

L. H. J. in the Sheriff's Custody, until they find Surety to appear at the next
 Liber No. 50 Provincial Court, there to be proceeded against according to the due
 May 5 Course of Law, and if thereupon they shall be convict of such obstinate Refusal, or Disobedience as aforesaid, they are to be fined and imprisoned according to the Directions of the Justices of the Provincial Court.

It was undoubtedly the Intention of the Legislature, by which the Act of 1715 was made, that every Part of the Militia, should be a Militia for the Defence of any and every Part of the Province, when called upon for that Purpose; there are several Expressions in the Law that imply as much; such are, "in and at such Places, &c. at the Service, Safety, or Defence of this Province shall require, or as his Excellency, &c. shall see Cause to order. Such Soldiers as shall, in the Time of War, adventure in the Service of the Country. For the Encouragement of such Soldiers as shall, in the Time of War, adventure in the Service of this Country. For the Encouragement of such Soldiers as shall adventure their Lives in the Service and Defence of this Province. Every Person that shall adventure as a Soldier in any War, or Defence of this Province, and shall therein happen to be maimed, &c. shall, according to his Disability, receive a yearly Pension, to be raised out of the public Levy of this Province. And every Person slain in the Service of this Province, leaving behind him a Wife, &c. the Party petitioning for such Pensions and Allowances, procuring a Certificate from the County Court where he, she, or they live. All Soldiers hereafter to be employed in any public Service within this Province, be paid in the respective Counties where the said Soldiers live." Had these Soldiers, or Militia been to serve only in Defence of the County where they lived, and not in Defence of any other Part of the Country, the Legislature would probably have left it to the County to pay them, and not have laid that Burthen on all the Taxables of this Province.

But tho' there was no Expression in the Act to give Countenance to such Construction, yet surely if there be no Expression limiting or restraining Parts of the Militia to the Defence of certain Parts of the Province, from the very Nature of the Thing it would not be otherwise; for the Strength and Defence of every Country consists in the united Force of the Individuals of that Country or State; and as every Member of a State is originally bound in Duty to aid and assist in the Defence thereof, he is undoubtedly obliged to aid and assist in the Defence of every Part of it; for otherwise the Whole must be easily destroyed by a gradual Destruction of each and every Part.

There was indeed an Act made here in the Year 1649 or 1650, and which is mentioned in one that was made in 1676 as being then in force, whereby it is Declared, that if the Lord Proprietary, his Heirs, &c. "shall at any Time hereafter make any War out of the