

RULES AND ARTICLES

FOR THE BETTER GOVERNMENT OF THE

MILITIA FORCES

OF THIS PROVINCE,

WHILE EMBODIED ON ACTUAL SERVICE.

HALIFAX:

PRINTED BY JOHN HOWE & SON,

PRINTERS to the King's most Excellent Majesty.

1812.

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P R O C L A M A T I O N ,
BY HIS EXCELLENCY

Lieutenant-General Sir JOHN COAPE SHERBROOKE,
Knight of the Most Honourable Order of the Bath, Lieutenant-Governor and Commander in Chief in and over His Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

WHEREAS in and by an Act, made and passed in the General Assembly of this Province, in the forty eighth year of his present Majesty's reign, entitled, "*An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force,*" it is, amongst other things, provided, that, in cases of Invasion, or imminent danger thereof, when any part of the Militia shall be drawn out, and embodied for Actual Service, the Lieutenant-Governor or Commander in Chief, by and with the advice and consent of His Majesty's Council, is thereby empowered to adopt such of the Articles of War, now in force for the Government of His Majesty's Forces in this Province, or to alter the same so as to render the same applicable to the Militia Service in this Province; and to cause such articles to be printed for the government of the Militia, while embodied on Actual Service.

And Whereas the United States of America have Declared WAR against his Majesty, and I have deemed it necessary and expedient to call forth a part of the Militia of this Province into Actual Service, for the defence of the same against Invasion, I have therefore, by and with the advice and consent of His Majesty's Council, caused the following Rules and Articles to be printed and published for the Government of the Militia of this Province, while on Actual Service, and I do order and strictly command all Officers, Non-Commissioned Officers and Private Men of the Militia, while embodied on actual Service, to obey, observe, fulfil and keep, all and every the said Rules and Articles; and in all respects to Govern themselves accordingly.

Given under my Hand, in Council, in the Council Chamber, at Halifax, this 9th day of July, 1812, in the 52d year of His Majesty's Reign.

J. C. SHERBROOKE.

By His Excellency's Command,
H. H. COGSWELL.

GOD SAVE THE KING.

MILITIA GENERAL ORDERS,

HEAD-QUARTERS, HALIFAX, 1st. AUGUST, 1812.

WHEREAS some misunderstanding may take place, respecting the operation of the following Articles of War, His Excellency the Commander in Chief, desirous that it may be clearly understood, that, although in many cases, Crimes committed by Militia Men, whilst Embodied, are to be punished at the discretion of Courts-Martial, no Militia Man can be awarded any other punishment than Fines or Imprisonment, excepting for Capital Offences, as pointed out in the 62d. Section of the Militia Law.

By His Excellency's Command,

J. BECKWITH,

Adjt. Genl. Militia.

RULES AND ARTICLES

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SECTION I.—DIVINE WORSHIP.

ARTICLE I.

ALL Officers and Soldiers, not having just impediment, shall diligently frequent Divine Service and Sermon in the place 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 imprisoned 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.

ARTICLE II.

Whatsoever officer, non-commissioned officer or soldier, shall use any unlawful oath or execration, shall incur the penalties expressed in the First Article.

ARTICLE

Divine Service and Sermon to be frequented.

The penalty of absenting from Divine Service, and of irreverent behaviour.

1st, if Commissioned Officers.

2d, if Non commissioned Officers or Soldiers. How the forfeiture is to be applied.

The penalty of swearing or cursing.

ARTICLE III.

The penalty of speaking against any article of the Christian Faith.

Whatsoever officer, non-commissioned 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.

ARTICLE IV.

The penalty of profaning churches, or offering violence to chaplains or ministers

Whatsoever officer, non-commissioned 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, shall be liable to such punishment as by a General Court-Martial shall be awarded.

ARTICLE V.

Penalties on chaplains absenting from the regiment.

