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# ACTS

AND

# LAW S,

Passed by the Great and General  
Court or Assembly of Their  
Majesties Province of the  
Massachusetts-Bay, in

## NEW-ENGLAND.

Convened and Held at Boston, the Eight Day  
of November. 1693-4

*Ant Regni Guilielmi, et Mariae, Regis et Angliae,  
Scotiae, Franciae, et Hiberniae, Quinque*



B O S T O N.

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Chapter 3.

## AN ACT,

## For Regulating of the Militia.

**W**HEREAS for the Honour and Service of Their Majesties, and for the Security of this Their Province against any Violence or Invasion whatever ; It is necessary that due care be taken that the Inhabitants thereof be Armed, Trained, and in a suitable posture and readiness for the ends aforesaid ; and that every Person may know his duty and be Obligated to perform the same.

Be it therefore Enacted by His Excellency the Governor, Council, and Representatives in General Court Assembled, and it is Ordained and Enacted by the Authority of the same,

1.1. That all Male Persons from Sixteen Years of Age to Sixty, *Persons liable to Train.* (other than such as are herein after Excepted ) shall bear Arms and duly attend, all Musters and Military Exercises of the Respective Troops and Companies where they are listed or belong, allowing Three Months time to every Son next after his coming to Sixteen years of Age ; and every Servant, so long, after his time is out ; to provide themselves with Arms and Ammunition &c.

2.2. And the Clerk of each Troop and Company once a Quarter yearly shall take an Exact List of all Persons living within the Precincts of such Troop or Company, and present the same to the Captain or Chief Officer, on pain of Forfeiting *Forty Shillings* for each default, to be paid to the Captain or Chief Officer to the use of the Company. And in case of non payment, to be levied by distress and sale of the Offenders goods, by virtue of a Warrant from the Captain or Chief Officer, who is hereby Impowred to grant the same. *Clerk to take a list from time to time.*

3.3. That every Person listed in any Troop or Company shall continue and attend all duty in such Troop or Company, or otherwise suffer the Penalty by Law provided, until orderly dismiss or removed out of the Town or Precinct, and in case of Removal into the Precincts of another Company in the same Town, to produce a Certificate under the hand of the Captain or Chief Officer of the Precinct *Persons to attend duty where listed till orderly dismiss.* whereto he is removed, that he is listed there.

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To, *militia*  
for note see 1027/1028

4. If any Person liable to be listed as aforesaid, does exempt himself by shifting from house to house or place to place, to avoid being listed; he shall pay as a fine for every such Offence, to the use of the such as shall Company to which he belongs *Ten Shillings*; being Convicted before any Justice of Peace of the County.

5. That every listed Souldier and other Householder (except Troopers) shall be alwayes provided with a well fixt Firelock *Musket*, of Musket or Bedford Musket bore; The Barrel not less then *three foot* and a half long, or other good Fire Arms to the Satisfaction of the Commission Officers of the Company, a *Snapsack*, a Coller with Twelve *Ban-* *delets* or *Cartouch-box*, one Pound of good *Powder*, Twenty *Bullets* fit for his Gun, and Twelve *Flints*, a good *Sword* or *Cutlace*, a *Worm* and *Priming wire* fit for his Gun; on penalty of *Six Shillings* for want of such Arms as is hereby required, and *Two Shillings* for each other defect, and the like Sum for every four weeks he shall remain unprovided; the Fine to be paid by Parents for their Sons under Age and under their Command; and by Masters or heads of Families, for their Servants, other than Servants upon Wages.

6. That every Trooper shall be alwayes provided with a good servicable *Horse* of *Five Pounds* Value, and not less then *Fourteen* hands high, (the same to be determined by the two Chief Commission Officers) Covered with a good *Saddle*, *Bit*, *Bridle*, *Holsters*, *Pettoral* and *Crooper*; and furnished with a *Carbine*, the Barrel not less then two *Foot* and half long, with a *Belt* and *Swivel*, a case of good *Pistols*; with a *Sword* or *Cutlace*, a *Flask* or *Cartouch-box*; one Pound of good *Powder*, three Pounds of *Size-* *able Bullets*, Twenty *Flints*, and a good Pair of *Boots* and *Spurs*; on penalty of *Twelve Shillings* for want of such *Horse* as is hereby ordered, and three *Shillings* a Piece for every other defect, and the like Sum for every *Six* weeks he shall remain unprovided: and that each Trooper list his *Horse*, and shall not dispose thereof without the consent of his Chief Officer on the penalty of *Five Pounds*: And for non Appearance at the time and place appointed for Exercise, every listed Trooper for each dayes neglect shall pay *Ten Shillings* Fine.

