

aforesaid, That one other act of general assembly of this province, entitled "An additional act for the better preserving the highways,"¹ passed in the fourth year of the reign of Her late Majesty, Queen Anne, and every part thereof, shall be and is hereby repealed and made void.

[Section XV.] And be it further enacted by the authority aforesaid, That this act shall continue in force for the term of five years and from thence to the end of the next sitting of assembly and no longer.

Passed May 18, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the note to the Act of Assembly passed February 17, 1762, Chapter 479; and the Acts of Assembly passed September 29, 1770, Chapter 614; March 9, 1771, Chapter 624; March 21, 1772, Chapter 653. Expired.

CHAPTER DXXVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE PROHIBITING THE IMPORTATION OF GERMANS OR OTHER PASSENGERS IN TOO GREAT NUMBERS IN ANY ONE VESSEL."¹

Whereas the transportation of German passengers from Europe hither on freight is found by experience to require some further provision and regulation than is already made by the said act.

Therefore, and to the end that the salutary purposes for which the said act was made may be the better obtained and that the freight moneys that shall justly become due to the merchants and owners of ships that may be employed therein may be secured to them with as much ease as may be to the passengers:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of

¹ Passed November 27, 1700, Chapter 57.

² Passed January 12, 1705-6, Chapter 156.

³ Passed January 27, 1749-50, Chapter 381.

the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 the room to be made for each such passenger which by the said act is limited as to its length and breadth shall under the penalty in the said act expressed be also of the height of three feet nine inches in the fore part of the ship between decks and two feet nine inches at least in the cabin and steerage, and that no more than two whole freight passengers shall be put together in one bedstead or division except in case a father or mother shall desire to have their or any of their children in the same bedstead or division.

[Section II.] And be it further enacted by the authority aforesaid, That the master of each vessel carrying such German passengers shall provide an able and well recommended surgeon and a chest with a complete assortment of medicines on board of his vessel for the use and accommodation of the passengers at the charge of the owner or owners of the vessel, under the penalty of one hundred pounds, provided such vessel shall have or receive the number of fifty whole freights, which medicines shall be administered by the said surgeon to any such passenger or passengers on board of said vessel as often as occasion may require, without his demanding any pay or satisfaction from the said passengers for the same, and that every such master shall, twice in every week during the voyage, cause the said vessel to be thoroughly smoked by burning tar between decks if the same can be done without injury to such of the passengers as may happen to be sick and languishing from time to time, and shall also twice in every week during the voyage cause the said vessel to be well washed with vinegar, and for these purposes shall and may compel such passengers as are able to come on deck while it is performed.

[Section III.] And be it further enacted by the authority aforesaid, That no master, purser or other person on board of any such vessel shall retail or sell unto said passengers at a greater price than fifty per centum profit upon the first cost any wine, brandy, rum, geneva, cordials, beer, cider or other

spirituous liquors, or any grocery, spices or other necessaries for sick persons, and that no passenger on board any such vessel shall be trusted by any person or persons with more liquor or other things as aforesaid than to the value of thirty shillings current money of this province in the whole during the voyage, of which sum not more than one-third part shall be for spirituous liquors, and that every master, purser and other person on board such vessel who shall retail to the said passengers, or any of them, any of the aforesaid articles at greater prices for the same or in greater quantities than as aforesaid, and on his arrival in this province shall be convicted in any court of record of any such offense, shall be fined in the sum of five pounds, and if any passenger shall be trusted for more than thirty shillings as aforesaid during the voyage by any one person or by different persons for several smaller sums amounting in the whole to more than thirty shillings as aforesaid, all such persons shall be disabled from recovering any debts for all or any such articles from any such passengers.

[Section IV.] And be it further enacted by the authority aforesaid, That the officer appointed by law to execute the said act to which this act is a supplement or his deputy shall, on visiting any vessel importing German passengers, take with him a reputable German inhabitant of the city of Philadelphia well versed in the English and German languages to be his interpreter, who shall be recommended or approved of by the mayor and recorder of the said city for the time being for that service, and shall first take a solemn oath or affirmation according to law before one of the magistrates of the said city to the effect following:

“That he will well and truly interpret into English and German between the said officer and passengers and also well and truly execute and perform all the duties of an interpreter agreeable to the directions of this act to the best of his skill and ability.”

And going on board the said vessel the said interpreter shall call together the passengers and in a loud and audible voice in the German language declare and proclaim to them that the officer appointed by law to execute the aforesaid act and this

supplement thereof is present and shall read to the said passengers a true, clear and intelligible translation in the German language of such paragraph or paragraphs in the aforesaid act and this supplement thereof contained as do concern the duties of the said officer and interpreter and the several matters of which they are to make inquiry, and afterwards the officer shall, by his said interpreter, proceed to make his inquiry in such manner as by the said act and this supplement thereof is directed.

