

Appendix: Articles of Battle

In much of the later half of the book, specific articles of battle were examined closely. Where possible, I have included the full text of key articles of battle. Where it isn't possible to provide here, the reader is provided with links to electronic versions of the articles. The following articles of war reproduced in full here are: Richard II's Scottish invasion, Henry versus invasion of France, Scottish articles issued in 1639 and the incipient United State's 1775 articles for fighting the British. I have preserved the spelling in the originals (including type-setting elements such as "f"s for "s"s). I have provided links to sources if readers care to explore Henry VIII's French invasion ordenances and Gustav Adolphus' 1621 Articles.

Ordinances of Richard II.¹

- I. FIRSTY. That all manner of perfons, of what nation, ftate, or condition they may be, ihall be obedient to our lord the king, to his confiable and marefchall, under penalty of every thing they can forfeit in body and goods.
- II. that none be fo hardy as to touch the body of our lord, nor the veifel in which it is contained, under pain of being drawn, hanged, and beheaded.
- III. that none be fo hardy as to rob and pillage the church, nor to defroy any man belonging to holy church, religious or otherwife, nor any woman, nor to take them prifoners, if not bearing arms; nor to force any woman, upon pain of being hanged.
- IV. that no one be fo hardy to go before, or otherwife than in the battail to which he belongs, under the banner or pennon of his lord or mafter, except the herbergers, whofe names shall be given in by their lords or mailers to our confiable and marefchall, upon pain of lofing their horfes.
- V. that no one take quarters, otherwife than by the affignment of the confiable and marefchall and the herbergers; and that, after the quarters are affigned and delivered, let no one be fo hardy as to remove himfelf, or quit his quarters, on any account whatfo-ever,

¹Taken from Grose, F. (1786, 1788) *The Antiquities of England and Wales*. S. Hooper publisher.

under pain of forfeiture of horfe and armour, and his body to be in arreft, and at the king's will.

- VI. that every one be obedient to his captain, and perform watch and ward, forrage, and all other things belonging to his duty, under penalty of lofing his horfe and armour, and his body being in arreft to the inarefchall, till he !hall have made his peace with his lord or mafier, according to the award of the court.
- VII. that no one be fo hardy as to rob or pillage another of money, victuals, provifions, forage, or any other thing, on pain of lofing his head; nor ihall any one take any victuals, merchandife, or any other thing whatfoever, brought for the refreilment of the army, under the fame penalty; and any one who ihall give the names of fuch robbers and pillagers to the confiable and marefchall, !hall have twenty nobles for his labour.
- VIII. no one ihall make a riot or contention in the army for debate of arms, prifoners, lodgings, or any other thing whatfo-ever, nor caufe any party or aifembly of perfons, under pain (the principals as well as the parties) of lofing their horfes and armour, and having their bodies in arreft at the king's will, and if it be a boy or page he !hall lofe his left ear. Any perfon conceiving himfelf aggrieved !hall make known his grievance to the confiable and mare-fchall, and right fh.all be done him.
- IX. that no one be fo hardy as to make a contention or de-bate in the army on account of ariy grudge refpecl:ing time paf, or for any thing to come; if in fuch contefi or debate any one !hall be flain, thofe who were the occafion fh.all be hanged; and if any one fhall proclaim his own name, or that of his lord or mafier, fo as to caufe a rifing of the people, whereby an affray might happen in the army, he who made the proclamation ilrll be drawn and hanged.
- X. that no one be fo hardy as to cry "havok," under pain of lofing his head, and that he or they that fhall be the beginners of the faid cry fhall likewife be beheaded, and their bodies afterwards be hanged up by the arms.
- XI. that no one make the cry called mounte, or any other whatfoever in the army, on account of the great danger that may thereby happen to the whole army; which God forbid! and that on pain, if he be a man at arms, or archer on horfeback, of lofing his bef, horfe; and if he be an archer on foot or boy, he fhall have his left ear cut off.
- XII. if in any engagement whatfoever an enemy shall be beat down to the earth, and he who fhall have thus thrown him down shall go forwards in the purfuit, and any other fhall come afterwards, and fhall take the faith or parole of the faid enemy, he fhall have half of the faid prifoner, and he who "overthrew him the other half; but he who

- receiv; d his parole Chall have the keeping of him, giving security to his partner.
- XIII. if any one takes a prifoner, and another fhall join him, demanding a part, threatening that otherwife he will kill him (the prifoner), he fhall have no part, although the fhare be granted to him; and if he kills the faid prifoner, he fhall be in arrefi: to the marefc all, without being delivered till he has fatisfied the party, and his horfes and armour fhall be forfeited to the confiable.
- XIV. that no man go out on an expedition by night or by day, unlefs with the knowledge and by the permiffion of the chief-tain of the battail in which he is, fo that they may be able to fuccour him fhould occafion require it, on pain of lofing horfe and armour.
- XV. that for no news or affray whatfoever that may happen in the army, any one fhall put himfelf in difarray in his battail, whe-ther on an excurfion or in quarters, unlefs by affignment of his chief-tain, mlder pain of lofing horfe and armour.
- XVI. that every one pay to his lord or mafier the third of all manner of gains of arms; herein are included thofe who do not receive pay, but only have the benefit of quarters, under the banner or pennon of arms of a captain.
- XVII. that no one be fo hardy as to raife a banner or pennon of St. George, or any other, to draw together the people out of the army, to go to any place whatfoever, under pain, that thofe who thus make themfelves captains fhall be drawn and hanged, and thofe who follow them be beheaded, and all their goods and heritages forfeited to the king.
- XVIII. that every man, of what eftate, condition, or nation he may be, fo that he be of our party, fhall bear a large fign of the arms of St. George before, and another behind, upon peril that if he be hurt or flain in default thereof, he who fhall hurt or flay him fhall fuffer no penalty for it: and that no enemy fhall bear the faid fign of St. George, unlefs he be a prifoner, upon pain of death.
- XIX. if any one fhall take a prifoner, as foon as he comes to the army, he fhall bring him to his captain or mafier, on pain of lofing his part to his faid captain or mafier; and that his faid captain or mafier fhall bring him to our lord the king, confiable, or marefc-hall, as foon as he well can, without taking him elfewhere, in order that they may examine him concerning news and intelligence of the enemy, under pain of lofing his third to him who may firft make it known to the confiable or marefc-hall; and that every one fhall guard, or caufe to be guarded by his foldiers, his faid prifoner, that he may not ride about at large in the army, nor fhall fuffer him to be at large in his quarters, without having a guard over him, left he efpy the fecrets of the army, under pain of lofing his faid prifoner; referving to his faid lord the

third of the whole, if there is not a part-ner in the offence; -and the second part to him that fuall firfi take him; and the third part to the confiable. On the like pain, and alfo of his body being in arrefi} and at the king's will, he fhall not fuffer his faid prifoner to go out of the army for his ranfome, nor for any other caufe, without leave of the king, confiable, and marefchall, or the commander of the battalion in, which he is.

- XX. that every one fhall well and duly perform his watch in the army, and with the number of men at arms and archers as is affigned him, and that he fhall remain the full limited term, unlefs by the order or permiffion of him before whom the watch is made, on pain of having his head cut off.
- XXI. that ho ohe Chall give paffports or fafe conduct to a prifoner nor any other, nor leave to aily enemy to come into the army, on pain of forfeiture of all his goods to the king, and his body in arrefi and at his will; except our lord the King, Monfieur de Lancafier, fenefchall, the confiable, and marfhall: and that none be fo hardy as to violate the fafe conduit of our lord the king, upon payne of being drawn and hanged, and his goods and heritage forfeited to the king; nor to infringe the fafe-condu& of our faid lord of Lancafier, fenefchall, confiable, and marefchall, upon pain of being beheaded.
- XXII. if any one take a prifoner, he fhall take his faith, and alfo his bacinet, or gauntlet, to be a pledge and in fign that he is fo taken, or he fhall leave him under the guatd of fome of his foldiers; under pain; that if he takes him, and does not do as is here directed, and another *comes* afterwards, and takes him from him (if not under a guard) as Is faid, his bacinet or rjght gauntelet in pledge, he shall have the prifoner, though the first had taken his faith.
- XXIII. that no one be fo hardy to retain the fervant of another, who has covenanted for the expedition, whether foldier, man at arms, archer, page or boy, after he ihall have been challenged by his mafier, under pain that his body !hall be in arrefi: till he ihall have made fatisfaction to the party complaining, by a ward of the court, and his horfes and armour forfeited to the confiable.
- XXIV. that no one be so hardy to go for forage before the lords or others, whofoever they may be, who mark out or align the places for the foragers, if it is a man at arms, he shall lofe his horfes and harnes to the confiable, and his body !hall be arrefi:ed by the marifchal, and if it is a valet or boy, he !hall have his left ear cut off.
- XXV. THAT none be fo hardy as to quarter himfelf otherwife than by the affignment of the herbergers, who are authorifed to diftribute quarters, under like penalty.

