

1812.



together with reasonable expenses for procuring the same, to such delinquent, to be recovered by distress and sale of his goods and chattels, lands or tenements, by warrant under his hand, directed to the sheriff 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 clause 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, amounting to such debt and costs; 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 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 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.

Proviso.

No militia man shall leave his company, &c.

Persons serving as substitutes.

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.

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