

THE
COLONIAL LAWS
OF
MASSACHUSETTS.

REPRINTED FROM THE EDITION OF
1672,

WITH THE SUPPLEMENTS THROUGH 1686.

CONTAINING ALSO,

A BIBLIOGRAPHICAL PREFACE AND INTRODUCTION,
Treating of all the Printed Laws
From 1649 to 1686.

TOGETHER WITH

THE BODY OF LIBERTIES OF 1641,

AND THE

RECORDS OF THE COURT OF ASSISTANTS, 1641-1644.

BY WILLIAM H. WHITMORE, RECORD COMMISSIONER.

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THE BODY OF LIBERTIES.

1641.

IN FAC-SIMILE FROM THE HUTCHINSON MANUSCRIPT, WITH A
LINE-FOR-LINE PRINTED VERSION.

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THE GENERAL
L A W S
And
L I B E R T I E S
of the
M A S S A C H U S E T S
C O L O N Y:

Revised & Re-printed.

By Order of the General Court Holden at Boston,
May 15th, 1672.

Edward Rawson Secr.

Whoever therefore resisteth the Power, resisteth the Ordinance of God and they that resist receive to themselves Damnation. Rom. 13. 2.

C A M B R I D G E

Printed by Samuel Green, for John Usher of Boston.

1 6 7 2.

IMPRISONMENT.

W. 20. 21. 22. 23.

IT is Ordered and by this Court Declared, That no Mans Person shall be Restrained or Imprisoned by any Authority whatsoever, before the Law hath Sentenced him thereto, if he can put in sufficient Security, Baile or Mainprize, for his appearance and good Behaviour in the mean time, unless it be in Crimes Capital, and Contempt in open Court, and in such Cases where such express Act of Court doth allow it. [1641.]

INDIANS.

A. 52. p. 16.

FOR settling the Indians Title to Lands in this Jurisdiction;
It is Declared and Ordered by this Court and Authority thereof, That what Lands any of the Indians in this Jurisdiction have possessed and improved, by subduing the same, they have just right unto, according to that in Gen. 1. 28. & Chap. 2. 1. & Psal. 115. 16.

Custom Title to Land.

And for the further encouragement of the hopeful work amongst them, for the Civilizing, and helping them forward to Christianity; If any of the Indians shall be brought to Civility, and shall come among the English to inhabit, in any of their Plantations, and shall there live Civilly and Orderly;

Custom Title to Land.

That such Indians shall have Allotments amongst the English, according to the Custom of the English in like case.

Further it is Ordered, that if upon good experience, there shall be a competent number of the Indians brought on to Civility, so as to be capable of a Township, upon their request to the General Court, they shall have grant of Lands undisposed of, for a Plantation as the English have.

Custom Title to Land.

And further it is Ordered by this Court, that if any Plantation or Person of the English, shall offer injuriously to put any of the Indians from their Planting grounds, or Fishing-places, upon their complaint and proof thereof, they shall have relief in any of the Courts of Justice amongst the English, as the English have.

And further it is Ordered by this Court and the Authority thereof, and be it hereby Enacted, That all the Tract of Land within this Jurisdiction, whether already granted to any English Plantations or Persons, or to be granted by this Court (not being under the qualification of Right to the Indians) is, and shall be recognized the just Right of such English as already have, or hereafter shall have Grant of Lands from this Court, and the Authority thereof, from that of Genesis 1. 28. and the Invitation of the Indians.

L. 1. p. 28

2. And it is Ordered, That no Person whatsoever, shall henceforth buy

any Land of any Indian without Licence first had and obtained of the General Court, and if any offend herein, such Land so bought shall be forfeited to the Country.

None to buy
Land of Indians

Nor shall any person, sell, give or Barter, directly or indirectly, any Gun or Guns, Powder, Bullets, Shot, Lead to any Indian whatsoever, or to any person Inhabiting out of this Jurisdiction: Nor shall any amend or repair any Gun belonging to any Indian, nor shall sell any Armour or Weapons, upon penalty of ten pounds for every Gun, Armour or Weapons so sold, given or Bartered, five pounds for every pound of Powder, forty shillings for every pound of Shot or Lead, and proportionably for any greater or lesser quantity. [1633. 27.]

No arms or am-
munition to be tra-
ded with the In-
dians.

FOR Explanation of the Law, tit. Indians;

This Court doth Declare the Prohibition there express, Referring to the purchase of Indian Land without Licence from this Court, as to be understood, as well Grants for term of years as for ever, and that under the same penalty, as in the said Law is express. [1663.]

3. Whereas the French and Dutch and other foreign Nations do ordinarily Trade Guns, Powder, Shot, &c. with Indians, to our great prejudice and strengthening and animating the Indians against us, And the aforesaid French, Dutch &c. do prohibit all Trade with the Indians within their respective Jurisdictions, under penalty of Confiscation, &c.

L. 2. p. 15.

It is therefore Ordered; That it shall not be lawful for any Frenchman, Dutchman, or any person of any other Foreign Nation whatsoever, or any English dwelling amongst them, or under them, or any of them, to Trade with any Indian or Indians within the Limits of our Jurisdiction, directly or indirectly by themselves or others, under penalty of Confiscation of all such Goods and Vessels as shall be found so Trading, or the due value thereof, upon just proof of any Goods or Vessels, so Trading or Traded.

Foreigners pro-
hibited Trade,
without Ind-opp

And it shall be lawful for any person or persons, Inhabiting within this Jurisdiction, to make seizure of any such Goods or Vessels Trading with the Indians; one half whereof shall be for the proper use and benefit of the party seizing, and the other half to the Country.

4. And because the Trade of Furs with the Indians in this Jurisdiction, doth properly belong to this Commonwealth, and not unto particular persons;

A. 27. p. 22.

It is therefore Ordered, That henceforth no Person or Persons, directly or indirectly, shall Trade with the Indians for any sort of Peltry, excepting only such as are Authorized by this Court, or by such Committee as this Court shall appoint from time to time, under the penalty of one Hundred pounds fine for every offence, ten pound whereof shall be to the Informer, the rest to the Country.

None to Trade
Furs with Indi-
ans without In-
court under pe-
nalty of 100 li.

5. Whereas several Orders for the preventing of Drunkenness amongst the Indians have been made, yet notwithstanding there is little or no reformation: For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongst them;

A. 22. p. 23.

This Court doth Order, that no person of what quality or condition

It is hereby
declared to be
the duty of
the Indians
to pay
for the

for ever, shall henceforth Sell, Truck, Barter, or give any strong Liquors to any Indian, directly or indirectly, whether known by the name of Rum, strong-Waters, Wines, strong-Beer, brandy, Cyder, Perry, or any other strong-Liquors, going under any other name whatsoever; under the penalty of fifty shillings for one pint, and so proportionably for greater or lesser quantities to be Sold, Bartered or Given, directly or indirectly as aforesaid.

And for the better execution of this Order;

All Trucking Hoops erected (not allowed by this Court) shall be forthwith demolished.

And for the better settling of this Order;

It is Declared that one third part of the penalty, shall be granted to the Informer.

