

New Jersey Archives • THIRD SERIES

VOLUME III

Laws of the Royal Colony of New Jersey

1746 • 1760

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An ACT to encourage the Inlisting of Five Hundred Freemen, or native well-affected *Indians*, in this Colony of *New-Jersey*, for His Majesty's Service, in the present Expedition against *Canada*;¹ for making Provision for their Subsistence for four Months; for transporting them to *Albany*, in the Province of *New-York*; and for Defraying the Expence thereof, out of the Interest-Money arising from the Loans of the Bills of Credit of this Colony.

WHEREAS His Majesty's Subjects of the *British Colonies* on the Continent of *America*, have, in Time past, upon every War with *France*, been greatly harrassed by many cruel Murthers and Depredations committed by the Subjects of *France* in *Canada*; and by the *Indians*, whom they seduced to take Part with them in those Cruelties, tending to the utter Destruction of the Persons and Estates of many of the Subjects inhabiting the said *British Colonies*. AND WHEREAS, The Subjects of *France* in *Canada*, have by themselves, and *Indians*, during the present War with *France*, renewed those Cruelties, and already committed many barbarous Murders and Depredations in sundry of the said *British Colonies*, to the great Danger of all the said Colonies. AND WHEREAS His Majesty, in Compassion to His said Subjects, and for putting an End to the said Cruelties, hath been graciously pleased to undertake an Expedition against the *French Settlements* in *Canada*, for the Reduction of them, and hath given Orders to the Governors of the several Colonies, to inlist what Soldiers they could for the said Service, and granted that they should have the usual *British Pay*; expecting that the Colonies will find Provisions for the said Soldiers.

NOW for the Encouragement of *Five Hundred Freemen*, or native well-affected *Indians*, to inlist within this Colony, as Soldiers, for the said Service, and for answering His Majesty's just Expectations as to the Supplying them with Provisions, BE IT ENACTED by the Honourable JOHN HAMILTON,² Esq; President of His Majesty's Council, and Commander in Chief of this Colony of *New-Jersey*, the Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That there shall be paid to every Freeman, or native well-affected *Indian*, who shall inlist either as Serjeant, Corporal, Drummer, or private Soldier, the Sum of *Six Pounds* Proclamation Money, over and above His Majesty's Pay.

AND for a further Encouragement to *Five Hundred Freemen*, or native *Indians*, voluntarily to inlist in the said Service, IT IS HEREBY ENACTED by the Authority aforesaid, That if any Person or Persons so inlisting, doth not owe upwards of *Ten Pounds* Proclamation Money to any one Person or Creditor, or upwards of the Sum of *Fifty Pounds* Proclamation Money in the Whole,

to all his Creditors, then the Persons of the Inlisted, who have not been arrested by their Creditor or Creditors, shall be free from all Arrests in Civil Actions; and those that are in Custody, either on Mean Process or Execution, and do not owe as aforesaid, shall be discharged by the Sheriff or other Officer in whose Custody they are; and the Goods and Effects of all such Debtors shall be free from Attachments, Executions, and other legal Process, during their Service in the said Expedition. PROVIDED ALWAYS, That such Goods and Effects shall not be removed out of the City, Town, or Precinct, where the Persons inlisting resided when they did inlist, during the Absence or Time of Service of the said Persons so inlisting; and upon full Proof of any Attempt to remove the said Goods and Effects out of the City, Town, or Precinct as aforesaid, then the said Goods and Effects shall be liable to the same Process as the Laws have already provided for; and in case the said Person or Persons so inlisting, shall, or do, after the Publication of this Act, or after the Time of such Inlisting, by any Deed or Deeds, Power or Powers of Attorney, make Sale of, or Impower others, in his or their Absence, or after his or their Departure from this Colony, to make Sale of his or their Goods and Chattels, Lands and Tenements, to any Person or Persons whatsoever, whereby the Creditor or Creditors, of such Person or Persons so Inlisting as aforesaid, shall or may be defrauded or deprived of their just Debts; all, and every such Deed or Deeds, and Sales made by any such Person or Persons, or by Virtue of his or their Power or Powers of Attorney, as aforesaid, shall be void and of none Effect: And such Goods and Chattels, Lands and Tenements, shall nevertheless, be liable to be proceeded against by Attachment, or any other legal Process, at the Suit of any Creditor or Creditors, of such Person or Persons, any Thing in this Act to the Contrary thereof in any wise notwithstanding.

