

CHAPTER DCCXXXIX.

AN ACT DIRECTING THE MODE AND TIMES OF ELECTING JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA, AND THE SEVERAL AND RESPECTIVE COUNTIES IN THIS COMMONWEALTH, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

(Section I, P. L.) Whereas it is directed in the constitution of this state, "That justices of the peace shall be elected by the freeholders of each city and county respectively, as the law shall direct:"

[Section I] (Section II, P. L.) 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 freeholders of each ward of the city of Philadelphia, the freeholders of the district of Southwark and the townships of Moyamensing and Passyunk united and the township of the Northern Liberties of the said city are hereby authorized and required to meet at the state house in the said city on the twentieth day of February instant, and then and there each ward in the city, the said united district and the said township of the Northern Liberties of the city of Philadelphia for themselves respectively, to elect two fit persons for justices of the peace for each ward and four fit persons for justices of the peace for the said united district (consisting of the district of Southwark and the townships of Moyamensing and Passyunk aforesaid) and four fit persons for justices of the peace for the said Northern Liberties.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and assessors who have then been last elected to assess and levy the public taxes of the counties of Philadelphia, Bucks, Chester, Lancaster, Berks, York and Northampton or some five of them in each of the counties aforesaid for which they were chosen respectively, shall meet together on or before the twentieth day of February next at the court house in each respective county and divide the

¹The original roll of this act is missing; and therefore it has been compared with the copy in the Act Books.

county of Philadelphia into twelve districts, the county of Bucks into thirteen districts, the county of Chester into fifteen districts, the county of Lancaster into twenty-two districts, the county of Berks into twelve districts, the county of York into eighteen districts and the county of Northampton into sixteen districts, and shall appoint and publish the time and place of election by at least six public advertisements in each respective district, the publication to be at least ten days before the day of election, for which they shall be paid at the same rate as they shall be paid for their other services; and the freeholders of each of the several and respective districts in each of the counties aforesaid are hereby authorized and required to meet together on the tenth day of March at the place so appointed by the commissioners and assessors and elect two fit persons for justices of the peace for each district.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the commissioners and assessors of any of the counties aforesaid shall neglect or refuse to do and perform the duties and services required of them by this act, every such commissioner or assessor so refusing or neglecting to appear at the time herein appointed (if not prevented by sickness or other unavoidable accident) shall forfeit and pay the sum of twenty pounds to the treasurer for the time being, to be added to the tax raised in such county to defray the public debts of the county, the said forfeiture to be levied and collected by such commissioners and assessors as do so appear, as the county taxes are levied and collected.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township in the county of Cumberland are hereby authorized and required to meet on the twenty-fifth day of March next, and the freeholders of each township in the counties of Bedford, Northumberland and Westmoreland are hereby authorized and required to meet together on the twenty-fifth day of April next, at some proper place in each township and elect two fit persons for justices of the peace for each township; but where there is a county town in any district in this state not having a charter right to elect burgesses, the freeholders of such district shall elect six

fit persons for justices of the peace for such district; but before the freeholders of any ward in the city of Philadelphia or the district composed of the district of Southwark and the townships of Moyamensing and Passyunk and the township of the Northern Liberties of the city of Philadelphia or any other district or township shall proceed to the election of justices of the peace, they shall on the same day at the place appointed for the election (if not before done) elect one sufficient person for inspector and one for an assistant judge where such district shall consist of more than one township, but where a district shall consist of but one township the freeholders shall elect one inspector and two assistant judges, and the said judges shall assist the said inspectors in receiving and counting the votes of electors and preventing frauds and impositions therein. And when the elections are finished and the numbers cast up, the inspector or inspectors and judges aforesaid or a majority of them shall forthwith transmit a certificate thereof under their hands and seals to the president and council or to the general assembly if then sitting, and one-half the number so elected shall be commissioned according to the constitution of the state.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That before the inspectors and judges proceed to receive the votes of the freeholders they shall take an oath or affirmation to the following effect (speaking the words themselves without any person administering the same), to-wit, if an inspector:

“I do swear, or I do solemnly, sincerely and truly declare and affirm, that I will well and faithfully receive and cast up all the freeholders’ votes within my precinct as may be offered to me at this election for justices of the peace, and I will not refuse any vote through prejudice or ill-will nor receive any through favor or affection, but will behave myself as an honest inspector of this election according to the best of my skill and judgment.”

And if a judge of the election:

“I will faithfully assist the inspectors of this election in performing the duties required of them by this act according to the best of my skill and judgment.”

And the overseers of the poor of the respective townships in

the counties of Cumberland, Bedford, Northumberland and Westmoreland are hereby directed and required to appoint a place for holding the said election in their respective townships and give public notice thereof by advertising the same at six or more public places at least ten days before the time appointed by this act under the penalty of ten pounds for every refusal or neglect, to be paid to the person that will sue for them. But if it shall happen that any township or townships shall not have therein any overseers of the poor at the time aforesaid, it shall and may be lawful for the inhabitants of such township or townships respectively to meet together at some place as they may agree on and elect two fit persons for justices of the peace for each of such townships in the manner before mentioned.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the boroughs of Chester, Bristol and Lancaster shall be and they are hereby authorized and empowered to exercise the right of electing burghesses, constables and other their officers as is by their several and respective charters granted to them, and moreover the burghesses of the boroughs of Bristol and Lancaster shall be justices of the peace for the county in which they respectively are and have equal power with the other justices of the peace for such county without any further or other commission for that purpose.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That when the justices of the peace elected as aforesaid or that may be appointed by the president and council have taken the oaths or affirmations and received their commissions as directed in the constitution of this state, they shall and may exercise all the powers, authority and jurisdiction that the justices of the peace might, or could or ought to have had under the late laws and charter of the province of Pennsylvania before the fourteenth day of May last, and their precepts shall be in the style and name of the Commonwealth of Pennsylvania in all cases where the King's name has heretofore been used in such precepts, subject nevertheless to the abridgments, exceptions and regulations made by an act of general assembly of this state, entitled "An act to revive and put in force

such and so much of the late laws of the province of Pennsylvania as is judged necessary to be in force in this commonwealth and to revive and establish the courts of justice and for other purposes therein mentioned.¹

Passed February 5, 1777. See the Acts of Assembly passed March 15, 1777, Chapter 749; August 31, 1778, Chapter 805. Repealed by the Act of Assembly passed March 31, 1784, Chapter 1093.

CHAPTER DCCXL.

AN ACT DECLARING WHAT SHALL BE TREASON AND WHAT OTHER CRIMES AND PRACTICES AGAINST THE STATE SHALL BE MISPRISON OF TREASON.

(Section I, P. L.) Whereas it is absolutely necessary for the safety of every state to prevent as much as possible all treasonable and dangerous practices that may be carried on by the internal enemies thereof and to provide punishments in some degree adequate thereto, in order to deter all persons from the perpetration of such horrid and dangerous crimes:

Therefore:

[Section I] (Section II, P. L.) Be it 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 all and every person and persons (except prisoners of war) now inhabiting, residing or sojourning within the limits of the state of Pennsylvania or that shall voluntarily come into the same hereafter to inhabit, reside or sojourn, do owe and shall pay allegiance to the state of Pennsylvania.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons belonging to or residing within this state and under the protection of its laws shall take a commission or commissions from the

¹ Passed January 28, 1777, Chapter 735.