

CHAPTER DCCXXXI.

AN ORDINANCE FOR THE APPOINTMENT OF JUSTICES OF THE PEACE
FOR THE STATE OF PENNSYLVANIA.

Whereas it is necessary that proper officers of justice be appointed under the authority of the people only and deriving no power whatever from the late constitution:

[Section I.] Be it therefore ordained and declared and it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That David Rittenhouse, Jonathan B. Smith, Owen Biddle, James Cannon, Timothy Matlack, Samuel Morris, the elder, Samuel Howell, Frederick Kuhl, Samuel Morris, the younger, Thomas Wharton, the younger, Henry Kepple, the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry Wynkoop, Benjamin Bartholomew, John Hubley, Michael Swoope, William Lyon, Daniel Hunter, Peter Rhoads, Daniel Espy, John Weitzel and John Moore, Esquires, members of the council of safety, are hereby made, constituted and appointed justices of the peace for this state.

And that Benjamin Franklin, John Dickinson, George Bryan, James Young, James Biddle, John Morris, the younger, Joseph Parker, John Bayard, Sharp Delany, John Cadwallader, Joseph Copperthwaite, Christopher Marshall, the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Boehm, Francis Casper Hasenclever, Thomas Cuthbert, the elder, Moses Bartram, Jacob Schreiner, Joseph Moulder, Jonathan Paschal, Benjamin Paschal, Benjamin Harbeson, Jacob Bright, Henry Hill, Samuel Ashmead, Frederick Antis, Samuel Erwin, Alexander Edwards, Leth Quee, Samuel Potts, Rowland Evans, Charles Bensel and Peter Evans of the city and county of Philadelphia, Esquires, are hereby made, constituted and appointed justices of the peace for the city and county of Philadelphia.

And that Joseph Hart, Richard Walker, Joseph Kirkbride, John Wilkinson, John Kidd, Robert Patterson, John Clark, James Benezet, Samuel Smith, James McMullen, Theophilus F'oulke, Joshua Anderson, George Wickert and Thomas Long of the county of Bucks, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Bucks.

And that Alexander Johnston, William Clingen, Evan Evans, Richard Baker, John Sellars, Nicholas Fairlamb, John Jones, John Wilson, William Heslet, Israel Whalin, William Denev, Samuel Bond and Robert Mendenhall, of the county of Chester, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Chester.

And that Emanuel Carpenter, Edward Shippen, William Henry, Michael Hubly, William Bausman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Irwin, John Ferrie, Zaccheus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whiteside, Michael Bright and Christopher Wegman of the county of Lancaster, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Lancaster.

And that Robert McPherson, Martin Eichelberger, Samuel Edie, David McConaughy, Richard McCalister, Henry Slagle, Matthew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William McCaskey, Josias Scott, Thomas Latta, William McClean and John Mickle, the younger, of the county of York, Esquires, are hereby made, constituted and appointed justices of the peace for the county of York.

And that John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robinson, John Holmes, James Oliver, John Agnew, John Allison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John McClay, William Elliott, Matthew Henderson and Frederick Watt, of the county of Cumberland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Cumberland.

And that James Read, Peter Spyker, Jacob Morgan, George Douglas, Mark Bird, Henry Chriest, Balzar Gear, John Patton,

Thomas Dundas, Christopher Witman, Richard Tea and Bastian Levan, of the county of Berks, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Berks.

And that Robert Trail, Jacob Moory, Christopher Wagener, Henry Kookan, John Weitzel, Peter Traxler, Senior, Nicholas Dupni, Evan Morgan, Robert Forgerman and Henry Barnet, of the county of Northampton, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Northampton.

And that Bernard Dougherty, William Proctor, George Wood, Abraham Cable, Thomas Smith, Thomas Coulter, Henry Lloyd, John Piper, Samuel Davidson, William Latta, John Wilkins, William Todd, Benjamin Elliot, William Parker, Evan Shelby, David Jones, Henry Rhoads, William Johnston, William McLeavy, Gideon Ritchey, John Mellott, Edward Coomb, Hugh Davis, Matthew Patton, Robert Ramsey, Benjamin Bird, John Shaver, Samuel Thompson, William Phillips, William Holliday, the younger, Charles Cessna, John Mitchell and Richard Brown, of the county of Bedford, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Bedford.

And that Samuel Hunter, James Potter, William McClay, Robert Moodie, John Lowden, Benjamin Weiser, John Fleming, Henry Antis and John Simpson, of the county of Northumberland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Northumberland.

And that Robert Hanna, William Lockray, Alexander McLean, Providence Mounts, Andrew McFarlin, James Pollock, James Caval, Samuel Sloane, Thomas Scott, Michael Hufnagle, James Wilson, David Allen, Benjamin Davis, Philip Rogers, Joseph Caldwell, James Wilkins, William Elliot, George Lattimore and Samuel Burns, of the county of Westmoreland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Westmoreland.

