

that purpose from the executive council of this state, signed by the president or vice-president in council, every person so offending, shall for every such offense forfeit and pay the sum of fifty pounds, to be recovered as fines and forfeitures are in and by the said recited act directed to be recovered.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of the said act as empowers the commander in chief of the continental army, or of the forces in this state to impress wagons, teams or horses in cases of sudden emergencies and so much of said act as limits the wages of wagons and teams, are hereby repealed and made void.

Passed September 10, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 780.

CHAPTER DCCCXV.

AN ACT FOR REGULATING NAVIGATION AND TRADE IN THIS STATE.

(Section I, P. L.) Whereas the navigation of this and the other United States of America has been heretofore carried on under acts of the British parliament, regulating the trade of the plantations, until by some resolves of the said states made in Congress, and the declaration of their independence and an act of assembly entitled "An act to revive and put in force,"¹ etc., passed the twenty-eighth day of January one thousand seven hundred and seventy-seven; whereby the authority of Great Britain and all the said acts of parliament have been vacated and superseded within the territories of the said states:

(Section II, P. L.) And it is of great importance to this commonwealth, that the trade and navigation in her ports and harbors, and the importation and exportation of all goods, wares and merchandise in and out of the same, should be regulated and ascertained in this state by law:

¹ Passed January 28, 1777, Chapter 737.

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the master of any ship or other vessel, except ships or vessels of war, privateers and their prizes, arriving in any port of this state, shall within forty-eight hours after such arrival, repair to the naval office in the city of Philadelphia, and there exhibit and deliver to the naval officer of this state a true manifest signed by the said master, of all the goods, wares and merchandise laden and imported in such ship or vessel, setting forth the packages, marks and numbers thereof, and the nature and quantity of their contents in number, weight and measure as they are commonly counted, estimated and sold, and also his own name and surname, the name and burden of his ship or vessel, the names and abodes of the owner or owners thereof, and the country, port or place where the cargo was shipped, together with such documents as are usually furnished in such place of lading to masters of vessels sailing from thence with goods, wares and merchandise.

[Section II, P. L.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the master of any ship or other vessel to be laden at any port or place within this state, except ships or vessels of war and privateers taking in necessary stores and provisions, shall first make his report to the naval officer of the intended voyage of his vessel and of the goods, wares and merchandise intended to be shipped and exported, and shall obtain the said officer's permit for that purpose; and before such ship or vessel shall proceed or sail the said master shall exhibit and deliver at the aforesaid naval office a fair and true manifest of his outward cargo, signed by him in manner and form as the manifests and declarations of importers of goods into this state are by this act directed to be made out and stated.

[Section III.] And it is hereby provided and enacted, That in the manifest as well of cargoes imported as of cargoes shipped off and outward bound the number, weights and measures of the particulars of said cargoes shall be expressed in words at full

length and not in figures only. And the said naval officer being satisfied as to the truth and fairness of the manifest or declaration, shall administer an oath or affirmation to the masters of vessels coming in and going out of the ports or places of this state, in substance as follows to-wit, "That the called, now at anchor in the port of and her cargo, is the property of the person or persons in his manifest named; and that no enemy or subject of an enemy to this or any of the United States of America is the owner or proprietor of the said or her cargo, or has any interest or concern of property in either the said or her cargo, or any part or share of either of them, to his knowledge and belief: And that the goods, wares and merchandise now on board the said are in number, quantity and quality the same as in his said manifest specified and declared to be to the best of his knowledge."

