

VII.

1448 BRITISH ARTICLES OF WAR OF 1765, IN FORCE AT THE BEGINNING OF OUR REVOLUTIONARY WAR.

RULES AND ARTICLES FOR THE BETTER GOVERNMENT OF OUR HORSE AND FOOT GUARDS, AND ALL OTHER OUR FORCES IN OUR KINGDOMS OF GREAT BRITAIN AND IRELAND, DOMINIONS BEYOND THE SEAS, AND FOREIGN PARTS.

SECTION I.—*Divine Worship.*

GEORGE R.

ART. I.

All Officers and Soldiers, not having just Impediment, shall diligently frequent Divine Service and Sermon, in the Places appointed for the assembling of the Regiment, Troop, or Company, to which they belong; such as wilfully absent themselves, or, being present, behave indecently or irreverently, 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 Twelve Pence, to be deducted out of his next pay; for the Second Offence he shall not only forfeit Twelve Pence, but be laid in Irons for Twelve Hours; and for every like Offence, shall suffer and pay in like Manner: Which Money so forfeited, shall be applied to the Use of the sick Soldiers of the Troop or Company to which the Offender belongs.

ART. II.

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

ART. III.

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

ART. IV.

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

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ART. V.

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

ART. VI.

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

SECTION II.—*Mutiny.*

ART. I.

Whatsoever Officer or Soldier shall presume to use traitorous or disrespectful Words against the Sacred Person of his Majesty, or any of the Royal Family; if a Commissioned Officer, he shall be cashiered; if a Non-commissioned Officer or Soldier, he shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

ART. II.

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

ART. III.

Any Officer or Soldier who shall begin, excite, cause, or join in, any Mutiny or Sedition, in the Troop, Company or Regiment, to which he belongs, or in any other Troop or Company in Our Service, or in any Party, Post, Detachment, or Guard, on any Pretence whatsoever, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

ART. IV.

Any Officer, Non-commissioned Officer, or Soldier, who being present at any Mutiny or Sedition, does not use his utmost Endeavour to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, does not without Delay give Information thereof to his Commanding Officer, shall be punished by a Court-martial with Death, or otherwise according to the Nature of the Offence.

ART. V.

Any Officer or Soldier, who shall strike his superior Officer, or draw, or offer to draw, or shall lift up any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey any lawful Command of his superior Officer, shall suffer Death, or such other Punishment as shall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court-martial.

SECTION III.—*Of Inlisting Soldiers.*

ART. I.

Every Non-commissioned Officer and Soldier, who shall inlist himself in Our Service, shall, at the Time of his so Inlisting, or within Four Days afterwards, have the Articles against Mutiny and Desertion read to him, and shall, by the Officer who inlisted him or by the Commanding Officer of the Troop or Company into which he was inlisted, be taken before the next Justice of the Peace, or Chief Magistrate of any City or Town Corporate (not being an officer of the Army) or in Foreign Parts, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate, and in his presence shall take the following Oath:

I Swear to be true to our Sovereign Lord King GEORGE, and to serve him honestly and faithfully, in Defence of his Person, Crown, and Dignity, against all His Enemies or Opposers whatsoever: And to observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by his Majesty.

Which Justice or Magistrate is to give the Officer a Certificate signifying that the Man inlisted did take the said Oath, and that the Articles of War were read to him, according to the Act of Parliament.

ART. II.

After a Non-commissioned Officer or Soldier shall have been duly inlisted and sworn, he shall not be dismissed Our Service without a Discharge in Writing; and no Discharge granted to him shall be Allowed of as sufficient, which is not signed by a Field Officer of the Regiment into which he was inlisted; or Commanding officer, where no Field Officer of the Regiment is in *Great Britain*.

SECTION IV.—*Musters*.

ART. I.

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

ART. II.

Every Colonel or other Field Officer commanding the Regiment, Troop, or Company, and actually residing with it, may give Furloughs to non-commissioned Officers and Soldiers, in such Numbers, and for so long a Time, as he shall judge to be most consistent with the Good of Our Service; but no Non-commissioned Officer or Soldier shall by Leave of his Captain, or inferior Officer commanding the Troop or Company (his Field Officer not being present) be absent above Twenty Days in Six Months, nor shall more than Two private Men be absent at the same Time from their Troop or Company, excepting some extraordinary Occasion shall require it, of which Occasion the Field Officer present with, and commanding the Regiment, is to be the Judge.

ART. III.

