

## CHAPTER DCCLXXX.

## AN ACT FOR THE REGULATION OF WAGONS, CARRIAGES AND PACK HORSES FOR THE PUBLIC SERVICE.

(Section I, P. L.) Whereas the mode which the deputies of the quarter-master general have pursued in procuring of wagons for the use of the army has been attended with great inconveniences and has thrown the burden of supplying them very unequally on the people and if continued may not only be oppressive to individuals but injurious to the common cause by rendering it difficult if not impracticable to procure them:

[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 the president or vice-president and council shall appoint and commission one wagon-master-general for this state and one deputy wagonmaster-general for each county respectively and the said county wagonmaster shall and may appoint as many assistants in their counties as they may find necessary not exceeding one in each battalion district and it shall be the duty of the said county wagonmasters with the assistance of their deputies immediately to make out lists of all the wagons and teams and the names of the owners thereof in their respective counties, and register the same in a book and transmit a true copy thereof to the wagonmaster-general, who shall transmit a true and exact copy of the returns to him made as aforesaid to the president and council as soon as conveniently may be. And the said county wagonmaster shall keep an exact account of the service which from time to time shall be performed by the said wagons and teams, specifying the time they were so in service and transmitting copies thereof to the said wagonmaster-general once in every four months at least.

[Section II] (Section III, P. L.) And be it further enacted by

the authority aforesaid, That if any county wagonmaster shall refuse or neglect to obey the orders of the wagonmaster-general or any other lawful order which he may receive in pursuance of this act, the said wagonmaster-general may suspend such county wagon-master, and appoint another in his stead until a hearing can be had before the supreme executive council and in case any assistant wagon-master shall refuse or neglect to obey the orders of the county wagon-masters or any other lawful orders which he may receive in pursuance of this act, the said county wagonmaster may suspend such assistant wagonmaster and appoint another in his stead.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That upon application to the wagonmaster-general of the state by the quartermaster-general he shall issue his orders to the county wagonmasters to furnish the number of wagons and teams that they may be wanted, taking care that as far as circumstances will admit they perform the same service in rotation, paying due regard to those whose wagons and horses have already been in the service. And that in sudden emergencies the wagonmaster of the state and the wagonmasters of the respective counties do pay immediate attention to the demands of the honorable Congress, of the supreme executive council, of the officers who may have the charge of public records or papers, of the quartermaster-general and of the lieutenant or sub-lieutenant of the county.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whensoever and as often as the aforesaid wagonmasters or their assistants or either of them shall have occasion to call out any of the wagons or teams within their respective counties or districts in pursuance of the regulations contained in this act and the owner thereof shall refuse to perform the duty when called upon, the said wagonmaster shall make application to any justice of the peace of the county who shall issue his warrant to any constable of the county in which the owner or owners of the same wagons shall reside, requiring him to impress the said wagons with four or more sufficient horses to each and the necessary gears and tacklings there-to belonging, and to procure one able driver or carter to each

and every wagon or team, which constable is hereby required to obey the said warrant and to call to his assistance the militia where it may be needed, and the form of the said warrant may be as follows, to-wit:

..... county, ss: To the constable of .....

“Whereas application has been made by A, B., wagonmaster, to me the subscriber one of the justices of the peace in and for the county aforesaid setting forth that it is necessary to impress carriages and horses for the public service and that the wagons and horses annexed to the names hereunder written are required and allotted by him to be employed in the public service. These are therefore to authorize and require you with proper assistance to impress the said wagons and horses with the gears and tacklings thereto belonging suitable for the public service and deliver them to the said ..... at such time and place as he shall direct, and also that you do your best endeavors to procure and hire an able driver to each wagon on as reasonable terms as may be. Hereof fail not, as you shall answer the contrary at your peril. Given under my hand and seal at ....., in the said county, the ..... day of ....., Anno Domini 177—.”

The list referred to in the above warrant may be as follows:

C. D., of ..... township, ..... wagon and .... horses with gears and tackling.

E. F., of ..... township, ..... wagon and .... horses with gears and tackling.

G. H., of ..... township, ..... horses with gears and tackling.

And the said justice shall have for each of the said warrants the sum of eighteen pence and the said constable the sum of twenty shillings for each day he shall be employed in executing the said warrants, to be paid by the wagonmaster out of the hire of the said wagons.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons from and after the twentieth day of February next, under pretense of being quartermasters or otherwise, shall seize or impress any wagon or wagons, team or teams, otherwise than according to the directions contained in this act, excepting only in case of sudden or unexpected emergencies, by express warrant from the commander in chief of the continental army or of the forces

in this state, he or they so offending shall for each of the said offenses forfeit and pay the sum of fifty pounds, to be recovered by the party grieved with costs in an action of debt.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in such part or parts of this state in which from time to time pack horses may be required in lieu of wagons for the public service the several officers aforesaid shall as far as may be proceed in all things according to the directions of this act; and that the wagonmaster of the state shall be allowed and paid for the services enjoined by this act the pay and rations of a lieutenant colonel and each of the county wagonmasters the pay and rations of a major, and each of their assistants the pay and rations of captain while in actual service. And the pay of each wagon with four horses and driver shall be thirty shillings per day when they receive forage and rations and forty-five shillings per day when they find their own forage.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That before the said wagons, horses, harness, gears and other furniture be sent out of the district, the same shall be duly appraised by two reputable freeholders of the neighborhood, one of them to be chosen by the said wagonmaster, the other by the owner of the wagon; and if the said owner shall neglect or refuse to choose one of the said freeholders, then the other freeholder is to choose two others and those three are duly and conscionably to appraise and value the said wagon and horses, harness and other furniture, one copy whereof, signed by them, shall be given to the said owner and another copy to the said wagonmaster who shall enter the same in a book to be kept for that purpose.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the several wagonmasters who [sic] which shall be appointed in pursuance of this act and also the drivers of the said wagons shall and they are hereby exempted from all militia duties during the time and as [long as] they shall be in actual service.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue and be in

force until the end of the first sitting of the next general assembly and no longer.

Passed January 2, 1778. See the note to the Act of Assembly passed March 17, 1757, Chapter 421; and the Acts of Assembly passed March 12, 1778, Chapter 787; September 10, 1778, Chapter 814; November 30, 1778, Chapter 821; April 5, 1779, Chapter 844.

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## CHAPTER DCCLXXXI.

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A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."<sup>1</sup>

(Section I, P. L.) Whereas by an act of general assembly of this commonwealth the powers given to the supreme executive council for calling out the militia into actual service are not so clearly and distinctly expressed, but that some misconstructions may arise thereon. And the mode therein prescribed for the lieutenant and sub-lieutenants to notify the different classes of the militia is found tedious and difficult:

[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 whenever it may be necessary to call into actual service any part of the militia in case of rebellion in or invasion of this or any of the adjoining states, then it shall and may be lawful for the president or vice-president and council to order into actual service such part of the militia by classes of any county or counties, as the exigency may require. Provided, That the part so called doth not exceed four classes of the militia of the county or counties so called out; and provided also that such counties shall not be again called upon to furnish any more militia until an equal number of classes of the militia of the other counties respectively be first called, unless the danger of an invasion from Indians or others should make

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<sup>1</sup> Passed March 17, 1777, Chapter 750.