

proper, or as the particular circumstances of the case may require.

[Section II] And be it further enacted by the authority aforesaid, That the president, vice-president and other members of the supreme executive council of this commonwealth and all persons acting by their special command in the premises shall be and are hereby fully and absolutely indemnified and saved harmless of and from all process, suits and actions that shall or may be hereafter sued, commenced, prosecuted or brought against them or any or either of them for or in respect of any of their orders or proceedings heretofore issued and had upon the recommendation of Congress, or which they shall hereafter issue and have by virtue of this act; and that no judge or officer of the supreme court or any inferior court within this commonwealth shall issue or allow of any writ of habeas corpus or other remedial writ to obstruct the proceedings of the said executive council against suspected persons in this time of imminent danger of the state.

[Section III.] Provided always, and it is hereby further enacted by the authority aforesaid, That this act shall be in force to the end of the first sitting of the next general assembly of the commonwealth and no longer.

Passed September 6, 1777. See the note to the Ordinance of the First Constitutional Convention passed September 12, 1776, Chapter 733; and the Acts of Assembly passed October 13, 1777, Chapter 766; January 2, 1778, Chapter 775; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 10, 1779, Chapter 865; November 27, 1779, Chapter 872; March 24, 1780, Chapter 906.

CHAPTER DCCLXIII.

AN ACT MAKING PROVISION FOR THE RELIEF OF OFFICERS, SOLDIERS, MARINES AND SEAMEN WHO IN THE COURSE OF THE PRESENT WAR, BEING IN THE SERVICE OF THE UNITED STATES OF AMERICA HAVE BEEN OR SHALL BE MAIMED OR OTHERWISE DISABLED FROM GETTING THEIR LIVELIHOOD AND SHALL BE RESIDENT IN OR BELONG TO THE STATE OF PENNSYLVANIA.

Whereas the delegates of the United States of America in Congress on the twenty-sixth day of August one thousand seven

hundred and seventy-six, on behalf of such commissioned and non-commissioned officers of the army and navy as also private soldiers, marines and seamen as in the course of the present war might lose a limb, or be otherwise so disabled as to prevent their serving in the army or navy, or getting their livelihood and might stand in need of relief, did enter into the following resolves, to-wit:

“That every commissioned officer, non-commissioned officer and private soldier who shall lose a limb in any engagement, or be so disabled in the service of the United States of America as to render him incapable afterwards of getting a livelihood, shall receive during his life, or the continuance of such disability the one-half of his monthly pay from and after the time that his pay as an officer or soldier ceases, to be paid by the committee as hereafter mentioned:

“That every commander of any ship-of-war or armed vessel, commissioned officer, warrant officer, marine or seaman belonging to the United States of America who shall lose a limb in any engagement in which no prize shall be taken, or be therein otherwise so disabled as to be rendered incapable of getting a livelihood, shall receive during his life, or the continuance of such disability the one-half of his monthly pay from and after the time that his pay as an officer, marine or seaman ceases, to be paid as hereafter mentioned; but in case a prize shall be taken at the time such loss of limb or other disability shall happen, then such sum as he may receive out of the net profits of such prize before a dividend is made of the same, agreeable to former orders of Congress, shall be considered as part of his half pay and computed accordingly.

“That every commissioned officer, non-commissioned officer and private soldier in the army, and every commander, commissioned officer, warrant officer, marine or seaman of any of the ships-of-war or armed vessels belonging to the United States of America who shall be wounded in any engagement so as to be rendered incapable of serving in the army or navy, though not totally disabled from getting a livelihood, shall receive such monthly sum towards his subsistence as shall be judged adequate by the assembly or other representative body of the state

where he belongs or resides upon application to them for that purpose, provided the same doth not exceed his half pay.

“That no commissioned officer, non-commissioned officer and private soldier in the army, commander, commissioned officer, warrant officer, marine or seaman of any of the ships of war or armed vessels belonging to the United States of America who shall be wounded or disabled as aforesaid shall be entitled to his half pay or other allowance unless he produce to the committee or officer appointed to receive the same in the state where he resides or belongs, or to the assembly or legislative body of such state, a certificate from the commanding officer who was in the same engagement in which he was so wounded, or in case of his death from some other officer in the same corps and the surgeon that attended him, or a certificate from the commander of the ship-of-war or armed vessel engaged in the action in which any officer, marine or seaman received his wound and from the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship-of-war or armed vessel to which he belonged, his office or rank therein, the nature of his wound, or in what action or engagement he received it.”

And the said delegates in Congress did at the same time recommend to the several assemblies or legislative bodies of the United States of America “to appoint some person or persons in their respective states who shall receive and examine all such certificates as may be presented to them and register the same in a book, and also what support is adjudged by the assembly or legislative body or their state to those whose case requires but a partial support, and also of the payment from time to time of every half pay and other allowance and of the death of such disabled person or ceasing of such allowance, and shall make a fair and regular report of the same quarterly to the secretary of Congress or board of war, where a separate record shall be kept of the same, and to cause payment to be made of all such half pay or other allowances as shall be adjudged due to the persons aforesaid on account of the United States.”

