

CHAPTER DCCCXXII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT."¹

(Section I, P. L.) Whereas every government hath an inherent and unquestionable right to exact a test of allegiance from all persons within it at such time and in such manner as the preservation and safety of the state shall require:

(Section II, P. L.) And whereas in conformity to this acknowledged principle of government the general assembly of this state hath enacted sundry laws by which all the male white inhabitants of this state (except certain persons therein excepted and described) should on or before the first day of June last, take and subscribe the oath or affirmation of allegiance directed by an act of general assembly of this commonwealth, passed on the thirteenth of June Anno Domini, one thousand seven hundred and seventy-seven:²

(Section III, P. L.) And whereas divers faithful subjects of this state and well affected to the liberty and independence thereof, from sickness, absence, want of information, and other unavoidable causes have omitted to take the said oath within the limited times, and are thereby become subject to the disabilities and penalties therein imposed:

(Section IV, P. L.) And whereas no sufficient security is provided in the said laws to prevent persons disaffected to the independence of this state from being elected into office, and doubts have also arisen on the construction of the said acts, which render it necessary to amend and explain the same:

[Section I.] (Section V, 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 all and every the male white

¹ Passed April 1, 1778, Chapter 796.

² Passed June 13, 1777, Chapter 756.

inhabitants above the age of eighteen years who have taken the oath or affirmation of allegiance as prescribed by law on or before the first day of June last, or who being then out of this state and who were within the exceptions of the act for the further security of government and had not an opportunity of taking the said oath or affirmation on or before the said first day of June but have since taken the same as directed by the said act, and have not thereafter taken any oath or affirmation of allegiance to the King of Great Britain, shall have and are hereby declared to have all the privileges of a free citizen of this state.

(Section VI, P. L.) Provided, That nothing in this act contained shall extend to remove any of the incapacities which minors are by law subjected to.

[Section II.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every person who hath taken and subscribed the said oath or affirmation since the first day of June last and shall at any time after the publication of this act also take and subscribe, in the county where he resides before one of the commissioners hereinafter appointed the following oath or affirmation of allegiance, shall be, and is hereby declared to be, a free citizen of this state, and entitled to all and every the privileges thereof.

I, A. B., do solemnly and sincerely declare and swear, or affirm, that the state of Pennsylvania is, and of right ought to be, a free, sovereign and independent state. And I do forever renounce and refuse all allegiance, subjection and obedience to the King or crown of Great Britain. And I do further swear (or solemnly, sincerely and truly declare and affirm) that I never have since the declaration of independence, directly or indirectly aided, assisted, abetted or in any wise countenanced the King of Great Britain, his generals, fleets or armies, or their adherents in their claims upon these United States. And that I have ever since the declaration of the independence thereof demeaned myself as a faithful citizen and subject of this or some one of the United States. And that I will at all times maintain and support the freedom, sovereignty and independence thereof.

[Section III.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every person now in office or

[place of trust under this government] shall on or before the first day of April next and every person hereafter appointed or elected into any office [or place of trust under this government] whatsoever, shall, before he enters upon the execution or duties thereof, make and subscribe, before the said commissioners or one of them, the aforesaid oath or affirmation.

[Section IV.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every person who hath not taken the oath or affirmation directed to be taken by the said laws, or on or before the said first [day] of June last (except the persons before excepted) and who shall refuse or neglect to take and subscribe the oath or affirmation of allegiance herein prescribed, shall be and is hereby declared to be excluded from and incapable of electing or being elected into or holding, any office or place of trust under this government, and of serving on juries during the time of such neglect or refusal; but that all other penalties, incapacities and disabilities imposed by any former acts of assembly shall from henceforth cease and determine.

(Section X, P. L.) Provided always, That nothing in this act contained shall extend to discharge any person who has incurred a forfeiture of double taxes from the payment thereof in such assessments as have been made or which shall be made by virtue of the laws of this state heretofore passed.

[Section V.] (Section XI, P. L.) Be it further enacted by the authority aforesaid, That all and every person or persons who having taken the oath or affirmation of allegiance to this state before the first day of June last, and have since taken the oath or affirmation of allegiance to the King of Great Britain shall be in like manner excluded from and incapable of electing or being elected into or of holding any office or place of trust under this government until they shall take the oath herein prescribed.

