

[Section II.] And be it further enacted by the authority aforesaid, That the said Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnolt Bamberger, William Hilligart and Ulrick Hageman shall and are hereby enabled and adjudged able to all intents, constructions and purposes whatsoever as well to demand, take, have, retain and enjoy any privileges and immunities belonging to His Majesty's liege people and natural subjects of this province, as also to have and enjoy all lands and tenements or other hereditaments by way of purchase or gift of any person or persons whatsoever, and also to prosecute, pursue, maintain, avow and justify all and all manner of actions, suits and causes and all other things to do as lawfully, freely and fully as if they the said Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnolt Bamberger, William Hilligart and Ulrick Hageman had been and were born natural subjects of this province or as any other person or persons born within this province may lawfully in anywise do, any law, custom or usage to the contrary thereof in anywise notwithstanding.

Passed March 5, 1725-26. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I.

CHAPTER CCXCII.

AN ACT FOR THE BETTER REGULATING OF NEGROES IN THIS PROVINCE.

Whereas it too often happens that negroes commit felonies and other heinous crimes which by the laws of this province are punishable by death, but the loss in such case falling wholly on the owner is so great a hardship that sometimes may induce him to conceal such crimes or to convey his negro to some other place and so suffer him to escape justice, to the ill example of others to commit the like offenses:

For remedy whereof:

[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 if any negro owned by any of the inhabitants of this province shall hereafter be convicted of any capital crime for which he or she shall suffer death, the justices with the freeholders before whom he or she shall be convicted shall immediately upon such conviction value such negro, which value by them set shall be allowed and paid to the owner out of the duties, fines and penalties arising from this and one other act laying a duty on negroes imported into this province and no otherways, and the provincial treasurer is hereby empowered and required to pay the same by order under the said justices' hands, which said order they are hereby required to make, seal and deliver to the owner of any negro executed as abovesaid.

[Section II.] And be it enacted by the authority aforesaid, That from and after the twenty-fourth day of June, one thousand seven hundred and twenty-six, for every negro imported or brought into this province from the West Indies or any other place who shall or may have been transported or sent away for being principal or accessory to any felony or grand or petty larceny or other misdemeanors there shall be paid by the owner, importer or possessor the sum of five pounds over and above the five pounds duty laid by an act of assembly of this province passed this sessions, which said duty shall be paid to the officer appointed to collect and receive the said duty imposed by the said-recited act. And all masters of vessels or others bringing into this province any such negroes shall within the space of twenty-four hours make entry, and upon oath or affirmation give a true account to the said collector of the number of negroes by him or them imported or brought in and to whom they respectively belong, whereupon the said officer shall forthwith give notice thereof to any one or more of the justices of the peace for the city or county where such negroes are or shall be imported, which justice or justices are hereby empowered and required immediately by warrant or

otherwise to call before him or them the said master, owner or other person or persons importing such negroes as aforesaid, and to examine him or them upon oath or affirmation in order to discover which or how many of the said negroes are liable to the said duty of ten pounds per head, and then the said justice or justices shall deliver or cause to be delivered to the said collector a certificate or list of the number of negroes so imported which shall appear to them or as they shall judge to be within the meaning of this act, and thereupon the said officer shall proceed to collect and recover the said duty or take bond for the same; and all masters of vessels and others bringing into this province any such negroes, as likewise the said collector and all other persons, shall and are hereby required to observe and comply with the directions of the said act, in and about the execution of this part of this act, and under the same exceptions, restrictions and penalties as is appointed and set down in and by the said-recited act, excepting where the same is hereby expressly altered or supplied.

And whereas 'tis found by experience that free negroes are an idle, slothful people and often prove burdensome to the neighborhood and afford ill examples to other negroes:

[Section III.] Therefore be it enacted by the authority aforesaid, That if any master or mistress shall discharge or set free any negro, he or she shall enter into recognizance at the respective county court with sufficient sureties in the sum of thirty pounds to secure and indemnify the city, township or county where he resides from any charge or incumbrance they may bring upon the same in case such negro by sickness or otherwise be rendered incapable to support him or herself, but until such recognizance be given such negroes shall not be deemed free.

And if any negro be made free by the will or testament of any person deceased, then the executor or executors of the deceased or some other person shall enter into the like recognizance as above immediately upon proving the said will, or otherwise the said negro shall not be deemed free.

[Section IV.] And be it further enacted by the authority aforesaid, That if any free negro fit and able to work shall

neglect so to do and loiter and misspend his or her time or wander from place [to place], any two magistrates next adjoining are hereby empowered and required to bind out to service such negro from year to year as to them shall seem meet.