XXVI. that every lord whatsoever caused to be delivered to the confiable and martial the names of their herbergers, under penalty, that if any one goes forward and takes quarters, and his name is not delivered in to the confiable and marshal, he shall lose his horses and armour.

King Henry V's Calais/Mantou Ordenances²

Obeisance

First that all manner of men of what soever nation estate or condition soever he be, be obeisunt to our Sovereign lord the Kinge and to his Constable and Marshall, upon paine of as much as he may forfeite in body and in goods.

For Holy Church

Also that no man be so hardy, of lesse that he prest, to touche the sacrament of Gods body, upon paine to be drawn and hanged therefor; nor that no manner man be so hardy to touche the box or vessel in the which the precious sacrament is in, upon the same paine aforesaid.

For Holy Church

Also that no manner of man be so hardy to robbe, ne to pille Holy Church of no good ne ornament that longeth to the Church, ne to slee no man of Holy Church, religious, ne non other, but if he be armed, upon paine of death. Nether that no man be so hardy to slee, ne enforce, no woman upon the same paine; And that no man take no woman prisoner, man of Holy Church, ne other religious, but if he be armed, upon paine of imprisonment, and his body at the Kings will.

For Herbergage

Also that no man be so hardy to go for in the battail under the banner or pennon of his lord or master, except herbergers, the names of whom shall be delivered and take to the Constable and Marshall by their said lords and masters, upon this paine, he that otherwise offendeth shall be put from his horse and harness both unto the ward of the Constable and Marshall unto the tyme that he that offendeth have made his fyne with the said Constable and Marshall, and founde surties that he shall no more offend.

²Taken from Grose, F. (1785–1787) *The Antiquities of England and Wales*. S. Hooper publisher.

For Herbergage'

Ali; o that no man take non herbergage, but if it be by the assignement of the Constable and Marishall or of the herbergers, and that after tyme that the herbergage is assigned and delyvered, that no man be so hardy him self to remove ne to disaraye for any thinge that maye falle, without comandement of him that bathe power, upon payne of hors· and harnyes to be put in areste of Constable and Marishall to the tyme they have made fyne with them, and more over his bodey at the Kinges wille.

For Kepinge of Wacche and Warde

Also that every man be obeysaunt to his capitayn to kepe his wacche and warde and forye, and to doe all that longeth a soul-deour to doon, upon payne of his hors and harnes to be put in the warde of the Marishall unto the tyme that he that in this offendeth bathe agreede with his capitayn, after the warde of the courte.

For Takinge of Prisoners

Also be it at Bataille or other dede of a,.-mes wher that presoners be take, he that furst may have his say shall have him for his psoner, and shall not neJe to abide upon him to the ende of the Joumey; and none other shall more take him for presoner but if that it be· that the saide presoner be founde for his defendaunt.

For Robinge of Marchantes Comyng to the Market

Also that no man be so hardy to pille ne robbe non other of vitaille, ne of noe other lyvelode th-e whiche they· have by beinge, upon payne of death; and that no man robbe no• vitiller ne mar-chant, ne non other persone comyng unto the marke, vitillers, or other marchandies, for the refresshement of the oste, upon the same payne; ne that no man robe from other horsemen or manes mete, ne non other thinge that is gotten of enemyes goodes, upon the payne his body t-o be arested at the Kings-will.

For Barteteurs

Also that no man debate for armes, prisoners, lodging, ne for none other thinge, so that no riott, contek, ne debate be in the oste; ne that no man make him ptye in assembly of people, ne non other wise, and that as well of papall as of other pties, upon payne of lesinge their hors and harnes till they have made fyne with the Constable and Marishall, and their bodies to be arestede at the Kinges will, and if he be grome or page he shall lese his lifte eare

therfor, and if any man fynde him greved let him shewe his grevance to the Constable and Marishall, and right shalbe done.

For Debate

Also that no man make no debate nor kontek for any hate of tyme past, ne for tyme to come,⁶ for the whiche hate if any man be dede for suche kontek or debate, he or they that be encheson or pateners of the deathe, shalbe hanged therfor; or if it hape that any man escrye his owne name, or his capitayne, lord, or master, to make a risinge of the people, by the whiche any affraye myght fall in the oste, he that in suche wise asketh shall be drawen and hanged therefore.

For Theim That Crye Havoke

AlsoT no man be so hardey to crye havok upon peyne that he that is founde begynn⁷ to die therfor, and the reme•unt that don the same, ther hors and harnes to be put in the warde of the Counstable and Marishall unto the tyme they have made fyne with theim, and their bodies in preson at the Kinges will till they have found surties that they shall no more offende.

For Unlawfull Scryes

Also ⁸ that non escrye, the whiche is called mount, ne non other unresonable escrye be in the oste, upon peyne. that he that is fonde begynner of suche unresonable escrie be put from his hors and harne and his bodie in areste of Counstable and Marishall to the tyme he have made his fyne with theim, and his bodye at the Kinges will and his life; and he that certifieth the whoe is the begyn-ner shall have an Cs for his labor of the Counstable and Marishall.

For Mustres

Also when it liketh the Kinge to take must res of his hoste, that no man be so hardy to have other men at his musters than thoo that be with him self witholde for the same viage, without fraude, upon payne to be holde fals and re.pved, and also to lose his wages and payment that shulde longe to him.

For Prysoners

Also if any man1 dede of Armes be, and if any man be borne to the earthe, he that first so hathe borne him to the earthe shall have him to prysoner; but so be that a nother cometh after, and tnkethe the feyT of the saide presoner, then the smyther down shall have the one half, and the taker of the feithT the other

half; but he that taketh the feith¹ shall have the ward of the prisoner, making sufficient surety to his partyner for the other half.

For Prisoners

Also if that any man take a prisoner, and any other man come unto him askinge parte, manatynge⁸ that he wolde slay the saide prisoner, he shall have no parte though so be that he have been graunted him; and if he slay the prisoner he shalbe arested by the Marishall, and put in ward without delivrance till he have made a fyne after the a ward of [the] Counstable.

For the Paynge of Thyrdes

Also that every man pay his thirde to his capitayne, lorde, or master, of all maner wyng by wares, and that aswell thoo that be not in soule but longynge under the baner or penon of their capitayn, upon payne to lose his parte of his forsaid wyng to his capitayn, and his body to be in ward of the Marishall unto the tyme he have agreede with his forseid master.

For them that maketh themselves Captianes to withdrawe men from the Hoste.

Also that no man be so hardy to rese baner or penon of Sinte George, ne of no other, to drawe together the people, and to with drawe them out of the oste to goe to eny other partye, upon payne of them that in suche wise make them self Capitaynes to be draw and hanged; and they that him sue or folow to have their hedes smyten of, and all their goodes and haritag forfeited to the Kinge.

A Statute for Them That Here Not a Bande of Seint George

Also that every man of what estate [or] condicion that he be, of our vtie, beare a bande of Seint George sufficient large, upon the ville if he be wounded or dede in the fawte therof, he that him wondeth or [sleyeth] shall here no payne for him; and that non enemye here the saide signe of Seint George, but if he be prisoner and in the ward of his master, upon payne of death therefore.

For Them That Assaute Without Leve of the Kinge

Also that no man assault be made to Castell ne to Strength by Archer ne by non other of the Comons without the psence of a man of astate; and if any assault be and the King, Constable, or Marshall, or any lorde of the office, sende to distourbe the saide assault. that no man be so hardy to assault after; and if any man do it, he shalbe prisoned and lose all his other pfect that he bathe wone by the forsaid assault, and his hors and [harness] in the ward of the Counstable and Marishall.

