

Sir P. Maitland, K. C. B. Lieut. Governor.

NAYS—Messrs. Attorney General, Burnham, Burke, Clark, Gordon, Ingersol, Charles Jones, Leftery, Morris, VanKoughnett, Walsh, and Wilkinson—12

The question was carried in the affirmative by a majority of six and ordered accordingly.

The original question as amended was then put and carried.

Mr. Boulton, Master-in-Chancery, brought down from the Honourable the Legislative Council the bill entitled "An Act to render justices of the peace more safe in the execution of their duty," which they had passed and to which he was desired to request the concurrence of the Commons House of Assembly, and the bill entitled "An Act to repeal an act passed in the forty fourth year of His late Majesty's Reign, Chap. the first, entitled "An Act for the better securing this Province against all seditious attempts or design to disturb the tranquillity thereof," to which the Honourable the Legislative Council had made some amendments, and to which also he was desired to request the concurrence of this House, and having retired the bill sent down from the Honourable the Legislative Council entitled "An Act to render justices of the peace more safe in the execution of their duty," was read the first time.

Mr. Morris, seconded by Mr. Burnham, moves that the bill sent down from the Honourable the Legislative Council entitled "An Act to render justices of the peace more safe in the execution of their duty," be read a second time on Friday next.

In amendment Mr. Charles Jones, seconded by Mr. Clark, moves that after the word "that" in the original motion, the whole of the motion be expunged and that the following be inserted, "the bill be read a second time this day three months."

On which the House divided and the yeas and nays being taken were as follows :—

YEAS—Messrs. Atkinson, Bidwell, Clark, Fothergill, Hornor, C. Jones, Leftery, Lyons, Matthews, McBride, McCall, Perry, Playter, Randal, Rolph, Scollick, Thomson, VanKoughnett, Wilkinson, and White—20.

NAYS—Messrs. Attorney General, Beasley, Burnham, Burke, Gordon, Ingersol, McDonald, Morris, Thompson and Walsh—10.

The question was carried in the affirmative by a majority of ten, and ordered accordingly.

The original question as amended was then put and carried.

The amendments made by the Honourable the Legislative Council to the bill entitled "An Act to repeal an act passed in the forty fourth year of His late Majesty's Reign, Chap. the first, entitled "An Act for the better securing this Province against all seditious attempts or design to disturb the tranquillity thereof," were then read the first time as follows :—

In the title expunge "repeal" and insert "alter and amend."

Press 1, line 1, expunge "repeal" and insert "alter and amend."

" " " 10. After "that" expunge the remainder of the bill and insert "from and after the passing of this act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, for the members of the Legislative and Executive Councils, the Judges of His Majesty's Court of King's Bench, for the time being, respectively, or for any persons authorised in that behalf by an instrument under the hand and seal of the Governor, Lieutenant Governor, or person administering the Government for the time being, or any three or more of them on the oath of one or more credible witness or witnesses, by warrant or warrants under their hands and seals to arrest any person or persons, not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants or not having taken the oath of allegiance to our Sovereign Lord the King, who by words, actions or other behaviour or conduct, hath or have endeavoured, or is or are endeavouring to alienate the minds of His Majesty's Subjects of this Province from His person or Government, or in anywise with a seditious intent to disturb the tranquillity thereof, to the end that such person or persons shall forthwith be brought before the said persons so granting such warrant or warrants against him, her, or them, or any other persons duly authorised to grant such warrant or warrants by virtue of this Act; and if such person or persons, not being such inhabitant or inhabitants aforesaid, or not having taken such oath of allegiance shall not give to the persons so granting such warrant or warrants or so authorised as aforesaid before whom he, she, or they shall be brought, full and complete satisfaction that his, her or their words, actions, conduct or behaviour had no such tendency, or were not intended to promote or encourage disaffection to His Majesty's person or Government, it shall and may be lawful for the said persons, so granting such warrant or warrants, or so authorised, as aforesaid and they are hereby required to deliver an order or orders in writing to such person or persons not being such inhabitant or inhabitants as aforesaid or not having taken such oath of allegiance, requiring of him, her or them to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she, or they should be permitted to remain in this Province, to require from him, her, or them good and sufficient security, to the satisfaction of the persons acting under the authority hereby given, for his, her or their good behaviour, during his, her or their continuance therein.

II And be it further enacted by the authority aforesaid, that if any person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who by any order or orders so delivered to him, her or them, is or are required to depart this Province within a time limited by that order, should by sickness or other impediment be prevented from paying due obedience to the same, it shall and may be lawful for the persons who have issued such order or orders as aforesaid or for any persons as aforesaid authorised by this act so to do (the persons acting under the authority hereby given being first satisfied by such impediment by sickness or otherwise ought to be admitted as a reason for such order as aforesaid not having been obeyed) by an indorsement in writing upon the said order or orders, or otherwise in writing to enlarge the time specified in the said order or orders from time to time as occasion may require, and if any person or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner hereinbefore specified, shall be found at large therein, or return thereunto after the time limited by any or either of such orders, without license from the Governor, Lieutenant Governor, or person administering the Government for the time being, in that behalf, or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province upon such security as aforesaid, shall by words, actions, or otherwise endeavour or give just cause to suspect that he, she or they, is or are about to endeavour to alienate the minds of His Majesty's Subjects of this Province from His person or Government, or in anywise with a seditious intent to disturb the tranquillity thereof, it shall and may be lawful for any three or more of the said persons so authorised by this act as aforesaid, and they are hereby required by warrant or warrants, under their hands and seals to commit such person or persons so remaining at large or returning into this Province without such license as aforesaid, or so endeavouring, that he, she or they, is or are about to endeavour so to alienate the minds of His Majesty's Subjects of this Province, or in anywise with a seditious intent to disturb the tranquillity thereof, to the common Gaol or to the custody of the Sheriff of the District in such Districts in which there shall be no Gaol at that time, there to remain without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant Governor or person administering the government for the time being, until he, she, or they, can be prosecuted for such offence in His Majesty's Court of King's Bench or of Oyer and Terminer and General Gaol Delivery, in this Province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant Governor, or person administering the government of this Province for the time being; and if such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted in either of the said courts respectively, he, she or they, shall be adjudged by such court, forthwith to depart the Province, or to be imprisoned in the common gaol or be delivered over to the custody of the Sheriff in such district in which there shall be no Gaol at that time, for a time to be limited by such judgement, and at the expiration of that time to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereinto after the expiration of the time to be limited by the said judgement, without licence from the Governor, Lieutenant Governor, or person administering the government for the time being, in that behalf first had and obtained, such person or persons on being convicted of so remaining or returning, before either of the said courts, shall be sentenced to such punishment, in their discretion.