

An Ordinance for Establishing and  
Regulating the Militia within the Island  
of Caputponen and its Dependancies.

Whereas His Majesty's Royal  
Instructions to His Honor the Lieutenant Governor  
of this Island and its Dependancies directed  
Militia to be Established as soon as possible,  
And whereas it is thought necessary in con-  
formity to the Royal Mandate that the  
Inhabitants should be immediately enrolled  
and arrayed and put under such Rules and  
Regulations as may render them a useful  
Militia for preserving from encroachment  
the peculiar advantages arising from the  
extensive Fisheries on this Coast and for defending  
this Island against any violence or Invasion  
whatsoever, which will equally tend to the  
security of the lives and Properties of its  
Inhabitants and to the Honor and Service of  
our most Gracious Sovereign

Be it therefore ordained and ordered  
by His Honor the Lieutenant Governor by and  
with the advice and Consent of His Majesty's  
Council, and by the authority of the same That  
as soon as the Governor, Lieutenant Governor  
or Commander in Chief for the time being shall  
issue orders for that purpose all Male Persons  
Planters and Inhabitants and their Servants  
except Slaves between the Ages of fourteen  
and Sixty residing in and belonging to this  
Island and its Dependancies shall bear Arms

Preamble

All

male Persons between the ages  
of 14 and 60 - shall bear  
Arms in the Company they  
shall be enrolled in -  
when the Governor shall issue  
his orders to that effect

and

and duly attend all Muster and Military Exercises of their respective Companies wherein they shall be enrolled or to which they belong allowing three months time to every son after coming to the age of fourteen and to every

Indentured Servant so long after his time is out to provide himself with Arms and Ammunition.

2<sup>d</sup>

The Clerk of each Company once every Quarter shall take an exact List of all Persons living within the District of such Company and present the same to the Captain or Chief Officer on pain of forfeiting forty Shillings for each default to be paid to His Majesty to be applied to the use of the Company and in case of non payment to be levied by Distress and Sale of the offenders Goods by Virtue of a Warrant from the Captain or Chief Officer who is hereby im-  
powered to Grant the same.

3<sup>d</sup>

That every Person enrolled in any Company shall attend all Duties in such Company until regularly discharged or removed out of the District of such Company, and in case of Removal into the District of another Company he is to produce to the Chief Officer of his former Company a Certificate under the hand of the Captain or Chief Officer of the District wherunto he is removed that he is enrolled there.

4<sup>th</sup>

If any Person shall be enrolled as aforesaid

Persons arriving at the age of 14 and servants indentured ending - to be allowed 3 months to provide Arms & Ammunition

The Clerk once a Quarter to give a List of all Persons living in the District to his Captain on pain of forfeiting 40 Shillings

Persons changing their place of residence to produce a certificate from his Captain of his being enrolled - to the Captain of the District he goes unto

do prevent himself by shifting from House  
to House or place to place from being so  
enrolled he shall pay a fine of Ten Shillings  
for every such offence to the use of the Company  
being convicted thereof before any one of His  
Majestys Justices of the Peace for the County  
wherin the the Offence shall be committed.

Persons avoiding being  
enrolled to be fined 10<sup>s</sup>

5<sup>th</sup>  
That every enrolled Militia Soldier or other  
Householder residing as aforesaid shall if not  
already furnished immediately, or as soon as  
Arms shall be so be purchased in this Governm<sup>t</sup>  
provide himself and at all times thereafter be  
provided with proper and sufficient fire  
Arms, consisting of a Musket Gun or Fusil,  
two spare flints, twelve Charges of Powder  
and Ball suitable to his respective Arms  
and to the satisfaction of the Officer commanding  
the Regiment or Company to which they  
respectively belong or penalty of Forty Shillings  
for want of such Arms as are hereby required  
and two Shillings for each other defect  
appertinent and the like sum for every  
four Weeks he shall so remain unprovided or  
deficient. The Fine to be paid by Parents for  
their Sons under age and by Masters or Heads  
of Families for their Domesticke or Servants  
other than Servants upon Wages or Slaves to be  
levied on the Goods and Chattels of the Offender  
or Offenders their Parents Masters or Trustees  
by Warrant under the hand and Seal of one

