

Gentlemen, It being represented to this House by severall of the Chief Officers of the Militia that the Capt. and other officers under their command are discouraged from performing their duty by being rather despised and affronted than respected and obeyed by the private sentinales which they conceive is chiefly occasioned by a want of power in the Capt. of the severall Troops and Companies to fine those who do not observe their duty as the Law directs but must apply to two of the field Officers for that purpose who knowing the frequent disap-
-pointments that attend the hearing such complaints do not care to take the trouble. Its therefore proposed by this House that the severall Capt. be enabled by a supplementary Act to fine those who do not perform their duty according to the Act for regula-
-ting the Militia and with a liberty to the person so fined if he thinks himself aggrieved to appeal to two of the Chief Officers for relief

Signed by Order John Deale Clerk of the

Col^o Delafance from the upper House delivered Mr. Speaker the following Message

(By) the upper House of Assembly July 22 1771
Gentlemen, It is found by Experience that the Act for limiting the continuance of actions is rather a prevention than a fur-
-thance of Justice for that so many unforeseen casualties fre-
-quently happen in the course of Legall proceedings that a certain time cannot be limited for their continuance without im-
-posing inevitable hardships on the suitors against the very right of their Causes and whereas that Act imposes, (and not unjustly) the penalty on the partie that is in fault it some times happens that Causes are continued without fault of either partie as it happened the Last Prov.^o Court when in many cases were the parties were willing on all sides their cases could not be heard for the vast number of criminal prosecutions that took up almost the whole time of the Court tho' it sat longer than any Court for many years has been known to do. It would be tedious to Enumerate the many instances that have happened since the making that Law and which may hereafter happen wherefore we do not think it ad-
-visable to continue that Law unless you could provide agt. Officers and generally in all cases when the act of God may intervene which is impossible and therefore we recommend to you the preparing a short Bill for the repeal of that Act and to save to the parties that suffered last Prov.^o Court by that Law their full right to proceed in their respective causes as if such