For to Bringe in Prisoners in to the Kings Knowledg, Counstable, and Marishall

Also if any man take any psoner, anon right as he is come into the oste, that he bringe his psoner unto his Capitayne or master, upon pnyne of losinge of his parte to his forsaide Capitayne or master; and then that his saide Capitayne or master bring him within viij dayes to the King, Counstable, or Marshall, or as sone as he may, so that he be not ladde non other waye upon peyne to lose his parte to him that shall doe furst the Counstable and Marishall havng witing therof; aud that every man kepe or do keep his prisoner that he ride not, nor goo at large in the oste, ne in lodgings, but if warde be had upon him, upon pcyne of losinge of the same presoner; resvyng to his lorde or master his thyrdes of the hole if he be not ptyc of the defaulte, and the iij pte to him that first shall accuse him, and the iijde pte to the Counstable and Marishall: also more over, his bodye areste to the Kinges wille; also that he suffer not his psoner to go out of the Ollte for his ransom, ne for non other cause, without sauf concluyte, npon the peyne aforsaide.

For Keping of Wachc

Also that every man kepe duley his wache in the oste that with as many men of armes and archers as to him shalbe assigned, but if he have a cause reasonable; and to bide upon his wache and warde the terme to him lymytied, nor departing from the wachc no way be it by the assignement or lycence of him by the whiche the saide wache is made, upon payne of smytyng of his head that otherwise departeth.

For the Gyving of Saufcondute or Conges and for to Breke Theim

Also that no man geve no saufcondute to prysoner, ne to non other, nor lycence to non enemye to come nor to go owte of the oste, ne into the oste, upon payne to forfaite all his goodes to the Kinge and his bodye in areste at the Kinges wille, excepte our liege lord the Kinge, Counstable, and Marishall; and that no man be so hardy to breke our liege lorde the Kings saufcondute upon payne to be drawn and hanged, and his goodes and heritages forfayte to the Kinge, nother the Constable and Marishall sauf-condutc upon payne of death

For the Withdrawing Mens Servauntes From Ther Masters

Also that no man be so hardey to take no servant of other, the whiche is in covenant with him for the viage, as well souldiour, man of armes, archer, grome, page, after tyme he is kende or cha-langed by his master, upon payne his body to be arested to the tyme he have agrede to the vtye complayn●nt

after the warde of the courte, and his hors and harneys to the Counstable and Marisha!) till he have made his fyne.

For Departing From the Oste Without Leve

Also that no man departe from the stale without leve and licence of his lorde or master, upon payne that he that otherwise devteth to be arested and in the warde of [the] Marishall and at the Kinges wille of his life; and also to lose all his wynynge of that day, reserved to his lorde or master the thirdes of his wynynge, and to the lorde of the stale surplus of the same wynyng wone by him that same day, and so from day to day till the ordynance be kepte.

For Scryes Made by the Enemyes in the Oste

Also if any ascrye fall in the oste when they be logged, that every man drawe him to the King or the chiefteyn of the bataill wher he is lodged, levinge his lodging sufficiently kept, but if the ene-myes fall on that side ther as he is lodged, and in this case the said Capitayn shall abide therin himself and all his men.

For Keping of the Countre

And if any Countrey or lordship be wonne other by fre wille offered unto the Kinges obeysaunce that no man be so hardey to robe or pille therin after that the peas is proclamed upon payne of deathe; and if any man of what degre soever he be come unto our saide lordes obeysaunce, that no man take him, robe him, nor pille him, upon the same payne, so that he or they that this wille obeye here a token of our soveraigne lorde the King.

For Them That Raansom Their Prisoners or Sell Without Leave of Ther Lordes or Capitanes

Also that no man be so hardey to raunsome or sell his presoner without especall licence of his capitayn, the whiche indenteth with the King under his letter and seale; and that upon payne that he that doeth the contrarye therof to forfaitte his parte in the psoner unto his capitayn, and he to be undcrareste of the Marishall to the tyrne he have aggred withe his capitayn, and that no man by no suche psoner upon payne to lose the golde and money that he paieth for him, and the presoner to be arested to the Capitayn aforsaide.

A Statute for Children Within the Age of Xiiij Yeres

Also that no man be so hardey to take no childerne within the age of xiiij yere, but if he be a lordes sonne, or els a worshipf ull gentelmans sonne, or a

capitayne; and that as sone as he bathe brought him into the oste or in to the gernyson where he is abyding that he brynge him to the lorde, master, or capitayn, upon payn of losing hors, harneys, and his part of the same childe, re- 'ilvyng unto his lorde, master, or capitayn his duety, so that they be not consentant unto the defaulte; also that the saide lorde, master, or capitayn bryng him unto the King or Counstable within viij dayes upon.

For Women That Lye in Gesem

Also that no maner of man be so hardy to goe into no cham-ber or lodging wher that any woman lieth in gesem, her to robbe ne pille of no goodes the whiche longeth unto her refressheing, ne for to make non affray wher through she and her childe myght be in any disease or dispere, upon payn that he that in suche wise offendeth shall losse all his goodes, half unto that acusethe him, and halfe unto the Counstable and Marshall, and himself to dede but if the King geve him his grace.

For the Resisting of Justice

And if any man bejued to the death by the Kinge, Counsta-ble, Marishall, or any other Juge ordynarye, or any other office lawfull, that no maner man be so hardy to sett hand on the con-dempned to resiste the Kings jugct, upon payn that, and the saide condempned be traytour, he *that* is the chif to have the same death that unto him belongeth; and all those that be }?ticipaot or consenting to have their hedes smeten of; and if it be any other cause crim-inall, the causer of the resistinge to have the same deathe that the saide jugged shuld have, and the remeoant at the Kinges wille.

For Them That Fortifie Places Withoui Leave of the Kinge

Also that no man be so hardye to edyfie nor to strengti no maner of place disappered by the King or his Counseill, without espall comaundement of them that have power; and also that o man compell the countrey, the whiche is in the obeysaunce or appatysede¹⁹ unto our soveraign e Jorde the Kinge, to come unto the donage, re acon, wacche or warde, of the saide place, upon payne of losynge his hors and harneys and to restowr ayen or make satisfaccon unto the countrey wher that he hathe offended the costes and damage^F, and mor over his bodey at the Kinges wille.

For Them That Robbe and Pille Lodginges

Also that no man be so hardy to robbe nor pille non others lodginge after tyme it is assign ed by the harbyngers, ne to lodge ther within without leave of

him the whiche the lodginge is as-signed to, upon payne of emprysonament after the warde of the Counstable and Marishall.

A Statute for Them That Jette Labours and Men Going to Plow

Also that no man er of man be so hardy to take fro no man going to the plough, harowe, or cart, hors, mare, nor oxc, nor non other beste longinge to labour within the Kinges obeysaunce without louing and bcdinge, au <1 grede the partye, upon payne of deathe; and also that no man geve none impedyment unto no man of labour, upon payen of emprysonament unto the tymc he have ma < le a fyne after the awarde of the Counstable and Marishall.

For Them That Geve Men Reproche

Also that no maner man geve no reproche to non other by cause of the country that he is of, that is to saye, be he Frenche, Eng-lisshe, Welshe, or Irisshe, ort > f any other country whens that ever he be, that no man saye no vilony to non other, throughe the whiche vilony saynge, rny fallc sodcnly man slaughter, or risinge of people, all suche barvators shall stand at the Kinges wille what death they shall have for ther noys making.

For Them That Taketh Traytours and Put Them to Raansom

Also if any man take any enemye the whiche bathe ben shornc and had billet, or any man the whiche outhe ligeaunce unto our liege lord the Kinge, that is to witt, Englishe, Welsshe, Irishe, or nny other, that as sone as he is comen in to the oste or elswher that he be brought into the warde of Counstable and Marishall upon payne to have the same death that the saide traytour or enemye sholde have, and he that any suche bryngeth in shall have an C. s. of the Kinge, Counstable, or Marishall, for his travell.

For Them That Breke the Kinges Areste

Also that every man obey unto the Kinges sergauntes porters of place, or any other officers made by Counstable, Mari hall, or by any other offices cofiimssede, that no man be so hardy to breke the Kinges areste, upon payne to lose hors and harnes and his body at the Kioges wille, and if he mayne them or hurte to be dedc therefore.

For Bornynge

Also withouten comandement speciall of the Kioge that no man bourne upon payne of death.

