

Military Obligation:
THE AMERICAN TRADITION

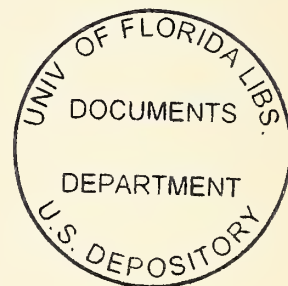
A Compilation of the Enactments of Compulsion

From the Earliest Settlements

of the Original Thirteen Colonies in 1607

Through the

Articles of Confederation 1789



SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 4. GEORGIA ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

A N A C T

For the better ordering the Militia of this Province.

WHEREAS a well ordered and well disciplined militia is essentially necessary to the safety, peace, and prosperity of this province, **And whereas** the law now in being for the regulation of the militia is near expired, We humbly pray your most sacred Majesty that it may be enacted, **And be it Enacted**, by his Excellency JAMES WR GHT, Esquire, Captain-General, Governor, and Commander in Chief, in and over his Majesty's province of *Georgia*, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That whereas the governor or commander in chief for the time being hath full power and authority from time to time to constitute and appoint, and give commissions to such persons as he shall think fit to be colonels, majors, adjutants, captains, and other commission officers, it shall and may be lawful to and for the governor or commander in chief for the time being aforesaid to assemble and call together all male persons in this province, from the age of sixteen years to sixty years, within the towns, divisions, or parishes and places in this province, at such times, and arm and array them in such manner as is hereafter expressed and declared, and to form them into companies, troops, and regiments, and, in case of insurrection, rebellion, or invasion, them to lead, conduct, or employ, or cause to be led, conducted, and employed, as well within the said towns, divisions, parishes and places, where such persons reside, as into any other division, parish, or places, within this province, for suppressing all such insurrections and rebellions, and repelling such invasions as may happen to be.

II. **Provided** always, **And be it Enacted**, That every commissioned officer in the militia shall, within six months after he shall have accepted his commission, take the oaths appointed to be taken in and by an act passed in the first year of the reign of his Majesty King *George* the first, intituled; *An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*, and shall also make, repeat, and subscribe the declaration in the said act mentioned.

III. **And be it further Enacted**, by the authority aforesaid, That in every division within this province there shall be formed one or more regiment or regiments, and within every parish in the respective divisions one or more company or companies, which said regiments and companies shall consist of such number of men as the governor or commander in chief for the time being shall think proper.

IV. **And be it further Enacted**, by the authority aforesaid, That it shall and may be lawful to and for the colonel, or in his absence the next field officer, of every regiment hereafter to be formed in this province, on any days and times when any three or more of the companies shall be assembled, to be trained, mustered, or exercised, within ten miles of one another, to

Preamble;

Enacted,

That the governor or commander in chief may assemble all male persons within this province from 16 to 60 years of age, and arm and array them, &c.

Commissioned officers to take the oaths appointed by an act passed in the first year of the reign of his Majesty King *George* the first within six months after accepting their commissions.

Regiments and companies to be formed.

Colonels to train and exercise the companies in battalions.

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cause such companies to assemble together, at some convenient place within the division or parish of such regiment to which such companies shall respectively belong, and there to train and exercise such companies in battalions, in such manner and form as such colonel or other field officer shall think fit, any thing in this act to the contrary notwithstanding, excepting all companies that may hereafter be formed upon any islands along the sea coast in this province, and in the mean time the inhabitants of the said islands shall not by this act be obliged to appear but at ordinary musters, and at the nearest place of muster, three times a year.

Commissioned officers not leading their companies to general musters, or not training them in battalions, to forfeit 3l.

V. *And be it further Granted*, by the authority aforesaid, That every captain, or other inferior commissioned officers; of any company within this province, who shall refuse or neglect to conduct or lead his company, or to attend the same, to the place of rendezvous of any general muster hereby appointed, or to the exercising of the companies in battalions, according to the directions of this act, every such captain, and other inferior commissioned officer, of any company, who shall so refuse or neglect as aforesaid, shall for every such offence forfeit and pay the sum of three pounds *Sterling*, and the said offences shall be heard, tried, and determined, and the said fines levied, in the same way and manner as other offences of captains, or other commanding officers of companies, by this act are directed to be tried, heard, determined, and levied.