7. That there may be two Troops in a Regiment, each of which Troops shall not Exceed Sixty men with Officers.

8. That Regimental Musters shall be but once in three years, (Except in *Boston*) And every Captain or Chief Officer of any Com- *pany* or Troop in any Regiment, shall be obliged on penalty of *Five* *Pounds* to draw forth his Company or Troop or cause them to be drawn forth *Four* dayes Annually, and no more, to Exercise them in Motions, the use of Arms, and Shooting at Marks, or other Military Exercises, which every person liable to Train having been duly Warned, and not appearing, and attending the same, shall for each dayes neglect pay a Fine of *Five Shillings*.

9. That the Commission Officers of any Company or Troop or the Major part of them, may order the Correcting and Punishing <sup>Commission</sup> orders and contempt on a Training day, or on a Watch, the Punishment Officers <sup>not</sup> being greater than Lying Neck and Hocks, Riding the Wooden Horse, or of Ten Shillings.

10. That there be Military Watches appointed and kept in every Town at such times, in such places and in such Numbers, and under <sup>Military</sup> such Regulations as the Chief Military Officers of each Town shall appoint, <sup>Watches.</sup> or as they may receive orders from the Chief Officer of the Regiment: And that all persons able of Body or that are of Estate (and not Ex-emped by Law) shall by themselves or some meet person in their stead, to the acceptance of the Commander of the Watch, attend the same, on penalty of Five Shillings for each defect; there having been due Warning giving.

11. Every Souldier or other Person liable by Law, refusing or neglecting to attend Military Exercises, on Training dayes; or Military Watches that shall not pay, or have no Estate to be found whereon to levy the fine, it shall be in the power of the Captain, or Chief Officers of such Company on the next Training day after such neglect (he not having satisfied the Clerk) to punish him for such offence, by laying Neck and Heels, or Riding the Wooden Horse, not exceeding one Hours time: And if such delinquent shall absent himself the second Training day, without giving sufficient reason to the Captain, or Chief Officers for the same; it shall be in the power of the Chief Officer of the Company to direct a Warrant to the Constable of the Town, requiring him to apprehend such delinquent, and bring him into the Field, that he may be punished according as by this Law is provided, and all Constables are hereby Required to Execute such Warrants accordingly. <sup>Penalty for not attending Military Exercises.</sup>

12. That the Persons hereafter Named be Exempted from all Trainings. Viz. The Members of the Council, the Representatives for the time being, the Secretary, Justices of the Peace, President, Fellows, Students, and Servants of Harvard Colledge Exempted by Colledge Charter, Masters of Art, Ministers, Elders and Deacons of Churches, Sheriffs, allowed Physicians, or Chirurgeons, and Profest School Masters, all such as have had Commissions, and Served as Field Officers, or Captains, Lieutenants, or Ensignes, Coroners, Treasurers, Attorney General, Deputy Sheriffs, Clerks of Courts, Constables, Constant Ferryman, and one Miller to each Grist-Mill: Officers employed in and about Their Majesties Revenues, all Masters of Vessels of Thirty Tuns and upwards, usually employed beyond Sea, and constant Herdsmen, Lambe Persons or otherwise disabled in Body (producing Certificate thereof from two able Chirurgeons) Indians and Negroes. <sup>Persons Ex-empted from Training.</sup>

13. That the Persons hereafter Named be and hereby are Exempted from Military Watches and Wardings. Viz. The Members of the Council, Secretary, Representatives for the time being, President, Fellows, Students, <sup>Persons Ex-empted from Military Watches &c.</sup>

*Scales, of Measures and Weights, and the Certificates belonging to the Government, Land, Ammunition and Stores of War, and other Papers, and Ordnance, Carriages, and other Furniture, and one Ship to each Corp and*

*Sec 14.* That the Captain and Commission Officers of each Company or Troop shall and hereby are fully empowered to Nominate and Appoint such persons to serve as Sergeants and Corporals in the respective Companies or Troops, and displace them, and appoint others in their steads and Room, as they shall see meet.

*Corporals.*

*View of Arms.* *Sec 15.* That twice every year or oftner if required every Captain or Chief Officer of each Company or Troop shall give order for a diligent enquiry into the state of his Company, and for taking an Exact List of the Names of his Souldiers and Inhabitants within the Limits of his Company, and of the defects of Arms or otherwise, and Names of the defective Persons, that they may be prosecuted as the Law hath provided, and such care may be taken as is proper to remedy the same.

