

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

[Journals of the Continental Congress](#) --FRIDAY, JUNE 30, 1775

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Journals of the Continental Congress, 1774-1789
FRIDAY, JUNE 30, 1775

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The Congress met according to adjournment.

The consideration of the articles of war being resumed, Congress agreed to the same:

Rules and Regulations¹

[Note 1: 1 These rules and regulations were not entered in the Manuscript Journal, and I have followed the text printed in the Pennsylvania Packet, 17 July, 1775. See Bibliographical Notes, post.]

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

And whereas hostilities have been actually commenced in Massachusetts Bay, by the British troops, under the command of General Gage, and the lives of a number of the inhabitants of that Colony destroyed; the town of Boston not only having been long occupied as a garrisoned town in an enemy's country, but the inhabitants thereof treated with a severity and cruelty not to be justified even towards declared enemies.

And whereas large reinforcements have been ordered, and are soon expected, for the declared purpose of compelling these Colonies to submit to the operation of the said acts, which hath rendered it necessary, and an indispensable duty, for the express purpose of securing and defending these Colonies, and preserving them in safety against all attempts to carry the said acts into execution; that an armed force be

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raised sufficient to defeat such hostile designs, and preserve and defend the lives, liberties and immunities of the Colonists: for the due regulating and well ordering of which;--

Resolved, That the following Rules and Orders be attended to, and observed by such forces as are or may hereafter be raised for the purposes aforesaid.

- Article I. That every officer who shall be retained, and every soldier who shall serve in the Continental Army, shall, at the time of his acceptance of his commission or enlistment, subscribe these rules and regulations. And that the officers and soldiers, already of that army, shall also, as soon as may be, subscribe the same; from the time of which subscription every officer and soldier, shall be bound by those regulations. But if any of the officers or soldiers, now of the said army, do not subscribe these rules and

regulations, then they may be retained in the said army, subject to the rules and regulations under which they entered into the service, or be discharged from the service, at the option of the Commander in chief.

- Art. II. 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 court-martial. there to be publicly and severely reprimanded by the President; if non-commissioned officers or soldiers, every person so offending, shall, for his first offence, forfeit One Sixth of a Dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours, and for every like offence, shall suffer and pay in 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.
 - Art. III. Whatsoever non-commissioned officer or soldier shall use any profane oath or execration, shall incur the penalties expressed in the second article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence, the sum of Four Shillings, lawful money.
 - Art. IV. Any officer or soldier, who shall behave himself with contempt or disrespect towards the General or Generals, or Commanders in chief of the Continental Forces, or shall speak false words, tending to his or their hurt or dishonour, shall be punished according to the nature of his offence, by the judgment of a general court-martial.
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- Art. V. Any officer or soldier, who shall begin, excite, cause, or join in any mutiny or sedition, in the regiment, troop, or company to which he belongs, or in any other regiment, troop or company of the Continental Forces, either by land or sea, or in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer such punishment, as by a general court-martial shall be ordered.
 - Art. VI. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, does not, without delay, give information thereof to the commanding officer, shall be punished by order of a general court-martial, according to the nature of his offence.
 - Art. VII. Any officer or soldier, who shall strike his superior officer, or draw, or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful commands of his superior officer, shall suffer such punishment as shall, according to the nature of his offence, be ordered by the sentence of a general court-martial.
 - Art. VIII. Any non-commissioned officer, or soldier, who shall desert, or without leave of his commanding officer, absent himself from the troop or company to which he belongs, or from any detachment of the same, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a general court-martial.
 - Art. IX. Whatsoever officer, or soldier, shall be convicted of having advised or persuaded any other officer or soldier, to desert, shall suffer such punishment, as shall be ordered by the sentence of a general court-martial.
 - Art. X. All officers, of what condition soever, shall have power to part and quell all quarrels, frays, and disorders, though the persons concerned, should belong to another regiment, troop, or company; and either order officers to be arrested, or non-commissioned officers, or soldiers, to be confined and imprisoned, till their proper superior officers shall be acquainted therewith: and whoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.
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- Art. XI. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, nor shall presume to send a challenge to any person to fight a duel: And whoever shall, knowingly and

willingly, suffer any person whatsoever to go forth to fight a duel, or shall second, promote, or carry any challenge, shall be deemed as a principal; and whatsoever officer or soldier shall upbraid another for refusing a challenge, shall also be considered as a challenger; and all such offenders, in any of these or such like cases, shall be punished at the discretion of a general court-martial.

