

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1873,

In the Ninety-seventh year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:
BENJAMIN SINGERLY, STATE PRINTER.
1873.

No. 808.

An Act

Authorizing the electors of the borough of Lykens, in the county of Dauphin, to elect one supervisor for said borough, et cetera.

SECTION 1. *Be it enacted, &c.,* That the qualified electors of the borough of Lykens, in the county of Dauphin, on the third Friday of March, one thousand eight hundred and seventy-three, and every succeeding March election thereafter, elect but one supervisor for said borough instead of two supervisors; and that all laws heretofore enacted in relation thereto be and the same are hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 809.

An Act

To repeal an act for the appointment of an auctioneer for the county of Westmoreland, approved twentieth March, one thousand eight hundred and sixty-nine.

SECTION 1. *Be it enacted, &c.,* That the act providing for the appointment of an auctioneer for the county of Westmoreland, approved the twentieth day of March, Anno Domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 810.

An Act

To prevent the carrying of deadly weapons within the city of Harrisburg.

SECTION 1. *Be it enacted, &c.,* That any person who shall carry any pistol, dirk-knife, slung-shot or deadly weapon

within the city limits of Harrisburg, except police officers, shall be deemed guilty of misdemeanor, and being convicted thereof, shall be sentenced to undergo an imprisonment or be fined in any sum of not less than fifty dollars, or both, at the discretion of the court, and in case of non payment of the fine so imposed, shall be imprisoned for a period of not less than three months, and be required to give security for future good behavior. The fines collected shall be paid into the city treasury for the use of said city.

APPROVED—The 12th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 811.

An Act

To incorporate the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church.

Corporators

SECTION 1. *Be it enacted, &c.,* That Reverends Samuel Bares and Samuel Creighton, Messrs. J. M. Shoop, N. P. John, M. W. Jackson, B. G. Welch, Stephen Turnbaugh, E. M. Wardin, A. J. Amerman, J. R. Cleaver and Joseph Smith, with such other person or persons, citizens of this state and of any other state, as may associate with them, and their successors, be and they hereby are created a body politic and corporate in law by the name, style and title of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, for the purpose of providing and maintaining for the members and friends of the Methodist Episcopal church a proper, convenient, desirable and permanent camp-meeting ground and christian family resort; and by the name of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same at their pleasure alter and renew; and shall have power to purchase and hold such real and personal estate, and erect such buildings and improvements thereon as they may deem necessary, proper or desirable for the purposes and objects of the corporation, and the same, or any part thereof, to dispose of in parcels or otherwise, by lease, or in fee simple, or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state or the United States, as they may see fit; and the said corporation shall have authority to receive gifts or bequests, by will or otherwise, for the purpose of ornamenting, improving and maintaining the camp-ground of said association. The managers of the said corporation shall have power to borrow money to any amount, not ex-

Title.

Purpose.

Powers and privileges.

Managers may borrow money.

THE
Statutes at Large
OF
PENNSYLVANIA

FROM
1682 to 1801

COMPILED UNDER THE
AUTHORITY OF THE ACT OF MAY 19 1887 BY
JAMES T MITCHELL AND HENRY FLANDERS
COMMISSIONERS

VOLUME III
1712 to 1724

CLARENCE M BUSCH
STATE PRINTER OF PENNSYLVANIA
1896

five shillings, one-half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute and cause such offender to be as aforesaid convicted: which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison for every such offense the space of two days, without bail or mainprise.

Provided, That such conviction be made within ten days after such offense committed. And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed August 14, 1725, Chapter 237; February 6, 1730-31, Chapter 322; March 29, 1735-36, Chapter 338; February 9, 1750-51, Chapter 388; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; March 21, 1772, Chapter 648; December 24, 1774, Chapter 705; November 25, 1779, Chapter 867; March 28, 1787, Chapter 1279; September 29, 1787, Chapter 1318; April 13, 1791, Chapter 1573; April 11, 1793, Chapter 1698; April 18, 1794, Chapter 1743; April 18, 1795, Chapter 1857; March 29, 1802, P. L. 127; March 29, 1803, P. L. 542; April 4, 1807, P. L. 132; March 30, 1812, P. L. 182; March 14, 1818, P. L. 189; March 29, 1824, P. L. 152; February 10, 1832, P. L. 64; June 13, 1836, P. L. 551; March 16, 1847, P. L. 473; April 11, 1848, P. L. 504; April 8, 1851, P. L. 382; April 14, 1851, P. L. 549; March 20, 1856, P. L. 137; May 5, 1864, P. L. 841; March 23, 1865, P. L. 744; March 12, 1866, P. L. 160; June 2, 1870, P. L. 1316; April 17, 1878, P. L. 23; June 10, 1881, P. L. 111; June 11, 1885, P. L. 111.

CHAPTER CCXLVI.

AN ACT TO PREVENT THE KILLING OF DEER OUT OF SEASON, AND AGAINST CARRYING OF GUNS OR HUNTING BY PERSONS NOT QUALIFIED.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if

any person or persons, after the publication hereof, shall kill or destroy any buck, doe, fawn, or any other sort of deer whatsoever, at any other time or season except only betwixt the first day of July and first day of January, he shall forfeit and pay for every such buck, doe, fawn, or other deer so killed or destroyed as aforesaid, the sum of twenty shillings; one-half thereof to the poor of the township where the offense is committed, and the other half to him who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender, by the oath or affirmation of one or more witnesses.

Provided, That such conviction be made within two months after such offense is committed.

And for the better conviction of offenders against this act:

[Section II.] Be it enacted, That every person in whose custody shall be found, or who shall expose to sale any green deer skins, fresh venison, or deer's flesh, at any other time of the year than what is before excepted, and shall be convicted thereof as aforesaid, shall be deemed guilty of the said offense. And that the same green deer skins, fresh venison or deer's flesh so found as aforesaid shall be held to be good evidence in the cases aforesaid.

Provided always, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing, and having in their custody any skins or deer's flesh for their own use, anything in this act to the contrary notwithstanding.

And whereas divers abuses, damages and inconveniencies have arose by persons carrying guns and presuming to hunt on other people's lands, for remedy whereof for the future:

[Section III.] Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year one thousand seven hundred and twenty-one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall be thereof convicted, either

upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of fifty acres of land and otherwise qualified in the same manner as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall, at any time after the said sixteenth day of November, carry any gun, or hunt in the woods or uninclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings for every such offense.

[Section IV.] And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense, to be convicted in manner aforesaid.

All which penalties and forfeitures shall go, one moiety to the informer, and the other to the poor of the township where such offense is committed. But if convicted upon view of a justice of the peace, the whole forfeiture shall be to the use of the poor. And if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any be, the charge of distraining being first deducted. And for want of such distress he shall be committed to prison, where the forfeiture is twenty shillings, for the space of ten days; and, where the forfeiture is ten shillings, for the space of five days; and, if the forfeiture is five shillings, for the space of two days, without bail or mainprise.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and

1721] *The Statutes at Large of Pennsylvania.*

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the Acts of Assembly passed February 6, 1730-31, Chapter 323; January 27, 1749-50, Chapter 383. Repealed by Act passed April 9, 1760, Chapter 456.

CHAPTER CCXLVII.

AN ACT FOR THE WELL TANNING AND CURRYING OF LEATHER, AND REGULATING OF CORDWAINERS, AND OTHER ARTIFICERS, USING AND OCCUPYING LEATHER WITHIN THIS PROVINCE.

Whereas very great abuses have been committed by tanners, cutters and other persons, using and working of leather within this government, and the prices of leather become very exorbitant and burdensome to the people of this province: To the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using the several crafts and mysteries aforesaid may not be more strictly bound or limited than the necessary regard of the welfare and general commodity of all His Majesty's subjects within the said province requireth:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the twenty-fifth day of November next, in this present year of our Lord one thousand seven hundred and twenty-one, if any person or persons using, or which shall use, the mystery or faculty of tanning, or any person or persons importing, or who shall import, any leather into this province, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently and not thoroughly tanned, so that the same, by the triers of leather lawfully appointed by virtue of this present act, for the time being, shall be found to be insufficiently not thoroughly tanned, that then all and every such person and persons so offending shall forfeit such leather, as shall be found insufficiently and not thoroughly tanned, unless the party importing the same will give

A C T S passed by the General Assembly of the Province of *New-Jersey*, at *Perth Amboy* in 1722, being the Eighth Year of His Majesty's Reign.

C H A P. XXXIII.

An A C T for the Security of His Majesty's Government of New-Jersey.

Preamble.

Sect. 1. **W** H E R E A S some Persons in this Province, disaffected to His Majesty's Person and Government, propogate their pernicious Principles, to the great Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same. And by Reason of their Intermeddling in publick Affairs, in Contempt of His Majesty's legal and just Authority, obstruct the publick Administration, and will, if not prevented, prove Dangerous to the Government of this Province.

Two or more
Justices, or any
Person special-
ly appointed by

B E I T T H E R E F O R E E N A C T E D by the Governor, Council and General Assembly, and it is hereby

C H A P. XXXV.

An ACT to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.

Any Person killing Deer in the Time by this Act dis-allowed, to forfeit 30s. &c.

Sec^t. I. **B**E IT ENACTED by the Governor, Council and General Assembly, AND IT IS HEREBY ENACTED by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May* or *June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby impowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witness. Provided, That ~~such~~ Conviction be made within two Months after ~~the~~ Offence committed.

Sale of green Skins to amount to a Conviction, &c.

2. AND for the better Convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale, any green Deer Skins, fresh Venison or Deer's Flesh, at any Time in any of the Months of *January, February, March, April, May* or *June*, aforesaid, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Not to extend to hinder killing them in Corn Fields, or by Indians

3. PROVIDED ALWAYS, That nothing contained in this Act, shall be deemed or construed to hinder any Person from killing any kind of Deer, within his Fields where Corn is growing, at any Time in the Month of *January*, nor to extend to any Free Native Indians carrying Guns, hunting, killing or having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the contrary notwithstanding.

4. And

The Eighth of GEORGE I.

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4. And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, **BE IT ENACTED** by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Fifteen Shillings*, with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise qualified, in the same Manner as Persons are or ought to be for electing Representatives to serve in General Assembly, shall at any Time after the Publication hereof, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted, in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings*, with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where such Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levyed on by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the over-plus, if any be, the Charge of Distraining being first deducted. And for want of Effects whereon to make such Distress, every Person so Offending, contrary to the true Intent and Meaning of this Act, shall be committed to Prison, when the Forfeiture is *Thirty Shillings*, for the Space of Fifteen Days; and when the Forfeiture is *Fifteen Shillings*, for the Space of Eight Days; and when the Forfeiture is *Ten Shillings*, for the Space of Five Days, without Bail or Mainprize.

No Person to carry a Gun or hunt on Land inclosed but by assent of Owners &c.

Person Lands Unclosed, unless freeholders &c.

Forfeitures how to be applied, and how to be levied &c.

5. **AND BE IT ENACTED** by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to issue his Warrants for the bringing such Offender

Want of Effects to be committed to Gaol.

C c

before

Sheriff refusing
 &c. to receive
 the party, to
 forfeit 6l. &c.

before him; and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed. And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus; and every Sheriff, or Under-Sheriff or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act; shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Effoyn or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

Not to extend
 to Negroes, &c.
 but they to be
 whipped if con-
 victed, &c.

6. AND IT IS ALSO FURTHER EN-
 ACTED by the Authority aforesaid, That this Act, nor any Part thereof, shall be construed to extend to Negro, Indian or Mulatto Slaves, so as to commit them to Prison; during the Time in this Act limited, in Case they should be guilty of any of the Offences in this Act prohibited; but that then, and in such Case, such Indian, Negro or Mulatto Slave, killing and destroying any Deer as aforesaid; or carrying or hunting with any Gun, without Licence from his Master, shall, at the publick Whipping-Post, on the bare back, be Whipp'd, not exceeding Twenty Lashes, for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings*, and pay no greater or other Cost whatsoever; any Thing in this Act to the contrary hereof in any wise notwithstanding.

ACTS

April,
1715.

CHAP. XXVI.

An ACT for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons.

A Supplementary act, May 1766, ch. 6.

Preamble.

WHEREAS many acts of assembly have been heretofore made against thieving and stealing, which at this present are not sufficient to prevent the committing those crimes, or to punish them when committed ;

Justices of
the county
courts, of
what crimes
they may
hold plea.

II. BE IT THEREFORE ENACTED, *by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same,* That it shall and may be lawful to and for the several justices of the county courts of this province to hold plea of, adjudge, and in lawful manner determine, all thieving and stealing of any goods or chattels whatsoever, not being above the value of one thousand pounds of tobacco (robbery, burglary, and house-breaking excepted,) (a) and every person or persons legally convicted of any such thieving and stealing (except before excepted,) by testimony of one sufficient evidence, not being the party grieved, before any such county court as aforesaid, shall and may cause to be punished, by paying fourfold of the value of the goods so thieved or stolen as aforesaid, and the stolen goods returned to the party or parties grieved thereby, and by putting in the pillory, and whipping so many stripes as the court before whom such matter is tried, shall adjudge, not exceeding forty; which court shall always adjudge the value of the goods so thieved and stolen as aforesaid; and if any such person, so convicted, have not sufficient goods and chattels, or be a servant, whereby he is incapable to have goods and chattels to satisfy and pay the said fourfold, in every such case, such person or persons shall receive the corporal punishment as aforesaid, and satisfy the fourfold, and fees of conviction, by servitude.

Time of service, when to commence.

III. AND BE IT HEREBY ENACTED AND DECLARED, *by the authority, advice and consent aforesaid,* That the time of service of a free person convict as aforesaid, not having goods and chattels as aforesaid, shall commence from the time of his conviction as aforesaid; and the time of service of a servant, convict as aforesaid, shall commence at the expiration of such time of servitude, to which, at the time of his conviction, he stood bound, which time of servitude, for satisfaction for the

(a) By 1785, ch. 87, section 7, the justices of the county courts are empowered, (unless in cases particularly directed by law to be tried in the general court) to try all persons who have committed any manner of offence, although it may subject such person to the pains of death.

JOHN HART, Esq. GOVERNOR.

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stolen goods, and fees accrued as aforesaid, shall be adjudged by such county court, either to the party grieved, or any other person the court shall order such convict to, that will then and there pay, or secure to be paid, the fourfold and costs aforesaid, at the discretion of the court; and if any person or persons shall receive or take part of such stolen goods, or assist the person so stealing as aforesaid to make away or conceal them, being legally convicted as aforesaid, shall suffer the same corporal pains with the party stealing as aforesaid, any law, statute, usage or custom to the contrary notwithstanding.

April,
1715.



IV. AND, If any person or persons have been once convicted of any such thieving and stealing, (except before excepted,) and shall after be again presented for thieving and stealing of any goods or chattels, laid to be above the value of twelvepence, it shall not be tried and determined by any county court, but the party presented, upon such presentment, shall be proceeded against in the provincial court as a felon for simple felony, but shall not be punished by death, but only paying the fourfold, branding with a hot iron, or such other corporal punishment as the court shall adjudge, saving life; and such presentment shall be, by the clerk of every such county court, immediately sent to the then next provincial court, together with a transcript of his former conviction, if such conviction was in the same court where the presentment aforesaid shall be, or otherwise, made known to the attorney-general in what other court such former conviction was, if to him known, under the penalty of five hundred pounds of tobacco to our sovereign lord the king, his heirs and successors, for the support of government; and the parties witnesses against such felons, if in court at the time of such presentment, shall be bound over to give evidence as aforesaid, or otherwise, if not in court, an account of their names and places of dwelling to be sent to the attorney-general, to be summoned against the then next provincial court, in order to such trial; and the party presented, if in court, to be bound over also, by due course of law, to answer such presentment, or, if not in court, proceeded against by due course of law as aforesaid.

Persons again prosecuted must be tried in the provincial court, if the presentment charges them with stealing above the value of 12 pence.

V. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That any person or persons whatsoever that shall kill any unmarked swine above three months old, if not upon his or their own land, or not in company with his or their own stock, shall and is hereby adjudged an hog stealer, and shall be liable to restore fourfold, and suffer such corporal pains as against the first offence in this act mentioned.

Penalty for killing unmarked swine.

VI. AND, to prevent any person or persons concealing or disfiguring the mark of any swine killed as aforesaid, BE IT FURTHER ENACTED, *by the authority advice and consent aforesaid*, That if any person or persons killing any such unmarked swine in the woods, or elsewhere, and shall wilfully disfigure the mark, or cut off the ears of such swine, so as to con-

For disfiguring their mark, &c.

