

THE
COLONIAL RECORDS
OF THE
STATE OF GEORGIA

VOLUME XVIII.

STATUTES ENACTED BY THE ROYAL LEGISLATURE
OF GEORGIA FROM ITS FIRST SESSION IN
1754 TO 1768.

COMPILED AND PUBLISHED UNDER AUTHORITY
OF

THE LEGISLATURE

BY

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COLONIAL ACTS OF GEORGIA.

(B. P. R. O., Board of Trade.)

AN ACT

For Regulating the Militia of this province and for the Security and better Defence of the same—

Whereas the Situation of this province is such Preamble
that it cannot but sufficiently convince every reasonable Man of the necessity the Inhabitants are under of being well arm'd and trained up in the Art Military, as well for the Honour and Service of his Most Excellent Majesty as the preservation of our lives, and fortunes; We therefore humbly pray His Most Sacred Majesty that it may be enacted Enacted
and be it enacted by the Governor, Council and Assembly of this His Majesty's province of Georgia, and by the Authority of the same, That it shall and may be lawful to and for the Governor or Commander in Chief for the time being to Assemble and call together all Male persons in this province from the Age of sixteen to sixty years, within the Towns Divisions or Districts and places in this province, at such Times and Arm and array them in such manner as is hereafter expressed, and declared, and to Form them into Companies, Troops & Regiments; and in case of Insurrection, Rebellion, or Invasion them to lead conduct or employ, or cause to be led conducted and employed, As well within the said Towns, Divisions Districts and All Male Persons from the Age of 16 to 60 years liable to bear arms.
places

 For Regulating the Militia.

places, where such persons reside, as into any other Division District or places, within this province for suppressing all such Insurrections and Rebellions and repelling such Invasions as may happen to be. And whereas the said Governor or Commander in Chief for the Time being, hath full power and authority from Time to Time to constitute appoint and give Commissions to such persons as he shall think fit to be Colonels, Majors, Adjutants, Captains and other Commissioned Officers of the said persons so to be armed, arrayed and Weaponed; Be it therefore enacted, by the authority aforesaid, That in every Division within this province there shall be formed one or more Regiment or Regiments, and within every District in the respective Divisions one or more Company or Companys which said Regiments and Companies shall consist of such number of men as the Governor or Commander in Chief for the Time being shall think proper.

2d.
Regiments to be formed in every Division or District.

3d.
Field Officers in each Regiment to settle the Division of the Companies in each District.

Be it further enacted by the Authority aforesaid. That the several Field Officers who shall be in Commission or the Majority of them in each respective Regiment are hereby fully authorized and empowered to settle and ascertain the Division of the Companies in each District under their Command, if they shall think it necessary to Divide the Inhabitants into more Companies, than one, provided the same be done agreeable to the Directions and Regulations Prescribed by this Act.

Be it further enacted by the Authority aforesaid. That it shall and may be lawful to and for the
Colonel

For Regulating the Militia.

Colonel or in his absence, the next field Officer of every Regiment hereafter to be formed in this province, on any days and Times when any three or more of the Companies of the Militia shall be assembled (to be trained mustered or exercised) within Ten Miles of one another, to cause such Companies to assemble together at some convenient place within the Division or District of Such Regiment to which such Companies shall respectively belong, and there to Train and exercise such *Company*^s in Battalions, in such manner and Form as such Colonel or other Field Officer shall think Fit, anything in this Act to the contrary notwithstanding Excepting all Companies that may hereafter be formed upon any Islands along the Sea Coast, in this province. And in the mean Time the Inhabitants of the said Islands shall not by this Act be obliged to appear but at ordinary Musters and at the nearest place of Muster, three times a Year.

4th.
Every Colonel when three or more Companies are within Ten Mile of each other may Assemble them together to be exercised in Battalion.

Be it further enacted by the Authority aforesaid, That every Captain or other inferior commissioned Officers of any Company within this province, who shall refuse or neglect, to conduct, or lead his Company or to attend the same to the place of Rendezvous of any General Muster hereby appointed, or to the exercising of the Companies in Battalion according to the directions of this Act, every such Captain and other inferior commissioned Officer of any Company, who shall so refuse or neglect as aforesaid, shall for every such Offence, forfeit and pay the Sum of Three pounds Sterling, and the Said

5th.
Penalty on Officers who neglect their Duty.

 For Regulating the Militia.

Said Offences Shall be hear'd, tryed, and determined, and the said Fines Levyed, in the same way and manner, as other Offences of Captains or other Commanding Officers of Companies, by this Act are directed to be tryed, heard, determined & levied.

6th.

Company's
may be
mustered at
any Time
not exceed-
ing six
Times in a
Year.

Be it further Enacted by the Authority aforesaid, That it shall be lawfull for every Captain or other commanding Officer of the Several Companies, in this province, to assemble, Muster, train, and exercise their respective Companies, or any of them, for Ordinary Musters at any Time or times throughout the Year, giving Notice of such Muster by Beat of Drum or in Such other Expeditious Manner as such Captain or other Commanding Officer shall think fitt, Provided always that it shall not be lawfull to assemble any of the said Company's for ordinary Musters above Six Times in one year provided also and it is hereby declared that no person or persons whatsoever, shall be compelled or Obliged, at any general Muster, to goe out of the Division, where such person resides, nor at ordinary Musters, to goe above 12 Miles from where he dwells nor to remain at the place of such general or Ordinary Musters above one day, except in Time of actual Rebellion, Insurrection or Invasion, or other cases herein after particularly mentioned and provided nor shall this Act or any thing herein Contain'd be deemed, construed or taken, to extend to the giving or declaring any power, for Transporting or sending any of His Majestys Subjects in this province or any way Compelling them, to March out of this province.

No Person
obliged to
goe out of
his Division
on general
Musters nor
above 12
miles from
his place of
Residence at
ordinary
Musters.

Be

For Regulating the Militia.

Be it further Enacted by the Authority aforesaid, That the Captains of the several Companies in each Division or District in this province shall respectively enter enlist and enroll, the names of all the Male Inhabitants of this province, from the Age of Sixteen to Sixty years, within their several and respective Districts & Division, and Shall cause the severall persons so inlisted to be duly Summoned to appear at the Times and places appointed for ordinary Musters, in each respective District and Division & the publishing the Muster Days as aforesaid shall be deem'd a sufficient Summon within the Intent of this Act to oblige the person lyable to appear at such Musters, and the persons whose names shall be so entered, inlisted and enroll'd shall be deem'd & held to be inlisted in and to belong to the Company of that District or Division in which they shall be so enlisted and enroll'd & shall be obliged to appear at Musters, and on all other Occasions, and to be subject to the directions of this Act without any further Notice whatsoever.

7.

All Male Inhabitants from 16 to 60 years Age shall be enlisted.

Be it further Enacted by the Authority aforesaid, that every person lyable to appear and bear Arms at any Muster, exercise or training hereby appointed pursuant to the Direction of this Act, shall constantly keep in his House, or at his usual place of abode, and bring with him at such muster Exercise or training one Gun or Musquet fit for Service, one Cartridge Box with at least nine Cartridges filled with good Gun powder and Ball that shall fit his Piece a Horn or Flask containing at least

8.

