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# Backgrounds of Selective Service

VOLUME II • PART 6



BACKGROUNDS OF SELECTIVE SERVICE

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# 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 6. MASSACHUSETTS ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

See also original p. 52

## CHAP XIV.

### *Military Affairs.*

**F**Or the better Regulating the Military Forces of this Colony, and Training our Souldiers for such Service as they may be called unto;

1. It is Ordered by this Court and the Authority thereof; That the Souldiers, whether Horse or Foot, within each County in this Colony, shall be a Regiment; and each Regiment be Commanded by a Sergeant Major: each Town having fixty Lifted Souldiers to be a Company, and have three Commission Officers, viz. Captain, Lieutenant and Ensign: And other Towns and Villages where there are less number of Lifted Souldiers, to be commanded

The Souldiers in each County to be a Regiment & commanded by a Serj. Major  
Companies their Officers

by

by

And how to  
be chosen.

by such Officers as the General Court shall see cause: The Major to be chosen by the General Court; the Captain, Lieutenant and Ensign, to be nominated and presented by the several Towns to the General Court, by them to be approved and commissioned: and all Commissions to be under the Seal of the Colony, and the hand of the Governour, and Subscribed by the Secretary.

All between  
sixteen & sixty  
to attend  
Trainings.

2. It is Ordered; That all Men between sixteen and sixty years of age constantly attend all Military Trainings, when duly warned, under the penalty of *three shillings* in Money, or equivalent thereunto for every neglect, to be collected; or for non-payment, to be Destrained by the Clerk of said Company, unless the next Training day after such neglect, they render their excuse to their Commission Officers; and they or the major part of them be satisfied therewith: Notwithstanding, such persons hereafter mentioned are exempt from Trainings, Magistrates, Ministers, Physicians, protest Schoolmasters, Secretary of the Countrey, Clerks of the County Courts, and Marshals, Constables, constant Herdsmen, and constant Millers; Master of Ships or Vessels, that are most employed beyond Sea, such as have three Natural Sons that are Listed Souldiers in the Company, and such as for Bodily Infirmary Excused by the County Courts; and that all Persons not exempt by Law, neglecting or not attending their Duties, that the Clerk cannot find, or that will not shew an Estate to the Clerk that he may destrain thereon, such Person or Persons shall be liable to such Military punishments as the Captain and Commission Officers shall see meet, according as the neglect may be circumstanced; and if they neglect two Training Dayes together, or twice neglect other such Service as is Legally required of them, and refuse to pay their fine or show an Estate to the Clerk, or render a sufficient Excuse to the chief Officers; it shall be lawful for the Captain or chief Officer, to send for such Person into the Field by a Constable, that there he may receive Punishment according to his Demerit; and the Constables in each Town are required to yield Obedience to such Orders, unless such Person shall Appeal to a Council of War, and give security to prosecute the same, to abide by their determination.

Who are ex-  
empted from  
them

How they are  
to be punish-  
ed who ne-  
glect Train-  
ings & refuse  
to pay their  
fines

Fines to be im-  
proved for sup-  
plying the  
Company.

3. It is further Ordered, That all fines for neglecting Training, Watch; ing or Warding, defect in Arms, and all other Military fines shall be improved for the supplying the Company with Drum or Drums and Colours, and otherwise disposed of for the good of the Company, according to the direction of the Major part of the Commission Officers of each Company.

How every  
Person of six-  
teen years old  
is to be provid-  
ed with Arms  
and Ammuni-  
tion

4. It is further Ordered, That every Male Person within this Colony, of what Rank or Quality soever of sixteen years of Age and upwards, shall alwayes be provided with, and keep well fixt and fit for Service, a good Fire lock Musquet not exceeding four foot three inches Barrel, nor shorter than three foot nine inches, nor under bastard Musquet Bore, or to the satisfaction of the Commission Officer; a Priming Wyre and Worm, and also with a good Sword or Cutlase, one pound of Powder, twenty Bullets suitable to his Piece, Bandileers or Cattouch Box, and thirty Flints; under the penalty of *ten shillings* fine for want of a well fixt Musquet, and *two shillings* a piece for every other Defect.

Four dayes in  
a year for Ex-  
ercising, and  
how to be war-  
ned.

