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THE SYSTEM OF MILITARY DISCIPLINE AND JUSTICE
IN THE CONTINENTAL ARMY: AUGUST 1777 - JUNE 1778

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by Paul G. Atkinson, Jr.

The War for Independence was ultimately won by a trained and disciplined Continental Army which, with the aid of the French, won a military decision in the field. The evolution of this army was a long, discouraging, and painful process with many vicissitudes before the final success.

The purpose of this study is to examine the system of military discipline and justice in the Continental Army in some depth during a ten month period about midway through the war. Such a study should ideally take into consideration the total context of the times, and an effort has been made to do so.

A considerable, if not exhaustive number of primary sources of information on the background and growth of the Continental Army, the state of discipline, and the records of courts-martial has been obtained. Data have been drawn from the Writings of Washington, The Valley Forge Orderly Book of General George Weedon, The Revolutionary Orders of General Washington, the narrative of Private Yankee Doodle, and The Works of John Adams, (See Bibliography). While certainly not all-inclusive, the author feels that from this source material, valid conclusions can nevertheless be supported, and some insight gained about a difficult time in American history.

Before proceeding to the period of interest, some background and milestones should be explored. Following the outbreak of hostilities, April 19, 1775, at Lexington and Concord, the Second Continental Congress convened at Philadelphia, May 10, 1775. They

were to govern and direct the national affairs until 1781. They quickly set about organizing and equipping an army. Washington was appointed Commander-in Chief, June 14, and assumed command near Boston, July 3, 1775. (1)

For a system of governing troops on active service, the Congress resorted to the Mutiny Act and the Articles of War then in force in the British Army. As the colonial troops had served with royal forces operating in America prior to the Revolution, they had been subject to the same British Articles, and were consequently familiar with their scope and application. The British Articles of War in effect in 1774 (~~see Attachment One~~) were with some changes and omissions quickly adopted by the Continental Congress, June 30, 1775, (2). In a letter to the Congress, July 10, Washington acknowledged receipt of the Articles of War on July 4, 1775 (3).

Thus as the English common law is the primary basis of American jurisprudence, so the British Articles of War furnished the basis of United States military law. They governed such things as divine worship, mutiny, discipline, enlisting soldiers, command of troops, reports, desertion, administration of justice, and military life in general. The Articles of 1775, remained in effect for a little over a year, and were replaced by the American Articles of 1776, (~~see Attachment Two~~), most of which were still taken verbatim from the British Articles of 1774.

John Adams and Thomas Jefferson had been appointed as a committee of Congress to make this revision in 1776. Adams wrote in his autobiography, (~~see Attachment Three~~), that, "There was extant one system of articles of war which had carried two empires to the head of mankind, the Roman and the British; for the British

articles of war were only a literal translation of the Roman. It would be in vain for us to seek in our own inventions ... for a more complete system of military discipline ... Jefferson in those days never failed to agree with me, in everything of a political nature, and he very cordially concurred in this. The British Articles of War were, accordingly, reported, and defended in Congress by me assisted by some others, and finally carried Sept. 20, 1776. * They laid the foundation of a discipline which, in time, brought our troops to a capacity of contending with British veterans, and a rivalry with the best troops of France." (4).

These Articles were amended by Congress, April 14, 1777, with respect to bringing provisions into camp, the redress of wrongs, the appointment of general courts-martial, and the power of pardon and mitigation of sentences imposed by them. The Commander in Chief was also given power, May 27, 1777, to pardon or mitigate any of the authorized punishments. These Articles of 1776, then, remained in effect until 1806. Certain procedures only were amended after the war in 1786.(5).

The power structure of the American government rested with the Second Continental Congress, which lacked however, the powers of conscription or taxation, two notable weaknesses. To finance the war they mainly took the expedient of printing paper money. Considerable autonomy was retained by the states, including the raising and outfitting of the various state militia. Washington was responsible to the Continental Congress, as Commander in Chief, and the Articles of War outlined above furnished the basis for administration of the army under his command. He was in correspondence almost daily with the Congress, in frequent correspondence

with the states, in individual communication as required with his commanders, and the General Orders were issued daily to the Army at large. Much of his correspondence was prepared by an able staff which included among others Lt. Col. Alexander Hamilton. The written communications and the feedback within this system furnish most of the general background of this study. The General Orders published at Washington's Headquarters are the main source of information on the general courts-martial held. The authority to convene a general court martial rested only with the Commander in Chief or the Commanding General in any particular state.(6). Hence, the General Orders announce the convening of a large number of the general courts-martial held, as well as review and confirmation of the findings and sentences of the individual cases by Washington himself. Regimental courts-martial could be convened by the Regimental Commanders for small offenses, but no records of these were noted in sources used. Under Article 8 of Section XIV, no sentence of a general court was put into execution until review by Congress or the convening authority. This Article was modified in some way by a Resolution of Congress, April 14, 1777, and it appears that review by Congress was no longer mandatory after this date. A number of courts-martial proceedings had been referred to Congress by the Commander in Chief before that date,(7), but somewhat fewer afterward.

On June 13, 1776, at Washington's urging, a War Office was created in the Congress to handle the affairs of the Army which did not demand the attention of the whole Congress. John Adams, Roger Sherman, Benjamin Harrison, James Wilson, and Edward Rutledge, were named with Richard Peters of Pennsylvania as secretary.(8)

To turn next to the problems facing Washington from the outset,

they can be described as incredible. Simply stated, he was faced with the immediate need to raise an army, train it, and fight the war with it simultaneously. He was dependent upon the militia of the various states who were called up for short term enlistments, usually not exceeding six months. The National government literally had neither the power to conscript an army nor the funds to support one. Although Washington had the advantage of operating in home territory, Tories were numerous, and many of the American people were neutral. Lastly, he faced military forces of superior numbers and training.

The state of training and discipline in the American army was poor to begin with and slow to improve. In a letter to the President of Congress, Sept. 21, 1775,(9), Washington reported difficulty in getting the officers and soldiers even to subscribe to the Articles of War. The temporary character of the American army besieging Boston was such that many were concerned that such subscription might extend the short period of service to which they were committed. Washington decided not to press it at that time, but his intent to bring all new and reenlisted troops under the Continental Articles of War was clear. "The difficulty will cease with this army." However in a letter to the Congress, Jan. 14, 1776, he reported that enlistments were slow in the new army.(10). Later in the spring he cited the difficulty in getting discipline when there is "little distinction between officers and enlisted men," and stated the need for longer enlistments.(11).

In a letter, Sept. 2, 1776,(12) he warned that the militia situation was alarming because of desertions, and reiterated the need for longer enlistments. He suggested that bounties and land be offered as an inducement. Again on Sept. 20, he expressed the

(13)
need for longer enlistments. On Sept. 24, he warned that "we are at the eve of another dissolution of the army," and suggested inducements.(14).He expressed the need for officers of character actuated by principles of honor and a spirit of enterprise. He reported a "really poor state of discipline at this time." This was between the American defeats at the Battle of Long Island, August 27, 1776, and the Battle of White Plains, Oct. 28, 1776.

In the fall of 1776, Congress did authorize eighty eight infantry regiments to serve until the end of the war, unless otherwise ordered.(15). However the situation did not improve overnight. In a letter to Congress on December 24, 1776,(16), Washington reported the weak state of the army and refusals to re-enlist.

After twin victories at Trenton and Princeton, Washington again reported the "fluctuating state of militia," to Congress on January 19, 1777. In a letter to the President of Congress, January 31, 1777,(17),Washington wrote, "Our Army is shamefully reduced by desertion, and except the people in the Country can be forced to give Information, when deserters return to their old Neighborhoods, we shall be obliged to detach one half of the Army to bring back the other." He further suggested to the President of Congress on Feb. 5, 1777,(18),that we, "need an oath to correct defect of principle," the context being that an oath was needed for the civilian population.

In a letter to Major General Joseph Spencer shortly afterward, Washington furnished direction on a case of three deserters: "Examples must be made to put a stop to that prevailing crime or we may as well disband the Army at once. I therefore desire that the most atrocious of the three may be executed and the others

pardoned." (19).

He reported, May 3, 1777, to the President of Congress again that desertions were considerable. (20). On August 17, 1777, in a letter to Brig. Gen. Nash, commander of the North Carolina Regiments, Washington wrote, "... a frequency of executions lessens the force of them ... If either or both of the criminals in your opinion deserve mercy, I am willing it should be extended after carrying them through all the forms of an Execution. But if you think that an example is necessary to put a stop to the too prevailing vice of desertion, let the most atrocious offender of the two suffer, after you have received a proper warrant from me." (21).

Washington's army at this time was in the field outside of Philadelphia maneuvering against the forces of Sir William Howe. Washington suffered a reverse at the Battle of Brandywine, Sept. 11, 1777, and a setback from the British at Germantown, Oct. 4, 1777, in a confusing engagement fought in a dense fog. The American military situation received a definite boost with the defeat of the British under Burgoyne at Saratoga and surrender of an entire army to the Americans, October 17, 1777.

After correspondence with the President of Congress on Oct. 21, an additional approach to the problem of desertion was followed. (22) Congress passed a resolution granting amnesty to deserters for a limited period and the following proclamation was issued by Washington, Oct. 24, 1777:

"Whereas sundry soldiers belonging to the Armies of the said States have Deserted from the same; These are to make known, to all those who have so offended, and who shall return to their respective Corps, or surrender themselves to the Officers appointed to receive Recruits and Deserters in their several States, or to

any Continental Commissioned Officer before the first day of January next, that they shall obtain a full and free pardon. And I do further declare, to all such obstinate offenders, as do not avail themselves of the indulgence hereby offered, that they may depend, when apprehended, on being prosecuted with the utmost rigour and suffering the punishment justly due to crimes of such enormity.

Lest the hope of escaping punishment by remaining undiscovered, should tempt any, to reject the Terms now held out to them, they may be assured, that the most effective measures will be pursued in every State for apprehending and bringing them to a speedy trial.⁽⁽²³⁾⁾ This was dispatched to the printer's for distribution to the States on November 2, 1777, by John Hancock who had been President of the Congress up to this time.

While desertion was probably the major problem during the early years of the Revolution, pillaging was apparently another. The Brigade orders of General Weedon, August 26, 1777, mention repeated orders not to destroy fences or other property.⁽²⁴⁾ The General Orders of Washington on Sept. 4, 1777, dwell at some length on the evil of, "plundering our own friends & fellow Citizens." Again the Brigade Orders of Sept. 6, mentioned continuing complaints from farmers. The General Orders of Sept. 10, and 20, contain further concerns of Washington on the practise. Plundering still continued as noted in the General Orders of Sept. 26, and Oct. 1, 1777,⁽²⁴⁾ despite strong threats of severe punishment.

For a cold and hungry army to resist the temptation to use fences for firewood and to steal apples from orchards probably required a degree of discipline to which the Continental army

was not equal at this time. The concern of the Commander in Chief is likewise understandable inasmuch as an army of 10,000 men could make quite a swath in the countryside upon which he depended for support and good will.

The plight of Washington's army with respect to basic provisions and supplies was never very satisfactory. It deteriorated to a low ebb during the campaign for Philadelphia as is clearly shown by his correspondence in November 1777. Washington sent requests for clothing to the Governor of Maryland on Nov. 6, and the President of Delaware and the Governor of New Jersey on Nov. 8, to support their respective troops. On Nov. 11, he appealed to the President of Congress, the Board of War, and on Nov. 12, to the Clothier General of the Continental Army. On Nov. 17, he requested a draft of 4500 d for clothing purchases made in Lancaster. On Nov. 27, he again cited the need to the Board of War, and again on Dec. 1, to the President of Congress.(25).

The supply of food was likewise limited. The narrative of Private Joseph Martin ("Private Yankee Doodle")(26), of the Campaign of 1777 around Philadelphia is a page by page account of active military operations with, "our constant companions, Fatigue, Hunger, and Cold." Thanksgiving dinner consisted of half a gill of rice and a tablespoon of vinegar. By the time of their arrival to winter quarters at Valley Forge on Dec. 18, 1777, the army was not only starved but naked, and the, "condition was appalling in the highest degree."(27).

In a classic letter to the President of Congress from Valley Forge, Dec. 23, 1777, which is extracted below, Washington wrote:

"Sir:

Full as I was in my representation of matters in the commys.

departmt. yesterday, fresh and more powerful reasons oblige me to add, that I am now convinced, beyond a doubt that unless some great and capital change suddenly takes place in that line, this Army must inevitably be reduced to one or other of these three things. Starve, dissolve, or disperse, in order to obtain subsistence in the best manner they can; rest assured Sir this is not an exaggerated picture, but that I have abundant reason to support what I say." So short was the supply of food that forage parties were immediately required to satisfy the pressing needs and Washington stated that, "three or four days bad weather would prove our destruction." He went on to state that a field report showed 2,898 men in camp unfit for duty because they were barefoot and otherwise naked. No more than 8,200 in camp were fit for duty.(28).

The foregoing is an attempt to give a realistic if sketchy picture of the Continental Army at the end of 1777. In a letter to the Board of War, Nov. 27, 1777,(29), Washington himself provided an assessment of discipline and his actions to improve it. He writes, "I have repeatedly given positive orders, that such a list of necessaries as you call a Rag Roll, should be kept and the Articles Weekly inspected; but that like too many other wholesome Regulations, has generally passed unnoticed and until the Officers are taught, by a course of regular discipline, to pay strict obedience to General Orders, many things must and will remain undone that ought to be done; for it is impossible for me to see them carried into execution personally. That I am endeavoring to reform the Army, will appear by the great number of severe sentences of Courts Martial that have lately passed."

"I can only hope that time and experience, which brings all things to perfection will at length have the desired effect upon

the Manners of our Army. I can only say, that no exertions of Mine have or shall be wanting to forward this work."

Let us next examine the Courts-Martial in the Continental Army during the period August 20, 1777, through June 19, 1778, covering the Philadelphia Campaign and the Encampment at Valley Forge. The Weedon Orderly book is a concise record of General Orders from August 20, 1777, to May 7, 1778, which contains information on 118 cases coded We in Attachment Four. Most are General Courts-Martial but a few were convened at Division Level. The Revolutionary Orders published by Whiting cover the period March 1, 1778 to May 28, 1778, and list an additional 37 cases, coded Wh in Attachment Four. To furnish a more complete compilation, it was necessary to resort to the General Orders as published in and among the "Writings of Washington, Volumes 9, 10, 11, and 12," to cover the complete period August 20, 1777, through June 19, 1778. Another 129 cases are listed in Attachment Four, coded Wa, and those previously listed were cross checked for accuracy.

The total cases here documented amount to 284 for the ten month period. There were others also in the Continental Army during this period as the ranking General of separate states had authority to convene General Courts-Martial. The General Orders also directed from time to time that Courts-Martial be held at Brigade or Division level when the backlog got too large. Whether Washington reviewed the findings and sentences in these cases is not clear. In any event, his reviews were not published in the General Orders. It is likely, however, that these 284 are a significant sample of all the General Courts-Martial held in the Continental Army during this period and can therefore be considered

representative of conditions in general.

To computerize the data in Attachment Four would be a useful project in that a more thorough analysis could be performed. However that was beyond the scope of this study. Tabulations were done by hand and although some errors are possible, the figures are believed to be accurate.

The distribution of cases by month is shown below, the date being that on which the approval by the Commander in Chief was published in General Orders.

<u>Month</u>	<u>Number</u>	
Aug. 20-31, 1777	16	} Sub total in the field=79 Average/month = 19.8
September 1777	19	
October 1777	30	
November 1777	6	
Dec. 1-18, 1777	8	
Dec. 19-31, 1777	3	} Sub total at Valley Forge = 205 Average/month = 34.2
January 1778	46	
February 1778	34	
March 1778	41	
April 1778	29	
May 1778	31	
June 1-19, 1778	<u>21</u>	
Total	284	
Average/month= 28.4		

Usually the trial had occurred a few days previous to the review by the Commander in Chief, and the offense as alleged, some time prior to that. However trials were fairly prompt.

Courts-Martial were appointed periodically to hear the back log of cases which had accumulated. A number would thus be held in a few days period.

Each accused individual is considered to be a "case." The breakdown by rank of those court-martialed is as follows:

<u>Rank</u>	<u>Number</u>	
Private Soldier	85	
Corporal	1	
Sergeant	5	
"Commissary"	3	Believed to be enlisted
"Wagon Master"	2	Believed to be enlisted
Total enlisted	96	
Ensign	19	
"Adjutant"	6	No rank given
Lieutenant	60	
Captain	38	
"Doctor"	2	No rank given
Major	7	
Lt. Colonel	6	
Colonel	6	
Brig. General	2	
Major General	1	
Total Officer	147	
Paymaster	2	} These are believed to be civilians attached to and paid by the army.
Quarter Master	4	
Forager	2	
Total civilian	8	
Suttler	1	} These are civilians not attached to the army, nor paid by the army.
Woman	1	
"Inhabitants of the State of Pennsylvania"	31	
Total "civilian civilians"	33	

SUMMARY

Enlisted	96
Officer	147
Civilian (Army)	8
Civilian civilian	<u>33</u>
	284

It is rather surprising at first glance to see that more officers were court-martialed than enlisted men! The offenses of many enlisted men were probably dealt with at the Regimental level and do not appear in these statistics. However the high incidence of officers court-martialed reflects the strict standards of duty, integrity and behavior demanded of officers and implicit in the Articles of War inherited from the British Army from the very beginning. The top army leaders of the American Revolution with prior military experience had been brought up in this tradition, and the writings of Washington quoted above are consistent with this. While the majority of officers court-martialed were in the company grades, general officers were not exempt. Brig. Gen. Wayne requested a Court-Martial after the so-called "Paoli Massacre" to clear his own name, and he was acquitted with the highest honor. Brig. Gen. Maxwell was also acquitted of the charge of commanding troops when "disguised with liquor." Major Gen. Stephens was found guilty of "unofficer-like" conduct at the Battle of Germantown and dismissed from the service.

Another statistic that stands out is the small number of noncommissioned officers against whom charges were brought. Only one corporal and five sergeants appear among the 96 enlisted men.

In the 284 cases recorded, there were 424 charges; that is,

some of the accused were charged with more than one offense in their trial.

The frequency of the various charges brought are tabulated below:

<u>Charges</u>	<u>Frequency</u>	<u>Remarks</u>
Conduct unbecoming an officer	52	officer
Desertion	50	
Plotting a desertion	1	
Desertion and reenlisting	5	
Attempting to go to the enemy	8	
Attempting to desert	2	
Deserting and enlisting with the enemy	7	
Aiding a deserter	1	
Persuading to desert	2	
Threatening to desert	<u>1</u>	
Total desertion category	77	enlisted men
Disobedience of orders	33	
Neglect of duty	25	
Attempting to supply the enemy with provisions	17	"civilian civilians"
Supplying the enemy with provisions	12	"civilian civilians"
Communication with Philadelphia	2	"civilian civilians"
AWOL	15	
Theft, robbery	14	
Getting drunk	13	
Cowardice	13	
Mutiny	10	
Encouraging mutiny	1	
Attempting to incite mutiny	1	
Assault	10	
Insubordination	8	
Plundering	8	

<u>Charges</u>	<u>Frequency</u>	<u>Remarks</u>
Breaking arrest	7	officer
Absent or late to parade	7	
Gaming	6	
False report	6	officer
Defrauding	6	
Threatening a life	5	
False arrest	4	officer
False evidence (perjury)	4	
Fraudulent conduct	4	
Losing arms	4	
Breach of regulations	3	
Stealing a horse	3	
Abusing a sergeant	3	officer
Encouraging theft in the army	3	
Leaving guard post	3	
Embezzling	3	
Wounding	3	
Rioting	3	
Inciting a riot	2	
Challenging (to a duel)	2	
Forging a discharge	2	
False charges	2	
Extortion	2	
Asleep on post	2	
Allowing prisoners to escape	2	
Aiding others to escape	2	
Attempting to escape	1	

<u>Charges</u>	<u>Frequency</u>
Murder	1
Attempted murder	1
Failure to come to assistance	1
Taking a bribe	1
Suttling in camp (contrary to orders)	1
Disrespect for Court-Martial	1
Countenancing theft	1
Impressing horses	1
Forgery	1
Selling a rifle	1
Cursing Congress	1
Squandering supplies	1
Allowing sentries to have fires	1
Fraudulent enlistment	1
Furnishing watchword to unauthorized people	1
Suspicion of being a spy	1
Giving intelligence to the enemy	2
Acting as guide and pilot to the enemy	1
	<u>424</u>

Of the total charges numbering 424, involved in the trials of 284 individuals, the accused were adjudged guilty of 258 charges and not guilty of 166. This represents an overall percentage of 60.8% convictions and 39.2% acquittals. While a cross tabulation of the convictions and acquittals was not accomplished as a function of rank or offense, no pattern was apparent in assembling this data. As the rules (Articles of War) remained consistent, membership of the various courts random, and the reviewing authority the same, no unusual variation is suspected. An approximate 60/40

ratio should apply across the board.

To examine the tabulations, the most frequent charge against officers was "Conduct unbecoming an officer." This is not surprising at this time in the Continental Army as Washington was striving to increase the quality of his officers against the high and unequivocal standards defined in the Articles of War.

The relatively large number of desertion-related charges prosecuted comes as no surprise either, in view of less than unanimous National resolve, the appalling hardships, inferior military situation, poor logistics, inadequate state of training, and the determination of General Washington to correct the disastrous number of desertions.

The small number of charges for plundering does come as a surprise after the attention it received in the General Orders. Perhaps it was subsequently controlled. It seems more likely however that as the starvation level approached, the theft of a few turnips or apples was not looked upon as such a heinous crime worthy of a General Court. Possibly these were handled at the regimental level or overlooked.

The cases of inhabitants of the state of Pennsylvania accused of supplying and communicating with Philadelphia arose as a result of a resolution of Congress to correct this abuse. Many of the farmers preferred to sell provisions to the British for gold rather than to the American Army for paper. They were detected by patrols from Washington's army during the encampment and tried at Valley Forge. At a time when the American Army sorely needed food and these people were presumably caught red handed, the conviction rate of the Courts-Martial of these cases was only 70%, as compared to 60.8% for all cases tried during this period.

This I think reflects favorably upon the discipline and integrity of the officers (Captains through Colonels) serving on the Courts-Martial, and the system of military justice itself. In one of the cases, Washington wisely remitted the part of the sentence that called for confiscation of the defendant's property, "being of opinion that Confiscation of property is a matter not cognizable by Martial Law."

Following is the compilation of 220 punishments imposed by the Courts-Martial during the period:

<u>Punishments</u>	<u>Frequency</u>	<u>Remarks</u>
Corporeal (lashes)	66	Enlisted or civilian
Discharge from the service	34	Officer
Cashiered from the service	18	Officer
Reprimand	41	Mostly officer
Imprisonment	15	Enlisted or civilian
Death	10	C in C pardoned 5
Pay back funds	9	
Fines	4	
Reduce to private	3	Enlisted
Clemency (no sentence)	3	
Forfeit some pay	3	
Duty on a Navy ship	2	Enlisted
Apologize	1	
Confiscate property	1	Civilian (remitted)
Run the gauntlet	4	
Drum out of the Army	3	
Front of head, tarred and feathered	2	
Sword broken over head	1	
	<u>220</u>	

There is not a one for one relationship among the number of trials (284), number of charges of which people were found guilty (258), and the number of sentences (220). Some people were charged with several offenses and found guilty of one or more. Some found guilty of more than one charge received only one sentence or punishment. Some received a combination of punishments for a finding of guilty on only one charge.

