

province, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed; and for the third and every other offense be liable to be displaced or removed out of his office, any law, custom or usage to the contrary notwithstanding.

Passed May 28, 1715. Repealed by the Lords Justices in Council August 25, 1719. See Appendix IV, Section II, and the Act of Assembly passed March 30, 1723, Chapter 270.

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## CHAPTER CCXVII.

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AN ACT FOR LAYING A DUTY ON WINE, RUM, BRANDY AND SPIRITS, CIDER AND HOPS, IMPORTED INTO THIS PROVINCE.

To the end that due provision be made for paying the public debts and defraying the necessary charges of government:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 all the said wines, liquors and hops which shall be imported, landed or brought into this province at any time after the first day of June in the year of our Lord one thousand seven hundred and fifteen, and before the first day of June in the year of our Lord one thousand seven hundred and eighteen, there shall be duly levied, collected and paid the several rates and duties hereafter mentioned: (That is to say) for every pipe of wine, which shall be imported within the time aforesaid, directly from the place of growth or product, the sum of forty shillings by the pipe, and so after that rate for any greater or lesser quantity; and also for every pipe of wine, which shall be imported, landed or brought into this province, within the time aforesaid, which

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were laden at any port not being the place of growth or product, the sum of four pounds by the pipe, and so after that rate for any greater or lesser quantity; for every gallon of rum, brandy and spirits belonging to any person or persons, not residing or dwelling in this province, which shall be imported, residing or dwelling in this province, which shall be imported, said, from the place of growth or product, one penny; and for every gallon of rum, brandy and spirits imported within the time aforesaid, which were laden at any port not being the place of growth, two pence; and for all cider [imported within the time aforesaid (except of the growth of the lower counties or West Jersey) the sum of three] shillings by the barr[el and so after that rate for] any greater or lesser quantity; and [for all hops, imported within] the time aforesaid (except of the growth of the [said lower counties] or West Jersey) after the rate of three pence by the pound].

[And f]or the better and more sure collecting and receiving of all and singular] the said rates and duties hereby imposed:

[Section II.] Be it further [enacted], That if any person or persons within the time aforesaid [shall import or] cause to be [imported], or brought into this province, by way [of merchandise any of the said] liquors or hops, the master [or commander of every vessel or other person importing or bringing in any of the said liquors or hops, before the landing thereof shall deliver, or cause to be delivered, upon oath or solemn affirmation to the collector], or officer hereby empowered to collect the said duties, a true and just account or manifesto, of all the said liquors and hops so by them imported or brought in, as aforesaid; with the particular marks, numbers, qualities and contents of the lading to the best of his knowledge; also, where, and in what port or place the vessel took in her lading; and by whom shipped and to whom consigned or belonging; which the said officer shall duly enter in a book for that purpose; and thereupon shall grant a permit, gratis, for landing the same.

And that every importer, owner or claimer of such liquors and hops, shall immediately upon landing thereof pay down the said duties hereby imposed, in ready money; or otherwise become bound to the provincial treasurer, for the time being,

with one or more sufficient sureties, or procure two other sufficient persons to be bound to the said treasurer, to answer and pay the respective rates and duties hereby imposed upon such importations, within four months after the date of the said obligation; for which bond, the collector shall receive of the party one shilling and six pence, and no more.

[Section III.] And be it further enacted, That if any of the said liquors or hops shall be imported within the time aforesaid and landed, or brought in, without making entry and obtaining permit as aforesaid, or without paying or giving security for the payment of the said duties in manner aforesaid, that then and in every such case, the liquors and hops so imported, landed or brought in, or the value thereof, if the same cannot be found, shall be forfeited, one moiety thereof (after the duties hereby imposed, and all charges of prosecution are deducted) shall go to the governor for the support of this government, and the other moiety after such deduction to the collector or such other person as will sue for the same, by action of debt, bill, plaint or information, in any court of record within this province wherein no essoin, protection nor wager of law, nor any more than one imparlance shall be allowed.

