

said lighthouse and buoys aforesaid in the best manner, so as to be of the most advantage to trade and navigation.

Passed October 19, 1771. Referred for consideration by the King in Council, February 8, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the note to the Act of Assembly passed September 22, 1764, Chapter 515. Repealed by the Act of Assembly passed February 26, 1773, Chapter 671.

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## CHAPTER DCXLI.

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### AN ACT TO REGULATE THE ASSIZE OF BREAD AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the mode heretofore used for regulating the assize of bread by the prices at which wheat is commonly sold has been found on experience to be unequal, as the price of wheat by no means determines with certainty the price of flour:

To the intent, therefore, that from and after the tenth day of April next ensuing the publication of this act a just, equal and constant rule and method may be duly observed and kept in the making and assizing the several sorts of bread hereinafter mentioned which shall be made for sale in any place or places where such assize shall be set in pursuance of this act:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful for the mayor or recorder and any two of the aldermen of the city of Philadelphia, or for the burgess or burgesses of any borough and two justices of the peace of the county, or for any three justices of the peace for any county within this province, from and after the said tenth day of

April as often as there may be occasion, to set, ascertain and appoint in any place or places within their respective jurisdictions the assize and weight of the several sorts of bread following which shall in any such place or places be made for sale, sold or exposed to sale, and the price to be paid for the same; and that in every assize of bread which shall be so set in pursuance of this act due regard shall be had from time to time to the [market] price which flour, whereof such bread shall be made, shall be sold at in the cities, towns or places in or near the place where such assize shall be so set, and that the said assize shall be set and ascertained according to the table following in avoirdupois weight of sixteen ounces to the pound.

The price of fine flour, middlings, and rye flour by the cwt., respectively.		A four-penny loaf to weigh.		The price of fine flour, middlings, and rye flour by the cwt., respectively.		A four-penny loaf to weigh.		The price of fine flour, middlings, and rye flour, by the cwt., respectively.		A four-penny loaf to weigh.	
s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.
7	0	3	5½	12	0	3	8	17	9	1	14½
7	6	3	3½	12	6	3	7	18	6	1	13½
8	0	2	2	13	0	3	6	18	3	1	13
8	0	2	0½	13	0	3	4	19	3	1	13
8	0	3	15	14	0	3	4	20	0	1	12½
8	0	3	14	14	0	3	4	20	0	1	11½
10	0	3	12½	15	0	3	4	21	0	1	10½
10	6	3	11	15	0	3	3½	22	3	1	10
11	0	2	10	16	0	3	3	23	0	1	9½
11	6	2	9	16	0	3	2½	24	0	1	8½
		2		17	0	1	15½	25	0	1	7½

And so in proportion for loaves of a larger or smaller size.

And in order to enable the said magistrates and justices within their respective jurisdictions to set the assize of bread with justice and equity:

[Section II.] Be it further enacted by the authority aforesaid, That the respective prices which the several kinds of flour fit to make the said different sorts of bread allowed to be made by this act shall commonly and generally, from time to time, bona fide, sell for in the said city of Philadelphia and other places aforesaid and not at particular times or on particular contracts only, shall once in every month or oftener if necessary as the said magistrates or justices respectively shall appoint,

be given and delivered in writing on oath or affirmation to the said magistrates or justices by the clerk of the market or such other person or persons in the places aforesaid as the said magistrates and justices respectively shall order and appoint, and within two days next after such return of the prices aforesaid shall be given in as aforesaid, the assize, weight and price of all kinds of bread to be made for sale, sold or exposed to sale, shall from time to time be set by the magistrates and justices aforesaid within their respective jurisdictions; and that after the fixing and setting such assize the same shall with all convenient speed be made public in such manner as the said magistrates and justices shall think proper and shall be in force until a new assize shall be fixed and set; but before any advance or reduction shall be made in the weight of bread in any of the places aforesaid, the said clerk of the market or other person appointed as aforesaid to give in the prices of flour shall deliver copies of such return to two of the bakers residing within the place for which the same shall be made, with notice thereunder written of the time and place of setting the next assize, to the end that the bakers of such place may have from time to time an opportunity to offer to such magistrates or justices their objections if any they have against any advance being at that time made in the weight of bread.

[Section III.] And be it further enacted by the authority aforesaid, That after an assize of bread shall be set in pursuance of this act no alteration shall be made therein, either to raise the same higher or to sink the same lower, unless the price of flour shall be returned as having rose six pence per hundred weight more than the last return made or having fallen six pence per hundred weight lower than the said last return.

[Section IV.] And be it further enacted by the authority aforesaid, That every person and persons who shall make any loaf bread of wheat flour for sale in any of the places aforesaid shall mark all the bread he shall bake with his name and with the following letters to distinguish the several sorts, That is to say, the fine white bread with F and the middling bread with M, which several sorts of bread shall be made in the manner following: the fine white bread of the best fine white flour

and the middling bread of good middlings; and the loaves of such bread shall be a penny loaf or roll, a two-penny, a four-penny, an eight-penny and a twelve-penny loaf, and no other.

