

warrant in the name of the State, cause the person to be brought before him and examine into the facts.

91. Upon its appearing to the justice that the arms and accoutrements so claimed belong to this State, he shall order them to be delivered to such officer, and the person holding them to pay the costs, and may, if necessary, commit such person until the order be complied with; and if he decide otherwise, such costs shall be paid by the sheriff of the proper county out of any militia fines by him collected, and any arms or accoutrements that may be so recovered shall be held by the corps to which such commissioned officer is attached, until it shall be ascertained to what corps they belonged, or until the same be demanded by order of the adjutant general or other proper authority.

92. Every officer approving the sentence of any court martial imposing any fine, penalty or forfeiture, or refusing to remit any fine specified in this article and left subject to his discretion, or which shall come to his knowledge or fall under his notice, shall certify the same to the sheriff of the county in which the delinquent resides, and such certificate shall be conclusive evidence of debt.

93. The sheriff shall collect from the delinquent, or make out of his property, the amount of the fine, penalty or forfeiture so certified to be payable, and when collected shall pay over the same and return under oath to the Treasurer an account of such fines as he shall collect, and for the recovery of the same the sheriff shall proceed as in other cases, and retain the per centum therefor hereinbefore provided.

94. If any suit shall be instituted against any person for any thing done in the execution of the provisions of this article, the defendant may plead the general issue and give the special matter in evidence; and when for the recovery of any fine, forfeiture or penalty imposed by or under this article it shall be found necessary to prosecute any suit, the same shall be instituted in the name and recovered to the use of the State, and when collected by the sheriff of the proper county, shall be paid over and accounted for under oath by him as other fines under this article.