

or to the Company or Battalion into which such Detachment may have been embodied, that he may there perform the tour of duty for which he was drawn by lot: and on proof made on the oath of one credible Witness, before two Justices of the Peace, of the aforesaid offence, they shall by warrant under their hands and seals, addressed to a Bailiff or Serjeant of Militia of the place where the person convicted did reside, or where he may possess any Goods or Chattels, order the aforesaid fine to be levied by distress and sale of the Offender's Goods and Chattels, rendering the overplus (if any there be) after deducting the expences of such distress and sale, to be taxed by the said Justices, and for want of Goods and Chattels whereon to levy the said fine, every Defterter shall be liable to serve six months longer than the period for which he was drawn by lot.

Bachelors liable to the performance of Militia duty who shall change their place of residence may be summoned by any Justice of the peace to appear before him, and if such bachelors have been chosen for service, such Magistrate may take the same course as is provided for respecting deserters.

XXIV. And in order to prevent persons from eluding such service, be it further enacted by the authority aforesaid, that whenever any Batchelor liable to the performance of such Militia duty as aforesaid shall change his place or residence and come to reside in any Town or Parish, it shall and may be lawful for any Justice of the Peace to summon such person to appear before him, and to interrogate such person upon oath, according to the best of his knowledge and belief whether his name has been inrolled in any Militia List, and if he has been so inrolled, to declare the name and place of abode of the commanding Officer of the Company to which he belonged, and whether or no he was present at the last Ballotting held for the said Company; and in case of information upon oath by any credible Witness, that such person has been duly chosen for service by ballot according to the Provisions of this Act, and that he is a Defterter from such service, it shall and may be lawful for such Magistrate to take such course as herein before is set forth respecting Deserters.

Persons drawn by lot may provide Substitutes.

XXV. Provided always, and be it further enacted, that every Man drawn by lot to serve any Detachment as aforesaid, may present at the place of *Rendez-vous* of the Division or Battalion to which such Detachment may have been ordered, a good and sufficient substitute, subject to the approbation of the Officer there commanding, and on such approbation, and the substitute agreeing before such Officer there commanding to take the tour of duty which had fallen to the lot of the Militia man presenting him, the said Militia man shall be discharged therefrom, and be considered to have taken and performed the same; and the said substitute shall perform the said tour of duty in the same manner and under the same penalties, as if he had been drawn by lot for the same; and after the expiration thereof he shall be liable to drawn by lot in his own turn in the Company in which he may at the time be inrolled, or in which he was last inrolled, in like manner as if no duty had been by him performed.

Officers, &c. allowed the same pay as the King's troops.

XXVI. And be it further enacted by the authority aforesaid, that all Officers, non-commissioned Officers and private Men of the Militia embodied under the power and authority by this Act granted, shall be intitled to the same pay and allowances as the Officers, non-commissioned Officers and private men of His Majesty's Regiments of foot receive: to be reckoned from the day on which they march from the *Rendez-vous* of their Parish or Company, to go on actual service till they are dismissed by order of the Governor, or Lieutenant Governor, or Person administering His Majesty's Government in this Province, and at the time of their dismissal, there shall be allowed to every Officer, non-commissioned Officer and private Militia man, a number of days pay to defray his expences to the place of his usual residence, according to the distance, at the rate of five Leagues per day; and the Militia, when called out as is herein before directed, shall upon their arrival at the first military post, or at the place of *Rendez-vous* where

A certain number of days pay allowed on their dismissal.

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