

property as shall be offered or shewn to such sheriff or person executing, amounting to such debt and cost; 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, and no more, as nearly as may be; and any person offending herein shall forfeit treble the sum so levied, to be recovered by the party grieved by indictment or action of debt in the county where the offence shall happen.—*ibid.* § 20.

26. But no lieutenant-colonel, or commanding officer of a battalion, shall be obliged to provide a substitute for any delinquent, unless he is of opinion that such delinquent, has sufficient property to pay the expences of procuring a substitute; and if such lieutenant-colonel, &c. shall be of opinion, that any delinquent has not sufficient property to pay the expences of procuring a substitute, he shall make application to a justice of the peace of the county where such delinquent resides who upon application, shall issue his warrant to the sheriff of the county to arrest the delinquent, and imprison him in the common gaol, there to remain for a certain time, to be specified in the warrant, not exceeding 20 days, and the sheriff shall be obliged to keep such delinquent in the common gaol, agreeable to the command of the said warrant, unless he shall agree to serve, or find a sufficient substitute in his place: But 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.—*ibid.*

27. If any person or persons shall think him, her or themselves aggrieved in the seizure of his, her or their goods and chattels, lands or tenements, or by the executing his, her or their person or persons, he, she or they, may enter an appeal before the justices of the next county court, and on the party's giving sufficient security within 6 days next after any goods, &c. shall be seized or distrained as aforesaid, or his, her, 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 2d day of the next term, and the court shall direct a trial by jury of the county, as in other cases of debt, whose verdict shall be conclusive, and, except in extraordinary cases of which the court shall be judge, all such appeals shall be tried at the term to which such returns shall be made.—*ibid.* § 21.

28. No militia man shall leave the company to which he belongs, and join any other, under the penalty of 10 dollars, unless by consent of the captain, or commanding officer of the company, or in case of removing to some other district within this or any other state, and in such case he shall apply to the commander of such company, who shall give him