The Articles of War of the period designate some punishments as mandatory. For example, Article 1 of Section II, requires that a commissioned officer guilty of traitorous or disrespectful words against the authority of the United States in Congress shall be cashiered. Many, such as Article 3 of Section II, for mutiny specify "death, or such other punishment as by a court-martial shall be inflicted." The Courts-Martial made the findings of guilt or innocence and decided on the sentence as well.

Corporeal punishment was customary in those days, and was a frequent sentence for enlisted men or civilians. Washington complained, however, that there was not a sufficient choice of punishment between corporeal punishment and death.

In the period studied, there were records in the General Orders indicating 10 sentences of death. Five of these were pardoned by Washington, and the other five are assumed to have been executed as follows:

	<u>Date of G. O.</u>	<u>Offense</u>	<u>Remarks</u>
1.	Sept. 3, 1777	Desertion, clemency recommended	Pardoned
2.	Sept. 26, 1777	Deserting to the enemy and enlisting with them	
3.	Oct. 26, 1777	Deserting and attempting to go to the enemy	Pardoned Nov. 1, 1777 when the amnesty proclamation was issued.

	<u>Date of G. O.</u>	<u>Offense</u>	<u>Remarks</u>
4.	Jan. 6, 1778	Deserting from the guard and taking with him two prisoners	
5.	Jan. 19, 1778	Repeated desertions	
6.	March 1, 1778	(Civilian) Giving intelligence to the enemy and acting as guide and pilot to the enemy	
7.	April 12, 1778	Desertion to the enemy	Pardoned on French Alliance Day
8.	May 5, 1778	Desertion from post on sentry	May 6, 1778 " " " "
9.	May 5, 1778	Desertion to the enemy	" " " "
10.	June 3, 1778	Spying for the enemy	

The last individual was a former Ensign who had previously been discharged from the army Oct. 1777, for theft. He was tried on June 2, by a Board of General Officers and sentenced to be executed.

In studying the above cases, one can conclude that convicted spies were executed. In the large number of desertion cases brought to trial, only 8 received the death sentence. Washington pardoned one upon recommendation of the Court-Martial in Sept. 1777, and one at the time of his amnesty proclamation, Nov. 1, 1777. Two were carried out in Jan. 1778, after the amnesty proclamation had expired. Three more probably would have been carried out later in the spring, but the timely Alliance with the French was announced, May 6, 1778. This alone did much to raise the spirits of the American cause and was an auspicious occasion upon which to pardon three convicted deserters. One can conclude that Washington tempered justice with mercy, and that he employed strong and imaginative leadership in building discipline and morale in the Continental Army.

The Courts-Martial of that period occasionally resorted to punishment which today would be looked upon as unusual and perhaps cruel. Among the mounted troops, running the gauntlet was a form of corporeal punishment sometimes imposed instead of lashes. Four such instances are recorded.

In cases where an officer was being cashiered with infamy, he was sometimes drummed out of the service. An account is described in the Weedon Orderly Book as follows: "he be brought from the Provost Guard mounted on a horse, back foremost without a saddle, his coat turned wrongside out, his hands tied behind him and be drum'd out of the Army (Never more to return) by all the drums in the division to which he belongs and that the above sentence be published in the newspapers." (30) Another dishonored officer convicted of AWOL, and robbery was sentenced to be discharged after having his sword broken over his head. (31).

Another unusual punishment which occurred twice in conjunction with corporeal punishment was "to have the hair from the front part of his head shaved off without soap, and tar and feathers substituted in the room of the hair." (32).

Of the 284 Courts-Martial recorded, Washington personally approved 256. He disapproved 10, in which the judgment of the court appeared questionable to him. General Greene appeared to be the reviewing authority on 14 more, General Weedon on 3, and an unnamed General on one. In addition to the 5 pardons of the death sentence, Washington remitted 9 others sentences and Greene, 6.

Article 3 of Section XVIII, (Attachment Two), provided that the original record of each Court-Martial proceeding together with the sentence be forwarded to the Continental Congress as a permanent record. The large number of Courts-Martial which were held posed a problem, particularly for an Army in the field and on the move most of the time. During the Philadelphia Campaign, they were convened wherever it was practical. Sometimes it was at a local tavern, and sometimes at the quarters of the President of the Court-Martial or a General Officer.

The Weedon Diary and Washington's Writings contain notices of the convening and location of Courts-Martial at the Winter encampment at Valley Forge. Following are the extracts contained in Attachment Four and summarized below:

1. Dec. 26, 1777 - A General Court-Martial is to sit at the House of Wilsey Bodles near the Provost
2. Jan. 1, 1778 - A General Court-Martial to sit daily at the Bake House
3. Jan. 2, 1778 - A General Court-Martial held in Gen. Varnum's Brigade
4. Jan. 4, 1778 - A General Court-Martial to sit tomorrow at the Bake House
5. Jan. 6, 1778 - A General Court-Martial held in Gen. Weedon's Brigade on Jan. 4th
6. Jan. 8, 1778 - A General Court-Martial held on Jan. 5th in Gen. Muhlenberg's Brigade
7. Jan. 19, 1778 - A Division Court-Martial to sit on Jan. 20th at L/C Ballard's Quarters
8. Jan. 13, 1778 - A General Court-Martial to sit Jan 14th at the Bake House

9. Feb. 2, 1778 - A General Court-Martial to sit Feb. 3rd at the Bake House
10. Feb. 11, 1778 - A Brigade Court-Martial to sit at 10:00 at the President's Quarters (Maj. Hopkins)
11. Feb. 15, 1778 - A Brigade Court-Martial to sit this day at the President's Quarters (L/C Buford)
12. Feb. 15, 1778 - A Court-Martial ordered to sit tomorrow at the Bake House
13. March 2, 1778 - A General Court-Martial ordered to sit at the Bake House
14. March 15, 1778 - A General Court-Martial ordered to sit tomorrow at the Adjutant General's
15. March 26, 1778 - A new Court-Martial ordered to sit at the usual place
16. April 11, 1778 - A new Court-Martial ordered to sit at the usual place
17. April 25, 1778 - A new Court-Martial ordered to sit in a hut near Gen. Varnum's Brigade, Gen. Huntington's late quarters next Monday (April 27, 1778)
18. May 12, 1778 - A General Court-Martial to sit tomorrow at the usual place
19. May 11, 1778 - A Court of Inquiry to sit at Gen. Varnum's Hut
20. June 6, 1778 - A General Court-Martial at the usual place, June 8, 1778.

Section IV of the American Articles of 1776, spells out the procedures in use for General Courts-Martial at that time. Article I requires not less than 13 commissioned officers. Article 2 explains the seniority by date of rank. Article 3 states the duties

of the judge-advocate general. He administers the oath specified to each member of the court. The president of the court then swears him in, using another oath contained in Article 3. Primary duty of the judge-advocate general is to prosecute in the name of the United States. Article 4 stipulates behavior and voting procedure. The most junior member votes first. Articles 5 and 6, contain the provisions for witnesses, including the oath required. Articles 7, 8, and 9, contain additional detail or ranks permitted (none under captain for trial of a field grade officer), execution of the sentence (not before review of the proceedings), and the procedure for resolution of disputes. Provisions for regimental Courts-Martial are spelled out in Articles 10, 11, and 12. Article 13 requires the level of a general court to cashier or dismiss an officer, and Article 14 specifies decorum during proceedings. Articles 15 to 20 describe the policies of arrest and imprisonment together with the duties of the Provost-martial. Articles 21 and 22 specify the mandatory sentence for conduct unbecoming an officer (dismissal) and for cowardice or fraud (be cashiered).

Seating arrangement of the court is not spelled out in the American Articles of 1776. However Isaac Maltby's, "Treatise on Courts Martial and Military Law" published in 1813, specifies (33), that the members of the court take their place in order of rank, the first in rank after the president seated on his right, the next on his left, and continuing to alternate. This would imply a long table with the 13 member court seated along one side, the president being in the middle. It ^{was} ~~is~~ likely the same ~~as~~ during the Revolution. Maltby purports his treatise to be the first such ever written in this country on Courts-Martial.

As of 1813, he has the president ordering the marshal to open the court after the oaths are administered, using words like, "Oyes - All persons having anything to do before this honorable court martial here assembled, let them draw near and give their attendance and they shall be heard. God save &c!"(34).

There is no positive information that this custom was observed during the Revolution, nor does Washington's army organization proposal of Jan. 29, 1778, (adopted by Congress, May 27, 1778), mention this function.(35).The Provost Marshall looked after prisoners and after May 27, acted much as present day Military Police in base security, enforcement of regulations, etc. The British Articles of 1774 do not spell out the above function either.

The 1813 Treatise describes the proceedings followed at that time. The accused is called, the accusation read, and the plea asked of the accused. If the plea is not guilty, the judge-advocate presents the case for the prosecution including testimony of sworn witnesses whom the accused or defense may cross examine. A record is kept of questions, answers and evidence. The defense then presents his witnesses and evidence, after which the prosecutor can cross examine. The Court may also ask questions of either witnesses but these questions are submitted in writing to the judge-advocate. The defense sums up and the court adjourns. Spectators and parties retire and the court continues in closed session, the judge-advocate attending. A poll is taken then on the verdict, starting with vote of the most junior member. If guilty, the court determines the sentence and dispatches the proceedings to the convening authority. (36).

Whether the 1813 procedures were used in 1776 is not known,

but it is likely that they were. Proceedings of actual Courts-Martial in the archives would have to be studied to determine this for sure.

In assessing the system of military justice from the soldiers point of view, "Private Yankee Doodle - being a narrative of some of the adventures, dangers and sufferings of a Revolutionary Soldier," is an enlightening volume. (37).

Joseph Martin as the editor describes him is "adventurous, resourceful, friendly, and completely irrepressible, full of healthy prejudices and marvelous generousities, endowed with a sense of humor equal to every trial ... that early American citizen-soldier, enduring the test of battle and the tedium of camp because he was convinced he 'had collected pretty correct ideas of the contest' and was 'as warm a patriot as the best of them.'" (38) As "typical" or "average" are difficult to define, it is safer to say that Martin was representative of the soldier of the period.

In apologizing for his diction, Martin writes, (39) "... I never studied grammar an hour in my life; when I ought to have been doing that, I was forced to be studying the rules and articles of war." Martin obviously knew the rules as far as military life and discipline were concerned. He had a basic respect for authority but this did not inhibit a certain roguish streak which would surface on occasion during leisure moments into some hilarious adventure.

Martin and his fellow soldiers were outraged when a miscarriage of justice would occur, and they would vent their feelings. (40). He displayed some cynicism at the "righteous" sentence of courts-martial. (41) (He was never tried for anything.) He and his friends

did take apples out of orchards, but it had the connotation of "scrounging" rather than "pillaging." He was hungry most of the war, and often close to starvation.

In 1780, his regiment was starving and a mutiny occurred among the Connecticut troops. While technically a mutiny, it was actually more of a protest against starvation. The enlisted men marched around under arms without their officers, then dismissed themselves, and returned to their tents. They did get provisions soon afterward so in Martin's eyes, this action was justified. The attitude of the soldier was, Why lie here like fools and starve? Food ended the trouble, and apparently charges were not pressed. (42).

The Revolutionary soldier, our Private Yankee Doodle, was motivated by freedom and love of country. He displayed great fortitude in the face of severe and continued hardships. He had great respect for good leadership. But he was by nature independent which is basically inconsistent with military discipline. While the Court-Martial was always bad news, the Revolutionary soldier understood the need for discipline and accepted the system as a necessary evil. He was after all a volunteer.

For the period of this study, August 1777 to June 1778, one can conclude that the system was working. The Army was held together during a dark period of history. A more trained and disciplined Continental Army left Valley Forge than the one that had arrived. While there were more troubles ahead that had to be overcome, history has vindicated the basic system of military discipline and justice adopted from the British.

FOOTNOTES

1. Fremont P. Wirth, The Development of America (Boston: American Book Company, 1944), pp. 147-171.
2. George B. Davis, A Treatise on the Military Law of the United States (New York: John Wiley and Sons, 1898), pp. 339-341.
3. George Washington Bicentennial Commission, Writings of Washington, Vol. 3, Jan. 1770-Sept. 1775, (Washington, DC: U.S. Government Printing Office, 1934), p. 328.
4. Charles Francis Adams, The Works of John Adams, Vol. 3. (Boston: Charles C. Little & James Brown, 1851) pp. 68-69.
5. George B. Davis, A Treatise on the Military Law of the United States (New York: John Wiley and Sons, 1898), pp. 341-342.
6. GWBC, Writings of Washington, Vol. 10, Nov. 1777-Feb. 1778, p. 457.
7. GWBC, Writings of Washington, Vol. 5, May 1776-Aug. 1776, pp. 17, 32, and 419.
8. Ibid., p. 128.
9. Ibid., Vol. 3, p. 505.
10. GWBC, Writings of Washington, Vol. 4, Oct. 1775-April 1776, p. 238.
11. Ibid., p. 315.
12. GWBC, Writings of Washington, Vol. 6, Sept. 1776-Jan. 1777, pp. 5 and 6.
13. Ibid., p. 85.
14. Ibid., p. 107.
15. Joseph Plumb Martin, Private Yankee Doodle, ed. by George F. Sheer (Boston: Little, Brown and Company, 1962. Originally published in Hallowell, Maine, 1830), p. 61.
16. GWBC, Writings of Washington, Vol. 6, p. 432.

17. GWBC, Writings of Washington, Vol. 7, Jan. 1777- Apr. 1777, p. 81.
18. Ibid., p. 106.
19. Ibid., p. 353.
20. GWBC, Writings of Washington, Vol. 8, May 1777-July 1777, p. 8.
21. GWBC, Writings of Washington, Vol. 9, Aug. 1777-Nov. 1777, p. 80.
22. Ibid., p. 407.
23. Ibid., p. 426.
24. American Philosophical Society. Valley Forge Orderly Book of General George Weedon (New York: Dodd, Mead & Company, 1902), pp. 21, 31, 37, 42, 54, 58, and 65.
25. GWBC, Writings of Washington, Vol. 10, pp. 14, 20, 21, 36, 39, 45, 76, 115, and 126.
26. Martin, Private Yankee Doodle, pp. 73-103, p. 98.
27. Ibid., p. 102.
28. GWBC, Writings of Washington, Vol. 10, p. 192.
29. Ibid., p. 115.
30. Attachment Four, p. 33.
31. Ibid., p. 39.
32. Ibid., p. 57.
33. Isaac Maltby, A Treatise on Courts Martial and Military Law (Boston: Thomas B. Wait & Company, 1813), p. 22.
34. Ibid., p. 25.
35. GWBC, Writings of Washington, Vol. 10, pp. 374-376.
36. Maltby, A Treatise on Courts Martial and Military Law, p. 63-70.
37. Martin, Private Yankee Doodle, p. iii.
38. Ibid., p. X.

39. Ibid., p. XXV.
40. Ibid., p. 45, 165.
41. Ibid., p. 64.
42. Ibid., p. 186.

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1. Davis, George B. A Treatise on the Military Law of the United States. New York: John Wiley and Sons, 1898.
2. George Washington Bicentennial Commission. Writings of Washington. Vol. 3, Jan. 1770-Sept. 1775; Vol. 4, Oct. 1775-Apr. 1776; Vol. 5, May 1776-Aug. 1776; Vol. 6, Sept. 1776-Jan. 1777; Vol. 7, Jan. 1777-Apr. 1777; Vol. 8, May 1777-July 1777; Vol. 9, Aug. 1777-Nov. 1777; Vol. 10, Nov. 1777-Feb. 1778; Vol. 11, Mar. 1778-May 1778; Vol. 12, June 1778-Sept. 1778. Washington, D.C.: U. S. Government Printing Office, 1934.
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6. Whiting, John. Revolutionary Orders of General Washington. New York & London: Wiley & Putnam, 1844.
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Article 68. If any inferiour Officer, either of horse or foot, be wrong'd by his Officer, he may complain to his Colonel, or other superiour Officer of the regiment, who is to redress the same, upon due proof made of the wrong done him; but if he fail therein, the party griev'd is to apply to the General officer for redress: And if the accusation be false, the complainant is to be punish'd at the discretion of a Court-martial.

Article 69. If any Colonel, or Captain, shall force or take anything away from any private Souldier, that Colonel or Captain shall be punish'd according to the quality of the offence, by the judgment of Our General Court-martial.

But if a Souldier shall be wrong'd, and shall not appeal to the Court, or his superiour Commanders, but take his own satisfaction for it, he shall be punish'd by the Judgment of a Court-martial.

Article 70. If any Souldier dye, no other shall take or spoil his goods, upon pain of restoring double the value to him to whom they belonged, and of such further punishments as a Court-martial shall think fit.

But the Captain of the Company of which such a Souldier was in shall take the said goods into his custody, and dispose of them for paying his quarters, and to keep the overplus (if any be) for the use of those to whom they belong, and who shall claim the same within three months after his death.

And if any Captain or Officer dye, the Chief Commander shall take care of preserving his Estate in like manner.

Article 71. No Provost-martial shall refuse to receive or keep a prisoner sent to his charge by authority, or shall dismiss him without order, upon pain of such punishment as a Court-martial shall think fit.

And if the offense for which the prisoner was apprehended deserv'd death, the Provost-martial failing to receive and keep him as aforesaid shall be lyable to the same punishment.

Article 72. If any person be committed by the Provost-martial's own authority, without other command, he shall acquaint the General, or other chief Commander with the cause thereof, within twenty-four hours, and the Provost-martial shall thereupon dismiss him, unless he have order to the contrary.

Article 73. No man shall presume to use any braving or menacing words, signs, or gestures, where any of the aforesaid Courts of Justice are sitting, upon pain of suffering such punishment as the Court-martial shall think fit.

Article 74. Whatever is to be published, or generally made known, shall be done by beat of drum or the sound of trumpet, that so no man may pretend ignorance thereof.

And after that, whoever shall be found disobedient, or faulty, against what is thus published shall be punish'd according to these Articles, or the quality of the fact.

APPENDIX B.

THE BRITISH ARTICLES OF 1774.

RULES AND ARTICLES FOR THE BETTER GOVERNMENT OF HIS MAJESTY'S HORSE AND FOOT GUARDS, AND ALL OTHER HIS MAJESTY'S FORCES IN GREAT BRITAIN AND IRELAND, DOMINIONS BEYOND THE SEAS AND FOREIGN PARTS, FROM THE 24TH DAY OF MARCH, 1774.

SECTION 1.

DIVINE WORSHIP.

Article 1. All Officers and Soldiers not having just Impediment shall diligently frequent Divine Service and Sermon in the Places appointed for the assembling of the Regiment, Troop or Company to which they belong; such as willfully absent themselves, or, being present, behave indecently or irreverently, shall, if Commissioned Officers, be brought before a Court Martial, there to be publickly, and severely reprimanded by the President; if Non Commissioned Officers or Soldiers every Person so offending shall, for his first offence, forfeit twelve pence to be deducted out of his next Pay; for the second Offence he shall not only forfeit Twelve pence, but be laid in Irons for Twelve Hours, and for every like Offence shall suffer and pay in like 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.

Article 2. Whatsoever Officer or Soldier shall use any unlawful Oath or Execration, shall incur the Penalties expressed in the first Article.

Article 3. Whatsoever Officer or Soldier shall presume to speak against any known Article of the Christian Faith shall be delivered over to the Civil Magistrate to be proceeded against according to Law.

Article 4. Whatsoever Officer or Soldier shall profane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of the Army, or to any Minister of God's Word, he shall be liable to such Penalty, or Corporal Punishment as shall be inflicted on him by a Court Martial.

Article 5. No Chaplain who is commissioned to a Regiment, Company, Troop, or Garrison, shall absent himself from the said Regiment, Company, Troop, or Garrison (excepting in the case of Sickness or Leave of Absence) upon pain of being brought to a Court Martial and punished as their Judgment and the Circumstances of his Offence may require.

Article 6. Whatsoever Chaplain to a Regiment, Troop, or Garrison shall be guilty of Drunkenness, or of other scandalous or vicious Behaviour derogating from the sacred Character with which he is invested, shall, upon due Proofs before a Court Martial, be discharged from his said Office.

SECTION 2.

MUTINY.

Article 1. Whatsoever Officer or Soldier shall presume to use traitorous or disrespectful Words against Our Royal Person, or any of Our Royal Family, if a Commissioned Officer, he shall be cashiered; if a Non Commissioned Officer or Soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a Court Martial.

Article 2. Any Officer or Soldier who shall behave himself with Contempt or Disrespect towards the General or other Commander in Chief of Our Forces, or shall speak Words tending to his Hurt or Dishonour, shall be punished according to the Nature of his Offence by the Judgment of a Court Martial.

Article 3. 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, either of Our Land or Marine Forces, or in any other Party, Post, Detachment, or Guard, on any pretence whatsoever, shall suffer death, or, such other punishment, as, by a Court Martial, shall be inflicted.

Article 4. Any Officer, Non Commissioned Officer, or Soldier, who, being present at any Mutiny or Sedition, does not use his utmost Endeavours to surpress the same, or coming to the knowledge of any Mutiny, or intended Mutiny, does not, without Delay, give Information thereof to his Commanding Officer, shall be punished by a Court Martial with Death, or otherwise, according to the Nature of his Offence.

Article 5. 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 Command of his superior Officer, shall suffer Death, or such other punishment as shall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court Martial.

SECTION 3.

OF ENLISTING SOLDIERS.

Article 1. Every Non Commissioned Officer and Soldier who shall enlist himself in Our Service, shall, at the Time of his so enlisting, or within four Days afterwards, have the Articles against Mutiny and Desertion read to him, and shall, by the Officer who enlisted him, or by the Commanding Officer of the Troop or Company, into which he was enlisted, be taken before the next Justice of the Peace, or Chief Magistrate of any City or Town Corporate (not being an Officer of the Army) or in foreign Parts, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate, and in his presence take the following Oath "I swear to be true to Our Sovereign Lord KING GEORGE, and to serve him honestly and faithfully in Defence of his Person, Crown and Dignity against all his Enemies, or Opposers whatsoever, and to observe and obey His Majesty's Orders, and the Orders of the General and Officers set over me by His Majesty",—which Justice or Magistrate is to give the Officer a Certificate, signifying that the Man enlisted did take the said Oath, and that the Articles of War were read to him according to the Act of Parliament.

Article 2. After a Non Commissioned Officer or Soldier shall have been duly enlisted and sworn, he shall not be dismissed Our Service without a Discharge in Writing, and no Discharge granted to him shall be allowed of as sufficient which is not signed by a Field Officer of the Regiment into which he was enlisted, or Commanding Officer, where no Field Officer of the Regiment is in Great Britain.

SECTION 4.

MUSTERS.

Article 1. Every Officer commanding a Regiment, Troop, or Company shall, upon the Notice given to him by the Commissary of the Musters, or from one of the Deputies, assemble the Regiment, Troop, or Company, under his Command, in the next convenient Place for their being mustered.

Article 2. Every Colonel or other Field Officer commanding the Regiment, Troop, or Company, and actually residing with it, may give Furloughs to Non Commissioned Officers and Soldiers in such Numbers, and for so long a Time as he shall judge to be most consistent with the good of Our Service; but no Non Commissioned Officer or Soldier shall, by leave of his Captain, or inferior Officer commanding the Troop or Company (his Field Officer not being present) be absent above Twenty Days in six Months; nor shall more than two Private Men be absent at the same time from their Troop or Company, excepting some extraordinary Occasion shall require it; of which

Occasion the Field Officer present with, and commanding the Regiment, is to be the Judge.