[Section IV.] And be it further enacted, That the said officer now or hereafter appointed, to collect the said duties arising hereby, shall have full power and authority by virtue of this act without any further or other warrant, to enter on board any ship or vessel and into any house, shop, cellar, warehouse, room, or other place whatsoever, where he shall suspect any of the said liquors or hops to be concealed, and make searches, and do all other matters and things which may tend to secure the true payment of the duties by this act imposed, and the due and orderly collection thereof; and in case of opposition or refusal, the said officer with the assistance of the sheriff, water bailiff, constable, or other officer (who without any further or other warrant, are hereby enabled [and required] under the penalty of [five pounds for every refusal or neglect in that behalf, to be recovered as aforesaid] to be aiding and assisting to the [said officer or collector) to seize] the said liquors and hops, which shall be [concealed or endeavored so to be as afore-

said]; 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 required to be done for collecting, receiving and recovering any of the said duties, penalties and forfeitures; for making [seizures of] any of the said liquors or hops upon which the said respect[ive duties are hereby imposed which] shall be run, landed or brought in, [without making entries, and paying] or securing the said du[ties, in as full and ample manner to all intents and purposes as any of the collectors or officers of the King's customs may or can do by the laws of Great Britain].

Provided always, That if any of the said imported liquors or hops, for which the said duties are paid or secured, as aforesaid, shall within the space of four months after importation be exported and carried out to sea, then and in such case, three-fourths of the said duties hereby imposed shall be abated, for such part of the said liquors or hops as shall be so exported; and (on payment of the remaining fourth part) the security given shall be delivered up and discharged.

[Section V.] And be it further enacted, That all masters of vessels, owners and other persons trading in the river Delaware, and entering into any port or place of this province, having on board any of the liquors or hops, which by this act are liable to pay the said duties, shall and are hereby required to observe and comply with the directions of this act, as though such vessel came from sea directly; and all persons by this act obliged to pay any the duties aforesaid, shall apply to the collector of the said duties, without any notice given, or being otherwise thereunto required by him for so doing.

[Section VI.] And be it further enacted by the authority aforesaid, That Samuel Preston, of Philadelphia, merchant, shall be and is hereby appointed and authorized to be provincial treasurer for this province, and in case of his death or removal, the assembly, for the time being, shall appoint another in his stead; but if no assembly be sitting at the time of his death or removal, then the governor and council, shall appoint one to supply his place, until the next meeting of assembly.

[Section VII.] And be it further enacted, That Owen Roberts, of Philadelphia, gentleman, shall be and is hereby appointed collector of the said rates and duties 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 is hereby empowered to demand, collect, receive and recover of and from all persons imported or landing any of the liquors or hops, by this act appointed to pay the duties aforesaid, and shall from time to time take all bonds hereby required to be given as aforesaid.

And the said collector shall keep fair and true accounts in writing of all his doings 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 thereunto required.

And the said collector shall 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 which he shall receive by virtue of this act, and shall deduct out of the same for his own use one penny for every shilling so by him paid.

And the said collector shall further be allowed by the said treasurer in the final adjusting of his account, all reasonable [charges in the prosecution 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 enters 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 if any of the said liquors [or hops], so to be imported as aforesaid shall be seized in pursuance of [this act, and a doubt or question] shall arise whether such liquors or hops [are liable to pay, the] said respective duties, the proof that [they are not liable to pay the said duties shall lie upon the importer, possessor or claimer, and shall not be incumbent on the governor, or any informer or prosecutor, for the governor and himself].

[Section VIII.] [Provided] nevertheless, and be it hereby enacted, That if the said collector or any other person or persons shall be sued or prosecuted for anything done in pursuance of this act, he or they so sued or prosecuted may plead the general issue, and give this act and special matter in evidence for their justification; and if upon trial thereof the verdict shall be given against the prosecutor, or that the plaintiff or prosecutor shall become non-suit, or suffer a discontinuance, the defendant or defendants in such action shall recover treble damages, and full costs of suit.

Passed May 28, 1715. Repealed by the Lords Justices in Council July 21, 1719. See Appendix IV, Section II.

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## CHAPTER CCXVIII.

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### 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 Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 first day of June, in the year of our Lord one thousand seven hundred and fifteen, and before the first day of June in the year one thousand seven hundred and eighteen (other than such negroes as are actually shipped for sailors and shall continue in the service of the vessel they are brought in, and not be exposed to sale in this province, and other than such negroes as shall be brought or sent to this province upon their master's immediate business, and not for sale) there shall