

C H A P.
XX.

convicted by a petit jury, after a presentment by a grand jury, in a court to be erected in this colony by the next convention, or shall stand mute, or peremptorily challenge above the number of twenty of the pannel, shall suffer death as a felon, without benefit of clergy.

C H A P. XXI.

An ACT to assess and impose an equal tax on all property within this state.

Viz. for raising 10/ on every £. 100 of private property within the state.

C H A P. XXII.

An ACT relating to the assessment of property in this state.

This act allowed debtors who are under an obligation to pay interest, to discount 10/ out of every £. 6 due for interest; and, to make amends to their creditors, it directs that debts shall not be taxed.

There is another singular provision. The assessors were directed to take the oath of any person, when tendered, as complete evidence of the value of his property, and to rate him accordingly. Public offices of profit, the profession of the law, the employment of an hired clerk, acting without commission, and of a factor, agent or manager, using commerce, were all taxed 5/ in every £. 100 of the clear annual profit.

C H A P. XXIII.

An ACT for the payment of the journal of accounts.

C H A P. XXIV.

An ACT for enlarging the powers of the governor and the council.

The governor and council are invested with as full powers (except that of banishment) as have at any convention been lodged in the councils of safety. They are likewise authorized to engage volunteer militia, with the same allowance of pay and rations as was given to continental troops, for such time and on such terms as they shall think proper, to march into any of the adjoining states; to procure, at discretion, magazines and provisions for any militia called into service, and to collect as many arms as possible; to execute any resolve, and to comply with any requisition of congress which they may judge for the interest and safety of the state; to send exports at discretion; and to import military stores and necessaries; to employ persons who shall fit, equip and manage, the state vessels of war, and do any other business under their control and superintendance. And to enable them to exercise these various duties, they are empowered to draw at discretion on either of the treasurers. In the absence of the governor the council may execute all the powers conferred by this act.

This act further directs, that militia fines be levied by distress and sale, under warrant of a justice, and authorized the officers, who should adjudge a fine, to commit the offender to a serjeant, provided they should prefer that mode of compulsion.

This act lastly declares, all resolves of the session to be equally binding with formal acts of assembly. It was to continue in force until the fifth day of the succeeding session. It was continued by the act of June, 1777, ch. 7, until the fifth day of the next session. By the act of October following, ch. 2, it had a similar continuance. At the succeeding session in March, 1778, it was suffered to expire; but in a few days after, by ch. 3, it was revived to continue until the end of that session, at which period it finally expired, another act under the same title having been previously passed.

N. B. To ascertain what were the powers of the council of safety, it is necessary to resort to the proceedings of the conventions.

At the convention held on the 26th of July, 1775, sixteen persons, eight of whom are chosen from each shore, are appointed a council of safety, any nine of whom, or a majority thereof, when met, may direct the operations of the minute-men and militia, grant all military commissions, appoint field officers, and appoint and regulate the rank of all military officers; in the recess of convention to call forth the minute-men into action, in any place in this or any neighbouring colony, and order the militia into action in any part of the province, at such times, in such proportions, and on such occasions, as they may think proper; and do every thing, in their own discretion, for defending and strengthening the province. In cases of necessity, a majority of the members on either shore may appoint courts martial, hear, determine and punish, dangerous offences, according to the resolves of that convention, call forth the minute or militia men of their shore, and, after doing these things, as soon as possible, they are to call a meeting of the council at large, whose resolutions may control their proceedings. The council, or either branch of it, may draw on the treasurers of the respective shores, and suspend any officer of the minute-men or the militia. And the council, on a full hearing, may displace any field officer, commission another in his stead, and fill up all vacancies below the degree of a field officer. Any two of this council are authorized to call either a meeting of the whole body or of their own branch. The council may call a meeting of the convention before the day to which it shall stand adjourned; on the meeting of the convention their power is to be at an end, they are to render an account of their proceedings, and to the succeeding council one half of them are to be ineligible.

By the convention which met on the 7th of December, 1775, seven persons were appointed a council of safety, four of them residing on the western and three on the eastern shore, with the following powers, viz. To direct the operation of the regular forces, minute-men and militia; to grant all military commissions; to appoint all officers not appointed by this convention; to regulate military rank; to call forth into action the regulars and minute-men to any place within this or any neighbouring colony, and to order the militia to any place within the province, at any time and in any proportions they may think proper; to do all things for the defence of the province which they may think necessary; to suspend or displace any regular, minute or militia officer, and fill up all vacancies; to draw for the bills of credit for the purpose of executing the resolves of convention, discharging present and future contracts, and defraying the expences of the regulars and minute-men; to arrest, confine and imprison, until the next convention, all persons guilty of high and dangerous offences, tending to disunite the people, or destroy the liberties of America; to hear, try and imprison, all offenders of this class sent to them by the several committees of observation; to pardon persons sentenced by courts martial to death; to call the convention before the time to which it shall be adjourned. Their power is to continue until the end of the next convention, to which they are to render an account.

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