

[A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875](#)

[Journals of the Continental Congress](#) --TUESDAY, NOVEMBER 7, 1775

[PREVIOUS SECTION](#) .. [NEXT SECTION](#) .. [NAVIGATOR](#)

Journals of the Continental Congress, 1774-1789
TUESDAY, NOVEMBER 7, 1775

[Link to date-related documents.](#)

A letter from General Washington, No. 11, was read.¹

[Note 1: 1 This letter is in Papers of the Continental Congress, No. 152, I, folio 255, and is printed in Writings of George Washington, (Ford) III, 190.]

The secretary having digested in order the resolutions of Congress, as far as they have gone on the report of the Committee of Conference, produced the same, which being read, and agreed to as follows:

Page 331 | [Page image](#)

Resolved, That the following additions and alterations or amendments, be made in the RULES and REGULATIONS of the continental Army, viz.

- 1. All persons convicted of holding a treacherous correspondence with, or giving intelligence to the enemy, shall suffer death, or such other punishment as a general court-martial shall think proper.
- 2. All commissioned Officers found guilty by a general court-martial of any fraud or embezzlement, shall forfeit all his pay, be ipso facto cashiered, and deemed unfit for further service as an officer.
- 3. All non-commissioned Officers and soldiers, convicted before a regimental court-martial of stealing, embezzling or destroying ammunition, provisions, tools or any thing belonging to the public stores, if a non-commissioned officer, to be reduced to the ranks, and punished with whipping, not less than fifteen, nor more than thirty-nine lashes, at the discretion of the court-martial; if a private soldier with the same corporal punishment.
- 4. In all cases where a commissioned officer is cashiered for cowardice or fraud, it be added in the punishment, that the crime, name, place of abode, and punishment of the delinquent be published in the news papers, in and about the camp, and of that colony from which the offender came, or usually resides: after which it shall be deemed scandalous in any officer to associate with him.
- 5. Any officer or soldier, who shall begin, excite, cause, or join in any mutiny or sedition in the regiment, troop, or company to which he belongs, or in any other regiment, troop, or company of the continental forces, either by land or sea, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment, as a general court-martial shall direct.

Page 332 | [Page image](#)

- 6. Any officer or soldier, who shall desert to the enemy, and afterwards be taken, shall suffer death, or such other punishment, as a general court-martial shall direct.

- 7. Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered and drummed out of the army with infamy; any non-commissioned officer or soldier so offending, shall be sentenced to be whipt, not less than twenty, nor more than thirty-nine lashes, according to the nature of the offence.
 - 8. Whatsoever officer or soldier, placed as centinel, shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, if a commissioned officer, shall be cashiered, and drummed out of the army with infamy; if a non-commissioned officer or soldier, shall be sentenced to be whipt, not less than twenty, nor more than thirty-nine lashes, according to the nature of the offence:
 - 9. No officer or soldier shall lie out of his quarters or camp, without leave from the commanding officer of the regiment, upon penalty, if an officer, of being mulcted one month's pay for the first offence, and cashiered for the second; if a non-commissioned officer or soldier, of being confined seven days on bread and water for the first offence; and the same punishment and a forfeiture of a week's pay for the second.
 - 10. 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.
 - 11. All public stores taken in the enemy's camp or magazines, whether of artillery, ammunition, clothing, or provisions, shall be secured for the use of the United Colonies: and all commissioned officers, found guilty, by
-

Page 333 | [Page image](#)

a general court-martial, of embezzling the same, or any of them, shall forfeit all his pay, be ipso facto cashiered, and deemed unfit for farther service as an officer. And all non-commissioned officers and soldiers, convicted before a regimental court-martial of stealing or embezzling the same, if a non-commissioned officer, shall be reduced to the ranks, and punished with whipping, not less than fifteen, nor more than thirty-nine, lashes, at the discretion of the court-martial; if a private soldier, with the same punishment.

