

THOMAS JOHNSON, Esq; Governor.

1758.
C H A P.
XIV.

he has received, or may receive, out of the net profits of such prize, before a dividend is made of the same, agreeable to the orders of congress, shall be considered as part of his half pay, and computed accordingly.

IV. And be it further enacted, That every commissioned officer, non-commissioned officer, and private soldier, in the army, and every commander, commissioned officer, warrant officer, marine or seaman, of any of the ships of war or armed vessels belonging to the United States of America, who have been or shall be wounded in any engagement, so as to be rendered incapable of serving in the army or navy, though not totally disabled from getting a livelihood, and who, at the time of entering into the service of the said States, was or shall be enlisted or recruited by this state, shall receive such monthly sum as shall be adjudged adequate by the justices of the orphans court of the county in which such commissioned officer or private soldier of the army, or commander, commissioned officer, warrant officer, or seaman, of the navy, shall reside; provided the same doth not exceed his half pay.

Officers, &c.
not totally disabled, to receive a sum monthly, &c.

V. And be it enacted, That the justices of the orphans courts in the several counties of this state shall, and they are hereby authorized and empowered, at the meeting of the said orphans court, once in every quarter of the year, on application made to them by any person, agreeable to the direction and meaning of this act, to draw on the treasurer of the western or eastern shore of this state, for such sum or sums of money as may be necessary for answering the purposes aforesaid, and so to renew such orders quarterly, during the lives of the said persons entitled to receive their half pay as aforesaid, and during such time as the said justices shall deem such persons not totally disabled as aforesaid, entitled to receive the allowance by them directed to be made as above mentioned, which the treasurer is hereby required to pay and discharge. And, for the better charging the said United States therewith, so that the same may be brought into a general account, the justices of the said courts are hereby enjoined to cause due entries to be made in their proceedings, of the name or names of all persons to whom draughts or orders shall be given in pursuance of this act; also of their places of residence, in what regiment or company they served, the engagement or action in which they received their wound, and the sums allotted them; also of the death of such disabled person, or ceasing of such allowance; an account of all which they shall transmit, or cause to be transmitted, to the governor and council, on or before the first day of May in every year, on pain of forfeiting, for every failure herein, the sum of twenty pounds current money; a copy of which account the said governor and council are hereby required to transmit quarterly to the secretary of congress or board of war, in order that a separate record may be there kept of the same.

Justices of orphans courts to draw on the treasurer, &c.

VI. And be it further enacted, That no commissioned officer, non-commissioned officer, or private soldier, of the army, commander, commissioned officer, warrant officer, marine or seamen, of any of the ships of war or armed vessels of the United States, shall be entitled to his half pay, or other allowance, unless he produce to the justices of the said orphans court, a certificate from the commanding officer, who was in the same engagement in which he was so wounded, or in case of his death, from some other officer of the same corps, and the surgeon that attended him, or a certificate from the commander of the ship of war or armed vessel engaged in the action, in which any officer, marine or seaman, received his wound; or, in case of his death, from some other officer of the same ship or vessel, and the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship of war or armed vessel, to which he belonged, his office or rank therein, the nature of his wound, and in what action or engagement he received it; which certificates the said justices are hereby directed to cause to be registered, as well as all other proceedings by them to be done in virtue of this act, in a book by them to be kept for that purpose, under the penalty for every neglect thereof of twenty pounds current money.

No officer, &c. to have half pay, unless he produces a certificate, &c.

VII. And, whereas doubts may arise in some cases, whether certain persons maimed or disabled, and claiming pensions, were at the time in the service of the