

duties has a tendency to retard the public business, many of them having been called to serve their tour in the militia when their attendance at the same time is absolutely necessary in the house of assembly:

Therefore:

[Section VIII.] (Section XIII, P. L.) Be it enacted by the authority aforesaid, That members of general assembly for the time being shall be and they are hereby exempted from performing militia duties, and from all fines for any neglect thereof during the time they continue members.

[Section IX.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act to which this is a further supplement, as also so much of the said supplement to the said militia act as is herein or hereby amended or altered, are hereby declared to be repealed.

Passed December 30, 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 The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.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 DCCLXXXII.

AN ACT FOR THE BETTER SUPPLY OF THE ARMIES OF THE UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas notwithstanding the large quantities of clothing which have been seasonably ordered from Europe for the armies of the United States of America, adequate supplies have not yet been imported:

And whereas a regular and fixed mode of collecting and providing such supplies as can be furnished in this state will enable the legislature thereof to administer on any emergency more expeditiously and effectually to the necessities not only of their quota of troops, but also of the rest of the army:

[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 Michael Shubart and John Wentz, of the county of Philadelphia; Colonel Lacy and Robert Stewart, of the county of Bucks; Matthew Boyd and Samuel Cunningham, of the county of Chester; James Lang and Robert Craig, of the county of Lancaster; Robert Lattimore and George Groff, of the county of Northampton; Colonel David Kennedy and William Morrison, the elder of the county of York; Colonel James Johnson and Colonel William Chambers, of the county of Cumberland; and Henry Haller and Daniel Messersmith, of the county of Berks; be and they are hereby appointed and constituted commissioners in their respective counties to collect, seize and take for the use of the army of the United States all woolen cloths, linens, blankets, dressed and tanned leather, shoes, stockings, coats, waistcoats, breeches, shirts and hats, with such other articles of clothing suitable for the soldiery which may be found in the possession of any person or persons inhabiting or residing within their respective counties for the purpose of sale and not for their own use or family consumption; and the said commissioners are hereby directed and required to give certificates or receipts for the same, expressing therein the quantity, value and quality of the goods, except in case they are forfeited by any provision in this act.

Provided always, That no goods, wares or merchandise which have been or shall hereafter be bona fide imported into this state on account of any person not subjects or citizens of any of the United States, so long as the same shall continue their property but no longer, may or shall be seized or taken by the said commissioners or any of them. And if any person who may on good grounds be suspected by the said commissioners or any of them of having concealed any of the said goods, wares, merchandise or other articles of clothing in any storehouse or other place shall refuse to permit such commissioner to have free access thereto, the said commissioner shall apply to some justice of the peace of the county who is hereby directed to issue his warrant upon oath or affirmation being first made before the said justice that there is suspicion of concealment, commanding any constable, and where there is no constable or the constable shall refuse to act any other fit person, at the proper expense and

charge of the owner, if any such secreted goods shall be found, if not, at the charge of the state, to take with him such assistance as may be necessary and attend the said commissioner in discovering and assist him in seizing and taking any such secreted goods.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners of the goods, wares and merchandise before enumerated and other articles of clothing shall exhibit and deliver to the commissioner seizing such goods, wares, merchandise and clothing a true account on oath or affirmation of the original prices which they cost him and of the incidental charges thereupon. And the commissioner aforesaid shall appoint four honest, judicious and reputable housekeepers of the neighborhood, who may add thereto any sum they make think reasonable for the advancing the money for and the care and trouble of such owner about such goods, so as the same do not exceed twenty per cent. thereupon, for which value so to be ascertained the said commissioner shall give a certificate to every such owner except in case of forfeiture, who, upon application to the receiver general hereinafter named or to the receiver-general for the time being, shall receive a draft from him, which he is hereby authorized and required to give, upon the clothier general of the United States of America for payment upon sight of such draft or order. But if any owner or owners shall neglect or refuse to deliver in such account as aforesaid to the said commissioner within ten days after the seizure thereof, then the goods aforesaid shall be forfeited to the use of the state and the owner or owners shall be barred from receiving any compensation therefor.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners or such as may hereafter be appointed by virtue of this act be and they hereby are empowered and directed to contract with proper and fit persons in their respective counties or elsewhere to make up said cloths and manufacture the said materials for use, and to transmit the clothing so procured from time to time to the person hereinafter appointed receiver-general of the same, whose receipts certifying the number and kind of the various articles,

shall be carefully preserved by them and laid before the Legislature.