It is also Ordered, that special care shall be had by the Grand jury, of every Shire Court, to inquire and present to the Court what they find, to discover matter tending to such practice, against the true intent of this Law :

And all other Orders giving liberty to sell strong Liquors to the Indians, are hereby Repealed; and all Licences formerly granted, are hereby disabled and called in; Provided always, that it is not intended that this Law shall extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of sudden extremity, by sickness or fainting, which calls for such help, not exceeding one dram, nor when any Physician shall prescribe in way of Physick any of the particulars before-mentioned; so as upon sight of his direction in writing, there be allowance had under the hand of one Magistrate, or where no Magistrates in the Town residing, being under the hands of the Town Commissioners or two of them. [1637.]

It is hereby
declared, that

1637-38.

6. This Court considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet;

Doth Order, That henceforth no person or persons inhabiting within this Jurisdiction, shall directly or indirectly any wayes give, sell, barter or otherwise dispose of any Boat, Skiffe, or any greater Vessel unto any Indian or Indians whatsoever, under the penalty of fifty pounds, to be paid to the Country Treasurer, for every such Vessel so sold or disposed as aforesaid. [1636.]

It is hereby
declared to be
the duty of

1637-38.

7. It is Ordered by this Court, That in all places within this Jurisdiction, the English shall keep their Cattle from destroying the Indians Corn, in any ground where they have right to plant, and if any of their Cern be destroyed for want of Fencing or Hearing; the Town shall make satisfaction, and shall have power among themselves, to lay the charge where the occasion of the damage did arise; Provided that the Indians shall make proof, that the Cattle of such a Town, Farm or Person did the damage.

And for intowagement of the Indians, towards the Fencing in of their Corn-fields;

Such Towns, Farms, or Persons, whose Cattle may annoy them that way, shall Direct, Assist and help them, in setting of Trees, riving and Chipping Nails, and being of Posts; allowing one English-man to three or more Indians; And shall also draw the fencing into place for them, and allow one man a day or two, towards the setting up the same, and either lend or sell them Tools to finish it; Provided, that such Indians to whom the Country or any Town, have given, or shall give Ground to plant

It is hereby
declared to be
the duty of
the Indians
to pay
for the

It is hereby
declared to be
the duty of
the Indians
to pay
for the

plant upon, or shall purchase ground of the English, shall Fence such their Corn Fields or Ground, at their own charge as the English do or should do:

And if any Indian refuse to fence their Corn Ground (being tenced help as aforesaid) in the presence and hearing of sufficient witnesses, they shall keep off all Cattle, or lose their damages.

And it is also Ordered, that if any harm be done at any time by the Indians unto the English, in their Cattle; the Governour or Deputy Governour with two of the Assistants, or any three Magistrates, or any County Court, may order satisfaction according to Law and Justice. [1640. 48.]

Indians to pay for hurt done to Cattle

8. Whereas one end in planting these parts was to propagat the true Religion unto the Indians, and that divers of them are become subject to the English, and have engaged themselves to be willing and ready to understand the Law of God;

It is therefore Ordered, That such necessary and wholesome Laws which are in force, and may be made from time to time, to reduce them to civility of life, shall be once a year (if the times be safe) made known to them, by such fit persons as the General Court shall appoint.

Laws to be published to the Indians

9. For the better Ordering and Governing the Indians subject to us, especially those of Natick and Ponquepaug;

Ch. 38-

It is Ordered that whomsoever the Court shall appoint, do take care that all such Indians do live according to our Laws, as far as they are capable, and to that end shall be Authorized to constitute and appoint Indian Commissioners in their several Plantations, to hear and determine all such matters that do arise amongst themselves as one Magistrate may do amongst the English, with Officers to execute all Commissions and Warrants, as Marshals and Constables.

And further they joyntly shall have the power of a County Court, to hear and determine all causes arising among them, the English Magistrate appointing the time and place of the Court, and consenting to the determination or judgement, and all other matters beyond their cognizance shall be issued and determined by the Court of Assistants.

Courts to be kept among the Indians.

10. And it is Ordered, that no Indian shall at any time Feast or perform outward worship to their false Gods, or to the Devil, in any part of our Jurisdiction, whether they be such as shall dwell here or shall come hither; and if any shall transgress this Law, the Governor shall pay five pounds, the procurer five pounds, and every other countenancing by his presence or otherwise (being of age, of discretion) twenty shillings, and every Town shall have power to restrain all Indians that shall come into their Towns from prophaning the Lords day. [1633, 37, 40, 41, 42, 46, 47, 16, 17, 22.]

Powers to be given.

Towns to restrain Indians from prophaning the Sabbath

Whereas for fear of Drunkenness amongst the Indians doth much intract, notwithstanding the Laws provided against that crying sin;

order to prevent Drunkenness in Indians

This Court doth therefore Order, that any person or persons, that shall see, know or finde any Indian with any strong Liquors, Wine or strong Drink, that such Indians have any way gotten without Order as the Law directs, shall have power to seize the same, and to deliver the said strong Drink to the Constable of the Town or Place where such Indians are found, with their persons to be conveyed before some Magistrate or Commissioner, who shall

Each strong LI- quors to be seized by any person

power to deal in such cases; and such Indians as are found Drunk, being apprehended, and will not confess how or where they had the said Wine, Liquors, or strong Drink, shall be secured or imprisoned until they make a just acknowledgement where they had their Drink aforesaid, or committed to the House of Correction, and there labour to discharge the charge of their provision.

Their sentences against persons to be executed on the day after the trial or next, &c.

And if any such Indian do accuse any person for selling or delivering strong Drink unto them, such Indian accusation shall be accounted valid against any such person accused; except such persons shall clear themselves by taking their Oath to the contrary, any Law or Custom to the contrary notwithstanding.

If Drunk to pay the Sheriff or to whip with the Magistrate.

And it is also further Ordered, that whatsoever Indian shall hereafter be taken Drunk, shall pay the sum of *ten shillings* or else be whipped, by laying on *ten stripes*, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case: And in all Towns where no Magistrate or Commissioners are, such Cases shall be judged by the Select men or major part of them. [1686.]

Trade with Indians for peltry &c. Remission 1692 and.

It is Ordered by this Court and the Authority thereof, That henceforth every person that is or shall be allowed by the Treasurer of the Country to Trade Feltry or Skins with the Indians, shall have liberty to sell unto any Indian or Indians, not in Hostility with us, or any of the English in *New England*, Powder, Shot, Lead, Guns, (i. e.) Hand Guns, Rapier or Sword blades; Provided he or they pay unto the Country Treasurer every half year in money, *sixpence* for every pound of Powder, *shillings* for every ten pounds of Shot or Lead, *three shillings* for every Gun, *three shillings* for every dozen of Rapier or Sword blades, and so proportionably for any quantity that he or they shall sell to any Indian or Indians; and every such person allowed to Trade as aforesaid, shall upon Oath deliver to the Treasurer a true and just account of the particulars of the above-mentioned Commodities, by him or them sold unto any Indian or Indians.

any allowed Trade paying to the Country Treasurer five or ten shillings, &c.

