Owner of any Shipp or other Vessell whatsoever or some or one of them being an Inhabitant of this province or Countys annexed that shall purchase & Load tobacco in order to carry the same from one port or place to another port or place within this Government, Shall give Bond, But if not an Inhabitant, shall give Bond with Surety to the Proprietary and Governor or his Lieutenant & Governor or such

as he shall appoint to take such Bonds in double the value of the Tobacco which shall be Laden during that Voyage for the true delivery & discharge thereof in one of the Ports or places within this province or Countys annexed (the danger of the Water & Casualtys excepted) And after such Bond given as aforesaid & Certified by the person that takes the same to the Collector in whose District the said Tobacco is to be Laden, That Collector shall without delay give a Permitt to such person or persons to Trade by Water for Tobacco & Lade the same in the said Port Members & Creeks within his District: And every Master of Vessell or person so Trading shall make a true Report to the said Collector or Officer aforesaid of all the Tobacco Laden & taken in who shall give to the said Master Freighter or Owner a Clearing of the same under his hand & Seal And the Collector of the port where the said Tobacco shall be unladen Shall give a Certificate thereof under his hand & seal Directed to the Proprietary & Governor or his Lieutenant & Governor or his said Officer to whom the Bond was given: Who upon receipt thereof shall deliver up such Bonds to be Cancelled.

But in as much as there is at present no Collector appointed by the Commissioners of the Customs to reside in Kent County Therefore all persons loading Tobacco there, shall take a Permitt from one of the Kings Collectors before they shall trade by water or lade any Tobacco in any part of the said County of Kent: Which Permitt shall be delivered to an officer that shall be appointed as aforesaid to Officiate as Collector in the said County and shall be his Warrant to Licence or permitt such person or persons to Trade for Tobacco load the same as aforesaid in any of the Rivers or Creeks in the said Countys And who shall be subject to the forementioned Rules in the Loading Carrying & delivery of their Tobacco & Discharge of their bonds under the penalty of the forfeiture of such Bond & the Loss of the said Sloops or Vessells & Lading: And that the Officer so appointed to take the said Bonds, shall receive for each Bond Six pence & for every Certificate Six pence & no more. And the Officer of the Customs shall receive for every Permitt to load Tobacco as aforesaid & Clearance Twenty pence, and for each Certificate of the Landing Tobacco, according to the said bond, Six pence.

And all Collectors or Officers of the Kings Customs respectively shall keep an exact Account or Registry of all Tobacco's transported or carried from place to place within this province & Countys annexed with the name of the Freighter or Master of the Vessell with the time & place of Lading & unlading the same & shall transmitt to the proprietor & Governor or his Lieutenant & Governor under his or their hands true Copies or Duplicates of the said Registry once every year and oftner if required

Whereas the present Surveyer generall of the Kings Customs in these Northern Colonies did formerly appoint Collectors of the Kings Customs within this Government & Allowed them one half of the product or Income arising from the Duty of One penny Sterling per pound upon all Tobacco Exported to other plantations for or instead of their Sallery, who for the Encouragement of the Exporter were not so Strict in searching & Weighing of Tobacco's so Shipt as the Law in that Case provides being Directed by the said Surveyor generall to Allow hogsheads of Tobacco to pass at Three hundred & Fifty or Four hundred pounds at most without weighing the same: Whereby We conceive the King was not a little injured. And for as much as the further care & diligence of the Collectors in the discharge of their respective dutys herein may much contribute to Secure the Kings Customs on Tobacco & defend the care & reputation of this Government. Therefore they are required to take care that all Tobacco which by Law ought to pay the duty of one penny per pound shall be weighed & duely entered according to the true intent & meaning of the Laws of Trade & Navigation before they permitt any Tobacco to be Shipt.

And It is further Enacted by the authority aforesaid That all the Magistrates and Officers of this Government shall from time to time in their respective Stations countenance & assist the said Collectors and Offices of the Kings Customs in the performance of their respective dutys according to Law as they will Answer the contrary at their peril

And whereas by the Acts of Trade & Instructions from the King from time to time many things are required to be done by the Proprietary & Governor which can not be effected without great Charge as well as trouble - In consideration whereof the Representatives in this generall Assembly mett do by the authority aforesaid give & grant unto the

proprietor & Governor a Duty of Eight pence per Tunn upon every Shipp or Vessell coming into this province & Countys annexed whose Owners or major part of them at her Arrivall are not inhabiting within this Government - And for every Ship or Vessell comeing in as aforesaid whose Owners or major part of them are inhabitants of this Province or Countys annexed, Shall pay Four Pence for every Tunn The Tunnage to be reckoned according to her Registry - This Duty to be continued to be Collected for the Space of Three years & no longer.