(Section V, P. L.) And that the said commissioners may be enabled to answer the end of their appointment more effectually:

[Section IV.] Be it further enacted, That they be and hereby are exempted from actual service in the militia during their continuance in that office, and that all such tailors and shoemakers whom the said commissioners or any of them shall find it necessary to employ for the purposes aforesaid shall during such their employment be exempted from actual service in the militia, and the [certificatè] of the said commissioner or any one of them shall be a sufficient voucher to any such tradesman of his being so exempted, provided he show the same to his captain or the officer notifying him to serve in the militia at the time of such notification or within two days thereafter, and provided that during such exemption the said tradesman be bona fide employed in the said business only, and that he receive no other wages except a reasonable allowance for board in lieu of rations than the pay he would have been entitled to receive for actual service in the militia..

(Section VI, P. L.) And in order that the commissioners may be enabled to pay the said tradesmen:

[Section V.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners respectively to draw on the treasurer of this state for any sum of money not exceeding one hundred pounds, and the receipts of the said commissioners respectively shall be available to the said treasurer in accounting for so much of the public money. And in case the said sum be laid out and expended by the commissioners of any county in the service for which it was drawn, it shall and may be lawful for the said commissioners respectively, with the approbation of two members of assembly for the same county for which the commissioners are appointed, to draw for such further sum upon the treasury from time to time as may be expedient until the next meeting of the legislature; and the said commissioners shall be severally accountable to the legis-

lature of this state for all sums of money by them received in pursuance of this act.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners and their successors in office and the person hereinafter appointed to receive the clothing by them collected and procured shall from time to time be directed by and obey the order and instructions of the legislature, and during their recess of the supreme executive council of this state.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That Colonel Francis Johnston be and is hereby appointed receiver-general of the said clothing and materials and empowered to receive from the said commissioners and each and every of them all clothing and materials by them seized, taken, collected or prepared, and the same safely to store and keep, to be disposed of as he may be ordered and instructed as aforesaid, and to transport the same or any part thereof to such place or places and deliver the same to such person or persons as he may be so ordered or directed, taking proper receipts, certifying the number and kind of the article delivered, to be by him produced to the legislature at the settlement of his accounts, and to draw upon the treasury of the state for any sum not exceeding one hundred pounds in the manner that the commissioners are above empowered to draw, and his receipt shall discharge the treasurer for the sum or sums therein specified to be drawn and the said receiver-general shall be accountable to the legislature of this state for all such clothing and materials to him delivered and for all the moneys by him received in pursuance of this act.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said receiver-general for receiving and faithfully keeping the clothing committed to his care shall be allowed and paid the sum of thirty-five shillings per day, together with all reasonable expenses of storage and transportation. And each of the said commissioners shall be allowed and paid thirty shillings per day for every whole day he shall be actually employed in discharging the duties of his

trust, together with all reasonable expenses of sending the clothing to the receiver-general.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if the receiver-general or any of the commissioners above named or hereafter to be appointed as this act directs, after having entered on the duties of his appointment shall be guilty of wilful neglect, fraud or speculation and shall be thereof legally convicted in any court of quarter sessions of this state, he shall be fined at the discretion of the said court, according to the nature and heinousness of the offense for the use of the state, together with costs of suit.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said receiver-general and commissioners respectively before they enter on the duties of their employment shall take the oath or affirmation of allegiance directed by an act of general assembly enacted the thirteenth day of June last before some justice of the peace (provided they have not taken the same before) and also an oath of office for the faithful discharge of their respective trusts under this act.

