

# Gazette of the United States.

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WEDNESDAY, NOVEMBER 9, 1791.

[Whole No. 264.]

FOR THE GAZETTE OF THE UNITED STATES.

MR. FENNO,

I HAVE been just reading the address of our illustrious President, to the Senate and House of Representatives—its communications afforded me the highest pleasure, and I make no doubt of its having the same effect on every friend to the prosperity of the United States. Many are the important objects submitted to the consideration of our general legislature; but in my humble opinion, the establishment of a National Militia, ought to be one of the first that should engage their attention. The more I reflect on this subject, the more I am convinced that a well regulated militia is the natural strength of a country, and absolutely necessary for its safety and preservation. A more pernicious idea cannot enter into the heads of our citizens, than to imagine that an institution of this kind is incompatible with civil liberty; for to remain without it, is the ready way to abridge the continuance of that liberty, we have so happily established among us.

The freedom of every commonwealth must be protected ultimately by military force; military force depends upon order and discipline; and without order and discipline, even the greatest number of armed men are only a contemptible mob, that may be dispersed by a handful of veteran soldiers. It follows then, that our citizens at large must submit to the ordinances of a well regulated militia, or commit the protection of their lives and properties to a distinct body of men, who will naturally in a short time, set up a professional interest, separate from the community at large.

To this case we must attribute the subversion of every free state that history presents to us—the Romans were certainly the first and most glorious people that have figured on the face of the globe—they continued free the longest: every citizen was a soldier, and a soldier not in name but in fact; by which is meant, that they were the most rigid observers of military institutions. Let it then be the glory of every American to have arms in his hands, with some knowledge how to use them, on proper occasions, against the enemies of his country; and let it be established, as a point of honor, and the criterion of a virtuous citizen, to pay the greatest deference to the common and necessary laws of a camp.

While I was engaged in this speculation, I happened to find among my papers, the English Militia Law, and judging it might be of some use in framing one for this country, I made an abridgement of the same, which I have now sent you for insertion in your useful and widely circulating paper, if you think proper.

I am, Sir, your very humble servant.

INSPECTOR.

Elkton, November 2, 1791.

An Act for the better ordering of the militia forces in the several counties of that part of Great-Britain called England, &c.

Whereas a well ordered and well disciplined militia is essentially necessary to the safety, peace and prosperity of this kingdom.

Be it enacted, that from the first day of May, 1757, the lieutenants of counties shall arm and array proper persons; and the lieutenants shall appoint their deputy lieutenants and give commissions to lieutenant colonels, majors, and other officers, whose names shall within a month, be certified to the king.

The lieutenants of every county shall have the chief command of the militia of that county.

In each county shall be appointed twenty or more deputy lieutenants, if so many can be found qualified, each of whom shall possess four hundred pounds a year, in freehold, copyhold, customary estate for life, or an estate for some long term of years, determinable upon lives, or shall be heir apparent of a possession of eight hundred a year. A lieutenant-colonel, or major, shall be possessed of three hundred a year, or heir apparent to six hundred. A captain shall possess two hundred a year, or be heir to four, or be the son of one who possesses, or at his death did possess two hundred. A lieutenant shall possess one hundred a year, or be the son of one who possesses, or at his death did possess two hundred a year. An ensign shall possess fifty pounds, or be the son of one who possesses, or at the time of his death did possess one hundred. One moiety of the estate in all these cases, lying within the county.

In counties where twenty deputy lieutenants with proper qualifications cannot be found, it shall be sufficient to appoint so many as can be found.

An ensign or lieutenant may be promoted to be a lieutenant colonel, on extraordinary occasions, on account of merit.

The king may displace any deputy lieutenant or officer, and the lieutenants shall appoint others in their stead.

Every deputy or officer shall give in his qualification to the clerk of the peace, and take the oaths to the government, within six months after he shall begin to act, on penalty of £.200; on deputy lieutenants and all above the degree of captain, and tool, on captains and those under.

