

this present Session of Assembly, the Militia of this Province shall be mustered, trained and exercised, according to these Directions and Instructions following, *viz.* That every Colonel, Lieutenant-Colonel, Major or Captain of Horse or Foot, already commissioned; or hereafter to be commissioned by his Excellency the Governor of this Province, for the Time being, shall have Power to inlist such and so many inhabiting within this Province, not hereafter excepted, in their several and respective Divisions, between Sixteen and Sixty Years of Age, as they shall think fit, by as equal Proportions of the said Inhabitants as possibly they can, to be of the Militia or Train-Bands of this Province: Which said Persons, so inlisted, they shall muster, exercise, and train, in and at such Places, and at such certain Times, as to them shall seem meet; and as the Service, Safety or Defence of this Province shall require, or as his Excellency the Governor of this Province, or Commander in Chief, for the Time being, shall see Cause to order. And that every such Colonel, Lieutenant-Colonel, Major or Captain, shall give Notice or Summons, upon every Training or Mustering, to every Person so inlisted as aforesaid within his respective Division or Limit, at the Head of his Company, or at the House of the Party, by an Officer of his Company, or Warrant under his Hand, to * appear at such Time and Place as he shall appoint for such Training or Mustering. And that if any Man, after such Notice given, and Summons as aforesaid, shall neglect to appear at the Place and Time appointed as aforesaid, or that refuse, when he hath so appeared, to be inlisted into the Militia and Train-Bands aforesaid, or that being so inlisted, shall not, from Time to Time as he shall be summoned or warned as aforesaid, appear and bring with him one good serviceable Gun, fixed; with Six Charges of Powder, shall, for every such Offence (if a Freeman) forfeit and pay the Sum of One Hundred Pounds of Tobacco; and if a † Servant letted or hindered by his Master, Mistress, or Overseer, then such Master, Mistress, or Overseer, to pay the like Sum of One Hundred Pounds of Tobacco for every Servant so letted or hindered as aforesaid; for the Use of the Troop or Foot Company to which he belongs, to purchase Drums, Colours, and other Necessaries for the said Troop or Company, as the Field-Officers of the Militia in that County, or any Two of them, shall direct.

C H A P.
XLIII.

Persons between 16 and 60 Years of Age, in their several Divisions, to be of the Militia,

which they shall muster and train at such Places and Times as to them shall seem meet, or as the Governor shall order.

Notice to be given of such Muster, and how.

Penalty on Persons not appearing accordingly, &c.

to be applied to the Use of the Troop or Company.

* By 1748, *ch.* 1, Persons appearing at Musters, are exempted from all Civil Arrests, as well going to as coming from the Place of Muster, during Twenty-four Hours every such Time of Muster.

† By 1733, *ch.* 7, §. 11, no Servants shall be inlisted in the Militia, unless upon such Emergency as shall be adjudged proper by the Field-Officers of the County.

II. **Provided**, That this Clause be not construed to countenance any Officer to || press Arms or Ammunition for any further Expedition or Service than Training; but that upon all such Occasions they shall be supplied out of the County Magazine or Store. All which Forfeitures shall be heard, adjudged and determined by the Colonel, Lieutenant-Colonel, Major, or any Two of them; and an Account thereof kept in Writing by the Clerk of such Troop or Company: Which said Colonel, Lieutenant-Colonel, or Major of such County, or any Two of them as aforesaid, is hereby authorized and empowered to award Execution against the Body, Goods and Chattels of such Persons so neglecting, refusing or failing as aforesaid: And that upon Occasion of all such Executions, the respective Clerks and Sheriffs of each respective County with this Province, shall issue out, and serve Execution without Fee or Reward.

Arms or Ammunition not to be pressed, except for Training. Forfeitures how to be adjudged, &c. and levied by Execution.

|| Unless by Order of the Governor to a Press-Master. See below; §. 12.

For the Manner of proceeding by such Field-Officers in adjudging, &c. such Fines; See the Act of 1722, *ch.* 15.

III. **And** for settling the Horse Forces, That a Captain of Horse, in each respective County, for making up of his Troop, shall inlist his Number of Men out of the Inhabitants of said the County, according to such Instructions as he shall, from Time to Time, receive from the Governor of this Province, or the Colonel of the County, for the Time being.

Captains of Horse shall inlist their Troops according to Instructions. &c.

IV. **Pro**