[Section XI] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said receiver-general or any of the said commissioners shall by death, removal out of the county where they reside or any other disability be rendered incapable of discharging the duties of this act or should refuse the same, the supreme executive council for the time being may and shall during the recess of the house only supply the vacancy so happening; and the person or persons so appointed shall be invested with the same powers, receive the like rewards, be subject to the same penalties and take the same oaths or affirmations as those appointed in this act.

(Section XIII, P. L.) And in order that all may have an opportunity of contributing as far as in their power to relieve the wants of their brave countrymen and fellow citizens now fighting in a most righteous and glorious cause, and on the other hand that none may have reason to complain that they are repeatedly called upon while others are passed by and excused:

[Section XII.] Be it enacted, That each of the commissioners in collecting the said clothing and materials shall apply to

every family in rotation in this county in which he believes or apprehends there are any of those articles to spare, and shall keep a book in which he shall make fair and regular entries of the clothing or material for preparing it or blankets procured in each, which shall be appraised and paid for in manner before directed.

(Section XIV, P. L.) And whereas there are many subjects of this state who have hitherto neglected to give evidence of their attachment to the United States of America and of their renouncing all allegiance and obedience to the King of Great Britain by taking the oath of affirmation prescribed by law, some of whom are notoriously inimical:

(Section XIII.) Be it therefore enacted, That if any person shall refuse or neglect to produce to any of the said commissioners in their respective counties upon demand a legal certificate of his having taken the oath or affirmation of allegiance directed by act of general assembly passed the thirteenth day of June last, and such person shall have any blankets, clothing or articles before enumerated to sell, or such a quantity of any of them as to enable him, in the opinion of such commissioners, to spare a part without distressing his family, and shall deny the sale of the same upon the terms herein before mentioned, then and in such case the said commissioner may and he is hereby directed to seize and take the same and give a receipt or certificate to the owner, expressing therein the species, quantity and quality thereof, but if the owner shall refuse to accept and shall not within ten days thereafter demand such receipt or certificate, the said owner shall be forever barred from recovering or receiving anything in consideration of the goods or articles so taken, and the same shall be deemed forfeited to the state.

(Section XV, P. L.) And whereas it is essentially necessary that magazines of provisions should be seasonably provided for the army and many inhabitants of this state through motives of avarice or disaffection refuse to sell their produce or what they have purchased for the purpose of sale unless at most exorbitant prices:

[Section XIV.] Be it therefore further enacted by the authority aforesaid, That Peter Evans and Colonel John Moore,

Esquires, of the county of Philadelphia; Andrew Kichlin and Joseph Greer, of the county of Bucks; Thomas Heslip and Samuel Culbertson, of the county of Chester; Thomas Edwards and David Watson, of the county of Lancaster; Major James Dill and Major William Scott, of the county of York; William Blair and John Andrews, of the county of Cumberland; John Orndt and David Deshler, of the county of Northampton; Robert Culbertson and Moses Reed, of the county of Bedford; William Gray and John Little, Esquires, of the county of Northumberland; and Joseph Thorn and John Brannon, of the county of Westmoreland, be and they are hereby appointed and constituted commissioners in their respective counties. And they are hereby authorized and empowered within their respective counties to seize and take for the purpose of forming of magazines for the army of the United States of America all flour, wheat, rye, Indian corn, oats, spelts, hay and whiskey, and all beef and pork which may be found in the possession of any person or persons for the purpose of sale and not for their own use or family consumption and also all the said enumerated articles together with cattle and swine which shall be found in the possession of any person who shall refuse or neglect to produce to them or any of them upon demand a legal certificate of his having taken the oath or affirmation of allegiance aforesaid, and has the same articles or any of them for sale, or have such a quantity thereof as to enable him in the opinion of such commissioner to spare a part without distressing his family, and shall deny the sale of the same at the rates and prices hereinafter mentioned; and the said commissioner is hereby required to tender to such persons respectively such prices, and if the owner or owners shall refuse to accept or shall not within ten days thereafter demand the same, such owner or owners shall be forever barred from recovering the sum so tendered or any other sum in consideration thereof, and the same shall be deemed forfeited to the state. And the said commissioners or any of them are hereby further empowered and directed to purchase from any other persons who are willing to sell the same at the prices aforesaid any of the said enumerated articles of provisions or forage above-mentioned and to pay them therefor.

