

CHAPTER DCCCXLI.

AN ACT FOR SUPPLYING THE ARMY OF THE UNITED STATES, AND
FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas many of the good citizens of this commonwealth by being often of late called out as militia for the defense of their rights and liberties, or having been obliged by the enemy to abandon their habitations have thereby been deprived of the opportunity of putting in their crops, and taking due care of their harvest, and if some remedy be not applied, many of these brave men and their families must before harvest, suffer through want of bread, not by reason of any real scarcity of that article, but chiefly because many of those persons who remained at home, and minded their farms, refusing to turn out in defense of their country, have by that means raised large quantities of grain, and being prompted by avarice, minding only their own private gain and regardless of the public weal or the sufferings of their fellow citizens, have hoarded up or monopolized the same and refuse to sell any part thereof either for the relief of private individuals in want or for the use of the United States:

[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 when, and as often as sufficient information shall be given to any justice of the peace within this commonwealth, either by any private person, or by any quarter master general, commissary-general, his or their deputy or assistant, that any person or persons residing within twenty miles of such justice or within the township, ward or district wherein such justice dwells, is or are possessed of any larger quantity of wheat, rye, barley, Indian corn, oats, spelts or buckwheat or crop or crops now in hand, or any other sort of grain, or any flour, than is sufficient for the support of the family, and

necessary for the feed and stock of such person or persons until the first day of August next, it shall and may be lawful for such justice, and he is hereby required and enjoined immediately by his warrant under his hand, to appoint at least three discreet and prudent inhabitants of the township, ward or district, where information shall be given as aforesaid, that such grain or flour is contained, and thereby authorize and direct them to go to the place where the said wheat, rye, barley, oats, Indian corn, spelts, [buckwheat] or flour is suggested to be kept, and if the same is supposed to be contained in any house, barn, out house, mill, warehouse or store, and the owner or possessor thereof shall neglect or refuse on demand to open the said house, barn, out-house, mill, warehouse or store, it shall and may be lawful to and for the said inhabitants so appointed, and they are hereby empowered and required in the day time to break open and enter the same by force, if necessary; and the said inhabitants so appointed shall carefully examine what quantity of the said grain or flour such person or persons is, or are possessed of, and how much thereof can be spared over and above what may be necessary for the support of the owner or possessor, his or their families, and the stock, bona fide kept by him or them, which overplus they shall appraise at the current price for which the like respective articles shall, at the time of such appraisement, sell in the neighborhood; and shall make a return to the justice who appointed them, of the quantity which each person can spare as aforesaid, and the price at which they shall appraise the same; after which return and appraisement if the owner or possessor of such grain shall refuse to sell the same at the appraised price, it shall and may be lawful for the said justice, and he is hereby required and enjoined, on the application of any of the citizens of this commonwealth, and satisfactory proof given that the person or persons applying is, or are in want of such grain or flour for the use of his, her or their families or stock, and is or are ready to pay the appraised value thereof, to issue his warrant under his hand and seal directed to, and empowering the constable of the township, ward or district wherein such grain or flour shall be appraised, to take such and so many persons as he may think necessary, and to seize all, or so

much of the said grain or flour as the said justice shall think absolutely necessary for the support of the family and stock of such person or persons until the first day of August next which quantity and the appraised value thereof shall be inserted in the said warrant, and shall deliver the said grain or flour to the person or persons obtaining such warrant on his, her or their paying the money at which the same shall be appraised, or tendering the same to the owner or possessor of such grain or flour.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if no application shall be made by any citizen of this commonwealth for the said grain or flour as aforesaid, for the use of his, her or their families within forty days after the same shall be appraised as aforesaid, that then and in such case after the expiration of the said forty days and not before the said justice shall and he is hereby empowered and required to issue a like warrant on the application of any quarter master or commissary general his, or their deputies or assistant deputies, and payment or tender of the value of the grain or flour mentioned in such warrant; and the same proceedings shall be had therein as are herein directed to be had on the application of private citizens.

(Section IV, P. L.) Provided always nevertheless, That no justice shall issue his warrant to seize such grain or flour so appraised on the application of any quarter master or commissary general, his or their deputies or assistants unless the said appraiser shall certify that there is a sufficient quantity of such grain or flour over and above the quantity applied for by such commissary or quarter master, to support the inhabitants within the township, ward or district where such grain or flour shall be appraised as aforesaid, until the first day of August next.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if the owner or possessor of such grain or flour which shall be appraised, seized and delivered as aforesaid, shall refuse to receive the money at which the same shall be appraised as aforesaid, then the person or persons shall before he shall take away the said grain or flour, deposit the said money in the hands of the said justice for the use of the owner, taking the receipt of the said justice for the same which

