

execution of his office, as Registers of Deeds are by law entitled to receive.

*And be it further enacted by the authority aforesaid,* That a Court of Probate shall be held within the said District, and that some suitable persons be appointed in the manner the constitution directs for Judge and Register of the said Court, who from and after the twentieth day of *July* next, shall have power and authority to do and perform all the business which Judges and Registers of Probate by the law of this Commonwealth “for establishing Courts of Probate,” have power and authority to do and perform.

Courts of Probate to be held within the district.

*And be it further enacted by the authority aforesaid,* That all probate of wills and letters of administration granted upon the estates of persons (who at the time of their decease belonged within the said district) and doings, after the said twentieth day of *July*, other than such as shall be done and made by the said Judge who shall be appointed as aforesaid, shall be void and of no effect.

*November 6, 1784.*

### 1784. — Chapter 30.

[October Session, ch. 5.]

AN ACT REGULATING THE EXPORTATION OF FLAX SEED, POT ASH, PEARL ASH, BEEF, PORK, BARRELED FISH, AND DRIED FISH.

*Chap. 30*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the twentieth day of December next, no Flax Seed shall be shipped or exported out of this Commonwealth, but such as shall have been surveyed and found to be well cleansed and in good order, and in casks, each cask containing seven bushels and one peck, or in casks containing one half the said quantity each.

No Flax Seed to be exported, unless surveyed & found to be well cleansed, &c.

*And be it further enacted,* That the Governor, by and with the advice and consent of the Council, be, and is, hereby empowered to appoint, in such seaport towns within this Commonwealth as there shall be occasion, one or more skilful and disinterested person or persons, to be surveyors, for the surveying and proving Flax Seed, who shall be sworn to the due and impartial execution of their trust: And their duty shall be to inspect and survey

Governor empowered to appoint surveyors of Flax Seed.

Their duty.

all Flax Seed that shall be intended to be laden on board of any vessel for foreign exportation; and every such surveyor is hereby authorized to open the casks containing the said commodity, intended to be exported as aforesaid, and if need be, measure and shift the same into other casks, so as thoroughly to examine the whole, and see that it be clear from mixture of wild or other seed, or dirt, and of the measure aforesaid. And every cask containing the said quantity, which by such survey and examination shall, according to the surveyor's best judgment, appear to be cleansed as aforesaid, he shall mark or imprint with a burning iron, the following mark or letters, A. P. with the name of the town where it shall be thus approved, the name of the said surveyor at large, and the letter S. at the end thereof, denoting that the same has been surveyed and approved.

*And be it further enacted by the authority aforesaid,* That from and after the twentieth day of *December* next, no Pot Ash or Pearl Ash shall be shipped or exported out of this Commonwealth, but such as shall have been assayed and found to be of sufficient strength and purity, and to have those qualities in such degree of perfection as shall be ascertained and fixed by the Governor, with the advice and consent of the Council, as the standard of such Pot Ash and Pearl Ash as shall be deemed merchantable, and fit for exportation.

*And be it further enacted,* That the Governor and Council be, and they are, hereby empowered to appoint, in such seaport towns within this Commonwealth as there shall be occasion, one or more skillful and disinterested person or persons, to be assay-masters, for the proving and assaying Pot Ash and Pearl Ash, who shall be sworn to the due and impartial execution of their trust; and their duty shall be to inspect and assay all Pot Ash and Pearl Ash, that shall be brought to any such seaport town to be shipped; and every such assay-master is hereby authorized to open the casks or vessels containing those commodities, and to take out so much thereof as may discover the quality of the whole; and every cask or other vessel of Pot Ash or Pearl Ash, which by such assay shall be found to be good and merchantable, according to the rule or standard that shall be established as aforesaid, he shall mark or imprint with a burning iron, the following mark or letters, AS. D. with the name of

No Pot or Pearl Ash shall be exported, unless assayed & found merchantable.

Governor and Council empowered to appoint assay-masters, for proving and assaying Pot Ash, &c.

Their duty.

the town where the same shall have been thus assayed, and the assayer's name at large, and the letter A. at the end thereof, denoting that the same has been assayed and approved.

*And be it further enacted,* That if the owner of any Flax Seed, Pot Ash or Pearl Ash, or other person employed by him, shall presume to lade, or put on board any vessel, bound out of the Commonwealth, any Flax Seed, Pot Ash and Pearl Ash, other than such as shall have been approved, by a surveyor or assay-master, respectively, or shall be contained in any cask, or other vessel, that shall not have their marks, stamps or brands upon it; or if any master of a ship or other vessel, or other officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of five pounds for each cask or other vessel so shipped, to be sued for and recovered in any Court of record within this Commonwealth, proper to try the same; and all such Flax Seed, Pot Ash and Pearl Ash (laded or received on board as aforesaid) shall be forfeited. And it shall be lawful for any Justice of the Peace, upon information given of any Flax Seed, Pot Ash or Pearl Ash, put on board any such ship or other vessel, as aforesaid, not marked as aforesaid, to issue his warrant, directed to the Sheriff or his Deputy, or Constable, requiring them respectively to make seizure of any such Flax Seed, Pot Ash and Pearl Ash, shipped and not marked as aforesaid, and to secure the same in order for trial, and such officers are hereby respectively empowered and required to execute the same.

