

by the authority aforesaid, That the said judge of admiralty and every of the three persons to be appointed and associated with the president of the supreme executive council and judges of the supreme court, as judges of the said court of errors and appeals shall be entitled to the value of two bushels of wheat for each day they shall attend upon the business of the said court, to be estimated and paid according to the directions of the act, entitled "An act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by neglect of duty,"¹ by an order on the state treasurer drawn in council and signed by the president or vice-president.

Passed February 28, 1780. See the note to the Act of Assembly passed May 22, 1722, Chapter 255; and the act of Assembly passed September 19, 1785, Chapter 1187. The Act in the text was repealed by the Act of Assembly passed April 13, 1791, Chapter 1575. Recorded L. B. No. 1, p. 332, &c.

CHAPTER DCCCLXXX.

AN ACT FOR THE MORE EFFECTUAL SUPPLY AND HONORABLE REWARD OF THE PENNSYLVANIA TROOPS IN THE SERVICE OF THE UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas the honorable the Congress of the United States did, on the fifteenth day of May, Anno Domini one thousand seven hundred and seventy-eight, resolve and provide in the words and manner following, viz.: "That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war and do not now hold any office of profit, under the said states, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they shall live so long, one-half of the present pay of such officer, provided that no general officer of the cavalry, artillery or infantry shall be entitled

¹ Passed November 27, 1779, Chapter 875.

to receive more than the one-half part of the pay of a colonel of such corps, respectively, and provided that this resolution shall not extend to any officer in the service of the United States unless he shall have taken the oath of allegiance to and shall actually reside within some one of the United States." And whereas the military commissioned officers in the federal army of the United States belonging to this state have not only distinguished themselves in the field by their courage and bravery, but have exhibited extraordinary proofs of patriotism, disinterestedness and sacrifice of private considerations to the public good.

(Section II, P. L.) And whereas the continuance of the war and the signal services and sufferings of the said troops since the passing the above resolve have made it highly proper to enlarge and extend the benefits thereof. And the legislature of this state, being desirous to manifest a just sense of the important services which have been rendered by the said officers and soldiers, and in future to supply them with such necessities as may enable them to support and perform the duties of their several stations with cheerfulness and alacrity:

[Section I.] (Section III, P. L.) 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 the half pay aforesaid, so far as it respects the military commissioned officers of this state in the service of the United States, shall be continued to the said officers and every of them surviving the said term of seven years, and who shall be entitled and admitted to the same in pursuance of the said resolves, for and during the lives of such officers and officer, and that the rules following shall be duly observed in the application and payment thereof, that is to say:

First. That no person shall have or receive any part of the same who was a minor under the age of eighteen years when the regiment or company in which he served shall be reduced.

Secondly. That no person shall have or receive the said half pay or any part thereof but such as have done actual service in some regiment or company.

Thirdly. That the said half pay nor any part thereof shall

[not] be allowed to any person by virtue of any warrant or appointment except to such persons as would have been otherwise entitled to receive the same as reduced officers or to such brevet officers as are hereafter mentioned.

Fourthly. That the same shall not be allowed or extended to the officers of any new raised corps, or of any troops who have been enlisted for a shorter term than the continuance of the present war.

Fifthly. That the same shall not be allowed to any officer who shall not have taken the oath or oaths of allegiance which now are or hereafter may be required of the other subjects of this state, and also reside in some one of the United States.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act the widows of such commissioned military officers as have fallen in battle or died in actual service or captivity, and whose husbands, if they had lived, would have been entitled to such half pay, and those who may hereafter become the widows of officers so falling in battle or dying in actual service or captivity during the continuance of the present war shall be entitled to the half of the pay which their husbands were respectively entitled to whilst in said service, during their widowhood and no longer.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That on the petition of any of the said widows to the orphans' court in any county of this state the said court shall, in a summary way, inquire into the claim of such widow to the half pay allowed by this act, and the said court, on receiving satisfactory proof of the marriage and that the husband of the said widow would, if he had lived, have been entitled to half pay under this act, which proof shall be by a certificate under the hand and seal of the colonel or other commanding officer of the regiment, battalion or company to which the deceased last belonged, setting forth the commission which he last held and the regiment, battalion or company in which he last served, and also the time and place of his death, such certificate to be attested under the hands of two witnesses; or, in the case of

the widow of such commanding officer, from the officer next in command. And the said petitioner shall produce also to the court the commission under which such claim shall be made or at least a certificate from the honorable the board of war of the United States that such commission had issued; whereupon, if the said court shall be satisfied of the justice of such claim it shall proceed to ascertain the same by way of annuity, and make an order on the county treasurer for the payment of such annuity, either quarterly or annually, as to the said court shall seem meet according to the true intent and meaning of this act, and the said treasurer shall advance and pay the said annuity as it becomes due out of any moneys belonging to the state, which he may have in his hands and shall be allowed the same in passing his accounts.

