

Persons, other than substitutes, who have been embodied for twenty days, exempted from drill during that year.

illness of some part of his family, or detention by unforeseen and unavoidable circumstances, to be manifest by legal proof given on the part of the delinquent : And provided also, that persons other than substitutes who shall have been embodied and on actual service, for the space of twenty days, and also persons who shall have procured substitutes to perform such actual service, shall not be required to attend any such Battalion or Company muster, during the same year in which such actual service shall have been performed.

Commanding Officers of
Battalions may appoint
Drummers, &c.

Commanding Officers of Companies with consent of Commanding Officer of Battalion, may appoint Non-commissioned Officers.

Persons so appointed, to
forfeit Twenty Shillings
for neglect of duty.

VII. *And be it further enacted*, That the Commanding Officer of each Battalion shall have power to appoint from time to time, suitable persons as Drummers, Buglers, and Fifers to his Battalion, and to displace them and to appoint others in their stead; and that the Commanding Officer of a Company shall have power, with the consent of the Commanding Officer of the Battalion to which he may belong, to nominate and appoint Serjeants and Corporals, for the Company under his command; and if any person so to be appointed shall refuse to accept the office to which he shall be appointed, or having accepted, shall refuse or neglect to perform his duty, he shall for every offence forfeit and pay the sum of *twenty shillings*; but there shall not be appointed more than three Serjeants and three Corporals to any one Company, except Flank Companies, which may have four Serjeants each.

Fines to be recovered before the Captains of Companies, and levied by a Non-commissioned Officer by distress.

VIII. *And be it further enacted*, That all fines imposed by the foregoing sections of this Act, shall be recoverable before the Captain or Officer commanding the Company to which the delinquent may belong, and be levied by distress and sale of the delinquent's goods by an order of the said Commanding Officer, directed to a Non-commissioned Officer of the same Company, who is hereby empowered to serve and execute the same (with the like fees as Constables may receive) rendering the overplus if any, after deducting the costs and charges of such distress and sale to the delinquent; and if no goods or effects shall be found whereon to levy the said fine, such delinquent shall, by warrant under the hand and seal of such Commanding Officer, be committed to the County Gaol, there to remain for the term of two days for the fine for each day's delinquency; and the keeper of any Gaol is hereby authorized to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary Gaol fees, together with such fees as the Non-commissioned Officer may be entitled to receive as herein before mentioned: Provided always, that any such delinquent may appeal from the sentence of the Commanding Officer of the Company to which he may belong, to the Commanding Officer of the Battalion, who is hereby authorized and empowered to remit the fine imposed upon such delinquent either in part or the whole, as the circumstances of the case may require.

Delinquent may appeal from the sentence of the Captain to the Commanding Officer of the Battalion.

IX. *And be it further enacted*, That all orders to be issued by any Commanding Officer of a Company, under and by virtue of the provisions of this Act, for the purpose of levying fines, shall be in the form following, to wit:—

Form of an Order of Dismissal.

“ To A. B. Serjeant, (or Corporal)
 “ You are hereby required forthwith to demand of N. B.
 “ the sum of being the amount of a Fine imposed
 “ upon him under and by virtue of the Militia Law, and on his
 “ refusal to pay the same, to levy and distrain the amount there-
 “ of, of the goods and chattels of the said N. B. and to sell
 “ and dispose of the goods and chattels so to be distrained, within six
 days,