

call out the Militia under his command, and also the exempts as aforesaid, within the same, or any part thereof, into real service, and such officer last mentioned shall forthwith report his proceedings, and the reasons and grounds thereof to the officer commanding the Regiment or Battalion to which he belongs, who is hereby required in either case forthwith to despatch an express to the Governor or Commander in Chief, notifying the danger and the strength and motions of the enemy, and every person liable to be so called, who shall when called on refuse to go, shall pay the sum of *ten pounds*, or forthwith be committed to the County Gaol by a written order of the commanding officer of the Regiment, Battalion or Company to which he may belong, or if necessary for safe custody be sent to any other place of confinement at the discretion of such commanding officer, and such offender shall remain in imprisonment three months, or until such fine be paid; and all Gaolers are hereby ordered to receive and safely keep such person so to be committed during the time herein specified.

who is to send an express to the commander in Chief.

Persons refusing to go when so ordered to forfeit £10, or be imprisoned.

XXVI. *And be it further enacted*, that the Militia or any part thereof, and the exempts as aforesaid, so called out into real service by virtue of the provisions of this Act, ~~or which may have been called into real service under and by virtue of the said herein before recited Act~~, shall and may be ordered to march from one County or part of the Province to another, on any necessary service occasioned by such actual invasion or imminent danger thereof.

Militia on service to march to any part of the province.

XXVII. *And be it further enacted*, that when the Militia or any part thereof shall be upon real service, every officer or person so called into service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting guards, erecting works, and other Military services for repelling, resisting, or guarding against the attacks of the enemy, under the penalty of incurring the forfeitures appointed by this Act for disobedience of orders.

Militia on service to obey all lawful commands of superior officers.

XXVIII. *And be it further enacted*, that whenever the Governor or Commander in Chief shall direct any part of the Militia, or the exempts as aforesaid, of any or either of the Counties, to be called out as aforesaid, into real service, a draft by ballot shall be made from each company, in exact proportion according to the number then fit for duty, which shall be on the oath of the Captain or commanding officer of such company, to the best of his knowledge if required, of all persons from the age of eighteen to fifty years, which ballot shall take place, and be made in the presence of one or more of His Majesty's Justices of the Peace, or if no such Justice shall be resident near to the place where such ballot shall be made, then and in that case the same shall be made in presence of three or more respectable freeholders, who are exempted by age from being drafted themselves; and on such occasions all the persons within the County, in which any part of the Militia shall be called out as aforesaid, between eighteen and fifty years of age, who are herein before declared to

Militia to be drafted for service by ballot.

Exempts to be formed into a Company, and subject to be drafted.

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