

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1742, and continued by adjournments until the thirteenth day of August, 1743, the following acts were passed:

#### CHAPTER CCCLIV.

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AN ACT IMPOSING A DUTY ON PERSONS CONVICTED OF HEINOUS CRIMES BROUGHT INTO THIS PROVINCE AND NOT WARRANTED BY THE LAWS OF GREAT BRITAIN, AND TO PREVENT POOR AND IMPOTENT PERSONS BEING IMPORTED INTO THE SAME.

Whereas many person trading into this province have for lucre and private gain imported and 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 George Thomas, Esquire, with the King's royal approbation Lieutenant-Governor of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex on Delaware under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries and Governors-in-Chief of the said Province and counties, by and with the advice and consent of the representatives 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 have [sic] 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 support of government, and the other moiety to the collectors 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 or the like 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 collectors of the duties appointed by this act or their deputies 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 or 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 any principal magistrate aforesaid or to the mayor and recorder or to 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 or were shipped or came from any other port or place whatsoever and were found within this province, 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 (if to be found within the province) and to examine such master or merchant upon their oath or affirmation concerning the said servants, passengers 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 or their 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 for every such person as 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 half to the collector of the county in which they shall be respectively imported or brought in 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 recorder 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 or other principal magistrate of any county or town within this province that any old persons, infants, maimed, lunatic or any vagabond or vagrant persons are imported, come or 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, 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 or principal magistrate 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 owners or importers 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 or principal magistrate 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 city or county where such order shall be made, whose judgment then shall be final; but before such appeal be allowed of the person or persons appealing shall enter into a recognizance with one good security 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 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 water any men or women passengers or servants shall within the space of forty-eight hours after their arrival into any port or place of this province make entry and give or cause to be given, on 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 or to the principal magistrate for the town or county where such servants

or passengers shall be imported; and the said mayor or justices as aforesaid are hereby respectively 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 characters 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 justices or other magistrates aforesaid 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 or magistrates aforesaid the sum of nine pence per head, and to the collector or his deputy twelve pence per head, one-half thereof to his own use for the services enjoined him by this act and the other half to be paid to the trustees of the Province Island for the time being, to be applied to repair the buildings there, to provide conveniencies for the reception of such sick persons as shall be sent thither and for such other uses as by them shall be found necessary in the discharge of their trust; for which sums of money so to be received the said trustees shall daily account in like manner as for other money received in pursuance of the trust in them reposed. And there shall likewise be paid to the said 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

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.

Provided also, That where the master, owner or merchant shall pay the said duties for any passenger or passengers, it shall and may be lawful for such master, owner or merchant to recover the same of the said passenger or passengers before any one justice of the peace in the respective county, city or towns within this province in like manner as debts under forty shillings are recovered, together with costs of suit.

And if any servant or servants, 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 or principal magistrate as aforesaid, every such master, 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 direction 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 to the collector or collectors or to such person or persons who shall 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 nor anything herein contained shall extend or be construed to extend to hinder the importation of such servants or others who by any acts of the Parliament of Great Britain or that part of Great Britain called England now in force can or may be legally imported into this province.

[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 Joseph Prichard, of the city of Philadelphia, gentleman, who shall be and is hereby appointed collector of the said duty imposed by this act, without any notice or request made by him for their so doing; upon which application and entry so made with the said collector or at any time before it shall and may be lawful for the said collector and his deputies, and he or they are hereby enjoined and required, to repair on board the ship or vessel in which such passengers shall be imported and to view their condition in respect to sickness or health, and where he shall have just cause to suspect any infectious distemper is amongst them if the same vessel be in or near the city of Philadelphia he shall forthwith apply himself to the governor for the time being, or in his absence and in all the other counties within this province to any two justices of the peace of the said counties respectively, and give information thereof, who shall thereupon direct some physician at the cost and expense of the master or owner of the vessel to go on board such vessel so suspected, and after view and inquiry into the premises to make report of the true state in which he shall find such passengers; and where it shall at any time happen sick and infectious passengers are in any vessel they shall be removed by directions from the governor for the time being or justices aforesaid unto Province Island, there to remain until they shall be restored to health and the danger of spreading the infection by their means removed.