How each person shall be armed.

 For Regulating the Militia.

a quarter of a pound of Gun Powder and a Shott Pouch with Bullets proportionable to the Gun powder, one Girdle or Belt, one Worm, and Picker, four spare Flints, a Bayonet Sword or hatchet of the fitness and sufficiency of which Arms, every Commanding Officer of the Company to which such person belongs, is hereby declared to be the Judge.

9th.
Fines for
such as do
not appear
compleatly
armed.

Be it enacted by the Authority aforesaid, That in case any person lyable to appear and bear arms, at Musters as aforesaid shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Regiment to which the Company in which he is entered and enlisted shall belong every Such person shall forfeit & pay a Sum not exceeding ten Shillings Sterling, and in case any such person shall neglect or refuse to appear in manner aforesaid at every ordinary Muster every such person shall forfeit, and pay a Sum not exceeding five Shillings Sterling, which Said Several Penalties shall be recovered and dispos'd of as is herein after directed.

10.
The Officers
may visit
peoples
Houses to
View their
arms, etc.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the Commission Officers of any of the Companies of this province, Six times in a year, and not oftener, to take to their Assistance, if they think fit the Serjeants of such Company's and at any convenient time of the Day to repair to the places of residence, of any person or persons, as well those persons who are obliged to appear, on alarms, as to other persons lyable to bear arms, and enter'd and enlisted, in any such

For Regulating the Militia.

such company, and to demand a sight of their Arms, Furniture, Ammunition and Accoutrements, aforesaid, and in case persons, shall refuse to produce, any such Arms, Furniture, Ammunition and Accoutrements, or to Suffer the same to be viewed and inspected, or if when produced the said Officers shall find the same defective it shall and may be lawfull for the said Officers to Fine every person offending herein, in any Sum not exceeding five Shillings Sterling and to proceed against him or them for levying the same, in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary Musters.

And whereas it may be convenient and necessary on some particular and special Occasions to assemble the said *Company*^s at other Times than are Usually fixed for ordinary Musters. It is therefore further Enacted and declared Ththa when ever, any of the said Companies shall be Assembled or Mustered, on any particular and Special Occasion, Such Assembling and mustring Shall be esteemed and accounted as a Muster Day and one of the Six Times on which the said Companies are obliged to Muster in one year, provided always, That the said General Muster of any of the said Companies according to the Directions of this Act shall be esteemed and Accounted as and for one other of the Six Times on which the said Companies are obliged to Muster in one Year, anything in this Act to the contrary notwithstanding, Provided also that no Company or Companies, in this prövince be assembled

11. —ex
Companies mustering on special occasions to be accounted as one of the Six Times on which they are obliged to muster in one year.

But not muster on special Occasions without the order of the Commander in Chief, unless for suppressing Insurrections etc.

 For Regulating the Militia.

bled on such special and particular Occasions without the Order, Command or direction of the Governor or Commander in Chief of this province for the Time being Provided also that this Clause shall not be construed to hinder the assembling of any of the said Companies or parts thereof for suppressing Insurrections, Pirates, Sea Rovers, or Fugitive Slaves.

12.

A Troop or
Troops of
Horse to be
formed, etc.

And whereas it may very much contribute to the safety and welfare of this province to have a Troop or Troops of Horse in readiness on particular and extraordinary Occasions. Be it further Enacted by the Authority aforesaid, that the Governor or Commander in Chief for the Time being be hereby authorized and empower'd from amongst the Inhabitants of this province who have sufficient substance to undergo the charge and will voluntarily come and inlist to Form a Troop or Troops of Horse, not exceeding in the whole two Hundred men, and to appoint and Commission proper Officers to command such Troop or Troops and to Muster, train and exercise them not less than four Times in one Year, at Savannah or such other place, as the Governor or Commander in Chief shall direct and appoint.

13.

to be Armed
and Cloathed
Horse how

Be it further Enacted by the Authority aforesaid, That every person, who shall inlist in the said Troop or Troops so to be formed shall provide himself with a Good and able Horse (his own property) and with such Cloaths, Arms, Ammunition and furniture as the Majority of the Officers shall agree upon

For Regulating the Militia.

upon and every person or persons so inlisted in the said Troop or Troops shall be excused and exempted from all service whatsoever in any other Regiment, Troop or Company whatsoever (the patrol Duty excepted) provided no person whatsoever shall be admitted to inlist in the said Troop or Troops unless he Shall be first approved by the Colonel of the said Troop or Troops and every person so inlisted Shall obtain a Certificate from the Colonel of the said Troop or Troops, which Certificate the person so enlisted shall produce to the Captain or commanding Officer of the Company of such Division or District where the person so enlisted shall live and reside, and until the person so enlisted shall have produced and Shewn such Certificate he shall be lyable and subject to all the penalties and Forfeitures, inflicted by this Act, for not keeping arms, or not appearing at the Musters Trainings and excises directed by this Act, and the person so enlisted, shall not be discharged from the same without giving Three Months Notice in writing to the Colonel, or other Commanding Officer of the said Troop or Troops, of his Intent to be Discharged, and Shall produce a Certificate, at the End of the said three Months to such commanding Officer that he is enlisted in the foot Company of the Division or District where he resides and upon such Notice given, and certificate produced, he shall be discharged from the said Troop, to which he belongs, and not otherwise.

Be it further Enacted by the Authority afore-
said

For Regulating the Militia.

14.
The said
Troop to
attend the
Governor
wherever
their service
may be re-
quired.

said, That in Time of any actual Rebellion Insurrection or Invasion the said Troop or Troops shall attend the Governor or Commander in Chief for the Time being, in any part of this province where the Governor or Commander in Chief shall go or be in person, and in such Times of Rebellion, Insurrection or Invasion, shall march ride or go to any place within this province, where the said Governor or Commander in Chief for the Time being shall Judge their service shall or may be required, and shall on all other Occasions attend the said Governor or Commander in Chief, upon Notice given or by being personally summoned, by any person appointed for that purpose by the Colonel or other Commanding Officer of the Troop or Troops, and if any person inlisted in the said Troops or either of them shall neglect or refuse to appear at the Days and times appointed for Musters, or upon due Summon on other Occasions, upon able Horses and with such Cloaths, Arms and other Accoutrements, as the Majority of the Officers shall agree upon, every such person shall forfeit a Sum not exceeding twenty Shillings Sterling, to be applied recovered & disposed as is herein after directed.

Penalty for
non-appearance.