No commissioned Chaplain shall absent himself from his duty (excepting in case of sickness or leave of absence) upon pain of being brought to a Court-Martial, and punished as in their judgment the circumstances of his offence may require.

ARTICLE VI.

Penalty on chaplains guilty of drunkenness or other vicious behaviour.

Whatsoever Chaplain 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 proof before a Court-Martial, be discharged from his office.

SECTION 2.—MUTINY.

ARTICLE I.

The penalty of speaking traitorous or disrespectful words against the King or any of the Royal Family.

Whatsoever officer, non-commissioned officer or soldier, shall presume to use traitorous or disrespectful Words against the King, or any of the Royal Family, if a commissioned officer, shall, upon conviction thereof before a General Court Martial, be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as by the sentence of a General or Regimental Court-Martial shall be awarded.

ARTICLE II.

The penalty of disrespectful be-

Any officer, non-commissioned officer or soldier, who shall behave

behave himself with contempt or disrespect towards the General, or other Commander in Chief of the King's 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 General Court-Martial.

behaviour to the General or Commander in Chief.

ARTICLE III:

Any officer, non-commissioned 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, either of the King's Land or Marine Forces, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a General Court-Martial shall be awarded.

The penalty of Mutiny.

ARTICLE IV.

Any officer, non-commissioned officer or soldier, who, being present at any mutiny or sedition, shall not use his utmost endeavour to suppress the same; or, coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer, shall suffer such punishment as by a General Court-Martial shall be awarded.

And of not suppressing or the concealing of mutiny.

ARTICLE V.

Any officer, non-commissioned officer or soldier, who shall strike his superior officer, or shall draw, or offer to draw or 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 such punishment as by a General Court-Martial shall be awarded.

The penalty of striking or drawing any weapon against a superior Officer, or disobeying orders.

SECTION 3.—DRAUGHTING MILITIA SOLDIERS.

ARTICLE I.

Every Militia Soldier who shall be draughted for Actual Service shall, within four days after he shall be so draughted and

Oath to be taken by men draught-

and mustered for pay, have the second and sixth Sections of these Articles, which respect Mutiny and Desertion, read to him; and shall, before a Justice of the Peace, 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 while I continue in His Majesty's Service, as a Militia Soldier on Actual Service, I swear to observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty, or by His Majesty's Governor, Lieutenant-Governor, or Commander in Chief in and over this Province.

SECTION 4.—MUSTERS.

ARTICLE I.

Musters how to be taken.

Musters shall be taken of every regiment, battalion, troop or company, of embodied militia on actual service, at such times and in such manner as the Governor, Lieutenant-Governor or Commander in Chief for the time being shall direct and appoint.

ARTICLE II.

The penalty of signing false Certificates.

Every officer who shall be convicted before a General Court-Martial of having knowingly signed a false certificate, relating to the absence of either officer, non-commissioned officer or private soldier, shall be cashiered; and every officer who shall be convicted before a General Court-Martial of having signed certificates, returns, or forms of accounts in blank, previously to the insertion in them by the Paymaster, or other officer or person concerned, of the accounts or circumstances, for which his signature is to be a voucher, shall be liable to be cashiered.

ARTICLE III.

The penalty of making false returns.

Every officer who shall knowingly make a false muster of man or horse; and every officer and commissary, or muster master, who shall wittingly sign, direct or allow the signing of,

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 he is liable to by the Laws of this Province.

ter or signing
false muster rolls.

ARTICLE IV.

Any commissary or muster master who shall be convicted before a General Court-Martial 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 he is liable to by the said Laws.

Penalty on the
Commissary taking
money on a
muster or on
signing the muster
roll.

ARTICLE V.

Every colonel or other field-officer commanding a 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 the King's 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, unless some extraordinary occasion shall require it, of which occasion the field officer present with, and commanding, the regiment, is to be the judge.

Field Officers
residing with the
regiments may
grant furlough.

How long time a
soldier may be
absent and by
what leave.