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That during the continuance of the present war between the United States of America and Great Britain, the master of any vessel sailing from any port or place of this state, shall at the said naval office give bond to the president or vice-president of the supreme executive council, with two sufficient sureties, residents in this state, in at least double the value of his cargo, with condition that the same cargo shall be landed and delivered at some place or port not under the dominion of the King of Great Britain, except Bermuda and the Bahama Islands; and that he the said master shall within the space of eighteen months from the date of such bond produce and deliver to the said naval officer a certificate from the officer of any port in the dominions of the United States of America, or if his cargo be landed out of the said dominions then from two creditable merchants residents in the place where he has landed the same, that the goods and merchandise mentioned in his clearance or cocket, were actually landed at the place where such certificate was given.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That during the continuance of the present war between the United States of America and Great

Britain, no goods, wares and merchandise of the growth, produce or manufactory of Great Britain, nor any of her dominions, except Bermuda and the Bahama Islands, other than goods taken as prize properly certified to be such, shall be imported by land or water into this state, nor shall any goods, wares and merchandise of the growth, produce, or manufactory of East India or any other country not belonging to Great Britain, be imported from Great Britain or any of her dominions, except salt from Bermuda and the Bahama Islands, into this state, on pain of confiscation of all such goods, wares and merchandise, one-half thereof to the use of the informer, and the other half to the use of this commonwealth to be recovered either by seizure of such goods in the nature of an attachment and a prosecution in rem, or else by an action of debt against the importer for the value of such goods, wares and merchandise in any court of record in this state. Provided always, That such action or prosecution shall be brought and commenced within six months from the time the cause has arisen.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in order to enable the owner of any ship or vessel to navigate the same under the protection of the United States of America and this state, and to claim the same as the property of a subject of this state, either within the same or elsewhere, and to detect frauds and abuses which may be attempted to cover the ships of an enemy, all the ships and vessels of and belonging to any subject of this state, shall be registered with the said naval officer, when such ship or vessel shall be built or first brought into any port of the same, and before the next departure of such ship or vessel for which purpose one or more of the owners thereof shall certify on oath or affirmation to the said naval officer, the name, burden, shape and kind of such ship or vessel; together with the name of the master and place of construction and age of such ship or vessel, and the name or names of the owner or owners thereof, their occupations and abodes, and the parts and shares they respectively hold in the same, and the said naval officer shall enter and register such ship or vessel in a book to be provided for that purpose

and furnish to the said owners or any other persons who shall require it an attested copy of such register.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if the master of any ship or vessel arriving in any port of this state or proceeding on a voyage from any port or place within the same, shall neglect to exhibit and deliver to the naval officer of this state such manifest as is herein before required to be made the master so neglecting as aforesaid shall forfeit and pay to the naval officer the sum of one hundred pounds for every such neglect: Moreover he shall recompense and pay the said naval officer or other person any reasonable charge and expense he may be at in searching such ship or vessel, in order to discover any illicit practice in the import or export of any goods, wares or merchandise during three days; in which space of time such search may be made. And if any goods, wares or merchandise shall be landed in this state from any ship or vessel so arriving as aforesaid or shall be found in such ship or vessel, and not reported in the manifest thereof, all such goods, wares and merchandise shall be forfeited and seized by the said naval officer; one-half to the informer and the other half to the use of this state.

[Section VIII.] (Section IX, P. L.) Provided always, That all vessels employed in transporting fuel, hay, stone or any produce or manufactory of this state, or the other United States, plying within the bay or river Delaware, shall not be included in the regulations aforesaid.

Passed September 10, 1778. See the Acts of Assembly passed October 9, 1779, Chapter 855; March 8, 1780, Chapter 888; December 23, 1780, Chapter 925; April 5, 1781, Chapter 936; April 9, 1782, Chapter 965; April 10, 1782, Chapter 967; April 15, 1782, Chapter 984; September 20, 1782, Chapter 986; November 22, 1782, Chapter 998; (the two Acts of Assembly passed) March 20, 1783, Chapters 1018, 1019; September 17, 1783, Chapter 1032; September 25, 1783, Chapter 1051; November 18, 1783, Chapter 1058; March 15, 1784, Chapter 1076; March 16, 1785, Chapter 1137; April 2, 1785, Chapter 1157; September 20, 1785, Chapter 1188; December 24, 1785, Chapter 1198; April 8, 1786, Chapter 1227; September 26, 1786, Chapter 1254; March 15, 1787, Chapter 1276; March 29, 1788, Chapter 1346; September 17, 1788, Chapter 1354. The right to regulate foreign and interstate trade and navigation was surrendered by the states to the Federal Government by the Constitution of the United States, Article I, Section VIII.