

[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

same, That if any common brewer, or retailer of beer or ale, shall, after the first day of June next, make use of any molasses, coarse sugar, or composition or extract of sugar, honey, foreign grains, Guinea pepper, or of any liquor or sirup, boiled up to the consistency of molasses, or any unwholesome materials or ingredients whatsoever, in the brewing, making or working of any beer or ale; or if any brewer shall receive and take into his brewhouse any molasses, coarse sugar, honey or composition or extract of sugar, every such brewer and retailer shall forfeit and lose, for every such offense respectively, the sum of twenty pounds. And every servant of such brewer, and every other person who shall be aiding and assisting in the using any molasses, sugar, honey, or any other of the said materials or ingredients, in the brewing or working of such ale or beer, or in carrying or conveying the same into the brewhouse belonging to such brewer, shall also forfeit and lose, for every such offense, the sum of twenty pounds; and in default of payment thereof shall suffer three months' imprisonment.

[Section II.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever, after the said first day of June next, shall be admitted or suffered to keep any common alehouse, inn or tippling house, but such as the justices of the peace of the respective counties of this province and city of Philadelphia, for the time being, or the major part of them, in the open sessions of the peace in the same counties and city respectively, shall, in their discretion, judge fit, as well by their character of honest, civil and sober behavior, as the commodious situation, and conveniency of their houses for such purposes.

But that none be so admitted or licensed before they be bound, with one or more sufficient securities, by recognizance to the governor for the time being, in twenty pounds penalty, with condition, as well against using [any] unlawful games, as for the using and maintaining of good order and rule, to be had and kept within the same. And also that they will not, directly or indirectly, sell or utter in or about their houses, or elsewhere, any wine, [brandy,] rum, or other distilled liquors, mixed or unmixed. And that the principal party

which shall be so bound shall pay to the clerk of the court, for all fees to him relating to the said license, five shillings; and to the justices four shillings, for every such license or allowance to keep such inn or alehouse, and no more.

[Section III.] And be it further enacted, That the said justices of [the] peace, within the said several counties and city respectively, or a quorum of them, shall have full power, within the limits of their authority, to remove, discharge and suppress common selling of ale, beer and wine in taverns, alehouses, inns and tippling houses, and to cause all disorders in such houses to be punished by the direction of this act, and hear and determine the same, by all such ways and means as [by law] is usual in such cases.

And where the keeper of any inns or alehouses brew their own beer or ale, a clause shall be added to the condition of their recognizance, That they will not make use of any molasses, or other materials or ingredients, hereby forbidden to be used, in brewing, making or working any of their beer or ale.

And that from and after the said first day of June next, all common brewers shall, in the open sessions of the peace, within the city or county where they respectively follow their trades, become bound to the governor for the time being, with one or more sufficient sureties, by recognizance, in one hundred pounds penalty, with condition that they will well and faithfully observe and obey all that is required of them by this act; for every which recognizance the party shall pay two shillings [and six pence,] and no more.

And the said justices shall cause all the said recognizances, and also the other recognizances to be given by the direction of this act, to be entered of record, in the respective courts where the same are so taken as aforesaid, there safely to be kept and remain. And if the justices or their clerks fail therein, he or they so offending shall forfeit and pay, for every recognizance taken and not entered of record, as this act requires, the sum of five pounds, any other act or law of this province to the contrary hereof in anywise notwithstanding.

Provided always, That nothing herein contained shall debar or hinder the justices of the said city and counties to recom-

mend such as live in fit places, and as they shall deem fit persons to keep taverns for selling wines, brandy, rum, and other spirits, by retail; but that all such persons so recommended may be licensed to keep such taverns as heretofore hath been used, upon their paying the fees formerly allowed for such recommendations and licenses, and becoming bound, with one or more sufficient sureties, by recognizances to the governor for the time being, in one hundred pounds, with condition, as well against using [of] unlawful games, as for the using and maintaining of good order and rule, to be had and kept within the same.

[Section IV.] And be it further enacted, That Charles Read, of Philadelphia, merchant, shall be and is hereby appointed the officer to put this act into execution, and to sue for and recover the penalties or forfeitures arising for not observing of this act, which forfeitures, when recovered, shall be equally divided between the governor and the said officer.

And as the true design of this act [is] (amongst other things) to encourage the raising of wheat and barley for the brewing trade, so it is expected that brewers may take special care to bring their beer and ale to the goodness and perfection, which the same was formerly brought to, that so the reputation which then was obtained (and is since lost), may be retrieved.

[Section V.] Be it further enacted by the authority aforesaid, That the justices of the peace of the respective counties, and the mayor, recorder and aldermen of the city of Philadelphia, when they set prices upon beer and ale, pursuant to a law of this province, shall allow higher prices than common to be taken for such beer and ale as, by the judgment of persons skilled therein, shall exceed in quality and goodness any law or ordinance to the contrary notwithstanding.

But to prevent the ill designs of brewers, retailers, victualers and butchers, who combine to advance the prices of [the] grain and provisions they respectively buy, beyond a due proportion of the rates they give:

[Section VI.] Be it enacted by the authority aforesaid, That all the laws and statutes of that part of Great Britain called England, shall be put into execution against all such combina-

tions and evil practices, so that such offenders shall be brought to the like punishments, and incur the same penalties, as those laws and statutes direct and appoint for offenders in like cases.

Passed May 12, 1722. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix V, Section I, and the Act of Assembly passed March 30, 1723-24, Chapter 272. Repealed by Act passed March 20, 1810, P. L. 188.

---

#### CHAPTER CCLIV.

---

##### A SUPPLEMENTARY ACT TO THE ACT FOR THE MORE EFFECTUAL RAISING OF COUNTY RATES AND LEVIES.

Whereas by an act of assembly of this province entitled "An act for the more effectual raising of county rates and levies,"<sup>1</sup> divers persons are therein named and appointed commissioners for the ends and purposes in the said act mentioned. But forasmuch as the ends and purposes thereof may be fully answered by a less number of commissioners, and thereby the inhabitants of this province may be eased of some unnecessary charges:

[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 from and after the thirtieth day of September next, the three eldest commissioners for the county of Philadelphia, and the two first-named commissioners in the county of Chester, and the first commissioner named in the county of Bucks, shall cease to act as commissioners by virtue of the said act, anything therein contained to the contrary notwithstanding.

[Section II.] And be it further enacted by the authority aforesaid, That hereafter the freeholders and inhabitants of the respective counties of Philadelphia, Chester and Bucks, who are qualified by the laws of this province to elect or be elected

---

<sup>1</sup> Passed February 22, 1717-18, Chapter 231.