

CHAPTER CCXXIV.

AN ACT FOR THE BETTER ENCOURAGING THE TRADE OF THIS PROVINCE.

Whereas the trade and prosperity of this province in great measure depend upon the regular importation of suitable merchandises directly from Great Britain, or the place of growth, as also from such of His Majesty's colonies as are willing to take the growth and product of this province in return or payment for the same.

And forasmuch as divers of our neighboring colonies (by their non-compliance with the late act of parliament for ascertaining the rates of foreign coins, or by their laying duties not only upon the product of this country, but upon such British commodities as are exported from thence to those colonies), have drawn [away] a considerable part of our current cash, to the great prejudice of the trade of the inhabitants of this province: For preventing whereof for the future, we, the representatives of the freemen of the said province do desire that it may be enacted:

[Section I.] And be it enacted by William Keith, Esquire, by and with the King's royal approbation Deputy-Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief 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 from and after the publication of this act, for all goods, wares and merchandises which shall be imported, landed or brought into this province in any ship, sloop, boat or other vessel, or by any other ways and means whatsoever, from New York or Maryland, or by way of New Jersey, or the Lower Counties on Delaware, or colored¹ by any of the inhabitants of

¹ "To color strangers' goods" is when a freeman permits a foreigner to enter goods in his name at the Custom House, to pay but single duty, when he ought, by law, to pay double.—*Bailey*.

Virginia, there shall be paid the rate of ten per cent, lawful money of America, upon the true value thereof. And that all merchants, masters of vessels, and other persons whatsoever, who shall import, land or bring into this province, as aforesaid, any goods, wares and merchandises, shall within twenty-four hours after the importation, landing or bringing in of the same, make entry with the collector hereinafter appointed, and give or cause to be given to him, upon oath or affirmation, a just and true invoice and account of the particulars of all such goods, wares and merchandises so imported, landed, or brought in, as aforesaid. And the said collector thereupon shall give such merchant, master of such vessel, or other person importing the same, a permit for landing and disposing of such goods, wares or merchandises, for which he shall receive and take from the importer twelve pence, and no more.

And that every importer, owner or claimer of such goods, wares or merchandises, shall immediately upon landing or bringing [in] thereof, pay the said duty of ten per cent in ready money, or otherwise become bound, with one or more sufficient sureties, in double the value thereof, to account, answer and pay the said duty within three months next after the date of such obligation, for which the said collector shall receive of the party one shilling and six pence and no more.

Provided always, That nothing herein contained shall extend to hinder or debar the importation of any goods from Great Britain by way of Maryland or New York [and not purchased in either of those provinces] duty free, where the property of such goods shall belong to some of the inhabitants of this province, anything herein contained to the contrary notwithstanding.

And if any goods, wares or merchandises shall be landed or brought into this province after the publication of this act, without making entry and taking a permit from the collector for the time being, as aforesaid, and without paying or giving such security for paying the duty, as aforesaid, then all and every such goods, wares and merchandises shall be forfeited, one moiety thereof to the governor for support of government, and the other moiety to the collector, or such other person or persons as will inform or 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, nor any more than one imparlance shall be allowed.

And if any person or persons, inhabitants of this province, or others, shall sell or expose to sale any goods, wares or merchandises so imported, and not duly entered and the duty thereof paid, or secured to be paid according to the direction of this act, such person or persons shall for every such offense, forfeit and pay the sum of one hundred pounds, the one-half to the governor, for support of government, and the other moiety to the collector, or such other person as will sue for the same in manner aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That the collector of the said duty arising by this act shall have full power and authority by virtue of this act, without any further or other warrant, to enter on board any ship or vessel or into any shop, house, warehouse, cellar or other place whatsoever, where he shall have cause to suspect any of the said goods, wares and merchandise to be concealed, and make searches, seizures, and do any other matters and things which may have a tendency to secure the payment of the said duties and the due and orderly collection thereof; and in case of opposition or refusal the said collector is, by virtue of this act, required to take to his assistance any sheriff, water-bailiff, constable or constables, and to seize and secure the said goods, wares and merchandises as aforesaid; and for that end and purpose to break open doors, and other obstacles, and to do and perform all other acts which in the execution of his office are necessary and lawful to be done, in as full and ample manner to all intents and purposes as any of the collectors or officers of the King's customs may or can do by the laws of Great Britain.

[Section III.] And be it further enacted, That any sheriff, water-bailiff or constable refusing or neglecting to assist the said collector in the execution hereof, without any other warrant for so doing than the authority of this act, shall forfeit and pay for every such refusal or neglect in that behalf the sum of five pounds, to be recovered and disposed of, as aforesaid.

[Section IV.] And be it further enacted, That all masters of vessels, owners and other persons trading in the river Delaware, and entering into any port or place of this province, having on board any of the goods, wares or merchandises, which by virtue hereof are liable to pay the said duties, shall and are hereby required to comply with the directions of this act, as fully to all intents and purposes as if such vessel came from sea directly. And all persons obliged by this act to pay any the duties aforesaid, shall apply to the collector of the said duties without any notice given, or being otherwise thereunto required by him, for so doing.

[Section V.] And be it further enacted, by the authority aforesaid, That the provincial treasurer for the time being, shall be and is hereby appointed and authorized to be receiver of the duty and forfeiture arising by this act; and that Owen Roberts of Philadelphia, gentleman, shall be and is hereby appointed collector of the said duty hereby imposed, who is hereby fully empowered and required to appoint a deputy in each county of this province; and is also further empowered by himself and his deputies, for whom he shall be answerable, to make searches for the said goods and merchandises which by virtue of this act are liable to pay the said duties; as also to demand and collect and receive the same, make seizures and commence suits in law upon non-payment of the said duty or non-compliance with the direction of this act.

And the said collector is hereby empowered and required to take all bonds hereby directed to be given, and to administer such oaths or affirmations as may be requisite for the more effectual putting this act in execution.

And the said collector shall keep fair and true accounts in writing of all his doings, relating to the premises, which he shall from time to time submit to the view and inspection of the provincial treasurer, and lay the same before the assembly, when thereunto required from time to time.

And the said collector shall once in six weeks, or oftener if required, during the continuance of this act, pay unto the said treasurer all such sums of money, which he shall receive by virtue of this act, and shall deduct out of the same, for his

trouble in collecting it, one penny for every shilling so by him paid, and no more.

And the said collector shall further be allowed by the said treasurer, in the final adjusting of his accounts, all reasonable charges in the prosecution of the said seizures, and recovery of any of the said forfeitures and penalties, in pursuance of this act.

Provided always, That the said collector, before he enters upon the execution of his said office, shall be sworn or attested (before some one justice of the peace) and shall with one or more sufficient sureties become bound in an obligation of five hundred pounds, to the treasurer, conditioned for the true and faithful execution of his said office.

And if any of the said goods, wares and merchandises, so to be imported as aforesaid, shall be seized in pursuance of this act, and a doubt or question shall arise whether the same are liable to pay the said duties, the proof shall lie wholly upon the importer, possessor or claimer, and shall not be incumbent on the governor, or any informer or prosecutor for the governor and himself.

And if any collector or other officer shall be sued for any act, matter or thing done by virtue of this act, such officer may plead the general issue, and give this act and other special matter in evidence, and if the prosecutor shall be cast, or become non-suit, such prosecutor shall be liable to pay treble damages to such officer, to be recovered by bill, plaint or information in any court of record within this government as aforesaid.

Provided always, That no collector or other officer shall be liable to be sued for any matter or thing done in pursuance of this act, unless such suit be commenced within twelve months next after the pretended or supposed injury shall be done or committed.

[Section VI.] And be it further enacted, That the duties hereby imposed upon goods imported or brought into this province from New York or Maryland, or by way of New Jersey or the Lower Counties upon Delaware, or colored by the inhabitants of Virginia, as aforesaid, shall continue in force so long

as the duties imposed upon goods imported by or for the inhabitants of this province, into New York or Maryland respectively, shall continue, and no longer.

Passed February 22, 1717-18. Apparently never submitted to the consideration of the Crown. See Appendix IV, Section II, and the Act of Assembly passed March 30, 1723, Chapter 269.

CHAPTER CCXXV.

AN ACT FOR LAYING A DUTY ON WINE, RUM, BRANDY, SPIRITS, CIDER, HOPS AND FLAX IMPORTED INTO THIS PROVINCE.

To the end that due provision be continued for paying the public debts and necessary charges of government:

[Section I.] Be it enacted by William Keith, Esquire, by the King's royal approbation Deputy-Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 for all wines and liquors, hops and flax which shall be imported, landed or brought within any port or place belonging to this province, at any time after the last day of May, in the year of our Lord one thousand seven hundred and eighteen, until the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty-one, there shall be duly levied, collected and paid the several rates and duties hereafter mentioned: (That is to say)

For every pipe of Madeira wine, belonging to any person or persons residing in this province, which, within the time aforesaid, shall be imported or brought within any of the said ports or places, by way of merchandise or otherwise, directly from the place of growth or product, in any ship or vessel wholly owned by some of the inhabitants of this province, the sum of twenty shillings; and for every pipe of Fayal wine, imported