

# STATE OF PENNSYLVANIA,

An act to explain and amend an act, entitled, "An act for the gradual abolition of slavery."

FOR preventing many evils and abuses arising from ill disposed persons availing themselves of certain defects in the act for the gradual abolition of slavery, passed on the first day of March in the year of our Lord one thousand seven hundred and eighty.

*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 exception contained in the tenth section of the aforesaid act, relative to domestic slaves attending upon persons passing through or sojourning in this State, and not becoming resident therein, shall not be deemed or taken to extend to the slaves of such persons as are inhabitants of or resident in this State, or who shall come here with an intention to settle and reside, but that all and every slave and slaves who shall be brought into this State, by persons inhabiting or residing therein, or intending to inhabit or reside therein, shall be immediately considered, deemed and taken to be free to all intents and purposes.

*And be it further enacted by the authority aforesaid,* That no Negro or Mulatto slave or servant for term of years, (except as in the last exception of the tenth section of the said act is excepted), shall be removed out of this State, with the design and intention that the place of abode or residence of such slave or servant shall be thereby altered or changed, or with the design and intention that such slave or servant, if a female and pregnant, shall be detained and kept out of this State till her delivery of the child of which she is or shall be pregnant, or with the design and intention that such slave or servant shall be brought again into this State after the expiration of six months from the time of such slave or servant having been first brought into this State, without his or her consent; if of full age, testified upon a private examination before two Justices of the Peace of the city or county in which he or she shall reside, or being under the age of twenty one years, without his or her consent testified in manner aforesaid, and also without the consent of his or her parents, if any such there be, to be testified in like manner aforesaid, whereof the said Justices or one of them shall make a record, and deliver to the said slave or servant a copy thereof, containing the name, age, condition, and then place of abode of such slave or servant, the reason of such removal and the place to which he or she is about to go. And if any person or persons whatever shall sell or dispose of any such slave or servant, or shall send or carry, or cause to be sent or carried any such slave or servant out of this State for any of the purposes aforesaid, whereby such slave or servant would lose those benefits and privileges, which by the laws of this State are secured to him or her, and shall not have obtained all such consent as by this act is required, testified in the manner before mentioned, every such person and persons, his and their aiders and abettors, shall severally forfeit and pay for every such offence, the sum of seventy five pounds, to be recovered in any Court of Record by action of debt, bill, plaint or information, at the suit of any person who will sue for the same, one moiety thereof when recovered, for the use of the plaintiff, the other moiety for the use of the poor of the city, township or place from which such slave or servant shall be taken and removed.

*And be it further enacted by the authority aforesaid,* That all persons who now are or hereafter shall be possessed of any child or children, born after the first day of March one thousand seven hundred and eighty, who would by the said act be liable to serve till the age of twenty eight years, shall on or before the first day of April one thousand seven hundred and eighty nine or within six months next after the birth of any such child, deliver or cause to be delivered in writing, to the Clerk of the Peace of the county, or the Clerk of the Court of Record of the city of Philadelphia, in which they shall respectively inhabit, the name, surname and occupation or profession of such possessor, and of the county, township, district or ward in which they reside, and also the age, (to the best of his or her knowledge) name and sex of every such child or children, under the pain and penalty of forfeiting and losing all right and title to every such child and children, and of him, her or them immediately becoming free, which said return or account in writing, shall be verified by the oath or affirmation of the party, which the said Clerks are hereby respectively authorized and required to administer, and the said Clerks shall make and preserve Records thereof, copies and extracts of which shall be good evidence in all courts of justice, when certified under their hands and seals of office. For which oath or affirmation and entry or extract, the said Clerks shall be respectively entitled to one shilling and six pence and no more, to be paid by him or her, who shall so as aforesaid make such entry or demand the extract aforesaid.

*And whereas,* it has been represented to this house, that vessels have been fitted out and equipped in this port, for the iniquitous purpose of receiving and transporting the natives of Africa to places where they are held in bondage, and it is just and proper to discourage as far as is practicable such proceedings in future.

