

LAWS AND ACTS

OF

RHODE ISLAND,

AND

Providence-Plantations

Made from the

First Settlement in 1636 to 1705.

An act for y^e Putting in Execution y^e Laws

of England in this Colony where no Provisi^on be made by y^e acts of this Colony

Bee it Enacted by y^e authority afores^d y^t where y^e Laws of this Colony or Custom Shall not Reach or Comprehend any matte cause or Causes y^t it Shall be Lawfull to put in Execution y^e Law of England &c any act or acts to y^e Contrary notwthstanding

[90] An act for y^e Better Regulating y^e Militia

& for Punishing offend^{ers} as Shall not Conform to y^e Laws there unto Relating

Bee it Encted by y^e hon^{ble} y^e Gouer^{er} Councill & house of Representatives in this P^{re}sents Sessions assembled & by y^e Authority thereof it is hereby Enacted y^t aft^{er} y^e Publication of this Act y^t if any p^{er}son or persons Listed Und^{er} y^e Com^{ma}nd of any Cap^t or Commad^{er} in Cheif of y^e Militia Shall or do not appear Compleat in armes (Viz^o) wth A Good & Sufficient muskett or Fuze a Sword or Bayenet, Catooch box or Banelers wth twelve Bulets fitt for his Peice half a Pound of Powder & Six good Flints Upon y^e Precise Training Days already p^{re}fixt as well as when there Respective Cap^{ts} or Com^{ma}nd^{ers} in Cheif Shall call them Togeather Either by Allarum or any oth^{er} time or times as Shall by their s^d Command^{ers} be thought fitt & Expedient for his maj^{ties} Interest During y^e Times of Warr & if any p^{er}son or p^{er}sons Listed &c Shall neglect their Respective Dutys & due Obedience & not appear in Manner Afores^d Shall forfeit for Each neglect on y^e Days Appointed for Training or Oth^{er} Meetings in Armes y^e Sum of Thre Shillings in money wth y^e Due Fees Arising thereon & for non Appearance or neglect on any Larum y^e Sum of five Shilling wth y^e Due Fees Ariseing thereon to be taken by Distraint or otherwise as y^e fines for non appearance on y^e Training Days are to be Taken

And it Is Further Enacted by The Authority Aforesaid

That all p^{er}sons wthin this Colony Above y^e Age of Sixteen Yeares & Und^{er} y^e Age of Sixteen yeares as well housekeepers as oth^{ers} Shall be Obliged to watch or ward or find or procure A Sufficient man to watch or ward Upon Legall

[91] Notice given to any of them by y^e Cap^t or Comand^{er} in Cheif to watch & by y^e Gov^{er} Dep^{ty} Gov^{er} afsif^{ts} Consevat^{ers} & Wardens of y^e Respective Towns to ward y^e warders to be Such p^{er}sons as are not in y^e Cap^t List & y^e s^d p^{er}sons Appointed to watch do at all times & upon all occations Observe & Follow Such Orders & Instructions as they Shall from time to time Receive from their Respective head officers as afores^d & if any p^{er}son Shall refuse or Neglect to watch & Follow Such ord^{ers} as Upon Legall Notice given as afores^d he or they so Neglecting or Refuseing Shall pay as a fine y^e Sum of five Shillings in money to be taken or Imprisoned in manner & form as y^e fines for neglect or training or Allarums are Taken & Provided in

And it is Further Enacted by y^e Authority afores^d

That all housekeepers as well widdows as oth^{ers} although there be no p^{er}son in s^d Family y^t is Qualified According to Law as to watching & warding Yett never y^e less it Shall be in y^e pow^{er} & Authority of y^e Cap^t Com^{ma}nd^{er} or head Officers as Afores^d at thei Discre^{ti}on to Ord^{er} y^e s^d housekeepers to find a Sufficient waterer or ward^{er} or to pay so much money as will Hire or procure on & upon Neglect or Refusall thereof to be und^{er} y^e Like fine & Penaty as those who are oth^{er} wise fineable for there neglect