At every Muster the Commanding Officer of each Regiment, Troop, or Company there present, shall give to the Commissary Certificates signed by himself, signifying how long such Officers who shall not appear at the said Muster have been absent, and the Reason of their Absence; in like Manner the Commanding Officer of every Troop or Company shall give Certificates, signifying the Reasons of the Absence of the Non-commissioned Officers and private Soldiers; which Reasons and Time of Absence shall be inserted in the Muster-rolls opposite to the Names of the respective absent Officers and Soldiers: The said Certificates shall, together with the Muster-rolls, be remitted to Our Commissary's Office within Twenty Days after such Muster being taken; on the Failure thereof, the Commissary so offending shall be discharged from Our Service.

ART. IV.

Every Officer who shall be convicted before a General Court-martial of having signed a false Certificate, relating to the Absence of either Officer or private Soldier, shall be cashiered.

ART. V.

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 suffer such other Penalty as by the Act of Parliament is for that Purpose inflicted.

ART. VI.

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

ART. VII.

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.

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SECTION V.—Returns.

ART. I.

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

ART. II.

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

ART. III.

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

ART. IV.

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

SECTION VI.—Desertion.

ART. I.

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

ART. II.

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

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ART. III.

No Non-commissioned Officer or Soldier shall enlist himself in any other Regiment, Troop, or Company, without a regular Discharge from the Regiment, Troop, or Company, in which he last served, on the Penalty of being reputed a Deserter, and suffering accordingly: And in case any officer shall knowingly receive and entertain such Non-commissioned Officer or Soldier, or shall not,

after his being discovered to be a Deserter, immediately confine him, and give Notice thereof to the Corps in which he last served, he the said Officer so offending shall by a Court-Martial be cashiered.

ART. IV.

Whatsoever Officer or Soldier shall be convicted of having advised or persuaded any other Officer or Soldier to desert Our Service, shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

SECTION VII.—*Quarrels and Sending Challenges.*

ART. I.

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

ART. II.

No Officer or Soldier shall presume to send a Challenge to any other Officer or Soldier, to fight a duel, upon Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer, or Soldier, of suffering corporal Punishment, at the Discretion of a Court-martial.

ART. III.

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

ART. IV.

All Officers, of what Condition soever, have power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop, or Company; and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers to Prison, till their proper superior Officers shall be acquainted therewith; and whosoever shall refuse to obey such Officer (though of an inferior Rank) or shall draw his Sword upon him, shall be punished at the discretion of a General Court-martial.

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ART. V.

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

SECTION VIII.—*Suttling.*

ART. I.

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.

ART. II.

All Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of Our Forts or Garrisons, any Quantity or Species of Provisions, eatable or drinkable, except where any Contract or Contracts are or shall be entered into by Us, or by Our Order, for furnishing such Provisions, and with respect only to the Species of Provisions so contracted for.

ART. III.

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

ART. IV.

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

SECTION IX.—*Quarters.*

ART. I.

No Officer shall demand Billets for Quartering more than his effective Men; nor shall he quarter any Wives, Children, Men or Majd Servants, in the Houses assigned for the Quartering of Officers or Soldiers, without the 1455 Consent of the Owners; nor shall he take Money for the freeing of Landlords from the Quartering of Officers or Soldiers: If a Commissioned Officer so offending, he shall be cashiered; if a Non-commissioned Officer, he shall be reduced to a private Centinel, and suffer such corporal Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

ART. II.

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

ART. III.

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

ART. IV.

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

ART. V.

Every Officer commanding in Quarters, Garrisons, or on a March, shall keep good Order, and to the utmost of his Power redress all such abuses or disorders which may be committed by any Officer or Soldier under his Command; if, upon Complaint made to him of Officers or Soldiers beating, or 1456 otherwise ill-treating of their Landlords, or of extorting more from them than they are obliged to furnish by Law; of disturbing Fairs or Markets, or of committing any Kind of Riots, to the disquieting of Our People; he the said Commander who shall refuse or omit to see Justice done on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as Part of the Offender's Pay shall enable him or them, shall, upon Proof thereof, be punished by a General Court-martial, as if he himself had committed the Crimes or Disorders complained of.

SECTION X.—*Carriages.*

The Commanding Officer of every Regiment, Troop, Company or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages, and is to pay for them as is directed by the Act of Parliament; taking Care not himself to abuse, nor to suffer any Persons under his Command to beat or abuse the Waggoners, or other Persons attending such Carriages; nor to suffer more than Thirty hundred Weight to be loaded on any Wain or Waggon so furnished, or in Proportion on Carts or Carrs; nor to permit Soldiers (except such as are sick or lame) or Women to ride upon the said Carriages; Whatsoever Officer shall offend herein, or, in case of Failure of Money, shall refuse to Grant Certificates, specifying the Sums due for the Use of such Carriages, and the Name of the Regiment, Troop, or Company in whose Service they were employed, shall be cashiered, or be otherwise punished according to the Degree of his Offence by a General Court-martial.