SECTION 5. — RETURNS.

ARTICLE I.

Every officer who shall knowingly make a false return to the King, or to the Commander in Chief of the Forces, or to any his superior officer, authorised 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, upon being convicted thereof before a General Court-Martial, be cashiered.

Penalty on Offi-
cers making false
Returns.

ARTICLE

ARTICLE II

How monthly returns are to be made.

The commanding officer of every regiment, troop or company, of Militia, on actual service, shall transmit to such officer as the Governor, Lieutenant-Governor or Commander in Chief shall appoint to receive the same, on the 25th of every month, an exact return of the state of the regiment, battalion, troop or company, under his command, such monthly returns to be made in such manner and form as shall be hereafter ordered and directed by the Governor, Lieutenant Governor or Commander in Chief for the time being: whoever shall be convicted of having designedly or through neglect omitted the sending such returns, shall be punished according to the nature of his offence by the judgement of a General Court-Martial.

SECTION 6.—DESERTION.

ARTICLE I.

The Penalty of Desertion.

All officers, non-commissioned officers, and soldiers, in the King's militia service, who shall be convicted of having deserted the same, shall suffer such punishment as by a General Court-Martial shall be awarded; and every non-commissioned officer or soldier who 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, shall be reported a Deserter, and suffer accordingly.

Penalty of enlisting in other Regiments without a discharge from the former Regiment.

ARTICLE II.

Soldiers absenting from their Company, or detachment without leave, to be punished at the discretion of a Court-Martial.

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 General or Regimental Court-Martial.

ARTICLE III.

Penalty of persuading any one to desert.

Whatsoever officer, non-commissioned officer or soldier, shall be convicted of having advised or persuaded any other officer or soldier to desert His Majesty's service, shall suffer such

such punishment as by the sentence of a General Court-Martial shall be awarded.

SECTION 7.—QUARRELS & SENDING CHALLENGES.

ARTICLE I.

No officer, non-commissioned officer, or soldier, shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; or, if a non-commissioned officer or a soldier, of being imprisoned, and of asking pardon of the party offended in the presence of his commanding officer.

The Penalty of provoking speech or action.

ARTICLE II.

No officer, non-commissioned officer or soldier, shall presume to give or send a challenge to any other officer, non-commissioned 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 imprisonment, at the discretion of a Court-Martial.

The Penalty of sending a challenge.

ARTICLE 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 to be principals, and be punished accordingly.

The Penalty if an officer suffer any to go out to fight a Duel.

The seconds carrying challenges shall be reputed as Principals.

ARTICLE IV.

All officers, of what condition soever, have power to quell all quarrels, frays, and disorders though the persons concerned should belong to any other regiment, troop or company, and either to order officers into arrest, or non-commissioned officers or soldiers to prison, until 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.

All officers have Power to part frays.

Penalty of resisting.

ARTICLE

ARTICLE V.

Penalty of upbraiding any for refusing a Challenge.

Whatsoever officer, non-commissioned officer, or soldier, shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby acquitted of any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to orders, and done their duty as good soldiers, who subject themselves to Discipline.

SECTION 8.—SUTTLING.

ARTICLE I.

Suttlers not to sell any thing after nine at night, or before the Reveilles or upon Sundays during divine service,

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 suttlng.

ARTICLE II.

Liberty given for bringing provisions into garrison, &c.

All officers, non-commissioned 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 His Majesty, or by his order, for furnishing such Provisions, and this exception extends only to the species of provisions so contracted for.

ARTICLE III.

Commanding officers are to see the soldiers supplied with good wholesome provisions at the Market price.

All Governors, Lieutenant Governors, and officers commanding in forts, barracks or garrisons, are hereby required to see that the persons permitted to suttle, supply the soldiers with good and wholesome Provisions, at the market price, as they shall be answerable for their neglect.

ARTICLE IV.