Provided always, That the said commissioners and every of them do observe such instructions and orders as they shall from time to time receive from Congress relating to the quantity of the articles of provision and forage by them to be purchased or seized and taken in manner aforesaid and the places where the same shall be deposited or carried to and the manner in which they shall be secured and managed, and are furnished by them with money from time to time for the purposes aforesaid. And the said commissioners shall severally settle with the Congress or such person or persons as they shall appoint to liquidate and adjust their accounts for all moneys to them so advanced and paid under the penalties of double the sums of money to them severally advanced to be recovered for the use of the Congress upon legal conviction in any court of quarter sessions of the county where such commissioner shall be an inhabitant or in the supreme court.

[Section XV.] (Section XVI, P. L.) And be it enacted by the authority aforesaid, That the rates and prices of the several articles of provisions and forage aforesaid shall be as follows, to-wit: for every hundred weight of flour, thirty-three shillings; every bushel of wheat, twelve shillings; every bushel of rye, nine shillings; every bushel of Indian corn, seven shillings and six pence; every bushel of oats or spelts, five shillings; every gallon of whiskey, eight shillings and six pence; every pound of fresh beef, from eight pence to twelve pence according to the goodness thereof; every pound of fresh pork, from nine pence to twelve pence, according to the goodness thereof; and for neat cattle and swine at the same rates per pound as for beef and pork respectively as near as can be estimated, allowing the owner for the fifth quarter on the said neat cattle. And in case the commissioner and owner cannot agree about the estimated weight of any neat cattle or swine, then the commissioner shall appoint three judicious and impartial inhabitants of the neighborhood to determine the same, the opinion of whom or of any two of them on oath or affirmation (which such commissioner is hereby empowered to administer) shall be conclusive and final.

Provided always, That the persons so to be appointed shall have taken the oath of allegiance aforesaid.

[Section XVI.] (Section XVII, P. L.) And be it enacted by the authority aforesaid, That if from proximity of the enemy or other causes the commissioner or commissioners may think it unsafe to attend his or their duty or expect to meet with resistance in the premises, it shall and may be lawful for such commissioner or commissioners to apply to the lieutenant or a sub-lieutenant or to any commissioned officer of the militia of the county for such a guard as he may think absolutely necessary for his security and the due performance of the service hereby required of him; and the said officer is hereby enjoined and required to attend him with such guard accordingly, who shall be paid as when in actual service; and if any person shall be sued for doing anything in execution of this act, the defendant may plead the general issue and give this act in evidence and if the plaintiff shall discontinue his action, become nonsuit or a judgment pass against him upon a verdict or demurrer, the defendant shall recover double costs; and in all such suits the onus probandi shall be upon the plaintiff.

[Section XVII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That an ordinance of the council of safety dated at Lancaster, the eighth day of November last, for collecting arms, blankets, etc., and one other ordinance of the said council dated at Lancaster, the seventh day of November last, respecting the price of whiskey shall cease and be of no force or effect from and after the tenth day of January [instant].

[Section XVIII.] (Section XIX, P. L.) Provided always and be it enacted by the authority aforesaid, That this act shall continue and be in force for one year and from thence to the end of the first sitting of general assembly and no longer.

Passed January 2, 1778. See the Acts of Assembly passed February 27, 1778, Chapter 783; April 1, 1778, Chapter 797; September 9, 1778, Chapter 812; April 3, 1779, Chapter 841; October 9, 1779, Chapter 864; March 23, 1780, Chapter 905; June 1, 1780, Chapter 913.