

CHAP. 182.

Proviso.

talion to which such commissioned officer may belong; *Provided nevertheless*, that no justice of the peace shall 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 such officer, or some other 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.

In case of death, &c. of a subaltern, commander of regiment may appoint a brevet officer.

28. 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 to which such officer may have belonged, may appoint a fit and proper person as a brevet officer, and shall immediately thereafter notify the governor of the same, and such brevet officer shall have and exercise all the powers incident to his office, in as full and ample a manner as if he was commissioned, until he shall be superseded by a commissioned officer; *Provided*, that the removal of any such officer residing in any city, or town, or precincts thereof, to any part of the said town or city, or the precincts thereof, shall in no wise be considered as the resignation of such officer.

Proviso

Militia of Allegany county--Selby's Port and Green Glades.

29. AND BE IT ENACTED, That the militia of Allegany county shall be exempt from the regiment and battalion meetings by this act appointed and directed, but instead thereof meet in company; and the company at Selby's-Port, and that also at the Green Glades, shall not, from their dispersed situation, be required to attend any battalion meeting, but instead thereof, they shall be compelled to meet in companies, and further, as a relief to them, the commanding officer of the battalion to which they may be attached, shall have power, in his discretion, to appoint some commissioned or non-commissioned officer to call together and exercise such portions of either of the aforesaid companies, as he, from their remote situation, may consider too distant to attend the company meeting by this act before directed, and they shall be subject to the same fines for not appearing at said meetings as they would be for not attending the company meetings.

By 1817, ch 136, the militia of Allegany county not subjected to the discipline of infantry, but to be trained as riflemen, and to be called out once in June and once in October. Not to extend to the militia in the town of Cumberland.

Militia of Kent-Island.

30. AND whereas, the remote and detached situation of that part of the militia of Queen-Anne's county who reside on Kent Island, renders it impracticable for them to meet in battalion or regiment off the said island, therefore, BE IT ENACTED, That the militia residing on Kent Island shall not be compelled to meet in battalion or regiment, but that the companies composing the militia on said island, shall nevertheless be subject to be called together to exercise twice a year on said island, exclusive of company meetings, at such times and such place as the commanding officer of the battalion to which they belong shall direct, and shall be subject to the same fines for not appearing at said meetings as others are for not meeting in battalion or regiment, any thing in this act to the contrary notwithstanding.

Militia subject to articles of war when called into service.

31. AND BE IT ENACTED, That when the whole, or any part of the militia of this state, shall be ordered into actual service, they