Peers are exempted from serving by themselves or substitutes; but they and heirs apparent of peers, may be appointed deputy lieutenants, or commission officers, and their qualifications need not to be left with the clerk of the peace; and on taking the oaths, &c. they may act without being otherwise qualified.

A commission in the militia shall not vacate a seat in Parliament.

At the end of every four years a number of officers shall be discharged, equal to the number of those, who duly qualified shall solicit for admission.

To each regiment an adjutant shall be appointed who has served in the regular forces, in which he shall still retain his rank; and to every company of militia shall be appointed two or more serjeants (in the proportion of one serjeant to twenty private men) out of the regular forces, who shall be entitled to the hospital of Chelsea; and serjeants appointed from that hospital shall be readmitted on producing certificates of good behavior.

No persons selling liquors by retail shall be capable of being a serjeant of the militia.

The number of private men serving in the militia shall be; for Bedfordshire 400  
Berkshire, 560  
Bucks, &c. &c.

There shall be no more than one captain, one lieutenant and one ensign, to eighty private men.

Where the proportion of men directed by this act to be raised in any county, shall be judged by the lieutenant to be too large, the privy-council, on application may regulate it.

The lieutenant of each county with two deputy lieutenants, or three more deputy lieutenants in the absence of the lieutenant, shall meet on the twelfth of July, 1757, and on the first Tuesday in June, in every subsequent year, and require the head constables to deliver in a list of all the men between the age of 18 and 50, in their several districts, except peers, officers of the militia, officers of the regular forces or garrisons, men of either university, clergymen, teachers of separate meetings, peace and parish officers, articulated clerks, and apprentices and seamen, noting in the list the men laboring under any bodily infirmity.

Every deputy constable, or other petty officer, shall transmit to the head constable the list of his division, having first affixed it to the door of the church or chapel for one Sunday.

On the day appointed for receiving these lists, the lieutenant, and deputy lieutenants shall settle the number to be taken from each hundred, or division of the county. They shall then subdivide themselves, and three or more deputies, or two deputies with one justice of the peace, or one deputy with two justices, shall meet, within a month in every subdivision, to hear the complaint of those that think themselves entitled to exemption; and upon any just cause shall correct the lists. They shall then settle the number to be raised in each parish, and chuse the individuals by lot; and within three weeks afterwards the persons so chosen shall appear before them; each of whom shall take the oaths and enter into the militia for three years, or bring one to serve as his substitute, or forfeit ten pounds, and be liable at the end of three years to serve again.

Three deputies, or two deputies and a justice, or one deputy and two justices, shall meet in their several subdivisions occasionally at other times, and annually on the Tuesday before Michaelmas; and if any person thirty-five years old shall shew just cause for his discharge, it shall be granted and another chosen by lot in his room; and the vacancies by death shall be filled up in the same manner.

A militia man removing to another parish, shall serve the remainder of his time in the new parish.

New lists of men qualified for service shall be made every year.

A new body shall be chosen every third year, so that all persons duly qualified may serve in their turns each for three years.

A list of the persons serving in each parish shall be transmitted to the lieutenant.

An officer neglecting to return his list, or making a false or partial list, shall be committed for a month to the common gaol, or be fined not more than five pounds, or less than forty shillings.

Every private man serving for himself shall be exempted from statute work, from serving peace or parish offices, or in the regular forces.

He that has served three years shall not serve again, until by rotation it comes to his turn.

Married men having personally served in the militia, if called out in case of invasion or rebellion, shall be entitled to the same privileges of setting up trades in any place of Great-Britain, or Ireland, as by an act 22 George II. is granted to mariners or soldiers.

A Quaker refusing to serve shall hire another in his stead; and if he neglects a sum shall be levied upon him by distress, sufficient to hire another man.

Within one month after the return of the lists, the lieutenant and two deputies, or without the lieutenant, three deputies shall form the militia of each county into regiments, consisting of not more than twelve, or less than seven companies of forty men each; appointing the commissioned and non-commissioned officers to each company.

