

# ACTS AND LAWS,

Passed by the Great and General Court or Assembly of the Colony of the Massachusetts-Bay in New-England: Begun and held at New-Town, 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 more.

## CHAPTER 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.

**W**HEREAS 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: Preamble.

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and every the Laws of this Colony, enforcing, or any Ways relating to the Regulation of the Militia, be, and hereby are repealed, and declared null and void. Repealing  
Create.

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 Mulatoes, and shall be under the Command of such Officers as shall be chosen, empowered 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 empowered by

Numbering Inhabitants.

and he hereby is appointed a Committee to take and return an Account of the Number of the like Inhabitants of the County of *Hampshire*. And that Mr. *Simon Fry*, Major *Ichabod Goodwin*, and *William Bradbury*, be and hereby are appointed a Committee to take and return an Account of the Number of the like Inhabitants in the County of *York*. And that Messieurs *David Barker*, *George Freeman*, *John Nash*, *Isaac Parsons*, and *Phineas Frost*, be, and hereby are appointed a Committee to take and return an Account of the Number of the like Inhabitants in the County of *Cumberland*. And that *Ezekiel Pettis*, Esq; Col. *William Jones*, Mr. *James Minot*, Col. *Jonathan Buck*, and Col. *Alexander Campbell*, be, and hereby are appointed a Committee to take and return an Account of the Number of the like Inhabitants in the County of *Lincoln*: And the Members of each of the said Committees, shall and hereby are impow-  
 ered to act severally in the said Business, and each one of them shall take and return the Number of all such Inhabitants as dwell on such particular and several Districts or Divisions of Land in the said Counties of *Berkshire*, *Hampshire*, *York*, *Cumberland*, and *Lincoln*, as shall be agreed on and determined by the said Committees respectively.

And be it Enacted, That the Parent, Master or Mistress of any Family, the Number whereof is by this Act to be taken by such Committee, who shall refuse to give a just and true Account of the Number of his or her Family, shall forfeit and pay the like Sum, in the like Use, and be recovered in the like Manner, as before in this Act is provided, to be forfeited by, and recovered of the Heads of Families dwelling in Towns who shall refuse to give a true Account of the Number of his or her Family, to the Selectmen of the Town to which they belong.

Penalty for heads of Families refusing to give a just account of the Numbers in their Families.

And be it further Enacted, That each and every one of the Selectmen and the Committees aforesaid, shall, before they enter upon the Service aforesaid, take the Oath or Affirmation herein after prescribed, before some Justice of the Peace for the County, or the Town Clerk of the Town to which such Selectmen or Committee shall respectively belong, who are hereby respectively impowered to administer the same.

Selectmen & Committees to be under Oath.

And be it further enacted, That the Oath or Affirmation to be administered to each of the said Selectmen and Committees, shall be *mutatis mutandis*, in the Form following *viz.*

*Y O U A. B. do solemnly Swear, that you will faithfully and truly execute and perform the Duty and Service required of you, by one Act or Law of this Colony, intituled, An Act for the carrying into Execution a Resolve of the American Congress, for ascertaining the Number of Inhabitants in this Colony.*

Form of the Oath.

*So help you G O D.*

C H A P. VII.

An Act for the executing in the Colony of the *Massachusetts-Bay*, in *New-England*, one Resolve of the *American Congress*, dated *March 14, 1776*, recommending the disarming such Persons as are notoriously disaffected to the Cause of *America*, or who refuse to associate to defend by Arms the *United American Colonies*, against the hostile Attempts of the *British Fleets and Armies*, and for the restraining and punishing Persons who are inimical to the Rights and Liberties of the said *United Colonies*, and for directing the Proceedings therein.

WHEREAS on the fourteenth of March One Thousand seven Hundred and Seventy-six, a certain Resolve was made and passed by the American Congress,

Preamble.

Congress,

*Congress, of the following Tenor, viz. "Resolved, That it be recommended to  
 " the several Assemblies, Conventions and Councils, or Committees of Safety  
 " of the United Colonies, immediately to cause all Persons to be disarmed  
 " within their respective Colonies, who are notoriously disaffected to the Cause  
 " of America, or who have not associated and refuse to associate to defend by  
 " Arms these United Colonies, against the hostile Attempts of the British Fleets  
 " and Armies; and to apply the Arms taken from such Persons in each re-  
 " spective Colony, in the first Place, to the arming of the Continental Troops  
 " raised in said Colony; in the next, to the arming such Troops as are raised  
 " by the Colony for it's own Defence, and the Residue to be applied to the  
 " arming the Associators; that their Arms when taken, be appraised by indiffe-  
 " rent Persons, and such as are applied to the arming Continental Troops,  
 " paid for by Congress; and the Residue by the respective Assemblies, Con-  
 " ventions or Councils, or Committees of Safety":*

All Persons  
 who refuse  
 the Test to  
 be disarmed.