And it is further Ordered, that any person allowed as before, that shall be convicted before any two Magistrates or County Courts, of selling or bartering any of the forementioned Commodities unto any Indian, whereof he or they have not given a true and just account, and made due payment unto the Treasurer as is above expressed; every such person or persons shall forfeit to the publick Treasury, *five pounds sterling* for every pound of Powder, *five pounds* for every ten pounds of Shot or Lead, *ten pounds* for every Gun great or small, and *ten pounds* for every dozen of Rapier or Sword blades, and so proportionably for any quantity of the aforesaid Commodities sold or bartered by him or them to any Indian or Indians: and all persons except such as are allowed, are hereby prohibited from selling any of the forementioned Commodities unto any Indian or Indians, upon the penalty expressed in the Law, tit. Indians, *Self. 2.* And this Order to continue in force during the Courts pleasure; any Law or Order to the contrary notwithstanding. [1688.]

MILITARY.

Foremost as the well ordering of the Militia is a matter of great consequence to the safety and welfare of this Commonwealth;

It is Ordered by this Court and the Authority thereof; That the Military forces of Suffolk, Middlesex and Essex, shall be under the command of the Serjeant Majors Chosen in each County; and that the Militia of *Suffolk* shall be commanded by the Major of the Regiment of *Essex*, Provided the said Militia be not drawn out of the said County to any Regimental exercise: And if any of the said Majors be removed or discharged their places, the Major General for the time being, shall within one Month at furthest after such change, send forth his Warrant to each Town in the Shire, to make choice of a Major in manner following, *viz.* The Freeman, Householders, and such Soldiers as have taken the Oath of Fidelity, before the *fifteenth of May*, [1656.] and no other, being met together in their Respective Towns (by virtue of such Warrant from the Major General, or from the General Court) shall give in their Votes for such a person as they judge fit for the Office of Serjeant Major of that Regiment, which Votes shall be sealed up by the chief Military Officer of the place, or by the Constable (as the Warrant shall direct,) and sent by some Freeman, chosen by the Town, to carry them to the Shire Town of that County, at such time as the Warrant shall direct, where the said Votes shall be opened and numbered in the presence of one or two of the nearest Magistrates and the said Freeman, and he that shall have the greater number of Votes being a Freeman, shall be presented by one of the said Magistrates unto the Major General, within one Week after such Election, who shall by giving the Oath accustomed, and bestowing him a Commission, Inhab and Confirm such Serjeant Major in his place.

2. And every Serjeant Major is hereby Ordered and Required, once in three years to draw his Regiment, both Horse and Foot, in one convenient place in the County, and to instruct and Exercise the Officers and Soldiers in Military Discipline, according to his best skill and ability; for which service he shall have twenty pounds allowed him out of the Treasury of the Country for his pains and charges, for every such Meeting: Also every Serjeant Major, may as often as he shall see cause send his Warrants to require the chief Officer of each Company in his Regiment, to meet at such time and place as he shall appoint, and there with them to confer, and give in command such Orders as shall by them be judged meet for the better Ordering and Settling the particular Companies in Military Exercises; and to impose fines and penalties upon such Delinquents as have not given satisfaction to their Captain or chief Officer, for all defects either in their Arms, Ammunition, Appareances, Watches, Offences, &c.

And the Serjeant Major shall with the consent of the said Officers, give Order to the Clerks of the several Companies, to take defects for the same within one Month after such Order.

Militia com-
manded by Major

L. 2. p. 12.

A. 56. p. 12.

Major General and
by a Commission

Regimental
musters twice in
three years

Meeting of the
Officers of the
Regiment

3. *And for the settling particular Military Officers in every town of this Jurisdiction;*

Nominations of
Officers of com-
panies

To be allowed
by the County
Court

It is Ordered, that every Freeman, Householder and listed Souldier, having taken the Oath of Fidelity as aforesaid, (and no other) shall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all persons so Nominated shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary; and no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

A. 17. 7. 13.

As Souldiers to
be a Company

4. And in every Town where there is sixty four Souldiers (liable or attend constant Training) besides the Officers, such number of Souldiers shall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and shall have two Drums.

And in smaller Towns, where there shall be a less number then sixty four as aforesaid, they shall have liberty of Nomination of Serjeants, and other inferior Officers only, to teach and instruct them in the exercise of Arms.

One Com. Ent.
to have com. 16.

And the Major of the Regiment shall have power to Order and Regulate the smaller Towns, and to joyn them into one compleat Company, (as occasion may require) which shall have liberty of choice of all Officers as aforesaid. And every Captain, Lieutenant and Ensign, shall have Commission from the General Court, for the holding of their places, and exercise of their duties.

Capt. to appoint
the Sould. Arms

To exercise &
appoint yearly

5. The said Military Officers of every Company, shall take care that their Souldiers be well and compleatly Armed, and shall appoint what Arms every Souldier shall serve with; Provided two thirds of each Company be Musquetiers, and those which serve with Pikes, have Corslets and Headpieces: And they shall exercise their Souldiers Six dayes every year, when the Captain or chief Officer shall appoint, by giving publick warning thereof, three or four dayes before the day of Exercise; Provided, that so many dayes as shall be expended by Order of the Major of the Regiment, in the Exercise of the Regiment, and in marching to and from the place of Exercise, shall be accounted as part of their six dayes.

3 chief Offrs. to
punish disorders
of Souldiers

6. Also the three chief Officers of each Company, shall have power to punish such Souldiers, as shall commit any disorder or contempt upon any day or time of Military Exercise, or upon any Watch or Ward, by Stocks, Bilboes, or any other usual Military punishment, or by fine, not exceeding twenty shillings, or may commit such Offender to the Constable, to be carried before some Magistrate, who may bind him over to the next Court of that Shire, if the cause so require, or commit him to Prison.

Souldiers how
to be armed

7. Every Foot Souldier shall be compleatly Armed and Furnished, the Pike man with a good Pike well headed, Corslet, Headpiece, Sword and Snapback; the Musquetiers with a good fixed Musquet, not under Buffard Musquet bore, nor under three foot nine inches in length, nor above four feet three inches long, with a Priming wire, Worm, Scourer, and Mould, fitted to the Bore of his Musquet, also with a good Sword,

Rest,

Red, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of Match, upon the penalty of *two shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates and Elders of Churches, the President, Fellows and Students of *Harvard College*, shall always be provided of Arms, and furnished as aforesaid, under the penalty aforesaid.

Magistrates
to be armed
except of mag
and other Inha
schools

8. And if any person cannot procure Arms or Ammunition, with such means as he hath, if he shall bring to the Clerk so much Coin as by appraisement of the said Clerk and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value by a fifth part then such Arms or Ammunition is of, he shall be excused of the penalty for want of Arms until he be provided; And the Clerk shall endeavour to furnish him so forth as may be by sale of such Goods so disposed, rendering the party the overplus.

