

seven hundred and seventy-three; and so much of another act of 1780, Assembly of the said late province, entitled *An act to enable Jeremiah Langhorne, William Biles, Joseph Kirkbride, junior, Thomas Watson, practitioner in Physic, and Abraham Chapman, to build a new Court-house and prison in the county of Bucks*, passed on the twentieth day of March, Anno Domini one thousand seven hundred and twenty-five; and so much of the several acts of assembly of the said late province, by which the counties of Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, and Westmoreland, were erected and established; and so much of an act of Assembly of this commonwealth, entitled *An act for vesting the house and lots therein described in Trustees, for the use of the President of the Supreme Executive Council of this state for the time being*, § Chap. 811. passed on the eighteenth day of March last, and of any other act of Assembly, which is hereby altered or supplied by, or is repugnant to, the provisions and directions of this act, is hereby repealed and made void.

Passed 28th February, 1780.—Recorded in Law Book vol. I. page 330.

CHAPTER DCCCLXIX.

An ACT for the more effectual supply and honourable reward of the Pennsylvania troops, in the service of the United States of America.

WHEREAS the honourable the Congress of the United States did, on the fifteenth day of May, Anno Domini one thousand seven hundred and seventy-eight, resolve and provide in the words and manner following, viz. That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, and do not now hold any office of profit under the said states, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they shall live so long, one half of the present pay of such officer; provided that no General officer of the cavalry, artillery, or infantry, shall be entitled to receive more than the one half part of the pay of a Colonel of such corps respectively; and provided that this resolution shall not extend to any officer in the service of the United States, unless he shall have taken the oath of allegiance to, and shall actually reside within, some one of the United States: And whereas the military commissioned officers in the federal army of the United States, belonging to this state, have not only distinguished themselves in the field by their courage and bravery, but have exhibited extraordinary proofs of patriotism, disinterestedness, and sacrifice of private considerations to the public good.

II. And whereas the continuance of the war, and the signal services and sufferings of the said troops since the passing the above resolve, have made it highly proper to enlarge and extend the benefits thereof: And the Legislature of this state, being desirous to mani-

1780. fest a just sense of the important services which have been rendered by the said officers and soldiers, and in future to supply them with such necessaries, as may enable them to support and perform the duties of their several stations with cheerfulness and alacrity:

Half-pay allowed by Congress continued for life.

III. *Be it enacted, and it is hereby enacted,* That the half-pay aforesaid, so far as it respects the military commissioned officers of this state, in the service of the United States, shall be continued to the said officers, and every of them, surviving the said term of seven years, and who shall be entitled and admitted to the same in pursuance of the said resolves, for and during the lives of such officers and officer, and that the rules following shall be duly observed in the application and payment thereof: that is to say,

Exception.

First, That no person shall have or receive any part of the same, who was a minor, under the age of eighteen years, when the regiment or company in which he served shall be reduced.

Secondly, That no person shall have or receive the said half-pay, or any part thereof, but such as have done actual service in some regiment or company.

Thirdly, That the said half-pay, nor any part thereof, shall be allowed to any person by virtue of any warrant or appointment, except to such persons as would have been otherwise entitled to receive the same, as reduced officers, or to such brevet officers as are hereafter mentioned.

Fourthly, That the same shall not be allowed or extended to the officers of any new raised corps, or of any troops who have been enlisted for a shorter term than the continuance of the present war.

Fifthly, That the same shall not be allowed to any officer, who shall not have taken the oath or oaths of allegiance, which now are or hereafter may be required of the other subjects of this state, and also reside in some one of the United States.

Widows to receive half pay.

IV. *And be it further enacted,* That, from and after the publication of this act, the widows of such commissioned military officers as have fallen in battle, or died in actual service or captivity, and whose husbands, if they had lived, would have been entitled to such half-pay, and those who may hereafter become the widows of officers so fallen in battle, or dying in actual service or captivity, during the continuance of the present war, shall be entitled to the half of the pay which their husbands were respectively entitled to whilst in said service, during their widowhood, and no longer.

Widows shall procure a certificate.

V. *And be it further enacted,* That on the petition of any of the said widows to the Orphans' Court in any county of this state, the said court shall, in a summary way, enquire into the claim of such widow to the half-pay allowed by this act; and the said court, on receiving satisfactory proof of the marriage, and that the husband of the said widow would, if he had lived, have been entitled to half-pay under this act, which proof shall be by a certificate under the hand and seal of the Colonel or other commanding officer of the regiment, battalion or company, to which the deceased last belonged, setting forth the commission which he last held, and the regiment, battalion or company, in which he last served, and also the time and place of his death, such certificate to be attested under the hands of two witnesses; or, in the case of the widow of such

commanding officer, from the officer next in command; and the said petitioner shall produce also to the court the commission, under which such claim shall be made, or at least a certificate from the honourable the Board of War of the United States, that such commission had issued; whereupon, if the said court shall be satisfied of the justice of such claim, it shall proceed to ascertain the same, by way of annuity, and make an order on the County Treasurer for the payment of such annuity, either quarterly or annually, as to the said court shall seem meet, according to the true intent and meaning of this act; and the said Treasurer shall advance and pay the said annuity, as it becomes due, out of any monies belonging to the state which he may have in his hands, and shall be allowed the same in passing his account. 1780.

