

911; June 1, 1780, Chapter 912; September 22, 1780, Chapter 918; December 19, 1780, Chapter 921; December 22, 1780, Chapter 923; December 23, 1780, Chapter 924; February 20, 1781, Chapter 927; April 7, 1781, Chapter 939; April 10, 1781, Chapter 942; June 21, 1781, Chapter 945; June 25, 1781, Chapter 948; April 13, 1782, Chapter 978; April 15, 1782, Chapter 983; September 21, 1782, Chapter 995; January 31, 1783, Chapter 1003; March 12, 1783, Chapter 1008; March 13, 1783, Chapter 1011; March 16, 1785, Chapter 1137; April 4, 1785, Chapter 1159; September 10, 1785, Chapter 1174; March 1, 1786, Chapter 1202; March 17, 1786, Chapter 1212; March 18, 1786, Chapter 1214; April 8, 1786, Chapter 1225; (the two acts of) March 28, 1787, Chapters 1282, 1283; November 27, 1787, Chapter 1328; March 22, 1788, Chapter 1340; March 29, 1788, Chapter 1348; November 22, 1788, Chapter 1384; March 21, 1789, Chapter 1402; March 27, 1789, Chapter 1415; November 20, 1789, Chapter 1467; December 4, 1789, Chapter 1470; December 8, 1789, Chapter 1473; March 29, 1790, Chapter 1502; April 1, 1790, Chapter 1506; April 7, 1791, Chapter 1554; April 9, 1791, Chapter 1560; September 30, 1791, Chapter 1594; April 10, 1792, Chapter 1646; February 9, 1793, Chapter 1653; April 11, 1793, Chapter 1697; April 18, 1794, Chapter 1750; February 25, 1795, Chapter 1802; April 4, 1805, P. L. 280. The right to issue bills of credit in the future was surrendered by the States by the Constitution of the United States, Article I, Section 10.

CHAPTER COXC.

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 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 every negro which shall be imported, landed or brought into this province at any time after the five-and-twentieth day of the month called March, in the year of our Lord one thousand seven hundred and twenty-six, and before the five-and-twentieth day of the said [month] which will be in the year of our Lord one thousand seven hundred and twenty-nine, other than such negroes as are actually shipped for sailors and

shall continue in the service of the vessel they were brought in and not to be exposed to sale in this province, and other than such negroes as shall be brought or sent into this province upon their 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 of them.

And that every such importer, owner or claimer of such negroes shall immediately upon landing or bringing in of them 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 treasurer, to answer and pay the said duty hereby imposed upon such negroes within six 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 payment of the said duty in manner aforesaid, that then all the negroes so imported, landed or brought in (or the value of them if the [sic] cannot be found) shall be forfeited; one moiety (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 one imparlance shall be allowed.

And that the said 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 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 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 of 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 obliged by this act 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 by the authority aforesaid, 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 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 six 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 exported, and on payment of the remaining one-fourth part, the security given shall be delivered up and discharged, and the officer shall and may deduct out of such repayment five shillings per head for his care and trouble therein.

Provided also, That all such negroes for which such deduction 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 the payment of the rates aforesaid in case such negroes shall be sold or the property of them directly or indirectly altered within the space of sixteen months after the date of such bond.

[Section IV.] And be it further enacted, That Charles Read, of Philadelphia, merchant, 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 such 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 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 five per cent for all sums 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 by the authority aforesaid, 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 nonsuit or forbear prosecution or suffer a discontinuance, or if a verdict pass against him in such action, suit or information, the defendant shall have treble costs, as in any cases where costs by law are given to defendants.

Passed March 5, 1725-26. Expired before being considered by the Crown. See the Acts of Assembly passed March 5, 1725-26, Chapter 292; May 10, 1729, Chapter 304.