Penalty of exacting in the buying out of stalls to

No Governors, or officers commanding in any of His Majesty's garrisons, forts or barracks, shall either themselves exact

exact exorbitant prices for horses 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 any victuals, liquors or other necessaries of life, or merchandizes, brought into the garrison, fort or barracks, under their command, for the use of the soldiers, on pain (upon conviction thereof by a General Court-Martial) of being dismissed His Majesty's Service, and of suffering besides, such penalty as they may be liable to by Law.

Suttlers, in laying a duty on, or being interested in the Goods sold by them.

ARTICLE V.

And if any Governor or officer commanding in any of the garrisons, forts or barracks, shall connive at any other officer or person selling such victuals, liquors, or other necessaries of life, or merchandizes, to the soldiers under his command, at exorbitant rates; he shall on conviction thereof by a General Court Martial, be cashiered, and shall besides suffer such penalty as he may be liable to by law.

Or of conniving at others selling provisions at exorbitant rates.

SECTION 9.—QUARTERS.

ARTICLE I.

No officer, or non-commissioned officer, shall demand billets for Quartering more than his effective men; nor shall he quarter any wives, children, men or maid servants, in the Houses assigned for the quartering of officers or soldiers, without the consent of the owners; nor shall he take money for the freeing of landlords from the quartering of officers and soldiers, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer, of being reduced to a private sentinel, and of suffering such punishment as by the sentence of a General or Regimental Court Martial shall be awarded.

Penalty of demanding billets for quartering more than the number of effective men, or of quartering wives, children, men or maid servants, or taking money for freeing of landlords from quartering officers and private men.

ARTICLE II.

Every officer, commanding a regiment, troop, company or detachment, 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; but in case any such regiment,

The commanding officer to see the quarters cleared weekly.

And to give certificates of money due for quarters.

On Penalty of being cashiered.

giment, troop, 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; and he is to sign a certificate for each landlord, 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; any commanding officer, who shall refuse or neglect to make up such accounts, and to certify the same as is above directed, shall, upon being convicted thereof before a General Court-Martial, be cashiered.

ARTICLE III.

Penalty on the commanding officer not causing public notice to be given against crediting soldiers beyond their pay.

The commanding officer of every regiment, troop, company or detachment, shall upon their first coming to any City, Town or Village, where they are to remain in Quarters, cause public Proclamation to be made, signifying that, if the the Landlords or other Inhabitants suffer the non-commissioned officers or soldiers, to contract debts beyond what their daily subsistence will answer, such debts will not be discharged; the said commanding officer refusing or neglecting to do, shall be suspended for three months; during which time, his whole pay shall be applied to the discharging of 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.

ARTICLE IV.

Inhabitants crediting soldiers beyond their pay, after public notice to the contrary, officers not liable to the debt.

If, after public Proclamation made as above directed, 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 officer not being obliged to discharge such debts.

ARTICLE V.

The penalty if

Every officer commanding in Quarters, Garrison, or on a march,

march, shall keep good order, and to the utmost of his power redress all such abuses or disorders as may be committed by any officer or soldier under his command: And if upon complaint made to him of officers, non-commissioned officers, or soldiers, beating or otherwise illtreating their Landlords, or extorting more from them than they are obliged to furnish by law, or disturbing fairs or markets, or committing any kind of riots, to the disquieting of the King's Subjects, such commanding officers 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 (not exceeding the half thereof), shall enable him to make such reparation; he shall, upon due proof thereof before a General Court-Martial, be deemed culpable in the same degree as if he himself had committed the crimes or disorders complained of, and shall be punished accordingly, at the discretion of such Court-Martial.

an officer refuse to see Justice done if any person shall be abused or wronged by a soldier.

SECTION 10. —CARRIAGES.

ARTICLE I.

