

RULES and ARTICLES, for the better Government of the TROOPS raised, or to be raised, and kept in pay by and at the joint Expence of the TWELVE UNITED ENGLISH COLONIES of NORTH-AMERICA.

In GENERAL CONGRESS of the UNITED COLONIES, held at Philadelphia, on the 10th day of May, 1775.

WHEREAS his majesty's most faithful subjects in these colonies are reduced to a dangerous and critical situation, by the attempts of the British ministry to carry into execution, by force of arms, several unconstitutional and oppressive acts of the British parliament for laying taxes in America, to enforce the collection of these taxes, and for altering and changing the constitution and internal police of some of these colonies, in violation of the natural and civil rights of the colonies.

And whereas hostilities have been actually commenced in the Massachusetts Bay, by the British troops, under the command of general Gage, and the troops of a number of the said colonies that colony destroyed:—The town of Boston not only having been long occupied as a garrison from an enemy's country, but the inhabitants thereof treated with a severity and cruelty not to be justified, even towards declared enemies. And whereas arms reinforcements have been ordered, and a force expelled, for the declared purpose of compelling these colonies to submit to the operation of the said acts, which hath rendered it necessary, and an indispensable duty, for the express purpose of securing and defending these colonies, and preserving them in safety against all attempts to carry the said acts into execution: That an armed force be raised sufficient to resist such hostile designs, and preserve, and defend, the lives, liberties, and immunities of the colonists, for the due regulating and well ordering of which—Resolved, That the following RULES and ORDERS be established, and observed by such forces as are or may hereafter be raised for the purpose aforesaid.

ARTICLE I. That every officer who shall be retained, and every soldier who shall serve in the continental army, shall, at the time of his acceptance of his nomination or appointment, subscribe these rules and regulations. And that the officers and soldiers aforesaid of that army, shall also, as soon as may be, subscribe the same; from the time of which subscription every officer and soldier shall be bound by those regulations. But if any of the officers or soldiers, now of the said army, do not subscribe these rules and regulations, then they may be retained in the said army, subject to the rules and regulations under which they entered into the service, or be discharged from the service, at the option of the commanding officer in chief.

Art. 2. It is earnestly recommended to all officers and soldiers diligently to attend to the service; and all officers and soldiers, who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending, shall, for his first offence, forfeit one sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours; and for every like offence, shall suffer and pay in the manner, which money so forfeited shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

Art. 3. Whatsoever non-commissioned officer or soldier shall use any profane oath, or exclamation, shall incur the penalties expressed in the second article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence, the sum of four shillings, lawful money.

Art. 4. Any officer or soldier, who shall behave himself with contempt or disrespect towards the general or generals, or commanders in chief of the continental forces, or shall speak false words, tending to his, or their hurt, or dishonour, shall be punished, according to the nature of his offence, by the judgment of a general court-martial.

Art. 5. Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition, in the regiment, troop, or company to which he belongs, or in any other regiment, troop or company of the continental forces, either by land or sea, or in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer such punishment as by a general court-martial shall be ordered.

Art. 6. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, does not, without delay, give information thereof to the commanding officer, shall be punished, by order of a general court-martial, according to the nature of his offence.

Art. 7. Any officer or soldier, who shall strike his superior officer, or draw or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful commands of his superior officer, shall suffer such punishment as shall, according to the nature of his offence, be ordered by the sentence of a general court-martial.

Art. 8. Any non-commissioned officer or soldier, who shall desert, or without leave of his commanding officer, shall be punished, according to the nature of his offence, by the sentence of a general court-martial.

Art. 9. Whatsoever officer or soldier shall be convicted of having seduced or persuaded any other officer or soldier to desert, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Art. 10. All officers, of what condition soever, shall have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop or company; and either order officers to be arrested, or non-commissioned officers or soldiers to be confined and imprisoned, till their proper superior officers shall be acquainted therewith; and whoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Art. 11. No officer or soldier shall use any reproachful or provoking speeches or gestures to another; nor shall presume to send a challenge to any person to fight a duel; and whoever shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel; or shall second, promote, or carry any challenge, shall be deemed as a principal; and whatsoever officer or soldier shall upbraid another for refusing a challenge, shall also be considered as a challenger: and all such offenders, in any of these or such like cases, shall be punished at the discretion of a general court-martial.

