

this Act, and for all arms and accoutrements, provisions and stores, he may receive as Quarter-Master of such regiment or battalion; which bond shall be taken by the commanding Officer of such regiment or battalion, and lodged by him in the Secretary's Office, of the Province, and that each Quarter-Master, shall be allowed in his general account of Monies, ten per cent, for all sums received and paid over by him; this allowance to cease to be made to any Quarter Master who may be on actual service and in receipt of full pay.

XX. *And be it further enacted*, That the Captains or Officers commanding Companies, shall, on or before the first day of June, in each year, make out and transmit to the Officer commanding the regiment or battalion; lists of all persons residing within the districts of their companies respectively, who are by the second Section of this Act, exempted from being enrolled in the Militia, specifying the ages of such persons, and the causes of their respective exemptions; which lists shall be entered by the Clerk of the regiment or battalion, in a book to be by him kept for that purpose; and that all persons so exempted, (one ferryman to each established ferry excepted) shall on or before the first day of September, in each and every year, pay to the said Clerk, *twenty shillings*, and if not then paid, the same to be recovered with costs, by and at the suit of such Clerk, in the like manner as is provided by the eleventh Section of this Act, and when received by him, the same to be forthwith paid into the hands of the Quarter-Master of the regiment or battalion. *Provided always and be it further enacted*, that any person liable as aforesaid, to pay the said sum of *twenty shillings*, shall be excused from paying the same, by enrolling himself in the company of Militia of the district in which he resides: And that when such person has so enrolled himself, he shall be, and he is hereby made liable to do and perform all and singular the duties required of other men belonging to the company, and under and subject to the same penalties and forfeitures in every respect.

XXI. *And be it further enacted*, That the Ferry-men excepted by the next preceding Section, shall upon all occasions, when the Militia are called out by battalion or detachment for general training, carry over their respective ferries, the said Militia, and each and every of them in going out and returning home, without any demand for ferryage whatever, under the penalty of *ten shillings*, for each and every offence, to be recovered by the party complaining before any one of His MAJESTY'S Justices of the Peace, upon the oath of one credible witness.

XXII. *And whereas*, arms and accoutrements have been issued from His MAJESTY'S stores, for the use of the Militia in several parts of this Province, and it is necessary to provide for the security of those arms and accoutrements, and such as may hereafter be issued. *Be it further enacted*, That such arms so issued, or which may hereafter be issued, shall be branded distinctly on the broad part of the butt with the letter M and the name of the County to the Militia of which they are issued, also with a capital letter to denote the Company to which they belong, and a number to distinguish each Firelock to its owner, such brand to be provided by the Commanding Officer of the Regiment or Battalion, and all Captains or other Officers commanding Companies shall be, and they are hereby made responsible (except in case of unavoidable accident) for the safe keeping and return (if called for) of such arms and accoutrements as were issued to the men in their respective