Article 3. At every Muster the Commanding Officer of each Regiment, Troop, or Company there present, shall give to the Commissary Certificates signed by himself signifying how long such Officers who shall not appear at the said Muster, have been absent, and the reason of their absence. In like manner the Commanding Officer of every Troop or Company shall give Certificates, signifying the Reasons of the Absence of the Non Commissioned Officers and Private Soldiers, which Reasons and Time of Absence shall be inserted in the Muster Rolls opposite to the Names of the respective absent Officers and Soldiers: The said Certificates shall, together with the Muster Rolls, be remitted to Our Commissary's Office, within Twenty Days after such Muster being taken: On the failure thereof, the Commissary so offending shall be discharged from Our Service.

Article 4. Every Officer who shall be convicted before a General Court Martial of having signed a false Certificate relating to the Absence of either Officer or Private Soldier shall be cashiered.

Article 5. Every Officer who shall knowingly, make a false Muster of Man or Horse, and every Officer and Commissary, who shall willingly sign, direct, or allow the signing of the Muster Rolls, wherein such false Muster is contained, shall, upon Proof made thereof by two Witnesses before a General Court Martial, be cashiered, and suffer such other Penalty as by the Act of Parliament is for that purpose inflicted.

Article 6. Any Commissary who shall be convicted of having taken Money by way of Gratification, on the mustering any Regiment, Troop, or Company, or on the signing of the Muster Rolls, shall be displaced from his Office, and suffer such other Penalty as by the Act of Parliament is inflicted.

Article 7. Any Officer who shall presume to muster any person as a Soldier who is at other Times accustomed to wear a Livery, or who does not actually do his Duty as a Soldier, shall be deemed guilty of having made a false Muster, and shall suffer accordingly.

SECTION 5.

RETURNS.

Article 1. Every Officer who shall, knowingly, make a false Return to Us, to the Commander in Chief of Our Forces, or to any his superior Officer, authorized to call for such Returns, of the State of the Regiment, Troop, or Company, or Garrison, under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, shall, by a Court Martial, be cashiered.

Article 2. The Commanding Officer of every Regiment, Troop, or Independent Company, or Garrison in South Britain, shall, in the beginning of

every Month, remit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of the Regiment, Troop, Independent Company, or Garrison, under his Command, specifying the Names of the Officers not then residing at their Posts, and the Reason for and Time of their Absence. Whoever shall be convicted of having through Neglect or Design omitted the sending such Returns, shall be punished according to the Nature of his Crime by the Judgment of a General Court Martial.

Article 3. Returns shall be made in like Manner of the State of Our Forces in Our Kingdom of Ireland, to the Chief Governor or Governors thereof, as likewise of Our Forces in North Britain, to the Officer there Commanding in Chief; which Returns shall from time to time, be remitted to Us, as it shall be best for Our Service.

Article 4. It is Our Pleasure that exact Returns of the State of Our Garrisons at Gibraltar, and Port Mahon, and of Our Regiments, Garrisons, and Independent Companies in Africa, and America, be, by their respective Governors or Commanders there residing, by all convenient Opportunities, remitted to Our Secretary at War, for their being laid before Us.

SECTION 6.

DESERTION.

Article 1. All Officers and Soldiers who, having received Pay, or having been duly inlisted in Our Service, shall be convicted of having deserted the same shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted.

Article 2. Any Non Commissioned Officer or Soldier who shall without leave from his Commanding Officer, absent himself from his Troop, or Company, or from any Detachment, with which he shall be commanded, shall, upon being convicted thereof, be punished according to the Nature of his Offence at the Discretion of a Court Martial.

Article 3. No Non Commissioned Officer or Soldier shall inlist himself in any other Regiment, Troop, or Company without a regular Discharge from the Regiment, Troop, or Company, in which he has last served, on the Penalty of being reputed as a Deserter, and suffering accordingly; and in case any Officer shall knowingly receive and entertain such Non Commissioned Officer or Soldier, or shall not, after his being discovered to be a Deserter, immediately confine him, and give Notice thereof to the Corps in which he last served, He, the said Officer, so offending shall, by a Court Martial, be cashiered.

Article 4. Whatsoever Officer or Soldier shall be convicted of having advised or persuaded any other Officer or Soldier to desert Our Service, shall

suffer such Punishment as shall be inflicted upon him by the sentence of a Court Martial.

SECTION 7.

QUARRELS AND SENDING CHALLENGES.

Article 1. No Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another upon pain, if an Officer, of being put in Arrest, if a Soldier, imprisoned, and of asking Pardon of the Party offended in the Presence of the Commanding Officer.

Article 2. No Officer or Soldier shall presume to send a Challenge to any other Officer or Soldier, to fight a Duel, upon Pain, if a Commissioned Officer, of being cashiered, if a Non Commissioned Officer or Soldier, of suffering Corporal Punishment, at the Discretion of a Court Martial.

Article 3. If any Commissioned or Non Commissioned Officer commanding a Guard, shall knowingly and willingly suffer any Person whatsoever to go forth to fight a Duel, he shall be punished as a Challenger, and likewise all Seconds, Promoters, and Carriers of Challenges, in order to Duels, shall be deemed as Principals, and be punished accordingly.

Article 4. All Officers of what Condition soever, have Power to Part and quell all Quarrels, Frays, and Disorders, tho' the Persons concerned, shall belong to another Regiment, Troop, or Company, and either to order Officers into Arrest, or Non Commissioned Officers or Soldiers to Prison, till their proper superior Officers shall be acquainted therewith; and whoever shall refuse to obey such Officer (tho' of an inferior Rank) or shall draw his Sword upon him, shall be punished at the Discretion of a General Court Martial.

Article 5. Whatsoever Officer or Soldier shall upbraid another for refusing a Challenge, shall, himself, be punished as a Challenger. And We hereby acquit and Discharge all Officers and Soldiers of any Disgrace or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will only have acted in Obedience to Our Orders, and done their Duty as good Soldiers, who subject themselves to Discipline.

SECTION 8.

SUTTLING.

Article 1. No Suttler shall be permitted to sell any kind of Liquors or Victuals, or to keep their Houses or Shops open for the Entertainment of Soldiers after Nine at Night, or before the Beating of the Reveilles, or upon Sundays, during Divine Service or Sermon, on the Penalty of being dismissed from all future Suttling.

Article 2. All Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of Our Forts or Garrisons any Quantity or Species of Provi-

sions Eatable or Drinkable, except where any Contract or Contracts are or shall be entered into by Us, or by Our Order, for furnishing Such Provisions, and with respect only to the Species of Provisions so contracted for.

Article 3. All Governors, Lieutenant Governors, and Officers Commanding in Our Forts, Barracks, or Garrisons are hereby required to see that the Persons permitted to suttle, shall supply the Soldiers with good and wholesome Provisions at the Market Price, as they shall be answerable to Us for their Neglect.

Article 4. No Governors or Officers commanding in any of Our Garrisons, Forts, or Barracks, shall, either themselves, exact exorbitant Prices for Houses or Stalls let out to Suttlers, or shall connive at the like Exactions in others, nor by their own Authority and for their Private Advantage, shall they lay any Duty or Imposition upon, or be interested in, the sale of such Victuals, Liquors, or other Necessaries of Life which are brought into the Garrison, Fort, or Barracks, for the use of the Soldiers, on the Penalty of being discharged from Our Service.

SECTION 9.

QUARTERS.

Article 1. No Officer shall demand Billets for quartering more than his effective Men, nor shall he quarter any Wives, Children, Men or Maid Servants in the Houses assigned for the quartering of Officers or Soldiers without the Consent of the Owners, nor shall he take money for the freeing of Landlords from the quartering of Officers or Soldiers; if a Commissioned Officer so offending, he shall be cashiered; if a Non Commissioned Officer, he shall be reduced to a Private Centinel, and suffer such Corporal Punishment as shall be inflicted upon him by the Sentence of a Court Martial.

Article 2. Every Officer commanding a Regiment, Troop, or Company or Party, whether in settled Quarters, or upon a March, shall take care that his own Quarters, as also the Quarters of every Officer and Soldier under his Command, be regularly cleared at the end of every week, according to the Rules specified by the Act of Parliament now in force; but in case any such Regiment, Troop, or Company, or Party be ordered to march before Money may be come to the Hands of the Commanding Officer aforesaid, he is hereby required to see that the Accounts with all Persons who shall have Money due to them for the quartering of Officers and Soldiers be exactly stated, specifying what sum is then justly due to him, as likewise the Regiment, Troop, or Company, to which the Officers and Soldiers so indebted to him belong, and is, by the first Opportunity, to remit Duplicates of the said Certificates to Our Paymaster General. Any Commanding Officer who shall refuse or neglect the making up of such Accounts, and certifying the same as is above directed, shall be cashiered.

Article 3. The Commanding Officer of every Regiment, Troop, or Company, or Detachment, shall, upon their first coming to any City, Town, or Village, where they are to remain in Quarters cause Public Proclamation to be made signifying that, if the Landlords or other Inhabitants suffer the Non Commissioned Officers or Soldiers to contract Debts beyond what their daily Subsistence will answer, that such Debts will not be discharged. If the said Commanding Officer shall, for refusing or neglecting so to do, be suspended for three Months, during which Time his whole Pay shall be applied to the discharging such Debts as shall have been contracted by the Non Commissioned Officers or Soldiers under his Command, beyond the amount of their daily Subsistence, if there be any overplus remaining it may be returned to him.

Article 4. If after Public Proclamation be made, the Inhabitants shall notwithstanding, suffer the Non Commissioned Officers and Soldiers to contract Debts beyond what the Money issued or to be issued out for their daily Subsistence will answer, it will be at their own Peril, the Officers not being obliged to discharge the said Debts.

Article 5. Every Officer commanding in Quarters, Garrisons, 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 Complaint made to him of Officers or Soldiers beating or otherwise ill treating of their Landlords, or of extorting more from them than they are obliged to furnish by Law, of disturbing Fairs or Markets, or of committing any kind of Riots to the disquieting of Our People, he the said Commander who shall refuse or omit to see justice done on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as Part of the Offender's Pay shall enable him or them, shall, upon the Proof thereof, be punished by a General Court Martial, as if he himself had committed the Crimes or Disorders complained of.

SECTION 10.

CARRIAGES.

The Commanding Officer of every Regiment, Troop, or Company, or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages, and is to pay for them as is directed by the Act of Parliament, taking care not himself to abuse, nor to suffer any Person under his command to beat or abuse the Wagoners, or other Persons attending such Carriages, nor to suffer more than thirty hundred Weight to be loaded on any Wain or Waggon, so furnished, or in Proportion on Carts or Carrs, not to permit Soldiers (except such as are Sick or lame) or Women to ride upon the said Carriages. Whatsoever Officer shall offend herein, or in Case of Failure of Money, shall refuse to grant Certificates specifying the

Sums due for the Use of such Carriages, and the name of the Regiment, Troop, or Company in whose Service they were employed, shall be cashiered, or be otherwise punished according to the Degree of his Offence by a General Court Martial.

SECTION 11.

OF CRIMES PUNISHABLE BY LAW.

Article 1. Whenever any Officer or Soldier shall be accused of a Capital Crime, or of having used Violence, or committed any Offence against the Persons or Property of Our Subjects, such as is punishable by the known Laws of the Land, the Commanding Officer, and Officers of every Regiment, Troop, or Party to which the Person, or Persons so accused shall belong, are hereby required, upon Application duly made by, or in behalf of the Party or Parties injured, to use his utmost Endeavours to deliver over such accused Person or Persons to the Civil Magistrate: And likewise to be aiding and assisting to the Officers of Justice in apprehending and securing the Person or Persons so accused, in order to bring them to a Trial. If any Commanding Officer or Officers shall willfully neglect or shall refuse, upon the Application aforesaid, to deliver over such accused Person or Persons to the Civil Magistrates, or to be aiding or assisting to the Officers of Justice, in apprehending such Person or Persons, the Officer or Officers so offending shall be cashiered.

Article 2. No Officer shall protect any Person from his Creditors on the Pretence of his being a Soldier, nor any Non Commissioned Officer or Soldier who does not actually do all Duties as such, and no farther than is allowed by the present Act of Parliament and according to the true Intent, and Meaning of the said Act; any Officer offending herein, being convicted thereof before a Court Martial, shall be cashiered.

SECTION 12.

OF REDRESSING WRONGS.

Article 1. If any Officer shall 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 commanding in Chief, of Our Forces, in order to obtain Justice. who is hereby required to examine into the said Complaint, and either by himself, or by Our Secretary at War, to make his report to Us thereupon, in order to receive Our further Directions.

Article 2. 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 said General Court Martial.

SECTION 13.

OF STORES, AMMUNITION, ETC.

Article 1. Whatsoever Commissioned Officer, Store-keeper or Commissary, shall be convicted at a General Court Martial of having sold (without a proper Order for that purpose), embezzled, misapplied, or willfully, or through neglect, suffered any of Our Provisions, Forage, Arms, Cloathing, Ammunition, or other Military Stores to be spoiled or damaged, the said Officer, Store-keeper or Commissary so offending, shall at his own charge, make good the loss or Damage, and be dismissed from Our Service, and suffer such other Penalty as by the Act of Parliament is inflicted.

Article 2. 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 delivered out to him to be employed in Our Service, shall, if a Non Commissioned Officer, be reduced to a Private Centinel, and shall besides, suffer Corporal Punishment in the same manner as a Private Centinel so offending at the Discretion of a Regimental Court Martial.

Article 3. Every Non Commissioned Officer or Soldier who shall be convicted at a Court Martial of having sold, lost or spoiled thro' Neglect, his Horse, Arms, Cloaths or Accoutrements, shall undergo such weekly Stoppages (not exceeding the half of his Pay) as a Court Martial shall judge sufficient for repairing the Loss or Damage, and shall suffer Imprisonment, or such other Corporal Punishment as his Crime shall deserve.

Article 4. Every Non Commissioned Officer who shall be convicted at a General or Regimental Court-Martial, of having embezzled, or misapplied any Money with which he may have been entrusted for the Payment of the Men under his Command, or for enlisting Men into Our Service, shall be reduced to serve in the Ranks as a Private Soldier, be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not extending to Life or Limb) as the Court Martial shall think fit.

Article 5. Every Captain of a Troop or Company is charged with the Arms, Accoutrements, Ammunition, Cloathing or other Warlike Stores belonging to the Troop, or Company under his Command, which he is to be accountable for to his Colonel, in Case of their being lost, spoiled or damaged, not by unavoidable Accidents, or on actual Service.

SECTION 14.

OF DUTIES IN QUARTERS, IN GARRISON, OR IN THE FIELD.

Article 1. 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 upon them by the Sentence of a Court Martial.

Article 2. No Officer or Soldier shall lye out of his Quarters, Garrison, or Camp, without leave from his superior Officer, upon penalty of being punished according to the Nature of his Offence by the Sentence of a Court-Martial.

Article 3. 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 the Commanding Officer.

Article 4. No Officer, Non Commissioned Officer, or Soldier shall fail of repairing at the Time fixed to the Place of Parade of 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 the Penalty of being punished according to the Nature of his Offence by the Sentence of a Court Martial.

Article 5. 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 Corporal Punishment as shall be inflicted by the Sentence of a Court Martial.

Article 6. Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer Death, or such other Punishment as shall be inflicted by the Sentence of a Court Martial.

Article 7. No Soldier belonging to any of Our Troops, or Regiments of Horse, or Foot Guards, or to any other Regiment of Horse, Foot, or Dragoons in Our Service, shall hire another to do his Duty for him, or be excused from Duty, but in Case of Sickness, Disability or Leave of Absence, and every such Soldier found guilty of hiring his Duty, as also the Party so hired to do another's Duty, shall be punished at the next Regimental Court Martial.

Article 8. And every Non Commissioned Officer conniving at such hiring of Duty as aforesaid shall be reduced for it; and every Commissioned Officer knowing and allowing of such ill practices in Our Service, shall be punished by the Judgment of a General Court Martial.

Article 9. Any Person belonging to Our Forces employed in any of Our Dominions beyond the Seas, or in Foreign Parts, who, by discharging of Fire

Arms, drawing of Swords, beating of Drums, or by any other means whatever, shall occasion false Alarms in Camp, Garrison, or Quarters, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court Martial.

And whosoever shall be found guilty of the said offence in Great Britain or Ireland, Jersey, Guernsey, Alderney, Sark, or Man, shall be punished at the Discretion of a General Court Martial.

Article 10. 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 Court Martial.

Article 11. No Officer or Soldier shall do Violence to any Person who brings Provisions or other Necessaries to the Camp, Garrison, or Quarters of Our Forces, employed in Foreign Parts on Pain of Death.

Article 12. Whatsoever Officer or Soldier shall misbehave himself before the enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like shall suffer Death.

Article 13. Whatsoever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like, or who, after Victory, shall quit his Commanding Officer or Post to plunder and pillage, every such Offender being duly convicted thereof, shall be reputed a Disobeyer of Military Orders, and shall suffer Death, or other such Punishment as by a General Court Martial shall be inflicted on him.

Article 14. Any Person belonging to Our Forces employed in Foreign Parts who shall cast away his Arms and Ammunition shall suffer Death, or other such Punishment as shall be ordered by the Sentence of a General Court Martial.

And Whosoever shall be found guilty of the said Offence in Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man, shall be punished at the Discretion of a General Court Martial.

Article 15. Any Person belonging to Our Forces employed in Foreign Parts who shall make known the Watch-Word to any Person who is not entitled to receive it, according to the Rules and Discipline of War, or shall presume to give a Parole or Watch-Word different from what he received shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court Martial.

And Whosoever shall be found guilty of the said offence in Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man, shall be punished, at the Discretion of a General Court Martial.

Article 16. All Officers and Soldiers are to behave themselves orderly in Quarters, and on their March; and whosoever shall commit any Waste or

Spoil either in Walks of Trees, Parks, Warrens, Fish Ponds, Houses or Gardens, Corn Fields, Inclosures or Meadows, or shall maliciously destroy any Property whatsoever belonging to any of Our Subjects, unless by Order of the then Commander in Chief of Our Forces, to annoy Rebels or other Enemies in Arms against Us, he or they that shall be found guilty of offending herein shall (besides such Penalties as they are liable to by law) be punished according to the Nature and Degree of the Offence, by the Judgment of a Regimental or General Court Martial.

Article 17. Whatsoever of Our Forces employed in Foreign Parts shall force a Safe-Guard shall suffer Death.

Article 18. Whosoever shall relieve the Enemy with Money, Victuals, or Ammunition, or shall knowingly harbour or protect an Enemy shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted.

Article 19. Whosoever shall be convicted of holding Correspondence with, or giving Intelligence to the Enemy, either directly or indirectly shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted.

Article 20. All Public Stores taken in the Enemies' Camp, Towns, Forts, or Magazines, whether of Artillery, Ammunition, Cloathing, Forage, or Provisions shall be secured for Our Service, for the Neglect of which Our Commanders in Chief are to be answerable.

Article 21. If any Officer or Soldier shall leave his Post or Colours to go in search of Plunder, he shall upon being convicted thereof, before a General Court Martial, suffer Death, or such other Punishment as by a Court Martial shall be inflicted.

Article 22. If any Governor or Commandant of any Garrison, Fortress or Post, shall be compelled by the Officers or Soldiers under his Command, to give up to the Enemy, or to abandon it, the Commission Officers, Non Commission 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 Court Martial.

Article 23. All Suttlers and Retainers to a Camp, and all Persons whatsoever, serving with Our Armies in the Field, though no enlisted Soldiers, are to be subject to Orders according to the Rules and Discipline of War.

Article 24. Officers having Brevetts or Commissions of a prior Date to those of the Regiment in which they now serve, may take place in Courts Martial, and on Detachments, when composed of different Corps, according to the Rank given them in their Brevetts or Dates of their former Commissions. But in the Regiment, Troop, or Company to which such Brevett Officers, and those who have Commissions of a prior Date, do belong, they shall do Duty and take Rank both on Courts Martial and on Detachments, which shall be composed only of their own Corps according to the Commissions by which they are mustered in the said Corps.

Article 25. If upon Marches, Guards, or in Quarters, any of Our Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to join or to do Duty together, the eldest Officer by Commission there on Duty, or in Quarters, shall command the whole, and give out Orders for what is needful to Our Service, Regard being always had to the several Ranks of those Corps, and the Posts they usually occupy.

Article 26. And in like manner also if any Regiments, Troops, or Detachments of Our Horse or Foot Guards, shall happen to march with, or be encamped or quartered with any Bodies or Detachments of Our other Troops, the eldest Officer, without respect to Corps, shall take upon him the Command of the whole, and give the necessary Orders to Our Service.

Article 27. When Our Regiment of Foot Guards, or Detachments from Our said Regiments, shall do Duty together, unmixed with other Corps, they shall be considered as one Corps, and the Officers shall take Rank, and do Duty according to the Commissions by which they are mustered.

SECTION 15.

ADMINISTRATION OF JUSTICE.

Article 1. A General Court Martial in Our Kingdoms of Great Britain or Ireland shall not consist of less than thirteen Commissioned Officers, and the President of such Court Martial shall not be the Commander in Chief, or Governor of the Garrison where the Offender shall be tried, nor be under the Degree of a Field Officer.

Article 2. A General Court Martial held in Our Garrison of Gibraltar, Island of Minorica, or in any other place beyond the Seas (except within the Garrisons of Goree and Senegal, or upon any Detachments made therefrom) shall not consist of less than thirteen Commissioned Officers: But in the said Garrisons of Goree and Senegal, or upon any Detachments made therefrom a General Court Martial may consist of any Number of Commissioned Officers not less than five, and the President shall not be under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor shall in any Case whatever be the Commander in Chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Captain.

Article 3. Whereas these Our Rules and Articles are to be observed by, and do in all Respects regard Our Troops and Regiments of Horse and Foot Guards, as well as Our other Forces, and that several Disputes have arisen, and may arise, between the Officers of Our Horse and Foot Guards, in relation to their holding of Courts Martial, and also among the Officers of Our Troops of Horse Guards, Grenadier Guards, and Regiments of Horse Guards, on that and other Points of Duty: We do therefore herein declare it to be Our Will and Pleasure, that, when any Officer or Soldier belonging

to Our said Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to be brought before a General Court Martial for Differences arising purely among themselves, or for Crimes relating to Discipline, or Breach of Orders, such Courts Martial shall be composed of Officers serving in any or all of those Corps of Horse Guards (as they may then happen to lie for their being most conveniently assembled) where the Officers are to take Post according to the Dates and Degrees of Rank granted them in their respective Commissions, without regard to the Seniority of Corps, or other formerly pretended Privileges.

Article 4. In like manner also the Officers of Our Three Regiments of Foot Guards, when appointed to hold Courts Martial for Differences, or Crimes as aforesaid, shall, of themselves, compose Courts Martial, and take Rank according to their Commissions: But for all Disputes or Differences which may happen between Officers or Soldiers belonging to Our said Corps of Horse Guards, and other Officers and Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of those Corps of Horse or Foot Guards, and Officers and Soldiers of Our other Troops, the Courts Martial to be appointed in such Cases shall be equally composed of Officers belonging to the Corps in which the Parties complaining and complained of, do then serve, and the President to be ordered by Turns, beginning first by an Officer of one of Our Troops of Horse Guards, and so on in course out of the other Corps.

Article 5. The Members 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 Courts Martial shall be composed of Officers of one Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.

Article 6. The Judge Advocate General, or some Person deputed by him, shall prosecute in His Majesty's Name; and in all Trials of Offenders by General Courts Martial administer to each Member the following Oaths. "You shall well and truly try and determine according to your Evidence, the Matter now before You, between Our Sovereign Lord the King's Majesty, and the Prisoner to be tried."

I, A. B., do swear that I will duly administer Justice according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour or affection; and if any Doubt shall arise which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I do further swear that I will not divulge the Sentence of the Court, until it shall be approved of by His Majesty, or by some Person duly authorized by him. Neither will I, upon any Account at any Time what.

soever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial unless required to give Evidence thereof as a witness by a Court of Justice in a due course of Law.

