

to be embodied within the same, all and every able bodied person as may be willing to enlist in the said provincial Militia.

No Apprentice or indented Servant to be enlisted.

II. *Provided always*, That no Apprentice, or indented Servant shall be enlisted as a Volunteer in the said Militia.

Governor, &c. may Commission and appoint Officers being Persons resident and Freeholders, to draft by Ballot from the Militia, so many Men as the Governor, &c. shall think necessary.

III. *And be it Enacted*, That the Governor, Lieutenant Governor or Commander in Chief, for the Time being, shall and may commission and appoint such Officer or Officers, as He or They shall think proper (being Persons resident and Freeholders in this Province for at least one Year last before their appointment) to elect and draught by Ballot from the Militia of this Province, so many able bodied Men as the Governor, Lieutenant Governor or Commander in Chief for the Time being, with the Advice and Consent of his Majesty's Council shall from Time to Time think necessary to assist in the Defence of this Province.

Commanding Officer within 48 Hours after receiving Orders, to muster the Regiment or Company (from which Drafts are to be made.)

IV. *And be it also Enacted*, That the Commanding Officer of each and every Regiment, troop or Company of Militia in this Province, or such other Person so commissioned as aforesaid, shall under the Penalty of Twenty Pounds for each and every Neglect or Offence, from Time to Time, and at all Times, upon receiving Orders from the Governor, Lieutenant Governor, or Commander in chief, for the Time being, within Forty Eight Hours after receiving such Orders, order and direct to be warned by a proper or usual warning Officer, the Regiment Troop or Company, from which Draughts are to be made as aforesaid, to be drawn out, muster and appear, at some convenient Place in each Township or District, where such Militia reside, within three Days from the issuing such Orders.

Every Person obliged by Law to serve in the Militia, shall, on Notice, attend the Muster. Penalty £10.

V. *And be it also further Enacted*, That each and every Person, who by the Laws of this Province are obliged to serve in the Militia, upon being warned by a proper or usual warning Officer, either by personal Notice or a written Notice, left at his or their usual Place of Abode, shall personally attend at the Time and Place of muster as aforesaid, under the Penalty of ten Pounds for each and every Neglect or Offence, unless it be made appear upon the Trial, that the Attendance of such Person so notified to muster, was prevented by Sickness or other unavoidable accident.

VI. *And Whereas in the Eighth Section of the Act, made in the Second Year of his present Majesty's Reign, intituled, "An Act for the better Regulating the Militia on actual Service in Time of War." It is Enacted*, "That when any Part of the Militia shall be draughted to march from one Part of the Province or Town to another, on real service, all such Draughts or Detachments shall be made by Ballot from each Company, in exact Pro-  
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