15.
Persons
within the
Province
three Months
liable to bear
Arms. —ex

Be it further Enacted by the authority aforesaid, That every able Male person from the age of Sixteen to Sixty years who has once resided & shall be *without* this province for the space of Three Months (Slaves excepted) is hereby declared to be liable to bear Arms in the Regiment, Troops or Companies in this province, or some or one of them,

according

 For Regulating the Militia.

according to the Directions of this Act, except the severall persons herein after particularly mentioned who shall be excused and exempted from appearing at General and Ordinary Musters, at such Times and in Such Manner as is herein after mentioned and provided (that is to Say) all such persons who are members of his Majesty's Council & their Officers, for the time being, the members of the Assembly for the Time being and their Officers, the Chief Justice & Justices of the Court of common Pleas, the Attorney General, the Attorneys of the said Court, the Clerk of the Crown and Pleas, the provost Marshal the Master and Register of the high Court of Chancery for the time being, the Judge of the Vice Admiralty, the Officers of his Majesties Customs, the Surveyer General of His Majesties Lands in this province, the Clergy, the Chatechist of Savannah for the Time being, be Public Treasurer, powder receiver, Comptrolers, Waiters and Commissary, for the Time being, his Majesties Justices of the peace who shall actually qualify them selves, and act as such and no other, Provided, that all the persons aforesaid (the members of his Majesty's Honourable Council and of the Assembly, and their Officers & the pilots and Ferrymen only excepted) shall in the Time of Rebellion, Insurrection or Actual Invasion, attend under the proper Colours of the Company, in the Division or District in which such person shall actually live or reside, completely Armed and Furnished as in this Act is Directed for the foot Soldiers, or shall attend the Governor or Commander in Chief for the Time being with Horse and

Arms

Persons ex-
empted from
musters.

 For Regulating the Militia.

Arms in the same manner as the Troops are herein before directed, on pain of Forfeiting the Sum of Ten pounds Sterling.

16.
 This para-
 graph relates
 only to Ser-
 vants or Ap-
 prentices.

Be it further Enacted by the Authority aforesaid, That every Master or other person who hath the power over Government or Command of any Indented Man Servant, who Shall be employed within this province, Shall at his or their own, proper Costs and Charges, furnish and provide every such Indented Servant, during his Servitude with the Arms and Furniture directed by this Act, and every Master and other person as aforesaid shall constantly keep such Arms and furniture as aforesaid for every Such Indented Servant, and Shall Send him or them so compleatly Armed and Furnished as aforesaid, to all Musters Trainings and exercise directed by this Act, and in Case such Indented Servant Shall not appear or his Arms and Furniture should be found deficient, the Master or other person as aforesaid having the Government of such Indented Servants shall on default made in any of the premises, be subject to the same Forfeitures and Penalties as are inflicted on other persons made liable by this Act to appear and bear Arms, at Exercises, Musters and Trainings Provided always That if any Such Servants as aforesaid who shall be duely furnished and provided as is herein before directed and Shall be Sent to Muster, by the Master or any other person under whose Government, such Servant shall be, shall of his own accord, and contrary to the Will, and without the consent of the Master or such other person as aforesaid neglect

or

For Regulating the Militia.

or refuse to appear at any Training Muster or Exercise appointed by this Act, the Master or other person under whose Government such servant May be, Shall be liable to the penalties by this Act inflicted, for the Default of Such Servants and every Such Servant so offending as aforesaid shall be obliged, to serve the said Master, Two Weeks for every penalty so paid by his Master or other person, as aforesaid, and if any Servant shall imbezzle sell or make away with the arms so to be provided for him as aforesaid, he Shall be lyable to make his Master or other person, under whose Government such Servant may be full Satisfaction.

Be it further Enacted by the Authority aforesaid, that every Servant in this province, who Shall be Freed or discharged from his Service shall be allowed Six Months time after such discharge to provide himself with the Arms and Furniture by this Act directed and required, and until the said Six Months Shall be expired, shall be freed and exempted from the Mulcts or penalties inflicted by this Act.

17.

Six months given to Free'd Servants to provide themselves with Arms, etc.

Be it further Enacted by the Authority aforesaid, that no civil officer whatsoever Shall on any pretence, execute any process (unless for Treason Felony or Breach of the peace) on any person whatsoever, at any Muster or other Time, when such person Shall be obliged to bear Arms, in pursuance of the Direction of this Act, nor in going to or returning from any Muster or place of Rendezvous or within twenty four hours after such person

18.

No process to be serv'd on persons going to or returning from Musters.

 For Regulating the Militia.

son Shall be discharged from appearing in the Regiment, Company or Troop to which he shall belong under the penalty of two pounds Sterling, and the Service of such process on any Such person is hereby declared to be absolutely Void to all intents & purposes whatsoever and all Arms and Furniture which are by this Act required to be provided, by any person whatsoever shall not be liable to be seized, distrained or taken in Execution for any Cause Matter or thing whatsoever. And in case any person Shall seize, levy or distrain upon any Such Arms or Furniture contrary to this Act every Such person shall Forfeit the Sum of two pounds Sterling, to be Sued for and recovered as is hereafter directed.

19.
Penalty and
punishment
on such as
disobey their
Officers or
will not fire.

Be it further Enacted by the Authority aforesaid, That in Case any person who Shall be obliged to Bear Arms, whilst the Regiment, Troop or Company to which he Shall belong shall be under Arms or in Array, shall neglect or refuse, to fire his Gun not Exceeding Six Times each Muster day, or Shall Wilfully neglect or refuse to do his Duty, or to obey the other Lawfull Commands of his Officer, the Majority of the Officers of the Troop or Company, to which Such person belongs, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence shall be committed in a Regiment shall have full power and Authority
to

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85 35
1. 18

STATUTES ROYAL, LEGISLATURE, 1754-1768 21

For Regulating the Militia.

to inflict on the person so offending any pecuniary Mulct not exceeding Ten Shillings sterling and in case any person Shall be disobedient, or raise any Mutiny or Sedition in Such Regiment Troop or Company under Arms or in array such person Shall be liable to a Fine not exceeding one pound Sterling, and the Said Officers respectively over and beside Such pecuniary Mulct, may imprison or confine the Offenders until Such Time as the Regiment Troop or Company to which the Offenders Shall belong Shall be discharged from bearing Arms, on the Occasion for which they Shall be assembled. And in case Such Offender Shall be a Servant, and Shall not forthwith pay such fine imposed, as is last above-said; the said Officers respectively may inflict Corporal punishment on Such Servants by Whipping not exceeding twenty lashes.

For the better regulat-
ing the
militia.

And be it further Enacted by the Authority afore-said, that in case any person obliged to bear Arms, Shall remove from one District Division or place to any other, it Shall be Lawfull for the Captain or Commanding Officer of the Company to which Such person last belonged, to Levy the penalties inflicted by this Act, for non appearing at Musters, or for not having or being provided with Sufficient Arms and furniture in the same manner as if Such person had not removed from the District Division or place to which He belonged, untill Such Time as the person so removing shall produce a Certificate from the Colonel or Commanding Officer of the Troop or from the Captain or the Commanding Officer of the Company of the Division or District into which
Such

20.
Persons re-
moving from
one District
to another.

 For Regulating the Militia.

Such person Shall remove, that Such person is entered, inlisted and enrolled in the Company of Such Captain or Commanding Officer, of the Division or District to which Such person is removed.

21.

In times of Invasion or Insurrection the Governor is to publish an Alarm & may Assemble as many Regiments throughout the province as shall be thought sufficient to suppress the same.

