

General
issue.

SEC. 77. *And be it enacted*, That if any suit or action shall be brought or commenced against any person or persons, for any thing done in the 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
exempt;
how ascer-
tained.

SEC. 78. *And be it enacted*, That nothing in this act shall be so construed as to subject to the payment of any fine for not attending any of the meetings as prescribed by this act, any person not liable to perform militia duty under the laws of this state, or of the United States; *Provided*, that the person so exempt shall prove the same to the satisfaction of the enrolling officer of the district in which he resides, previous to the first parade as prescribed by this act, or to any court of appeal that shall be held for the trial of the appeals of the company, of the officers, non-commissioned officers and privates as absentees from parade, for said district, after he may have been enrolled in the same, or after he may become so exempt from age or other cause, and provided that the exemption arising from the sentence of such court of appeal can only take effect for the meeting they are appointed to decide upon and for any subsequent meeting within the year, and the commanding officer of the regiment, in whose district such person shall reside, shall thereupon cause his name to be stricken from the muster roll of the company in which he is enrolled under a penalty not exceeding twenty dollars, in the discretion of such court martial as the case may require.

Regulation.

Fines, how
collected,
proceed-
ings direct-
ed.

SEC. 79. *And be it enacted*, That all fines imposed by this act, or arising from any of its provisions, or from the by-laws of any company made in pursuance of the same, if not paid by the delinquent within five days, after demand made, or bill left at his place of residence, shall be recovered in the name of the state in the manner following, that is to say, the list of the delinquents under this act, or the provisions thereof, with the amount of the fine or fines by them respectively incurred, certified by the president of any court martial or any other court, created or authorized by this act, or by the officer commanding the division, brigade, regiment or company as the case may be, shall be considered as a judgment and held to be conclusive evidence of such fine or fines having been incurred, and upon the said list being presented to any justice of the peace of the city of Baltimore, it shall thereupon be his duty forthwith to issue an execution in the name of the state, for the use of such division, brigade, regiment or company against each delinquent as aforesaid upon such list, which execution shall be directed to any constable of said city, whose duty it shall be to execute the same and enforce the payment of such amount with costs, and from such proceeding there shall be no appeal, other than is herein before prescribed.