April,
1715.

And on
persons con-
victed for
hunting, &c.

ceal the true and real mark, or whether it were marked or not, shall be deemed and adjudged a hog stealer within the purview of this act, and shall suffer accordingly.

VII. AND, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, **BE IT ENACTED,** That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco, one half to our sovereign lord the king, his heirs and successors, the other half to the party grieved, or those who shall sue for the same, to be recovered in any county court of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Criminals to
pay their
own fees, by
servitude, if
not other-
wise capa-
ble.

VIII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That from henceforth no sheriff, gaoler, clerk, crier, or other officer, shall charge either their own county, to which they belong, or the public, with any fees for any criminal committed to the charge of the said sheriff or gaoler, having sufficient estate in this province wherewith to pay the same, or being capable to pay the same by servitude, but that such criminals, being discharged by order and due course of law, shall pay their own fees to the sheriff, gaoler, clerk and crier, and other officers, being such as they may demand according to law, either out of his estate, or by servitude, or otherwise.

Vide 1781, ch 11.

Proviso.

IX. PROVIDED ALWAYS, That this act shall not extend to malefactors that are executed, or to such other persons who are banished, having no estate in this province, or to servants criminals, for whom the county shall pay such fees as are due by the acts of assembly to the sheriff, gaoler, clerk, crier, or other officers of such court where such criminal shall be convicted.

Officers fees,
how to be
paid.

X. AND BE IT FURTHER ENACTED, *by the authority aforesaid,* That all officers' fees due by law from (a) criminal servants, shall be paid by the county where the facts shall be committed; and that all and every such criminal servants for

(a) By the act of 1727, ch. 2, all fees due on the prosecution of imported servants, were to be paid by the masters, &c. of such servants, and not by the public or county; and the owners (unless in case of conviction and execution for capital offences,) to have recompence for such fees, by such servitude of the servants (not exceeding three years) as should be thought reasonable by the county court, &c. By May, 1766, ch. 6, the legal fees on the prosecution of any negro, or other slave, in any county court, (whether convicted or acquitted,) shall be paid by and assessed in the levy of the respective counties where prosecuted.

whom the county shall pay the fees due by law to such officers as aforesaid, shall, after the end and expiration of their time of servitude to their master or mistress, satisfy and pay unto the commissioners of the county who paid such fees for them to the sheriff, and other officers as aforesaid, for the use of the county, such sums as they have paid as aforesaid: and the several commissioners of the several counties shall, and are hereby empowered to make inquisition after all such servants, criminals, for whom the county hath defrayed the said fees to the sheriff, and other officers as aforesaid; and they, the said commissioners, according to their best discretion, shall cause to be entered rules for the servants to make such reasonable satisfaction to the county as they shall think fit, and in such manner as they shall find convenient.

April,
1715.

XI. AND, for the better security of the county which shall pay such fees for such criminal servants as aforesaid, **BE IT ENACTED**, *by the authority aforesaid*, That the master, mistress or dame of all such servants, be and are hereby enjoined and required, at the expiration of the time of such servant's servitude to such master, or mistress or dame, to render and deliver up to the sheriff of the county, for the use of the county aforesaid, such servants criminals as aforesaid, under the penalties to such master, mistress or dame, refusing or neglecting to deliver up such servants as aforesaid, of making satisfaction to the county for all such fees as by the county aforesaid have been paid for such criminal as aforesaid; and such sheriff to whom such criminal servant shall be delivered as aforesaid, is hereby required to receive and secure such servants criminals as aforesaid, so that he be and appear at the then next county court to be held for the said county, to be disposed of as the said court shall consider.

Masters, &c.
to deliver up
servants,
criminals un-
der penalty
of paying the
fees, paid
for the
criminal by
the county.

Vide list of acts respecting crimes and punishments, 1692, ch. 16.

CHAP. XXVII.

An ACT for the punishing the offences of adultery and fornication.

Other acts: 1749, ch. 12.—Nov. 1781, ch. 13—1785, ch. 47.—1796, ch. 34.

BE IT ENACTED, *by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same*, That after the end of this session of assembly, whosoever shall, directly or indirectly, entertain, provide for, or cause to be entertained or provided for, any lewd woman or women, or that shall frequent her or their company, after that admonition to him or them be given by the minister, or the vestry, or the churchwarden or churchwardens of the parish where such person or persons shall inhabit, shall be adjudged

Certain persons to be adjudged fornicators, &c.

At a GENERAL ASSEMBLY held at

Burlington from the Twentieth Day of November to the Twenty-first Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE FOURTH.

C H A P. DXXXIX.

*An ACT to continue and amend an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.**

Passed Dec. 21, 1771.

WHEREAS the Act passed in the Nineteenth Year of the Reign of our late Sovereign Lord King George the Second, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions,* will expire at the End of this Session of Assembly;

Preamble.

SECT. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Act, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions,** shall be, and hereby is continued, and every Article and Clause therein contained shall be and remain in full Force, from the Publication hereof, to the first Day of May which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and from thence to the End of the next Session of the General Assembly of this Colony, and no longer.

Limitation.

2. AND WHEREAS it has been a Custom of late, in some of the Counties of this Colony, to choose the Militia Officers Constables; for preventing the same for the Future, BE IT ENACTED *by the Authority aforesaid,* That, during the Continuance of this Act, it shall not be lawful for any Court of General Quarter-Sessions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or choose any commissioned Officer, while in Commission, to be a Constable; any Law, Usage or Custom to the contrary notwithstanding.

Commissioned Officers not to be chosen Constables.

C H A P. DXL.

An ACT for the Preservation of Deer and other Game, and to prevent trespassing with Guns.

Passed Dec. 21, 1771.

WHEREAS the Laws heretofore passed in this Colony for the Preservation of Deer and other Game, and to prevent trespassing

Preamble.

* Chap. CC.

ing

ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to answer the salutary Purposes thereby intended ; Therefore,

No Person to carry a Gun on Lands not his own, except, &c.

Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending, and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witnesses, before any Justice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reside, he, she or they, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; which Forfeiture shall and may be sued for and recovered by the Owner of the Soil, or Tenant in Possession, before any Justice of the Peace in this Colony, for the Use of such Owner or Tenant in Possession.

Penalty.

No Person to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED by the Authority aforesaid, That if any Person shall presume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Possessor pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from such Owner or Owners or legal Possessor ; every such Person so offending, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; provided, that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony.

Penalty.

Penalty on Non-Residents.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Person or Persons offending against this Act be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Season.

4. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the first Day of *September* and the first Day of *January* yearly and every Year, he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence ; to be sued for, recovered and applied as hereafter is directed.

What shall be Evidence of such Killing, &c.

5. AND, for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That any and every Person or Persons in whose Custody shall be found, or who shall

shall expose to Sale, any green Deerskins, or fresh Venifon killed at any Time after the first Day of *January*, and before the first Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witneffes, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Season.

6. AND WHEREAS great Numbers of idle and disorderly Persons make a Practice of hunting on the waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loss of their Labour, BE IT THEREFORE ENACTED by the Authority aforesaid, That, from and after the first Day of *January* next, no Person or Persons whatsoever (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall, on any Pretence whatever, hunt on the waste and unimproved Lands in this Colony ; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt as aforesaid, he or they so offending shall forfeit and pay, for every such Offence; the Sum of *Twenty Shillings* ; to be recovered by Action of Debt, with Cofts, by any Person who shall sue for the same ; to be applied one Half to the Prosecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Colony shall set any Trap or other Device whatsoever, larger than what is usually and commonly set for Foxes and Muskrats, such Person, setting such Trap or other Device, shall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, shall suffer three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved, on Oath or Affirmation, what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent, and absolutely out of his Power ; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistress shall pay the Fine) in Lieu of such Fine, be publicly whipped with thirty Lashes, and committed till the Cofts are paid ; and that the said Trap or other Device shall be broken and destroyed in the View and Presence of the Justice of the Peace before whom they are brought : And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices whatsoever, for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device.

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

8. AND, for encouraging the Destruction of such Traps and Devices, BE IT ENACTED by the Authority aforesaid, That if any Person shall seize any Trap or other Device for the taking Deer, and shall carry such Trap or other Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be entitled to

Reward for seizing a Trap, &c.

an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit.

This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages.

Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian*; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex, Bergen, Morris* and *Suffex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted.

Not to affect *Indians*, nor *Essex, Bergen, Morris* or *Suffex*.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed.

Repeal of Former Laws.

C H A P. DXLI.

An ACT declaring the River Delaware a common Highway, and for improving the Navigation in the said River.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River *Delaware*

Preamble.

Delaware may be rendered much more navigable than it now is ; AND WHEREAS many Persons desirous to promote the publick Welfare have subscribed large Sums of Money for the Purpose aforesaid ; and it is represented that others will subscribe considerable Sums, if Commissioners are appointed by Law to receive the Subscriptions, and apply the same ; Therefore,

Delaware a publick Highway.

SECT. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by Authority of the same, That the River *Delaware* shall be, and it is hereby declared to be a common Highway, for the Purposes of Navigation up and down the same.

Commissioners appointed.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Joseph Galloway, Joseph Fox, Michael Hillegas, Abel James, Samuel Rboads, James Allen, Peter Knight, Esquires, Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder the Younger, Jacob Bright, John Baldwin, Richard Wells, Gentlemen, Thomas Yardley, Jacob Orndt, Peter Keckline, Henry Kooken, Esquires, William Ledley, Nicholas Depui, Son of Samuel, Jacob Stroud and John Arbo, Gentlemen, the Honourable, John Stevens, James Parker and Daniel Coxe, Esquires, Samuel Meredith and Robert Field, Esquires, Doctor William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Ashur Mott, John Emley of Kingwood, Andrew Melick, Robert Hoops and Matthew Lowry, Gentlemen,* be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said River *Delaware* ; who, or any twelve of them, the Survivors, or any twelve of them, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Person or Persons whatsoever, all such Sums of Money, which have been, or shall be given or subscribed for rendering the said River more navigable ; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply for and towards improving the Navigation in the said River *Delaware*, from the lower Part of the Falls near *Trenton*, to the River *Lehigh* at *Easton* ; and the Residue thereof to lay out and apply for and towards improving the Navigation in that Part of the said River above the said River *Lehigh*. PROVIDED ALWAYS, That such Sums of Money as have been or shall be given or subscribed for the improving the Navigation of the said River, above the *Lehigh* aforesaid, separately, shall be laid out and applied for and towards that Purpose, and no other.

To collect Subscriptions

and apply them.

To clear, straighten, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any twelve of them, their Survivors, or any twelve of them, shall have full Power and Authority, by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straighten or deepen, the said River where-ever it shall to them appear useful for improving the Channels ; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said River ; and to make and set up in the said River any Dams, Pens for Water Locks, or any other Works whatsoever, and the same to alter or repair as they shall think fit ; and also to appoint, set out, and make near the said River, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same for towing, hauling or drawing any Vessels, Boats, small Craft and Rafts

Rafts, of any Kind whatsoever; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork.

Watercourse not to be diverted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River.

Penalty on hindering the Commissioners, &c. or obstructing the Navigation.

Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed.

Offences where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act; nor to obstruct, or in any Manner to hinder the Heirs or Executors

Not to injure Mill-Dams already erected.

of the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Assigns, from maintaining, raising or repairing, the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Waterworks, erected as aforesaid, and none other.

Commissioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book; and shall once in every Year make Report of their Transactions in improving the Navigation in the said River to the Council and Assembly of this Colony for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

C H A P. DXLII.

*An ACT for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the Road or Causeway between the Toll-Bridge over Newton Creek and the fast Land of Keziah Tonkin.**

Passed Dec. 21. 1771.

Preamble.

WHEREAS *Thomas Attmore, Isaac Burrough, Benjamin Thackray, Jacob Stokes, Hannah Cooper, Keziah Tonkin, Elizabeth Thackray and Job Haines*, Owners and Proprietors of the Meadows lying on the easterly Side of *Newton Creek*, in the County of *Gloucester*, have, by their Petition, set forth, That they have suffered, and are daily exposed to very considerable Damage by Reason of the Causeway and Road between the Toll-Bridge, called *William Gerrard's*, and the fast Land of *Keziah Tonkin*, not being raised above the Flowing of the Tides;

Possessors of the Toll-Bridge neglecting three Months.

Sect. I. BE IT THEREFORE ENACTED *by the Governor, Council and General Assembly*, That if the Owner or Owners, Possessor or Possessors, of the Toll-Bridge erected over *Newton Creek*, shall neglect or refuse, for three Months after Publication hereof, to repair and raise, above the Flowing of the Tides, such Part of the Causeway and Road, leading from the Town of *Gloucester* to the *Coopers Ferries*, as lays on the East Side of *Newton Creek* aforesaid, from the End of said Toll-Bridge to the fast Land of *Keziah Tonkin*; then, and in such Case, it shall and may be lawful for the Managers, or the Survivors of them already appointed, or that shall be hereafter appointed, in Pursuance of an Act passed in the third Year of His present Majesty's Reign, entitled, *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back Creek, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear,*† to repair, amend and raise the said Causeway and Road, from the Bridge aforesaid,

Managers of Back Creek Meadows to repair and raise the Causeway.

* This Act, though strictly private, being of a very publick Import, is admitted in this Collection.

† Chap. CCCLV.

A DIGEST
OF THE
LAWS OF TEXAS:

CONTAINING THE LAWS IN FORCE,

AND

THE REPEALED LAWS

ON WHICH RIGHTS REST,

FROM 1754 TO 1874,

CAREFULLY ANNOTATED.

BY GEORGE W. PASCHAL,

OF AUSTIN, TEXAS,

LATE REPORTER OF THE SUPREME COURT OF TEXAS, AUTHOR OF PASCHAL'S ANNOTATED
CONSTITUTION, PASCHAL'S DIGEST OF DECISIONS, ETC., ETC.

Fourth Edition—Volume II

WASHINGTON, D. C.:
W. H. & O. H. MORRISON,
HOUSTON, TEXAS: E. H. CUSHING.
NEW YORK: BAKER, VOORHIS & CO.

1874.

Entered according to Act of Congress, in the year 1874, by
GEORGE W. PASCHAL,
In the Office of the Librarian of Congress, at Washington, D. C.

STEREOTYPED AND PRINTED BY
M'GILL & WITHEROW,
WASHINGTON, D. C.

CRIMINAL CODE.

1321

TITLE XI.—OF OFFENSES AGAINST THE PUBLIC PEACE.

Arts. 1984-1995.

CHAPTER I.—UNLAWFUL ASSEMBLIES.

AN ACT TO AMEND THE PENAL CODE FOR THE STATE OF TEXAS.

6 Nov., 1871; took effect from passage. Vol. 21, part 3, p. 19. Art. 1933.

ART. 6508. [1] The penal code for the state of Texas [shall] be amended as follows, by inserting after article 363 the following: [363a] If the purpose of the unlawful assembly be to alarm and frighten any person or persons, by appearing in disguise, so that the real persons so acting and assembling cannot be readily known, and by using language or gestures calculated to produce in such person or persons the fear of bodily harm, all persons engaged therein shall be punished by fine not less than one hundred dollars nor more than one thousand dollars each; and if such unlawful assembly shall take place at any time of the night, that is, between sunset and sunrise, the fine shall be doubled; and if three or more persons are found together disguised, and armed with deadly weapons, the same shall be *prima facie* evidence of the guilty purpose of such persons, as above described; and if any other unlawful assembly mentioned in this chapter consist in whole or in part of persons disguised and armed with deadly weapons, the fine to be assessed upon each person so offending shall be double the penalty hereinbefore prescribed.

Unlawfully appearing in disguise as Ku-klux, White Camelias, and other deviltry, punished. Arts. 7030-7036.

If at night, double punishment.

Three or more together. Prima facie evidence.

CHAPTER III.—AFFRAYS AND DISTURBANCES OF THE PEACE.

Arts. 2011-2013.

AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS IN CERTAIN PLACES THEREIN NAMED.

12 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 210.

ART. 6508a. [1] It shall not be lawful for any person to discharge any gun, pistol, or firearms of any description whatever, on, or across any public square, street, or alley, in any city or town in this state: *Provided*, This act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town.

Discharging firearms within municipal limits made unlawful;

ART. 6508b. [2] Any person who shall discharge any firearms, in violation of the provisions of the first section of this act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

and punished, as disturbance of the peace, by fine not exceeding \$100.

AN ACT TO AMEND ARTICLE 382, TITLE XI, CHAPTER 3, OF THE PENAL CODE.