[Section V.] And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall after the said tenth day of April make for sale, sell or expose to sale any of the several sorts of bread aforesaid within the places aforesaid which shall not be sufficiently baked or marked with the mark and of the weight and fineness directed by this act, every [such] person or persons offending in the premises shall forfeit all such bread so deficient in weight or fineness and not marked as aforesaid; and that it shall and may be lawful to and for the clerks of the respective markets in any of the places aforesaid, if such there be, with any two reputable freeholders, to be appointed by the mayor or chief burgess of any city or corporate town and by any justice residing in any town not corporate, and in such places aforesaid where there shall be no such clerk, to and for such person or persons as the said justices respectively shall appoint, and they are hereby authorized and required (without any further or other warrant, with or without a constable) to enter into all houses or other places where they shall be informed or suspect there is any bread baked for sale at least twice in every month to examine and weigh all such bread and to seize all such as they shall find deficient in weight or fineness and not baked and marked as aforesaid, and if any baker or other person shall refuse to suffer the said clerks and freeholders or other persons appointed as aforesaid to enter into his house or other suspected place to examine and weigh his bread, he shall forfeit and pay the sum of five pounds for every such offense, to be recovered before any magistrate or justice of the peace for the said city, boroughs or counties respectively as debts not exceeding five pounds are by law directed to be recovered; of all which forfeitures and penalties the said clerk of the market or other person appointed as aforesaid shall have one-third part for his trouble and shall deliver the other two-thirds to the overseers of the poor of the city, borough, township or place where such bread shall be seized or penalty incurred, for the use of the poor thereof.

[Section VI.] And be it further enacted by the authority aforesaid, That if any baker shall conceive himself aggrieved by the seizure of bread as aforesaid, he may appeal to any magistrate or justice aforesaid respectively, who shall hear and finally determine thereon; and if it shall appear to the said magistrate or justice that the said bread was justly seized, the baker thereof shall pay the sum of ten shillings to the use of the poor of the city, borough or township where the said bread was seized with reasonable charges; but in case the said bread upon trial shall be found of due weight and fineness and marked and baked as this act directs, it shall be returned to the baker, and the charges shall be paid by the officer or person seizing the same; and if any person purchasing bread shall find it deficient in any of the particulars before mentioned, he or she may make complaint thereof within one day after the said bread shall be so purchased to any magistrate or justice aforesaid, who is hereby authorized and required to hear and examine such complaint; and if the said bread shall be deficient in any of the said particulars, the baker thereof shall be adjudged to pay five shillings for every such offense, and be thereupon committed to the common gaol without bail or mainprise until he pay the same, which penalty when received by the said justice shall be delivered to the overseers of the poor aforesaid for the use of the poor.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person or persons shall adulterate or mix any improper [or unwholesome] ingredient in any kind of flour of which bread shall be made for sale in any of the places where the assize of bread shall be set as aforesaid, every such person or persons being thereof legally convicted before any magistrate or justice for the city or county where such bread shall be so made, sold or exposed to sale, who is hereby authorized and empowered to hear, try and determine the same, shall forfeit and pay the sum of five pounds for every such offense.

[Section VIII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the clerk of the market of any city, borough or town within this province to weigh all butter brought into the same to be sold by weight, which, if found deficient, the said clerk shall forthwith, in the

presence of two reputable freeholders, weigh again, and if it appear to the said freeholders that the said butter is under weight, the same shall be seizable, one-third part thereof for the use of the said clerk, and the other two-thirds for the use of the poor of the place where seized; and in case any owner or owners of butter so seized shall conceive him, her or themselves aggrieved by such seizure, he, she or they may appeal to any magistrate or justice aforesaid of the city, borough or place where such seizure is made, who shall hear, try and determine the same.

[Section IX.] And be it further enacted by the authority aforesaid, That the clerks of the several markets within this province now in office shall on or before the tenth day of April next ensuing the publication of this act, and all such clerks as shall hereafter be appointed, before they shall enter upon the execution of their offices, take the following oath or affirmation before some magistrate or justice of the city, borough or county wherein they shall reside, viz.:

That he will well and truly to the best of his skill and judgment do and perform all things enjoined and required of him as clerk of the market by the laws of this province.

And that the person or persons to be appointed from time to time in virtue of this act to search for and seize bread made contrary to the regulations hereinbefore mentioned shall in like manner take the following oath or affirmation,

That they will to the best of their skill and judgment do and perform all and singular the matters and things enjoined and required of them by this act.

[Section X.] And be it further enacted by the authority aforesaid, That the act of general assembly passed in the twelfth year of the reign of William the Third, entitled "An act for the assize of bread,"<sup>1</sup> shall be and is hereby repealed and made null and void.

[Section XI.] And be it further enacted by the authority aforesaid, That this act shall continue and be in force from the publication thereof for and during the term of three years and from thence to the end of the next session of assembly and no longer.

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<sup>1</sup> Passed November 27, 1700, Chapter 51.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the note to the Act of Assembly passed November 27, 1700, Chapter 51; and the Act of Assembly passed February 26, 1773, Chapter 675. Repealed by the Act of Assembly passed March 18, 1775, Chapter 709.

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CHAPTER DCXLII.

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AN ACT FOR RENDERING JUSTICES OF THE PEACE MORE SAFE IN THE EXECUTION OF THEIR OFFICE, AND FOR INDEMNIFYING CONSTABLES AND OTHERS ACTING IN OBEDIENCE TO THEIR WARRANTS.

Whereas justices of the peace may be discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings:

And whereas it is necessary that they should be, as far as is consistent with justice and the safety and liberty of the subjects over whom their authority extends, rendered safe in the execution of the said office and trust:

And whereas it is also necessary that the subject should be protected from all willful and oppressive abuse of the several laws committed to the care and execution of the said justices of the peace:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the publication of this act no writ shall be sued out against nor any copy of any process at the suit of a subject shall be served on any justice of the peace for anything by him done in the execution of his office, until notice