

**XVII.** That such Person as by the Commissioned Officers of any Company, may be appointed Clerk, and refuse to serve in that Capacity, shall pay *Forty Shillings* Fine, and another be chosen in his Room, and so on, till one do accept or consent to execute that Duty; And which Person, so accepting or consenting, shall be under Oath for the faithful Discharge of his Duty in said Office, the same to be administered unto him by a Justice of the Peace of the County, in Words following, viz.

**"YOU** do swear truly to perform the Office of Clerk of the Militia Company, under the command of A. B. Captain, to the utmost of your Skill and Power, in all things appertaining to your Office according to Law. So help you God."

And for every Distress made for any Fine not exceeding *Forty Shillings*, the said Clerk shall have one quarter part thereof for his Pains and Trouble; and for the levying and recovering such Fines, he may make Distress for, *ex Officio*: The said Distress to be made subject to such rules as the Law hath provided in other Cases; and after ten Day's Notice for that Purpose, he shall pay the Captain or Chief Officer all such Fines as he shall or may have received, his own part being deducted therefrom.

**XVIII.** The Chief Officer of the Regiment, as often as he may see Cause so to do, shall require the Captain or Chief Officer of each Company, in his Regiment, to meet at such time and place as he shall or may appoint, and there to confer with them, and to give in Charge such orders, as shall by them, or the major part of them, be judged meet, for the better ordering and settling their several Companies, and for the more effectually promoting military Discipline amongst them. And the said Chief Officer is hereby empowered, by virtue of his Warrant, directed to any Clerk or Officer of his Regiment, to summon, or cause to be brought before him, any Offender against this Act, and according to Law, to hear and determine all Matters proper for their cognizance, and to give Sentence, and to award Mittimus, or Warrant of Distress, to the Clerk of the Company where the Offence shall or may be committed: For executing which Warrant, if for levying above *Forty Shillings*, he shall have *Ten Shillings* out of the same, for his pains and trouble therein and no more.

**XIX.** That no Clerk, *ex Officio*, make Distress for any Fine until Six Days next after the Offence shall have been committed, in Order that the Party may have Opportunity to make Excuse, if any he hath, why he should not pay the Fine. And all such Clerks neglecting or refusing to account, or make payment, as by this Act is required, shall be subject to Distress to the full amount of what they ought to have collected, by Virtue of a Warrant from the Chief Officer of the Company, directed to any Constable.

**XX.** That all Officers do yield Obedience to the Warrant or Command

Person appointed Clerk of any Company, and who refuses to serve, shall pay 40s. Fine.

Persons serving shall be sworn to faithfulness in Office, and Oath to be administered by a Justice of the Peace.

#### Form of Oath.

Clerk's Allowance for levying Fines.

After ten Days Notice shall pay Overplus of all such Fines (received by him) to the Captain, &c.

Chief Officer of Regiments shall require Captain, &c. of each Company in his Regiment to meet and confer, and give in charge such Orders, as may be judged necessary by a Majority of them present.

Chief Officer empowered to summon, or cause to be brought before him, any Offender against this Act and after hearing, to determine according to Law, or award Mittimus, or Warrant of Distress, directed to the Clerk of the Company where Offence shall be committed, & for levying, if above 40s. is to receive thereout 10s.

No Clerk to make Distress, *ex Officio*, for any Fines until 6 Days after Offence committed.

Clerk neglecting &c. to pay Fines, as by this Act is required, shall be subject to Distress by Warrant, of Chief Officer of Company to which he belongs, the same to be directed to any Constable.