Militia Men shall as  
soon as possible provide  
a Musket 2 Hunts & B  
Charges of powder & Ball  
to the satisfaction of his Officer  
penalty 40<sup>s</sup>

or more of His Majesty's Justice of the Peace for the County wherein the Offence shall be Committed and for want of sufficient Distress such Offender or Offenders to suffer one Month imprisonment and hard Labour.

on failure of property one month's imprisonment and hard labour

6<sup>th</sup>  
That Regimental Musters shall be made at least once in every six Months or as often as shall be required by the Governor, Lieutenant Governor or Commander in Chief for the time being and every Officer Commanding any Regiment or Company shall be obliged on Penalty of five Pounds to draw forth the Officers, non Commissioned Officers and Privates thereof, or cause them to be drawn forth once in every three Months or as often as shall be directed by the Governor or Commander in Chief for the time being, to Exercise and Instruct them in the use of Arms according to such Motions and Evolutions as the Governor or Commander in Chief for the time being shall think fit to direct, and any Person liable to be trained having three days Notice thereof and not appearing and attending the same shall for each days neglect pay a Fine of five Shillings.

Musters to be every six months or as often as required by the Governor. The Officer commanding a Regiment or Company shall cause exercise once in every three months  
penalty 5 £

non attendance after three days notice -  
penalty for every neglect 5 Shillings

7<sup>th</sup>  
That the Commissioned Officers of every Company or the major part of them may order the Arresting and punishing disobedience or Contempt on a training

Officers may order punishment for disobedience or contempt on a training day

or on watch, not  
exceeding commitment  
to hard labor for 40 hours  
or 5' fine

training day or on a Watch the punishment  
not being greater than commitment to hard  
labor not exceeding forty eight hours or  
five shillings fine

8<sup>th</sup>

That there be Militia Watches appointed and  
kept at such times in such places in such  
numbers and under such Regulations as the  
Governor or Commander in Chief for the time  
being by and with the advice of His Majesty's  
Council shall direct, and all Persons able of  
body and upwards of sixteen years of age  
shall by themselves or some proper Person in  
their stead, to the satisfaction of the Commanding  
Officer of the Watch attend the same on Penalty  
of Ten Shillings for each default there having  
been due warning given.

Governor & Council to  
appoint Militia Watches  
non attendance 10' fine

9<sup>th</sup>

That the Persons hereafter named be exempted  
from all trainings except such as shall receive  
Commissions in the Militia viz: The Members  
of His Majesty's Council, The Chief Justice and  
Judges of Courts of Record, Justices of the Peace  
Attorney General, Clerk of the Crown, Register  
of the Province, Clerk of the Council and his Deputy  
Chief Surveyor of Lands, Naval Officer and  
his Deputy or Clerk, the Secretary, Ministers of  
the Gospel, Provost Marshall, the Collector  
Comptroller and Surveyor of the Customs and the  
Master, constant Ferryman or Miller to each  
Grist Mill, the general constant Town Rindman

and

Person, exempt from  
serving in the Militia

and lame Persons or otherwise disabled in body producing a certificate thereof from two able Surgeons.

10<sup>th</sup>

Exemption

That the Members of His Majesty's Council and Judges of the supreme Courts of Record and Principal Custom House Officers, be and hereby are exempted from military Watching and Warding.

11<sup>th</sup>

Commanding Officer  
to appoint Sergeants and  
Corporals persons refusing  
to wear to pay a fine of 40<sup>s</sup>

That the Colonels or Commanding Officers of Regiments shall and are hereby fully empowered to nominate and appoint proper Persons to serve as Sergeants and Corporals in their respective Corps, and such Persons who shall be so nominated and appointed to serve as a Sergeant or Corporal and refusing so to serve shall pay a fine of forty Shillings and another shall be chosen in his room and so on until one do accept.

