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VOLUME III

Laws of the Royal Colony of New Jersey

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An ACT for raising two Hundred and Fifty able Bodied free Men as Volunteers, to protect and defend the Frontiers of this Colony, from any Invasions which may be made upon the same by the Enemy, in lieu of the Militia already Stationed upon the said Frontiers, as also for subjecting two Hundred of the said Volunteers, to Act in Conjunction with the Colonies of New-York, and Pennsylvania, to make up an Army of one Thousand Men, or one fifth Part of such an Army (not exceeding one Thousand Men in the whole) as shall be thought necessary to be employed in pursuing the Indian Enemy into their Places of retreat, and Captivating them, their Wives and Children.

WHEREAS the Savage *Indians* still continue their Murders, Cruelties, and Devastations, upon his Majesty's Subjects in the Colony of *Pennsylvania*, bordering upon the County of *Sussex* in this Colony of *New-Jersey*; and also have begun the same Devastations in the Neighbouring Colony of *New-York*; and it may with very great reason be supposed, this cruel Enemy would have entered this Colony long before this Time and committed equal Barbarities upon the Inhabitants thereof, had not the Legislature, by a timely Provision, prevented the same, by erected Forts and Block-Houses at such Places as were most exposed to the Incursions of the Enemy, and supplying the same, with a sufficient Number of Forces. And whereas it hath been found by experience, that the supplying the said Forts and Block-Houses with Monthly Detachments, out of the several Regiments of the Militia, is very inconvenient and expensive, near one third of their Time being taken up in Marching and Remarching to so great a Distance: Therefore for the preventing so much unnecessary Expences, and for other good Purposes hereby intended.

BE IT ENACTED by the Governor, Council and General Assembly of this Colony, and it is hereby enacted by the Authority of the same, that *two Hundred and Fifty* Volunteers, consisting of able Bodied Freemen shall be raised by this Colony (exclusive of the Commission Officers) to be employed in the Defence and Security of the Frontiers of this Colony, in the County of *Sussex*, and Places adjacent, from any Encroachments or Invasions which may be made upon the same by the Enemy; and for such other Services as shall be herein after express'd: Which Forces shall be formed into three Companies, to wit, two of the said Companies shall consist of *one Hundred* Men each, and each Company shall be Commanded by a Captain and two Lieutenants; and the third Company consist of *Fifty* Men, to be Commanded by a Captain and one Lieutenant; all which said Officers shall be appointed by Commissions from

the Governor, or Commander in chief for the Time being; and that four Sergeants, and four Corporals, shall be appointed by each Captain, out of each of the said respective Companies, for the Service of the said Company.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that all and every Person, and Persons which shall be employed in any of these Services, shall be free from all Arrests in civil Actions, not amounting to upwards of *Ten Pounds* Proclamation Money, to any one Person, or upwards of *Fifty Pounds* Proclamation Money in the whole. And the Goods and Effects of all and every such Person and Persons, shall be free from Attachments, Executions, and other legal Process during their Continuance in the said Services. PROVIDED ALWAYS, that such Goods and Effects shall not be secreted or removed out of the City, Town or Precinct, where the said Person or Persons resided before such enlisting as aforesaid; and any sale made of the same, is hereby declared to be void and of none effect.

AND BE IT ENACTED by the Authority aforesaid, that it shall not be lawful to enlist any young Man under the Age of Twenty one Years, or any Slaves, who are so for Term of Life, bought Servants or Apprentices, without the express leave in Writing of their Parents or Guardians, Masters or Mistresses, first had and obtained. And if any Officer or others shall inlist any such young Men, Slaves, bought Servants, or Apprentices, as aforesaid, and upon Application and due Proof made thereof, before any one Justice of the Peace in this Colony, shall refuse to discharge him or them so unlawfully inlisted; then the said Justice of the Peace is hereby empowered and required to issue his Warrant to any Constable commanding him to take the Body of such young Man, Slave, Servant, or Apprentice, and deliver him to his Parent, or Guardian, Master or Mistress: And if the Officer or other Person with whom such Person is inlisted, shall notwithstanding, secret, detain, or carry away such Person, then such Officer or other Person so Offending, shall forfeit and pay, for every such young Man, under the Age of Twenty one Years, so inlisting contrary to the true intent and meaning of this Act, the Sum of *five Hundred Pounds*; for every Slave so inlisted, the Sum of *one Hundred Pounds*; and for every such bought Servant or Apprentice, the Sum of *Twenty Pounds*, to be recovered in any Court of Record where the same is Cognizable in this Colony, with full Costs of Suit; and to be paid so much thereof to the Person complaining, as his or her Damages, by the said Court shall be adjudged, and the residue thereof to either of the Treasurers of this Colony, to be applied as by Act of General Assembly shall be hereafter directed. And in Case the Body of such Officer or other Person Offending cannot be taken; then it shall and may be lawful for the Person aggrieved to proceed against him by attachment, against the Offenders Goods and Chattles, Lands and Tenements, in manner and form as is directed by an Act, entitled, '*An Act for the better enabling of Creditors to recover their just Debts, from Persons who abscond themselves,*' saving that the Person complaining shall not be obliged to make the Affidavit therein directed, and the forfeitures recovered, shall be paid as aforesaid.

And for a further Encouragement to *two Hundred and Fifty* Volunteers to enter into the said Service, BE IT FURTHER ENACTED by the Authority

aforesaid, that the Treasurers of this Colony, or either of them, out of the *Ten Thousand Pounds* lately made Current in Bills of Credit for the Defence of the Frontiers of this Colony, shall pay to *Jonathan Hampton*, who is hereby appointed Commissary of the Stores and Musters, and Pay-Master of the said Forces, or his Order, such Sum and Sums of Money as shall be found necessary for the Payment of the aforesaid Officers and Soldiers, in the Proportion and Manner following, to wit, to each Captain during his continuance in the Service upon the Frontiers, the Sum of *four shillings* Proclamation Money per Day; and during his Continuance in the Service on the intended Expedition, after the rate of *Ten Pounds one shilling* Proclamation Money per Month. To each Lieutenant during his continuance in the Service upon the Frontiers, the Sum of *three shillings* Proclamation Money per Day; and during his continuance on the intended Expedition, after the rate of *seven Pounds Ten shillings and nine-pence* Proclamation Money per Month. To each Serjeant, and each Corporal *two shillings and six pence* Proclamation Money per Day; and to each Volunteer, who shall equip himself with a good and sufficient Musket, Cutlass or Hatchet, Cartouch Box, Powder Horn, Blanket and Knap Sack, *two shillings* Proclamation Money per Day.