26 Oct., 1866; took effect from passage. Vol. 20, p. 60.

ART. 6509. [1] Article 382, title XI, chapter III, of the penal code, shall hereafter read as follows: If any one or more persons shall, in any public place, by loud and vociferous talking, swearing, or rudely displaying any pistol, or other deadly weapon, so as to disturb the inhabitants of the place in the prosecution of their lawful business, any person engaged in such disturbance shall be fined in any sum not exceeding fifty dollars.*

Disturbance of the peace, &c., by quarreling. Art. 2012.

Fine not to exceed \$50.

AN ACT TO PROHIBIT THE CARRYING OF FIREARMS ON PREMISES OR PLANTATIONS OF ANY CITIZEN WITHOUT THE CONSENT OF THE OWNER.

6 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 90.

ART. 6510. [1] It shall not be lawful for any person or persons to carry firearms on the inclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county

Carrying firearms an offense.

\$10 fine, or ten

* 1330a. This is sufficiently certain and complete. *Sisk v. The State*, 35 Tex., 496.

1322

CRIMINAL CODE.

days' imprisonment.

jail nor less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

12 Aug., 1870;
took effect 12
Oct., 1870. Vol. 21,
part 1, p. 63.
Persons not to
bear arms at pub-
lic assemblies.
Social inter-
course and elec-
tions not to be
made dangerous.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

Art. 6512.

Kinds of weapons prohibited.

Fine \$50 to \$500.
Notes, 111, 167.Scalp-lifting
country excepted.

Armed officials.

ART. 6511. [1] If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball-room, social party, or other social gathering, composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to locations subject to Indian depredations: *And provided further*, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

12 April, 1871;
took effect 12
June, 1871. Vol.
21, part 2, p. 25.
Carrying arms a
misdemeanor,
punishable by
fine and forfeit-
ure, unless, &c.
Patriots and mili-
tiamen excepted.
Art. 6511.

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

[This section is
constitutional.
English v. The
State, 35 Tex.,
474.]

Fine \$25 to \$100
for first offense.Imprisonment
for second of-
fense.
Notes 111, 167.People at home
and officials ex-
cepted.

[Carrying weap-
ons to and from
market is within
the proviso. *Wad-
dell v. The State*,
37 Tex., 356. But
carrying a pistol
hog hunting in
the woods is not
within the ex-
ception. *Baird*
v. The State, 39
Tex., 609.]

Art. 6512.
Justification
must be immedi-

ART. 6512. [1] Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: *Provided*, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: *Provided further*, That members of the legislature shall not be included under the term "civil officers" as used in this act.

ART. 6513. [2] Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was

GENERAL LAWS,

79

of Multnomah. All acts and parts of acts in conflict with this act are hereby repealed.

Section 2. The county court of Multnomah county, Oregon, shall procure or cause to be procured properly attested copies of the records of Clackamas county, Oregon, affecting the title to real estate situated in the territory described in section one of this act, and have the same recorded in the records of Multnomah county, Oregon, and thereafter such records shall be recognized and become a part of the official records of said Multnomah county, Oregon.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[S. B. 15.]

To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.

Section 2. It shall be unlawful for any person to shoot upon or from the public highways.

Section 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit, or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; *provided*; that this section shall not apply to dogs in pursuit of deer or varmints.

Section 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifteen dollars nor more than fifty dollars, and in default of the payment of the fine imposed shall be committed to the county jail of the county in which the offense is committed, one day for every two dollars of the said fine.

Section 5. Justices of the peace for the proper county shall have jurisdiction of the trial of offenses herein defined.

Filed in the office of the secretary of state, February 20, 1893.

REGULATIONS

James Severin 1781

FOR THE

Order and Discipline

OF THE

TROOPS

OF THE

UNITED STATES.

(Steven F. Co)

PART I.

PHILADELPHIA:

Printed by STYNER and CIST, in Second-street.

M D C C L X X I X,

No. 1198

**BARON STEUBEN'S BOOK
ON MILITARY DISCIPLINE, 1779**

10 American Military Strategy, Early. Steuben, Baron F. A. Regulations for the Order and Discipline of the Troops of the United States. Part I. With Fine Folding-Plates. 8vo, original boards, original calf back. Philadelphia: Printed by Styner and Cist, 1779. First Edition.

(\$50.00) Special Price \$17.50

EXCESSIVELY RARE. A BEAUTIFUL COPY. A German soldier, he was persuaded by his friend, the Count St. Germain, to go to the assistance of the American Colonists, who needed discipline and instruction in military tactics. The present work was of incalculable value to the American Army. Its results were particularly shown in the Battle of Monmouth, where Steuben rallied the disordered, retreating troops of Gen. Charles Lee. He was a member of the Court Martial the year following the publication of this work, which tried Major Andre.

A RARE AMERICAN DRILL BOOK

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In CONGRESS, 29th March, 1779.

CONGRESS judging it of the greatest importance to prescribe some invariable rules for the order and discipline of the troops, especially for the purpose of introducing an uniformity in their formation and manœuvres, and in the service of the camp:

ORDERED, *That the following regulations be observed by all the troops of the United States, and that all general and other officers cause the same to be executed with all possible exactness.*

By Order,

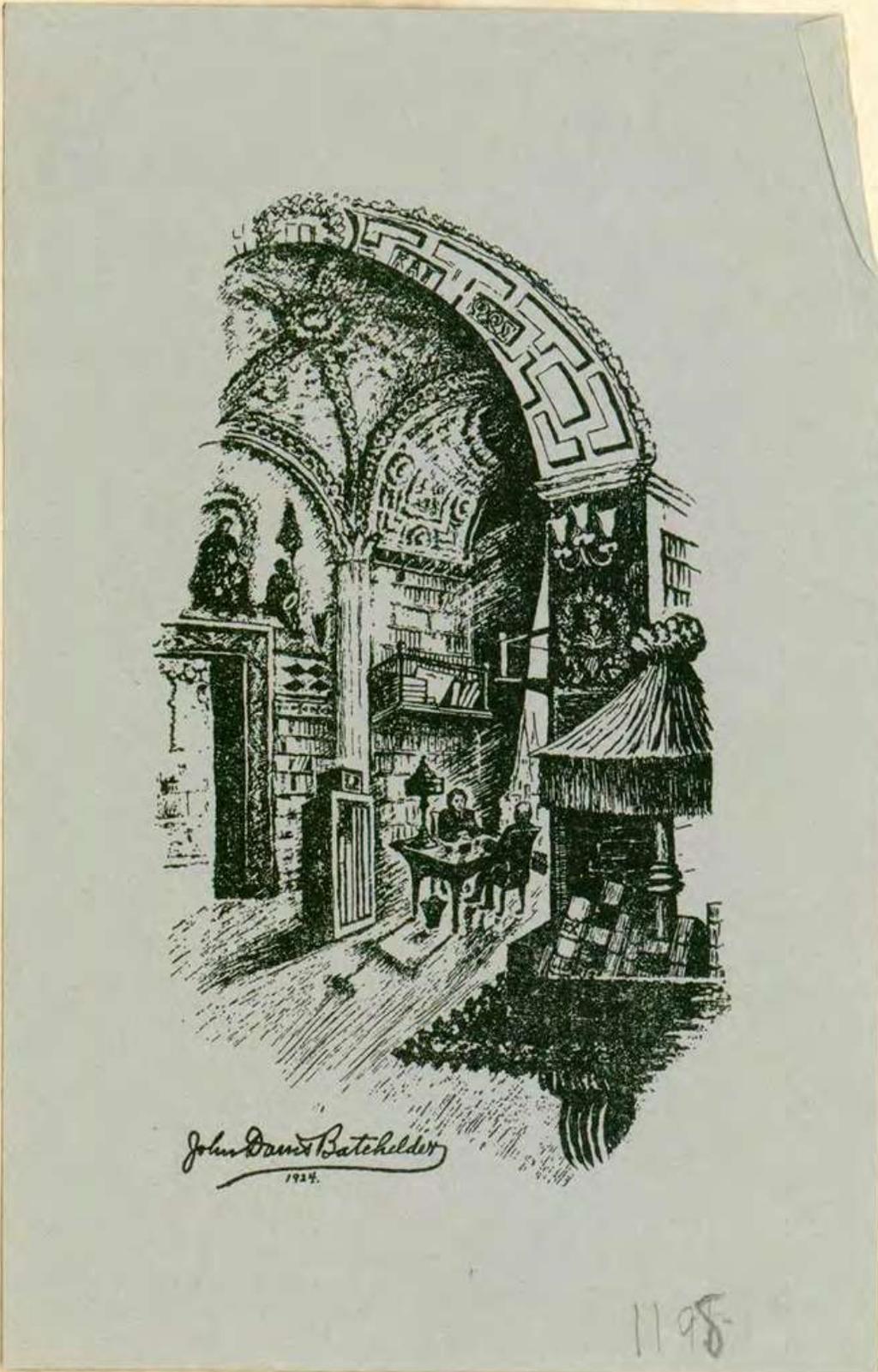
JOHN JAY, PRESIDENT.

Attest.

CHARLES THOMPSON,
Secretary.

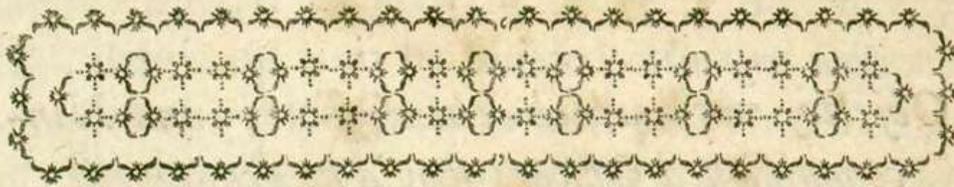


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John David Batchelder
1924

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REGULATIONS, &c.

CHAPTER I.

*Of the Arms and Accoutrements of the Officers,
Non-commissioned Officers, and Soldiers.*

THE arms and accoutrements of the officers, non-commissioned officers, and soldiers, should be uniform throughout.

The officers who exercise their functions on horseback, are to be armed with swords, the platoon officers with swords and espartoons, the non-commissioned officers with swords, firelocks, and bayonets, and the soldiers with firelocks and bayonets.

CHAPTER II.

Objects with which the Officers and Non-commissioned Officers should be acquainted.

THE officers and non-commissioned officers of each regiment, are to be perfectly acquainted with the manual exercise, marchings and firings, that they may be able to instruct their soldiers when necessary; they must also be acquainted with the dress, discipline, and police of the troops, and with every thing that relates to the service.

The commanding officer of each regiment is to be answerable for the general instruction of the regiment, and is to exercise, or cause to be exercised, the officers, non-commissioned officers, and soldiers, whenever he thinks proper.

CHAPTER III.

Of the Formation of a Company.

(Plate I. Figure 1.)

A COMPANY is to be formed in two ranks, at one pace distance, with the tallest men in the rear, and both ranks sized, with the shortest

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shortest men of each in the centre. A company thus drawn up is to be divided into two sections or platoons; the captain to take post on the right of the first platoon, covered by a serjeant; the lieutenant on the right of the second platoon, also covered by a serjeant; the ensign four paces behind the centre of the company; the first serjeant two paces behind the centre of the first platoon, and the eldest corporal two paces behind the second platoon; the other two corporals are to be on the flanks of the front rank.

C H A P T E R IV.

Of the Formation of a Regiment.

(Plate I. Figure 2 and 3.)

A REGIMENT is to consist of eight companies, which are to be posted in the following order, from right to left.

First captain's.

Colonel's.

Fourth captain's

Major's.

Third Captain's.

Lieutenant colonel's.

Fifth captain's.

Second captain's.

For

For the greater facility in manœuvring, each regiment consisting of more than one hundred and sixty files, is to be formed in two battalions, (fig. 2.) with an interval of twenty paces between them, and one colour posted in the centre of each battalion; the colonel fifteen paces before the centre of the first battalion; the lieutenant-colonel fifteen paces before the centre of the second battalion; the major fifteen paces behind the interval of the two battalions; the adjutant two paces from the major; the drum and fife-major two paces behind the centre of the first battalion; their places behind the second battalion being supplied by a drum and fife; and the other drums and fifes equally divided on the wings of each battalion.

When a regiment is reduced to one hundred and sixty files, it is to be formed in one battalion, with both colours in the centre; the colonel sixteen paces before the colours; the lieutenant colonel eight paces behind the colonel; the major fifteen paces behind the centre of the battalion, having the adjutant at his side; the drum and fife major two paces behind the centre of the battalion; and the drums and fifes equally divided on the wings.

Every

Every battalion, whether it compose the whole, or only half of a regiment, is to be divided into four divisions and eight platoons; no platoon to consist of less than ten files; so that a regiment consisting of less than eighty files, cannot form a battalion, but must be incorporated with some other, or employed on detachment.

In case of the absence of any field officer, his place is to be filled by the officer next in rank in the regiment; and in order that the officers may remain with their respective companies, if any company officer is absent, his place shall be supplied by the officer next in rank in the same company; but should it happen that a company is left without an officer, the colonel or commanding officer may order an officer of another company to take the command, as well for the exercise as for the discipline and police of the company in camp.

When the light company is with the regiment it must be formed twenty paces on the right on the parade, but must not interfere with the exercise of the battalion, but exercise by itself; and when the light infantry are embodied, every four companies will form a battalion, and exercise in the same manner as the battalion in the line.

CHAPTER V.

Of the Instruction of Recruits.

THE commanding officer of each company is charged with the instruction of his recruits; and as that is a service that requires not only experience, but a patience and temper not met with in every officer, he is to make choice of an officer, serjeant, and one or two corporals of his company, who, being approved of by the colonel, are to attend particularly to that business: but in case of the arrival of a great number of recruits, every officer without distinction is to be employed on that service.

The commanding officer of each regiment will fix on some place for the exercise of his recruits, where himself or some field-officer must attend, to overlook their instruction.

The recruits must be taken singly, and first taught to put on their accoutrements, and carry themselves properly.

The Position of a Soldier without Arms.

He is to stand straight and firm upon his legs, with the head turned to the right so far

as

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as to bring the left eye over the waistcoat buttons; the heels two inches apart; the toes turned out; the belly drawn in a little, but without constraint; the breast a little projected; the shoulders square to the front, and kept back; and the hands hanging down the sides, with the palms close to the thighs.

Attention!

At this word the soldier must be silent, stand firm and steady, moving neither hand nor foot, (except as ordered) but attend carefully to the words of command.

This attention of the soldier must be observed in the strictest manner, till he receives the word

Rest!

At which he may refresh himself, by moving his hands or feet; but must not then sit down or quit his place, unless permitted so to do.

Attention!

To the Left,---Dress!

At this word the soldier turns his head briskly to the left, so as to bring his right eye in the direction of his waistcoat buttons.

To

To the Right,----Dress!

The soldier dresses again to the right, as before.

The recruit must then be taught

*The Facings.**To the Right,----Face!* Two motions.

- 1st. Turn briskly on both heels to the right, lifting up the toes a little, and describing the quarter of a circle.
- 2d. Bring back the right foot to its proper position, without stamping.

To the Left,----Face! Two motions.

- 1st. Turn to the left as before to the right.
- 2d. Bring up the right foot to its proper position.

To the Right about,----Face! Three motions.

- 1st. Step back with the right foot, bringing the buckle opposite the left heel, at the same time seizing the cartridge-box with the right hand.
- 2d. Turn briskly on both heels, and describe half a circle.
- 3d. Bring back the right foot, at the same time quitting the cartridge-box.

When

When the recruit is sufficiently expert in the foregoing points, he must be taught the different steps.

The Common Step

Is two feet, and about seventy-five in a minute.

To the Front,----March!

The soldier steps off with his left foot, and marches a free, easy and natural step, without altering the position of his body or head, taking care to preserve a proper balance, and not cross his legs, but to march without constraint, in every sort of ground: The officer must march sometimes in his front and sometimes at his side, in order to join example to precept.

Halt!

At this word the soldier stops short, on the foot then advanced, immediately bringing up the other, without stamping.

The Quick Step

Is also two feet, but about one hundred and twenty in a minute, and is performed on the same principle as the other.

The recruits having been exercised singly, till they have a proper carriage, and are well grounded in the different steps; the officer will then take three men, and placing them in one rank, exercise them in the different steps, and teach them

The March by Files,

Which, being of great importance, must be carefully attended to; observing that the soldier carries his body more forward than in the front march, and that he does not increase the distance from his file-leader.

The Oblique Step

Must then be practised, both in the quick and common time.