Wanting Arms,
so they pay to
Clerk to provide

But if any person shall not be able to provide himself Arms and Ammunition, through meer poverty, if he be single, he shall be put to service by some Magistrate, or the Constable shall provide him Arms and Ammunition, and shall appoint him when and with whom to earn it out.

poor how to be
furnished with
Arms

9. Every person above the age of sixteen years, shall duly attend all Military Exercise and Service, as Training, Watching, Warding, under the penalty of *five shillings* for every fault, except Magistrates, Deputies and Officers of Court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard College*, and professed School-masters, Physicians and Chyrurgeons allowed by two Magistrates, Treasurers, Surveyor General, Publick Notary, Masters of Ships and other Vessels above twenty Tuns, Fishermen constantly employed at all fishing seasons, constant Herdsmen and such other as for bodily infirmity or other just cause, shall by any County Court, or Court of Assistants (after notice of the parties desire to the chief Officer of the Company to which he belongs) be discharged; also one servant of every Magistrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, also such as dwell at remote Farms, or have a Ferry to pass, shall be exempt from Watching in the Town, but shall Watch and Ward as their chief Officer shall direct otherwise; and all Farms distant above *four miles* from the place of exercising the Company, or have a Ferry to pass over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon such Farm, shall upon reasonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 27 p. 13.
Persons exempt
from Training.

A. 26 p. 12.

A. 23.

10. And it is Ordered, That in every Town or Company there shall be chosen (as other Military Officers are chosen) a discreet able man to be Clerk of the Band, and if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the Company *forty shillings* and the Company shall chuse another, and all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the Clerk shall upon every Training day twice, once in the forenoon, as also in the afternoon, at such time as the Captain or chief Officer then in the field shall appoint, call or cause to be called over, the Lists of the names of all the Souldiers, and shall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by absence of Souldiers or other offences that may fall out in time of Exercise.

each of the
2nd

To call a Roll &
attend on Train-
ing days

To view the
Army

And the said Clerk shall twice every year view all Arms and Ammunition of the Company, and take notice that every Soldier be furnished according to this Law; to which end, by direction of the chief Officer, he shall give notice to the Sculdries, that upon such a Training day appointed, they are required to bring (in the forenoon) all their Arms and Ammunition into the field, where they shall be approved or disallowed by the judgement of the said chief Officer then in the field; And further the said Clerk shall once in the year at least, Survey the Arms of all other Inhabitants, and see that all (except as before excepted) be provided in their Houses with Arms and Ammunition, and upon every occasion, he is required to use all diligence to view every mans Arms, whether they be completely furnished with all Arms and Ammunition as the Law requireth.

Who shall be
the Captain of
all Militia

to deliver with
in ten days

And the said Clerk shall within one week after any default made, or defect observed, present a List of the Names of all that are Delinquent, and of their defects to the Captain or chief Officer of the Company; and shall without partiality demand and receive all fines due for such defaults, according to this Law; which if any shall refuse to pay, he shall make distress upon the Goods of such persons, as shall not within ten days after their default be discharged, or have their fines mitigated by the Captain or chief Officer of the Company, unless the said chief Officer shall see cause to refer the judgement and Determination of such default to the Major and chief Officer of the Regiment at their meeting.

To deliver of
fines for the use
of the Company

And the Clerk shall with the advice of the chief Officers of the Company, speedily lay out all fines received or levied, in *Engage, Drums, Halberds, Candles and Wood for the Watch, or provide Powder and Arms* for the poorer sort, or otherwise as in their discretion they shall judge meet, for the use of the Company.

4. 527-14-
638

Committee of Mil-
itia in the sev-
eral Towns

Who shall

21. And for the better ordering the Militia in the several Towns, in case of any sudden exigent;

It is Ordered, That there be a Committee of Militia in every Town, and that the Committee of Militia in Boston, shall consist of the Magistrate living in the Town, the chief Officer of the Horse, if living in Town, and the chief Officer of each company of Foot, or the greatest part of them, and in sudden exigents, any three of them may act when due means being used a greater number cannot be assembled; which Committee shall have a Commission, who shall also have power to appoint a Military Watch, when they shall see cause, for the safety of the Town and County; And Chesham, Salem and Ipswich shall have the like Committee of Militia, who shall have like power by Commission: and for all other Towns where there is one or more Magistrates, the said Magistrate or Magistrates, with the three chief Military Officers; and where no Magistrate dwells, the Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committee of Militia for such Town, and have power in all sudden exigents, to order and dispose the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarm, or any Invasion, to strengthen their quarters, and to hinder any approaching or assailing them in a way of Hostility, by bearing Arms in Companies, or refusing upon such approaches to come under command, or give an account what they are, and wherefore they are in such posture.

to call at Alarm

And every such Committee, where any such Alarm shall be given or received, or shall be assailed as aforesaid, is required with all possible

Speed to give Intelligence to the next Magistrate, and the Major of the Regiment where such Alarm is taken, or Assault made of the reason thereof, and State of the place so assailed.

And the said Major is hereby required to send forth to procure Intelligence of the estate of any place so Alarmed or Assaulted, and to Order Assistance to them from any other company or companies of his Regiment, as the case shall require, and shall give constant Intelligence to the Governour or Council of the Country, and Major General of the state of such affairs with all convenient speed.

But no Major of any Regiment shall march with his Regiment out of the County wherein he hath command, nor cause any part thereof so to do without Order from the General Court, Council of the Commonwealth, or Major General, except it be in pursuit of the Enemy upon a Rout.

And in case of Death or absence of the Major, upon any such occasion of service, the eldest Captain of the Regiment shall supply his place till further Order be taken; and the seniority of all Captains and chief Officers of every Company in the several Regiments, shall be accounted according to the seniority of the Towns or Companies they command, except the Commanders of the four Companies of *Befen*, being of equal standing, the seniority of the Captains shall be according to the priority of their Commissions.

It is further Ordered, That henceforth all Warrants for impressing and raising of Souldiers, for any expedition, shall be directed to the Commodity of Militia of the several Towns, who may execute the same by the Constable, and the said Commodity are hereby impowred and required to suppress all raising of Souldiers, but such as shall be by the Authority of this Government.

And in all Towns where there are great Artillery, Forts or Batteries, the Commodity of Militia, and Select men of the Town, shall mount such Guns, and fit them with appurtenances for service, and repair such Forts or Batteries as they shall see necessary for the security of the Town, the charge whereof the Select men are hereby impowred and required to leave on the Estate of the Inhabitants, according to the proportion of the Country Rate, to be collected by the Constables of the said Town, for the use aforesaid.

WHereas in the Law tit. Military, Sect. 11. the three chief Military Officers in each Town except Boston, together with the Magistrates or Deputies thereof, are appointed a Commodity of Militia for such Towns without mentioning the Officers of the Horse, to be of that Commodity;

This Court doth Declare, That the Commission Officers of the Horse in the Town where they dwell, shall be added thereto, and hereby are appointed and impowred to be of the Commodity of Militia for such Towns where they dwell; Any Law, or Custome to the contrary notwithstanding. [1668.]

12. It is Ordered, That the Military Watches shall be set by beat of Drum half an hour after Sun set, by the Military Officers in such places as they shall judge most convenient, and shall be Ordered and Disposed by their command and direction: And if any man shall shoot off a Gun

To give notice to the Major

Major to Order Assistance

To give Intelligence to the Council and Major General

Major not to lead his Regiment out of the County

Seniority of Captains

A. 33.

A. 36. 12.

Country to press Souldiers

A. 34. 2.

A. 35.

To take care of good Guns

and repair Forts

Commodity of Militia

Military Watch the how to

after the Watch is set (except in case of Alarm) he shall forfeit forty shillings.