[Section IV.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the said orphans' court shall once in three months in every year examine the record of such annuities, and send an authentic list of the names of the said widows and sums to which they are respectively entitled to the county treasurer, distinguishing therein the names of such annuitants as have died or been married again, and the clerk of the said court, once in every year, or oftener if required, shall transmit a copy of such list to the secretary of the supreme executive council of this state.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all lands which have been or may hereafter be granted within this state to any officers or soldiers of the line of this state by virtue of any resolution of Congress or law of this state as a reward for their services shall be and are hereby exempted from taxation for and during the life of such officer or soldier, respectively, unless the same shall be transferred or aliened to any other person.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every major-general, brigadier-general, colonel, lieutenant-colonel, major, captain, lieutenant, ensign, chaplain, surgeon and surgeon's mate belonging to the troops of Pennsylvania and engaged to serve during the present war shall, during his continuance in actual service, be

furnished with one complete suit of regimental uniform clothes once in every year and no more, and that the supreme executive council shall from time to time purchase and procure the same at the charge of this commonwealth out of any of the unappropriated moneys in the state treasury, the said suit of clothes to consist of the following articles, viz.: One hat, one coat, one waistcoat, two pair of breeches, three pair of stockings, thread or worsted, three pair of shoes, three shirts, three stocks.

(Section IX, P. L.) And whereas the officers and soldiers of the troops of this state in the army of the United States of America, enlisted for and during the continuance of the present war and serving in the field have been greatly distressed by the excessive advance in the prices of divers necessaries and accomodations not included in the ration of provisions furnished to them by the public, and also by the difficulty of procuring them at places distant from the place of manufacture or importation:

(Section X, P. L.) And whereas the assembly of this state did heretofore, by sundry resolves, authorize and empower the supreme executive council of this state to draw upon the state treasurer from time to time for any sums of money which they should judge necessary to relieve in some measure the necessities of the officers and soldiers belonging to this state and serving in the army of the United States, and to appoint commissaries to purchase rum, sugar, coffee, tea, chocolate, tobacco and hard soap and such other articles as to the said council might appear necessary and suitable for the comfort of the said troops, under such regulations and restrictions as are set forth and expressed in the said resolves:

(Section XI, P. L.) And whereas the council in the execution of the said resolves did direct that the distribution and issue of the said enumerated articles should not exceed the ratio or proportion following, That is to say, for each ration of provisions to which each officer and soldier as aforesaid shall be respectively entitled by the acts of Congress, one pint of rum, half a pound of sugar, a quarter of a pound of coffee, one ounce of tea, half a pound of chocolate and one-quarter of a pound of

tobacco, once in every week, and the same having been found by experience to be beneficial and satisfactory:

[Section VII.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the purchase and supply of the said enumerated articles shall be and are hereby continued for the benefit of the said officers and soldiers of this state during their actual service in the army of the United States, and that the said articles shall be distributed and issued to them in the proportions above set forth and at the following prices, to wit, rum, or spirits, by the gallon, five shillings; muscovado sugar, three shillings and nine pence per pound; tea, at twelve shillings per pound; hard soap, at one shilling and three pence per pound; tobacco, at nine pence per pound, or under such other rules and regulations as the president or vice-president in council may and shall, from time to time, direct, and that the supreme executive council shall defray the expense of procuring the said articles, and the distribution thereof from time to time out of such moneys as are or may be in the state treasury not specially appropriated.

(Section XIII, P. L.) Provided, That no officer or soldier shall be deemed entitled thereto unless while on actual duty in camp or garrison or march, and that no issues be made thereof at any time under the name or character of back rations.

(Section XIV, P. L.) Provided also, That no officer shall be deemed entitled to a proportion of the said clothing or stores for more than one commission, nor any officer of this state holding or appointed to any rank by brevet unless when so appointed and distinguished by the honorable Congress for extraordinary merit and so signified in his commission; in which case and the same being duly made known to the supreme executive council, such brevet officer shall be empowered by special order of council to receive like privileges and benefits as other officers in the line.

[Section VIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the officers, seamen and marines employed in the service of this state, and who were in actual service on the thirteenth day of March last and shall continue therein to the end of the present war or till honor-

ably discharged shall be entitled to the allowances and benefits hereinbefore granted to the military officers and soldiers, respectively of the Pennsylvania troops as to half pay and clothing and to like supply and distribution of the articles above enumerated, subject to the same limitations and conditions; the half pay of the said officers of the navy to commence at the expiration of the present war or their discharge.

[Section IX.] (Section XVI, P. L.) Be it also enacted by the authority aforesaid, That the widows of any of the said officers of the said navy who now are or have been in actual service and have been killed or died in such service shall be entitled to half pay in the same manner and under the same limitations and conditions as the widows of officers in the land service hereinbefore mentioned.

