

in this city, township or district aforesaid, nor to entitle the said officer to the reward aforesaid upon any corn or salt which has been once measured in manner aforesaid and delivered into any store, warehouse or granary in the said city, township or district.

Passed 22d of September, 1785. Recorded L. B. No. 3, p. 52, etc.
See the Act of Assembly passed March 28, 1783, Chapter 1341.

CHAPTER MCXCIV.

AN ACT FOR THE RELIEF OF OFFICERS, SOLDIERS AND SEAMEN WHO IN THE COURSE OF THE LATE WAR HAVE BEEN WOUNDED OR OTHERWISE DISABLED IN THE SERVICE OF THIS STATE OR OF THE UNITED STATES.

(Section I. P. L.) Whereas a variety of laws have been passed by this state heretofore extending relief to numerous cases:

And whereas there are a considerable number of officers, soldiers or seamen who have been disabled in the late glorious struggle for liberty in the service of this state or of the United States for whose relief provision hath not been made:

And whereas it will contribute to good order and regularity that the laws upon this subject should be all reduced to one act, and it is right that the same rules should be observed towards all those whose cases are similar:

(Section II. P. L.) And whereas the United States in Congress assembled have by their act of the seventh day of June last recommended to the several states, and resolved as follows, (viz.)

“That it be and it is hereby recommended to the several states to make provision for officers, soldiers and seamen who have been disabled in the service of the United States in the following manner, viz:”

1. “A complete list shall be made out by such person or persons as each state shall direct of all officers, soldiers or seamen resident in their respective states who have served in the army or navy of the United States or in the militia in the service of

the United States and have been disabled in such service so as to be incapable of military duty or of obtaining a livelihood by labor. In this list shall be expressed the pay, age, and disability of each invalid, also the regiment, corps or ship to which he belonged and a copy of the same shall be transmitted to the office of the secretary at war within one year after each state shall pass a law for this purpose, and a like descriptive list of the invalids resident in the respective states shall from year to year be annually transmitted to the office of the secretary at war."

2d. "No officer, soldier or seaman, shall be considered as an invalid or entitled to pay unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps or company in which he served or from a physician or surgeon of a military hospital or other good and sufficient testimony setting forth his disability and that he was thus disabled while in the service of the United States."

3d. "That all commissioned officers within the aforesaid description, disabled in the service of the United States so as to be wholly incapable of military duty or of obtaining a livelihood, be allowed a yearly pension equal to half of their pay respectively. And all commissioned officers as aforesaid who shall not have been disabled in so great a degree be allowed a yearly pension which shall correspond with the degree of their disability compared with that of an officer wholly disabled. That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States so as to be wholly incapable of military or garrison duty or of obtaining a livelihood by labor be allowed a sum not exceeding five dollars per month. And all non-commissioned officers and privates as aforesaid who shall not have been disabled in so great a degree be allowed such a sum as shall correspond with the degree of their disability compared with that of a non-commissioned officer or private wholly disabled.

[4th.] That each state appoint one or more persons of suitable abilities to examine all claimants and to report whether the person producing a certificate, setting forth that he is an invalid be such in fact and if such to what pay he is entitled; and

thereupon the persons appointed to make such inquiry shall give to the invalid a certificate specifying to what pay he is entitled, and transmit a copy to the person who may be appointed by the state to receive and record the same.

[5th.] That each State be authorized to pay to the commissioned officers, non-commissioned officers and privates the sum or sums of which they shall be respectively entitled agreeably to the before mentioned certificates; the said payments to be deducted from the respective quotas of the states for the year in which they shall be made. Provided that no officer who has accepted his commutation for half pay shall be entered on the list of invalids unless he shall first have returned his commutation.

[6th.] "That any state may form such invalids under the aforesaid description as are citizens of the same and are capable of garrison duty into corps to be employed in guarding military stores, aiding the police or otherwise as the state may direct.

[7th.] "That when invalids shall be formed into corps there [shall] be quarterly returns comprehending the pay, age, disability, regiment, ship or corps to which they severally belonged, made out and signed by their commanding officer and transmitted to such person or persons as the state shall direct that their pay made by ordered according to said return.

[8th.] That all invalids, as well those formed into corps, as those who are not, shall annually apply themselves to a magistrate of the county in whose [sic] [which] they reside or may be stationed, and take the following oath, (viz.) A. B. came before me, one of the justices for the county of in the state of and made oath that he was examined by appointed by the said state (or commonwealth) for that purpose, obtained a certificate, or had his certificate examined and countersigned, setting forth that he had served in that he was disabled by and that he now lives in the and in the county of"

[9th.] "That the affidavits drawn according to the above form and dated by a magistrate to be sent by the said magistrate to the person or persons appointed by the state to receive and

record the same and that a counterpart of the affidavit be preserved by the person taking it to be exhibited to such persons as shall be appointed by the state to pay the invalids."

[Section I.] (Section III. P. L.) Therefore 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 all such officers, soldiers and seamen of the late continental army or navy, militia of this state or Pennsylvania State navy, who during the time of their actual service therein, have been wounded, maimed or otherwise disabled so as to prevent their obtaining a livelihood by their industry, shall during the time of such disability be entitled to receive from this state a pension proportionate thereto, not to exceed in the case of any commissioned officer the half of the pay to which he was entitled at the time of receiving such disability and in the case of any non-commissioned officer or private not to exceed the sum of five dollars per month.