*How persons unable to purchase Arms may be provided.* *Sec 16.* That if any Person, who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such means as he hath, if he bring to the Clerk of the Company Corn or other Merchantable Provision, of vendible goods, so much as by Apprizement of the Clerk and two other Persons mutually chosen, shall be judged of greater value by one fifth part, than such Arms or Ammunition is of : he thereupon shall be Excused from the penalties for want of Arms and Ammunition, until he can be provided, which said Clerk shall provide as soon as may be by Sale of such goods, and render the overplus to the party if any be : But the party shall notwithstanding give his personal attendance upon all occasions as other Souldiers, until he be supplied, and at such times shall perform any proper Service he may be put upon by the Captain or Chief Officer of the Company he belongs to ; but if the person be judged unable to buy Arms, or to lay down the value proposed, if he be a single man, he shall be put out to Service, by the two next Justices of Peace, to earn wherewith to buy Arms and Ammunition ; if such person have a Family and be judged unable, by the Captain and Major part of the Select men to lay down such value for the end aforesaid, then he shall be provided for out of the Town Stock, or by Arms procured at the Towns charge, until such time as he be judged able to provide for himself, and such Arms to be under the care of the Chief Military Officer and the Select men of the Town.

*How Drums, Trumpets &c are to be provided.* *Sec 17.* That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners be by the Commission Officers of each Troop or Company provided at the charge of the respective Companies and Troops, where they are not already provided, and the Fines will not reach to procure the same, and that such as have been employed as Drummers or Trumpeters or are fit and capable thereof, being appointed unto such Service by the Chief Officer of any Company or Troop, shall attend the Service, on penalty of *Twenty* *Shillings Fine, and every Drummer for a years Service shall have*

1000 Shillings if he find his own Drum, and Ten Shillings if the Captain find the Drum; and a Trumpeter 500 Shillings a year, if he find his own Trumpet; and Twenty Shillings, if the Captain find it.

(18) That such meet Person as by the Commission Officers of any Company or Troop shall be appointed Clerk, and shall refuse to serve, shall pay Forty Shillings fine, and another be chosen in his room, and so until one do accept; which Person shall be under Oath for the faithful discharge of his Office, to be Administered unto him by a Justice of Peace, in the same County, in the words following: *You do Swear truly to Perform the Office of Clerk of the Military Company under the Command of A B Captain, to the utmost of your skill and power, in all things appertaining to your Office, according to Law: So help you God.* And for every distrainment made for any fine not exceeding Forty Shillings, he shall have one quarter part for his pains and trouble. And for such fines he may distrain his Officers; and in distraining shall observe such Rules as the Law hath provided in other cases; and upon Ten days notice shall account with and pay to the Captain or Chief Officer what fines he hath received, his own part being deducted.

(19) The Chief Military Officer of each Regiment as often as he shall see cause, shall require the Captain or Chief Officer of each Company in his Regiment to meet at such time and place as he shall appoint, and then with them to confer and give in charge such Orders as shall by them or major part of them be judged meet, for the better ordering and settling their several Companies, and for the better promoting of Military Discipline amongst them. And the Chief Officer is hereby impowered by his Warrant directed to any Clerk or Officer of his Regiment to summon or cause to be brought before them any Offender against the Laws Military, and according to Law to hear and determine all matters proper for their Cognizance, and to give sentence, and to grant Mitimus or Warrants for Distrainment to the Clerk of the Company where the Offence is Committed, for executing which Warrant, if above Forty Shillings, he shall have Ten Shillings out of the same for his pains and trouble therein; and no more.

(20) That there be a Stock of Powder and Ammunition in each Town Provided, and from time to time as there is need, be renewed by the Select men; which shall be a Barrel of good Powder, two Hundred weight of Shot, and three hundred Flints for every Sixty lifted Shoulders, and after that Proportion for the lifted Soldiers of each Town, whether more or less; Also that the Select men procure such a number of Arms and so much Ammunition as shall be made appear by the Chief Commission Officers of each Company in the several Towns to be needful for the supply of such Town as by Law they are to provide for. And such Town as cannot make it appear to the Chief Commander of the Regiment that they are thus provided at or before the first of May next, shall pay Five Pound fine, which shall be distrained by Warrant from said Officer directed unto the Constable upon the Select men of the Town or any of them, and disposed of for the use of said Town towards the supply of such Stock; and the like Sum for every three Months they shall remain so unprovided.

21. And

And the Select men where there is not a sufficient Stock of Powder, Arms and Ammunition, and in such Towns where there is need of Watch Hooks, Firing and Candles for their Watches; in such case the Select men for so much as is wanting are to procure or supply what is required or needed as before, shall make provision for the same by a Rate equally and justly laid upon the Inhabitants and Estates in such Town, and such Rate signed and Committed by them to the Constables to collect, who shall and hereby are required and Authorized to collect the same; and for non payment to distrain as for other Rates, and the Money or pay collected to be brought into the Chief Military Officers and Select men of the Town, to be by them improved for the ends aforesaid. And the Select men or so many of them as shall neglect their duty herein, shall pay *Twenty Shilling's* fine, to be paid to the Captain for the use of the Company, being convicted before two Justices of the Peace, who are hereby empowered to convict the party, and to hear and determine the same, and if need be, to appoint other meet Persons in such Towns under the like penalties to perform said Service.

