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C O L O N Y  
O F  
Rhode-Island,  
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A M E R I C A.



B O S T O N, in N E W E N G L A N D:  
Printed by John Allen, for Nicholas Boone, at the Sign of the  
B I B L E in Cornhill. 1179.



# L A W S

Made and Pass'd by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations, in New-England, begun and Held at Newport, the Seventh Day of May, 1718. and Continued by Adjournments to the Ninth Day of September following.

AN ACT, to prevent Indians being Sued for Debt.

**W**HEREAS several Persons in this Colony, out of Wickd Covetous and Greedy designs, often draw Indians into their Debt, and take unjust advantages of their inordinate Love of Rum, and other Strong Liquors, by Selling the same to them, or otherwise to take advantages by Selling them other Goods at Extravagant Rates upon Trust, whereby said Indians have been Impoverished, to the dishonour of this Government.

For the preventing thereof for the Future,

**B**E it Enacted by the General Assembly of this Colony, and it is hereby Enacted, That from and after the Publication of this Act, no Process shall be Granted, nor Suit be Received or Lye before any Justice or Justices of the Peace, Assistants or Courts of Tryals in this Colony, against any Indian or Indians for Debt, to be made or Contracted by such Indian or Indians, at any time or times after the Publication hereof; and that no Indian shall be Bound an Apprentice or Servant to any of His Majesties Subjects, without the Consent, Allowance and Approbation of Two Justices of Peace of this Colony, and for good consideration there for, and Testified to, under the Hands of such Justices; any Law, Custom or Usage to the contrary, in any wise notwithstanding.

No Indian be trusted up any account whatsoever. Whosoever Trusts an Indian loses his Debt. No Indian to be a Servant, but for a good consideration.

**W**HEREAS the Body of Laws for Settling and Regulating of the Military Forces within this Colony, are increased to so Great Number by reason of the many Wars, which from time to time this Colony hath so engaged in against French, Indians and other Enemies, which hath rendered many of them Useless, and may be for the Future Prejudicial, if not Repealed.

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, and it is hereby Enacted, That all Acts heretofore made, Relating to the Militia, or appointing Officers of the same, Be hereby and Absolutely Repealed and Declared Null and Void, and that for the future the following Order, Regulation and Rules Relating to the same, be Kept and Observed by all Persons in this Colony.

B b

First

Laws



First, it is Enacted and appointed, that all Male Persons Residing for the space of Three Months within this Colony from the Age of Sixteen, to the Age of Sixty Years, shall bear Arms in their Respective Train-bands or Companies whereto by Law they shall belong, Excepting only all Persons that shall have Served in the Place of General Officers, Justices of the Peace or other Commission Officers, one Minister or Teacher of each respective Congregation in each respective Town, all Sworn Practitioners in Chirurgery and Physick, all Apothecaries and School-masters, and also one Miller to each Grist Mill, one Ferry-man to each stated Ferry, one Goaler to each of His Majesties Goals in the Colony, and all those that have lost one of their Eyes, or disabled by Lameness, and all Persons that are under Oath or Engagement to any Office.

All persons to Train, from Sixteen to Sixty. These only excepted.

AND it is hereby Declared and Enacted, That the Governour of this Colony the time being, shall be the Captain General and Commander in Chief, of and over all the Military Forces within this Colony, and the Deputy Governour for the time being shall be Lieutenant General of the same.

Captain General, and Lieutenant General appointed. The Militia divided into Companies.

AND be it further Enacted by the Authority aforesaid, That for the better Ordering and Training up the Inhabitants of this Colony, that the several Companies or Train'd-bands, shall remain in the Stations and Bounds and Division by the which they have been heretofore Divided Known & Distinguished, until some further or New Division or Bounds be Stated Appointed or Limited by lawful Authority.

That is to say, Three Companies in the Town of Newport, Three Companies in the Town of Providence, one Company in the Town of Portsmouth, one Company in the Town of Warwick, Two Companies in the Town of Westerly, one Company in the Town of New-Shorcham, Two Companies in the Town of Kingstown, one Company in the Town of East-Greenwich, and one Company in the Town of James-Town.