*Be it therefore enacted and it is hereby enacted by the authority aforesaid,* That if any person or persons shall build, fit, equip, man or otherwise prepare any ship or vessel, within any port of this state, or shall cause any ship or other vessel to sail from any port of this state, for the purpose of carrying on a trade or traffic in slaves, to, from or between Europe, Asia, Africa or America, or any places or countries whatever, or of transporting slaves to or from one port or place to another, in any part or parts of the world; such ship or vessel, her tackle, furniture, apparel and other appurtenances, shall be forfeited to the Commonwealth, and shall be liable to be seized and prosecuted by any officer of the customs, or other person by information *in rem* in the supreme court, or the county court of common pleas, for the county wherein such seizure shall be made, whereupon such proceedings shall be had, both unto and after judgment, as in and by the impost laws of this Commonwealth in cases of seizures is directed. And moreover, all and every person and persons so building, fitting out, manning, equipping, or otherwise preparing or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or anywise aiding or abetting therein, shall severally forfeit and pay the sum of one thousand pounds, one moiety thereof to the use of the Commonwealth, and the other moiety thereof to the use of him or her who will sue for the same, by action of debt, bill, plaint or information.

*And whereas,* The practice of separating, which is too often exercised by the masters and mistresses, of negro and mulatto slaves or servants, for term of years, in separating husbands and wives, and parents and children, requires to be checked, so far as the same may be done without prejudice to such masters or mistresses.

*Be it enacted by the authority aforesaid,* That if any owner or possessor of any negro or mulatto slave or slaves, or servant or servants, for term of years, shall from and after the first day of June next separate or remove, or cause to be separated or removed, a husband from his wife, a wife from her husband, a child from his or her parent, or a parent from a child, of any or either of the descriptions aforesaid, to a greater distance than ten miles, with the design and intention of changing the habitation or place of abode of such husband or wife, parent or child, unless such child shall be above the age of four years, or unless the consent of such slave or servant for life or years, shall have been obtained and testified in manner before described, such person or persons shall severally forfeit and pay the sum of fifty pounds, with costs of suit, for every such offence, to be recovered by action of debt, bill, plaint or information, in the supreme court, or in any court of common pleas, at the suit of any person who will sue for the same, one moiety thereof when recovered, for the use of the plaintiff, the other moiety for the use of the Poor of the city, township or place, from which such husband or wife, parent or child shall have been taken and removed.

*And be it further enacted by the authority aforesaid,* That if any person or persons shall, from and after the passing of this act, by force or violence, take and carry, or cause to be taken and carried, or shall, by fraud, seduce or cause to be seduced, any negro or mulatto, from any part or parts of this state, to any other place or places whatsoever, with a design and intention of selling and disposing, or of causing to be sold, or of keeping and detaining, or of causing so to be, as a slave or servant for term of years, every such person and persons, their aiders and abettors, shall, on conviction thereof, in any court of quarter sessions, for any city or county within this Commonwealth, forfeit and pay the sum of one hundred pounds to the overseers of the poor of the city or township, from which such negro or mulatto shall have been taken or seduced as aforesaid, and shall also be confined at hard labour for any time not less than six months, nor more than twelve months, and until the costs of prosecution shall be paid.

*And be it further enacted by the authority aforesaid,* That the justices of the courts of Common Pleas for the counties of this State, respectively and they are hereby required and enjoined to cause this act to be publicly read, at least twice in each term, for the two terms next following the passing of this act.

*Signed by order of the House,*

THOMAS MIFFLIN, *Speaker.*

Enacted into a Law at Philadelphia, on Saturday the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty eight.

PETER ZACHRY LLOYD,  
Clerk of the General Assembly.

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To be read twice in  
May and in August  
Sessions. —

May 7<sup>th</sup> 1788

Read in open Court

May 8<sup>th</sup> 1788

Read a second time  
in open Court

Aug. 8<sup>th</sup>. Read in Open  
Court —

Aug. 9<sup>th</sup>. Read in open  
Court