

that shall procure the next highest number of recruits exceeding ten, shall be entitled to a commission of an ensign in one of the companies of said battalions.

*And be it enacted*, That the governor and council shall be and are hereby authorised and requested to appoint fit and proper officers out of the Maryland line, not engaged in actual service the present campaign, down to captains inclusive, to command the said battalions and companies, . . . and if such officers cannot be had, then to appoint such officers as may be wanted out of those best qualified,

*And*, Whereas there are many idle and disorderly persons in the several counties in this state, who pursue no visible means to obtain an honest subsistence, but spend their time in such a manner as to render no service to the community by which they are protected :

*Be it enacted*, That every such free male idle person above sixteen years of age, and who is able bodied and effective, and hath no family, nor any visible method of getting an honest livelihood, and who may be adjudged by the lieutenant of the county to come under the above description of a vagrant, shall, from and after such adjudication, be considered as a soldier enlisted, and shall have it in his choice whether he will serve until the tenth of December, or enlist for three years or during the war ; . . . provided that no person who hath served in the continental army as a regular soldier, and hath been discharged, shall be deemed a vagrant under this act.

*And be it enacted*, That in case the number of militia be not procured in the several counties by voluntary enrollment, or by enrolling vagrants in manner as above mentioned, on or before the sixteenth day of July next, it shall and may be lawful for the lieutenant of the county, . . . to call together the field officers of each county respectively, and cause the militia in their respective counties . . . to be distributed into as many classes as men may be wanted, and each class shall, within five days, find a recruit to serve until the tenth day of December next, or . . . shall cause such class as doth not find a substitute . . . to be draughted, and two persons to be selected therefrom by lot, and such person of the two as the lieutenant . . . shall direct and appoint, shall be deemed a militia man enrolled to serve until the tenth day of December next, and shall accordingly march, unless he find a substitute, to be approved by the lieutenant . . . within five days after such appointment shall be notified unto him ; and any nonjuror who shall voluntarily enlist and serve, or if draughted or procured as a substitute shall serve during the time aforesaid, such nonjuror shall be restored to