In marching obliquely to the right, the soldier steps obliquely with the right foot, bringing up the left, and placing the heel directly before the toes of the right foot, and the contrary when marching to the left; at the same time observing to keep the shoulders square to the front, especially that the shoulder opposed to the side they march to does not project, and that the files keep close.

The recruits being thus far instructed, must be again taken separately, and taught

The Position of a Soldier under Arms.

In this position the soldier is to stand straight and firm upon his legs; with the heels two inches apart, the toes a little turned out, the belly drawn in a little without constraint, the breast a little projected, the shoulders square to the front and kept back, the right hand hanging down the side, with the palm close to the thigh, the left elbow not turned out from the body, the firelock carried on the left shoulder, at such height that the guard will be just under the left breast, the fore-finger and thumb before the swell of the butt, the three last fingers under the butt, the flat of the butt against the hip bone, and pressed so as that the firelock may be felt against the left side, and stand before the hollow of the shoulder, neither leaning towards the head nor from it, the barrel almost perpendicular. When exercising, he is to be very exact in counting a second of time between each motion.



THE MANUAL EXERCISE.

I.

Poise---Firelock ! Two motions.

- 1st. With your left hand turn the firelock briskly, bringing the lock to the front, at the same instant seize it with the right hand just below the lock, keeping the piece perpendicular.
- 2d. With a quick motion bring up the firelock from the shoulder directly before the face, and seize it with the left hand just above the lock, so that the little finger may rest upon the feather spring, and the thumb lie on the stock; the left hand must be of an equal height with the eyes.

II.

Cock---Firelock ! Two motions.

- 1st. Turn the barrel opposite to your face, and place your thumb upon the cock, raising the elbow square at this motion.
- 2d. Cock the firelock by drawing down your elbow, immediately placing your thumb upon the breech-pin, and the fingers under the guard.

III.

[17]

III.

Take Aim! One motion.

Step back about six inches with the right foot, bringing the left toe to the front; at the same time drop the muzzle, and bring up the butt-end of the firelock against your right shoulder; place the left hand forward on the swell of the stock, and the fore-finger of the right hand before the trigger; sinking the muzzle a little below a level, and with the right eye looking along the barrel.

IV.

Fire! One motion.

Pull the trigger briskly, and immediately after bringing up the right foot, come to the priming position, placing the heels even, with the right toe pointing to the right, the lock opposite the right breast, the muzzle directly to the front and as high as the hat, the left hand just forward of the feather-spring, holding the piece firm and steady; and at the same time seize the cock with the fore-finger and thumb of the right hand, the back of the hand turned up.

V.

V.

Half-cock---Firelock! One motion.

Half bend the cock, briskly bringing down the elbow to the butt of the firelock.

VI.

Handle---Cartridge! One motion.

Bring your right hand short round to your pouch, slapping it hard, seize the cartridge, and bring it with a quick motion to your mouth, bite the top off down to the powder, covering it instantly with your thumb, and bring the hand as low as the chin, with the elbow down.

VII.

Prime! One motion.

Shake the powder into the pan, and covering the cartridge again, place the three last fingers behind the hammer, with the elbow up.

VIII.

Shut---Pan! Two motions.

- 1st. Shut your pan briskly, bringing down the elbow to the butt of the firelock, holding the cartridge fast in your hand.
- 2d. Turn the piece nimbly round before you to the loading position, with the lock to

[19]

the front, and the muzzle at the height of the chin, bringing the right hand up under the muzzle; both feet being kept fast in this motion.

IX.

Charge with Cartridge! Two motions.

- 1st. Turn up your hand and put the cartridge into the muzzle, shaking the powder into the barrel.
- 2d. Turning the stock a little towards you, place your right hand closed, with a quick and strong motion, upon the butt of the rammer, the thumb upwards, and the elbow down.

X.

Draw---Rammer! Two motions.

- 1st. Draw your rammer with a quick motion half out, seizing it instantly at the muzzle back-handed.
- 2d. Draw it quite out, turn it, and enter it into the muzzle.

XI.

Ram down---Cartridge! One motion.

Ram the cartridge well down the barrel, and instantly recovering and seizing the rammer back-handed

handed by the middle, draw it quite out, turn it, and enter it as far as the lower pipe, placing at the same time the edge of the hand on the butt-end of the rammer, with the fingers extended.

XII.

Return---Rammer! One motion.

Thrust the rammer home, and instantly bring up the piece with the left hand to the shoulder, seizing it at the same time with the right hand under the cock, keeping the left hand at the swell, and turning the body square to the front.

XIII.

Shoulder---Firelock! Two motions.

- 1st. Bring down the left hand, placing it strong upon the butt.
- 2d. With a quick motion bring the right hand down by your side.

XIV.

Order---Firelock! Two motions.

- 1st. Sink the firelock with the left hand as low as possible, without constraint, and at the same time bringing up the right hand, seize the firelock at the left shoulder.
- 2d. Quit the firelock with the left hand, and with the right bring it down the right side,

the

the butt on the ground, even with the toes of the right foot, the thumb of the right hand lying along the barrel, and the muzzle being kept at a little distance from the body.

XV.

Ground---Firelock! Two motions.

- 1st. With the right hand turn the firelock, bringing the lock to the rear, and instantly stepping forward with the left foot a large pace, lay the piece on the ground, the barrel in a direct line from front to rear, placing the left hand on the knee, to support the body, the head held up, the right hand and left heel in a line, and the right knee brought almost to the ground.
- 2d. Quitting the firelock, raise yourself up, and bring back the left foot to its former position.

XVI.

Take up---Firelock! Two motions.

- 1st. Step forward with the left foot, sink the body, and come to the position described in the first motion of grounding.

2d:

- 2d. Raife up yourself and firelock, stepping back again with the left foot, and as soon as the piece is perpendicular, turn the barrel behind, thus coming to the order.

XVII.

Shoulder---Firelock! Two motions.

- 1st. Bring the firelock to the left shoulder, throwing it up a little, and catching it below the tail-pipe, and instantly seize it with the left hand at the butt.
- 2d. With a quick motion bring the right hand down by your side.

XVIII.

Secure---Firelock! Three motions.

- 1st. Bring up the right hand briskly, and place it under the cock.
- 2d. Quit the butt with the left hand, and seize the firelock at the swell, bringing the arm close down upon the lock, the right hand being kept fast in this motion, and the piece upright.
- 3d. Quitting the piece with your right hand, bring it down by your side, at the same time with your left hand throw the muzzle directly forward, bringing it within about one foot of the ground, and the butt close

up

up behind the left shoulder, holding the left hand in a line with the waist belt, and with that arm covering the lock.

XIX.

Shoulder---Firelock! Three motions.

- 1st. Bring the firelock up to the shoulder, seizing it with the right hand under the cock.
- 2d. Bring the left hand down strong upon the butt.
- 3d. Bring the right hand down by your side.

XX.

Fix---Bayonet! Three motions.

- 1st and 2d motion the same as the two first motions of the secure.
- 3d. Quitting the piece with your right hand, sink it with your left down the left side, as far as may be without constraint, at the same time seize the bayonet with the right hand, draw and fix it, immediately flipping the hand down to the stock, and pressing in the piece to the hollow of the shoulder.

XXI.

Shoulder---Firelock! Three motions.

- 1st. Quitting the piece with the right hand, with the left bring it up to the shoulder,
and

and feize it again with the right hand under the cock, as in the second motion of the secure.

- 2d. Bring the left hand down strong upon the butt.
- 3d. Bring the right hand down by your side.

XXII.

Present---Arms! Three motions.

- 1st and 2d motion the same as in coming to the poise.
- 3d. Step briskly back with your right foot, placing it a hand's breadth distant from your left heel, at the same time bring down the firelock as quick as possible to the rest, sinking it as far down before your left knee as your right hand will permit without constraint, holding the right hand under the guard, with the fingers extended, and drawing in the piece with the left hand till the barrel is perpendicular; during this motion you quit the piece with the left hand, and instantly feize it again just below the tail-pipe.

XXIII.

Shoulder---Firelock! Two motions.

- 1st. Lift up your right foot and place it by your left, at the same time bring the firelock
to

to your left shoulder, and seize the butt-end with the left hand, coming to the position of the first motion of the secure.

2d. Bring the right hand down by your side.

XXIV.

*Charge Bayonet !---*Two motions.

1st. The same as the first motion of the secure.

2d. Bring the butt of the firelock under the right arm, letting the piece fall down strong on the palm of the left hand, which receives it at the swell, the muzzle pointing directly to the front, the butt pressed with the arm against the side; the front rank holding their pieces horizontally, and the rear rank the muzzles of theirs so high as to clear the heads of the front rank, both ranks keeping their feet fast.

XXV.

*Shoulder---*Firelock! Two motions.

1st. Bring up the piece smartly to a shoulder, seizing the butt with the left hand.

2d. Bring the right hand down by your side.

XXVI.

*Advance---*Arms! Four motions.

1st and 2d the same as the two first motions of the poise.

C

3d.

- 3d. Bring the firelock down to the right side, with the right hand as low as it will admit without constraint, slipping up the left hand at the same time to the swell, and instantly shifting the position of the right hand, take the guard between the thumb and forefinger, and bring the three last fingers under the cock, with the barrel to the rear.
- 4th. Quit the firelock with the left hand, bringing it down by your side.

XXVII.

Shoulder---Firelock! Four motions.

- 1st. Bring up the left hand, and seize the firelock at the swell,
- 2d. Come smartly up to a poise,
- 3d. and 4th. Shoulder.

Explanation of Priming and Loading, as performed in the Firings.

Prime and Load! Fifteen motions.

- 1st. Come to the recover, throwing up your firelock, with a smart spring of the left hand, directly before the left breast, and turning the barrel inwards; at that moment catch it with the right hand below the lock,
and

and instantly bringing up the left hand, with a rapid motion, seize the piece close above the lock, the little finger touching the feather-spring; the left hand to be at an equal height with the eyes, the butt of the firelock close to the left breast, but not pressed, and the barrel perpendicular.

- 2d. Bring the firelock down with a brisk motion to the *priming position*, as directed in the 4th word of command, instantly placing the thumb of the right hand against the face of the steel, the fingers clenched, and the elbow a little turned out, that the wrist may be clear of the cock.
- 3d. Open the pan by throwing back the steel with a strong motion of the right arm, keeping the firelock steady in the left hand.
- 4th. Handle cartridge.
- 5th. Prime.
- 6th. Shut pan.
- 7th. Cast about.
- 8th and 9th. Load.
- 10th and 11th. Draw rammer.
- 12th. Ram down cartridge.
- 13th. Return rammer.
- 14th and 15th. Shoulder.

N. B.

N. B. The motion of recover, coming down to the priming position, and opening the pan, to be done in the usual time, the motions of handling the cartridge to shutting the pan, to be done as quick as possible; when the pans are shut, make a small pause, and cast about together; then the loading and shouldering motions are to be done as quick as possible.

Position of each Rank in the Firings.

Front Rank! Make ready! One motion.

Spring the firelock briskly to a recover, as soon as the left hand seizes the firelock above the lock, the right elbow is to be nimbly raised a little, placing the thumb of that hand upon the cock, the fingers open by the plate of the lock, and as quick as possible cock the piece, by dropping the elbow, and forcing down the cock with the thumb, immediately seizing the firelock with the right hand, close under the lock; the piece to be held in this manner perpendicular, opposite the left side of the face, the body kept straight, and as full to the front as possible, and the head held up, looking well to the right.

Take Aim! Fire!

As before explained.

Rear

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Rear rank ! Make ready ! One motion.

Recover and cock as before directed, at the same time stepping about six inches to the right, so as to place yourself opposite the interval of the front rank.

Take Aim ! Fire !

As before explained.

The recruits being thus far instructed, the officer must take twelve men, and placing them in one rank, teach them *to dress* to the right and left; to do which the soldier must observe to feel the man on that side he dresses to, without crowding him, and to advance or retire, till he can just discover the breast of the second man from him, taking care not to stoop, but to keep his head and body upright.

When they can dress pretty well, they must be taught *to wheel*, as follows.

To the Right,---Wheel!

At this word of command the men turn their heads briskly to the left hand man.

March !

The whole step off, observing to feel the hand they wheel to, without crowding; the right hand

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man, serving as a pivot for the rest to turn on, gains no ground, but turns on his heel; the officer will march on the flank, and when the wheeling is finished, command,

Halt!

On which the whole stop short on the foot then forward, bringing up the other foot, and dressing to the right.

To the Left,---Wheel!

The whole continue to look to the right, except the right hand man, who looks to the left.

March!

As before explained.

N. B. The wheelings must first be taught in the common step, and then practised in the quick step.

When the recruits have practised the foregoing exercises, till they are sufficiently expert, they must be sent to exercise with their company.

CHAPTER

CHAPTER VI.

The Exercise of a Company.

ARTICLE I.

Of opening the Ranks.

Rear Rank! Take---Distance!



March!

THE rear rank steps back four paces, and dresses by the right; the officers at the same time advancing eight paces to the front, and dressing in a line; the serjeants who covered the officers, take their places in the front rank; the non-commissioned officers who were in the rear, remain there, stepping back four paces behind the rear rank.

Rear Rank! Close to the Front!

The officers face to the company.

March!

The rear rank closes to within a common pace, or two feet; and the officers return to their former posts.

ARTICLE

A R T I C L E 2.

Of the Firings.

The captain will divide his company into two or more sections, and teach them the fire by platoons, as directed in chap. XII. art. 2.

The officers must give the words of command with a loud and distinct voice; observe that the soldiers step off, and place their feet, as directed in the manual exercise; and that they level their pieces at a proper height; for which purpose they must be accustomed always to take sight at some object.

The officer will often command, *As you were!* to accustom the soldier not to fire till he receives the word of command.

In all exercises in detail, the men will use a piece of wood, instead of a flint; and each soldier should have six pieces of wood, in the form of cartridges, which the serjeant must see taken out of the pieces when the exercise is finished.

When the company exercises with powder,
the

the captain will inspect the company, and see that all the cartridges not used are returned.

A R T I C L E 3.

Of the March.

In *marching to the front*, the men must be accustomed to dress to the centre, which they will have to do when exercising in battalion; and for this purpose a serjeant must be placed six paces in front of the centre, who will take some object in front to serve as a direction for him to march straight forward; and the men must look inwards, and regulate their march by him.

The captain must exercise his company in different sorts of ground; and when, by the badness of the ground, or any other accident, the soldier loses his step, he must immediately take it again from the serjeant in the centre. The officers must not suffer the least inattention, but punish every man guilty of it.

The Oblique March

Must be practised both in the quick and common step, agreeably to the instructions already given.

The

The March by Files

Is as important as difficult. In performing it, the officers must be attentive that the soldiers bend their bodies a little forward, and do not open their files.

The leading file will be conducted by the officer; who will post himself for that purpose on its left, when they march by the right, and the contrary when they march by the left.

The Counter March.

Note. This march must never be executed by larger portions of a battalion than platoons.

Caution.

*Take Care to counter march from the Right, by
Platoons!*

To the Right,---face! March!

The whole facing to the right, each platoon wheels by files to the right about; and when the right hand file gets on the ground where the left stood, the officer orders,

Halt! To the Left,---face!

and the company will be formed with their front changed.

ARTICLE

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ARTICLE 4.

Of Wheeling.

The captain will exercise his company in wheeling entire, and by sections or platoons, both in the common and quick step, taking care that the men in the rear rank incline a little to the right or left, according to the hand they wheel to, so as always to cover exactly their file-leaders.

ARTICLE 5.

Of Breaking off, and Forming by the oblique Step.

The captain having divided his company into two sections, will give the word,

Sections! Break off!

Upon which the section on the right inclines by the oblique step to the left, and that on the left, following the former, inclines to the right, till they cover each other, when they march forward.

Form Company!

The first section inclines to the right, shortening its step, and the second to the left, lengthening

ening its step, till they are uncovered, when both march forward, and form in a line.

Two or more companies may be joined to perform the company exercise, when they have been sufficiently exercised by single companies, but not till then; the inattention of the soldiers, and difficulty of instructing them, increasing in proportion with the numbers.

CHAPTER VII.

Exercise of a Battalion.

WHEN a battalion parades for exercise, it is to be formed, and the officers posted, agreeably to the instructions already given in the third and fourth chapters.

The battalion being formed, it is then to perform the manual exercise, and the wheelings, marches, manœuvres and firings described in this and the following chapters, or such of them as shall be ordered.