And whereas to repell the Invasion of any public Enemy and to Suppress any dangerous Insurrection or Rebellion it may be absolutely necessary to Assemble and Raise the greatest part of the Militia of this province, Be it therefore Enacted by the Authority aforesaid, that if the Governor or Commander in Chief for the Time being Shall receive Advice, from any person or persons, in Authority under his Majesty, his Heirs or Successors or other Credible person or persons in Foreign parts, or if he shall receive from any Credible person or persons within this province information on Oath that any foreign Enemy, or Armed Force Shall suddenly intend to Invade this Province, or of any dangerous Insurrection or Rebellion Shall be actually raised within this province which cannot be suppressed by one Single company it Shall and may be Lawfull for the said Governor or Commander in Chief for the Time being by and with the Advice & Consent of his Majesty's Council for the Time being in this province to raise and assemble Such and so many of the Regiments Troops & Companies by this Act directed, to be formed as the said Governor or Commander in Chief, by and with the advice and Consent aforesaid Shall think sufficient and able to Suppress and repel Such Invasion Rebellion or Insurrection as may happen or be. And for the more effectual execution thereof it Shall and may be lawfull for the

 For Regulating the Militia.

the said Governor or Commander in Chief of this province for the Time being by and with the advice & consent aforesaid to make and publish, or Cause to be made and published an alarm throughout the Whole province by firing Six Guns, two, at a time, at three Minutes distance, or by Sending Orders and expresses to the field Officers or other Officers of the Militia's to raise their Several and respective Regiments Troops or Company's or Such part of them as shall be ordered and directed to March ——— Rendezvous, at Such proper times and places, within this province as the said Governor or Commander in Chief for the Time being Shall think fit. And the said Alarm Shall be Carryed on throughout the whole province by all the Commissioned Officers of the Militia by firing three small arms at convenient intervals from place to place, and by Speedy raising their Several Company's, and taking all other proper and effectual Measures to give Notice of the Motion of the Enemy, and forwarding with the utmost Expedition all necessary Information to the Governor or Commander in Chief for the Time being, and by putting in Execution all Such Orders as they Shall receive from their Superior Officers.

And be it further Enacted by the Authority aforesaid, That an Alarm Shall be made by any Commissioned Militia Officer by firing three small Arms on Sight of any Enemy, or on Information of any Enemy appearing or Mischief done by an Enemy, from any White Man of Credit who hath seen the Same, of the Credit of which Informer the said Officer

22.

Alarms shall be carryed on by every person hearing the same.

 For Regulating the Militia.

Officer Shall be Judge, And every Alarm Shall be carried on by all persons hearing or having Knowledge of the same by firing three small Arms distinctly as usual. And the said Officer who fired the Alarm, shall raise the Company of which he is an Officer, by beat of Drum, or by ordering Men to Warn their next Neighbours, 'till the Company can be gott together, And also the commanding Officer of the said Company Shall with all convenient speed, dispatch two Expresses one to the Governor or Commander in Chief, for the time being and the other to the next field Officer of the Regiment to which the said Company belongs with an account of the Cause of the Alarm, so made, upon which Notice the said Field Officer shall have power to raise any Number of Men of the Regiment he belongs to, to March to the Assistance of the Inhabitants of this province who are in danger.

23.
Penaltys on
persons dis-
obeying in
times of
alarm.

And be it further Enacted by the Authority aforesaid, that if any person whatsoever, who by this Act is lyable to Bear Arms, shall in Time of Such Alarm, neglect or refuse to Use his Utmost Means and Endeavours, to convey and communicate the said Alarm or Notice of the Enemys approach, every Such person shall forfeit, and pay the Sum of Five Pounds Sterling. And in Case any Such person after he hath Notice of an Alarm does not forthwith Repair compleatly Armed and Accoutered as aforesaid with all convenient speed, to the place where the Regiment, Troop or Company, to which he Shall belong, shall be appointed to Rendezous, every Such person shall forfeit Ten pounds Sterling,

And

For Regulating the Militia.

And in case the Company or Troop to which Such person Shall belong Shall actually engage and fight with the Enemy before such persons shall appear in the said Regiment Troop or Company, in every such case, the person not appearing as aforesaid, shall forfeit Twenty pounds Sterling.

And Whereas several parts of this province lying on the Sea Coast are exposed to the Depredations of Pirates and Sea Rovers & many Inland places are in Danger of Incursions from Indians, and are frequently infested with fugutive Slaves, whose sudden attempts may prove fatal to many of His Majesty's subjects before Notice can be given to his Majesty's Governor, Therefore for the more effectual preventing, repelling and Suppressing such Sort of Mischiefs, Be it Enacted by the Authority aforesaid That it Shall and may be lawfull for every Commissioned Officer in the Militia when Occasion Shall require to assemble Arm and Raise any number of men belonging to their respective Companies, for which they Shall be commissioned and appointed, and if need be to give Notice and call to their aid the Officers and Men of any adjacent Company, to disperse, suppress, kill, destroy, apprehend take or Subdue, any Pirate, Sea Rover, Indian or other Enemy, who shall in a hostile manner hurt or attempt to hurt any of his Majesty's Subjects in their persons or possessions, or any Company of Slaves, who shall be met together, or who Shall be lurking in any suspected places, where they may do Mischief or who Shall have absented themselves from the Service of their Owners, And in case any person

24.
Pirates, Sea
Rovers,
Indians and
fugitive
Slaves how
to be sup-
pressed.

 For Regulating the Militia.

person whatsoever who by this Act is liable to bear Arms, shall neglect or refuse to appear upon Notice given by any Commissioned Officer of Y^e Troop or Company to which Such person belongs, or appearing Shall not attend and obey the said Officer compleatly Armed, and furnished According to the Directions of this Act, every Such person for every Such neglect or refusal shall forfeit the Sum of twenty Shillings Sterling.

25.
Patrols in
Times of In-
vasion, etc.

And Whereas in Time of Invasion if the Militia of the whole province were to be assembled great dangers might arise from the insurrections or other Wicked Attempts of Slaves, For the prevention thereof, Be it enacted by the Authority aforesaid, That, in Time of Invasion or Insurrection, and when it Shall be found necessary to March the Several Regiments, Troops or Company's, or any of them out of their proper Counties Districts or Divisions, one fourth part at least of every Company in this province shall stay and remain, in the respective District or Division to which they belong and Shall be formed into Patrols, under the Command of Such Officers, as the Commissioned Officers of the Company shall direct and appoint untill the Governor or Commander in Chief shall Commission & appoint a Commander or Officer for each of Such Patrolls, under whose Command respectively they Shall continue, untill the rest of the Company shall return to their Habitation, and Shall be discharged from bearing arms, And the patrol so formed Shall be obliged to be on constant Duty, and to ride and Patrol and Guard the plantations and keep

For Regulating the Militia.

keep the Slaves within their several Divisions and Districts in good order and shall place proper Guards Watches and Centinels at proper and convenient places to give Notice of danger or for the more Speedy conveying Advices and intelligence to the Governor or Commander in Chief of this Province, or any Army which Shall be raised & Assembled by his Command, And in case any person or persons whatever, who Shall Stay and remain as Aforesaid in any of the Divisions or Districts to which he or they may belong shall neglect or refuse, to ride patrol or to Watch stand Centinel or keep Guard or do any other Duty hereby enjoyn'd or required, or Shall refuse to obey the Lawfull commands of any person who shall be appointed to command such patrol, every person so offending shall forfeit any Sum not exceeding Ten pounds Sterling.