(Section XVII, P. L.) And whereas, it may often happen that officers in both the sea and land service may be killed or die therein having a child or children and no wife, or such widow may remarry or die, in which case the said children may become destitute:

[Section X.] (Section XIII, P. L.) Be it therefore enacted by the authority aforesaid, That in such case the said orphans' court shall and it is hereby empowered to nominate one or more suitable persons to be guardians of the said child or children and to order and direct the half pay to which the father would have been entitled to be paid to such guardian or guardians for such time and in such manner as to the said court shall seem meet, so as the same be not longer than such child or children respectively attains the age of fourteen years, and in like manner in case of the death or marriage of any officer's widow having a child or children, to transfer and set over the half pay by her enjoyed to the use and benefit of such child or children, not exceeding the term aforesaid.

[Section XI.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That all the officers and soldiers who have been or shall be regularly transferred from any of the regiments forming the line of this state into the invalid regiment and such transfer duly certified by the commanding officer thereof to the president or vice-president in council,

shall be and they are hereby entitled to all the benefits, privileges and advantages which are by this act granted to any officers or soldiers belonging to this state. And in order that the persons for whom the benefits and advantages aforesaid are intended may be clearly ascertained and determined.

[Section XII.] (Section XX, P. L.) Be it enacted by the authority aforesaid, That they are the officers and soldiers of the line of this state in the federal army consisting of eleven regiments of infantry, and the regiment of artillery, commanded by Colonel Thomas Proctor, including the companies of artillery now or late commanded by the Captains Porter, Lee, Jones and Coren, the invalids aforesaid, the Pennsylvania officers and soldiers in the several corps of guards, light dragoons, artillery and infantry other than the artificers who are no part of the eighty-eight battalions originally apportioned on the states and who are or shall be considered by the honorable Congress as part of the quota of this state and accepted as such by the president or vice-president in council, and the naval officers above mentioned.

(Section XXI, P. L.) Provided always, That no officer or soldier of the army shall be admitted to the benefits and advantages aforesaid, unless he be ascertained to belong to the quota of this state in the manner and form directed and prescribed in and by an act of Congress of the fifteenth day of March last, and accepted by the president or vice-president in council as aforesaid, nor shall any such officer or soldier be entitled to the continuance of the same unless it shall appear by returns to be made every three months or oftener by the commanding officer of the division, brigade or separate command under whom such officer or soldier shall serve, that such person shall continue in the federal army, nor unless such officer or soldier shall be certified to be commissioned and enlisted for and during the present war.

(Section XXII, P. L.) And whereas the public service may hereafter require further arrangements, regulations and alterations to be made of the regiments in the line of the state and of the officers who may compose the same or be entitled to the benefits of this act.

[Section XIII.] (Section XXIII, P. L.) Be it therefore enacted by the authority aforesaid, That if any person entitled to the emoluments, privileges and benefits by this act allowed and granted shall refuse to conform to such arrangements, regulations and alterations as may be hereafter made by the honorable the Congress of these United States or by the supreme executive council of this state in concurrence with the commander-in-chief of the armies of the United States, it shall and may be lawful, and the president or vice-president in council are hereby authorized, to retain and withhold the said benefits and advantages hereby given from any such regiment, troop, company, officer or persons so refusing for and during such refusal, anything hereinbefore contained to the contrary notwithstanding.

[Section XIV.] (Section XXIV, P. L.) Be it also enacted by the authority aforesaid, That if any difficulty or doubt should arise concerning the persons entitled to the benefits and advantages granted by this act other than the widows and children aforesaid the same shall be adjudged and finally determined by the supreme executive council of this state.

Passed March 1, 1780. See the Acts of Assembly passed December 18, 1780, Chapter 920; December 23, 1780, Chapter 926; April 10, 1781, Chapter 941; June 25, 1781, Chapter 946; September 29, 1781, Chapter 951; October 1, 1781, Chapter 955; April 13, 1782, Chapter 971; January 31, 1783, Chapter 1002; March 12, 1783, Chapter 1007; March 21, 1783, Chapter 1024; September 23, 1783, Chapter 1042; March 16, 1785, Chapter 1137; March 24, 1785, Chapter 1139; March 25, 1785, Chapter 1143; April 8, 1785, Chapter 1166; (the three Acts of Assembly passed) September 22, 1785, Chapters 1191, 1192, 1194; March 8, 1786, Chapter 1210; March 25, 1786, Chapter 1219; March 10, 1787, Chapter 1271; September 11, 1787, Chapter 1306; September 13, 1788, Chapter 1352; November 20, 1789, Chapter 1466; March 27, 1790, Chapter 1493; September 30, 1791, Chapter 1592; April 6, 1792; Chapter 1592; April 6, 1792, Chapter 1637; April 10, 1792, Chapter 1644; April 5, 1793, Chapter 1671; April 11, 1793, Chapter 1696; April 17, 1795, Chapter 1855; February 14, 1797, Chapter 1917; March 20, 1797, Chapter 1923; April 9, 1799, Chapter 2068; April 11, 1799; Chapter 2081; February 23, 1801, Chapter 2194. Recorded L. B. No. 1, p. 335, &c.