

CHAPTER CCCCXL.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR GRANTING TO HIS MAJESTY A DUTY OF TONNAGE UPON SHIPS AND VESSELS AND ALSO CERTAIN DUTIES UPON WINE, RUM, BRANDY AND OTHER SPIRITS AND A DUTY UPON SUGAR FOR SUPPORTING AND MAINTAINING THE PROVINCIAL SHIP-OF-WAR FOR PROTECTING THE TRADE OF THIS PROVINCE AND OTHER PURPOSES FOR HIS MAJESTY'S SERVICE."¹

Whereas it hath been found on experience that the provincial ship-of-war heretofore purchased and fitted out by this province for protecting the trade thereof and for annoying the enemy does not fully answer the purposes intended, and it may become necessary to purchase or hire one other one other [sic] ship-of-war and to make sale of that which has been already purchased, for which no provision is made by the act hereinbefore-mentioned.

For remedying whereof and for protecting the trade of this colony in a more effectual manner:

[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 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 it shall and may be lawful for Thomas Yorke, James Child, Daniel Rundle, Peter Chevalier and Enoch Story or the major part of them or of the survivors of them, with the consent and approbation of the governor or commander-in-chief of this province for the time being and not otherwise, to dispose of and sell the provincial ship-of-war, and to invest the produce thereof, with such other moneys as shall come into their hands by virtue of the act hereinbefore-mentioned and of this act, in purchasing

¹ Passed April 29, 1758, Chapter 432.

or hiring one other ship-of-war as they shall judge most suitable and advantageous for the purposes aforesaid; and forasmuch as great expenses must necessarily arise upon purchasing, hiring, fitting out and maintaining such ship or ships-of-war for protecting the trade of this province as aforesaid:

[Section II.] Be it further enacted, That in case a ship-of-war be purchased or hired by the commissioners aforesaid, with the assent of the governor, it shall and may be lawful for any person or persons whatsoever to advance and lend to the said commissioners any sum or sums of money not exceeding in the whole the sum of two thousand pounds lawful money of this province over and above the sum of five thousand pounds which they are authorized and empowered to borrow by the act to which this is a supplement, which sum or sums of money the said commissioners are hereby authorized and empowered to borrow and receive for the uses, intents and purposes aforesaid; and the said lenders shall have and receive for the use and forbearance of their respective loans until the same shall be repaid and discharged interest not exceeding six *per centum*; and that every such lender shall immediately have and receive a note or certificate in writing of and for the sum by him lent, with the interest payable thereon, signed by the said commissioners, which note or certificate shall be registered in a book to be kept for that purpose; and the said commissioners shall and they are hereby enjoined and required, as soon as they shall receive a sufficient sum of money of and from the provincial treasurer for the time being, to pay off and discharge the sum and sums of money by them borrowed and received for the uses, intents and purposes aforesaid, that they shall forthwith tender, pay off and discharge to the said lenders their several and respective sums of money so lent, with the interest thereof, and thereupon take receipts and discharges for the same.

[Section III.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners aforesaid or the major part of them or of the survivors of them, on any cruise to be made by any ship-of-war for guarding the coast and protection of the trade of this province, to purchase and provide out of the moneys arising by virtue of the act

hereinbefore-mentioned such stores, clothing and other necessaries as may be suitable to the seamen during their intended cruise and thereupon to affix such moderate rates and prices as they shall judge equitable and reasonable; which said stores, clothing and other necessaries shall be put under the care of a purser to be appointed for that purpose by the commissioners, with the assent of the governor, for any ship-of-war to be employed in the service of this province for protecting the trade thereof; and every such purser respectively under the penalty of one hundred pounds shall sell to the seamen at the several rates and prices so as aforesaid affixed by the commissioners and no other, and the profits accruing thereon after reasonable charges are deducted shall be accounted for to the commissioners by the said pursers for and towards defraying the charges of maintaining such ship-of-war so as aforesaid employed in the service of this province; and no commander or other officer or person whatsoever on board the said ship-of-war other than the purser or pursers so as aforesaid appointed for that purpose (which said purser or pursers are hereby enjoined under the penalty aforesaid to sell such stores, clothing and necessaries only as are provided by the commissioners aforesaid) shall presume to sell, barter or exchange to or with any seamen, either on the high seas or at any port or place during their respective cruises, any merchandise or thing whatsoever under the penalty of five hundred pounds, to be recovered and applied in the same manner as the fines, forfeitures and penalties incurred in and by the said act of assembly to which this act is a supplement are directed to be recovered and applied and as if the said offense had been committed within this province, anything herein or in any other act to the contrary notwithstanding.

[Section IV.] Provided nevertheless, and it is hereby further enacted, That the commissioners aforesaid or the major part of them or of the survivors of them shall have power and are hereby authorized to sell and dispose of any ship-of-war belonging to the province which is or may be purchased by virtue of this or any other act of this province at any time after the ratification of a treaty of peace between the Crowns of Great Britain and France, and the moneys arising by the sale or sales of such ship-of-war shall be accounted for by the said commissioners

according to the directions of this and the hereinbefore-mentioned act, anything in the said act to the contrary notwithstanding.

[Section V.] And be it further enacted by the authority aforesaid, That the act, entitled "An act for granting to His Majesty a duty of tonnage upon ships and vessels and also certain duties upon wine, rum, brandy and other spirits and a duty upon sugar for supporting and maintaining the provincial ship-of-war for protecting the trade of this province and other [purposes for] His Majesty's service,"¹ and this act shall be and continue in force until the ratification of [a treaty of] peace between the Crowns of Great Britain and France or until the expiration of the act to which this is a supplement as either may first happen, and from such ratification of peace or termination of the aforesaid act until the charges arising by virtue of the said acts for purchasing or hiring and maintaining a ship-of-war as aforesaid shall be discharged and no longer.

Passed April 21, 1759. Confirmed by the King in Council September 2, 1760. See Appendix XXIII, Section I, and note to the Act of Assembly passed April 29, 1758, Chapter 432.

CHAPTER CCCCXLI.

AN ACT FOR EXTENDING SEVERAL SECTIONS OF AN ACT OF PARLIAMENT PASSED IN THE THIRTY-SECOND YEAR OF THE PRESENT REIGN, ENTITLED "AN ACT FOR PUNISHING MUTINY AND DESERTION AND FOR THE BETTER PAYMENT OF THE ARMY AND THEIR QUARTERS."²

Whereas there is at this time and may be occasion, during the continuance of this act for the marching and quartering the King's forces in several parts of this province, we pray that it may be enacted:

[Section I.] And be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable

¹Passed April 29, 1758, Chapter 432.

² 8 Ruffhead.