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 laws of the Province; taking care not himself to beat or abuse, nor to suffer any person under his command to beat or abuse the waggoners, or other persons attending such carriage; nor to suffer more than thirty hundred weight to be loaded on any train or waggon so furnished, or in proportion on carts or cars; not to permit soldiers (except such as are sick or lame), or Women, to ride upon the said carriages, unless in the cases of emergency, specified in the said Act. 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.

Commanding officer is to apply for carriages, and to pay for them accordingly and not to suffer the person attending them to be abused.

or their carriages overloaded.

on failure of money, he is to grant certificates to them.

SECTION

SECTION 11.—OF CRIMES PUNISHABLE BY LAW.

ARTICLE I.

Commanding officers are to deliver over to the civil Magistrate any officer, non-commissioned officer or soldier, accused of crimes punishable by the known laws of the land. And to be aiding to the officers of justice in punishing such offenders.

And upon wilful neglect or refusal to be cashiered.

Whenever any officer or non-commissioned officer or private, 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, company or detachment, 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 and their 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 that he or they may be brought to trial; if any commanding officer or officers shall wilfully 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 officers so offending shall, upon being convicted thereof before a General Court Martial, be cashiered.

SECTION 12.—OF REDRESSING WRONGS.

ARTICLE I.

What an officer must do if he thinks himself wronged.

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 in order to obtain Justice; who is hereby required to examine into such complaint; and either by himself, or by such others as he shall appoint to make his report thereupon, to the Governor, Lieutenant Governor or Commander in Chief for the time being, in order to receive further directions.

ARTICLE II.

What an inferior

If any inferior officer, non-commissioned officer, or soldier, shall

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 applying shall be punished at the discretion of the said General Court Martial.

officer or soldier must do, if he thinks himself wronged.

SECTION 13.—OF STORES, AMMUNITION, &c.

ARTICLE I.

Whatsoever commissioned officer, storekeeper, 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 the King's provisions, forage, arms, clothing, ammunition, or other military stores, to be spoiled or damaged, shall, at his own charge, make good the loss or damage, and be dismissed from the King's service, and shall also suffer such other penalty as he is liable to by the Laws of this Province.

Penalty on officers selling military stores without orders, or embezzling or misapplying them, or suffering them to be damaged by neglect.

ARTICLE II.

Whatsoever non-commissioned officer, or soldier, shall be convicted at a General or Regimental Court Martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the King's service, shall suffer such punishment or imprisonment at the discretion of such Court Martial: a non-commissioned officer so offending shall also be reduced to a private centinel.

The penalty of wasting ammunition delivered out for the service.

ARTICLE III.

Every non-commissioned officer or soldier, who shall be convicted at a General or Regimental Court Martial of having sold, lost, or designedly, or through neglect spoiled,

The penalty if a soldier sell or spoil his arms.
Sec.

his horse, arms, cloathes, accoutrements, or regimental necessaries, shall undergo such weekly stoppages, (not exceeding the half of his pay) as such Court Martial shall judge sufficient for repairing the loss or damage; and shall besides suffer such punishment or imprisonment, at the discretion of the said Court Martial.

ARTICLE IV.

Penalty on commissioned or warrant officers, embezzling or misapplying regimental money.

If any commissioned officer shall embezzle or misapply any monies with which he may have been entrusted for the payment of the soldiers under his command, or for inlisting men into the King's service, or for any regimental purpose, and shall be thereof convicted by a General Court Martial, he shall be dismissed the service, and shall forfeit the arrears due to him upon account of his pay, or so much thereof, as may be sufficient to make good the deficiency occasioned by such embezzlement or misapplication.

ARTICLE V.

The penalty if a non-commissioned officer embezzle, &c. the pay of the men under his command, or the inlisting money, &c. with which he is entrusted.

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 entrusted for the payment of the men under his command, or for inlisting men into the King's service, or for any regimental purpose, 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 punishment or imprisonment as the Court Martial shall think fit.

ARTICLE VI.

The Captain to be accountable to his Colonel, for the arms, &c. of his company.