BE IT FURTHER ENACTED by the Authority aforesaid, that if any of the *two Hundred and Fifty Men*, so inlisted as aforesaid, should on examination, be found not provided with a sufficient Musket, that then it shall be lawful for the Commissary, to furnish every such Man so unprovided with one of the Muskets of this Colony; and as Security for his returning the same in good order, to retain in his Hands so much of every such Mans Wages, as will fully pay for every such Musket; and in Case he returns it in good order, then to pay him such Deduction in full of his Wages as directed by this Act.

And for purchasing the necessary Provisions intended for the said *two Hundred and Fifty Men*, BE IT FURTHER ENACTED by the Authority aforesaid, that the Treasurers of this Colony, or either of them, out of the aforesaid *Ten Thousand Pounds*, shall pay or cause to be paid unto the Commissary aforesaid, or his Order, such Sum and Sums of Money as the said Commissary shall from Time to Time find necessary for the use and Service of the said Forces, agreeable to the true intent and meaning of this Act; with which said Sum and Sums of Money the said Commissary shall from Time to Time purchase such Ammunition, Stores, Provisions, and other Necessaries thereunto appertaining as may be wanted for the proper use of the said Forces, during their continuance upon duty as aforesaid, and the said Commissary shall deliver out the same daily or weekly as he shall think most proper and convenient.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any of the Ammunition, Stores, Provisions, and other Necessaries so purchased as aforesaid, shall remain in the Hands of the Commissary, and shall not be wanted, that then the said Commissary shall dispose of all such Ammunition, Stores, Provisions and other Necessaries, as shall then remain in his Hands, and shall pay the produce thereof into the Treasury, retaining two and a half *per Cent* Commissions.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in

case the said Commissary shall sell, give or dispose of any Part of the said Ammunition, Stores or Provisions, or otherwise embezzle or make away with the same, or permit any other Person or Persons so to do, contrary to the true intent and meaning of this Act; then the said Commissary so offending as aforesaid, shall be liable to be Prosecuted in any Court of Record in this Colony, where the same may be Cognizable, by the Attorney General, who is hereby authorized, empowered and required to sue and prosecute such Commissary for all such Ammunition, Stores and Provisions, so by him given, sold, disposed of, or otherwise embezzled, or made away with as aforesaid; and upon Recovery and Receipt of the Value thereby adjudged, the said Attorney General shall pay the same unto one of the Treasurers aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Treasurers of this Colony, or either of them, shall take receipts for all such Money as shall be paid out by them by Virtue of this Act, signifying the Services and Money so paid was designed for, and Signed by the Person or Persons receiving the same. And the said several Receipts when produced by the said respective Treasurers, and Signed as aforesaid, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, their Heirs, Executors or Administrators, on Account of the several Payments, so made and paid out of the Treasury aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Commissary and Pay-Master, shall procure a Book of clean Paper for a Journal, fit for entering therein Memorandums daily of all Things transacted by him, or advised or requested concerning his said Office, which he is truly to enter there, and to form regular Accounts of all Monies received and disbursed in pursuance of this Act, and he shall also take Receipts for all Sums of Money disbursed by him; which Books and Receipts he is to lay before this or some future General Assembly of this Colony, to be audited, inspected and examined by them, to whom he is hereby made accountable.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful for the said Commissary to retain in his Hands out of the Money aforesaid, two and a half *per Cent*, as Commissions on such Monies as shall be by him disbursed in manner aforesaid, as a full recompence for his Services as aforesaid.

And Whereas his Excellency Sir *Charles Hardy*, Governor of *New-York*, hath by a Letter to his Excellency *Jonathan Belcher*, Esq; Governor of this Colony, signified the necessity of pursuing the Indian Enemy to their Places of Retreat, and endeavouring if possible to take their Women and Children Prisoners, as the most effective means to reduce them, and oblige them to sue for Peace, when they see their Wives and Children in Captivity, and that it was proposed that an Army of *one Thousand Men* should be raised by the Colonies of *New-York*, and *Pennsylvania*, for the Purposes aforesaid. And as this Colony hath been always ready and willing to contribute to the utmost of their ability, towards the promoting and carrying on every plausible Scheme, that in its Consequences might tend to the Service of his Majesty or the relief of the Neighbouring Colonies, as well as to their own preservation and safety. BE IT

THEREFORE ENACTED by the Authority aforesaid, that *two Hundred* of the Forces now raised, by Virtue of this Act, shall be employed in the Service aforesaid, to make up the said Army of *one Thousand* Men proposed to be raised by the said three Colonies of *New-York, New-Jersey, and Pennsylvania*, and that whensoever the said Colonies of *New York, and Pennsylvania*, shall have raised the remainder of the said *one Thousand* Men, and shall have them in readiness to March upon the said Expedition as aforesaid, then (and not before) the aforesaid *two Hundred* Men, with their proper Officers, shall March from their several Stations upon the Frontiers aforesaid, to the Place of General Rendezvous, which shall be appointed for the said Expeditions, there to join and Act in Conjunction with the aforesaid remainder of *one Thousand* Men in pursuing the Indian Enemy into their Places of Retreat, driving them out of the same, and Captivating their Wives and Children.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if a less Number than *one Thousand* Men shall be thought sufficient to effect the Purposes aforesaid, than a fifth Part and no more of such Number as shall be thought sufficient as aforesaid, shall be Draughted out of the aforesaid Forces, and shall be employed, with their proper Officers in the aforesaid Expedition.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if the aforesaid *two Hundred* Men, or a proportionable Part thereof as aforesaid, shall be ordered to March in the Service aforesaid, that then and in such Case, the Commissary and Pay-Master appointed by this Act, shall constantly attend the Service of the said Forces, and shall go along with them as far as a Council of War shall think safe and necessary. And after the said *two Hundred* Men, or the Proportion thereof as aforesaid, shall March from the said Frontiers, the Captain remaining, shall Act as Commissary for the said Forces under his Command, during the absence of the Commissary aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Commissary and Pay-Master, shall have full Power and Authority, to pay the one fifth Part of the Charge of a Surgeon, Surgeons Mate, and Medicines, who shall attend and be found Necessary for the said Forces.

