

ous or conscientious Scruples are averse to the bearing of Arms and performing military Service, to enlist or do Duty in the Militia of this Province.

LXI. *AND provided also, and be it further Enacted*, That nothing in this Act contained shall be construed to extend to any Member of the Upper and Lower Houses of Assembly, except such as shall take military Commissions under this Act, or to any Person in holy Orders. *And provided also*, That any Member of the Upper or Lower House of Assembly, taking a military Commission as aforesaid, the Clerks and other Officers of the Upper and Lower Houses of Assembly, shall be exempt from all Duties and Services, during the Sitting of the Assembly. *And provided also*, That nothing in this Act contained shall extend to the Justices of the Provincial or County Courts, Attorneys at Law, Sheriffs, or other Ministers and Officers belonging to any of the said Courts, during the Time that such Courts shall sit. *And provided also*, That nothing in this Act contained shall extend to Goalers, Ferrymen, Millers, Mariners, Watermen usually employed in any Craft, Persons employed in Furnaces or Iron-Works, Physicians, Surgeons, and Apothecaries, except in Time of actual Invasion, Rebellion, or Insurrection, when all and every the said Persons in this Clause mentioned, being of the Militia, Goalers and Ferrymen excepted, shall be liable to the same Duty and Service as if this Proviso had not been herein inserted, except such Physicians, Surgeons, and Apothecaries, who, in Ten Days after the Publication of this Act, shall give in their Names in Writing to the Colonels or Commanding Officers of the Counties, wherein they shall reside, and engage to attend in their Profession with proper Medicines and Instruments, upon any Part of the Militia whilst in actual Service, as they shall be directed by the said Colonels or Commanding Officers; and such Physicians, Surgeons, and Apothecaries, who shall engage as aforesaid, shall be and are hereby exempted from all Service in the Militia whatsoever. But in Case any Physician, Surgeon, or Apothecary, shall engage as aforesaid, and upon receiving the Direction of the Colonel or Commanding Officer aforesaid, shall wilfully refuse or neglect to do and perform his Duty, according to his said Engagement, in such Case, such Physician, Surgeon, or Apothecary, shall forfeit and pay the Sum of Twenty Pounds Current Money, and be liable thereafter to the Performance of all and every military Service and Duty whatsoever; any Law, Usage, or Custom, to the contrary, notwithstanding.

LXII. *AND* whereas all and every Person and Persons of the Militia of this Province are, as aforesaid, not only liable to the Duties and Services required by this Act, but also, if able, to find, at their own proper Cost and Charge, suitable Arms; and it would prove an unequal Tax if the Persons above exempted from the Services of the Militia, who are able, should be discharged also from the Burthen and Expence finding Arms.

LXIII. *BE it therefore Enacted by the Authority aforesaid*, That all and every the Persons, (whose Real and Personal Estate is of the Value of Forty Pounds Sterling, to be determined as aforesaid) before exempted from the Services of the Militia, and all Men above the Age of Sixty Years, of the Ability aforesaid, shall, each of them, find one good and sufficient Firelock, with a Bayonet, and deliver the same to the Colonel or Commanding Officer of the County wherein he shall reside, or pay to the said Colonel or Commanding Officer the Sum of Three Pounds Current Money in Lieu thereof, in six Months, after the Publication of this Act, on Pain, that every Person aforesaid, of such Ability as aforesaid, who shall neglect or omit to find and deliver such Arms as aforesaid, or pay such Sum of Money as aforesaid in Lieu thereof, shall be subject and liable to every Service and Duty of the Militia; any Proviso, Clause, or Thing herein contained, or any Law, Custom, or Usage, to the contrary, notwithstanding.

LXIV. *AND be it further Enacted by the Authority aforesaid*, That the Arms which shall be delivered to the Colonels or Commanding Officers aforesaid, in manner aforesaid, shall be distributed among such Persons as shall need the same, and not of the Ability aforesaid to purchase his Arms.

LXV. *AND be it Enacted by the Authority aforesaid*, That in Case the several Fines, Penalties, and Forfeitures, in this Act mentioned, and not triable or determinable before a Court Martial, as aforesaid, shall not be paid upon the Demand or Order of the Commanding Officer of the Person incurring the same, into the Hands of the Sheriff of the County wherein the Offender shall reside; and in Case any other Person, not of the Militia, shall incur any Fine, Penalty or Forfeiture under this Act, and on Demand or Order of the Colonel or Commanding Officer of the County wherein such Person shall reside, shall omit to pay the same into the Hands of the Sheriff as aforesaid, the same shall be recovered, and all Offences under this Act shall be adjudged and levied in the Manner following, to wit, all such Fines, Penalties, Offences, and Forfeitures, as shall be incurred or committed by any Person of the Militia, under the Degree of a Commissioned Officer, shall be adjudged and determined by the Captain or Commanding Officer of the Company or Troop to which such Person shall belong, and two other the most discreet Persons belonging to the said Company or Troop, or the Majority of them, which said two Persons shall be elected and chosen by the Majority of each Company or Troop at the next Day of Training after such Company or Troop shall be formed; and in Case of Default of such Election or Choice, the Commissioned Officers of each Troop or Company shall constitute a Court, to try, adjudge and determine the Matters aforesaid; and in Case of such Choice or Election as aforesaid and Vacancy by Death or otherwise of such Persons, or either of them, to be chosen or elected as aforesaid, such Vacancy shall be filled up and supplied by a new Choice or Election as aforesaid; and in Case that the said Persons, or either of them, to be elected as aforesaid, shall be charged with or accused of any Matter or Thing incurring a Fine, Penalty, or Forfeiture, under this Act, then and in such Case the Place of such Person or Persons, *pro hac Vice*, shall be supplied by one or two Commissioned Officers of the same Troop or Company, as the Case may require: The said Commissioned Officers, for this Purpose, to be appointed by the Captain of the Troop or Company, and in Case any Commissioned Officer, under the Rank of a Colonel or Commanding Officer of a County, shall, in any Matter, not triable before such Court-Martial, to be appointed by the Governor or Commander in Chief, for the Time as aforesaid, offend against this Act, such Officer shall be tried by the Appointment of the Colonel or Commanding Officer of the County wherein such Offender shall reside, before a Court-Martial to consist of five, or three at the least, of the Commissioned Officers of the said County, who shall determine by the Majority of the Voices of such Court; and in Case any Colonel or Commanding Officer of a County shall be charged with or accused of any Offence against this Act, then and in such Case the Colonel or Commanding Officer, and two Field Officers, of the next adjacent County or Counties, to be appointed by the Governor or Commander in Chief, or the Major Part of them, shall adjudge and determine such Offence.