For Wache Within Lofgings

Also both daye and nyght that every Capitayn have wache with-in hls lodginge, upon payne his body to be arestede till he. have made f yne and rausom with the Kinge and at the Kinges wille.

For Theim That Be Wastours of Vitaille

Also if any man finde wyne or any other vitaille, that he take him self therof as muche as him nedes, and that he save the re-meoant to other of the oste, without any discencion, upon payne bis hors and harneys to be areste till he have made fyne with the Counstable and Marishall.

For a Copie to Be Had of the Premysse in the Oste

Also theis articles afor written the whiche that thinketh the Kinge be ncdefull to be cryed in the oste, he wolde that the copie be geven to every lorde and governor of men in the forsaide oste, so that they may have playne knowlege and enforme ther men of ther forsaide ordenances and articles.

For Makinge Rodes

Also that no man make no rodes by day nor by nyght but by licence and knowlege of the chefteyns of the warde, so that the chefteynes may knowe what way they drawe theim that they maye have soucour and helpe, and nede be, upon payne of them that offeodeth of their hod y and goodes at the Kinges wille.

For Rodes

Also that no Capitayn of no warde graunle no rodes without licence of our soueraigne lorde the Kinge that no man disaray him in. the Bataile for no scribe that cometh in the Oste Also that for no tydinges, ne for no maner of scribe that may cor:ne in the oste, that no man move him in disaraye oute of the bataille if they ride, but by)eve of the chefteyne of the bataille, upon payne that he that offendethe shalbe put fro his hors & hameys to the warde of the Counstable and Marshall unto the time that he have made his f yne with theym, and founde surtie that he shall no more offende; and more over, his body to stand at the Kinges wille.

OTHER ORDENANCE MADE BY THERLE OF SHREUSBERY AND OF PERCHE LORDE OF MOUNTHERMER, AT 111S SIEGES IN MAYNE AND OTHER PLACES³

³Immediately follows Henry V's above articles in Grose, F. (1785–1787) *The Antiquities of England and Wales*. S. Hooper publisher.

First that no maner man of armes, ne archer, ne of what estate, condicon, or nacion, that evE:r he be, that they abide not, nor hold them under the coloure of oure saide soveraigne lorde therle, but tliat their capitoyn be in this psent assemble and company and they be mustred and mustre at all tymes that they be required; nod also that they lodge them under the standarde of ther ca-pitayn and in suche lodging as is delyvered them by the har-bengers, upon payne of losynge hors, and harnes, and ther goodes; more over ther bodies at the Kinges will.

For Forcinge the Said Countre Appatised

Also that no man foraie in the countre apputised but if it be haye, ottei;, rye, and other necessary vitailles, nor that no man geve unto his hors no wheate, nor to gader non but if it be only to make brede of; anp if the said foraiers take any bestaill for ther sustenance that they take resonably, and to make no waste nor for to devoure nor destroye no vitailles, upon payne of losinge hors, and harness, and goodes, and ther bodies at the Kinges wille; and also that the saide forainours 15 take nor sle no great oxen ne no mylche keene, but smalle bestaill, and that they accorde with the ptie upon the payne aforesaide.

For Them That Bye or Sellc Pylage in the Saide Countrey, or Take

Also that no maner of man, souldiour, or marchaunt, using the warre, bye no pilage, nor take non within the groude appatised, upon payne of deathe; and if so be that any man have any of the enmyes goodes whiche he will selle, that he bringe it in to the comon marchaunt market, and pclaime it by an officer of the mar-chalcey, or els of the market, upon payne the byer to be arested of the Marshall to the tyme he have made a fyne with the Counstable and Marshall, and to lose all his mony or golde that he bathe paide for the same pylage, and the seller to lose hors and harnys, and his bodye at the Kinges wille.

For Them That Destroyeth Vines and Other Tres Beringe Lrute

Also that no maner of man bete downe how singe to borne, ne non apletres, peretres, nottres, ne no other tres beringe frute, nor that no-man put no best into vynes, nor drawe up the stakes of the same vynes, for to destroye them, upon pnyne to lo;; e their saide bestes and them self in warde unto the tyme that he have made a fyne with the Counstable and Marishall for the deflate.

For to Bery Careyn and Other Coropcions in Seging

Also that every Jorde, capitayues, or governor of people, do com-pell ther servnts and menye, to berye ther careyn and bowelles abowte ther lodginges

and within earth, that no stynch be in ther lodgings wher thorough that any pestelence or mortalite myght fall within the oste, upon payne to make a mendes at the Kinges wille.

For the Taking of Prisoners of Men Bulleted

Also that no man take no presonerof that saide grounde patiscd, nor no man nor childe having bullet, 16 upon payne to lose hors and harnes and ther bodies at the Kinges wille.

For Dryving Awaye the Bestaill Oute of the Oste

Also that no souldiour of what estat soever he be, goo fro the oste with no bestaill, upon payne that he that is founde in defalte shalbe presoned and lose the saide bestaill, notwithstandinge what plac,-e soever he hath taken them; and he that him taketh or aresteth shall have the half dele of the saide bestial) and the Kinge the other half, but it be so that he have leve of the Coun-&table and Marishall, of the whiche)eve he shall have a billet under the Counstables signet and also that he psent up the nom-ber of the bestes which he dryveth.

For to Make Stakes Ageyns a Bataill or Journey

Also that every Capitayne doe compelle ther yogmen, every man in \$11 haste, to make him a good substanciall stake of xj foote of length for certeyne tydings that lordes have harde, and on payne to be punessed as therto longeth.

For Making of Fagottes at Siges for Bolewerkes & Diches

Also that every man make him a good substanciall f agott of xiij foote of length without leves ayens day next comynge upon pa yen of losing a monethes wages; and that as welle the mar-chante whiche cometh unto the market, as other souldours; and also that every capitain doe ley his fagottes aparte to that entent that it may be sene whether he have his number of fagotes after the compayne the whiche he ledeth.

For Holy Churche

Also that no man take from no hous of religion, ne non other place having sauferde, no maner of goodes, ne vitaill, without accordinge and wille of the wardens of the same place, upon peyn to be arestede and at the Kinges wille of his life That no man spek withe them in the Castell or in the Towne after that they be charged. Also that no maner man be so hardy to speke with

them of the towne or of the castell from hens forthe upon payne to be chastised at my lordes wille.

Ordinaunces for Foraiers in Places Dangerous

Also that no maner man goe for no forage but it be with a stale the whiche shall fowrth twise a weke, that is to witte day and day upon peyne to be chastised at my lords wille.

For Ladders

Also that every vij gentelnhnen, or men of armes, ma them a goode sufficiaunt ladder and a strong of xv rongs, and that it be redey bctweixt this and day upon payne to be chastised at my Lordes wille.

For Pavtses

Also that every ij yomen make them a goode pavise of hordes or of pap, in the best maner they cane best devise, that on may hold it, whiles that other dothe shctc, upun the payne &c.

For Them That Sault or Renners Ro Make Them Boty

Also that all men make them boty, vij, or v to gader, that always iij of the vij, or ij of the v, be assigned to wayte, and not to depte from the standers, upon payne to lose all the wynynge that may be wonne by him as that day, or by the felishop of him, half ot the Kinges wille; and that every capitayn geve by day all the names of his men as they be made in their botye, certifying by name whiche be those that shall abide with the standerdes, and whiche shall doe ther avauntage.

For Wemen That Usen Bordell the Whiche Lodge in the Oste

Also that no maner of man have, ne holdem any common woman within his lodging, upon peyne of losing a months wages; and if any man fynde or may finde any common woman lodging, my saide lorde geveth him leve to take from her or them all the mony that may be founde upon her or them, and to take a stafe and dryve her oute of the oste and breke her arme.

Articles of War Issued by Henry VIII 15 May 1513.

Contained in Tudor Royal Proclamations. 1964. Vol 1. Ed P. Hughes and J Larkin. Yale University Press.

Available via: <https://archive.org/details/tudorroyalprocla0000unse/page/n9/mode/2up>.

Articles of War issued by King Gustavus Adolphus II in 1621.

Contained in The Swedish Discipline: Religious, Civile, and Military. 1632. Nath: Butter and Nish: Bourne.

Available via: https://www.google.com/books/edition/The_Swedish_Discipline_Religious_Civile/5MUBMwEACAAJ?hl=en.

