

made in the said act, for the choice of treasurer in cases wherein it appears, by the counting and sorting said votes, that no person has a majority, or in case of the death or removal, or non-acceptance of the person so chosen ; wherefore, for preventing of such inconveniences for the future,—

*Be it enacted by the Council and House of Representatives in Gen[era]l Court assembled, and by the authority of the same,*

Two justices, *quorum unus*, to call a meeting, in certain cases, for the choice of county treasurers.

That when and so often as a vacancy shall happen in the office[r] of treasurer within any of the counties in this state, by reason of any of the causes above mentioned, it shall and may be lawful[1] for any two or more of the justices within such county, *quorum unus*, and they are hereby impowered, to grant out their warrant, directed to the selectmen of the several towns in the county, ordering them forthwith to convene the freeholders and other inhabitants, qualified by law to vote for selectmen and other town officers, and proceed to the choice of some meet person for treasurer of said county, in the same manner as is prescribed in the act above recited. The said justices shall also make out their warrants, returnable to themselves on a certain day, as soon as can conveniently be done, directing the said selectmen to seal up the votes for treasurer, and return them, together with said warrant. And the abovesaid justices shall, at the same time, give out their notifications, to the other justices of said county, of their proceedings herein, desiring them to meet, on the day appointed for the return of said warrants, at some certain place in the shire town in said county. And the justices so met[t] shall proceed to open and sort the votes ; and the person having the most votes shall be treasurer for such county until[1] the time appointed by law for the choice of treasurers throughout this state. [*Passed June 19.*]

## CHAPTER 9.

AN ACT TO DIRECT THE JUSTICES OF THE SUPERIO[U]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, TO TRY CERTAIN PERSONS NOW CONFINED IN THE GOAL AT NORTHAMPTON, IN THE COUNTY OF HAMPSHIRE, AND IN THE GOAL AT GREAT BARRINGTON, IN THE COUNTY OF BERKSHIRE; AND FOR PROCURING EVIDENCE TO BE USED IN SAID TRIALS.

Preamble.  
1776-77, chap. 32,  
§ 6.

WHEREAS, in and by an act or law of this government, made and passed in the year of our Lord one thousand seven hundred and seventy-seven, intituled "An Act against treason and mispris[i]on of treason, and for regulating trials in such cases, and for directing the mode of ex[e]cuting judgments against persons attainted of felony," it is provided, "That all manner of offences made and declared by that \* act, or which should \* thereafter \* be made and declared by any other \* laws or statutes of this state, to be treason or \* mispris[i]on of treason, or concealment of treason, which should thereafter \* be done, perpetrated or committed by any person or persons without the limits of this state, should \* be inquired of, heard and determined before the justices of the superio[u]r court of judicature, court of assize and general goal delivery, within such county as the supreme executive power should \* order and direct, by good and lawful men of the same

\* The text varies, here, from the language of the act quoted.

county, in like manner and form, and \* to all intents and purposes as if such treasons, mispris[i]ons\* of treasons, or concealment of treasons,\* had been done, perpetrated and committed within the same county;” and whereas several persons, subjects of this state, and inhabitants of the same, are now, on suspicion of treason committed without the limits of this state, confined in the common goals in Northampton, in the county of Hampshire, and in the common goal in Great Barrington, in the county of Berkshire, by order of the council of this state; and it being necessary, for divers reasons, that a speedy and impartial trial thereon be had by order and direction of the general assembly,—

*Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the attorney-general of this state be, and he hereby is, directed to lay such evidence as he shall obtain against the s[ai]d several persons so confined in said goals, by order of the council, for treason, mispris[i]on of treason, or concealment of treason, before the grand jurors who shall be returned and impannelled according to law, to serve on the grand inquest for the bodies of the counties of Hampshire and Berkshire, at the superior court of judicature, court of assize and general goal delivery, to be held at Springfield, in the said county of Hampshire, and for the said counties of Hampshire and Berkshire, on the fourth Tuesday in September, in the year of our Lord one thousand seven hundred and seventy-eight; and the said grand jurors are hereby empowered to enquire into, and make presentment to the said court of, all treasons, mispris[i]ous of treasons, or concealment of treasons, done, perpetrated and committed by the said persons so confined in the goals aforesaid, at any place without the limits of this state, in the same manner and as fully to all intents and purposes as if the same had been done, perpetrated and committed in either of the said counties of Hampshire and Berkshire; and the justices of the said court are directed and empowered to proceed to arraignment and trial of them, the said persons confined as aforesaid by order of council, or either of them, against whom a bill may be found, by the s[ai]d grand jurors in manner aforesaid, for treason, mispris[i]on of treason, or concealment of treason, done, committed and perpetrated by them, without the limits of this state, in the same manner, and to all intents and purposes, as if the same felonies had been done and committed within the bodies of the said counties of Hampshire and Berkshire. And if upon such trial the said persons so confined, or either of them, shall be found guilty of treason, mispris[i]on of treason, or concealment of treason, the justices of the said court are empowered and directed to pass sentence upon them in the same manner as the act before mentioned directs; and the sheriffs of said counties, or either of them, are hereby empowered to execute such sentence, upon regular warrant from the council, accordingly.

Attorney-general to lay the evidence before the grand jurors.

1769-70, chap. 17, § 1.

Grand jurors empowered to make presentments.

Justices of said court empowered to try said persons.

Justices empowered to pass sentence.

And to the intent that the trial may be justly had, as well on the part of the prisoners before mentioned as on the part of the government,—

*It is enacted by the authority aforesaid,*

[SECT. 2.] That Timothy Edwards and Jahleel Woodbridge, Esq[ui]r[s], be, and they hereby are, empowered and directed to summon or bring before them all such persons as may serve as witnesses against the said persons so committed, or confined, as aforesaid, or either of them, and all such persons as they, the said prisoners so

Timothy Edwards and Jahleel Woodbridge, Esqrs., empowered to summon witnesses.

\* The text here, varies from the language of the act quoted.

