

*Be it enacted by the authority aforesaid,*

A quartermaster to be appointed by the council, and his duty.

[SECT. 5.] That the council of this state be and are hereby im-  
powered to appoint a proper person to the office of quartermaster-  
general; who shall make seasonable and suitable provis[s]ion of such  
quantities of the articles before specified, with such others as they  
shall order, and that he make regular and true returns of the same,  
with their respective dispositions, to the council and to the first major-  
general of this state, or, in his absence, to the next commanding officer  
within the same, on the first Monday of April, July, October and  
January, each year successively: and shall procure, or cause to be  
procured, a sufficient number of waggons for removing stores belong-  
ing to this state, on the order of the commanding officer (where stores  
may be deposited), when an order of council cannot seasonably be  
obtained for that purpose; and that he annually prefer his account  
for services done, with proper vouchers and certificates, to the general  
assembly for allowance and payment.

*And be it enacted by the authority aforesaid,*

Rank of a cap-  
tain of matrosses, and the first  
lieutenant in  
each company.

[SECT. 6.] That each captain commanding a company of matrosses  
in any brigade of militia in this state, shall have the rank of major;  
and the first lieutenant in each company, respectively, shall have the  
rank of captain; any law, usage or custom to the contrary notwith-  
standing.

*And be it further enacted,*

Penalty for neg-  
lect of non-com-  
missioned  
officers or pri-  
vates, to appear  
when notified.

[SECT. 7.] That if any non-commissioned officer or private soldier,  
being duly notified of the time and place appointed for the company,  
to which he belongs, to meet on a training-, or muster-day, shall un-  
necessarily neglect to appear, with such arms, accoutrements and  
equipments, as he shall be possessed of, being ordered by his officer  
to bring the same, shall pay a fine of thirty shillings; and if he shall  
be disobedient or disorderly on a training-, or muster-day, he shall pay  
a fine of twenty shillings: and all fines and forfeitures of money  
arising by breach of this act, for disobedience or failure of appearance  
on a training-day, shall be recovered by action of debt, to be  
brought before a justice of the peace, by the clerk of the company to  
which the delinquent belongs; an appeal being allowed to either party,  
to the inferior court of common pleas, as in other actions: and  
if on such trial, judgment shall be given in favour of such clerk, he  
shall have his legal e[a][o]st allowed him. And this shall be the  
mode of recovering fines and forfeitures arising by breach of this  
act or the act to which this is in addition; any clause therein not-  
withstanding. And no company shall be obliged to muster to train  
more than four times a year, nor any regiment more than once a year.  
[Passed March 13, 1778.]

Appropriation  
of fines.

Appeal allowed.

## CHAPTER 25.

AN ACT IN ADDITION TO, AND EXPLANATION OF, AN ACT PASSED  
THIS PRESENT SESSION, INTITLED "AN ACT FOR PRESCRIBING  
AND ESTABLISHING AN OATH OF FIDELITY AND ALLEGIANCE."

Preamble.  
1777-78, chap. 18,  
§ 5

WHEREAS, in and by the said act it is provided "That all members  
of the general assembly, and all officers, civil and military, and all at-

tornies-at-law, shall take the oath or affirmation" therein mentioned, and that "the said oath or affirmation shall be administered to the members of the general court, by any three of the council; and to all others appointed to any of the offices and places of trust aforesaid, by any two of the council, or such others as shall be, by the said council, or the major part of them, thereunto appointed," and as it will be in many respects inconvenient and attended with great and unnecessary expence for the council to appoint, by *dedimus*, a sufficient number of persons for that purpose, —

*Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the oath or affirmation mentioned in the said act, may and shall be administered to all commissioned officers, both civil and military, and attorn[e]s-at-law, in this state, by any justice of the peace within this state, in the county, wherein he is a justice, whenever he shall be thereunto requested; and such justice shall make record and give certificate thereof, and return a list into the secretary's office, of all officers to whom he shall administer the said oath, as soon as may be; anything in the said act to the contrary notwithstanding.

Oath to be administered to commissioned officers, etc., by any justice.

*And whereas*, in and by s[ai]d act, it is enacted that no person shall have authority to act as a member of the general assembly, to execute any office, civil or military, or "be admitted to appear and act as attorn[e]y or coun[se]l in any court of justice in this state, after the twentieth day of March next, unless he shall have taken said oath o[r] affirmation"; *and whereas*, no persons have been appointed before the making this act to administer the same in different parts of th[e] state, and said time is near expiring, —

Persons disqualified who do not take the oath.

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 2.] That no person shall be considered as disqualified to act in either of said offices or places, for not having taken said oath or affirmation, before the twentieth day of June next; anything in said act to the contrary notwithstanding.

*And whereas*, in many instances, it may be impracticable to remove out of this state, within the term of forty days set and limited by the said act, such persons as shall refuse to take the said oath or affirmation, —

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 3.] That the council be and hereby are authori[z]ed and impowered to cause the persons refusing to take the said oath, to be transported as in the said act is directed, as soon as conveniently may be, after they shall receive information of such refusal, and imprisonment in consequence thereof, notwithstanding the said term of forty days may have expired; anything in the said act to the contrary notwithstanding.

Persons refusing to take the oath, to be removed by the council as soon as conveniently may be.

*And whereas* doubts have arisen and may arise upon the construction of the said act respecting the power of a justice of the peace to admit a person to take the said oath of allegiance and fidelity, after his having been committed to goal for refusing the same; therefore, —

*Be it enacted by the authority aforesaid,*

[SECT. 4.] That no person who shall refuse or neglect to take said oath or affirmation within two hours after the same shall be legally tendered to him, shall be admitted to take said oath or affirmation, but shall be proceeded against as is prescribed by said act. [Passed March 13, 1778.]

Persons refusing to take the oath within two hours, to be proceeded against.