5: Also that every Captain or chief Military Officer in every Town or Village, do every year call forth the Souldiers to Exercise in Motions and Use of Arms, shooting at Marks, or otherwise according to his best Direction. It shall be counted lawful warning if the Serjeant or Clerk by Order or Warrant from their Superior Officer, give notice at a publick Town meeting



or by writing set up publickly three dayes before the day appointed for Training, or any other way that may be agreed on by the Major part of the company; and every Souldier is to appear upon such warning compleat in his Arms at his Colours or usual place of meeting at eight a'clock in the Morning, and if they exceed nine a'clock, the time to be judged by the Commission Officers, then to pay *one shilling* fine to the use of the Company, and to be demanded; and upon refusal or non payment, to be Levied by the Clerk on the Party that is the Delinquent.

6. Ordered, That all Souldiers, Inhabitants of the Town that are *twenty one* Years of Age, and have taken the Oath of Fidelity or Free-mans Oath, shall Vote for the nominating of Persons to present to the Court for Commission Officers, for chusing of Serjeants for the Company, and likewise for a Clerk.

Who are to Vote for persons to be presented to the Court for Commission officers

7. Ordered, That whosoever of said Company shall be chosen Clerk as before, and shall refuse said Office, shall pay *forty shillings* fine in Mony value to the use of the Company, and the Company to chuse another; and no man shall be compelled to serve above one year in five; and that the Clerk for his Encouragement and Trouble shall have one quarter part of all fines; he shall attend the Company the whole day; call over the List at the Captains or chief Officers appointment, to take notice of all such as are absent and other Neglects and Offences in time of Exercise: Said Clerk to demand and receive, or for non payment, to distraint for all fines in thirty dayes after they are payable by Law, and three Months after such time the Clerk to be Accountable for all fines, and stand charged therewith, deducting his own part, and to dispose of the other parts as he shall have Order from the Captain or chief Officer; and upon his refusing or neglecting to pay what shall be due, as aforesaid, it shall be Lawful for a Constable, by Warrant from under the hand of said Captain or chief Officer to Levy the same out of said Clerks Estate.

his fine that refuseth the office of a Clerk

Clerks work duty and recompence

8. It is Ordered, In case of the Clerks distraining for any fine, they may do it by virtue of their Office without Warrant, and shall observe the Law in such Case provided.

The Clerk may distrain by virtue of his Office.

9. Also the Commission Officers, or major part of them shall have power to punish such Souldiers as shall commit any disorder or contempt upon the day or time of Military Exercise, or upon Watch or Ward, by any Military punishment, or by fine not exceeding *twenty shillings*, and upon any great Offence may refer the same to the determination of the Council of War.

Commission of officers power

10. Ordered, That at least *once a year*, one of the Commission Officers, together with the Clerk and any other of the Officers he shall see cause to take with him, shall from House to House view the Arms and Ammunition of all persons lyable by Law to keep Arms, and exact the fine of all such as they find not fixed, and provided as the Law requires.

Who & how oft to view Arms & Ammunition

*County.*

11. Every Town Defective, in or wanting a Drum, or if Sixty Families have not two Drums in two Months, to pay a fine of *forty shillings* to the

penalty for defect of Drums.

12. That every Town provide Colours, Drums and Halbarts for the use of the Company; the same to be maintained by the fines, if they amount to enough for the doing of it, and other necessary charges of the Company, otherwise to be supplied by the Town.

Colours, &c. how to be provided, &c

13. That there shall be a standing Council of War, or Court Marshal.

council of war  
or Court Mar-  
shal its consti-  
tution.

in the Colony, consisting of the Governour and Deputy Governour, Assistants, the Majors of the several Regiments, and three others to be appointed by the General Court, one out of each County, the major part whereof or so many in any suddain Exigence as get together, shall make a valid Act of any thing within their Power, provided there be five at the least agreeing thereunto.

Its power

The said Council of War by Warrant to Impress Men, Horses, Carts, Provisions or other necessaries for any Expedition or Military Occasion, to proportion the number of Men, by each Town to be sent forth in any Service, to give Directions & Orders to Military Commanders, & if need require to appoint and Commissionate, to send forth as there may be occasion, to hear and determine all Appeals from the Sentence of Commanders of Companies, or matters by such Commanders referred to their Determination, and punish Offenders referred to them.

What Stock of  
Arms & Amu-  
nition for the  
Colony.

14. That there be provided a Stock of Arms and Amunition for the Colonies Service, the quantity to be determined by the Council of War, and by them to be disposed and secured.