[See chap. 1482.]

VI. *And be it further enacted*, That the said Orphans' Court shall once in three months, in every year, examine the record of such annuities, and send an authentic list of the names of the said widows, and sums to which they are respectively entitled, to the County Treasurer, distinguishing therein the names of such annuitants as have died, or been married again; and the Clerk of the said court, once in every year, or oftener, if required, shall transmit a copy of such list to the Secretary of the Supreme Executive Council of this state.

Orphans' Court shall examine the records of annuities every three months

VII. *And be it further enacted*, That all lands, which have been or may hereafter be granted within this state to any officers or soldiers of the line of this state, by virtue of any resolution of Congress or law of this state, as a reward for their services, shall be and are hereby exempted from taxation, for and during the life of such officer or soldier respectively, unless the same shall be transferred or aliened to any other person.

Lands granted to officers and soldiers to be exempted from taxation. [So post. chap. 1126, sect. 33.]

VIII. *And be it further enacted*, That every Major-General, Brigadier-General, Colonel, Lieutenant-colonel, Major, Captain, Lieutenant, Ensign, Chaplain, Surgeon and Surgeon's Mate, belonging to the troops of Pennsylvania, and engaged to serve during the present war, shall, during his continuance in actual service, be furnished with one complete suit of regimental uniform clothes once in every year, and no more, and that the Supreme Executive Council shall from time to time purchase and procure the same at the charge of this commonwealth, out of any of the unappropriated monies in the state treasury; the said suit of clothes to consist of the following articles, viz. one hat, one coat, one waistcoat, two pair of breeches, three pair of stockings, thread or worsted, three pair of shoes, three shirts, three stocks.

Officers shall annually receive a complete uniform suit of clothes.

IX. And whereas the officers and soldiers of the troops of this state, in the army of the United States of America, enlisted for and during the continuance of the present war, and serving in the field, have been greatly distressed by the excessive advance in the price of divers necessaries and accommodations, not included in the ration of provisions furnished to them by the public, and also by the difficulty of procuring them at places distant from the place of manufacture or importation.

X. And whereas the Assembly of this state did heretofore, by sundry resolves, authorise and empower the Supreme Executive

1780. Council of this state to draw upon the State Treasurer from time to time for any sums of money, which they should judge necessary to relieve in some measure the necessities of the officers and soldiers belonging to this state, and serving in the army of the United States, and to appoint commissaries to purchase rum, sugar, coffee, tea, chocolate, tobacco, and hard soap, and such other articles, as to the said Council might appear necessary, and suitable for the comfort of the said troops, under such regulations and restrictions as are set forth and expressed in the said resolves :

XI. And whereas the Council, in the execution of the said resolves, did direct that the distribution and issue of the said enumerated articles should not exceed the ratio or proportion following, that is to say ; for each ration of provisions, to which each officer and soldier as aforesaid shall be respectively entitled by the acts of Congress, one pint of rum, half a pound of sugar, a quarter of a pound of coffee, one ounce of tea, half a pound of chocolate, and one quarter of a pound of tobacco, once in every week ; and the same having been found by experience to be beneficial and satisfactory,

Price which certain articles shall be furnished at to the army.

XII. *Be it enacted,* That the purchase and supply of the said enumerated articles shall be and are hereby continued, for the benefit of the said officers and soldiers of this state, during their actual service in the army of the United States, and that the said articles shall be distributed and issued to them in the proportions above set forth, and at the following prices, to wit ; rum or spirits by the gallon five shillings ; Muscovado sugar three shillings and nine pence per pound ; tea at twelve shillings per pound ; hard soap at one shilling and three pence per pound ; tobacco at nine pence per pound ; or under such other rules and regulations, as the President or Vice-President in Council, may and shall from time to time direct ; and that the Supreme Executive Council shall defray the expense of procuring the said articles, and the distribution thereof, from time to time, out of such monies as are or may be in the State Treasury, not specially appropriated.

Proviso.

XIII. *Provided,* That no officer or soldier shall be deemed entitled thereto, unless while on actual duty in camp or garrison, or march, and that no issues be made thereof, at any time, under the name or character of back rations.

Proviso.

XIV. *Provided also,* That no officer shall be deemed entitled to a proportion of the said cloathing or stores for more than one commission, nor any officer of this state holding or appointed to any rank by brevet, unless when so appointed and distinguished by the honourable Congress for extraordinary merit, and so signified in his commission ; in which case, and the same being duly made known to the Supreme Executive Council, such brevet officer shall be empowered by special order of Council to receive like privileges and benefits as other officers in the line.

Officers, seamen and marines shall receive like allowances with the army.

