

## CHAPTER MCCCXCV.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT MORE EFFECTUALLY TO PREVENT UNFAIR PRACTICES IN THE PACKING OF BEEF AND PORK FOR EXPORTATION, AND TO REGULATE THE EXPORTATION OF FLAXSEED, BUTTER AND BISCUITS IN KEGS."<sup>1</sup>

(Section I, P. L.) Whereas the commercial reputation and general interest of this commonwealth has been greatly advanced by divers wholesome laws subjecting the produce thereof to regular and careful inspection and it is right and proper that the exports from this state should conform as nearly as may be found convenient in package and value with those of other countries which are vended from time to time in the same foreign markets:

And whereas sundry defects in the law relating to salted beef and pork passed the eighteenth day of August one thousand seven hundred and twenty-seven have been discovered by observation and experience:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the first day of November next, every tierce, barrel or half barrel in which salted beef or pork shall be exposed to sale within this commonwealth or exported therefrom (except such as shall have been brought or imported from any place or places without the bounds and limits of this commonwealth, with the name of the state, town or place from which the same shall have been brought or imported, branded or marked at full length and in a plain, legible manner thereon and which shall be sold or exported as aforesaid with the same name so as aforesaid branded or marked thereon and not as the beef or pork of Pennsylvania) shall be made of sound and well seasoned white oak timber with at least fourteen good and sub-

stantial hoops thereon, which hoops shall be fastened and secured at each end of such tierce, barrel or half barrel by iron nails and at each bilge by wooden pins or pegs.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every tierce in which salted beef or pork (except as is before excepted) shall be exposed to sale in this Commonwealth or exported therefrom as aforesaid shall be of the gauge of forty-two gallons of wine measure and shall contain three hundred pounds of sound and merchantable meat, well packed and secured with salt and pickle, and if such tierce contains beef it shall not have therein more than three legs or shins, and if it contains pork it shall not have therein more than three heads.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That every merchantable barrel of salted beef (except as is before excepted) which shall be exposed to sale in or exported from this Commonwealth shall be of the gauge of twenty-eight gallons of wine measure and shall contain no more than two shins. And every merchantable barrel of salted pork (except as is before excepted) which shall be exported from or exposed to sale in this commonwealth shall be of the gauge of twenty-nine gallons wine measure and each shall contain two hundred pounds of cured meat and no barrel of pork shall have more than two heads therein. And every half barrel of beef and pork shall be of the gauge of fifteen gallons of the measure aforesaid and shall contain one hundred pounds of cured meat and if beef not more than one shin and if pork not more than one head. And every cask, whether tierce, barrel or half barrel, shall be distinctly branded with the name of the cooper or the person putting up the same.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That every tierce, barrel or half barrel in which salted beef or pork (except as is before excepted) shall be exposed to sale within this commonwealth or exported therefrom as aforesaid, shall, before the sale or exportation thereof, be carefully inspected and examined by the inspector of beef and pork for the time being, who shall pass as mer-

chantable and brand with the arms of this commonwealth each and every tierce, barrel and half barrel being of the materials and dimensions hereinbefore directed and described and which shall respectively contain the quantity and quality of salted beef or pork hereinbefore mentioned and required, packed and secured in the manner aforesaid. And the said inspector for the time being shall (with a proper instrument for that purpose to be provided) erase, scratch out and effectually deface the cooper's or packer's brand mark and marks of[f] and from each and every tierce, barrel or half barrel containing salted beef or pork as aforesaid which shall not be of the materials and dimensions hereinbefore directed and described and in which such beef or pork shall not be of the quantity and quality and packed and secured in the manner hereinbefore also directed and described. And if the same cannot be rendered merchantable according to the requisitions and meaning of this act by salting, pickling, re-packing and coopering thereof, then the said inspector for the time being shall impress and brand a dis[tinct] mark of a cross, thus, X (each stroke of the said cross being at least three inches long) upon one head of every such tierce, barrel or half barrel containing beef or pork so as aforesaid incapable of being rendered merchantable.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That all and every person and persons who shall sell and deliver any tierce, barrel or half barrel of salted beef or pork (except as is before excepted) to the purchaser or purchasers thereof before the same has been duly examined by the said inspector and branded with the arms of this commonwealth in the manner hereinbefore directed or who shall refuse to allow and suffer the said inspector in the cases aforesaid to erase, scratch out and effectually deface the cooper's or packer's brand mark and marks of[f] and from any tierce, barrel or half barrel, and if need be to impress and brand thereon the said mark of a cross as aforesaid, shall forfeit and pay for each and every tierce, barrel or half barrel so sold and delivered and for each and every tierce, barrel or half barrel from which he, she or they shall refuse to allow and suffer the said cooper's or packer's brand mark and marks

to be erased, scratched out and effectually defaced as aforesaid and for each and every tierce, barrel or half barrel whereon he, she or they shall refuse to allow and suffer the said mark of a cross to be impressed and branded as aforesaid, the sum of ten shillings. And for all and every person and persons who shall by any means whatever, wilfully erase, scratch out and deface the said mark of a cross after the same has been duly impressed and branded by the said inspector upon any tierce, barrel or half barrel as aforesaid shall forfeit and pay the sum of ten pounds for each and every tierce, barrel or half barrel of [f] and from which the said mark of a cross shall be erased, scratched out and defaced, the said last two mentioned sums of money or forfeiture to be recovered and applied in the manner hereinafter provided and declared.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said inspector for the time being shall and may lawfully demand, receive and take the sum of six-pence and no more, for inspecting, examining and branding as aforesaid, each and every tierce, barrel or half barrel of salted beef or pork, which shall be sold at the port of Philadelphia or exported therefrom, whether the same be sold for ship stores or exportation, and also the further sum of one shilling and six-pence for each tierce and of one shilling for each barrel or half barrel of salted beef or pork which he, the said inspector, shall re-pack, together with such [other and] further allowance and compensation as it shall and may be reasonable and customary to allow and give for the expense and trouble of cooerage in putting the same into good and merchantable order and condition. Provided nevertheless, That it shall and may be lawful to and for the owner and owners of the said salted beef or pork to employ any person and persons other than the said inspector for the time being to do, execute and perform the cooerage necessary to put the same in good and merchantable order and condition as aforesaid and in that case the said inspector for the time being shall not be entitled to have and receive any allowance or compensation whatsoever for or on account of the said cooerage.

