

C H A P.  
LIII.  
Quakers, &c.  
excused, &c.

XVIII. AND BE IT ENACTED, That all those persons called Quakers, Menonists and Tunkers, and all other persons conscientiously scrupulous of bearing arms, shall be excused from militia duty, (except when called into actual service,) on the payment of two dollars each on the first day of September annually, to the lieutenant-colonel of the regiment to which they shall respectively belong; which said sums shall be collected in manner aforesaid, and be accounted for annually, on or before the first day of December, and paid to the treasurer of the eastern and western shores respectively, subject to the future disposition of the general assembly.

This section is repealed by 1798, ch. 100, which provides that such persons so refusing shall pay three dollars annually.

Masters, &c.  
accountable,  
&c.

XIX. AND BE IT ENACTED, That the master or mistress of any apprentice, and the father, or mother or guardian of any minor, not a matross or dragoon, who shall refuse or neglect to attend as aforesaid, being in the service of his father, or mother or guardian, master or mistress, shall be accountable for the fine or fines so incurred by such minor or apprentice.

Any person  
draughted may  
find a substi-  
tute, &c.

XX. AND BE IT ENACTED, That when any part or parts of the militia shall be draughted, or called out of the state into actual service, every person enrolled as aforesaid, who is not a commissioned officer, shall have it in his choice, either to serve in person, or to find a sufficient person for a substitute, which said substitute shall be approved of by the lieutenant-colonel, or commanding officer of the battalion to which he shall belong; but if any person, not being disabled by sickness, shall neglect or refuse to serve, or find such sufficient substitute in his place within ten days after notice given to him, the lieutenant-colonel, or commanding officer of the battalion to which such delinquent belongs, shall, and he is hereby required to provide, hire or procure, on as reasonable terms as may be, a substitute for such person so refusing or neglecting, and to charge such sum or sums, together with reasonable expences for procuring the same, to such delinquent, to be recovered by distress, and sale of his goods and chattels, lands or tenements, by warrant under the hands and seals 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 for the same, to take such property as shall be offered or shewn to such sheriff, or person executing, amounting to such debt and cost, 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 cost of levying the same, and no more, 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 grieved by indictment or action of debt in the county where the offence shall happen; provided, that no lieutenant-colonel, or commanding officer of a battalion, shall be obliged to provide a substitute for any delinquent, unless he is of opinion that such delinquent has sufficient property to pay the expences of procuring a substitute; and if such lieutenant-colonel or commanding officer shall be of opinion, that any delinquent has not sufficient property to pay the expences 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 imprison him in the common gaol, 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 gaol, agreeable to the command of the said warrant, unless he shall agree to serve, or find a sufficient substitute in his place; provided also, 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.

Persons ag-  
grieved may  
appeal, &c.

XXI. AND BE IT ENACTED, That if any person or persons shall think him, her or themselves aggrieved in the seizure of his, her or their goods and chattels, lands or tenements, or by the executing his, her or their person or persons, he, she or they, may enter an appeal before the justices of the next county court, and on the party's giving sufficient security within six days next after any goods or chattels, lands or tenements, shall be seized or distrained as aforesaid, or his, her or their person or persons executed as aforesaid, to prosecute such appeal with effect, the justices shall receive the same, and stay further process; and the said justices shall return every such appeal on the second day of the next term, and the court shall direct a trial by jury of the county, as in other cases of debt, whose verdict shall be final and conclusive, and, except in extraordinary cases, of which the court shall be judge, all such appeals shall be tried at the term to which such returns shall be made, any law, custom or usage, to the contrary notwithstanding.

XXII. AND