Colonels to appoint one general muster of their regiments once a year, and captains to exercise their companies six times a year.

VI. *And be it further Granted*, by the authority aforesaid, That it shall be lawful for every colonel, or in his absence the next commanding field officer, to appoint one general muster of their respective regiments once every year, and also for every captain, or other commanding officer, of the several companies in this province, to assemble, muster, train, and exercise, their respective companies, or any of them, for ordinary musters, at any time or times, not exceeding six times in one year, giving notice of such muster by beat of drum, or in such other expeditious manner as such colonel, captain, or other commanding officer, shall think fit; *Provided* also, and it is hereby declared, that no person or persons whatsoever shall be compelled or obliged, at any general muster, to go out of the division where such person resides, nor, at ordinary musters, to go above twelve miles from where he dwells, nor to remain at the place of such ordinary or general musters above one day, except in time of actual rebellion, insurrection, or invasion, or in other cases herein after particularly mentioned and provided, nor shall this act, or any thing herein contained, be deemed, construed, or taken to extend to the giving or declaring any power for transporting or sending any of his Majesty's subjects in this province, or any way compelling them to march out of this province.

Proviso.

Captains of companies to enter, &c. all the names of the male inhabitants in their several divisions and parishes from 16 to 60 years and cause them appear at ordinary musters, &c.

VII. *And be it further Granted*, by the authority aforesaid, That the captains of the several companies in each division or parish in this province shall respectively enter, enlist, and enroll the names of all the male inhabitants of this province, from the age of sixteen to sixty years, within their several and respective parishes and divisions, and shall cause the several persons so enlisted to be duly summoned to appear at the times and places appointed for ordinary musters in each respective parish and division, and the publishing the muster days aforesaid shall be deemed a sufficient summons within the intent of this act to oblige the persons liable to appear at such musters, and the persons whose names shall be so entered, enlisted, and enrolled, shall be deemed and held to be enlisted in and to belong to the company of that parish or division in which they shall be so enlisted and enrolled, and

and shall be obliged to appear at musters, and on all other occasions, and to be subject to the directions of this act without any further notice whatsoever.

VIII. And be it further Enacted, by the authority aforesaid, That every person liable to appear and bear arms at any muster, exercise, or training, hereby appointed, pursuant to the directions of this act, shall constantly keep and bring with him to such muster, exercise, or training, one gun or musket fit for service, one cartridge-box with at least nine cartridges filled with good gunpowder, and ball that shall fit his piece, a horn or flask containing at least a quarter of a pound of gunpowder, and a shot pouch with half a pound of bullets, one girdle or belt, one worm or picker, four spare flints, a ball of bees-wax, and a cork that shall fit his piece, a bayonet, sword, or hatcher; of the fitness and sufficiency of which arms every commanding officer of the company to which such person belongs is hereby declared to be judge.

Every person liable to bear arms to bring with them to every muster the articles herein mentioned.

IX. And be it further Enacted, by the authority aforesaid, That in case any person liable to appear and bear arms at musters as aforesaid shall neglect or refuse to appear completely armed and furnished as aforesaid at any general muster of the regiment to which the company in which he is entered and enlisted shall belong, every such person shall forfeit and pay a sum not exceeding twenty shillings *Sterling*; and in case any such person shall neglect or refuse to appear, in manner aforesaid, at any ordinary muster, every such person shall forfeit and pay a sum not exceeding ten shillings *Sterling*, which said several penalties shall be recovered and disposed of as is herein after directed.

Every person not appearing armed and furnished as by this act directed to forfeit 20s. if a general muster, and 10s. if an ordinary one.