And for a greater Encouragement for the Common Soldiers in the Pay of this Province, who shall exert themselves in an extraordinary Manner in the Annoyance of the Enemy: BE IT ENACTED by the Authority aforesaid, that it shall and may be lawful to and for the Officers of the Forces who are to March into the Enemy's Country, by a Vote of a General Council of War, to certify the particulars of the extraordinary Behaviour of any such Soldiers who shall exert themselves in any Action against the Enemy, and to allow the following Premiums to such Soldiers, to two of the said Soldiers a premium of *Ten Pounds* each, to four of the said Soldiers a premium of *seven Pounds Ten shillings* each; to six of the said Soldiers a premium of *five Pounds* each; to Ten of the said Soldiers a premium of *Forty shillings* each. And the Treasurers of this Colony or either of them are hereby directed to pay the said Certificates being first endorsed by the Commissary, and the Party to whom paid; which Certificates,

with Endorsements of receipt thereon made, shall be sufficient Vouchers to discharge the said Treasurers, or either of them, their Heirs, Executors, and Administrators for so much.

And Whereas this Colony has never had any Thing to do with the Indians, who are now Enemies to his Majesty and the British Interest, neither by any Benefits of Trade with them whilst they were Friends, nor since their defection by any considerable attacks on the Inhabitants who pay Taxes in this Colony; and the Assistance in the Expedition intended by this Act is designed, as well for the Benefit of our Neighbours of *Pennsylvania*, and *New-York*, who are more principally concern'd and affected by their Barbarities, as to prevent future expences on our own Frontiers; it would not therefore be reasonable that this Colony should be burthened with any of the Indian Captives or Prisoners that may be taken, especially as the Proportion advanced by this Colony, is much higher than on an equitable Settlement of the Quotas of the Colonies concerned it would amount to, therefore,

BE IT ENACTED by the Authority aforesaid, that if any Indians are taken Captives in the said Expedition, they shall not be brought into this Province so as to be any Charge to the Inhabitants; and it shall not be lawful for any Officer or Officers whatsoever within this Colony, to take charge of, or receive them into any of the Gaols or other Places of Confinement within the same, (such only excepted who may be taken within this Colony.)

AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful for the Governor or Commander in chief of this Colony, upon sufficient occasion, or if the said Forces remain inactive, to order and direct the return of the said Forces into this Province, and to disband the whole or any Part of the Forces on the Frontiers.

PROVIDED ALWAYS, that such Parts of this Act as relates to the Marching, Paying and Subsisting the Forces directed by this Act, to Act in Conjunction with the Forces of *Pennsylvania*, and *New-York*, against the Indian Enemy, shall be and remain in Force for six Months from the Publication hereof and no longer.

BE IT FURTHER ENACTED by the Authority aforesaid, that if the said *Jonathan Hampton*, appointed Commissary by this Act, should happen to die, refuse or be disabled from attending the Service aforesaid, that then *Thomas Eaton* is hereby appointed to supply his Place, as Commissary of the Stores and Musters and Pay-Master of the said Forces.

Passed 16 Mar. 1756.

Bradford (1756) 19:6:2, pp. 3-12.

the former Commissaries appointed on the Frontiers of this Colony, any Power over any of the Money made current by this Act.

Passed 2 June 1756.

Bradford (1756) 19:6:3, pp. 33-50.

An ACT for the better Regulation of the Forces upon the Frontiers of the Colony of New-Jersey in the County of Sussex, for the Protection and Defence of the Persons and Estates of the Inhabitants there, and the Places adjacent.

WHEREAS it is highly necessary, that the Forces lately ordered to be raised by this Colony, for the Defence and Preservation of the Inhabitants upon the Frontiers, should be under such proper Regulation and Discipline, as may answer the good Purposes thereby intended.

BE IT THEREFORE ENACTED by the Governor, Council and General Assembly of this Colony, AND IT IS HEREBY ENACTED by the Authority of the same, that there shall be a Colonel, and Commander over the Forces, to be appointed by Commission from his Excellency the Governor of this Colony, which said Colonel and Commander, shall also take upon him the Command of one of the Companies of one hundred Men of the said Forces, as Captain of the said Company.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Colonel and Commander so appointed as aforesaid, shall constantly attend his Duty with the said Forces, that he may be the more ready and capable of performing the great Trust reposed in him. And the said Colonel and Commander shall cause all the Men under his Command (who shall not be upon other Service) to appear daily under Arms, at their several Stations, with their proper Officers, to learn their Exercise, and to be taught the Use of their Arms, as well as to keep them from Idleness, Gaming, Drinking and other Vices, as to render them useful and fit for the Service for which they are intended. And the said Colonel and Commander shall once in Four Weeks at furthest, visit every Fort, Fortification, Post and Station of the said Forces, (while on the Frontiers) to take Care that both Officers and Soldiers keep to their Duty, and do not desert the Service to which they shall be ordered: And shall order and keep Scouts constantly patrolling through the Country for the better Security

