

CHAP. 251.

Method of obtain-
ing and disposi-
ting of

Commissioned officer, and if refused to be delivered up, on proof of such demand and refusal, before any justice of the peace, he shall, at the instance of such officer, by warrant, in the name of the State, cause the person to be brought before him, and examine into the facts; and upon its appearing to such justice that the arms or accoutrements so claimed, belong to this State, he shall order them to be delivered to such officer, and the person holding them, to pay costs; and may, if necessary, commit such person or persons, until such order be complied with; and if he shall 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.

Certificate requir-
ed of sentence of
Court Martial

Sec. 50. *And be it enacted*, That it shall be the duty of every militia officer, approving the sentence of any court martial, imposing any fine, penalty or forfeiture, or refusing to remit any fine specified in this act, and left subject to his discretion, or which shall come to his knowledge, or fall under his notice, to certify the same to the sheriff of the county in which the delinquent resides, and such certificates shall be conclusive evidence of debt; and it shall be the duty of said sheriff to collect from such delinquent, or to make out of his property the amount of the fine, penalty or forfeiture so certified to be payable; and when collected to pay over the same, and return, under oath, to the Treasurer of the Western Shore, an account of such fines as he shall so collect; and for the recovery of the same, the said sheriff may proceed as in other cases, and retain the same per centum for his compensation, that is herein before provided.

Evidence of debt
Sheriff shall collect

Pay over to W. S.
Treasurer

Case of suit for
damages

Plead this act

Sec. 51. *And be it enacted*, That if any suit shall be instituted against any person or persons for any thing done in execution of the provisions of this act or of said provisions, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence; and when for the recovery of any fine, forfeiture or penalty imposed, by or in virtue of this act, it shall be found or deemed necessary to prosecute any suit or suits, 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.