

benefits and privileges of a continental soldier; and all constables, recruiting sergeants, and private persons, are hereby required and empowered to take up such idle vagrants, and carry them before the lieutenant of the county or any field officer, and upon such vagrant's being passed by such lieutenant, the recruiting officer who took up such vagrant shall be allowed the sum of thirty shillings, and if taken up by a private person subject to the draught, and passed for him, such person shall be exempt from such draught, and if such person shall not be subject to a draught under this act, he shall then receive the same reward herein before given to a recruiting officer for taking up such vagrant; 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; provided also, that if any person shall be adjudged no vagrant, a certificate of such adjudication shall be given to the party, and the person so adjudged shall be thereby discharged from any further molestation; and if any person adjudged a vagrant shall choose to appeal from the determination of the lieutenant or eldest field officer, the said lieutenant or field officer shall summon two other field officers at least, and appoint a day to hear said appeal in conjunction with himself, and their determination shall be final.

VIII. 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, or the eldest field officer in case of his inability or refusal to act, and he is hereby required, under the penalty of two hundred pounds, to call together the field officers of each county respectively, and cause the militia in their respective counties (except such persons as may have found substitutes for three years or during the war, whose times of service is not expired, except also such officers and men as may be enrolled in any company of select militia within this state) 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 the lieutenant, or eldest field officer in case of the lieutenant's inability or refusing to act, calling to their assistance the other field officers of the county, shall cause such class as doth not find a substitute to serve until the tenth day of December next, to be draughted, and two persons to be selected therefrom by lot, and such person of the two as the lieutenant or eldest field officer 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 or eldest field officer, 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 all the rights and privileges of a free citizen of this state without exception.

Lieutenants to
class the militia,
&c.

IX. And be it enacted, That the governor and council shall be and are hereby authorized and requested to appoint proper persons for each county, to receive and provide quarters and necessaries for such recruits as may be raised in virtue of this act, and the same to forward to such place of rendezvous as the governor and council shall direct.

Governor and
council to ap-
point persons
to provide
quarters, &c.