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R U L E S

A N D

REGULATIONS

5. **F O R T H E**

MASSACHUSETTS

A R M Y.

PUBLISHED BY ORDER

S A L E M :

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1775.

IN PROVINCIAL CONGRESS,

CONCORD, April 5th, 1775.

WHEREAS the Lust of Power, which of old oppressed, persecuted and exiled our pious and virtuous Ancestors, from their fair Possessions in Britain, now pursues, with tenfold Severity, us, their guiltless Children, who are unjustly and wickedly charged with Licentiousness, Sedition, Treason and Rebellion; and being deeply impressed with a Sense of the almost incredible Fatigues and Hardships our venerable Progenitors encountered, who fled from Oppression for the Sake of civil and religious Liberty for themselves and their Offspring, and began a Settlement here, on bare Creation, at their own Expence; and having seriously considered the Duty we owe to GOD, to the Memory of such invincible Worthies, to the King, to Great-Britain, our Country, ourselves and Posterity, do think it an indispensable Duty, by all lawful Ways and Means in our Power, to recover, maintain, defend and preserve, the free Exercise of all those civil and religious Rights and Liberties for which many of our Fore-Fathers sought, —bled— and died; and to hand them down entire for the free Enjoyment of the latest Posterity: And whereas the keeping a standing Army in any of these Colonies in Times of Peace, without the Consent of the Legislature of that Colony in which such an Army is kept, is against Law: And whereas such an Army, with a large naval Force, is now placed in the Harbour of Boston, for the Purpose of subjecting us to the Power of the British Parliament: And whereas we are frequently told by the Tools of Administration, Dupes to ministerial Usurpation, that Great-Britain will not, in any Degree, relax in her Measures, until we acknowledge her “Right to make Laws binding upon us in all Cases whatsoever;”

and

and that if we refuse to be Slaves, if we persist in our Denial of her Claim, the Dispute must be decided by Arms, in which, 'tis said by our Enemies,—“ We shall
 “ have no Chance, being undisciplined, Cowards,
 “ disobedient, impatient of Command, and possessed
 “ of that Spirit of **levelling** which admits of no
 “ Order, Subordination, Rule or Government:”—

And whereas, from the ministerial Army and Fleet now at Boston, the large Reinforcement of Troops expected, the late circular Letters to the Governors upon the Continent, the general Tenor of Intelligence from Great-Britain, and the hostile Preparations making here, as also from the Threats and frequent Insults of our Enemies in the capital Town, we have Reason to apprehend that the sudden Destruction of this Colony is in Contemplation, if not determined upon :

And whereas the great Law of Self-Preservation may suddenly require our raising and keeping an Army of Observation and Defence, in order to prevent, or repel, any farther Attempts to enforce the late cruel and oppressive Acts of the British Parliament, which are evidently designed to subject us and the whole Continent to the most ignominious Slavery : And whereas, in Case of raising and keeping such an Army, it will be necessary that the Officers and Soldiers in the same be fully acquainted with their Duty, and that the Articles, Rules and Regulations thereof be made as plain as possible ; and having great Confidence in the Honour and publick Virtue of the Inhabitants of this Colony, that they will readily obey the Officers chosen by themselves, and will chearfully do their Duty, when known, without any such severe Articles and Rules (except in capital Cases) and cruel Punishments as are usually practised in standing Armies, and will submit to all such Rules and Regulations as are founded in Reason, Honour and Virtue :

It is therefore RESOLVED, That the following Articles, Rules and Regulations for the Army, that may
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be raised for the Defence and Security of our Lives, Liberties and Estates, be, and hereby are earnestly recommended, to be strictly adhered to by all Officers, Soldiers and others concerned, as they regard their own Honour and the publick Good.

ARTICLE 1. All Officers and Soldiers, not having just Impediment, shall diligently frequent Divine Service and Sermon in the Places appointed for the assembling of the Regiment, Troop or Company to which they belong; and such as wilfully absent themselves, or being present, behave indecently or irreverently, shall, if commissioned Officers, be brought before a regimental Court-Martial, there to be publicly and severely reprimanded by the President; if non-commissioned Officers, or Soldiers, every Person so offending shall for his first Offence forfeit One Shilling, to be deducted out of his Wages;—for the second Offence he shall not only forfeit One Shilling, but be confined, not exceeding twenty-four Hours; and for every like Offence shall suffer and pay in like Manner, which Money, so forfeited, shall be applied to the Use of the sick Soldiers of the Troop or Company to which the Offender belongs.

ART. 2. Whatsoever non-commissioned Officer or Soldier shall use any unlawful Oath or Execration, shall incur the Penalties expressed in the first Article; and if a commissioned Officer be thus guilty of profane Cursing or Swearing, he shall forfeit and pay for each and every such Offence the Sum of Four Shillings, lawful Money.