[Section II.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That all and every person claiming the benefits of this act shall make application to the orphans' court of the county in which they may reside and in cases where the applicant may not have gained a residence to the orphans' court of that county, which may be most convenient to him, and produce sufficient and unequivocal testimony of the regiment, battalion, company, corps, ship of war or other vessel in which he served, the time of receiving his disability, the manner, cause and nature thereof, and the said court are hereby authorized to send for and examine witnesses upon oath touching the right of every such applicant and shall allow no claim without due proof from one or more commissioned officers under whose command the person applying may have served at the time of receiving his wound or other disability, from the surgeon who attended him at the time he was so disabled, or from other respectable evidence, having regard to the casualties and remarks noted upon the muster rolls of the regiment, battalion, company, corps or crew, for that time duly authenticated where reference can be had thereto.

[Section III.] (Section V. P. L.) And be it further enacted

by the authority aforesaid, That where the said court shall so find that the case of any such applicant is within the true intent and meaning of this act they shall grant him a certificate setting forth his name, age, rank, regiment, battalion, corps, ship or other vessel, the time of receiving his wounds or other disabilities and the nature thereof and also the pension to which they have adjudged him to be entitled according to this act. Which certificate shall be transmitted to and lodged in the office of the comptroller-general who shall cause fair returns to be made out thereof and furnished according to the foregoing directions of the United States in Congress and shall also keep and transmit a transcript of the same, placing the names in alphabetical order so as to prevent the same person from profiting by applying to the orphans' court of more than one county.

[Section IV.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the said comptroller-general shall quarterly or oftener if directed by the supreme executive council, report to said council the sum which may be due to those persons respectively, who shall thereupon draw orders on the state treasurer for payment thereof out of the moneys appropriated to discharge the requisitions of the United States within the year.

[Section V.] (Section VII. P. L.) And be it further enacted by the authority aforesaid, That no officer who hath accepted and received the commutation of his half pay for life shall be entitled to receive any benefit by virtue of this act unless he shall first have delivered up his said commutation to some person authorized to receive the same. And no officer applying for the benefit of this act, who by the regulations of Congress hath been entitled to the aforesaid commutation shall be admitted thereunto until he shall have produced from the proper officer of the United States a certificate that he hath either not received the said commutation or having received it that he hath delivered up the same again.

[Section VI.] (Section VIII. P. L.) And be it enacted by the authority aforesaid, That the orphans' court in the several counties shall once in every year or oftener revise their proceedings herein, in order to do justice and to the end that where the dis-

abilities of pensioners have been removed, lessened or increased they may take further order therein agreeable to this act and whensoever any of the said courts shall reduce or lessen the pension of any person they shall forthwith transmit to the comptroller-general's office a copy of their order that so the proper abatements may be made in the payment of the pensions.

(Section IX. P. L.) Provided always nevertheless, That no person shall be admitted to the benefits of this act unless he shall make application for that purpose to the orphans' court within three years from and after the publication of this law.

[Section VII.] (Section X. P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council shall and they are hereby authorized from time to time to form so many as they shall think proper of the invalids provided [for] by this act of such as are capable of garrison duty into a corps to be employed in guarding the offices where public records of the state are kept, the military stores, or such uses as may be necessary provided that the number so taken into service shall not exceed two officers and twenty-five men at any one time, and that the said troops shall also be entitled to rations whilst so employed in addition to the provision herein before made, the said rations to be contracted for or supplied by directions from the said council.

[Section VIII.] (Section XI. P. L.) And be it further enacted by the authority aforesaid, That if any officer or soldier called upon by the supreme executive council for the purpose aforesaid shall neglect or refuse to obey their directions herein such person so neglecting or refusing shall from thenceforth forfeit all their right and claim to the benefits and privileges of this act.

[Section IX.] (Section XII. P. L.) And be it further enacted by the authority aforesaid, That no officer, soldier, marine or seaman who receives his pension in this state, shall sell, assign or otherwise alienate his right to his said pension to any person or persons whatsoever, except it be for the maintaining such pensioner during life, or as long as he shall receive that pension, and all contracts for maintaining during life, or during the time the pension lasts, shall be made in the presence of two jus-

tices of the peace and security given to their satisfaction, and that the person or persons who shall presume to make such purchase except as in the case before excepted being legally convicted thereof in any court of general quarter sessions of the peace of this state or in the supreme court of this state shall forfeit and pay a sum equal to the sum which he hath paid or contracted to pay for such pensions to any person who will sue or prosecute for the same.

[Section X.] (Section XIII. P. L.) And be it further enacted by the authority aforesaid, That every act and regulation heretofore made for granting and paying pensions to disabled officers, non-commissioned officers, privates, marines and seamen, be from henceforth and the same are hereby repealed.

Passed September 22, 1785. Recorded L. B. No. 3, p. 48, etc.
See the Act of Assembly passed March 10, 1787, Chapter 1269.

CHAPTER MCXCV.

AN ACT TO CONFIRM TO THE TRUSTEES OF THE UNIVERSITY OF THE STATE OF PENNSYLVANIA DIVERS ESTATES THEREIN ENUMERATED FOR THE SUPPORT OF THE SAID SEMINARY AND FOR ENABLING THE BOARD OF TRUSTEES OF THE SAID UNIVERSITY TO CHOOSE A NEW TRUSTEE IN THE STEAD OF ANY OF THEIR NUMBER (NOT BEING A TRUSTEE IN RIGHT OF OFFICE OR STATION) WHO SHALL [BE] ABSENT FROM THE MEETINGS OF THE SAID CORPORATION DURING THE SPACE OF SIX MONTHS.

(Section I. P. L.) Whereas by an act of general assembly of this commonwealth, entitled "An act to confirm the estates and interests of the college, academy, and charitable school of the city of Philadelphia, and to amend and alter the charters thereof conformably to the revolution and to the constitution and government of this commonwealth; and to erect the same into an university,"¹ which was enacted on the twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine, it was for the better enabling the trustees therein named and thereby appointed and their successors

¹ Chapter 871.