Infractio and
Duty of Watch
men.

The said Watch or Sentinels being set, shall examine all persons that shall come within their Watch or Round, and all they suspect they shall carry to their Guard, there to be kept till morning, and before they be dismissed, they shall carry them to their chief Officer to be examined and proceeded with according to law;

What shall be
taken for an Al-
arm.

Not answering
the Alarm, penal-
ty is

And if the Sentinel of Watch shall meet with such persons as shall be too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affront in Words or Actions, as shall put them in fear or hazard of their lives, they shall discharge upon them, and retire with speed to the Guard and raise an Alarm; Provided always that in time of peace, when the Council of War, or the chief Officers of the Company shall not apprehend present danger by the nearness of an Enemy, it shall not be in the liberty of any Sentinel to hazard the killing of any person, except in his own necessary defence; but if the cause require it, he shall retire to the Guard and raise an Alarm by discharging his Musquet and crying Arm, Arm, which shall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he shall either strengthen his Guard, or give a general Alarm, which shall be either the distinct discharge of three Musquets, or the continued beat of the Drum, or bring a Beacon, or the discharge of a piece of Ordnance and two Musquets after it, any of which in the night shall be accounted a general Alarm, which every Souldier is immediately to answer, by repairing Armed to his Colours or Count of Guard, upon the penalty of five pounds.

Penalty to repair
Arms

Penalty

13. And upon any expedition, upon occasion of any Enemy, or any present Military Service to be done, all Smiths and other needful workmen, shall immediately repair such Arms and other Necessaries as shall be brought unto them for that end, for which, they shall not refuse such pay as the Country affords, upon the penalty of five pounds for every such default, and for such neglect at any other time more then ten dayes, shall forfeit for every such offence ten shillings.

A. 56. p. 12.

14. The Surveyor General shall yearly give an account of the common Stock of Powder and Ammunition to the Council, that the General Court being by them informed, may out of the publick Treasury make a constant supply according to the need of the Country.

L. 2 p. 1.

15 Every Town shall be provided of a sufficient Watch house, under the penalty of five pounds, and shall also provide at their own charges a safe and convenient place to keep all such Powder and Ammunition in, as the chief Military Officer by Order of the General Court shall appoint, under the penalty of ten pounds.

Penalty to pro-
vide with arms
and stock of Pow-
der and Ammunition

And the Select men of every Town, shall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Musquet Pullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers, in number more or less; which they shall carefully review from time to time as shall be needful, under the penalty of five pounds for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned and

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kind. [1649.]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seventy Listed Soldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to encourage Troopers shall be continued, except free Fertage, and free Commage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions.

A. 16712

Troop not to exceed 70 soldiers.

A. 16711

A. 16712

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holders, Pistols or Carbines and Swords, under the penalty of ten shillings for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty.

Trooper to be well fitted

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of five shillings for every default, to be levied and distrained by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*.

To attend 6 days exercise

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk, to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in levying all fines, shall be allowed the Fees of the Marshal, to be by him levied and distrained together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases.

Clerk to be paid

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of five pounds, and shall duly attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superior Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duly executed and observed. [1649, 47, 48, 52, 53, 54, 55, 56.]

A. 13

No Troop to be drawn out of the County

No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commanders, under the penalty of five pounds, and that for non-appearance on dayes of exercise, the fine shall be ten shillings, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commanders, and returned by certificate to the Commanders of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding fifty shillings.

Trooper not to be absent

FOr a more full and clear understanding of the intent of this Court in reference to Commissions granted to Military Officers;

It is Ordered and hereby Declared, That all Commissions of inferior Officers be and do stand good and in force, notwithstanding the death or removal of their Superior Officers.

Officers Com-
missioned

It is also further Ordered, That all trained Souldiers, whether Horse or Foot, shall repair to their several Quarters and lodge their Arms, immediately after their dismissal upon Training dayes: And whosoever shall either singly or in companies remain in Arms, and vainly spend their time and Powder by inordinate shooting in the day or night after their Release; such Souldiers upon conviction shall be punished by their Superior Officers order, upon the next Training day at the head of the Company, by sharp Admonition, or otherwise, with any usual Military punishment at the discretion of the chief Officers: Provided the Magistrate have not taken notice of the matter before.

Disobedient
Souldiers to be
punished by the
Officers

It is also further Ordered; That all Souldiers, whether Horse or Foot, who shall disobey the lawful commands of their Superior Officers upon any Training day, either in time of exercise in the Body, or otherwise refusing to perform any service which their Officers in their discretion shall judge expedient in order to the furtherance and promoting Military work; such refractory Souldiers shall be punished either by Admonition or otherwise, at the head of the Company with any usual Military punishment, at the discretion of the chief Officers.

Repeated

It is also further Ordered, and be it hereby Enacted, that the Law licensing Troops, not to exceed seventy per one in a Troop, as also for allowance of *five shillings per Annum* is hereby Repeated, in reference to any that shall be listed after the publication of this Order.

And that henceforth none shall be admitted to be a listed Trooper, but such whom themselves or Parents under whose government they are, do pay in a single Country Rate for one hundred pounds estate, and in other respects qualified as the Law provides: And the same certified under the hand of the Constable of the Town where they live. [1663.]

FOrasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that service lying mainly, if not altogether upon such as bear Arms; where several persons of good Estate are free: All which considered,

Military Watches

It is Ordered, that henceforth all persons whatsoever, within this Jurisdiction, who are liable to serve in Constables Watches, shall also be liable to the like service in all Military Watches, either in their own persons, or by a sufficient supply to be made by all such persons as aforesaid, or shall pay twelve pence in money, and that under the penalty of *five shillings* for every such neglect, to be levied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the same.

[1664.]

WHereas this Court hath already provided for the well ordering and settling the Militia of this Commonwealth, as in the Law tit. Military, yet forasmuch as many Complaints are presented to this Court, that the said Orders are not so attended as is to be desired; considering the present juncture of affairs between our English Nation and foreign Enemies, who are now engaged in a Bloody War, which calls for a prudent endeavour of our own safety against any foreign invasion or sudden surprisal,

Major General
is desired
to see that all
the Arms of the
Country be ready
and

This Court doth therefore Order and Enact, That the said Military Laws be by all persons therein mentioned, forthwith attended in all respects, And for the better effecting the same, the Major General is required forthwith by warrant under his hand to the Majors of the several Regiments, to require them to make diligent inquiry into the State of the several Companies under their charge, and to be certified under the hands of the Commission Officers, or chief Officers where no Commission Officers are of each Company, of all defects of Arms, Ammunition or otherwise in every respect; and the said Majors respectively are required to give speedy advice to the Major General what posture their said Regiments are in, and wherein the said Majors counsel of themselves forthwith make redress of any defects, in the said Companies, the said Majors with the advice of the Major General have hereby power to use all lawful means to effect the same.

And all inferior Officers are hereby required to yield ready Obedience to all such Warrants sent to them by the said Majors respectively, or Major General, upon the penalty of five pounds for every such defect, to be levied by distress by such person as the said Major General and Majors of the Regiments shall dispute, which said fines shall be for a Stock of Powder for the said Company where the defects arise from time to time.