And that no unequal Burthen may be laid on the Inhabitants of this province, Be it enacted by the Authority aforesaid That in all Times of Invasion Rebellion or Insurrection when any person shall receive orders to March out of their Division or District the Captain or other Commanding Officer who Shall be present shall cause the Names of all the persons who are entered inlisted and enrolled in the Muster Roll, of such Company (Officers Excepted) to be wrote down on Small Scrolls of paper, which Shall be folded up and put into a Hatt, and Shall be Shaken together, and the Clerk or Sergeant of Said Company shall draw out of the Hatt the names of so many persons as will not exceed

26.

In times of Invasion the names of so many persons as shall be ordered out of their Division shall be drawn.

 For Regulating the Militia.

exceed three fourths parts of the said Company and the persons whose names Shall be So drawn, Shall be obliged to March According to such Orders as Shall be given by the Governor or Commander in Chief, and According to the Directions of this Act, and the rest whose names shall be left in the Hat Shall stay in their respective District and Divisions, and Shall do the Duty of the Patrol, hereby directed to be performed Provided always that no Officer of any Company shall be excused from Marching with the Company for which he is appointed unless by particular Orders from the Governor or Commander in Chief, ——— Shall be directed otherwise, in which Case such Officer so Directed to Stay Shall be Commanding Officer of that part of the Company, which Shall be so left in their Several Districts, Provided also That if any person whose Name shall be drawn as aforesaid and who Shall thereby be obliged to March, out of his District or Division can provide an able Man, to be approved by the Majority of the Officers in the Company to which Such person belongs compleatly armed and Furnished according to the directions of this Act, every such person Shall be permitted and at Liberty to do so, and upon producing and Sending out such able Man in his Stead shall be excused from going out or marching in person, provided also that the person who provides and Sends another person in his Stead shall be Still obliged to serve in the patrol to be formed according to the directions of this Act, and Shall be Subject to all the penalties and Forfeitures by this Act inflicted on Such as shall be guilty of disobedience or Shall neglect or re-

fuse

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They may
send able
Men in their
Stead.

For Regulating the Militia.

fuse to ride in such Patrol, anything herein contained to the contrary thereof in anywise notwithstanding.

And be it further Enacted by the Authority aforesaid, that in the Time of any Alarm made upon any Insurrection Rebellion or Invasion all field Officers and Captains of every Company be & they are hereby impowered, by themselves or their War-rant to any Inferior Officer or Soldier to impress any provisions, Horses, Boats, Canons, Pirauguas and Vessels with their Furniture or whatever other Things they Shall want or have need of for the Service of this province, Provided always that all provisions, Horses, Boats, Canons Piraugua's and Vessels and whatever other things impressed as aforesaid by the proper Officer hereby impower'd be by the said Officer brought before three or more indifferent persons being Freeholders and having Judgment in the respective things so impressed and brought before them to be appraised and valued before it be dispos'd of for the Service of this province; And that when the same shall be so Value'd and appraised, the said Officer do give a Receipt under his Hand, for the same to the Owner thereof if he conveniently can & that the Commanding Officer or Captain of each Company do cause his or their Clerk or Clerks to enter the Same in a Book to be kept for that purpose. And that the Said appraisers Shall appraise and ascertain any Loss or Damage, that may happen to befall the said Effects, so impress'd for the Service aforesaid or allow a Competent Hire for the same, when returned to the said Owners, as the Case shall require and the Same

27.
Provisions
Horses Boats
etc. may be
impressed in
Times of
Alarm by
any Officer.

 For Regulating the Militia.

Same to be given under the Hands of the appraisers, to the Owner or Owners thereof Directed to the Publick Treasurer, who is hereby ordered to pay the Same, And also that such Commanding Officer or Captain of such Company or Companies, after such alarm Shall be over, and before his, or their Company or Companies Shall be discharged, order so many Men as he or they shall think fit to carry Such Horses Boats Canons Piragua's & Vessels or whatever other things they shall have impressed to the respective Owners from whom they were taken, the Owners giving their Receipts upon the Redelivery of the Same And the said Commanding Officer or Captain of each Company, and each and every of them are hereby impowered to draw an Order on the Public Treasurer payable to the persons aforesaid, for so much Money as he or they Shall think the said persons for Carrying Home any of the things herein before mentioned deserve, And the Public Treasurer is hereby Ordered to pay the same.

28.

Impressed
provisions
and am-
munition to
be secured.

And be it further Enacted by the Authority aforesaid That the Commanding Officer or Captain of each Company do Lodge in Some convenient and Secure place for the public Use, all the provisions and Ammunition impressed by him or them, or by Virtue of his or their Warrant, or Order, and that Shall remain unexpended, after an Alarm, and that he take a particular Account thereof.

And be it further Enacted by the Authority aforesaid, That if any Officer of the Militia, or any
other

For Regulating the Militia.

other person whatsoever, who by this Act Shall be obliged to bear Arms, shall knowingly or willfully in Time of Rebellion, Insurrection or Invasion, offend in any thing against this Act, or Shall neglect or refuse to do execute or perform any Act, Matter or thing which by this Act is required, directed perscribed, or enjoined by him or them to be done executed or performed for which no particular penalty is hereby inflicted then every Such person so offending, Neglecting or refusing as aforesaid, Shall incurr forfeit and pay the Severall Mulcts, Penalties and Forfeitures following (that is to Say) if Such person, so offending refusing or neglecting as aforesaid shall be a Commissioned Officer of the Militia above the Degree of a Captain, the Several persons hereby impowered to hear, and determine offences, committed Against this Act, shall and may and they are hereby authorized and Impowered to inflict on Such person a pecuniary Mulct, or Fine not exceeding the Sum of Fifty pounds Sterling, and in case the person offending Shall be a Captain or any inferior Commissioned officer, under the Degree of a Captain in the Militia, a pecuniary Mulct or Fine Shall be inflicted as aforesaid, not exceeding the Sum of Thirty pounds Sterling, and if any non Commissioned Officer of the Respective Troops or Companies, or any private person that is obliged to bear Arms, shall offend as aforesaid in any thing against this Act, there Shall be inflicted as aforesaid a Mulct or Fine, not exceeding the Sum of Ten pounds Sterling, But if the person so offending Shall be an Indented Servant

29.

Fines against all persons that offend against this Act in Times of Invasion.

 For Regulating the Militia.

vant, and have no goods, to be Levied on, and Shall neglect or refuse to pay, the Mulct or Fine which Shall be inflicted as aforesaid for the Space of Ten Days, he Shall receive Corporal punishment not exceeding forty Lashes, with a Whip or Switch, on the bare Back.

30.
The Cap-
tains may
appoint Ser-
jeants to
their res-
pective Com-
panies.

And be it further Enacted by the Authority aforesaid, that the Captain of each Company shall have power to appoint any two persons within their respective Companies, who are obliged to appear at common Musters, as they Shall think fit, to be Serjeants of the said Companies, who Shall be obliged to Act and continue Such for the Term of one Year, and if any person after he is so appointed shall refuse or neglect, to Act and perform their Duty as Serjeants in the said Companies, respectively, the person, so refusing to take the office upon him or neglect his Duty afterwards, Shall for every offence forfeit the Sum of one pound Sterling, to be recovered and Levied as other Fines in this Act are directed, Provided always that no person Shall be Subject to Such Fine for not taking the said Office upon him more than once in Seven years.

