

ed and recovered in the same manner, and the persons breaking such pounds or rescuing cattle lawfully impounded therein, punished as in the aforesaid act for erecting of pounds, and in the act entitled "An act concerning cattle, horses and sheep trespassing within this province,"¹ is directed and provided.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force from the publication thereof, until the first day of December next, and no longer.

Passed April 5, 1779. See the note to the Acts of Assembly passed January 12, 1705-6, Chapter 153; May 10, 1729, Chapter 301; March 4, 1763, Chapter 490; and the Acts of Assembly passed March 13, 1780, Chapter 892; April 2, 1781, Chapter 934.

CHAPTER DCCCXLIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."²

(Section I, P. L.) Whereas it has been found by experience, that the fines and penalties laid on persons neglecting to perform the military duties required by the act to which this is a supplement are insufficient for the good purposes intended:

For remedy whereof:

[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 from and after the publication of this act, each and every person or persons within this state, who shall not do and perform his or their tour of militia duty as directed by law, shall forfeit and pay the sum of one hundred pounds, instead of forty pounds heretofore imposed by the former law, to be recovered in the same manner as fines for such neglects are directed to be recovered; and for all neglects in

¹ Passed March 4, 1763, Chapter 490.

² Passed March 17, 1777, Chapter 750.

performing the other military services required by the law to which this is a supplement, or any supplement to the same, shall pay six times what they were by law obliged to pay, except the inhabitants of the city of Philadelphia and the liberties thereof, who shall pay eight times the sum payable by the former laws for all neglects aforesaid. And the captain or commanding officer of each company within this state shall in one hour after the time appointed for meeting, order the roll or list of names to be called, and the next field day make a just return of each and every person absent at roll call on any of the muster days, to the commanding officer of the battalion to which he shall belong, so that the fines may be levied for his neglect, and if any captain or commanding officer shall refuse or neglect to make such return, he shall forfeit and pay for each neglect or refusal fifty pounds, which, with all other fines under this law shall be recovered in the same manner as fines for not performing their tour of militia duty. And the commanding officer shall as soon after such return as conveniently may be, make return to the lieutenant, or sub-lieutenant of the city or counties, so that the same may be recovered, and for such neglect or refusal he shall forfeit and pay the sum of one hundred pounds.

(Section III, P. L.) And whereas sufficient time, has not in some instances been allowed for appeals:

For remedy whereof:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That from and after the publication hereof, it shall and may be lawful for the lieutenant or sub-lieutenants of the city of Philadelphia, or any of the counties of this state, to appoint any other day or days of appeal that he or they shall judge necessary for the doing of complete justice to the good people of this state.

(Section V, P. L.) And whereas by the laws heretofore in force, it is not in the power of the supreme executive council, even in the time of the greatest danger to draw into service more than a certain number of classes, or the one half of the battalions or companies of militia:

For remedy whereof:

[Section III.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That in case of the actual invasion of this state or any part thereof, the supreme executive council, are hereby authorized and empowered to call into service any company or companies, battalion or battalions of militia as may be most convenient, or as the case may require, anything in the act for regulating the militia of this commonwealth or the several supplements thereunto, contained to the contrary in any wise notwithstanding.

(Section VII, P. L.) And for the encouragement of those brave men who shall turn out in defense of their country:

[Section IV.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That every militia-man of this state, who shall turn out in his class or other ways according to law, and shall serve his full tour of two months, shall have and receive the sum of twenty pounds over and above the pay which such militia man is entitled to receive by the laws heretofore in force, and in that proportion for any lesser time if lawfully discharged; which said overplus shall be paid by the paymasters of the militia of the city and several counties of this state, out of the fines which shall be levied and collected from delinquents by this act; which said paymasters respectively on producing an attested certificate from the commanding officer of any such draught of militia, to the supreme executive council, shall receive an order on the state treasurer for such sum or sums, as may appear to council to be due.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act, the lieutenant of the city of Philadelphia, and of each county of this state shall be allowed for each day they are actually employed by virtue of this act, the sum of thirty-seven shillings and six pence, and every sub-lieutenant within this state shall be allowed for each day they are actually employed as aforesaid, the sum of thirty shillings, and no more.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the act to regulate the militia of this commonwealth and the several supplements there-

to as is hereby altered or supplied is hereby declared to be repealed and made void.

Passed April 5, 1779. 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 DCCCXLIV.

AN ACT TO AMEND AN ACT OF GENERAL ASSEMBLY OF THIS STATE, ENTITLED AN ACT FOR THE REGULATION OF WAGONS, AND THE SUPPLEMENT AND FURTHER SUPPLEMENT TO THE SAID ACT.

(Section I, P. L.) Whereas, in and by the act of general assembly, entitled 'An act for the regulation of wagons, carriages and pack horses, for the public service,'¹ passed at Lancaster, on the second day of January, one thousand seven hundred and seventy-eight, it is enacted that "upon application to the wagon master general of this state by the quarter master general, he shall issue his order to the county wagon master to furnish the number of wagons and teams that may be wanted; taking care, that, as far as circumstances will admit, they perform the said service in rotation, paying due regard to whose wagons have already been in the service."

(Section II, P. L.) And whereas the liberal construction that has been given to the authority vested in the quarter master general of the federal army has been such as to enable his deputies to call forth the wagons of this state in such numbers and for such lengthy and distant services, as to greatly overburden and oppress the husbandmen thereof, and to hinder the tillage of the country, and the supply of bread, as well for the use of the federal army as the sustentation of the inhabitants:

For remedy whereof:

[Section I.] (Section III, 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

¹ Passed January 2, 1778, Chapter 780.