And Be it enacted by the Authority aforesaid That it shall & may be Lawfull for the Navall Officer & Collector of the Kings Customs now or hereafter belonging to this province & Territories to demand & receive the Fees hereinafter Limited & appointed That is to Say —

The Master or Merchant of every Shipp or Vessell of the burden (according to her Registry) of Twenty Tunns & upwards comeing from Sea shall pay unto the Navall Officer or his Deputy belonging to the Port where such Master or Merchant is obliged or thinks fitt to unload his or their Vessell the Summ of Eight Shillings for Entring inward & Permitt to unload, And if he unloads att any other Ports he shall pay for his Entry and permitt Five Shillings at each port And for Entring Outward & permitt to relade Bond & Clearing Shall pay Eight Shillings And if he shall Lade at any other ports he shall pay Five Shillings at each Port as aforesaid-And for Small Vessels shall pay five Shillings at the first port of Entry or Clearing & four Shillings at the other Ports respectively Which said Summs so as aforesaid Allowed are & shall be in Lieu of all Fees & Allowances due or to be due to the Naval Officer for the time being for Entring Clearing examining Certificates, Cocquets receiving accounts of Goods Shipt taking of Bonds & all other Charges pertaining to the Entring & Clearing Shipp & other vessells at the Navall Office.

And that the Master or Merchant of every Shipp or Vessell of the burden (according to her Registry) of Twenty Tunns & upward comeing from the Sea shall pay unto the Kings Collector or his Deputy belonging to the port where the said Master or Merchant is Obliged or shall think fitt to unload the Summ of Six Shillings for Entring Inward & Permitt to unload And if the said Master or Merchant shall unload at any other Ports he shall pay for his Entry & Permitt Five Shillings at

each Port And for Entring Outward & Permitt to Relade & Clearing shall pay Six Shillings and if he shall take in part of his Lading at other ports he shall pay Five Shillings at each port for the same: And for Vessells of lesser burden he shall pay five Shillings at the first port of Entry and Clearing and Four Shillings at the other ports respectively as aforesaid And for every Permitt & Certificate that European Goods are duly imported Tenn pence

Which said Several Summs so as aforesaid Allotted to the said Collectors & shall be in Lieu of all Fees & Allowances due or pretended to be due or payable from any of the Kings Subjects to the said Collectors for the time being by Virtue of the respective Offices

And be it further Enacted by the authority aforesaid That if any of the said Collectors or Navall Officers by themselves their Deputys or Servants or any of them shall under any pretence whatsoever take Exact require or receive from any person or persons in any Port or place of this Government directly or indirectly any other or greater Fee, Reward or Gratuity than is herein before limited & appointed And if any of the said officers shall presume to demand or Exact any fee or Reward of any Master Merchant or other person belonging to any Shipp or Vessell outward bound after She is duely Cleared at any of the said ports, Such Officer or Officers so offending in any of the said Cases shall pay unto the party grieved treble damages to be recovered in any of the Courts of Record within this Government.

And for the further preventing of Fraud and Abuses

It is enacted by the Authority aforesaid That if any Shipp or Vessell shall be brought into the Bay River, harbours or Roads of this Government under any pretence whatsoever & shall not be duely Entred & qualified to Trade according to the Acts of Navigation & the Laws of this Government, shall not only be liable to Seizure and Condemnation, but also if the Master of any such Shipp or Vessell shall willfully neglect or refuse to bring up his Vessell within the Limits of one of the said Ports Or by force or violence shall under any pretence whatsoever resist & Oppose the Kings Officer or Officers Magistrate or Magistrates in the discharge of his or their Duty in that behalf, All such Masters Merchants & Shippes Companys so refusing or resisting shall be taken & deemed as Enemies to the King & this Government.



And it shall be Lawfull for all Magistrates Officers & others within this province & Countys annexed to apprehend all such Masters & Shipp Companies & Seize their Boats & Goods as also their other effects that shall be found And Secure them untill discharged by due Course of Law, or untill such Shipp or Vessel shall be surrendered unto the Government in order to a Tryall according to Law. And all such persons whatsoever are hereby strictly prohibited & forbidd to harbour succour entertain or anywise correspond or to buy Sell deal trade or barter with any such Shipp-Master Merchant or any other of the Shipp Company so resisting or refusing Obedience as aforesaid

And whosoever shall be duely convicted of so doing or be aiding or Abetting to such Offenders shall be fined in any Summ not less than One hundred pounds according to the nature of the Offence And such as are not able to pay the said fine shall be punished by Imprisonment or Servitude:

Provided always That nothing herein Contained which is not mentioned or Comprized in the Acts of Trade and Navigation shall continue and be in force longer than Twenty Days after the riseing of the generall Assembly to be held in this Government in the Year 1703.

And Be it further Enacted That All Fines & Forfeitures herein before mentioned that are not by the Laws of Trade & Navigation Appropriated or otherwise disposed of by this Act shall go two thirds thereof to the proprietor & Governor of this Province and the other third part to such person or persons as shall Sue for the Same.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 117.  
Dated February 10, 1699/1700. Supplemented, Vol. II St.L. 81, ch. LXIV.

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## CHAPTER 152.

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### THE LAW FOR REGULATING TRAFFIC ON SEAS.

The Representatives of the freemen of the Said Province of Pennsylvania & Counties annexed in General Assembly mett & by the Authoritie of the Same, That every Captain, Master Or Other person or persons taking Charge of any Shipp or Vessel arriving in any port