

*Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginea: first established by Sir Thomas Gates Knight, Lieutenant Generall, the 24th of May 1610. exemplified and approved by the Right Honourable Sir Thomas West Knight, Lord Lawair, Lord Governour and Captaine Generall the 12th of June 1610. Againe exemplified and enlarged by Sir Thomas Dale Knight, Marshall, and Deputie Governour, the 22nd of June. 1611.*

Whereas his Majestie like himselfe a most zealous Prince hath in his owne Realmes a principall care of true Religion, and reverence to God, and hath alwaies strictly commaunded his Generals and Governours, with all his forces wheresoever, to let their waies be like his ends, for the glorie of God.

And forasmuch as no good service can be performed, or warre well managed, where militarie discipline is not observed, and militarie discipline cannot be kept, where the rules or chiefe parts thereof, be not certainly set downe, and generally knowne, I have (with the advise and counsell of Sir *Thomas Gates* Knight, Lieutenant Generall) adhered unto the lawes divine, and orders politique, and martiall of his Lordship (the same exemplified) an addition of such others, as I have found either the necessitie of the present State of the Colonie to require, or the infancie, and weak-

nesse of the body thereof, as yet able to digest, and doe now publish them to all persons in the Colonie, that they may as well take knowledge of the Lawes themselves, as of the penaltie and punishment, which without partialitie shall be inflicted upon the breakers of the same.

1 First since we owe our highest and supreme duty, our greatest, and all our allegiance to him, from whom all power and authoritie is derived, and flowes as from the first, and onely fountaine, and being especiall souldiers emprest in this sacred cause, we must alone expect our successe from him, who is onely the blesser of all good attempts, the King of kings, the commauder of commaunders, and Lord of Hostes, I do strictly commaund and charge all Captaines and Officers, of what qualitie or nature soever, whether commanders in the field, or in towne, or townes, forts or fortresses, to have a care that the Almighty God bee duly and daily served, and that they call upon their people to heare Sermons, as that also they diligently frequent Morn- ing and Evening praier themselves by their owne exemplar and daily life, and dutie herein, encouraging others there- unto, and that such, who shall often and wilfully absent themselves, be duly punished according to the martiall law in that case provided.

2 That no man speake impiously or maliciously, against the holy and blessed Trinitie, or any of the three persons, that is to say, against God the Father, God the Son, and God the holy Ghost, or against the knowne Articles of the Christian faith, upon paine of death.

3 That no man blaspheme Gods holy name upon paine of death, or use unlawful oathes, taking the name of God in vaine, curse, or banne,<sup>16</sup> upon paine of severe punishment

<sup>16</sup> An imprecation of a curse.

for the first offence so committed, and for the second, to have a bodkin thrust through his tongue, and if he continue the blaspheming of Gods holy name, for the third time so offending, he shall be brought to a martiall court, and there receive censure of death for his offence.

4 No man shall use any traiterous words against his Majesties Person, or royall authority upon paine of death.

5 No man shall speake any word, or do any act, which may tend to the derision, or despight<sup>17</sup> of Gods holy word upon paine of death: Nor shall any man unworthily demeane himselfe unto any Preacher, or Minister of the same, but generally hold them in all reverent regard, and dutiful intreatie,<sup>18</sup> otherwise he the offender shall openly be whipt three times, and ask publike forgiveness in the assembly of the congregation three several Sabboth daies.

6 Everie man and woman duly twice a day upon the first towling of the Bell shall upon the working daies reparaire unto the Church, to hear divine Service upon pain of losing his or her dayes allowance for the first omission, for the second to be whipt, and for the third to be condemned to the Gallies for six Moneths. Likewise no man or woman shall dare to violate or breake the Sabboth by any gaming, pub-  
lique, or private abroad, or at home, but duly sanctifie and observe the same, both himselfe and his familie, by prepar- ing themselves at home with private prayer, that they may be the better fitted for the publike, according to the com- mandements of God, and the orders of our Church, as also every man and woman shall reparaire in the morning to the divine service, and Sermons preached upon the Sabboth day, and in the afternoon to divine service, and Catechising.

<sup>17</sup> Open defiance.

<sup>18</sup> Treatment.

upon paine for the first fault to lose their provision, and allowance for the whole weeke following, for the second to lose the said allowance, and also to be whipt, and for the third to suffer death.

7 All Preachers or Ministers within this our Colonie, or Colonies, shall in the Forts, where they are resident, after divine Service, duly preach every Sabbath day in the forenoone, and Catechise in the afternoone, and weekely say the divine service, twice every day, and preach every Wednesday, likewise every Minister where he is resident, within the same Fort, or Fortresse, Townes or Towne, shall chuse unto him, foure of the most religious and better disposed as well to informe of the abuses and neglects of the people in their duties, and service to God, as also to the due reparation, and keeping of the Church handsome, and fitted with all reverent observances thereunto belonging: likewise every Minister shall keepe a faithful and true Record, or Church Booke, of all Christnings, Marriages, and deaths of such our people, as shall happen within their Fort, or Fortresses, Townes or Towne at any time, upon the burthen of a neglectfull conscience, and upon paine of losing their Entertainment.<sup>19</sup>

8 He that upon pretended malice, shall murder or take away the life of any man, shall bee punished with death.

9 No man shall commit the horrible, and detestable sins of Sodomie upon pain of death; and he or she that can be lawfully convict of Adultery shall be punished with death. No man shall ravish or force any woman, maid or Indian, or other, upon pain of death, and know the that he or shee, that shall commit fornication, and evident prooffe made

<sup>19</sup> Provisions.

thereof, for their first fault shall be whipt, for their second they shall be whipt, and for their third they shall be whipt three times a weeke for one month, and aske publique forgiveness in the Assembly of the Congregation.

10 No man shall bee found guilty of Sacriledge, which is a Trespasse as well committed in violating and abusing any sacred ministry, duty or office of the Church, irreverently, or prophanely, as by beeing a Church robber, to filch, steale or carry away any thing out of the Church appertaining thereunto, or unto any holy, and consecrated place, to the divine Service of God, which no man should doe upon paine of death: likewise he that shall rob the store of any commodities therein, of what quality soever, whether provisions of victuals, or of Arms, Trucking stuffe,<sup>20</sup> Apparell, Linnen, or Wollen, Hose or Shooes, Hats or Caps, Instruments or Toolles of Steele, Iron, etc. or shall rob from his fellow souldier, or neighbour, any thing that is his, victuals, apparell, household stuffe, toole, or what necessary else soever, by water or land, out of boate, house, or knapsack, shall bee punished with death.

11 Hee that shall take an oath untruly, or beare false witness in any cause, or against any man whatsoever, shall be punished with death.

12 No manner of person whatsoever, shall dare to detract, slander, calumniate, or utter unseemely, and unfitting speeches, either against his Majesties Honourable Councell for this Colony, resident in England, or against the Committees, Assistants unto the said Councell, or against the zealous indeavors, and intentions of the whole body of Adventurers for this pious and Christian Plantation, or against

<sup>20</sup> Materials for barter or exchange.

any publique booke, or bookes, which by their mature advise, and grave wisdomes, shall be thought fit, to be set fourth and publisht, for the advancement of the good of this Colony, and the felicity thereof, upon paine for the first time so offending, to bee whipt three severall times, and upon his knees to acknowledge his offence and to aske forgiveness upon the Saboth day in the assembly of the congregation, and for the second time so offending to be condemned to the Galley for three yeares, and for the third time so offending to be punished with death.

13 No manner of Person whatsoever, contrarie to the word of God (which tyes every particular and private man, for conscience sake to obedience, and duty of the Magistrate, and such as shall be placed in authoritie over them)], shall detract, slaunder, calumniate, murmur, mutenie, resist, disobey, or neglect the commaundments, either of the Lord Governour, and Captaine Generall, the Lieutenant Generall, the Martiall, the Councill, or any authorised Captaine, Commaunder or publike Officer, upon paine for the first time so offending to be whipt three severall times, and upon his knees to acknowledge his offence, with asking forgiveness upon the Saboth day in the assembly of the congregation, and for the second time so offending to be condemned to the Gally for three yeares: and for the third time so offending to be punished with death.