N. B. When a battalion performs the firings, the six centre files, (viz. three on each side the colours,) are not to fire, but remain as a reserve
for

division or platoon; the officer who conducts the column receiving his directions from the commanding officer. When the battalion wheels to the right, the left flank of the platoons must dress in a line with each other, and the contrary when they wheel to the left.

Battalion! Halt!

By Platoons! To the Left,---Wheel!

March!

The wheeling finished, each officer commanding a platoon or division, orders

Halt! Dress to the Right!

dresses his platoon, and takes post in the interval; the battalion being now formed in a line.

C H A P T E R VIII.

Of the Points of View.

(Plate II. Figure 1.)

THE use of these is a most essential part in the manœuvres, which, without them, cannot be executed with facility nor precision. They

They are usually some distant objects, (the most conspicuous that can be found) chosen by the commanding officer, to determine the direction of his line, which otherwise would be mere hazard.

The commanding officer having determined on the direction of his line, and his points of view B C, sends out two officers, D E, to seek two intermediate points in the same line; the officer E advances when D finds him in a direct line between himself and the point of view B; he advances, taking care to keep E always between him and the point B, which he must do by making him signals to advance or retire; when E finds D in the direct line between him and C, he makes him the signal to halt, and they will find themselves in the intermediate points D E.

CHAP.

CHAPTER IX.

*Of the Formation and Displaying of Columns,
with the Method of changing Front.*

ARTICLE I.

*The close Column formed on the Ground by
the Right, the Right in Front.*

[Plate II. Figure 2.]

Caution by the commanding officer.

*Take Care to form Column by Platoons by the Right;
the Right in Front!*

To the Right,---Face!

THE whole face to the right, except the right platoon; at the same time the leading file of each platoon breaks off, in order to march in the rear of its preceding platoon.

March!

The whole step off with the quick step, each platoon marching close in the rear of that preceding it, to its place in the column.

The officers commanding platoons, when they perceive

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perceive their leading file dressed with that of the platoon already formed, command

Halt! Front! Dress!

and the platoon fronts and dresses to the right.

A R T I C L E 2.

Display of a Column formed by the Right, the Right in Front.

[Plate II. Figure 2.]

Caution by the commanding officer.

Take Care to display Column to the Left!

The officers commanding platoons go to the left, in order to conduct them.

To the Left,---Face!

The whole face to the left, except the front platoon.

March!

The platoons faced, step off, and march obliquely to their places in the line; when the second platoon has gained its proper distance, its officer commands

Halt! Front! To the Right,---Dress!

dresses his platoon with that already formed, and

D 2

takes

takes his post on the right: the other platoons form in the same manner.

A R T I C L E 3.

The close Column formed on the Ground by the Left, the Left in Front.

[Plate II. Figure 3.]

This is formed in the same manner as the preceding column, only facing and marching to the left instead of the right. The officers will conduct their platoons, and having dressed them, return to their posts on the right.

A R T I C L E 4.

Display of a Column formed by the Left, the Left in Front.

[Plate II. Figure 3.]

This column is usually displayed to the right, on the same principles as the column formed to the right is displayed to the left.

A R T I C L E

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A R T I C L E 5.

*The close Column formed on the Centre, or
fifth Platoon, the Right in Front.*

[Plate II. Figure 4.]

Caution.

*Take Care to form Column on the fifth Platoon, the
Right in Front!*

To the Right and Left,---Face!

The fifth platoon stands fast; the others face to the centre; the officers post themselves at the head of their platoons, and break off; and on receiving the word,

March!

conduct them to their posts in the column; the four platoons on the right forming in the front, and the three platoons on the left forming in the rear of the fifth platoon.

When this column is to be formed with the left in front, the four platoons on the right form in the rear, and the three on the left form in front.

In all formations and displaying, the officers
whose

whose platoons march by the left, so soon as they have dressed their platoons in line or column, return to their posts on the right.

A R T I C L E 6.

Display of a Column having the Right in Front, from the Centre, or fifth Platoon.

[Plate II. Figure 5.]

Caution.

Take Care to display Column from the Centre!

At this caution the officer of the platoon in front posts a serjeant on each flank of it, who are to remain there till the platoon on which the column displays, has taken its post in the line, when they retire along the rear of the battalion to their platoon.

To the Right and Left,---Face!

The four front platoons face to the right, the fifth stands fast, and the sixth, seventh and eighth face to the left.

March!

The four platoons of the right march to the right, the first platoon taking care to march straight towards the point of view; so soon as
the

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the fourth platoon has unmasked the fifth, its officer commands,

Halt! Front! March!

and it marches up to its post in the line; the third and second platoon, as soon as they have respectively gained their distances, proceed in the same manner; and then the first halts and dresses with them; the fifth platoon in the mean time marches to its post between the two serjeants; and the three platoons of the left form by marching obliquely to their posts in the line, as before explained.

A R T I C L E 7.

The close Column formed by the Right, the Right in Front, displayed to the Right.

[Plate III. Figure 1.]

When a column is formed by the right, and the nature of the ground will not permit its being displayed to the left, it may be displayed to the right in the following manner:

Caution.

Take Care to display Column to the Right!

The two serjeants are to be posted, as before, on the flanks of the front platoon.

To

To the Right,---Face!

The eighth platoon stands fast, the rest face to the right, and march, the first platoon keeping the line; so soon as the eighth platoon is unmasked, it marches forward to its post between the two serjeants of the first platoon, left there for that purpose; the seventh platoon, having gained its distance, halts, fronts and marches up to its ground; the other platoons proceed in the same manner, as explained in the display from the centre.

ARTICLE 8.

The close Column formed by the Left, the Left in Front, displayed to the Left.

[Plate III. Figure 2.]

This is performed on the same principles as the display of the column in the seventh article.

A column formed either by the right, left or centre, may, according to the ground, or any other circumstance, be displayed on any particular platoon, on the principles before explained.

ARTICLE

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ARTICLE 9.

*Open Columns**Distance differs from **

Are formed by wheeling to the right or left by platoons; and, *when indispensably necessary*, by marching the platoons by files, in the following manner:

Caution.

Take Care to form open Column by the Right!

[Plate III. Figure 3.]

To the Right,---Face!

The right platoon stands fast, the rest face to the right, and break off to the rear.

March!

Each platoon marches to its place in the column, the officers taking care to preserve the proper distances between their platoons.

Open columns may in the same manner be formed by the left, centre, or on any particular platoon, the officers taking care to preserve their proper distances.

[See Plate III. Figure 4.]

Open columns are formed again in line, either
by

by wheeling by platoons, or by closing column and displaying, as explained in the articles on close columns.

If the commanding officer chooses to close the open column, he will command

Close---Column! March!

On which the platoons march by the quick step, and close to within two paces of each other; when the commanding officers of platoons successively command

Halt! Dress to the Right!

and the column is closed.

When the commanding officer chooses to open a close column, he commands

Open---Column!

On which the front platoon advances, followed by the others successively, as fast as they have their distances.

The different manners of forming and displaying columns being the basis of all manœuvres, require the greatest attention of both officers and men in the execution. The officers must by frequent

frequent practice learn to judge of distances with the greatest exactness; as an augmentation or diminution of the proper distance between the platoons, is attended with much confusion in forming a line. They must also be very careful not to advance beyond the line, in forming battalion, but dress their platoons carefully with the points of view.

A R T I C L E 10.

Of Changing the Front of a Line.

The changing the front of a platoon, division, or even a battalion, may be performed by a simple wheeling; that of a brigade must be performed by first forming the open column, then marching it into the direction required, and forming the line.

If it be necessary to change the front of a line consisting of more than a brigade, the simplest and surest method is to form close columns, either by brigades or battalions, march them to the direction required, and display.

CHAPTER X.

Of the March of Columns.

THE march of columns is an operation so often repeated, and of so much consequence, that it must be considered as an essential article in the instruction of both officers and men.

ARTICLE I.

*The March of an open Column.**Column! March!*

The whole column must always begin to march, and halt, at the same time, and only by order of the commanding officer. After the first twenty paces he should command

Support---Arms!

When the men may march more at their ease, but keeping their files close. Before the column halts, he should command

*Carry---Arms! Column! Halt!**Dress to the Right!*

When marching in open column, the officer commanding will often form battalion, by wheeling to the right or left, in order to see if the officers have preserved the proper distances between the platoons.

ARTICLE

A R T I C L E 2.

Columns changing the Direction of their March.

When a close column is obliged to change the direction of its march, the front platoon must not wheel round on its flank, but advance in a direction more or less circular, according to the depth of the column, that the other platoons may follow.

[See Plate IV. Figure 1.]

An open column changes the direction of its march by wheeling the front platoon, the others following; in doing which, the officers commanding platoons must be particularly careful that their platoons wheel on the same ground with the front platoon; for which purpose a serjeant should be left to mark the pivot on which they are to wheel.

A R T I C L E 3.

Passage of a Defile by a Column.

A column on its march coming to a defile, which obliges it to diminish its front, the officer commanding the first platoon commands

Break off!

On which those files which cannot pass, break
off,

off, face inwards, and follow their platoon by files, and as the defile narrows or widens more files will break off, or join the platoon: The succeeding platoons proceed in the same manner.

If the defile is difficult or long, so soon as the front have passed and gained sufficient ground, they will halt till the whole have passed and formed, when they will continue the march.

A R T I C L E 4.

A Column crossing a Plain, liable to be attacked by Cavalry.

When the commanding officer thinks himself in danger of being attacked by cavalry, he must close the column, and on their approach, halt and face outwards; the front platoon standing fast, the rear platoon going to the right about, and the others facing outwards from their centres.

In case of attack, the two first ranks keep up a smart running fire, beginning as well as ending by a signal from the drum.

The soldiers must be told, that under these circumstances, their safety depends wholly on their courage; the cavalry being only to be dreaded when the infantry cease to resist them.

When

When the column is to continue its march, the officer commands

Column! To the Front,---Face! March!
The platoons face to the front, and march.

A R T I C L E 5.

A Column marching by its Flank.

Column! To the $\left\{ \begin{array}{l} \textit{Right,} \\ \textit{Left,} \end{array} \right\}$ *Face!*

If the column marches by the left, the officers go to the left of their respective platoons.

March!

The column marches, dressing by the right.

Column! Halt! Front!

The column faces to the front.

C H A P T E R XI.

Of the March in Line.

A R T I C L E I.

The March to the Front.

Battalion! Forward!

AT this caution the ensign with the colours advances six paces; the serjeant who

covered him taking his place. The whole are to dress by the colours. The commandant of the battalion will be posted two paces in front of the colours, and will give the ensign an object to serve as a direction for him to march straight forward.

March!

The ensign who carries the colours will be careful to march straight to the object given him by the colonel; to do which, he must fix on some intermediate object.

If many battalions are in the line, the ensigns must dress by the ensign in the centre; if only two, they will dress by each other. They must be very careful not to advance beyond the battalion they are to dress by, it being much easier to advance than to fall back.

Should a battalion by any cause be hindered from advancing in line with the rest, the ensign of that battalion must drop his colours, as a signal to the other battalions (who might otherwise stop to dress by them) not to conform to their movements; the colours to be raised again when the battalion has advanced to its post in the line.

The

The commanding officer of each battalion must be careful that his men dress and keep their files close, and to preserve the proper distances between his own battalion and those on his flanks; and when he finds that he is too near the one or the other, must command

Obliquely,---To the $\left\{ \begin{array}{l} \textit{Right!} \\ \textit{Left!} \end{array} \right.$

When the battalion will march by the oblique step, as ordered, till they have recovered their distance, and receive the command

Forward!

Upon which the battalion will march forward, and the ensign take a new object to march to.

If the distance is augmented or diminished only two or three paces, the commanding officer will order the colours to incline a little, and then march forward; the battalion conforming to their movement.

The officers commanding platoons will continually have an eye over them, immediately remedying any defect, carefully dressing with the centre, and keeping step with the colours.

The officers in the rear must take care of the
second

second rank, remedying any defect in a low voice, and with as little noise as possible.

The foldier must not advance out of the rank the shoulder opposite the side he dresses to; he must not crowd his right or left hand man, but give way to the pressure of the centre, and resist that of the wings; he must have his eyes continually fixed on the colours, turning his head more or less, in proportion to his distance from them.

Battalion! Halt!

The whole stop short on the feet then advanced.

Dress to the Right!

The men dress to the right, and the colours fall back into the ranks.

A R T I C L E 2.

Of the Charge with Bayonets.

The line marching, the commanding officer, on approaching the enemy, commands

March! March!

On which the whole advance by the quick step.

Charge---Bayonet!

The line charge their bayonets, and quicken
their

their step ; the drums beat the long roll ; and the officers and men must take care to dress to the centre, and not crowd or open their files.

Battalion! Slow Step!

The battalion fall into the slow step, and carry their arms.

Halt! Dress to the Right!

A R T I C L E 3.

Method of passing any Obstacle in Front of a Line.

When an obstacle presents itself before any division, platoon, or number of files, the officer commanding the platoon, &c. commands

Break off!

on which the files obstructed face outwards from their centre, and follow by files the platoons on their right and left ; if the platoons on the wings are obstructed, they will face inwards, and follow in the same manner.

In proportion as the ground permits, the files will march up to their places in front, dress, and take step with the colours.

A R T I C L E

ARTICLE 4.

Passage of a Defile in Front, by Platoons.

A battalion marching and meeting with a bridge or defile, over or through which not more than the front of a division can pass at a time, the commanding officer orders

Halt!

and then to the two platoons before whom the defile presents itself

March!

on which they pass the defile in one division. As soon as those two platoons have marched, the commanding officer orders

To the Right and Left,---Face!

The platoons on the right face to the left, and those on the left face to the right.

March!

They march till they join, fronting the defile; when the commanding officer of the two platoons commands

Halt! Front! March!

and they pass the defile; the rest following in the same manner.

ARTICLE 5.

Passage of a Defile in Front, by Files.

If the defile will not permit more than four
files

files to pass, the four files before which the defile presents itself enter without any word of command; the rest face inwards, and follow them; the whole marching through by files.

As soon as the files which first entered, have passed, they halt; the others, as fast as they pass, marching to their places in battalion.

A R T I C L E 6.

Of the March in Retreat.

Battalion! To the Right about,---Face!

The whole face to the right about; the officers keeping their posts.

Forward,---March!

The colours advance six paces, and the whole step off, dressing by them.

The passage of any obstacle in retreat, is the same as in the march to the front.

A R T I C L E 7.

Passage of a Defile in Retreat, by Platoons.

If it is at any time necessary to pass a defile in the rear, in presence of an enemy, the line must march as near as possible to the defile; when the commanding officer orders

To

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To the Front,---Face!
From the Wings,---By Platoons,---Pass the Defile
in the Rear!

The two platoons on the wings face outwards.

March!

The two platoons wheel by files, and march along the rear of the battalion to the entrance of the defile; where joining, their officers command

Halt! To the $\left\{ \begin{array}{l} \textit{Right,} \\ \textit{Left,} \end{array} \right\}$ *Face!*

The platoon of the right wing faces to the left; the other platoon faces to the right; and both pass in one division; the other platoons following in the same manner, except those of the centre.

When all have entered but the two centre platoons, that on the right faces to the right about, and marches twenty paces into the defile; when the officer commands

Halt! To the Right about,---Face!

The officer of the other platoon, when he sees them faced, will retire in the same manner; and having passed twenty paces beyond the platoon halted in the defile, comes also to the right about;

about; they continuing in this manner to cover each other's retreat till they have passed, when they face to the front, and cover the defile.

The three platoons of the right wing wheel to the left; those of the left wing wheel to the right; and having gained their proper distances, the commanding officer orders

Halt !-----Platoons!

To the Right and Left,---Wheel! March!

The right wing wheels to the left, and the left to the right; which forms the battalion.

If the defile should present itself behind any other part of the battalion, the platoons farthest off must always retreat first; and if the defile becomes narrower than at the entrance, the platoons must double behind each other.

A R T I C L E 8.

Passage of a Defile in Retreat, by Files.

This manœuvre is performed in the same manner as the preceding, except that, instead of forming at the entrance, the platoons pass by files; and having passed, face to the right and
 F left,

left, march till they have their proper distances, and then wheel and form battalion.

The passage of defiles may be executed at first in the common step, for the instruction of the troops; in service, always in the quick step.

The passage of defiles being difficult in presence of an enemy, the officers must be particularly careful to keep the files closed; to be quick in giving the words of command; and not lose any time in the execution.

This manœuvre should always be covered by troops posted on each side the defile, and on every advantageous piece of ground that presents itself, to annoy and keep back the enemy.

