

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1721, and continued by adjournments until the twenty-second day of May, 1722, the following acts were passed:

### CHAPTER CXXLVIII.

AN ACT FOR IMPOSING A DUTY ON PERSONS CONVICTED OF HEINOUS CRIMES AND IMPORTED INTO THIS PROVINCE AS SERVANTS, OR OTHERWISE.

Whereas many persons trading into this province have, for lucre and private gain, imported and sold, or disposed of, and daily do import and sell as servants for term of years, divers persons convicted of heinous crimes, who, soon after their coming into this province, do often run away and leave their master's service and commit many heinous felonies, robberies, thefts and burglaries, to the great loss of persons purchasing such servants, and to the great hurt in general of His Majesty's good subjects residing in, and trading to and from this province:

[Section I.] Be it therefore enacted by Sir William Keith, Baronet, Governor 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 all masters of vessels, merchants or others, who shall import, land or bring into any port or place belonging to this province, at any time after the publication of this act, any person in the condition of a servant or otherwise, within the intent and meaning of this act, who hath been convicted of any murder, burglary, rape, sodomy, forgery, perjury or any other felony whatsoever, at any time before such importation, or coming into this province, shall pay, for the use hereafter mentioned, the sum of five pounds for every such convict so imported, or otherwise brought in, before the said servant or convict shall be landed or put on shore, and shall further become

bound, with good and sufficient security, to the treasurer of this province, for the time being, in the sum of fifty pounds, for the good behavior of such convict person for the space of one year next after his or her importation or coming into this province.

And for the better discovery of such convicts, who shall hereafter be imported into this province [to be sold] as aforesaid:

[Section II.] Be it enacted by the authority aforesaid, That all masters of vessels, merchants and others, who shall hereafter bring into any port or place belonging to this province, by land or water, any men or women servants, or persons convicted, as aforesaid, shall within the space of twenty-four hours after their arrival in any port or place of this province, 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 names of the servants and passengers so imported or brought in, which account the collector shall duly enter, and shall forthwith give notice thereof to any two or more of His Majesty's justices of the peace, for the city or county where such servants or passengers shall be imported, which justices are hereby empowered and enjoined immediately by warrant or otherwise to call before them the said master, merchant or other person or persons importing such servant or servants, or passengers as aforesaid, and to examine upon oath or affirmation the said master, merchant and all other persons who may be supposed to have any knowledge of the character and circumstances of such servants or passengers; and thereupon shall grant unto the master, merchant or owner, or other persons having the charge or care of any servant or servants or passengers so imported or brought into this province, a certificate containing the names of all the servants or passengers which such justices shall judge fit to be landed or disposed of as servants and [do] not appear to them to have been formerly convicted of any of the crimes mentioned in this act: for which examination, permit and certificate, there shall be paid to the justices aforesaid, one shilling per head, and no more.

And if any servant or servants, or other person [shall be] im-

ported or brought into any port or place in this province, with intent to be sold or disposed of as servants, and being above the age of twelve years (whose age shall be adjudged of by any two or more of the justices of the county where such servant or other person is brought in, or offered to be sold and disposed of), without making such entry as aforesaid, in the manner before directed, and paying the duty and giving [the] security, as aforesaid, within the time limited by this act for that purpose, or obtaining such certificate from the justices, as aforesaid, every such master of a vessel, merchant and other person so importing, landing or bringing in such servants or other persons, shall forfeit and pay for each servant or other [person] so imported, brought in or landed, contrary to the direction of this act, the sum of twenty pounds, one-half (after all charges of prosecution deducted) to the governor, for the support of government, and the other half (after the charges deducted as aforesaid), to the collector or to such person or persons 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 shall be allowed.

Provided always, That this act shall not extend to any child or children under the age of twelve years, imported as servants into this province, or to any merchant or other person or persons having the charge or care of any servant or servants, or other persons imported or brought into this province, who within the time limited by this act for making such entry and obtaining such certificate from the justices, as is before directed, shall enter into bond to the treasurer of this province, for the time being (which bond, with all other securities enjoined to be taken by virtue of this act, the collector of the duties aforesaid, for the time being, is hereby empowered and required to take), in the sum of twenty pounds for each servant or other person so imported with condition thereunto annexed, that such master, merchant or other person or persons, having the charge or care of any such servant or servants or other person, shall, within the space of three months next after such servant or servants or other person's arrival or coming into any port or place of this province, actually and *bona fide* ship off or send out of this province such servant or servants, or other

person, so as not to return again, without complying with this act, for which bond the said collector shall receive the sum of two shillings and six pence and no more.

[Section III.] And be it further enacted, That if any person or persons within this government shall buy, agree with or contract for any servant with the master of any vessel, merchant or other person or persons being the owner or having the charge or care of any servant or servants or other person imported or brought into any port or place in this province, above the age of twelve years, without a certificate from some justice of the peace of this province, certifying that such servant or other person was legally imported, and the duty of five pounds paid, and security given for the good behavior, as aforesaid, or a permit obtained for the landing and selling such servant or other person according to the directions of this act, that such servant or other person shall and by this act is declared to be free from the person or persons purchasing him or her, any contract or agreement between the person disposing of and the person purchasing such servant or servants, or other person, in anywise notwithstanding.

[Section IV.] And be it further enacted by the authority aforesaid, That all persons obliged by this act to make entry, as aforesaid, shall apply to Charles Read, of Philadelphia, merchant, who is hereby appointed the present collector of the said duty hereby imposed, without any notice or request made by him for their so doing.

And the said collector is hereby further empowered to receive, collect, demand and recover from all persons importing, landing or bringing in any servant or servants, or other persons, into any port or place within this province, all forfeitures and penalties hereinbefore appointed to be set, imposed and levied by virtue of this act.

And shall pay unto the provincial treasurer of this province all such sums of money as he shall receive, for the use of the government, by virtue of this act; and shall deduct out of the same ten per cent for receiving and paying.

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 duties aforesaid.

Passed May 5, 1722. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed May 10, 1729, Chapter 307. Repealed by Act passed February 14, 1729-30, Chapter 314, and the note thereto.

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## CHAPTER CCXLIX.

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

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

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor 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 all Madeira wines, rum, brandy and spirits, molasses, cider, hops and flax; which shall be imported, landed or brought within any port or place belonging to this province, at any time after the thirteenth day of May, in the year of our Lord one thousand seven hundred and twenty-two, and until the thirteenth day of May, which will be in the year of our Lord one thousand seven hundred and twenty-five, there shall be duly levied, collected and paid, the several rates and duties hereafter mentioned: (That is to say) for every pipe of Madeira wine, belonging to any person or persons residing in this province, which within the time aforesaid shall be imported or brought within any of the said ports or places, by way of merchandise or otherwise, the sum of twenty shillings, and so after that rate for a greater or lesser quantity; and for every pipe of Madeira wine, belonging to persons not residing in this province, which shall be imported or brought in as aforesaid, within the time aforesaid, the sum of forty shillings, and after