ART. 3. Any Officer or Soldier, who shall behave himself with Contempt or Disrespect towards the General or Generals, or Commanders in Chief of the Massachusetts Forces, or shall speak Words tending to his or their Hurt or Dishonour, shall be punished

punished according to the Nature of his Offence, by the Judgment of a general Court-Martial.

ART. 4. Any Officer or Soldier, who shall begin, excite, cause or join in any Mutiny or Sedition, in the Regiment, Troop or Company to which he belongs, or in any other Regiment, Troop or Company of the Massachusetts Forces, either by Land or Sea, or in any Party, Post, Detachment, or Guard, on any Pretence whatsoever, shall suffer such Punishment as by a general Court-Martial shall be ordered.

ART. 5. Any Officer, non-commissioned Officer, or Soldier, who being present at any Mutiny, or Sedition, does not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, does not, without Delay, give Information thereof to the commanding Officer, shall be punished by Order of a general Court-Martial according to the Nature of his Offence.

ART. 6. Any Officer or Soldier, who shall strike his superior Officer, or draw or offer to draw, or shall lift up any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey any lawful Commands of his superior Officer, shall suffer such Punishment as shall, according to the Nature of his Offence, be ordered by the Sentence of a general Court-Martial.

ART. 7. Any non-commissioned Officer or Soldier, who shall desert, or without Leave of his commanding Officer, absent himself from the Troop or Company to which he belongs, or from any Detachment of the same, shall, upon being convicted thereof, be punished according to the Nature of his Offence, at the Discretion of a general Court Martial.

ART. 8. Whatsoever Officer or Soldier shall
be

be convicted of having advised or persuaded any other Officer or Soldier to desert, shall suffer such Punishment as shall be ordered by the Sentence of a general Court-Martial.

ART. 9. All Officers, of what Condition soever, shall have Power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop or Company; and either order Officers to be arrested, or non-commissioned Officers or Soldiers to be confined and imprisoned, till their proper superior Officers shall be acquainted therewith; and whoever shall refuse to obey such Officer (though of an inferior Rank) or shall draw his Sword upon him, shall be punished at the Discretion of a general Court-Martial.

ART. 10. No Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another; nor shall presume to send a Challenge to any Person to fight a Duel: And whoever shall knowingly and willingly suffer any Person whatsoever to go forth to fight a Duel; or shall second, promote, or carry any Challenge, shall be deemed as a Principal: And whatsoever Officer or Soldier shall upbraid another for refusing a Challenge, shall also be considered as a Challenger: And all such Offenders, in any of these or such like Cases, shall be punished at the Discretion of a general Court-Martial.

ART. 11. Every Officer commanding in Quarters, or on a March, shall keep good Order, and, to the utmost of his Power, redress all such Abuses, or Disorders, which may be committed by any Officer or Soldier under his Command; if upon any Complaint made to him of Officers or Soldiers beating, or otherwise ill-treating any Person, or of committing any Kind of Riot, to the disquieting of the Inhabitants of this Continent; he the said Commander, who shall refuse or omit to see Justice done

on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as the Offenders Wagers shall enable him or them, shall, upon due Proof thereof be punished as ordered by a general Court-Martial, in such Manner as if he himself had committed the Crimes or Disorders complained of.

ART. 12. If any Officer should think himself to be wronged by his Colonel or the Commanding Officer of the Regiment, and shall, upon due Application made to him, be refused to be redressed, he may complain to the General or Commander in Chief of the Massachusetts Forces, in order to obtain Justice, who is hereby required to examine into said Complaint, and see that Justice be done.

ART. 13. If any inferior Officer, or Soldier, shall think himself wronged by his Captain or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the commanding Officer of the Regiment, who is hereby required to summon a regimental Court-Martial, for the doing Justice to the Complainant; from which regimental Court-Martial, either Party may, if he thinks himself still aggrieved, appeal to a general Court Martial; but if, upon a second Hearing, the Appeal shall appear to be vexatious and groundless, the Person so appealing shall be punished at the Discretion of the general Court-Martial.

ART. 14. Whatsoever non-commissioned Officer, or Soldier, shall be convicted, at a regimental Court-Martial, of having sold, or designedly, or through Neglect, wasted the Ammunition, Arms, or Provisions, or other Military Stores, delivered out to him, to be employed in the Service of this Colony, shall, if an Officer, be reduced to a private Centinel; and if a private Soldier, shall suffer such Punishment as shall be ordered by a regimental Court-Martial.

ART. 15. All non-commissioned Officers and
Soldiers,

Soldiers, who shall be found one Mile from the Camp, without Leave in writing from their commanding Officer, shall suffer such Punishment as shall be inflicted on him or them by the Sentence of a regimental Court-Martial.

