

THE STATUTES AT LARGE OF PENNSYLVANIA.

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1724, and continued by adjournments until the twenty-first day of August, 1725, the following acts were passed:

CHAPTER CCLXXXII.

AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE.

Whereas by the laws of this province lately made and provided for preventing the exportation of flour not merchantable, the credit of the trade of this province in one of its most considerable branches hath in some good measure been retrieved. But forasmuch as those laws continue in force no longer than three years from the publication thereof:

Therefore, to the end that the said credit of our trade and the benefits thence arising may be continued and improved:

[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 Province aforesaid in General Assembly met, and by the authority of the same, That every bolter of flour and baker of bread residing or (at any time

hereafter during the continuance of this present act) to reside within this province shall each one for himself provide and have a distinguishable brand-mark; and shall therewith brand each and every cask of flour or biscuit of his own bolting or baking before the same shall be removed from the place where the same was so as aforesaid bolted or baked. But before any such bolter or baker shall bolt any flour or bake any bread for exportation out of this province, every such bolter and baker shall cause such his brand-mark, together with his name and place of abode, to be entered with the clerk of the court of quarter-sessions for the county where he doth reside (if not already entered), and so from time to time as often as any such bolter or baker shall move the place of his residence from one county of this province into another he shall there cause his mark, name and place of residence to be entered with the clerk of the respective county, for recording whereof the said clerk shall have and receive one shilling each and no more; and every bolter and baker offending in all or any of the premises on due proof thereof made shall forfeit and pay the sum of five shillings for every such offense.

[Section II.] And be it enacted by the authority aforesaid, That all wheat flour bolted and packed for exportation from and after the thirteenth day of May next ensuing the publication of this act shall by the bolter thereof be and be made merchantable and of due fineness, without any mixture of coarser or other flour, and honestly and well packed in well-seasoned cask with the tare thereof thereupon marked, the cask being first weighed by weights tried by or made according to the standard of weights in this province, wherewith the flour and bread packed shall be also weighed. And if any bolter shall offend therein he shall forfeit and pay for every such offense the sum of one shilling per cask.

[Section III.] And be it enacted by the authority aforesaid, That if any person or persons shall be convicted of any other willful fraud or cheat in packing of flour or bread, or of willfully making a fraudulent invoice of the net proceeds or weight of any flour or bread, the person offending therein shall forfeit and pay the sum of five pounds for every such offense.

[Section IV.] And be it enacted by the authority aforesaid, That no merchant or person whatsoever shall lade or ship any flour for exportation out of this province before he shall first submit the same to the view and examination of the officer appointed by or by the direction of this act, who shall search and try the same in order to judge of its goodness; and if the said officer shall judge the same to be merchantable, according to the direction of this present act, he shall brand every such cask of flour on the quarter with the provincial brand-mark, which the said officer shall provide and have for that end and purpose, sufficient and capable to impress in a fair and distinguishable manner the arms of the province of Pennsylvania with the letter P on each side, for which trouble of the said officer he shall have and receive of the shipper one penny per cask and no more.

Provided always nevertheless, 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 [sic] made to one of the magistrates of the city or county where the said dispute arises, who shall issue his warrant to two indifferent, judicious persons of skill and integrity to view and search the said flour and 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 of forfeiture of all such flour, 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 as aforesaid 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 merchantable according to the directions of this act, the charges of prosecution shall be paid by the said officer. 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 marks and numbers of such casks of flour; and if the same flour be

afterwards shipped in order for exportation, the proof that it is not the said flour shall lie wholly on the owner or shipper thereof and shall not be incumbent on the said officer.

[Section V.] And be it enacted by the authority aforesaid, That the said officer [or his deputies] shall have full power and authority by virtue of this act and without any further or other warrant to enter on board any ship, sloop or vessel whatsoever lying or being in any port or place of this province, and into any house, store or place whatsoever within the province aforesaid, to search for and make discovery of any flour shipped or intended to be shipped for exportation; and if the owner or possessor thereof or their servants or others shall deny him or them entrance, or if the said officer or his deputies shall be any ways molested in making such discovery as aforesaid, or if such merchant or owner shall refuse to permit the said officer or his deputies to view and examine any flour or not permit him or them to brand the same if merchantable, according to the directions of this act, every such person so offending shall forfeit and pay the sum of ten pounds; or shall ship off any cask or casks of flour not branded with the provincial brand-mark aforesaid, every such person so offending shall forfeit and pay the sum of five shillings for every cask of flour so shipped.

