

## CHAPTER CCCXIV.

AN ACT IMPOSING A DUTY ON PERSONS CONVICTED OF HEINOUS CRIMES AND TO PREVENT POOR AND IMPOTENT PERSONS BEING IMPORTED INTO THE PROVINCE OF PENNSYLVANIA.

Whereas many persons trading into this province have for lucre and private gain imported, sold or disposed of and daily do import passengers and servants into this province who by reason of age, impotency or idleness have become a heavy burden and charge upon the inhabitants thereof, and likewise do frequently import divers persons convicted of heinous crimes, who soon after their coming into this province do often commit many felonies, robberies, thefts and burglaries, to the great hurt of His Majesty's subjects trading to and inhabiting the same:

[Section I.] Be it therefore enacted by the Honorable Patrick Gordon, Esquire, 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 felony at any time before such importation or coming into this province, shall before the said convicts be landed or put on shore pay the sum of five pounds for every such convict so imported or otherwise brought in, one moiety thereof to the governor for the support of government, and the other moiety to the collector appointed by this act or the informer, 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 whereas it hath been a practice for masters of vessels, merchants and others trading into this province, with intent to avoid complying with the payment of the duties and giving the security required by former acts of assembly of this province, made to prevent the importation of convicts and poor and impotent persons, to land their passengers, servants and convicts in some of the adjacent governments, which passengers, servants, impotent people and convicts have afterwards been secretly brought into this province:

Therefore, to prevent such practices for the future:

[Section II.] Be it enacted by the authority aforesaid, That if any such convict as aforesaid or servant or passenger, being poor and impotent persons, shall be imported into the river Delaware after the publication of this act and shall be found within this province at any time within the space of twelve months next after their being imported as aforesaid, whether such persons were landed within this government or elsewhere, it shall and may be lawful for the collector of the duties appointed by this act or his deputy for the time being and for any justice of the peace or principal magistrate or magistrates of any city or county or town within this province, to cause to be apprehended, taken up and to examine upon oath or affirmation all such convicts as aforesaid and passengers and servants, being poor and impotent persons, and all other persons who may be supposed to be able to make any discovery of the time and manner of their being imported or coming into this province and from whence they came last, how long they have been come from parts beyond the seas, of what country and in what vessel and who was master or merchant of such vessel, and whether such vessel at the time of such person or persons being shipped or coming on board was bound to or designed for Pennsylvania, and whether such person or persons shipped themselves with intent to come into this province.

And if upon examination it shall appear to any two justices of the peace within this province or to the mayor and recorder or either of them with any one of the aldermen of the city of

Philadelphia that the said persons were shipped or took their passages for Pennsylvania, then the said magistrates before whom such examination is taken shall demand and compel the persons, if convicts, immediately to comply with the directions of this act by paying the duties hereby imposed on them and giving the security directed in the case of convicts by this act; and shall be and are hereby empowered and required to send for the master and merchant of such vessel or either of them in which the said persons were supposed to be imported, and to examine such master or merchant upon their oath or affirmation concerning the said passengers, servants or convicts and their importation or coming into this province.

And if it shall appear that the said persons so apprehended, or any other persons, being convicts as aforesaid, were shipped or taken on board to be imported into Pennsylvania and put on shore or permitted to go on shore by such master or merchant in any other government upon the river Delaware or upon any place or island within the said river without making report and complying with the directions of this act, then in such case the said master or merchant shall be obliged forthwith to give security for his appearance at the next court of general quarter-sessions of the peace to be held for the city or county where such examination is taken, and if upon presentment or information he or they shall be legally convicted of such fraudulent practice, he, she or they so offending shall forfeit the sum [of] twenty pounds for every person so by him or them brought in as aforesaid and put or permitted to be put on shore, and afterwards at any time within the space of twelve months next after their being landed or put on shore shall be found within this province, without making such entry and paying the duties and giving the security required by this act, one-half to the governor and the other to the collector or informer, and shall further pay the same duties and give the same security for such convicts as aforesaid as if such persons had been imported into this province and report thereof made according to the direction of this act.

[Section III.] And be it further enacted by the authority aforesaid, That upon information given to the mayor and re-

order of the city of Philadelphia for the time being or the mayor or recorder together with one of the aldermen of the said city, or to any two justices of the peace of any county within this province, that any old persons, infants, maimed, lunatic or any vagabond or vagrant persons are imported, come or are brought into this province, the said mayor, recorder and aldermen or any two of them as aforesaid or any two justices of the peace of the respective counties where such persons shall be found shall cause such aged persons, infants or impotent or vagrant persons to be brought before them; and if upon examination they shall judge that such person or persons are likely to become chargeable to the city, town or county where they are found or were imported, it shall and may be lawful for the said mayor, recorder and aldermen or any two justices of the peace as aforesaid by warrant or otherwise to send for the master, merchant or other person who imported any such infant, lunatic, aged, maimed, impotent or vagrant person or persons as aforesaid as are likely to become chargeable as aforesaid; and upon proof made of their being the importers or owners of such infant, lunatic, aged, maimed, impotent or vagrant persons who shall be judged to be likely to become chargeable as aforesaid, the said mayor, recorder and aldermen or any two of them as aforesaid, or any two justices as aforesaid, shall and may compel the said master, merchant or importer of such infant, lunatic, maimed, aged, impotent or vagrant person or persons to give sufficient security to carry and transport such infant, lunatic, maimed, aged, impotent or vagrant person or persons to the place or places from whence such person or persons were imported, or otherwise to indemnify the inhabitants of this province from any charge that may come or be brought upon them by such infant, lunatic, maimed, aged, impotent or vagrant person or persons coming into or living within this province.

