

III.

1416 CODE OF ARTICLES OF KING GUSTAVUS ADOLPHUS OF SWEDEN. (1621.)¹

ARTICLES AND MILITARY LAWES TO BE OBSERVED IN THE WARRES.

Imprimis. No commander nor private Souldier whatsoever, shall use any kind of Idolatry, Witchcraft, or Inchanting of Armes, whereby God is dishonored, upon pain of death.

2. If any shall blaspheme the name of God, either drunk or sober, the thing being proven by two or three witnesses, he shall suffer death without mercy.

3. If any shall seem to deride or scorne God's Word or Sacraments, and bee taken in the fact, hee shall forthwith bee convented before the Commissioners Ecclesiasticall, to be examined, and being found guilty, he shall be condemned by the Court of Warre to lose his head: but if they were spoken through haste or unadvisedly, for the first offence hee shall bee in yrons fourteen days, and for the second, be shot to death.

4. If any shall swear in his anger by the name of God, being convicted, shall pay halfe a moneth's pay unto the poor: Or if any bee found drinking, or at any other evil exercise, he shall forfeit half a moneth's pay, and at the next assembly of prayer or preaching he shall be brought upon his knees before the whole assembly, and there crave pardon of Almighty God.

5. To the end that God's Word be by no means neglected, Our will is, that publike prayers bee said every morning and evening throughout the whole Camp, at one time, in every several Regiment, they being called thereunto by the sound of the General's or Marshal's Trumpets, and the Drums of every private Company and Regiment.

6. Whatsoever Minister shall neglect his time of prayer, except a lawfull occasion hinders him, he shall for every time being absent, pay half a moneth's pay.

7. Whatsoever Souldier shall neglect the time of prayer, and is thereof advised by his Captain, he shall lie in prison 24 hours, except a lawfull occasion hindered.

8. If any Minister be found drunk or drinking at such time as he should preach, or read prayer, for the first offence he shall be gravely admonisht by the Commissioners Ecclesiasticall, and for the second fault be banisht the Leaguer.

9. Every Holy-day and every Sabbath-day at least, shall bee kept solemn with preaching in a place convenient, before and after noon; this

1417 also to bee done twice every week, if the time will permit; if there be any holy-daies to come in the following week, the Minister shall after such Sermons or Prayers publicly bid them: who so shall neglect the time appointed (unless he have some lawful let or occasion) shall be punished as aforesaid.

10. All merchants and sellers of commodities whatsoever, so soon as they hear the Token or call to bee given, shall immediately shut up their doors, and so keep them during the said time of Prayer and Sermon; they that presume in that season to sell any thing, shall make forfeit of all things so sold, whereof the one half to goe to the Generall, and the other halfe to the next Hospitall; over and above which, the offender shall for one whole day be put in prison.

11. All drinkings and feastings shall in the time of Prayer bee given over, upon pain of punishment, as is before mentioned in the seventh Article; if any Souldier herein offends, he shall forfeit half his week's pay to the poor; and if he be an Officer hee shall forfeit what shall be awarded.

¹ Translated and printed in Ward's "Animadversions of Warre," London, 1639.

12. For the explaining of this Article formerly express: If there bee none to complaine of these abuses, then shall the Minister himself give notice thereof unto the Colonell or Captain, and if he shall suffer such abuses to goe unpunished, then shall he give the Generall notice thereof, who shall doe him right.

13. All Priests and Ministers that are to be in our Camp or Leaguer, shall be appointed by the Bishop of the same Diocesse or Land from whence the Souldiers come whom he is to be among: no Colonell nor Captain shall take what Minister he shall think good, but shall be content with whom the Bishop shall appoint him.

14. To the intent that all Church businesse, as well in the field as otherwise, may have an orderly proceeding; We ordain, That there be one Ecclesiasticall Consistory or Commission in our Leaguer, the Presidente or chiefe person whereof shall bee Our own Minister, when We ourselves are personally present in the field. In Our absence shall the chiefe Minister to the Generall be the man; his fellow-Commissioners or ordinary Assessors shall be the chiefe Ministers to every Regiment of Horse and Foot; unto whom We give full power and authority to be Judges in all Church affaires, according to the Law of God and holy Church; what shall be by them decreed, shall be of a great force and strength, as if it were determined in any other Consistorie whatsoever.

15. No Captain shall have liberty to take any Minister without the consent of his Colonell, and of the Consistory. Neither again shall he discharge any, but by permission of the Consistory, he having there first shewed that Minister not to be worthie of his Charge.

16. If any Minister be found ill inclined to drunkenness or otherwise; then may his Colonell or Captain of Horse or Foot complain of him in the Consistory; and if his fellow-Ministers find him guilty, then may they discharge him of his place. In such complaints, shall the whole Consistory and the President severely also reprehend him, that others of the same calling may take example thereby, and be warned of such grosse errors, and give good example unto others.

17. For that no government can stand firmly, unlesse it be first rightly grounded; and that the Lawes be rightly observed; We, the King of, &c., 1418 doe hereby make known unto all our Souldiers and Subjects, as well Nobles as others; that in our presence they presume not to doe any unseemly thing: but that every one give us our due honour, as we ought to receive; who presume to doe the contrary, shall bee punished at our pleasure.

18. Next shall our Officers and Souldiers be obedient unto our Generall and Field-Marshal, with other our Officers next under them, in whatsoever they shall command belonging unto our service, upon paine of punishment as followeth.

