

or persons shall be admitted as security for such suspected person or persons unless he or they first produce a certificate of his or their having taken the oath or affirmation required by the said act to which this is a supplement anything in this act or in the act to which this is a supplement contained to the contrary thereof in any wise notwithstanding.

Passed October 12, 1777. See the note to the Act of Assembly passed June 13, 1777, Chapter 756. The act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

CHAPTER DCCLXVI.

AN ACT FOR CONSTITUTING A COUNCIL OF SAFETY AND VESTING THE SAME WITH THE POWERS THEREIN MENTIONED.

Whereas the British troops have penetrated into this state, and after much devastation and great cruelty in their progress have seized the metropolis:

And whereas in times of such danger and confusion the ordinary powers of government cannot be regularly administered, more especially as the term for which the present legislative body of the commonwealth have been chosen will speedily expire whereby evil-minded persons may be encouraged by open or secret practices to assist the common enemy and further to distress the good people of this commonwealth; for prevention whereof it hath become necessary for a limited time to vest fit persons with summary and adequate powers to punish offenders and restrain abuses:

[Section I] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the members of the supreme executive council of this state together with John Bayard, Jonathan Sergeant, Jonathan B. Smith, David Rittenhouse, Joseph Gardner, Robert Whitehill, Christopher Marshall, James Smith, of Yorktown, Jacob Orndt, Curtis Grubb, James Cannon and William Henry,

of Lancaster, Esquires, be constituted and they are hereby constituted a council of safety, with full power to promote and provide for the preservation of the commonwealth by such regulations and ordinances as to them shall seem necessary, and to proceed against, seize, detain, imprison, punish, either capitally or otherwise as the case may require, in a summary mode either by themselves or others by them to be appointed for that purpose, all persons who shall disobey or transgress the same or the laws of this state heretofore made for the purpose of restraining or punishing traitors or others who from their general conduct or conversation may be deemed inimical to the common cause of liberty and the United States of North America.

And the said council of safety are hereby authorized and empowered by the authority aforesaid to take and seize where it may be needful provisions and other necessaries for the army or the inhabitants, and to appraise and value the same so taken, and for this end to appoint proper persons under them to take, seize and appraise as aforesaid. And the said council of safety shall in general regulate the prices of such articles as they may think necessary and compel a sale thereof where they shall be wanted, with full power also to call to their aid all officers and other persons, civil or military, in the execution of the premises.

[Section II] And be it further enacted by the authority aforesaid, That the president or vice-president of the executive council [and any six of the said members of the said council] of safety shall be a quorum to do business.

Provided always, That the exercise of the ordinary course of justice in the trial and punishment of offenders shall proceed and take its effects, and that original writs and process in the law for debts and demands may be issued and carried on notwithstanding this act or anything therein contained; and that all other civil and lawful business and actings be done and performed in the manner practiced at the time of passing this act as far as the present condition of the state will admit, so as that the exercise of the authority and jurisdiction hereby given and granted to the said council of safety or the authority given to the supreme executive council by an act of general assembly passed this present year, entitled "An act to empower the su-

preme executive council of this commonwealth to provide for the security thereof in special cases where no provision is already made by law,"¹ be not obstructed or questioned.

[Section III.] And be it further enacted by the authority aforesaid, That the members of the said executive council and the said John Bayard, Jonathan Sergeant, Jonathan B. Smith, David Rittenhouse, Joseph Gardner, Robert Whitehill, Christopher Marshall, James Smith, of Yorktown, Jacob Orndt, Curtis Grubb, James Cannon and William Henry, of Lancaster, or any other person acting under their authority in the premises or any of them, shall not at any time hereafter be liable to any suit, action or prosecution for anything done in pursuance of this act or the powers hereby given and granted, but that they and each of them shall be collectively and severally indemnified, saved harmless and discharged of the same and that all such suits, actions and prosecutions shall be barred, abated and discontinued by the court before whom the proceedings shall be brought.

[Section IV] And be it further enacted by the authority aforesaid, That the supreme executive council of this state may at any time during the continuance of the powers and authorities hereby granted by proclamation or other public act renounce, determine and extinguish the same and every part thereof, and that thereupon the said powers and every of them shall cease and become void and be no longer exercised or enforced.

Provided lastly, That the powers hereby given and intrusted to the said council of safety shall continue and remain in force (unless otherwise sooner determined) to the end of the next sitting of general assembly and no longer.

Passed October 13, 1777. See the Acts of Assembly passed August 31, 1778, Chapter 804; September 2, 1778, Chapter 806; December 5, 1778; Chapter 824; March 31, 1779; Chapter 835; March 1, 1780, Chapter 882. Expired.

¹ Passed September 16, 1777, Chapter 762.