[Section VI.] And be it enacted by the authority aforesaid, That for the better encouragement of the said officer for putting this act in execution he shall have and receive a salary of thirty pounds per annum, to be paid out of the provincial treasury by order on the treasurer under the hand of the Speaker of the assembly for the time being.

[Section VII.] And be it enacted by the authority aforesaid, That Samuel Carpenter, son of Samuel Carpenter, late of Philadelphia, deceased, appointed by the said-recited act for putting the same in execution, shall be and is hereby appointed the said officer for viewing and examining all flour intended for exportation according to the direction of this present act. And if the said Samuel Carpenter or other person hereafter appointed to be the officer aforesaid shall by any accident be rendered incapable or neglect to execute the said office, or shall happen to die before or after the time of putting this present

act in execution, then and so often and from time to time it shall and may be lawful to and for a majority of the justices of the peace of the county of Philadelphia to supply his place by some other fit and capable person, who shall thereupon be the officer aforesaid for putting this act in execution until the assembly appoint another. But before the said Samuel Carpenter or any other person so to be appointed the officer aforesaid shall do anything in the execution of his office, he shall first make oath or affirmation before any justice of the peace of any county of this province faithfully and impartially to perform his duty and trust to the best of his capacity, according to the direction of this present act.

[Section VIII.] And be it enacted by the authority aforesaid, That the said Samuel Carpenter or any other person appointed the officer aforesaid is hereby empowered to appoint deputies in the respective counties of this province (for whom he or they shall be accountable), which said deputies are hereby [fully] empowered to act as deputy officers for the searching and branding of flour in their respective counties to all intents and purposes as [fully as] the said Samuel Carpenter could do by virtue of this act.

[Section IX.] And be it enacted by the authority aforesaid, That no owner, possessor or occupier of any grist-mill in this province shall by himself, servant or others presume to grind or suffer to be ground into meal for bolting for exportation out of this province any unsound, ill-dressed or unmerchantable wheat; and whatsoever owner, possessor or occupier of any such mill as aforesaid shall so grind or suffer to be ground any such unsound, ill-dressed or unmerchantable wheat, to be bolted for exportation out of this province contrary to the true intent and meaning of this act, he, she or they so offending in the premises shall forfeit and pay for every such offense the sum of thirty-five shillings on due proof thereof by one or more credible witnesses before any one justice of the peace in this province.

[Section X.] And be it enacted by the authority aforesaid, That if any person or persons shall counterfeit the said provin-

cial brand-mark or impress or brand the same on any cask of flour, he, she or they being thereof legally convicted shall, for the first offense, forfeit and pay the sum of five pounds; for the second offense, the sum of ten pounds, and for the third and every other such offense the offender shall be committed to gaol, and sentenced to the pillory, there to stand the space of two hours on a market-day in any city, borough or town of the respective counties of this province where the fact was committed.

[Section XI.] And be it enacted by the authority aforesaid, That all and singular the fines, forfeitures and charges mentioned in this act, where the same respectively exceed not forty shillings, the same shall be recovered in the same manner as other debts under forty shillings by the laws of this province; and where the same shall exceed forty shillings, they may be sued for and shall be 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. All which said forfeitures not hereinbefore directed how to be applied shall be paid to the prosecutor, one-half thereof for the use of the poor, which he is hereby strictly required immediately on receipt thereof to pay to the overseers of the poor of the place where the forfeiture shall happen, and the other half for the said prosecutor, which he may detain to his own use as prosecutor, any law, usage or custom to the contrary in anywise notwithstanding.

Passed March 20, 1724-25. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and note to the Act of Assembly passed November 27, 1700, Chapter 51. Repealed by the Act of Assembly passed January 19, 1733-34, Chapter 332.