19. Whosoever behaves not himself obediently unto our great Generall, or our Ambassador coming in our absence, as well as if we our selves were there in person present, shall be kept in irons or in prison until such time as he shall be brought to his answer, before a Councell of Warre, where being found guilty, whether it were wilfully done or not, he shall stand to the order of the Court, to lay what punishment upon him they shall thinke convenient, according as the person and fact is.

20. And if any shall offer to discredit these great Officers by word of mouth or otherwise, and not be able by proof to make it good, hee shall be put to death without mercy.

21. Whosoever offers to lift up any manner of Armes against them, whether hee doth them hurt or not, shall be punished by death.

22. If any offers to strike them with his hand, whether hee hit or misse, he shall lose his right hand.

23. If it falls out that our great Generall in any feast, drinking, or otherwise, doth offer injury to any Knight, Gentleman or other, which stands not with their honour to put up; then may they complain to the Commissioners for the Councell of Warre, where hee shall answer them, and bee censured by them according to the quality and importance of the fact.

24. As it is here spoken of our Generall; so also it is of all other our great Officers, as Field-Martiall, Generall of the Ordnance, Generall of the Horse, Serjeant-Major Generall, Quarter-Master Generall, and Muster-Master; all which, if they commit any such offence through envie or other by-respect, they shall answer it before the Court of Warre, as is before mentioned.

25. As every Officer and Souldier ought to be obedient unto our Generall and other great Officers; so shall they in the under Regiments be unto their Colonell, Lieftenant-Colonell, Serjeant-Major, and Quarter-Master, upon paine of the same punishment before mentioned.

26. If any Souldier or Officer serving either on horse-back or foot, shall offer any wrong or abuse unto his superior Officer either by word or deed, or shall refuse any duty commanded him, tending unto our service, he shall be punished according to the importance of the fact.

27. If any Colonell, Lieftenant-Colonell, Serjeant-Major, or Quarter-Master, shall command any thing not belonging unto our service, he shall answer to the complaint before the Court.

28. In like manner if any inferiour Officer either of horse or foote does challenge any common Souldier to be guilty of any dishonest action; the Souldier finding himself guiltless, may lawfully call the said Officer to make proofe of his words before the Court as his equall.

29. If any Souldier either of horse or foote shall offer to strike his Officer that shall command him any duty for our service, he shall first lose his hand, and be then turned out of the Quarter. And if it be done in any Fort or place beleagured after the watch is set, he shall lose his life for it.

30. And if he doth hurt to any of them, whether it be in the field or not, he shall be shot to death.

31. If any such thing falls out within the compasse of the Leaguer or the place of Garrison, in any of the Souldiers lodgings where many of them meete together, the matter shall be inquired into by the Officers of the Regiment, that the beginner of the fray may be punished according to desert.

32. He who in the presence of our Generall shall draw his sword, with purpose to doe mischief with it, shall lose his hand for it.

33. He who shall in anger draw his sword while his Colours are flying, either in Battell or upon the March, shall be shot to death; if it be done in any strength or fortified place, he shall lose his hand, and be turned out of the Quarter.

34. He who shall presume to draw his sword upon the place where any Court of Justice is holden, while it is holden, shall lose his life for it.

35. He that draws his sword in any strength or Fort to doe mischief therewith, after the watch is set, shall lose his life for it.

36. No man shall hinder the Provost Marshall Generall, his Lieftenant or servants, when they are to execute anything that is for our service; who does the contrary, shall lose his life.

37. Leave is given unto the Provost Marshall Generall to apprehend all whatsoever that offend against these our Articles of Warre. All other offenders he may likewise apprehend by his owne authority.

38. If the Provost Marshall Generall shall apprehend any man by his owne authority; he may keep him either in prison or in irons, but by no means doe execution upon him after the Court of Warre is ended, without first giving the Generall notice thereof.

39. The Provost Marshalls of every Regiment, have also the same priviledge under their owne Regiment and Company, that the Provost Marshall Generall hath in the Leaguer.

40. Every Serjeant Major commanding in the whole Leaguer what appertains to his Office, shall be obeyed by every man with his best endeavour.

41. Whatsoever is to be published or generally made knowne shall be proclaimed by sound of Drumme and Trumpet, that no man may pretend ignorance in it; they who after that shall be found disobedient, shall be punished according to the quality of the fact.

42. No Souldier shall thinke himselve too good to work upon any peece of Fortification, or other place where they shall be commanded for our service upon paine of punishment.

43. Whosoever shall do his Majesties businesse slightly or lazily, shall first ride the wooden horse, and lie in prison after that, with bread and water, according as the fact shall be adjudged more or lesse hainous.

44. All Officers shall diligently see that the Souldiers plye their worke, when they are commanded so to doe; he that neglects his duty therein shall be punished according to the discretion of the Court.

45. All Souldiers ought diligently to honour and obey their Officers, and especially being by them commanded upon service; but if at any time they can on the contrary discover that they are commanded upon a service which is to our prejudice any manner of way; then shall that souldier

not obey him what charge soever he receives from him, but is presently to give notice of it.

46. No Colonell or Captaine shall command his souldiers to doe any unlawfull thing; which who so does, shall be punished according to the discretion of the Judges. Also if any Colonell or Captaine or other Officer whatsoever, shall by rigour take any thing away from any common souldier, he shall answer for it before the Court.