And whereas divers frauds and impositions have been com-

mitted in the package of sundry other commodities as well as salted beef and pork, the frequent repetition whereof must be equally injurious to the interest and reputation of the state and which it is the duty and desire of the legislature as far as may be to prevent:

Therefore:

[Section VII.] (Section VIII, P. L.) Be it enacted by the authority aforesaid, That from and after the first day of November [next] no flaxseed shall be exported from this commonwealth into the kingdom of Ireland or into that part of Great Britain called Scotland before the same is well cleansed and prepared, nor in any other manner than is hereby described and directed, that is to say, the staves of each and every cask in which flaxseed shall be exported from this commonwealth as aforesaid shall be made of sound oak and each and every of the said casks besides a lining hoop on the outside round the chimes thereof, shall have at least twelve other good and substantial hoops thereon and the same shall be fastened and secured by at least three iron nails in each of the chime hoops and by the like number of iron nails in each of the quarter hoops and each and every of the said casks shall be made as nearly straight as possible and there shall be two sizes of the said casks and no more, to wit: the larger sizes thereof shall be in length two feet and nine inches and in diameter at each head twenty-four inches, and shall contain seven bushels of good and merchantable flaxseed; and the smaller sizes thereof shall contain three bushels and an half bushel of like good and merchantable flaxseed. And each and every of the said casks shall be branded with the initial letter of the christian name and surname at full length of the person who cleaned and prepared the flaxseed therein put up and contained. And if any cask or casks containing flaxseed shipped with the intent to export the same as aforesaid not of the materials, make and dimensions and shall not respectively contain the quantity and quality of flaxseed hereinbefore directed and described, or if the said cask and casks have not been first duly branded as aforesaid, all and every person and persons who shall ship the same as aforesaid shall forfeit and pay the

sum of twenty shillings for each and every cask which shall not be of the materials, make and dimensions or which shall not respectively contain the quantity and quality of flaxseed hereinbefore directed and described, and shall also forfeit and pay the further sum of five shillings for each and every cask so shipped which hath not been first duly branded as aforesaid, the said two last mentioned sums of money or forfeitures to be recovered and applied in the manner hereinafter provided and declared.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every cask in which butter shall be exported from this commonwealth or therein exposed to sale for exportation shall be made of good and sound white oak staves and shall be of the following dimensions, that is to say, in length twenty inches, in diameter at the heads thereof twelve inches and every such cask shall have at least fourteen hoops thereon well and sufficiently fastened and secured by iron nails in the head or chime hoops and by wooden pegs or pins in the upper bilge or quarter hoops and all and every person and persons who shall hereafter export butter from this commonwealth or therein expose the same to sale for exportation in any other or different kind of casks than is hereby directed and described shall forfeit and pay the sum of five shillings for every cask containing butter so exported or exposed to sale for exportation contrary to the meaning and direction of this act to be recovered and applied in the manner herein provided and declared.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of August next each and every keg in which biscuit shall be exported from this commonwealth or therein exposed to sale for exportation shall contain at least seven pounds of good and merchantable biscuit, and all and every person and persons who shall at any time from and after the said first day of August next export biscuit from this commonwealth or therein expose the same to sale for exportation in any keg or kegs containing a less quantity and inferior quality of biscuit than is hereby directed shall forfeit and pay the sum of five shil-

lings for every keg so exported or exposed to sale for exportation contrary to the meaning and direction of this act, to be recovered and applied in the manner hereinafter provided and declared.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That all and singular the forfeitures and penalties in and by this act or the act to which this is a supplement set, declared, appointed and imposed shall be one half thereof to the guardians of the poor in the city of Philadelphia for the use and benefit of the poor of the said city [and the district annexed thereto] and the other half thereof to the informer or him, her or them who will sue for the same to his, her or their own use and benefit and if the said forfeitures and penalties be under the sum of ten pounds the [same] shall and may be sued for and recovered in like manner as debts under ten pounds may be sued for and recovered within this commonwealth, or if the said forfeitures [and] penalties be above the [said] sum of ten pounds the same shall and may be sued for and recovered by bill, plaint or information in any court of record within this commonwealth wherein no essoin protection or wager of law nor more than one imparlance shall be allowed.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That so much and no more of the said recited act entitled, "An act more effectually to prevent unfair practices in the packing of beef and pork for exportation" passed the said eighteenth day of August in the year of our Lord one thousand seven hundred twenty-seven as is by this act altered or supplied be and the same is hereby repealed annulled and made absolutely void any[thing] therein [contained] to the contrary thereof in anywise notwithstanding.

Passed March 12, 1789. Recorded L. B. No. 3, p. 471. See the Acts of Assembly passed November 27, 1700, Chapter 80; August 18, 1727, Chapter 295; September 24, 1789, Chapter 1440.