X. And be it further Enacted, by the authority aforesaid, That it shall and may be lawful for the commission officers of any of the companies or troops of this province, six times in the year, and not oftener, to take to their assistance if they think fit the serjeants of such companies, and, at any convenient time of the day, to repair to the places of residence of any person or persons, as well those persons obliged to appear on alarms as to other persons liable to bear arms, and entered and enlisted in any such company, and to demand a sight of their arms, furniture, ammunition, and accoutrements aforesaid, and in case any person or persons shall neglect or refuse to produce any such arms, furniture, ammunition, and accoutrements, or to suffer the same to be viewed and inspected, or if when produced the said officers shall find the same defective, it shall and may be lawful for the said officers to fine every person offending herein in any sum not exceeding five shillings *Sterling*, and to proceed against him or them for levying the same in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary musters.

Commission officers and serjeants may six times in a year inspect the arms, &c. of persons liable to bear arms, and finding them defective, or any person refusing to shew them, may fine such person 5s.

XI. And whereas it may be convenient and necessary, on some particular and special occasions, to assemble the said companies at other times than are usually fixed for ordinary musters, it is therefore further Enacted and declared, That whenever any of the said companies shall be assembled or mustered on any particular and special occasion, such assembling and mustering shall be esteemed and accounted as a muster day, and one of the six times on which the companies are obliged to muster in one year; **Provided** always, that the said general muster of any of the said companies, according to the directions of this act, shall not be esteemed nor accounted as and for one other of the six times on which the said companies are obliged to muster in one year, any thing in this act to the contrary notwithstanding; **Provided** also, that no company or companies in this province be assembled on such special

Any company mustering on a particular occasion, such mustering to be taken for one of the six muster days in the year.

Proviso.

Proviso.

special

cial and particular occasions without the order, command, or direction of the governor or commander in chief of this province for the time being; ~~Provided~~ also, that this clause shall not be construed to hinder the assembling of any of the said companies, or parts thereof, for suppressing insurrections, pirates, sea rovers, or fugitive slaves.

Proviso.

XII. ~~And whereas~~ it may very much contribute to the safety and welfare of this province to have a troop or troops of horse in readiness on particular and extraordinary occasions, ~~be it further Enacted~~, by the authority aforesaid, That the governor or commander in chief for the time being be hereby authorized and empowered, from amongst the inhabitants of this province who have sufficient substance to undergo the charge, and will voluntarily come and enlist, to form a troop or troops of horse, not exceeding in the whole two hundred men, and it shall and may be lawful for the commission officers appointed to command such troop or troops to muster, train, and exercise them, not less than four times in one year at *Savannah*, or such other place as the governor or commander in chief shall direct and appoint.

The governor may form a troop or troops of horse.

Persons enlisted in said troop or troops to provide themselves as herein required, and to be excused from service in any other regiment, &c. Proviso.

XIII. ~~And be it further Enacted~~, by the authority aforesaid, That every person who shall enlist in the said troop or troops so to be formed shall provide himself with a good and able horse, and with such cloaths, arms, ammunition, and furniture, as the majority of the officers shall agree upon, and every person or persons so enlisted in the said troop or troops shall be excused and exempted from all service whatsoever in any other regiment, troop, or company whatsoever, (the patrol duty excepted;) ~~Provided~~ no person whatsoever shall be admitted to enlist in the said troop or troops unless he shall be first approved by the colonel of the said troop or troops, and every person so enlisted shall obtain a certificate from the colonel of the said troop or troops, which certificate the person so enlisted shall produce to the captain or commanding officer of the company of such division or parish where the persons so enlisted shall live and reside, and until the person so enlisted shall have produced and shewn such certificate, he shall be liable and subject to all the penalties and forfeitures inflicted by this act for not keeping arms, or not appearing at the musters, trainings, and exercises, directed by this act, and the person so enlisted shall not be discharged from the same without giving three months notice in writing to the colonel, or other commanding officer, of the said troop or troops, of his intent to be discharged, and shall produce a certificate at the end of the said three months to such commanding officer that he is enlisted in the foot company of the division or parish where he resides, and upon such notice given, and certificate produced, he shall be discharged from the said troop to which he belongs, and not otherwise.