47. No man shall goe any other way in any Leaguer wheresoever, but the same common way laid out for every man, upon paine of punishment.

48. No man shall presume to make any Alarme in the quarter, or to shoot off his Musket in the night time, upon paine of death.

49. He that, when warning is given for the setting of the watch by sound of Drumme, Fife, or Trumpet, shall willfully absent himself without some lawful excuse; shall be punished with the wooden horse, and be put to bread and water, or other penance, as the matter is of importance.

50. He that is taken a sleepe upon the watch, either in any strength, trench, or the like, shall be shot to death.

51. He that comes off his watch where he is commanded to keepe his Guard, or drinks himselfe drunke upon his watch or space of Sentinell, shall be shot to death.

52. He that at the sound of Drumme or Trumpet repaires not to his Colours, shall be clapt in irons.

53. When any march is to be made, every man that is sworn shall follow his Colours; who ever presumes without leave to stay behind shall be punished.

54. And if it be upon mutiny that they doe it, be they many or be they few, they shall die for it.

55. Who ever runnes from his Colours, be he Native or Forreiner, and does not defend them to the uttermost of his power so long as they be in danger, shall suffer death for it.

56. He that runnes from his Colours in the field shall dye for it; and if any of his Comrades kill him in the meane time time he shall be free.

57. Every man is to keepe his own ranck and file upon the march, and not to put others from their orders; nor shall any man cast himselfe behind, or set himselfe upon any waggon, or horse-back; the offenders to be punished according to the time and place.

58. Whatever Regiment shall first charge the enemy and retire afterwards from them before they come to dint of sword with them, shall answer it before our highest Marshals Court.

59. And if the thing be occasioned by any Officer, he shall be publicly disgraced for it, and then turned out of the Leaguer.

60. But if both Officers and Souldiers bee found faulty alike, then shall the officers be punished as aforesaid. If it bee in the Souldiers alone, then shall every tenth man be hanged; the rest shall bee condemned to carry all the filth out of the Leaguer, until such time as they performe some exploit that is worthy to procure their pardon, after which time they shall bee cleer of their former disgrace. But if, at the first, any man can by the testimony of ten men prove himselfe not guilty of the cowardize, he shall goe free.

1421 61. When any occasion of service is, hee that first runs away, if any man kill him, hee shall be free; and if at that time he escape, and be apprehended afterwards, he shall be proclaimed Traitor, and then put out of the Quarter; after which, whosoever killeth him, shall never be called to account for it.

62. If any occasion be to enter any Castle, Towne or Sconce by assault or breach, he who retires from the place before hee hath been at handy blowes with the enemy, and hath used his sword, so farre as it is possible for him to doe service with it, and before hee bee by main strength beaten from it by the enemy, shall be punished as the Court shall censure him.

63. Whatsoever Ensigne-bearer shall flye out of any place of Battery, Sconce or Redout, before hee hath endured three assaults, and receive no reliefe, shall be punished as before.

64. Whatsoever Regiment, Troop or Company refuseth to advance forwards to charge the enemy, but out of fear and cowardize staves behind their fellows, shall be punished as before.

65. Whatsoever Regiment, Troop or Company is the beginner of any mutiny shall be punished as is before mentioned; the first authour to die for it, and the next consentor to bee punished according to the discretion of the Court.

66. If any Regiment, Troop or Company shall flye out of the Field or Battell, then shall they three several times (six weeks being betwixt every time) answer for it before the Court, and if there it can be proved that they have done ill, and have broken their Oath, they shall be proclaimed Traitors, and all their goods shall be confiscated, whether they bee present to answer it before the Court or not: if they bee absent they shall bee allotted so many daies as wee shall appoint them for liberty to come in to answer it before the Court, where, if they cleer themselves, well and good; if not, they shall have so many daies to retire themselves after which, if they be apprehended, then shall they be punisht according as the Court shall doom them.

67. Whatsoever Regiment, Troop or Company shall treat with the enemy, or enter into any conditions with them whatsoever (without our leave, or our Generals, or chief Commander in his absence) whatsoever officer shall doe the same, shall be put to death for it, and all his goods shall bee confiscated; of the souldiers every tenth man shall be hanged, and the rest punished, as aforesaid.

68. Whosoever presuming to do the same, and shall be taken therewith, shall bee proceeded withall like those that flye out of the field; their goods also shall be confiscate.

69. If any that then were in company with such, can free themselves from being partakers in the crime, and can prove that they did their best to resist it; then shall they be rewarded by us according as the matter is of importance.

70. Whoever, upon any strength, holds discourse with the enemy, more or lesse, without our leave, our Generals, or the Governour of the place; shall die for it.

71. If it bee proved that they have given the enemy any private intelligence, by letter or otherwise, without our leave as aforesaid; shall die for it.

72. They that give over any strength unto the enemy, unless it be for extremity of hunger or want of Ammunition; the Governour, with all the Officers, shall die for it; all the souldiers shall be lodged without the quarters, without any Colours, they shall be made to carry out all the filth of the Leaguer; thus to continue untill some noble exploit of them be performed, which shall promerit pardon for their former cowardize.