shall be a sufficient discharge to the person depositing the same, and shall exonerate him from any future demands of the owner of the said grain or flour, which said money the said justice is required to pay to the person or persons entitled to receive the same, if he or they shall apply for the same within two days after the said grain or flour shall be seized as aforesaid, or if no such application shall be made within the time aforesaid, that then and in such case the said justice shall, and he is hereby enjoined within two months after the expiration of the said two days to pay the said money to the treasurer of the city or county in which the said justice resides to be paid by the said treasurer into the treasury of this state for the use of the same.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the owner of such grain and flour which shall be so appraised, or any person or persons for or on his, her or their behalf shall, before the expiration of sixty days after such appraisement shall be made, take away or conceal the same or any part thereof, or shall refuse to deliver the same to such person or persons as shall obtain such warrant from the said justice, on being paid for or tendered payment for the same as aforesaid, unless the said owner shall have bona fide sold the same according to the true intent and meaning of this act, and the proof that such sale was so made shall lie on the said owner, then, and in such case the said owner of the said grain or flour, or the person in whose custody the same shall be appraised, shall forfeit and pay a sum equal to double the appraised value of the grain or flour which shall be removed or concealed as aforesaid, one moiety of which fine and forfeiture shall be paid to the county treasurer for the use of the state, and the other moiety thereof to the person or persons to whom the said grain or flour ought to have been delivered by virtue of the warrant aforesaid.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said grain which shall be appraised as aforesaid, shall at the time of such appraisement be unthreshed and if the owner thereof shall refuse to thresh the same within ten days after the said appraisement, it shall and may be lawful for the person or persons obtaining

such warrant as before last mentioned to thresh the same in the barn of the said owner, without the least molestation or hindrance of the said owner, and if the said owner of the said grain or any other person or persons on his, her or their behalf shall refuse to permit the said grain to be threshed as aforesaid, every such person or persons so refusing shall forfeit and pay double the appraised value of the said grain, to be paid and applied in the same manner as the fine and forfeiture last mentioned, which said fines and forfeitures may be sued for and recovered by bill, plaint, or information.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That each of the said appraisers and the constable respectively, shall have and receive thirty shillings per diem for each and every day which he or they shall be bona fide employed on the duties required to be performed by them by this act to be ascertained by the justice who granted the warrant for the seizure of the same. And as it is but just and reasonable that the person who may hoard up or engross any grain or flour and shall refuse to sell it at the current price, should pay all the charges attending the seizure of the same:

[Section VII.] (Section IX, P. L.) Be it therefore enacted, That in such case as well the wages of the said appraisers and constable as the charges of the said warrant shall be deducted and paid out of the appraised price of the same.

(Section X, P. L.) Provided always, That if the price tendered and refused as aforesaid do not amount to so much as the said grain or flour shall be appraised, or if the party against whom the said first mentioned warrant shall be granted, shall [not] be adjudged to have more grain or flour than is necessary for his, her or their own use as aforesaid in such case all the said charges shall be paid by the person applying for such warrant.

[Section VIII.] (Section XI, P. L.) Be it further enacted by the authority aforesaid, That the president and supreme executive council [of this state] be, and they are hereby empowered to permit the exportation of any quantity of wheat, barley, flour, rye, Indian corn or any other sort of grain to any one of the United States applying for the same under such regulations and

restrictions as they in their discretion may judge most expedient.

(Section XII, P. L.) Provided, That it shall appear to them the said council that such quantity so to be exported can be spared after reserving a sufficient quantity for the necessary consumption of the army and the inhabitants of this state.

(Section XIII, P. L.) And provided also, That it shall appear, bona fide, that the said wheat, barley, flour, Indian corn, rye or any other sort of grain is absolutely necessary for the home consumption of the state applying for the same; anything in an act, entitled, "An act to prohibit the exportation of provisions from the state of Pennsylvania for a limited time,"¹ to the contrary notwithstanding.

Passed April 3, 1779. See the notes to the Act of Assembly passed January 2, 1778, Chapter 782; November 17, 1778, Chapter 817.

On the original roll of this act the dates of passage and record are not given.

CHAPTER DCCCXLII.

AN ACT TO PREVENT THE TRESPASSING UPON THE UNINCLOSED GROUNDS LYING IN THE TOWNSHIPS OF PASSYUNK, MOYAMENSING, NORTHERN LIBERTIES AND GERMANTOWN IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the freeholders and inhabitants of the township of Passyunk, Moyamensing, Northern Liberties and Germantown have suffered considerable damage by the enemy, during the time of their being in possession of the city of Philadelphia, and parts adjacent, particularly by the loss of their fences and other enclosures:

(Section II, P. L.) And whereas it is difficult, if not impossible at this time to repair the said damage, and without the aid of the legislature they would be disabled from cultivating their lands and supplying the said city with hay and vegetables as usual:

¹ Passed November 17, 1778, Chapter 817.