

SESSIONAL PAPER No. 30

shall not prevent, and it is hereby declared, that the same shall not be construed to prevent any or every above mentioned person or persons from holding Commissions as Officers in the Militia of this Province. Provided always, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, by Warrant under his Hand and Seal, to exempt any of the persons herein before enumerated, to whom such Warrant shall be granted from being called out for the service aforesaid.

XXII. And be it further enacted, that the persons called Quakers, Menonists & Tunkers, who from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the said Militia, but every person professing that he is one of the people called Quakers, Menonists or Tunkers, and producing a certificate of his being a Quaker, Menonist or Tunker, signed by any three or more of the people (who are or shall be by them authorized to grant certificates for this or any other purpose of which a Pastor, Minister or Preacher shall be one) shall be excused and exempted from serving in the said Militia, and instead of such service, all and every such person or persons, that shall or may be of the people called Quakers, Menonists or Tunkers, shall pay to the Lieutenant of the County or Riding, or in his absence to the Deputy Lieutenant, the sum of Twenty Shillings per annum in time of peace, and Five Pounds per annum in time of actual invasion or insurrection, upon producing such certificate, and being thereby exempted from such service as aforesaid, and if any such person or persons being of the people called Quakers, Menonists or Tunkers, and producing a certificate as aforesaid, shall omit or refuse to pay the Sum of Twenty shillings per annum in time of peace, and Five Pounds per annum in time of actual invasion or insurrection, instead of such service, it shall and may be lawful upon the Oath of any one credible witness of such omission or refusal before any Justice of the peace for such Justice, to issue his warrant to levy the same by distress and sale of the Offender or offenders goods and chattels, returning so much of the said distress as shall exceed the said sum of Twenty Shillings per annum in time of peace, and Five Pounds per annum in time of actual invasion or insurrection after deducting the expenses of levying the same, to the person or persons upon whom such distress shall be made. And if any measures shall be used in making such distress which may by such person or persons be thought oppressive, he or they may complain to the Lieutenant or Deputy Lieutenant at the next meeting, who shall hear and finally determine the same.

XXIII. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, to appoint a proper person to be the Adjutant General of the said Militia, who shall do all Matters & things appertaining to the said Office of Adjutant General, and be paid for and during the time of his serving in the said Militia, and such Adjutant General as aforesaid, the sum of one Dollar per day per annum, free and clear of and from all deduction whatsoever.

XXIV. And be it further enacted by the authority aforesaid, that the Fines, Penalties and Forfeitures by this act imposed, shall be sued for and recovered by and upon the Oath of any one credible witness before any one of His Majesty's Justices of the Peace, and within two Months after such conviction and recovery shall be transmitted by the Justice before whom such information shall be laid to the Lieutenant, in case there be no Lieutenant or that he be absent, to the Deputy Lieutenant of the County where the offence has been committed. And the said Lieutenants shall and are hereby required, yearly and every year, to transmit to His Majesty's Receiver General the several Sums of Money by them received by way of composition from the persons permitted by virtue of this act to make such composition, and the said Receiver General shall out of the monies aforesaid, pay to the said Adjutant General upon his producing a warrant for such purpose to be signed by the