

years old, or with consent of the parties, testified as aforesaid. Penalty on forcibly or fraudulently, by seduction, carrying any negroes or mulattoes out of the state, with design to sell, or keep them slaves or servants for a term of years. By the wardens' act, the duty called head-money is taken off in all cases, except in the case of negro and mulatto slaves imported, chap. 1687, sect. 22.

A Society to promote the gradual abolition of slavery was incorporated, (chap. 1465.)

See Dallas's reports, pages 167, 469. [A negro born before the 1st March, 1780, viz. in 1779, and not recorded agreeably to the act, cannot be held as a servant till 28 years of age, but is absolutely free.] (Note to former edition.)

Where the jury makes the price of the negro slave, in a writ *de homine replegiando*, the measure of damages, if accepted by the master, it will, in equity, and perhaps by operation of law too, emancipate the negro. *Copperthwaite v. Jones*. 2 Dallas, 55.

A citizen of another state, on a visit to this state, with his slave, in case of the slave's refusal to return, has a right to carry him out of the state, and is entitled to the aid of the magistrates for that purpose. *Respublica v. Richards*, 2 Dallas, 224.

And by the constitution of the United States, art. 4, sect. 2, no person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour may be due.

Free negroes or mulattoes can be bound in this state as servants, only until 21 years of age; but those who have been bound in other states, and brought into this state, may be compellable to serve until 28 years old, according to the terms of their indenture. *Respublica v. The Gaoler of Philadelphia County*, April 1794, Supreme Court, MSS. Reports.

A citizen of Maryland, purchasing lands in Westmoreland county, in March 1780, but not actually residing thereon with his slaves till December following, has not the benefit of registering his slaves under the act of 13th April, 1782, (chap. 962,) but they are entitled to their freedom on being brought into the state. *Respublica v. Blackmore Washington*, May 1797, cor. *Yeates & Smith*, J. MSS. Reports, Supreme Court, *Addison's Reports*, 284.—S. P. *Negro John v. Benoni Dawson, Nisi Prius*, May 1799. Same Judges. MSS. Reports.

The owner of a mulatto, registering him as a slave, in the county wherein he-lived, without expressing the county, the registry held to be valid. *Cook v. Neaff*.—

So the registry of a negro as a slave, without adding, *for life*, is good. The word *slave* in its common acceptation, signifies, *ex vi termini*, a perpetual servant. *Respublica v. Wm. Finley*, Esq. Both cases, at Franklin County, Circuit Court, October 1801, before *Yeates & Smith*, J. MSS. Reports.

Where the master, in order to procure the possession of a runaway slave, manumits him, in consideration of his agreeing to serve for four years, he shall be bound thereby, and shall not avail himself of the pretext that the manumission was a sham. *Stiles v. Richardson*, Supreme Court, September 1804. MSS Reports.

Only the owner, or his lawful attorney can register a negro, or mulatto. The act of a stranger in such case, is merely void. The words of the 5th section of the act are imperious. *Negro Essex v. Wm. McCulloch*, Circuit Court, *Yayette County*, October 1804. Cor. *Yeates & Smith* J. MSS. Reports.

An indenture from a negro lad to his master, in consideration of manumission from slavery, is void, unless executed within six months after his being brought into the state, or such terms agreed on within that time. *Respublica v. Smith*, Supreme Court, March 1805. MSS. Reports.

## CHAPTER DCCCLXXIII.

An ACT for confirming and amending the charter of the German Lutheran congregation in and near the city of Philadelphia, in the state of Pennsylvania.

Passed 3d March, 1780.—Private act.—Recorded in Law Book vol. I. page 346.