and Defence of the neighbouring Inhabitants, and the Discovery of the secret lurking Places of the Enemy, as well as any approaching Danger; which Scouts or patrolling Guards shall be divided into so many Corps, and consist of so many Men, as the said Colonel and Commander shall in his Discretion think the Necessity of the Service may require; so that not less than eighty Men be constantly patrolling in such Corps. And the said Colonel and Commander shall not only keep a daily Journal of the Situation and Posture of Affairs, but likewise of all his Proceedings, Orders and Detachments, and therein shall also insert the Time of the Enlistment, and Discharge of the Soldiers under his Command, either enlisted or discharged, and shall monthly, or oftener if required, transmit, or cause to be transmitted unto the Governor or Commander in chief of this Colony, for the Time being, a true Copy of such Journal, to be laid before the House of General Assembly for their Inspection; and the said Colonel or Commander, at the Time of obtaining his Commission, shall take the Oath of Allegiance and Supremacy required by Law, and have a Certificate endorsed on his Commission, and also take the following Oath, and have a Certificate thereof endorsed as aforesaid (To wit) *I A.B. do swear, that I will keep an exact Account, or Poll of the Time of the enlisting every Soldier under my Command, and of the Discharging, Desertion or Death, of such Soldier, and that I will not suffer any Person to be entered on the Roll or Mustered, but such as are either truly Inlisted, or otherwise declared Soldiers, by the Act, entitled, "An Act for the better Regulation of the Forces upon the Frontiers of this Colony in the County of Sussex, for the Protection and Defence of the Persons and Estates of the Inhabitants there, and the Places adjacent."* and are designed, or by the Act aforesaid obliged to perform the Service under my Command; and will from Time to Time, render unto the Muster Master appointed by the said Act (or his Successor in case of his ceasing to be Muster Master) all the Assistance in my Power, for the better enabling him the said Muster Master, or his Successor to make a fair and honest Account of all the Pay that shall from Time to Time become justly due to myself and every Officer and Soldier, that shall be hereafter under my Command.

AND WHEREAS the said Forces now on the Frontiers of this Colony ought to consist of two Hundred and Fifty effective Men, exclusive of Commission Officers, and it being the Intent of the Legislature to keep up and continue that Number Subject to the Superintendancy of the said Colonel and Commander, who is likewise to have the Command as Captain over the Company of one Hundred Men as aforesaid, and it being requisite that the Troops then remaining, be formed into two Companies, one whereof to contain one Hundred, and the other Fifty Men, to be commanded by their proper Commander as their Chief Officer. THEREFORE BE IT ENACTED by the Authority aforesaid, that the said Forces in General, shall be commanded by the said Colonel and Commander as their Chief Officer, and to be formed into three Companies, one whereof to be under his more immediate Command as Captain thereof, and to consist of one Hundred Men, and one of the other two Companies to consist of one Hundred Men, and the other of said Companies to consist of Fifty Men, which first mentioned Company shall have a Lieutenant and

Ensign, and the other two last mentioned Companies, a Captain, Lieutenant, and Ensign each; which said Officers respectively, shall be appointed by Commissions from the Governor, or Commander in Chief of this Colony for the Time being; and said Captains shall take the Oaths herein after directed to be administered to them by the Muster Master aforesaid, and shall keep a daily Journal of all Proceedings, together with the Situation, and Posture of Affairs; and shall monthly, or oftner if required, transmit, or cause to be transmitted unto the Governor, or Commander in Chief of this Colony, for the Time being, a Copy of such Journal to be laid before the House of General Assembly for their Inspection as aforesaid; and the said Captains respectively may appoint four Serjeants, and four Corporals to each one Hundred Men, and so in Proportion for the Service thereof. And the non-Commission'd Officers, together with the private Soldiers, shall each of them take the Oath herein after directed, to be administered to them by the Muster Master aforesaid; and they, together with the Subaltern Commission Officers aforesaid, shall be Subject to the Command of the said Colonel and Commander, as their Chief Officer, who upon his being appointed to that Trust, shall immediately proceed to the Frontiers of this Colony, and attend a Muster of the Forces on Duty there. And if he and the Muster Master aforesaid shall esteem any of the said Forces insufficient, or unfit for Service, after giving them such Certificate as is herein after directed, shall discharge them from further Service, and in like manner shall also discharge all the remainder of the said Forces there (the Number of Seventy five Soldiers, not being Freeholders, or Married Men only excepted) as soon as others, not Inhabitants of the County of *Sussex*, shall present to supply their Places; for which Purpose, the said Colonel and Commander, shall immediately after his appointment as aforesaid, issue publick Notice for able Bodied free Men, not Inhabitants of the County of *Sussex*, to enter as Volunteers in the Service, and if a sufficient Number should not present in Twelve Weeks after such Notification, he may then dispatch one or more of his subaltern Officers to enlist so many Volunteers (not Inhabitants of the said County of *Sussex*) as shall be sufficient to make up the number of Soldiers there needed, to supply the Places of those above directed to be discharged.

AND BE IT ENACTED by the Authority aforesaid, that in case the Legislature of the Colonies of *New-York*, and *Pennsylvania*, shall think proper to send any Military Force against the Indian Enemy, for captivating or attacking them in their Places of Residence or Retreat; then and in such case it shall and may be lawful for the said Colonel and Commander, and he is hereby empowered and commanded, to proceed immediately with two Hundred of the Troops under his Command, and their proper Officers, to the Assistance of such Military Force, and Co-operate therewith in the Captivation or attack aforesaid, leaving behind him the aforesaid Company of Fifty Men, with their proper Officers for guarding the Frontiers of this Colony, which he is at all Times (except when attending the Duty above enjoyned him) to defend in the most effectual manner against the Attacks of an Indian Enemy, observing nevertheless to commit no Hostilities against such Indians who are in Friendship and Alliance with his Britannick Majesty, or his Subjects.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in case the said Provinces of *New-York*, and *Pennsylvania*, should go into the Expedition aforesaid, then the Directions of the Act, entitled, "*An Act for raising two Hundred and Fifty able bodied free Men, as Volunteers, to protect and defend the Frontiers of this Colony, from any Invasions, which may be made upon the same by the Enemy, in lieu of the Militia already stationed upon the said Volunteers, to act in Conjunction with the Colonies of New-York, and Pennsylvania, to make up an Army of one Thousand Men, or the fifth Part of such an Army (not exceeding one Thousand Men, in the whole) as shall be thought necessary to be employed in pursuing the Indian Enemy into their Places of Retreat, and Captivating them, their Wives, and Children.*" in that case provided, are to be punctually observed.