- Art. XII. Every officer, commanding in quarters or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command: If upon any complaint [being] made to him, of officers or soldiers beating, or otherwise ill-treating any person, or of committing any kind of riot, to the disquieting of the inhabitants of this Continent; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as the offender's wages shall enable him or them, shall, upon due proof thereof, be punished as ordered by a general court-martial, in such manner as if he himself had committed the crimes or disorders complained of.
 - Art. XIII. If any officer should think himself to be wronged by his colonel or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the General or Commander in chief of the Continental Forces, in order to obtain justice, who is hereby required to examine into said complaint, and see that justice be done.
 - Art. XIV. If any inferior officer or soldier, shall think himself wronged by his captain or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial, either party may, if he thinks himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing, shall be punished at the discretion of the general court-martial.
 - Art. XV. Whatsoever non-commissioned officer or soldier, shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition, arms, or provisions, or
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other military stores, delivered out to him, to be employed in the service of this Continent, shall, if an officer, be reduced to a private centinel; and if a private soldier, shall suffer such punishment as shall be ordered by a regimental court-martial.

- Art. XVI. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted on him or them by the sentence of a regimental court-martial.
- Art. XVII. No officer or soldier shall lie out of his quarters or camp, without leave from the commanding officer of the regiment, upon penalty of being punished according to the nature of his offence, by order of a regimental court-martial.
- Art. XVIII. Every non-commissioned officer and soldier shall retire to his quarters, or tent, at the beating of the retreat; in default of which, he shall be punished according to the nature of his offence, by order of the commanding officer.
- Art. XIX. No officer, non-commissioned officer or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous appointed by the commanding officer, if not prevented by sickness or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on penalty of being punished according to the nature of his offence, by the sentence of a regimental court-martial.
- Art. XX. Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, under arms, shall be cashiered for it; any non-commissioned officer or soldier so offending, shall suffer such punishment as shall be ordered by the sentence of a regimental court-martial.
- Art. XXI. Whatsoever centinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.
- Art. XXII. Any person belonging to the Continental army, who, by discharging of fire-arms, beating of drums, or by any other means whatsoever, shall occasion false alarms, in camp or quarters, shall suffer

such punishment as shall be ordered by the sentence of a general court-martial.

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

- Art. XXIV. No officer or soldier shall do violence, or offer any insult, or abuse, to any person who shall bring provisions, or other necessaries, to the camp or quarters of the Continental army; any officer or soldier so offending, shall, upon complaint being made to the commanding officer, suffer such punishment as shall be ordered by a regimental court-martial.
 - Art. XXV. Whatsoever officer or soldier shall shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, in time of an engagement, shall suffer death immediately.
 - Art. XXVI. Any person belonging to the continental army, 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.
 - Art. XXVII. Whosoever belonging to the continental army, shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbour or protect an enemy, shall suffer such punishment as by a general court-martial shall be ordered.
 - Art. XXVIII. Whosoever belonging to the continental army, shall be convicted of holding correspondence with, or of giving intelligence to, the enemy, either directly or indirectly, shall suffer such punishment as by a general court-martial shall be ordered.
 - Art. XXIX. All public stores taken in the enemy's camp or magazines, whether of artillery, ammunition, cloathing, or provisions, shall be secured for the use of the United Colonies.
 - Art. XXX. If any officer or soldier shall leave his post or colours, in time of an engagement, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer such punishment as by the said court-martial shall be ordered.
 - Art. XXXI. If any commander of any post, intrenchment, or fortress, shall be compelled, by the officers or soldiers under his command, to give it up to the enemy, or to abandon it, the commissioned officer, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as may be inflicted upon them by the sentence of a general court martial.
 - Art. XXXII. All suttlers and retailers to a camp, and all persons whatsoever, serving with the continental army in the field, though
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not inlisted soldiers, are to be subject to the articles, rules, and regulations of the continental army.

- Art. XXXIII. No general court-martial shall consist of a less number than thirteen, none of which shall be under the degree of a commissioned officer; and the president shall be a field officer: And the president of each and every court-martial, whether general or regimental, shall have power to administer an oath to every witness, in order to the trial of offenders. And the members of all courts-martial shall be duly sworn by the president; and the next in rank on the court-martial, shall administer the oath to the president.
- Art. XXXIV. 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 their commissions by which they are mustered in the said corps.
- Art. XXXV. All the members of a court-martial, are to behave with calmness, decency, and impartiality; and in giving of their votes, are to begin with the youngest or lowest in commission.
- Art. XXXVI. 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.