Five pounds pen-
alty for default
of inferior Offi-
cers

A little fine to
be levied upon a
lack of powder
for the company
where the defect
arise

And whereas several Towns in this Jurisdiction, are not under the Command of any Sergeant Major, as Dover, Portsmouth, &c. as also the Towns of the County of Hampshire;

It is Ordered, That the Major General take care for regulating of the Military affairs of such Towns, till they are brought under a Major as in other Counties; And all Military Officers of such places are required obedient to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [1666.]

The several
Towns that are
not under Ma-
jors of Regi-
ments to be regu-
lated & ordered
by the Major
General

WHereas the Law, tit. Military Sect. 7. requires every Pike man to be completely furnished (amongst other weapons with a sufficient Corset) This Court considering that Corsets are wanting to many Soldiers in several Companies, and that supplies therein are not easily to be attained;

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pikeman within this Jurisdiction, shall be completely furnished, either with a sufficient Corset, Buffe Coat or Quilted Coat, such as shall be allowed by the chief Officer, under whose command they from time to time shall serve, upon the penalty in the recited Law already expressed; any Law, Custome or Usage to the contrary notwithstanding. [1666.]

Pike men to be
well furnished
with Corset
or Quilted Coats

T His Court considering the Inconvenience of our Patent, regulating to the *Staying of all Military Officers in this Jurisdiction;*

Do hereby Order and Declare; That all Commission Officers that at present are in power, are confirmed according to their respective Commissions; but for the time to come where new are to be chosen, it is only in the power of the General Court, or in case of emergency for the Council of the Common-wealth, to Nominate, Choose, Appoint, and Impower all Commission Military Officers; excepting the Major General, and Admiral by Sea, the choice of whom are otherwise provided for by Law; and for all inferior Officers in Companies, they are to be chosen and appointed by the Commission Officers of that Company, and where no Commission Officer is by the Major of the Regiment. [1665.]

How Officers are to be chosen

T His Court considering that the Regiments are multiplied from three to six since the Law was made, requiring the Sergeant Major of every Regiment to draw forth his Regiment once in three years, to exercise them in Military Exercises;

Regimental meetings

Do Order, That henceforth the Regimental Meetings shall be in this following Order; *v. c.*

Suffolk this present year, 1671.

Norfolk including the County of Portsmouth and Dover, 1672.

Middlesex Anno 1673.

Yorkshire Anno 1674.

Essex Anno 1675.

Hampshire Anno 1676.

And so to be continued in this Order successively from time to time.

And the Majors of Norfolk, Yorkshire and Hampshire are allowed towards their expenses and entertainment, occasioned by that service ten pounds a piece respectively for the time of that service, to be paid by their respective County Treasurers.

And it is also Ordered, That henceforth the allowance of twenty pounds a piece granted formerly to the Majors of the three old Regiments, shall be paid by the County Treasurers respectively, for such their service, any thing contrary hereto contained in the Military Law, Sect. 2. notwithstanding. [1671.]

M I N E S.

For encouragement of such as will adventure for the discovery of Mines; It is Ordered by this Court, That whosoever will be at the charge for the discovery of any Mine within this Jurisdiction, shall enjoy the profits thereof, with a fit proportion of Land to the same, for twenty one year.

L. 27. 12.
Difference of
times to enjoy
the profits for 21
years.

and Chattel as shall be found in any Close-field or other inclosure.

And whosoever Impounds any Swine or Chattel, shall give present notice to the Owner if he be known, or otherwise they shall be cryed at the two next Lectures or Markets; And if Swine or Chattel escape out of Pound, the Owner if known, shall pay all damages according to Law.

A. 17. p. 244

And every person or persons having notice given them, or otherwise left in writing at their House or place of their usual abode, of any of their Chattel Impounded or otherways Restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevie their Chattel, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Chattel by standing in the Pound or other lawful place of Restraint. [1645, 47, 57.]

Cattle Impounded to be replevied and no damage received

2. And if any person shall resist or rescue any Chattel going to Pound, or shall by any way or means convey them out of Pound or other Custody of the Law, whereby the party wronged may lose his damages, and the Law be deluded, that in case of meer rescues, the party so offending shall forfeit to the Treasury *forty shillings*.

Rescues and Pound breach

fine or

And in case of Pound breach *five pounds*, and shall also pay all damages to the party wronged, and if in the rescues any bodily harm be done to the person of any Man or other Creature, they may have remedy against the Rescuers; And if either be done by any not of ability to answer the forfeiture and damages aforesaid, they shall be openly Whipped by Warrant from any Magistrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty stripes* for the meer Rescue or Pound breach; And for all damages to the party, they shall satisfy by service, as in case of Theft.

be whipped

And if it appear there were any procurement of the Owner of the Chattel aforesaid, and that they were Abettors therein, they shall pay forfeiture and damages as if themselves had done it. [1647.]

P O W D E R.

WHEREAS by Letters of the Government in England, several quantities of Powder and other Ammunition are yearly Imported into this Jurisdiction for our necessary use and defence; To the end the same we resolve may not be abused, nor our selves Deprived of the just and necessary use thereof;

A. 17. p. 2.

It is hereby Ordered and Enacted; That all Merchants or others, that shall import into this Jurisdiction either Powder, Lead, Bullets Shot, or any Ammunition whatsoever, shall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of such Goods, who is hereby enjoyned to take particular notice of the same, with the Mark and Number, and faithfully to enter the same in a Book, and the Names of the Persons to whom they are sold, or into whose Custody or

Powder Import to be taken with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the said Notary is hereby prohibited, upon the penalty of one hundred pounds, to grant Certificate to any Merchase or other of any such Goods but such as he shall have particular notice of, and entered as aforesaid.

And to the end this Order may be duly observed, and that no person may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Castle shall upon the arrival of any Ship or Vessel in the Massachusetts Bay, from any foreign parts, give notice of the contents of this Order, to the Master or Merchant of any such Vessels, and the Constables of all other Port-Towns in this Jurisdiction, are hereby required to do the same. [1655.]

2. And it is further Ordered; That no person (except for the defence of themselves and their Vessels at Sea) shall transport any Gunpowder out of this Jurisdiction, without license first obtained from some two of the Magistrates, upon penalty of forfeiting all such Powder as shall be transporting or transported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

This Court, the Court of Assistants, or any Shire Court, shall appoint meet persons, from time to time in all needful places, who have hereby power granted them, to search all Persons and Vessels that are or any way shall be suspicious to them to be breakers of this Order, and what they finde in any Vessel or Hands, without license as aforesaid, to seize the same, and to keep the one half to their own use in recompence of their pains, and to deliver the other half forthwith to the Treasurer. [1645, 52.]

Prescriptions.

IT is Ordered, Decreed, and by this Court Declared; That no Customs or Prescription shall ever prevail amongst us in any Moral case, (our meaning is) to maintain any thing that can be proved to be Morally sinful by the Word of God. [1641.]

Prisoners, Prison, House of Correction.

IT is Ordered; That such Malefactors as are committed to any common Prison, shall be conveyed thither at their own charge if they be able, otherwise at the charge of the Country. [1646.]

A
SUPPLEMENT OF
LAWS AND ORDERS
PASSED BETWEEN
MAY 15th, 1672 and FEB. 16th, 1685-6.