A R T I C L E 9.

Method of passing the front Line to the Rear.

The first line being obliged to retreat, will face to the right about, and retire in line.

The second line, if not already formed in columns, will immediately, on perceiving the first line retire, form in that order by brigades or batta-

battalions; and the first line having passed the intervals between the columns, the second line will display; or, if too closely pressed by the enemy, attack in columns the flanks of the battalions which pursue, thereby giving time for the first line to form and take a new position.

CHAPTER XII.

Of the Disposition of the Field-pieces attached to the Brigades.

THE field-pieces attached to the different brigades must always remain with them, encamping on their right, unless the quartermaster general thinks proper to place them on any advantageous piece of ground in front.

When the army marches by the right, the field-pieces must march at the head of their respective brigades; when it marches by the left, they follow in the rear, unless circumstances determine the general to order otherwise; but, whether they march in front, centre or rear of their brigades, they must always march between the battalions, and never between the platoons.

In manœuvring they must also follow their
brigades,

brigades, performing the manœuvres and evolutions with them; observing that, when the close column is formed, they must always proceed to the flank of the column opposed to that side their brigade is to display to; and on the column's displaying, they follow the first division of their brigade; and when that halts and forms, the field-pieces immediately take their posts on its right.

CHAPTER XIII.

Of the Firings.

WHEN the troops are to exercise with powder, the officers must carefully inspect the arms and cartridge boxes, and take away all the cartridges with ball.

The first part of the general will be the signal for all firing to cease; on the beating of which the officers and non-commissioned officers must see that their platoons cease firing, load and shoulder as quick as possible. The commanding officer will continue the signal till he sees that the men have loaded and shouldered.

A R T I C L E 1.

Firing by Battalion.

Caution.

Take Care to fire by Battalion!

Battalion! Make ready! Take Aim! Fire!

If there be more than one battalion to fire, they are to do it in succession from right to left; but after the first round, the odd battalions fire so soon as the respective battalions on their left begin to shoulder; and the even battalions fire when the respective battalions on their right begin to shoulder.

A R T I C L E 2.

Firing by Divisions and Platoons.

Caution.

Take Care to fire by Divisions!

Division! Make ready! Take Aim! Fire!

They fire in the same order as is prescribed for battalions in Article 1.

The firing by platoons is also executed in the same order in the wings of the battalion, beginning with the right of each: that is, the first and

fifth platoons give the first fire, the second and sixth the second fire, the third and seventh the third fire, and the fourth and eighth the fourth fire; after which they fire as before prescribed.

A R T I C L E 3.

Firing Advancing.

The battalion advancing receives the word,

Battalion! Halt!

Take Care to fire by Divisions!

They fire as before.

A R T I C L E 4.

Firing Retreating.

When a battalion is obliged to retire, it must march as long as possible; but if pressed by the enemy, and obliged to make use of its fire, the commanding officer will order,

Battalion! Halt!

To the Right about,---Face!

and fire by battalion, division, or platoon, as before directed.

CHAP.

CHAPTER XIV.

Of the March of an Army or Corps.

THE greatest attention on the part of the officers is necessary at all times, but more particularly on a march: The soldiers being then permitted to march at their ease, with the ranks and files open, without the greatest care, these get confounded one with another; and if suddenly attacked, instead of being able to form immediately in order of battle, the whole line is thrown into the utmost confusion.

The order for the march of an army being given, the adjutant general will appoint the field officers for the advanced and rear guards, and issue orders to the brigade majors to have ready their respective quotas of other officers and men for the advanced guard, which will consist of the number necessary for the guards of the new camp. These, together with a pioneer of each company, and a serjeant from the regiment to conduct them, must be warned the evening before.

At the beating of the general, the troops are immediately to strike their tents, and load the waggons, which must then fall into the line of march for the baggage.

At

At this signal also all general and staff officers guards, and those of the commissaries, must return to their respective regiments.

At the beating of the assembly, the troops will assemble, and be formed in battalion on their respective parades,

The guards ordered, must then be conducted by the brigade majors, or adjutants of the day, to the rendezvous appointed for the advanced guard, where the field officers warned for that duty, will form them in battalions, or other corps, according to their strength, and divide them regularly into divisions and platoons. The officer commanding the advanced guard, must take care to have a guide with him, and to get every necessary information of the road.

The camp guards must at the same time retire to the rendezvous appointed for the rear guard, where they must be formed in the same manner.

At the same time also the quarter-masters and pioneers of each battalion must assemble on the ground appointed for the advanced guard, where one of the deputies of the quarter-master general must

must form them in platoons, in the same order as their respective battalions march in the column.

Each detachment will be conducted by its quarter-master, who must be answerable that it marches in the order prescribed; and the quarter-masters of brigades will conduct those of their respective brigades, and be answerable for their behaviour.

The signal for marching being given, the whole will wheel by platoons or sections, as shall be ordered, and begin the march.

The advanced guard will march at a distance from the main body proportioned to its strength, having a patrol advanced; and must never enter any defile, wood, &c. without having first examined it, to avoid falling into an ambuscade.

The pioneers are to march behind the advanced guard, and must repair the roads, that the column may be obliged to file off as little as possible.

The advanced guard, besides its patrols in front, must have a flank guard, composed of a
file

file from each platoon, and commanded by an officer, or non-commissioned officer, to march at the distance of one hundred paces on the flank, and keep up with the head of the advanced guard.

If it be necessary to have a flank guard on each side, a file must be sent from the other flank of each platoon to compose it; and as this service is fatiguing, the men should be relieved every hour. The like flank guards are to be detached from each battalion in the column.

 For the greater convenience of the soldiers, the ranks must be opened to half distance during the march.

When the column meets with a defile, or any obstacle, the commanding officer must stop till the column has passed it, taking care that they pass in as great order and as quick as possible; and when one half have marched through, he must command the front to halt, till the whole have passed and formed, when he will continue the march.

When a column crosses a road that leads to the enemy, the patrols or guards on the flanks
of

of the first battalion must form on the road, and halt till the patrols of the next battalion come up, which must do the same: The others proceed in the same manner, till the whole have passed.

When the commanding officer thinks proper to halt on the march, immediately on the column's halting, the advanced, flank and rear guards must form a chain of sentinels, to prevent the soldiers from straggling; and all necessaries, as wood, water, &c. must be fetched by detachments, as in camp.

On the beating the long roll, the whole are to form and continue the march.

On the march no orders are to be communicated by calling out, but must be sent by the adjutants from regiment to regiment. The signals for halting, marching slower and quicker, must be given by beat of drum. (*See Chap. XXI.*)

The commanding officer of the advanced guard being informed by the quarter-master general, or his deputy, of the ground the troops are to encamp on, will go a head and reconnoitre it; and immediately on the arrival of the
advanced

advanced guard, post his guards and sentinels, as directed in Chapter xxii.

March by Sections of Four.

The roads being very often too narrow to admit the front of a platoon, and the troops being therefore continually obliged to break off, which fatigues the men; to prevent this, when the road is not sufficiently large throughout, the battalions may be divided into sections in the following manner:

Each platoon is to be told off into sections of four files; if there remain three files, they form a section; if two files, or less, they form one rank. At the word,

By Sections of Four!

To the Right,---Wheel! March!

they wheel by fours and march, the second rank of each section taking two paces distance from the front rank. The officers commanding platoons take post on the left of their first section; but on the right, if the sections wheel to the left. The file-closers fall in on the flanks.

The officers must take great care that the distance of two paces, and no more, is kept between the ranks. At the word,

Halt!

Halt!

The front rank of each section stops short, and the second rank closes up, which gives the proper distance between the sections; and by wheeling to the right or left the line is formed: or, if the commanding officer chooses, he may form platoons by the oblique step.

If a column be already on the march by platoons, and the road becomes too narrow and inconvenient to continue in that order, it may be formed into sections of four, in the following manner:

Caution by the commanding officer.

Take Care to break off by Sections of Four!

Upon which the officers commanding platoons tell them off as before, but without halting.

At the word

Sections of Four! Break off!

the sections on the right of each platoon incline by the oblique step to the left; and those on the left of each platoon, following the former, incline to the right, till they all cover; when they march forward, opening the ranks as before directed. If the number of sections in a platoon be uneven, that in the centre is to

G

march

march straight forward; the sections on the right inclining to the left, and covering it in front; and those on the left inclining to the right, and covering it in the rear.

CHAPTER XV.

Of the Baggage on a March.

THE inconveniencies arising to an army from having too great a number of waggons, must be evident to every officer; and it is expected, that for the future each officer will curtail his baggage as much as possible.

The order of march for the army will always determine that for the baggage; and, whatever place it may occupy in the line of march, the waggons must always follow in the same order as their respective regiments.

The quarter-master general, or his deputy, will give the order of march for the baggage; and the commander in chief will order an escort, to be commanded by a field officer, according to its strength.

An officer of each battalion must be appointed to superintend the striking of the tents, and
loading,

loading the waggons : he must see that the tents are properly tied up ; that no provisions or other articles are packed in them ; and that the tent-poles are tied in a bundle by themselves : he must not suffer the waggons to be overloaded, or any thing put into them but what is allowed ; and when the waggons are loaded, he must send them with the quarter-master serjeant to the rendezvous of the brigade. This serjeant is to remain with the baggage of his regiment, to see that the waggons follow in order ; and if a waggon breaks down, it must be put out of the line, that it may not impede the march of the rest.

Each regiment will furnish a non-commissioned officer to conduct the sick and lame who are not able to march with their regiments. These men are to repair, at the beating of the general, to the rendezvous appointed, where a sufficient number of empty waggons will be ordered to attend for the reception of their knapsacks, and their arms, if necessary. A surgeon of each brigade is to attend the sick belonging to it.

The commanding officer of each battalion will inspect the sick before they are sent from the battalion, in order that none may be sent but those

those who are really incapable of marching with their regiments. And the officer commanding the escort will be answerable that no soldiers are permitted to march with the baggage on any pretence whatever, except the quarter-master serjeant of each regiment, as before directed.

No waggons are to be permitted to go between the battalions or brigades, except the ammunition waggons.

The waggons of the park, and others, are to be conducted agreeably to the foregoing directions, and the necessary officers furnished to keep order on the march.

C H A P T E R XVI.

The Manner of laying out a Camp, with the Order of Encampment.

WHEN the quarter-masters arrive on the ground where the troops are to encamp, the quarter-master general having fixed his line of encampment, will conduct them along the line, and give each brigade quarter-master the ground necessary for his brigade.

The quarter-masters of regiments will then
have

have their ground given them by the brigade quarter-masters, and will mark out the place for each company and tent, and for the kitchens, &c. &c. as described in the following order :

Order of Encampment.

[Plate VII and VIII.]

The infantry will on all occasions encamp by battalions, as they are formed in order of battle.

The front of the camp will occupy the same extent of ground as the troops when formed; and the intervals between the battalions will be twenty paces, with an addition of eight paces for every piece of cannon a battalion may have.

The quarter-master of each regiment shall be answerable that he demands no more ground than is necessary for the number of men he has actually with the regiment, allowing two feet for each file, exclusive of the officers, and adding sixteen feet for the intervals between the platoons. He is also to be answerable that no more tents are pitched than are absolutely necessary, allowing one tent for the non-commissioned officers of each company, and one for every six men, including the drums and fifes.

The tents of the non-commissioned officers and privates are to be pitched in two ranks, with an interval of six paces between the ranks, and two feet between each tent : the tents of the non-commissioned officers to be in the front rank, on the right of their companies, in the right wing, and on the left in the left wing of the battalion. Nine feet front are to be allowed for each tent with its interval, and twenty feet in the center of the battalion for the adjutant ; but when a regiment forms two battalions, the adjutant is to encamp with the first battalion, the serjeant major supplying his place in the second.

The captains and subalterns tents are to be in one line, twenty feet from the rear of the mens tents ; the captains in the right wing opposite the right of their respective companies, and the subalterns opposite the left ; and the contrary in the left wing.

The field officers tents are to be in one line, thirty feet from the line of officers ; the colonel's opposite the centre ; the lieutenant colonel's on the right ; and the major's on the left. But if the regiment forms two battalions, the colonel encamps behind the centre of the first battalion ; the lieutenant colonel behind the second battalion ;

lion; and the major behind the interval between the two battalions.

The surgeon, pay-master, and quarter-master, encamp in one line, with the front of their tents in a line with the rear of the field officers tents; the surgeon on the right, pay-master on the left, and quarter-master in the centre.

The kitchens are to be dug behind their respective companies, forty feet from the field officers tents. The futlers tents are to be between the kitchens.

The horses and waggons are to be placed in a line, twenty feet behind the kitchens.

The drums of each battalion are to be piled six paces in front of the adjutant's tent, and the colours planted before them.

The camp guards are to be three hundred paces in front of the first line, and the same distance in the rear of the second line.

The quarter guard is to be forty feet from the waggons, opposite the interval between the two battalions who furnish it.

The

The sinks of the first line are to be three hundred feet in front, and those of the second line the same distance in the rear of the camp.

The commanding officers of regiments are to be answerable that no tents are pitched out of the line of encampment on any account whatever, except for the regimental hospital.

The ground being marked out, the quartermasters will leave the pioneers, and go to meet their regiments, conduct them to their ground, and inform the colonel where they are to go for their necessaries.

CHAPTER XVII.

Manner of entering a Camp.

THE head of the column arriving at the entrance of the camp, the commanding officer of the first battalion will command

Carry---Arms!

On which the men carry their arms, and the drums beat a march; and the officers will see that their platoons have their proper distances, close the ranks and files, and each dress the flank on which his platoon is to wheel, with the same flank of the platoon preceding. The other bat-
talions

battalions observe the same directions, and keep their proper distances from each other.

The general or officer commanding must take great care to march the troops in a direct line along the front of the camp, and at such a distance as to give sufficient room for the largest platoons to march clear of the line of tents.

As the battalions respectively arrive in front of their ground, they halt, form battalion, (dressing with the right) and order or support their arms.

The adjutants immediately turn out the piquets that may have been ordered, form them in front of their respective battalions, and send them to the rendezvous appointed.

The piquets being sent off, the commanding officers of battalions command their men to pile their arms, and dismiss them to pitch their tents.

As soon as a company have pitched their tents, the captain parades them, and they fetch in their arms.

The tents of the battalion being all pitched,
the

the adjutant will form the detachments for necessaries, and send them off.

In the mean time the commanding officer of the battalion, having examined the ground, will, if necessary, order out a party to open the communications on the right and left; in front for the troops, and in the rear for the baggage.

CHAPTER XVIII.

Necessary Regulations for preserving Order and Cleanliness in the Camp.

WHEN a regiment enters a camp, the field officers must take care that the encampment is pitched regularly; that the sinks and kitchens are immediately dug in their proper places; and that no tents are pitched in any part of the camp contrary to the order prescribed.

At least one officer of a company must remain on the parade to see that the tents are pitched regularly on the ground marked out.

The tents should be marked with the name of each regiment and company, to prevent their being lost or exchanged, and the tents of each company numbered; and each non-commissioned officer

officer should have a list of the tents, with the mens names belonging to each.

The utensils belonging to the tents are to be carried alternately by the men; and the non-commissioned officers of the squads are to be answerable that they are not lost or spoiled.

Whenever a regiment is to remain more than one night on the same ground, the soldiers must be obliged to cut a small trench round their tents, to carry off the rain; but great care must be taken they do not throw the dirt up against the tents.

One officer of a company must every day visit the tents; see that they are kept clean; that every utensil belonging to them is in proper order; and that no bones or other filth be in or near them: and when the weather is fine, should order them to be struck about two hours at noon, and the straw and bedding well aired.

The soldiers should not be permitted to eat in their tents, except in bad weather; and an officer of a company must often visit the messes; see that the provision is good and well cooked; that
the

the men of one tent mess together ; and that the provision is not sold or disposed of for liquor.

A subaltern, four non-commissioned officers and a drummer must every day be appointed for the police of each battalion, who are on no account to be absent during the time they are on duty.

The officer of the police is to make a general inspection into the cleanliness of the camp, not suffer fire to be made any where but in the kitchens, and cause all dirt to be immediately removed, and either burnt or buried. He is to be present at all distributions in the regiment, and to form and send off all detachments for necessaries.

In case the adjutant is obliged to be absent, the officer of the police is to do his duty till his return ; and for that purpose he must attend at the adjutant's tent, to be ready to receive and distribute any orders that may come for the regiment.

The drummer of the police must attend constantly at the adjutant's tent, to be ready at all times to communicate the necessary signals ; nor
must

must he absent himself on any account during the twenty-four hours, without leaving another drummer to supply his place till his return, nor then, without leave from the adjutant.