- Art. XXXVII. 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 punishment, 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) shall have confirmed the same.
 - Art. XXXVIII. No regimental court-martial shall consist of less than five officers, excepting in cases where that 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.
 - Art. XXXIX. Every officer, commanding in any fort, castle, or barrack, 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
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as if they were regimental, whose sentence is not to be executed till it shall be confirmed by the said commanding officer.

- Art. XL. 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 proceeding, on the penalty of being punished at the discretion of the said court-martial.
 - Art. XLI. To the end that offenders may be brought to justice; whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by proper authority.
 - Art. XLII. No officer or soldier who shall be put in arrest, or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.
 - Art. XLIII. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the Continental forces; which officer shall at the same time deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.
 - Art. XLIV. 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 general court-martial.
 - Art. XLV. 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 being punished for his disobedience or neglect, at the discretion of a general court martial.
 - Art. XLVI. And if any officer under arrest shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.
 - Art. XLVII. Whatsoever commissioned officer shall be convicted
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before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

- Art. XLVIII. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire, in the service of the continental artillery, shall be governed by the aforesaid rules

and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the Continental troops.

- Art. XLIX. For differences arising amongst themselves, or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial, with the officers of the other corps.
- Art. L. 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 articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.
- Art. LI. That no persons shall be sentenced by a court-martial to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall any punishment be inflicted at the discretion of a court-martial, other than degrading, cashiering, drumming out of the army, whipping not exceeding thirty-nine lashes, fine not exceeding two months pay of the offender, imprisonment not exceeding one month.
- Art. LII. 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 regiment; and such person shall account with such officer for all fines received, and the application thereof.
- Art. LIII. All members sitting in courts-martial shall be sworn by the President of said courts, which President shall himself be sworn by the officer in said court next in rank:--The oath to be administered previous to their proceeding to the trial of any offender, in form following, viz.

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"You A. B. swear that you will well and truly try, and impartially determine the cause of the prisoner now to be tried, according to the rules for regulating the Continental army. So help you God."

- Art. LIV. All persons called to give evidence, in any case, 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 case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

- Art. LV. 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.
- Art. LVI. Every colonel or other field officer, or officer commanding any corps, to which there is no field officer, 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 or independent corps, is to be judge.
- Art. LVII. At every muster the commanding officer of each regiment, troop, or company, then 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 to the respective names of such absentees: The said certificates 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.

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- Art. LVIII. 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, shall be cashiered.
 - Art. LIX. 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 moreover forfeit all such pay as may be due to him at the time of conviction for such offence.
 - Art. LX. Any commissary who shall be convicted of having taken any gift or gratuity on the mustering any regiment, troop or company, or on the signing the muster rolls, shall be displaced from his office, and forfeit his pay, as in the preceding article.
 - Art. LXI. 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.
 - Art. LXII. Every officer who shall knowingly make a false return to the Commander in Chief of the American forces, or to any his superior officer, authorized to call for such returns, of the state of the regiment, troop, independent company, or garrison under his command, or of arms, ammunition, cloathing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.
 - Art. LXIII. The commanding officer of every regiment, troop, independent company, or garrison, in the service aforesaid, shall, in the beginning of every month, remit to the Commander in chief of said forces, 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 the time of their absence: whosoever 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.
 - Art. LXIV. 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.
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- Art. LXV. All officers commanding in the camp, or in any 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 a reasonable price, as they shall be answerable for their neglect.
- Art. LXVI. No officers commanding in any camp, 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 lay any duty or impositions upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the camp, garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.
- Art. LXVII. That 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.
- Art. LXVIII. When any commissioned officer shall happen to die, or be killed in the service of the United Colonies, 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 Secretary of the Congress, or assembly of the province in which the corps is stationed or shall happen to be at the time of the death of such officer; to the end that his executors may, after payment of his debts in quarters, and interment, receive the overplus, if any be, to his or their use.

- Art. LXIX. When any non-commissioned officer or private soldier, shall happen to die, or be killed in the service of the United Colonies, 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, and transmit the same, as in the case above provided for, in order that the same may be secured for, and paid to their respective representatives.

Ordered, That Mr. [Silas] Deane, Mr. [Thomas] Cushing and Mr. [Joseph] Hewes, be a Committee to examine

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the rules and articles of war agreed to by the Congress, and get them printed as soon as possible.

On motion, Resolved, That the Congress will, on Monday next, take into consideration the trade of America.

On motion, Resolved, That the Committee for Indian Affairs, do prepare proper talks to the several tribes of Indians, for engaging the continuance of their friendship to us, and neutrality in our present unhappy disputes with Great Britain.

The order of the day put off and adjournment made till to Morrow.

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