

to as is hereby altered or supplied is hereby declared to be repealed and made void.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 The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.

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CHAPTER DCCCXLIV.

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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,'<sup>1</sup> 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

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<sup>1</sup> Passed January 2, 1778, Chapter 780.

authority of the same, That from and after the publication of this act, no wagon or wagons, team or teams, be furnished by the wagon master of the state or any of his deputies to the quarter master general or any other officer for the public service, unless with the approbation and warrant of the supreme executive council of this state, who are hereby authorized to judge of the number of such wagons and teams, length of service not exceeding thirty days, and distance which such wagon or wagons, team or teams, may be employed for and sent.

(Section IV, P. L.) Provided always, That nothing herein contained, shall extend to repeal the authority in the said recited act given to officers, who have in charge the public records or papers and to lieutenants and sub-lieutenants of the several counties to demand wagons and teams for the public service as heretofore.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person from and after the publication of this act, shall on any pretence whatsoever, other than to supply the demands of the officers, having in charge the public records and the lieutenants and sub-lieutenants aforesaid, seize, take and impress any wagon or wagons, cart or carts, team or teams, horse or horses, or any of the gears, harness, or any parts, furniture or accoutrements of any wagon or cart, without having first obtained an express warrant from the supreme executive council for that purpose signed by the president or vice-president in council; every person so offending shall upon prosecution by indictment in any court of quarter sessions, being thereof convicted; forfeit and pay to the use of this state the sum of five hundred pounds, and the party grieved shall also recover of such persons so offending in an action of trespass, treble damages, together with treble costs of suit.

(Section VI, P. L.) And whereas the wagons and teams of this state, drawn out for the public service, have been through the peculation and fraud of dishonest men, misapplied and perverted to the purposes of conveying and transporting private property, to the manifest oppression of the good people of this state, by increasing the burden of this fatiguing service, and

the waste of the public treasure, and the great disgust and disquiet of the good people of this state:

Wherefore for effectual remedy thereof:

[Section III.] (Section VII, P. L.) Be it enacted by the authority aforesaid, That from and after the publication of this act, if any officer in the service of this state, or of the United [States] of America, or any other person shall transport on any wagon, cart or horse drawn out for public use, by virtue of the laws of this state, or carry or cause to be transported or carried any goods and merchandise or other private property not belonging to the United States, or one of them or to this state, other than the baggage and other accommodations allowed by Congress, or by the commander in chief of the federal army or the supreme executive council of this state to the officers and soldiers and other persons employed in the public service; such persons so offending shall if convicted thereof upon prosecution by indictment for the same in any court of quarter sessions forfeit the sum of five hundred pounds to the use of this state; and every justice of the peace, constable, and every other person is hereby enabled to seize for his own use and benefit all such private property, except as is before excepted, so carried or carrying, transported or transporting, within this state, and to prosecute the same to condemnation, in any court of common pleas in this state, by information in rem; and that no claim for the same shall be admitted by the court till sufficient security be given by the person claiming, to answer all costs to the seizer, in case the said claimant shall fail; or if the said private property, so carried and transported as aforesaid be removed, the value of the same shall be recovered to the use of any person who shall sue for the same, by action of debt in any court of common pleas in this state; in which information in rem, or action of debt, the onus probandi shall lie up [on] the claimant or defendant. And for the more thorough correction of this public abuse, the owner and owners of such wagon, team, cart or horse, upon the conviction of any person or persons as aforesaid, of any such perversion or misapplication of any wagon or wagons, team or teams, cart or carts, horse or horses, in transporting or carrying of private property, as aforesaid, shall recover treble

the pay or hire of the same as allowed by this act together with costs; if not exceeding ten pounds, in the manner in which small debts is [sic] [are] recoverable; if exceeding ten pounds by an action of trespass.

[Section IV.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act the pay of a wagon and four horses with a driver, called into public service by virtue of this act, shall be four pounds ten shillings per day; [and that the pay of a wagon and two horses and driver shall be three pounds per day], and that the hire of a pack horse with proper furniture shall be ten shillings per day. The horses being by the public found with forage and the drivers with rations.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person shall be sued or prosecuted for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff discontinue, be non-suited or fail the defendant shall recover treble costs.

Passed April 5, 1779. See the note to the Act of Assembly passed January 2, 1778, Chapter 780.

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## CHAPTER DCCCXLV.

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AN ACT FOR THE REGULATION OF THE MARKETS IN THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the forestalling and regrating of provisions, in and near the city of Philadelphia, has produced great inconveniences, and if not restrained, is likely to bring great distress upon the inhabitants of said city, and its vicinity:

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