

C H A P.
IX, X.

town; which person so to be appointed as aforesaid shall, on certificate thereof being to him delivered, qualify himself within five days in manner and form above directed, and be subject to the same penalties that other constables are by law subject to for refusing to qualify and act as such.

C H A P X.

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

Preamble.

WHEREAS in times of imminent danger, it is necessary for the safety and protection of the state, that extraordinary powers be vested in the governor and council, and it is at all times necessary, that a proper respect and regard be paid to the supreme executive authority :

During an invasion, &c. governor and council may cause dangerous persons to be arrested, &c.

II. Be it therefore enacted, by the General Assembly, That during any invasion of this or any of the neighbouring states of Virginia, Pennsylvania, or Delaware, by an army, or of this state by ships of war, the governor and council shall have full power and authority to arrest, or cause to be arrested, any person or persons, whose going at large they shall have good grounds to believe, from their own knowledge or on information upon oath or affirmation of any credible witness, may be dangerous to the state, and shall confine such person or persons in any gaol or place, or restrain and enjoin such person or persons to be and remain within any particular district or limits of this state, or in their discretion suffer such person or persons to go at large, giving security for his or their good behaviour; and during such invasion, no person so arrested and imprisoned, or so restrained, shall have or receive any benefit or advantage from the *habeas corpus* act, but shall and may, if they think themselves aggrieved, apply by petition to the next general assembly, to which the names of all persons, so arrested, committed, or confined, with the cause of their respective arrests, shall be returned by the governor and council.

Governor and council to have as full power as any judge or justice, &c.

III. And be it enacted, That the governor and council shall have as full and ample power and authority as any judge or justice, to take recognizance of, and arrest and confine, or cause to be arrested and confined, any person or persons, who may have been or shall be guilty of any of the crimes and misdemeanors enumerated in the act, entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism, or in an act to punish certain crimes, or who may have been or shall be guilty of the several offences enumerated in the thirty-fifth section of the act, entitled, An act for the better security of the government.

All recognizances taken by them, good and effectual, &c.

IV. And be it enacted, That all recognizances taken by the governor and council, in virtue of this law, shall be as good and effectual as if the same were taken by any judge or justice; and the governor and council, having good ground to believe that a breach has been made of the condition of any such recognizance, may cause process to issue against the principal and the surety or sureties, or either of them, from the courts of law, according to their known and established jurisdictions.

V. AND,