[Section V.] And be it further enacted by the authority aforesaid, That any master of such vessel who, at any time from and after the first day of November next, shall, at any port of Europe, take in German passengers with an intent to transport them into this province shall, under the penalty of ten pounds current money of this province, give or cause to be given unto each of such passengers a bill of lading in the common form for all such chests, trunks, crates, bales, casks and other packages belonging to such passengers as they require no access to during the voyage, and shall be put into the hold of the same vessel wherein he or she is a passenger or in any other vessel by the master or merchant hired to carry the goods of such passengers, but for all goods which the passengers shall have between decks or in their own charge the master shall not be obliged to give them bills of lading or be answerable for any loss, damage or embezzlement of the same.

And forasmuch as German passengers are usually ignorant what goods are prohibited to be imported into His Majesty's plantations or not prohibited and what are subject to customs or custom free, the master of such vessel, when he touches at any port of Great Britain to clear out shall, on behalf of such of his passengers as have any goods on board of his vessel subject to pay duties, inform the officers of His Majesty's customs thereof and take out a cocket for all such goods as shall come to his knowledge at the charge of the passenger to whom such goods belong upon such passenger's paying the accustomed duties for the same, to the end that such goods by the ignorance of the passengers may not be forfeited. And if any master of such vessel shall neglect to enter on the terms aforesaid with

the proper officer any of the goods belonging to such passengers subject to pay custom and coming to his knowledge as aforesaid so that such goods shall be seized and forfeited through such his neglect, the master shall be liable to make good to such passenger all the loss and damages which he shall suffer by any such seizure or forfeiture, with costs of suit.

[Section VI.] And be it further enacted by the authority aforesaid, That every such passenger at his or her arrival in this province, on paying or tendering to the owner or master of such vessel for his or her freight, if a single person, or if married or having children for his or her own and family's freight, the full sum for which he or she agreed in Europe, either in the coin or species in his or her contract mentioned, or the value thereof in lawful money of Pennsylvania as such species or coin shall be then current here, shall be immediately discharged from such vessel, and all his or her goods and effects on board thereof to him or her in good order delivered on shore without any further cost or charge of landing them; and that any master of such vessel or merchant refusing to accept of such tender and to put on shore the person by whom or on whose behalf such tender was made, with all his or her goods on board such vessel, shall be liable to be sued in an action of trover and conversion or of false imprisonment, as the case may require.

[Section VII.] And be it further enacted by the authority aforesaid, That from the time every such vessel shall have put to sea all the goods of such passengers on board thereof as have not paid for their passages at the place from whence they sailed shall stand a lawful pledge for the freight money of such passengers until the same shall be fully paid and satisfied and it shall and may be lawful to and for the owner or owners of such vessel and their factors at any time within thirty days after the arrival of such passengers in this province to apply to any two magistrates or justices of the peace for the city or county where such passengers shall be landed for an execution against the goods of such passengers, and the said magistrates or justices are hereby empowered and required to issue a summons directed to a constable of the place where the defendant liveth to summon such defendant to appear before them on some certain day

therein to be expressed not less than five nor exceeding eight days from the date of such process, to show cause why such execution should not be granted, and at the time appointed, the said magistrates or justices, having heard the proofs and allegations of the parties, shall give judgment thereon or at the request of the parties appoint auditors, or if the defendant cannot be found [or] doth not appear, give judgment for the freight money that shall appear to be due and award execution against the goods and chattels of such defendant and with such costs of suit as in and by an act of this province, entitled "An act for the more easy and speedy recovery of small debts,"¹ is directed, any law or usage to the contrary notwithstanding.

[Section VIII.] And be it further enacted by the authority aforesaid, That no master or owner of such vessel nor any merchant shall charge the freight of any passenger dying on the voyage or otherwise not actually transported hither to his or her surviving relations, and that no passenger being actually transported from Europe into this province shall be compelled, against his or her will, to pay or make good by service all or any part of the freight of his or her relations with him or her transported, except a man who is to pay for his wife and children so dying or actually transported and not otherwise.

Provided always, That if the person so dying or actually transported shall have a child or children on board such vessel, the said child or children may be charged with the freight of his or their father or mother and bound out to service for the payment thereof to the age of twenty-one unless the same can be raised by their service for a shorter term.

[Section IX.] Provided also and be it further enacted by the authority aforesaid, That if any child or minor shall at the time of his or her said importation be of such an advanced age that his or her service until he or she arrives to the age of twenty-[one] years shall not be equal and sufficient to pay and discharge the money due for his or her own freight or passage, then and in such case he or she shall and may be bound to serve for the same until the age of twenty-four years and no longer, unless

¹ Passed March 7, 1745-46, Chapter 365.

the said money can be raised by his or her service for a shorter time, any law, usage or custom to the contrary notwithstanding.

