
 SESSION OF MAY 1698

 CHAPTER 135.

THE LAW CONFIRMING THE LAWS OF THIS GOVERNMENT.

Be it Enacted by the Lieutenant Governour with the advice & assent of the representatives of the freemen of the said Province & territories in general assembly met & by the Authority of the same.

That the Law called the Frame of Government made, Enacted and passd in the Year 1696 and all other Laws heretofore made and passd and are now in Force, are hereby Enacted and Declared to be the Laws of this Government, Except Such Laws as are by any of the Laws made or that Shall be Made this Generall Assembly repealed or Such parts of Laws as are Varied or Added unto.

Provided That nothing herein contained shalbe deemed or taken to enforce any part of the said Frame of Government which the Proprietor shall disanull as therein is exprest.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 115.
 H.S.P., Cadwalader Collection. Act of May 31, 1698, chapter 1. Superseded by chapter 161, 1700.

 CHAPTER 136.

 AN ACT FOR PREVENTING FRAUDS & REGULATING ABUSES IN TRADE
 WITHIN THIS PROVINCE OF PENSILVANIA & COUNTIES ANNEXED.

Whereas the persons lately come Over Collectors or Officers of the Kings Customs for this Government having Taken their Chief Residence the One at the Port of Philadelphia, the Other at New Castle, & the Third not yet arrived, to be at Lewis in Sussex County, Between which Ports (To witt) Lewis & New Castle lyes the County of Kent, where most of the Tobacco of This River is raised, And for want of an Officer residing there It may prove very detrimental to the Kings In-

terest and may give an Opportunity for Ill-minded persons to promote Illegal Trade & defraud the King of his Customs, For preventing whereof Be it Enacted by the Authority aforesaid That Dover River in the said County of Kent Shall be a Member of the Port of New Castle including all the Creeks & Rivers in the said County of Kent for the Importation & Exportation of all Goods & Merchandizes.

And that the Cheife Officer of the Kings Customs or such Other Officer or Officers as have power to make Deputies to manage the Kings Dutys in this Province & Territories shall make & Appoint One or more Deputies Constantly to reside & attend in some Convenient place in or Near the Said Member, until the Comissioners of the Customs do Signify their pleasure therein and shall also make and Appoint a Deputy to Attend the Said Port of Lewis until the Collector Appointed for that District shall Arrive there.

And that the Lieutenant Governor & Council shall Adjust Settle & declare the Extent & Limits of the Said Ports & Members, and Assign allow & appoint such & so many Members, Harbours, Creeks, & Keys belonging thereto as they shall find Needfull & most Commodious for the Kings Service.

At which Ports the Collectors or Officers of the Kings Customs now & for the time being, Shall reside as their Respective Comissions or Instructions from the Comissioners of the Customs from time to time may direct or Oblige them, & there, by themselves or Sufficient Deputies Shall Constantly Attend the Service & performe the Duties of their Several places according to the Laws of Trade & True Intent & Meaning of this Act.

And It is Further Enacted by the Authority aforesaid that no Officer or Officers belonging to any or Either of the ports, harbours Creeks or Members Appointed or to be Appointed within this province & Counties Annexed, shall, without just & reasonable cause; detain any Ship or Vessel Inward or Outward bound, under Colour of Searching the Goods therein Loaden, above One Tide Upon pain of rendering Treble dammage to the Merchant and Owner of the said Ship or Vessel so detained to be recovered in Any Court of Record within this Government.

And to the End that all Frauds & Abuses in Trade so Injurious to the King & discouraging to Lawful Traders may, as much as in Us lyes, be prevented, And the Acts of Trade & Navigation duly observed so far as they relate to this Government. It is further Enacted by the Authority aforesaid, that if Any person or persons being duly Convicted or Found Guilty in Any Court within this Government of Importing or Exporting any Goods or Merchandize or of exercising any Illegal Trade Contrary to the Acts of Navigation, shall not Only be liable to the pains, penalties, & Forfeitures Mentioned in the Act or Acts of Parliament which he shall so Transgress, But be fined by the Governor & Council in any Sum not Exceeding the Value of the Goods so Imported or Exported as aforesaid.