ART. 16. No Officer or Soldier shall lie out of his Quarters or Camp without Leave from the commanding Officer of the Regiment, upon Penalty of being punished according to the Nature of his Offence, by Order of a regimental Court-Martial.

ART. 17. Every non-commissioned Officer and Soldier shall retire to his Quarters, or Tent, at the beating of the Retreat ; in Default of which, he shall be punished according to the Nature of his Offence, by Order of the commanding Officer.

ART. 18. No Officer, non-commissioned Officer, or Soldier, shall fail of repairing, at the Time fixed, to the Place of Parade or Exercise, or other Rendezvous appointed by the commanding Officer, if not prevented by Sickness, or some other evident Necessity ; or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his commanding Officer, before he shall be regularly dismissed or relieved, on Penalty of being punished according to the Nature of his Offence, by the Sentence of a regimental Court-Martial.

ART. 19. Whatsoever commissioned Officer shall be found drunk on his Guard, Party or other Duty, under Arms, shall be cashiered for it ; any non-commissioned Officer or Soldier, so offending, shall suffer such Punishment as shall be ordered by the Sentence of a regimental Court-Martial.

ART. 20. Whatsoever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer such Punishment as shall be ordered by the Sentence of a general Court-Martial.

ART. 21. Any Person belonging to the Massachusetts Army, who by discharging of Fire-Arms, beating of Drums, or by any other Means whatsoever, shall occasion false Alarms, in Camp or Quarters, shall suffer such Punishment as shall be ordered by the Sentence of a general Court-Martial.

ART. 22. Any Officer or Soldier, who shall without urgent Necessity, or without Leave of his superior Officer, quit his Platoon or Division, shall be punished according to the Nature of his Offence, by the Sentence of a regimental Court-Martial.

ART. 23. No Officer or Soldier shall do Violence, or offer any Insult, or Abuse, to any Person who shall bring Provisions, or other Necessaries, to the Camp or Quarters of the Massachusetts Army; any Officer or Soldier, so offending, shall, upon Complaint being made to the commanding Officer, suffer such Punishment as shall be ordered by a regimental Court-Martial.

ART. 24. Whatsoever Officer or Soldier shall shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, in Time of an Engagement, shall suffer Death immediately.

ART. 25. Any Person belonging to the Massachusetts Army, who shall make known the Watchword to any Person who is not intitled to receive it, according to the Rules and Discipline of War, or shall presume to give a Parole, or Watchword different from what he received, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a general Court-Martial.

ART. 26. Whosoever, belonging to the Massachusetts Army, shall relieve the Enemy with Money, Victuals or Ammunition; or shall knowingly harbour or protect an Enemy, shall suffer such Punishment as by a general Court-Martial shall be ordered.

ART. 27. Whosoever, belonging to the Massachusetts

Massachusetts Army, shall be convicted of holding Correspondence with, or of giving Intelligence to the Enemy, either directly or indirectly, shall suffer such Punishment as by a general Court-Martial shall be ordered.

ART. 28. All public Stores taken in the Enemy's Camp or Magazines, whether of Artillery, Ammunition, Clothing or Provisions, shall be secured for the Use of the Massachusetts Colony.

ART. 29. If any Officer or Soldier shall leave his Post or Colours, in Time of an Engagement, to go in Search of Plunder, he shall, upon being convicted thereof before a general Court-Martial, suffer such Punishment as by said Court-Martial shall be ordered.

ART. 30. If any Commander of any Post, Intrenchment or Fortress, shall be *compelled*, by the Officers or Soldiers under his Command, to give it up to the Enemy, or to abandon it, the commissioned Officer, non-commissioned Officers or Soldiers who shall be convicted of having so offended, shall suffer Death, or such other Punishment as may be inflicted upon them by the Sentence of a general Court-Martial.

ART. 31. All Suttlers and Retailers to a Camp, and all Persons whatsoever, serving with the Massachusetts Army, in the Field, though not enlisted Soldiers, are to be subject to the Articles, Rules and Regulations of the Massachusetts Army.

ART. 32. No general Court-Martial shall consist of a less Number than thirteen, none of which shall be under the Degree of a commissioned Officer; and the President shall be a Field Officer: And the President of each and every Court-Martial, whether general or regimental, shall have Power to administer an Oath to every Witness, in order to the Trial of Offenders. And the Members of all Courts-Martial shall be duly sworn by the President, and the next in Rank on the Court-Martial shall administer the Oath to the President.

ART.

ART. 33. The Members, both of general and regimental Courts-Martial, shall, when belonging to different Corps, take the same Rank which they hold in the Army ; but when Courts-Martial shall be composed of Officers of one Corps, they shall take their Ranks according to their Commissions by which they are mustered in the said Corps.