They shall be exercised thus: On the first Monday in the months of March, April, May, June, July, August, September and October, they shall be exercised in half companies, and on the third Monday in the said months in companies.

And once every year, on the Tuesday, Wednesday, Thursday and Friday of Whitsun-week, they shall be exercised in whole regiments.

No man shall be exercised in half company, or company more than six miles from his own house.

Notice of the time and place of meeting shall be sent by the lieutenant and two deputies, or without the lieutenant, by three deputies, to the high constables and by them to the petty constables, who shall fix them upon the door of the respective churches.

The lieutenant shall appoint at pleasure a regimental clerk, a serjeant major, out of the serjeants and a drum major out of the drummers.

In counties where the militia do not amount to seven companies, and therefore cannot make a regiment, they shall be formed into a battalion, under the lieutenant and field officers, one adjutant who shall be a subaltern in the army, a serjeant major, a drum major, and a clerk shall be appointed them, and they shall be exercised as a complete regiment.

Where a whole company or half a company cannot be brought together, they may be exercised in smaller numbers as the lieutenant or deputy shall direct.

One commissioned officer shall attend the exercise of the half-company, and inspect their arms and accoutrements.

The arms and cloaths of the militia shall be carefully kept by the captain of each company, in chests, provided by the parish where they are deposited. The muskets shall be marked with an M. and the name of the county.

The king's lieutenant, or the colonels, may seize, or remove whether they shall think proper, the arms, cloaths and accoutrements, when necessary to the public peace.

Any person entrusted with the custody of any arms or cloaths, delivering them out, unless for exercise, or by command of his superior officer, or by the order of any justice of the peace, under his hand and seal, may, by two justices, be committed to the county gaol, for six months.

No pay, arms, or cloathing, shall be issued, nor any adjutant or serjeant be appointed, till four fifths of the men shall have been chosen, and the officers have taken out their commissions.

The officer who superintends the exercise shall call over the list and certify to a justice the names of those who are absent from exercise. The justice shall examine the excuse offered, and if it be insufficient, shall punish the defaulter for the first offence, by fining him two shillings, or setting him in the stocks for an hour; for the second he shall fine him four shillings, or send him to the house of correction for four days; for every offence afterwards, he shall fine him six shillings, and if it be not paid, send him to the house of correction for any time not exceeding one month.

If any man shall be convicted upon oath before a justice, of being drunk at the time of exercise, he shall forfeit ten shillings, or sit an hour in the stocks.

He that shall be convicted on oath before a justice, of insolence or disobedience to his officer, shall for his first offence be fined two shillings and six pence, and in default of payment, be sent to the house of correction for four days; for the second be fined five shillings, or committed for seven days; and for every offence afterwards be fined forty shillings, and committed to the house of correction for any time not more than a month, nor less than fourteen days.

If any man shall sell, pawn, or lose his arms or accoutrements, he shall be fined a sum not exceeding three pounds, or in default of payment, be committed to the house of correction for one month; and if he cannot then raise the sum required, for three months.

He that shall neglect to return his arms in good order after exercising the same, or the next day, shall be fined two shillings and six pence, or be sent to the house of correction for 7 days: if he neglect to return them by Monday after Whitsun-week, he shall forfeit five shillings, or be sent to the house of correction for fourteen days. And the person entrusted by the captain with the arms and cloaths, who shall omit to complain of such neglect, shall forfeit twenty shillings.

The soldier or non-commissioned officer, that shall be absent from his annual exercise, shall forfeit ten shillings a day, or be committed to the house of correction for a month.

If a non-commissioned officer shall be convicted upon oath of being negligent in his duty, or disobedient or insolent to the adjutant, or other superior officer, he shall be fined by a justice a sum not exceeding thirty shillings, or in default of payment be committed to the house of correction for 14 days, and may be discharged by the lieutenant.

No man shall be censured for absence occasioned by attending an election.

The militia are to be subject in military affairs to their own officers, and in civil to the civil magistrates.

In case of actual invasion, or upon imminent danger thereof, and in case of rebellion, the king first notifying the occasion to