For the particu-  
lar Towns.

That every Town, for every thirty of their Listed Souldiers, or proportionably provide thirty pounds of Powder, one hundred and thirty pound of Bullets; one Hoghead of Flints, two Muskets, six Cartouch Boxes; on penalty of *five pound* to be paid by each Town defective to the Major of the Regiment where the defect is; and by him with the Captain or chief Commander, or major part of them, to be disposed of by them for the use of said Regiment; said Major with two of the Captains Annually to inspect every Town Stock within their Regiment and where defective, by Warrant from the Major and said two Captains to the Marshal, to demand the fine of any Man of said Town; and upon non payment to detain the fine of any Man of said Town, and he to have the same, and his Damage to be made good by the Town upon Complaint to the County Court, and they to Order the same.

Military Watches  
and Wards

15. That in times of Danger there shall be Military Watches set in each Town, and Warding according to the discretion of the chief Commander or Town Council, or such other Orders they may receive from Superiour Officers of Council of War; and all Persons liable to Train shall be lyable to attend the same, on penalty of *three shillings* a Day, and *three shillings* a Night for their Neglect: None in time of Danger shall force himself upon any Sentinel upon the peril of his Life, being warned three times to stand.

Alarms how  
to be attended

16. That in case an Alarm orderly made, every listed Souldier forthwith shall repair to his Colours or place of Parade, compleatly Armed and fitted according to Law, under the penalty of *five pounds* to be paid, &c. and that they shall there attend such Service as they shall be appointed by their Commander, on pain of suffering such punishment as a Court Marshal or the Council of War shall inflict. An Alarm shall be by shooting of two Guns distinctly, and crying Arm, Arm, Arm: The Alarm shall be taken and carried from Neighbourhood to Neighbourhood, and so from Town to Town; and the Shooting of said Guns, or giving Order for the Alarm, Horse and Man forthwith dispatched to the Magistrate, Deputy, Select men or Constable of the next Town to inform them of the occasion; who shall forthwith send to the next Town, and so from Town to Town throughout the Colony, who shall take the Alarm, and put themselves in a Posture of Service as there may be Occasion.

What to be  
taken for an  
alarm.

17. That

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17. That the Magistrate, if there be any ; the Commission Officer or Officers, and three more of each Town, to be by the Town chosen to be a Town Council; and them or the major part of them to dispose of the Arms and Ammunition of the Town, and give Orders what to be done in case of Alarm or sudden Exigence, which shall be attended with farther or other Order from the Major or Council of War.

Town Council  
their constitution & power

18. That the Major of the Regiment, as there may be occasion, to call together the Captain and chief Military Officers to consider of any thing that may conduce to the good of a Regiment, and well ordering of the same.

The Major to  
call his officers  
to consult

And that there be Regimental Musters of the Souldiers of each Regiment once in three years; *First* of *Plimouth* Regiment, *Secondly* of *Barnstable*, and *Thirdly* of *Bristol*, and so from time to time successively.

That if a competent number of suitable persons present for a Troop of Horse within any the said Counties, they shall be encouraged, and suitable Officers being by them presented, shall be Commissionated; and the Troopers to Exercise four days yearly, on penalty of *ten shillings* every neglect; and in case of an Alarm, said Troopers forthwith to attend the Major of the Regiment, in order to further Service; each Trooper to be provided with a good Horse, Carbine, a pair of Pistols, Holsters, and other Accoutrements, requisite for a Trooper, on penalty of *ten shillings* for every defect: the fines for the use of the Troop; and all Officers to be chosen, and Clerk to act as in Orders in Foot Company.

Liberty for a  
Troop

It is Ordered, That none that hath been, or is Commission Officer, shall be obliged to Serve as a private Souldier; or any Military Officer other than a Commission Officer.

Privilege of  
Commission  
Officers

Ordered, that if any single person, through idleness, or otherwise, neglect to provide himself Arms, a Magistrate, or the Select men, shall put him out to Serve for Arms according to their discretion.

For idle persons  
not providing Arms

Ordered, That if any Man be sent forth as a Souldier, and be maimed in the Service, that he is disabled from following his occasions; he shall be maintained by the Colony whilest he lives, according to his quality and the capacity in which he Served: And when Dead shall have the Burial of a Souldier.

Maimed Souldiers  
to be provided for,

Q

CHAP.