And Whereas Tobacco's the Only Enumerated Commodity of this Country growth yield so Considerable a Duty to the King It's highly Necessary That diligent Care be Taken to prevent the Illegal Exportation thereof, Therefore it is Further Enacted by the Authority aforesaid, that if any Tobacco shall be Laden or Taken in from the Shore into any Boat or Vessel whatsoever to be carryed on board any Ship or Vessel out-ward bound for the parts beyond the Seas, Or shall be found Carrying by land or water into any other Government, or shall be laden or taken in, from, or out of any Ship or Vessel coming In & arriving from any forraign or Other parts, without a Warrant or permit from one of the said Collectors or his Deputy or Other Officer Aforesaid, Such boat or Vessel, Cart or Carr, Waggon & Team so Carrying or Conveighing the Said Tobacco shall be forfeit & Lost & the Merchant, freighter or owner, Boatman, Waterman or any other person Offending therein & knowing & Consenting thereunto, shall forfeit the Said Tobacco & pay Two shillings per hundred as a Fine.

And that noe Tobacco shall be Shipt or put on board any Boat or Vessel to be Carryed Forth to the Open Bay or River Delaware from any Port Creek or place in this Province & Countys Annexed, To be Landed at any Other port or place of this Government without a permit first had from one Of the Said Collectors or his Lawful Deputy or Officer aforesaid upon pain of Forfeiting all Such Tobacco or Value thereof To be recovered in any Court of Record within this Govern-

ment: Provided the Party Offending therein be prosecuted within Twelve Moneths after the Offence Committed.

Which permit or permitts for Carrying or Conveighing of Tobacco from any One Port or place of this Province & Territories or Counties Annexed Into any other Port or Place in the Same Province & Territories or Counties Annexed shall without delay be given & granted by one of the Said Collectors or his Deputy or Officer aforesaid to such person or persons as shall request the Same without demanding or takeing any Custom Fee, duty or reward whatsoever Other than what is herein after allowed for Such permit Upon pain of rendering Treble dammage to the party grieved to be recovered as abovesaid

And that no Ship or Vessel Inward or Outward bound shall Load or Unload any Tobacco or other Enumerated Commodities or any Europeran goods, save only at Such of the Said Ports, Harbours, Creeks & Members as the Merchants or Masters concerned shall think fit without License first had from One of the said Collectors for Loading or Unloading Elsewhere, Upon pain of Forfeiting their Ships or Vessells with their Tackle Furniture & Apparel.

And it is Further Enacted by the Authority aforesaid that all the Magistrates & Officers of this Government Shall be Aiding & Assisting to the Said Collectors & Officers of the Kings Customs in the Due performance of their Respective Duties as they Shall Answer the Contrary at their Perill.

And that all Fines & Forfeitures before & hereafter Mentioned not in this Act particularly disposed of shall be, One Third part to the Use of the King, One Third part to the Governor of this Province, And the Other Third part to Such person or persons as Shall Sue for the Same.

And Whereas by an Act of Assembly held here in the Year 1696, Intitled the Frame of the Government of the Province of Pensilvania & Territorys Thereunto belonging, There is a Clause therein contained in these words To wit, Provided always & its hereby Intended that no person Shall be by this Act Excused from Swearing Who by the Act of Parliament for Trade & Navigation are or Shall be required to Take an Oath; Since the making of which act, there was Sent to this Government an Act of Parliament made in the Seventh & Eighth year of the King Intituled An Act for preventing Frauds & Regulating Abuses in

the Plantation Trade, Whereby it is, Amongst other things, Enacted, that from & After the Twenty fifth day of March 1698 No Ship or Vessel whatsoever should be deemed or pass as A Ship of the built of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of his Majesties Plantations in America so as to be Qualified to Trade to from or in any of the Said Plantations until the person Or persons claiming property in Such Ship or Vessel should register the Same by Proof Upon Oath of one or More of the Owners of Such Ship or Vessel as By the Said Act is directed, Now for as much as most part of the Merchants, Traders & Owners of Ships or Vessells within this Government being of the People called Quakers who for Conscience sake cannot Take an Oath upon any Account whatsoever, In which Respect it would be very prejudicial to the Kings Interest, Destructive to Trade & A Ruin to many Families to lay up their Vessells & be deprived of the Liberties & Priveledges of English Subjects, as must Unavoidably Follow If their Solemn Affirmation or Attestation be not Accepted here, instead of an Oath as it is in the like Case & Upon the Same & Other Occasions Very Favourably Allowed to be in England.