MILITARY.

This Court taking into their serious Consideration the weight and necessity that lyeth on them, to see that all Souldiers, (especially at such a season as this) should be fitted with Armes, and well skild to use them; And because the welfare of each Military Troop and Foot Company, both in their being provided with, and knowledge of their use of Armes, lyeth very much on the Clerk of each Companyes carefull and faithfull observation and execution of his Office, in the reasonable and due levying of such Fines as are by Law due for defects, the neglect whereof too sad experience sheweth, hath done very great hurt in many Companyes, for preventing such Inconveniences for the Future;

This Court doth Order, That what Fines shall be due according to Law from any Souldier for defect, in either Armes or Trainings, which the Clerk or Clerks of the said Troop or Company shall not leave and gather into his hands, within one Month after the Training day on which the said defect is made, it shall be in the power of the Captain or chief Officer of that Troop or Foot Company to send the Marshal or Constable with an Execution, and leave the said Fines upon the Estate of any such Clerk or Clerks so defective, unless the said Clerk can make it appear to the Captain, that he or they have been hindered either by sickness or the absence of the person delinquent being out of Town.

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company shall once in six Months render a particular account to the Captain or chief Officers, of all such fines as are levied by the said Clerk, that the same may be disposed of for the good of the Company according to Law.

This Court considering our own State as to Fortification, how that our Forts and Artillery belonging to the Country, both in this Town of Boston, Charlestown, Salem and Marblehead do need much to repair them, that they may be fit for service if God should call thereunto;

Do therefore Order; That each of the Towns above-mentioned shall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finishing and repairing the several Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforesaid Towns. by them speedily to be improved for the use aforesaid.

WHeres divers Souldiers, who by Law are commanded to attend Military Exercise upon Training dayes in the Towns where they live, not having any visible Estate wherewith the Clerk of of the Company unto which they do belong can leave the fine due by Law, when they are delinquent either in Arms or Trainings, so often neglect the duty in holdinging Arms and Trainings, and do therupon carry it boldly and proudly to the Clerk and other officers; For punishment wherof

It is Ordered by this Court and the Authority thereof: That it shall

Souldiers here to be gathered by the Clerk of Troop or Foot Company with a warrant to be issued as Constables

Further allowance to Boston, Charlestown, Salem and Marblehead for the same

Several
LAWS & ORDERS
Made at the SESSIONS of the
GENERAL COURT

Held at Boston the 13th of October 1675. As also at the SESSIONS
of Court held at Boston the 14. of November 1675.

And Printed by their Order,

Edward Rawson Secr.

Indians Prohibited being in Boston.

WHEREAS notwithstanding the **COUNCILS** former Prohibition of all Indians coming to or remaining in the Town of Boston, we find that still there remains ground of Fear, that unless more effectual Care be taken, we may be exposed to mischief by some of that Barbarous Crew, or any Strangers not of our Nation by their coming into, or residing in the Town of Boston;

This Court doth therefore Order and Declare;

First, That from the Publication hereof, no person or persons whatsoever in the said Town, shall upon any pretence whatsoever, Entertain, Own or Countenance any Indian, under the Penalty of being a Betrayer of this Government.

Court hereby makes Prohibition Indians to be in Boston.

Secondly, That there be a Guard appointed at the end of the said Town towards Roxbury, to hinder the coming in of any Indian, until Application be first made to the Governour, or Council if fitting, and then to be admitted with a Guard of two Musketeers, and to be remanded back with the same Guard, not to be suffered to lodge in Town, unless in Prison: Provided, that if any Indian or Indians that shall be employed upon any publick message or business shall come up to the said Guard, they shall forthwith be conveyed to the Governour or Council, &c. by him

or them disposed of, and detained during their necessary stay for the dispatch of their business, and then to be conveyed as aforesaid.

Thirdly, That it shall be lawful for any person finding any barlay in Town without said Guard, to Apprehend and Secure him.

Fourthly, That Care be taken by the Military Watch to prevent any from coming by Water to the said Town, either from *Dorchester* or *Flexbury Neck* in Canoes, or otherwise, and that there be special Care taken of places where Ammunition is kept.

Fifthly, That Order be given to *Charlton Ferry* not to Land any Indian at the said Town without Order from the Governour, and then to be granted with two Mulqueeters.

Sixthly, That it shall be lawful for any person, upon any Indians approaching the said Town, either by Water or Land, without a Guard, as aforesaid to Apprehend and secure him.

Seventhly, That Accounts be taken of all Strangers, who are not his Majesties Subjects, and that they remain not in Town, unless Security be given for their Fidelity: And that none be admitted but upon the like Security: And that no Master of any Vessel bring in any without acquainting the Governour therewith and presenting their Passes in order to their Examination; who if upon their Examination can give no good Account of their business, and Security for their Good Behaviour, shall be sent to Prison, unless they do forthwith depart.

Eighthly, That it shall not be lawful for any Inhabitant, from the Declaration hereof, to Entertain any Stranger in his House, or for time to come, till this Order be reversed, without leave granted by Authority, upon the penalty of any Fine Authority shall see meet to impose: And the Commissioners, and the Schö Men, and Captains of *Bristol* are Ordered and Required respectively to have a special Care that this Order in the several parts thereof be duly observed and attended.

WH^{ereas} it is found by Experience that Troopers and Pikemen are of little use in the present war with the Indians, now for the Improvement of them to meet or better Advantages:

It is Ordered by this Court and the Authority thereof; That all Troopers shall forthwith furnish themselves with Carbines and Ammunition proportionable, and also be liable to be Imprised by the Governour of *Malina* in the Towns where they live to serve as foot Soldiers during the said war; Provided always that one fourth part of the Troopers in each Town be reserved for the use of the Country as such. And all Pikemen are hereby required forthwith to furnish themselves with Fire Arms, and such quantity of Ammunition from time to time as the Law requires Musketeers to be furnished with, any LAW, USAGE or CUSTOM to the contrary notwithstanding.

Law requiring Troopers to furnish themselves with Carbines.

That parts of Troopers liable to serve in the Towns they live.

Proviso to furnish with Ammunition.

A. C. C. C.

A thousand Fire Arms to be sent for,

WHence the great necessity of speed to supply of Fire Arms, Muskets and Carbines is too apparent in this time of War with the Indians;

It is Ordered by this Court, that a Thousand Fire Arms be accordingly procured with all convenient expedition for the use of the Country, Payment whereof to be made out of the publick Treasury to such Merchants as are agreed with for their procuring thereof by the Committee appointed by this Court for that end. And that the said Arms shall be proportionably distributed to the several Towns of the Colony: And the Select Men of the respective Towns are hereby enabled to raise Moneys to make payment to the Treasurer for their several Proportions.

A thousand Fire Arms to be sent for.

and way of pay mention them

Committee of Militia's Power to Garrison Towns.