[Section II.] And be it further ordained and declared, That the said justices and every of them shall have full power and authority to take acknowledgments of deeds and cognizance of

criminal offenses and breaches of the peace; and in cases of petty larceny under five shillings to proceed to punishment.

[Section III.] And be it further ordained and declared, That the laws which were in use before the dissolution of the late government shall be the rule of their proceedings so far as the same may not be inconsistent with the oath or affirmation hereinafter directed to be taken and subscribed, and that the style of their precepts shall be in the name of the state of Pennsylvania, before their president for the time being.

And that the justices appointed for the city and county of Philadelphia do take and subscribe the same oath or affirmation before Benjamin Franklin, John Dickinson, Samuel Morris, Samuel Ashmead and Alexander Edwards, Esquires, or one of them.

And that the justices appointed for the county of Bucks do take and subscribe the said oath or affirmation before Joseph Hart, Joseph Kirkbride and John Kidd, Esquires, or one of them.

And that the justices appointed for the county of Chester do take and subscribe the said oath or affirmation before Richard Baker and John Sellars, Esquires, or one of them.

And that the justices appointed for the county of Lancaster do take and subscribe the said oath or affirmation before William Henry, John Hubley, John Thome and Moses Erwin, Esquires, or one of them.

And that the justices appointed for the county of York do take and subscribe the said oath or affirmation before Martin Eichelberger, Samuel Edie and William Smith, Esquires, or one of them.

And that the justices appointed for the county of Cumberland do take and subscribe the said oath or affirmation before Jonathan Hoge, John Holmes, John Alison and Samuel Lyon, Esquires, or one of them.

And that the justices appointed for the county of Berks do take and subscribe the said oath or affirmation before James Read, Peter Spyker and Jacob Morgan, Esquires, or one of them.

And that the justices appointed for the county of Northamp-

ton do take and subscribe the said oath or affirmation before Robert Trail and Henry Kooken, Esquires, or one of them.

And that the justices appointed for the county of Bedford do take and subscribe the said oath or affirmation before George Wood and David Espy, Esquires, or one of them.

And that the justices appointed for the county of Northumberland do take and subscribe the said oath or affirmation before Samuel Hunter and James Potter, Esquires, or one of them.

[Section IV.] And be it further ordained and declared, That the said justices and every of them before they respectively enter upon their office do take and subscribe the following oath or affirmation.

"I do swear or affirm that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, and that I will steadily and firmly at all times promote the most effectual means, according to my skill and knowledge, to oppose tyrannical proceedings of the King and parliament of Great Britain against the United American States, and to support a government in this state on the authority of the people only; and that as a justice of the peace I will do everything in that office to the best of my knowledge and abilities consistent with the freedom and independence of this state."

[Section V.] And be it further ordained and declared, That the members of the council of safety above named do make and subscribe the said oath or affirmation.

And that the justices appointed for the county of Westmoreland do take and subscribe the said oath or affirmation before Robert Hanna and Alexander McLean, Esquires, or one of them.

[Section VI.] And be it further ordained and declared, That the justices of the respective counties shall have full power and authority from time to time when they shall think it necessary to appoint gaolers to take care of the several gaols and prisons and of the prisoners committed to them.

[Section VII.] And be it further ordained and declared, That all coroners, constables, overseers of the poor and supervisors of the highways who were lawfully in office at the time of or immediately before the dissolution of the late government of this state shall continue to exercise the powers and perform

the duties of their respective offices until a new appointment or future provision shall be made in such case.

[Section VIII.] And be it further ordained and declared, That this ordinance shall continue and remain in force until altered or repealed by the future legislature of this state or by this convention.

Passed September 3, 1776. See Appendix XXXV, and the Constitution of 1776, Plan of Government, Section 30; and the Acts of Assembly passed February 5, 1777, Chapter 739; August 31, 1778, Chapter 804. Expired.

CHAPTER DCCXXXII.

AN ORDINANCE OF THE STATE OF PENNSYLVANIA DECLARING WHAT SHALL BE TREASON AND FOR PUNISHING THE SAME AND OTHER CRIMES AND PRACTICES AGAINST THE STATE.

Whereas government ought at all times to take the most effectual measures for the safety and security of the state:

[Section I.] Be it therefore ordained and declared and it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That all and every person and persons (except prisoners of war) now inhabiting or residing within the limits of the state of Pennsylvania or that shall voluntarily come into the same hereafter to inhabit or sojourn do and shall owe and pay allegiance to the state of Pennsylvania.

[Section II.] And be it further ordained by the authority aforesaid, That all and every such person and persons so owing allegiance to the state of Pennsylvania who from and after the publication hereof shall levy war against this state or be adherent to the King of Great Britain or others the enemies of this state or to the enemies of the United States of America by giving him or them aid or assistance within the limits of this state or elsewhere, and shall be thereof duly convicted in any court of oyer and terminer hereafter to be erected according to law,