[Section X.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the masters or owners of such vessels or their factors here to keep and detain any such passengers who are unable to pay for their freight on board the same vessel wherein they shall come passengers for the space of thirty days next after their arrival in order that they may have time to find out relations or friends who may discharge their freight or to agree with some person or persons who shall be willing to pay the same in consideration of their servitude for a term of years, agreeable to custom; and that the masters of all such vessels, under the penalty expressed in the aforesaid act to which this is a supplement shall during the said term of thirty days well and sufficiently provide for all and every of the passengers so retained and kept on board such vessels as aforesaid good and wholesome meat and drink and other necessaries for passengers at the proper cost and expense of the owners of such vessels. But if any such passengers shall continue on board any such vessels after the expiration of the aforesaid term the masters of such vessels shall provide for such passengers all necessaries as aforesaid at their expense, charging the same to such passengers' account, to be added to and recovered together with their freights and shall remove ashore all sick persons whose diseases are not infectious and women near their time of labor to some convenient house and provide them with necessary accommodations and nursing, charging the expense to such passenger's account, to be added to and recovered with their freights, but for such sick persons as cannot be removed without danger, the masters of such vessels may make as convenient room and accommodations on board such vessels as the circumstances will admit of or as the mayor or recorder, or any two justices of the peace, upon application or complaint made, shall order and direct.

[Section XI.] And be it further enacted by the authority aforesaid, That the officer appointed for executing the aforesaid act, or his deputy, with the interpreter aforesaid shall, at least once in every week, go on board every such vessel having pas-

sengers to examine whether they are accommodated agreeable to the direction of this act.

[Section XII.] And be it further enacted by the authority aforesaid, That no owner or owners of any such vessels or any other person or persons for him or them or on his or their behalf under any pretense whatsoever shall take any bill, bond, note or other specialty or instrument of writing whatsoever from any such passenger nor make any contract with any such passenger while on shipboard or after his arrival here to compel him or her to pay for the freight of another passenger except in the cases hereinbefore mentioned, and that all such bills, bonds, notes, specialties, instruments and contracts shall be utterly null and void.

Provided always, That if any such passenger, after having discharged his or her own freight, shall be willing to enter into a joint obligation with any other passenger or passengers remaining in debt for his, her or their freight, such obligation shall be good and valid in law.

[Section XIII.] And be it further enacted by the authority aforesaid, That the master of any such vessel importing passengers or the merchant or merchants to whom any such vessel shall be consigned permitting any such passengers to go on shore from such vessel and retaining either on board or in some store or other place all or any of the goods belonging to such passengers for security of the payment of his or her freight shall be obliged, under the penalty of five pounds, to give unto such passenger a certificate specifying the goods and the sum for which they are so retained as aforesaid, with the time and terms in and on which they may be redeemed by the payment of the freight money and the interest thereof, and that no passenger shall be obliged to pay any storage for goods so retained as aforesaid.

[Section XIV.] And be it further enacted by the authority aforesaid, That every indenture whereby any such passenger shall be bound to serve his or her master or mistress shall be acknowledged before the mayor or recorder of the city of Philadelphia, who shall keep an exact record thereof, and in such record shall clearly express the province, county, city, borough

or township wherein such master or mistress resides, and the said mayor and recorder in the said city and every justice of the peace in the several counties of this province in whose presence any assignment on such indenture may be made shall, in like manner, keep a record of the place of the assignee's abode.

[Section XV.] And be it further enacted by the authority aforesaid, That no master or owner of any such vessel shall separate any husband and wife who come passengers in any such vessel by disposing of them to different masters or mistresses but by mutual consent of such husband and wife, and that every such master or owner of any such vessel or other person who shall separate an husband from his wife except in manner aforesaid shall forfeit twenty pounds to the husband, to be recovered in any court of record by bill, plaint or information, and every such indenture shall be void and of no effect.

[Section XVI.] And be it further enacted by the authority aforesaid, That all actions to be commenced against any master or owner of any such vessel or other person by virtue of this act or the said act to which this is a supplement shall be brought within two months next after the arrival of any such vessel in this province.

[Section XVII.] And be it further enacted by the authority aforesaid, That the fee of the interpreter aforesaid shall be, for his first going on board of every such vessel as aforesaid, twenty shillings, and for every time afterwards ten shillings, which shall be paid by the importer and charged upon the passengers with their head money.

[Section XVIII.] And be it further enacted by the authority aforesaid, That the several penalties and forfeitures by this act imposed shall be recovered in the same manner, except herein otherwise provided, and shall, unless herein otherwise disposed of, go and be applied to the same uses as the fines and forfeitures imposed in and by the aforesaid act to which this is a supplement.

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