Said troop or troops shall attend the governor in times of rebellion, &c.

XIV. ~~And be it further Enacted~~, by the authority aforesaid, That in time of any actual rebellion, insurrection, or invasion, the said troop or troops shall attend the governor or commander in chief for the time being, in any part of this province where the governor or commander in chief shall go or be in person, and in such times of rebellion, insurrection, or invasion, shall march, ride, or go to any place within this province where the said governor or commander in chief for the time being shall judge their service shall or may be required, and shall on all other occasions attend the said governor or commander in chief, upon notice given in the publick newspaper, or being personally summoned by any person appointed for that purpose by the colonel or other commanding officer of the troop or troops, and if any person enlisted in the said troop, or either of them, shall neglect or refuse
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to appear at the days and times so appointed, upon able horses, and with such cloaths, arms, and other accoutrements, as the majority of the officers shall agree upon, or after appearing shall refuse to march where ordered within this province, every such person shall forfeit a sum not exceeding ten pounds *Sterling*; and if any person so enlisted in the said troop or troops, or either of them, shall neglect or refuse to appear, at the days and times appointed for musters, armed and accoutered as aforesaid, every such person shall forfeit a sum not exceeding twenty shillings *Sterling*, to be recovered and applied as is herein after directed.

XV. And be it further Enacted, by the authority aforesaid, That every able male person, from the age of sixteen to sixty years, who has once resided and shall be within this province for the space of three months, (slaves excepted) is hereby declared to be liable to bear arms in the regiment, troop, or companies, in this province, or some or one of them, according to the directions of this act, except the several persons herein after particularly mentioned; who shall be excused and exempted from appearing at general and ordinary musters, at such times and in such manner as is herein after mentioned and provided, that is to say, all such persons who are members of his Majesty's council, and their officers, for the time being; the members of the assembly for the time being, and their officers, the secretary of the province, the receiver-general and auditor, the chief-justice and justices of the court of common pleas, the attorney-general, the attornies of the said court, the clerk of the crown and pleas, the provost-marshal, the master and register of the high court of chancery for the time being, the judge of the vice-admiralty, the officers of his Majesty's customs, the surveyor-general of his Majesty's lands in this province, the clergy, the catechist of *Savannah* for the time being, the publick treasurer, the powder-receiver, comptrollers, waiters, and commissary, for the time being, his Majesty's justices of the peace who shall actually qualify themselves and act as such, and no other; **Provided** that all the persons aforesaid, (the members of his Majesty's honourable council, and of the assembly, and the officers, and the pilots and ferrymen, only excepted) shall, in the time of rebellion, insurrection, or actual invasion, attend under the proper colours of the company in the division or parish in which such persons shall actually live and reside, completely armed and furnished as in this act is directed for the foot soldiers, or shall attend the governor or commander in chief for the time being with horse and arms in the same manner as the troops are herein before directed, on pain of forfeiting the sum of twenty pounds *Sterling*.

Persons liable to bear arms, and persons exempted.

Provido.

XVI. And be it further Enacted, by the authority aforesaid, That every master, or other person who hath the power over, government, or command of any indented man servant, who shall be employed within this province, shall, at his and their own proper costs and charges, furnish and provide every such indented servant, during his servitude, with the arms and furniture directed by this act, and every master, and other person as aforesaid, shall constantly keep such arms and furniture aforesaid for every such indented servant, and shall send him or them so completely armed and furnished as aforesaid to all musters, trainings, and exercise directed by this act, and in case such indented servant shall not appear, or his arms and furniture should be found deficient, the master, or other person as aforesaid having the government of such indented servants, shall, on default made in any of the premises, be subject to the same forfeitures and penalties as are inflicted on other persons made liable to appear by this act and bear arms at

Masters of indented servants to furnish them with arms, &c.