Therefore, as well in deference to the aforesaid recommendation of Congress as in justice and gratitude to such brave men

who already have or hereafter may step forth in the service of their country and in the same have been or may be so unfortunate as to come within the description of the said resolves and in order to provide for their relief:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That upon the application of any officer of the army or navy, private soldier, marine or seaman, who in the course of the present war shall have lost a limb, or be otherwise so disabled as to prevent his serving in the army or navy, or getting his livelihood, made to any one of the justices of the peace in the several counties of this state for such relief as by the said resolve of Congress is provided for him, and shall produce to the said justice a certificate from the commanding officer in the same engagement, or of the ship of war or armed vessel in which he was so wounded, or in case of the death of the commander from some other officer in the same corps or ship, or from the surgeon that attended him, setting forth the name of the person so wounded, his office, rank, department, regiment, company, ship-of-war or armed vessel to which he belonged, the nature of his wound and in what action or engagement he received it, the said justice shall and he is hereby enjoined and required to call to his assistance two reputable freeholders of his neighborhood, with whom he shall inspect and carefully examine the certificate presented, the state and condition of the person so applying, and the same certificate being found genuine and made out in the order as by the said resolves it is directed to be made, the said justice and freeholders shall adjust and settle the monthly pay which the bearer of such certificate shall receive agreeable to the resolves, not exceeding the half pay and rations that such officer or private was entitled to at the time he received the wound, to commence from the time that his pay or subsistence in the army or navy ceased. And the said justice of the peace and freeholders shall indorse or affix to the said certificate an order under their hands and seals directed to the treasurer of the state tax in the county in which the said justice resides, requiring him to pay to the person so disabled as afore-

said the monthly pension allowed on his said certificate, and shall transmit the said original certificate and order to the recorder of the county to be registered in a book. And the said recorder shall make out a copy of the said certificate and order under the seal of his office and shall deliver the said copy to the person in the said certificate and order named.

Provided always, That upon the application of any officer or private of the marines and seamen the said justice and freeholders shall make inquiry whether at the time of the said officer or private's receiving his wound any prize was taken and what dividend the disabled person shall have received or is to receive, and shall administer to him an oath respecting such prize, so that a deduction of the amount thereof may be made out of his monthly pension, agreeable to the said resolves of Congress.

[Section II.] And be it further enacted by the authority aforesaid, That the treasurer of the state tax to whom such certificate under the seal aforesaid shall be produced and shown shall pay the bearer thereof such monthly pension as shall be allowed to him by the said justice and freeholders from the time that shall be fixed in the said order, and so from month to month during his disability and residence in the county, or until other order shall be made by the assembly with respect to such pensioner or pensioners. And the recorder shall at every quarter sessions of the respective counties have in court all the original certificates and orders by him filed and deliver the same to the treasurer who shall keep them as vouchers to his account with the committee of assembly, and shall within sixty days after the court transmit a fair and regular report to the secretary of Congress or board of war.

Provided, That all such pensioned officers, soldiers, marines and seamen that shall be found capable of doing duty in any department of the land or sea service shall be liable to be employed therein, and upon refusal thereof shall forfeit and lose the pension allowed to him or them.

[Section III.] Provided also, and it is hereby further enacted by the authority aforesaid, That no officer, soldier, marine or seaman who receives his pension in this state shall sell or assign or otherwise dispose of his certificate and order of monthly pay

or any part or number of monthly payments thereon to become due to him to any person or persons whatsoever for any consideration or price whatsoever, except it be for the maintaining such pensioner during life or as long as he shall receive that pension. And all contracts for maintaining during life or during the time the pension lasts shall be made in the presence of one justice of peace and of the overseers of the poor of the city, township or district respectively, and security given to their satisfaction. And that the person or persons who shall presume to make such purchase or take such assignment as aforesaid from any pensioner, except as in the case before excepted, being legally convicted thereof in any court of general quarter sessions of the peace of this state or in the supreme court of the same, shall forfeit and pay a sum equal to the sum which he has paid or contracted to be paid for such assignment of such pension to any person who will sue or prosecute for the same, and the pensioner who has contracted for the sale or assignment of his pension shall be admitted as an evidence to the indictment even in case he should become the prosecutor.

[Section IV.] And be it further enacted by the authority aforesaid, That the justice of the peace and the freeholders that shall examine the certificates and make the orders for the payment of the pensions shall receive the sum of seven shillings and six pence for every order, and the recorder for recording the same and making out a copy thereof under seal the sum of two shillings and six pence for each copy, which shall be settled and allowed at every court of quarter sessions and paid by the said treasurer at the charge of the United States.

Passed September 18, 1777. See the Act of Assembly passed January 31, 1783, Chapter 1002. The act in the text was repealed by the Act of Assembly passed September 22, 1785, Chapter 1194.