Scottish Articles of Militarie Discipline. 1639.⁴

I. THAT in everie Regiment under a *Collonell*, there bee an ecclesiasticall Eldership or Kirke Session, consisting of the Minister or Ministers of the Regiment, and of Elders to be chosen to that effect; who shall sit at their appointed times, and judge in all Kirke affaires, according to the word of GOD, and the rules and order of Discipline used in the Kirke of SCOTLAND for censuring of delinquents, as fornicatours, whooremongers, adulterers, swearers, cursers, drunkards, profaners of the Sabbath, and all scandalous persons, that they may be brought to repentance: or being found obstinat and incorrigible, that the extreame censures of the Kirke passe against them. And that all things bee done herein, as in every parosh in the time of peace. Also, that tender care may be had of the poore and needie, and of all such as are not able, or may be disabled to helpe themselves: There bee some Deacons appointed in everie Regiment according to the order used in particular paroshes and that in matter of greatest weight, there be a generall Eldership, or common ecclesiastick judicatorie, made up of all the Ministers of the Camp, and of an Elder direct from every particular Regiment, who shall choose their own Moderatour and Clerk, have power to set down order in matters ecclesiasticall for the whole Armie: that there may bee an uniformitie of worship and of Discipline. To whom appellation may bee made from the inferiour Sessions and elderships.

II. It is ordained also for deciding of all controversies, and that the following articles of war and camp Discipline may be the better observed and obeyed. That there be in the Armie two courts of justice: one higher and another lower court: In every Regiment there shalbe a lower court, where the *Collonell* shall be president, and in his absence his Leive-tenant, with them are two Captains to bee joyned, two Leivetenants, two Ensignes, foure Serjants, and two Quartermasters, that together with the President they may be to the number of thirteene at least.

In the high martiall court shall the generall bee President, and in his absence the field Marschall, his associats shall be the Generall of the ordinance, Sergeant-major Generall, Generall of the horses, Quartermaster Generall, Muster Masters, and all the Collonels, or their Leivetenants in their absence, all these shall sit together every man in his owne place and ranke, whensoever there is any matter of great importance in controversie both in the higher Court and lower, there shall be one sworne Secretarie or Clerke appointed, who shall not only make note of the processe and sentences, but

⁴From Articles of Militarie Discipline. 1639. James Bryson.

shall also make diligent record of all notable things that fall out in the armie, whither in any pitched battell, skirmish, leaguer, or any other piece of service whatsoever, with all the circumstances of time, place, or persons; he shall also set his hand to all sentences signed by the Generall, and keep a true register of all interprises, that the Generall with his council of war, shall give order to be done. It shall be lawfull also in all civill and criminall actions of great importance, to make appellation from the lower to the higher Court: The sentence of the court shall bee publickly read in the hearing of all men, but not put in execution, till the Generall give command. No superiour officer, Collonell, or Captaine, shall sollicite for any man, that is lawfully convicted by the Court, either for any cryme, or for not observing the articles of warre, unlesse it bee for his very neare kinsman for whom nature compelleth him to interceed; otherwise, the soliciter shall bee holden as odious as the Delinquent, at least shalbe cashiered from his charge. The foresaid judicatories as wel of the Kirk matters, as of war, shalbe subject to the council of estate, and generall Assemblies *respectivè*.

III. All the Iudges both of the higher and lower Court shall solemnly swear before GOD this folowing oath:

I N. N. Do here promise before God, that I both will and shall judge uprightly, in all things that shall be presented before the Court, according to the law of God, the laws of the Kingdome of *Scotland*, and the articles of warre agreed upon, so farre as I have knowledge or understanding, neither will I for favour or hatred, for good will or evil will, for fear, for revenge, or for any gift or bribe whatsoever, judge wrongously, but judge him free that ought to be free and doome him guiltie that I finde guiltie, as the great God the Lord of heaven and earth shall helpe me, and be my judge at the great day.

IV. All the officers and Souldiers that shall be admitted, shal with lifted up hands in all reverence swear this following oath.

I N. N. do here promise and swear, that unto the kingdome of *Scotland* I will be a faithfull servant according to the Covenant, and unto the Generall of the armie I will be a true and faithfull Souldier, everie manner of way doing my best endeavours for the good of the Kingdome, and obedience of the Generall: to my power, also, shall I hinder all actions prejudiciall to the Kirk and Kingdome; and if I have tidings of any thing of that kinde I shall give notice thereof to some one or other of the council of war. Moreover, I will doe my best to observe carefully all the Articles of warre, and points of camp Discipline: I shall behave my selfe manfully in battell, skirmishes, and every piece of service in all times and places, when and where I shall be commanded: I shall keep watch and ward, and do all other duties willingly, as I shall bee directed: I shall carrie my selfe obediently toward my superiour officers, in all that they command me for the service of the Kirke and Kingdome: In like maner, as I shall answer before God, and every honest man, I shall not flee from my Collours, or token whatsoever that I am

commanded to follow, nor absent my self from them at any time, so long as I am able to go after them: I shall bestow my life & goods for advancing of this service of the Kingdome, and to the uttermost of my power endure all distresses, that can possibly fall out in the warres, fighting manfully to the very last, so farre forth as I am able, or that any true souldier ought to doe: Furthermore, if hereafter I be put into any place or charge by the Generall, or called to anie employment, I shall doe my best endeavour, valiantly and honestly to acquite my self according to my place. This oath shall I well and truly keep, as the great God, the Lord of heaven and earth shall helpe me at the last judgement.

V. For doing of service and worship to God Almightye, the Lord of hosts, for whose Covenant this war is under taken, from whom we look for assistance, and on whom the successe of warre depends; it is thought necessary that there be publick prayers, every day morning and evening throughout the whole Leaguer, for which purpose, some token or warning shall bee given by sound of trumpet or drum. That on the Lords day there bee publick preaching, both before and afternoone, and if the time permit, two dayes in the week also. If any Minister shall neglect his time of prayer, or preaching, he shall for every absence forfault an halfe months pay, or as much as may be accounted an halfe months pay, to be taken up by the Deacons, & at the direction of the Eldership to be distributed to the poore. And whatsoever souldier shall neglect the time of prayer or preaching, shall forfault a dayes wage for every absence, and if after admonition by his Captaine he shall bee found guiltie of neglect or contempt, hee shall ly in prison for the space of twentie foure houres, and be further punished, as his fault deserveth.

VI. There shall bee no mercat nor selling of commodities whatsoever, after the warning is given for divine service, till it be closed: and if any shall happen to contraveine, they shall make forfault of all things so sold, whereof the one halfe shall be disposed upon by the Generall, or such as shall be appointed by him, and the other halfe to be given to the Deacons for the use of the poore. Over and above which the offender shall for one whole day be put in prison.

VII. All Officers and Souldiers shall be obedient unto the Generall and field-marshal with other officers next under them, in whatsoever they shall command upon the paines following. Whosoever behaveth not himself reverently and obediently unto the Generall of the Armie, shall be kept in yrons or prison, till he be brought to answer before a council of war, where being found guilty, whatsoever his qualitie be, hee shall stand to the order of the councill, to underly what punishment they shall thinke convenient according to his merite.

Whosoever shall offer to discredit these great officers by word of mouth, or otherwise, and be not able by prooffe to make it good; and whosoever shall lift up any manner of armes against any of them, whither he doe them hurt or not, shall be punished by death. And if any officer do strick any of them with his hand, whither he hit or misse, he shall losse his right hand.

If it shall hapen that the Generall, or any of the great and generall officers at any occasion shall offer injurie to any noble man, knight, gentleman, or other which standeth not with their honor to put up, Then shall they give in their complaint to the Council of war, where the offender shall answer, and bee censured according to the qualitie and importance of the fault.

If any Souldier or inferior officer serving on horse or foot, shall offer any injurie by word, or deed, to his Collonell, Leivetenant Collonell, Sergeant majour, Quarter-master, Captain or any of his superiors, or shall refuse any dewty commanded him, he shall be punished according to the importance of his fault, and if it shall happen that any officer shall command any thing which tendeth rather to the prejudice nor to the good of the publick, then shall he who is commanded modestly refuse to obey and presently give notice thereof.

If any inferiour officer shal challenge any common Souldier to be guilty of any dishonest action, he shall answer for it before the court as if he were his equall.

