

case the captain or senior officer shall command the next upon the roll, or ballot for a person fit for the service, and so on, until the number fixed for that company is completed. If upon this occasion, or even upon any other occurrence, it should happen that there be not a sufficient number of unmarried men in a company, to furnish the quota required, in that case, the married men under the age of forty shall be commanded on the detachment or balloted for the purpose, and be obliged to march, in the same manner, as is above directed to be done by unmarried men.

Penalty for non-attendance or desertion.

And whereas the safety of the province depends much upon the due observance of this article, It is further enacted and ordained, by the same authority, That all militia-men, commanded for detachments, or balloted for that purpose, who shall not present themselves at the place of rendezvous fixed by the order, or shall desert, either before or after being assembled, shall be liable to be apprehended by any order of the captains or other commanding officers of the parishes to which they may have absconded, who are hereby authorized and enjoined to cause such militia-men to be apprehended and brought before the colonel of militia, or senior field officer, nearest at hand, who, jointly with any two field officers, is, and are hereby likewise authorized to hear and examine them, and if they shall find them guilty, to condemn such militia-men respectively to pay a fine of ten pounds, and be imprisoned for one month. And after the expiration of such imprisonment, they shall be obliged to take the place of those serving in their stead, who shall then be discharged, and exempted from such command or balloting, until all the militia-men of the company shall have taken their turn of duty.

All those who shall have been fined and imprisoned, and who shall refuse to take up the place of those who marched for them, or who shall repeat their desertion, shall incur a penalty of twenty pounds and three months imprisonment, by sentence of the colonel and two field officers of the district, as abovesaid.

A R T I C L E VII.

Militia-men may serve by substitutes.

It shall and may be lawful for any militia-man commanded or balloted for a detachment, to put another man in his place, upon condition that he himself presents his substitute, personally, to the colonel of militia of the district, who shall give him a written discharge, provided he approves of the substitute offered as being capable for the