

## CHAPTER MCDLXXXII.

AN ACT TO REGULATE THE EXPORTATION OF POTASH AND PEARL-  
ASH

(Section I, P. L.) Whereas potash and pearl ash are likely to become considerable articles of exportation from this state and inconveniences may arise from a want of their being inspected:

Therefore:

[Section I.] (Section II, P. L.) Be it 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 the president or vice-president and supreme executive council shall be and they are hereby authorized and empowered to appoint a skillful and discreet person to be inspector of pot and pearl ash for this state whose powers and duties shall be as they are hereinafter described who shall be empowered to appoint a suitable number of deputies under him. That such inspector and every of his deputies previously to entering on the execution of their respective offices shall take an oath or affirmation before a magistrate of the city or county in which they shall be appointed, faithfully and impartially to perform their trust and duty to the best of their skill and understanding according to the directions of this act. And in case of death, misbehavior in office or inability it shall be lawful for the president or vice-president and supreme executive council to appoint another inspector from time to time as the case shall require. That none of the said inspectors or his deputies during their continuance in office shall directly or indirectly vend, barter or trade in pot or pearl ash under the penalty of one hundred pounds to be recovered by action of debt by any person who will sue for the same, the one moiety thereof to the use of the person suing and the other moiety thereof to the use of this state, and every inspector

or deputy inspector being so thereof convicted shall thenceforth be disabled from holding their respective offices.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the enacting hereof no person or persons whatever shall ship or cause to be shipped any pot or pearl ash for exportation out of this state before he or they shall submit the same to the examination of the inspector of the port from whence the same shall be shipped or intended to be shipped, or his deputy. That the said inspector or his deputy, shall cause all pot and pearl ash submitted to his examination to be started out of the cask and shall carefully inspect and try the same and if fit for exportation shall sort it according to its quality into three sorts. That each sort shall be separately packed in tight casks, well hooped and coopered, the tare of which shall be previously marked by such inspector or his deputy on the head of each cask who shall also mark thereon with a branding iron the name of the port from whence shipped with the words potash or pearlash, the first, second, or third sort as the case may be.

[Section III.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the said inspector or his deputy respectively shall be entitled to receive of the possessor of such pot or pearl ash as a full compensation for his services in examining, sorting and repacking the same, in coopering, weighing and marking the casks and delivering a note by him signed of the weight of each cask when empty the sum of six-pence for every hundredweight so inspected and for all pot or pearl ash adjudged to be unfit for exportation the sum of two-pence for every hundredweight. Provided, That the expense of additional cooperage or of new casks when necessary in the opinion of the inspector or his deputy, shall be paid by the possessor of the pot or pearl ash and that such possessor shall be at liberty to employ any other person for that purpose.

[Section IV.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That if any dispute shall arise between

such inspector or his deputy and the possessor of any pot or pearl ash concerning the quality, inspection or package thereof upon application to any magistrate of the city or county where the case may happen, such magistrate shall issue his warrant to three indifferent persons to view and examine the same and make report thereof and the said magistrate is hereby empowered and required to give judgment agreeable to the report of the said viewers or any two of them and the said inspector or his deputy shall thereupon proceed to repack the same, if judged fit for exportation and mark the casks according to the direction of such viewers and for his services therein shall have the same fees as is hereinbefore directed and if judgment shall be given upon such report in favor of the said inspector or his deputy the said magistrate shall moreover award the sum of three pence for each hundredweight of the said pot or pearl ash, with costs to be paid by the possessor thereof but if such judgment shall be given against such inspector or his deputy the costs and all reasonable charges shall be awarded to be paid by such inspector or his deputy as the case may be.

[Section V.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That any person or persons whatever who shall knowingly ship or cause to be shipped or who shall receive on board any ship or vessel for exportation out of this state any pot or pearl ash not inspected, marked and branded in manner before directed or the marks and brands whereof shall have been altered or counterfeited or which shall have been condemned as unfit for exportation, shall forfeit and pay the sum of twenty-five pounds for every such offence, and that any person or persons who shall mark or brand any cask or other vessel containing or intended to contain pot or pearl ash or shall alter or efface any marks or brands made or impressed by such inspector or his deputy with design to evade the intent and meaning of this act shall forfeit and pay the sum of fifty pounds for every such offense, and shall also suffer imprisonment without bail or mainprize for the term of three months and until such fine and the costs of prosecution shall be paid.

[Section VI.] (Section VII, P. L.) Be it further enacted by the authority aforesaid, That such inspector or his deputy shall have full power and authority by virtue of this act to enter on board any ship or vessel suspected to have received pot or pearl ash for exportation contrary to the provisions of this act in order to search for and examine the same and any person or persons whatever who shall obstruct and resist the said inspector or his deputy therein shall forfeit and pay the sum of twenty pounds for each such offense.

[Section VII.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That all pot and pearl ash which shall be shipped for exportation out of this state or which shall be brought to any quay, wharf or other place in order to be shipped for such exportation contrary to the true intent and meaning of this act shall be forfeited and may be seized by the inspector or his deputy who after condemnation thereof in due course of law shall cause the same to be publicly sold and one moiety of the money arising therefrom after deducting the costs and charges shall be paid to the treasurer of the county in which such seizure and condemnation shall take place for the use of the commonwealth and the moiety thereof to the inspector or his deputy who shall seize and prosecute the same to judgment.

[Section VIII.] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That the fees given and the fines inflicted by virtue of this act shall be recovered in the same manner as debts of like value are recovered by the laws of this state, and all the said fines except such as may be incurred by the inspector or his deputies shall be distributed in the manner hereinbefore directed with regard to the articles forfeited.

[Section IX.] (Section X, P. L.) Be it further enacted by the authority aforesaid, That this act shall continue and be in force for the term of two years and from thence to the end of the next session of the general assembly of this commonwealth.