

A supplementary ACT to the act, entitled, An act to regulate the militia.

WHEREAS great abuses have been introduced under colour of the late militia act, relative to substitutes, and it is apprehended the giving money to substitutes may injure the recruiting service,

Preamble.

II. Be it enacted, by the General Assembly of Maryland, That no person shall be allowed as a substitute by the colonel of the battalion, or any field officer, unless such person be enrolled in some class of the militia of this state; and no militia man shall give, nor shall any militia man receive, any reward whatever for going as a substitute, under the penalty of serving double the time such militia shall be ordered out for, on conviction before a court-martial, to consist of the lieutenant of the county and any two field officers, and in case of sickness or absence of the lieutenant, of any three field officers.

No person allowed as a substitute unless enrolled, &c.

III. And be it enacted, That in case no substitute be procured, every militia man ordered out on actual service, and neglecting or refusing to attend, unless prevented by sickness, shall forfeit and pay a sum not exceeding two hundred pounds, nor less than twenty pounds common money, at the discretion of the court-martial constituted as aforesaid, to be levied by distress and sale of the goods, chattels, lands or tenements of the militia man not finding a substitute as aforesaid, and in case of inability to pay such fine as may be assessed by the person not finding a substitute, he shall be imprisoned without bail not exceeding three months, at the discretion of the court-martial aforesaid.

Penalty on persons refusing, &c.

IV. And be it enacted, That all those parts of the act, entitled, An act to regulate the militia, relative to substitutes, which are inconsistent with the present act, shall be and are hereby repealed.

Parts of a former act repealed.

V. And be it enacted, That the lieutenant of the county, and any two or more field officers, or in case of inability in the lieutenant to attend, any two or more field officers of the battalion, may, upon application, excuse any person from actual service, whose peculiar circumstances they shall think entitle him to be excused.

Lieutenant, &c. may excuse from actual service.

VI. And be it enacted, That the governor and the council may, in their discretion, exempt from actual service any private in the militia who is or may be engaged by contract in manufacturing for the use of this state.

Governor and council may exempt privates, &c.

VII. And be it enacted, That the names of all persons who desert from the militia shall be returned by the commanding officer to the governor and council, who shall order the lieutenant of the county in which the deserter shall be, to cause such deserter to be apprehended and carried to the corps to which he belongs under guard, if necessary, the expence of such guard to be deducted out of such deserter's pay, or levied on his effects by distress and sale; and such deserter, if a non-commissioned officer or private, shall be compelled to serve in some company of the militia on duty, double the time for which he was first ordered out, and shall be incapable of voting for representatives in assembly, until he hath faithfully performed such service, or shall be fe-

Names of deserters to be returned by the commanding officer, &c.