Persons presuming to ship any Flax Seed, Pot Ash, &c. not approved.

Penalty.

*And be it further enacted,* That if after any cask or other vessel, containing Flax Seed, or Pot Ash, or Pearl Ash, shall have been approved and stamped with the surveyor's or assay-master's marks, stamps or brands, any cooper or other person shall presume to shift the contents of such cask or other vessel, and to put therein any Flax Seed, Pot Ash or Pearl Ash, that has not been duly surveyed or assayed, and approved as aforesaid, such cooper or other person offending therein, shall forfeit and pay the sum of ten pounds for every cask so shifted, to be recovered in manner as aforesaid.

Persons shifting the contents of casks after being approved.

Penalty.

*And be it further enacted,* That in case any surveyor or assay-master, appointed and sworn as aforesaid, shall be guilty of any neglect or fraud in assaying or surveying any Flax Seed, Pot Ash or Pearl Ash, contrary to the true

Surveyors or assay-masters guilty of neglect or fraud.

intent and meaning of this act, or shall mark with their respective brands, stamps or marks, any casks containing Flax Seed, or Pot Ash, or Pearl Ash, which they had not actually and thoroughly surveyed or assayed, and which may be intended for exportation out of this State, he or they shall forfeit and pay the sum of ten pounds for every such neglect, or for every cask falsely marked, to be recovered as aforesaid.

Penalty.

Each cask, before any Pot or Pearl Ash are put therein, to be weighed, &c.

*Be it further enacted by the authority aforesaid,* That each cask, before any Pot Ash or Pearl Ash are put therein, shall be weighed by the manufacturer of such Pot Ash or Pearl Ash, who shall, with a marking iron, mark on one of the heads thereof, the full weight of the cask, and the initial letters of his name; and in case he shall falsely mark the same, such manufacturer, upon conviction thereof, shall forfeit and pay the sum of forty shillings for each cask so falsely marked.

Surveyors and assay masters fees.

*And be it further enacted,* That the respective surveyors and assay-masters shall be paid for every cask of Flax Seed, Pot Ash or Pearl Ash, that they shall survey or assay, the sum of six pence, provided the number does not exceed ten, and four pence for each cask exceeding that number, exclusive of cooperage, to be paid by the shipper.

Selectmen to choose, annually fit persons to be searchers and packers of barreled beef, &c.

*Be it further enacted by the authority aforesaid,* That the selectmen, or the major part of them, in every town in the Commonwealth, where there may be occasion, be, and they are hereby empowered and directed, to choose and appoint annually a fit person or persons to be searchers and packers of barreled Beef, Pork and Fish, who shall be sworn to the faithful execution of their trust, by the town clerk of the said town, and the said town clerk shall record the same in the town books; whose duty shall be to pack and search all the Fish, Beef and Pork which shall be packed in the same, designed for exportation out of this State, and they shall not pack any Fish, Beef or Pork, in any cask which shall be of unseasoned stuff, or which shall be under the assize established by law, under the penalty of ten shillings for every cask so packed.

Duty of such searchers and packers.

*And be it further enacted,* That in every town where such commodities are packed up for sale, the searcher and packer of such town, or of the town where they are put to sale or shipped, shall, previously thereto, see that

they be properly repacked, and that there be good salt in each cask, sufficient to preserve the Fish, Beef or Pork, from damage to any port or place to which they are designed to be shipped; and it shall be his business to see that the Beef and Pork in cask is of the whole, half and quarter and so proportionably, that the best be not left out; and that each barrel of Pork shall weigh two hundred pounds weight, and each barrel of Beef two hundred and twenty pounds weight, each cask to be well seasoned, and bound with not less than twelve sufficient hoops; and that Mackarel and other barreled Fish be packed all of one kind, and in cask well seasoned, containing not less than thirty gallons, and that all casks so packed be full, and the fish sound and well seasoned; on all which casks of Beef, Pork and Fish, so searched, examined and approved, the said packer shall brand or imprint, with a burning iron, the following brand or mark, MASS. RPD. with the initial letters of his christian name and his surname at large, and the letter P at the end thereof, denoting that the same is merchantable, and in good order for exportation; and all such other provision as the packer shall find whole-ome and useful, though for its quality it be not merchantable, he shall cause to be well packed, salted and filled, and the same mark with the word REFUSE; for which he shall receive from the owner six pence for each barrel, and so in proportion for a larger or smaller cask. And if any such provisions be put to sale, or shipped off without having been approved by a packer, and the casks in which they are contained not have the said packer's stamp, mark or brand upon them, or if any master of any ship or other vessel, officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of ten pounds for each cask so shipped, to be sued for and recovered in any Court of record within this Commonwealth proper to try the same; and all such Fish, Beef or Pork (laded or received on board as aforesaid) shall be forfeited.

