

and one other act, entitled "A supplement to the act for preventing abuses in the Indian trade, for supplying the Indians, friends and allies of Great Britain, with goods at more easy rates, and for securing and strengthening the peace and friendship lately concluded with the Indians inhabiting the northern and western frontiers of this province,"<sup>2</sup> shall be and they are hereby repealed and made null and void.

Passed April 2, 1763. Referred for consideration by the King in Council, December 9, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the notes to the Acts of Assembly passed April 8, 1756, Chapter 428; April 17, 1759, Chapter 438; and the Acts of Assembly passed October 22, 1763, Chapter 505; February 17, 1768, Chapter 571; February 24, 1770, Chapter 608.

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## CHAPTER D.

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### AN ACT FOR REGULATING THE HIRE OF CARRIAGES TO BE EMPLOYED IN HIS MAJESTY'S SERVICE.

To prevent exorbitant demands for the hire of horses and wagons to be employed in His Majesty's service and for the better supplying the same:

[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 for the better and more regular provision of carriages and horses for His Majesty's forces in their marches, or for their arms, clothes or accoutrements, through the inhabited parts of this province, all justices of the peace within their several counties being duly required thereunto by an order from the governor or commander in chief of this province for the time

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<sup>1</sup> Passed April 8, 1758, Chapter 428.

<sup>2</sup> Passed April 17, 1759, Chapter 438.

being or the commanding officer of the King's forces so as aforesaid marching through the inhabited parts of this province, shall, as often as such order is brought and shown unto one or more of them by some one or more of the officers of the regiment, detachment, troop or company so ordered to march, issue out his or their warrants to the constables of the several townships from, through, near or to which such regiment, detachment, troop or company shall be ordered to march, requiring them to make provision of carriages with able men to drive the same, as is mentioned in the said warrant, allowing them sufficient time to do the same that the neighboring parts may not always bear the burden. And in case sufficient carriages cannot be provided within any such township or townships, then the next justice or justices of the peace of the county shall, upon such order as aforesaid being brought or shown to one or more of them by any of the officers aforesaid, issue his or their warrants to the constables of such next county or township for the purposes aforesaid to make up such deficiency. And the aforesaid officer or officers who, by virtue of the aforesaid warrant from the justices of the peace are to demand the carriage or carriages therein mentioned of the constable to whom the warrant is directed is and are hereby required at the same time to pay down in hand to the said constable, for the use of the person who shall provide such carriages and men, the sum of fifteen shillings per diem for every wagon or cart, with a driver, the said driver maintaining himself and horses, the load of each wagon or cart not to exceed twenty hundred weight, and the said constable is hereby required to give a receipt in writing to the person or persons paying the same. And such constable shall order and appoint such person or persons having carriages within their respective townships as they shall think proper, to provide and furnish [such carriages, horses and men according to the warrant aforesaid, who are hereby required to provide and furnish] the same accordingly. And if any military officer or officers for the use of whose troop or company the carriage was provided shall suffer any soldier or servant (except such as are sick) or any woman to ride in the wagon, cart or carriage aforesaid, or shall force any constable, by threatenings or menac-

ing words to provide saddle horses for themselves or servants, or shall force horses from their owners by themselves, servants or soldiers, every such officer for every such offense shall forfeit the sum of five pounds to the use of the governor of this province for the time being for the support of government, proof thereof being made upon oath or affirmation before any one of His Majesty's justices of the peace of the same county, who is to certify the same to the paymaster of His Majesty's forces within this province, who is hereby required to pay the aforesaid sum of five pounds according to the order and appointment under the hand and seal of the aforesaid justice of the peace of the same county, who is hereby empowered to deduct the same out of such officer's pay.

[Section II.] And be it further enacted by the authority aforesaid, That if any constable shall willfully neglect or refuse to execute such warrants of the justice of the peace as shall be directed to them for providing carriages as aforesaid, or shall presume to take any horses or carriages from any person not residing within his respective township; or if any person or persons appointed by such constable to provide and furnish any carriage and man shall refuse or neglect to provide the same, or any other person or persons whatsoever shall willfully do any act or thing whereby the execution of the said warrants shall be hindered or frustrated, every such constable or other person or persons so offending shall, for every such offense, forfeit any sum not exceeding forty shillings nor less than twenty shillings to the use of the poor of the township where any such offense shall be committed, and all and every such offense shall and may be inquired of, heard and fully determined by any one of the justices of the peace living in or near the place where such offense shall be committed, who hath hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the owner.

[Section III.] And be it further enacted by the authority aforesaid, That every innkeeper keeping an inn or house of entertainment on any public road or roads within this province shall keep sufficient quantities of hay, oats, indian corn or rye

for the accommodation and use of the horses and creatures of such as are employed or engaged in His Majesty's service and shall demand, have and receive according to the following rates, That is to say, for every hundred weight of good hay, three shillings and six pence; for hay for each horse for one night, eight pence; for oats, per bushel, three shillings; for indian corn, per bushel, three shillings and six pence; for rye, per bushel, three shillings and six pence, and so in proportion for a smaller quantity of all or any of them.

And if any such innkeeper shall neglect to provide a sufficient quantity of hay, oats, indian corn or rye as aforesaid, or shall demand more or greater prices than this act directs, he, she or they so offending shall forfeit and pay the sum of forty shillings each for every such offense, to be recovered as debts under forty shillings are directed to be recovered, one-half to the prosecutor and the other half to the overseers of the poor for the use of the poor of the city, borough or township where the same shall be recovered.

And in case any carriages and horses shall be wanted for the transportation of provisions beyond the inhabited parts of this province, the same shall be procured in the same manner as the other carriages and horses are hereby directed to be procured, and the said owner or owners of every carriage and four horses, with a driver, that shall be so employed beyond the inhabited parts of this province, shall be paid by the officer demanding the same the sum of fifteen shillings per diem for every day he shall be so employed until he 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 otherwiserendered 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 next sitting of assembly, and no longer.

Passed July 8, 1763. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Act of Assembly passed May 30, 1764, Chapter 514.

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## CHAPTER DI.

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

Whereas many barbarous hostilities have lately been perfidiously committed by the Indians on the western and northern frontiers of this province and there is great reason to apprehend that a confederacy has been formed among several tribes of the said Indians to continue and extend their incursions, and by the cruelest murders and devastations to spread destruction through this province.

And whereas it is judged necessary that a body of forces not exceeding the number of seven hundred men, exclusive of those already in the service of the government, should be taken into the pay of this province, to be divided, stationed and employed in protecting the frontier inhabitants within the purchased parts of the said province, during the time of harvest or until the next meeting of the general assembly.

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this province by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this province, yet, nevertheless, it being requisite for the retaining such forces in their duty that an exact disci-