

to the extent of the number of men enrolled in the Company of the first class, shall be put into another hat, box or glass, suitable for the purpose, and be therein well mixed and shaken together, and two indifferent persons shall be nominated by the Captain of the Company, publicly to draw the same; and such person shall respectively begin by drawing out of each hat, box or glass, one of the papers therein, and the Clerk of the Company shall form a list, by first setting down on paper the name of the man first drawn, and opposite to that name the number first drawn, and then the persons appointed as aforesaid shall each respectively draw another name and another number, and the Clerk shall set down as aforesaid such name secondly drawn, and opposite thereto the number secondly drawn, and so the drawings shall proceed in like manner until all the names and all the numbers shall be so drawn and set down in writing, and, from such List, the Clerk of the Company shall form a new List or Roster, beginning with the person against whom the number one stands in the List, and proceeding in numerical order to the name of the person who drew the last or highest number.

Cavalry and
Artillery Com-
panies to be
classed

LXX. *And be it enacted*, That the men enrolled in any Troop of Cavalry, or Company of Artillery, shall be drafted and classed for service in the same manner as hereinbefore directed.

Drafts for ac-
tual service

LXXI. *And be it enacted*, That when the Commanding Officer of any Regiment, or of any Troop of Cavalry, or Company of Artillery, shall be ordered by the Governor to furnish or embody any number of men of his Regiment, Troop or Company, for actual service, they shall be furnished in as exact proportion as possible, to the number of effective men of every Company or Troop; and every Company or Troop shall furnish its proportion of men out of the first class, beginning with number one, in the List or Roster formed, as before directed, and proceeding in the order the names stand on such List or Roster, until the numbers be complete; and every man so liable to serve, unless prevented by sickness or other sufficient cause, shall go in his proper person, or find a sufficient substitute, to be approved by the Commanding Officer of the Regiment, Company or Troop; and in case of wilful absence, neglect, or disobedience herein, of any man liable to serve, he shall be confined by such Commanding Officer, and be liable to pay a fine of Ten Pounds, or to remain in Jail three months; and the man next on the List or Roster shall be called out to serve in his place, who shall have the whole of said fine, if he shall not neglect or refuse to go, or to find a sufficient substitute to be approved of as aforesaid; and if such man shall so neglect or refuse, he shall also be liable to the like fine and imprisonment; and the man then next in rotation on the List or Roster, shall be called out to serve, who shall have the whole of the said last mentioned fine, if he shall not neglect or refuse to go, or find a sufficient substitute as aforesaid, and so as often as such case shall happen. *Provided always*, That no man shall receive more than one fine of Ten Pounds; and that all other such fines, if there shall be more than the one paid to the man who will go, shall be recovered and applied for the use of the Regiment or Troop of Cavalry, or Company of Artillery, wherein they may have been incurred. *And provided also*, that if any part of the Militia, in any Company, shall not be called out oftener than once in four years, no man who has been called out and served in person, or by sufficient substitute, shall be liable to serve again until all the other effective men of his Company shall have served in their turns, personally, or by substitute. *And provided also*, that no Quaker, duly certified as such, shall be liable to the foregoing fine; but in case he shall stand for service on the List, and shall refuse to go, or find a proper substitute, it shall be lawful for the Captain of the Company to which such Quaker belongs, to procure and hire a substitute in his place; and such Quaker shall be liable to pay the expense of such hiring, so as the same do not exceed Ten Pounds, to be recovered by such Captain, as Money paid to the use of such Quaker, before any two Justices of the Peace.

Fines

Quakers

Removal of
Militia-men
from one Com-
pany District
to another

LXXII. *And be it enacted*, That when any man shall remove from the limits of his Company to and within the limits of another Company, and be enrolled in such last mentioned Company, he shall fall in, and be placed on, the List or Roster immediately before the man who has drawn the same number, as the said man held in his former Company, and stand there ready to be called on for actual service, as if he had originally drawn such number in the Company to which he has so removed.

LXXIII. *Provided always, and be it enacted*, That when it shall happen that there are two