14 No man shall give any disgracefull words, or commit any act to the disgrace of any person in this Colonie, or any part thereof, upon paine of being tied head and feete together, upon the guard everie night for the space of one moneth, besides to bee publikely disgraced himselfe, and be made uncapable ever after to possesse any place, or execute any office in this employment.

15 No man of what condition soever shall barter, trucke, or trade with the Indians, except he be thereunto appointed by lawful authority, upon paine of death.

16 No man shall rifle or dispoile, by force or violence, take away any thing from any Indian comming to trade, or otherwise, upon paine of death.

17 No Cape Marchant,<sup>21</sup> or Provant Master,<sup>22</sup> or Munition Master, or Truck Master, or keeper of any store, shall at any time imbezell, sell, or give away any thing under his Charge to any Favorite, of his, more then unto any other, whome necessity shall require in that case to have extraordinary allowance of Provisions, nor shall they give a false account unto the Lord Governour, and Captaine Generall, unto the Lieuetenant Generall, unto the Marshall, or any deputed Governor, at any time having the commaund of the Colony, with intent to defraud the said Colony, upon paine of death.

18 No man shall imbezel or take away the goods of any man that dyeth, or is imployed from the town or Fort where he dwelleth in any other occasioned remote service, for the time, upon pain of whipping three severall times, and restitution of the said goods againe, and in danger of incurring the penalty of the tenth Article, if so it may come under the construction of theft. And if any man die and make a will, his goods shall be accordingly disposed; if hee die intestate, his goods shall bee put into the store, and being valued by two sufficient praisers,<sup>23</sup> his next of kinne (according to the

<sup>21</sup> Cape Marchant: an officer supervising the store or provision house in a Virginia fort.

<sup>22</sup> Provant Master: master of the provisions, who provided the soldier's allowance. <sup>23</sup> Appraisers.

common Lawes of England<sup>[ ]</sup>, shall from the Company, Committies, or adventurers, receive due satisfaction in monyes, according as they were praised, by which meanes the Colonie shall be the better furnished; and the goods more carefully preserved, for the right heire, and the right heire receive content for the same in *England*.

19 There shall be no Capttain, Master, Marriner, saylor, or any else of what quality or condition soever, belonging to any Ship or Ships, at this time remaining, or which shall hereafter arrive within this our River, bargaine, buy, truck, or trade with any one member in this Colony, man, woman, or child, for any toole or instrument of iron, steel or what else, whether appertaining to Smith Carpenter, Joyner, Shipwright, or any manuall occupation, or handicraft man whatsoever, resident within our Colonie, nor shall they buy or bargaine, for any apparell, linnen, or wollen, household-stuffe, bedde, bedding, sheete towels, napkins, brasse, pewter, or such like, eyther for ready money, or provisions, nor shall they exchange their provisions, of what quality soever, whether Butter, Cheese, Bisket, meal, Oatmele, Aquavite,<sup>24</sup> oyle, Bacon, any kind of Spice, or such like, for any such aforesaid instruments, or tooles, Apparell, or household-stuffe, at any time, or so long as they shall here remain, from the date of these presents upon paine of losse of their wages in *England*, confiscation and forfeiture of such their monies and provisions, and upon peril beside of such corporall punishment as shall be inflicted upon them by verdict and censure of a martiall Court: Nor shall any officer, souldier, or Trades man, or any else of what sort soever, members of this Colony, dare to sell any such Toole, or instruments, necessary and usefull, for the businesse of the

<sup>24</sup> Spirits, alcoholic liquor.

Colonie, or trucke, sell, exchange, or give away his apparell, or household stuffe of what sort soever, unto any such Seaman, either for mony, or any such foresaid provisions, upon paine of 3 times severall whipping, for the one offender, and the other upon perill of incurring censure, whether of disgrace, or addition of such punishment, as shall bee thought fit by a Court martiall.

20 Whereas sometimes heeretofore the covetous and wide affections of some greedy and ill disposed Seamen, Saylers, and Marriners, laying hold upon the advantage of the present necessity, under which the Colony sometimes suffered, have sold unto our people, provisions of Meale, Oatmeale, Bisket, Butter, Cheese etc., at unreasonable rates, and prises unconscionable: for avoiding the like to bee now put in practise, there shall no Capttain, Master, Marriner, or Saylor, or what Officer else belonging to any ship, or shippes, now within our river, or heereafter which shall arrive, shall dare to bargaine, exchange, barter, truck, trade, or sell, upon paine of death, unto any one Landman<sup>25</sup> member of this present Colony, any provisions of what kind soever, above the determined valuations, and prises, set downe and proclaimed, and sent therefore unto each of your severall ships, to bee fixed upon your Maine mast, to the intent that want of due notice, and ignorance in this case, be no excuse, or plea, for any one offender herein.

21 Sithence<sup>26</sup> we are not to bee a little carefull, and our young Cattell, and Breeders may be cherished, that by the preservation, and increase of them, the Colony heere may receive in due time assured and great benefite, and the adventurers at home may be eased of so great a burthen, by

<sup>25</sup> Not a mariner; countryman.

<sup>26</sup> Seeing that.

sending unto us yeerely supplies of this kinde, which now heere for a while, carefully attended, may turne their supplies unto us into provisions of other qualities, when of these wee shall be able to subsist our selves, and which wee may in short time, be powerful enough to doe, if we wil according to our owne knowledge of what is good for our selves, forbear to work into our own wants, againe, by over hasty destroying, and devouring the stocks, and authors of so profitable succeeding a Commodity, as increase of Cattel, Kine, Hogges, Goates, Poultry etc. must of necessity be granted, in every common mans judgement, to render unto us: Now know thee therefore, these promises carefully considered, that it is our will and pleasure, that every one, of what quality or condition soever hee bee, in this present Colony, to take due notice of this our Edict, whereby wee do strictly charge and command, that no man shall dare to kill, or destroy any Bull, Cow, Calfe, Mare, Horse, Colt, Goate, Swine, Cocke, Henne, Chicken, Dogge, Turkie, or any tame Cattel, or Poultry, of what condition soever; whether his owne, or appertaining to another man, without leave from the Generall, upon paine of death in the Principall, and in the accessary, burning in the Hand, and losse of his eares, and unto the concealer of the same foure and twenty houres whipping, with addition of further punishment, as shall be thought fitte by the censure, and verdict of a Martiall Court.

22 There shall no man or woman, Launderer or Launderesse, dare to wash any uncleane Linnen, drive bucks,<sup>27</sup> or throw out the water or suds of fowle clothes, in the open streete, within the Pallizadoes,<sup>28</sup> or within forty foote of the

<sup>27</sup> Drive bucks: to carry a quantity of clothes through the process of bleaching.

<sup>28</sup> Palisades.

same, nor rench,<sup>29</sup> and make cleane, any kettle, pot, or pan, or such like vessell within twenty foote of the olde well, or new Pumpe: nor shall any one aforesaid, within lesse then a quarter of one mile from the Pallizadoes, dare to doe the necessities of nature, since by these unmanly, slothfull, and loathsome immodesties, the whole Fort may bee choaked, and poisoned with ill aires, and so corrupt (as in all reason cannot but much infect the same) and this shall they take notice of, and avoide, upon paine of whipping and further punishment, as shall be thought meete, by the censure of a martiall Court.

23 No man shall imbezell, lose, or willingly breake, or fraudulently make away, either Spade, Shovell, Hatchet, Axe, Mattocke,<sup>30</sup> or other toole or instrument uppon paine of whipping.

