

comply with any of the duties required of him in this section, he shall be liable to be cashiered or fined not exceeding one hundred dollars, in the discretion of such court martial as the case may require; and if any non-commissioned officer or private shall neglect or refuse to return the said arms or accoutrements to such place of deposit when so ordered by his commanding officer, he shall be fined not exceeding ten dollars, in the discretion of such court martial as the case may require.

742. If any person shall within the limits of said divisions sell or buy, unless by the authority of the State, any of the public arms, or give or receive the same in pledge or barter, or as a gift, knowing them to be public, or shall injure or destroy such arms or accoutrements, or use them for any other than military purposes, or shall carry or convey them out of the limits of said division, except when on duty, he shall for every such offence forfeit and pay ten dollars; and if such arms or accoutrements shall by any such means be lost or rendered useless, he shall forfeit and pay the sum of fifteen dollars; said forfeiture shall be recovered at the instance of any commissioned officer of said division discovering the same, and the amount paid over to the paymaster of the division to be accounted for to the corps, when ascertained, by which such arms or accoutrements were held, for the purpose of replacing or repairing the same.

743. Whenever any of the public arms or accoutrements shall within the limits of the said division be found in the possession of any person except as herein authorized, the same may be demanded by any commissioned officer, and if refused to be delivered up, on proof of such demand and refusal before any justice of the peace, such justice shall at the instance of said officer, by warrant in the name of the State, cause the person to be brought before him, and examine into the facts, and upon it appearing to said justice that the arms and accoutrements so claimed belonged to the State, he shall order them to be delivered up to said officer, and the person holding them to pay costs; and may, if necessary, commit said person to prison until said order is complied with; and if he shall decide otherwise, said officer shall pay costs, which shall be reimbursed out of the fines of the regiment to which he is attached; and the arms or accoutrements so recovered shall be delivered to the commanding officer of the regiment, to be delivered to the corps, when ascertained, by which they were held; and if any officer shall neglect or refuse to comply with the duties required of him by this section, he