73. Whatsoever souldiers shall compell any Governour to give up any Strength, shall lose their life for it: those, either officers or Souldiers, that consent unto it, to be thus punished; the Officers to die all, and the Souldiers every tenth man to be hanged: but herein their estate shall be considered, if they already have suffered famine and want of necessaries for their life, and bee withall out of hope to bee relieved, and are so pressed by the enemy, that of necessity they must within a short time give up the Peece, endangering their lives thereby, without all hope of reliefe: herein shall our Generall, with his Councell of Warre, either cleer them, or condemne them according to their merit.

74. If any number of Souldiers shall, without leave of their Captain, assemble together for the making of any convention, or taking of any councill amongst themselves; so many inferiour Officers as be in company with them shall suffer death for it, and the souldiers be so punished as they that give up any Strength. Also at no time shall they have liberty to hold any meeting amongst themselves, neither shall any Captain permit it unto them; he that presumeth to suffer them shall answer it before our highest Court.

75. If any being brought in question amongst others, shall call for help of his own Nation or of others, with intention rather to bee revenged than to defend himself; he shall suffer death for it, and they that come in to help him shall be punished like Mutiners.

76. Whosoever giveth advice unto the enemy any manner of way, shall die for it.

77. And so shall they that give any token, signe or Item unto the enemy.

78. Every man shall be contented with that Quarter that shall be given him either in the Town or Leaguer; the contrary doer to be accounted a Mutiner.

79. Whoever flings away his Armes, either in field or otherwhere, shall be scourged through the Quarter, and then be lodged without it, be enforced to make the streets clean until they redeem themselves by some worthy exploit doing.

80. He that selleth or pawneth his armes or any kind of ammunition whatsoever, or any Hatchets, Spades, Shovels, Pickaxes, or other the like necessary instruments used in the field, shall be, for the first and second time, beaten through the Quarters, and for the third time, punish'd as for other theft: he

also that buieth or taketh them upon pawn, be he souldier or be he victualler, he shall first lose his money, and then bee punished like him that sold them.

81. He that wilfully breaketh any of his Armes or Implements aforesaid, shall again pay for the mending of them, and after that be punish'd with bread and water, or otherwise, according to the discretion of the Court.

82. Hee that after warning to the contrary, shall either buy or sell, shall first lose all the things so sold or bought, and then be punished for his disobedience, as is aforesaid.

83. No man that once hath been proclaimed Traitor, either at home 1423 or in the field, or that hath been under the hangman's hands, shall ever bee endured again in any Company.

84. No Duell or Combat shall be permitted to bee fought either in the Leaguer or place of Strength: if any offereth to wrong others, it shall bee decided by the Officers of the Regiment; he that challengeth the field of another shall answer it before the Marshal's Court. If any Captain, Lieutenant, Ancient, or other inferior officer, shall either give leave or permission unto any under their command, to enter combat, and doth not rather hinder them, shall be presently cashiered from their charges, and serve afterwards as a Reformado or common souldier; but if any harm be done he shall answer it as deeply as he that did it.

85. Hee that forceth any woman to abuse her, and the matter bee proved, hee shall die for it.

86. No Whore shall be suffered in the Leaguer; but if any will have his own wife with him, he may; if any unmarried woman bee found, hee that keeps her may have leave lawfully to marry her, or else be forced to put her away.

87. No man shall presume to set fire on any Town or Village in our Land: if any doe, he shall be punished according to the importancy of the matter, so as the Judges shall sentence him.

88. No Souldier shall set fire upon any Town or Village in the enemies' Land, without he be commanded by his Captain: neither shall any Captain give any such command unlesse hee hath first received it from us or our Generall: who so doth the contrary, he shall answer it in the Generals Council of Warre according to the importance of the matter; and if it be proved to be prejudiciall unto us, and advantagious for the enemy he shall suffer death for it.

89. No Souldier shall pillage anything from our subjects upon any March, Strength, Leaguer, or otherwise howsoever, upon pain of death.

90. He that beats his Host or his household servants, the first and second time hee shall be put in yrons, and made to fast with bread and water according as the wrong is that he hath done, if the harme be great, hee shall be punish'd thereafter, according to the discretion of the Court.

91. None shall presume to do wrong to any that brings necessaries to our Leaguer, Castle or Strength whatsoever, or to cast their goods down off their Horses, and take away their Horses perforce; which who so doth shall die for it.

92. They that pillage or steal either in our Land or in the enemies, or from any of them that come to furnish our Leaguer or Strength, without leave, shall bee punish'd as for other theft.

93. If it so please God that we beat the enemy, either in the field or in his Leaguer, then shall every man that is appointed follow the chase of the enemy, and no man give himselfe to fall upon pillage, so long as it is possible to follow the enemy, and until such time as he be assuredly beaten; which done, then may their quarters be fallen upon, every man taking what he findeth in his owne quarters; neither shall any man fall to plunder one in anothers quarters, but rest himselfe contented with that which is assigned him.

94. If any man give himselfe to fall upon the pillage before leave be given him so to doe, then may any of his Officers kill him. Moreover, if any 1424 misfortune ensue upon their greedinesse after the spoyle, then shall all of them suffer death for it; and, notwithstanding there comes no damage thereupon, yet shall they lye in Irons for one moneth, living all that while upon bread and water, giving all the pillage so gotten unto the next hospitall. He that plunders another quarter, shall also have the same punishment.

95. When any Fort or place of Strength is taken in, no man shall fall upon the spoyle before that all the places in which the enemy is lodged be also taken in, and that the Souldiers and Burgers have layed downe their Armes, and that the quarters be dealt out and assigned to every body; who so does the contrary, shall be punished as before.

