

and the same shall be by him, his heirs, executors and administrators paid accordingly, and not otherwise.

Passed May 12, 1722. Expired May 14, 1725, before being considered by the King in Council. See additional Act passed March 30, 1723-24, Chapter 268, and repealed by Act of Assembly passed December 12, 1723, Chapter 276. For the application of the fund realized by the Act, see also Chapter 261.

CHAPTER CCLII.

AN ACT TO PREVENT THE EXPORTATION OF FLOUR NOT MERCHANT- ABLE.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor 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 all bolters and bakers within this province shall provide a brand-mark, which shall be entered on record in the next quarter-sessions after the publication of this act for the county where they reside, together with their names and places of abode; and shall cause the same to be set on every cask of flour or biscuit by them made and to be made for transportation, before the same is carried from the place of making, on the penalty of five shillings for every cask unmarked as aforesaid; for the recording of which brand-mark, as before directed, the clerk of the said court shall have and receive of the party one shilling, and no more.

[Section II.] And be it further enacted by the authority aforesaid, That all wheat flour bolted for transportation, which shall be exported or offered to sale after the first day of June next, shall be made merchantable and of due fineness and honestly and well packed in cask made of seasoned timber, and weighed with weights tried by and made according to the standard, without any mixture of coarser or other flour or any other thing whatsoever, under the penalty of one shilling for every cask, to be paid by the maker of such flour.

[Section III.] And be it further enacted by the authority aforesaid, That if any person or persons shall be convicted of any willful fraud or cheat in packing of any flour or bread, or of willfully making a fraudulent invoice of the weight thereof, he shall forfeit and pay for every such offense the sum of five pounds current money of this province.

[Section IV.] And be it further enacted by the authority aforesaid, That Samuel Carpenter, son of Samuel Carpenter, late of Philadelphia, deceased, shall be and is hereby appointed the officer to put this act into execution, who shall, before he enters upon the same, be qualified by oath or affirmation, faithfully to perform his office, according to the direction of this act, without favor or regard to any person whatsoever; and shall, on the information of any person, or if he suspects any flour or bread not well or truly made, according to the direction of this act, try and search the same; which if he finds defective and not well and honestly done, as aforesaid, shall forbid to ship the same. And if any person shall presume to ship or cause to be shipped any flour or bread after the same is searched and tried and found defective as aforesaid, all such flour and bread so shipped shall be forfeited.

Provided always, That if any dispute shall happen to arise between the said officer and possessor of such flour, concerning the fineness or goodness thereof, application being made to one of the magistrates of the city or county where the said dispute arises, who shall forthwith issue his warrant to two indifferent [judicious] persons of skill and integrity, to view and search the said flour and to make report forthwith according as they find the same. And the said magistrate is hereby empowered and required to give judgment accordingly. And in case the said flour is judged not fit to be exported the said magistrate shall order it not to be exported, under the penalty aforementioned; and shall [also] award and order the owner or possessor of the said flour to pay the said officer one shilling per cask for all such flour as shall be adjudged not fit for exportation, with reasonable charges; who shall recover the said costs and charges from the bolter and maker thereof. But in case the said flour upon trial shall be found to be good and mer-

chantable, according to the direction of this act, the charges of prosecution shall be paid by the said officer.

[Section V.] Provided always, and be it further enacted, That if any person or persons shall sell, expose to sale, or ship any flour adjudged not merchantable and fit to be exported as by the direction of this act, and it be made appear that such person or persons did not pay the maker or other person the full market price of good fine flour for the same, then and in such case all the forfeitures and charges mentioned in this act to be paid upon flour tried and adjudged not fit for exportation, shall fall upon and be paid by the possessor of such flour, without any restitution to be made by or from the maker thereof, anything herein contained to the contrary notwithstanding.

[Section VI.] And be it further enacted by the authority aforesaid, That the said officer shall have full power and authority by virtue of this act, without any further or other warrant, to go and enter on board any ship, sloop or other vessel, or into any store, or other place whatsoever, where he shall have cause to suspect there is any flour or bread that is not made and branded according to the direction of this act, in order to try and search the same and prevent the exportation thereof in manner aforesaid.

And in case any flour shall upon trial be found not merchantable or fit to be exported, the officer shall take the bolter's brand and the mark and number of such casks of flour. And if the same flour be afterwards shipped in order for transportation, and forfeited as aforementioned, the proof that it is not the same flour shall lie wholly on the owner or possessor thereof and shall not be incumbent on the said officer.

And for the better encouragement of the said officer faithfully and fully to discharge the said office and trust reposed in him by this act:

[Section VII.] Be it enacted by the authority aforesaid, That a salary or allowance of thirty pounds per annum shall be paid him out of the public treasury of this province, by order on the provincial treasurer, under the hand of the Speaker of the assembly for the time being.

[Section VIII.] And be it further enacted by the authority aforesaid, That all the said forfeitures and charges mentioned in this act shall be recovered where the same shall not amount to forty shillings, after the same manner as other debts under forty shillings. And where the same shall exceed forty shillings, they may be sued for and recovered 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 which said forfeitures not before directed how the same shall be applied, shall be paid to the said officer, one-half for the use of the poor, which he is hereby strictly required upon receipt forthwith to pay to the overseers of the poor of the place where the said forfeiture shall happen, and that the other half he may detain to his own use as prosecutor.

And this act shall continue in force three years from [and after] the publication hereof and no longer.

Passed May 12, 1722. Expired May 12, 1725, before being considered by the King in Council. See Appendix V, Section I, and the Acts of Assembly, March 30, 1723-24, Chapter 271; March 20, 1724-25, Chapter 282.

CHAPTER CCLIII.

AN ACT FOR ENCOURAGING THE MAKING OF GOOD BEER, AND [FOR THE] CONSUMPTION OF GRAIN, IN THIS PROVINCE.

Whereas it is found by experience that the using of molasses and other materials [hereafter mentioned,] in brewing ale and beer doth very much hinder the consumption of malt, and so the raising of barley is thereby discouraged, therefore may it please the governor that it may be enacted:

[Section I.] And be it enacted by Sir William Keith, Baronet, Governor 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