Companies, or may hereafter be issued; and such Captains or Officers commanding Companies are hereby empowered and required to take into their possession all such arms and accoutrements, except where the person to whom they have been, or shall be issued, shall give bond with sufficient surety to our Sovereign Lord the King, in the penalty of *five pounds*, conditioned for the safe keeping, and return of the said arms and accoutrements; which bonds so given, shall be lodged with the Clerks of the Peace, in the respective Counties, who are hereby required to receive and file the same in their respective offices, which person so giving bond as aforesaid, shall be intitled to keep possession of such arms and accoutrements while he continues in the same Company; and in case of the removal of any such person from such Company, his arms and accoutrements shall be returned to the Captain or other Officer, commanding the said Company, who shall give a receipt for the same, to the person so delivering the said arms: And if any person having such arms and accoutrements in his possession, shall vend, pledge, or exchange the same, or any part thereof, (without leave of the Officer commanding the Company to which such person belongs,) or shall convey, or cause the same, or any part thereof, to be conveyed out of the Province, or shall convey, or cause the same to be conveyed on board any boat, ship, or vessel, with intent to have the same carried out of the Province, or if the master of such boat, ship, or vessel, shall wilfully receive into his boat, ship, or vessel, any such arms or accoutrements so intended to be conveyed out of the Province, or if any person shall purchase the said arms, every person so offending, shall for each and every offence forfeit and pay the sum of *ten pounds*; to be recovered upon conviction before any two Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offenders goods, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender, one half of which penalty, shall be paid to the person who shall prosecute for the same, and the other half into the hands of the Quarter-Master of the Regiment or Battalion, to which such arms and accoutrements belong: And for want of effects, whereon to levy the said fine of *ten pounds*; such offender shall be imprisoned not exceeding six nor less than three months. And in case the said arms and accoutrements, shall at any time be called for, to be delivered to His MAJESTY'S stores, all deficiencies shall be paid for, out of the Treasury of the Province, excepting such arms and accoutrements, as shall have been lost on actual service against an enemy. *Provided always and be it further enacted*, that nothing herein contained shall be construed to render void the bonds given for any arms and accoutrements, under and by virtue of the seventh Section of the Act, passed in the Forty-eighth year of His MAJESTY'S reign, now by this Act repealed, but that the same bonds shall be, and remain in full force and effect, as if the same Act had not been repealed or any thing herein contained to the contrary thereof notwithstanding.

XXIII. *And be it further enacted*, That no person who has been, or may hereafter be furnished with arms, accoutrements, and ammunition by government, shall use the same for any other purpose, than that for which they may have been supplied, under a penalty of *ten shillings* for each and every offence; to be recovered before any one Justice of the Peace, in the same manner as prescribed in the next preceding Section, and when recovered to be paid to the person who shall prosecute for the same; and for want of effects whereon to levy the said fine of *ten shillings*, such offender shall be imprisoned not more than four nor less than two days.

XXIV. *And be it further enacted*, That the Governor or Commander in Chief shall be, and he is hereby authorized and empowered in case of any actual invasion, or imminent danger thereof, if he, in his discretion, shall think it necessary or expedient to call out the Militia of the Province, and the exempts, as described in the second Section of this Act; (established Clergymen, licensed Ministers of the Gospel, Millers and Ferry-men excepted) or any part thereof, into actual service.

XXV. *And be it further enacted*, That in case of any actual invasion or imminent danger thereof, in any County or district, where the Commander in Chief cannot immediately be consulted, the commanding Officer of the Regiment or Battalion of Militia, in such County or district, shall have power (if he, in his discretion, shall think it necessary or expedient) to call out the Militia in such County or district, and the exempts as aforesaid, or any part thereof, into real service: And in case of any such actual invasion, or imminent danger thereof, in any Town, Parish, or Company district, where the commanding Officer of the Regiment or Battalion cannot be immediately consulted, the Officer commanding the Militia in such Town, Parish, or Company district, shall have power (if he, in his discretion, shall think it necessary or expedient) to call out the Militia under his command, and also the exempts as aforesaid, within the same, or any part thereof, into real service: And such Officer last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the Officer commanding the Regiment or Battalion to which he belongs, who is hereby required in either case forthwith, to dispatch an express to the Commander in Chief for the time being, notifying the danger, and the strength and motions of the enemy.

XXVI. *And be it further enacted*, That the Militia, or any part thereof, and the exempts as aforesaid, so called out into real service by virtue of the provisions of this Act, shall and may be ordered to march from one

County or part of the Province to another, on any necessary service occasioned by such actual invasion or imminent danger thereof.

XXVII. *And be it further enacted*, That when the Militia or any part thereof, shall be called into real service, every Officer or person so called into service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting guards, erecting works, and other military services, for repelling, resisting, or guarding against the attacks of the enemy, under the penalty of incurring the forfeitures appointed by this Act for disobedience of orders.

