

thing whatsoever, that then and in every such case the said bur-
gesses shall commit to the gaol of the county of Bucks aforesaid
and not elsewhere, notwithstanding the said gaol is out of the
bounds of the said borough. And further, that it shall be lawful
for the constables of the said borough for the time being and
they are hereby enjoined and required duly to execute every
such precept by delivering the persons which shall be so com-
mitted to the keeper of the gaol of the said county for the time
being, who is hereby enjoined and required to receive and keep
them, pursuant to the tenor of such precepts, under the like
penalties as for suffering an escape in other cases.

Passed March 7, 1745-46. Confirmed by the King in Council, Octo-
ber 29, 1748. See Appendix XVI, Section I.

As to Sections I-X, see notes to the Acts of Assembly passed Feb-
ruary 22, 1717-18, Chapter 229; March 20, 1724-25, Chapter 283; and
the Acts of Assembly passed February 21, 1767, Chapter 555; Feb-
ruary 28, 1780, Chapter 878; April 15, 1834, P. L. 537; May 8, 1876,
P. L. 154; June 1, 1883, P. L. 58; May 19, 1887, P. L. 132; April 19,
1895, P. L. 38; June 26, 1895, P. L. 377.

As to Sections XI-XII, see Acts of Assembly passed September
16, 1785, Chapter 1182, February 15, 1851, P. L. (1852) 674; April 3,
1851, P. L. 320; May 19, 1887, P. L. 133.

CHAPTER CCCLXVIII.

A SUPPLEMENTARY ACT TO THE ACT, ENTITLED "AN ACT FOR PRE-
VENTING THE EXPORTATION OF BREAD AND FLOUR NOT MER-
CHANTABLE."¹

Whereas by an act of the general assembly of this province
passed in the seventh year of the reign of our present King,
George the Second, entitled "An act to prevent the exportation
of bread and flour not merchantable," it is amongst other things
enacted that no merchant or other person shall lade or ship any
flour for exportation out of this province before he first submit
the same to the view and examination of the officers therein
named; but the method of trying the goodness and fineness of
the said flour provided by the act, on any dispute arising between

¹ Passed October 19, 1783, Chapter 332.

the said officers and possessors of flour, not being so well adapted to the purpose intended as might be:

Therefore, and for amending the said act in that and other particulars wherein on experience it is found necessary:

[Section I.] Be it enacted by the Honorable George Thomas, Esquire, Lieutenant-Governor with the King's approbation under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and the counties of Newcastle, Kent and Sussex on Delaware, 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, and it is hereby enacted, That from and after the publication of this act, no merchant or other person whatsoever shall lade or ship any flour for exportation out of this province before he, she or they shall first offer the same to the view of the officer of the respective county hereinafter named from whence the same flour is intended to be shipped under the penalty of forfeiting five shillings for every cask so shipped; who shall thereupon try every cask of the same flour in the manner by the said in-part-recited act directed; and if on such search the flour shall be adjudged by the officer fit for exportation, he shall brand the same and be paid as the act aforesaid doth direct; but if the officer shall adjudge such flour unmerchantable and not fit to be exported, and the possessor of the said flour shall acquiesce under such judgment, he shall in such case pay to the said officer one penny for each cask so found unfit and no more; and on his refusal or neglect to pay the penny per cask as aforesaid, the officer may recover the same as debts under forty shillings are recoverable with costs of suit; and if the possessor of any flour shall ship or offer to ship the same for exportation out of this province without being approved and branded as by the act aforesaid is directed, the said flour shall be forfeited, to be recovered by the said officers respectively in any court of record within this province with costs of suit; and when recovered shall be applied in the same manner as other forfeitures by virtue of the said-recited act.

[Section II.] Provided always, and it is further enacted by the authority aforesaid, That where at any time hereafter any

dispute shall arise between any of the said officers or their deputies or any one of them with the possessor concerning the fineness or goodness of such flour, then upon application made by the possessor of such flour to one of the magistrates of the county where the dispute arises, he shall issue his warrant to three indifferent and judicious persons of skill and integrity, one of them to be named by the possessor of such flour, a second to be named by the officer and the third person to be named by the said magistrate, directing them, the persons so named, to view and search the said flour and to make report to him forthwith according as they shall find the same; and that if they shall find the said flour not merchantable, that they certify to the said magistrate the cause why, and whether it be for that the said flour wants due fineness, is musty or sour or the like; and if sour, whether such sourness is occasioned by the greenness of the timber whereof the casks are made, or for any other and what cause; and the said magistrate is hereby empowered and required to give judgment agreeable to the report of the persons so named or to the report of any two of them; and in case the said flour on such report is judged unfit to be exported, the magistrate shall order it not to be exported under the penalty in the said act mentioned; and shall also award the owner or possessor of such flour to pay into the hands of the said officers one shilling for every cask so adjudged not fit for exportation and no more, besides reasonable costs; but in case the said flour on trial shall be found merchantable, the officer shall be adjudged to pay all the costs which shall accrue on every such trial:

