

**CHAP. 182.** if property of small value can be found, but he shall take such property if any can be found, as will pay the sum due, with the cost of levying the same, as nearly as may be, and no more; any person offending herein shall forfeit and pay treble the sum so levied, to be recovered by the party grieved by indictment or action of debt in the county court of the county where the offence shall have been committed; *Provided*, that no commanding officer of the regiment or extra battalion, (as the case may be.) shall be obliged to provide a substitute for any delinquent unless he is of opinion that such delinquent has sufficient property to pay the expenses of procuring a substitute; *Provided also*, that no militia man, having personally or by substitute served in the militia, shall be obliged to serve again until by rotation it comes to his turn.

Provisos.

No militia-man shall leave his company under a penalty of ten dollars, &c.

19. **AND BE IT ENACTED**, That no militia man shall leave the company to which he belongs, (except as hereafter excepted,) under the penalty of ten dollars, unless by consent of the commanding officer of the company, or unless he shall remove to some other district, and in such case he shall apply to the commander of such company, who shall give him a certificate of his being discharged, under the penalty of a sum not exceeding thirty dollars, and if the said militia man had been in actual service, shall also certify the time thereof, and how long he had continued therein, under the like penalty.

Substitutes not exempt from standing draughts.

20. **AND BE IT ENACTED**, That no person serving as a substitute for another shall thereby be excused from standing a draught himself.

See May 1813, ch. 19, s. 7 & 9.

Arrests for civil matters.

21. **AND BE IT ENACTED**, That no officer, non-commissioned officer or private, of the militia, in his attendance at, going to, or returning from muster, shall be subject to arrest for any civil matter.

In case suit is brought for any thing done under provisions of this act, defendant may plead general issue.

22. **AND BE IT ENACTED**, That if any suit or suits shall be brought or commenced against any person or persons for any thing done in execution of the provisions of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence.

Persons not citizens of this state shall not be officers. Oath of officers.

23. **AND BE IT ENACTED**, That no person shall be a commissioned officer in the militia of this state, unless he shall be a citizen of the United States and of this state; and each commissioned officer hereafter appointed, shall take the several oaths prescribed by the constitution of this state, and also, previous to their entering on the execution of their respective duties, take the following oath or affirmation: "I, A. B. do swear, or affirm, (as the case may be,) that I will be true and faithful to the state of Maryland, and that I will diligently and faithfully do and perform the several duties assigned to me, as \_\_\_\_\_ of the militia of this state, according to the best of my skill and abilities; so help me God;" which oaths shall be endorsed on the back of the commission.

Bystanders insulting officers or soldiers may be confined.

24. **AND BE IT ENACTED**, That if any bystander shall interrupt, molest or insult, any officer or soldier while on duty at any muster, or shall be guilty of like conduct before any court-martial, the commanding officer, or such court, may cause him to be confined for the day, and he shall also be fined not less than one dollar, nor more than twenty dollars, in the discretion of such court-martial, as the nature of the case may require,