

Report of exception.	<p>officer taking or who has taken said oath or affirmation, shall report the fact to the adjutant-general, when he shall report himself as herein before directed, or within thirty days after he shall swear or affirm as aforesaid, if hereafter appointed and commissioned; and if any officer shall act, and yet neglect or refuse to comply with the provisions of this section, he may be cashiered and stricken from the rolls by order of the governor, or fined not exceeding two hundred dollars, in the discretion of such court martial as the case may require, which fine shall be collected and paid over by the sheriff of the proper county, as other fines are directed to be, in this act.</p>
Penalty for acting without taking, &c.	
Cashiered or fined \$200.	
Case of draft.	<p>SEC. 32. And be it enacted, That when any part or parts of the militia of this state shall be draughted, and called into actual service, every person draughted as aforesaid, who is not a commissioned officer, shall have it in his choice, either to serve in person, or to find a sufficient person for a substitute, which said substitute shall be approved of by the colonel, or commanding officer of the battalion or squadron to which he shall belong; but if any person not being disabled by sickness, shall neglect or refuse to serve or find such sufficient substitute, in his place, within three days after notice given to him, the colonel or commanding officer of the battalion, or squadron to which such delinquent belongs, shall, and he is hereby required to provide, hire, or procure, on as reasonable terms as may be, a substitute for such person so refusing or neglecting, and to charge such sum or sums, together with reasonable expenses for procuring the same to such delinquent, to be recovered by distress and sale of his goods and chattels, lands and tenements, by warrant under the hands and seal of any two justices of the peace of the county where such person resides; and in all cases where it shall be necessary to recover any fine or forfeiture, or other money wherewith any person or persons may become chargeable under and by virtue of this act, by distress and sale, or execution, of the property of such person or persons; it is hereby declared to be the duty of the sheriff or person executing for the same, to take such property, as shall be offered or shewn to such sheriff or person executing, of the value of such debt and cost; and if no property shall be shewn or offered, such sheriff or person executing, shall not take in execution any negro or other valuable property to satisfy a small or trifling fine or sum, if property of small value can be found, but he shall take such property if any such can be found as will pay the sum due with the costs of levying the same and no more or as nearly as may be, and any person offending herein shall forfeit, and pay treble the sum so levied, to be recovered by the party aggrieved, by indictment or action of debt, in the county where the offence shall happen; <i>Provided</i>, that no colonel or commanding officer</p>
Substitute admitted.	
On failing to appear or furnish.	
Officer authorized to procure substitute.	
Charge expense. Recover by distress.	
Sheriff instructed in executing.	
Penalty for offending herein.	
Discretion allowed to officer.	