And as soon as the said Oath shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or Person officiating as such, an Oath in the following Words.

I, A. B., do swear that I will not upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any Particular Member of the Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law.

Article 7. All the Members of a Court Martial are to behave with Decency, and in the giving of their Votes, are to begin with the Youngest.

Article 8. All Persons who give Evidence before a General Court Martial are to be examined upon Oath, and no Sentence of Death shall be given against any Offender by any General Court Martial, except in the Garrisons of Goree and Senegal, or upon any Detachments made therefrom, unless Nine Officers present shall concur therein, nor shall such Sentence be given in any Case where a Court Martial shall consist of more Officers than thirteen, nor within the Garrison of Goree and Senegal, or upon any Detachment made therefrom when a Court Martial shall consist of a lesser Number of Officers without the concurrence of two thirds of the Officers present.

Article 9. No Field Officer shall be tried by any Person under the Degree of a Captain, nor shall any Proceedings or Trials be carried on, excepting between the Hours of Eight in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

Article 10. No Sentence of a General Court Martial shall be put in Execution till after a Report shall be made of the whole Proceedings to Us, or to Our Commander in Chief, or some other Person duly authorized by Us, under Our Sign Manual to confirm the same; and Our or his Directions shall be signified thereupon, excepting in Ireland where the Report is to be made to the Lord Lieutenant, and to Our Chief Governor or Governors of that Kingdom, and his or their Directions are to be received thereupon.

Article 11. For the more equitable Decision of Disputes which may arise between Officers and Soldiers belonging to different Corps, whether they be of Our Troops or Regiment of Horse Guards, Our Three Regiments of Foot Guards, or Our other Regiments of Horse and Foot.

We direct that the Courts Martial shall be equally composed of Officers belonging to the Corps which the Parties in Question do then serve, and that the President shall be taken in Turns beginning with that Corps which shall be eldest in Rank.

Article 12. The Commissioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental

Courts Martial for the enquiring into such Disputes or criminal Matters as may come before them, and for the inflicting Corporal Punishments for small 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) or the Governor of the Garrison shall have confirmed the same.

Article 13. No Regimental Court Martial shall consist of less than Five Officers, excepting in Cases where the Number cannot be conveniently assembled, when three may be sufficient, who are likewise to determine upon the Sentence by the Majority of Voices, which Sentence is to be confirmed by the Commanding Officer not being a Member of the Court Martial.

Article 14. Every Officer commanding in any of Our Forts, Castles or Barracks, or elsewhere, where the Corps under 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.

Article 15. No Commissioned Officer shall be cashiered or dismissed from Our Service excepting by an Order from Us, or by the Sentence of a General Court Martial approved by Us, or by some Person having Authority from Us, under Our Sign Manual; but Non Commissioned Officers may be discharged as Private Soldiers. And by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court Martial, be reduced to Private Centinels.

Article 16. 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.

Article 17. To the End that Offenders may be brought to Justice, We hereby direct that 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 a proper Authority.

Article 18. 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.

Article 19. No Officer commanding a Guard, or Provost Marshal, shall refuse to receive or keep any Prisoner committed to his Charge by any Officer belonging to Our 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.

Article 20. No Officer commanding a Guard, or Provost Marshal, shall presume to release any Prisoner committed to his Charge, without proper authority for so doing, nor shall he suffer any Prisoner to escape on the Penalty of being punished for it by the Sentence of a Court Martial.

Article 21. 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 his being punished for his Disobedience or Neglect at the Discretion of a Court Martial.

Article 22. 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.

Article 23. 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 Our Service.

SECTION 16.

ENTRY OF COMMISSIONS.

All Commissions granted by Us, or by any of Our Generals having Authority from Us, shall be entered in the Books of Our Secretary at War, and the Commissary General, otherwise they will not be allowed of at the Musters.

SECTION 17.

EFFECTS OF THE DEAD.

Article 1. When any Commissioned Officer shall happen to die or be killed in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure all his Effects, or Equipage then in Camp or Quarters, and shall before the next Regimental Court Martial make an Inventory thereof, and forthwith transmit the same to the Office of Our Secretary at War, to the End that his Executors may after Payment of his Debts and Quarters, and Interment, receive the Overplus, if any be, to his or their Use.

Article 2. When any Non Commissioned Officer or Private Soldier shall happen to die, or be killed in Our Service, the then Commanding Officer of the Troop or Company shall, in the Presence of two other Commissioned Officers take an Account of whatever Effects he dies possessed of, above his Regimental Cloathing, Arms, and Accoutrements, and transmit the same to the Office of Our Secretary at War; which said Effects are to be accounted for and paid to the Representative of such deceased Non Commissioned Officer or Soldier. And in Case any of the Officers so authorized to take care of the Effects of Dead Officers and Soldiers, should, before they have accounted to their Representatives for the same, have occasion to leave the Regiment by preferment, or other wise, they shall, before they be permitted to quit the same, deposit in the hands of the Commanding Officer, or of the Agent of the Regiment, all the Effects of such deceased Non Commissioned Officers and Soldiers, in order that the same may be secured for and paid to their respective Representatives.

SECTION 18.

ARTILLERY.

Article 1. All Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever receiving Pay or Hire in the Service of Our Artillery, shall be governed by the aforesaid Rules, and Articles, and shall be subject to be tried by Courts Martial in like Manner with the Officers and Soldiers of Our other Troops.

Article 2. For Differences arising among 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 other Corps are interested, the Officers of Artillery shall sit in Courts Martial with the Officers of Our other Corps, taking their Rank according to the Dates of their respective Commissions and no otherwise.

SECTION 19.

AMERICAN TROOPS.

Article 1. The Officers and Soldiers of any Troops which are or shall be raised in America, being mustered, and in Pay, shall, at all Times, and in all Places, when joined and acting in conjunction with Our British Forces, be governed by these Rules and Articles of War, and shall be subject to be tried by Courts Martial in like Manner with the Officers and Soldiers of Our British Troops.

Article 2. Whereas notwithstanding the Regulations which We were pleased to make for settling the Rank of Provincial * * General and Field

Officers in North America, Difficulties have arisen with regard to the Rank of the said Officers when acting in conjunction with Our Regular Forces. And We being Willing to give due Encouragement to Officers serving in Our Provincial Troops; It is Our Will and Pleasure, that, for the future, all General Officers and Colonels serving by Commission from any of the Governors, Lieutenant or Deputy Governors, or President of the Council for the Time being of Our Provinces and Colonies in North America, shall, on all Detachments, Courts Martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, take Rank next after all Colonels serving by Commissions signed by Us, though the Commissions of such Provincial Generals and Colonels should be of elder Date, and in like Manner that Lieutenant Colonels, Majors, Captains, and other inferior Officers serving by Commission from the Governors, Lieutenant or Deputy Governors or Presidents of the Council for the time being of Our said Provinces and Colonies in North America, shall, on all Detachments, Courts-Martial or other Duty wherein they may be employed in Conjunction with Our Regular Forces, have Rank next after all Officers of the like Rank, serving by Commissions signed by Us, or by Our General Commanding in Chief in North America, though the Commissions of such Lieutenant Colonels, Majors, Captains, and other inferior Officers should be of elder Date to those of the like Rank signed by Us, or by Our said General.

SECTION 20.

RELATING TO THE FOREGOING ARTICLES.

Article 1. The foregoing Articles are to be read and published once in every two Months at the Head of every Regiment, Troop, or Company mustered or to be mustered in Our Service, and are to be duly observed and exactly obeyed by all Officers and Soldiers who are or shall be in Our Service (excepting in what relates to the Payment of Soldiers Quarters, and to Carriages, which is in Our Kingdom of Ireland to be regulated by the Lord Lieutenant or Chief Governor or Governors thereof) and in Our Islands, Provinces and Garrisons beyond the Seas by the respective Governors of the same according as the different Circumstances of the said Islands, Provinces or Garrisons may require.

Article 2. Notwithstanding its being directed in the eleventh Section of these Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magistrate all such Persons under his Command who shall be accused of any Crimes which are punishable by the known Laws of the Land; yet in Our Garrison of Gibraltar, and Island of Minorca, where Our Forces now are, or in any other Place beyond the Seas to which any of Our Troops are or may be hereafter commanded, and where there is no

Form of Our Civil Judicature in Force, the Generals, or Governors, or Commanders respectively, are to appoint General Courts-Martial to be held, who are to try all Persons guilty of wilful Murder, Theft, Robbery, Rapes, Coining or Clipping the Coin of Great Britain, or of any Foreign Coin current in the Country or garrison, and all other Capital Crimes, or other Offences, and punish Offenders with Death, or otherwise as the Nature of their Crimes shall deserve.

Article 3. All Crimes not Capital and all Disorders and Neglects which Officers and Soldiers may be guilty of to the Prejudice of good Order and Military Discipline, though not mentioned in the above 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.

(Initd.)

G. R.

APPENDIX C.

AMERICAN ARTICLES OF 1776¹

Resolved, That from and after the publication of the following Articles, in the respective armies of the United States, the Rules and Articles by which the said armies have heretofore been governed shall be, and they are hereby, repealed:

SECTION I.

Article 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations.

Article 2. It is earnestly recommended to all officers and soldiers diligently to attend divine 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 general 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 $\frac{1}{4}$ th 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 like 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.

Article 3. Whatsoever non-commissioned officer or soldier shall use any prophane oath or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of prophane cursing or swearing, he shall forfeit and pay, for each and every such offence, two-thirds of a dollar.

Article 4. Every chaplain who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from the said regiment, com-

pany, troop, or garrison, (excepting in case of sickness or leave of absence,) shall be brought to a court-martial, and be fined not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court-martial shall judge most proper.

SECTION II.

Article 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in Congress assembled, or the legislature of any of the United States in which he may be quartered, if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

Article 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander-in-chief of the forces of the United States, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a court-martial.

Article 3. Any officer or soldier who shall begin, excite, cause or join, in any mutiny or sedition, in the troop, company, or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any part, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Article 4. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by a court-martial with death, or otherwise, according to the nature of the offence.

Article 5. Any officer or soldier who shall strike his superior officer, or 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 command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

SECTION III.

Article 1. Every non-commissioned officer and soldier, who shall enlist himself in the service of the United States, shall at the time of his so enlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who

¹ Enacted by Resolution of Congress, September 20, 1776. For a history of these Articles see the chapter entitled THE ARTICLES OF WAR. This set replaced the Articles enacted by Resolution of Congress, June 30, 1775, and the additional Articles similarly enacted on November 7, 1775. They were amended by the Resolution of Congress of May 31, 1786, and were replaced by the Articles of War adopted by Congress on April 10, 1806.

inlisted him, or by the commanding officer of the troop or company into which he was inlisted, be taken before the next justice of the peace, or chief magistrate of any city or town-corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath:

I swear, or affirm, (as the case may be,) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the Continental Congress, and the orders of the generals and officers set over me by them.

Which justice or magistrate is to give the officer a certificate, saying that the man inlisted did take the said oath or affirmation.

Article 2. After a non-commissioned officer or soldier shall have been duly inlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge, granted to him, shall be allowed of as sufficient, which is not signed by a field officer of the regiment into which he was inlisted, or commanding officer, where no field officer of the regiment is in the same state.

SECTION IV.

Article 1. Every officer commanding a regiment, troop, or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop, or company, under his command, in the next convenient place for their being mustered.

Article 2. Every colonel or other field officer commanding the regiment, troop, or company, and actually residing with it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but, no non-commissioned officer or soldier shall, by leave of his captain, or inferior officer, commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time from their troop or company, excepting some extraordinary occasion shall require it, of which occasion the field officer, present with, and commanding the regiment, is to be the judge.

Article 3. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary, certificates signed by himself, signifying how long such officers, who shall not appear at the said muster, have been absent, and the reason of their absence; in like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be

inserted in the muster-rolls, opposite to the names of the respective absent officers and soldiers: The said certificates shall, together with the muster-rolls, be remitted by the commissary to the Congress, as speedily as the distance of place will admit.

Article 4. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

Article 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary who shall willingly sign, direct, or allow the signing of the muster-rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Article 6. Any commissary who shall be convicted of having taken money, or any other thing, by way of gratification, on the mustering of any regiment, troop, or company, or on the signing the muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment under the United States.

Article 7. Any officer who shall presume to muster any person as a soldier, who is, at other times, accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

SECTION V.

Article 1. Every officer who shall knowingly make a false return to the Congress, or any committee thereof, to the commander in chief of the forces of the United States, or to any his superior officer authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

Article 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander in chief of the American forces, and to the Congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and time of, their absence: Whoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

SECTION VI.

Article 1. All officers and soldiers, who having received pay, or having been duly inlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Article 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial.

Article 3. No non-commissioned officer or soldier shall inlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly: And in case any officer shall, knowingly, receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he, the said officer so offending, shall, by a court-martial, be cashiered.

Article 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

SECTION VII.

Article 1. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

Article 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commissioned officer, of being cashiered, if a non-commissioned officer or soldier, of suffering corporal punishment, at the discretion of a court-martial.

Article 3. If any commissioned or non-commissioned officer commanding a guard, shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger: And likewise all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Article 4. All officers, of what condition soever, 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 to order officers into arrest, or non-commissioned officers or soldiers to prison, till their proper

superior officers shall be acquainted therewith; and whosoever 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.

Article 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the orders of Congress, and done their duty as good soldiers, who subject themselves to discipline.

SECTION VIII.

Article 1. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during the divine service, or sermon, on the penalty of being dismissed from all future suttling.

Article 2. All officers, soldiers and sutlers, shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity or species of provisions, eatable or drinkable, except where any contract or contracts are, or shall be entered into by Congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.¹

Article 3. All officers, commanding in the forts, barracks, or garrisons of the United States, are hereby required to see, that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions at the market price, as they shall be answerable for their neglect.

Article 4. No officers, commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to sutlers, or shall connive at the like exactions in others; nor, by their own authority and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals, liquors or other necessaries of life, which are brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

SECTION IX.

Article 1. Every officer commanding in quarters, garrisons, 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 complaint made to him of officers or soldiers

¹ Repealed and replaced by Resolution of Congress of April 14, 1777.

beating, or otherwise ill-treating any person; of disturbing fairs or markets, or of committing any kind of riots to the disquieting of the good people of the United States; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offenders pay shall enable him or them, shall, upon proof thereof, be punished, by a general court-martial, as if he himself had committed the crimes or disorders complained of.

SECTION X.

Article 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of the good people of any of the United American States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the civil magistrate; and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to a trial. If any commanding officer or officers shall wilfully neglect or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

Article 2. No officer shall protect any person from his creditors, on the pretence of his being a soldier, nor any non-commissioned officer or soldier who does not actually do all duties as such, and no farther than is allowed by a resolution of Congress, bearing date the 26th day of December, 1775. Any officer offending herein, being convicted thereof before a court-martial, shall be cashiered.

SECTION XI.

Article 1. If any officer shall 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, commanding in chief the forces of the United States, in order to obtain justice, who is hereby required to examine into the said complaint, and, either by himself, or the board of war, to make report to Congress thereupon, in order to receive further directions.¹

¹ Repealed and replaced by Resolution of Congress of April 14, 1777.

Article 2. 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 said general court-martial.

SECTION XII.

Article 1. Whatsoever commissioned officer, store-keeper, or commissary, shall be convicted at a general court-martial of having sold (without a proper order for that purpose) embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States, to be spoiled or damaged, the said officer, store-keeper, or commissary so offending, shall, at his own charge, make good the loss or damage, shall moreover forfeit all his pay, and be dismissed from the service.

Article 2. 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 delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private sentinel, and shall besides suffer corporeal punishment in the same manner as a private sentinel so offending, at the discretion of a regimental court-martial.

Article 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes or accoutrements shall undergo such weekly stoppages (not exceeding the half of his pay) as a court-martial shall judge sufficient for repairing the loss or damage; and shall suffer imprisonment, or such other corporeal punishment, as his crime shall deserve.

Article 4. Every officer who shall be convicted at a court-martial of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for inlisting men into the service, if a commissioned officer, shall be cashiered and compelled to refund the money, if a non-commissioned officer, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporeal punishment, (not extending to life or limb) as the court-martial shall think fit.

Article 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belong-

ing to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

SECTION XIII.

Article 1. 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 upon them by the sentence of a court-martial.

Article 2. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Article 3. 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 the commanding officer.

Article 4. 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 his 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 the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Article 5. Whatever 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 corporeal punishment as shall be inflicted by the sentence of a court-martial.

Article 6. Whatever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Article 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the next regimental court-martial.

Article 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill-practices in the service, shall be punished by the judgment of a general court-martial.

Article 9. Any person, belonging to the forces employed in the service of the United States, who, by discharging of fire-arms, drawing of swords,

beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Article 10. Any officer or soldier who shall, without urgent necessity, or without the 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 court-martial.

Article 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States employed in parts out of said states, on pain of death, or such other punishment as a court-martial shall direct.

Article 12. Whatsoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

Article 13. Whatsoever officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage: Every such offender, being duly convicted thereof, shall be reputed a disobeyer of military orders; and shall suffer death, or such other punishment, as, by a general court-martial, shall be inflicted on him.

Article 14. Any person, belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Article 15. Any person belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Article 16. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, corn-fields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander in chief of the forces of the said states, to annoy rebels or other enemies in arms against said states, he or they that shall be found guilty of offending herein, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Article 17. Whosoever, belonging to the forces of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

Article 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Article 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Article 20. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States, for the neglect of which the commanders in chief are to be answerable.

Article 21. If any officer or soldier shall leave his post or colors to go in search of plunder, he shall upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

Article 22. If any commander of any garrison, fortress, or post, shall be compelled by the officers or soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Article 23. All suttlers and retainers to a camp, and all persons whatsoever serving with the armies of the United States in the field, though no enlisted soldier, are to be subject to orders, according to the rules and discipline of war.

Article 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions; but in the regiment, troop, or company to which such brevet officers and those who have commissions of a prior date do belong, they shall do duty and take rank both on court-martial and on detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Article 25. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and give out orders for what is needful to the service; regard being always had to the several ranks of those corps, and the posts they usually occupy.

Article 26. And in like manner also, if any regiments, troops, or detachments of horse or foot shall happen to march with, or be encamped or

quartered with any bodies or detachments of other troops in the service of the United States, the eldest officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

SECTION XIV.¹

Article 1. A general court-martial in the United States shall not consist of less than thirteen commissioned officers, and the president of such court-martial shall not be the commander-in-chief or commandant of the garrison where the offender shall be tried, nor be under the degree of a field officer.

Article 2. The members 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 courts-martial shall be composed of officers of one corps, they shall take their ranks according to the dates of the commissions by which they are mustered in the said corps.

Article 3. The judge-advocate general, or some person deputed by him, shall prosecute in the name of the United States of America; and in trials of offenders by general courts-martial, administer to each member the following oaths:

“You shall well and truly try and determine, according to your evidence, the matter now before you, between the United States of America, and the prisoners to be tried. So help you God.”

“You A. B. do swear, that you will duly administer justice according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor, or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be approved of by the general, or commander in chief; neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law. So help you God.”

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

“You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God.”

¹ Replaced by a new section by Resolution of Congress of May 31, 1786. See page 619, *post*.

Article 4. All the members of a court-martial are to behave with calmness and decency; and in the giving of their votes, are to begin with the youngest in commission.

Article 5. All persons who give evidence before a general court-martial, are to be examined upon oath; and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the officers present shall concur therein.

Article 6. All persons called to give evidence, in any cause, before a court-martial, who shall refuse to give evidence, shall be punished for such refusal, at the discretion of such court-martial: The oath to be administered in the following form, viz:

"You swear the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Article 7. No field officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and of three in the afternoon, except in cases which require an immediate example.

Article 8. No sentence of a general court-martial shall be put in execution, till after a report shall be made of the whole proceedings to Congress, or to the general or commander in chief of the forces of the United States, and their or his directions be signified thereupon.¹

Article 9. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is hereby directed, that the courts-martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with that corps which shall be eldest in rank.

Article 10. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental courts-martial for the enquiring into such disputes, or criminal matters, as may come before them, and for the inflicting corporeal punishments for small 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) or the commandant of the garrison, shall have confirmed the same.

Article 11. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot conveniently be assembled, when three may be sufficient; who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer of the regiment, not being a member of the court-martial.

¹ Repealed and replaced by Resolution of Congress of April 14, 1777.

Article 12. Every officer commanding in any of the forts, barracks, or elsewhere, where the corps under 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 until it shall be confirmed by the said commanding officer.

Article 13. No commissioned officer shall be cashiered or dismissed from the service, excepting by an order from the Congress, or by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers, and, by the order of the colonel of the regiment, or by the sentence of a regimental court-martial, be reduced to private sentinels.

Article 14. No person whatever 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.

Article 15. To the end that offenders may be brought to justice, it is hereby directed, that 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 a proper authority.

Article 16. 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.

Article 17. No officer commanding a guard, or provost-martial, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; 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.

Article 18. No officer commanding a guard, or provost-martial, shall presume to release any prisoner committed to his charge without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it by a sentence of a court-martial.

Article 19. Every officer or provost-martial 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 his being punished for his disobedience or neglect, at the discretion of a court-martial.

Article 20. 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.

Article 21. 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.

Article 22. In all cases where a commissioned officer is cashiered for cowardice, or fraud, it shall be added in the punishment, that the crime, name, place of abode, and punishment of the delinquent, be published in the newspapers, and in and about the camp, and of that particular state from which the offender came, or usually resides: After which, it shall be deemed scandalous for any officer to associate with him.

SECTION XV.

Article 1. When any commissioned officer shall happen to die, or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects, or equipage, then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the board of war, to the end, that his executors may, after payment of his debts in quarters and interment, receive the over-plus, if any be, to his or their use.

Article 2. When any non-commissioned officer or soldier shall happen to die, or to be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms, and accoutrements, and transmit the same to the office of the board of war; which said effects are to be accounted for and paid to the representative of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of dead officers and soldiers should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted to quit the same, deposite in the hands of the commanding officer or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

SECTION XVI.

Article 1. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the

artillery of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers or the other troops in the service of the United States.

Article 2. 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 sufficient number of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of the other corps, taking their rank according to the dates of their respective commissions, and no otherwise.

SECTION XVII.

Article 1. The officers and soldiers of any troops, whether minute-men, militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial in like manner with the officers and soldiers in the regular forces, save only that such courts-martial shall be composed entirely of militia officers of the same provincial corps with the offender.

That such militia and minute-men as are now in service, and have, by particular contract with the respective States, engaged to be governed by particular regulations while in continental service, shall not be subject to the above articles of war.

Article 2. For the future, all general officers and colonels, serving by commission from the authority of any particular State, shall, on all detachments, courts-martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all generals and colonels serving by commissions from Congress, though the commissions of such particular generals and colonels should be of elder date; and in like manner lieutenant-colonels, majors, captains, and other inferior officers, serving by commission from any particular State, shall, on all detachments, courts-martial or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commissions from Congress, though the commissions of such lieutenant-colonels, majors, captains, and other inferior officers should be of elder date to those of the like rank from Congress.

SECTION XVIII.

Article 1. The foregoing articles are to be read and published once in every two months, at the head of every regiment, troop or company,

mustered, or to be mustered in the service of the United States; and are to be duly observed and exactly obeyed by all officers and soldiers who are or shall be in the said service.

Article 2. The general, or commander in chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the foregoing articles; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.¹

Article 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial.

That every judge-advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons, on his behalf, whether such sentence be approved or not.

Article 4. The field officers of each and every regiment are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiments; and such person shall account with such officer for all fines received and the application thereof.

Article 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above 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.

¹ Repealed and replaced by Resolution of Congress of April 14, 1777.

