

as in former acts of assembly are directed as fully as if the same securities, regulations, duties, fines, forfeitures and penalties were herein again repeated and enacted.

[Section II.] And be it further enacted, That so much only of the hereinbefore-recited act as is hereby expressly altered shall be deemed or taken to be repealed by this act, but that the residue of the same act be and is hereby declared to be in full force and virtue, and that the act hereinbefore-recited and this act shall continue in force for the term of one year from the publication of this act and from thence to the end of the next sitting of assembly and no longer, and that the officers shall be and continue in their respective offices for the space of one year and from thence until a new nomination and appointment shall be made by the assembly.

Passed September 27, 1758. Confirmed by the King in Council, September 2, 1760. See Appendix XXIII, Section I, and notes to the Acts of Assembly passed January 19, 1733-34, Chapter 332; March 7, 1745-46, Chapter 368.

CHAPTER CCCCXXXVI.

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR REGULATING THE HIRE OF CARRIAGES TO BE EMPLOYED IN HIS MAJESTY'S SERVICE."¹

Forasmuch as the act, entitled "An act for regulating the hire of carriages to be employed in His Majesty's service,"¹ passed in the thirty-first year of His Majesty's reign, was found on experience not fully to answer the purposes for which it was intended in regard to such carriages as were to be employed beyond the inhabited parts of this province, whereupon one other act was passed in the thirty-second year of the present reign, entitled "A supplement to the act, entitled 'An act for regulating the hire of carriages to be employed in His Majesty's service,'"² which said acts notwithstanding, it is now represented

¹ Passed April 8, 1758, Chapter 429.

² Passed September 20, 1758, Chapter 434.

to this house that the King's forces on our western frontiers are in immediate want of a supply of provisions to be transported from the interior parts of this province to Raystown:

For remedying whereof we pray that it may be enacted:

[Section I.] And 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 said Province in General Assembly met and by the authority of the same, That every owner or owners of any carriage or carriages fit for transportation of provisions from the interior parts of the province to Raystown aforesaid, who shall enter into any contract or contracts or be taken into His Majesty's service in pursuance of the acts of assembly hereinbefore-mentioned, the said owner or owners of such carriage or carriages shall and he or they are hereby enjoined and required to perform his or their said contract or service, and shall not desert the same until the said carriages shall arrive at Raystown aforesaid under the penalty of twenty pounds to the use of the poor of the township or townships to which such carriage or carriages did belong or in which the owner or owners thereof did respectively reside, to be recovered by action of debt, bill, plaint or information in any of His Majesty's courts of record within this province, wherein no essoyn, protection or wager of law or more than one imparlance shall be allowed.

Provided nevertheless, That all carriages taken into His Majesty's service whose owners are not present to enter into the contracts and agreements according to the acts hereinbefore-recited, the respective owners thereof shall be allowed a sufficient time to be informed thereof, in order that the said owners respectively may prepare and provide provender for their horses for and during their journey from the interior parts of the province to Raystown; but upon special condition and under the penalty aforesaid that the said carriages shall be and continue at the places appointed for taking in their respective loads on the days and at the times certified in the respective contracts or appointed by the person taking such wagons.

[Section II.] Provided also, That no owner or owners of any carriage or carriages engaged in His Majesty's service by virtue of this act shall be answerable for any penalty which may arise or shall be incurred by virtue of this act on account or by default of the driver or drivers of the said carriage or carriages, without the consent, privity or knowledge of the said owner or owners of the respective carriages; but that the said driver or drivers thereof shall be liable to the penalties incurred by their own misconduct or neglect by virtue of this act.

This act to continue and be in force from the publication thereof during the space of three months and no longer.

Passed September 29, 1758. Expired before being acted on by the King in Council. See Appendix XXIII, Section I, and note to the Act of Assembly, passed April 8, 1758, Chapter 429.