- 12. If any officer or soldier, shall leave his post or colours, in time of an engagement, to go in search of plunder, he shall, if a commissioned officer, be cashiered, and drummed out of the army with infamy, and forfeit all share of plunder; if a non-commissioned officer or soldier, be whipped, not less than twenty, nor more than thirty-nine lashes, according to the nature of the offence, and forfeit all share of the plunder taken from the enemy.
 - 13. Every officer commanding a regiment, troop, or company, shall, upon notice given to him by the commissary of the 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, on penalty of his being cashiered, and mulcted of his pay.
 - 14. At every muster, the commanding officer of each regiment, troop or company there present, shall give to the Commissary of Musters, certificates signed by himself, signifying how long such officers, non-commissioned officers and soldiers, who shall not appear at the said muster, have been absent, and the reason of their absence, which reasons and the time of absence, shall be inserted in the muster rolls, opposite the names of such absentees: and the surgeons or their mates, shall at the same time give to the Commissary of musters a certificate
-

Page 334 | [Page image](#)

signed by them, signifying the state of health or sickness of those under their care, and the said certificate shall, together with the muster rolls, be by the said commissary transmitted to the general, and to this or any future Congress of the United Colonies, or committee appointed thereby, within twenty days next after such muster being taken, on failure whereof, the Commissary so offending, shall be discharged from the service.

- 15. Every officer who shall be convicted before a general court-martial, of having signed a false certificate relating to the absence of either officer, non-commissioned officer, or private soldier; and every surgeon or

mate, convicted of signing a false certificate, relating to the health or sickness of those under his care, shall be cashiered.

- 16. All officers and soldiers who shall wilfully, or through negligence, disobey any general or special orders, shall be punished at the discretion of a regimental court-martial, where the offence is against a regimental order, and at the discretion of a general court-martial, where the offence is against an order given from the commander in chief, or the commanding officer of any detachment or post, and such general court-martial can be had.

Ordered, that the same be transcribed in order to be forwarded by express to the General.¹

[Note 1: 1 These additions and alterations were printed in the Pennsylvania Packet, 20 November, 1775.]

Resolved, That Dr. Church be close confined in some secure gaol in the colony of Connecticut, without the use of pen, ink, and paper, and that no person be allowed to converse with him, except in the presence and hearing of a Magistrate of the town, or the sheriff of the county where he shall be confined, and in the English language, until farther orders from this or a future Congress.

Page 335 | [Page image](#)

On motion made, Resolved, That the Congress proceed by ballot to the election of field officers for the two battalions ordered to be raised in the Colony of New Jersey.

The Congress then proceeded to the election and

Lord Sterling was unanimously chosen colonel of the first battalion.

William Winds, Esq. lieutenant colonel of the said Battalion.

William De Hart, Major of the said Battalion.

William Maxwell, Esq. colonel of the second Battalion.

Israel Shrieve, Esq. lieutenant Colonel of the said battalion.

David Rhea, Esq. Major of the said battalion.

On motion made, Resolved That orders issue to the Colonels of said regiments to compleat their regiments as soon as possible and to order the companies as fast as compleated to march to the fort erected at the highlands on Hudsons river there to wait the orders of Congress.

Resolved, That the companies in the said battalions consist of 1 Capt 2 lieutenants 2 ensign, 4 sergeants 4 corporals 2 drums or fifes and 76 privates.

Mr. Dickinson desiring to be excused from attending the Committee for importing arms &c which meets in the Evening, on account of his living out of town, he was excused

On Motion made, Resolved, That three new members be added to the Committee for importing Arms and ammunition and that any five of them be a quorum.

The Members chosen Mr. [Francis] Lowis, Mr. [Josiah] Bartlett and Mr. [Archibald] Bullock.

Mr. [John] Dickinson brought a verbal message from the Assembly of Pensylvania, respecting the resolution sent to them by Mr. Thomas] M'Kean, and Mr. [Silas] Deane, desiring to know on what evidence the Congress

ground the apprehensions therein expressed, of hostilities being commenced, at or near Wyoming, between the Inhabitants of the colony of Pennsylvania and those of Connecticut.

Ordered, That the same be referred till to Morrow.

The Committee appointed to take into consideration the state of New York, brought in their report:

Ordered, That the same be referred till to Morrow.

The order of the day being renewed, and the several matters to this day referred, being postponed,

Adjourned till 10 o'Clock to Morrow.

[PREVIOUS SECTION](#) .. [NEXT SECTION](#) .. [NAVIGATOR](#)