APPENDIX D.

AMERICAN ARTICLES OF MAY 31, 1786.¹

Whereas crimes may be committed by officers and soldiers serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service;

Resolved. That the 14th Section of the Rules and Articles for the better government of the troops of the United States, and such other Articles as relate to the holding of courts-martial and the confirmation of the sentences thereof, be and they are hereby repealed;

Resolved. That the following Rules and Articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed and exactly obeyed by all officers and soldiers who are or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

Article 1. General courts-martial may consist of any number of commissioned officers from 5 to 13 inclusively; but they shall not consist of less than 13, where that number can be convened without manifest injury to the service.

Article 2. General courts-martial shall be ordered, as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the said general or officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, the dismissal of a commissioned officer, or which shall either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid

¹ Replaces Section 14 of the Articles of 1776.

was scarcely able to preserve them from disgrace and ruin, which Wooster had merited even less than Hopkins. In Wooster's case, there was a manifest endeavor to lay upon him the blame of their own misconduct, in Congress, in embarrassing and starving the war in Canada. Wooster was calumniated for incapacity, want of application, and even for cowardice, without a color of proof of either. The charge of cowardice he soon confuted, by a glorious and voluntary sacrifice of his life, which compelled his enemies to confess he was a hero.

The board of war brought in a report, which was taken into consideration, whereupon, *Resolved*, as in all the rest of the Journal. Monday, August 19.

“Letters from General Washington, referred to the board of war. A letter of the 14th, from Commodore Hopkins, was read, whereupon,

“*Resolved*, That Commodore Hopkins be directed to repair to Rhode Island, and take the command of the fleet formerly put under his care.

“Congress resumed the consideration of the articles of war, as revised by the committee for that purpose appointed, and after some time spent thereon, the further consideration thereof was postponed.”

This report was made by me and Mr. Jefferson, in consequence of a letter from General Washington, sent by Colonel Tudor, Judge Advocate-General, representing the insufficiency of the articles of war, and requesting a revision of them. Mr. John Adams and Mr. Jefferson were appointed a committee to hear Tudor, and revise the articles. It was a very difficult and unpopular subject, and I observed to Jefferson, that whatever alteration we should report with the least energy in it, or the least tendency to a necessary discipline of the army, would be opposed with as much vehemence, as if it were the most perfect; we might as well, therefore, report a complete system at once, and let it meet its fate. Something perhaps might be gained. There was extant one system of articles of war which had carried two empires to the head of mankind, the Roman and the British; for the British articles of war were only a literal translation of the Roman. It would be in vain for us to seek in our own inventions, or the records of warlike nations, for a more complete system of military discipline. It was an observation founded in undoubted facts, that the prosperity of nations had been in proportion to the discipline of their forces by sea and land; I was, therefore, for reporting the British articles of war, *totidem verbis*. Jefferson, in those days, never failed to agree

with me, in every thing of a political nature, and he very cordially concurred in this. The British articles of war were, accordingly, reported, and defended in Congress by me assisted by some others, and finally carried. They laid the foundation of a discipline which, in time, brought our troops to a capacity of contending with British veterans, and a rivalry with the best troops of France.

Tuesday, August 20.

“A letter of the 18th, from General Washington, with sundry papers inclosed, was laid before Congress and read.

“*Resolved*, That the same be referred to a committee of five. The members chosen, Mr. Jefferson, Mr. Franklin, Mr. Rutledge, Mr. J. Adams, and Mr. Hooper.

“A committee of the whole on the articles of confederation. Mr. Morton reported that the committee had gone through the same, and agreed to sundry articles, which he was ordered to submit to Congress.

“*Ordered*, That eighty copies of the articles of confederation, as reported from the committee of the whole, be printed under the same injunctions as the former articles, and delivered to the members under the like instructions as formerly.”

Thus we see the whole record of this momentous transaction. No motions recorded,¹ no yeas and nays taken down, no alterations proposed, no debates preserved, no names mentioned; all in profound secrecy. Nothing suffered to transpire, no opportunity to consult constituents; no room for advice or criticisms in pamphlets, papers, or private conversation. I was very uneasy under all this, but could not avoid it. In the course of this confederation a few others were as anxious as myself. Mr. Wilson, of Pennsylvania, upon one occasion, moved that the debates should be public, the doors opened, galleries erected, or an adjournment made to some public building, where the people might be accommodated. Mr. John Adams seconded the motion, and supported it with zeal. But no! neither party was willing; some were afraid of divisions among the people; but more were afraid to let the people see the insignificant figures they made in that assembly. Nothing, indeed, was less understood abroad, among the people, than the real constitution of Congress, and the characters of those who conducted the business of it. The truth is, the motions, plans, debates, amendments, which were

¹ This is a mistake. The record does contain the motions, the yeas and nays, and the alterations proposed; but it was kept secret until the publication of the *Secret Journals*, ordered by Congress, in 1820.

- ① Maj Gen Weedon Ordinary Book 20 Aug 1777 - 7 May 78
- ② Revolutionary Orders of GW - Whiting 2 Mar 78 - 29 Aug 82
pages 1 - 100 2 Mar 78 - 29 May 1778
- ③ Writings of Washington Vol 9 Aug 1777 - Nov 1777
Vol 10 Nov 1777 - Feb 1778
Vol 11 Mar 1778 - May 1778
Vol 12 June 1778 - Sept 1778

Wh - Whiting
Wa - Washington
We - Weedon

Number	Date of Entry	Rank and Name of Accused	Charge and Plea	Membership of CM and Finding	Reviewed by CG Finding + sentence	Reviewed by CG + disposition	Date of	Notes
We ① Vwa	20 Aug 77	LT Ambrose Crane	Genl 15 Aug 1777 Breaking arrest + going to Phila with 2 other officers who under arrest 18 Aug plea guilty	Col McClernaghan Pres	Guilty Be cashiered	20 Aug 77 approved		
② Vwa	20 Aug 77	LT Benjamin Hooper Holmes	Genl 15 Aug 1777 Behaving in a manner unbecoming an officer & gentleman	"	Unanimously acquitted	20 Aug approved		
③ Vwa	20 Aug 77	Paymaster Jacob Moon	Genl 15 Aug 1777 Un gentlemanlike behavior and depending soldiers out of their pay	"	Guilty in ungentlemanlike conduct Not guilty of depending Sentence - Reprimanded by Col in presence of officers of regiment	20 Aug approved		
④ Vwa	22 Aug 77	Capt Crump	Genl 19, 20, 21 Aug 1777 Wantonly ordering Lt Smith under arrest when he knew he was executing orders of Gen Mifflin Owing false evidence to court trying to get conviction - was acting properly Major	Col McClernaghan Pres	Acquitted	22 Aug approved		21 Aug 77 CG report against soldiers sitting on fence.
⑤ Vwa	22 Aug 77	Major Swaine	Repeated neglect of duty. Not attend to issue of straw + rum 19, 20 or 21 Aug	"	Guilty of neglect of duty Not guilty of rest Sentence - To be reprimanded in Gen Court	22 Aug approved [Maj Swaine resigned 28 Aug]		22 Aug 77 CG comments on need for promptness in carrying out orders.

Number	Date of entry	Rank	Name of accused	Date of C.M. Charge, and Plea	Membership of C.M.	Finding + Sentence	Date of Review by CG + Disposition	Notes
we 6	22 Aug 77	√ wa	George Bignal	Genl 19, 20 or 21 Desertion	Col McClenaghan	Release, No witnesses appeared	22 Aug approved	
we 7	22 Aug 77	√ wa	Adam Claise	Genl Desertion	"	Sent to his Company No witnesses	22 Aug approved	
8	22 Aug 77	√ wa	John Brumblor	Genl Sleeping on his Post while on sentry duty over Prisoners - Plea guilty	"	Guilty, Sentence 20 lashes on bare back	22 Aug approved	
9	22 Aug 77	√ wa	Edward Mealy	Genl Desertion	"	Ordered sent to his company	22 Aug approved	
10	22 Aug 77 near Annapolis	√ wa	James Byrne	Genl Desertion	"	Ordered sent to his company regiment	22 Aug approved	Announcement of party part of Bragg's army at Annapolis by Gen Storer
11	3 Sept 77 Washington	√ wa	Adria Efford	Genl 2 Sept Desertion, getting drunk and losing his arms	Col Johnston pres	Not guilty of desertion Guilty of getting drunk + losing arms. Sentence 100 lashes + pay for arms.	3 Sept 77 approved	Army on march to Annapolis 23 Aug - No struggle of 39 lashes
2	4 Sept	CO		Orders to prevent plundering our own friends + fellow citizens. Supposed to defend countrymen not pillage. Read to all troops. I will have no mercy on offenders. British are coming up from Maryland to take Phila				2300 men German
3	6 Sept			P. plundering still continues pillaging + burning fences 10 lashes for defecating anywhere but places provided. Baggage sent off. Keep only blankets				No women belong to army to be seen. Do not destroy fences or property. No pillaging. Read order
4	10 Sept			Farmers complain fences are burned + fence pulled Battle of Brandywine, retreat back to Annapolis struggle. R. Horn near				45. Feb 1777 "Conostogo" Waggon mentioned p. 45

20 Sept Stragglers been robbing orchards

Number	Date of Entry	Rank + Name of accused	Date of CM Charge, + Plea	Membership of CM	Finding + Sentence	Date of Review by CG + Disposition	Notes
We (12) ✓ Vwo	26 Sept 77 near Ft. Tullymore	John Frandon Farndon	25 or 26 Sept ^{General} Deserting to the enemy + enlisting with them	Col James Wood	Guilty - Death Not guilty - Enlisting w/ enemy	26 Sept approved to be executed 30 Oct.	Col Polk guards the wagon, Provost? Are not getting on
(13) ✓ Vwo	1 Oct 77 Snypack	LT Robert Cragg Cragg	25 Sept ^{General} Repeated disobedience of orders	Col Wood	acquitted	1 Oct approved	Continued to sit in what seemed unaccounted
(14) ✓ Vwo	1 Oct 77	Adj, acting Brigade Major Kincaid	23 Sept ^{General} Not bringing his packet on grand parade at proper time	Col Wood	acquitted	1 Oct approved	17. 10 Oct. No more fences burned on any pretense whatever.
We [7] ✓ Vwo	10 Oct 77	M/Gen Sullivan	4 October 77 was Report killed wounded + missing Court of Inquiry. His conduct at stated place	Battle of Hermantown. Some behaved ill are reported + corrected M Gen Stirling Gen McDugel Gen Knox Col Spencer Col Clark	Deserve appreciation of the country, accidents which occurred out of his control, honestly acquitted		20 Oct Cong, 12 Nov 1781, Congress resolved the character of Gen Sullivan pleasing to Congress, opinion of court be published in full - it has injured character.
We [2] Brigade Order	11 Oct 77	LT Brock	Court of Inquiry, conduct Not for in Regiment at proper time	Col Stewart Lt Squire Maj John Murray Capt (2) from Va			
✓ Vwo [3]	11 Oct Town-ensing	B/Gen Wayne	Court of Inquiry, His troops got surprised 20 Sept at Paoli	M Gen Stirling's court	A Court Martial of Gen Wayne was convened 25 Oct at his own request.		
(15) ✓ Vwo	12 Oct	Ensign Carson Carson	^{General} 3 Oct Charged with accusing Ensign Ford of cowardice, also getting drunk and behaving in an ungentleman-like manner	Col Josiah Parker	Guilty. Sentence - Discharged from the service.	12 Oct approved	15 Oct another amount of success against Burgoyne
✓ Vwo [4]	15 Oct	BC Maxwell		4 Gen Greene B Gen Mifflin Gen Vasshauer Col Stewart Col Richardson Col Moyland	Without foundation except he was discharged in a general court martial disability + chief of three other "enlisted" submit to Washington	Washington says try him with Gen Sullivan Court after finish with Wayne's CM	
(16) X	15 Oct		16 Oct Gen CM to air				18 Oct announced success of Burgoyne
(17) ✓ Vwo	19 Oct	Capt Crump	^{General} 7 or 10 Oct ^{General} Court martial	Brigade of Gen Sullivan Col Brantford	Guilty. Sentence to be carried + punishment published	19 Oct approved	

Number	Date of Entry	Rank + Name of Accused	Date of CM Charge + Plea	Membership of Court	Finding + Sentence	Date of Re- by CB + Disposition	Notes
18 W VWo	19 Oct 77	Capt John Storer	7 or 10 Oct Leading the Regiment in a cowardly manner at Chadd's Ford Bridgeman 11 Sept	Col Broadhead Broadhead	Guilt of leaving his Regiment improperly sentenced to be imprisoned in presence of Brigadier	19 Oct approved	
19 VWo	19 Oct 77	LT Simon Morgan	7 or 10 Oct Cowardice on 4 Oct 77 (Hermandtown)	Col Broadhead	Acquitted with honor	19 Oct approved	
20 VWo	19 Oct	LT Rains	7 or 10 Oct Sending a soldier to bring water in a tin cartridge box	Col Broadhead	Not guilty	19 Oct approved	
21 VWo	19 Oct	Lt Byrd	7 or 10 Oct Countermarching the orders Col Blundell 2 soldiers to fall into ranks	Col Broadhead	Determined Col Blundell not have right to give the orders while Byrd present Acquitted	19 Oct approved	
22 VWo	24 Oct	B/Co Wayne	25 Oct That he had timely notice of the Enemy's intention to attack the troops under his Command on the night of the 20 Sept, and notwithstanding that intelligence neglected making a disposition until it was too late; either to annoy the enemy or make a retreat without the utmost danger and confusion. 25-26 27 + 30 Oct	Gen Sullivan Gen Mendenhall Gen Weicker Gen Comany Gen Huntington Col Stephens Col Dayton Col McClannahan Col Stewart Col Bradley Col Davis Col DeHart Col Thapton	Not guilty. That he did everything that could be expected from an active brave and vigorous officer under the orders he then had Acquit with the highest honor	1 Nov approved	
23 VWo	25 Oct	LT Nathan Ferris	14 or 15 Oct W. rank and incapable of doing his duty when the army engaged the enemy 4 Oct (Battle of Hermandtown)	Col Broadhead	guilty - sentence cashiered	approved 25 Oct	
24 VWo	25 Oct	LT Joe Fish	14 or 15 Oct leaving the regiment + platoon on the March to Hermandtown night of 30 Oct also absent	Col Broadhead	Acquitted of leaving Reg Guilt of being absent Sentence - Reprimanded by BGen in presence of officers of Brigade	approved 25 Oct	
25 VWo	26 Oct Dublin Top	Lt John Hartman	17 or 18 Oct leaving his regiment in time of action 4 Oct (Hermandtown) Delay in moving to support the advanced guard	Col Broadhead	Guilt cashiered	approved 26 Oct	
26 VWo	26 Oct	Capt Mc Cormick	17 or 18 Oct Laying down in time of action + remaining in a collection in an inefficient manner	Col Broadhead	Acquitted with honor	Approved 26 Oct	
27 VWo	26 Oct	Lt Crane Crane	17-18 Oct Disobedience of orders + breaking cover	Col Broadhead	acquitted	approved 26 Oct	
28 VWo	26 Oct	Lt Thomas Moore	17-18 Oct Encouraging men to retreat mutiny + behavior unbefitting an officer	Col Broadhead	Acquitted	Approved 26 Oct	

Number	Date of Entry	Rank	Name of accused	Date of CM Charge, + Plea	Membership of Court	Finding + Sentence	Date of Review by CG + Disposition	Notes
WE (29)	26 Oct	Major	Rogach Thor Koch	17-19 Oct Desertion and attempting to go to the enemy	Col Broadhead	Guilty Sentence death	26 Oct approved Execute 27 Oct then respite 3 weeks	30 Oct reported under 31 Oct 1 Nov pardoned by Wash
✓ wa	26 Oct	Major	Stephens	Inquire into conduct of Maj Gen Stephens on 10 March Close to Schuykill ① 11 Sept at Brandywine ② especially 46 at Germantown acting unlike an officer, drunkenness ③ acting unlike an officer, drunkenness	Gen Green + court (see page 24)	apparently recommended a C-1	2 Nov Be tried by the CG of which Gen Sullivan pres	1 Nov CG direct all liquors in hands of soldiers to be commenced to be soldiers to be
✓ wa	30 Oct	Col	Alexander Martin	13 Oct Gen CM Cowardice	Col Broadhead	acquitted Released from prison	30 Oct approved	
✓ wa	31 Oct	Col	Mayland	24 Oct Disobedience of orders of Gen Pulaski. Striking 4 + 17 members (cowardly + ungentlemanly) + putting him under guard involving language to Gen Pulaski.	Col Bland	Not guilty acquitted discharged from arrest	31 Oct approved	
32	31 Oct	Priv	Archer Henry	Gen CM Plundering Wm Laurence	Col Bland	Guilty Run the gauntlet thru a detachment of 50 Brigade of Horse	31 Oct approved	
33	31 Oct	Priv	Judah Gudley	Gen CM Exploiting money from John Thomson, refusing to give him up + attempting to escape + attempting to draw his sword to keep them off	Col Bland	Guilty - Run the gauntlet thru a detachment of 200 men of the Brigade of Horse	31 Oct approved	1 Nov Bounty of \$10 put on account of + 1 shilling/mile
34	31 Oct	Priv	William Patterson	Gen CM Plundering Wm Laurence	Col Bland	Guilty - Run gauntlet thru a detachment of 50 Brigade of Horse	31 Oct approved	Nil 3 + medals not trail at Reg level, Brigade CM to be censured. Except death penalty 1 Nov 72
✓ wa	2 Nov	Major	Stephens	Gen CM Conduct on 10 March Close to Schuykill ① 11 Sept at Brandywine ② 4 Oct at Germantown especially Drunkenness + acting unlike an officer	Gen Sullivan + court (see page 26)	Guilty of unoffensive behavior in retreat from Germantown due to unwise poor judgement Frequently interpreted to the prejudice of justice. Sentence of imprisonment the wisest	20 Nov approved by CG ← Not guilty other charges	5th Article of 18th Sect
✓ wa	4 Nov	SG	Maxwell	30, 31 Oct, 1 Nov Gen CM Once commanded troops "disgraced with liquor" disgraced himself somewhat. Once or twice spirits were elevated with liquor	Gen Sullivan + court (see page 26)	Finding Not disgraced with liquor so as to disgrace his name acquitted.	5 Nov approved through mistake appropriation was not inserted (on 4 Nov & again)	9 Nov For officers under arrest Brigade CM's to be set up
✓ wa	10 Nov	Col	Joseph Parker	11th Court of Inquiry relative to complaint of Joseph Chamberlain for ordering a regiment out of file of men whipped.	Col Bradley 4/6 Farmers 1 Capt from 1 Capt from 2 Capt from 1 Major	Reputation of him as a good soldier + file were Col Parker not warranted in such private punishment. Punishment was illegal his conduct highly reprehensible	Published in Gen Order but CG not comment.	17 Nov so many files the in order + process in process, Brigade CM's

Number	Date of Entry	Rank	Name of Accused	Date of C.M., Charge, + Plea	Membership of Court	Findings + Sentence	Date of Review by C.C. + Disposition	Notes
we ✓wa ①7	17 Nov	Col	Price	Court of Inquiry into his conduct on various occasions, at own request	Col Hartley Col Humphreys Lt C Craig	Reports to the prejudice of Col Price are without the least foundation		Lt John Marshall 20 Nov is appointed Dep Judge Advocate Gen by the J.A. Gen. James Moore appointed aide de camp to Maj Gen Sterling
22 Nov	22 Nov			23 Nov	Col Hayson Lt Heth Lt Peckham Maj M. Sutges Capt each brigade			Circ effect revised of BIC to best substitute for shoes made out of cowhide 22 Nov - Col Martin NC resigned commission, order given of end take over. See memo - issued had answer 2 Dec
③7, ③8, ③9	23 Nov		Thomas Greer Michael Rafter Jacob Anthony	22 Nov Charged with desertion	Col O'Leary	Guilty 100 lashes each	MG Green approved 23 Nov Reg O'Leary cause sentences to be executed	
38	1 Dec			2 Dec, 10 Dec Expired sergeant from each Division to attend the court Gen C.M. at Tavern near Col Bridgell's Q.A.P.	Col Ogden Lt C Smith Maj Wallace Maj North Capt 3 brigades			
④0 ✓wa	3 Dec	Maj	Howard	26, 27, 28 + 29 Nov - Gen C.M. 1) Wounding Capt Lt Duffy with sword 2) Abetting a riot in camp 3) In front of his men attempting the life of Capt Duffy with loaded revolver and fixed bayonet.	Col Hayson (Hayson?) Hayson	1) Not intentionally wound Duffy acquit 2) Justified motive in trying to suppress riot, sentence - Reprimand in C.C. 3) Not supported by evidence - acquit	5 Dec Circ approved. Both unbecoming character of officers are supposed to set an example	3 Dec La Fayette takes command of Stephens Division
④0a evocation with number		Capt	Duffy	1) Aiding + abetting a riot 2) Arranging and abusing Maj Howard in the execution of his office		1) Did abet + abetted riot. Sentence - Reprimand in C.C. 2) Maj Howard not in line of duty when Duffy struck him - acquit	4 Dec Brigade C4 BIC Weedon approves	
④1, ④2, ④3	9 Dec	Sgt	Talbot	Brigade C 4 Neglect of duty and losing their arms, ammunition, and accoutrements	Maj Alexander, 6 Captains	Sgt Talbot be reprimanded in presence of his regiment, & then reprimand by Capt		
⑧		Capt	Conway	10 Dec Court of Enquiry to inquire into charge of M. Mead that the 3 officers insulted and abused him in his quarters	Lt Stephens + 6 Captains			
④4 ✓wa	22 Dec Valley Forge	Capt	Duffy	30 Nov Gen C.M. Breaking arrest	Col Hayson	Did go 6 miles from camp without leave, not to enter service 2000 lbs of flour. Recommend clemency	22 Dec Bismarck approved 22 Dec Lippitt	Parole prisoners 22 Dec
④5 ✓wa	22 Dec Valley Forge	Capt	Veal Veal	2 Dec Gen C.M. ① Cowardice at Battle of Germantown ② Not taking post when ordered to do so	Col Hayson	① Guilty of cowardice in cowardice, possible in many other cases which to associate with ② Cowardice at Germantown		

Number	Date of Entry	Rank Name of Soldier	Date of CM, Charge and Plea	Membership of Unit	Funding and Sentence	Date of Review	Notes
(46) ✓ Wa	22 Dec Valley Forge	Capt Hamilton Granberry	2 Dec Genl M ① Neglecting his duty and command ② Misconduct & unbecoming an officer	Col Houghton	Acquitted both charges	22 Dec published must have been approved yes	22 Dec New Sullivan building bridge over Schuylkill
	26 Dec		A <u>Commission Court</u> started at 11:00 AM at 9:20 this morning. <u>Courty</u> up from each brigade		<u>of Wilkey Brothers</u> near the Probst Col Scammell + 10 Captains membership suffering severely from the severity sit every day until all are tried.		22 Dec Anyone firing 25 Dec Expeditions to collect Flour, grain, Cattle or Potholes
	30 Dec		<u>Great number of prisoners in the Probst of the season.</u> Brigade Genl C.M.'s appointed				25 Dec Reports of plundering
(47) ✓ Wa	3 Jan 1775	Capt Country	29 Dec Genl M leaving his Hoity in the field in action at Brandywine in a cowardly & unbecoming manner.	Col Scammell	Guilty. Be reprimanded by Gen Knox in presence of all artillery officers	3 Jan Washington disapproves, orders him discharged without comment.	26 Dec Cruel outrages and robberies on the other side of the Schuylkill. More control of prisoners & articles
(48) ✓ Wa	3 Jan 1775	Ensign Carpenter	27 Dec Genl M Abandoning himself w/o leave moving regiment was to go into action	Col Scammell	Guilty - Cashiered	3 Jan approved	27 Dec Almost impossible to have brute activities as soon as possible
(49) ✓ Wa	3 Jan	John McClure	Suffering in camp contrary to General orders. Pleads guilty	Col Scammell	His suffering in the Probst is sufficient punishment. Discharge	3 Jan approved & granted	31 Dec - Some abuse by foragers. They do give receipts.
	4 Jan		A General Court Marshall at the Baker House	Col Swift + Capt from each Brigade			2 Jan - No many forages.
(50) ✓ Wa	5 Jan	Dunham Ford Denham Ford	A Commissary in the Artillery Division charged with theft. 1 sent, Genl M	Col Scammell	Guilty. Pay \$200 & certificate. Then he be brought from the Probst Guard mounted on a horse back foremost without a saddle, his coat turned wrong side out, his hands tied behind him and be drummed out of the Army (Never to more to return) by all the regiments in the division to which he belongs and that the above sentence be published in the newspapers. C.M.C. approves the sentence and orders it put in execution.		4 Jan - Turn in tents or huts are completed 5 Jan - Many huts covered with tents Turn in tents! 6 Jan - Tent with better not camp forage.
(51) ✓ Wa	6 Jan	Ensign Benjamin	2 Jan Genl M sent in the Regiment Charge - Getting drunk and behaving in a disorderly unsoldierlike manner on 6 Dec, refusing to return to his quarters when ordered by the Col. Threatened to leave the service	Col Scammell	Guilty. Sentence - Cashiered with infamy, he reports incapable of being a Commissioned Soldier for anyone to correspond with him	Approved by C.M.C. 6 Jan	6 Jan - Log of Col Deane's guns, wheels & churning, he is hard any trouble, soon parties taken.
(52) ✓ Wa	6 Jan 1775	John Reedy (Reedy)	4 Jan Genl M in <u>Wallow's Brigade</u> Charge - <u>Delinquencies</u> from the guard and taking arms from 2 persons in front	Col Symms	Guilty, sentence with 9 Jan revoke till 11 Jan at 10:00	C.M.C. 6 Jan approved, sent with money at 10:00 near the Probst	7 Jan CO's of companies with a list of all who deserted. Give to Adjutant

Drummed out of the service!

