

ACTS AND LAWS,

Passed by the Great and General Court or Assembly of the Colony of the *Massachusetts-Bay* in *New-England*: Begun at the Court-house in the County of *Middlesex*, on Wednesday the Nineteenth Day of July, Anno Domini, 1775. And from thence continued by adjournments to Wednesday the Twenty-ninth Day of November following, and then ended.

CHAP. I.

An Act for forming and regulating the Militia within the Colony of the *Massachusetts-Bay*, in *New-England*, and for repealing all the Laws heretofore made for that Purpose.

WHEREAS it is not only the Interest, but the Duty of all Nations to defend their Lives, Liberties and Properties in that Land which the Supreme Ruler of the Universe has bestowed on them, against the unlawful Attacks and Depredations of all Enemies whatever; especially those who are moved by a Spirit of Avarice or Despotism:

And whereas the Honorable American Congress have recommended to the United Colonies to put the Militia into a proper State for the Defence of America:

And whereas the Laws now in Force, respecting the Regulation of the Militia, have been found insufficient for the Purposes aforesaid:

1. It is therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, That the several Laws, and the several Paragraphs and Clauses of all and every the Laws of this Colony, enforcing, or any Ways relating to the Regulation of the Militia, be, and hereby are repealed, and declared null and void.

And be it further enacted by the Authority aforesaid, That that Part of the Militia of this Colony, commonly called the Training-Band, shall be constituted of all the able-bodied Male Persons therein, from sixteen Years old to fifty, excepting Members of the American Congress, Members of the Council, and of the House of Representatives for the Time being, the Secretary of the Colony, all Civil Officers that have been, or shall be appointed by the General Court, or either Branch of it, Officers and Students of Harvard-College, Ministers of the Gospel, Elders and Deacons of Churches, Church-Wardens, Grammar School-Masters, Masters of Arts, the Denomination of Christians called Quakers, Select-Men for the Time being, those who have by Commission under any Government or Congress, or by Election in Pursuance of the Vote of any Congress of the Continent, or of this, or any other Colony, held the Post of a Subaltern, or higher Officer. Persons while actually employed as Masters of Vessels of more than thirty Tons Burthen, other than Fishing Vessels, and Vessels coasting in this Colony, and to and from this Colony to the other New-England Governments, Constables, and Deputy-Sheriffs, Negroes, Indians and Mulattoes, and shall be under the Command of such Officers as shall be chosen, impowered and commissioned over them, as is by this Act provided; and the Select-Men, or the major Part of them of each Town, shall be, and hereby are impowered by

The Council to divide the Militia from Time to Time Writing under their Hands, to excuse from Time to Time such Physicians, Surgeons, Ferry-men and Millers, in their respective Towns, from common and ordinary Trainings, as they shall judge it necessary to excuse: And the Council aforesaid shall from Time to Time, as may appear to them necessary, divide the Militia of each County into Regiments, and alter and divide such Regiments from Time to Time, as they shall judge expedient, after having taken the Opinion, during any Session of the General Court, of such Members of the House as belong to the County where the Division or Alteration is to be made, and as shall be present at the Time of such Consultation.

Three Major-Generals to be chosen by Ballot of either House. 2. And be it further enacted by the Authority aforesaid, That there shall be chosen by Ballot from Time to Time, as may be necessary, by either the Council, or House of Representatives of this Colony, with a Negative always resting in either House of Assembly, Three Major-Generals, to rank and command as first, second and third, over the whole Militia thereof; which Major-Generals when so chosen and concurred, shall be commissioned to said Office by the major Part of the Council aforesaid, and the Rank of each of said Generals shall be expressed in his Commission, and said first Major-General, and each of the other Major-Generals shall at all Times have Power in the Absence of their Superior (and not having Orders to the contrary) to draw forth the said Militia, or any Part of them, as the said Generals, or the first in Rank of them present shall judge expedient and necessary for the immediate Defence of this, or any of the United Colonies of America: And the Officers and Soldiers of said Militia, shall pay entire Obedience to their Commands accordingly, under the Penalties hereafter provided in this Act. *Provided always,* That the said Generals and all other Officers of said Militia, shall at all Times be under the Command of the major Part of the Council, and shall in drawing forth, or retaining in Service the said Militia, or any Part of them, be subject to such Orders and Instructions, as they may receive from the said major Part of the Council; unless when the said Militia, or any Part of them, shall be without the Limits of this Colony, they should receive Orders from the House of Representatives for the Time being, to return; and whenever the said Militia, or any Part of them, shall be without the Limits of this Colony, the said House of Representatives shall have full Power and Authority to give Orders for their Return; to which Orders the said Militia, and all the Officers thereof, are hereby required to yield strict Obedience, any Orders to the contrary notwithstanding.