AND BE IT ENACTED by the Authority aforesaid, that the Soldiers in each of the Forts, Fortifications and Garrisons on the Frontiers aforesaid, and such who may happen to be there, by Virtue of the Directions of this Act, shall cut down and clear away all Shrubs, Bushes, Brush, and other Rubbish, at least three Hundred Yards round the said Forts, Fortifications and Garrisons. PROVIDED ALWAYS, that nothing here said, shall be understood to give Power to cut down any Persons fruit Trees, or Nurseries, or any Improvement of that Kind, and the said Soldiers are hereby required and subjected to do and perform all and every other such publick Labour and Service as they shall be ordered to do by their proper Officers, under the Penalty of forfeiting all their Pay.

AND BE IT ENACTED by the Authority aforesaid, that the Colonel and Commander, together with the other Commission Officers of the said Forces, are hereby authorized and impowered to hold Courts Martial, and each Court Martial shall consist of five Commission Officers, of which the said Colonel and Commander shall always be one; and it shall and may be lawful for every such Court Martial by their Sentence or Judgment to inflict corporal Punishment (not extending to Life or Limb) on any Soldier, for Immoralities, Misbehaviour, Disobedience to command, or any other neglect of Duty. And if it shall so happen that a Mulet or Fine shall be laid on any Soldier, instead of other Punishment, every such Mulet or Fine, shall be deposited in the Hands of the Pay-master, and the said Colonel and Commander shall order the same, or so much thereof as he shall think Convenient, to be given as a Reward or Rewards to every such Soldier and Soldiers as shall perform any valiant exploit in the said Service.

AND BE IT ENACTED by the Authority aforesaid, that by the Power and Authority of the said Court Martial shall not extend to punish any Person with Death. But if any Soldier shall be accused with any Crime, which by the Laws of *England*, or by the present Act of Parliament, for punishing Mutiny and Desertion, shall deserve a Capital Punishment, then every such Soldier shall be put under a proper Guard, and safely kept until he shall be delivered into the Hands of the Civil Power; and every such Offender so capitally accused as aforesaid, shall be tried, in the usual manner, by a Jury of the County of *Middlesex*.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that Doctor *Mathias Dehart*, is hereby appointed Surgeon and Muster Master of the said Forces; and the said Surgeon shall constantly attend and take care of every such Soldier and Soldiers who shall happen to be sick, wounded, or otherwise diseased as long as they shall so continue: And the Commissioners for supplying the said Forces shall from Time to Time purchase such Medicines, and other requisites, as shall be necessary for the use of the said Forces.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that immediately after the arrival of the said *Matthias Dehart* amongst the said Soldiers, he shall cause a Muster, or Musters, of all the said three Companies respectively, that are there upon Duty, to be made before him, in presence of the Commanding Officer for the Time being on that Station; and that he shall administer to the Captains, Lieutenants, and Ensigns, the Oaths to the Government, in the usual form; which said Oath the said Muster Master, is hereby fully authorized, impowered and commanded to Administer, and shall cause the said Officers, to make and subscribe, the Declaration prescribed by Law; and he shall then proceed, to administer to every of the said non Commission'd Officers and Soldiers which shall be so Mustered before him, the following Oath. I A.B., *do solemnly swear that I will in all things be faithful, and bear true Allégiance, to his Majesty King GEORGE the Second; that I am duly enlisted in the Province Service, in the Company commanded by C.D., that I will not directly, nor indirectly hold any Manner of Correspondence with the French, or their Spies, or Agents or Indians in Alliance with them; nor I will not desert his Majesty's Service, to go over to the said French or Indians, nor betray the designs or secrets of his Majesty's Officers to the Enemy; that I design to continue in his Majesty's Service on the present Expedition, and Defence of his Majesty's Dominions, and that I have no Expectation of being discharged, without proceeding upon the Service of my Country, and that I expect to continue in the said Service, and not be absent upon my own private Affairs, until legally dismissed.* And the said Muster Master shall constantly be provided with a Book sufficient to make all the Entries pertaining to his Duty, wherein he shall keep a daily Journal of all his Transactions, and of all Matters and Thing requested, advised, or directed by him. And when each respective Company shall Muster before him, he shall begin at the Top of one of the Folio's thereof, and make his Entry to the following Effect: A True and exact List of Captain A.B.'s Company who passed Muster at the Day of before me the Subscriber, Muster Master of the Forces in the pay of *New-Jersey*, employed in the immediate defence of the Frontiers,

A.B. Captain, Qualified.

C.D. Lieutenant, Qualified.

E.F. Ensign:

And the said Muster Master shall make a Margin on the left hand, in which he shall enter in their order, as many numbers as the said Company shall consist of, and against the same shall enter the Names of the several non-Commissioned Officers and Soldiers, together with their Trades and Ages, the Country of their Birth, and their Height: And if any Person or Persons shall

appear at any Muster or Review of the said Forces, in order to represent a Soldier, every such Person shall be esteemed duly and lawfully enlisted, and shall be subjected to such Duties and Discipline, and for neglect thereof, to such Pains and Penalties, as are before provided by this Act. And if it shall be adjudged by the said Muster Master, in Conjunction with the Colonel and Commander, that any of the non-Commissioned Officers and Soldiers, which shall be so presented before them, shall be unfit for Service, they shall order such Person to be immediately discharged; and shall give him a Certificate what Sum is then justly due to him, that he may receive the same from the Paymaster; and shall also adjust the Accounts of the several Officers and Soldiers, which they shall find there upon Duty, and shall adjust the Accounts of the Companies there in a fair, just, and equitable Manner, and shall by Order under their Hands, direct the Pay-master, to pay each Officer and Soldier such Sum or Sums of Money, as they shall esteem justly due to such Officer and Soldier, from this Colony as a recompence for his Service: And such Sum so certified shall be deemed and taken, as the whole Sum due to any and every such Officer and Soldier, for and in respect of the Service by him, to the Time of such review, done and performed. And every such Officer and Soldier shall be for ever debarr'd from the recovery of any other or greater Sum, from any Person whatsoever, on Account of such Service: And when the said Muster Master, shall have finished his Inspection and Qualification, and entered every Man's Name against his proper Number, he shall give each non-Commissioned Officer, and Soldier a Ticket, declaring the Persons Name, of whose Company, and what Number he is, his Age, his height, County where born, Trade, and the Time when he was Qualified. And this Ticket at future Settlements shall serve to adjust his Time of Service and Pay: And when he has closed his Remarks in his said Book, he (together with the Colonel and Commander) shall sign his name thereto, and at all succeeding reviews, he shall make a fair Transcript of such Persons Names and Numbers in the Book and Order as aforesaid; and to the said Transcript shall continue his Numbers, and add the Names of such other Soldiers as shall be enlisted, with the Times of their entering into Pay, and shall administer the Oath aforesaid, and give such Certificate as is last above mentioned, if he shall esteem them suitable for the Service. And the said Muster Master shall Cause each and every of the said three Companies, to be Mustered and called over against their respective Numbers at least once in every four Weeks, at some Day and Place by him to be appointed; and if upon Inspection any of them shall be found unfit for Service, if it be by any disorder contracted by his own Irregularities, or Vices, he shall settle his account and order him to be cashiered.