*Be it therefore enacted by the Council, and House of Representatives in Ge-  
 neral Court assembled, and by the Authority of the same, That every Male Per-  
 son above sixteen Years of Age, resident in any Town or Place in this Colony,  
 who shall neglect or refuse to subscribe a printed or written Declaration of the  
 Form and Tenor herein after prescribed, upon being required thereto by the  
 Committee of Correspondence, Inspection and Safety in the Town or Place  
 in which he dwells, or any one of them, shall be dishonoured and have taken from  
 him in Manner hereafter directed, all such Arms, Ammunition and Warlike  
 Implements, as by the strictest Search can be found in his Possession or belonging  
 to him; which Declaration shall be in the Form and Words follow-  
 ing, viz.*

The Form of  
 the Test.

*We the Subscribers do each of us severally for ourselves profess, testify and  
 declare, before God and the World, that we verily believe that the War, Resist-  
 ance and Opposition in which the United American Colonies are now engaged  
 against the Fleets and Armies of Great-Britain, is on the Part of the said Colo-  
 nies just and necessary: And we do hereby severally promise, covenant and en-  
 gage to and with every Person of this Colony, who has or shall subscribe this  
 Declaration, or another of the same Tenor and Words, that we will not during  
 the said War, directly or indirectly, in any Ways aid, abet or assist any of the  
 Naval or Land Forces of the King of Great-Britain, or any employed by him, or  
 supply them with any Kind of Provisions, Military or Naval Stores, or hold any  
 Correspondence with, or communicate any Intelligence to any of the Officers, Sol-  
 diers or Mariners belonging to the said Army or Navy, or enlist, or procure any  
 others to enlist into the Land or Sea Service of Great-Britain, or take up  
 or bear Arms against this or either of the United Colonies, or undertake to pilot  
 any of the Vessels belonging to the said Navy, or in any other Way aid or assist  
 them; but on the contrary, according to our best Power and Abilities, will de-  
 fend by Arms the United American Colonies, and every Part thereof, against  
 every hostile Attempt of the Fleets and Armies in the Service of Great-Britain,  
 or any of them, according to the Requirements and Directions of the Laws of this  
 Colony, that now are or may hereafter be provided for the Regulation of the Militia  
 thereof.*

Mode of pro-  
 ceeding a-  
 gainst Delin-  
 quents.

*And be it further enacted by the Authority aforesaid, That the Committee of  
 Correspondence, Inspection and Safety in each and every Town and Place in  
 this Colony, or some one Member of such Committee, shall without Delay  
 tender the said Declaration to every Male Person in their respective Town and  
 Places above the Age of sixteen Years, requiring them severally to subscribe the  
 same with his Name or Sign in his or their Presence; and if any one shall re-  
 fuse or neglect so to do for the Space of twenty-four Hours after such Tender  
 is made, the said Committee, or some one of them, shall forthwith give Infor-  
 mation of such Refusal or Neglect, to some Justice of the Peace for the County  
 in which such Delinquent dwells: And the Justice to whom such Information  
 is given, shall forthwith make his Warrant, directed to the Sheriff of the same  
 County,*

County, or his Deputy, or one of the Constables of the Town in which such supposed Delinquent hath his usual Place of Abode, or any indifferent Person, by Name requiring him forthwith to take the Body of such Delinquent, and him bring before the said Justice to answer to such Information, and to shew Cause, if any he hath, why he should not be disarmed, and have taken from him all his Arms, Ammunition and Warlike Implements; and in Case it shall be made to appear to the said Justice, that the said Information is true, and he should not shew any sufficient Cause why he should not forthwith be disarmed, &c. then the said Justice shall make his Warrant, directed to some proper Person, requiring him, without Delay, to disarm the said Delinquent, and take from him all his Arms, Ammunition and warlike Implements; and in case such Delinquent shall refuse to resign and give up all his Arms, Ammunition and warlike Implements, the Person to whom the said Warrant is directed, shall have Power, after demanding Admission to enter the Dwelling House, or any other Place belonging to the Delinquent, where he may have Reason to suspect such Arms are concealed, and make strict and diligent Search for the Articles aforesaid: And in case he shall find any of the said Articles, he shall take them, and immediately carry and deliver them to the Justice who made the said Warrant, which Justice is hereby required to receive them, and to appoint some indifferent and judicious Person or Persons to appraise the same; and the said Justice shall keep a true Account of all such Arms, Ammunition and Accoutrements, the Person or Persons they were taken from, and the Sum or Sums they were appraised at, and shall return a true Account thereof into the Secretary's Office as soon as may be, and shall keep the said Arms, &c. safely to be disposed of and paid for as the General Court shall order. And if the Person to whom the Warrant is directed, shall meet with Resistance, or shall have Reason to apprehend that he shall meet with Resistance in the Execution of the said Warrant, then he shall give Information thereof to the Justice of the Peace who issued the said Warrant, who if he shall judge it needful for carrying such Warrant into Execution, shall go in Person to some Military Officer in the same County, and require him immediately to raise such a Number of the Militia as the said Justice shall judge necessary, and the said Justice shall proceed in Person with the said Militia, and the Person to whom the said Warrant is directed, and in the most prudent Way he can, cause the Delinquent to be disarmed, and all the Articles aforesaid to be taken from him, and appraised and retained in Manner as is above directed.