XXVIII. *And be it further enacted*, That whenever the Governor or Commander in Chief, shall direct any part of the Militia, or the exempts as aforesaid, of any, or either of the Counties to be called out as aforesaid, into real service, a draught by ballot shall be made from each Company in exact proportion according to the number then fit for duty, which shall be on the oath of the Captain or Commanding Officer of such Company, to the best of his knowledge, if required, of all persons from the age of eighteen to fifty years, which ballot shall take place, and be made in the presence of one or more of His MAJESTY'S Justices of the Peace, or if no such Justice shall be resident near to the place where such ballot shall be made, then and in that case the same shall be made in presence of three or more respectable Freeholders, who are exempted by age from being draughted themselves; and on such occasions all the persons within the County in which any part of the Militia shall be called out as aforesaid, between eighteen and fifty years of age, who are herein before declared to be exempted from being enrolled in the Militia in manner herein before mentioned (except established Clergymen, and licensed Ministers of the Gospel, one Miller to each Grift Mill, and one Ferryman to each established Ferry) who shall not have joined any Company, shall be formed into a Company by, and under the direction of the Commanding Officer of the Regiment or Battalion, and shall be liable to the same draught by ballot as any other Company in such Regiment or Battalion, in proportion to their numbers then fit for duty as aforesaid; and each and every person so draughted, shall go in his own proper person, or find a good and sufficient man in his room; and for his neglect or disobedience herein, he shall be subjected to a fine of *ten pounds*, which if he neglect or refuse to pay, he shall be committed to the nearest County Gaol, where he can be safely kept, by warrant from the Commanding Officer of the Regiment or Battalion, or if necessary to his safe custody, be removed to any other Gaol at the discretion of the Commanding Officer, where he shall remain three months, or until he pays the said fine, and another man shall be draughted as aforesaid, to march in his place, who shall have half of the said fine, if he shall not refuse or neglect to go, or find a good and sufficient man in his room as aforesaid; but if he shall so neglect or refuse, then he shall be subjected to the like fine, and a further draught shall be made of another man who shall have half of the fine last mentioned, if he shall not neglect or refuse to go, or find a good and sufficient man as aforesaid, and so as often as such case shall happen. *Provided always*, That in case any part of the Militia or exempts as aforesaid, shall be called out more than once, no person who has been once draughted as aforesaid, shall be again draughted, until all the others belonging to the same Company shall have been draughted. *Provided also*, That nothing in this Act shall be construed to extend to oblige the Firemen appointed by the Corporation of the City of *Saint John*, to the two Engines in that City, or Firemen that may be appointed to any Engine that may be hereafter established in any other Town in this Province, not exceeding fifteen men to each Engine, to do duty beyond the limits of the said City or Town respectively. *Provided also*, That if any person called, and duly certified to be a Quaker, shall upon being draughted, refuse to serve or procure a substitute as aforesaid, it shall and may be lawful for the Captain or Officer commanding the Company to which such Quaker belongs, to procure and hire a substitute for him, and at his expence, not to exceed the sum of *ten pounds*, which if he shall refuse or neglect to pay the same, shall and may be recovered before any two of His MAJESTY'S Justices of the Peace, in a summary way, at the suit of the said Captain or commanding Officer of the Company, and levied with costs upon the goods and chattels of such delinquent, or for want thereof, commitment of his person to Gaol, there to remain for three months, or until he pays the same. *Provided also*, That those who have already served in the embodied Militia, and those to be hereafter draughted, shall not be liable to be again draughted, until all the others belonging to the same Company, shall have been draughted.

XXIX. *And be it further enacted*, That whenever the Governor or Commander in Chief, for the time being, shall in consequence of any actual invasion or imminent danger thereof as aforesaid, think it expedient to order a proportion of the Militia of any County to march out of such County on real service; Volunteers who offer themselves for such service, being able of body, in the opinion of the Field Officers of the Regiment or Battalion to which such Volunteers shall belong, shall be accepted, and being so accepted, shall be subject to all the provisions of this Act as though they had been draughted by ballot.

XXX. *And be it further enacted*, That if any Officer, non-commissioned Officer, or private of the Militia, or exempts as aforesaid, under arms for real service on a march, or on guard, or that shall be ordered for any of the duties or services herein before mentioned, shall dis-