

Upon which the Committee have thus Considered.

- (1) That the present act enjoines all persons Except the: to come to Muster at the time appointed and on Failure liable to a fine of 100^l. tobacco for every neglect of which the Captaine is Judge and 7^l. without any pay.
- (2) We do not find any people bound to attend Muster (more strictly then here in times of peace which seems sufficient and when war happens Measures of Law must be taken.
- (3) The Greatest Reason why the Militia seems unserviceable is not Living up to the present Law the neglect of which (must be principally) in the Comd^{rs} neglect for they have power to Summons and if disobay Can fine for such Consent.
- (4) Upon the whole matter we see no better expedient to amend the present Conditions of the Militia then by putting the Law already made in practice by enforcing the Comd^{rs} to their duty (w^{ch}:- Their frequent Calling their Company together and taken due pains and care as the Law direct to instruct and traine them that are able to forme their duty and this under penalty to the Commanders as well as thos Commanded.

Which being read and Considered the House Concurs therewith and Ordered that the following Message be sent to his Excellency the Gov^r and Council.

By the House of Delegates May the 13th 1701.
May it please Your Excellency

In answer to the Message of the 12th Instant by Coll^o J^r. Hammond and Coll^o Jenkins relating to the Militia this House did refer it to a Committee to Consider of w^{ch} Laws might be made to render the Militia more usefull who have Reported to us that the Constitution of the Country will not admit of any better Law to be made.

Signed for order

Wth Sayland Clk^o House bet^r.

Mr. Phil^l. Loyds and Coll^o Henry Lowe sent up to his Excellency with the said Message. They Return and say the Honble Council is adjourned, therefore referred to be sent to Morrow Morning.

The House adjournes till to Morrow Morning Seven a Clock.
Wednesday 14th 1701.

The House mett againe and Called over all present only Coll^o Wth Whittington and Mr. Wth Hutchison had Liberty to depart the House and Mr. John Franklyn sick.

The Message Yesterday by Tho^s. Tenel Esq^r. Coll^o John Addison, Tho^s. Brooke Esq^r and Coll^o J^r. Hammond, read as follow^{ing}.

By the Council in Assembly May the 13th 1701.