AND for a still further Encouragement to Men voluntarily to inlist in the said Service, His Honour the President of His Majesty's Council, and Commander in Chief of this Colony, hath signified to the Council and General Assembly, that he shall be well pleased, That it be Enacted; AND BE IT ENACTED by the Authority aforesaid, That all able-bodied Freemen who shall inlist in the said Service, and perform their Duty in the said Expedition; and who shall at the End thereof, obtain a Certificate from their Captains, of their having so inlisted, and performed their Duty on the said Expedition, shall thereby be acquitted and pardoned of all Crimes whatsoever by them committed before the *Twenty-fifth* Day of this present Month of *June, One Thousand Seven Hundred and Forty Six*, that are under the Degree of Felony without Benefit of Clergy; and which Certificate so obtain'd, of their Service as aforesaid, from their respective Captains, shall, by Virtue of this Act, be Pleadable as a Pardon under the Great Seal of this Colony, of any of the Crimes aforesaid, under the Degree of Felony without Benefit of Clergy, to any Indictment or Information for such Crimes, found or filed, or to be found or filed, and to any Record of Conviction already made, or to be made for such Crimes: And every able-bodied Freeman in Custody for any Crime or Crimes under the Degree of Felony without Benefit of Clergy, inlisting as aforesaid, shall be thereon immediately discharged out of Custody to go upon the said Service, and obtaining

a Certificate as aforesaid, at the End of the Expedition, shall be thereby pardoned as aforesaid.

AND BE IT ENACTED by the Authority aforesaid, That it shall not be lawful to inlist 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 Guardians, Masters or Mistresses, first had and obtained; and if any Officer or others have inlisted or 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 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 Officer or other Person with whom such Person inlisted is, 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 inlisted, 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 the Act of the 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 Offender's Goods and Chattels, Lands and Tenements, in Manner and Form as is directed by an Act, intituled, *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 Purchasing the necessary Provisions intended for the said *Five Hundred Men* to be inlisted in this Colony for the Service aforesaid, BE IT ENACTED by the Authority aforesaid, That the Treasurers of this Colony or either of them, out of the Interest Money in the Treasury, arising from the Loans of the Bills of Credit of this Colony, or out of such other Bills of Credit as shall be made Current and delivered into the Treasury, shall pay, or cause to be paid unto *John Eatton, Pontius Stelle and Hendrick Fisher*, Esqrs; or either of them, for the Eastern Division; and unto *Jacob Spicer*, Esq; *Mr. Stephen Williams*, and *Mr. Joseph Scattergood*, or either of them, for the Western Division (who are hereby appointed Commissioners for the Colony of *New-Jersey*) such Sum or Sums of Money as shall be necessary for that Service, not exceeding in the Whole the Sum of *Three Thousand Pounds*, for Purchasing the necessary Provisions, and the transporting to *Albany* such Persons as shall inlist themselves Volunteers into His Majesty's Service, agreeable to the true Intent

and Meaning of this Act. AND the said Treasurers, or either of them, shall take a Receipt, signifying the Service the 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 as aforesaid.

AND WHEREAS there may not be Interest Money in the Treasury sufficient to discharge the said Sum of *Three Thousand Pounds*, and the Bounty Money aforesaid, before the Time it will be wanted. AND WHEREAS no other Method can be practicable to produce such a Sum of Money in this colony in so short a Time as it ought to be provided in, but by making Current the Sum of *Four Thousand Pounds* in Bills already printed and designed for the Exchanging of ragged or torn Bills: Therefore to give all possible Dispatch to the said Expedition, BE IT FURTHER ENACTED by the Authority aforesaid, That the Signers appointed by an Act passed in the Seventh Year of His Majesty's Reign, intituled, *An Act for the Making of Forty Thousand Pounds in Bills of Credit*, to Sign the Bills printed by Virtue of said Act, to Exchange ragged or torn Bills; shall forthwith after the Publication hereof, Sign to the Value of the said *Four Thousand Pounds* in Bills already printed, and designed by the above recited Act to Exchange ragged or torn Bills; and deliver *Two Thousand Pounds* thereof to the Treasurer of the Eastern Division, and *Two Thousand Pounds* thereof to the Treasurer of the Western Division; which Sum of *Four Thousand Pounds* signed as aforesaid, shall be, and is hereby made current in all Payments within this Colony; and they the said Treasurers respectively are hereby commanded to place back in lieu thereof, *Four Thousand Pounds* of the Interest Money arising by the different Loans of the Bills of Credit now current in this Colony, in the Manner following, *viz. One Thousand Pounds* thereof in the Year *Seventeen Hundred and Fifty*, and *One Thousand Pounds* thereof yearly thereafter, till the Whole shall be replaced. Which said Interest Money to the Value aforesaid, they the said Treasurers respectively, shall lay before the Justices and Freeholders, to be cancelled and bundled up; and shall afterwards lay them before the General Assembly, to be sunk in the same Manner as the said Treasurer or Treasurers are directed by the said Act to do with the ragged or torn Bills.

