

ruary 14, 1729-30, Chapter 316; January 10, 1731-32, Chapter 328. As to Sections VII and VIII, see Act of Assembly passed February 24, 1729-30, Chapter 313. As to Sections IX and X, see Act of Assembly passed February 20, 1735-36, Chapter 344.

CHAPTER CCXCV.

AN ACT MORE EFFECTUALLY TO PREVENT UNFAIR PRACTICES IN
THE PACKING OF BEEF AND PORK FOR EXPORTATION.

Whereas an act was passed in this province in the twelfth year of the reign of the late King William the Third, entitled "An act for the ascertaining the dimensions of cask and for the true packing of meat for transportation."¹ And whereas the frauds and abuses provided against and intended to be prevented by the said act relating to the package of beef and pork and dimensions of cask are still complained of:

For the preventing whereof for the time to come:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-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 tight cask made in this province for beef and pork for exportation shall be made of good, sound, well-seasoned white oak timber, and shall contain as follows, viz.: the barrel thirty-one gallons and a half, wine measure, and the half barrel, sixteen gallons; and every cooper residing or hereafter to reside within this province shall, each one for himself, provide and have a distinguishable brand-mark, and shall therewith brand each and every tight barrel and half barrel he shall make for containing of beef or pork for exportation; but before any such cooper shall brand any barrel or half barrel as aforesaid, he shall cause such his brand-mark, together with his name and place of abode, to be entered with the officer hereafter appointed by this act, who is hereby required to enter the same in a book provided and kept by him for that purpose,

¹ Passed November 27, 1700, Chapter 80.

for entering of which the officer shall have one shilling each and no more; and every cooper offending in all or any of the premises on due proof made shall forfeit and pay the sum of ten shillings for every such offense.

[Section II.] And be it enacted by the authority aforesaid, That all beef and pork designed for exportation from and after the twentieth day of September, one thousand seven hundred and twenty-seven, shall be sound and merchantable meat, well packed and secured with salt and pickle, and shall not have more than two heads of pork in one barrel nor more than one head in half a barrel.

[Section III.] And be it enacted by the authority aforesaid, That no merchant or person whatsoever shall lade or ship any beef or pork for exportation out of this province before he shall first submit the same to the view and examination of the officer or his deputy appointed by the direction of this act, who shall search the same by opening, unpacking and re-packing in order to judge of the soundness and true package of the meat, as well as the contents of the cask; and if the said officer or his deputy shall find the said beef or pork to be merchantable and the cask to contain, the barrel thirty-one gallons and a half, wine measure, and the half-barrel sixteen gallons, according to the direction of this act, he shall, after packing or re-packing and heading, brand every such barrel and half-barrel on the quarter with a provincial brand-mark, which the said officer shall have and provide for that purpose, sufficient to impress in a fair and distinguishable manner the arms of the province of Pennsylvania, as in the margin.

Provided always nevertheless, That if any dispute shall happen to arise between the said officer and possessor of such beef or pork concerning the soundness or package of the same or contents of the cask, application being 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 beef or pork 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 beef or pork 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 beef or pork, and shall also award and order the owner or possessor of the said beef or pork to pay the said officer five shillings per cask for all such beef or pork as shall be adjudged not fit for exportation as aforesaid with reasonable charges; but in case the said beef or pork upon trial shall be found to be good and merchantable, according to the direction of this act, the charges of prosecution shall be paid by the officer.

[Section IV.] And be it enacted by the authority aforesaid, That the officer hereafter appointed or to be appointed or his deputy shall have and receive for the viewing, searching and packing or re-packing, heading and branding of every barrel of beef or pork one shilling and six pence and for every half-barrel one shilling and no more, to be paid, one-half by the buyer or shipper and the other half by the seller.

[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 in this province, and into any house, store or places whatsoever within the province aforesaid, to search for and make discovery of any beef or pork shipped or intended to be shipped for exportation, and if the owner or possessor or their servants or others shall deny him or them entrance, or if the said officer or his deputies shall be anyways 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 beef or pork or not permit him or them to brand the same if merchantable according to the direction 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 beef or pork not branded with the provincial brand-mark aforesaid, every such person so offending shall forfeit and pay the sum of ten shillings for every cask so shipped.

[Section VI.] And be it enacted by the authority aforesaid, That Nathaniel Griffitts, of Philadelphia, cooper, shall be and

is hereby appointed the said officer for viewing, searching, packing or re-packing and branding as aforesaid all beef and pork intended for exportation according to the direction of this present act; and if the said Nathaniel Griffitts 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 the mayor, together with any two aldermen of the city of Philadelphia, to supply his place by some other fit and capable person, who shall thereupon be the officer for putting this act in execution until the assembly appoint another.

But before the said Nathaniel Griffitts 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 VII.] And be it enacted by the authority aforesaid, That the said Nathaniel Griffitts 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 viewing, searching, packing and branding of beef and pork in manner aforesaid in their respective counties to all intents and purposes as fully as the said Nathaniel Griffitts could do by virtue of this act.

[Section VIII.] And be it enacted by the authority aforesaid, That if any person or persons shall counterfeit the said provincial brand-mark or impress or brand the same on any cask of beef or pork, 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 IX.] And be it enacted by the authority aforesaid, That all and singular the fines, forfeitures and penalties in and by this act set and appointed shall be one-half to the governor for the support of government, and the other half thereof 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; 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 nor any more than one imparlance shall be allowed.

Passed August 18, 1727. 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 1, and the Acts of Assembly passed March 12, 1789, Chapter 1395; September 24, 1789, Chapter 1440; April 20, 1795, Chapter 1863; March 27, 1821, P. L. 133; April 2, 1822, P. L. 196; April 15, 1835, P. L. 384; March 31, 1836, P. L. 332; June 16, 1836, P. L. 810; March 25, 1850, P. L. 281; March 31, 1860, P. L. 332; (Section X, repealed by the Act of Assembly passed) March 31, 1860, P. L. 427; April 2, 1867, P. L. 657, and the Constitution of 1873, Article III, Section 27.

CHAPTER CCXCVI.

A SUPPLEMENTARY ACT TO THE ACT FOR ASCERTAINING THE NUMBER OF MEMBERS OF ASSEMBLY, AND TO REGULATE ELECTIONS.

Whereas by an act of assembly of this province passed in the fourth year of the late Queen Anne, entitled "An act to ascertain the number of members of assembly and to regulate elections,"¹ amongst other things it is enacted that every sheriff, or in his absence his under sheriff or such as he shall depute, or for want of such deputation the coroner or such as he shall appoint, or for want of such appointment any two of the free-

¹ Passed January 12, 1705-6, Chapter 137.