96. No man shall presume to pillage any Church or Hospitall, although the Strength be taken by assault; except he be first commanded, or that the Souldiers and Burgers be fled therinto and doe harme from thence; who dares the contrary, shall be punished as aforesaid.

97. No man shall set fire upon any Hospitall, Churche, Schoole, or Mill, or spoyle them any way, except he be commanded; neither shall any tyrannize over any Churchman, or aged people, men or women, maides or children, unless they first take arms against them, under paine of punishment at the discretion of the Judges.

98. No souldier shall abuse any Churches, Colledges, Schooles or Hospitalls; or offer any kind of violence to Ecclesiasticall persons, nor in any way be troublesome with pitching or inquartering upon them, or with exacting of contribution from them; no souldier shall give disturbance or offence to any person exercising his sacred function or Ministry, upon paine of death.

99. Let the billet and lodgings in every City be assigned to the Souldiers, by the Burge-masters or chiefe Head-burroughes; and let no Commander presume to meddle with that office; no commander or common souldier shall either exact or receive of the Townsmen or Citizens anything, besides what the King or his Generall in his absence hath appointed to be received.

100. No Citizen nor Countryman shall be bound to allow unto either Souldier or Officer anything but what is contained in the King's Orders, for contributions and enquarterings; (viz.) nothing besides house-rooms, fire-wood, candle, vinegar and salt, which is yet to be understood that the inferiour Officers, as Serjeants and Corporalls, and those under them, as also all common Souldiers, shall make shift with the common fire and candle of the house where they lie, and do their businesse by them.

101. If so be that Colonels and other Commanders have any servants or attendants, they shall not be maintained by the Citizens or Yeomandry, but by their own Masters.

102. No Commander shall take any house or lodging in his protection, or at his owne pleasure give a ticket of freedome, when such tickets are not expressly desired of him, nor shall he receive any bribe or present to mend his owne commons withall, under any colour or pretext whatsoever. If any man desire a personall safeguard, let him be contented with that which is appointed in the King's Orders.

103. To Commanders and Souldiers present, let the usuall allowance be offered by the Citizens, but let no care be taken for such as are away.

104. New-levied Souldiers are to have no allowance before they be entertained at the Muster.

1425 105. Nothing is to be allowed the Souldiers in any house but in the same where he is billited; if they take anything elsewhere by force, they are to make it good.

106. If either Officer, Souldier, or Sutler be to travel through any Country, the people are not to furnish them with Waggon, Posthorse, or victuals but for their ready money, unless they bring a Warrant either from the King or the Generall.

107. No Souldier is to forsake his Colours, and to put himself under the entertainment of any other Colonell or Garrison, or to ramble about the Countrey, without he hath his Colonell's Pass, or his that is in his stead: who so doth, it shall bee lawfull for any man to apprehend him, and send him prisoner to the next garrison of the King's, where he shall be examined, and punished accordingly.

108. Whosoever have any lawfull Passes, ought by no means to abuse the benefit of them, or practise any cheats under the pretence of them. If any be found with any pilferie, or to have taken any man's cattell or goods; it shall be lawfull for the Countrey-people to lay hands upon them, and to bring them to the next garrison; special care being had, that if the prisoner hath any letters of moment about him, they be speedily and safely delivered.

109. Our Carriers or Posts, though they have lawfull Passes to travel withall, yet shall they not ride their Post-horses, which they hire, beyond the next Stage. And if they shall take away any horse from one or other, to tire out with hard riding, and beyond reason; they shall be bound to return the horse again, or to make satisfaction for him. The same order shall take place too, when any Regiment or Troops of ours shall remove from one Quarter to another; namely, when they shall hire Postillions or baggage-Waggon for the carriage of their Valises, Armes or Ammunition.

110. The houses of the Princes or Nobility which have no need to borrow our Guard to defend them from our enemy, shall not be pressed with souldiers.

111. Moreover, under a great penaltie, it is provided, that neither Officers nor Souldiers shall make stay of, or arrest the Princes Commissaries or Officers, or any Gentlemen, Councillors of State, Senators or Burgers of any Cities, or other countrey-people; nor by any fact of violence shall offend them.

112. Travellers, or other passengers going about their businesse into any Garisons or places of Muster, shall by no means bee stayed, injured, or have contribution laid upon them.

113. Our Commanders shall defend the countrey-people and Ploughmen that follow their husbandry, and shall suffer none to hinder them in it.

114. No Commander or common souldier whatsoever, either in Town of Garison, or place of Muster, shall exact anything upon Passengers, nor shall lay any Custome or Toll upon any Merchandize imported or exported; nor shall any bee a hindrance to the Lord of the place, in receiving his due Customes or Toll-gathering; but to further them.

115. If any of our Officers having power of Command, shall give the Word for any Remove or March to some other Quarter; those souldiers either of Horse or Foot that privily lurk behind their fellows shall have no power
1426 to exact part of the contributions formerly allotted for their maintenance in that place; but shall severally be punished rather for their lingering behind the Army.

116. Whatsoever is not contained in these Articles, and is repugnant to Military Discipline, or whereby the miserable and innocent country may against all right and reason be burdened withall, whatsoever offence finally shall be committed against these orders, that shall the severall Commanders make good, or see severally punished unlesse themselves will stand bound to give further satisfaction for it.