AND as a farther Provision for defraying the said Expences, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the said Treasurers, to retain in their Hands for two Years longer, so much as doth remain uncanceled of the *Two Thousand Pounds* made Current in the Year *One Thousand Seven Hundred and Forty*, by an Act, intituled, *An Act for making Current Two Thousand Pounds in Bills of Credit, for Victualling and Transporting the Troops to be raised in this Colony for His Majesty's Service on the Intended Expedition to the West-Indies; and for making Provision for Sinking the same Sum in Interest Money in lieu thereof*; and to apply so much thereof, towards the Defraying the Expences of the present Expedition as there may be occasion for. And the said Sum hereby ordered to be retained in the Treasurers

Hands at the Expiration of the said two Years, shall be sunk and destroyed in such Manner and Form as is directed by the last recited Act, any Thing therein contained to the contrary notwithstanding.

AND BE IT ENACTED by the Authority aforesaid, That there shall be allowed to every of the said Freemen, or native well-affected *Indians* (and to be paid to the Captain of each Company, for the Use of such Men in Manner and Form hereafter provided) *Nine Pence* Proclamation Money *per Day*, for his Subsistence, from the Time of his being fairly inlisted, before any one of His Majesty's Justices of the Peace of the said Colony, until the Time of the General Muster hereafter mentioned in this Act, when the said Volunteers are to be otherwise provided for.

AND in order for the more secure Payment of the Bounty Money, and Subsistence Money aforesaid, IT IS HEREBY ENACTED by the Authority aforesaid, That each Captain of a Company (so soon as his Company shall be compleat) shall cause a Muster of his said Company to be made, in Presence of one of the Treasurers of this Colony, and the Commissioners aforesaid, or any two of them; and the said Captain, shall then produce to the said Treasurer and Commissioners, a fair written Muster-roll, containing the Names and Stations of the Company; under which Muster-roll, the said Treasurer and Commissioners shall certify, that they have seen the Men on the preceding Roll, and have inspected and seen the Certificates of their having been duly inlisted, and the Day on which each Soldier was inlisted, signed by the respective Justices of the Peace before whom such Soldiers were inlisted; and thereupon the said Treasurer, in Presence of the said Commissioners, and the Captain of the said Company, shall pay to each Man then present, and who shall be entered on the Muster-roll as aforesaid, (of the Degree of Serjeant, Corporal, Drummer, or private Soldier) the Sum of *Six Pounds* Proclamation Money; and the said Treasurer, shall take a Certificate, signed by the said Captain, and by the said Commissioners, signifying the number of Men, and Sum of Money paid by the said Treasurer, and shall also take a Receipt from the Captain for the same, upon the said Muster-roll; which certificate and Receipt, shall be sufficient Voucher to the said Treasurer, for the Payment of so much of the said Money as aforesaid; and the said Treasurer, shall at the same Time also pay to the Captain (for the Use of the Men so mustering, as aforesaid) the Subsistence Money of *Nine Pence per Day*, to each Soldier so entered upon the Muster-roll, as aforesaid, from the Day of inlisting such Soldier into the King's Service, to the Time of such Muster as aforesaid; and the said Treasurer and Commissioners, shall examine and settle the said Account, and the Treasurer shall take a Receipt from the said Captain upon the Back thereof, for the Subsistence Money then paid; which Receipt shall be a sufficient Voucher to the said Treasurer, for the Payment of so much of the said Money as aforesaid.