24 Any man that hath any edge toole, either of his owne, or which hath heeretofore beene belonging to the store, see that he bring it instantly to the storehouse, where he shall receive it againe by a particular note, both of the toole, and of his name taken; that such a toole unto him appertaineth, at whose hands, upon any necessary occasion, the said toole may be required, and this shall he do, upon paine of severe punishment.

25 Every man shall have an especiall and due care, to keepe his house sweete and cleane, as also so much of the streete, as lieth before his door, and especially he shall so provide, and set his bedstead whereon he lieth, that it may stand three foote at least from the ground, as he will answer the contrarie at a martiall Court.

<sup>29</sup> Rinse.

<sup>30</sup> An instrument with a handle used chiefly for supporting and removing trees, etc. from the land.

26 Every tradsman in their severall occupation, trade and function, shall duly and daily attend his worke upon his said trade or occupation, upon perill for his first fault, and negligence therein, to have his entertainment checkt for one moneth, for his second fault three moneth, for his third one yeare, and if he continue still unfaithfull and negligent therein, to be condemned to the Gally for three yeare.

27 All overseers of workemen, shall be carefull in seeing that performed, which is given them in charge, upon paine of such punishment as shall be inflicted upon him by a martiall Court.

28 No souldier or tradesman, but shall be readie, both in the morning, and in the afternoone, upon the beating of the Drum, to goe out unto his worke, nor shall hee return home, or from his worke, before the Drum beate againe, and the officer appointed for that businesse, bring him of, upon perill for the first fault to lie upon the Guard head and heeles together all night, for the second time so faulting to be whipt, and for the third time so offending to be condemned to the Gallies for a yeare.

29 No man or woman, (upon paine of death) shall runne away from the Colonie, to Powhathan,<sup>31</sup> or any savage Weroance<sup>32</sup> else whatsoever.

30 He that shall conspire any thing against the person of the Lord Governour, and Captaine Generall, against the Lieutenant Generall, or against the Marshall, or against any publike service commaunded by them, for the dignitie, and advancement of the good of the Colony, shall be pun-

<sup>31</sup> Powhatan (d. 1618) was the powerful chief of an Indian confederation south of the Potomac River.

<sup>32</sup> A werowance was an Indian chief.

ished with death: and he that shall have knowledge of any such pretended act of disloyalty or treason, and shall not reveale the same unto his Captaine, or unto the Governour of that fort or towne wherein he is, within the space of one houre, shall for the concealing of the same after that time, be not onely held an accessory, but alike culpable as the principall traitor or conspirer, and for the same likewise he shall suffer death.

31 What man or woman soever, shall rob any garden, publike or private, being set to weed the same, or wilfully pluck up therein any roote, herbe, or flower, to spoile and wast or steale the same, or robbe any vineyard, or gather up the grapes, or steale any eares of the corne growing, whether in the ground belonging to the same fort or towne where he dwelleth, or in any other, shall be punished with death.

32 Whosoever Seaman, or Landman of what qualitie, or in what place of commaund soever, shall be imployed upon any discovery, trade, or fishing voiage into any of the rivers within the precincts of our Colonie, shall for the safety of those men who are committed to his commaund, stand upon good and carefull guard, for the prevention of any treachery in the Indian, and if they touch upon any shore, they shal be no lesse circumspect, and warie, with good and carefull guard day and night, putting forth good Centinell, and observing the orders and discipline of watch and ward, and when they have finished the discovery, trade, or fishing, they shall make hast with all speed, with such Barke or Barkes, Pinisse, Gallie, Ship. etc. as they shall have the commaund of, for the same purpose, to *James towne* againe, not presuming to goe beyond their commission, or to carry any such Barke or Barkes, Gally, Pinnice, Ship. etc. for England or any other countrey in the actuall possession of any Chris-

tian Prince, upon perill to be held an enemy to this plantation, and traitor thereunto, and accordingly to lie liable unto such censure of punishment (if they arrive in England) as shall be thought fit by the Right Honourable Lords, his Majesties Councell for this Colonie, and if it shall so happen, that he or they shall be prevented, and brought backe hither againe into the Colonie, their trecherous flight to be punished with death.

33 There is not one man nor woman in this Colonie now present, or hereafter to arrive, but shall give up an account of his and their faith, and religion, and repaire unto the Minister, that by his conference with them, hee may understand, and gather, whether heretofore they have bene sufficiently instructed, and catechised in the principles and grounds of Religion, whose weaknesse and ignorance herein, the Minister finding, and advising them in all love and charitie, to repaire often unto him, to receive therein a greater measure of knowledge, if they shall refuse so to repaire unto him, and he the Minister give notice thereof unto the Governour, or that chiefe officer of that towne or fort, wherein he or she, the parties so offending shall remaine, the Governour shall cause the offender for his first time of refusall to be whipt, for the second time to be whipt twice, and to acknowledge his fault upon the Saboth day, in the assembly of the congregation, and for the third time to be whipt every day until he hath made the same acknowledgement, and asked forgiveness for the same, and shall repaire unto the Minister, to be further instructed as aforesaid: and upon the Saboth when the Minister shall catechise, and of him demaund any question concerning his faith and knowledge, he shall not refuse to make answer upon the same perill.

34 What man or woman soever, Laundrer or Laundresse appointed to wash the foule linnen of any one labourer or souldier, or any one else as it is their duties so to doe, performing little, or no other service for their allowance out of the store, and daily provisions, and supply of other necessaries, unto the Colonie, and shall from the said labourer or souldier, or any one else, of what qualitie whatsoever, either take any thing for washing, or withhold or steale from him any such linnen committed to her charge to wash, or change the same willingly and wittingly, with purpose to give him worse, old and torne linnen for his good, and prooffe shall be made thereof, she shall be whipped for the same, and lie in prison till she make restitution of such linnen, withheld or changed.

35 No Captaine, Master, or Mariner, of what condition soever, shall depart or carry out of our river, any Ship, Barke, Barge, Gally, Pinnace etc. Roaders<sup>33</sup> belonging to the Colonie, either now therein, or hither arriving, without leave and commission from the Generall or chiefe Commaunder of the Colonie upon paine of death.

36 No man or woman whatsoever, members of this Colonie, shall sell or give unto any Captaine, Marriner, Master, or Sailer, etc. any commoditie of this countrey, of what quality soever, to be transported out of the Colonie, for his or their owne private uses, upon paine of death.

37 If any souldier indebted, shall refuse to pay his debts unto his creditor, his creditor shall informe his Captaine, if the Captaine cannot agree the same, the creditor shall informe the Marshals civill and principall officer, who shall

<sup>33</sup> A vessel used in sheltered water near the shore.



preferre for the creditor a bill of complaint at the Marshals Court, where the creditor shal have Justice.

All such Bakers as are appointed to bake bread, or what else, either for the store to be given out in generall, or for any one in particular, shall not steale nor imbezell, loose, or defraud any man of his due and proper weight and measure, nor use any dishonest and deceitfull tricke to make the bread weigh heavier, or make it courser upon purpose to keepe backe any part or measure of the flower or meale committed unto him, nor aske, take, or detaine any one loafe more or lesse for his hire or paines for so baking, since whilst he who delivered unto him such meale or flower, being to attend the businesse of the Colonie, such baker or bakers are imposed upon no other service or duties, but onely so to bake for such as do worke, and this shall hee take notice of, upon paine for the first time offending herein of losing his eares, and for the second time to be condemned a yeare to the Gallies, and for the third time offending, to be condemned to the Gallies for three yeares.

All such cookes as are appointed to seeth,<sup>24</sup> bake or dresse any manner of way, flesh, fish, or what else, of what kind soever, either for the generall company, or for any private man, shall not make lesse, or cut away any part or parcel of such flesh, fish, etc. Nor detaine or demaund any part or parcell, as allowance or hire for his so dressing the same, since as aforesaid of the baker, hee or they such Cooke or Cookes, exempted from other publike works abroad, are to attend such seething and dressing of such publike flesh, fish, or other provisions of what kinde soever, as their service and duties expected from them by the Colony, and this shall they take notice of, upon paine for the first time of-

<sup>24</sup> Boil.

fending herein, of losing his eares, and for the second time to be condemned a yeare to the Gallies: and for the third time offending to be condemned to the Gallies for three yeares.

All fishermen, dressers of Sturgeon or such like appointed to fish, or to cure the said Sturgeon for the use of the Colonie, shall give a just and true account of all such fish as they shall take by day or night, of what kinde soever, the same to bring unto the Governour: As also of all such kegges of Sturgeon or Caviare as they shall prepare and cure upon perill for the first time offending heerein, of loosing his eares, and for the second time to be condemned a yeare to the Gallies, and for the third time offending, to be condemned to the Gallies for three yeares.

Every Minister or Preacher shall every Sabbath day before Catechising, read all these lawes and ordinances, publicly in the assembly of the congregation upon paine of his entertainment checkt for that weeke.

*The Summarie of the Marshall Lawes.*

Thee are now further to understand, that all these prohibited, and forefended <sup>35</sup> trespasses and misdemeanors, with the injoynd observance of all these thus repeated, Civill and Politique Lawes, provided, and declared against what Crimes soever, whether against the divine Majesty of God, or our soveraigne, and Liege Lord, King *James*, the detestable crime of Sodomie, Incest, Blasphemie, Treason against the person of the principall Generals, and Commaunders of this Colonie, and their designs, against detracting, murmuring, calumniating, or slaundering of the Right Honourable the Councell resident in England, and the Committies there, the general Councell, and chiefe Commaunders heere, as also against intemperate raylings, and base unmanly speeches, uttered in the disgrace one of another by the worsor sort, by the most impudent, ignorant, and prophane, such as have neither touch of humanitie, nor of conscience amongst ourselves, against Adultery, Fornication, Rape, Murther, Theft, false witnessing in any cause, and other the rest of the Civill, and Politique Lawes and Orders, necessarily appertaining, and properly belonging to the Government of the State and Condition of the present Colony, as it now subsisteth: I say thee are to know, that all these thus joynd, with their due punishments, and perils heere declared, and published, are no lesse subject to the Martiall law, then unto the Civill Magistrate, and where the Alarum, Tumult, and practise of arms, are not exer-

<sup>35</sup> Forbidden.

cised, and where these now following Lawes, appertaining only to Martiall discipline, are diligently to be observed, and shall be severely executed.

1 No man shall willingly absent himself, when hee is summoned to take the oath of Supremacy, upon paine of death.

2 Every Souldier comming into this Colonie, shall willingly take his oath to serve the King and the Colonie, and to bee faithfull, and obedient to such Officers, and Commaunders, as shall be appointed over him, during the time of his aboad therein, according to the Tenor of the oath in that case provided, upon paine of being committed to the Gallies.

3 If any Souldier, or what maner of man else soever, of what quality or condition soever he be, shal tacitely compact, with any Sea-man, Captain, Master, or Marriner, to convay himselve a Board any shippe, with intent to depart from, and abandon the Colony, without a lawful Passe from the Generall, or chiefe commander of the Colonie, at that time, and shall happen to bee prevented, and taken therewith, before the shippe shall depart out of our Bay, that Captaine, Maister or mariner, that shall so receive him, shall lose his wages, and be condemned to the Gallies for three yeeres, and he the sworne servant of the Colony, Souldier, or what else, shall bee put to death with the Armes which he carrieth.

4 When any select, and appointed Forces, for the execution and performance of any intended service, shall bee drawne into the field, and shall dislodge from one place unto another, that Souldier that shall quit, or forsake his Colors, shall be punished with death.

5 That Souldier that shall march upon any service, shall keepe his Ranke and marching, the Drum beating, and the Ensigne displayed, shall not dare to absent himselfe, or stray and straggle from his ranke, without leave granted from the cheefe Officer, upon paine of death.

6 All Captaines shall command all Gentlemen, and Common Souldiers in their Companies, to obey their Sergeants, and Corporals, in their offices, without resisting, or injuring the said Officers, upon paine, if the injurie be by words, he the offender shall aske his Officer pardon in the place of Arms, in the mead<sup>36</sup> of the troopes. If by Act, he the offender shall passe the pikes.<sup>37</sup>

7 That Souldier that in quarrel with an other shall call upon any of his companions, or Countrimen to assist, and abette him, shall bee put to death with such Armes as he carrieth.

8 Hee that shall begin a mutiny, shall bee put to death with such Armes as he carrieth.

9 Where a quarrell shall happen betweene two or more, no man shall betake him unto any other Arms then his sword, except he be a Captaine or Officer, upon paine of being put to death with such Armes as he shall so take.

10 If a Captaine or Officer of a Companie shall come where two or more are fighting with their drawne swords, so soone as hee shall cry Hold, and charge them to forbear, those that have their swords in their hands so drawne, shall not dare to strike or thrust once after upon paine of passing the Pikes.

<sup>36</sup> Middle.

<sup>37</sup> Passe the pikes: to be slashed and whipped through two lines of men; to run the gauntlet.

11 That Souldier that having a quarrell with an other, shall gather other of his acquaintance, and Associates, to make parties, to bandie, brave second,<sup>38</sup> and assist him therin, he and those braves, seconds, and assistants shall passe the Pikes.

12 He that shall way-lay any man by advantage taken, thereby cowardly to wound, or murther him shall passe the Pikes.

13 If any discontentment shall happen betweene Officers, or Souldiers, so as the one shall give words of offence, unto the other, to moove quarrell, the Officer or Souldier shall give notice thereof, to his Corporall, or superior officer, and the Corporall, or superior officer, shall commit the offender, and if it happen between Commanders, the officer offended shall give notice to the Generall, or Marshal, that he may be committed, who for the first offence shall suffer three daies imprisonment, and make the officer wronged, satisfaction before his squadron to repaire him, and satisfie him, without base submission, which may unworthy him to carry Armes. And the officer, or Souldier so offended, having satisfaction offered, shall with all willingnes receive it, for which both producing it to his Officer, and accepting of satisfaction, hee shall bee reputed an officer, or souldier well governed in himselfe, and so much the fitter to be advanced in Commaund over others, and if any shall upbraid him, for not having sought a savage headlong revenge against his fellow, the officer or souldier so upbraiding, shall bee punished and make satisfaction as the first offender, and if any shal so offend the second time he shall suffer ten nights

<sup>38</sup> To bandie, brave second; to band together; to challenge in support; to reinforce.

lying head and heeles together, with Irons upon the guard,<sup>39</sup> and have his entertainment checkt for one month, and make satisfaction to the officer or souldier, as before remembred, and for the third offence, hee shall bee committed to the Gallies three yeeres. And if upon the first offence given by any officer or souldier, upon any other, in words as aforesaid, and the other returne injurious words againe, they shall both be taken as like offenders, and suffer like punishment, saving that he who gave the first offence, shall offer first repaire<sup>40</sup> unto the offended, which he the offended shall accept, and then shal hee proceed to returne the like satisfaction unto the other, and if any shall bee obstinate in this point of repaire, and satisfaction, hee shall suffer sharpe and severe punishment, until hee shall consent unto it, the words or manner of satisfaction, to be given unto the Party, or parties offended, shall be appointed by the chiefe officer of the Company, under whom the officer, or souldier shall happen to bee, with the knowledge of the provost Marshall, provided, that if the Officer or souldier shall desire it, hee may appeale unto the chiefe officer of the Garrison, or unto the Marshall, if hee shall be present to Judge of the equity of the satisfaction. And if any Lanceprizado,<sup>41</sup> Corporall, or other officer, shall happen to bee present, or shall take knowledge of any such offence offered of one partie, or Quarrell sought and accepted of more parties, he shall presently cause the partie, or parties so offending to bee committed to prison, that due execution may follow, as is formerly provided. And if any Lanceprizado, Corporall, or superior officer shall neglect his or their duty, or duties heerein appointed, by not bringing the offender, and their

<sup>39</sup> With Irons upon the guard: to shackle with irons in the guard-house. <sup>40</sup> Amends or reparation.

<sup>41</sup> A noncommissioned officer of the lowest grade.

offences, to the knowledge of the superior office[r], that satisfaction as aforesaid, upon the fault committed, may orderly follow, the officer so offending, shal for his first omission, negligence, and contempt, suffer ten daies Imprisonment, for the second twenty, and for the third losse of his place, and to bee put to the duty of a Centinell: And if any officer or Souldier shall be present when two or more shall draw weapons, with intent to fight, or shall fight, they shall presently doe their best to part them, and if he be an officer he shall commit them, or put them under safe guard to bee committed, and if hee bee a private souldier, hee shal give notice to the provost, marshall, or unto the first officer that he shal meet with, of the parties offending, who shall presently take order, that they may be apprehended, and committed to the Provost Martialcy, and if any officer or souldier, shall happen to see any officer or souldier so fighting, and shall not doe his best to part them, without favouring one part or other, hee shall bee punished at the discretion of the officer in chiefe, and the punishment shall extend to the taking away of life, if the cause shal so require, and if any officer, or souldier shall know of any purpose in any to fight, and shall not stay them, or discover them to such officers, as are competent to stay them, but that they goe to fight, and doe accordingly fight, that officer, or souldier shall bee taken, and shall bee punished cleerely and in the same sort, as the offence deserveth punishment betweene them fighting.

14 That officer, or Souldier that shall challenge another to fight, and hee that shall carry any Challenge, knowing it to be a Challenge, and he that accepteth any such Challenge with a purpose and returne of answer, to meete the saide Challenger to fight with him, in this case they shall all three

be held alike culpable, and lie subject to the Censure of a Martiall Court.

15 That officer who shal command the guard and let such Challengers and Challenged, passe the ports,<sup>42</sup> upon his knowledge to fight, shall be casseird,<sup>43</sup> and if the officer be under the degree of a Captaine, hee shall bee put to doe the duty of a Centinell.

16 No officer shall strike any souldier, for any thing, not concerning the order, and duty of service, and the publique worke of the Colony, and if any officer shall so doe, hee shall bee punished as a private man in that case, and bee held unworthy to command, so perverting the power of his place and authority.

17 No man shall be Captaine of the watch at any time, under the degree of an Ensigne.

18 He that shall take the name of God in vain or shall play at Cards or dice, upon the Court of guard, for the first time so offending, he shall bee committed to prison, there to lie in Irons for three daies, for the second time so offending, hee shall be whipt, and for the third time so offending hee shall bee condemned to the Gallies for one yeere.

19 Hee that shall absent himselfe from the Court of Guard, uppon his watch above one houre without leave of his Corporall or superior officer, shall for his first time so offending, at the relieving of the watch bee committed to prison, and there to lye in Irons for 3. dayes, for the second time he shall be committed to prison and there lye in irons for one weeke, and have his entertainment checkt for one

<sup>42</sup> Passe the ports: exist through the gateway of a town or fort.

<sup>43</sup> Dismissed or cashiered from a position of command or authority.

weeke, and for the third time, hee shall be committed to the Gallies for sixe moneths.

20 He that shall swagger,<sup>44</sup> and give injurious words upon the court of guard, for the first offence, hee shall aske forgiveness upon his knees, of the officers, and rest of the Guard, before the Captain of the watch at that time: for his second time so offending, he shall bee committed to the Gallies for one yeere.

21 He that draweth his sword upon the Court of Guard, shall suffer death by the Armes which he weareth.

22 Hee that should draw his sword in a towne of Garrison, or in a Campe shall lose his right hand.

23 That souldier that shall goe out of the Fort, Towne or Campe, other then by the ordinary guards, issues, waies, or ports, shall suffer death by the Armes which he carrieth.

24 He that shall abuse and injurie the Serjeant Major, the provost Marshall, either by word, or deede, if hee bee a Captaine, hee shall be casseird, if a Souldier he shall passe the pikes.

25 When the Officer or Souldier shall have committed any Crime, or have made breach of the publique Lawes, his Captaine shall commit him unto the serjeant Major, who having taken his examination, shall send him to the Provost Marshall, committed unto prison, that he may bee brought to be censured by a court Marshall.

26 No Souldier shall withstand or hinder the Provost Marshall, or his men in the execution of his office, upon paine of death.

<sup>44</sup> Behave in an insolent or defiant manner.

27 All Captaines, Lieutenants, Serjeants, and Corporals, shall be diligent at convenient times, to traine and exercise their Companies, and shall have a care of their Armes, as they tender their entertainment, and upon paine of casseiring, and other corporall punishment, as shall be inflicted by vertue of a Marshall court.

28 No man shall goe twelve score<sup>46</sup> from the quarter, his colours, towne or fort, without leave of his Captaine, upon paine for the first time of whipping, for the second offence to be committed to the Gallies for one yeare, and for the third offence to suffer death.

29 No man shall sell, give, imbezell, or play away his Armes, or any part thereof, upon paine of death.

30 No common Souldier shall sell, or make away any of his apparell, which is delivered unto him by the Colonie, or out of the store, upon paine of whipping.

31 No man shall depart from his guard without leave of his officer, upon paine of punishment: and who so shall be set Centinell, shall not depart from it, untill he be relieved, nor sleepe thereof upon paine of death.

32 No man shall offer any violence, or contemptuously resist or disobey his Commaunder, or doe any act, or speake any words which may tend to the breeding of any disorder or mutinie in the towne or field, or disobey any principall Officers directions upon paine of death.

33 He that shall not appeare upon the guard, or not re-paire unto his colours, when the Drum upon any occasion shall beate either upon an Alarum, or to attend the businesse which shall be then commaunded, shall for his first

<sup>46</sup> A score is twenty yards.

offence lie in Irons upon the court of guard all one night, and for his second be whipt, and for the third be condemned to the Gallies for one yeare.

34 That Souldier who fighting with an enemy, shall lose his Armes, or runne away cowardly, or yeeld himselfe but upon apparant and great constraints or without having performed, first the part of a good souldier, and an honest man, shall suffer death with the armes which he carrieth.

35 That Souldier that shall let go any caution<sup>46</sup> delivered upon a treatie, or any prisoner of warre by his negligence, shall be punished with death.

36 No Souldier shall let goe any prisoner of war, which he hath taken without consent of his Captaine, who shall advertise<sup>47</sup> the chiefe Commaunder, upon paine of being committed to the Gallies for one yeare.

37 That Souldier which upon an assault, or taking of any towne, that shall not follow his colours, and the victory, but shall fall to pillage for his private profit, after the place taken, shall suffer death with the armes which he weareth.

38 No Souldier may speake or have any private conference with any of the salvages,<sup>48</sup> without leave of his Captaine, nor his Captaine without leave of his chiefe Officer, upon paine of death.

39 When the Marshall or Governour of a towne, shall demaund a Souldier that hath made breach of these lawes, that Captaine or any other that shall conceale him, or assist him to flie away, shall bee punished with the punishment which the fact of the said fugitive deserved.

<sup>46</sup> Security given for the performance of a treaty; the person who becomes security. <sup>47</sup> Notify. <sup>48</sup> Savages.

40 That Captaine that shall *ipso facto*, find any Souldier breaking these fore declared lawes and ordinances, of whatsoever company he shall be; he shall commit him to the Provost Marshall to be punished according as the offence committed commeth under the construction of the Martiall law in that case provided.

41 No Souldier shall unprofitably waste his powder, shot, or match, by shooting it idly away, or at birds, beasts, or fowle; but shall give an account unto his Corporall of the same, who shall certifie his Captain upon peril for his first fault so committed, to be committed to prison, there to lie in Irons head and heeles together eight and forty hours, for the second to be condemned sixe moneths to the Gallies, and for the third offence to be condemned two yeares to the Gallies.

42 All Captaines, Officers, and common Souldiers, or others of what condition soever, members of the Colonie, shall doe their endeavours to detect, apprehend, and bring to punishment all offenders, and shall assist the officer of that place for that purpose, as they will answer the contrary at our Marshall court.

43 All other faults, disorders, and offences that are not mentioned in these Lawes, Articles, and Orders shall be and are supplied in the instructions which I have set downe, and now shall be delivered unto every Captain, and other Officer, so farre forth as the infancie, and as yet weake condition of this our present Colony will suffer, and which shall be punished according to the generall custome, and therefore I commaund all men to looke to their charges, and him that hath no charge to looke to his owne carriage, and to keepe himselfe within the bounds of dutie, for the

discipline shall be strictly kept, and the offenders against the lawes thereof severely punished.

44 Whosoever shall give offence to the Indians in that nature, which truly examined, shall found to have beene cause of breach of their league,<sup>49</sup> and friendship, which with so great travaile, desire, and circumspection, we have or shall at any time obtaine from them without commission so to doe, from him that hath authorities for the same, shall be punished with death.

45 Whosoever shall wilfully, or negligently set fire on any Indian dwelling house, or *Quioquisock*<sup>50</sup> house or temple, or upon any storehouse, or garner<sup>51</sup> of graine, or provision of what quality soever, or disvaledge,<sup>52</sup> ransacke, or ill intreat the people of the countrey, where any warre, or where through any march shall be made except it be proclaimed, or without commandement of the chiefe officers shall be punished with death.

46 Whosoever shall not do his endeavour and best to regaine and recover his colours, if by hap it fall into the Indians hands shall lie subject to the censure of a Marshall court.

47 Whosoever shall faine himself sick, upon the point of fight, or when any worke is to be done or slip away from the service of either, shall be punished by death.

48 Whosoever shall raise any question, brabble<sup>53</sup> or braule in the watch, or Amboscado,<sup>54</sup> or in Scout, or Sen-

<sup>49</sup> Alliance.

<sup>50</sup> Superior power worshiped by the Powhatan Indians.

<sup>51</sup> A storehouse. <sup>52</sup> To rob or strip.

<sup>53</sup> A dispute or quarrel. <sup>54</sup> Ambuscade; ambush.

tinel in any other effect, or make any noise or rumor where silence, secrecie, and covert is to be required, shall be punished with death.

49 Whosoever shall not retreat when the drum or trumpet soundeth the same, whether it be upon any sallies, made out of any town or fortres, or in skirmish, or in any incounter, shall be punished with death.

50 It now resteth, that all Captaines and supreme officers, whether governor in towne, fort or fortes, or Captaine of companies shall be advised to do their indevors joyntly, and to agree in one accord, that the true and never failing Justice, may be executed with all integrity of all these foredeclared lawes, according to the dignitie, power, and censure of the Martiall court, that by the exemplar lives, and honourable practises of all that is good and vertuous, all things may be governed in good order, as no doubt, our Right Honorable Lord Generall doth assure himselfe, that all good and upright men that have the feare of God, and his service, and their owne honour in regard, will demean<sup>55</sup> themselves no lesse, then according to the dignity of their place, and charge of their command, the united powers of his Lordships knowledge, being so full of approved noblesse, and the well knowne, and long time exercised grounds of Piety, as without question he cannot but desire rather a little number of good men, obedient and tractable, submitting to good order and discipline, then a great armie, composed of vitious prophane, quarrellous, disobedient, and ignoble persons, wherefore in his Lordships behalfe, I must intreat all Governors, Captains, Officers, and Soldiers, and neverthesse do injoyne, ordaine and command them

<sup>55</sup> Behave; conduct.

to carry themselves in their severall duties and charges, according to the intention of his Lordship, declared by these present Ordinances.

51 Every Captaine shall cause to be read all these lawes which concerne martiall discipline, every weeke upon his guard day, unto his company upon paine of censure of a Martiall court.



*Instructions of the Marshall for better inhabling of the Colonell or Governour, to the executing of his or their charges in this present Colony the 22nd of June. 1611.*

Albeit the zeale which I beare unto this businesse that we have all now in hand touching the subsistance of this plantation, might justly take up all my spirits, and would require a large and passionate explanation of mine owne thoughts and promptnesse to gaine and possesse the hearts of all understanding, noble and religious spirits thereunto, yet I must crave pardon (considering at this time many present impediments) if I wrap up any impatient desires and good affection hereunto, to all such unto whom these necessarie effects of my dutie and office shall appertaine, and must be declared in few words and advises, appertinent<sup>58</sup> yet (if not essentiall, as heat to bloud, to the advancement hereof) [;] my desire then by these is chiefly to let all the worthier and better sort to understand, how well it shall become their Honors, birthes, breedings, reputations and faithes, to do their bests, and emulously<sup>57</sup> to actuate in this worke, the utmost of their cleerest powers of body and mind, where the travaile of both is so deerely valued, and highly interpreted by al good and wise men, who knowing the grounds of all goodnes, cannot but know this, how this hazardous voyage (as yet but in her earely daies, reflecting onely the comfort of faire hopes) is undertaken by you, more to honour God, your country, and to profit your knowledges, then for any other ends of profit, which speakes for you (in despight of envie and calumnie) that you have

<sup>58</sup> Suitable; appropriate; pertinent.

<sup>57</sup> In a competitive manner.

minde much in love with vertue, and are right noble and worthy instruments, to be imployed in so sacred and heroicke a cause, if it were well knowne heere, the care that is had of this plantation in England, and the travel<sup>58</sup> that is taken therein, and the fire that doth not only burne in the generall body of our deare countrymen, to the encouragement and joy one of another amongst themselves, but flames out (even to the view of strange nations, as well our neighbours, as far remote) for the furtherance and advancement of this honorable enterprise, there is no man here would thinke that this my induction,<sup>59</sup> had either fashion or purpose of a complement. If the wisest man that ever spake or writ (except him that was both God and man) summed up all the reckonings of worldly felicities in these two words *Laetari & benefacere*, imploying a cheereful mirth with well doing (from which it cannot be severed) who hath more cause to be cheerefull, and inlie<sup>60</sup> glad then you that have the comfort of so great weldoing, to which no other may be compared? for what weldoing can be greater then to be stocks and authors of a people that shall serve and glorifie God, which is the end of all our Creation, and to redeeme them from ignorance and infidelity, to the true knowledge and worship of God, whereby you are made partakers of this promise, that they which lead others into Righteousnesse, shal shine like the starres in the firmament, wherein be right well assured, that your happinesse is envied by many a right knowing, and excellent vertuous man in *England*, who cannot happily by reason of other their imployments and callings, bee partakers of that Comfort heere, as they are by their Endeavors there at home. I shall not need to advise any Colonel, or Governor here for the present how

<sup>58</sup> Labor; exertions.

<sup>59</sup> Introductory statement or preamble.

<sup>60</sup> Inwardly.

to carry himself, for each mans owne experience here hath made him out go al use of my admonition, which my affection wold willingly else afford if there were cause. Only to discharge my service to god whose souldier I doe now professe my selfe imprest, in this so glorious and great a cause of his, my duty to my Sovereigne Liege Lord and King, and to his Highnesse my Royall Prince and Master, to my Country and the expectation of many Honorable select, painful, and Religious adventurers, Patrones of this businesse, I have conceived no whit impertinent to deliver and publish to every imminent<sup>61</sup> officer in this Colony heere present, and for the direction and guiding of such who may heereafter arrive heere such and so many few instructions as may the better inable them to execute their charges, no whit doubting, but every Colonell, Governour Captaine, and other Officer may sufficiently understand his and their duties, as they are Souldiers, but happily not yet as they are, or may be Coloni, members of a Colony, which compriseth and involveth here, as well all the industrious knowledges and practises of the husbandman and of his spade, as of the Souldier, and of his Sword, since as Monie is the paiment and wages of the one, so of the other are the fruits of the earth the tillage and manuring of the Land, and in very truth of more necessity and use shall we heere be of the latter then of the other, whether of you be comprehended the souldier himselfe or his Salarie, since more easie it is to make a Husbandman a Souldier, then a Souldier a husbandman. And indeed the necessity of our subsisting, and the very daunger which our enemies of this Country can any way put us unto (our Companies and people well commaunded) requiring the choise rather of the one then the

<sup>61</sup> Eminent.

other. These being then the ends and intents of this work, and so understood, by every supreme and chiefe commander, I refer him to these following instructions.

All Governors of Town or Towns, Fort or Forts, shall be ready (when so be it they shall be summoned thereunto) to take their Oaths of Allegiance unto his Majestie and of faithfulness unto such his majesties Lieftenant, or to his Deputy or Deputies (authorised by Commission to command over and within the precincts of this whole Colony, or Colonies) ], by the Tenor of which Oathes they shall solemnly attest to perform all Integrity, uprightnesse, Justice and sincere administration of the discipline and Lawes in all causes and cases, for the good of the Colony or Colonies, provided and declared, and shal indevor the best they may, with all carefulnesse to advance the dignity, and subsistance of the same, as well by giving often in charge, and taking no lesse in to their owne care, both the particular preservation of all such helpes of what condition soever (especially of cattell, and all kinde of such breeders) ], which mayest soones redound unto the utility, and profit of the same, as by rendring the provisions of the store, and the well husbanding of the same, be they of what severall qualitie soever. Nor is he meanelly to be watchfull, and jealous over his own waies and carriage in all particulars, making profession, and practise of all vertue and goodnes for examples unto others to imitate, it being true that examples at all times prevaile farre above precepts, men beeing readier to bee led by their eies, then their eare, for seeing a lively pattern of industry, order and comlinessse, wee are all of us rather swayed unto the same by a visible object, then by hearing much more in wel instructed Arguments.

Every such Governor therefore shall make it his first duty to resort dayly and usually to the divine Service, next to put

in execution the Lawes duly against offenders, and withall cherish and reward the well deserving, and lastly with all worthines and circumspection, abeare himselfe<sup>62</sup> unto and towards his Garrison, intreating all men as well strangers as others, with al Grace, humanity, and sweetnes of a noble nature, and manlinesse, unto all which I hartily advise, and withall injoyne every such Governor of Town or Towns, to be most indulgent, and carefull to performe, as hee will answer the contrary (beside with the losse of his own Honor)], with such other penalties, as the neglect of so behoofefull<sup>63</sup> and necessary businesse in him, may draw upon the Colony.

Further he ought to be most vigilant, circumspect, and provident for the conservation, defending, and keeping the Town or Fort, for and unto his Majesty, wherein he is placed cheefe commander, and therefore ought the more duely to strengthen his Judgement, and remember his reputation, that he fall into neither of those extreames, which the needy and prodigall are most what culpable of, the one wasting the stocks, commodities and provisions of the store, by which he must subsist, and the other by being ravenous and corrupt in himselfe become likewise enforced to tolerate the same in his inferior captaines, and so leave the poore Souldier and Labourer, miserably pilled,<sup>64</sup> oppressed and starved.

Further he ought to provide that the companies be trained, and that they may bee made ready for the publike service, and for that the condition of this country doth require rather shot then other Armes, either for offence or defence, and time being pretious with us in respect of our

<sup>62</sup> Abear himselfe: to comport or demean himself.

<sup>63</sup> Useful; advantageous.      <sup>64</sup> Plundered; deprived.

dayly labours and works abroad belonging to our subsisting, in so much, as a small portion thereof may bee afforded and allowed unto such exercising and training, therefore it is appointed by the Marshall, that the Captains that shall have the Guard, during their time of Guard (their people as then being exempted from their dayly labour and work abroad) and their Officers shall teach every Souldier to handle his peece, first to present it comely, and souldier like, and then to give fire, by false firing,<sup>65</sup> and so to fall his Piece to the right side with the nose up, and when their souldiers are hardy and expert in this, they shall set up a convenient mark fast by the court of Guard, at which every Souldier shall twice discharge his peece, at the releeving of the watch, morning and evening, and he that shall shoot nearest[,] the Governor shall do wel to allow some addition of victuals, or pay, or some prize of encouragement, that every one may thereby emulously contend to do best: Concerning the training, and cleanly exercising of their Armes, and their postures, the captains shall have order and directions for the same under the Marshals hand which they shall put in Execution during the time of their Guard.

It is also required that the Governor never lie out of his Towne or Fort whereby hee may the better keepe good espiall upon all officers, that they perform their several duties each one in his place especially in good observation of the watch and Guard, for the more confident securing the charge committed to him:

Hee shall not suffer in his Garrison any Souldier to enter into Guard, or to bee drawne out into the field without being armed according to the Marshals order, which is, that every shot shall either be furnished with a quilted coate of

<sup>65</sup> False firing; the blank discharge of firearms.

Canvas, a headpeece, and a sword, or else with a light Armor, and Bases<sup>66</sup> quilted, with which hee shall be furnished: and every Targiteer with his Bases to the small of his legge, and his headpeece, sword and pistoll, or Scuppet<sup>67</sup> provided for that end. And likewise every Officer armed as before, with a firelocke, or Snaphaunse,<sup>68</sup> headpeece, and a Target, onely the Serjeant in Garrison shall use his Halbert, and in field his Snaphaunse and Target.

The Governour shall have a Principall care, that he use his Garrison to the dayly wearing of these Armors, least in the field, the souldier do finde them the more uncouth strange and troublesome.

Lastly the Governor shall have a singular care to put in execution all such Orders and Instructions as shall bee delivered unto him from the Generall, or his deputie or deputies, concerning the imployments of his Garrison upon such manuell works and duties, as shall be thought necessary and convenient for the better subsisting both of the Laborer, and Garrison committed unto him: In which is not to bee forgotten the chary conservation of powder, and munition, which will the better inhable him for the defence of his Charge.

The Governor shall be better instructed by taking notice of the Lawes published, that these following abuses are provided for, impious and malicious speaking against the holy and blessed Trinity, Blasphemy, and taking Gods holy name in vain, traiterous words against his majesties person, or Royall Authority, unreverent Demeanor towards the Ministers and preachers of the same, the detestable crime of

<sup>66</sup> A skirt reaching from the waist to the knee.

<sup>67</sup> A spade used for trenching.

<sup>68</sup> A musket fitted with an early form of flintlock.

Sodomie, incest, theft, murther, false witnessing, treason against the Person of the Generall, and principall Commaunders of this Colony, and their designes, against Detracting, Murmuring or slaundering of the Right Honourable, the Councell resident in England, and the Committies there, the Generall Council and Subalternate Commanders, heere, as also against intemperate raylings and base unmanly speeches uttered in the disgrace one of another, all which the Marshall Law, as well as the Civil Magistrate is to punish, but these which concerne in particular the military Discipline, to inable your judgement for your sentence to be required, that it may with greater cleerenes, and understanding, called to censure offences in the Marshal court be delivered, I have abstracted, as followeth

- 1 Conference with the enemy, without leave or warrant, from the Lord Generall, Lieutenant Generall, Marshal, or chief and principal command for the present.
- 2 The designes, enterprises, and estate of the Colony, revealed to what enemy soever, by privy messengers, or missives, or otherwise in what sort soever.
- 3 The not present advertising, and giving notice unto a cheefe Commaunder, of such things as any man knoweth intended any way, or by any body, for the damage,<sup>69</sup> mischief, or ill of the Colony, or the concealement in any one of any matter of importance, and moment for the good of the Colony.
- 4 Running unto the enemy, or intending, and plotting to runne albeit prevented.

<sup>69</sup> Damage.

5 Of any one taken prisoner by the enemy, having meanes to escape, and not returning to the Colony againe, unlesse hee have given faith.

6 Of attempting commotion, giving occasion of sedition, or Muteny in the Colony, or seducing any labourer or souldier from their duty, divine, civill, or martiall, or from their appointed works and labours.

7 Of disclosing or giving the word unto the enemy, or unto any other, where it ought not to be given.

8 Of receiving, or protecting any Indian, stranger, or suspected spie, or supposed enemy, into house, or any covert,<sup>70</sup> without making it knowne to the General, or chiefe officer, and without leave from him so to do.

9 Suspicious and privily entring into the Campe Town, or Fort, or going out by any other waies and issues, then those which are accustomed, as over the Ramparts, Pallizadoes, Trenches, etc.

10 Of doing any act, or contriving any practise, which may prejudice the service of his Majesty commanded for the good of the Colony, by the Generall, or chiefe Officer.

11 Of breaking the Truce, or peace at any time concluded with the Indian, without leave and warrant expresly given, by him who hath power so to doe.

12 Of pillaging, or violently forcing from any Indian to [or?] friend, without leave.

13 Of ransacking, ransoming, or violently outraging, and spoiling the Country people, or making war upon them,

<sup>70</sup> Hiding place; shelter.

be it in body or goods, unles they be declared enemies, and warrant given to make prise of.

14 Of laying violent hands on his Captaine or other superior officer, and generally upon any one whatsoever, to whom duty and obedience is due, especially if it be in the executing of his Office.

15 Of him who shall see his superior, or chiefe officer in danger, and shall not doe his indeavour to rescue and relieve him with all his force, and power.

16 Of him who shall violently or hardly intreate, or kill his souldier, without good, and lawfull occasion, or that he have deserved so to be intreated, not to satisfie his owne pleasure and appetite, to punish in colour,<sup>71</sup> and revenge, thereby thinking to make himselfe more redoubted, a brave man, and to be feared, remembring well, the life of a souldier, or a laborer, belongs to none to take away, but to the Lord Generall, Lieftenant General, Marshal, or their deputy or deputies.

17 Of killing any one, except it be in his own defence.

18 Of striking or fighting with an other man, having a quarrell unto him, and not holding his or their hands when an officer or third party comes between and cries, Holah.

19 Of making debate, raising question, or laying his hand on his sword, and drawing it in the Court of Guard, in Ambush, or other place, where he ought to be modest, peaceable, silent, and to keep himself in covert.

20 Of assaying or indeavouring by bravery,<sup>72</sup> and chiefly by trechery, to outrage or injury any one without a cause, in

<sup>71</sup> In colour: anger; heat of temper.

<sup>72</sup> Defiance; boasting; swaggering.

deed or in words, privately behind his backe like a slie coward, or openly to his face, like an arrogant ruffian, since words are the parents of blowes, and from quarrels infinite disorders, and mischiefs gather head whether in Campe, Towne, or Fort.

21 Of revenging a new wrong, or old injury, by any course, contrary to the peace of the camp or Colony.

22 Of running where any quarrell is a foote, and companies gathered together, furnished with other Armes then his sword.

23 Of taking away any mony in bravery, wonne from another, or gotten by play otherwise without the will and consent of him, from whom he wonne it, or cheating or cosenage<sup>73</sup> in play.

24 Of not repairing to the place of Armes, or Colors at the publique beating of the Drum.

25 Of wilfully firing any place, without order from the superior officer.

26 Of sacriledge or taking any goods out of Churches, or Temples, be they sacred or prophane, without license from the chiefe commander.

27 Of a souldier enrowling himself in two companies at one time.

28 Of going out of one company into another, without leave of his Captaine.

29 Of absenting himselfe from the Campe, towne, or fort, without permission of a superiour officer.

<sup>73</sup> Defrauding by deceit.

30 Of him that shall receive his pay, and shall go away without speaking a word, it is a case capital, and worthy of death.

31 Of suborning<sup>74</sup> souldiers the one from the other, which is an evill example, and which doth draw many inconveniences with it.

32 Of quarrels, debates, and revenge.

33 Of failing to go, or refusing to follow, where his ensigne shall march, or else where that he shall be commaunded by those who have authoritie so to commaund without enquiring the cause.

34 Of abandoning his ensigne without leave or going from the place assigned him, be it in fight, in the court of guard, Centinels, or other part, not brought of by those who placed him there, or others having the same authority.

35 Of a Souldier not doing his endeavour to recover his ensigne, if the enemie have taken it.

36 Of being wanting at his watch, upon his time appointed, or of going of the Guard without leave, albeit under a colour of espie.<sup>75</sup>

37 Of being found sleeping in Centinell, or of him who placed upon some Guard or watch by his negligence hath given meanes to the enemie, to do some spoile in the campe, towne, or fort, and to surprise them at unawares.

38 Of running away from the battell, conflict, or assault, etc. and of him that marcheth too slowly, or maketh delaies in any other sort.

<sup>74</sup> Drawing away the allegiance of.      <sup>75</sup> A spy.

- 39 Of a Souldier faining himselfe sicke, when any service is to be performed.
- 40 Of yeelding unto the enemy, a place which he hath in gard, without doing first his duty to the uttermost, and be not constrained unto it, according to the quality of the same, and the state whereunto he shall be drawn.
- 41 Of being appointed to defend a breach, trench, or passage, committed unto his charge, and do forsake it altogether, without being forced thereunto by the enemy.
- 42 Of entring into any place taken by force, and pillaging the same, not following his colors, or forsaking the same, without a publike proclamation, made by the chiefe commander, that it shal be lawful so to pillage.
- 43 Of a soldier being found unfurnished of his arms, and of such furniture, as he is appointed to weare and ought to have, by losing them in play, or in cowardly runing away, or otherwise by his default or negligence.
- 44 Of a souldiers going from his quarter, town, or fort, without he have leave from a superior officer.
- 45 Of a souldier advancing himselfe, to go before the troopes, be it to come first to his lodging, or for any other occasion, or wandring heere and there, and stragling when he should march.
- 46 Of not retiring so soone as the drum or trumpet shall sound retreat, whether it be comming out of any towne, or skirmish, or any other fight.
- 47 Of speaking loud, or making a noise in the battel or

any other place, where silence is to be used, except those who have power to command.

*Instructions of the Marshall for the better inhabling of the Captaine of the watch, to the executing of his charge in this present Colony. the 22nd of June. 1611.*

Sithence,<sup>76</sup> as in every living creature, there be many and sundry members and those distinct in place and officè, and all yet under the regiment of the soule, and heart, so in every army, commonwealth, or Colonie (all bodies a like compounded) it cannot be otherwise for the establishment of the same in perfect order and vertue, but that there should be many differing parts, which directed by the chiefe, should helpe to governe and administer Justice under him. And if it be thus in this civill Audit,<sup>77</sup> and courts of a well settled State, much more sure as it required, to be in their beginnings, and no lesse shall we read, how that first and great commander over the Colony of the children of Israel, conducting them from Egypt to make their plantation in the land of Promise, appointed Captains over Tribes and hundreds for the wars, and Elders to sit upon the bench (whilst unto himselfe all great causes were brought, whether martial, or civil to direct and determine) ] it otherwise being impossible, so many and infinite occasions both being to be thought upon, and requiring judiciall audience, should ever come by one man (of

<sup>76</sup> Seeing that.

<sup>77</sup> A judicial hearing of complaints; judicial examination.