

CAP. X.

An Act to alter and continue the Acts for the regulation of the Militia.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force; and also, an Act passed in the fourth year of His said Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, in the said Acts contained, except so much thereof as may be hereby altered, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Acts 1st and 4th
Geo. IV (with
exceptions) con-
tinued

II. *And be it further enacted,* That hereafter, instead of the Four Meetings of Militia, for the purpose of training, as directed by the twenty-seventh Section of the first mentioned Act hereby continued, the Militia shall be called out and assemble twice in the year, and no more, either by the entire Regiment or Battalion, or by such Detachments as the Commanding Officers of the respective Regiments or Battalions shall direct, and on such days as the Governor may appoint for that purpose.

Militia to assemble
twice in each
year

III. *And be it further enacted,* That instead of the fines imposed by the twenty-eighth Section of the said Act, for non-attendance at any Regiment or Battalion meeting, each and every Militia-man, not attending such meeting, conformably to Law, shall, for the first offence, be subject to a fine of Ten Shillings, and for the second like offence, in the same year, to a fine of Twenty Shillings, which fines for non-attendance shall be sued for, prosecuted and recovered, and be applied conformably to the provisions of the said continued Acts, by the Clerk of the Company to which the offender may belong, but in the name of the Commanding Officer of such Company, instead of the Clerk thereof; and that such Clerk shall be a competent witness, upon such prosecution: any Law, usage, or custom, to the contrary notwithstanding.

Fines for non-at-
tendance at Train-
ings

IV. *And be it further enacted,* That in all cases of appeal, to a Board of Officers, against any fine according to the provisions of the Acts hereby continued, the notice of such appeal thereby prescribed, shall be given in writing; which notice shall be laid before the Board of Officers appointed to consider such appeal, at their meeting, for that purpose; and no appeal shall be by them considered, unless such notice of the same shall have been so given in writing: and notice of the time of meeting of the Board to consider the appeals, shall be given by the Clerk to the Appellant.

Appeals against
Fines

V. *And be it further enacted,* That the fine to which every enrolled Militia-man appearing on parade, who shall refuse or neglect to perform Militia duty, or shall depart from his Company without leave from the Commanding Officer of the Regiment, Battalion, or Company, to which he shall belong, is made subject, under and by the twenty-eighth Section of the said first mentioned continued Act, shall be imposed by the then present Commanding Officer of the Regiment or Battalion, or Detachment thereof, on parade, in place of the Commanding Officer of the Company, as provided in and by the said Section.

Improper conduct
of Militia-men on
Parade

VI. *And be it further enacted,* That each and every Militia-man, duly enrolled according to the provisions of said continued Acts, and who shall have received notice of any Militia muster or training, conformably thereto, shall be wholly free and exempt from

Militia protected
from arrest, on
days of training

from arrest, under and by virtue of any civil process during the days which such muster or training shall take place: *Provided*, he shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every Sheriff or other Officer, actually making such arrest, shall be subject and liable to an Action for damages at the suit of the party who shall be so arrested.

CAP. XI.

An Act for the more easy recovery of Debts against Co-Partners and Joint Debtors.

Preamble

WHEREAS, *Co-Partners and other Persons often contract Debts jointly, and some of such Joint Debtors being resident out of the Province, or absent from it, the recovery of such Debts is thereby delayed and impeded—for remedy thereof,*

Mode of proceeding against Joint Debtors

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That where Co-Partners, or others, are, or shall become jointly indebted, by specialty or simple Contract, to any person or persons, and any one or more of such Joint Debtors shall be absent or resident out of the Province, the creditor or creditors in all suits in such cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court, a writ or writs of Mesne Process against all the said Co-Partners or Joint Debtors, which shall be served in the usual manner, upon such of the Defendants as shall be in the Province; and if such Mesne Process shall be a writ of attachment, the Sheriff or Officer to whom the same shall be directed, may, and is hereby authorized, to levy such attachment on the joint property of all the Co-Partners or Joint Debtors, and hold the same to respond the Judgment to be given in such case.*

Errors in Writs

II. *Provided always, and be it enacted, That if it shall be made appear to the said Court by affidavit, or plea in abatement, that the names of any of the said Co-Partners or Joint Debtors, are omitted in the writ, or that any of them who were in the Province at the time of issuing such Mesne Process, as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the writ, or to stay the proceedings, as the case may require: any thing herein contained to the contrary notwithstanding.*

Filing Declarations

III. *And be it further enacted, That in all cases as aforesaid, the Plaintiff or Plaintiffs may file his or their declaration against such of the Co-Partners or Joint Debtors as have been duly served with Mesne Process, and may suggest in the said Declaration, that the other Co-Partners or Joint Debtors (naming them) were absent out of the Province, and without the jurisdiction of the Court, at the time of issuing the Process, and at the time of filing such Declaration; and thereupon the Plaintiff or Plaintiffs may proceed, according to the usual practice of the Court, to obtain Judgment against the said Co-Partners or Joint Debtors, who have been so duly served with Process, in the same manner as is practiced in England against a Defendant whose Co-Partner or Joint Debtor has been outlawed.*

Judgments

Writs of Execution

IV. *And be it further enacted, That it shall be lawful for the Plaintiff or Plaintiffs, after Judgment recovered as aforesaid, to take out Execution thereon, and to cause the same to be extended on the joint or separate property, or on the persons of all the said Co-Partners.*