If any Souldier horse or foot, shall offer to strike his officer that commands him any dewty or piece of service, he shal lose his hand and be turned out of the quarter, and if it be done in any fort or beleaguered place after the watch is set, he shal lose his life for it; but if he not only offer but do hurt to any of them, whether in the field, or not he shall be shot to death. Whosoever in the presence of the Generall shall draw his sword to do mischief with it, shall lose his hand: He who shal in anger draw his sword, while his Colloures are fleeing, either in batell or in march, shall be shot to death: He who shall presume to draw his sword in any court of justice, shall lose his life: He that draws his sword in any strength or fort to do mischief therewith after the watch is set, shal lose his life.

VIII. The Provest-marshall-general may apprehend any man by his own authority & keep him in irones or in prison, but by no means may do execution upon him although he be sentenced by the court of war, without first giving notice thereof to the Generall and obtaining warrand for that effect.

The same is to be understood of the Provest-marshals of every regiment and companie: And if anie shall be found to hinder the Provest-marshals when they are to apprehend any man or when they are about to execute any thing that becomes them, they shall not escape unpunished in the martiall court.

IX. Common & ordinarie profainers of the sabbath, swearers and drunkards, especially such as shall be found drinking in time of prayers or divine service, shall not only be punished in their means, but shall also make their publick repentance in the midst of the congregation, and if they cannot be reclaimed, they shall be casheired and discharged as unworthy to do service in any place of the armie.

X. No duell or combate shall be permitted to be foughten; If any man offer wrong to another, it shall bee decided by the officers of the regiment, the challenger shall answer it before the Martiall court. And if any Captaine, Leivtenant or other inferiour officer shall give leave or permission unto any under their command to enter combate, and doth not rather hinder them, he shall be presently casheired from his charge and serve afterward as a common Souldiour: but if any harme be done he shall answer it as deeply as he that did it.

XI. He that forceth any woman and the matter be proved, he shall die for it.

No whoore shall be suffered in the leaguer, but if any will have his own wife with him, he may.

If any man keep an unmarried woman, he shall either marrie her or be constrained to put her away, and make his repentance for his fault.

XII. All Souldiers shall dewly repaire unto the generall musters upon the day and houre appointed, nor shall any Colonell or Captaine of horse or foot keep back his Souldiers from being mustered at the time when the muster masters shall desire to view them, if any refuse, he shall be holden for a mutiner.

No Colonell or Captaine shall lend any of their Souldiers unto another upon the musterdays for the making up of their numbers compleat: he that thus makes a false muster, shal answer it at a martiall court, where being found guilty he shall be proclaimed a deceaver, after which being put out of the quarter his Colours shall flee no more.

If any horsman borrowes either horse, armour, pistols, saddle, sword or harnise to passe the muster withall, so much as is borrowed shall be eschited, and both himself and he that lent it him, shall be turned out of the leaguer, the one half of the armes forfaulted shall go unto the Captaine, and the other half unto the Perforce.

XIII. When any march is to be made, every man that is sworn shal follow his colors, whosoever presumes without leave to stay behinde, shal be punished.

If any upon mutinie be found to do it, be they many or be they few, they shall die for it.

Every man is to keep his own rank and file upon the march, and not to put others from their ordour, nor shall any man cast himself behinde, or set himself upon any wagon or horseback: The offenders to be punished according to the time and place.

XIV. He that after warning is given by sound of Drum or Trumpet for setting of the watch, doth wilfully absent himself without some lawfull excuse, shall be disgraced and be put to bread and water, or some such punishment as the matter is of importance.

He that is taken sleeping upon the watch to the indangering of the armie, shall be shot to death.

In like sort shall he be punished who drinks himself drunk upon his watch or place of sentinell that he cannot do his dewty, or that cometh off his watch where he is commanded to keep his guaird.

XV. Whatsoever regiment shall once charge the enemy, and then retire afterward from them before they come to dint of sword, shall answer it before the high martiall court: and if this be occasioned by any officer, he shall be publickly disgraced, and turned out of the leaguer: If the fault shall be found to be in the Souldiers, then shall every tenth man be hanged and the rest condemned to carry all the filth out of the leaguer, till by some exploit they procure their pardon and recover their reputation; provided alwaies, if at the first any man can by the testimony of sufficient witnesses prove himself not guilty of the couarddice, he shall go free.

If any occasion be to enter any strength or sconce by assault or breach, he who reteires from the place before he hath been at handy blows with the enemy & hath used his sword so far as it is possible for him to do service with it and before he be by maine strength beaten off by the enemy, shall be so punished as the court shall finde him to have deserved.

XVI. Whosoever runs from his Collours and doeth not defend them to the utmost of his power so long as they be in danger, shall suffer death for it.

When any occasion of service is, he that first runs away, if any man kill him he shall be free, and if at that time he escape and be apprehended afterward, he shall be proclaimed traitour & put out of the quarter.

Whatsoever ensigne-bearer shall flee out of any place of Battrie, sconce or redoubt before he hath indured three assaults and receives no relieif, shall be in like manner punished, providing alwayes the place be defenceable.

If any regiment, troupe or companie shall flee out of the field or battell, they shall answer for it before the high court, and if there it can be proved to have broken their oath, they shall be proclaimed traitours.

XVII. Whatsoever regiment, troupe or companie shall be found to treat with the enemy or to enter in any conditions with them, without knowledge and leave of the Generall or chief commander in his absence, the officer shall be put to death for it and all his goods confiscated; of the Souldiers every tenth man shall be hanged and the rest punished as is aforesaid.

But if any that then were in companie of such can free themselves from being partakers of the crime and can prove that they did their best to resist it, then shall they be rewarded according to their truth and faithfulness.

Whosoever gives advice unto the enemy any manner of way or keeps any discourse with him without leave of the Generall, or giveth unto him any private intelligence by letters or otherwaies or maks any signe unto him for his advantage shall die for it.

XVIII. They that give over any strength to the enemy, unlesse it be for extremity of hunger or want of amunition, the governour with all the officers shall die for it: All the Souldiers be lodged without the quarter and be made to

carry all the filth out of the leaguer, till by some new proof of their worth they blot away the former cowardice.

XIX. If any numbers of Souldiers shal without leave of their Captaine assemble together for raking mutinous counsell amongst themselves, so many inferior officers as be in company with them shal suffer death, and the Souldiers be so punished, as they that give up any strength: And whatsoever Captaine shall permit unto his Souldiers to hold any such meetings amongst themselves, shall answer it before the high court of justice.

If any shall fall in quarrelling, and fighting and shal call for help of his friends or familiars with intention to be revenged or to defend himself, he shall suffer death for it, and they that come to help him shall be punished like mutiners.

He also shall be reckned for a mutiner who shall not be content with that quarter or place that shall be assigned him, whither in a town or in the leaguer.

XX. Whosoever casts his armes from him either in the field or other where, shall be scourged through the quarter & disgraced as before, til he redeem his credit.

He that sels or enpawnes his armes or any kinde of amunition, or any spades, shoos, picks, & other the like necessary instruments used in the field, shal be for the first and second time beaten through the quarter, and for the third time, punished as for other theft: He also that buyes or taks them upon pawne, be he Souldier or be he victualer, he shall both loose his money and be punished as he that sold them.

He that wilfully breaks any of his armes or instruments aforesaid, shall not only pay for the mending of them, but shall be put to bread and water, and shal be punished otherwise at the discretion of the court.

XXI. No man shal presume to set on fire any town or village in the land or camp, if any doeth he shall be punished according as the judges shall finde the matter important.

XXII. Billets and lodgings in every place must be directed by the quarter-master or quarter-master generally; No commander or common Souldier shall exact or extort any thing besides what is appointed.

All must deal courteously with their hoste and his household servants: He that beats any of them, for the first and second fault he shall be put in irones and made to fast with bread and water, but if he do any of them greater hurt he shall be punished at the discretion of the court.

None shall presume to do wrong to any that bring necessaries unto the leaguer, whither by taking their goods or by taking away their horses; which who so doeth shal be severely punished.

They that pillage or steal any thing, whither from them that furnish the leaguer or from uther subjects of the kingdome, whither Covenanters or not Covenanters, they shall be punished as for other theft.