[Section VII.] And be it further enacted by the authority aforesaid, That the said collector or his deputies to be by him duly constituted and for whom he shall be accountable may and shall (a warrant being first obtained under the hand and seal of one of His Majesty's justices of the peace) enter on board any ship, sloop or vessel whatsoever lying or being within any port or place of this province or into any house, store or place whatsoever to search for and make discovery of any such convicts, infants, lunatics, aged, maimed, impotent or vagrant persons landed or intended to be landed contrary to the intent and meaning of this act; and if the said master or merchant or their servants or others shall deny the said officer



or his deputies entrance, or if he or any of them shall be any way obstructed or molested in making such discovery as aforesaid, every such person so offending shall forfeit and pay the sum of twenty pounds, one-half thereof to the governor and the other half to the collector or informer. 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 VIII.] And be it further enacted by the authority aforesaid, That if the said Joseph Prichard shall neglect or refuse, by himself or his sufficient deputy or deputies, to do, execute and perform the several services by this act enjoined him, he the said officer shall forfeit and pay fifty pounds, the one-half thereof to the trustees of the Province Island aforesaid for the uses aforesaid, and the other half to any one that will sue for the same in the court of common pleas of the respective counties by action of debt, bill, plaint or information.

And whereas it has been the practice for masters of vessels, merchants and others, importers of servants into this province, to sell and dispose of such servants as are infirm or afflicted with secret and loathsome diseases and so otherwise disabled as to become useless and burdensome to the purchasers, to the great damage and loss of the purchasers themselves and to the province in general:

For the prevention whereof for the future:

[Section IX.] It is hereby enacted and declared, That every master, merchant or other person who shall import and sell or dispose of any servant or servants who at the time of such sale were with child or afflicted with such secret or other diseases as shall render them incapable of performing the ordinary and reasonable duties of servants, such master, merchant or other person or persons so disposing of or selling such servant or servants shall be liable to answer the purchaser or purchasers all damages which he, she or they shall sustain by means of such sale or sales in an action or actions of the case to be brought against such seller or sellers in any court of

record within this province, to be recovered with full costs of suit.

[Section X.] And be it further enacted by the authority aforesaid, That one act of general assembly of this province, entitled "An act for imposing a duty on persons convicted of heinous crimes and imported into this province," &c.,<sup>1</sup> and one other act of general assembly, entitled "An act for laying a duty on foreigners and Irish servants, &c., imported into this province,"<sup>2</sup> and one other act of general assembly, entitled "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,"<sup>3</sup> and one other act of general assembly, entitled "A supplement to the act entitled 'An act for imposing a duty on persons convicted of heinous crimes and to prevent poor and impotent persons being imported into this province,'"<sup>4</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 four 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 publication of this act 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 XI.] 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. And the said mayor and

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

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

<sup>3</sup> Passed February 14, 1729-30, Chapter 314.

<sup>4</sup> Passed September 2, 1738, Chapter 347.

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 and preserved, to the end that all persons concerned may readily have access to the same.

Passed February 3, 1742-43. See Appendix XV, Section I. Repealed by the King in Council December 17, 1746.

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## CHAPTER CCCLV.

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### AN ACT FOR THE MORE EASY AND SPEEDY RECOVERY OF SMALL DEBTS.

Whereas it is found by experience that a great number of the lawsuits which are commenced in this province are brought against the poorer sort of people for small sums of money, who are unable to bear the expenses arising by the common method of prosecution:

Therefore for remedying thereof:

[Section I.] Be it enacted by the Honorable George Thomas, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietors of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex on Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all actions for debt or other demand for the value of forty shillings and upwards and not exceeding five pounds (except such actions as are hereinafter excepted) shall immediately after the publication of this act be and are hereby made cognizable before any justice of the peace of any of the counties in this province in the county in which the defendant shall be