

shall return to his habitation, and the driver and horses shall be maintained and supported at the charge of the Crown; and that the owner or owners of six horses with pack saddles and a driver shall have and receive twelve shillings *per diem* until he shall return to his place of abode and be maintained in like manner; and that every carriage and horse shall be valued and appraised by four indifferent persons, two whereof shall be chosen on the part of His Majesty and two on the part of the owners, before the same shall be taken into the said service; and in case any of the said carriages and horses should be lost, destroyed, killed, taken by the enemy or otherwise rendered useless to the owners, the said valuation shall be paid to the respective owner or owners of such carriages and horses that shall be so lost, destroyed, killed, taken by the enemy or otherwise rendered useless by the commander-in-chief of His Majesty's forces in these parts.

This act to continue for the space of one year and from thence to the end of the next sitting of assembly and no longer.

Passed April 8, 1758. Referred for consideration by the King in Council, November 7, 1758, and allowed to become a law by lapse of time, in accordance with the proprietary charter. See Appendix XXI, Section V, and the Acts of Assembly passed September 20, 1758, Chapter 434; September 29, 1758, Chapter 436; April 21, 1759, Chapter 442.

CHAPTER CCCCXXX.

AN ACT FOR REGULATING THE OFFICERS AND SOLDIERS COMMISSIONATED AND RAISED BY THE GOVERNOR FOR THE DEFENSE OF THIS PROVINCE.

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 to 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, 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 thirtieth year of the present reign, entitled "An act for punishing mutiny and desertion, &c.,"¹ 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.

¹ 8 Ruffhead.

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 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 the crimes and offenses committed against a former 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:"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 act 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.

This act to continue and be in force until the twenty-fifth day of March, one thousand seven hundred and fifty-nine, and from thence to the end of the next sitting of assembly and no longer.

¹ Passed April 15, 1756, Chapter 409.

See act continuing this act passed April 21, 1759, Chapter 443.

Passed April 8, 1758. Referred for consideration by the King in Council, November 7, 1758, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXI, Section V, and the note to the Act of Assembly passed April 15, 1756, Chapter 409; and the Act of Assembly passed April 21, 1759, Chapter 443.

CHAPTER CCCCXXXI.

AN ACT FOR GRANTING THE SUM OF ONE HUNDRED THOUSAND POUNDS TO HIS MAJESTY'S USE AND FOR STRIKING THE SAME IN BILLS OF CREDIT, AND FOR CONTINUING THE SEVERAL ACTS OF ASSEMBLY OF THIS PROVINCE HEREINAFTER MENTIONED FOR SINKING THE BILLS OF CREDIT SO TO BE STRUCK AT THE TIMES AND IN THE MANNER HEREINAFTER DIRECTED AND APPOINTED.

Whereas by an act of general assembly of this province passed in the twenty-ninth year of the present reign, entitled "An act for granting the sum of sixty thousand pounds to the King's use and for striking fifty-five thousand pounds thereof in bills of credit and to provide a fund for sinking the same,"¹ it was declared and enacted that fifty-five thousand pounds in bills of credit to be struck by virtue of the said act should be given to the King's use, and that to sink the same there should be levied on all estates real and personal within this province of all and every person and persons (the estates of the Honorable Thomas Penn and Richard Penn, Esquires, proprietaries of this province, only excepted, for the consideration therein mentioned) the sum of six pence for every pound clear value of the said estates yearly for the space of four years, to be paid by the owners or possessors thereof, and that every single freeman, whether residing with his parents or elsewhere, who at the time of the assessment should be of the age of twenty-one years and had been out of his apprenticeship or servitude for the space of six months and not worth in goods or chattels thirty pounds, should pay the sum of ten shillings, except such as then were or thereafter should be engaged in His Majesty's service.

And whereas by one other act of general assembly of this pro-

¹ Passed November 27, 1755, Chapter 406.