Maj Ward

Col Symms

Number	Date of Entry	Rank Name of	Date of CM, Charge Plea	Where held at V.F.	Number of	Finding and Sentence	Date of Review +	Notes
(53) We ✓ Wa	8 Jan 1778	Ensign Cook	CM held 5 Jan in Hen Muhlenberg's Brigade. Charge - Denying under oath what he formerly + since said he saw + circumst. Capt Crump's behavior. Inconsistent with honour + truth.	Hen Muhlenberg's Brigade	1/2 Ball	Guilty. To be discharged from the service	1 Jan - Review of 1778. 4th Dec 1778. John Riey 9 Jan. Cinc & Jan approves	1 Jan - Burg all died horses 5 Jan - Campy creeping in Crisis + all 100 dead. Big Burg ancient those with the atch. Sarcall horns of cattle
(54)	8 Jan 1778	Serjt Timothy Driskill	Charge - Attempting to desert to the enemy.	Hen Muhlenberg's Brigade	Col Syme	Guilty. Sentence - 100 lashes	Cinc & Jan approves	5 Jan - Capt quota of marks of Green Store
(55) ✓ Wa	13 Jan 1778	Ensign Foster	12 Jan Brigade CM - Charge - Challenging Capt Crump + behaving unbecomingly officers + gentlemen	Hen Muhlenberg's Brigade	1/2 Harmer	Guilty. Discharge from the service	Riey - approved. Approves but restores Foster to former rank	7 Jan - Erect one hoop for each Brigade 13 Jan - Flying Hoop Huts 15' w x 25' l x 9' hie 2/1 Brigade
(56) ✓ Wa	15 Jan	Capt Lambert	15 Jan Div. Stealing a hat from Capt Ullis	Hen Muhlenberg's Brigade	1/2 Ballard	Guilty. Be cashiered, published in papers. Pay \$30 to Capt Ullis	15 Jan Cinc approves	15 Jan Works for dip of camp situated with all possible dispatch. [The plan was already done in 1778, plan of dis. trial]
(57) ✓ Wa	14 Jan	Pvt Francis Morris	14 Jan Brigade CM 7 Jan Repeated desertions	Hen Muhlenberg's Brigade	Major R. Yan	Guilty. Discharge from the service	19 Jan Cinc approves	15 Jan Works for dip of camp situated with all possible dispatch. [The plan was already done in 1778, plan of dis. trial]
(58) ✓ Wa	14 Jan		14 Jan Div. Charged by Weedon - Suspicion of Mutiny and Desertion	Hen Muhlenberg's Brigade	1/2 Ballard	Guilty. Discharge from the service	28 Jan Cinc approves. Sentence	15 Jan Works for dip of camp situated with all possible dispatch. [The plan was already done in 1778, plan of dis. trial]
(59) ✓ Wa	20 Jan		20 Jan Div. Gen CM to sit tomorrow at the President's table [Morgan, tent?] Try any prisoners of Sumner + Wagner Div	Hen Muhlenberg's Brigade	See Croix, My Church, 2nd + 2nd	Unanimously acquitted	21 Jan Cinc approves	15 Jan Add huts to be erected for prisoners under Prov-Guard between or near the lines
(60) ✓ Wa	21 Jan	LT McGibbons	19 Jan Cinc CM Charge - Embrozzling or misapplying money to which he was intrusted for existing men in service	Hen Muhlenberg's Brigade	Col Clark	Unanimously acquitted	21 Jan Cinc approves	17 all officers furnished with half Pikes
(61) ✓ Wa	21 Jan	Capt Joshua Brown	15 Jan Cinc. Allowed 2 prisoners to escape from the Provost Guard	Hen Muhlenberg's Brigade	Col Clark	Unanimously acquitted	21 Jan Cinc approves	20 Big surgeons keep track of sick, keep a book
(62) ✓ Wa	23 Jan	H/C Linley, May Bailey	20 Jan Cinc CM Non attendance on Grand Parade at the proper time	Hen Muhlenberg's Brigade	1/2 Clark	Guilty, breach of the 5th Article 15th Sect. To be reprimanded in the presence of the common	23 Jan Cinc approves	21 Cinc. accounts dis. ill reported
(63) ✓ Wa	23 Jan	Brigade Officers, LT Sista	is appointed Judge Advocate, +	Hen Muhlenberg's Brigade		is appointed from the common		22 Hospital overcrowded
(64) ✓ Wa	25 Jan	Capt Eane	25 Jan Cinc CM Acting in a cowardly manner what sent on a scouting party 12 Dec. Ordered his men to retreat when he had a considerable advantage over the enemy.	Hen Muhlenberg's Brigade	1/2 Ballard	Guilty. Discharge from the service	25 Jan Cinc approves	23 Soldiers being discharged leave blankets

Number	Date of Entry	Rank	Name of Accused	Date of C.M. Where held at V.F.	Charge, Plea
63	26 Jan	LT	Shugart (German Battalion)	Brigade C.M.	Charge - Challenging (order?) of Lt Lautermack
64	28 Jan	Serjt	William Mc Intire	Gen C.M. 26 Jan	Charge - Robbing a load of wheat from Weigman
65	28 Jan		William Dearlove	Gen C.M. 26 Jan	Charge - Stealing money from Frederick Buzzard
66	28 Jan		Thomas Scott	Gen C.M. 22 Jan	Sept a wagonmaster, tried for taking forage contrary to Gen Order of 31 December
67	28 Jan		Stephen Rice	Gen C.M. 22 Jan	Tried for plundering the inhabitants of the country
68	28 Jan		Joseph Tamm	Gen C.M. 22 Jan	Tried for desertion from Provost Guard & taking a prisoner with him
69	28 Jan	Drum	Robert Gerkigist	Gen C.M. 22 Jan	Attempting to desert to the enemy
70	28 Jan		Benjamin Berry	Gen C.M. 23 Jan	Attempting to desert to the enemy
71	28 Jan		Jeremiah Brude	Div C.M. 21 Jan	Mutiny and desertion
72	28 Jan		Johnston	Div C.M. 21 Jan	Laying a plot to desert to enemy
73	28 Jan		Edward Dyer	Div C.M. 21 Jan	Mutiny and desertion
74	28 Jan		John Patton, Dick Oswald, Timothy Ostrum, Richard Johnson, Wm Cox, Andrew Webb	Div C.M. 21 Jan	Mutiny and desertion
75	28 Jan	Post	Wm Mc Intire	Div C.M.	Mutiny and desertion
76	30 Jan	Ensign	Cook	26 Jan Gen C.M.	Charge - leaving his guard before proceeding proceeding
77	30 Jan		McMarth	23 Jan Gen C.M.	Reception + stealing a horse from Gen Mc Intire

Membership of C.M.	Finding + Sentence	Date of Review + Disposition	Notes
	Found guilty of 7th Sect Art of War Sentenced to be executed	Com C of Prov. 26 Jan, but restores him to rank	26 Jan Comd about prison with charge for liquor etc, penalties for desertion, disposition + funds, sent to cell, pay sent + hard soap
Hopkins	Court recon emergency 6-14 Feb, found guilty against them	Return to duty in line	20 Jan Public Market
Major Church	Guilty of a breach of 5th article of Sect 18 Sentenced to 30 lashes at head of own Regiment	29 Jan approved by Com in chief	27 Jan Bldg Fortifications
Major Church	Guilty - 100 lashes	29 Jan approved by Com in chief	
Col Clark	Acquitted	28 Jan Com approves review released	
Col Clark	Guilty of a breach of 15th Article, 13th Sect Sentenced 100 lashes	28 Jan C in C approved	
Col Clark	Guilty of a breach of 1st article, Sect 6 Sentenced 100 lashes	28 Jan C in C approve	
Col Clark	Guilty. But on account of his youth only 50 lashes	28 Jan C in C approve	
Col Clark	Guilty, 100 lashes	28 Jan C in C approves (pic next day)	
Lt Ballard	Guilty, 100 lashes	The Council (which one) approve, to be carried out this afternoon	Looks like sentences are somewhat less severe than previously. May be the conditions at V.F. at that time.
Lt Ballard	Guilty, 100 lashes + 100 drummed out of company by all arms + pipes in Div		
Lt Ballard	Guilty sentenced to be reprimanded in front of Div		
Lt Ballard	Guilty, 100 lashes each	Remits sentences release from confinement	
Lt Ballard	Acquitted by court	approve, release from confinement	
Major Church	Guilty of a breach of 4th Article, 15th Sect Sentenced - Confined with company	Com C of Prov. 30 Jan.	
Col Clark	acquitted of desertion Guilty of the theft Sentence - 100 lashes 1/2 pay until Gen Mc Intire is released	Com C remits stripes, approve 1/2 pay 30 Jan	
	Recon emergency on 100 lashes		

Number	Date of Entry	Rank	Name of Accused	Date of CM, Charge, Plea Where held at V F
we	1 Feb 75	In Congress		June 10, 1777, Resolved that Congress be Military Arrest and Court Martial for neglect of the General direct, that the situation of
	2 Feb			Gen CM approving to sit at Baha House on 3 Feb-78
84	4 Feb	Soldier	Charles Smith	Gen CM 21 Jan Trial for desertion + enlisting again
85	6 Feb	Lt	William Williams	Gen CM 27 Jan Charge - Repeated behavior unbecom on office ① Buying prof shoes from soldiers + making him unfit for duty ② Messing + sometimes sleeping with soldiers, eating their bread so soldiers hungry
86	8 Feb	Lt	Grey	5 Feb Gen CM. Charges absent from camp w/o leave Theft + other behavior unbecom officer
87	8 Feb	Civ	Thomas Butler	Gen CM 23 Jan Inhabitant of state of Pa, attempting to carry flour into Phila. (Breach of a resolve of Congress 8 Oct 1777)
88	8 Feb	Civ	Thomas Ryan	Gen CM 23 Jan Inhabitant of state of Pa, on 13 Jan with Thomas Butler, taking 8 gals mutton + a bull of beef
89	8 Feb	Civ	William Murdoch	Gen CM 23 Jan Inhabitant of state of Pa. Attempting to drive cattle into Phila
90	8 Feb	Civ	Joseph Hancock	Gen CM 26 Jan Inhabitant of state of Pa. Attempting to drive cattle to the Enemy
91	8 Feb	Civ	Philip Korte	4 Feb - Gen CM Supplying the enemy with cattle
92	8 Feb	Civ	John Williamson	Gen CM Supplying the enemy with cattle
93	8 Feb	Civ	David Dunn	Gen CM Supplying the enemy with cattle
94	8 Feb	Civ	James Bowen	Gen CM Communication with City of Phila
95	8 Feb	Civ	James Bowen	Gen CM Siding sheep to a Phila butcher
96	8 Feb	Civ	James Bowen	Gen CM Attempting to take sheep into Phila
10	9 Feb	Ensign	Hudson	Court of Enquiry Brigade Orders Conduct of Ensign Hudson

Number	Rank	Name	Findings + Sentence	Date of review + Disposition by C.	Notes
			of purchases and issues + their deputies are subject to Duty or other offenses by order of Comd in chief of Division Unit		
	Col	Wigglesworth	Acquitted	4 Feb Cinc approves, release	Settling people, parties Women come out from Phila, supposed to visit, but really with intent to increase recruits to assist officers prevent interfering any suspicious ones Total by CM 4 Feb
	Col	Clark	1. Guilty of being absent 2. Guilty of being absent 3. Guilty, missing + unbecom officer Breach of 2nd Art Sect 141 Sentence 200 lashes	6 Feb Cinc approves	
	Col	Proctor	Guilty of absent from camp, drove with private soldier + others. was not in camp Sentence 200 lashes	8 Feb - Cinc approves	8 Feb - Market at Stone Chimney Pickett Mon + Thurs
	Col	Clark	Guilty, sentenced to 250 lashes	8 Feb - Cinc approves	On East side of Schuylkill near north bridge every Tues + Fri
	Col	Clark	Guilty, confined until pay sum of 50 £. Mostly applied to sick in camp	corporal punishment + imprisonment	
	Col	Clark	Guilty, confined until pay sum of 100 £	corporal punishment + imprisonment	
	Col	Clark	Guilty, confined until pay sum of 100 £	corporal punishment + imprisonment	
	Col	Wigglesworth	Guilty, Confined in some jail in Pa. during enemy story + real + personal estate confis. by U.S.	corporal punishment + imprisonment	of property since not cognizable by Martial Law
	Col	Wigglesworth	Guilty, sentenced to 250 lashes	corporal punishment + imprisonment	near adj Gen Office every Wed + Sat
	Col	Wigglesworth	Guilty, 200 lashes	corporal punishment + imprisonment	Certain prices been fixed
	Col	Wigglesworth	Acquitted		they don't get more stripes than strength will bear.
	Col	Wigglesworth	Acquitted		
	Col	Wigglesworth	Guilty, 200 lashes		
	Col	Proctor	A court martial was ordered. See next page		

15 Feb 1778 was a Sunday

Number	Date of Entry	Rank + Name of accused	Date of CM, Charges, Plea Location of CM at VT	Membership of Court	Finding + Sentence	Date of review by CG + Disposition	Notes
97	11 Feb	Ensign Hudson	11 Feb - Court to select Presidents & try embezzling the spoils of a dead soldier Bridgman CM	1st Deput	Acquitted	The main (Bridgman) approves, release from court	
95	11 Feb	Capt Israel Pomeroy	9 Feb - Gen CM ① Intentionally retaining 2 more pence allowing him to keep the coin 1.00 in ② Detaining about 60 £, the property of 5 soldiers	LT Col Sprout	① Acquittal of no ② Guilty of second breach of 4th rule 12 soldiers sentenced - 12 cashed & repaid. Stop his pay to make good the money	11 Approves Feb sentence	15 Feb another Cpi conversed at the Bell House Col Courlandt File 100-101
99	12 Feb	Lt Richard Winitze	appeal for acting in ungentlemanlike manner and encouraging theft in the army	Col Waggoner	Acquitted	12 Cinch approves release from court	14 Feb - in PHSI No papers to be sent to the Provost Marshal for charges with cavalry column
100	18 Feb	Lt Broadwater Lt Coffey Lt Rust	Brigade CM 18 Feb, 16 Feb - Rust Rust - from playing cards, beat up Capt Baird on Sunday while Baird was in arrest	1st Lt Burdett Burdett Burdett	Can't seem LT Rust be reinstated in ranks former para believed correct	13 Feb - Cinch Broadwater & Coffey not guilty Rust released. Paroled off for 2 more - cut	22 Feb - Cinch try to get rice for sick. If not Indian meal which can be used at all times. No expense
103	17 Feb	Lt Austin Alden	Division CM 13 Feb undercoming an officer ① Taking Jack Browns whiskey allowance amounting & refusing to pay ② Messing drunkenly sleeping with soldier ③ Writing petitions for soldiers & taking pay for same	LT Col Sprout	Guilty of the whole Sentenced to be dish from the service	17 Feb - approves by Com in Chief	26 Feb - Fill up accounts & dig new over. Can't wrap about the camp like the redoubt!
104	25 Feb	Lt Tipton	Gen CM 16 Feb Gaming & behavior unbecom an officer	Col Courlandt	Acquitted by court	25 Feb - Can't see how will acquitted. Disapproves sentence. Can't try to see. Release	
105	1 March	Lt William Ball	Brigade CM 27 Feb 78 ① Disobedience of orders, insolence & ungentlemanlike behavior	Col Burr	Not guilty, acquit with highest honor	1 Mar approves Release immediately	
106	1 Mar	Cin Joseph Wadwell Murill Wadwell	Gen CM 24 Feb - Inhab of state of Pa giving intelligence to the enemy and acting as a guide & pilot to the enemy	Col Courlandt	Guilty of acting as a guide to the enemy acquittal of other charges sentence death	1 March approves Execute him at 10:00 next Tuesday	2 Mar - Execution postponed
107	16 Mar	Lt Tipton	8 Mar Gen CM Charge ① Embezzling clothing drawn for Co ② Taking a blanket from privy Wm Smith	Col Courlandt Tupper	Not guilty, acquitted	16 Mar Cinch approves. Rel from court	3 Mar. A Flap between Hahlingburg Wadon, Wadwell & Scott as to who ranked in the line
108	10 Mar	3rd Robertson	6 Mar Brigade CM ① Encouraging a soldier wife to sell liquor with his own consent ② Taking liquor after they were seized ③ Repeatedly getting drunk & ungentleman like	1st Lt Burdett	① Guilty of retaining & using money ② Guilty of retaining in Brigade store ③ acquit on rest	10 Mar Cinch approves	7 Mar - Cinch have petition request for Artillery to 16 add'l Battalion & 10 Brigades latter so far away, no supplies
109	10 Mar	LT French	Gen CM 13 Feb Refusing to do duty in positive manner when properly ordered	Col Bradley	① acquit	10 Mar Cinch approves. Rel from court	
110	10 Mar	Soldier Sam Barry Cook Butter	3rd Brigade CM Desertion, plea guilty, confess intention to desert to enemy	Col Sprout	Guilty 500 lashes each	10 Mar Cinch disapproves sentence as being illegal. New Trial	

① 25
② 29
③ 30

109 ✓ Wa
110 ✓ Wa
111 ✓ Wa

Number	Date of Entry	Rank + Name of accused	Date of CM, Charges, Plea Where held at VF	Member of Council	Finding + Sentence	Date approved by CG + disposition	Notes
112 WE ✓ 31 VWA	14 Mar	Col Wm Cook	10 March Gen CM BG McIntosh present ① Disobedience of orders a) 200e in advance of enemy left for 10 days ② Am. units being returned since 2-3 Mar ③ Case filed to officers + reports to the 10 Mar Gen CM ① Commit conduct conduct unbecoming an officer ② Perjury	BC of Council of Officers C. Cassan 1st Hall Col Tupper	Reprimand in C and relief ③ acquitted later Guilty Dismiss from service with infamy	14 Mar Council approves. It is desirable make reprimand 14 Mar Council approves be dismissed out of camp by all the Regts - amount in the Army	13 Mar For god sake bury the dead horses! Bragg orders 3 sentinals will fire on any man who craps outside from the sentinals
113 VWA ✓ 31	14 Mar	LT Ensign Enskline	11 Mar Court of Inquiry Brigade of artillery John Wilson complaint of plundering + taking by force a quantity of Household Furniture + other articles	W. C. Strong	Complaints generally Complaint quashed		15 Mar - Campbell authorized C. in C to control all lodges + who with to grant PW understanding
114 VWA ✓ 31	15 Mar	LT Oliver	Gen CM Sent a Corp + file of men into another regiment to seize a Coy of whiskey	Col Tupper	Guilty altho had laudable intentions. (Some tie up. Should have gone thru channels)	Discharged from arrest	15 Mar Markham on East side of Schuyllkill moved to West side
115 VWA ✓ 31	15 Mar	Edward Crosscut (Gr 1552)	11 Mar Gen CM Going into Philadelphia	Col Tupper	Guilty Sentence 100 lashes	15 Mar approved	19 Mar all men in camp inoculated. All new arrivals be inoculated
116 VWA ✓ 34	16 Mar	LT Armand Armand	7 March Gen CM Conduct unbecoming an officer	Col Brodley	Guilty. Be discharged from service. But receive Pardon because merciful prosecution	16 Mar approved, pardon Hopes he will work up	17 Mar 100 men be picked to form a Coy to work as a model for new army
117 VWA ✓ 56	20 Mar	LT Davis	15 Mar Division CM ① Succeeding on evening of 2 March after being alerted for duty, being Richness, supplies hurried to be consumed. ② Reporting tour of duty	Johnston	Guilty of breach of 21st article, Sect 14 Discharged from service	20 Mar Council approved	20 BC's meet to set price of beef
118 VWA ✓ 51 12 Apr 29 13 Apr 30	6 Apr	LT Dunn	Gen CM ordered to sit at the usual place Striking + ungentlemanly behavior toward Lt Street	Col Vose	Acquitted	6 Apr approved, too many CM's on personal animosities officers should act like brothers	24 Mar McQueen is named new QM General
119 VWA ✓ 51 12 Apr 29 13 Apr 30	5 May	Sold John Hettle	Gen CM at Fort Mifflin 2 May Desertion from post on sentry	Col Taylor	Guilty Sentence - Hang by neck until dead	5 May approved by C in chief (pardon)	14 Mar all brigades begin new drill exercises, inspectors on (non-stationary) sentinals
120 VWA ✓ 51 13 Apr 30 13 Apr 30	5 May	Sold Thomas Hartnet	Brigade CM 24 Apr Desertion to the enemy	Col Bickel	Guilty Sentence - Hang by neck until dead	5 May approved by C in chief	7 Mar Council wants immediate of defenses completed quickly.
121 VWA ✓ 51 14 Apr 31 15 Apr 1	7 May	Sold Detail Strife	Brigade CM 3 May Deserting from detachment with which he was sent.	Col Farmer	Guilty 39 lashes	Both above pardoned on 6 May, Frenchville P. 179	28 Mar Gen Steuben instructing all Brigade inspectors appointed, Hqs + Lt's
122 VWA ✓ 51 16 Apr 1 17 Apr 2	Relatively few CM's in this record W. Gordon Orderly Book ends at 7 May 1778 121 less 1 (number 16. No subsequent record)						

after March.

7 May Order Required Controversy resolved
5 May French cannot march, French advance

28 Mar Gen Steuben instructing all Brigade inspectors appointed, Hqs + Lt's
24 Apr stamps + French on ground of sentinals don't burn it!

