

and refuses or neglects, within seven years next after his going to sea or departing this province, to return to his wife and cohabit with her again, then and in every such case the lands, tenements and estate belonging to such husbands shall be and are hereby made liable and subject to be seized and taken in execution to satisfy any sum or sums of money which the wives of such husbands, or guardians of their children, shall necessarily expend or lay out for their support and maintenance; which execution shall be founded upon process of attachment against such estate, wherein the absent husband shall be made defendant; any law or usage to the contrary in anywise notwithstanding.

Passed February 22, 1717-18. Apparently never submitted to the consideration of the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Appendix IV, Section II, Hill's letter and Fane's opinion, in Appendix V, Section I, and the Acts of Assembly passed April 7, 1830, P. L. 337; May 4, 1841, P. L. 307; May 4, 1855, P. L. 430.

CHAPTER CCXXVII.

AN ACT FOR CONTINUING A DUTY ON NEGROES BROUGHT 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 William Keith, Esquire, by and with the King's royal approbation Deputy-Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, &c., 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 within any port or place belonging to this province, at any time after the last day of May, in the year of our Lord one thousand seven hundred and eighteen, and the first day of

June, which will be in the year of our Lord one thousand seven hundred and twenty-one, 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 into this province upon their master's immediate service and not for sale, there shall be paid for the use hereafter mentioned the sum of five pounds of lawful money of America.

And that all masters of vessels and others who shall within the time aforesaid, bring into any port or place belonging to 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 collector of the said duty for the time being, a true and just account of all the negroes so imported or brought in and to whom they respectively belong, which account the said collector shall duly enter in a book for that purpose. And when the said duty for every of the said negroes is paid, or secured as hereafter directed, then and not before the said collector shall give a permit gratis for landing them. But where the said duties shall be paid down in ready money the parties so paying shall be allowed and abated out of the said duty after the rate of ten per cent for every hundred pounds which the duty so paid shall amount unto.

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 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 a permit, as aforesaid, or without paying or giving security for the payment of the said duty in manner aforesaid, that then all the said negroes so imported, landed or

brought in, or the value [of] them 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 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 one imparlance shall be allowed.

And if the said collector or other person shall sue for any of the said forfeitures, or for importing or bringing in any negro or negroes contrary to the direction of this act, the proof shall lie on the defendant or possessor of such negro to make appear the time when and how and for what intent such negroes were imported or brought into this province, and the possessor or claimer of such negroes shall be reputed the importer or owner thereof, and for want of such proof the negroes then in question shall be adjudged forfeited by this act, or the value of them if not to be found.

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 obstacles, 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

therein 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 their 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 duty 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 re-payment 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 themselves with their families and negroes, or send any of their negroes before them in order to settle in this province, and oath or affirmation be made before the said collector, who is hereby empowered and required to administer the same, that such negroes so brought in or sent beforehand are for their respective masters' own service, and not for sale, none shall be liable to pay the said duty for such negroes if before the landing of such negroes security be forthwith given to the said collector (which he is hereby empowered and required to take from such of the masters of the said negroes as come with them and from sufficient persons for and in behalf of the absent masters) by bonds of the full value of such negroes conditioned for the payment of the rates aforesaid, in case such negroes be sold, or the property of them directly or indirectly altered within the space of sixteen months after the date of such bonds, respectively. But in case no such security shall be given, nor the said duty by this act imposed be paid or secured as hereinbefore directed, in case of other negroes imported, all such negroes last mentioned, or the value of them if they cannot be found, shall be forfeited and recovered as above-said.

[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 required 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, during the continuance of this act, shall pay into the said treas-

urer'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 triple costs as in any case where costs by law are given to defendants.

Passed February 22, 1717-18. Apparently never submitted to the Crown for consideration. Continued by Act of Assembly passed February 24, 1720-21, Chapter 240. See also act passed March 5, 1725-26, Chapter 290.