

lic accounts and papers belonging to or concerning the trade and trust committed to his care, whole and entire and undefaced, under the penalty of five hundred pounds, to be recovered in the manner and for the uses aforesaid. And where any agent shall be removed by death from his said office and trust the executors or administrators of such decedent shall deliver in like manner all the books and papers that shall come to their hands relating to the accounts and transactions of the said trade to the succeeding agent or agents under the like penalty, to be recovered and applied in manner aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That the clause which relates to the securing and assuring the loans to the respective lenders shall remain and is hereby declared to be in force until the said lenders shall receive their several and respective sums of money lent and advanced, with the interest thereon accruing, and that the residue and remainder of this act shall be in force for five years from and after the publication thereof and no longer.

Passed April 8, 1758. Referred for consideration by the King in Council, Nov. 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 Act of Assembly passed April 17, 1759, Chapter 438. The Act in the text was repealed by the Act of Assembly passed April 2, 1763, Chapter 499.

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## CHAPTER CCCCXXIX.

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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 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 New-

castle, 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 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 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 as 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 hundredweight.

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 menacing words to provide saddle horses for themselves or servants, or shall force horses from the 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 two of His Majesty's justices of the peace of the same county, who are 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 hands and seals of the aforesaid justices of the peace of the same county, who are 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 justices of the peace as shall be directed to them for providing carriages as aforesaid, 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 two justices of the peace living in or near the place where such offense shall be committed, who have 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 hundredweight 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 whereas an expedition is now intended and carrying on against His Majesty's enemies to the westward of this province, in which it will be absolutely necessary that a number of carriages and horses should be procured for the transportation of provisions and other necessaries for the King's forces employed therein:

[Section IV.] Be it [therefore] enacted by the authority aforesaid, That the carriages and horses wanted for the said expedition 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 employed in the said expedition 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 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.

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## CHAPTER CCCCXXX.

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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