And in case it shall be made to appear to any Justice of the Peace, that there is Reason to suppose that any of the Arms, Ammunition or warlike Implements, belonging to any Person who shall refuse or delay as aforesaid to subscribe the said Declaration, are concealed in any Dwelling-House or other Place, not belonging to such Delinquent, such Justice shall have Power, and is hereby directed to make his Warrant to some proper Person, requiring him to make diligent Search in such suspected Place or Places, to be particularly described or mentioned in such Warrant for the Articles aforesaid; and in Case they shall be found, such Proceedings shall be thereupon had touching the same, as is above prescribed, when they are in the actual Possession of the Delinquent aforesaid; and in case of Resistance or Opposition made to the Execution of such Warrant, the like Proceedings shall thereupon be had as are above directed, when Resistance is made to the searching for or taking such Articles, when in the actual Possession of such Delinquent.

And all Officers and Soldiers of the Militia, are hereby directed to obey and observe such Direction as shall be given by such Justice of the Peace in the Premises.

And every Person who shall refuse or neglect to subscribe the said Declaration, having had the same tendered to him as aforesaid, in case he holds any Office Civil or Military in this Colony, shall be deemed and adjudged *ipso facto* disqualified to exercise any such Office; and if a Town Officer, the Town he belongs to shall, and they hereby are impowered and required to proceed to make Choice of

Who are disqualified from holding any Office in the Colony.

of some fit Person to serve in such Office in his Room : And in case he does not at present hold any such Offices, he shall be deemed totally disqualified to be chosen or appointed, or to hold any such Office, 'till some further Order of the General Assembly. And in case any such Person so refusing or neglecting, shall be chosen or appointed to any Office Civil or Military, all Acts and Doings of such Person in the Execution of any such Office, shall be deemed and held to be null and void, and of none Effect. And no Person so refusing or neglecting, shall be permitted to give his Vote in the Choice of any Person to serve as Representative in the General Court or Assembly, or in the Choice of any Military, Town or County Officer, until he shall be restored by Order of the General Court, to the Privileges of a good and free Member of this Community. And no settled Minister or Grammar School-Master, who shall refuse or neglect to sign said Declaration, shall be intitled by the Laws of this Colony, to demand or recover any Salary or Reward for any Time or Service spent or performed in their respective Offices, from and after such Refusal or Neglect, until they shall subscribe such Declaration : And if any of the Governors of Harvard College, shall refuse to sign the Declaration aforesaid, they shall be thereby disqualified to receive any Salaries or Grants of the General Assembly, for Services done after their Refusal as aforesaid.

*And be it further enacted by the Authority aforesaid,* That if any Person or Persons resident in this Colony, shall during the War aforesaid, directly or indirectly supply the Army or Navy of the King of Great-Britain, or any employed by him with Provisions, Military or Naval Stores, or shall give any Intelligence to the Officers, Soldiers or Mariners belonging to said Army or Navy, or shall enlist; or procure any other Person or Persons to enlist into the Service of the said Army or Navy, or shall take up or bear Arms against this or any other of the United Colonies, or shall undertake to pilot any of the Vessels belonging to the said Navy, or in any other Way shall aid or assist the said Army or Navy, every Person so offending, and being thereof duly convicted before the Superiour Court of Judicature, &c. shall forfeit all his Estate, which shall be accordingly seized and entered upon by the Order of said Court, for the Use of this Colony : And such Person shall be further punished by Imprisonment, in any of the Goals in this Colony at the Discretion of the said Court, for a Term not exceeding three Years. And every Person so convicted, shall be totally disqualified to hold or exercise any Office Civil or Military, and shall not be permitted to give his Vote for any Representative to serve in the General Court or Assembly, or in any Town-Meeting for the Choice of any Town or County Officer, or for any Military Officer, until he shall be restored by Order of the General Court, to the Privileges of a good and free Member of this Community.