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exercises, musters, and trainings; ~~Provided~~ **alwaies**, that if any such servants as aforesaid, who shall be duly furnished and provided as is herein before directed, and shall be sent to muster by the master, or any other person under whose government such servant shall be, shall of his own accord, and contrary to the will and without the consent of the master, or such other person as aforesaid, neglect or refuse to appear at any training, muster, or exercise, appointed by this act, the master, or other person under whose government such servant may be, shall be liable to the penalties by this act inflicted for the default of such servant, and every such servant so offending as aforesaid shall be obliged to serve the said master four weeks for every penalty so paid by his master, or other person as aforesaid.

Servants discharged from their service to be allowed six months to provide arms, &c.

XVII. **And he it further Enacted**, by the authority aforesaid, That every servant in this province, who shall be freed and discharged from his service, shall be allowed six months time after such discharge to provide himself with the arms and furniture by this act directed and required, and until the said six months shall be expired shall be freed and exempted from the mulcts or penalties inflicted by this act.

No process to be executed on any person at the times herein mentioned.

XVIII. **And he it further Enacted**, by the authority aforesaid, That no civil officer whatsoever shall on any pretence execute any process (unless for treason, felony, or breach of the peace) on any person whatsoever, at any muster or other time when such person shall be obliged to bear arms in pursuance of the directions of this act, nor in going to or returning from any muster or place of rendezvous, or within twenty-four hours after such person shall be discharged from appearing in the regiment, company, or troop, to which he shall belong, under the penalty of two pounds *Sterling*, and the service of any such process on any such person is hereby declared to be absolutely void to all intents and purposes whatsoever; and all arms and furniture which are by this act required to be provided by any person whatsoever shall not be liable to be seized, distrained, or taken in execution, for any cause, matter, or thing whatsoever, and in case any person shall seize, levy, or distrain upon any such arms and furniture, contrary to this act, every such person shall forfeit the sum of two pounds *Sterling*, to be sued for and recovered as is hereafter directed.

Persons guilty of any of the offences herein specified how to be punished.

XIX. **And he it further Enacted**, by the authority aforesaid, That in case any person who shall be obliged to bear arms, whilst the regiment, troop, or company, to which he shall belong, shall be under arms, or in array, shall neglect or refuse to fire his gun not exceeding six times each muster day, or shall wilfully neglect or refuse to do his duty, or to obey the other lawful commands of his officer, or if any such militia-man be drunk at the time of his exercising, the majority of the officers of the troop or company to which such person belongs, if the offence shall be committed in a single troop or company, or any two field officers of the regiment to which such person shall belong, if the offence shall be committed in a regiment, shall have full power and authority to inflict on the person so offending any pecuniary mulct not exceeding ten shillings *Sterling*; and in case any person shall be disobedient, or raise any mutiny or sedition in such regiment, troop, or company, under arms, or in array, such person shall be liable to a fine not exceeding two pounds *Sterling*; and the said officers respectively, over and besides such pecuniary mulct, may imprison or confine the offenders until such time as the regiment, troop, or company, to which the offender shall belong, shall be discharged from bearing arms on the occasion for which they shall be assembled, and in case such offender shall be a servant,

vant, and shall not forthwith pay such fine as is last above said, the said officers respectively may inflict corporal punishment on such servant not exceeding twenty lashes.

XX. *And be it further Enacted*, by the authority aforesaid, That in case any person obliged to bear arms shall remove from one parish, division, or place, to any other, it shall be lawful for the captain or commanding officer of the company to which such person last belonged to levy the penalties inflicted by this act for non-appearing at musters, or for not having or being provided with sufficient arms and furniture, in the same manner as if such person had not removed from the parish, division, or place to which he belonged, until such time as the person so removing shall produce a certificate from the colonel or commanding officer of the troop, or from the captain or commanding officer of the company of the division or parish into which such person shall remove, that such person is entered, enlisted, and enrolled, in the company of such captain or commanding officer of the division or parish to which such person is removed.

Persons removing from one parish to another liable to the penalties inflicted for not appearing at musters, unless they produce a certificate of their being enlisted in some other company.

