

on and appertaining to the proper office of Adjutant, or as they may be ordered by the respective Commanding Officers of such Battalion, and such Adjutants shall be allowed each, as a full compensation for all the services, he is hereby ordered to perform (except when on actual service) *ten shillings* for each day he shall be actually employed, the number of days to be certified by the Commanding Officer of the Battalion, provided that no one Adjutant shall be allowed more than *fifteen pounds* in any one year.

XII. And be it further enacted, that if any non-commissioned Officer or Private, shall be guilty of drunkenness, contemptuous or riotous behaviour, disobedience of orders, or shall otherwise misbehave himself during the time he shall be ordered out, as herein before provided, it shall and may be lawful for the Commanding Officer for the time being of the Battalion so ordered out, to order such person so offending to be confined under guard; and to be tried by a Court Martial to consist of not less than three Commissioned Officers who may, on conviction, sentence such offender to pay a fine of not less than *five*, nor more than *forty shillings*; and unless such fine is paid forthwith, it shall and may be lawful for the Commanding Officer of the said Battalion for the time being, by a written order to commit such offender to the County Gaol, for such time as such Court shall appoint, not to exceed four days, and the keeper of such Gaol is hereby authorized to receive and to keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the accustomed Gaol fees, together with such fees as the non-commissioned Officer may be entitled to receive. Provided always, that such person when so discharged from Gaol shall return again to his Battalion, if the same shall not have been previously dismissed, or be considered as a defaulter in his appearance.

XIII. And be it further enacted, that if any person shall wilfully interrupt any body of Militia when ordered out under this Act, whilst on duty or at exercise, it shall and may be lawful for the Commanding Officer for the time being, to confine such person during the performance of such duty, or the continuance of such days exercise or muster (if he shall think necessary) to prevent the continuance of such insult or wilful interruption, and every person so offending shall forfeit and pay a sum not exceeding *twenty shillings*, for each and every offence, to be recovered with costs, on conviction before any Justice of the Peace where such offence may be committed, and levied by distress and sale of the offenders goods and chattles.

XIV. And be it further enacted, that if any Captain or Subaltern Officer of any Battalion, shall be guilty of contemptuous behaviour, disobedience of orders, or otherwise misbehave himself at any time when ordered out as herein before mentioned, it shall and may be lawful for the Commanding Officer for the time being, of such Battalion or Division thereof, to order such Officer under arrest, and forthwith to try him by a Court Martial to consist of not less than two Captains, and three Subalterns of the same Battalion, and in case such charge is proved, it shall be the duty of such Court Martial to report their proceedings to the Commanding Officer, who shall report to the Commander in Chief of the Province, and if approved of by him, such Officer so found guilty, shall be cashiered and dismissed.

XV. And be it further enacted, that every Officer (at all times when ordered out under this Act) shall appear equipped with a sufficient sword and belt, under the penalty of *twenty shillings* for each offence, to be inflicted by the Commanding Officer for the time being, of the Battalion to which he may belong; and if not paid upon an order from the said Commanding Officer, the same shall be levied upon the goods and chattles of such offender, by warrant under the hand and seal of such Commanding Officer, directed to the Adjutant of such Battalion, and paid into the hands of the Quarter-Master.

XVI. And be it further enacted, that the Commanding Officer of every Company shall immediately when required, furnish the Commanding Officer of the Battalion to which he may belong, with the name of every delinquent belonging to his Company who shall at any time neglect to appear when ordered out under this Act, or to perform any of the duties herein required or in any other manner offend, and if any one is excused from any cause whatsoever, shall assign such excuse to the said Commanding Officer for his approbation, and if not admitted, such delinquent or offender shall be proceeded against according to Law.

XVII. And be it further enacted, that it shall be the duty of the several officers commanding Regiments or Battalions, to order the commissioned officers under their respective commands, at reasonable times and places a part from their men, to be drilled and instructed in their several and respective duties; and if any officer shall refuse or neglect to attend such drills and instructions when so ordered, or shall be found imperfect in the opinion of the Commanding and Inspecting Field Officer at the end of six months from the passing of this law, it shall be the duty of such commanding officer, with the concurrence of the Inspecting Field Officer, and he is hereby authorized and required to report such commissioned officer so refusing or neglecting, or being found imperfect to the Commander in Chief, for disobedience of orders or imperfection as the case may be.

XVIII. And be it further enacted, that it shall and may be lawful for the officer commanding any Battalion, to appoint a Sergeant-Major, a Quarter-Master, Sergeant, and Clerk for such Battalion, who are hereby made liable to be tried by a regimental Court Martial for disobedience of orders, or contemptuous and improper behaviour, which said Court Martial shall be constituted as herein before mentioned for the trial

of any officer misbehaving when called out on duty, and shall have power to punish by fine, or imprisonment in the County gaol, such fine not exceeding *forty shillings*, or imprisonment ten days. Provided always, and be it further enacted, that no sentence of any such Court Martial shall be put in execution until approved by the commanding officer of such Battalion, and the Sergeant Major, Quarter Master Sergeant, and Clerk, so appointed shall be exempted from all balloting for actual service.

XIX. And be it further enacted, that the Quarter-Master of every Battalion shall, before he commences the duties of his office, under this Act, give bond to His Majesty with two sufficient sureties in the penal sum of *two hundred pounds* for the faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all arms, and accoutrements, provisions and stores, he may receive as Quarter-Master of such Battalion, which bond shall be taken by the commanding officer of such 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 Battalion, lists of all persons residing within the districts of their Companies respectively, who are by 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 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 Quarter-Master *twenty shillings*, and if not then paid the same to be forthwith recovered with costs, by and at the suit of such Quarter-Master, in the like manner as is provided by the fifth Section of this Act. 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 ferryman excepted by the next preceding Section, shall upon all occasions when the Militia are called out by Battalions 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 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 so 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 the 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 and accoutrements, every person so offending, shall for each and every of-

fence, forfeit and pay the sum of *ten pounds*, to be covered upon conviction before any two Justices of the Peace, upon the oath of one or more credible witnesses, 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 Battalion to which such arms, and accoutrements belong; and for want of effects, whereupon 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 into 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 heretofore given for any arms, and accoutrements under and by virtue of any act heretofore passed, but that the same bonds shall be and remain in full force and effect.

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 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 first Section of this Act; (established Clergymen, licensed Ministers of the Gospel, Millers and Ferryman, 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 in time 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 in time be 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 Governor or Commander in Chief, notifying the danger and the strength and motions of the enemy, and every person liable to be so called, who shall when called on refuse to go, shall pay the sum of *ten pounds*, or forthwith be committed to the County Gaol by a written order of the Commanding Officer of the Regiment, Battalion or Company to which he may belong, or if necessary for safe custody be sent to any other place of confinement at the discretion of such Commanding Officer, and such offender shall remain in imprisonment three months, or until such fine be paid; and all Gaolers are hereby ordered to receive and safely keep such person so to be committed during the time herein specified.

XXVI. And be it further enacted, that the Militia or any part thereof, and the exempts as aforesaid, so called but into real service by virtue of the provisions of this Act, or which may have been called into real service under and by virtue of the said herein before recited 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 upon 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 guard, 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.

(TO BE CONTINUED).

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