When any of the men want water, they must apply to the officer of the police, who will order the drum to beat the necessary signal; on which all who want water must immediately parade with their canteens before the colours, where the officer of the police will form and send them off under the care of two non-commissioned officers of the police, who are to be answerable that they bring back the whole detachment, and that no excesses are committed whilst they are out. Wood and all other necessaries must be fetched in the same manner. Except in case of necessity, not more than one detachment is to be out at a time.

The quarter-master must be answerable that the parade and environs of the encampment of a regiment are kept clean; that the sinks are filled up, and new ones dug every four days, and oftner in warm weather; and if any horse or other animal dies near the regiment, he must cause it to be carried at least half a mile from camp, and buried.

The place where the cattle are killed must be at least fifty paces in the rear of the waggons; and the entrails and other filth immediately buried; for which the commissaries are to be answerable.

The quarter-master general must take care that all dead animals, and every other nuisance in the environs of the camp, be removed.

No non-commissioned officer or soldier shall be permitted to pass the chain of sentinels round the camp, without permission in writing from the commanding officer of his regiment or battalion; which permission shall be dated the same day, and shall, on the return of the person to whom it was granted, be delivered to the adjutant, who is to return it to the colonel or commanding officer, with his report.

Every detachment not conducted by a commissioned officer, shall have a written permission from a field officer, or officer commanding a regiment, or the officer of the police if it be a detachment going for necessaries; without which they are not to be permitted to pass the chain.

All officers whatever are to make it a point of
duty

duty to stop every non-commissioned officer or soldier they meet without the chain, and examine his pass; and if he has not a sufficient pass, or having one is committing any excess, the officer must conduct him to the nearest guard, from whence he must be sent, with his crime, to his regiment.

The sentinel before the colours must have orders, in case he hears any alarm in camp, or at the advanced posts, to acquaint the adjutant with it; who will inform the commanding officer of the battalion, or order an alarm beat, if the case requires it.

CHAPTER XIX.

Of Roll-Calls.

THE rolls shall be called in each battalion at troop and retreat beating, at which times the men are to parade with their arms; and at the beating of the *reveille*, and at noon, the commanding officers of companies shall cause the rolls of their respective companies to be called, the men parading for that purpose without arms, and to be detained no longer than is necessary to call the roll.

The

The non-commissioned officers are to visit their respective squads a quarter of an hour after *tattoo*-beating; see that they are all present and retired to rest; and make their report to the commanding officer of the company.

No non-commissioned officer or soldier is to be absent from roll-call without permission from the commanding officer of the company.

No commissioned officer is to be absent from roll-call without permission from the commanding officer of the regiment.

CHAPTER XX.

Of the Inspection of the Men, their Dress, Necessaries, Arms, Accoutrements and Ammunition.

THE oftener the soldiers are under the inspection of their officers the better; for which reason every morning at troop beating they must inspect into the dress of their men; see that their clothes are whole and put on properly; their hands and faces washed clean; their hair combed; their accoutrements properly fixed,
and

and every article about them in the greatest order. Those who are guilty of repeated neglects in these particulars are to be confined and punished.---The field officers must pay attention to this object, taking proper notice of those companies where a visible neglect appears, and publicly applauding those who are remarkable for their good appearance.

Every day the commanding officers of companies must examine their men's arms and ammunition, and see that they are clean and in good order. [*See farther Chap. XXIII.*]

That the men may always appear clean on the parade, and as a means of preserving their health, the non-commissioned officers are to see that they wash their hands and faces every day, and oftener when necessary. And when any river is nigh, and the season favourable, the men shall bathe themselves as frequently as possible, the commanding officers of each battalion sending them by small detachments successively, under the care of a non-commissioned officer; but on no account must the men be permitted to bathe when just come off a march, at least till they have reposed long enough to get cool.

Every Saturday morning the captains are to

make a general inspection of their companies, and examine into the state of the men's necessaries, observing that they agree in quantity with what is specified in the company book; and that every article is the man's who shews it: For which purpose, and to discover theft, every man's things should be marked; if any thing is deficient, strict enquiry must be made into the cause of it; and should it appear to be lost, pledged, sold or exchanged, the offender must be severely punished.

That the men may not be improperly burdened and fatigued, the captains are not to suffer them to carry any thing which is either useless or unnecessary.

CHAPTER XXI.

Of the different Beats of the Drum.

THE different daily beats shall begin on the right, and be instantly followed by the whole army; to facilitate which, the drummer's call shall be beat by the drums of the police, a quarter of an hour before the time of beating, when the drummers will assemble before the colours

lours of their respective battalions; and as soon as the beat begins on the right, it is to be immediately taken up by the whole army, the drummers beating along the front of their respective battalions, from the centre to the right, from thence to the left, and back again to the centre, where they finish.

The different beats and signals are to be as follows :

The General is to be beat only when the whole are to march, and is the signal to strike the tents, and prepare for the march.

The Assembly is the signal to repair to the colours.

The March for the whole to move.

The Reveille is beat at day-break, and is the signal for the soldiers to rise, and the centries to leave off challenging.

The Troop assembles the soldiers together, for the purpose of calling the roll and inspecting the men for duty.

The Retreat is beat at sun-set, for calling the roll,
warning

warning the men for duty, and reading the orders of the day.

The Tattoo is for the soldiers to repair to their tents, where they must remain till *reveille* beating next morning.

To Arms is the signal for getting under arms in case of alarm.

The Parley is to desire a conference with the enemy.

The Signals.

Adjutant's call---*first part of the troop.*

First Serjeant's call---*one roll and three flams.*

All non-commissioned officers call---*two rolls and five flams.*

To go for wood---*poing stroke and ten-stroke roll.*
 water---*two strokes and a flam.*
 provisions---*roast beef.*

Front to halt---*two flams from right to left, and a full drag with the right, a left hand flam and a right hand full drag.*

For

For the front to advance quicker----*the long march.*
to march slower----*the taps.*

For the drummers----*the drummers call.*

For a fatigue party----*the pioneers march.*

For the church call----*the parley.*

The drummers will practise a hundred paces in front of the battalion, at the hours fixed by the adjutant general; and any drummer found beating at any other time, (except ordered) shall be punished.

C H A P T E R XXII.

Of the Service of the Guards.

A R T I C L E I.

Of the different Guards, with their Use.

THE different guards of the army will consist of

- 1st. Out post and piquet guards.
- 2d. Camp and quarter guards.
- 3d. General and staff officers guards.

The

The piquet guards are formed by detachments from the line, and are posted at the avenues of the camp, in such numbers as the general commanding thinks necessary for the security of the camp.

The camp and quarter guards are for the better security of the camp, as well as for preserving good order and discipline.

Every two battalions will furnish a camp and quarter guard between them, to consist of

Subalt.	Serj.	Corp.	Drumm.	Priv.	} For the camp guard.
1.	1.	1.	1.	27.	
-	-	1.	-	9.	} For the quar- ter guard.

The camp guard of the front line is to be posted three hundred paces in front of it, and that of the second line the same distance in the rear of the second line, each opposite the interval of the two battalions who furnish it.

Each guard will post nine sentinels, viz. one before the guard, two on the right and two on the left; these five sentinels, with those from the other battalions, forming a chain in front and rear of the camp; the sixth and seventh sentinels
before

before the colours; and the eighth and ninth before the tents of the commanding officers of the two battalions.

In order to complete the chain of sentinels round the camp, the adjutant general will order two flank guards from the line, to consist of a commissioned officer, and as many men as are necessary to form a chain on the flanks.

The intention of the camp guards being to form a chain of sentinels round the camp, in order to prevent improper persons entering, or the soldiers going out of camp, the commanding officers of brigades will add to, or diminish them, so as to answer the above purpose.

The quarter guard is to be posted twenty paces in the rear of the line of waggons, and will furnish three sentinels; viz. one at the guard, and one behind each battalion.

The guards of the general and field officers will be as follows:

	Sub.	Serj.	Corp.	Priv.
A major general will have	1	1	1	20
A brigadier general - -	0	1	1	12
Quarter-master general (as such) 0	1	1		12
				Adjutant

	Sub.	Serj.	Corp.	Priv.
Adjutant general - -	0	1	1	12
Commissary general -	0	0	1	6
Pay-master general -	0	0	1	6
Auditors - -	0	0	1	6
Judge advocate general -	0	0	1	3
Muste-master general -	0	0	1	3
Clothier general - -	0	0	1	3
Brigade commissary	} according to circumstances.			
General hospital				
Provost guard				

Any additional guard to the quarter-master, commissary or clothier general, will be determined by the stores they may have in possession.

The different guards are all to mount at one hour, to be regulated by the commanding officer for the time being.

The camp and quarter guards are to parade before the interval of their battalions, where they will be formed by the adjutant who furnishes the officer, and immediately sent off to their respective posts.

The guard of a major general is to be furnished from his own division, each brigade furnishing it by turns; it is to be formed by the
major

major of brigade, and sent from the brigade parade.

The guard of a brigadier general is to be furnished by his own brigade, and formed and sent from the brigade parade by the major of brigade. The brigade commissary's guard is to be furnished in the same manner.

The other guards being composed of detachments from the line by brigades, each detachment is formed on the brigade parade by the major of brigade, and sent with an adjutant to the grand parade.

All guards (except those which are honorary) should ordinarily be of force proportioned to the number of sentinels required, allowing three relieves for each post.

A R T I C L E 2.

Of the Grand Parade.

As soon as a detachment arrives on the grand parade, the officer having dressed the ranks, commands,

Order---Firelocks!

and then takes post eight paces in front of his detachment; the non-commissioned officers fall

two paces into the rear, except one who remains on the right of every detachment. Each detachment takes post on the left of that preceding it, and is examined by the brigade major of the day as it arrives.

When the whole are assembled, the adjutant of the day dresses the line, counts the files from right to left, and takes post on the right.

The brigade major then commands,
Attention! Shoulder---Firelock! Support---Arms!

Officers and Non-commissioned Officers!
To the Centre---March!

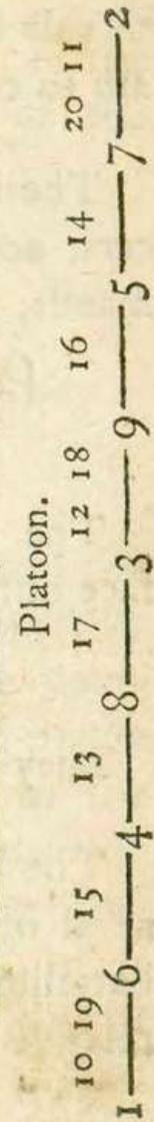
The officers then march to the centre, and form themselves, according to seniority, in one rank, sixteen paces in front of the guards; the non-commissioned officers advance and form two ranks, four paces in the rear of the officers, and with the same distance between their ranks.

The brigade major then appoints the officers and non-commissioned officers to their posts; the officers in the following manner:

The

The 1st on the right of the
 2d on the left of the
 3d in the centre, on the right of the
 4th on the right of the 2d division, or
 5th on the right of the 4th division, or
 6th on the right of the
 7th on the right of the
 8th on the right of the
 9th on the right of the
 10th in the rear of the
 11th in the rear of the
 12th in the rear of the
 13th in the rear of the
 14th in the rear of the
 15th in the rear of the
 16th in the rear of the
 17th in the rear of the
 18th in the rear of the
 19th in the rear of the
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1st
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 8th
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 3d
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 2d
 6th
 4th
 5th
 1st
 8th



The non-commissioned officers are posted thus : A serjeant on the right of each platoon, and one on the left of the whole ; the rest as file-closers equally divided to each platoon.

Whilst this is doing, the adjutant divides the guard into eight platoons, leaving proper intervals

tervals between the platoons for the officers who are to command them.

The brigade major having appointed the officers, and the battalion being divided, he commands,

Officers and Non-commissioned Officers!
To your Posts!

The officers and non-commissioned officers face outwards from the centre.

March!

They go directly to their posts in the battalion.

The brigade major then advances to the general officer of the day, informs him that the battalion is formed, and takes his directions relative to the exercise.

The general of the day will usually order the manual exercise to be performed, and some manœuvres, such as he thinks proper; the major of brigade of the day giving the words of command.

The exercise being finished, the major of brigade commands,

Order---Firelocks!

The

The drums then beat from right to left of the parade, and passing behind the officers of the day, take post on their left.

The major of brigade then orders,

*Shoulder---Firelocks! Support---Arms!
Officers and Non-commissioned Officers!
To the Centre---March!*

They advance as before to the centre, and the brigade major appoints them to their respective guards, takes the name of the officer commanding each guard, and gives him the parole and counterfig. The adjutant having in the mean time told off the guards, and divided them into platoons, the brigade major then commands,

*Officers and Non-commissioned Officers!
To your Posts! March!*

The officers go to their respective posts.

The brigade major then commands,

Present---Arms!

And advancing to the general, acquaints him that the guards are formed; and on receiving his orders to march them off, he commands,

Shoulder---Firelocks !

By Platoons ! To the Right---Wheel ! March !

The whole wheel, and march by the general, the officers saluting him as they pass; and when the whole have passed, they wheel off and march to their respective posts.

A R T I C L E 3.

Of relieving Guards and Sentinels.

The guards in camp will be relieved every twenty-four hours. The guards without the limits of the camp will ordinarily be relieved in the same manner; but this must depend on their distances from camp, and other circumstances, which may sometimes require their continuing on duty for several days. In this case they must be previously notified to provide themselves accordingly.

The guards are to march in the greatest order to their respective posts, marching by platoons, whenever the roads will permit.

When the new guard approaches the post, they carry their arms; and the officer of the old guard, having his guard paraded, on the approach of the new guard, commands,

Present

[103]

Present---Arms!

and his guard present their arms.

The new guard marches past the old guard, and takes post three or four paces on its right (both guards fronting towards the enemy); and the officer commands,

Present---Arms!

and the new guard present their arms.

The two officers then approach each other, and the relieving officer takes his orders from the relieved. Both officers then return to their guards, and command,

Shoulder---Firelocks!

Non-commissioned Officers! Forward,---March!

The non-commissioned officers of both guards, who are to relieve the sentinels, advance in front of the new guard.

The serjeant of the new guard then tells off as many sentinels as are necessary; and the corporal of the new guard, conducted by a corporal of the old guard, relieves the sentinels, beginning by the guard-house.

When the sentinel sees the relief approach, he presents his arms, and the corporal halting his relief at six paces distance, commands,

Present

[104]

Present---Arms!

Recover---Arms!

This last command is only for the sentinel relieving, and the one to be relieved; the former immediately approaching with the corporal, and having received his orders from the old sentry, takes his place; and the sentry relieved marches into the ranks, placing himself on the left of the rear rank.

Front---Face!

Both sentries face to the front. The corporal then orders,

Shoulder---Firelocks! Support---Arms!

March!

and the relief proceeds in the same manner till the whole are relieved.

If the sentries are numerous, the serjeants are to be employed as well as the corporals in relieving them.

When the corporal returns with the old sentinels, he leads them before the old guard, and dismisses them to their ranks.

The officer of the old guard then forms his guard in the same manner as when he mounted, and marches them in order to camp.

As

As soon as he arrives in the camp, he halts, forms the men of the different brigades together, and sends them to their respective brigades, conducted by a non-commissioned officer, or careful foldier.

When the old guard march off, the new guard present their arms, till they are gone, then shoulder, face to the left, and take the place of the old guard.

The officer then orders a non-commissioned officer to take down the names of the guard, in the following manner :

Hours they go on, 10--4. 10--4. 12--6, 12--6. 2--8, 2--8.

Post No. 1.	Men's names.	Men's names.	Men's names.
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Suppose the guard to consist of twenty-four men, and to furnish eight sentinels, they are divided into three relieves, and the posts being numbered, (beginning always with the guard-house) each man's name is put down against the number of the post he will always stand sentry

at

at during the guard, by which means an officer knows what particular man was at any post during any hour of the day or night.

The relief of sentries is always to be marched in the greatest order, and with supported arms, the corporal often looking back to observe the conduct of the men; and if an officer approaches, he is to order his men to handle their arms, supporting them again when he has passed.

The corporals are to be answerable that the sentries, when relieving, perform their motions with the greatest spirit and exactness.

A corporal who is detected in having the influence to suffer sentries to relieve each other, without his being present, shall, as well as the sentry so relieved, be severely punished.

A R T I C L E 4.

Instructions to Officers on Guard.