Art. 12. Every officer commanding in quarters, or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses, or disorders which may be committed by any officer or soldier under his command: if upon any complaint made to him, of officers or soldiers beating, or otherwise ill-treating any person, or of committing any kind of riot, to the disquieting of the inhabitants of this continent; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and preparation made to the party or parties injured, as far as the offenders wages shall enable him or them, shall, upon due proof thereof, be punished as ordered by a general court-martial, in such manner as if he himself had committed the crimes or disorders complained of.

Art. 13. If any officer should think himself to be wronged by his colonel or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the general or commander in chief of the continental forces, in order to obtain justice, who is hereby required to examine into said complaint, and see that justice be done.

Art. 14. If any inferior officer or soldier, shall think himself wronged by his captain or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial, either party may, if he thinks himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing, shall be punished at the discretion of the general court-martial.

Art. 15. Whatsoever non-commissioned officer or soldier, shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition, arms, or provisions, or other military stores, delivered out to him, to be employed in the service of this continent, shall, if an officer, be reduced to a private sentinel; and if a private soldier, shall suffer such punishment as shall be ordered by a regimental court-martial.

Art. 16. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted on him or them by the sentence of a regimental court-martial.

Art. 17. No officer or soldier shall lie out of his quarters, or camp, without leave from the commanding officer of the regiment, upon penalty of being punished according to the nature of his offence, by order of a regimental court-martial.

Art. 18. Every non-commissioned officer and soldier shall retire to his quarters, or tent, at the beating of the retreat; in default of which, he shall be punished according to the nature of his offence, by order of the commanding officer.

Art. 19. No officer, non-commissioned officer or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous appointed by the commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on penalty of being punished according to the nature of his offence, by the sentence of a regimental court-martial.

Art. 20. Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, under arms, shall be cashiered for it; any non-commissioned officer or soldier, so offending, shall suffer such punishment as shall be ordered by the sentence of a regimental court-martial.

Art. 21. Whatsoever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Art. 22. Any person belonging to the Continental army, who by discharging of fire-arms, beating of drums, or by any other means whatsoever shall occasion false alarms in camp or quarters, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Art. 23. Any officer or soldier, who shall without urgent necessity, or without leave of his superior officer, quit his platoon or division, shall be punished according to the nature of his offence, by the sentence of a regimental court-martial.

Art. 24. No officer or soldier shall do violence, or offer any insult, or abuse, to any person who shall be providing, or otherwise necessary, to the camp, or quarters of the Continental army; any officer or soldier so offending, shall, upon complaint being made to the commanding officer, suffer such punishment as shall be ordered by a regimental court-martial.

Art. 25. Whatsoever officer or soldier shall shamefully abandon any post committed to his charge, or shall retreat without orders to do so, in time of an engagement, shall suffer death immediately.

Art. 26. Any person belonging to the continental army, who shall make known the watch-word to the person who is not entitled to receive it, and deny to the rules and discipline of war, or shall presume to give a parole, or watch-word different from what he receives, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 27. Whosoever, belonging to the continental army, shall relieve the enemy with money, victuals, or ammunition; or shall knowingly harbour or protect an enemy, shall suffer such punishment as by a general court-martial shall be ordered.

Art. 28. Whosoever, belonging to the continental army, shall be convicted of holding correspondence with, or of giving intelligence to, his enemy, either directly or indirectly, shall suffer such punishment as by a general court-martial shall be ordered.

Art. 29. All public stores taken in the enemy's camp or magazines, whether of artillery, ammunition, clothing or provisions, shall be secured for the use of the United Colonies.

Art. 30. If any officer or soldier shall leave his post or colours, in time of an engagement, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer such punishment as by said court-martial shall be ordered.