And if any negro be set free under the age of twenty-one years, or where there be any children of free negroes, it shall and may be lawful for the overseers of the poor and they are hereby ordered, with the assent of two or more justices of the peace, to bind out to service such negro or negroes, a man child until he comes to the age of twenty-four years, and a woman child to the age of twenty-one.

[Section V.] And be it further enacted by the authority aforesaid, That if any free negro or mulatto shall harbor or entertain any negro, Indian or mulatto slave or servant in his or her house without the leave and consent of their respective master or mistress, he or she shall forfeit and pay the sum of five shillings for the first hour and one shilling for every hour afterwards they shall be so harbored or entertained.

And if any free negro or mulatto shall barter, trade or anyways deal with any negro or other slave without license had as abovesaid, he or she shall make restitution to the party grieved and also be publicly whipped not exceeding twenty-one lashes.

[Section VI.] And be it further enacted by the authority aforesaid, That if any free negro or mulatto shall refuse or be unable to pay his or her fine or forfeiture as aforesaid, it shall and may be lawful to and for the justice before whom such matter is tried to order satisfaction by servitude.

[Section VII.] And be it further enacted by the authority aforesaid, That no minister, pastor or magistrate or other person whatsoever who according to the laws of this province usually [join] people in marriage shall upon any pretense whatsoever join in marriage any negro with any white person on the penalty of one hundred pounds.

[Section VIII.] And be it further enacted by the authority aforesaid, That if any white man or woman shall cohabit or dwell with any negro under pretense of being married, such white man or woman shall forfeit and pay the sum of thirty

pounds or be sold for a servant not exceeding seven years by the justices of the respective county court, and the child or children of such white man or woman shall be put out to service as above directed until they come to the age of thirty-one years; and if any free negro man or woman shall intermarry with a white woman or man, such negro shall become slave during life, to be sold by order of the justices of the quarter-sessions of the respective county; and if any free negro man or woman shall commit fornication or adultery with any white man or woman, such negro or negroes shall be sold servant for seven years as abovesaid, and the white man or woman shall be punished as the law directs in cases of adultery or fornication.

And whereas a good regulation and suitable management of negroes is very much conducive to the safety and peace as well as advantage of those countries which are possessed of any number of them.

[Section IX.] Therefore be it enacted by the authority aforesaid, That if any negro shall at any time be found tippling or drinking in or near any house or shop where strong liquors are sold, or be found out of or absent from his master or mistress's house after nine o'clock at night without license from his said master or mistress, [he] shall be whipped on his or her bare back at his master's or owner's own cost, not exceeding ten lashes, by order of any justice of the peace.

[Section X.] And be it further enacted by the authority aforesaid, That whoever shall take up any negro above ten miles from his or her master or mistress's habitation who hath not leave in writing from his or her said master or mistress or are not known to be on their service, he, she or they so taken up shall be whipped by order of any justice of the peace on the bare back at the owner's charge not exceeding ten lashes, and the taker-up shall have for his reward five shillings, with reasonable charge for carrying him or them home, paid by the master or mistress of the said negro.

[Section XI.] And be it enacted by the authority aforesaid, That no master or mistress of any negro shall hereafter for

any reward, sum or sums of money stipulated and agreed upon betwixt them or upon any other pretense whatsoever permit or suffer his or their negroes to ramble about under pretense of getting work, give liberty to their negroes to seek their own employ and so go to work at their own wills, under the penalty of twenty shillings for every such offense.

[Section XII.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall employ or knowingly harbor, conceal or entertain other people's slaves at their houses, out-houses or plantations without the master or owner's consent, excepting in distress of weather or other extraordinary occasion, under the penalty of thirty shillings for every twenty-four hours he or she shall entertain or harbor him or them as aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That all the fines, forfeitures and penalties arising by this act shall go, one-half thereof for and towards the paying for negroes executed for capital offenses according to the direction of this act, to be paid into the hands of the provincial treasurer, and the other half thereof to the prosecutor; and shall be recovered in manner following, viz.: all those under forty shillings as other debts of the like value are recovered, and those above forty shillings to be recovered in any court of record in this province by bill, plaint or information, where no more than one imparlance shall be allowed.

Passed March 5, 1725-26. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the Acts of Assembly passed May 10, 1729, Chapter 304; (repealed, temporarily) March 14, 1761, Chapter 467; April 22, 1761, Chapter 468; February 20, 1768, Chapter 572; February 26, 1773, Chapter 681; September 7, 1778, Chapter 810; (repealed, finally) March 1, 1780, Chapter 881.