From Revolutionary Orders
General Washington issued during the
years 1778, 80, 81 & 82 selected from the

Number After (106) or 104	Date of Entry	Rank	Name of accused	Date of C.M. it held at	Charges, Place, where
(106) Wh 1 ✓ wa	8 Mar 1778	Mr	Name withheld Paymaster Thomas Hemp	6 Mar C.M.	① Neglect of duty ② Disobedience of orders ③ Leaving camp without settling his accounts with an intention not to return again
✓ wa 2	9 Mar 1778	Ensign	Name withheld Forbes	3 Mar C.M.	① Neglect of duty ② Conductly behavior on night of 7 February
(111) ✓ wa 3	11 Mar 1778	Lt	Name withheld Dickerson	24 Feb at Lancaster, Penn	① Ungentlemanlike behavior
(113) ✓ wa 4	25 Mar 1778	cu	Abel Jones Leane	inhabitants of state of Penna 13 Mar C.M.	① Supplying the enemy with money ② Trading with them ③ Buying and passing counterfeit money
(113) 5 6 7 8 9 ✓ wa	25 Mar 1778	cu	Matthew Tyson Tolson Henry Norris Thomas Boley John Campbell Jesse Hartman Horvan	Inhabitants of state of Penna, C.M.	① Supplying the enemy with provisions
✓ wa 10 11	25 Mar 1778	cu	Thomas Cornel Samuel Burrer	C.M.	① Attempting to desert to the enemy. Plead guilty. [This is second trial. See (110)]
(117) ✓ wa 12	2 Apr	Col	Josiah C Hall	C.M. at Wilmington 25 Mar	① Refusing to comply with Gen Grant's orders on an emergency and communicated to aid the troops when a great time came not to be remedied. Found for inefficient behavior in threatening to blow out the brains of any officer who should head a party to execute them

MSS of John Whiting, Lt + Adjutant of the 2nd Regiment
Massachusetts Line and edited by his son,
Henry Whiting Lt Col 5th Army. New York + London, Wiley and Putnam 1844

Officer	Findings + Sentence	Date of review by C.M. + Disposition	Notes
Col Bradley	Found guilty of breach of article 5, Sect 15 A W Sentence - dismissed from service, settle accounts, pay expenses of his capture at York	Approved by C in C 8 March	
Col Bradley	Guilty (5th article 13th Section Sentence to be cashiered. Name place of abode + punishment to be published in papers at our camp with note to which he belongs	Approved by C in C 9 Mar 1778	
Col Hubble Hubley	Guilty of breach of 21st article, sect 14 Sentence - Discharge from the service	approved by C in C 11 March	This was a fraud. No such person see page 74!
Col Swift	Guilty, Sentence 100 lashes, Be sent to some prison place in this state to be kept at hard labor during the contest with great Britain	approved by C in chief	
Col Swift	Severely found guilty Sentence - Ordered by the C in C to be confined in the Provost, and by day continually employed on fatigue for the term of 1 month. Also Notice pay 50 £ to Adj Gen for use of sick in camp		
Col Swift	(guilty) Sentence - 100 lashes with 50/day for 2 days Burrer washed with salt after his last 50	C in C approves 25 Mar 1778	
Col Richardson	acquitted with honor ① In his own military conduct conveyed through a military channel Not addressed to Col Hall No right to expect compliance ② Request	2 Apr C in C disapprove C in C return of order to Regiments Gen Smallwood C in C of order to Post C in C proper channel Col Hall request plausible + highly improper Col Hall released from arrest.	

Number	Date of Entry	Rank + Name of accused	Date of CM, Charges Plea, Type of CM, Where held at VT	Membership of Court	Finding + Sentence	Date of Review by C. & P. if any	Notes
Wh ✓wa 13	30 April 1775	Cm William Morgan Morgan	Gen CM 24th March, Inhabitant of Pa. Tried for coming out of Philadelphia stealing a horse and attempting to carry him into the City	Col Ogden	Guilty of a breach of a Resolution of Congress dated Oct 5, 1777 Sentence - To be kept at hard labor during the contest with Great Britain not less than 30 miles from enemy, if caught making an escape, to suffer death	30 Apr Cinc approves	
(118) ✓wa 14	10 Apr 1775	Col John Crane	Gen CM 30 April ① Vexatious and groundless arrest of Major Forrest ② Speaking disrespectfully of the CM to the prejudice of good order.	Gen Prov Sergeant Lt. Brown Maj. Patten	① Acquitted of a violation + groundless arrest ② Guilty, 5th article 18th Section Sentence - Reprimanded in Brigade Orders	10 April Cinc approves	
✓wa 15	12 April 1775	Com William McMath	Gen CM 6th April ① Desertion to the enemy	Col Vose	① Guilty of the 1st article 6th Section Sentence - To be hanged till he is dead	12 Apr Cinc approves To be executed next Friday	16 April Cinc under sentence of death, reprieved until further order 17 May 1775 Col C pardoned Wm. McMath
✓wa 16	13 Apr	Cm Philip Culp	Gen CM 4th Apr Inhabitant ① Attempting to carry flour into Philadelphia	Col Vose	① Guilty. Sentenced to 50 lashes + to be employed on some public works unless he should amend	No corporal punishment but otherwise approves 13 Apr Cinc	
✓wa 17	13 Apr	Capt Benstead (Pay Master)	Gen CM 7 Apr ① Disobeying the orders of Capt Cox by refusing to pay him when he paid the other officers of the regiment	Col Vose	① Think he is guilty of charge, but think the order of Col justify it Unacquitted	Approves 13 Apr Recomm Capt Benstead	
✓wa 18	14 Apr	Dt Surgeon Mate Sackett	Gen CM 6 Apr ① Neglecting to visit and procure necessaries for the sick of his Regiment ② Absenting himself + going to state of NY without leave	Col Vose	① Acquitted ② Guilty, 5th article, 14th Sect Art of W Sentence - Be reprimanded by C.C. of Regiment	14 Sept Cinc approves	
✓wa 19	15 Apr 1775	Soldier John Foster	Gen CM 14 April ① Desertion to the enemy Plea - guilty	Col Orange	① Guilty. In consideration of youth, 100 lashes	15 Apr Cinc approves	
✓wa 20	16 Apr 1775	Soldier John Connor	Gen CM 8 April ① Desertion to the enemy ② Taking an oath of allegiance to the King of Great Britain	Col Vose	① Acquitted ② Guilty, breach of the 5th Art, Sect 18 Sentences - 50 lashes	Approved & a name, was published in Gen Order 16 Apr	17 Sept 1775 Cinc
✓wa 21	16 Apr 1775	LT Wm Withers O++	Gen CM 5 April ① Ungentlemanlike conduct and conniving with Sgt Hens in secreting stolen goods ② Countenancing him in carrying off and offering to sell a musket to a man belonging to Major Shaw	Col Vose	① Guilty, a breach of the 24th article, 14th Section Art of War Sentence - To be discharged from the service	16 Apr Cinc approves Sentence	

Number	Date	Rank + Name of Accused	Date of CM, Type of CM, Charges, Place, Where Held at V.F.	Membership	Findings + Sentence	Date of Review by C + C	Notes
Wh 22 ✓wa	16 April 1778	Soldier James Gordon	Gen Court Marshall ① Deserting a third time ② Forging a discharge ③ Re-enlisting in the 12th Pa. Reg	Col Vose	Guilty of the several charges made of 1st + 3rd articles, 6th + 12th Sections Sentence - 300 lashes at 3 different times 100 for each crime	16 Apr 78 Approved by C in C	
23 ✓wa	19 April 1778	Hugh Baker (Forage Master)	Gen Court Marshall, 15 April ① Pressing a horse from Daniel Yarnell without authority ② Abusing Joseph Swedley, in confining him and taking his horse without giving a receipt	Col Craig	Guilty Sentenced to be discharged from the service, also pay for smacking horse	19 April 1778 Approved by C in C	
✓wa	7 May 1778		On the occasion of the French proclamation relief to all prisoners,	Alliance	Gen Washington	takes occasion to	whether in the Provost or any other place.
(121) 24 ✓wa	11 May 1778	Capt Name Withheld Thomas Lucas	Gen CM 28 April ① Assuming the rank of Captain when a lieutenant ② Discharging an enlisted soldier and receiving a sum of money for so doing ③ Returning the said soldier in the Muster Roll after discharging him.	Col Felcher	Guilty ① 5th Art, Sect 15 ② 2nd Art, Sect 3 ③ 5th Art, Section 5 Sentence - Discharged from the service	11 May C in C approves	
25 ✓wa	11 May 1778	Lt Name Withheld Baron	Gen CM ① Striking Lt Page ② Ungentlemanlike conduct	Col Felcher	Guilty of charges Sentence - To be cashiered and to be rendered incapable of ever serving us in a military capacity	11 May C in C approves	
26 ✓wa	11 May 1778	Capt Name Withheld Morrison	Gen CM ① Selling as substitutes, men who by an express law of State were deemed incapable of being such ② Selling as substitutes, if were their incited for the common good	Col Felcher	Guilty of charges but not actuated by self interest, only for of service, not merited censure	11 May C in C confirms. He responsible. Being not release from arrest	
27 ✓wa	11 May 1778	Adj Thompson	Gen CM 29 April ① Refusing to come when sent for by Major Nicholas ② Treating Maj Nicholas with ill language	Col Felcher	① Acquitted ② Guilty Sentence - Be privately reprimanded by CO of Brigade	11 May C in C remits sentence Consults with Thompson "warm his feelings" Released from arrest.	

Number	Date	Rank	Name of Recd	Date of CM, Type of CM, Charges, Place where held V F	Membership	Findings + Sentence	Date of Review by C- + Disposition	Notes
Wh 28 V Wa	14 May 1778	Capt	Name Withheld Francis Proctor	Brigade CM 9 May ① scandalous and infamous behavior unbecoming an officer + a gentleman ② Breaching his arrest ③ Threatening the life of Capt Rice	Col Proctor	① Guilty, breach of 71st Article, 14 Sect. ② Acquitted of creating his arrest Sentence - Discharged from the service	19 May Cinch approves sentence	
32 V Wa	14 May 1778	Lt	Carter	Gen CM May 7, 1778 ① Neglect of duty in leaving the different rounds from Barron Hill Church to Phila unguarded, by which neglect the enemy surprised and made prisoners of a sub. + his party	Col Fitch	Guilty, breach of Art 5, Sect 18, P.W. Think he misunderstood orders. Sentence - Reprimanded in General Order	19 May Cinch approves sentence. (Pay more attention to orders!)	
V Wa 30	14 May 1778	Sold	John Reynolds (artificer)	Gen CM May 13, 1778 ① Striking Lt Hammet	Col Burman	Guilty Sentence - 100 lashes	19 May Cinch approves	
V Wa 31	14 May 1778		Samuel Raymond	Gen CM May 13, 1778 ① Presenting a loaded musket at Lt Hammet	Col Burman	Guilty, but the extreme "harshness" with which the officers conducted themselves renders the action excusable. Sentence - To be reprimanded by his C.O.	19 May Cinch approves	
32 V Wa	21 May 1778	Capt	Name Withheld Cleveland	Gen CM May 13, 1778 ① Behaving in an unofficerlike manner in refusing to do his duty when duly notified	Col Burman	Not guilty, acquitted with honor.	21 May Cinch approves, but is unhappy with his attitude	
33 V Wa	21 May 1778	Capt	Name Withheld Edwards Hull	Brigade CM ① Gaming ② When he ought to have been at exercise on parade 12 May	Col Cropper	① Gaming - guilty ② Acquitted - absence Sentence - Reprimanded by C.O. of Brigade.	21 May Cinch Disapproves.	
V Wa 34	21 May 1778	Lt	Name Withheld Thomas Lewis	Brigade CM ① Gaming ② When he ought to have been at exercise on parade	Col Cropper	① Gaming - guilty ② Absence - acquitted Sentence - Reprimanded by C.O. of Brigade.	21 May Cinch Disapproves Punishment inadequate. But release from arrest	
V Wa 35	22 May 1778	Lt	Name Withheld Marks	Brigade CM May 13, 1778 ① Not attending parade on 13 May	Maj Wallace	Acquitted with honor	27 May Cinch approves but thinks not severe enough	
V Wa 36	22 May	Lt	Name Withheld William Powell	Brigade CM May 13, 1778 ① Not attending parade, Brig CM	Maj Wallace	Acquitted with honor	27 May Cinch approves but thinks not severe enough	
37 V Wa	25 May	Lt	Name Withheld Adams	Gen CM 1 May 1778 ① Unofficerlike behavior in propagating report of officer's conduct at Germantown. Required to name officer	Col Fitch	Guilty 21st Art, 14 Sect Sentence - Discharge from service	25 May Cinch approves	

Number	Date of entry	Rank of accused	Name of accused	Date of CM charges, Plea, Verdict at VF	Membership of Court	Findings + Sentence	Date of Review by EC + Disposition Notes
Wn 38 ✓ wa	28 May 1778	Adj	Withheld Bowyer	Brigade CM 25 May ① Furnishing 2 soldiers with the counter sign to go into the country to buy provisions	in person	Guilty of breach of 15th art 13 sect Sentence - Dismissed from service	28 May CMC approved, but good character restored to office
△ ✓ wa	28 May 1778	Col	Name Withheld Lt ParK	Court of Inquiry May 29th ① Reported AWOL + negligent in his duty attended at the Presidents Quarters	Col Johnston Col Parker Lt Bunker Lt Starr	?	?
Records of Adjutant Whiting end here. Pick up Washington Army evacuated VF on 18-19 June 17, again Sept 1780							
120 + 38 = 158	CM's noted in We + Wn books						

(56)

Number	Dated Entry	Rank	Name of Accused	Date of Trial, Charges, Place, Where held
(4) Wa 1	22 Aug	Soldier	Hugh Culley	19 20 21 Aug Gen C M Letting a certain prisoner make his escape, by the name of John Kephart in the presence of the Court the Court in court.
2	22 Aug	Soldier	James McParrell	Desertion from the 8th Penna regiment. Plea guilty
3	22 Aug	Lt	Thomas Wishart	Neglect of duty and disobedience of orders
(5) 4	22 Aug	Soldier	George Myer	Desertion and horse stealing
5	22 Aug	Soldier	James Robinson	Desertion and enlisting into different regiments. Fictitious guilty
(10) 6	25 Aug	Capt	Henry Lee	23 Aug Gen C M Disobedience of orders.
7	2 Sept	Sgt	Dickinson	3 Oct + 31 Gen C M Desertion
8	2 Sept	Capt	John Adams	Gen C M Desertion
9	2 Sept	Soldier	John Donnelly	Insulting, and charging his bayonet on Capt Ashmead. Plea guilty
10	2 Sept	Soldier	James McCracken	Desertion from Trenton Camp
11	2 Sept	Soldier	George Leavel	Desertion, Plea-guilty
12	3 Sept	Soldier	Peter Lench	Desertion

(57)

Members of Court	Findings + Sentence	Date of Review by C & Description	Notes
Col Clendenen	Acquitted	22 Aug approved	
Col	Plea guilty Sentence - 50 lashes	22 Aug approved	
Col Clendenen	Guilty Sentence to be reprimanded in a private manner by the Colonel	22 Aug approved	
Col	Acquitted	22 Aug approved	
Col Clendenen	Plea guilty Sentence - 100 lashes	22 Aug approved	
Lt Col White	Not guilty, acquit with honor	25 Aug approved	
Col Johnston	Guilty Sentence - to be reduced to a private	2 Sept approved	
Col Johnston	Guilty - Sentence - To be reduced to a private	2 Sept approved	
"	Plea guilty Sentence 100 lashes	2 Sept approved	
"	Released for want of evidence	2 Sept approved	
"	Plea guilty 100 lashes, be sent on board a frigate to serve	2 Sept approved	
"	Guilty, sentenced to have the hair on the front part of his head shaved off without soap, and a quantity of tar and feathers fixed on the place of which he shall have to run the gauntlet in the company to which he belongs provided nevertheless that the stripes which he shall receive while running the gauntlet shall not exceed 100, and then to be sent on board one of the Continental frigates to serve during the war.	3 Sept approved	

Number	Date of Entry	Rank	Name of Accused	Date of CM, Type of CM, Charges, Plea, where held
Wa 13	3 Sept	Soldier	Daniel Fennel	Gen CM Deserting from the said regiment
14	3 Sept	Soldier	Daniel H. Wiley	Gen CM deserting the cause of a deserter from Col Proctor's regiment of Artillery and with collaring Col Proctor
15	3 Sept	Soldier	James Maden	Gen CM Being drunk and asleep on his post while sentinel over prisoners
16	3 Sept	Soldier	Henry Hargood	Gen CM Desertion from the Herman regiment
(11) 17	7 Sept	Capt	Lipscomb	Gen CM 3 Sept Fencing an orchard near Hill Warden quarters and with abusing the square which Gen Warden had set to protect it
18	7 Sept	Lt	Whiting	
19	7 Sept	Ensign	Jonett	
20	7 Sept	GM	Rhea	Gen CM Making a partial distribution of provisions
21	7 Sept	Lt	Alexander Houston	Gen CM deserting himself from the regiment from the 8th to 12th August without leave. Plea - guilty
22	7 Sept	Lt	Bradford	Gen CM Ordering a soldier to pull up a contrary to Gen's order
(12) 23	26 Sept	Soldier	James Debnorth	Gen CM Desertion and attempting to go to the enemy
(14) 24	3 Oct	Soldier	James Barrett	Gen CM Desertion
25	3 Oct	Soldier	Peter Chatter	Gen CM Desertion
26	3 Oct	Ens	Richard Roub	Gen CM Getting his division the 16th Sept when an attack was expected to be made by the enemy
27	3 Oct		Christian Lewis	Gen CM Desertion
28	3 Oct	Capt	Bartholomew Bonit	Gen CM Desertion of regiment on landing for the purpose of his imprisonment 24th
29	3 Oct	Mag	Peart	Gen CM Neglect of duty in not bringing men for picket, not attending parade

Membership of Court	Finding + Sentence	Date of Review by C + Disps	Notes
Col Johnston	Guilty, Sentence 100 lashes + forfeit 1 mo's pay for use by the sick	3 Sept approves	
"	Guilty, Sentence 100 lashes	3 Sept approves	
"	Guilty. Sentence 100 lashes and to have the hair from the front part of his head shaved off - without soap, and stand feathers substituted in the room of the hair	3 Sept approves	
Col Houston	Guilty. Sentence - Death. But court recommends clemency and mercy	3 Sept the C in C pardons the offender	
	Acquitted	7 Sept appr	
Col Houston	Acquitted	7 Sept appr	
"	Plea guilty Sentence - To be reprimanded by the Col of the Regiment	7 Sept	
"	No witnesses appear Release from arrest	7 Sept	
Col James Wood	Acquitted Return to regiment	25 Sept	
Col James Wood	Guilty Sentence - To be reprimanded by the Col of his regiment	3 Oct	
"	Guilty Sentence 50 lashes	3 Oct	
"	Excusable, was ill	3 Oct	
"	Guilty Sentence 50 lashes	3 Oct	
"	Guilty advised of error Not guilty other charge Sentence - reprimanded by Col	3 Oct	
"	Guilty Sentence - Severe reprimand	3 Oct	

Number	Date of Court	Rank & Name of Accused	Date of C.M., Type, Charge, Place where held	Membership of Court	Finding & Sentence	Review by C.M.C. & Disposition	Notes
Wa 30	12 Oct	Cms Thomas Shanker	Gen C.M. Stealing 2 pair of shoes from Lt Adams, regimental Q.M.	Col Porter	Guilty, Sentence - Discharge from the service	12 Oct approves	
31	12 Oct	Cpl Forrest	Gen C.M. Disrespect of authority, disobedience of orders, & refusing arrest	"	Guilty of 1 + 2, Not guilty 3. Sentence - Reprimanded in general orders.	12 Oct approves	
(18) 32	19 Oct	LT William Courts	Gen C.M. @ Courville at the battle of Brandywine on 11 Sept. @ Albany. Language to Maj Adams	Col Brothhead	Acquitted	19 Oct approves	
33	20 Nov	Cms Clement Wood	Gen C.M. 15 Nov. Absenting himself for upwork of 2 mos w/o leave @ District of arrest	Lt Barber	Guilty Sentence - Dismissed from service	20 Nov C.M.C. approves	
34	24 Nov	Maj Ross	Gen C.M. 24 Nov. Leaving his arms in the field in the action of H & C near Mifflintown	Col Mays	Acquitted with the highest honor. Released from arrest	28 Nov C.M.C. approves	
1	29 Nov	Capt Scull	Court of Inquiry ordering paymaster to pay Capt W. City unauthorized money	Lt Barber Maj Ross			
2	29 Nov	LT Reynolds	Abusing Daniel Mestery Esq. 2 Aug	Col Spencer Maj Boyard			
35	15 Dec	Cpl Ralston	Gen C.M. 22 Nov. Making a false return, signing it, ungentlemanlike behavior, Worded of orders, leaving arrest	Maj North	Guilty of false return. Sentence - Cashed	18 Dec approves	
36	18 Dec	Q.M. Joseph Conn	Gen C.M. Disobedience of orders, neglect of duty. Insubordination - refusal	Maj North	① Acquitted ② & ③ Guilty Sentence - Dismissed from service	18 Dec approves	
37	15 Dec	Capt Hazelden	Wounding, Moxes Plaine. Plea - confesses fact	Col Mays	Not justified. Reprimand	18 Dec approve	
	Page 243	G.O. Jan	Col Cook is appointed President of the Court Martial which sits daily at the Bate - House; to relieve Col Scammell.				
38	1 Jan	Q.M. John Rea	Gen C.M. Frivolous pretensions, unnecessary officer	Maj Brady	Guilty Disch from service	11 Jan C.M.C. approves	
39	11 Jan	LT Hays	Gen C.M. Breaching of precincts, disrespect of Belknap, insubordination, behavior	Lt Brady	① Acquitted ② Guilty Dismiss from service art 5 sec 18	11 Jan C.M.C. approves	
40	13 Jan	Capt Powell	Gen C.M. 5 Jan. ① Instructing Lt Davis when on guard. ② Arresting Simon Cromwell a Foundation	Col Swift	① Acquitted ② Guilty Sentence - ask pardon of Lt Davis in presence of officers of regiment.	13 Jan C.M.C. approves	

(continue on page 2)

Number	Date of Entry	Rank	Name of accused	Date of C.M. Type, Charges, P.lia. Location at V.F
Wa 41	13 Jan	Capt	Flagg	Gen C M 6 Jan ① Neglect of duty, suffering M.G. Lafayette to come to center of Picquet without permission ② Permitting sentry to have fire in his sight
42	13 Jan	Capt	Laird	Gen C M 7 Jan ① Neglect of duty, suffering the M.G. of the Post to surprise him at his Picquet in the night.
43	13 Jan	LT	Ziegler	Gen C M Stabbing and wounding inhumanely with his sword James Grant a soldier, of which wound he died.
44	13 Jan	Ens	Washburn	Gen C M Leaving his picquet and going to a house at some distance
45	13 Jan	LT	Joseph Fish	Gen C M 10 Jan Squandering away public stores
	13 Jan			A Gen C M to sit 14 Jan at the <u>Baker House</u>
46	15 Jan	LT	Richard Whealy	Gen C M held 29 Nov in NC Brigade Acting in an ungentlemanlike manner ② Encouraging desertion in the army.
	15 Jan		The Q M	General is immediately to lines where butts may be erected employed until butts are completed.
	17 Jan		Thomas Bradford	By appointment Dep Commissary the next house to the Marquis
47	12 Feb	Capt	Samuel Cley	Gen C M 7 Feb Several practices unbecoming the office
48	22 Feb	Serjeant	Thomas Scott	Gen C M 17 Feb Desertion
49	22 Feb	Subaltern	Thomas Lawler	Gen C M Deserting to the enemy 5 Oct
50	22 Feb	Serjeant	James Low	Desertion Gen C M
51	22 Feb	Serjeant	John Henry	Desertion Gen C M

