

CHAPTER CXCIL

AN ACT TO PREVENT THE IMPORTATION OF NEGROES AND INDIANS INTO THIS PROVINCE.

Whereas divers plots and insurrections have frequently happened, not only in the islands but on the mainland of America, by negroes, which have been carried on so far that several of the inhabitants have been thereby barbarously murdered, an instance whereof we have lately had in our neighboring colony of New York; and whereas the importation of Indian slaves hath given our neighboring Indians in this province some umbrage of suspicion and dissatisfaction; for prevention of all which for the future :

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, etc., 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 from and after the publication of this act, upon the importation of any negro or Indian, by land or water, into this province, there shall be paid by the importer, owner or possessor thereof, the sum of twenty pounds per head for every negro or Indian so imported or brought in (except negroes directly brought in from the West India Islands before the first day of the month called August next) unto the proper officer hereinafter named, or that shall be appointed according to the direction of this act to receive the same.

[Section II.] And be it further enacted, That all masters of vessels or others bringing in or to this province, by land or water, any negro or Indian, shall forthwith make entry and give a true account to the said officer of the number by him or them imported or brought in, and to whom they respectively belong. And if any person shall bring in by land or put on shore any negro or Indian before due entry made as aforesaid

and the said duty paid (or secured to be paid within thirty days) to the said officer and his permit obtained for landing or bringing in the same, all such negroes and Indians shall be seized and sold by the said officer for the time being, and the moneys arising thereby shall be by him paid to the provincial treasurer, for the uses hereinafter directed.

Provided always, That nothing in this act contained shall prohibit any person complying herewithal, who shall at any time import or bring in any number of negroes or Indians into this province to export the same again within the space of twenty days after entry made and the duty paid, or secured to be paid as aforesaid, but in such case upon application made by the party concerned to the said officer for the time being, the duties so paid or secured shall be by him repaid to such person or persons, and his or their obligation for the same canceled, excepting only two shillings and six pence per head, which is hereby allowed to the said officer for his trouble therein.

Provided also, That all such negroes or Indians for which such deductions may be allowed, shall be actually and *bona fide* forthwith shipped off or sent out of this province, so as never to return again without complying anew with the directions of this act, otherwise all such negroes and Indians shall be liable to the same penalties and seizure as though the same had never been before entered.

[Section III.] And be it further enacted by the authority aforesaid, That Samuel Holt of Philadelphia, shall be and is hereby appointed the present officer to put this act in execution, and shall, by virtue hereof, have full power to make strict inquiry into the premises, and upon information or other probable cause of suspicion, without any further or other warrant, may (upon the party's refusal) with the assistance of the sheriff or constables (who are hereby required to be aiding therein) break open any house or place so suspected, and seize or cause to be seized all such negroes or Indians as shall be found, concealed or otherwise, whose owners or possessors have not complied with this act, according to the true intent and meaning thereof; and thereupon to dispose of such as shall be so seized by a public vendue, for the most they will yield; and when rea-

sonable charges are deducted, shall pay the produce or price thereof and all other sums arising by this act (retaining one shilling for every pound for his trouble therein) into the provincial treasurer's hands for the time being, where the same shall remain, as the public stock, for the use of this government, to be disposed as the laws in such cases shall direct.

And further the said Samuel Holt, during his continuance in the office aforesaid, and his successors in the same are hereby required to keep a distinct and fair book of accounts, wherein their transactions respectively in this affair shall be fully stated, which books shall be delivered to the succeeding officer for the time being, who are hereby obliged to lay the same before the Assemblies of this province when and so often as they shall require the same, and shall pay the moneys from time to time arising by this act into the treasurer's hands, after such deductions made as aforesaid. And in case of the death or removal of the present officer, or any who shall succeed him therein, the governor and council (with the concurrence of the Assembly, if then sitting) for the time being, shall nominate and appoint another person to officiate according to the direction of this act; all which officers respectively shall continue in the same during his or their good behavior therein.

And if any person 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 discontinuance, or if a verdict pass against him in such action, suit or information, the defendant shall have treble costs as in any case where costs by law are given to defendants.

Provided always, That nothing in this act contained shall be construed to empower the officer aforesaid to exact the said duty of twenty pounds per head for any negro or Indian belonging to any of the inhabitants of this province, that now are or at any time hereafter shall be sent out of the same on their master's or owner's business, with intent to return again; nor to seize or sell any runaway negro or Indian here apprehended,

but that the right owners making proof thereof, may be admitted to carry the same out of this province, within the time above limited for exportation, to be accounted from the time of such master or owner's arrival here (and the same indulgence shall be used for longer time, not exceeding six months at the officer's discretion, to all gentlemen and strangers traveling in this province, who may have negro or Indian slaves, not exceeding two in number, for one person to attend them). But in case no owner shall appear and prove his title to such runaway negro or Indian, so apprehended as aforesaid, within twelve months, the same shall be sold by the said officer, and the money paid as is above by this act directed in the case of a seizure made. And if after such sale the right owner shall appear and apply to the governor, he may, with the concurrence of the council, order restitution of the net proceeds of such sale (deducting the twenty pounds per head imposed by this law, if sold in this province) to be made out of the public stock in the treasurer's hands, anything in this act contained to the contrary notwithstanding.

Passed June 7, 1712. Repealed by the Queen in Council, February 20, 1713-14. See Appendix III, Section II, and the Act of Assembly passed May 28, 1715, Chapter 218.

CHAPTER CXCIIL.

AN ACT FOR THE FURTHER SECURING THE ADMINISTRATION OF THE GOVERNMENT.

Whereas it is of the greatest importance to the well-being of any country to be provided of a regular and plenary administration of government in all emergencies, and considering the uncertainty of human life renders all government liable to changes that may carry great inconveniencies with them, unless due provision be made against the same:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation Lieutenant-Governor under William