

the rates and raising the said levies; and whereas in several counties there is occasion to raise a county levy before another assembly may be chosen:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That the justices of the peace in each respective county, with the assistance of the grand jury thereof, shall by virtue hereof have power for this present year to make one such levy as the said act directs, to answer the ends therein expressed, and shall accordingly with all convenient speed make and raise one such levy in as full and ample manner, to all intents and purposes, as if such assessors had for this year been chosen, anything in the said act to the contrary in anywise notwithstanding.

Passed November 27, 1700; expired, and repealed by the Act of Assembly, passed October 28, 1701, Chapter 105.

CHAPTER LXXX.

AN ACT FOR THE ASCERTAINING THE DIMENSIONS OF CASK, AND FOR THE TRUE PACKING OF MEAT FOR TRANSPORTATION.

Whereas it is the interest of all governments to exercise truth and uprightness in all their trade and dealings, which many persons for their private interest too often violate: to the end therefore that the same may be observed in the traffic and commerce of this province and territories, and especially that the commodities generally exported to foreign markets may be good in respect to their quality, and complete in respect of their quantity; and to prevent differences about measures:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all tight cask for beer, ale, cider, pork, beef and oil and all such commodities, shall be made of good, sound,

well-seasoned white-oak timber, and shall contain as followeth, viz., the puncheon, eighty-four gallons; the hogshead, sixty-three gallons; the tierce forty-two gallons; the barrel, thirty-one gallons and a half; and half-barrels, sixteen gallons, wine measure, according to the practice of our neighboring colonies. And that all coopers set their marks on the said casks respectively, on the penalty of forfeiting the same.

And to prevent the exporting of unsound and unmerchantable beef and pork:

[Section II.] Be it enacted by the authority aforesaid, That no person, after the publication hereof, shall presume to ship any beef or pork before it be first viewed and packed or repacked by an officer or packer, to be for that purpose appointed; which shall, after the officer's view and approbation, be marked with the said officer's mark: and any person or persons that shall ship on board any vessel any beef or pork, in order to be transported, without the said officer's mark as aforesaid, he or they, for every such cask, shall forfeit and pay the sum of ten shillings. And the justices of the respective county courts within this government shall nominate and appoint such officer or packer as aforesaid, which officer shall have nine pence for the packing, pickling and heading of every barrel.

[Section III.] And be it further enacted by the authority aforesaid, That all biscuit and flour made for transportation, shall be well made and honestly and truly packed, for the encouragement of our trade and credit; that those who purchase the same may not be cheated or defrauded. And all such persons that make flour or biscuit for transportation shall set their several brand-marks on each cask before shipped, on the penalty of five shillings for every cask by them sold and unmarked as aforesaid. And if any bread or flour shall pass out of this province or territories false[ly] packed and the same happen to be returned, in all such cases the persons offending shall pay to the party wronged double damages for the same.

[Section IV.] And be it further enacted by the authority aforesaid, That every cooper, baker and bolter shall enter, or cause their respective brand-marks to be entered, in a book for that purpose, to be kept by the said officer or packer.

And for the better enabling coopers to comply with this act:

[Section V.] Be it enacted by the authority aforesaid, That all hogshead-staves shall be three feet and a half long, and three inches broad, clear of sap; barrel-staves, two feet and four inches long, and three inches broad, clear of sap; and that all hogsheads and barrel-staves that are not of the aforesaid dimensions shall be accounted not merchantable, but be reckoned two for one.

And that the tobacco made and raised in this government may be at least with equal reputation abroad with those of other colonies, it is necessary that the planters and makers thereof use honesty in the handling and faithfulness in the packing thereof:

[Section VI.] Be it therefore enacted by the authority aforesaid, That all tobacco-hogsheads shall be made of good seasoned timber, four feet long, or within an inch more or less, and thirty-two inches in the head, equal with the gauge of Maryland; four of which hogsheads shall be accounted a ton; and every cask in which tobacco is to be packed, shall be first tared and marked with the true tare thereof, by the planter or packer of such tobacco, under the penalty of twenty shillings, to be forfeited by the said planter to the person that may be wronged thereby.

Provided, That by reason of the difference often found between steelyards and scales, no person shall be liable to pay the penalty aforesaid, where the difference in one draught is not above five pounds weight. And for every tobacco-hogshead of the dimensions aforesaid, the buyers shall allow to the planter or seller five shillings current money of Pennsylvania.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person after the publication hereof, willfully and fraudulently pack or cause to be packed into hogsheads (and offer to sale) any trash or seconds, or rotten or frost-bitten tobacco, or such as shall be altogether unmerchantable, otherwise than what shall appear upon the head or outsides of the said tobacco when packed, and the same be discovered and found out before it be removed from the place of sale, being duly convicted thereof, shall pay for every such hogshead so

packed forty shillings current money of this government, to the poor of the county where the offense shall be committed, any law, usage or custom to the contrary notwithstanding.

[Section VIII.] And be it further enacted by the authority aforesaid, That no bread or flour cask shall be made for transportation of larger dimensions than double the gauge of the wine-measure above mentioned, viz., the half-barrel not to exceed thirty-one gallons and [a] half; the barrel sixty-three gallons, and so proportionably.

Provided always, That any person may make casks as much less as they please to suit any market.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed March 27, 1712-13, Chapter 198 (Section VI); May 22, 1722, Chapter 260; August 13, 1727, Chapter 295; January 19, 1733-34, Chapter 332; March 7, 1745-46, Chapter 363; April 21, 1759, Chapter 439; April 22, 1761, Chapter 469; February 21, 1767, Chapter 548; April 5, 1781, Chapter 936; December 28, 1781, Chapter 953; March 12, 1789, Chapter 1395; September 12, 1789, Chapter 1433; September 24, 1789, Chapter 1440; April 5, 1790, Chapter 1512; and March 30, 1803, P. L. 573; repealed March 20, 1810, P. L. 188.

CHAPTER LXXXI.

AN ACT ABOUT CUTTING TIMBER TREES.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if any person or persons within this province or territories shall be convicted of cutting or felling any black-walnut trees upon another person's land, without leave, he shall forfeit to the owner thereof five pounds for every tree so felled and cut; and for other timber fifty shillings each tree; and for fire or underwood double the value thereof, to the use aforesaid.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II; supplied by the Act of Assembly, passed March 29, 1824, P. L. 152.