

Proof of being such.

To give in their names &c. to the treasurer of the district where they reside.

—payments to him how to be made and applied.

In case of non-payment distress-money so recovered how to be paid and applied.

Punishment for want of such distress.

Circumstances under which quakers, &c. shall not be liable to payment.

When the Gov. &c. may employ the militia upon lakes, rivers, communications, &c. in such detachments as he shall think fit.

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 the clerk of the meeting of such society or by any three or more of the people called quakers, menonists or tunkers, shall be excused and exempted from serving in the said militia. Provided nevertheless, that every such person or persons that shall or may be of the people called quakers, menonists, or tunkers, from the age of sixteen to sixty shall, on or before the first day of December in each and every year, give in his name and place of residence to the treasurer of the district where he or they shall reside, and pay to such treasurer, to and for the public uses of such district, in time of peace the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, the sum of five pounds, and in default of such payment, it shall and may be lawful on information or complaint on oath made by the said treasurer, before any justice of the peace of such district for the said justice to issue his warrant, under his hand and seal to levy the same by distress and sale of the offenders goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, deducting therefrom the charges and all other incidental expences of such distress and sale, as well as the expences of summoning such offender before such justice to answer the said information and complaint, and the said sums so levied by the said justice as aforesaid, shall be by him, within the space of two calendar months, paid into the hands of the colonel, or in his absence, the next senior officer of the regiment, battalion or independent company of the division where the offence has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this act, and for want of such distress, the justice before whom such person shall have been convicted, shall commit him to the common gaol of the district, until he shall pay and satisfy such sum, together with the reasonable charges incident to such conviction: Provided nevertheless, that no person or persons so convicted, shall in any case, be detained in custody longer than the space of one calendar month; Provided also, that it is hereby further enacted, that each and every of the persons usually called quakers, menonists and tunkers, that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but that in time of war or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

XXVIII. And be it further enacted by the authority aforesaid, That in time of war, when and so often as occasion may require, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, to employ the militia of this Province, either upon land or upon the lakes, rivers, and communications thereof, in such parties or detachments as by him shall be deemed expedient.