12<sup>th</sup>

That twice every year or oftener if required by the Governor or Commander in Chief or Commanding Officer of any Corps every Captain or Chief Officer of each Company shall give orders for a diligent enquiry into the State of his Company and for taking an exact List of the names of his Soldiers and other Inhabitants within the limits of his Company and of the defects of arms or otherwise and names of the defective Persons that they may be prosecuted as the Law hath provided; and that such Law may be taken as is proper to remedy the same.

Proper Reviews of  
Arms to be had and  
exact Lists taken of  
Inhabitants, as well as  
Souldiers twice  
a year

and lame Persons or otherwise disabled in body producing a certificate thereof from two able Surgeons.

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Proper Reviews of  
Arms to be had and  
exact Lists Taken of  
Inhabitants, as well as  
Muskets twice  
a year

13<sup>th</sup>

That such Person as by the Commissioned Officers of any Company shall be appointed Clerk and shall refuse to serve shall pay of Fine of forty Shillings and another Person be chosen in his room and so on until one do accept which Person shall be under oath for the faithful discharge of his Office to be administered unto him by a Justice of the Peace in the words following. "You do swear truly to perform the office of Clerk of the Militia Company under the Command of <sup>the</sup> Captain to the utmost of your skill and power in all things appertaining to your office according to Law. So help you God."

Clerk refusing to serve  
to be fined 40<sup>s</sup>.

Clerks Oath

14<sup>th</sup>

And for every Distraint made by the Clerk for any Fine not exceeding Forty Shillings he shall have one quarter part for his pains and trouble: But no Clerk shall make Distraint until six days after the Offence has been committed in order that the party may have opportunity to make excuse why he should not pay the Fine And every Clerk upon Ten days notice shall account with and pay the Captain or Chief Officer what Fines he hath received his own part being deducted, and on neglect or refusal thereof such Captain or Chief Officer may issue a Warrant directed to the Constable to Distrain on the Clerk for so much as he hath or should have collected or distrained for.

of  
all fines not exceeding 40<sup>s</sup>  
one Quarter part is the Clerks

Clerks account for  
Fines to his Captain

15<sup>th</sup>

That all Commissioned and non Commissioned Officers and Privates give obedience to the  
Warrants



Warrants or Commands of their Superior Officers  
 The Commissioned Officers in the penalty of five  
 Pounds. non Commissioned Officers Twenty Shillings,  
 and Privates Ten shillings to be heard and  
 determined at a meeting of the Chief officers  
 and Captains of the Regiment to be convened  
 by the Commanding Officer thereof and the Fine  
 to be taken by Cistrops and sale of the offenders  
 Goods. by Warrant from the Chief officer of the  
 Regiment directed to the Clerk of the Company  
 to which such Offender belongs and to be applied  
 to the use and benefit of such Company as  
 the officers so met shall determine - These  
 Expenses not exceeding Twenty Shillings  
 being first paid out of the same.

Due obedience to be observed - penalties  
 Commissioned Officers 5 £  
 Non Comm - 1 £  
 Privates . 10<sup>s</sup>

16<sup>th</sup>  
 That alarm being made upon such cause  
 at such times and at such places as are con-  
 formable to Instructions to be given by the  
 Governor or Commander in chief for the time  
 being, All Persons as well enrolled Militia Men  
 as others capable of bearing Arms shall  
 forthwith appear complete with their Arms  
 and Ammunition according to Law at such  
 place or places of Rendezvous as may from time  
 to time be appointed by the Governor or Commander  
 in chief for the time being, then to attend such  
 Commands as shall be given for His Majesty's  
 Service, and that on neglect or refusal to attend  
 without reasonable excuse shall on conviction  
 forfeit and pay a penalty of five Pounds or  
 suffer three Months imprisonment. The  
 Members of His Majesty's Council, Judges

Alarms  
 to be paid by the Governor  
 and upon being made  
 failure of attendance  
 5 £ or three months im-  
 prisonment

Persons to attend the  
Governor when alarm is  
made

Money General, Justice of the Peace and Provost  
Marshall to attend upon the Governor, Lieutenant  
Governor or Commander in Chief for the time being  
and to advise with the Chief Military Officers of the  
place where such alarm shall be made and to be  
assisting in His Majesty's Service according to  
their Quality. And if any Person shall wilfully

Persons making false  
alarm

Penalty 50£ or twelve  
months imprisonment

make any false alarm he shall be Fined to His  
Majesty Fifty Pounds for the support of this  
Government or suffer twelve months imprison-  
ment.