One Brigadier General to be chosen in each County, in the same Manner. His Power. 3. And be it further enacted by the Authority aforesaid, That the Council or House of Representatives, shall from Time to Time as may be necessary, by Ballot, choose one good and able Brigadier in each County in this Colony, where there shall be more than one Regiment (and where there is but one Regiment in a County, the Council shall join such Regiment to the Militia of any other County as they shall see fit) and such Parsons so chosen and concurred, shall be commissioned by the major Part of the Council, in which Commission the Rank of each Brigadier shall be expressed: And the said Brigadiers shall have the same Command over their respective Brigades, as the first Major-General has over the Militia of the whole Colony; and when two or more of said Brigades, or any Number of said Militia shall be together embodied upon any Alarm, the first Officer in Rank who shall be present, shall have the chief Command of the whole.

Col. Lt. Col. & two Majors to be chosen in the same Manner. 4. And be it further enacted by the Authority aforesaid, That there shall be chosen, appointed and commissioned, (as is provided and directed by this Act for the Choice and Appointment of General Officers) over such Regiment in this Colony, one Colonel, one Lieutenant-Colonel, and two Majors; And the said Field Officers so appointed and commissioned, or the major Part of them, shall forthwith divide and set off the respective Regiments into Companies, as they shall judge expedient, to consist as near as conveniently can be, of sixty-eight Privates, exclusive of those of the Alarm List, and to determine the Rank of each and every Company. *Provided nevertheless,* That no Soldier shall be obliged,

obliged, without his Consent, to join a Company belonging to any Town in which he has not his usual Place of Abode, unless where there shall not be Privates enough to make a Company of thirty Soldiers, including Officers; in which Case, as also where there are any Persons belonging to a Place not incorporated, they shall be joined to such Company as the Field Officers of the Regiments within which they are, shall see fit. And the Inhabitants of every Town now in, or that shall be in the Continental Army, shall be deemed to belong to, and be a Part of the Companies in their respective Towns, and excused from Duty in the Militia, whilst they continue Part of the Army aforesaid; and each Company, when so formed and set off, shall, together with those of the Alarm List; within the Limits of the same, by Ballot, in the Presence of one of their Field Officers, who shall cause them to be duly notified for that Purpose, and shall preside as Moderator, choose one Captain, and two Lieutenants; which Choice shall immediately be certified to the Secretary by said Field-Officers; and the major Part of the Council thereupon, unless some material Objection against such Choice for any corrupt Practice or Irregularity, shall be made at or before the Time of receiving said Certificates, shall commissionate such Persons pursuant to their Election. And all the said Officers, when so commissioned by the Council, shall in the Absence of their Superiors, have the same Power in ordering, directing and marching their Regiments and Companies, as the first Major-General has over the whole of said Militia: And the Colonel, or commanding Officer of each Regiment, shall as soon as the Captains in his Regiment are commissioned, give them respectively under his Hand in Writing, the Limits of their respective Companies, their alarm Posts, and the Manner of mustering their Companies on all Occasions.

Persons in the Cont'l. Army to be considered as belonging to the Militia.

Each Company to choose their own Capt and two Lieut's, who are to be commissioned by the major Part of the Council.

5. And be it further enacted by the Authority aforesaid, That the Field-Officers of each and every Regiment, or the major Part of them, shall recommend to the General Court a good able and skilful Person for Adjutant of their Regiment; and if either House shall by Ballot, elect such Person for that Office, then the major Part of the said Council, shall, when concurred, commissionate him thereto. And in all Cases determinable by Field-Officers of the several Regiments, where there shall be the four Field-Officers of any particular Regiment present; and they shall be equally divided in their Opinions respecting such Matter—the Determination shall be according to the Opinion of the first Colonel.

An Adjutant to be recommended by the Field Officers of each Regiment, & chosen by Ballot of either House, & commissioned by the major Part of the Council.

6. And be it further Enacted, That each Company, including the Alarm List, shall be called together by their Captain, or commanding Officer, as soon as may be, for the Purpose of choosing one Clerk, four Serjeants, four Corporals, one Drummer, and one Fifer; and when it shall appear to the Commission Officers of any Company, that either of said Non-commissioned Officers shall neglect his Duty, they may remove and dismiss him from his Office, and call upon their Company, including the Alarm List, to choose another in the Room of such Delinquent; and if the said Company, being called together for that Purpose, shall at any Time neglect, or refuse immediately to proceed to the Choice of one, or more Non-commissioned Officer or Officers, so ordered to be chosen—the Commission Officers of such Company, or the major Part of them, shall by Warrant under their Hands in Writing, appoint said Non-commissioned Officer or Officers, which the said Company shall have refused to choose as aforesaid.

Non-commission'd Officers to be chosen by the Company.