*And be it further enacted,* That on Complaint being made by the Selectmen or Committee of Correspondence, Inspection and Safety, or by any Sheriff, Deputy-Sheriff, Constable, Grandjurymen or Tythingmen, in any County in this Colony, to any Justice of the Peace for the same County, against any Person or Persons dwelling or residing in such Town or County, that he or they are inimical to the Liberties of this Colony, and the other United Colonies in America, the said Justice is hereby empowered to issue his Warrant to the Sheriff of the County, his Deputy, or to the Constables of the Town wherein such Person or Persons dwell, requiring him to apprehend and bring before him such Person or Persons to be examined ; and if on Examination it shall appear to the said Justice that he or they are inimical and dangerous to the Liberties of this Colony, and the other United Colonies in America, the said Justice shall require such Person or Persons to find Sureties for the Peace and good Behaviour, as also for his Appearance at the next Court of General Sessions of the Peace, or Superiour Court of Judicature, &c. to be holden in said County at his Discretion, and for want of sufficient Sureties, shall commit him to the common Goal in the said County, there to be held until the next Sitting of one of the said Courts, as the said Justice in his said Warrant shall order, and until he be discharged

And from voting for a Representative, or any Military, Town or County officer.

And from receiving any Salaries or Grants.

Persons who shall supply the Army or Navy, &c.

Shall forfeit their Estates and be imprisoned.

Not exceeding three years

and be disfranchised.

Made of proceeding against Persons inimical to the Liberties of the United Colonies.

charged by such Court, or otherwise by Order of Law. And in case such Person or Persons shall before either of the said Courts be found by the Jury upon Trial to be inimical or dangerous to the Liberties of this Colony, or the other United Colonies, the Court shall order that he be immediately disarmed, and shall make their Warrant directed to some proper Officer, requiring him to seize and take all the Arms, Ammunition and warlike Implements belonging to such Criminal, and commit the same to the Clerk of the Court, who shall proceed with such Arms in the same Manner as a Justice of the Peace before in this Act is directed to do with the Arms taken from any Person for Refusal or Neglect to subscribe the Declaration in this Act prescribed; and shall require him to find sufficient Sureties for the Peace and good Behaviour, for any longer Time at their Discretion; and on Default thereof, shall commit him to the common Goal of the County, until he comply with such Order, and shall order the Person so convicted, to pay the Cost of Prosecution, and to be committed until he pay the same. And every Person so convicted, shall be totally disqualified to hold any Office, Civil or Military, or to give his Vote for any Representative to serve in the General Court or Assembly, or for any Military Town or County Officer, until such Person or Persons shall be restored by the General Court to the Privileges of a good and free Member of this Community.

And whereas it may have happened, that some Towns and unincorporated Plantations in this Colony, may be destitute of a Committee of Correspondence, Inspection and Safety by Reason of their not having seasonably received the Resolves of this Court directing thereto, or from some other Cause: Therefore

Be it further enacted by the Authority aforesaid That in all such Towns and Places as did not at their annual Meeting in March last, agreeable to the Resolves of this Court, choose such Committee, the Committee of Correspondence, Inspection or Safety in every such Town and Place last chosen before the annual Meeting in March last, are hereby directed and empowered to continue acting in such Capacity, and shall perform the Business required in this Act of a Committee of Correspondence, Inspection and Safety, until a new Committee shall be chosen in their respective Towns and Places; and where no such Committees have heretofore been chosen, the Selectmen shall perform the same. And all such Towns and Places are directed and empowered to call Meetings, and choose such Committee as soon as may be.

In all such Towns as did not choose a Committee of Correspondence &c. in March last, the Committee formerly chosen are empowered to act until a new Committee is chosen.

Provided nevertheless, and be it further enacted, That nothing in this Act shall be construed to extend to the disarming, disqualifying, or any way punishing any of the Denomination of Christians called Quakers, for not signing the aforesaid Declaration, in case upon being required to sign the following Declaration, and having the same tendered to him, shall not refuse or neglect to subscribe it, viz.

Quakers not to be distinguished for not signing in Case, &c.

We the Subscribers do solemnly promise and engage, that we will not aid, assist or abet the Land or Naval Forces of Great-Britain, in the War now carrying on against the United Colonies of America, nor supply them with any Kind of Provisions, Naval or Warlike Stores, nor hold any Correspondence with, or communicate any Intelligence to any of the Officers, Soldiers or Mariners of said Army or Navy. And the Committees are required in like Manner to tender the last preceding Declaration to each of the said Denomination of Christians called Quakers, and require them to sign the same, if any such there are in their respective Towns or Places.

And be it further enacted by the Authority aforesaid, That no Person who hath voluntarily left his Town or usual Place of Abode, and fled to the British Fleet or Army, while stationed in Boston or elsewhere, or willingly supplied said Fleet or Army with Provisions or Stores of any Kind since the Nineteenth of April One Thousand seven Hundred and Seventy-five, communicated any Intelligence to, or held any criminal Correspondence with any of the Officers, Soldiers or Mariners of said Fleet or Army, or that hath voluntarily entered into, or signed any Association to join or assist said Army or Navy, or in any way vo-

Certain Persons not permitted to sign the Declaration.