And whereas it is the earnest desire and Intention of the General Assembly, that every person in this Colony, who shall vigorously, and effectually exert themselves in the Annoyance and Reduction of any Indian Enemy who shall enter this Colony, should receive the Bounty of the Government, in Proportion to their Service, **BE IT ENACTED** by the Authority aforesaid, that it shall and may be lawful for the Governor, or Commander in chief (for the Time

being) of this Colony, by and with the advice and consent of his Majesty's Council, by Proclamation, to offer to the Inhabitants of this Colony, such Encouragement, and to promise them such Rewards, as they shall think suitable to any extraordinary Service they shall perform in the Counties of *Morris*, or *Sussex*, in any Action against the Enemy, and by Warrant, under the Hand of the Governor, with the advice and consent of the Council, to draw on the Treasurers of this Colony, or either of them, payable to such Person so performing such extraordinary Service, or his Order, after sufficient Proof made to them of their having done it, for such Sum as shall be in such Proclamation annexed, to such extraordinary Service; so that the several Warrants so drawn, do not in the whole exceed the Sum of *Twelve Hundred Pounds*, Proclamation Money. And such Warrants, with an endorsement thereon, shall discharge the said Treasurers, their Heirs, Executors, and Administrators, which Sums the said Treasurers are to pay out of the Bills of Credit made Current for the Service of the Frontiers, by Virtue of an Act, entitled, "*An Act for making Current Seventeen Thousand five Hundred Pounds, in Bills of Credit, for the further supply and pay of the Forces lately raised in this Colony under the Command of Colonel Peter Schuyler; and also for subsisting and paying such of the Troops of this Colony as may be found necessary to remain in Defence of our Frontiers, or that may be detached from thence in pursuing the Indian Enemy, into their Places of Retreat; and three Thousand five Hundred Pounds, more for exchanging ragged and torn Bills, and for directing the manner how the said Seventeen Thousand five Hundred Pounds shall be sunk.*"

And the said Muster Master shall once in four Weeks settle the Accounts, with every Officer and Soldier in pay, and state such Accounts in a Ledger, which he is to keep for that Purpose; and the said Muster Master, shall transcribe a fair Copy of his Journal, and Book of Accounts and Entries, with every Thing therein contained, which he shall lay before the General Assembly.

And for the punctual Payment of the said Forces, BE IT FURTHER ENACTED by the Authority aforesaid, that the Treasurers of this Colony or either of them, out of the Bills of Credit to be made Current for that Purpose, shall pay unto *John Allen*, Esq; who is hereby appointed Pay-Master of all the said Officers and Soldiers, such Sum and Sums of Money as the said *John Allen*, shall from Time to Time find necessary for the said Service; and the said Treasurers or either of them, shall take a Receipt signifying the Purpose the said Money so paid was designed for; and the said Receipts, when produced by the said respective Treasurers shall be sufficient Vouchers, to discharge the said Treasurers, or either of them, their Heirs Executors and Administrators, on Account of the several Payments so made and paid out of the Treasury aforesaid.

And for avoiding Frauds, and the more regular Payment of the Forces, BE IT ENACTED by the Authority aforesaid, that the said Pay-master, shall in his own proper Person, once in every four Weeks attend, at some Time when he shall think proper, and out of the Monies so by him to be received pay unto all and every of the Commissioned and non-Commissioned Officers and Soldiers aforesaid, the several Sums that shall be then due to them, according to the

Account he is to receive from the Muster Master; save only that he shall retain in his Hands, one fourth Part of such Sum due to every of the aforesaid Surgeon, and Muster Master, and Commissioned and non-Commissioned Officers and Soldiers aforesaid, to answer and pay such Mulets and Fines, as may be laid upon them, or any of them, for neglect of Duty, or for destroying and embezzeling their Arms, Ammunitions or Stores, or for any other Misdemeanors, to which he or they shall be subjected: And the said Paymaster shall State exact and separte Accounts with each particular Person, of the Money so retained in his Hands, together with the Reasons of such Retention, and as for and respecting every Person against whom any neglect of Duty, Disobedience, Crime or Misconduct shall appear, the said Pay-master shall retain in his Hands so much as shall be sufficient to answer the Fine or Charge that shall be levied upon such Person: And the said Pay-master shall take Receipts for all Sum or Sums of Money by him disbursed, which together with his Accounts he shall lay before the House of Assembly of this Colony for the Time being, to whom he is hereby made accountable; and such Receipts when produced shall be sufficient Vouchers to discharge the said Pay-master, his Heirs, Executors, and Administrators, of and from all such Sums as shall be therein mentioned to be by him paid.