IT is Ordered by this Court, That the Committees of Militia's in the several Towns throughout this Jurisdiction, they, or the major part of them, the chief Military Officer of the Town being present, shall settle and dispose the several Inhabitants of their respective Towns into such a posture as several Exigents appearing call for, and that into one or more Garrisons. All persons in the several Towns upon penalty of five shillings per day, being hereby obliged to labour in, and provide such Fortification or Fortifications as they shall agree upon; And all the Inhabitants to attend their places in such Fortification or Garrison as they are appointed unto, and in case of Alarm or Invasion, to appear at and for the defence of such places as by the Committee they are appointed unto: and no Inhabitant, or Soldier to leave his Station upon any employ whatsoever, but according to Order from the chief Officers.

power of Committees of Militia to Garrison the Towns &c. as above touch'd on, &c.

2. And that the several small Frontier Towns which are judged not able of themselves to bear the distresses of the War, shall have their Women and Children (except so many as are necessary to abide) removed unto the next Inland Towns, and be there improved for the best Advantage, and least charge, until further Order be taken, and Soldiers added to the said Towns for Garrison as shall be judged necessary by this Court, or Council of the Common-wealth, the said several Towns providing them with Victualing their abode

Committees pow-
er to inspect
Arms in their
Towns as stock,
&c.

Committees of
Militia to provide
in the Affair
of Arms.

3. That the said several Committees are hereby Ordered particulary to inspect the several Stocks of Ammunition and Arms in their several Towns, and the same to Alter, Augment and Dispose as they judgement.

And the Committees of Militia in the several Towns are hereby Authorized to Assess upon all such persons of Estate within their Towns (as well by the County Courts or Committees of Militia exempted from ordinary Trainings) so many Fire Arms, Muskets or Carbines, with a proportionable Stock of Powder and Ammunition, as the said Committees respectively shall appoint, to be alwayes kept in their hands, to be in a readyness for the Countries service, under the like penalties as the Law provides for the forfeiture of every private Souldier; and such Arms from time to time are to be surveyed and viewed by the Clerks of the Train'd Bands in the several Towns, who shall upon any defect levy the same Fines that the Law provides for particular Companies: And all such persons as shall be Assessed, and shall accordingly provide three Fire Arms, shall be freed from being sent abroad to the Wars, except in extrem and unusual necessity.

Troopers to pay Rates.

WHEREAS Troopers are exempted from paying Head-money and Rates for their Horses.

This Court judgeth it meet to resolve that Priviledge during this present War; And do Order that Troopers pay in that Case as others do (provided Troopers have their Priviledge for one Rate in the Year) And likewise the Castle Souldiers pay their Head-money as other men; Any LAW USAGE of CUSTOM E. to the contrary notwithstanding.

L A W S & O R D I N A N C E S
O F W A R R E,

Paſſ'd by the General Court of the Maſſachuſetts,
for the better Regulating their Forces and
keeping their Souldiers to their Duty, and to
prevent Prophaneneſs, that Iniquity may be
kept out of the C A M P.

1. **E**t no Man preſume to blaſpheme the
Holy & Blessed Trinity, God the Fa-
ther, God the Son, & God the Holy
Ghoſt. upon pain to have his Tongue bored with a
hot Iron.

2. Unlawful Oathes & Exccrations, & Scan-
dalous Acts in Derogation of Gods Honour, ſhall
be puniſhed with loſs of Pay, and other Punish-
ment at Diſcretion.

3 All thoſe who often & wilfully abſent them-
ſelves from the publick Worſhip of God & Pray-
er, ſhall be proceeded againſt at Diſcretion.

4 Whoſoever ſhall be Convicted to do his Duty
negligently & careleſly, ſhall be puniſhed at Diſ-
cretion.

5. No Man ſhall preſume to Quarrel with
his Superiour Officers, upon pain of Caſhiering &
Arbitrary Punishment: nor to ſtrike any ſuch
upon pain of Death.

6. No Commander or Souldier shall depart from his Charge or Captain without Licence upon pain of Death.

7. Every private Souldier upon pain of Imprisonment shall keep silence when the Army is to take Lodging, or when it is Marching or in Battalio, so as the Officers may be heard and their Commands executed.

8. No Man shall resist, draw, lift, or offer to draw or lift his Weapon against his Officer, (correcting him orderly) for his defence, upon pain of Death.

9. No Man shall resist the Provost Marshal, or any other Officer in the executing of his Office upon pain of Death.

10. No Man shall utter any words of Sedition or Mutiny upon pain of Death.

11. They that shall bear Mutinous Speeches, & not acquaint their Commanders with them, shall be punished with some grievous Punishment.

12. Drunkenness in an Officer shall be punished with loss of place, and in a private Souldier with such Punishment as a Court Marshal shall think fit.

13. Rapes, Ravishments, Unnatural Abuser, and Adultery shall be punished with Death.

14. Fornication & other dissolute Lasciviousness shall be punished with Discretion according to the quality of the Offence.

15 Theft, Robbery, shall be punished with restitution, and otherwise at Discretion.

16. Murder

16. *Murder shall be Expiated with the Death of the Murderer.*

17. *All Souldiers coming to their Colours to Watch, or to be Exercised, or to Service, shall come compleatly Armed, and then fixt upon pain of punishment.*

18. *If any shall negligently lose, or sinfully play away their Arms at Dice or Cards, or other-ways, they shall be kept as Pioneers or Scavengers till they furnish themselves with as good Arms.*

19. *None shall presume to spoil, sell or carry away any Ammunition committed unto him upon pain of Death.*

20. *No Souldier shall out-stay his Pass without a Certificate of the Occasion, under the hand of a Magistrate, upon pain of losing his Pay.*

By grievous Punishment is meant Disgracing by Cashiering, the Strappado, or Riding the Wooden Horse to fetch Blood.

Arbitrary Punishment, or Punishment at Discretion, is meant, not to extend to hazard Life or Limbe.



A T A

COUNCIL

Held at Boston, March 28. 1678.

W *Heres many Complaints have been made, that several Persons have been killed by such as have pretended to have shot at Fowls, Birds &c. and that in or near High-ways, and many take the field upon them, Towns and grown Persons, too frequently to shoot within the Limits of Towns, Orchards, Gardens, &c. with bullets, greater or smaller shot, on pretence of shooting at Hawks, Birds, Fowls &c. whereby Persons are endangered to be killed in their Gardens, Orchards, or adjacent Commons; To prevent such inconveniences and mischiefs for the future,*

It is hereby Declared and Ordered, That all or any Person or Persons of what age or Condition soever, that shall from henceforth presume to shoot off any Gun or Guns, charged with Bullet or Bullets, Swan, Goose, or other shot towards any Mark or place that the Militia in such Town or Towns have not appointed, or so near or into any House, Barn, Garden, Orchards or High-ways in any town or towns of this Jurisdiction, whereby any person or persons shall or may be killed, wounded, or otherwise damaged, such person or persons so offending, shall be proceeded against either as Murderers, or such as have wounded or damaged any person or persons in such place or places, shall be liable to answer it, and to make full satisfaction in all respects to such person or persons both for cure and damage; and be also liable to such further punishment as the Authority of the place that hath Cognizance of the offence shall appoint: And where either they be Servants or Youths under their Parents or Masters and shall not be able to make such satisfaction, such Parents or masters shall be liable to make full and due satisfaction in all respects: And the Select men of each town are hereby appointed to see that this be put in execut

By the Council, *Edward Rawson* Secr