SECTION XI.—*Of Crimes Punishable by Law.*

ART. I.

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

ART. II.

No Officer shall protect any Person from his Creditors on the Pretence of his being a Soldier, nor any Non-commissioned Officer or Soldier who does 1457 not actually do all Duties as such, and no farther than is allowed by the present Act of Parliament, and according to the true Intent and Meaning of the said Act: Any Officer offending herein, being convicted thereof before a Court-martial, shall be cashiered.

SECTION XII.—*Of Redressing Wrongs.*

ART. I.

If any Officer shall think himself to be wronged by his Colonel, or the Commanding Officer of the Regiment, and shall, upon due Application made to him, be refused to be redressed, he may complain to the General, commanding in Chief, of Our Forces, in order to obtain Justice; who is hereby required

to examine into the said Complaint; and either by himself, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our further Directions.

ART. II.

If any inferior Officer or Soldier shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required to summon a Regimental Court-martial, for the doing Justice to the Complainant; from which Regimental Court-martial either Party may, if he thinks himself still aggrieved, appeal to a General Court-martial: But if, upon a Second Hearing, the Appeal shall appear to be vexatious and groundless, the Person so appealing shall be punished at the Discretion of the said General Court-martial.

SECTION XIII.—*Of Stores, Ammunition, &c.*

ART. I.

Whatsoever Commissioned Officer, Store-keeper, or Commissary shall be convicted at a General Court-martial of having sold (without a proper Order for that Purpose) embezzled, misapplied, or wilfully, or through neglect, suffered any of Our Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, the said Officer, Storekeeper, or Commissary so offending, shall, at his own Charge, make good the Loss or Damage, and be dismissed from Our service, and suffer such other Penalty as by the Acts of Parliament is inflicted.

ART. II.

Whatsoever Non-commissioned Officer or Soldier shall be convicted at a Regimental Court-martial of having sold, or designedly, or through Neglect, wasted the Ammunition delivered out to him to be employed in Our Service, shall, if a Non-commissioned Officer, be reduced to a private Centinel, and shall besides suffer corporal Punishment, in the same Manner as a private Centinel so offending, at the Discretion of a Regimental Court-martial.

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ART. III.

Every Non-commissioned Officer or Soldier who shall be convicted at a Court-martial of having sold, lost, or spoiled, through Neglect, his Horse, Arms, Clothes, or Accoutrements, shall undergo such Weekly Stoppages (not exceeding the Half of his Pay) as a Court-martial shall judge sufficient for repairing the Loss or Damage; and shall suffer Imprisonment, or such other corporal Punishment, as his crime shall deserve.

ART. IV.

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

ART. V.

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

SECTION XIV.—*Of Duties in Quarters, in Garrison, or in the Field.*

ART. I.

All Non-commissioned Officers and Soldiers, who shall be found One Mile from the Camp, without Leave in Writing from their Commanding Officer, shall suffer such Punishment as shall be inflicted upon them by the Sentence of a Court-martial.

ART. II.

No Officer or Soldier shall lie out of his Quarters, Garrison, or Camp without Leave from his superior Officer, upon Penalty of being punished according to the Nature of his Offence by the Sentence of a Court-Martial.

ART. III.

Every Non-commissioned Officer and Soldier shall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which, he shall be punished according to the Nature of his Offence, by the Commanding Officer.

ART. IV.

No Officer, Non-commissioned Officer, or Soldier shall fail of repairing, at the time fixed, to the Place of Parade of Exercise, or other Rendezvous appointed by his Commanding Officer, if not prevented by Sickness, or some other evident Necessity; or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished according to the Nature of his Offence, by the Sentence of a Court-martial.

ART. V.

Whatever Commissioned Officer shall be found drunk on his Guard, Party, or other Duty, under Arms, shall be cashiered for it; any Non-commissioned Officer or Soldier so offending, shall suffer such corporal Punishment as shall be inflicted by the Sentence of a Court-martial.

ART. VI.

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

ART. VII.

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

ART. VIII.

And every Non-commissioned Officer conniving at such Hiring of Duty as aforesaid, shall be reduced for it; and every Commissioned Officer, knowing and allowing of such ill Practices in Our Service, shall be punished by the Judgment of a General Court-martial.

ART. IX.

Any Person belonging to Our Forces employed in Foreign Parts who, by discharging of Fire Arms, drawing of Swords, beating of Drums, or by any other Means whatsoever, shall occasion false Alarm in Camp, Garrison, or Quarters, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain* or *Ireland*, shall be punished at the Discretion of a General Court-martial.