AND be it further Enacted by the Authority aforesaid, That the Militia of this Government be, and it is hereby Divided into Two Regiments. That is to say, The Militia of Rhode-Island, New-Shorcham, alias Block-Island, Conanicut, Prudence and Patience-Island be one Regiment, and shall be the First and Eldest Regiment; and the Militia on the Main-Land in this Colony, shall be one other Regiment; and shall be the second and youngest Regiment; each of which Regiments shall be Govern'd, Guided and Led by one Colonel, one Lieutenant Colonel, and one Major, which shall be Annually Chosen for each Regiment by the General Assembly of this Colony, during their Sitting on the First Wednesday of May annually; and that each Company or Trained Band in each of the aforesaid Regiments, shall be Guided, Conducted and Led by one Captain, one Lieutenant, and one Ensign; the which shall annually be Elected and Chosen by the General Assembly of this Colony, during their Sessions on the First Wednesday of May annually; all which Military Officers so Chosen as aforesaid, shall be Commissionated by the Governour of the Colony for the time being, under the Seal of the Colony: And if any Colonel, Lieutenant Colonel, Major, or other Commission Officer Chosen as aforesaid, shall refuse to Serve in such Office, to the which he shall be Chosen, or shall happen to Die; that then and in such cases, it shall and may be lawful for the Governour, or in his absence, for the Deputy Governour, by and with the consent of the General Council, at any time when the General

And into 2 Regiments. Each Regiment to be Led by one Colonel, Lieutenant Colonel and Major to be appointed by the Assembly. Each Company to have one Captain, Lieutenant & Ensign to be appointed by the Assembly. The Governour's power to appoint Officers, if they Die.

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neral Assembly shall not be Sitting to chuse and appoint so many other Officers to Serve in the room and stead of those that shall refuse or Die as aforesaid, until the first Wednesday of May next ensuing such choice and appointment; the which Officers so Chosen, shall be Commissionated as above-said; and before any Military Officer shall Enter upon the Execution of his Office, he shall take the following Oath or Engagement.

The Form of the Engagement of Military Officers.

**Y**OU A. B. Being by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations, Chosen and Elected unto the Place and Office of *of* Do solemnly Engage true Allegiance unto His Majesty, King George, His Heirs and Successors to bear, & also good Fidelity to this His Majesties Colony, and the Authority therein Established, according to our Charter. And you do also further Engage, well and truly to Execute the Office of *to the which you are Elected according to your Commission, and to perform and observe the Laws made and provided for the support, and well ordering of the Militia, without partiality; and that you will observe and follow such Orders and Instructions as you shall from time to time receive from your Superiours.* And this Engagement you make and give upon the Peril of the Penalty of Perjury.

*The Engagemnt of Military Officers.*

**AND** be it further Enacted by the Authority aforesaid, That it shall and may be in the power of a Captain, Lieutenant and Ensign, of each respective Company, to nominate and appoint a Clerk, and all other Inferiour Officers as shall be requisite, for the management of their respective Company; the which Clerk so chosen, shall be under Oath or Engagement, for the performance of his said Office, and the Captain of each Company is hereby Impowered and Required, to administer the same; the which Oath shall be in the Form following.

*The Captain, &c. of each Company to appoint Inferiour Officers.*

**Y**OU A. B. Do solemnly Engage well and truly to perform and Execute the Office of Clerk of the Company, or Train-Band, under the Command of C. D. to the utmost of your skill and ability, without partiality, according to the Laws of this Colony, as Relate to your Office.

*The Clerk Engagemnt.*

**AND** be it further Enacted by the Authority aforesaid, That every Lited Soldier of the said Militia, shall be always provided with one good Musker, or Fuzee, the Barrel whereof not to be less than three foot and an half in length, to the satisfaction of the Commission Officers of the Company; also one pound of good Gunpowder, thirty Bullets, fit for his Gun, six good Flints, fit for Service; one good Sword, or Baionet, a Cartouch Box, ready fitted with Cartridges of Gunpowder and Bullets, on the penalty of Three Shillings, for each time he shall be found not provided as aforesaid; the which shall be Distrained by the Clerk of the Company, by Warrant from the Captain of said Company, and Six-pence more for such Distrain, upon the Goods and Chattels of such defective person, to and for the use of such Company.