*See (22.)* That no Clerk *Ex Officio* make distraint for any fine until four days after the Offence committed; that so the party may have opportunity to make Excuse, if any he have, why he should not pay the fine; and every Clerk that neglects or refuses so account or make payment, as by this Law is provided, he by a Warrant from the Chief Officer of the Company directed to the Constable, may be distrained on for so much as he hath or should have collected or distrained for.

*See (23.)* That all Officers yield Obedience to the Warrants or Commands of their Superiour Officers on Penalty of *Five Pounds*; to be heard and determined at the next meeting of the Chief Officers and Captains of the Regiment; and the fine to be taken by distress and Sale of the Offenders goods returning the overplus (if any be) by Warrant from the Chief Officer of the Regiment directed to the Clerk of the Company to which such Offender belongs, and to be improved to the use and benefit of such Company as the Officers so met shall agree, their Expences being first defrayed out of the same.

*See (24.)* That an Alarm at the Castle upon Castle Island near Boston being made upon such notice as are agreeable to Instructions to be given by the Governour to the Captain of the Castle, shall be by putting out two Flags, and firing of two Guns towards the Town; at which time there shall with all possible speed such numbers be sent down for their relief as the Governour or Captain General, or such Person as shall be Commander in Chief of the Forces, shall think necessary. At any other place an Alarm may be made by firing three Guns one after another, or by firing a Beacon, then being lighted as an Alarm, all Persons being called upon to Arm: Upon which Alarm all Trained Soldiers, and others capable to bear Arms that are then residing in any Town, shall forthwith appear complete with their Arms and Ammunition according to Law, at the usual place of Rendezvous,



devout, or where the Civil Officers shall appoint; there to attend such Commands as shall be given for their Majesties Service, and that on the Penalty for Penalty of *Five Pounds* fine, or three Months Imprisonment: The members of the Council, Justices and Sheriffs to attend upon the Governour, if any upon at or near *Boston*, and in other places to appear and advise with the Chief *Alarm*. Military Officers of the Town, and to be Assisting in Their Majesties Service according to their Quality; and such Alarms shall at all times be carried on from Neighbourhood to Neighbourhood, and from Town to Town throughout the Province, and from such Town where the Alarm is made, there shall be *Relief be sent* dispatched one or more Horsemen, to signify the Occasion thereof to the Justice of Peace, Chief Military Officer or Constable of the next Town or Towns, which all Persons are to take notice of and attend as is before directed: And if the Alarm be made either from a Sea-port Town, or other Town that lies a Frontier to or in great danger of the Enemy; the Captain or Captains of the Adjacent Towns shall forthwith go with or send such relief, as they shall judge meet for the Offence of the Enemy, or defence of themselves and Neighbours, but so as to be observant to any Commands or Orders they may receive from their Superiour Officers: And if any Person shall wilfully make a false Alarm, he shall be fined to Their Majesties *Twenty Pounds* for support of the Government, or suffer Six Months Imprisonment.

[25.] No Officer Military or Civil or other Person shall Quarter or Billet any Souldier or Seaman upon any Inhabitant within this Province, without his consent (other than the Publique Licensed Houses) under the penalty of one Hundred Pounds; to be recovered by Action Bill Plaint or Information, in any Court of Record; one half to Their Majesties, for the support of the Government; the other half part to the party grieved that shall inform and sue for the same. And every such Inhabitant may refuse to Quarter any Souldier or Seaman notwithstanding any order whatsoever. *Penalty for Quartering Souldiers & upon Billets;*

[26.] That all Persons Exempted by this Law from Trainings, shall notwithstanding be provided with Arms and Ammunition Compleat upon the same penalty, as those that are obliged to Train.

[27.] All Fines, Penalties and Forfeitures arising by Virtue of this Act or any breach thereof (not otherwise disposed of *herein*) shall be for the use of the Regiment, Company, or Troop respectively: That is to say, for procuring and repairing Drums, Trumpets, Colours, Banners, Halberds, paying of Drummers and Trumpeters, or other charge of said Company; and the overplus (if any be) to be laid out in Arms and Ammunition for a Town Stock, and be recovered by Action, Bill, Plaint, or Information in any of Their Majesties Courts of Record. *Fines & Penalties how to be disposed & recovered*

\* [Note - This chapter was divided into sections, and this division is here preserved with the addition of "Secl." to each number.