ART. X.

Any Officer or Soldier, who shall, without urgent Necessity, or without the Leave of his superior Officer, quit his Platoon or Division, shall be punished according to the Nature of his Offence by the Sentence of a Court-martial.

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ART. XI.

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

ART. XII.

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.

ART. XIII.

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

ART. XIV.

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

And whosoever shall be found guilty of the said Offence in *Great Britain* or *Ireland*, shall be punished at the discretion of a General Court-martial.

ART. XV.

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

And whosoever shall be found guilty of the said Offence in *Great Britain* or *Ireland*, shall be punished at the Discretion of a General Court-martial.

ART. XVI.

All Officers and Soldiers are to behave themselves orderly in Quarters, and on their March; and whosoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-ponds, Houses, or Gardens, Cornfields, Enclosures, or Meadows, or shall maliciously destroy any Property whatsoever belonging to any of our subjects, unless by Order of the then Commander in Chief of Our Forces to annoy Rebels, or other Enemies in Arms against Us, he or they that shall be found guilty of offending herein, shall (besides such Penalties as they are liable to by Law) be punished according to the Nature and Degree of the Offence, by the Judgment of a Regimental or General Court-martial.

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ART. XVII.

Whosoever of Our Forces employed in Foreign Parts shall force a Safeguard, shall suffer Death.

ART. XVIII.

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

ART. XIX.

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

ART. XX.

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

ART. XXI.

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

ART. XXII.

If any Governor or Commandant of any Garrison, Fortress, or Post, shall be compelled by the Officers or Soldiers under his Command to give up to the Enemy, or to abandon it, the Commissioned Officers, 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 Court-martial.

ART. XXIII.

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

ART. XXIV.

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

ART. XXV.

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

ART. XXVI.

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

ART. XXVII.

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

SECTION XV.—*Administration of Justice.*

ART. I.

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

ART. II.

A General Court-martial, held in Our Garrison of *Gibraltar*, Island of *Minorca*, or in any other Place beyond the Seas, shall not consist of less than Thirteen Commissioned Officers; nor shall the President of such General Court-martial be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, in which Case the Officer next in Seniority to the Commander, not being under the Degree of a Captain, shall preside at such Court-martial.

ART. III.

Whereas these Our Rules and Articles are to be observed by, and do in all Respects regard Our Troops and Regiments of Horse and Foot Guards, as well as Our other Forces; and that several Disputes have arisen, and 1463 may arise, between the Officers of Our Horse and Foot Guards, in relation to their holding of Courts-martial, and also among the Officers of Our Troops of Horse Guards, Grenadier Guards, and Regiment of Horse Guards, on that and other Points of Duty; we do therefore herein declare it to be Our Will and Pleasure, That when any Officer or Soldier belonging to Our said Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to be brought before a General Court-martial, for Differences arising purely among themselves, or for Crimes relating to Discipline, or Breach of Orders, such Courts-martial shall be composed of Officers serving in any or all of those Corps of Horse Guards (as they may then happen to lie for their being most conveniently assembled) where the Officers are to take Post according to the Dates and Degrees of Rank granted them in their respective Commissions, without Regard, to the Seniority of Corps, or other formerly pretended Privileges.

ART. IV.

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

ART. V.

The Members both of General and Regimental Courts-martial shall, when belonging to different Corps, take the same Rank which they hold in the Army; but when Courts-martial shall be composed of Officers of One Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.

ART. VI.

The Judge Advocate General, or some Person deputed by him, shall prosecute in His Majesty's Name; and in all Trials of Offenders by General Courts-martial, administer to each Member the following oaths:

You shall well and truly try and determine, according to your Evidence, the Matter now before you, between our Sovereign Lord the King's Majesty, and the Prisoner to be tried.

I A. B. do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and 1464 Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I do further swear, That I will not divulge the Sentence of the Court, until it shall be approved by His Majesty, the General, or Commander in Chief; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law.

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

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

ART. VII.

All the Members of a Court-martial are to behave with Decency; and in the giving of their Votes are to begin with the youngest.

ART. VIII.

All Persons who give Evidence before a General Court-martial, are to be examined upon Oath; nor shall any Sentence of Death be given against any offender by any General Court-martial, unless Nine Officers present shall concur therein: And if there be more than Thirteen, then the Judgment shall pass by the Concurrence of Two-thirds of the Officers present.

ART. IX.

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

ART. X.

