

they may enter an appeal before the justices of the next county court, and on the party's giving sufficient security within six days next, after any goods, lands, or tenements, shall be seized or distrained as aforesaid, or his or their person or persons executed as aforesaid, to prosecute such appeal with effect, the justices shall receive the same, and stay further process; and the said justices shall return every such appeal on the second day of the next term, and the court shall direct a trial by jury, as in other cases of debt, whose verdict shall be final and conclusive, and except in extraordinary cases of which the court shall be judge, all such appeals shall be tried at the next term, and such returns shall be made, by law, or rule, to the contrary notwithstanding.

Pending date.

Sec. 31. *And be it enacted*, That in all cases where a militia man may be draughted, or shall have volunteered to perform a tour of duty under this act, 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 uniform company, if such person belong thereto, of extra battalion or squadron, or regiment, if he is a draughted militia man, 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.

Draught considered a soldier.

When in service

Subject to rules and articles of war

Qualification of substitute

Sec. 35. *And be it enacted*, That 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 a sum not less than five dollars, nor exceeding 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 his county, as other fines are herein directed to be collected and paid over by him.

Non commissioned officers—how appointed—penalty for refusing to serve

Sec. 36. *And be it enacted*, That in addition to the company meeting for inspection, hereinbefore directed to be held by every uniformed and draughted company of the militia of this State, on the second Saturday of May, in each and every year, there shall be another meeting of said

Annual meeting