

ties, shall out of the several battalions of militia take such a number as including the artillery companies already raised and raising, shall be sufficient to compose six companies consisting of one captain, one captain lieutenant, two lieutenants and fifty privates, each of such militia-men as [may be] judged most fit for the artillery service and most inclinable thereto and as equally from the several battalions as conveniently may be consistent with the good of the service, and shall form the same into companies of the number aforesaid, which companies when formed by the lieutenants and colonels aforesaid shall elect for themselves one colonel, one lieutenant-colonel and one major and such company officers as may be wanting to complete the said companies, and shall be called the artillery battalion and be considered a corps separate from the other battalions of the militia. And the several captains thereof shall by order of their colonel determine their rank by lot and be numbered from one to six in numerical order and subject to be drawn forth into actual service in rotation by companies, according to their number in rank, number first in rank with class first of the militia and so on until all take their tour, or otherwise as the president or in his absence the vice-president of the supreme executive council shall direct.

[Section XV] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That so much of the aforesaid [act] of general assembly to which this is a supplement as is herein altered or otherwise provided for shall be and is hereby declared to be repealed and made null and void.

Passed June 19, 1777. See the note to the Act of Assembly passed March 17, 1777, Chapter 750. The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.

CHAPTER DCCLXI.

AN ACT TO PROHIBIT THE SALE OF GOODS, WARES AND MERCHANDISES BY PUBLIC VENDUE AND TO REGULATE PEDDLERS AND HAWKERS IN THIS STATE.

(Section I, P. L.) Whereas the practice of selling goods, wares and merchandises by public vendue, as tending to raise the price

of almost every necessary article, and to depreciate the current money of the continent and of this commonwealth within the same is found a great grievance to the good people thereof:

[Section I.] 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 publication of this act no public vendue or auction of goods, wares and merchandises shall be held anywhere within this commonwealth by any person or persons whosoever.

[Section II] (Section II, P. L.) And be it further enacted, That if any person or persons shall, contrary to the directions of this act, expose to sale and sell, or cause others to expose and sell by public vendue or outcry any goods, wares and merchandises (except as hereinafter excepted), he, she or they so offending shall forfeit and pay for every such offense a sum of money equal to the value of the goods sold or exposed to sale, to be recovered by action of debt, bill, plaint or information by any person who will sue for the same, one-half thereof for the use of the person so suing and the other half thereof to be paid to the state treasurer for the use of this state.

[Section III] (Section III, P. L.) Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any sheriff, constable or other officer to sell and dispose of by way of vendue any goods, wares or merchandises taken in execution and liable to be sold by order of law or to hinder any person or persons from selling or exposing to sale by public vendue or otherwise any goods or chattels whatsoever taken and distrained for rent being in arrear, or to prohibit any lawful executor or executors, administrator or administrators, to expose to sale by public vendue or otherwise any goods or chattels which were of their respective testators or intestates, or persons about to remove from selling lands, tenements, live stock, farming utensils and household furniture, but all and every such person or persons may do herein as they might have done before the passing of this act.

[Section IV] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of

this act no male white person capable of bearing arms shall for and notwithstanding any pass, license or protection by him obtained under any pretense whatsoever, be suffered to go about as a peddler or hawker in this commonwealth, and that any such person offending against the directions of this act shall upon due conviction thereof forfeit and pay the sum of fifty pounds for every offense to be recovered and applied in the same manner and to the same uses as fines incurred for selling by vendue are to be recovered and applied by virtue of this act.

[Section V] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of an act of general assembly of this state passed the fourteenth of February, one thousand seven hundred and twenty-nine (thirty), entitled, "An act for regulating peddlers, vendues," etc.,¹ as relates to the regulating of peddlers and hawkers and is not altered or amended hereby shall remain in full force, and all and every part in the same act that relates to the regulating of vendues is hereby repealed.

Passed June 19, 1777. See the note to the Act of Assembly passed February 14, 1729-30, Chapter 308. The act in the text was repealed by the Act of Assembly passed November 26, 1779, Chapter 370.

CHAPTER DCCLXII.

AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL OF THIS COMMONWEALTH TO PROVIDE FOR THE SECURITY THEREOF IN SPECIAL CASES WHERE NO PROVISION IS ALREADY MADE BY LAW.

Whereas the preservation of this state and all its members and of the army acting in support thereof at the time of an hostile invasion may require the immediate interposition of the supreme executive council when the judicial powers of the government cannot in the ordinary course of the law sufficiently provide for its security:

And whereas for this important purpose the supreme execu-

¹ Passed February 14, 1729-30, Chapter 308.