

THE  
Statutes at Large

OF  
20312  
PENNSYLVANIA

FROM

1682 to 1801

COMPILED UNDER THE  
AUTHORITY OF THE ACT OF MAY 19 1887 BY  
JAMES T MITCHELL AND HENRY FLANDERS  
COMMISSIONERS

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VOLUME V

1744 to 1759

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WM STANLEY RAY  
STATE PRINTER OF PENNSYLVANIA  
1898

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1755, and continued by adjournments until the twenty-fourth day of September, 1756, the following acts were passed:

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CHAPTER CCCC.V.

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AN ACT FOR THE BETTER ORDERING AND REGULATING SUCH AS ARE WILLING AND DESIROUS TO BE UNITED FOR MILITARY PURPOSES WITHIN THIS PROVINCE.

Whereas this province was first settled by (and a majority of the assemblies have ever since been of) the people called Quakers, who, though they do not, as the world is now circumstanced, condemn the use of arms in others, yet are principled against bearing arms themselves; and to make any law to compel them thereto against their consciences would not only be to violate a fundamental in our constitution and be a direct breach of our charter of privileges, but would also in effect be to commence persecution against all that part of the inhabitants of the province. And for them by any law to compel others to bear arms and exempt themselves would be inconsistent and partial. Yet forasmuch as by the general toleration and equity of our laws great numbers of people of other religious denominations are come amongst us who are under no such restraint, some of whom have been disciplined in the art of war and conscientiously think it their duty to fight in defense of their country, their wives, their families and estates, and such have an equal right to liberty of conscience with others. And whereas a great number of petitions from the several counties of this province have been presented to this house, setting forth that the petitioners are very willing to defend themselves and their country

and desirous of being formed into regular bodies for that purpose, instructed and disciplined under proper officers with suitable and legal authority; representing withal that unless measures of this kind are taken, so as to unite them together, subject them to due command and thereby give them confidence in each other, they cannot assemble to oppose the enemy without the utmost danger of exposing themselves to confusion and destruction. And whereas the voluntary assembling of great bodies of armed men from different parts of the province on any occasional alarm, whether true or false, as of late hath happened, without call or authority from the government and without due order and direction among themselves, may be attended with danger to our neighboring Indian friends and allies, as well as to the internal peace of the province. And whereas the governor hath frequently recommended it to the assembly that in preparing and passing a law for such purposes they should have a due regard to scrupulous and tender consciences, which cannot be done where compulsive means are used to force men into military service: Therefore as we represent all the people of the province and are composed of members of different religious persuasions we do not think it reasonable that any should through a want of legal powers be in the least restrained from doing what they judge it their duty to do for their own security and the public good, we, in compliance with the said petitions and recommendations, do offer it to the governor to be enacted:

[Section I.] And be it enacted by the Honorable Robert Hunter Morris, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietors of the Province of Pennsylvania and of the 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 from and after the publication of this act it shall and may be lawful for the freemen of this province to form themselves into companies, as heretofore they have used in time of war without law, and for each company by majority of votes in the way of ballot to choose its own officers, to wit: a captain, lieutenant and ensign, and present them to the governor or commander-in-chief

for the time being for his approbation; which officers so chosen, if approved and commissioned by him, shall be the captain, lieutenant and ensign of each company respectively according to their commissions; and the said companies being divided into regiments by the governor or commander-in-chief, it shall and may be lawful for the officers so chosen and commissioned for the several companies of each regiment to meet together and by majority of votes in the way of ballot to choose a colonel, lieutenant-colonel and major for the regiment and present them to the governor or commander-in-chief for his approbation, which officers so chosen if approved and commissioned by him, shall be the colonel, lieutenant-colonel and major of the regiment, according to their commissions, during the continuance of this act.

Provided always, That if the governor or commander-in-chief shall not think fit to grant his commission to any officer so first chosen and presented, it shall and may be lawful for the electors of such officer to choose two other persons in his stead and present them to the governor or commander-in-chief, one of whom at his pleasure shall receive his commission and be the officer as aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That as soon as the said companies and regiments are formed and their officers commissioned as aforesaid, it shall and may be lawful to and for the governor or commander-in-chief, by and with the advice and consent of the colonels, lieutenant-colonels and majors of all the regiments, being for that purpose by him called and convened, or by and with the advice and consent of a majority of the said officers that shall be met and present together on such call, to form, make and establish articles of war for the better government of the forces that shall be under their command and for bringing offenders against the same to justice; and to erect and constitute courts-martial, with power to hear, try and determine any crime or offenses by such articles of war and inflict penalties by sentence or judgment of the same on those who shall be subject thereto in any place within this province; which articles of war, when made as aforesaid, shall be printed and distributed to the captains of the several com-

panies, and by them distinctly read to their respective companies; and all and every captain, lieutenant, ensign or other freeman who shall, after at least three days' consideration of the said articles, voluntarily sign the same in presence of some one justice of the peace, acknowledging his having perused or heard the same distinctly read and that he has well considered thereof and is willing to be bound and governed thereby, and promises obedience thereto and to his officers accordingly, shall thenceforth be deemed well and duly bound to the observance of the said articles and to the duties thereby required, and subject to the pains, penalties, punishments and forfeitures that may therein be appointed for disobedience and other offenses.

Provided always, That the articles so to be made and established shall contain nothing repugnant, but be as near as possible conformable to the military laws of Great Britain and to the articles of war made and established by His Majesty, in pursuance of the last act of Parliament for punishing mutiny and desertion, the different circumstances of this province compared with Great Britain, and of a voluntary militia of freemen compared with mercenary standing troops, being duly weighed and maturely considered.

Provided also, That nothing in this act shall be understood or construed to give any power or authority to the governor or commander-in-chief and the said officers to make any articles or rules that shall in the least affect those of the inhabitants of the province who are conscientiously scrupulous of bearing arms, either in their liberties, persons or estates, nor any other persons of what persuasion or denomination soever who have not first voluntarily and freely signed the said articles after due consideration as aforesaid.

Provided also, That no youth under the age of twenty-one years nor any bought servant or indented apprentice shall be admitted to enroll himself or be capable of being enrolled in the said companies or regiments without the consent of his or their parents or guardians, masters or mistresses, in writing under their hands first had and obtained.

Provided also, That no enlistment or enrollment of any person in any of the companies or regiments to be formed and raised

## 2.

At the Court at Kensington, the 7th day of July, 1756.

Present:

The King's Most Excellent Majesty in Council.

Whereas in pursuance of the powers granted to the Proprietaries of the province of Pennsylvania by letters patent under the great seal the deputy-governor, council and assembly of the said province did in August and November, 1755 pass two acts which have been transmitted and are entitled as follows, viz.:

"An act for extending so much of an act of Parliament, entitled 'An act for punishing mutiny and desertion and for the better payment of the army and their quarters, passed in the twenty-eighth year of the present reign, as relates to the quartering and billeting of soldiers and payment of their quarters in that part of Great Britain called England.'"

"An act for the better ordering and regulating such as are willing and desirous to be united for military purposes within this province."

His Majesty this day took the said acts into his royal consideration and having received the opinion of the Lords Commissioners for Trade and Plantations and also of a committee of the Lords of His Majesty's most honorable Privy Council thereupon, is hereby pleased to declare his disallowance of the said acts pursuant to His Majesty's royal pleasure thereupon expressed. The said acts are hereby repealed, declared void and of none effect. Whereof the deputy-governor and council and assembly of the said province and all others whom it may concern are to take notice and govern themselves accordingly.

A true copy.

W. SHARPE.

Board of Trade Proprieties, Vol. XIX, v. 186.

## 3.

Wanting.