

C H A P. CXXVIII. brought in the county where the cause or causes of such action did arise, and not elsewhere, and the defendant or defendants may plead the general issue, and give this act and the special matter in evidence.

None but citizens to be officers, &c. **XXI. 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 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 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."

By-standers may be confined, &c. **XXII. AND BE IT ENACTED,** That if any by-stander 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 hundred cents, nor more than fifty, nor more than fifty dollars, in the discretion of such court-martial, as the nature of the case may require.

Brigade inspector to attend, &c. **XXIII. AND BE IT ENACTED,** That it shall be the duty of the brigade inspector to attend the brigadier general when required, to receive and execute all orders necessary to carry into effect the provisions of this law, and upon refusal or neglect, to be subject to a fine, not exceeding one hundred dollars, nor less than ten dollars, unless he can make a reasonable excuse to the commanding officer of the brigade.

Adjutant to attend, &c. **XXIV. AND BE IT ENACTED,** That it shall be the duty of the adjutant of each regiment and extra battalion to attend the regimental and battalion meetings, and execute the orders of the commanding officers necessary to carry into effect the provisions of this law, and upon refusal or neglect to be subject to a fine, not exceeding thirty dollars, at the discretion of a regimental court-martial.

Penalty for detaining arms, &c. **XXV. AND BE IT ENACTED,** That if any person shall hold or detain any arms or accoutrements belonging to the state of Maryland, and not held and detained by such person as a member of a volunteer militia company, or as being given him by reason of his being too indigent to purchase the same at his own expense, any commissioned officer in whose district such person may be, is hereby authorized to apply to any justice of the peace within the county where such person resides, who shall thereupon issue a warrant to any constable of the county, directing him to arrest such person, and carry him before some justice of the peace for said county, together with any arms and accoutrements alleged to be the property of the state, which may be in the possession of such person, and if the said justice of the peace should be of opinion that the said arms or accoutrements are the property of the state of Maryland, then and in such case the said justice of the peace shall order and direct that said arms and accoutrements shall be delivered up to the said commissioned officer, for the use of the company to which he belongs, until demanded by the state, and upon such person's refusing or neglecting to comply with such direction, the said justice of the peace may commit such person to the public gaol of the county until his compliance therewith; and if the said justice shall determine that the said arms or accoutrements are not the property of the state of Maryland, the costs of such proceedings shall be paid out of the money in the hands of the paymaster, arising from fines collected in the regiment to which such commissioned officer belongs, but if he shall determine that the said arms or accoutrements are the property of the state, and the person in the possession of the same knew them to be such, then the costs of such proceedings shall be paid by the said person in possession of such arms or accoutrements as aforesaid; and if any person holding as aforesaid any such arms or accoutrements, as aforesaid, any such arms or accoutrements, and knowing them to be the property of the state, shall refuse to deliver up the same to any commissioned officer demanding them, such person shall forfeit and pay the sum of five dollars, to be recovered as small debts are recovered, in the name of the state, and for the use of the regiment or extra battalion to which such commissioned officer may belong; provided nevertheless, that no justice of the peace shall, upon application of a commissioned officer, issue a warrant against any person alleged to hold or detain any arms or accoutrements belonging to the state of Maryland, contrary to the provisions of this act, unless such justice shall be satisfied, by the oath of some credible witness, that the person so alleged to hold or detain the same, has, upon application to him made by some commissioned officer in the district where he resides, refused to deliver the same to such commissioned officer.

How a vacancy is to be filled, &c. **XXVI. AND BE IT ENACTED,** That in case of the death, resignation, disqualification, or removal out of his district, of any subaltern officer, the commanding officer of the regiment or extra battalion