And on the first Day of *October*, if the said Forces shall not be sooner disbanded, the said Pay-master shall attend (at some convenient Place to be by him prefixed) adjacent to the Frontiers, or where they shall be then upon Duty within this Colony, prepared to discharge two third Parts of all the Arrearages so retained as aforesaid, and to every of the Officers and Soldiers aforesaid, against whom no misconduct shall appear, and who shall present themselves before him in a dress suitable in his Degree, and warm and sufficient to withstand the Inclemencies that may be expected in the approaching Season, he shall well and truly, in his own proper Person, pay unto such Officer and Soldier, the two third Parts of such Arrearages as aforesaid, and he shall not on any pretence whatsoever pay such Arrearage, or any Part thereof, unto any Assignee or Assignees of such Soldier or Soldiers, nor to any Person or Persons in Trust, or for the use of him the said Officer or Soldier, or Assignee or Assignees, but that the same shall be (*Bona Fide*) paid to the proper Person to whom it first commenced due; save only that in case of Death he shall pay the whole Arrearage, to his Executors or Administrators, without any manner of Deduction, except to answer Fines, or make good embezzlements as aforesaid.

AND BE IT ENACTED by the Authority aforesaid, that if any Officer or Soldier, shall by Word or Writing, sell, transfer, dispose of, or assign to any manner of Person whatever, his Share or any Part thereof of his Wages, or Arrearages, either before or after the same shall become due, the said sale and assignment shall be utterly void to all Intents and Purposes: And if any of the Officers or Soldiers aforesaid, shall on the said first Day of *October*, appear before the said Pay-master, in a dress unsuitable to his degree, or unfit for encountering the approaching Season and Service, in which he is to be employed, or his Cloaths shall be ragged, of all which particulars the said Pay-master is to make a careful Inspection, in such case the said Pay-master (in the lieu and

stead of paying the said Arrearage to the said Officer and Soldier) shall purchase all such Cloaths as he shall find necessary, and fitting as aforesaid, and deliver them with all convenient dispatch to the Person whose Arrearage he shall so retain; provided that he shall not purchase more than the amount, of two thirds of such Arrearage, and when the Cloaths are so delivered as aforesaid, he shall then make a resettlement with every such Person, and at the Time of their final disbanding, they shall receive all and every of their Arrears, which shall be then found due to them.

And the said Muster Master, and Pay-master, when they shall be thereunto required by the House of Assembly for the Time being of this Colony, shall each one for himself, severally take their Solemn Oaths on the Holy Evangelists of Almighty GOD, that the Account and Proceedings of their Conduct, which they shall so severally exhibit to the said Assembly, is just and true to the best of their Knowledge.

And for the more effectual preventing any false alarms or mistakes, which may happen in tracting the Indian Enemy, BE IT ENACTED by the Authority aforesaid, that during the continuance of the Forces upon the said Frontiers, neither any of the said Forces or any other Person, shall wear or put on any Indian Shoes, or Maukesons, in the County of *Sussex*; and if any Person or Persons, shall be convicted before any Justice of the Peace of the said County, of wearing, or putting on such Shoes and Maukesons, contrary to the meaning of this Act, every such person shall forfeit the Sum of *Ten Shillings*, to be recovered in the usual manner of Action of Debt, for the use of such Person who shall presecute the same to effect.

AND BE IT ENACTED by the Authority aforesaid, that it shall be in the Power of the said Colonel and Commander, with the Assistance of any three of the Commission Officers from Time to Time, to make such Orders and Regulations, as they shall think proper and convenient, for preserving Health amongst the Soldiers, and for preventing the waste of Provisions, Stores, and Ammunition.

And whereas it is unreasonable that any Officer or Soldier, in the pay of this Colony, should receive pay for such Time as he shall be absent from Duty; THEREFORE BE IT ENACTED by the Authority aforesaid, that from and after the Publication of this Act, no Officers or Soldiers in the Pay of this Colony, either under the Command of Colonel *Schuyler*, or any other chief Officer whatsoever, shall be entitled to Pay, for such Time or Times, they or any of them shall be absent from the Forces upon Furlough, or otherwise upon their own private Occasions; any Law, Usage or Custom to the contrary hereof, in any wise notwithstanding.

AND BE IT ENACTED by the Authority aforesaid, that it shall not be lawful for the said Colonel and Commander, or any of his subaltern Officers, or others, to enlist any young Men under the Age of Twenty one Years, or any Slaves who are so for Term of Life, bought Servants, or Apprentices, without the express leave in Writing, of their Parents or Guardian, Masters, or Mistresses, first had and obtained; and if any of the said Officers or others, shall

enlist any such young Men, Slaves, bought Servants, or Apprentices as aforesaid, and upon Application and due Proof made thereof before any one Justice of the Peace in this Colony, shall refuse to discharge him or them so unlawfully enlisted, then the said Justice of the Peace is hereby impowered and required to issue his Warrant to any Constable, commanding him to take the Body of such young Man, Slave, Servant, or Apprentice, and deliver him to his Parent or Guardian, Master or Mistress; and if the said Officer, or other Person with whom such Person is enlisted, shall notwithstanding secret, detain, or carry away such Person; then such Officer or other Person so offending, shall forfeit and pay, for every such young Man under the Age of Twenty one Years, Servant or Apprentice so enlisted contrary to the true intent and meaning of this Act, the Sum of *Twenty Pounds*, and for every Slave so enlisted, the Sum of *one Hundred Pounds*, to be recovered in any Court of Record, where the same is cognizable in this Colony, with Costs of Suit, and to be paid so much thereof to the Person complaining, as his or her Damages by the said Court shall be adjudged, and the residue thereof to either of the Treasurers of this Colony, to be applied as by Act of General Assembly shall be hereafter directed.

And in case the Body of such Officer, or other Person offending cannot be taken, then it shall and may be lawful for any Person agrieved, to proceed against him by Attachment, against the Offenders Goods and Chattles, Lands and Tenements in manner and form as is directed by an Act, entitled, "*An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.*" Saving that the Person complaining shall not be obliged to make the Affidavit therein directed, and the Forfeitures recovered shall be paid as aforesaid.

AND BE IT ENACTED by the Authority aforesaid, that it shall not be lawful for any of the Officers or others aforesaid, to enlist any such Debtors as are excluded from being enlisted, or retained in his Majesty's Service; by any of the Laws in this Colony in such Cases already made and provided; and the Goods and Chattles, Lands and Tenements of all such other Debtors as by the said Laws are not excluded from Inlistment and Service, shall remain and continue in such plight as by the same Laws they are directed to remain and continue.

