

VIII. *And be it further enacted by the authority aforesaid,* That to every Regiment or Battalion now or hereafter to be formed in this Province, there shall be two Flank Companies, to consist of not more than one third of the strength of such Regiment or Battalion, to be selected and formed from among such Militiamen as shall at any meeting or meetings of such Regiment or Battalion, volunteer for that purpose, and who shall not be above the age of fifty nor less than eighteen, and if it should so happen that a sufficient number of persons shall not at any such meeting or meetings, volunteer for the purpose aforesaid, then and in such case, the deficiency shall be made up by ballot from the remaining Militiamen of such Regiment or Battalion, who shall not be under the age of eighteen nor over the age of forty five years. And also, when it shall appear to the Commanding Officer that a widow, aged or infirm person, shall at the time of making the said ballot, depend for his or her maintenance on a son, a grandson or apprentice, such son, grandson, or apprentice may be excused whilst supporting such widow, aged or infirm person.

Flank Companies in every regt and battalion—how to be formed—what persons shall be excused from being balloted into said companies.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government, or the person commanding any Regiment or Battalion, as often as occasion shall require, to employ any and every of the said Companies upon any such duty as he shall think necessary.

Govr. &c. as the person commanding any regiment or battalion may employ the said companies.

X. *And be it further enacted by the authority aforesaid,* That if any non-commissioned officer or private shall refuse to obey the lawful orders of his superior officer, when employed on Militia duty, or shall quarrel with, or insult by abusive language or otherwise, any officer or non-commissioned officer, whilst on duty, it shall and may be lawful for the Commanding Officer then and there present, to order every such offender forthwith to be taken into custody and tried by a Court Martial, to be composed of three or more officers of the said Militia, who upon proof of the offence by the oath of one or more credible witnesses or witnesses, shall and may order and sentence every such offender to pay a fine not exceeding, on actual service, twenty pounds, and a sum not exceeding five pounds when the offence shall not be committed on actual service, according to the nature of the offence and the discretion of the Court, and in default of payment, when the Militia shall be embodied, to commit the offender, or keep him in some place of confinement for a term not exceeding six months, or until the amount of such fine be paid; and when the Militia shall not be called on actual service, to commit him to the common gaol of the District for a term not exceeding one month, or until the amount of such fine be paid.

Disobedience of orders by a non-commissioned officer or private, or insulting any officer whilst on duty—offender shall be tried by a court martial, and if found guilty fined, and in default of payment of the fine committed.

XI. *And be it further enacted by the authority aforesaid,* That the Captains of the said Flank Companies shall call out their respective companies for the purpose of being trained, exercised and instructed in military discipline, at least six times in every month, until the men shall be sufficiently instructed in their exercise; and after any company shall be reported to the Commanding Officer of such Regiment or Battalion, to be sufficiently instructed in their duty, they shall be called out once in every month, and the Captains commanding the Battalion Companies of any such Regiment or Battalion, shall in time of War call out their companies at least once in every month, and in time of Peace four times in every year.

Regulations for training of flank companies

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Captain commanding any company of Militia, if he shall think it more conducive to the good of the service and the ease and convenience of the men, to divide his company into squads of such number as he shall think proper,

Companies may be divided into squads—a proper person to instruct the men at regular meetings