

As to Section V, see the Acts of Assembly passed March 7, 1821, P. L. 84; April 11, 1844, P. L. 250; March 31, 1860, P. L. 427; March 6, 1868, P. L. 274; October 29, 1873, P. L. (1874) 442.

As to Section VII, see the Acts of Assembly passed March 30, 1779, Chapter 833; September 25, 1786, Chapter 1248; April 22, 1794, Chapter 1758; April 21, 1869, P. L. 84; May 1, 1873, P. L. 89; May 5, 1876, P. L. 104; June 3, 1878, P. L. 160; June 4, 1897, P. L. 123.

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## CHAPTER CCCCLVII.

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### AN ACT FOR REGULATING THE OFFICERS AND SOLDIERS IN THE PAY OF THIS PROVINCE.

Whereas by an act of general assembly of this province passed in the present year of His Majesty's reign, entitled "An act for granting to His Majesty the sum of one hundred thousand pounds and for striking the same in bills of credit," &c.,<sup>1</sup> it is provided and enacted that the sum of one hundred thousand pounds be granted to His Majesty's use for and towards raising, paying and clothing two thousand seven hundred effective men (officers included) to act in conjunction with a body of His Majesty's British forces in such offensive operations as shall be carried on and prosecuted by His Majesty's commander in chief in these parts during the ensuing campaign and for other purposes for His Majesty's use. And whereas 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, therefore:

[Section I.] Be it enacted by the Honorable James Hamilton, 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 commissioned and in pay or that shall hereafter be commissioned and in pay, and such soldiers as

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<sup>1</sup>Passed April 12, 1760, Chapter 453.

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 thirty-third 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.

[Section III.] 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.

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

Passed April 12, 1760. Referred for consideration by the King in Council, January 20, 1761, but expired before any action was taken. See Appendix XXII, Sections I, III and VII, and the Acts of Assembly passed March 14, 1761, Chapter 464; July 8, 1763, Chapter 501.