AND BE IT ENACTED by the Authority aforesaid, That the said Commissioners, or any two of them, or any one of them, with Consent of one other, shall, and are hereby required (with the utmost Expedition) to agree for, and purchase for the said *Five Hundred Men*, or in Proportion for so many as shall inlist, not exceeding *Five Hundred, viz.* One Hundred and Ninety-two Barrels

of Pork, One Hundred and Ten Barrels of Beef, Sixty Thousand Pound Weight of Biscuit, Two Thousand Gallons of Rum, Four Hundred and Sixty-two Bushels of Pease, Four Hundred and Sixty-two Bushels of *Indian* Corn, Six Thousand Five Hundred Pound Weight of Bacon, Forty Hundred Weight of Rice, Three Thousand Pound Weight of Cheese, Three Thousand Pound Weight of Tobacco; with other Necessaries thereunto appertaining, which may be wanted. As also the said Commissioners, or any two of them, in case a Surgeon shall not be provided by His Majesty's Order, shall have Power to agree with a Surgeon and Surgeon's Mate, to attend the Forces to be raised in this Colony, and to make them a reasonable Allowance for that Service; and shall also provide a Chest of Medicines for the Use of the said Forces.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after the Time of such Muster of a compleat Company of *One Hundred* Men, as aforesaid, the Allowance of *Nine Pence per Day*, Subsistence Money for each Soldier, shall cease and the Commissioners, or either of them, shall deliver, or cause to be delivered out (daily, or otherwise, as they shall think most proper and convenient) to the said Soldiers, a reasonable Quantity of Provisions for their Support, and the Men are to be formed into proper Messes, for the more easy Division thereof.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any two of them, shall, upon the Embarkation of the said Forces for *Albany*, make an equal Division of the Provisions ordered by this Act, amongst the Forces so inlisted in this Colony, as aforesaid, in Proportion to the Companies and Number of Men then embarked, and they shall deliver the said Provisions proportioned, into the Care and Custody of the Captain of each Company, who is hereby appointed the Commissary or Steward thereof; and the said Captain is to deliver out the same to his Company daily, or weekly, as he shall think most proper and convenient. And it is the true Intent and Meaning of this Act, that the said Provisions so divided, and proportioned, and delivered out, to the Captains of the said Companies as aforesaid, shall be for the Use of the respective Companies to which they shall be delivered.

AND BE IT ENACTED by the Authority aforesaid, That the Commissioners aforesaid shall (when duly ordered to embark the said Men for *Albany*) hire Sloops, or Boats, for the Transportation of the said Soldiers, Provisions, and Necessaries thereto appertaining.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That each of the said Commissioners, 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 Money received and disbursed, in pursuance of this Act. And they shall also take Receipts for all Sums of Money disbursed by them; which Books and Receipts they are to lay before the next, or some future General Assembly of this Colony, to be audited, inspected, and examined by them, to whom they are hereby made accountable.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Commissioners aforesaid, to retain in their own

Hands, out of the Money aforesaid, *Five per Cent.* as Commissions on such Money as shall be by them disbursed, in Manner aforesaid.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case the Provisions aforesaid, should be purchased, and all of them should not be wanted, either by reason that the whole Number of *Five Hundred Men* should not be raised, or for any other Cause, that then the said Commissioners shall sell the said Provisions remaining, and pay the Money arising by such Sale, unto the Treasury, retaining *Five per Cent.* for their Trouble; and if after the said Provisions are embarked, and gone out of this Government, the Whole of them should not be wanted, then the Captains, or Commanding Officers of the respective Companies, shall dispose of the Remainder, and shall pay the Produce thereof into the Treasury, retaining *Five per Cent.* Commissions. And in case the said Captain, or Commanding Officer of any Company, shall give, sell, or dispose of any Part of the said 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, every such Captain or Commanding Officer, shall be liable to be prosecuted in any Court of Record in this Colony, where the same shall be cognizable, by, and in the Name of any one of the Commissioners appointed by this Act, who are hereby authorized and impowered, to sue and prosecute such Captain, or Commanding Officer, for all such Stores and Provisions so by him given, sold, disposed of, or otherwise embezzled or made away with, as aforesaid; and upon Recovery and Receipt to pay the same, after deducting all reasonable Costs and Charges, unto one of the Treasurers aforesaid.

Franklin (1746) 16:2, pp. 3-12.

1. The 1746 expedition to Canada, like those of 1709 and 1711, was planned and financed but never carried out.
2. John Hamilton (?-1747) served New Jersey as president of the East Jersey Council of Proprietors, supreme court judge, and member of the governor's council. Twice Hamilton became acting governor, first after William Cosby's death in 1736, and again after Lewis Morris's death in 1746.

An ACT for making Current Ten Thousand Pounds in Bills of Credit, to enable the Honourable John Hamilton, Esq; Commander in Chief of this Colony, or the Commander in Chief for the Time being, to defray the Expence of