

CHAPTER CCLX.

AN ACT FOR REGULATING THE GAUGING OF CASK IN THIS PROVINCE.

Whereas great abuses are daily committed in the trade of this province, by importing wine, rum, and other liquid merchandises in disproportionable cask, which have been usually gauged by the diagonal, which is known not to be an exact rule to find the contents of a disproportionable cask; and the persons selling such commodities commonly refusing to submit to any other method or rule of gauging, the purchaser is thereby imposed upon and often suffers great loss in want of just measure.

For the redress of which abuse for the future within this province:

[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 if any merchant, or other person whatsoever, shall utter, sell or put to sale, any butt, tun, pipe, hogshead, barrel, rundlet, or other cask of rum, wine, molasses, or other liquid merchandise, imported into any port or place within this province, before the gaugers hereafter mentioned, or their deputies, shall have first plainly and truly set down or marked, upon the head of such vessel, the capacity and full contents of the same, according to the standard and excise of wine measure by the gallon, such person or persons shall forfeit, for the uses directed in this act, the sum of ten pounds for every cask so uttered, sold or put to sale.

And further, If any merchant or other person shall utter, sell or put to sale, any rum, wine, molasses, or other liquid merchandises as aforesaid, within any port or place of this province, in any cask or vessel, having the number of gallons set down and marked on the head of such vessel, and the same shall be found to lack of the contents marked on the said vessel, such

person shall forfeit and pay, to the uses directed in this act, the sum of ten shillings for every gallon marked or numbered on the said cask more than it will truly contain.

And to the end that all persons, dealing in such merchandise, may the more easily and readily be informed and assisted in the discovering the true quantity of such liquid merchandise, so imported as aforesaid:

[Section II.] Be it enacted, That Nathaniel Griffitts and Benjamin Morgan, of Philadelphia, shall be and are hereby appointed gaugers of all the wine, rum, molasses and other liquid merchandise imported into this province for sale. Which said gaugers, before they enter upon their office, shall take an oath or affirmation well and truly to execute the office of gaugers within this province between buyer and seller, and are hereby empowered, by themselves or their proper deputies or assistants, to gauge all rum, wine, molasses or other liquid merchandise imported in any butt, tun, pipe, hogshead, barrel, rundlet or other cask, into any port or place of this province, when they, the said gaugers, or either of them, shall be thereunto required.

And that they shall mark or set down the true number of gallons, according to the English standard and excise of wine measure, which each cask or vessel will truly contain, with their own mark. All which casks, with their true marks and numbers, shall be entered in a book or books, to be kept for that purpose by the said gaugers, or their proper deputies, to which recourse may be had, as occasion may require; for a copy of which entry, they shall receive four pence; and for each cask, so by them gauged and marked, they shall receive the sum of four pence, and no more.

And if any cask or other vessel, gauged and marked by the said gaugers, or their lawful deputies, shall be found lacking one or more gallons of the quantity numbered or marked on the said cask or vessel, the aforesaid gaugers shall forfeit ten shillings for each gallon lacking or exceeding the number so marked or set down on each cask.

[Section III.] And be it further enacted, That [all] and every the penalties and forfeitures in and by this act set and

appointed shall be, one-half to the governor, for the support of government, and the other half to the informer, or him or them that will sue for the same; if under forty shillings, to be recovered as debts under forty shillings are usually recovered; and if above forty shillings, to be sued for and recovered by bill, plaint or information, in any court of record within this province, wherein no essoin, protection or wager of law, shall be allowed for the defendant.

Passed May 22, 1722. Apparently never submitted to the consideration of 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 Acts of Congress regulating the subject.