Provided always, That if it shall appear by any of the reports of the triers aforesaid that the flour is found unmerchantable by fault of the miller or bolter, that in every such case the owner of such flour shall or may recover the damages which he shall sustain against such miller or bolter, with full costs of suit.

[Section III.] And be it further enacted by the authority aforesaid, That Joseph King, of Philadelphia, shall be and hereby is appointed the officer for viewing and examining all flour shipped or intended to be shipped directly out of this province from the city and county of Philadelphia; and that William Atkinson, of Bucks county, shall be and hereby is appointed the officer for viewing and examin[in]g all flour shipped

or intended to be shipped directly out of this province from the county of Bucks; and that John Owen, of Chester, shall be and is hereby appointed the officer for viewing and examining all flour shipped or intended to be shipped directly out of this province from the county of Chester; and if any or either of the said officers hereby appointed shall by any accident be rendered incapable or shall knowingly suffer any flour to be shipped for exportation out of this province without trying every cask thereof, as hereinbefore is directed, or shall neglect to keep a sufficient number of deputies to assist him in the execution of his office, whereby the possessor of such flour is damnified or delayed, or shall otherwise misbehave him or themselves therein, 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 respective counties in their next quarter-sessions, and they are hereby enjoined and required, on the conviction of the said officer of any of the crimes aforesaid to nominate and appoint some other fit person in his or their place or places, who shall thereupon be the officer for putting this act and the act hereinbefore in part recited in execution for the respective county until the assembly appoint another, the said officer so to be appointed first taking the qualification for the faithful and impartial discharge of his respective duties as by the said mentioned act is enjoined; and the said officers herein named shall, and are enjoined, on their qualifications aforesaid, respectively, to account for and pay unto the overseers of the poor for the use of the poor of the place where the forfeitures happened, once in three months or oftener if thereunto required, all such sum or sums of money as shall from time to time arise from or be paid by the owner or possessors of such flour which shall so be adjudged not merchantable as aforesaid, deducting thereout six pence for every cask for their trouble and charges they shall respectively be at on the trial of every such case.

[Section IV.] And be it further enacted by the authority aforesaid, That the officers aforesaid shall continue in their respective offices from the publication of this act for the space of four years and from thence until the next meeting of assembly and no longer, except they shall be reappointed by the assembly.

[Section V.] And be it further enacted by the authority aforesaid, That so much of the act before mentioned, entitled "An act to prevent the exportation of bread and flour not merchantable," as relates to the nomination of officers for putting the same act in execution, and so far as it is hereby altered, shall be and hereby is repealed, declared null and void; but that all other clauses, matters and things in the said act contained shall be and are hereby declared to be in full force, strength and virtue as fully to all intents, constructions and purposes as if this present act had not been made.

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

Passed March 7, 1745-46. Confirmed by the Lords Justices in Council, October 29, 1748. See Appendix XVI, Section I, and note to the Act of Assembly passed January 19, 1733-34, Chapter 332.

The Act in the text was continued by the Acts of Assembly passed August 18, 1750, Chapter 386; September 27, 1758, Chapter 435, October 19, 1759, Chapter 452; and then allowed to expire.

CHAPTER CCCLXIX.

AN ACT FOR THE MORE EFFECTUAL SUPPRESSING PROFANE CURSING AND SWEARING.

Whereas the sins of profane cursing and swearing are odious and abominable to Almighty God and all good men, and may draw down God's judgments were such grand offenses to go unpunished. And whereas it is found by experience that the act of general assembly of this province, entitled "An act to prevent the grievous sins of cursing and swearing,"¹ hath proved ineffectual to the suppressing of those detestable sins by reason of some deficiencies in the said act:

[Section I.] Be it therefore enacted by the Honorable George Thomas, Esquire, Lieutenant-Governor, with the King's approbation under the Honorable John Penn, Thomas Penn and Rich-

¹Passed November 27, 1700, Chapter 44.