31.
Offences by
whom to be
examined
& tryed.

And be it further Enacted by the Authority aforesaid that all offences against this Act shall be examined heard and tryed Adjudged and determined in manner following, (that is to Say) all offences Committed by any field Officer shall be heard tryed and determined by the Governor of this Province for the Time being & the majority of His Majesty's Honourable Council residing in the *the* province,

—ex

and

 For Regulating the Militia.

and all Offences committed by any Captain or inferior Commissioned Officer shall be heard tryed and determined by the Majority of the Field Officers, of the Regiment or Troop to which Such Captain or Inferior Officer shall belong, and all Officers committed by any non Commissioned Officer or private Person, who is by this Act obliged to bear Arms Shall be heard trying, adjudged and determined before the Majority of the Commissioned Officers of the Troop or Company, to which Such person shall belong, at Such Time or Times place or places, as the said Officers Shall think fit to assemble and meet together and the said Commissioned Officers of the said Troop or Company, or a Majority of them Shall proceed against Such Offender and offenders, so summoned in the most Expeditious and Summary Way, without observing formalities of Law only examining into the Truth of the Case by the Examination of Witnesses upon Oath and Such other Evidences, as can be speedily had, And upon Conviction of any offender, the said Governor and Council, or Field Officers or Commissioned Officers respectively are fully Authorized and Impowered to Levy the Mulcts or Penalties inflicted by Warrants of Distress, and Sale of the Offenders Goods returning the over-plus if any there be, but in case the Offenders, Shall refuse to produce Goods, then by Warrant to commit the Offenders to the Common Goal, which Warrant shall be in the Words following, that is to Say, Georgia,

By
 Commission Officers of the
 Company of Foot in
 commanded

Form of a
 Warrant.

 For Regulating the Militia.

commanded by _____ To the Serjeants of the
 said Company and to the Keeper of the Common
 Goal in _____ Whereas A. B.
 a person inlisted and liable to bear arms, in the
 said Company for _____ is by us duely ad-
 judged that the said A. B. has forfeited for the
 Offence aforesaid the Sum of _____ which
 Sum the said A. B. has neglected to pay, by the
 Space of Ten Days next after the Adjudication,
 These are therefore in His Majesty's name, to
 charge and command, you and each of you, forth
 with to apprehend the Body, of the said A. B. and
 him safely convey to the common Goal, in
 _____ and that you deliver him to the
 keeper of the said Goal, together with this War-
 rant, commanding you the said keeper, to receive
 the Body of the Said A. B. and detain him in your
 Custody without Bail or Main prize, untill he Shall
 pay and discharge the Fine aforesaid together with
 all Costs and Charges, attending the Execution
 hereof, and the Charge of his detainer in Custody
 hereof fail not. If the Warrant be against the
 Goods of Offenders, &c. then after the within re-
 cital Say _____ These are therefore in his
 Majesty's Name to Command and require you and
 each of you that you Levy and Cause to be made
 of the Goods and Chattels of the said A. B. the
 Sum of _____ and the
 Same goods and Chattels, you expose to Sale and
 sell at public outcry, first giving three Days notice
 of such Sale. And out of the Moneys thereform
 arising you are first to deduct and keep the said
 Sum of _____ and

For Regulating the Militia.

and all reasonable Charges and expences, and the overplus (if any there be) you Shall return or tender to the said A. B. and this shall be your Warrant And in case it shall so happen, that any person or persons, against whose Body such Warrant shall be Granted as aforesaid shall be refractory and refuse to give Obedience thereunto, the Marshals or Serjeants aforesaid or other person or persons to whom Such Warrant shall be directed are hereby impowered and required to demand all necessary assistance to compel Such offender to the common Goal, and all the Charges and expences which Shall attend the Execution of the Warrant of Commitment aforesaid shall be taxed and Ascertained by any Justice of the Peace in this provision who is hereby required to do the same without Fee or Reward and such Taxation shall be delivered to the Keeper of the said Goal together with the said Warrant and such Warrant and such offender shall remain in prison without Bail or Main prize untill the said Fine or Mulct, & the Charges and expences, so taxed shall be fully paid and Satisfyed

Whereas it may be found difficult personally to Summon Defaulters Be it therefore Enacted by the authority aforesaid That the Serjeants of the Several Company's in the

^{32.}
Particular
Sumon for
Defaulters.

do give Notice by Advertisement in public places of such offenders, and the same shall be deemed to all Intents & purposes equal to a personal Service.

You A B are hereby Summoned to be and appear before the Commissioned Officers of the Company
in

in which you are enrolled, Commanded by
 on next at the house of
 to Shew Cause if any you have why
 you Shall not be fined (here insert the Offence) of
 this fail not at your peril.

38.
 Fines and
 forfeitures
 how to be
 applyed.

And be it further Enacted by the Authority afore-
 said, That all Fines of the common Men, for Non
 appearance at general Musters shall be paid and
 applied to the Use of the respective Serjeants of
 the Company in which any neglect of appearance
 at general Musters Shall happen, And also all other
 Fines Mulcts Penalties, and Forfeitures which Shall
 be inflicted levyed or recovered by Virtue of this
 Act, Shall be applyed and disposed, as follows (that
 is to Say) all Fines and penalties not exceeding
 Five Shillings Sterling in the foot Service shall be
 paid and applied to the Use of the Serjeants And
 all Fines not exceeding Ten Shillings Sterling in-
 curred by any person in the Troop, or Troops, to
 the Marshal of the Respective Company or Troop,
 to which the person on whom, the Fine or Fines
 shall be inflicted doth belong, And all Fines and
 penalties exceeding the Sum of Five Shillings &
 Ten Shillings Sterling Respectively shall be to the
 use of His Majesty, his Heirs & Successors to be
 applyed to the maintaining and Keeping in Repair
 the Public Arms of this province, and Shall be paid
 to his Majesty's receiver or Public Treasurer and
 Issued by the Governor and Council, for those pur-
 poses only, and the Assembly shall have the Inspec-
 tion of the Accounts for which Orders are drawn,
 when they apply for the same.

And

For Regulating the Militia.

And be it further Enacted by the Authority aforesaid, that the Marshal of each respective Troop for the time being, shall be & is hereby authorized and required to Execute, or cause Execution to be done of all Warrants Orders and precepts which shall be Issued by the Governor and His Majesty's Council for recovering the penalties, Mulcts & forfeitures inflicted by this Act, And the Marshal of each respective Troop & the Serjeant or Serjeants of the respective Company's shall, respectively execute, or cause execution to be done, of all other Warrants & precepts Issued for the purposes aforesaid, Provided nevertheless That No Execution against the Body and Goods of any Offender shall be Issued 'till such person against whom the Adjudication as aforesaid shall be made, have refused or neglected, to pay their respective fines as aforesaid by the Space of Ten Days next after such Adjudication, anything herein before contained to the Contrary Notwithstanding.