Provided always, That if any person or persons shall apprehend him or themselves aggrieved with any such order or judgment of the justice or justices of the peace or other magistrates who shall make the same, the person or persons so aggrieved may appeal to the next court of general quarter-sessions of the

peace to be held for [the] county or city where such order shall be made, whose judgment shall be final; but before such appeal be allowed of, the person or persons appealing shall enter into a recognizance with one good surety at least to pay the cost and charges of such appeal in case the said order shall happen to be confirmed.

And for the better discovery of such convicts and poor and impotent or idle and vagrant persons who shall hereafter be imported into and shall be likely to become chargeable to the inhabitants of this province:

[Section IV.] Be it further 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 by water any men or women passengers or servants shall within the space of twenty-four hours after their arrival into 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 said collector shall duly enter and shall forthwith give notice thereof to the mayor of Philadelphia for the time being if such servants, passengers, &c., are designed to be landed at Philadelphia, or to any two or more of His Majesty's justices of the peace for the town or county where such servants or passengers shall be imported; and the said mayor [or] justices as aforesaid 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 person 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 justice 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, or such as do not appear to them to be such infants, lunatic, maimed, aged, impotent or vagrant persons as they shall judge likely to become chargeable to the inhabitants of this province; for which examination, permit and certificate there shall be paid to the mayor or justices aforesaid the sum of nine pence per head and to the collector the sum of nine pence for every person so imported, and there shall likewise be paid to the collector for each bond he shall take in pursuance of anything required to be done by virtue of this act the sum of two shillings and six pence and no more.

[Section V.] Provided nevertheless, and it is hereby further enacted, That if after such examination taken and certificate granted as aforesaid it shall be made appear that any of the said persons so landed or imported are convicts, the master, merchant or other person who imported such convict or convicts shall be liable to pay the same duty and give the same security as if no such examination had been taken or certificate granted, anything in this act contained to the contrary notwithstanding.

And if any servant or servants or convict or other person shall be imported or brought into and landed in any port or place within this province without making such entry as aforesaid in the manner before directed, and paying the duty and giving the security required by this act and within the time limited by this act for that purpose, and obtaining such certificate from the mayor or justices as aforesaid, every such master of a vessel, merchant and other person so importing, bringing in or landing such servants or other persons shall forfeit and pay for each servant or other person so imported, brought in or landed contrary to the directions of this act the sum of ten pounds, one-half after the charges of prosecution deducted to the governor for the support of government and the other half after such charges deducted as aforesaid to the collector or to such person or persons who 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.

[Section VI.] 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.

[Section VII.] And be it further enacted, That one act of general assembly of this province, entitled "An act for imposing a duty upon persons convicted of heinous crimes and imported into this province,"<sup>1</sup> &c., and one other act of general assembly, entitled "An act laying a duty on foreigners and Irish servants, &c., imported into this province,"<sup>2</sup> be and are hereby repealed and made void.

Provided always, That nothing herein contained shall extend or be construed to extend to discharge any sum of money or other duty payable by the aforesaid two recited acts of assembly or either of them, but that the aforesaid acts as to the recovery of any sum or sums of money, duty or penalty, forfeited, become due or payable before the first day of this instant January by virtue of or by breach of the aforesaid acts or either of them, do and shall continue and remain in full force until the said sums of money, duty or forfeitures be effectually levied, recovered and received.

And whereas by a law of this province for the better regulation of servants it is provided that no servant shall be assigned over to any person but in presence of one justice of the peace:

[Section VIII.] Be it further enacted by the authority aforesaid, That all sales or assignments of servants within the city of Philadelphia shall be made before the mayor of the said city for the time being, or, in case of his neglect or absence, then before the recorder of the said city, and before no other person or persons whatsoever, under the penalty of ten pounds, to be levied as in the said act is directed.

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<sup>1</sup> Passed May 5, 1722, Chapter 248.

<sup>2</sup> Passed May 10, 1729, Chapter 307.

And the said mayor and recorder shall and are hereby enjoined to keep a register or registers of the names of such servants and by whom and to whom assigned and the term of years mentioned in the indenture with the date or time of assignment. And the said mayor shall at his going out of his mayoralty deliver the register or registers aforesaid to his successor to be carefully kept, to the end that all persons concerned may readily have access to the same.

Passed February 14, 1729-30. See Appendix XIII, Section I, and the Acts of Assembly passed September 2, 1738, Chapter 347; (repealed by the Act of Assembly passed February 3, 1742-43, Chapter 354, but revived by the repeal of that act by the King in council, December 17, 1746;) June 24, 1746, Chapter 371; August 19, 1749, Chapter 378; August 24, 1751, Chapter 391; March 27, 1789, Chapter 1414; April 15, 1851, P. L. 701; March 31, 1860, P. L. 332, and the immigration laws of the United States. As to Section VIII, see the note to the Act of Assembly passed November 27, 1700, Chapter 49.

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## CHAPTER CCCXV.

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### AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS WITHIN THE PROVINCE OF PENNSYLVANIA.

Whereas in compassion to such unhappy persons as by losses and other misfortunes have been rendered incapable to pay their debts, it is provided by an act of assembly of this government that if any person be imprisoned for debt or fines within this province and have no sufficient estate to satisfy the same, the debtor shall make satisfaction by servitude, according to the judgment of the court; but there being no provision made by the said law to compel the debtor to render any account of his or her estate, great abuses have been committed by persons claiming the benefit of that law in concealing their estates or making them over in trust, so that no clear discovery could be made of the same by the creditors; and it being found by experience that the service of the debtor has in no wise answered the end proposed in making the said law: