

sons, bodies politic and corporate, his, her or their heirs, successors, executors and administrators, all such estates, rights, titles, interests, claims and demands of, in, to and out of the lands and premises to be sold as aforesaid, as they and every or any of them had before the passing of this act, or should or might have had or enjoyed in case this act had never been made.

Passed March 14, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II.

CHAPTER CCCCLXVII.

AN ACT FOR LAYING A DUTY ON NEGROES AND MULATTO SLAVES IMPORTED INTO THIS PROVINCE.

We, the representatives of the freemen of the Province of Pennsylvania, desire that it may be enacted:

[Section I.] And be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of 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 for every negro or mulatto slave which shall be imported, landed or brought into this province at any time after the passing of this act, other than such negroes and mulatto slaves as are actually shipped for sailors and shall continue in the service of the vessel they were brought in, and not be exposed to sale in this province, and other than such negroes and mulatto slaves as shall be brought or sent into this province upon their masters' immediate business and not to remain in the province or for sale, there shall be paid the sum of ten pounds, and that all masters of vessels and others who shall after the passing of this act bring into this province by land or water any negroes or mulatto slaves shall forthwith make entry

and give, or cause to be given, on oath or affirmation, to the person hereafter appointed to collect the said duty or his lawful deputy a true and just account of all the negroes or mulatto slaves so imported or brought in and to whom they respectively belong, which the said collector shall duly enter into a book for that purpose, and thereupon shall grant a permit, for which the person obtaining the same shall pay the sum of two shillings and six pence for every negro or mulatto slave contained in the said permit for landing or bringing them in.

[Section II.] And be it further enacted by the authority aforesaid, That every master of a vessel or other person who, by this act, are obliged or ought to make such entry as aforesaid and shall refuse or neglect to make the same accordingly within the time and in the manner directed by this act, and being thereof convicted before any one justice of the peace or before the mayor or recorder of the city of Philadelphia for the time being, shall forfeit for every negro or mulatto slave of which he ought to give an account to the collector of the duties imposed by this act, the sum of thirty-five shillings, to be levied upon the goods and chattels of the party offending, by warrant under the hand and seal of the justice or of the mayor or recorder aforesaid before whom the party is convicted. And that every such importer, owner or claimer of such negroes or mulatto slaves shall, before landing of them, pay down the said duty or otherwise become bound to the collector for the time being with one or more sufficient sureties, or procure some other sufficient person or persons to be bound to the said collector, to answer and pay the said duty hereby imposed upon such negroes or mulatto slaves, within six months next after the date of the said obligation, for which the collector shall receive of the party the sum of two shillings and six pence and no more.

[Section III.] And be it further enacted by the authority aforesaid, That if any of the said negroes or mulatto slaves shall be imported, landed or brought in during the continuance of this act without making entry and obtaining a permit as aforesaid or without paying or giving security for payment of the said duty in manner aforesaid, that then all the negroes or mulatto slaves so imported, landed or brought, or the value of

them if they cannot be found, shall be forfeited by the importer or owner, one moiety (after the said duty and all charges of seizure and prosecution are deducted) shall go to the governor for support of government and the other half (after the said deduction) to the said collector or such other person as will 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 or any more than one imparlance shall be allowed.

[Section IV.] And be it further enacted by the authority aforesaid, That the said collector of the said duty arising by this act or his deputy shall have full power and authority by virtue hereof, without any further or other warrant, to enter on board any ship or vessel and into any house or place whatsoever where he shall suspect any of the said negroes or mulatto slaves to be concealed, and make searches and do all other matters and things which may tend to secure the true payment of the said duty and the due and orderly collection thereof; and in case of opposition or refusal the said collector or his deputy, with the assistance of the sheriff, water-bailiff, constable or other officer, who, without any other or further warrant, are enabled and required, under the penalty of five pounds for every neglect or refusal in that behalf, to be recovered as aforesaid, to be aiding and assisting to the said collector to seize the said negroes and mulatto slaves which shall be concealed or endeavored so to be as aforesaid, and for that end to break open doors and other things in the daytime and to do and perform all other act and acts which by this act is and are required to be done for collecting, receiving and recovering of the said duty and the penalties and forfeitures herein mentioned, or for making seizures of negroes or mulatto slaves landed or brought in without making entries and paying and securing the said duty in as full and ample manner to all intents as any of the collectors or officers of the King's customs may or can do by the laws of Great Britain.

[Section V.] And be it further enacted by the authority aforesaid, That all masters of vessels and others trading in the river Delaware and coming into any port or place of this province having negroes or mulatto slaves on board which by this act are liable to pay the said duty are hereby required under the

penalty of thirty-five shillings to comply with the directions of this act, as if such vessel came from sea directly, and that all persons obliged by this act to pay the said duty shall apply to the said collector or his deputy without any notice given or request made by him for their so doing.

[Section VI.] And be it further enacted by the authority aforesaid, That in case any vessel shall arrive at any port, member, creek or landing-place in this province with any negroes or mulatto slaves on board and there remain the space of forty-eight hours without making entry, under pretense of going to some other port or any other pretense whatsoever, the master or owner of the said vessel shall give a true account of the number of negroes or mulatto slaves on board, and shall give security to the said collector or his deputy that he shall not land any of the said negroes or mulatto slaves without entry made and permit obtained from the said collector under the penalty of seizure and forfeiture of the said negroes or mulatto slaves, to be recovered as aforesaid.

Provided always, That if any of the said negroes or mulatto slaves for which the said duty is paid or secured as aforesaid shall within the space of six months be exported (or carried out to sea), then and in such case three-fourths of the said [duty] hereby imposed shall be abated for such of them as shall be exported as aforesaid, and on payment of the remaining one-fourth part the security given shall be delivered up and discharged, and the officer shall and may deduct five shillings per head for his care and trouble therein.

Provided also, That all such negroes or mulatto slaves for which such deduction shall be made shall actually and bona fide be forthwith shipped off or sent out of this province, so as not to return again without complying with this act under the penalty of seizure and forfeiture as aforesaid.

Provided always nevertheless, That if any person or persons shall, during the continuance of this act, transport him or themselves with their families and negroes or mulatto slaves in order to settle in this province, and shall upon oath or affirmation declare before the said collector or his deputy, who are hereby empowered to administer the same, that such negroes or mulatto

slaves so brought in are for their own service and not for sale, he or they shall not be liable to pay the said duty for such negroes or mulatto slaves, but shall forthwith give security to the said collector (which he is hereby empowered and required to take) by a bond of the full value of such negroes or mulatto slaves conditioned for the payment of the rates aforesaid, and in case such negroes or mulatto slaves shall be sold or the property of them directly or indirectly altered within the space of eighteen months after the date of such bond.

And to prevent the clandestine practice of landing or bringing in of negroes or mulatto slaves into the remote parts of this province by masters of vessels, merchants or others without making entry of and paying the duty for the same according to the direction of this act:

[Section VII.] Be it enacted by the authority aforesaid, That the constables of the respective townships, hundreds or wards within this province shall and are hereby obliged, under the penalty of twenty shillings for every refusal or neglect, upon oath or affirmation, which the said justices or some of them are hereby required to administer, to bring in a list to the respective courts of quarter sessions for the city or county where they live of all the negroes or mulatto slaves that shall come or be brought into their respective townships or wards and by whom the said negroes were imported or brought in and in whose possession such negroes or mulatto slaves are; and the collector or his deputy or deputies in the respective counties shall and may have recourse to the returns of the constables for the better collecting the duties, fines and forfeitures arising by virtue of this act.

[Section VIII.] And be it further enacted by the authority aforesaid, That Richard Pearne, of Philadelphia, shall be and is hereby appointed the collector of the said duty hereby imposed; and receiver of all fines, forfeitures and penalties hereinbefore appointed to be set, imposed and levied by virtue of this act, which the said collector by himself or his deputy is hereby empowered to demand, collect, receive and recover of and from all persons importing, landing or bringing in any negroes or mulatto slaves during the continuance of this act, and shall from time to time take all bonds required to be given as aforesaid.

And the said collector shall keep fair and true accounts in writing of all such transactions 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, and once in six weeks or oftener if required during the continuance of this act pay into the said treasurer's hands all such sums of money as he shall receive by virtue of this act, and shall deduct out of the same for his own use five per cent. for all sums so by him paid and shall further be allowed by the said treasurer in the final adjusting of his accounts all reasonable charges by him expended in the prosecution of the said seizures and recovery of any of the said fines, forfeitures and penalties in pursuance of this act.

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

[Section IX.] And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for anything done in pursuance of this act, such person or persons so sued or prosecuted may plead the general issue and give this act and the special matter in evidence for their excuse or justification, and if the plaintiff or prosecutor become nonsuit or forbear prosecution or suffer a discontinuance, or if a verdict pass against him in such action, suit or information, the defendant shall have treble costs, as in any case where costs by law are given to defendants.

[Section X.] And be it enacted by the authority aforesaid, That all duties arising by virtue of this act shall be paid to the uses and purposes of an act passed in the twelfth year of the late King George the First, entitled "An act for the better regulating of negroes in this province,"¹ so far as it relates to the payment of the owners or masters of negroes convicted of capital crimes and executed in this province; and the overplus, if any, shall be paid into the hands of the provincial treasurer, to be

¹ Passed March 5, 1725-26, Chapter 292.

applied towards sinking the sums of money heretofore granted to the King's use.

[Section XI.] And be it further enacted by the authority aforesaid, That this act shall be and continue in force for four years from and after the publication thereof and from thence till the end of the next sitting of assembly and no longer.

[Section XII.] And be it further enacted by the authority aforesaid, That an act of general assembly of this province, entitled "An act for laying a duty on negroes imported into this province,"² be and is hereby repealed and made void.

Passed March 14, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed April 22, 1761, Chapter 468; October 22, 1763, Chapter 505; February 20, 1768, Chapter 572; February 26, 1773, Chapter 681; September 7, 1778, Chapter 810. Repealed by the Act of Assembly passed March 1, 1780, Chapter 881.

CHAPTER CCCCLXVIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR LAYING A DUTY ON NEGROES AND MULATTO SLAVES IMPORTED INTO THIS PROVINCE."¹

Whereas Richard Pearne, the officer appointed in and by virtue of the act of general assembly, entitled "An act for laying a duty on negroes and mulatto slaves imported into this province,"¹ has since the publication thereof departed this life, and there remains no person to execute the several duties, matters and things by the same law enjoined and required to be done:

[Section I.] Be it therefore enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of

² Passed May 10, 1729, Chapter 304.

¹ Passed March 14, 1761, Chapter 467.