ART. 34. All the Members of a Court-Martial, are to behave with Calmness, Decency and Impartiality ; and in the giving of their Votes, are to begin with the youngest or lowest in Commission.

ART. 35. No Field Officer shall be tried by any Person under the Degree of a Captain ; nor shall any Proceedings or Trials be carried on, excepting between the Hours of eight in the Morning, and three in the Afternoon, except in Cases which require an immediate Example.

ART. 36. 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) shall have confirmed the same.

ART. 37. 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. 38. Every Officer, commanding in any Fort, Castle, or Barrack, or elsewhere, where the Corps under his Command consists of Detachments from different Regiments, or of independent Companies,

panies, 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. 39. No Person whatsoever shall use menacing Words, Signs or Gestures in the Presence of a Court-Martial then sitting, or shall cause any Disorder or Riot, so as to disturb their Proceeding, on the Penalty of being punished at the Discretion of the said Court-Martial.

ART. 40. To the End that Offenders may be brought to Justice ; whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall by his commanding Officer, if an Officer, be put in Arrest ; if a non-commissioned Officer or Soldier, be imprisoned till he shall be either tried by a Court-Martial, or shall be lawfully discharged by proper Authority.

ART. 41. 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. 42. No Officer commanding a Guard, or Provost-Marshal, shall refuse to receive or keep any Prisoner committed to his Charge, by an Officer belonging to the Massachusetts 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. 43. No Officer commanding a Guard, or Provost-Marshal, shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing ; nor shall he suffer any Prisoner to escape, on the Penalty of being punished for it, by the Sentence of a general Court-Martial.

ART. 44. Every Officer or a Provost-Marshal, to whose Charge Prisoners shall be committed, is hereby required, within twenty-four Hours after such Commitment,

Commitment, or as soon as he shall be relieved from his Guard, to give in Writing to the Colonel of the Regiment to whom the Prisoner belongs (where the Prisoner is confined upon the Guard belonging to the said Regiment, and that his Offence only relates to the Neglect of Duty in his own Corps) or to the Commander in Chief, their Names, their Crimes, and the Names of the Officers who committed them, on the Penalty of being punished for his Disobedience or Neglect, at the Discretion of a general Court-Martial.

ART. 45. 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. 46. Whatsoever commissioned Officer shall be convicted before a general Court-Martial, of behaving in a scandalous, infamous Manner, such as is unbecoming the Character of an Officer and a Gentleman, shall be discharged from the Service.

ART. 47. All Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever, receiving Pay or Hire, in the Service of the Massachusetts Artillery, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by Courts-Martial, in like Manner with the Officers and Soldiers of the Massachusetts Troops.

ART. 48. For Differences arising amongst themselves, or in Matters relating solely to their own Corps, the Courts-Martial may be composed of their own Officers; but where a Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-Martial with the Officers of the other Corps.

ART. 49. All Crimes not capital, and all Disorders and Neglects which Officers and Soldiers may be guilty of, to the Prejudice of good Order and military Discipline, though not mentioned in the
Articles

Articles of War, are to be taken Cognizance of by a general or regimental Court-Martial, according to the Nature and Degree of the Offence, and be punished at their Discretion.

ART. 50. No Courts-Martial shall order any Offender to be whipped, or receive, more than thirty-nine Stripes for any one Offence.

ART. 51. The Field Officers of each and every Regiment are to appoint some suitable Person belonging to such Regiment, to receive all such Fines as may arise within the same, for any Breach of any of the foregoing Articles, and shall direct the same to be carefully and properly applied to the Relief of such sick, wounded, or necessitous Soldiers, as belong to such Regiment; and such Person shall account with such Officer for all Fines received, and the Application thereof.

ART. 52. All Members sitting in Courts-Martial shall be sworn by the President of said Courts, which President shall himself be sworn by the Officer in said Court next in Rank:—The Oath to be administered previous to their proceeding to the Trial of any Offender, in Form following, viz.

“ You A B swear that you will well and truly try, and impartially determine the Cause of the Prisoner now to be tried, according to the Rules for regulating the Massachusetts Army. So help you God.”

ART. 53. All Persons called to give Evidence, in any Case, before a Court-Martial, who shall refuse to give Evidence, shall be punished for such Refusal, at the Discretion of such Court-Martial: The Oath to be administered in the Form following, viz.

“ You swear the Evidence you shall give in the Case now in bearing, shall be the Truth, the whole Truth, and nothing but the Truth. So help you God.”

Signed by Order of the Provincial Congress,

John Hancock, President.

A true Extract from the Minutes,

Benjamin Lincoln, Secretary.