34.
Warrants &
precepts
how to be
executed.

And be it further Enacted by the Authority aforesaid, That in case any person who Shall be duely nominated and appointed Marshall of a Troop or Serjeant of a Company shall after Notice of Such nomination or appointment, refuse or neglect to Execute any Warrant or precept Issued in pursuance of the direction of this Act, and to him or them Directed for the space of twenty days after the Receipt of the same the said Marshall, or Serjeant, shall respectively forfeit for each Offence the Sum of One Pound Sterling to be recovered and disposed of as aforesaid

35.
Persons
neglecting to
execute
Warrants
how to be
dealt with.

And

 For Regulating the Militia.

36.
Persons who
settle
where the
Bounds of a
District is
not ascer-
tained,
where to
muster.

And be it enacted by the Authority aforesaid that in Case any Male person who has been in this province, for the Space of three Months, shall settle himself and reside in any part of this province where the Bounds of the Division or District are not certainly known and Ascertained every Such person Shall be entered inlisted or enrolled in the Company of that District or Division which is nearest to the residence or Habitation of such person, And Such person shall be deem'd and adjudged as belonging to such nearest Company, to all intents and purposes Whatsoever.

37.
—(sic)
A List of
all Male
Slaves to be
given by the
Owners to
the Militia
Captain of
the district
where they
are, which
list shall
then be
given to the
Collonel and
by Him re-
turned to the
Commander
in Chief

And whereas it has been found by experience that several Negro's and other Slaves have in Time of Warr behaved themselves with great Faithfulness and Courage in repelling the Attacts of his Majesty's Enemy's in their descents on other provinces And have thereby demonstrated that Trust an Confidence may in Some Instances be repos'd in them. And whereas it is necessary that the Male Slaves in this province should be rendered as serviceable as possible in Times of Warr, or the Invasion of a foreign Enemy, for the better effecting whereof,

Be it further Enacted by the Authority aforesaid, that every Master, Mistress, Owner Manager Attorney or Trustee of or for any Slaves in this province, shall within Six Months next After the passing of this Act return to the Captain or Commanding Officer of the respective Companies of the Militia, in whose Beat, or precinct, such Slaves do
live

For Regulating the Militia.

live or reside or are Commonly Used and employed a true and Faithful List in Writing of all the Male Slaves of such persons or which are under their care or Management from the Age of Sixteen to Sixty Years & therein specify the Names Age and Country of such Slaves, respectively according to the best of the knowledge and belief of the person returning the same as aforesaid. And to the end that the Number of Male Slaves may be constantly known, the said List shall be renewed and returned as aforesaid by the respective persons —^{ex} as aforesaid, once in every Year on the first Murster day after the Twenty fifth Day of March. And such list shall be returned by the respective Captains to their respective Collonels & by them to the Governor or Commander in Chief, within Two Months after the Same shall be given to the said Captains Respectively.

And be it further Enacted by the Authority aforesaid, That the Governor or Commander in Chief in this province for the time being, be and they are hereby Authorized and impowered to direct an order the several Captains of the Company's of the Militia of this Province, from time to time to enlist in *their*, their respective Company's such and so many of the said Male Slaves, so to be returned to them as aforesaid, which Shall be Recommended to such Captain by the respective Owners or Managers of such Slaves, to be most faithfull and fit for Service as the said Governor or Commander in Chief, by and with the Advice of His Majesty's honourable Council, for the time being, shall in
their

38.
Slaves recommended to be faithful to be enlisted.

 For Regulating the Militia.

their discretion think Necessary for the Service & defence of this province, Provided always that the said number of Slaves so to be enlisted in the Several Companies In this province do not exceed in the whole the number of one third of the white Men, in each respective Company

39.
In times of
Invasion
such Slaves
shall be in-
corporated
with the
Militia &c.

And be it further Enacted by the Authority aforesaid, That the said Slaves so to be enlisted, as aforesaid shall be incorporated into the Respective Company's, in which they are inlisted, and Shall be taken as part thereof, And Shall in Time of General Alarm and Actual Invasion of this province & not otherwise be armed by the respective Owners, or, Managers of such Slaves with one sufficient Gun, one Hatchet, powder Horn and Shott Pouch, with Ammunition of powder and Bullets, for twenty Rounds, and Six Spare Flints, and Shall be Sent by their respective Owners or Managers to the place of Rendezvous of the respective Company's, in which they are enlisted, and which said Slaves shall be then and there commanded and directed for the Service of this province by the Captain or other Commanding Officer of the Company during all such times as the said Company shall be upon Actual Duty or continue under Arms and instead of a pecuniary fining, such Slaves for Breach or neglect of duty, shall be subject to such Corporal punishment, for their Offences, during such Time, as the majority of the Commissioned Officers of the Respective Company's shall think fitt to inflict, not extending to Loss of Live or member.

And whereas it will be Extreamply difficult, if not impossible

For Regulating the Militia.

impossible, so to proportion the Number of the said Slaves to be enlisted as aforesaid on every particular owner of Slaves in this province so as to make the same an equal Burthen, on all the Owners And whereas it is not just that any of the members of the Community should bear more than their true proportion of the Hazard or expence in the Defence of this province Therefore for the more equall settling the same Be it further Enacted by the Authority aforesaid, that the several owners of the said Slaves, so to be enlisted as aforesaid, shall be paid out of the public Treasury of this province, for the time such Slaves shall be in the Public Service of this province as aforesaid, After the rate of one Shilling Sterling ꝥ Diem for such Slave and in case it Shall so happen that any Slave so enlisted as aforesaid shall be killed in the Service of this province, the owner of such Slave shall be paid the full value of such Slave, out of the public Treasury, of this province, And in case any Slave in the Service aforesaid Shall be only maimed and disabled the Owner shall be likewise paid out of the public Treasury, the full value of his Loss sustained thereby and to the intent that such Valuation may be Justly and indifferently sett and made between the Public And the Owner of the Slave, the same shall be made oy any three freeholders in this province the one to be named by the Captain or other Commanding Officer of the Company in which such Slave is enlisted, Another to be named by the owner or Manager of such Slave, and the third by the Joint nomination of the two first Freeholders, nam'd

40.
One Shilling
Sterling ꝥ
diem for the
use of such
Slaves if
kill'd or
Wounded the
owners to be
satisfyed.

For Regulating the Militia.

as aforesaid, and the Valuation to be sett or fixed, by any two of the said Three Freeholders and Certified under their Hands shall be determinate and conclusive between the public and the respective Owners.