XV. *And be it further enacted,* That the officers, seamen and marines, employed in the service of this state, and who were in actual service on the thirteenth day of March last, and shall continue therein till the end of the present war, or till honourably discharged, shall be entitled to the allowances and benefits herein before granted to the military officers and soldiers, respectively, of the Pennsylvan-

nia troops, as to half-pay and cloathing, and to like supply and distribution of the articles above enumerated, subject to the same limitations and conditions; the half-pay of the said officers of the navy to commence at the expiration of the present war, or their discharge.] 1780.

XVI. *Be it also enacted,* That the widows of any of the said officers of the said navy, who now are or have been in actual service, and have been killed or died in such service, shall be entitled to half-pay in the same manner, and under the same limitations and conditions, as the widows of officers in the land service herein before mentioned.

The widows of the officers of the navy entitled to annuities.

XVII. And whereas it may often happen that officers in both the sea and land service may be killed or die therein, having a child or children, and no wife, or such widow may re-marry, or die, in which case the said children may become destitute :

XVIII. *Be it therefore enacted,* That in such case the said Orphans' Court shall, and is hereby empowered to nominate one or more suitable persons to be guardians of the said child or children, and to order and direct the half-pay, to which the father would have been entitled, to be paid to such guardian or guardians, for such time, and in such manner, as to the said court shall seem meet, so as the same be not longer than such child or children respectively attains the age of fourteen years; and in like manner, in case of the death or marriage of any officer's widow, having a child or children, to transfer and set over the half-pay by her enjoyed to the use and benefit of such child or children, not exceeding the term aforesaid.

Provision made for the children of officers, [See the act of March 27th, 1790, chap. 1482.]

XIX. *And be it further enacted,* That all the officers and soldiers, who have been or shall be regularly transferred from any of the regiments forming the line of this state into the invalid regiment, and such transfer duly certified by the commanding officer thereof to the President or Vice-President in Council, shall be, and they are hereby entitled to all the benefits, privileges and advantages, which are by this act granted to any officers or soldiers belonging to this state. And in order that the persons for whom the benefits and advantages aforesaid are intended, may be clearly ascertained and determined,

and for the invalids from the Pennsylvania line.

XX. *Be it enacted,* That they are the officers and soldiers of the line of this state, in the federal army, consisting of eleven regiments of infantry, and the regiment of artillery commanded by Colonel Thomas Proctor, including the companies of artillery now or late commanded by the Captains Porter, Lee, Jones, and Coren, the invalids aforesaid, the Pennsylvania officers and soldiers in the several corps of guards, light dragoons, artillery, and infantry, other than the artificers, who are no part of the eighty-eight battalions originally apportioned on the states, and who are or shall be considered by the honourable Congress as part of the quota of this state, and accepted as such by the President or Vice-President in Council, and the naval officers above mentioned.

Who are the troops entitled to the benefits of this act.

XXI. *Provided always,* That no officer or soldier of the army shall be admitted to the benefits and advantages aforesaid, unless he be ascertained to belong to the quota of this state, in the manner and form directed and prescribed in and by an act of Congress of

Proviso.

1780. the fifteenth day of March last, and accepted by the President or Vice-President in Council as aforesaid; nor shall any such officer or soldier be entitled to the continuance of the same, unless it shall appear, by returns to be made every three months, or oftener by the commanding officer of the division, brigade, or separate command, under whom such officer or soldier shall serve, that such person shall continue in the federal army, nor unless such officer or soldier shall be certified to be commissioned and enlisted for and during the present war.

[XXII. And whereas the public service may hereafter require further arrangements, regulations and alterations, to be made of the regiments in the line of the state, and of the officers who may compose the same, or be entitled to the benefits of this act:

XXIII. *Be it therefore enacted*, That if any person entitled to the emoluments, privileges and benefits, by this act allowed and granted, shall refuse to conform to such arrangements, regulations and alterations, as may be hereafter made by the honourable the Congress of these United States, or by the Supreme Executive Council of this state, in concurrence with the Commander in Chief of the armies of the United States, it shall and may be lawful, and the President or Vice-President in Council are hereby authorized to retain and withhold the said benefits and advantages hereby given from any such regiment, troop, company, officer or person so refusing, for and during such refusal, any thing herein before contained to the contrary notwithstanding.

XXIV. *Be it also enacted*, That if any difficulty or doubt should arise concerning the persons entitled to the benefits and advantages granted by this act, other than the widows and children aforesaid, the same shall be adjudged and finally determined by the Supreme Executive Council of this state.]

Passed 1st March, 1780.—Recorded in Law Book vol. I. page 335. (p)

(p) By chap. 930, post. the benefit of half-pay of Captain was extended to Chaplains and Surgeons. By chap. 944, post. the benefit of half-pay was extended to the officers of the hospital and medical department; and the widows and children of such officers of the state regiment or flying camp, as have fallen in battle, or died in captivity, are entitled to the benefits of the act in the text; which were also conferred, by an act of the 23d of September, 1783, post. chap. 1031, on certain enumerated officers.

CHAPTER DCCCLXX.

An ACT for the gradual abolition of slavery.

WHEN we contemplate our abhorrence of that condition, to which the arms and tyranny of Great-Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings, which we have undeservedly received from the hand

Council to make new arrangements, and opposers to forfeit, &c.

Disputes to be adjusted by the Council.