

John, to be levied by warrant of distress and sale of the guns, boats, tackle, apparel, and furniture, of such Vessels, under the hand and seal of such Justice, directed to any Sheriff, Constable, or Marshal of the said City, rendering the overplus, if any, after deducting the costs of such distress and sale, to the Master or Person having the command of such Vessel.

III. *And be it further enacted*, That the said recited Act, to which this Act is an amendment, (except so much of the same as is hereby repealed) be, and the same is declared to remain in full force.

Recited act to remain in force.

### CAP. XXVII.

An ACT to explain and amend the Laws now in force for the organization and regulation of the Militia of this Province.

*Passed the 27th March, 1823.*

**W**HEREAS doubts have been entertained whether in the recovering of fines imposed by the eighth Section of an Act made and passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled "An Act for the organization and regulation of the Militia of this Province," it is not required of the Captain or Commanding Officer of a Company, to summon the delinquent to appear before him, to shew cause, if any there be, why the said fine should not be imposed, before issuing the order mentioned in the second Section of an Act made and passed in the third year of His Majesty's Reign, intituled "An Act to alter and amend an Act, for the organization and regulation of the Militia of this Province": And whereas  
much

Preamble.

much inconvenience has been felt in consequence of the doubts so entertained---

No order to be issued for levying a fine, unless delinquent shall have been first summoned to shew cause.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That no order shall be issued by any Commanding Officer of a Company, against the goods and chattels of any delinquent, or against his body, for the purpose of levying any fine imposed by the said eighth Section of the first herein before recited Act, unless such delinquent shall have been first summoned by such Commanding Officer of a Company, to be and appear before him to shew cause, if any such delinquent has, why the said fine should not be imposed.

Form of summons.

II. *And be it further enacted,* That all summonses to be issued by any Commanding Officer of a Company, under and by virtue of the provisions of this Act, shall be made returnable in six days at least, to be directed to the Constable, or Constables, of the City, Town, or Parish, where such delinquent shall reside, which Constables are hereby authorized and required to serve the same, taking the same fees as in other similar cases, and shall be in the form following :

To the Constables of \_\_\_\_\_  
and each and every of them.

You are hereby required to summon A. B.  
that he be and appear before me on the \_\_\_\_\_  
day of \_\_\_\_\_ at \_\_\_\_\_

between the hours of \_\_\_\_\_ and \_\_\_\_\_  
of the same day, to shew cause, if any he  
has, why a fine should not be imposed upon  
him, under and by virtue of the Militia Law,  
for [here state the delinquency, either for  
his

his neglecting to appear at a Company or Battalion muster, or for absenting himself from such Company or Battalion muster after having appeared at the same, without the leave of his Commanding Officer, as the case may be.]

Given under my hand, this                      day of  
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III. *And be it further enacted*, That it shall be the duty of the Serjeant-Majors, appointed, or to be appointed, to the several Battalions, to attend their respective Battalions when the same or any part thereof shall be ordered out under the provisions of the herein before recited Acts, and at such and all other times, to do, and perform, and attend to such duty as appertains to the office of Serjeant-Major, as they may be ordered from time to time by the respective Commanding Officers of such Battalions; and such Serjeant-Majors shall be allowed each, annually, as a full compensation for all the services he may be ordered to perform, the sum of Seven Pounds Ten Shillings. *Provided always*, that such Serjeant-Major, before he shall be entitled to receive the said sum of Seven Pounds Ten Shillings, shall obtain a certificate from the Commanding Officer of his Battalion, that he has well and faithfully performed the duty of Serjeant-Major, and to the entire satisfaction of such Commanding Officer. *And provided also*, that no one Serjeant-Major shall receive more than the said sum of Seven Pounds Ten Shillings, in any one year.

Serjeant-Majors to attend the Battalions and Detachments, when called out.

Allowed £7: 10 per annum,

upon certificate of the Commanding Officer.

No one Serjeant-Major to receive more than £7: 10 in one year.