

A C T S

OF THE

General Assembly of Pennsylvania,

Passed at a Session which commenced October 14th, 1726,
and ended August 25th, 1727.

1727.

PATRICK GORDON, LIEUTENANT-GOVERNOR.

CHAPTER CCXCV.

*An ACT more effectually to prevent unfair practices in the packing
of beef and pork for exportation. (c)*

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*: 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, *Be it enacted, &c.*

[What follows, in sect. 1, and also sect. 2 and 3 are supplied and repealed by an act passed March 12th, 1789, (post. chap. 1384,) which regulates the contents of every tierce, barrel, half barrel and cask; and the cooper's brand; and prescribes the mode of inspecting; packing, and branding the casks for exportation, and the penalty for exportation before inspection, or contrary to the act, or for defacing the brand made by the inspector, whose particular duties are also prescribed. See also the act of September 24th, 1789, (post. chap. 1429.)]—

[The proviso in sect. 4, remains in force.]

IV. *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

(c) For various acts relative to weights and measures, see ante. chapters, 73, 138, 260. For acts relative to the inspection of bread and flour, see post. chap. 925, 947, 1101, 1320, and the references to chap. 260, ante. page 155.

Chap. 80,
(repealed
March 20th,
1810.)

The contents
of the cask.

On any dis-
pute arising,
how to pro-
ceed.

of the cask, application being made to one of the Magistrates of the city or county where the said dispute arises, he 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 or 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.

1727.

[V. Respects the officer's fees, and is supplied by sect. 7, of the act of March, 1789.]

VI. *And be it enacted*, 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 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 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.

His power and duty.

See sect. 6th of the act of March, 1789.

[VII. This section provided for the appointment of the officer and his successors, which is now vested in the Governor, by the constitution.]

VIII. But before the said Nathaniel Griffitts, or any other person so to be appointed the officer aforesaid, shall do any thing 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.

The officer to make oath or affirmation:

IX. *And be it enacted*, 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,

And may appoint deputies.

1727. as fully as the said Nathaniel Griffitts could do by virtue of this act.

Penalty on
counterfeit-
ing the
brand-
mark and
using the
same.

X. *And be it enacted*, 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 offence, forfeit and pay the sum of five pounds, for the second offence, the sum of ten pounds, and for the third, and every other such offence, 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.

* Altered by
the existing
penal laws.

[XI. This section respected the recovery and appropriation of the fines, &c. and is supplied by the 11th section of the act of March 1789.]

Passed 18th August, 1727.—Recorded A. vol. II. page 345.