And for as much as the Said Act of Assembly was made for the relief of those who for Conscience Sake refused to Take an Oath in any Case, And is hereby declared so to be, & the recited clause in the Said Act of Assembly contained was not Intended to Excuse Such from taking an Oath who are not Conscientiously Scrupulous therein, Nor to qualify any to be Governor or Officers of the Customs (without the Kings Dispensation) who by the Acts of Trade are required to Swear.

Therefore It is Enacted by the Authority Aforesaid That all & Every person or persons who are or shall be Masters Merchants, Mariners, or taking Charge of any Ship or Vessel whatsoever Or Who are or shall be Owners or Claiming property in any Ship Or other Vessel & Every other person & persons who Cannot for Conscience sake take an Oath And shall be required to Take the Oath in the said Act of Parliment Mentioned or any Other Oath in that or in any Other Case relating to the Acts of Trade & Navigation Whatsoever & Wheresoever by the Same Acts an Oath is or shall be required, Shall Instead of an Oath be permitted to make his or her Solemn Affiramtion Attestation or Declaration, The said recited Clause or Proviso in the said Act of Assembly

or Frame Of Government, to the Contrary in any wise notwithstanding.

Which Said Solemn Affirmation or Attest shall be adjudged & Taken And is hereby Enacted & Declared to be binding & most Available in Law & Shall be Accepted instead of an Oath in all Courts and Other places within this Government, where, by the Said Acts, an Oath is required concerning the Premises

And Whosoever shall be lawfully convicted of wilful & Corrupt Falshood in what they so as Aforesaid Declare and Affirm shall Incurr the same penalty & Forfeitures as by Law is Provided Against persons Convicted of Willfull & Corrupt Perjury Any Law Usage or Custom to the Contrary notwithstanding.

And it is Further Enacted by the Authority aforesaid that when any Bill Plaint or Information shall be Exhibited or Commenced Against any person in Any Court to be held within this Province or Territories for or Upon Breach or non-Observance of any of the Acts of Trade & Navigation in any Case whatsoever, The Mean or manner of Trial Shall be according to the Course of the Common Law & known practice of the Courts of Record within this Government by Twelve Lawful men of the Neighbour-hood to be Summoned & returned by the Sheriff of the County where the Offence is Committed.

Whereas by the Said Acts of Trade & Instructions from the Comissioners of the Customs many things are Required to be Transacted & done by the Governor which Cannot be Effected without great Charge as well as Trouble, In Compensation whereof the Said Representatives in this General Assembly met, Do by the Authority Aforesaid give & grant unto the Governor for the Time being, A duty of Eight pence per Tunn upon Every Ship or Vessel coming into this Province or Counties Annexed whose owners or Major part of them at her Arrival are not Inhabiting within this Government And for Every Ship or Vessel coming in as Aforesaid belonging to the Inhabitants of this Province & Counties Annexed A Duty of foure pence for Each Tunn, the Tonage of Every Vessel to be computed according to her Registry, This Duty to be continued to be Collected for the Space of three years & no Longer.

And be it Further Enacted by the Authority Aforesaid that it shall & may be Lawful to & for the Naval-Officer & Collector of the Kings Customs now or hereafter belonging to this Province & Territories to demand receive & take the Fees herein after Limited & appointed, that is To Say

The Master or Merchant of evry Ship or Vessel of the Burthen (According to her Registry) of Twenty Tunns & Upwards coming From Sea into, And going out to Sea from this Government shall pay unto the Naval Officer belonging To the Port where such Mastr or Merchant is Obliged or thinks fit to Unload or Clear his or their Vessel The Summe of Fifteen Shillings for Each Ship or Vessel and no More.

And for All Vessells under that burthen coming in & going out as aforesaid the Summe of Ten shillings Each Vessel, which said Sume are & shall be in Lieu of all Fees & allowances due or to be due or payable Unto the Naval Officer for the time being, for Entering, Clearing, Examining Certificates, pacquets, Receiveing accounts of Goods Shipt, Taking of Bond & all other charges pertaining to the Entering and clearing Ships or Other Vessells at the Naval Office.

And that the Master or Merchant of Every Ship or Vessel of the Burthen (according to her Registry) of Twenty Tunns & Upwards coming from Sea into this Government Shall pay unto the Kings Collector or his Deputy, belonging to the Port where the said Master or Merchant of such Ship or Vessel is Obliged or shall think fit to Unload the Summ of Six Shillings for Entering Inward & Permit to Unload, And the Summ of Six Shillings more fore Entering & Clearing Outward.