*The Accomment of the Militia. Whoever neglects the same, shall pay Three Shillings. To be taken by Distrain.*

**AND** be it further Enacted by the Authority aforesaid, That the Captain of each respective Company or Train-band or in his absence, the next Superiour Officer, shall lawfully Warn and Call together the Company under his Command

*The Captain, &c. to call together his Company.*



The number of days.

mand, and Exercise them in Martial Discipline, two Days in each Year in time of Peace and Four in War; which Days shall be at his own appointment, the first of which Warnings shall be by a Warrant directed to the Corporals, to Notice them to appear compleatly Accoutred as aforesaid, and other Days according to his own Discretion.

Three Shillings Fine for neglect of Appearing. How taken. The overplus to be returned. How the fines shall be disposed of.

AND be it further Enacted by the Authority aforesaid, That every Enlisted Person, that shall Refuse or Neglect to make his Personal appearance Accoutred as aforesaid, on such Training Days as he shall be Legally Warned to, shall for every such Default pay to the Clerk of the Company, Three Shillings in Money, within one Months time after such default, or make his lawful excuse to the Captain, or in his absence to the next Superiour Officer for the same, if any he have, & if such defaulter shall Refuse so to do, that then the Captain, or in his absence the next Superior Officer shall Grant forth his Warrant to the Clerk of the Band, to take and distrain so much of the Personal Estate of such delinquent Person, or such as shall have them in Tuition, as near as conveniently may be will pay his Fine or Fines, together with Six-pence more for each Fine distrained for the Clerks Fees; and such Estate that shall be taken by distress, shall be duly Apprized by Two Free-holders of said Company, under Engagement at the head of said Company, and the Captain is hereby Impowred to Administer the same, and the overplus if any there be, to be returned to the owner thereof, and if he shall refuse to receive the same, then the Clerk shall give him Credit for the same, which shall be accounted for out of his next Fine that shall become due; and all such Fines taken as aforesaid, shall be laid out to and for the Use of such Company, by order of the Commission Officers thereof, for the defraying their Incident Charge.

How to proceed with persons that have no visible Estate.

AND be it further Enacted by the Authority aforesaid, That in Case such Persons as shall be delinquent as aforesaid, shall have no Personal Estate to be found to satisfy such Fines as aforesaid, that then the Captain of such Company, shall set such delinquent Person to work, in mending the Highways of such Town, not exceeding one Day for each Fine; and if such defective person shall refuse to do the same, then the Captain, &c. shall commit such Offenders to Prison, twenty-four Hours, or wait further to take his Estate by Distraint.

The penalty on the Inferiour Officers refusing to obey his Superior.

AND be it further Enacted by the Authority aforesaid, That if any Clerk or other Inferiour Officer of the Band, shall refuse to obey his Superiour Officers Warrant when to him Directed, shall forfeit for every such Offence, Ten Shillings, to and for the use of such Company, to be taken by Distress in manner as aforesaid.

All persons to be provided with Arms, &c. On the penalty of Five Shillings for every defect.

AND be it further Enacted by the Authority aforesaid, That all such Persons before in this Act excus'd from Training, yet shall notwithstanding be provided with the same Arms, Ammunition, &c. as by this Act is required of such as are obliged to Train, & that once every year, or oftner, as the Chief Officers of any Company shall see needful, there shall be either by such Officers, or others by them appointed, a Survey and Examination made, whether such Persons are provided as by this Act is Required; and all such Persons as shall be found unprovided with such Arms as before Required, shall pay the Fine of Five-Shillings for each default, to be Levied by Distress and Sale of the Defaulters Goods, as in other Cases.

