

by warrant of distress and sale of the offenders goods, rendering the overplus, if any, after deducting the costs and charges of such distress and sale to the offender, one half of which penalty shall be paid to the person who shall prosecute for the same, and the other half into the hands of the Quarter-Master of the Battalion to which such arms, and accoutrements belong; and for want of effects, whereupon to levy the said fine of *ten pounds*, such offender shall be imprisoned not ex-

In case the arms be called for, to be delivered into the king's stores; the deficiencies to be paid for by the Province.

ceeding six, nor less than three months; and in case the said arms and accoutrements, shall at any time be called for, to be delivered into His Majesty's Stores, all deficiencies, shall be paid for out of the Treasury of the Province excepting such arms, and accoutrements, as shall have been lost on actual service against an enemy. Provided always, and be it further enacted, that nothing herein contained shall be construed to render void the bonds heretofore given for any arms, and accoutrements under and by virtue of any act heretofore passed, but that the same bonds shall be and remain in full force and effect.

Bonds given for arms under any former act not to be avoided.

Arms lent by Government not to be used for any other purpose than that for which they may have been supplied.

XXIII. *And be it further enacted*, that no person who has been, or may hereafter be furnished with arms, accoutrements, and ammunition, by Government, shall use the same for any other purpose, than that for which they may have been supplied, under a penalty of *ten shillings* for each and every offence, to be recovered before any one Justice of the Peace, in the same manner as prescribed in the ~~next~~ preceding Section, and when recovered, to be paid to the person who shall prosecute for the same, and for want of effects whereon to levy the said fine of *ten shillings*, such offender shall be imprisoned two days.

Militia may be called out in case of invasion or imminent danger thereof,

XXIV. *And be it further enacted*, that the Governor or Commander in Chief, shall be and he is hereby authorized and empowered in case of any actual invasion, or imminent danger thereof, if he in his discretion shall think it necessary or expedient, to call out the Militia of the Province, and the exempts as described in the first Section of this Act, (established Clergymen, licensed Ministers of the Gospel, Millers and Ferry-men, excepted) or any part thereof, into actual service.

Where the commander in chief cannot be immediately consulted, the commanding officer of the regiment may call out the militia of the county.

XXV. *And be further enacted*, that in case of any actual invasion or imminent danger thereof, in any County or District, where the Commander in Chief cannot in time be consulted, the commanding officer of the Regiment or Battalion of Militia in such County, or District, shall have power (if he in his discretion shall think it necessary or expedient) to call out the Militia in such County or District, and the exempts as aforesaid, or any part thereof, into real service; and

Where the commanding officer of the regiment cannot be immediately consulted, inferior officers may call out the militia under their command, and report to the col.

in case of any such actual invasion, or imminent danger thereof, in any Town, Parish or Company District, where the commanding officer of the Regiment or Battalion cannot in time be consulted, the Officer Commanding the Militia in such Town, Parish or Company District, shall have power (if he in his discretion shall think it necessary or expedient) to call