AND BE IT ENACTED by the Authority aforesaid, that the said Colonel and Commander, and the two other Captains, shall be, and are hereby appointed Commissaries of the Stores, and shall severally deliver out the same unto their respective Companies, daily or weekly, as they shall think most proper and convenient; and the Men shall be formed into proper Messes for the more easy Division thereof. And in case of the Death of any of the said Captains, his Lieutenant shall succeed him as Commissary, until another Captain is appointed: And if either of the said Commissaries, shall sell, exchange, embezzle, or waste any of the Stores aforesaid, every such Commissary shall be prosecuted by the King's Attorney General, and make good to this Colony all such Stores by him so sold, exchanged, embezzled, or wasted, if not otherwise made good, out of the Arrearages to be retained as aforesaid in the Hands of the Pay-master

General, for such and the like Purposes; and the Muster Master, and Pay-master aforesaid, shall be, and each of them are hereby empowered and commanded to take Notice how the said Commissaries respectively deport themselves, and upon discovery of any Frauds, or Mismanagement in the said Commissaries, or either of them, touching the Premises, the said Muster Master, and Pay-master, shall severally use their utmost endeavours to detect and make known the same, to the House of General Assembly, to the end the Delinquent or Delinquents may be prosecuted, and brought to Justice; and the said Commissaries shall each of them keep a just and fair account of all the Stores by them received and delivered out, and to whom, and for what Purpose delivered; and shall from Time to Time lay such account, or a true Copy thereof, before the House of General Assembly for their inspection, to whom they are hereby made accountable, which accounts shall be exhibited upon Oath, made before the said House of General Assembly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that there shall be paid to the said Colonel and Commander, *Ten Shillings, per Day*, in full for his Service, as Colonel and Captain of the Company aforesaid, and *one Shilling per Day* for keeping his Horse. And there shall be paid to the said Surgeon, and Muster Master, the Sum of *eight Shillings per Day*, in full for his said Services as Surgeon and Muster Master of the said Forces: And the said Pay-master shall have *two Pounds per Cent* upon all the Monies he shall have occasion to pay as aforesaid; and each of the said Captains shall have *one Shilling per Day*, as Commissaries to their respective Companies; and the several other Officers and Soldiers shall have the same Rewards as directed in the Act, entitled, *An Act for raising two Hundred and Fifty able Bodied free Men, as Volunteers, to protect and defend the Frontiers of this Colony from any Invasions which may be made upon the same by the Enemy, in lieu of the Militia already Stationed upon the said Frontiers; as also for subjecting two Hundred of the said Volunteers, to act in conjunction with the Colonies of New-York, and Pennsylvania, to make up an Army of one Thousand Men, or one fifth Part of such an Army (not exceeding one Thousand Men in the whole) as shall be thought necessary to be employed in pursuing the Indian Enemy into their Places of Retreat, and Captivating them, their Wives and Children.*

And in the Absence of the Colonel and Commander, the eldest Captain is hereby declared his Successor in that Station, during his absence, and subject to the same Duties, Penalties and Rewards.

And in case of the Death, Refusal, or other Disability of any of the Officers appointed by this Act, then it shall and may be lawful for the Governor and Commander in chief for the Time being, to appoint Successors to him, or them, who are hereby declared in such case, subject to the same Duties, Penalties, and Rewards.

And whereas there may be several Prisoners now confined in the common Gaol of the County of *Sussex*, upon Process in civil Actions, who in this Time of common Danger, may suffer for want of Persons to look after them, BE IT THEREFORE ENACTED by the Authority aforesaid, that it shall and may

be lawfull for the Sheriff of the said County of *Sussex*, and he is hereby required to discharge out of his Custody, any such Prisoner and Prisoners, as shall happen to be confined in the common Gaol of the said County at the Publication of this Act, upon any Civil Action or Actions; and the said Prisoner and Prisoners, and all other Persons, who shall be Inhabitants of the said County, at the Publication of this Act, shall be free and clear from any restraint as to confinement of their Persons in the said County, upon any civil Process, until the first Day of *December*, next, and no longer. PROVIDED NEVERTHELESS, that it shall and may be lawful to and for Plaintiff or Plaintiffs during the Time limited as aforesaid, upon any Process being served, to file a common appearance in any Action, to be brought against any Debtor or Debtors in the said County of *Sussex*, so as to entitle such Plaintiff to proceed to Judgment, and to have an Execution thereupon, other than against the Body or Bodies of him, or them, any thing in this or any former Law contained to the contrary, in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Sheriff of the said County of *Sussex*, is and shall be clear, and free from any Action, or Actions which may or shall be brought against him, for any Matter or Thing which he shall do in Pursuance of this Act; and if any Action or Actions shall be brought against the said Sheriff for the same, he may plead the General Issue, and give this Act in Evidence, which shall be a sufficient Discharge for the said Sheriff, with Costs of Suit.

PROVIDED NEVERTHELESS, that nothing in this Act contained, shall be construed or intended to discharge any Person or Persons from confinement upon civil Process, any longer then the said first Day of *December* next; after which Time the Sheriff of the said County of *Sussex*, upon Process issued for that Purpose, may retake the Body, or Bodies of every such Person and Persons so confined as aforesaid, or charge in Execution, and convey him or them to the said common Gaol, there to remain in the same manner and form as before the Publication of this Act, any thing to the contrary hereof in any wise notwithstanding.

AND BE IT ENACTED by the Authority aforesaid, that the Forces aforesaid, shall be and continue in the pay of this Colony for Twelve Months after the Publication of this Act, unless Peace should be sooner concluded with the Indian Enemy, so as to render the Inhabitants of this Colony safe from their Depredations, in which case it shall and may be lawful for the Governor, or Commander in chief of this Colony for the Time being, to and with the Advice and consent of his Majesty's Council, to give orders for the disbandment of the said Forces.

Passed 2 June 1756.

Bradford (1756) 19:6:3, pp. 51-68.