

and the justice shall return such appeal to the clerk of the Circuit Court before the second day of the next term, and the same shall be proceeded in as in other appeals from justices of the peace, and except in extraordinary cases, of which the court shall be judge, all such appeals shall be heard at the first term.

71. In all cases where a militiaman may be draughted or shall have volunteered to perform a tour of duty, he shall be considered a soldier, and when called into actual service by the express command of the Governor shall be entitled, and then only, to the same pay and rations as if he was in the service of the United States, and be subject when so called into service to the rules and articles of war, unless he shall furnish a substitute, and the commanding officer of the volunteer company, if such person belong thereto, of the extra battalion or squadron, or regiment, if he is a draughted militiaman, shall be the sole judge of the qualification of said substitute, and may receive or reject him at his discretion, and no person subject to do militia duty shall be exempt from being draughted by reason of his having performed a tour of duty as a substitute.

72. The commanding officer of each company shall appoint and dismiss at his pleasure his non-commissioned officers; and if any person so appointed shall neglect to do the duties of his appointment, or refuse or neglect to obey the orders of his superior officers, or any of them, he shall forfeit and pay not less than five nor more than twenty 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 county as other fines under this article.

73. In addition to the company meeting for inspection hereinbefore directed to be held by every volunteer and draughted company of the militia of this State on the second Saturday of May in each year, there shall be another meeting of said companies for drill in their respective battalions, squadrons, regiments or brigades, as the field and staff officers of said corps or a majority of them shall decide, and the said meetings shall be held on the third Saturday of September in each year.