

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1774,
and ended March 18th, 1775.

1774.

JOHN PENN, LIEUTENANT GOVERNOR.

CHAPTER DCCI.

*An ACT to prevent frauds in the packing and preserving of shad
and herring for exportation.*

[The act for
regulating
the gauging
of casks, ante.
154, chap.
260.
And see a
supplement
to this act
passed March
19th, 1810.]
Shad and
herring for
exportation
shall be
sound and
merchanta-
ble, well
packed, &c.

Every per-
son packing
shad or her-
ring for sale,
to brand his
name on each
cask.

No person to
export shad

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: *Be it therefore enacted*, 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. (q)

II. *And be it further enacted*, 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 and distinct manner on every cask so packed for sale, under the penalty of five shillings

III. *And be it enacted*, That no merchant or person whatsoever shall lade or ship any shad or herring for exportation out of this

(q) By an act passed the 5th of March, 1787, chap. 1254, it is provided, that the casks used for packing shad and herring, designed for exportation, shall be as follows: the barrel twenty-eight gallons, and the half barrel fourteen gallons, wine measure. (Note to former edition.)

province before he 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 casks 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. (r)

1774.

or herring,
before sub-
mitting the
same to the
examination
of the officer,
&c.

IV. *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 direction of this act, the charges of prosecution shall be paid by the officer.

Disputes con-
cerning the
soundness or
package, &c.
how to be
determined.

V. *And be it enacted,* 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. (s)

Officer's fee
for packing,
&c.

VI. *And be it enacted,* 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

Officer em-
powered to
enter ships,
&c.

(r) The state arms are, of course, substituted for the provincial arms, since the revolution. (Note to former edition.)

(s) See chap. 1852, where the fee of the Inspector of salt provisions is made ten cents per barrel. (Note to former edition.)

1774. 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.

Penalty on officer's trading in shad or herring.

VII. *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 offence against this act, shall be and are hereby disabled from acting thereafter in their respective offices.

William Milnor appointed the officer;

VIII. *And be it further enacted,* 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 any thing in the execution of his office, he shall first make oath or affirmation, before any Justice of the Peace of any county in this province, faithfully and impartially to perform his duty and trust, to the best of his capacity, according to the direction of this act. (t)

Who is to make oath or affirmation;

and may appoint deputies.

IX. *And be it enacted,* 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 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.

Penalty on counterfeiting the brand mark.

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

(t) The appointment is now vested by the constitution in the Governor: (Note to former edition.)

offence, 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. 1774.
Altered by the existing penal laws.

XI. *And be it enacted*, 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 offence 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. Appropriation of the fines, and how to be recovered.

Passed 24th December, 1774.—Recorded A. vol. VI. page 52.

CHAPTER DCCIII.

An ACT to suppress the disorderly practice of firing guns, &c. on the times therein mentioned. (u)

WHEREAS a disorderly practice prevails in many parts of this province, of firing guns at or near new-year's day, which is frequently attended with much mischief, and greatly disturbs the public peace: For remedy whereof for the future, *Be it enacted*, That if, after the publication of this act, any person or persons shall, on any thirty-first day of December, or first or second day of January, in every year, wantonly, and without reasonable occasion, discharge and fire off any hand-gun, pistol or other fire-arms, or shall cast, throw or fire any squibs, rockets or other fire-works, within the inhabited parts of this province, to the disturbance of any of his Majesty's subjects there inhabiting and being, every such person so offending; and being thereof convicted before any one Justice of the Peace of the county, or Mayor or other head officer, a Justice of Peace of any city or town corporate, where such offence shall be committed, either by confession of the party so offending, or the oath or affirmation of one or more credible witness (which oath or affirmation the said Justice or other officer aforesaid is hereby empowered and required to administer) shall for every such offence forfeit, for the use of the poor of the township or district where such offender lives, the sum of ten shillings, to be levied by distress and sale of the offender's goods and chattels, by warrant, under the hand and seal of the Justice or other officer before whom such offenders shall be convicted, returning the overplus, if any, to the owner, the reasonable charge of distraining being first deducted; and for want of such distress, such offender shall be committed to prison for the space of five days, without bail or main-prize. Penalty on persons discharging any gun, &c. on the 31st of December, &c.

(u) See the acts respecting the Corporation, chap. 1383. (*Note to former edition.*)