XXI. *And whereas*, to repel the invasion of any publick enemy, and to suppress any dangerous insurrections or rebellion, it may be absolutely necessary to assemble and raise the greatest part of the militia of this province, *be it therefore Enacted*, by the authority aforesaid, That if the governor or commander in chief for the time being shall receive advice from any person or persons in authority under his Majesty, his heirs or successors, or other credible person or persons in foreign parts, or if he shall receive information on oath that any foreign enemy or armed force shall suddenly intend to invade this province, or if any dangerous insurrection or rebellion shall be actually raised in this province, which cannot be suppressed by one single company, it shall and may be lawful for the said governor and commander in chief for the time being, by and with the advice and consent of the majority then present of his Majesty's council for the time being, to raise and assemble such and so many of the regiments, troops, and companies, by this act directed to be formed, as the said governor or commander in chief, by and with the advice aforesaid, shall think sufficient and able to suppress and repel such invasion, rebellion, or insurrection, as may happen or be; and for the more effectual execution thereof, it shall and may be lawful for the said governor or commander in chief of this province for the time being, by and with the advice and consent aforesaid, to make and publish, or cause to be made and published, an alarm throughout the whole province, by firing six guns, two at a time, at three minutes distance, or by sending orders and expresses to the field officers or other officers of the militia, to raise their several and respective regiments, troops, or companies, or such part of them as shall be ordered and directed, to march and rendezvous at such proper times and places within this province as the said governor or commander in chief for the time being shall think fit; and the said alarms shall be carried on throughout the whole province by all the commissioned officers of the militia, by firing three small arms at convenient intervals from place to place, and by speedy raising their several companies, and taking all other proper and effectual measures to give notice of the motion of the enemy, and forwarding with the utmost expedition all necessary information to the governor or commander in chief for the time being, and by putting in execution all such orders as they shall receive from the superior officers.

Invasions how to be repelled, and insurrections and rebellions suppressed.

XXII. *And be it further Enacted*, by the authority aforesaid, That an alarm

nuance, enter a *noli prosequi*, suffer a non-suit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double coits of suit, for which any court in this province where such prosecution shall be brought is hereby fully authorized and empowered to give judgment, and award execution accordingly.

List of fines, &c. for non-performance of duty to be read once a year at the head of the regiments, &c.

XLVII. And be it further Enacted, by the authority aforesaid, to the intent that no person may plead ignorance in regard to the duties contained in this act, and the penalties incurred for non-compliance or disobedience thereto, the several superior officers in each regiment, troop or company, shall at least once a year read, or cause to be read, at the head of his regiment, troop or company, by the serjeant or other inferior officer, a list of fines or mulcts for non-performance of duty, and cause the same by advertisement to be at that time fixed in some publick place at or near the muster field, or on the high road that shall be nearest the same, on failure of which publication and notice as aforesaid, the said superior officer shall pay to the treasurer of the province a fine not exceeding twenty shillings *Sterling*, for the use of the serjeants of the said company respectively where the neglect shall be made, to be recovered in the same manner as other fines and forfeitures in this act before-mentioned.

Continuation of this act.

XLVIII. And be it further Enacted, by the authority aforesaid, That this act shall be and continue in force for and during the space of five years, and from thence to the end of the next sessions of the general assembly, and no longer.

Council-Chamber, 25th
March, 1765.

By Order of the Commons House of Assembly,
ALEXANDER WYLLY, Speaker.

Assented to,
JAMES WRIGHT.

By Order of the Upper House,
JAMES HABERSHAM, President.



A N A C T

To amend an Act, intituled, An Act to prevent private Persons from purchasing Lands from the Indians, and for preventing Persons trading with them without License.

Preamble.

WHEREAS, by an act passed in the third session of the second general assembly of this province, it is amongst other things enacted, that, from and after the fifteenth day of *February* one thousand seven hundred and fifty-eight, if any person or persons whatsoever (other than such as shall duly obtain license or licenses from the governor or commander in chief of the said province for the time being, or other person or persons for this purpose appointed by his Majesty, his heirs and successors) shall,