

Such Commissioned Officer may be degraded and compelled to Serve in the Militia as a Private Person.

L. H. J.
Liber No. 48
May 22

Provided always, that it Shall and may be lawfull for the Persons appointed by or in Pursuance of this Act, to adjudge or determine upon any Matter or thing whatsoever in this Act, to admit the reasonable Excuse of any person tryed before them, and thereupon to acquit Such Person by their Determination; any thing in this Act to the Contrary notwithstanding, and that before any Tryal, Adjudication or Determination of or upon any Matter or thing in this Act mentioned, all and every the Judges to be Appointed by or in Pursuance of this Act, Shall take the Oath above prescribed and directed to be taken by Such Persons as Shall be appointed to Constitute a Court Martial, in Virtue of a Commission for that Purpose from the Governor or Commander in Chief.

And be it Enacted by the Authority aforesaid that all Fines Penalties and Forfeitures aforesaid Shall be levied by the Sheriff of the County wherein the Offender shall dwell, upon the Warrant of the Persons appointed by, or in Pursuance of this Act, to Adjudge and Determine as aforesaid; and the Sheriff to whom such Warrant shall as aforesaid be directed, Shall make a Return of the Same to the Said Persons, by delivering them a Copy thereof, with an Indorsement Signed by the Sheriff, Signifying how and in what Manner he hath executed the Same: And the Said Sheriff is hereby directed to levy, by Distress and Sale of the Goods of the Offender, the Fine, Penalty or Forfeiture, mentioned in Such Warrant and also the Established by Law in Such Cases for Executing Such Warrant, and in Case no Goods of the Offender can be found, on which to levy the Fine, Penalty, a forfeiture aforesaid the Body of the Offender shall be taken and kept in Safe Custody, as in the Case of an Execution by Capias ad Satisfaciendum upon a Judgment in a Court of Law and in Case any Person not belonging to the Militia shall incur any Fine, Penalty, or Forfeiture under this Act then and in Such Case it shall and may be lawfull for any Single Magistrate in the County where the Offender shall reside upon Information or Complaint against such Offender to issue his Warrant to bring Such Offender before him and upon due Proof to give Judgment against Such Offender for the Penalty in this Act Mentioned and by Warrant to direct the Sheriff to levy the Same, in Manner aforesaid; and the said Sheriff in the execution of the Said Warrant Shall demean himself in the Same Manner as before is directed by this Act.

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And be it Enacted by the Authority aforesaid, that all and every the Sum and Sums of Money, which Shall be received, levied and raised in or by Virtue of this Act, shall be applied to the Support of the Militia of this Province, and the defraying the Charges and expences which the Services directed by this Act shall require and