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, for which he is to be accountable to his Colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accident, or on actual service.

SECTION

SECTION 14—OF DUTIES IN QUARTERS, IN GARRISON, OR IN THE FIELD.

ARTICLE I.

All officers, non-commissioned officers, and soldiers, are to behave themselves orderly in quarters, and on their march; and whoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses, or gardens, corn-fields, inclosures, or meadows, or shall maliciously destroy any property whatsoever, belonging to any of the King's subjects, unless by order of the then Commander in Chief of the Forces, to annoy rebels, or other enemies, in arms against the King, 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 General or Regimental Court Martial.

Officers and private men are to be orderly in quarters, and on their march.

The penalty of spoiling the property of any person, unless by order to annoy the enemy.

ARTICLE II.

All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in waiting, from their commanding officer, shall suffer such punishment as by the sentence of a General or Regimental Court Martial shall be awarded.

The penalty if a soldier be found one mile from his camp, without leave in waiting.

ARTICLE III.

No officer, non-commissioned officer, or soldier, shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon pain of being punished, according to the circumstance and degree of his offence, by the sentence of a General or Regimental Court Martial.

The penalty of lying all night out of camp, or quarters.

ARTICLE IV.

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 in like manner be punished according to the circumstances and degree of his offence.

The penalty if a soldier do not retire to his quarters at the beating of the retreat.

ARTICLE.

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ARTICLE V.

The penalty if a soldier does not repair at the time fixed, to the parade of exercise or other rendezvous; or of quitting his guard, &c. without being dismissed or relieved.

No officer, non-commissioned officer, or soldier, shall fail to repair, at the time fixed, to the place of parade of 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 the penalty of being punished, according to the circumstances and degree of his offence, by the judgment of a General or Regimental Court Martial.

ARTICLE VI.

The penalty if an officer or soldier shall quit his platoon or division.

Any officer, non-commissioned 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 circumstances and degree of his offence, by the judgment of a General or Regimental Court Martial.

ARTICLE VII.

The penalty of drunkenness.

Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, under arms, shall, upon being convicted thereof before a General Court Martial, be cashiered for it; any non-commissioned officer, or soldier, so offending, shall suffer such punishment or imprisonment as by a General or Regimental Court Martial shall be awarded.

ARTICLE VIII.

Penalty if a centinel be found sleeping on his post, or of quitting it before he is relieved.

Whatever centinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as by a General Court Martial shall be awarded.

ARTICLE IX.

The penalty of doing violence to any who bring provisions to the camp or quarters.

Whatsoever officer, non-commissioned officer, or soldier, shall do violence to any person who brings provisions, or other necessaries, to the camp, garrison, or quarters of the Militia Forces

Forces employed on actual service in this Province, and shall be convicted thereof by a General Court Martial, shall suffer such punishment as a General Court Martial shall award.

ARTICLE X.

Whosoever of the Militia Forces employed on actual service in this Province, shall force a safe-guard, and shall be convicted thereof by a General Court Martial, shall suffer such punishment as a General Court Martial shall award.

The penalty of forcing a safe-guard.

ARTICLE XI.

Any person belonging to the Militia Forces employed on actual service in this Province, 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 such punishment as by a General Court Martial shall be awarded.

The penalty of making known the watch-word, or giving a false one.

ARTICLE XII.

Any person belonging to the Militia Forces employed on actual service in this Province, who by discharging fire-arms, drawing of swords, beating of drums, or by any other means whatever, shall occasion false alarms, in camp, garrison, or quarters, shall suffer such punishment as by a General Court Martial shall be awarded.

The penalty of making false alarms in camp or quarters

ARTICLE XIII.

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 General Court Martial shall be awarded.

The penalty of holding correspondence with, or giving intelligence to, the enemy.

ARTICLE XIV.