117. According to these Articles, let every man governe his businesse and actions, and learne by them to take heed in comming into lurch or danger.

118. If any Souldier happens to get free-booty in any Castle, City, Towne, Fort, Strength, or Leaguer; and moreover whatsoever Ordnance, Munition for Warre, and victuals is found there, shall be left for our use, the rest shall be the Souldiers, only the tenth part thereof shall they give to the sicke and maimed Souldiers in the Hospitalls. All prisoners shall first be presented to us, amongst which if there bee any man of note, whom we desire to have unto our selves, wee promise in lieu thereof honestly to recompence the taker of him, according to the quality of the person; other prisoners of inferiour ranke may the takers keep unto themselves, whom by our leave or our Generalls they may put to their ransome and take it to themselves, but without leave they may not ransome them upon paine of death.

119. If any bee found drunken in the enemies Leaguer Castle, or Towne, before the enemy hath yielded himself wholly up to our mercy, and laid downe his Armes; whosoever shall kill the said drunken Souldier shall be free for it; always provided that good prooffe be brought that hee was drunken; and if that Souldier escape for that time with his life, and that it can appear that some damage or hindrance hath come unto our service by his drunkennesse, then wheresoever he be apprehended he shall die for it; but if no hurt ensued thereof, yet shall be put in irons for the space of one month, living upon his pittance of Bread and Water.

120. All our Souldiers shall duely repaire unto the generall musters upon the day and houre appointed; nor shall any Colonell or Captaine either of Horse or Foot, keepe backe his Souldiers from being mustered at the time when our Muster-masters shall desire to view them; if any refuse, he shall be taken for a Mutiner.

121. No Colonell nor Captaine shall lend any of their Souldiers to another upon the Muster-dayes for the making up of their numbers compleat; he that thus makes a false Muster, shall answer it at the Marshalls Court, where being found guilty he shall be proclaimed Traitor; after which being put out of the Quarter, his Colours shall flie no more.

122. If any Souldier hires out himselfe for money to runne the Gate-
1427 lope¹ three several times, he shall be beheaded, and if any Captaine shall so permit or counsell his Souldier to doe the same, he shall be actually cashiered.

¹ Running the Gate-lope or Purgatory, is, when he that hath done the fault, is to run between the Regiment standing halfe on one side, and halfe on the other, with whips or bastinadoes in their hands, to lash and cudgel the offender, which punishment many a shameless souldier will be hired to undergo for drinke or money. (Note by Ward.)

123. If any Horseman borrowes either Horse, Armour, Pistols, Saddle, Sword, or Harness to passe Muster withall, so much as is borrowed shall be escheated, and himselfe after that turned out of the Leaguer, as likewise he shall that lent it him; the one halfe of the Armes forfeited shall goe to the Capitaine, and the other halfe unto the Parforce.

124. If it can be proved that any Horseman hath wilfully spoyled his Horse; hee shall be made Traitor, lose his Horse and bee turned out the Quarter.

125. All Souldiers both of Horse and Foot shall be taken on at a free Muster, but not by any private Capitaine; neither shall their pay goe on before they be mustered by our Muster-masters.

126. No Souldier either of Horse or Foot shall be cashiered by his Colonell, Capitaine, or other inferiour officer; nor shall they who being taken on at a free Muster, have their men sworne to serve (if it please God) until the next Muster, except it be upon a free Muster, at which time the Muster-masters, and his Colonell may freely give him his Passe.

127. If any forreine Souldiere shall desire his passe in any Towne of Garrison after the enemy be retired he may have it; but by no means whilst there is any service to be done against the enemy.

128. If any Souldier or Native subject, desires to bee discharged from the warres, he shall give notice thereof unto the Muster-masters; who if they finde him to bee sicke, or maimed, or that he served twenty yeares in our warres, or hath bene ten severall times before the enemy, and can bring good witness thereof, he shall be discharged.

129. If any Colonell or Capitaine, either of Horse or Foot does give any Passe otherwise than is before mentioned, he shall be punished as for other Felonies; and he who hath obtained the same Passe, shall lose three moneths pay, and be put in prison for one moneth, upon bread and water.

130. No Colonell or Capitaine either of Horse or Foot shall give leave to his Souldiers to goe home out of the Field, without leave of our Generall, or chiefe Commander; whosoever does the contrary, shall lose three moneths pay, and be put in prison for one moneth, upon Bread and Water.

131. No Capitaine either of Horse or Foote shall presume to goe out of any Leaguer or place or Strength to demand his pay, without leave of the Generall or Governour; who so doth, shall be cashiered from his place, and put out of the quarters.

132. No Capitaine either of Horse or Foot shall hold backe any of his souldiers meanes from him; of which if any complaine, the Capitaine shall answer it before the Court, where being found guilty, he shall be punisht as for other Felony; also if any mischance ensue thereupon, as that the Souldiers mutine, be sicke, or endure hunger, or give up any Strength; then shall he answer for all those inconveniences, that hereupon can or may ensue.

133. If any Capitaine lends money unto his souldiers which he desires should be paid againe; that must be done in the presence of the Muster-masters, that our service be no way hindered or neglected.

1428 134. If upon necessity the case sometimes so falls out in the Leaguer, that pay bee not always made at the due time mentioned in the Commissions, yet shall every man in the meane time be willing to further our service, seeing they have victuals sufficient for the present, and that they shall so soone as may bee receive the rest of their meanes, as is mentioned in their Commission.

