

140. Captains of companies (*if required so to do*) shall cause a ballot to be made of the first class for forming a roster, or list, whereby the men may be called into actual service in manner following :—

First.—Each name shall be written on a piece of paper, which shall be rolled up and put into a box or hat, and well mixed; all pieces of paper, so used, to be of equal size and rolled up in the same manner.

Second.—Pieces of paper, of the same size, rolled up in the same manner, to the extent of the number of men, shall be mixed together in another box or hat.

Third.—Two persons, nominated by the captains, shall publicly draw all the names alternately, numbering them from one upwards as drawn, and a consecutive list of the names and numbers shall be made as the former are drawn, which shall be a service roster, the first names drawn and numbered being first for service; artillery and cavalry shall be ballotted for service rosters in like manner.

141. When the Commander-in-chief shall order any number of men for actual service, they shall be furnished, in as exact proportion as possible, to the number of effective men; and every company, or troop, shall furnish its proportion from the first class, according to the roster; and every man liable to serve, unless prevented by sickness, or other sufficient cause, shall go or find an approved substitute; and in default, shall be liable to penalty of forty dollars; and if the same shall not be paid, may, by the commanding officer, be imprisoned for three months, and the next man on the roster shall serve in his place, who shall have the whole of the fine, (if paid), and shall go or find a substitute; but if he refuse, or neglect to go, he shall be liable to the same fine and imprisonment; and the next man shall be called out, and he shall have the last mentioned fine, (if paid), if he, by himself, or a substitute, shall serve, and so on, as each case may happen; but no man shall receive more than one fine, if paid.

142. If any part of the company shall be called out oftener than once in four years, no man who had served shall be liable to serve again until all the available effective men shall have served personally or by substitute.

143. When any man shall remove from the limits of his company to any place within the limits of another company, he shall fall in on the roster immediately before the man who has drawn the same number.

144. Upon calling out any of the militia into actual service, the Commander-in-chief may direct necessary measures to be adopted to ascertain the ability of every officer and man to perform his duty; and if any man shall be found unable to serve, his place shall be supplied by the colonel; and if such person shall be a substitute, the person in whose stead he is, or stands, shall procure another substitute, under the same penalty, as for refusing to go into actual service, or finding a substitute; or if the man has been originally drafted for the