41.
Encouragement for poor freemen, White Servants and Slaves to behave manfully against an Enemy.

And Whereas it is necessary that all due and fitting Encouragement should be given to such poor indigent freemen and Servants, and also to Slaves, who shall behave themselves manfully in Fight against the Enemy, in Defence of this province, Be it further Enacted by the Authority aforesaid, That every poor freeman, or White Servant who shall boldly and chearfully oppose the common Enemy, and Shall in fight happen to be maimed or disabled from Labour, every Such poor freeman or white Servant, upon obtaining a Certificate thereof, from the Majority of Field Officers, of the Regiment or Troop, to which such person belongs under their Hands and Seals, shall be from thenceforth, entitled unto and shall receive Yearly And every year, receive out of the public Treasury of this province, The Sum of nine pounds Sterling, but if such freeman so maimed shall be a married man, then he shall be entitled unto and receive out of the public Treasury during his Life and abode in this province, the Sum of Thirteen pounds Sterling yearly, and if it shall so happen that any poor Freeman that is a married man as aforesaid, or hath any Child, or Children, under the Age of Twelve Years, shall so happen to loose his Life in the Service aforesaid that then the Widow of such poor freeman, shall henceforth, during her Widowhood

For Regulating the Militia.

hood and residence in this province, or the Children of such poor Freeman (where there is no Widow) under the Age aforesaid untill they attain the said Age, shall be entitled unto and receive out of the public Treasury of this Province the Sum of Nine Pounds Sterling yearly, And the field Officers and any two Captains in the Regiment to which such person belongs, Associating themselves together & certifying the same under their Hands, are hereby declared to be proper Judges of the poverty or Indigence of every person so Maim'd and disabled, or kill'd so as to Intitle them or their Widows and Children respectively, to the respective Bounties or allowances as aforesaid. And every White Servant in the said Companies, and also every Negroe or other Slave so enlsited as aforesaid, who shall actually engage the Enemy, in times of Invasion of this Province, and Shall Couragiously behave themselves in Battle so as to kill any one of the Enemy, or take a prisoner alive or Shall take any of their Colours, every Such White Servant and Slave Shall upon due proof thereof either by Certificate of a field Officer or Captain of any Company under his hand who shall happen personally to see the Action or shall be informed thereof by the Oaths of two credible white persons, shall be and he is hereby declared to be from thenceforth, free and absolutely discharged from all Slavery and Service whatsoever, and the Owner or Owners of such white Servants and Slaves, so declared to be free, shall be satisfied for the full Value of such white Servants and Slaves out of the public Treasury of this Prov-

ince

 For Regulating the Militia.

ince, such Valuation to be made and sett in the same manner, as is herein before declared for the Valuation of Slaves killed in the service. But in case such enlisted Slaves shall manfully Behave themselves in fight with the enemy, but shall not have such success as to kill or take any enemy or any of their Colours, but who shall yet remarkably, behave him, or themselves, in the Engagement, so as to deserve public Notice, every such Slave upon obtaining Certificate thereof, under the hand of any field Officer, who shall certifye such action, either from his own personal knowledge, or upon the Oaths of any two Creditable white Servants shall be entitled to and receive from the public Treasury Yearly, and every Yr. a Livery Coat, and pair of Breeches, made of good red Negro Cloth turn'd up with Blue, and a Black Hat and pair of Black Shoes, and shall that Day in every Year (during their Lives) on which such Action Shall be perform'd be free'd and exempted from all personal Labour & Service to their owner or Manager.

—ex

—ex

42.
 Which Encouragement shall be published at the Head of every Company.

And to the Intent that the Encouragement herein before mentioned, to be given to poor Freemen Servants and Slaves to behave themselves faithfully and Courageously in the Service of this province, in Times of Warr, or Invasion may be *may be* more publicly known, Be it enacted by the Authority aforesaid, That the Clauses of this Act relating to such Encouragement together with this Clause, shall be publickly Read by the respective Captains of each Company of the Militia of this province at the head

 For Regulating the Militia.

head of their Company's on the next muster day of their respective Company's after the Passing of this Act, and every Captain who shall neglect to Publish the same as aforesaid shall forfeit and pay the Sum of one pound Sterling to be recovered by a Justice of the Peace of the respective District, where such omission shall be made, by Warrant under his hand and Seal, and such Forfeiture shall be applied to the Use of that Company; where such Omission shall be made, for purchasing Drums Colours & other Military Implements for that Company.

And be it further Enacted by the Authority aforesaid, That every Master, Mistress, Owner, Manager Attorney or Trustee of or for any Slave or Slaves, as aforesaid, who shall refuse or neglect to make out, or give in, and from Time to Time to renew a List of their several Male Slaves as aforesaid is directed, every Such Owner or Manager shall for every such refusal or neglect, Forfeit and pay any Sum not exceeding two pounds Sterling, and every Such Owner or Manager residing where such Slaves are employed who shall refuse or neglect to Send or bring his said Slaves that shall be enlisted in the Militia as aforesaid, at all times of Alarm and Invasion to the place of Rendezvous of the respective Company's in which Such Slaves shall be Enlisted, after such Owner or Manager hath had Notice of such Slaves being Enlisted in the said Company from the Captains of such Company's, every such Owner & Manager Shall respectively, for every such refusal or neglect for every Such Slave

⁴³
Penalties on persons who don't give in Lists of their Slaves or send them to the Rendezvous in times of Alarm.

So

 For Regulating the Militia.

So Enlisted, forfeit and pay the Sum of Ten Pounds Sterling, which said Forfeiture shall be recovered by a Warrant under the Hands of a Majority of Field Officers of the Regiment, to which such person belongs and be paid and applyed to such uses as the general Assembly Shall direct & appoint.

44.
Persons
Sued may
plead the
general
Issue.

And be it further Enacted by the Authority aforesaid that if any person or persons Whatsoever shall be sued impleaded Molested or prosecuted, for any Matter, Cause or thing, whatsoever done or Executed or Cause to be done & Executed by virtue of or in pursuance of this Act and all and every person or persons, who shall or may by the Command or in Aid or assistance of any Person who shall do or Execute or cause to be done or Executed, any Matter or thing by Virtue of, or in pursuance of this Act, shall and may plead the general Issue, and give this Act and the special Matter in Evidence, and in case the Plaintiff or Prosecutor shall suffer a discontinuance, enter a Noli Prosequi, suffer a Non Suit or if a Verdict or Judgment, shall pass against him he shall pay to every defendant that shall be acquitted or for whom Judgment shall pass his full double Costs of suit for which any Court in this province where such prosecution shall be brought, are hereby fully Authorized & impowered to give Judgment and award Execution accordingly.

And be it further Enacted by the Authority aforesaid, To the Intent that no person may plead ignorance, in regard to the Duty's contained in this
Act

For Regulating the Militia.

Act and the Penalties, incurred for non compliance, or disobedience thereto the several Superior Officers in each Regiment Troop or Company Shall at least once a Year Read or Cause to be read at the head of his Regiment Troop or Company, by the Serjeant or other Inferior Officer, a List of Fines or Mulcts, for Non performance of Duty, and cause the same by Advertisement to be at that Time fixed in some public place at or near the Muster Field or on the high Road that shall be nearest the same, on failure of which publication and Notice as aforesaid the said Superior Officer, shall pay to the Public Treasurer, a Fine not Exceeding twenty Shillings Sterling for the use of the Serjeants of the said Company respectively where the neglect shall be made, to be recovered in the same manner as other Fines and forfeitures in this Act before mentioned

45.
Officers to cause to be read at least once a year, a List of Fines at the Head of their Regiments, etc.

And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in Force for and during the Space of Three Years and from thence to the End of the Next Sessions of the general Assembly, and no longer.

46.
The Duration of this Act.

By Order of the House

DA: DOUGLASS, Speaker.

Council Chamber

24th January 1755.

Assented to

J. REYNOLDS.

Passed