XXIII. If it so please God that we beat the enemy either in the field or in the leaguer, no man shall fall upon the pillage till the enemy be utterly put to the rout; which done, every man may fall upon his own quarter and rest contented with it, without plundering of others: If any man shall fall upon the pillage before the time, and any evill to the armie shall ensue upon their greedinesse after the spoile, then shall all of them suffer death for it, and although no damage come thereby, yet must they be punished as their fault deserveth.

When any fort or place of strength is taken in, no man shall fall upon the spoile before the enemy be beaten out of all his holds and the quarters be dealt out and assigned.

If any be found drunk in the enemies leaguer before he hath forsaken the same and laid down his armes, he shall be severly punished according to the damage done by his drunkennesse, and although there be no damage, yet shall he be punished for his drunkennesse, especially at such a time.

XXIV. No Captaine shall with-hold any off his Souldiers meanes from him, which if he do, he shall be censured in the court of justice; And if any such evil follow thereupon, as that the Souldiers mutine, be sicke, endure hunger, or give up any strength, then shall he be answerable for all these inconveniences.

If any Captaine lend money unto his Souldiers which he will have payed again, let it be repayed in parcels as the Souldier may spare it, that the commo service be no wayes hindered or neglected thereby.

If upon necessity it come to passe, pay be not made at the due time, yet shall every man be forward in his service all having victuals for the present & certaine expectation of the meanes so soon as may be.

No Captaine shall presume to go out of his station to demand his pay without leave of the Generall, providing he be intertained: who so doth shall be casheired from his place.

XXV. No Colonell or Captaine shall give leave to his Souldiers to go home out of the field, without leave of the Generall or chief commander, under the paine of the loose of three Monethes pay, and to answer it before the court.

No Souldier shall desire his passe, whilest there is any present service to be done against theemie.

If any Souldier desire to be discharged from the wars because he is sick, or maimed, or upon any such reasonable cause, he shall be discharged by warrand from the Generall.

If any Souldier shall run away from his Collours, without a passe of his officers, he shall be apprehended where ever he can be found and punished according to the articles foresaid.

United States Continental Congress – Articles of War, June 30, 1775⁵

⁵Source: *Journals of the Continental Congress 1774–1779*. Vol II Pages 111–123. W. Ford, Ed. Government Printing Office.

Rules and Regulations

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

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

And whereas large reinforcements have been ordered, and are soon expected, for the declared purpose of compelling these Colonies to submit to the operation of the said acts, which hath rendered it necessary, and an indispensable duty, for the express purpose of securing and defending these Colonies, and preserving them in safety against all attempts to carry the said acts into execution; that an armed force be raised sufficient to defeat such hostile designs, and preserve and defend the lives, liberties and immunities of the Colonists: for the due regulating and well ordering of which;-

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

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

Art. II. It is earnestly recommended to all officers and soldiers, diligently to attend Divine Service; and all officers and soldiers who shall behave indecently or irreverently at any place of Divine Worship, shall, if commissioned officers, be brought before a court-martial, there to be publicly and severely reprimanded by the President; if non-commissioned officers or soldiers, every person so offending, shall, for his first offence, forfeit One Sixth of a Dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours, and for

every like offence, shall suffer and pay in like manner; which money so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

Art. III. Whatsoever non-commissioned officer or soldier shall use any profane oath or execration, shall incur the penalties expressed in the second article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence, the sum of Four Shillings, lawful money.

Art. IV. Any officer or soldier, who shall behave himself with contempt or disrespect towards the General or Generals, or Commanders in chief of the Continental Forces, or shall speak false words, tending to his or their hurt or dishonour, shall be punished according to the nature of his offence, by the judgment of a general court-martial.

Art. V. Any officer or soldier, who shall begin, excite, cause, or join in any mutiny or sedition, in the regiment, troop, or company to which he belongs, or in any other regiment, troop or company of the Continental Forces, either by land or sea, or in any party, post, detachment, or guard, on any presence whatsoever, shall suffer such punishment, as by a general court-martial shall be ordered.

Art. VI. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, does not, without delay, give information thereof to the commanding officer, shall be punished by order of a general court-martial, according to the nature of his offense.

Art. VII. Any officer or soldier, who shall strike his superior officer, or draw, or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any presence whatsoever, or shall disobey any lawful commands of his superior officer, shall suffer such punishment as shall, according to the nature of his offense, be ordered by the sentence of a general court-martial.

Art. VIII. Any non-commissioned officer, or soldier, who shall desert, or without leave of his commanding officer, absent himself from the troop or company to which he belongs, or from any detachment of the same, shall, upon being convicted thereof, be punished according to the nature of his offense, at the discretion of a general court-martial.

Art. IX. Whatsoever Officer, or soldier, shall be convicted of having advised or persuaded any other officer or soldier, to desert, shall suffer such punishment, as shall be ordered by the sentence of a general court-martial.

Art. X. All officers, of what condition soever, shall have power to part and quell all quarrels, frays, and disorders, though the persons concerned, should belong to another regiment, troop, or company; and either order officers to be arrested, or non-commissioned officers, or soldiers, to be confined and imprisoned, till their proper superior officers shall be acquainted therewith:

and whoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Art. XI. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, nor shall presume to send a challenge to any person to fight a duel: And whoever shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, or shall second, promote, or carry any challenge, shall be deemed as a principal; and whatsoever officer or soldier shall upbraid another for refusing a challenge, shall also be considered as a challenger; and all such offenders, in any of these or such like cases, shall be punished at the discretion of a general court-martial.

Art. XII. Every officer, commanding in quarters or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command: If upon any complaint [being] made to him, of officers or soldiers beating, or otherwise ill-treating any person, or of committing any kind of riot, to the disquieting of the inhabitants of this Continent; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as the offender's wages shall enable him or them, shall, upon due proof thereof, be punished as ordered by a general court-martial, in such manner as if he himself had committed the crimes or disorders complained of.

Art. XIII. If any officer should think himself to be wronged by his colonel or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the General or Commander in chief of the Continental Forces, in order to obtain justice, who is hereby required to examine into said complaint, and see that justice be done.

Art. XIV. If any inferior officer or soldier, shall think himself wronged by his captain or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial, either party may, if he thinks himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing, shall be punished at the discretion of the general court-martial.

Art. XV. Whatsoever non-commissioned officer or soldier, shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition, arms, or provisions, or other military stores, delivered out to him, to be employed in the service of this Continent, shall, if an officer, be reduced to a private centinel; and if a private soldier, shall suffer such punishment as shall be ordered by a regimental court-martial.

Art. XVI. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be indicted on him or them by the sentence of a regimental court-martial.

Aft. XVII. No officer or soldier shall lie out of his quarters or camp, without leave from the commanding officer of the regiment, upon penalty of being punished according to the nature of his offense, by order of a regimental court-martial.

Art. XVIII. Every non-commissioned officer and soldier shall retire to his quarters, or tent, at the beating of the retreat; in default of which, he shall be punished according to the nature of his offense, by order of the commanding officer.

Art. XIX. No officer, non-commissioned officer or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous appointed by the commanding officer, if not prevented by sickness or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on penalty of being punished according to the nature of his offence, by the sentence of a regimental court-martial.

Art. XX. Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, under arms, shall be cashiered for it; any non-commissioned officer or soldier so offending, shall suffer such punishment as shall be ordered by the sentence of a regimental court-martial.

Art. XXI. Whatsoever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Art. XXII. Any person belonging to the Continental army, who, by discharging of fire-arms, heating of drums, or by any other means whatsoever, shall occasion false alarms, in camp or quarters, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

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

Art. XXIV. No officer or soldier shall do violence, or offer any insult, or abuse, to any person who shall bring provisions, or other necessaries, to the camp or quarters of the Continental army; any officer or soldier so offending, shall, upon complaint being made to the commanding officer, surlier such punishment as shall be ordered by a regimental court-martial.

Art. XXV. Whatsoever officer or soldier shall shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, in time of an engagement, shall suffer death immediately.

Art. XXVI. Any person belonging to the continental army, who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole, or watch-word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. XXVII. Whosoever belonging to the continental army, shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbour or protect an enemy, shall suffer such punishment as by a general court-martial shall be ordered.

Art. XXVIII. Whosoever belonging to the continental army, shall be convicted of holding correspondence with, or of giving intelligence to, the enemy, either directly or indirectly, shall suffer such punishment as by a general court-martial shall be ordered.

