

two or more Sons residing in a House or Family, of their Father or Mother, and who shall have resided therein for one year preceding, then, in case such Sons shall stand on the List or Roster aforesaid, so as to be liable to be ordered for service at the same time, one of the said Sons shall be excused from serving, and the next on the List or Roster shall be called out in his stead; and if any person, aged sixty years or upwards, or any Widow, shall have had a Son, Grandson or an Apprentice, on whom he or she depends for support, living with such aged person or Widow for the space of twelve months, before the ordering of any Draft as aforesaid, such Son, Grandson or Apprentice, shall be exempted from serving, so long as he resides in the House or Family of such aged person or Widow, and contributes to his or her support.

Exemption
from actual
service

And whereas, the drafting of Militia-men, employed as Clerks, Storekeepers, Mechanics or Labourers, in Her Majesty's Ordnance Stores, and Naval or Careening Yard, and in the Civil and Military Departments of the Army, might prove injurious to Her Majesty's Service—for remedy whereof:

Preamble

LXXIV. *Be it enacted*, That whenever a proportion of the Militia of the Town of Halifax shall be called into service, it shall and may be lawful for the Colonel of the Regiment, to which Clerks, Storekeepers, Mechanics or Labourers, belong, who are employed in Her Majesty's Ordnance Stores, or in the Navy or Careening Yard, or in the Departments of the Army, to apportion the number of Drafts such Clerks, Storekeepers, Mechanics and Labourers, in every such respective Department ought to furnish, and to procure good and sufficient substitutes in the place or stead of such Clerks, Storekeepers, Mechanics and Labourers, on the most reasonable terms—the amount of the cost and expense for procuring of which substitutes shall be duly assessed by the Colonel of the Regiment, with the assistance of two Captains of the Regiment, on each Clerk, Storekeeper, Mechanic or Labourer, so employed in each of the aforesaid Departments respectively, in proportion to the daily pay of every of the said Clerks, Storekeepers, Mechanics and Labourers.

Exemption of
Clerks, &c. in
Government
employ

LXXV. *And be it enacted*, That each and every such Clerk, Storekeeper, Mechanic or Labourer, so assessed as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment to the Colonel of the Regiment, or to any person by him duly authorized to receive the same; and if any such Clerk, Storekeeper, Mechanic or Labourer, shall refuse or neglect to pay such rate or assessment, it shall and may be lawful for any of Her Majesty's Justices of the Peace for the Town of Halifax, on complaint of the Officer commanding the Regiment, and on due proof that such Clerk, Storekeeper, Mechanic or Labourer, having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his warrant to any of the Constables of the Town of Halifax, directing them to levy, by distress and sale of the Goods and Chattels of such Clerk, Storekeeper, Mechanic or Labourer, the sum so proved to be by him due and owing, as his proportion, rate or assessment, aforesaid, with costs of suit; and, for want of Goods and Chattels, to commit such Clerk, Storekeeper, Mechanic or Labourer, to Jail, there to remain until the amount, so specified in the warrant, be duly paid: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to prevent the said Clerk, Storekeeper, Mechanic or Labourer, in each of the aforesaid Departments respectively, from procuring substitutes agreeably to Law, or performing the aforesaid Militia duty in person, on due notice given to them of such duty, and on their declaring such their intention, at the time of notification, and carrying the same into effect.

Refusal of
Clerks, &c. to
pay Assess-
ment

LXXVI. *And be it enacted*, That whenever, agreeably to the authority granted by this Act, any part of the Militia shall be ordered into actual service, any man enrolled in the Militia, who shall neglect or refuse to obey such order, or shall not, by himself, or sufficient substitute, march and proceed to perform such service as may be legally required of him, shall be confined by the Officer commanding the Regiment or Company to which such man belongs, and shall be subject to a fine of Ten Pounds, or, in default of payment, be liable to three months close imprisonment.

Refusal of
Militia when
ordered into
actual service

LXXVII. *And be it enacted*, That, whenever any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Trumpeters, Drummers, Pipers, Buglers, Fifers and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Trumpeters, Drummers, Pipers, Bu-

Pay of Militia
when ordered
into actual
service