

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 21, 1759. Confirmed by the King in Council September 2, 1760. See Appendix XXIII, Section I, and the Act of Assembly passed July 8, 1763, Chapter 500.

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## CHAPTER CCCCXLIII.

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

Whereas by an act of general assembly of this province passed in the present year of His Majesty's reign, entitled "An act for granting to His Majesty the sum of one hundred thousand pounds and for striking the same in bills of credit," &c.,<sup>1</sup> it is provided and enacted that the sum of one hundred thousand pounds be granted to His Majesty's use for and towards raising, paying and clothing two thousand seven hundred effective men (officers included) to act in conjunction with a body of His Majesty's British forces and the forces of Virginia, Maryland and the lower counties on Delaware in such offensive operations as shall be carried on and prosecuted by His Majesty's commander-in-chief in these parts during the ensuing campaign, and for other purposes for His Majesty's use. And whereas the act, entitled "An act for regulating the officers and soldiers commissioned and raised by the governor for the defense of this province,"<sup>2</sup> is near expiring by its own limitation, and

<sup>1</sup> Passed April 22, 1758, Chapter 431.

<sup>2</sup> Passed April 8, 1758, Chapter 430.

forasmuch as numbers of armed men assembled together without any clear and express law for their government may become dangerous to the King's peace, ruinous to each other and of little service to the public, therefore:

[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 all officers so as aforesaid commissioned and in pay or that shall hereafter be commissioned and in pay, and such soldiers as have been regularly enlisted or shall voluntarily engage or be enlisted at any time after the publication of this act, shall be for their better government subject to the same laws, rules, duties and trials and be liable to the same punishments during the continuance of this act as they would be by virtue of an act of Parliament passed in the thirty-second year of the present reign, entitled "An act for punishing mutiny and desertion,"<sup>1</sup> &c., if joined by any of His Majesty's British forces.

And forasmuch as there is at present no commission or warrant from the Crown to the governor of this province for the holding general courts-martial within the same:

[Section II.] Be it further enacted by the authority aforesaid, That the governor and commander-in-chief of this province for the time being may from time to time grant commissions under the great seal to any officers not under the degree of a field officer for the holding general courts-martial within this province, which shall consist of the same number of officers of the like rank and shall have the same powers and authorities and shall proceed in the same manner as in the said act of Parliament is directed and prescribed, in which courts-martial all the offenses specified in the said act of Parliament and His Majesty's Articles of War committed by such officers or soldiers shall be tried and proceeded against in such manner as

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<sup>1</sup> 8 Ruffhead, 312.

by the said act and articles is directed. Provided, That all and every officer or officers presiding at any trial or trials whereupon sentence of death shall be adjudged and given against any officer or soldier by virtue and in pursuance of the said act of Parliament shall transmit as soon as may be to the governor or commander-in-chief for the time being a fair transcript of their proceedings and sentences under their hands and seals, and that the execution of such sentences shall be suspended until the pleasure of the governor or commander-in-chief be known and his warrant under the great seal be received for the same.

Provided nevertheless, That nothing herein contained shall extend or be construed to exempt any officer or soldier whatsoever from being proceeded against by the ordinary course of the law or to authorize the enlisting of indented servants or apprentices or to bring over any part of the said act of Parliament not relating to the government of soldiers, the manner of enlisting them, the offenses punishable by sentence of court-martial, the mode of trial and the punishments to be inflicted, anything herein contained to the contrary notwithstanding.

And in order to prevent all doubts that may arise in relation to punishing the crimes and offenses committed against a former act of assembly of this province, entitled "An act for regulating the officers and soldiers commissioned and raised by the governor for the defense of this province."<sup>1</sup>

[Section III.] Be it declared and enacted by the authority aforesaid, That all crimes and offenses which have been committed against the said former act shall and may during the continuance of the present act be inquired of, heard, tried, determined, adjudged and punished before and by the like courts, persons, powers, authorities, ways, means and methods as the like crimes and offenses committed against this present act may be inquired of, heard, tried, determined, adjudged and punished.

This act to continue and be in force until the twenty-fifth day of March, one thousand seven hundred and sixty, and from thence to the end of the next sitting of assembly and no longer.

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<sup>1</sup> Passed April 8, 1758, Chapter 430.

Passed April 21, 1759. Expired before being considered by the Crown for action. See note to the Act of Assembly passed April 15, 1756, Chapter 409; and the Act of Assembly passed April 12, 1760, Chapter 457.

Note—The original roll of this act is missing and the text here printed is from "Act Book," Vol. IV, p. 108.

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#### CHAPTER CCCCXLIV.

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AN ACT FOR RE-EMITTING THE BILLS OF CREDIT OF THIS PROVINCE HERETOFORE RE-EMITTED ON LOAN AND FOR STRIKING THE FURTHER SUM OF THIRTY-SIX THOUSAND SIX HUNDRED AND FIFTY POUNDS TO ENABLE THE TRUSTEES TO LEND FIFTY THOUSAND POUNDS TO COLONEL JOHN HUNTER, AGENT FOR THE CONTRACTORS WITH THE RIGHT HONORABLE THE LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY, FOR HIS MAJESTY'S SERVICE.

Whereas by an act of general assembly of this province made in twelfth year of the reign of his present Majesty, entitled "An act for reprinting, exchanging and re-emitting all the bills of credit of this province and for striking the further sum of eleven thousand one hundred and ten pounds five shillings, to be emitted on loan,"<sup>1</sup> bills of credit of the value of eighty thousand [pounds] of lawful money of America were printed and emitted to exchange the bills of credit of this province before that time current, and to be let out on land security and again to be paid in annually and to be sunk and destroyed according to the directions of the said act. And whereas the said bills of credit so printed and emitted were by one other act made in the nineteenth year of this present reign, entitled "An act for the re-emitting and continuing the loan of the bills of credit of this province,"<sup>2</sup> continued and declared to be the current bills of credit of this province and re-emitted on loans for a certain term of years therein-mentioned. And whereas the term limited for the re-emission of the said bills is expired, part of the same paid in, sunk and destroyed, and the time appointed for the currency of the residue of the said bills is likewise near expiring,

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<sup>1</sup>Passed May 19, 1739, Chapter 353.

<sup>2</sup>Passed March 7, 1745-46, Chapter 363.