And for all Vessels Under Twenty Tuns Inward bound, Five Shillings and the Summ of five Shillings more for Entring and Clearing Outward.

And for Every permitt to carry Tobacco To & Fro in this River or Bay of Delaware for Every foure hogsheads or Under, Six pence; and for Every hogshead Above foure, One penny Each; and for Every Certificate, Six pence

And for Every permit or Certificate that European Goods are duly Imported, Ten pence

Which said Several Summs so as Aforesaid allotted to the said Collectors, are & Shall be in lieu of all Fees & allowances Due or pre-

tended to be Due or payable from any of the Kings Subjects to the Said Collectors for the time being by Virtue of their Respective Offices.

And it is Further Enacted by the Authority aforesaid that If any of the Said Collectors or Naval Officers by themselves their Deputies or Servants or any of them Shall, Under any pretence whatsoever, Take Exact require or receive from Any Merchant or Other the Kings Subjects in any Port or place of this Government, Directly or Indirectly any Other of Greater Fee, Reward or Gratuity than is herein before Limited & Appointed; And If any of the said Officers shall presume to Demand or Exact any Fee or reward of any Master Merchant or Other person belonging to any Ship or Vessell Outward bound After She is Duly Cleared at any of the said Ports, Such Officer or Officers so Offending in any of the Said Cases Shall pay Unto the Party grieved Treble Dammages to be recovered in Any Court of Record within this government:

And for the Further preventing of Frauds & Abuses It is Enacted by the Authority Aforesaid, That if any Ship or Vessel shall be brought into this Government Under any pretence wtsoever & shall not be duly Entered & Qualified to Trade According to the Acts of Navigation & the Laws of this Government, shall not onely be Lyable to Seizure & Condemnation; But also if the Master of any Such Ship or Vessel shall wilfully Neglect or refuse to bring Up his Ship within the Limits of one of the Said Ports, or by force or violence shall ressist & Oppose the Kings Officer or Officers, Magistrate or Magistrats in the Discharge of his or their Duty in that behalf, all Such Masters Merchants & Ships Companies So Refuseing or Ressisting Shall be Deemed & Taken as Enemies to the King & this Government, And it shall be Lawful for all Magistrats, Officers & Others within this Province & Territorys to Apprehend all Such Masters, Merchants & Ships Companies & Seize their boats & goods, & secure them until discharged by due Course of Law or Until Such Ship or Vessel shall be Surrendered unto the Government In order for A trial according to Law, And all persons whatsoever are hereby Strictly prohibited & forbid to Buy, Sell, Deal Trade or Barter with any Such Ship, Master, Merchant, or any other of the Ships Company so resisting or refusing Obedience, as Aforesaid.

And Whosoever shall be Duly Convicted of so doing or be Aiding & Abetting to such Offenders, shall be Punished by Fine & Imprisonment According to the Nature of the Offence.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 173.
H.S.P., Cadwalader Collection. Act of May 31, 1698, chapter 2. Declared void on August 31, 1699, by the Lord Justices in Council. See ch. 151, 1699/1700.

CHAPTER 137.

THE LAW FOR THE CONTINUATION OF AN ACT INTITULED THE LAW FOR THE SPEEDY COLLECTING THE ARREARAGES OF THE ASSESMENT LAID IN 1696.

Whereas there was An Act made in the Year 1697 Intituled, the Law for the Speedy Collecting the Arrears of the Assesment Laid in 1696 which was to Continue & be in force Until the Riseing of this Assembly & Twenty days after; But the Receiver of the Said Tax reporting that Divers of the Collectors have not as Yet brought in the Respective Summs they Stand Charged withall And that its requisit that the Said Law be Continued for the Collecting the said Arrearages Be it Enacted & it is hereby Enacted by the Authority aforesaid, That the Said Law Intituled as aforesaid, & Every branch & part thereof be & is hereby Continued to be In full force for one Year after the Riseing of this General Assembly and no Longer any Law usage or Custom to the Contrary hereof in any wise notwithstanding.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 129.
H.S.P., Cadwalader Collection. Act of May 31, 1698, chapter 3. See chapter 142, 1699.

CHAPTER 138.

THE LAW SUPPLEMENTALL TO THE LAWS AGAINST ROBINING & STEALLING.

Whereas in the Petition of Right there are Two Laws for the Punishing of Thieves, The One Intituled A Law Against Hoggstealers, The Other Intituled A Law against Robbing & Stealing; But the Several