135. Very requisite it is, that good justice be holden amongst our Souldiers, as well as amongst other our Subjects.

136. For the same reason was a King ordained by God to be the Sovereigne Judge in the field as well as at home.

137. Now therefore in respect of many occasions which may fall out, his single judgment alone may bee too weak to discerne every particular circumstance; therefore it is requisite that in the Leaguer, as well as elsewhere, there be some Court of Justice erected for the deciding of all controversies; and to be carefull in like manner, that our Articles of warre be of all persons observed and obeyed so farre forth as is possible.

138. We ordained therefore that there be two Courts in our Leaguer: a high Court and a lower Court.

139. The lower Court shall be amongst the Regiments both of Horse and Foot, whereof every Regiment shall have one among themselves.

140. In the Horse-Regiments the Colonell shall be President, and in his absence the Capitaine of our owne Life-guards; with them are three Captains to be joynd, three Lieutenants, three Cornets, and three Quarter-masters that so

together with the President they may be to the number of thirteene at the leaste.

141. In a Regiment of Foot the Colonell also shall be President, and his Lieutenant Colonell in his absence; with them are two Captains to be joyned, two Lieutenants, two Ensignes, foure Serjeants, and two Quarter-masters; that together with the President they may be thirteene in number also.

142. In our highest Marshall Court, shall our General be President; in his absence our Field Marshall; when our Generall is present, his associates shall be our Field Marshall first, next him our General of the Ordnance, Serjeant Major General, Generall of the Horse, Quarter-Master-General; next to them shall sit our Muster-Masters and all our Colonells; and in their absence their Lieutenant Colonells, and these shall sit together when there is any matter of great importance in controversie.

143. Whensoever this highest Court is to be holden they shall observe this order; our great Generall as President, shall sit alone at the head of the Table; on his right hand our Field-Marshall, on his left hand the Generall of the Ordnance, on the right hand next our Serjeant-Major-Generall on the left hand againe the Generall of the Horse, and then the Quarter-Master-General on one hand, and the Muster-Master-Generall on the other; after them shall every Colonell sit according to his place as here followes; first, the Colonell of our Life Regiment, or of the Guards of our owne person; then every Colonell according to their places of antiquity. If there happen to be any great men in the Army of our subjects, that be of good understanding, they shall cause them to sit next these Officers; after these shall sit all of the Colonells of strange Nations, every one according to his antiquity of service.

144. All these Judges both of higher and lower Courts, shall under the blue Skies thus swear before Almighty God, that they will inviolably keep this following oath unto us: *I. R. W. doe here promise before God upon his holy Gospell, that I both will and shall Judge uprightly in all things according to the Lawes of God, of our Nation, and these Articles of Warre, so farre forth as it pleaseth Almighty God to give me understanding; neither will I for favour nor for hatred, for good will, feare, ill will, anger, or any gift or bribe whatsoever, judge wrongfully; but judge him free that ought to be free, and doom him guilty, that I finde guilty; as the Lord of Heaven and Earth shall help my soule and body at the last day, I shall hold this oath truly.*

145. The Judges of our highest Court shall take this their oath in the first Leaguer, where our Campe shall be pitched; our Generall, and the rest appointed to set with him shall repair to the place where we shall appoint, before his Tent, or otherwise; where an officer appointed by us shall first take his oath, and then the others oathes also.

146. When the President of our lower Courts shall heare this aforesaid oath read before them, then shall they hold up their hands, and sweare to keep it; in like manner, so often as any Court is to be holden in any Regiment, the aforesaid oath shall be read before all them that sit in judgment with him, who shall also hold up their hands and promise to keep the oath aforesaid.

147. In our highest Court, there shall be one Sworne Secretary appointed, who shall make a diligent record of all the proceedings that shall fall out, either in any pitch Battell, Skirmish, Leaguer, or any other peece of service whatsoever; he shall take the note, both of the day, place, and houre, with all other circumstances that shall happen; he shall also set his hand unto all sentences signed by our Generall; he shall have also two Clerkes or Notaries under him, who shall ingrosse all these passages, and keepe a true Register of all enterprises that our Generall with his Counsell of Warre shall give order to have done; and likewise of what letters be either written or received.

148. In our highest Court there shall be one Vice-president, who shall command the Serjeant at Armes, whose office is to warne in all the Judges of the Court, that they may there appeare at the time and place appointed, and also to give the same notice both unto the Plaintiffe and Defendant.

149. In all lower Courts, also, there shall be one sworne Clerke or Secretary who shall likewise hold the same order that is mentioned in our highest Court.

150. Our highest Court shall be careful also to heare and judge all criminal actions, and especially cases of conspiracy or treason practised or plotted against us, or our Generall either in word or deed; secondly, if any gives out dishonourable speeches against our Majesty; thirdly, or consulteth with the enemy to betray our Leaguer, Castle, Towne, Souldiers, or Fleet any way whatsoever; fourthly, if any there be partakers of such treason or treachery, and reveale it not; fifthly, or any that hath held correspondency or intelligence

with the enemy; sixthly, if any hath a spite or malice against us or our Country; seventhly, if any speake disgracefully, either of our owne Generalls person or endeavours; eighthly, or that intendeth treachery against our Generall or his Under-Officers; or that speaketh disgracefully of them.

1430 151. All questions in like manner happening betwixt Officers and their Souldiers, if they suspect our lower Court to be partiall anyway, then may they appeale unto our highest Court, who shall decide the matter.

152. If a Gentleman or any Officer be summoned to appeare before the lower Court, for any matter of importance that may touch his life, or honour; then shall the same be decided by our higher Court.

153. All civill questions shall be in controversie in our lower Court, if the debt or fine extends unto five hundred Dollars or seventy-five pounds or above; if the party complains of injustice they may thence appeale unto the higher Court, if so be they can first prove the injustice.

154. All other occasions that may fall out, be they civill, or be they criminall; shall first come before the lower Court where they shall be heard and what is there by good evidence proved, shall be recorded.

155. Any criminall action, that is adjudged in our lower Court, we command that the sentence be presented unto our Generall; we will not have it presently put in execution, untill he gives command for it in our absence. But our selves being in person there present, will first take notice of it, and dispose afterwards of it, as we shall think expedient.

156. In our higher Court, the Generall Parforce, or his Lieutenant shall be the Plaintife, who shall be bound to follow the complaint diligently, to the end he may the better informe our Councillors who are to doe Justice; if it be a matter against ourselves, then shall our owne Advocate defend our action before our Court.

157. The same power the Parforce of every Regiment shall have in our lower Court, which Parforce shall be bound, also to give notice of every breach of these Articles of warre, that the infringer may be punished.

158. Whatsoever fine is by the aforesaid Judges determined according to our Articles of warre, and escheated thereupon, shall be divided into three parts. Our owne parte of the fine we freely bestow upon the several Captains either of Horse or Foot, which is forfeited by their Officers and Souldiers; and the forfeiture of every Captain, we bestow upon their Colonell; and the forfeiture of every Colonell we give unto our Generall. The other two parts, belonging either to the party to whom it is adjudged, or to the Court, those leave we undisposed, the point of Treason onely excepted; and this gift of ours unto our Officers, is to be understood to indure so long as the Army be in field, upon any strength or worke, and till they come home againe, after which time, they shall come under the law of the land like the other inhabitants.

159. Whensover our highest Court is to sit, it shall be two houres before proclaimed through the Leaguer, that there is such an action criminall to be there tried, which is to be decided under the blue skies: but if it be an action civill, then may the court be holden within some tent, or otherwhere; then shall the souldiers come together, about the place where the Court is to be holden, no man presuming to come too neere the table where the Judges are to sit; then shall our Generall come foremost of all, and the other his associats, two and two together, in which order, they all comming out of the Generalls tent, shall set themselves down in the Court, in the order before appointed; the

1431 Secretaries place shall be at the lower end of the table, where he shall take diligent notice in writing of all things declared before the Court; then shall the Generall Parforce begin to open his complaint before them, and the contrary party shall have liberty to answer for himself, untill the Judges be thoroughly informed of the truth of all things.

160. If the Court be to be holden in any house or tent, they shall observe the same order in following the Generall in their degrees, where they shall also sit as is afore mentioned.

161. The matter being thoroughly opened and considered upon, according to the importance of it, and our whole Court agreeing in one opinion; they shall command their sentence concerning the same action, to be publicly there read in the hearing of all men, always reserving his Majesties further will and pleasure.

162. In our lower court they shall also hold the same order; saving that the particular Court of every Regiment, shall be holden in their owne quarters.

163. In this lower Court, they shall always observe this order; namely, that the President sits at the hords end alone, the Captaines, Lieutenants, and

Ensignes on either side; so many inferior Officers also upon each side, that so they may the better reason upon the matter amongst themselves; Last of all, shall the Clerk or Secretary sit at the lower end of the Table; the one party standing upon one hand, and the other upon the other.

164. So soon as the sentence is given the President shall rise up and all that sit with him, but doom being given by our Generall, that one of the parties must lose his head, hand, or the like; then shall they command the Parforce to take him away to Prison, which done, the Parforce shall send unto the Minister, to desire him to visit the Party, and to give him the Communion; but if the doom be passed in any lower Court, it shall be signified up unto the Generall in our absence, who shall either pardon the fact or execute the sentence.

165. No superiour Officer, Colonel or Captain, either of Horse or Foot, shall sollicit for any man that is lawfully convicted by the Court, either for any crime, or for not observing of these Articles of Warre; unlesse it be for his very neere kinsman, for whom nature compells him to intercede; otherwise the solliciter shall be held as odious as the delinquent and cashiered from his charge.

166. Whosoever is minded to serve us in these Warres, shall be obliged to the keepin of these Articles. If any out of presumption, upon any Strength, in any Leaguer, in the field, or upon any worke, shall doe the contrary, be he Native or be he Stranger, Gentleman or other, Processe shall be made out against him for every time, so long as he serves us in these warres in the quality of a Souldier.

167. These Articles of warre we have made and ordained for the welfare of our Native Countrey, and doe command that they be read every moneth publicly before every Regiment, to the end that no man shall pretend ignorance. We further will and command all, whatsoever Officers higher or lower, and all our common souldiers, and all others that come into our Leaguer amongst the souldiers, that none presume to doe the contrary hereof upon paine of rebellion, and the incurring of our highest displeasure; For the firmer confirmation whereof, we have hereunto set our hand and seale.

SIGNED IN THE LEAGUER ROYALL.