Penalty for shipping such provisions not approved.

*And be it further enacted,* That if any cooper, packer or other person, shall shift any fish or flesh, either on board any ship or other vessel, or on shore, after the same hath been so branded, stamped or marked by the packer, and ship and export the same, and anew brand, stamp or mark the cask whereinto such provisions are shifted, all persons acting, ordering or assisting therein,

Penalty for shifting fish or flesh, after being stamped, &c. by the packer.

and being thereof convicted, shall forfeit and pay a sum not exceeding Fifty pounds, nor less than Ten pounds, and pay a fine for each cask so shifted, Ten pounds. And if any person or persons other than the proper officer, shall presume to mark, stamp, or brand any cask of Flax Seed, Pot Ash, Pearl Ash, Beef, Pork or barreled Fish, with the stamping or branding instrument belonging to such officer, or other instrument made in imitation thereof, such person or persons on conviction thereof, shall forfeit and pay a sum not less than Ten pounds, nor more than Fifty pounds, for each cask so marked, stamped or branded, to be recovered in manner aforementioned.

No vessel having on board flax seed, &c. to be cleared out by the naval officer, until.

*And be it further enacted by the authority aforesaid,* That no vessel on board of which any cask of Flax Seed, Pot Ash, Pearl Ash, barreled Pork, Beef, or Fish, is shipped for exportation, shall be cleared out by the naval officer until the master or owner thereof shall have produced a certificate or certificates from some person or persons duly appointed for the purpose of surveying, assaying, proving or packing the said articles, that the same have been surveyed, assayed, proved, packed or repacked, as by this act is required, which certificate or certificates shall be granted free from any expense.

*And whereas great inconvenience and damage to merchants, and much loss to the interests of the Commonwealth, arise for want of proper persons being appointed in the seaport towns to cull dry fish:*

Cullers of dry Fish to be annually chosen.

*Be it therefore enacted by the authority aforesaid,* That there shall be annually chosen in every seaport town within this Commonwealth, where Fish is made and cured or sold, at the annual *March* meeting, a suitable number of skilful and disinterested persons, inhabitants of such town, to be cullers of Fish; and any person who shall cull fish without being chosen and sworn, shall forfeit the sum of five pounds for every quintal of Fish by him culled, and such cullers in culling Fish shall have regard to the contract between the buyer and seller, with respect to the season of the year wherein such Fish is cured.

*And be it further enacted,* That every master or commanding officer of any ship or other vessel, who shall take on board any Fish in order to transport the same beyond sea, without having the same first surveyed or culled by a person duly appointed and under oath, shall forfeit and pay a fine of six shillings for each and every

quintal so received or taken on board; and every person chosen into the office of a culler of Fish, shall before he enter on the duties of his office, be sworn as other town officers are, to the faithful discharge of his trust, and shall be allowed and paid one penny half-penny for every quintal of Fish which he shall survey or cull, by the purchaser thereof. *Provided nevertheless*, When it shall so happen that the sworn cullers cannot be obtained, that then it shall and may be lawful for the buyer and seller to agree upon some meet person to be a culler in such case, — *Provided*, he be first sworn faithfully to discharge the trust.

Culler to be sworn.

Proviso.

*And be it enacted by the authority aforesaid*, That the cullers of Fish already chosen in the several towns in this Commonwealth, be continued in office until their next *March* meetings respectively.

Cullers already chosen, to be continued, until.

*And be it further enacted*, That this act so far as it regulates and respects the exportation of barrel Pork and Beef, shall not be in force until the twentieth day of *December* next; and so far as this act regulates and respects the exportation of barreled Fish, it shall not be in force until the first day of *April* next.

Time this act takes place.

*And be it further enacted*, That penalties and forfeitures arising by force and virtue of this act, shall be one half to the use of the Commonwealth, and the other half to him or them who shall inform and sue for the same.

Penalties, how appropriated.

*And it is enacted*, That all laws heretofore made, so far as they respect the commodities by this act regulated, be, and they are hereby repealed. *November 9, 1784.*

Former laws repealed.

## 1784. — Chapter 31.

[October Session, ch. 6.]

AN ACT, IN ADDITION TO AN ACT, MADE AND PASSED THE PRESENT YEAR, ENTITLED, "AN ACT FOR REPEALING TWO LAWS OF THIS STATE, AND FOR ASSERTING THE RIGHT OF THIS FREE AND SOVEREIGN COMMONWEALTH, TO EXPEL SUCH ALIENS AS MAY BE DANGEROUS TO THE PEACE AND GOOD ORDER OF GOVERNMENT."

Chap. 31

*Whereas in the last paragraph of the act aforesaid, provision is made as follows*: *Provided*, such claimers are not included in the act aforesaid, made in the year One thousand seven hundred and seventy-eight:

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the author-*