AND



AND be it further Enacted by the Authority aforesaid, That upon any Alarm in time of War, or other eminent danger of any Assault or Invasion, all Male Persons, both Listed Soldiers and others in this Colony, of and between the Age of Sixteen Years and Sixty, shall upon notice of the same, forthwith Repair to the Colours and Ensigns of such Company, within whose Precincts they Inhabit or dwell, provided with Arms & Ammunition required of Trained Soldiers upon Training Days, and in Case any Person shall not appear as aforesaid, such Defaulter shall Pay the Fine of Five Shillings, to be Levied by order of the Chief Officers of such Company, by Distress and Sale of such Defaulters Goods as in other Cases.

*A fine from sixteen to sixty, to appear upon Alarm. On the penalty of Five Shillings.*

AND it is further Enacted by the Authority aforesaid, That it shall and may be in the Power of the Governour and Deputy Governour of this Colony for the time being, or either of them, to Assemble and call together each of the Regiments of the Militia in this Colony, or any part of them or either of them at any time, as they shall think needful or necessary for the same; and if any Enlisted Soldier being duly warned to appear at any such time as shall be appointed, shall neglect the same, he shall Forfeit and Pay as a Fine, Five Shillings in money, to be taken and disposed of for the Use of the Company, where such default shall be, as other Fines are.

AND be it further Enacted by the Authority aforesaid, That if the Captain, or in his absence the next Superior Officer of any Company or Train'd-band, shall neglect legally to Warn and Call together his Company under his Command, two Days in every Year in time of Peace, and four in time of War, he shall for every Day by him omitted or neglected, Forfeit and Pay as a Fine to and for the Use of said Company, Forty Shillings in Money; and if such Officer to neglecting shall Refuse to pay the same, for the space of one Month next after such his default, that then and in such Cases the Colonel, or in his absence the Lieutenant Colonel of the Regiment where such omission or neglect shall happen to be, shall Grant both his Warrant to the Clerk of the Band where such omission or neglect has been, to distrain so much of the Estate of such defaulter to be disposed of as aforesaid.

*Every Captain &c. to Call his Company together twice in the year. On the penalty of Forty Shillings.*

AND be it further Enacted by the Authority aforesaid, That in Case any Captain, or in his absence, the next Superiour Officer of any Company or Trained Band, shall neglect to give forth his Warrant to the Clerk of the Band to Collect and Gather such Fine or Fines as shall be due, he shall Forfeit and Pay to and for the Use of such Company, all such Fines as shall be to them due, the which shall be taken by distrait, by Warrant as aforesaid.

*If the Captain, or of the Company neglected to grant both his Warrant for the Collecting of the Fines, he shall pay the same.*

AND be it further Enacted by the Authority aforesaid, That if any Enlisted Soldier, shall upon any Training or Muster Days, Refuse to Obey his Respective Officers, or otherways misbehave himself, that then it shall be in the Power of the Captain & Commissioners of each Respective Company, to Punish such Offender, by laying him neck and heels, or Riding the Wooden-Horse, or Fine him at Discretion, not exceeding Five Shillings.

*On Training Days the Captain to punish by fine, or otherways such as offend.*

AND it is further Enacted by the Authority aforesaid, That the Colonel of each of the aforesaid Regiments, shall by and with the Advice or Order of the Captain General, or Lieutenant General, Call together the Respective Regiments

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AND



*A General  
Mustier to be  
but once in  
five years.*

giment under his Command, to a General Muster, to Review and Exercise the same once in five years, and not oftener; and the Commission, and other Interiour Officers and Private Centinels of each respective Company, are hereby Commanded and Required, to yield all due Obedience to their respective Field Officers upon a General Muster, or upon any other Training and Muster Day, as Private Centinels are Required to do to their other Commission Officers, upon the Penalty of incurring the like pains and forfeitures as afore provided.

**A**ND WHEREAS it appears needful for His Majesties Service, and the Defence of this Colony, that there should be a Body of Horse Raised, for the more speedy opposing or prosecuting of any Enemy.

*Three Troops  
of Horse to be  
Raised.*

*To consist of  
sixty men each.*

*Trooper's Accoutrements.*

**B**E it therefore Enacted by the Authority aforesaid, That all proper means be used, and Encouragement given by the Governour, Deputy Governour, and General Officers of this Colony, for the Raising of three Troops of Horse, each Troop not to consist of more than Sixty Persons, including Officers, one of which Troops is to be Raised out of the Regiment upon the Islands, and the other two Troops to be Raised out of the Regiment upon the Main-Land: And that when there shall be to the Number of Twenty Eight Persons Enlisted in any of said Troops, that then upon due application to the General Assembly, there shall be by them Nominated and Appointed such Officers for the Commanding, Ordering and Disciplining of such Troop, as to said Assembly shall appear proper and needful for the ends aforesaid; which Officers shall be Engaged and Commissionated as the Officers of the Foot Companies are: And that every Trooper shall be always provided with one good serviceable Horse, of fourteen hands high, one good Saddle, Bitt-Bridle, Holsters, Breast-plate and Crouper, one Carbine, one pair of good Pistols, one Sword, one pound of Gunpowder, thirty sizeable Bullets, twelve good Flints, one good pair of Boots and Spurs, upon the Penalty of *Two Shillings* for every default in every of the aforesaid Accoutrements; and that the Field Officers of each Regiment, shall appoint the Cloathing of every of the Troops of the same.

*How many  
days to Muster  
in a year.  
Upon Non-  
appearance to  
be fined Five  
Shillings.*

**A**ND be it further Enacted by the Authority aforesaid, That the Captain, or in his absence the next Superiour Officer, shall Warn the Troop under his Command to Muster two several Days in every year in time of Peace, and four in time of War, at his own appointment, as the Foot Companies are; Every Trooper upon default of Non-appearance of such Muster, when legally Warned thereunto, shall pay as a Fine, to and for the use of such Troop, *Five Shillings* in Money, to be taken by Distress in like manner as the Fines in the Foot Companies are; and for every default of Appearance on an Alarm, every Trooper shall pay a Fine of *Ten Shillings*, to be taken and disposed of in manner as aforesaid.

*Penalty on the  
Captains, &c.  
that neglects  
their Duty.*

**A**ND be it further Enacted by the Authority aforesaid, If the Captain, or in his absence the next Commanding Officer shall neglect to Muster and Exercise his Troop two several Dayes in each year, &c. he shall be under the like Fines as the Commission Officers of the Foot Company are; to be Recovered and Disposed of in the like manner.

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AND be it further Enacted by the Authority aforesaid, That the Commission Officers of each Troop, shall have the same power to punish or fine such Troopers as shall refuse to obey their Commands on their Muster Days, or shall otherways misbehave themselves as the Captain of the Foot Companies have. And that the Clerk of each Troop shall pay Ten Shillings for every defect of his, in neglecting to observe such Warrant as from his Superior Officers shall be to him directed. *Fidelity on the Clerk.*

The Form of the Commission for Colonel

By the Honourable A. B. Esq; Governour of His Majesties Colony of Rhode Island, and Providence-Plantations in New-England.

To C. D. Gent. Greeting.

YOU C. D. Being by the General Assembly of this Colony, Elected and Chosen to the Post and Office of Colonel of the Regiment of Militia on the Islands in this Colony, are hereby in His Majesties Name; George, by the Grace of GOD, over Great Britain, France and Ireland, King, Defender of the Faith; &c. Authorized, Impowered and Commissionated to Exercise the Office of Colonel of the said Regiment, and to Command, Guide and Conduell the same, or any particular Company or Companies thereof; and in case of any Invasion or Assault of a Common Enemy, to invest and disturb this His Majesties Plantations; You are to Alarm and Gather together under your Command, or any part thereof, as you shall deem sufficient, and with them to the utmost of your skill and ability, you are to Resist, Expulse, Expel, Kill and Destroy the same, in order to preserve the Interest of His Majesty, and His Good Subjects in these Parts: You are also to follow such further Instructions and Directions as shall from time to time be further given forth either from the General Assembly, the Governour and General Council: And for your so doing, this Commission shall be your sufficient Warrant and Discharge. *A Colonels Commission.*

And the like Form of Commission shall serve for all other Commission Officers, *Mutatis Mutandis.*

AND be it further Enacted by the Authority aforesaid, That all the Commission Officers of the Militia, shall be and remain in their Respective Posts; until the General Assembly at their Sitting on the first Wednesday of May next, shall appoint Commission Officers for the same.

AND be it further Enacted by the Authority aforesaid, That the Governour and Deputy Governour; Members of the General Council, with the Field Officers and Commission Officers of each Regiment, and the Justices of the Peace that live within the same, or the Major part of them, shall be a Council of War, for each of said Regiments, both in Peace and War, to settle all Watches and Wards, and to put in Force and Execute the Law Martial as need may Require, and Generally to Say, Do and Act all and whatsoever Things shall be neediul, necessary or proper for a Council of War to do. *Who shall be a Council for each Regiment.*

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And



*In time of  
any Invasion,  
&c. the Go-  
vernour, or  
Deputy Go-  
vernour to  
Commissionate  
and Equip  
out sufficient  
Force to repel  
the same.*

AND be it further Enacted by the Authority aforesaid, For the securing of this Colony, and the Navigation thereof against Privateers, in time of War, and Pyrates in time of Peace, which may infest the same; that the Governour of this Colony for the time being, or in his absence, or by his leave and permission, the Deputy Governour of the same, shall, and may in time of War, or any other emergent Occasion, Impower and Commissionate such person or persons, as he shall deem and adjudge to be Loyal, Courageous, and capable to Command such Ship or Ships, or other Vessels (as by and with the advice of so many of the Council, and Field Officers, as may be had at such time be thought needful for, as to Repel, or take any Privateer or Pirate, as shall infest this Colony; and also to take up and Impress such Ship or Ships, or other Vessels, as shall be deemed needful for the same; and to equip and fit the same for the Sea, and with Arms, Ammunition and Provisions, and such other necessary Stores as shall be requisite, out of the Colonies Magazine, if sufficient there be; otherwise to Seiz and Impress such Stores and Ammunition as shall serve for the same; and also to Enlist or Impress such and so many Seamen and others, as shall be needful and requisite to Man out such Vessels as shall be taken up or Impressed as aforesaid; such Vessel or Vessels so fitted out, not to Cruise any longer at one time, than ten days, the Danger of the Seas only excepted.

And for the Encouragement of Seamen and others to Enlist themselves voluntarily on such Occasions.

Be it further Enacted by the Authority aforesaid, That all such Ships or other Vessels that shall be taken from the Enemy, during such Cruise, together with their Loading and Appurtenances, shall be, and remain to the Captors, His Majesties Dues, and the Charge of the Out-fett only excepted; and in case that nothing shall be taken from the Enemy during such Cruise; the Charge thereof shall be born by the Colony.

*All that's  
taken to be  
long to the  
Captors.*

AN ACT for Relieving such as shall be Maimed in the Colonies Service, and the Widow, Parents or Relations of such as shall be Kill'd in the Colonies Service, and shall not be able to Subsist and Maintain themselves.

*Whosoever shall  
be disabled in  
the Colonies  
Service, to be  
maintain'd at  
their Charge.*

BE it Enacted by the General Assembly of this Colony, and by the Authority of the same, That if any Officer, Soldier or Sailor, that shall be imployed by this Colony, against HIS MAJESTIES Enemies, in defence of this Colony or otherwise, shall be Maimed and Disabled by loss of Limb or Limbs, or otherwise from getting a livelihood for himself and Family, or other Relations that have dependance on him for Maintainance; that then and in such Cases, such Maimed Person, shall have his Wounds carefully looked after and healed at the Colonies charge, and shall have an Annual Pension allowed him out of the General Treasury, sufficient to maintain himself and Family, or other Relations whose Maintainance is incumbent on him.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be Slain in this Colonies Service as aforesaid, and have the charge

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