Persons exempt from  
serving to be recruited  
provided with Arms &  
Ammunition

17<sup>th</sup>  
That all Persons exempted by this Ordinance from  
training shall notwithstanding be provided  
with Arms and Ammunition compleat upon  
the same penalty as those who are obliged to train.

Persons to be prosecuted  
within three months after  
committing an offence  
against this Act

18<sup>th</sup>  
Provided that no Person or Persons whatsoever shall  
be sued prosecuted or his Goods and Chattels liable  
to any Seizure by Virtue of any Clause in this  
Ordinance but within the space of three months  
after the committing the respective facts hereby  
made Offence, and not at any time after the  
said three Months.

All Fines to the King  
or the benefit of the Corps  
as they shall direct

19<sup>th</sup>  
All Fines, Penalties and Forfeitures arising by  
Virtue of this ordinance or any breach thereof (not  
otherwise disposed of therein) shall be to His  
Majesty for the use of the Regiment or Company  
respectively wherein the same doth arise in such  
manner as the Governor, Lieutenant Governor or  
Commander in Chief for the time being shall

direct

direct. the same to be recoverable by Fiction  
 Bill Naint or Information in any of His Majesty's  
 Courts of Record. And that all Fines and forfeitures  
 be Reported every six Months to the Governor,  
 Lieutenant Governor or Commander in Chief  
 for the time being by the respective Commanding  
 Officers of Militia Corps.

Report of Fines to be  
 made to the Gov by the  
 Comm<sup>d</sup> Officer every  
 six months

20<sup>th</sup>

And least doubts should arise whether the  
 Militia are oblig'd in Cases of Invasion or  
 sudden Attack from an Enemy or imminent  
 danger thereof to go on board Boats or other  
 Vessels to repel an Enemy or to the assistance  
 of the neighbouring Ports and Harbours of this  
 Island when attacked or in danger of being  
 attacked as aforesaid. Be it ordained and ordain'd  
 by the Authority aforesaid that whenever the  
 Commanding Officer of any District shall  
 discover or have certain information of the  
 approach of an Enemy it shall and may be  
 lawful and he is hereby authoris'd to impress  
 any Boat Vessel or Shallop that he may Judge  
 necessary to convey Intelligence thereof to the  
 Governor Lieutenant Governor or Commander  
 in Chief for the time being as also to the Ports  
 and Districts adjacent and that if it should  
 be found Expedient for the safety and Preser-  
 vation of this Island and the Inhabitants  
 thereof to embark the whole or any part of  
 the Militia under his Command on board such  
 Boats or Vessels as he can obtain or Impress  
 he is forthwith to embark the same and  
 to

Command Officers of  
 Districts may impress Boats  
 Vessels or Shallops to convey  
 intelligence in cases  
 of Invasion &c

or embark the Militia  
 to repel an enemy

To use every means in his power either afloat  
 or on shore to repel the Enemy and effect the  
 purposes above mentioned provided that the  
 Emergency will not admit of waiting for orders  
 and Instructions from the Governor, Lieutenant  
 Governor or Commander in Chief for the time  
 being.

provided the Emergency  
 will not admit of waiting  
 for orders

Approved, ordained and ordered accordingly  
 in Council this fifth day of December  
 1707 in the Twenty eighth year of His  
 Majesty's Reign.

W. Macarthur

Passed in Council this  
 5<sup>th</sup> day of Decr. 1707.  
 R. Gibbons.

Attest copy faithfully compared  
 with the original ———— A. Moxley