

CHAPTER CCCCXVII.

AN ACT FOR REGULATING THE OFFICERS AND SOLDIERS COMMISSIONATED AND RAISED BY THE GOVERNOR FOR THE DEFENSE OF THIS PROVINCE, AND FOR REPEALING THE ACT OF GENERAL ASSEMBLY PASSED IN THE PRESENT REIGN FOR THE SAME PURPOSES.

Whereas in pursuance of the powers granted by the royal charter to our late honored proprietary, William Penn, Esquire, and his successors and to his or their deputy or deputies, the governor hath thought fit to commissionate a number of officers and raise a considerable body of forces under them for putting a stop to the cruel and barbarous ravages and murders committed by the Indians upon the peaceable inhabitants of the frontier parts and counties within this province.

And forasmuch as numbers of armed men assembled together without any clear and express law for their government may become dangerous to the King's peace, ruinous to each other and of little service to the public:

[Section I.] Therefore be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of [the Province of] Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all officers so as aforesaid commissioned and in pay or that shall hereafter be commissioned and in pay, and such soldiers as have been regularly enlisted or shall voluntarily engage or be enlisted at any time after the publication of this act and be paid and maintained by the Crown at the charge of this province, shall be for their better government subject to the same laws, rules, duties and trials, and be liable to the same punishments, during the continuance of this act as they would be by virtue of an act of Parliament passed in the twenty-ninth

year of the present reign, entitled "An act for punishing mutiny and desertion, &c.," if joined by any of His Majesty's British forces.

And forasmuch as there is at present no commission or warrant from the Crown to the governor of this province for the holding general courts-martial within the same:

[Section II.] Be it further enacted by the authority aforesaid, That the governor or commander-in-chief of this province for the time being may from time to time grant commissions under the great seal to any officers not under the degree of a field officer for the holding general courts-martial within this province, which shall consist of the same number of officers of the like rank and shall have the same powers and authorities and shall proceed in the same manner as in the said act of Parliament is directed and prescribed, in which courts-martial all the offenses specified in the said act of Parliament and His Majesty's articles of war, committed by such officers or soldiers, shall be tried and proceeded against in such manner as by [the] said act and articles is directed.

Provided, That all and every officer or officers presiding at any trial or trials whereupon sentence of death shall be adjudged and given against any officer or soldier by virtue and in pursuance of the said act of Parliament, shall transmit as soon as may be to the governor or commander-in-chief for the time being a fair transcript of their proceedings and sentences under their hands and seals, and that the execution of such sentences shall be suspended until the pleasure of the governor or commander-in-chief be known and his warrant under the great seal be received for the same.

Provided nevertheless, That nothing herein-contained shall extend or be construed to exempt any officer or soldier whatsoever from being proceeded against by the ordinary course of the law, or be anywise construed to extend to or concern any of the militia forces of this province, or to authorize the enlisting of indented servants or apprentices, or to bring over any part of the said act of Parliament not relating to the government of soldiers, the manner of enlisting them, the offenses punishable by sentence of court-martial, the mode of trial and the punishments

to be inflicted, anything herein-contained to the contrary notwithstanding.

And in order to prevent all doubts that may arise in relation to punishing of crimes and offenses committed against two former acts of assembly of this province, each of them entitled "An act for regulating the officers and soldiers commissioned and raised by the governor for the defense of this province."¹

[Section III.] Be it declared and enacted by the authority aforesaid, That all crimes and offenses which have been committed against the said former acts shall and may during the continuance of the present act be inquired of, heard, tried, determined, adjudged and punished before and by the like courts, persons, powers, authorities, ways, means and methods as the like crimes and offenses committed against this present act may be inquired of, heard, tried, determined, adjudged and punished.

[Section IV.] And be it enacted by the authority aforesaid, That the act of assembly of this province, entitled "An act for regulating the officers and soldiers commissioned and raised by the governor for the defense of this province,"² passed in the present year of His Majesty's reign, and every article, clause and thing therein-contained, is hereby repealed and declared to be null, void and of no effect.

This act to continue and be in force until the twenty-fifth day of March, one thousand seven hundred and fifty-eight and no longer.

Passed January 18, 1757. Referred for consideration by the King in Council, January 27, 1758, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXI, Section IV, and note to the Act of Assembly passed April 15, 1756, Chapter 409; and the Act of Assembly passed April 8, 1758, Chapter 430.

¹ Passed April 15, 1756, Chapter 409.

² Passed November 4, 1756, Chapter 414.