Membership	Finding and Sentence	Review by C.M.C. or by 17 specified Notes	Notes
Col Swift	Acquitted	13 Jan, C.M.C. approved	
Col Swift	Found guilty Sentence - To be dismissed from the service	13 Jan, C.M.C. approved	
Col Swift	LT Ziegler confessed but sorry on line of duty. Acquitted	13 Jan C.M.C. approved	
Col Swift	Found guilty. Sentence - Circumstances fully reprimand in presence of officers of Regt	13 Jan C.M.C. approved	
Col Coney	Guilty: Sentence - Return the stores (to) (firelock) perfect pay; is dismissed from service	13 Jan C.M.C. approves but limits forfeiture of pay	
Col Clark			15 Jan. Note on construction of fortifications
Lt Davidson	Guilty. Sentence - To be discharged from the service	15 Jan C.M.C. approved	
fix upon a proper place between or near the for Prisoners under the Provost Guard, Two of men			
Gen of Prisoners, His quarters are at Mr David Howards de la Fayette's			
Col Wigglesworth	Acquitted	12 Feb - approved	24 Jan are 4 regiments of - rel from -
Col Wigglesworth	Acquitted	22 Feb approved	24 Jan Proc -
Col Courtland	Guilty Sentence 100 lashes	22 Feb approve	24 Jan Proc -
"	Guilty 100 lashes	22 Feb - app't	24 Jan Proc -
"	Acquitted	22 Feb - app't	24 Jan Proc -

Number	Date Entry	Rank	Name of Accused	Date of CM, Type, Charges, Pledge, Location if at Valley Forge
Wa 52	22 Feb	Sold	Thomas Whitney	Gen CM Desertion
53	22 Feb	2nd	William H. ...	Gen CM (1) Getting drunk (2) Threatening the ... of the Commissary, breaking down camp (3) Striking the Corp of the Guard after being confined
54	22 Feb	Sold	Dennis Kennedy	Gen CM (1) Striking and abusing said Commissary (2) Threatening to desert as soon as he got shot and cursing Congress
55	24 Feb	(1st)	Edward Bennett	Gen CM 19 Feb - Repeated neglect of duty - home 3 days without proper when was in camp
56	24 Feb	Sold	Barny Deland	Gen CM (1) Attempting to desert and persuading a number of others to desert
57	24 Feb	(Civ)	Henry Lewis + John Hamilton	Inhabitants of Penna attempting to carry provisions into Philadelphia
58	24 Feb	(Civ)	James Barry	Attempting to desert to the enemy. Pledge - guilty
60	28 Feb	Sold	Thomas Booth	Gen CM 25 Feb - Desertion
61	1 Mar	(Civ)	Philip Becker	Gen CM 25 Feb - Philip Becker, inhab of this state, attempting to carry provisions into the enemy at Phila
62	1 Mar	(Civ)	Joseph De Haven	Gen CM Inhabitant of this state, Repeatedly going into Phila since the enemy have been in possession
63	1 Mar	(Civ)	Michael ...	Gen CM Inhabitant of this state supporting the enemy with provisions
64	1 Mar	(Civ)	James ...	Gen CM Inhabitant of this state Stealing calves and carrying them into Philadelphia

2 March Col Cortlandt Col detached, arrived on line 2 March with the remainder of ... at the Red Bank, Col Brall ... Gen ... page 18

Membership of CM	Findings + Sentence	Review by C in Case + Disposition	Notes
Col Cortlandt	Guilty 100 lashes	22 Feb appr	
"	Guilty of striking Corp of guard, Art 5 Sect 19 Sentence 30 lashes	22 Feb appr by C in C	
"	Guilty of charge Sentence 100 lashes	22 Feb approved by C in C	
"	Guilty, Sentence - Dismissed from his employment in the forage department	24 Feb approved by C in C	
"	(1) Acquitted (2) Guilty (Art 4, Sect 6) Sentence 100 lashes	24 Feb appr by C in C	
"	Not guilty of a resolution of Congress Oct 8, 1777	24 Feb release from confinement	
"	Pled guilty of 1 short Article 6 AW Sentence 100 lashes	24 Feb appr by C in C	
"	Guilty Sentence 100 lashes	28 Feb appr 24 C in C	
Col Cortlandt	Acquitted	1 March, approved immediate release of prisoners	
"	Acquitted		
"	Acquitted		
"	Guilty of stealing 2 calves one of which he carried into Phila, the other he was carrying in when taken, a breach of a resolution of Congt Oct 8, 1777 extended by another Dec 29 Sentence 200 lashes	1 March approved by C in C, put in execution tomorrow AM at guard post	
see Col Cortlandt			

Number	Date	Rank + Name of Accused	Date of CM, Type, Charges, Plea Location of at VF
65	3 Mar	Cornet Maxwell	Brigade CM 27 Feb Propagating a scandalous report prejudicial to the character of Lt Durbin
66	3 Mar	Capt Horner & Courtney	Brigade CM 27 Feb Neglect of duty in leaving camp when officers of the day (E) Disobed. of orders in leaving out of camp without permission. Plea guilty
67	4 Mar	Capt Cox	Gen CM 26 Feb Absenting himself from duty & regiment for upwards of 3 wks w/o leave
68	7 Mar	Lt Robert Lyon	Brigade CM 2 March Absenting himself from the Regiment without leave
69	7 Mar	Lt Young	Gen CM Neglect of duty and disobedience of orders
70	11 Mar	Lt Dickason	Gen CM at Lancaster Infamous and scandalous behavior, unbecoming a gentleman
71	12 Mar	The sentence in yesterday's orders respecting (officer) occasioned by some villain who their distance from camp prevented a	
70	23 Mar	Sgt John Henry Leaders	Gen CM 16 March Wounding one Henry T scathed with his sword
71	23 Mar	George Walter	Gen CM Attempting to desert to the enemy
72	23 Mar	Thomas McKelvey	Gen CM 15 Mar Desertion
73	24 Mar	Mr Vunch	Brigade CM 12 Mar Tried by own consent for neglect of duty, appropriating rum & soap drawn for the regiment
74	24 Mar	Mr John Lloyd	Brigade CM 14 Mar Un gentlemanlike manner in crossing Vances to draw rum ② Appropriated some of the rum
75	26 Mar	Company Sergeant Gambel	Gen CM 20 Mar Opposing Lt Robinson in part of office in drawing rum ② Opposing the Sgt ③ Rescuing the offender

Membership	Findings + Sentence	Received by C in ch + Disposition	Notes
Col Butt	Acquitted [see page 4]	3 Mar approved	double fine exact
Col Strong	Guilty of breach of Art 2 Sect 13 + Art 4 Sect 13 Sentence dismissed from service	3 Mar C in C approved	
Col Courtland	Guilty breach of Art 5, Section 15 Sentence - Reprimanded by BC of Brigade	4 March C in C approves	
Lt C Butt	Guilty - Reprimanded in Brigade orders	7 March C in C approved	
Col Bradley	Not guilty Acquitted	7 March C in C approved	double fine exact
Col Hurley	Guilty of breach of Art 21 Sect 14 Art. Sentence - Disch from service, publish in newspaper	11 March approves	
one Lt Dickason... is a mistake (there is no such imposed himself upon the Court in that character, & not discovery of the imposture)			
Col Swift	Guilty of breach of Art 5, Sect 15, Sentence - Due to alleviating circumstances to be reprimanded.	23 Mar approved	13 March going to use Indians!
Col Swift	Acquitted	23 Mar appr	
Col Swift	Guilty Sentence 10 lashes	23 Mar approves	
Lt Wassen	Guilty 1 Art 12 Sect 1 Sentence ① 10 lashes ② 10 lashes ③ 10 lashes	24 Mar approved by C in C	
Lt Wassenfels	Guilty Sentence - Dismissed from service	24 Mar approved by C in C	
Col Swift	Acquitted of rescuing the offender ② Guilty of opposing Lt Robinson. Breach of Art 5 Sect 2 Sentence - To be reprimanded	26 Mar approved by C in Chief	

Number	Date	Rank	Name of Accused	Date of CM, Type, Charges + Plea Location if at VF
Wa 76	26 Mar	Soldier	Thomas Webb	Gen CM Repeatedly getting drunk
77	26 Mar	Soldier	Company Crim	Gen CM Desertion
New CM ordered and another ordered to sit at the				
78	30 Mar	Lt Col	Requies	Gen CM 23 Nov Disobedience of orders and refusal to do duty when required by his superior officer in a style unbecoming an inferior officer
79	2 Apr	Maj	Thomas Forrest	Gen CM 23 March Tried for sending Col Crane an insolent & unbecoming letter
80	3 Apr	Lt	Anderson	Gen CM 31 March Behaving in a manner unbecoming an officer & gentleman
1	9 Apr	Corps	Chambers	Court of Inquiry 9 Apr examine complaint by inhabitant of the state against Capt Chambers
2	9 Apr	Capt	McHouen	Court of Inquiry 10 Apr Mortally wounding a soldier
81	11 Apr	Dr	Vacker	Gen CM 1 Apr Neglect of duty, disobedience of orders, behavior unbecoming an officer, menacing language to his Col, and spreading false reports
82	11 Apr	Capt	Bloomfield	Gen CM Conducting in an officer manner in getting supplies by enemy near their camp
83	11 Apr	Ensign	Kirk	Gen CM Allowing Off & Dy to surprise him at his fire post, permitting guard to sleep, no command
New CM ordered to sit 13 Apr at the usual place				
84	13 Apr	(Circ)	John Brown	Gen CM Inhabitant of state; attempting to carry flour into Phila
85	13 Apr	(Circ)	John Evans	Gen CM Inhabitant of state; attempting to send provisions into Phila

Membership of CM	Finding + Sentence	Reviewed by C in Lt + P. (if applicable)	Notes
Col Swift	Guilty, Sentence - 25 lashes	approved 26 Mar by C in C	
Col Swift	Alleged to be discharged	Published 26 Mar	27 Mar C in C sent notice of discharge completed
Usual place Col Vose present			
Col Swift	Acquitted with honor	30 March C in C approves, Disch from court	
Col Swift	By Forrest was present that ordered the letter, in the circumstances better not insistent or unbecoming, acquit	2 Apr C in C approves Disch for arrest	See page 48 Col Crane gets CM next
Col Vose	Guilty 21 Mar, 14 Sep Sentence - Disch for service	3 Apr C in C approves	
Lt C Hubley of Ledyard			
Lt C Hubley			
Col Vose	Not guilty, acquitted with honor	11 Apr C in C approves, Disch for arrest	
Col Vose	Not guilty, conduct with applause	11 Apr C in C approves release for arrest	
Col Vose	Guilty, Sentence - To be reprimanded by CO of Regiment	11 Apr C in C approves	
Col Vose	Pres		
Col Vose	Guilty 50 lashes + 15 C in C be employed in public work as long as Br in state. Excluded	approves	
Col Vose	Guilty To be sent to Corral to work as long as Br in state	13 Apr C in C approves	

[Sun^{at} 26 April 1778)

Number	Date	Rank	Name of Person	Date of C.M. Type, Charges + Plea Location of at V.F.
Wa 86	13 Apr	capt	Adam Gilchrist Forage Master	Abusing + threatening to take the life of a soldier
87	17 Apr	LT	Ritter	① Ungentlemanlike behavior ② going into Plunk
88	17 Apr	Capt	Darrow	Abusing the Sergeant of New Varmines Brig
89	17 Apr	LT	Hill	Abusing the Sgt of New Varmines Brigade
90	17 Apr	Capt	Rogers	Abusing the Sgt of New Varmines Brigade
91	19 Apr	Sgt	Helmes	Insulting a number of officers and attempting (with an iron pan) to strike Lt Hill, endeavoring to cause + excite a mutiny
92	18 Apr	(Circ)	Samuel Harry	Insult of the state, endeavoring to supply the enemy with provisions
93	18 Apr	(Circ)	Thomas Fitzgerald	Insult of the state of Pa. Tried to attempt to release the enemy with provisions
94	21 Apr	LT	John Coffey	Obtaining a certificate that they were not in debt, went to Virginia State Store + procured goods only for mil personal remaining in the store
95	21 Apr	LT	Charles Lewis	Obtaining a certificate that they were not in debt, went to Virginia State Store + procured goods only for mil personal remaining in the store
96	25 Apr			New C.M. ordered to sit on a H at near Gen [unclear] [unclear] [unclear]
97	2 May	Solider	Timothy Flood	① Disobedience to the enemy ② Suspicion of being a spy
98	9 May	Wagon Master	Robert Anderson	Selling a rifle marked U.S.
99	9 May	LT	McDonald	Accepting money from regiment
3	10 May	Col	Stewart	Count of money sent to Gen Varmines that he was a conscript of [unclear] against Col Stewart
	12 May			Gen C.M. Col Feibiger is disbanded, new one [unclear] at the usual place

Membership	Findings + Sentence	Review by C.M. Ch + Disposition	Notes
Col Von	Guilty. Already received instant chastisement. Pardoned in [unclear]	13 C.M. C. confirmed, [unclear]	
Col Craige	Acquitted. [unclear] [unclear] [unclear]	15 C.M. approved by C.M.C.	
Col Swift	Acquitted.	17 C.M. approved [unclear]	
Col Swift	Acquitted	17 C.M. approved [unclear]	
Col Swift	Acquitted	17 C.M. approved [unclear]	
Col Swift	Found guilty, articles of 3rd + 5th articles, Sect 2. Sentence - Reduced to the ranks and 50 lashes	18 C.M. C.M. C. approved	
Col Craige	Acquitted	18 C.M. Disch from confinement	
Col Craige	Guilty of a breach of resolution of Congress dated 8 Oct 1777. Sentence each to receive 100 lashes	15 C.M. Published	Commented to one month's [unclear] each 28 Oct 1778
May Hans	Guilty of reading 21st article, Sect 14. Sentence - Discharge. Five each the [unclear] [unclear] [unclear]	21 C.M. approved by C.M. Chief	
<u>Varmines Brigade, New Huntingtons late quarters</u>			
Col Feibiger	Acquitted	2 May C.M. C. approved	
Col Feibiger	Guilty. Sentenced to receive [unclear] + return it	9 May approved	
Col Feibiger	Justification sufficient	9 May approved	
Col Feibiger	Acquitted	11 [unclear]	
Col Stewart	Col Stewart has acquitted himself with propriety, GO 15 May		

156 Varmines
Col. Traynor
Col. Buggen
Col. Bready
[unclear]
May Word

Number	Date Entry	Rank + Name of accused	Date of CM, Type, Charges + Plea Location of abVF	Membership of Court	Finding + Sentence	Review by CinCh + Disposition	Notes
Wa see Wh	17 May	Capt Francis Proctor Sr	Brigade CM 13 May ① Scandalous + infamous behavior ② unbecoming a gentleman ③ Breaking his parole ④ Tampering with evidence	Col Proctor	① Guilty 21st Art 14 Sect ② acquitted Sentence - Discharge from the service	17 May CinCh approves	
100	17 May	John Coffin	Gen CM 13 May Tried for abusing Capt Conroy when attempting to support a report on the other side of the Schuylkill	Col Bowman	Not guilty acquitted	19 May CinCh approves	
101	22 May	Lt Caldwellson	Gen CM 16 May Behaving in a manner unbecoming an officer in abusing Col Napoleon Smith	Col Bowman	Guilty, breach of 21st Art Article, Sect 14 Sentence - Discharge from the service	22 May CinCh approves sentence	
102	22 May	Lt Joseph Jay	Gen CM 18 May Fort Mifflin NJ ① Scandalous neglect of duty P.M.C. for 1 yr. ② Gambling + drinking	Lt De Hart	Guilty, sentenced to be cashiered	22 May CinCh approves sentence	
103	24 May	Lt Davis	Brigade CM ① Encouraging a soldier to stay away from his regiment ② Refusing to return to his regiment	Lt Cropper	Acquitted. He thought he was doing his duty	24 May published, release from arrest	
104	29 May	Capt Medaras	Gen CM 25 May 1778 Desertion	Col Chambers	Guilty, No intent of deserting. Sentence Reprimanded in Gen Order	29 May approved concerned, Release from arrest	
105	29 May	William Whitman	Gen CM Desertion	Col Chambers	Guilty, sentence 60 lashes	29 May CinCh approves	
106	29 May	John Cerme	Gen CM ① Desertion ② attempting to make his escape to the enemy	Col Chambers	Guilty of both. Sentence 200 lashes	29 May CinCh approves	
107	29 May	Serg John Wood	Gen CM ① Desertion ② attempting to escape to the enemy	Col Chambers	Acquitted. Release from confinement	29 May published	
108	25 May	Capt Hull	Brigade CM 27 May ① Elevated with liquor on parade + incapable of doing duty with precision ② Accusing Lt Samuel + Jones of being under oath	Lt Cropper	① Acquitted ② Guilty, sentence - to be reprimanded by CO of Brigade	30 May Release from arrest	
109	English 30 May	James Walker	Gen CM 28 May ① Desertion in uniform in disguise at the appearance of his regiment ② Telling some soldiers to desert to the enemy	Col Chambers	Guilty being 1 reached of 5th. Article 15. Sect - 21st Art 14 Sect Sentence - to be cashiered	30 May CinCh approves sentence	
110	30 May	Serjeant John Henry Green	Gen CM Threatening to take the lives of several officers of that Regiment	Col Chambers	Guilty, sentence - to receive 60 lashes	30 May CinCh approves	

Number	Date of Entry	Rank	Name of accused	Date of CM, Type, Charges + Plea Location if at V F	Membership	Findings + Sentence	Review by C in ch + Disposition	Notes
Wa VII	2 June	L/C	Murray	Gen CM 29 May unofficer + ungentlemanlike behavior. Private contracts with soldiers for supplies in various D. from being released	Col Chambers	Guilty, breach of 2nd Art 14th Sect. Sentence - To be cashiered, British here + in some state	2 June C in ch approved	
VII2	2 June	LT	Wells	Gen CM Disobedience of orders, going on duty in a hunting shirt	Col Chambers	Guilty. Sentenced to be reprimanded	2 June C in ch approved	
see 30	3 June	ma- cin-	Thomas Shanks	Board of Genl Officers 2 June Spy for the enemy		Full conviction Sentence - To be degraded at Inver Arundel and Grand Parade	3 June By order of C in ch	
VII4	3 June	LT	Toomey	Gen CM 1 June Disobedience of orders	Col Chambers	Guilty. Sentence to be reprimanded	3 June approved sentence	
H	5 June	L/C	Duplessis	Court of Enquiry at Presidents G. top inquire into his conduct at his request	Col Wigglesworth Lt Col Pearson Lt Col Butler Lt Col Hay + Campbell Col Chambers			
VII5	5 June	LT	McDonnell	Gen CM 27 May Unofficer like behavior taking 2 mares + a barrel of tallow + sold them (2) Insulting behavior + refusing to comply with arrest	Col Chambers	(1) Guilty of facts in first case but not amount to unofficer like behavior + acquit (2) Acquit	5 June C in ch far from being satisfied. Released from arrest	
VII6	6 June	Capt	Stake	Gen CM 2 June Propagating a report Col Geo Nagle was seen drinking tea or coffee with a spy, his wife + mother, in the presence of Genl orders + discipline	Col Chambers	Acquit. Capt Stables partly sufficient	C in ch 6 June approves acquittal	
VII7	6 June	LT	Samuel Jones	Gen CM 2 June (1) Concealing + denying he had a pair of mittens belonging to Capt Hill (2) Carrying (3) Insulting an officer during it see other under arrest	Col Chambers	Guilty, breach of 5th Art 18 Sect, 2nd Art 14 Sect Sentence - Dismissal	C in ch approves sentence 6 June	Restored to rank + cmd 11 June. Gen Wigglesworth + Scott recommend
VII8	6 June	LT	John Roberts	Gen CM (1) Scandalous, infamous behavior (2) AWOL	Col Chambers	(1) + (2) Acquitted	C in ch approves 6 June. Hates to see petty bickering bet to CM	
VII5	7 June	L/C	Purke	Court of Enquiry (1) AWOL (2) Negligence of duty	Col Johnson	Another CM set at usual place another at Capt Hill Lt Col Smith (1) guilty (2) not guilty Return sentence been under arrest	8 June, Col Livingston pres	
VII9	7 June	adj	Allan	Gen CM (1) Repeated disobedience (2) Abusive language to Maj Hill (3) Refusing to take salute + orders	Lt Col Bickley	Guilty of charge (1) Sentence - Discharge from service	7 June restore to Command	
VII20	8 June	Capt	Norwood	Gen CM 2 June Refusing to comply with a General Order	L/C Colonel	Guilty. Sentence - To be privately reprimanded	9 June C in ch utterly disapproves inadequate punishment. Release from arrest	

Number	Date Entry	Rank	Name of accused	Date of CM, Type, Charges + Plea Location if at VF	Membership of Court	Finding + Sentence	Review by C in ch + Disposition	Notes
Wa 121	11 June	L/C	Hubley	Gen CM 5 June Tried for malicious behavior causing Col Nagle to sign a false report. Said Capt. Hubley was in uniform and acting as a soldier.	Col Chambers	Acquitted	11 June C in ch confirms	
122	11 June	Capt	Reaman	Gen CM 11 April, implied to go past assistance (1) Misconduct (2) Failed to come to Capt Humphrey's assistance	Col Chambers	(1) Not guilty (2) Guilty of subordination but justified Acquitted with honor	11 June C in ch confirms	
123	11 June	Soldier	William Powell	Gen CM (1) Desertion (2) Reenlisting (3) Perjury	Col Chambers	Guilty Sentence 200 lashes	11 June C in ch approves only 100 lashes	
124	11 June	Soldier	Edward Conroy	Gen CM (1) Deserting to the enemy (2) Reenlisting	Col Chambers	Guilty Sentence 200 lashes	11 June C in ch approves only 100 lashes	
125	13 June	Capt	Williams	Court of Inquiry Conduct at Newmarket + capture	L/C Ballard			
125	13 June	Col	Nagle	Gen CM Associating with a Sergeant in company with women of bad reputation in the Sergeant's unit.	Col Livingston	Not guilty Acquitted	13 June The General approves the sentence.	13 June - a fatigue party clean up the old encampment.
126	13 June	Capt	Henderson	Gen CM Fraudulently extorting a sum of money from Alexander Bayard an inhabitant of the state, as a fine for having purchased a horse from one John Welch.	Col Livingston	(1) Not guilty of fraud (2) Guilty of extortion a sum of \$1000 5th Article 18th Section Sentence - Refund money Reprimand in General Order	13 June The General confirms the sentence Capt Henderson's conduct was a daring violation of the Rights of Citizens and calculated to cut around the interests of society.	
127	16 June	Col	Jackson	Court of Inquiry Complaint by Capt Davis	Col Chestnut			
127	17 June	Cor	John Slay	Gen CM Inhabitants of Penna. attempting to supply the enemy with provisions	Col Livingston	Not guilty Acquitted	17 June C in ch approves the sentence	
128	18 June	Art	Daniel Lawrence	Brigade CM Deserted credit, refusing to form his regiment. Behavior in a manner subversive	Major Hill	Guilty of breach of 4th Article, 18th Section Sentence 100 lashes	18 June C in ch approves	
129	15 June	Capt	Brown	Gen CM 15 June (1) Extorting a ransom in a letter (2) Attempting to enter Col Camp's line with...	Col Livingston	Not guilty Acquitted with honor	18 June C in ch confirms	

left VF 18 + 19 June 1778