Whosoever shall relieve the Enemy with money, victuals, or ammunition, or shall knowingly harbour or protect an enemy,

The penalty of relieving or harbouring an enemy.

enemy, shall suffer such punishment as by a General Court Martial shall be awarded.

ARTICLE XV.

Public stores to be secured for His Majesty's service.

All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the King's service: for the neglect of which the officers commanding in chief are to be answerable.

ARTICLE XVI.

The penalty of going in search of plunder.

If any officer, non-commissioned officer, or soldier, shall leave his commanding officer, or his post, or colours, to go in search of plunder, he shall, upon being convicted thereof, suffer such punishment as by a General Court Martial shall be awarded.

ARTICLE XVII.

The penalty of calling away arms or ammunition.

Any person belonging to the Militia, on actual service, in the Province, who shall call away his arms or ammunition, shall suffer such punishment as by a General Court Martial shall be awarded.

ARTICLE XVIII.

The penalty of misbehaving before the Enemy, abandoning garrisons, &c.

Whatever officer, non-commissioned officer, or soldier shall misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortrefs, Post, or Guard, committed to his charge, or which he shall be commanded to defend; shall suffer death, or such other punishment as by a General Court Martial shall be awarded.

ARTICLE XIX.

The penalty of compelling others to misbehave before the Enemy, abandon garrisons, &c.

Whatever officer, non-commissioned officer, or soldier shall compel the Governor or Commanding Officer of any garrison, fortrefs, post, or guard to deliver up to the enemy, or to abandon the same, or shall speak words, or use any other means to induce such Governor, Commanding Officer,

or

or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any garrison, fortrels, post, or guard, committed to their respective charge, or which he or they shall be commanded to defend; shall suffer such punishment as by a General Court Martial shall be awarded.

SECTION 15.—RANK.

ARTICLE I.

All officers of embodied militia on actual service, shall take rank according to the dates of their respective commissions; and when serving in conjunction with any other officers of the regular army, the militia officers shall take rank with such regular officers, as the youngest of their equal degree.

Officers' rank regulated.

SECTION 16.—ADMINISTRATION OF JUSTICE.

ARTICLE I.

All officers holding commissions in the militia, and doing duty in any of the battalions of militia, whether the same be embodied on actual service, or otherwise, may, if ordered by the Commander in Chief for the time being, sit as a Member or Members of a General Court Martial; and the Officers composing such Courts Martial, shall take their ranks according to the dates of their respective commissions.

General Courts Martial—how formed.

ARTICLE II.

All the Members of a Court Martial are to behave with decency; and in giving their votes are to begin with the youngest.

Decency to be observed in Courts, and the youngest to give his vote first.

ARTICLE III.

No Field Officer shall be tried by any person under the degree of a Captain; nor shall any proceedings or trials be carried

Rules to be observed in the trial of Field Officers.

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Hours of trial. Carried on, excepting between the hours of eight in the morning, and three in the afternoon, except in cases which require an immediate example.

ARTICLE IV.

Evidence to be given on oath. All persons who give evidence before any General or other Court Martial, are to be examined upon oath.

ARTICLE V.

No commissioned officer may be cashiered, but by order of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, or by a General Court Martial. No commissioned officer shall be cashiered or dismissed from the service, excepting by an order from the Governor, Lieutenant-Governor, or Commander in Chief, or by the sentence of a General Court Martial, approved by such Commander in Chief, or by some person having authority from him so to do; 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 sentinels.

ARTICLE VI.

The penalty of menacing words, gestures, or disturbances, before a Court Martial. 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 proceedings, on the penalty of being punished at the discretion of the said Court Martial.

ARTICLE VII.

How a commanding officer is to proceed when an officer or soldier committed to custody. To the end that offenders may be brought to justice, it is hereby directed, that whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, be put in arrest, if an officer, or if a non-commissioned officer or soldier, be imprisoned, until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority.

ARTICLE VIII.

No officer or soldier who shall be put in arrest or imprisonment,