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And be it Further Enacted by the Authority Aforesaid
That y^e Gov^{er} Dep^{ty} Gov^{er} maj^r & Afsif^{ts} wth y^e Iustices Comission Officers on
y^e Islands they or y^e Maj^r part of them always provided y^e Gov^{er} or Dep^{ty} Gov^{er}
or two afsif^{ts} be p^{re}sent Shall be A Coun^{ll} of warr to Determin all things Relat-
ing to y^e militia on y^e Islands & y^e Afsif^{ts} Iustices & Conservat^{rs} wth y^e maj^r
& y^e rest of y^e Commition oficers on y^e main or y^e maj^r part of them allway
Provided two afsifants be present Shall be A Councill of Warr for the Maine
Land within this Colony and to Determine all things Relateing to the Militia
on Said Maine Land

And Bee it Further Enacted
[92] That y^e Respective Cap^t & Comission officers of Each Respective Company
or Train band in this Colony have full Pow^{er} & authority during y^e time of their
being in Armes on y^e training Days or on Allarums or Upon any oth^{er} occasion
w^{soev}er to Punish any Private Sentinall y^t Shall Misbehaue him self wth Laying
him Neck & Heels or Riding y^e wooden horse or A fine not Exceeding fore
Shillings at y^e Discrefsion of s^d Commision Officers notwthstanding y^e Afore
recited Acts Relateing y^e militia it Shall be in y^e pow^{er} & Authority of y^e Cap^t
& Comission officers of Each Respective train Bands in this Colony if any P^{er}sons
as they Shall Iudg realy Conscientious being wthin their list & y^t they Cannot
bare arm's in y^e Times of Allarums &c y^t if y^e s^d p^{er}sons being So Conscientious
be any ways Serviceable in making Discoverys or Riding upon any Expedition
or any thing Elce y^t may be Iudged Conuenient for y^e Preferuation of his maj-
estys Interest y^t it Shall be then in y^e Pow^{er} of s^d Cap^ts or Comission officers as
afores^d to remit y^e fine or fines Impofed for their not appearing in Arms accord-
ing to y^e Afore p^{re}mifed Act

It is Furth^r Enacted

That all fines & forfeitures y^t Shall Arise upon p^{er}sons neglecting in training
& Watching Shall be disposed of by y^e Comission offic^{ers} off Each Respective
Company to Provide Drums Colours & Amunition &c

*And y^e fines y^t Shall be from y^e warders to be Disposed by the Gover^{er} &
afsifants for Repairing of ward houses or oth^{er} Conueniences for his Maj^{ties}
Seruice*

An act For stateing of Fees in all Actions

Determinable before the Gover^{er} Deputy Gover^{er} Afsifant Iustices
Conservators or Wardens &c of y^e Sever^{ll} Towns in this Colony

[93] *Bee it Enacted* by y^e Gover^{er} Coun^{ll} & Representatives & y^e Authority
thereof & it is therefore Enacted That the Gover^{er} Dep^{ty} Gov^{er} afsif^{ts}
Iustices of y^e Peace Conseruat^{ers} or wardens of their Respective towns Shall by
Uertue of this Act have as Fees or Bill of Cost in all Actions not Exceeding
forty Shilling Determinable & to be Determined before them from all p^{er}sons
Either Plant^{ts} or Defend^{ts} & y^t on their Respective Cafes Sentance or Iudgment
Dothe by y^e Authority afores^d pafs against Viz^t for A warrant or writt one Shil-
ling for Each Summons or Evidence in s^d Cafe one Shilling for Iudgment two
shillings for bond for y^e Peace or good Behauo^r two Shillings & Sixpence & *Be*
it Further Enacted That Every Constable wthin this Colony in all Actionall Cafes
of Meum & Tuum Shall have for Serveing Each Writte one Shilling all ways
Provided y^e s^d p^{er}sons so Complained of if Iudgment Shall pafs against him or
if Iudgm^t Shall pafs Against y^e Pla^t if y^e p^{er}son Arested Shall live above one mile
distance from y^e Constable then y^e Constable to have aboves^d one Shilling & two
pence $\frac{1}{2}$ mile forth & Back & y^e Constable to have for Sumonsing each p^{er}son