

## CHAP. 251.

Recover by distress

Sheriff instructed  
in executingPenalty to offend-  
ing hereinDiscretion allowed  
to officersWarrant to arrest  
delinquentContinue 20 days in  
jailHaving served,  
exemptAppeal allowed in  
case of execu-  
tion

ing the same to such delinquent, to be recovered by distress and sale of his goods and chattels, lands and tenements, by warrant under the hands and seal of any two justices of the peace of the county where such person resides; and in all cases where it shall be necessary to recover any fine or forfeiture, or other money wherewith any person or persons may become chargeable under and by virtue of this act, by distress and sale, or execution, of the property of such person or persons; it is hereby declared to be the duty of the sheriff or person executing, or the same, to take such property, as shall be offered or shewn to such sheriff or person executing, of the value of such debt and costs; and if no property shall be shewn or offered, such sheriff or person executing, shall not take in execution any negro or other valuable property to satisfy a small or trifling fine or sum, if property of small value can be found, but he shall take such property if any such can be found as will pay the sum due with the costs of levying the same and no more; or as nearly as may be, and any person offending herein shall forfeit, and pay treble the sum so levied, to be recovered by the party aggrieved, by indictment or action of debt, in the county where the offence shall happen. *Provided* that no colonel or commanding officer of a battalion or squadron, shall be obliged to provide a substitute for any delinquent, unless he is of opinion that such delinquent has sufficient property to pay the expenses of procuring a substitute; and if such colonel or commanding officer shall be of opinion that any delinquent has not sufficient property to pay the expenses of procuring a substitute, he shall make application to a justice of the peace of the county where such delinquent resides, who upon such application, shall issue his warrant to the sheriff of the county, to arrest the delinquent and confine him in the common goal, there to remain for a certain time, to be specified in the warrant, not exceeding twenty days; and the sheriff shall be obliged to keep such delinquent in the common goal agreeably to the command of the said warrant, unless he shall agree to serve, or find a sufficient substitute in his place: *Provided* however, that no militia man, having personally or by substitute served in the militia, shall be obliged to serve again, until by rotation it comes to his turn.

Sec. 33. *And be it enacted*, That if any person or persons, shall think him, or themselves aggrieved, in the seizure of his, or their goods and chattels, lands and tenements, or by the executing his or their person or persons; he or