No sentence of a General Court-martial shall be put in Execution, till after a Report shall be made of the whole Proceedings to Us, or to Our General or Commander in Chief, and Our or his Directions shall be signified thereupon; excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, and to Our Chief Governor or Governors of that Kingdom, and his or their Directions be received thereupon.

ART. XI.

For the more equitable Decision of Disputes which may arise between Officers and Soldiers belonging to different Corps, whether they be of Our Troops, or Regiment of Horse Guards, Our Three Regiments of Foot Guards, or Our other Regiments of Horse or Foot, We direct, That the Courts-martial 1465 shall be equally composed of Officers belonging to the Corps in which the parties in question do then serve; and that the Presidents shall be taken by Turns, beginning with that Corps which shall be eldest in Rank.

ART. XII.

The Commissioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental Courts-martial for the enquiring into such Disputes, or Criminal Matters, as may come before them, and for the inflicting corporal Punishments for small Offences, and shall give Judgment by the Majority of Voices; but no Sentence shall be executed till the Commanding Officer (not being a Member of the Court-martial) or the Governor of the Garrison shall have confirmed the same.

ART. XIII.

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. XIV.

Every Officer commanding in any of Our Forts, Castles, or Barracks, or elsewhere, where the Corps under his Command consists of Detachments from different Regiments, or of Independent Companies, may assemble Courts-martial for the Trial of Offenders in the same manner as if they were Regimental, whose Sentence is not to be executed till it shall be confirmed by the said Commanding Officer.

ART. XV.

No Commissioned Officer shall be cashiered or dismissed from Our Service, excepting by an Order from Us, or by the Sentence of a General Court-martial, approved by Us, or by such General or Commander in Chief, who shall by Our Authority appoint the same to be held; but Non-commissioned Officers may be discharged as private Soldiers, and, by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court-martial, be reduced to private Centinels.

ART. XVI.

No Person whatever shall use menacing Words, Signs, or Gestures, in the Presence of a Court-martial then sitting, or shall cause any Disorder or Riot, so as to disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court-martial.

ART. XVII.

To the end that Offenders may be brought to Justice, We hereby direct, That whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his commanding Officer, if an Officer, be put in Arrest; 1466 if a Non-commissioned Officer or Soldier, be imprisoned till he shall be either tried by a Court-martial, or shall be lawfully discharged by a proper Authority.

ART. XVIII.

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. XIX.

No Officer commanding a Guard, or Provost-martial, shall refuse to receive, or keep any Prisoner committed to his Charge, by any Officer belonging to Our Forces; which Officer shall, at the same Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

ART. XX.

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

ART. XXI.

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 Officer who committed them, on the Penalty of his being punished for his Disobedience or Neglect, at the Discretion of a Court-martial.

ART. XXII.

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. XXIII.

Whatsoever Commissioned Officer shall be convicted before a General Court-martial, of behaving in a scandalous infamous Manner, such as is unbecoming the Character of an Officer and a Gentleman, shall be discharged from Our Service.

SECTION XVI.—*Entry of Commissions.*

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

SECTION XVII.—*Concerning the Effects of Deceased Officers and Soldiers.*

1467

ART. I.

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

ART. II.

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

SECTION XVIII.—*Artillery.*

ART. I.

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

ART. II.

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 Our other Corps, taking their Rank according to the Dates of their respective Commissions, and no otherwise.

SECTION XIX.—*American Troops.*

1468

ART. I.

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

ART. II.

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

SECTION XX.—*Relating to the aforegoing Articles.*

ART. I.

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

1469

ART. II.

Notwithstanding its being directed in the Eleventh Section of these Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magistrate all such Persons under his Command who shall be accused of any Crimes which are punishable by the known Laws of the Land; yet in Our Garrison of *Gibraltar*, Island of *Minorca*, Forts of *Placentia* and *Annapolis Royal*, where Our Forces now are, or in any other Place beyond the Seas, to which any of Our Troops are or may be hereafter commanded, and where there is no Form of Our Civil Judicature in Force, the Generals or Governors, or Commanders respectively, are to appoint General Courts-martial to be held, who are to try all Persons guilty of Wilful Murder, Theft, Robbery, Rapes, Coining or Clapping the Coin of *Great Britain*, or of any Foreign Coin current in the Country or Garrison, and all other Capital Crimes, or other Offences, and punish Offenders with Death, or otherwise, as the Nature of their Crimes shall deserve.

ART. III.

All Crimes not Capital, and all Disorders or Neglects, which Officers and Soldiers may be guilty of, to the Prejudice of good Order and Military Discipline, though not mentioned in the above Articles of War, are to be taken Cognizance of by a Court-martial, and be punished at their Discretion.