Art. XXIX. All public stores taken in the enemy's camp or magazines, whether of artillery, ammunition, Loathing, or provisions, shall be secured for the use of the United Colonies.

Art. XXX. If any officer or soldier shall leave his post or colours, in time of an engagement, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer such punishment as by the said court-martial shall be ordered.

Art. XXXI. If any commander of any post, intrenchment, or fortress, shall be compelled, by the officers or soldiers under his command, to give it up to the enemy, or to abandon it, the commissioned officer, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as may be inflicted upon them by the sentence of a general court-martial.

Art. XXXII. All sutlers and retailers to a camp, and all persons whatsoever, serving with the continental army in the field, though not inlisted soldiers, are to be subject to the articles, rules, and regulations of the continental army.

Art. XXXIII. No general court-martial shall consist of a less number than thirteen, none of which shall be under the degree of a commissioned officer; and the president shall be a field officer: And the president of each and every court-martial, whether general or regimental, shall have power to administer an oath to every witness, in order to the trial of offenders. And the members of all courts-martial shall be duly sworn by the president; and the next in rank on the court-martial, shall administer the oath to the president.

Art. XXXIV. The members, both of general and regimental courts-martial, shall, when belonging to different corps, take the same rank which they hold in the army; but when courts-martial shall be composed of officers of one corps, they shall take their ranks according to their commissions by which they are mustered in the said corps.

Art. XXXV. All the members of a court-martial, are to behave with calmness, decency, and impartiality; and in giving of their votes, are to begin with the youngest or lowest in commission.

Art. XXXVI. No field officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning, and three in the afternoon, except in cases which require an immediate example.

Art. XXXVII. The commissioned officers of every regiment may, by the appointment of their Colonel or commanding officer, hold regimental courts-martial for the enquiring into such disputes or criminal mutters as may come before them, and for the inflicting corporal punishment, for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the court-martial) shall have confirmed the same.

Art. XXXVIII. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot be conveniently assembled, when three may be sufficient; who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer, not being a member of the court-martial.

Art. XXXIX. Every officer, commanding in any fort, castle, or barrack, or elsewhere, where the corps under his command consists of detachments from different regiments or of independent companies, may assemble courts-martial for the trial of offenders in the same manner as if they were regimental, whose sentence is not to be executed till it shall be confirmed by the said commanding officer.

Art. XL. No person whatsoever shall use menacing words, signs, or gestures in the presence of a court-martial then sitting, or shall cause any disorder or riot, so as to disturb their proceeding, on the penalty of being punished at the discretion of the said court-martial.

Art. XLI. To the end that offenders may be brought to justice; whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by proper authority.

Art. XLII. No officer or soldier who shall be put in arrest, or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.

Art. XLIII. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the Continental forces; which officer shall at the same time deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art. XLIV. No officer commanding a guard, or provost-marshal, shall presume to release any prisoner committed to his charge, without proper

authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it, by the sentence of a general court-martial.

Art. XLV. Every officer or provost-martial, to whose charge prisoners shall be committed, is hereby required, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the Colonel of the regiment to whom the prisoner belongs (where the prisoner is confined upon the guard belonging to the said regiment, and that his offense only relates to the neglect of duty in his own corps) or to the commander in chief, their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for his disobedience or neglect, at the discretion of a general court-martial.

Art. XLVI. And if any officer under arrest shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.

Art. XLVII. Whatsoever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

Art. XLVIII. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire, in the service of the continental artillery, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the Continental troops.

Art. XLIX. For differences arising amongst themselves, or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial, with the officers of the other corps.

Art. L. All crimes, not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. LI. That no persons shall be sentenced by a court-martial to super death, except in the cases expressly mentioned in the foregoing articles; nor shall any punishment be inflicted at the discretion of a court-martial, other than degrading, cashiering, drumming out of the army, whipping not exceeding thirty-nine lashes, fine not exceeding two months pay of the offender, imprisonment not exceeding one month.

Art. LII. The field officers of each and every regiment are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded, or necessitous soldiers as belong to such regiment; and such

person shall account with such officer for all fines received, and the application thereof.

Art. LIII. All members sitting in courts-martial shall be sworn by the President of said courts, which President shall himself be sworn by the officer in said court next in rank:-The oath to be administered previous to their proceeding to the trial of any offender, in form following, viz.

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

Art. LIV. All persons called to give evidence, in any case, before a court-martial, who shall refuse to give evidence, shall be punished for such refusal at the discretion of such court-martial:-The oath to be administered in the following form, viz.

Yon swear the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Art. LV. Every officer commanding a regiment, troop, or company, shall, upon notice given to him by the Commissary of the musters, or from one of his deputies, assemble the regiment, troop, or company under his command, in the next convenient place for their being mustered.

Art. LVI. Every colonel or other field officer, or officer commanding any corps, to which there is no field officer, and actually residing with it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but no non-commissioned officer or soldier shall, by leave of his Captain, or inferior officer, commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time from their troop or company, excepting some extraordinary occasion shall require it, of which occasion the field officer present with, and commanding the regiment or independent corps, is to be Judge.

Art. LVII. At every muster the commanding officer of each regiment, troop, or company, then present, shall give to the commissary of musters certificates signed by himself, signifying how long such officers, non-commissioned officers, and soldiers, who shall not appear at the said muster, have been absent, and the reason of their absence; which reasons, and the time of absence, shall be inserted in the muster-rolls, opposite to the respective names of such absentees: The said certificates shall, together with the muster rolls, be by the said Commissary transmitted to the General, and to this or any future Congress of the United Colonies, or Committee

appointed thereby, within twenty days next after such muster being taken; on failure whereof, the Commissary so offending shall be discharged from the service.

Art. LVIII. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officer, officer, or private soldier, shall be cashiered.

Art. LIX. Every officer, who shall knowingly make a false muster of man or horse, and every officer or Commissary who shall willingly sign, direct, or allow the signing of the muster rolls, wherein such false muster is contained, shall, upon proof made thereof, by two witnesses, before a general court-martial, be cashiered, and moreover forfeit all such pay as may be due to him at the time of conviction for such offense.

Art. LX. Any commissary who shall be convicted of having taken any gift or gratuity on the mustering any regiment, troop or company, or on the signing the muster rolls, shall be displaced from his office, and forfeit his pay, as in the preceding article.

Art. LXI. Any officer who shall presume to muster any person as a soldier, who is at other times accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Art. LXII. Every officer who shall knowingly make a false return to the Commander in Chief of the American forces, or to any his superior officer, authorized to call for such returns, of the state of the regiment, troop, independent company, or garrison under his command, or of arms, ammunition, cloathing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

Art. LXIII. The commanding officer of every regiment, troop, independent company, or garrison, in the service aforesaid, shall, in the beginning of every month, remit to the Commander in chief of said forces, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and the time of their absence: whosoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

Art. LXIV. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future settling.

Art. LXV. All officers commanding in the camp, or in any forts, barracks, or garrisons, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions at a reasonable price, as they shall be answerable for their neglect.

Art. LXVI. No officers commanding in any camp, garrisons, forts, or barracks, shall either themselves exact exorbitant prices for houses or stalls let out to settlers, or shall connive at the like exactions in others, nor lay any duty or impositions upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the camp, garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Art. LXVII. That the general, or commander in chief for the time being, shall have full power of pardoning, or mitigating any of the punishments ordered to be inflicted, for any of the offenses mentioned in the foregoing articles; and every offender, convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated by the Colonel or officer commanding the regiment.

Art. LXVIII. When any commissioned officer shall happen to die, or be killed in the service of the United Colonies, the Major of the regiment, or the officer doing the Major's duty in his absence, shall immediately secure all his effects or equipage, then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the Secretary of the Congress, or assembly of the province in which the corps is stationed or shall happen to be at the time of the death of such officer; to the end that his executors may, after payment of his debts in quarters, and interment, recede the overplus, if any be, to his or their use.

Art. LXIX. When any non-commissioned officer or private soldier, shall happen to die, or be killed in the service of the United (colonies, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, and transmit the same, as in the ease above provided for, in order that the same may be secured for, and paid to their respective representatives.

Ordered, That Mr. [Silas] Deane, Mr. [Thomas] Cushing and Mr. [Joseph] Hewes, be a Committee to examine the rules and articles of war agreed to by the Congress, and get them printed as soon as possible.

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

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

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