

XCVIII. *And be it enacted,* That it shall and may be lawful for the Governor, for the time being, to select and appoint, from and out of the Regiment to which the same may belong, as he shall judge necessary, a Captain or Captains, and Subalterns, as Officers to command each Draft or Body of men so furnished; and also, to form any number of such Bodies, furnished by several and different Regiments, or any portion thereof, which may be called out, into one Regiment or Battalion for actual service; and to appoint, from any such Regiment or Battalion, or otherwise, as he may deem fit, Field and Staff Officers, and an Adjutant for the same; and to order every Body of men so furnished, or a portion thereof, called out and required, into Barracks or Camp, and to adopt such measures to render the same efficient for actual service, as he may deem necessary.

Gov. empowered to appoint Officers to command each draft of men so furnished and to form the drafts into Regiments or Battalions and to appoint Staff Officers

XCIX. *And be it enacted,* That when so called into actual service, all such Bodies of Militia, or portions thereof, so called, shall be subject and liable to the same penalties, and all the Regulations and Enactments made in this Act, for the government, control, and discipline of Militia, who may be called into actual service.

Militia in actual service to be subject to regulation and penalties

C. *And be it enacted,* That it shall and may be lawful for the Governor to order and direct such Drafts to be made, and such Bodies of Men, or such portions thereof, to be furnished by such and so many Regiments of Militia, and from time to time, or at any one time, as he may judge meet and expedient.

Gov. to order drafts to be made from so many Regiments as he may judge meet

CI. *And be it enacted,* That, upon calling out any Body of Militia into actual service, it shall and may be lawful for the Governor to direct the necessary measures to be adopted, for ascertaining the ability and fitness of every man composing such Body of Militia to perform his duty on actual service; and if any man shall be found unable, from bodily incapacity, to perform his duty on actual service, such man shall be discharged, and the Colonel of the Regiment, by which such man shall have been furnished, shall be directed to provide another man in his place, if such man so discharged be a substitute, by directing the man, for whom such man shall have been substituted, to furnish another substitute, under the penalty by this Act imposed, for neglecting or refusing to go into actual service, or find a substitute; or if the man has been originally drafted for the Regiment, to take another man from the Draft of such Regiment, being the next man standing for actual service in the Company, from which the man so discharged shall have been drafted, who shall go or find a substitute, under the same penalty by this Act imposed for neglect or refusal to do so.

The ability and fitness of every man to perform his duty in actual service to be ascertained

If unfit to be discharged

If the man so discharged be a substitute another to be furnished if not another to be drafted

CII. *And be it enacted,* That every man shall, when called into actual service, supply himself with such necessaries, as may be directed by the Governor; and shall appear with such necessaries at the Barrack or Camp, where he shall be ordered; and if, upon the certificate of the Captain of the Company, from which such man shall be drafted, approved by the Colonel of the Regiment to which such Company belongs, it shall appear that any man is too poor, or, from other causes, not enabled to supply himself with such necessaries, it shall and may be lawful for the Officer appointed by the Governor for that purpose, to supply such man, at public cost, with the necessaries required, not exceeding in value Fifty Shillings; and to order and direct such man to be put under such moderate stoppages of pay as may suffice to reimburse the outlay.

Men to supply themselves with necessaries when on actual service

CIII. *And be it enacted,* That if any person, whomsoever, shall encourage, persuade, entice, procure, or endeavour to encourage, persuade, entice or procure, any 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 Colonel of the Regiment, Company or Detachment, to which such man or deserter may belong, at his option, to cause the person so offending to be prosecuted, by information in Her Majesty's Supreme Court, or before two of Her Majesty's Justices of the Peace, according to the nature and circumstances of the case; and if the person, 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 shall forfeit and pay, for each and every offence, a sum not exceeding Twenty Pounds, or be liable to close imprisonment for a term not exceeding the term of Three Months; and if such prosecution shall be carried on before two of Her Majesty's Justices of the Peace, the person, 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 forfeit and pay, for each and every offence, the sum of Five Pounds—and in default of such payment, such offender shall, by such Justice, be committed to Jail, and closely confined

Desertion from actual service

Prosecution for anything done in pursuance of this Act