

## CHAPTER DCCIII.

AN ACT TO PREVENT FRAUDS IN THE PACKING AND PRESERVING OF  
SHAD AND HERRING FOR EXPORTATION.<sup>1</sup>

Whereas the exportation of shad and herring to foreign markets is likely to become a considerable branch of the trade of this province, and it is therefore necessary that they be packed and salted in sound and merchantable casks and undergo the inspection of some judicious person before they are suffered to be exported:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all shad and herring designed for exportation from and after the first day of March next ensuing the publication of this act shall be sound and merchantable, well packed and well secured, with a proper quantity of salt and pickle, in tight casks made of good, sound, well-seasoned white oak timber, which shall contain as follows, to wit: the barrel thirty-one gallons and an half, wine measure, and the half-barrel sixteen gallons.

[Section II.] And be it further enacted by the authority aforesaid, That every person who shall pack or cause to be packed or cured any shad or herring for sale shall cause his brand-mark, containing the initial letter of his christian name and his surname at length, to be branded in a plain, distinct manner on every cask by him so packed for sale under the penalty of five shillings.

[Section III.] And be it enacted by the authority aforesaid, That no merchant or person whatsoever shall lade or ship any shad or hering for exportation out of this province before he

<sup>1</sup> The original roll of this act is missing; and therefore it has been compared with the copy in the Act Books.

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 repacking thereof, in order to judge of the soundness and true package of the shad and herring as well as the contents of the cask, and if the said officer or his deputy shall find the said shad or herring to be merchantable and the cask to contain, the barrel thirty-one gallons and an half and the half barrel sixteen gallons, and made of sound, well seasoned timber according to the directions of this act, he shall after packing or repacking 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 between the said officer and possessor of such shad or herring concerning the soundness or package of the same or the soundness or contents of the cask, it shall be lawful for any magistrate of the city or county where the said dispute arises upon application to him made and he is hereby required to issue his warrant to two indifferent judicious persons of skill and integrity to view and search the said shad or herring, together with the cask in which they are contained, 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 shad or herring shall be found unfit for exportation, the said magistrate shall order them not to be exported under the penalty of forfeiting all such shad or herring, and shall also award the owner or possessor to pay the said officer two shillings and six pence per cask for all such shad or herring as shall be judged not fit for exportation as aforesaid, with reasonable charges; but in case the said shad or herring upon trial shall be found good and merchantable according to the directions 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, repacking, heading and branding of every barrel of shad or herring eighteen 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 deputy 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 to search for and make discovery of any shad or herring 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 any way molested in making such discovery as aforesaid, every such person shall forfeit and pay the sum of ten pounds; or if any person shall ship off any cask or casks of shad or herring not branded with the provincial brand-mark as aforesaid, every such person so offending shall forfeit and pay the sum of ten shillings for every cask so shipped.

Provided always, That the officer herein appointed, his deputies, or any other person or persons to be appointed in their or either of their places or stead, shall not during his or their office by him or themselves, or by any other person to his or their use or by his or their procurement, vend, barter, sell, exchange or trade in shad or herring under the penalty of fifty pounds. And the person or persons duly convicted of any such offense against this act shall be and are hereby disabled from acting thereafter in their respective offices.

[Section VI.] And be it further enacted by the authority aforesaid, That William Milnor shall be and is hereby appointed the said officer for viewing, searching, packing or repacking and branding as aforesaid all shad or herring intended for exportation according to the directions of this act. And if the said William Milnor 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 die, 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 end of the next sitting of the assembly and no longer. But before the said William Milnor 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 act.

[Section VII.] And be it enacted by the authority aforesaid, That the said William Milnor or other person appointed the officer aforesaid is hereby empowered to appoint deputies in the respective counties of Philadelphia, Bucks and Chester (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 shad and herring in the manner aforesaid in their respective counties to all intents and purposes as fully as the said William Milnor could do by virtue of this act, and shall take the like oath or affirmation as their principal is hereby directed to take previous to their entering on the execution of their said offices.

[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 such counterfeit on any cask of shad or herring, he, she or they, being thereof legally convicted, shall for the first offense forfeit and pay the sum of fifty pounds, and for the second and every other such offense the offender shall be committed to gaol and sentenced to the pillory, there to stand one hour on a market day in any city, borough or town of the respective counties aforesaid where the fact shall be 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 paid, one-half thereof to the informer or person who shall sue for the same and the other half to the overseers of the poor of the city, township or place where the offense shall be committed, and shall be recovered if

they do not exceed five pounds as debts not exceeding five pounds are usually recovered; and if above five pounds shall 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 December 24, 1774. Referred for consideration by the King in Council, July 21, 1775, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXII, and the Acts of Assembly passed March 5, 1787, Chapter 1265; April 20, 1795, Chapter 1863; March 19, 1810, P. L. 128; February 25, 1818, P. L. 111; March 27, 1821, P. L. 133; April 15, 1835, P. L. 384; March 27, 1860, P. L. 287; March 31, 1860, P. L. 427; April 13, 1868, P. L. 93; June 2, 1871, P. L. 288; the Constitution of 1874, Article III, Section 27.

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## CHAPTER DCCIV.

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AN ACT FOR THE RELIEF OF JOHN BURROWS, A LANGUISHING PRISONER IN THE GAOL OF PHILADELPHIA COUNTY, AND WILLIAM WATERS, A LANGUISHING PRISONER IN THE GAOL OF BUCKS COUNTY, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS.

Whereas it has been represented to the assembly of this province by the petitions of John Burrows, a languishing prisoner in the gaol of Philadelphia county, and William Waters, a languishing prisoner in the gaol of Bucks county, that although they are willing to assign over all their respective effects to the use of their respective creditors for the payment of their respective debts and to discharge such as shall thereafter remain unpaid as soon as by their industry they can find means of satisfying such creditors, yet by their imprisonment they are disabled from putting in execution their just intentions and are reduced to great distress:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said Province in General