

Clerks of Companies, shall be applied, by the Captain or Officer commanding each Company, for the keeping in order the Arms and Accoutrements of such Company, for the purchase of Drums and Fifes for the same, and other incidental charges attending the said Company; and if any surplus shall arise the same shall be paid into the hands of the Quarter-Master of the Regiment or Battalion, to be applied to such uses as the Field-Officers and Captains, in their annual, or other meetings shall direct and appoint.

*Desertion
from actual
service*

LXXXV. *And be it further enacted*, That if any person or persons whosoever, shall encourage, persuade, entice or procure, or endeavour to encourage, persuade, entice or procure any Non-Commissioned Officer or Private Man of the Militia, on actual service, to desert, or shall harbour, conceal or assist, any deserter from the Militia, on actual service knowing him to be such, it shall and may be lawful for the Commanding Officer of the Regiment, Battalion, Company or Detachment, to which such Non commissioned Officer, Private Man, or Deserter, may belong, at his option, to cause the person or persons so offending, to be prosecuted, by information, in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case. And if the person or persons, on such prosecution in the Supreme Court, shall, by a verdict of a Jury be convicted of any or either of the foregoing offences, such person or persons shall severally forfeit and pay, for each and every offence, a sum not exceeding twenty pounds, or be liable to close imprisonment not exceeding the term of three months; and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace, the person or persons who, on the oath of one or more credible witnesses, shall be convicted by such Justices, of any or either of the said offences, shall severally forfeit and pay, for each and every offence, the sum of five pounds, and in default of such payment, such offender or offenders shall, by such Justice, be committed to Jail, and closely confined for a term of twenty days, or until he, she or they, shall pay and discharge the said penalty of five pounds, together with the cost of prosecution.

*Prosecution
for any thing
done in pur-
suance of this
Act.*

Actions

LXXXVI. *And be it further enacted*, That if any Action shall be brought against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced, within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such Action or Suit, may plead the general issue, and give this Act, and the special matter, in evidence at any trial, to be had thereupon.

*Sections of
the Act, and
Articles of
War to be
read*

LXXXVII. *And be it further enacted*, That so many Sections of this Act as the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall, from time to time, order and appoint, together with the Articles of War, when made and published, shall be read so many times in each year as the Governor, Lieutenant-Governor or Commander in Chief shall direct.

LXXXVIII.