Art. 31. If any commander of an post, intrenchment, or fortress, shall be convicted, by the officers or soldiers under his command, to give it up to the enemy, or to abandon it, the commanding officer, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as may be inflicted upon them by the sentence of a general court-martial.

Art. 32. All sutlers and retailers to a camp, and all persons whatsoever, serving with the continental army in the field, though not enlisted soldiers, are to be subject to the articles, orders and regulations of the continental army.

Art. 33. The general court-martial shall consist of a less number than thirteen, none of which shall be under the degree of a commissioned officer; and the president shall be a field officer; and the president of each and every court-martial, whether general or regimental, shall have power to administer an oath to every witness, in order to the trial of offenders; and the members of the court-martial shall be duly sworn by the president; and the next in rank on the court-martial shall administer the oath to the witness.

Art. 34. The members of both of general and regimental courts-martial shall, when belonging to different corps, take the same rank which they hold in the army; but when a court-martial shall be composed of officers of one corps, they shall take their ranks according to their commissions, by which they are numbered in the said corps.

Art. 35. The members of a court-martial, are to behave with calmness, decency and impartiality; and in giving of their votes, are to begin with the youngest or lowest in commission. Art. 36. No field officer shall be tried by a person under the degree of a captain; nor shall any person being on trial or arrested, be confined between the hours of eight in the morning, and three in the afternoon, except in cases which require an immediate execution.

Art. 37. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental courts-martial for the equipping and settling of companies or companies of men as may come before them, and for the inflicting corporal punishment, for such offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the court-martial) shall have confirmed the same.

Art. 38. No regimental court-martial shall consist of less than five officers, excepting in cases of necessity, when the majority of voices; which sentence is to be confirmed by the commanding officer, not being a member of the court-martial.

Art. 39. The members of a court-martial, being in any fort, castle, or barracks, where the president of his command consists of detachments from different regiments, or of independent companies, may assemble courts-martial for the trial of offenders in the same manner as if they were regimental, whose sentence is not to be executed till it shall be confirmed by the said commanding officer.

Art. 40. No person whatsoever shall use menacing words, signs, or gestures in the presence of a court-martial then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Art. 41. To avoid that offenders may be brought to justice; whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by proper authority.

Art. 42. No officer or soldier who shall be put in arrest, or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.

Art. 43. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the continental forces; which officer shall at the same time deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art. 44. No officer commanding a guard, or provost-marshal, shall presume to release any prisoner committed to his charge, without proper authority so to do; nor shall he suffer any prisoner to escape, on the penalty of being punished for it, by the sentence of a general court-martial.

Art. 45. Every officer or provost-marshal, to whose charge prisoners shall be committed is hereby required, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the colonel of the regiment to whom the prisoner belongs (where the prisoner is confined upon the guard belonging to the said regiment, and that his offence only relates to the neglect of duty in his own corps) or to the commander in chief, their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for his disobedience or neglect, at the discretion of a general court-martial.

Art. 46. And if any officer under arrest shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.

Art. 47. Whatsoever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

Art. 48. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire, in the service of the continental artillery, shall be governed by the foregoing rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the continental troops.

Art. 49. For differences arising amongst themselves or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein officers of other corps are interested, the officers of artillery shall sit in court-martial, with the officers of the other corps.

Art. 50. All crimes not capital, and all disorders and neglects, which officers and soldiers in the articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 51. That no persons shall be sentenced by a court-martial to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall any punishment be inflicted at the discretion of a court-martial, other than degradation, cashiering, drumming out of the army, whipping not exceeding thirty-nine lashes, and not exceeding two months pay of the offender, imprisonment not exceeding one month.

Art. 52. The field officers of each and every regiment are to appoint some suitable person belonging to such regiment, to receive and such fines as may be within his power, for any breach of any of the foregoing articles, and shall discharge the same to be carried and paid, as applied to the rest of such fines, wounded or equitable officers as belong to such regiment; and such person shall account with his officer for such fines received, and the application thereon.

Art. 53. The members sitting in court-martial shall be sworn by the president of the court, which president shall himself be sworn by the officer in said court next in rank; the oath to be