

C H A P.
XXVIII.

to punish certain crimes and misdemeanors, and to prevent the growth of toryism; and if any such person shall neglect so to do, or shall, on the said oath or affirmation being tendered to him by any justice of the peace for such county (which oath or affirmation any justice of the peace may at any time tender) refuse to take and subscribe the said oath or affirmation, such person, so neglecting or refusing, shall be considered a subject of the state from which he came, and may be dealt with as if he had come into this state after the passing this act; provided that nothing above contained shall prevent any subject of any state, who hath taken the oath of allegiance, and otherways manifested his attachment to his country, and who hath been compelled to leave it by the enemy, from residing within this state with the permission of the governor and council.

IV. And, Whereas the lenity of this state, and the tenderness and indulgence of its laws in favour of personal liberty, have been greatly abused, many persons, as well of those who have as of those who have not taken the oath of fidelity and support to this state, having, by their discourses and general conduct, countenanced and endeavoured to spread dissatisfaction and disaffection amongst the ignorant and uninformed citizens of this state, as well as in many instances false and malicious reports, in prejudice of the United States, and in favour of the strength, success, and conduct, of the enemy; and it is absolutely necessary, in the present circumstances of this state, that persons of such conduct, who may be prejudicial, should be prevented from continuing such dangerous and destructive practices:

Governor and
council may
cause suspicious
persons to
be arrested,
&c.

V. Be it therefore enacted, That if the governor and the council shall be informed, upon oath or affirmation, or circumstances within their own knowledge believe, that any inhabitant of this state, by his general conduct or conversation, countenances and spreads dissatisfaction or disaffection amongst the subjects of the state, or advites or encourages any resistance to this government or its laws, and that the example or influence of such person may be prejudicial to the state, they may issue their warrant to the sheriff, or the lieutenant, or any field or commanding officer of the militia of the county where such person shall live or reside, to arrest such person, and bring him before them, together with his papers, if they see fit; and if the governor and the council shall be informed, upon oath or affirmation, or from circumstances within their own knowledge believe, that from the general conduct of any person within this state, there is just reason to suspect him, directly or indirectly, of buying provisions for, or clandestinely trading with, the enemy, they may issue their warrant as aforesaid, to arrest such person, and to seize his papers if they think proper; and the governor and the council may, in their discretion, commit such person to any gaol within this state, there to remain until the end of the next session of assembly, or restrain him to such limits as they shall appoint, giving security for his good behaviour as a true and faithful subject, or suffer him to go at large, on giving security as aforesaid; and any person so arrested or imprisoned, or restrained to limits as aforesaid, shall not be discharged by *habeas corpus*; and the governor and council shall return the name of every person arrested, committed, or confined, and the cause thereof, to the next general assembly; provided that the laws herein before contained shall be taken or construed to preclude