

[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 Repealed by the Lords Justices in Council July 21, 1719.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

be paid for the uses hereafter mentioned the sum of five 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, 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, gratis, for landing the same.

And that every such importer, owner or claimer of such negroes shall immediately, upon landing or bringing in thereof, pay down the said duty 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 said duty hereby imposed upon such negroes, within four 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 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] thereof, if they cannot be found, shall [be forfeited,] one moiety thereof (after the said duty and all charges of seizure and prosecution are deducted) shall go to the governor for the 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 any one imparlance shall be allowed].

[And that the collector of the said duty, arising by this act 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 other 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 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 neglect or refusal in that behalf, to be recovered as aforesaid, to be aiding and assisting to 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 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 II.] 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 vessel came from sea directly.

And that all persons by this act obliged to pay the said duty shall apply to the said collector without any notice given, or request made by him for so doing.

[Section III.] And be it further enacted, 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 for 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 the said vessel 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, 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 four months after importation, be exported or carried out to sea, then and in such case three-fourths of the said duties, hereby [imposed, shall be] abated for such of them as shall be so exported; [and on payment] of the remaining fourth part, [the security given shall be delivered up and discharged; and the officer shall, and may deduct, out of such repayment two shillings and six pence per head for his care and trouble therein].

Provided also, That all such negroes, for which such deductions 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 (who is 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 payment of the rates aforesaid, in case such negroes shall be sold, or the property thereof directly or indirectly altered within the space of twelve months after the date of such bond.

[Section IV.] And be it further enacted, That Owen Roberts, of Philadelphia, gentleman, 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 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 to be given, as aforesaid.

And the said collector shall keep fair and true accounts, in

writing of all his 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, shall 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, one penny for every shilling 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 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 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 during the continuance of this act.

[Section V.] And be it further enacted, 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 non-suit, 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].

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