7. And be it further enacted by the Authority aforesaid, That each and every Officer, and private Soldier of said Militia, not under the Controul of Parents, Masters, or Guardians, and being of sufficient Ability therefor, in the Judgment of the Select-Men of the Town wherein he has his usual Place of Abode, shall equip himself, and be constantly provided with a good Fire-Arm, with a Steel or Iron Ramrod, and a Spring to retain the same, a Worm, Priming Wire and Brush, and a Bayonet fixed to his Gun, a Scabbard and Belt therefor, and a Cutting Sword, or a Tomahawk or Hatchet, a Pouch containing a Cartridge Box, that will hold fifteen Rounds of Cartridges at least, a Hundred Buck Shot, a Jack-Knife and

Articles of Equipments.

Tow

Poor Persons
to be equipt
at the Ex-
pence of their
Town.

Penalties for
Embezzle-
ment of such
Equipments.

Penalty for
Commission
Officers neg-
lecting to e-
quip them-
selves.

A Return of
all the Equip-
ments to be
made every
six Months.

Each Briga-
dier to re-
view his Bri-
gade twice a
Year.

Each Com-
pany to be
mustered 8
Times a Year.

Tow for Wadding, six Flints, one Pound of Powder, forty Leadon-Balls fitted to his Gun, a Knap sack and Blanket, a Canteen or Wooden Bottle sufficient to hold one Quart. And all Parents, Masters and Guardians, shall furnish and equip those of the Militia which are under their Care and Command, with the Arms, Equipments, and Accoutrements aforesaid: And where the Selectmen of any Town shall adjudge any Person belonging to the Militia of their Town unable to equip, and arm himself as aforesaid, such Selectmen shall in Writing under their Hands certify the same to the Captain or commanding Officer in whose Company such Person may be, and shall at the Expence of such Town provide for, furnish, arm and equip such Person with such Arms and Equipments; which Arms so provided by such Selectmen, shall be the Property of the Town at whose Expence they shall be provided; and if any Non-commissioned Officer or Soldier, shall embezzle or destroy the same, he shall be punished at the Discretion of the Justice, or Court before whom he may be convicted thereof, by paying double the Value of the Arms or Accoutrements so wilfully destroyed or embezzled; and on Default thereof, to be publicly whipped not exceeding twenty Stripes: And the Selectmen of each and every Town shall provide at the Expence of the Colony, and deposit and keep in some safe Place for the Use of the Militia upon an Alarm—one sixteenth Part so many Spades, or Iron Shovels with Handles, and fitted for Service, as there are Rateable Polls in their Town; one half as many narrow Axes as Spades and Iron Shovels, and as many Pick-Axes, as narrow Axes, all fitted for Service, and at the Cost and Charge of their respective Towns; one Drum, and one Fife for each Company therein. And the Freeholders and Inhabitants of each and every Town in this Colony, qualified by Law to vote in Town Meetings, are hereby impowered at a Meeting regularly warned for that Purpose, to raise Money by Tax on the Polls and Estates of the Inhabitants of their Towns, to defray all Charges arising on said Towns in Consequence of this Act.

8. And be it further enacted by the Authority aforesaid, That each and every Commission Officer of said Militia, who shall not within one Month next after receiving his Commission, provide for, arm and equip himself with such Arms and Accoutrements, as is by this Act directed, shall by Order of a Court Martial appointed, as by this Act is provided, be removed from his Office. And every commissioned Officer, who shall be deposed from his Office in the Militia for Neglect of Duty, or other Misdemeanor, as by this Act is provided, shall receive no Benefit from any Commission, which he shall be thus incapacitated to execute, to exempt him from Military Duty.

9. And be it further enacted, That the Clerk of each and every Company of said Militia, shall once every six Months after the Time of his Choice or Appointment, take an exact List of his Company, and of each Man's Equipments respectively, and present the same to the Captain or commanding Officer thereof; a Copy whereof the Captain or commanding Officer of said Company, shall immediately deliver to the Colonel or commanding Officer of the Regiment he belongs to; and the Colonel shall, without Delay, return the Number therein contained to the Brigadier, and the Brigadier shall as soon as may be, return the same to the first Major-General, and he shall forthwith return the same to the Council.

10. And be it further enacted by the Authority aforesaid, That every Brigadier shall review each Regiment of his Brigade twice a Year, and oftner if the Council shall order it, and on Default thereof, shall be liable to be removed from his Office: And when the Captain or commanding Officer of any Company of such Militia shall choose to call his Company together, or shall be ordered by his superior Officer to do it, to examine their Arms, or instruct them in the Exercises, which from Time to Time shall by the General Court be ordered for them, he shall notify and warn them of the Time and Place of Meeting, in such Manner as his Colonel shall appoint therefor; and each and every Company shall be mustered eight Times a Year at least, including their Regimental-Musters.