

MONDAY and TUESDAY, 25th and 26th FEBRUARY, 1839.

2d Clause—leave out this Clause.—Which Clause is as follows: “and for preventing abuses from dilatory Pleas, *Be it enacted*, that no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise, of the truth of such plea; but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead there-to, and shall proceed as if no such dilatory plea had been pleaded.”

5th amendment

On motion, *resolved*, that the said amendment be adhered to.

Adhered to

The sixth amendment was read as follows:

6th amendment

3d Clause—leave out this Clause.—Which Clause is as follows: “And that the punishment of offenders may be less frequently interrupted, in consequence of technical niceties; *Be it enacted*, that no judgment upon any indictment or information, for any Felony or Misdemeanour, whether after verdict or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words “as appears by the record,” or of the words “with force and arms,” or of the words “against the Peace,” nor for the insertion of the words “against the form of the Statute,” instead of the words “against the form of the Statutes,” or vice versa—nor for that any person or persons mentioned in the indictment or information, is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.”

On motion, *resolved*, that the said amendment be adhered to.

Adhered to

On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Allison reported that the Committee had made some progress.

Com. on Bills

On motion made and seconded—the House adjourned until To-morrow, at two o'clock.

Adjourn

Tuesday, 26th February, 1839.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Joseph Allison,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
Alexander Stewart,

The Honorable Lewis M. Wilkins, Jr.  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

On motion of Mr. Stewart, *resolved*, that a Committee be appointed to draw up an Address to His Excellency the Lieutenant-Governor, requesting His Excellency to lay before the House any information he may possess relative to the forcible entry of an armed force, under the authority of the State of Maine, into that portion of New-Brunswick, the right of which is in dispute between Great-Britain and the United States.

Motion for Address to H. E. rel. to incursion in New Brunswick

*Ordered*, That Mr. Stewart, Mr. Uniacke and Mr. Johnston, be a Committee to prepare the said Address.

Committee to prepare Address

Mr. Stewart, the Chairman of the Committee appointed to prepare the said Address, reported a draft thereof; which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows:

Address reported

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TO