[Section VI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all persons removing into this state from other states and bringing with them authentic certificates of their having duly taken the oath or affirmation of allegiance to the state from which they have removed, shall be entitled to all the privileges of a free citizen of this state, upon taking and subscribing the oath or affirmation herein prescribed.

ed: And all strangers from beyond seas, if otherwise qualified, pursuant to the constitution of this state, shall be entitled to the privileges of freemen upon their respectively taking the oath or affirmation prescribed by the said act of assembly passed the thirteenth of June one thousand seven hundred and seventy-seven.¹

[Section VII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the following persons and each of them be and they are hereby appointed commissioners within the city of Philadelphia and within the several counties of the state for administering the oath or affirmation of allegiance herein prescribed, viz.: James Young, Plunket Fleeson, John Ord, and Isaac Howell, Esquires, for the city of Philadelphia; John Moore, Jonathan B. Smith, David Knox, Seth Quee and John Richards, Esquires, for the county of Philadelphia; Henry Wynkoop, Thomas Dyer and Thomas Lang for the county of Bucks; Persifer Fraser, John Kinkead and John Baton for the county of Chester; Thomas Whitesides, John Whitehill, Robert Craig, Robert Elder, John Thom and Christopher Marshall, Senior, of the county of Lancaster; Richard McAllister, David Watson, William Bailey, William Smith, Robert Stevenson and William McClean, Esquires, for the county of York; James Oliver, John Agnew, Samuel McCune, Archibald Erwin, Samuel Royer, Robert Peebles, David Elder, David McClure, Samuel Lyons and William Brown, Esquires, for the county of Cumberland; Henry Christ, John Patton, Richard Tea, Colonel Jonathan Jones, Samuel Ely and Nicholas Jones, Esquires, for the county of Berks; John Chambers, John Arndt, William McNair, Jacob Morey, Jacob Horner and Matthias Probst, Esquires, for the county of Northampton; David Espy, Abraham Cable, Benjamin Elliot and Robert Scott, Esquires, for the county of Bedford; Wilton Atkinson, William Shaw, Andrew Culbertson and Samuel Allen, Esquires, for the county of Northumberland; Edward Cook, Charles Foreman, James Barr and George Reading, Esquires, for the county of Westmoreland. Which said commissioners shall have the sole and exclusive right so to do, and which oath or affirmation shall and may be administered by any

¹ Passed June 13, 1777, Chapter 756.

one of the said commissioners; and they shall keep fair and regular registers of all persons by them so sworn or affirmed and deliver out certificates as by the former laws of this state the several justices of the peace were authorized to do; for each of which certificates the commissioner signing the same shall have and receive from the party the sum of seven shillings and six pence. And the said commissioners are hereby authorized and required, to collect authentic copies of the several registers now made and cause the same to be lodged in the prothonotary's office of their respective counties; and if any person possessed of any such register, shall upon demand, refuse to deliver an authentic copy of the same to the said commissioners or either of them, when required so to do, he shall forfeit the sum of one hundred pounds for every such refusal, to be recovered by the said commissioners of the city or respective counties, or a majority of them, in any court of record within this commonwealth by action of debt or otherwise.

[Section VIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That in case of the death, disability or refusal of any person to act as commissioner for the purpose aforesaid, the executive council are hereby authorized and required to make a new appointment, and fill all vacancies as they may happen. And the said commissioners and every of them before they proceed in the execution of their respective offices, shall, and they are hereby required to make and subscribe as well the oath or affirmation herein before prescribed, as the following oath or affirmation before some justice of the peace of this commonwealth, viz.:

"I, A. B. (do swear or affirm), That I will well and faithfully execute the office of a commissioner for administering the aforesaid oath or affirmation of fidelity and allegiance within the city of Philadelphia, or the county of, and that I will keep a true register of all persons who shall take the said oath or affirmation, and make true return thereof, and of the time when the same are so administered from time to time when required in due course of law," and the said commissioners shall, and they are hereby required to transmit to the judges of every election within the city and every district within this commonwealth, authentic copies of said register on the day of any election hereafter to be held, and previous to the opening of the

same; and every commissioner neglecting or refusing so to do shall forfeit for every such offense the sum of one hundred pounds, to be recovered by the prothonotary of the county in an action of debt, in any court of record within this state.

[Section IX.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That any commissioner or justice of the peace, who shall be legally convicted of antedating any certificate directed to be given by this or any former law of this state, shall be from thenceforth forever excluded from holding any office or place of trust or profit whatsoever under this state; And any other person who shall be legally convicted of forging any such certificate or altering the date thereof, shall be punished as forgers of deeds are by the common law.

[Section X.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That all fines which shall be recovered in pursuance of this act shall be paid to the treasurer of this state for the use of the state.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That so much of the acts, entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,"¹ "A supplement to the act, entitled 'An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,'"² "An act for the further security of government,"³ and another act, entitled "A supplement to the act, entitled 'An act for the further security of the government,'"⁴ as are hereby altered and supplied shall be, and are hereby repealed and declared null and void; but that all other clauses, matters and things in the said acts and supplements contained shall be and are hereby declared to be in full force and virtue as fully to all intents, purposes and constructions as if the present act had not been made.

Passed December 5, 1778. See the note to the Act of Assembly passed April 1, 1778, Chapter 796. The Act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

¹ Passed June 13, 1777, Chapter 756.

² Passed October 12, 1777, Chapter 765.

³ Passed April 1, 1778, Chapter 796.

⁴ Passed September 10, 1778, Chapter 813.