On the vigilance of the officer depends not only the safety of his guard, but that of the whole army.

As

As it is highly necessary an officer should have some knowledge of his situation, he must, immediately after relieving the old guard, visit the sentinels, and examine the ground round his post; and if he thinks the sentries not sufficient to secure him from a surprize, he is at liberty to place more, acquainting therewith the general or field officer of the day who visits his post; but without their leave he is not to alter any that are already posted. He must cause the roads leading to the enemy and to the next posts to be well reconnoitred by an officer of the guard, or for want of one, by an intelligent non-commissioned officer and some faithful men, inform himself of every thing necessary for his security, and use every possible precaution against a surprize. He must permit no stranger to enter his post, nor suffer his men to talk with him. If a suspicious person, or a deserter from the enemy approaches, he must stop him and send him to head quarters, or to a superior officer. He must on no account suffer the soldiers to pull off their accoutrements, or straggle more than twenty paces from the guard; and if water or any other necessaries are wanted for the guard, they must be sent for by a non-commissioned officer and some men (with their arms if at an out-post) on no account suffering a soldier to go by himself; but

but never whilst the sentinels are relieving. He must examine every relief before it is sent off; see that their arms are loaded and in order, and that the men are acquainted with their duty; and if by any accident a man should get the least disguised with liquor, he must on no account be suffered to go on sentry.

At every relief the guard must parade, and the roll be called; and during the night (and when near the enemy, during the day) the guard must remain under arms till the relief returns.

During the day the men may be permitted to rest themselves as much as is consistent with the safety of the guard; but in the night, no man must be suffered to lay down or sleep on any account, but have his arms constantly in his hands, and be ready to fall in on the least alarm.

Between every relief the sentries must be visited by a non-commissioned officer and a file of men; and, when more than one officer is on guard, as often as possible by an officer. A patrol also must be frequently sent on the roads leading to the enemy.

During the day, the sentinels on the outposts must stop every party of men, whether
armed

armed or not, till they have been examined by the officer of the guard.

As soon as it is dark, the countersign must be given to the sentinels of the piquets and advanced posts, after which they are to challenge all that approach them; and if any person, after being ordered to stand, should continue to approach or attempt to escape, the sentry, after challenging him three times, must fire on him.

The sentinels of the interior guards of the camp will receive the countersign, and begin to challenge, at such hours as shall be determined in orders, according to circumstances.

A sentinel, on perceiving any person approach, must challenge briskly, and never suffer more than one to advance, till he has the countersign given him; if the person challenged has not the countersign, the sentry must call the serjeant of the guard, and keep the person at a little distance from his post, till the serjeant comes to examine him.

Whenever a sentry on an out-post perceivēs more than three men approach, he must order them to stand, and immediately pass the word

for the serjeant of the guard; the officer of the guard must immediately parade his guard, and send a serjeant with a party of men to examine the party: The non-commissioned officer must order the commanding officer of the party to advance, and conduct him to the officer of the guard; who, in case he is unacquainted with his person, and does not choose to trust either to his cloathing or to his knowledge of the counter-sign, must demand his passport, and examine him strictly; and if convinced of his belonging to the army, must let him pass.

If a sentry, on challenging, is answered *relief*, *patrol* or *round*, he must in that case order the serjeant or corporal to advance with the counter-sign; and if he is then assured of their being the relief, &c. he may suffer them to advance.

A sentinel must take the greatest care not to be surpris'd; he must never suffer the person who advances to give the counter-sign, to approach within reach of his arms, and always charge his bayonet.

The officers who mount the camp guards must give orders to their sentries not to suffer any person to pass in or out of camp, except by one of
the

the guards, nor then till the officer of the guard has examined him.

In case one of the guard deserts, the officer must immediately change the countersign, and send notice thereof to the general of the day; who is to communicate the same to the other guards, and the adjutant general.

As soon as the officer of a guard discovers the approach of the enemy, he must immediately send notice to the nearest general officer, call in the sentries, and put himself in the best posture of defence. If attacked on his post, he will defend it to the utmost of his power, nor retreat, unless compelled by superior force; and even then he must retire in the greatest order, keeping a fire on the enemy, whose superiority, however great, can never justify a guard's retiring in disorder. Should the enemy pursue a guard into camp, the officer must take care to retire through the intervals of the battalions, and forming in the rear of the line, wait for further orders.

When an officer is posted at a bridge, defile, or any work, with orders to maintain it, he must defend himself to the last extremity, however superior the force of the enemy may be, as it is to
be

be supposed that the general who gave those orders will reinforce him, or order him to retire whenever he thinks it proper.

An officer must never throw in the whole of his fire at once; for which reason every guard is to be divided into two or more divisions or platoons, according to its strength; any number above eight and under seventy-eight men forming two platoons; the eldest officer taking post on the right of the first platoon, the next eldest on the right of the second platoon, and the third on the left of the whole; the non-commissioned officers cover the officers; the drum is to be on the right of the captain, and the sentinel one pace advanced of the drum. If the guard consists of no more than twelve men, it forms in one rank.

A R T I C L E 5.

Method of going and receiving the Grand Rounds.

The general and field officers of the day will visit the several guards during the day, as often and at such hours as they judge proper.

When the sentry before the guard perceives
the

the officer of the day, he will call to the guard to turn out; and the guard, being paraded, on the approach of the officer of the day present their arms.

The officer of the day will examine the guard; see that none are absent; that their arms and accoutrements are in order; that the officers and non-commissioned officers are acquainted with their duty; and that the sentinels are properly posted and have received proper orders.

Not only the officers of the day, but all general officers are at liberty to visit the guards and make the same examination.

The officers of the guard shall give the parole to the officer of the day, if demanded.

During the night, the officers of the day will go the grand rounds.

When the officer of the day arrives at the guard from whence he intends to begin his rounds, he will make himself known as such by giving the officer of the guard the parole.---He will then order the guard under arms,

and having examined it, demand an escort of a serjeant and two men, and proceed to the next post.

When the rounds are challenged by a sentinel, they will answer, *Grand rounds!* and the sentry will reply, *Stand, grand rounds! Advance serjeant with the countersign!* Upon which the serjeant advances and gives the countersign. The sentinel will then cry, *Advance, rounds!* and present his arms till they have passed.

When the sentry before the guard challenges, and is answered, *Grand rounds!* he will reply, *Stand, grand rounds! Turn out the guard! Grand rounds!* Upon the sentinel's calling, the guard is to be turned out and drawn up in good order, with shouldered arms, the officers taking their posts. The officer commanding the guard will then order a serjeant and two men to advance towards the round and challenge. When the serjeant of the guard comes within ten paces of the rounds, he is to halt and challenge briskly. The serjeant of the rounds is to answer, *Grand rounds!* The serjeant of the guard replies, *Stand, grand rounds! Advance serjeant with the countersign!* and orders his men to present their arms. The serjeant of the rounds advances alone, and giving the countersign, returns to his rounds; and the serjeant
of

of the guard calls to his officer, *The countersign is right!* On which the officer of the guard calls, *Advance, rounds!* The officer of the rounds then advances alone, and on his approach the guard present their arms. The officer of the rounds passes along the front of the guard immediately to the officer, (who keeps his post on the right) and gives him the parole. He then examines the guard, orders back his escort, and demanding a new one, proceeds in the same manner to the other guards.

A R T I C L E 6.

Honours due from Guards to General Officers and others.

To the commander in chief: All guards turn out with presented arms; the drums beat a march, and the officers salute.

To major generals: They turn out with presented arms, and beat two ruffles.

To brigadier generals: They turn out with presented arms, and beat one ruffle.

To officers of the day: They turn out with presented arms, and beat according to their rank.

Except

Except from these rules a general officer's guard, which turns out and pays honours only to officers of superior rank to the general whose guard it is.

To colonels: Their own quarter guards turn out once a day with presented arms; after which they only turn out with ordered arms.

To lieutenant colonels: Their own quarter guards turn out once a day with shouldered arms; after which they only turn out and stand by their arms.

To majors: Their own quarter guards turn out once a day with ordered arms; at all other times they stand by their arms.

When a lieutenant colonel or major commands a regiment, the quarter guard is to pay him the same honours as are ordered to a colonel.

All sentries present their arms to general officers, and to the field officers of their own regiments; to all other commissioned officers they stand with shouldered arms.

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The president of congress, all governors in their own states, and committees of congress at the army, shall have the same honours paid them as the commander in chief.

When a detachment with arms passes before a guard, the guard shall be under arms, and the drums of both beat a march.

When a detachment without arms passes, the guard shall turn out and stand by their arms.

After dark no honours are to be paid; and when near the enemy, no honours are to be paid with the drum.

CHAPTER XXIII.

Of the Arms and Ammunition, with the Methods of preserving them.

THE preservation of the arms and ammunition is an object that requires the greatest attention. Commanding officers of regiments must be answerable for those of their regiments, and captains for their respective companies.

An officer of a company must every morning
at

at roll-call inspect minutely into the state of the men's arms, accoutrements and ammunition; and if it shall appear that a soldier has sold, or through carelessness lost or damaged any part of them, he must be confined and punished, and stoppages made of his pay, as hereafter mentioned: For which purpose such officer shall certify to the commanding officer of the regiment the names of the delinquents, and the losses or damages which shall appear of their arms, ammunition and accoutrements; and the commanding officer, after due examination, shall order stoppages to be made for whatever shall appear to have been sold, lost or damaged as aforesaid. The stoppages to be as follows:

For a firelock, sixteen dollars;

a bayonet, two dollars;

a ram-rod, one dollar;

a cartridge-box, four dollars;

a bayonet-belt, one dollar;

a scabbard, two thirds of a dollar;

a cartridge, one sixth of a dollar;

a flint, one twentieth of a dollar;

a gun-worm, one fourth of a dollar;

a screw-driver, one twelfth of a dollar:

And for arms, accoutrements and ammunition damaged, such sums as the repairs shall cost

the

the states, to be estimated by the brigade conductor, or, when a corps is detached, by such person as its commanding officer shall appoint for that purpose; provided that such stoppages do not exceed one half the delinquent's pay monthly.

It is highly essential to the service that the ammunition should be at all times kept complete; for which purpose, as often as is necessary, a return is to be made by each company of the number of cartridges deficient, to the quarter-master, that he may make out a general one for the regiment, to be signed by the commanding officers of the regiment and brigade, and no time lost in supplying the deficiency. The like care is to be taken that all deficiencies of arms and accoutrements are supplied without loss of time.

All arms, accoutrements and ammunition unfit for service, are to be carefully preserved and sent by the commanding officer of each company to the regimental quarter-master, who shall deliver the same to the brigade conductor, they respectively giving receipts for what they receive. The arms, accoutrements and ammunition of the sick and others, when delivered up,
are

are to be taken care of in the same manner. Before the cartridge-boxes are put in the arm-chests, the cartridges must be taken out, to prevent any loss or accident.

A conductor shall be appointed to each brigade, who shall have under his immediate care and direction a travelling forge and five or six armourers, an ammunition waggon, and a waggon with an arm-chest for each battalion, each chest to hold twenty-five arms, to receive the arms and accoutrements wanting repair, or of the men sick or absent; and when the arms delivered in by a battalion shall exceed the above number, the surplus shall be sent to the commissary of military stores.

The brigade conductor shall issue no ammunition but by order of the commanding officer of the brigade; but may receive and deliver the arms and accoutrements of each battalion, by order of its commanding officer.

The ammunition waggon shall contain twenty thousand cartridges; and in order to keep the same complete, the conductor shall, as deficiencies arise, apply to the field commissary, or one of his deputies, for a supply, or otherwise
for

for the necessary materials of cartridges, and to the major of brigade for men to make them up under the direction of the conductor; and for this purpose the brigade major shall order out a party of the most careful soldiers.

The non-commissioned officers of each company will be provided with gun-worms; and every day, at the noon roll-call of the company, those men who have returned from duty are to bring their arms and have their charges drawn; the first serjeant to receive the powder and ball, and deliver the same to the quartermaster.

CHAPTER XXIV.

Of the Treatment of the Sick.

THERE is nothing which gains an officer the love of his soldiers more than his care of them under the distress of sickness; it is then he has the power of exerting his humanity in providing them every comfortable necessary, and making their situation as agreeable as possible.

Two or three tents should be set apart in every regiment for the reception of such sick as

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cannot

cannot be sent to the general hospital, or whose cases may not require it. And every company shall be constantly furnished with two sacks, to be filled occasionally with straw, and serve as beds for the sick. These sacks to be provided in the same manner as cloathing for the troops, and finally issued by the regimental clothier to the captain of each company, who shall be answerable for the same.

When a soldier dies, or is dismissed the hospital, the straw he lay on is to be burnt, and the bedding well washed and aired before another is permitted to use it.

The serjeants and corporals shall every morning at roll-call give a return of the sick of their respective squads to the first serjeant, who must make out one for the company, and lose no time in delivering it to the surgeon, who will immediately visit them, and order such as he thinks proper to the regimental hospital; such whose cases require their being sent to the general hospital, he is to report immediately to the surgeon general, or principal surgeon attending the army.

Once every week (and oftener when required) the surgeon will deliver the commanding officer

ficer of the regiment a return of the sick of the regiment, with their disorders, distinguishing those in the regimental hospital from those out of it.

When a soldier is sent to the hospital, the non-commissioned officer of his squad shall deliver up his arms and accoutrements to the commanding officer of the company, that they may be deposited in the regimental arm-chest.

When a soldier has been sick, he must not be put on duty till he has recovered sufficient strength, of which the surgeon should be judge.

The surgeons are to remain with their regiments as well on a march as in camp, that in case of sudden accidents they may be at hand to apply the proper remedies.

CHAPTER XXV.

Of Reviews.

ARTICLE I.

Of Reviews of Parade.

WHEN a battalion is to be reviewed, it must be drawn up in the following manner : The

The ranks at four paces distance from each other; the colours advanced four paces from the centre; the colonel twelve paces before the colours; the lieutenant colonel four paces behind the colonel; the major on the right of the battalion in the line of officers; the adjutant behind the centre; the officers commanding platoons eight paces before their intervals; and the other officers on the same line equally divided in front of their respective platoons; the serjeants who covered officers take their places in the front rank of their platoons; the other non-commissioned officers who were in the rear, remain there, falling back four paces behind the rear rank; and the drummers and fifers are equally divided on the wings of the battalion, dressing with the front rank. The general officer who is to review them being within thirty paces of the battalion, the colonel orders

Battalion! Present---Arms!

On which the men present their arms, and the drums on the right wing salute him according to his rank; the officers and colours salute him as he passes in front of the battalion; and on his arriving at the left, the drums beat the same as on the right.

The colonel then commands

Shoulder---

Shoulder---Firelocks !

And when the general has advanced to the front,

Rear rank ! Close to the Front !

On which the officers face to their platoons.

March !

The rear rank closes to the front, and the officers stepping off at the same time, those commanding platoons take their posts in the front rank, and the others go through the intervals to their posts in the rear.

The colonel then commands

Battalion !

By Platoons ! To the Right,---Wheel ! March !

The whole wheel by platoons to the right, and march by the general ; the colonel at the head of the battalion, with the major behind him, followed by the drums of the right wing ; the adjutant on the left of the fifth platoon ; and the lieutenant colonel in the rear, preceded by the drums of the left wing.

The officers and colours salute when within eight paces of the general ; and the colonel having saluted, advances to him.

The battalion having marched to its ground and formed, the general orders such exercise and manœuvres as he thinks proper.

A R T I C L E 2.

Of Reviews of Inspection.

For a review of inspection the battalion must not be told off into platoons, but remain in companies, at open order; the drums and fifes on the right, and the ensigns with the colours in front of their respective companies.

The inspector begins with a general review, passing along the front of the battalion from right to left, accompanied by the field and staff officers. The general review over, the colonel commands

Rear Rank! Close to the Front! March!

The rear rank closes to the front, the officers remaining in front.

By Companies! To the Right,---Wheel! March!

Each company wheels to the right; the captains then open their ranks, and order

Non-

Non-commissioned Officers! To the Front,---March!

The officers take post four paces, and the non-commissioned officers two paces, in front of their companies.

The whole then order their firelocks by word of command from their captains, except the first company, where the inspection begins; when the first company has been inspected, they order their firelocks, and the next company shoulders; the others proceed in the same manner till the whole are inspected.

The field and staff officers accompany the inspector while he inspects the companies; and when the inspection is over, the colonel forms the battalion, and causes it to perform any exercise or manœuvres the inspector thinks proper to order.

I N S T R U C T I O N S.

Instructions for the Commandant of a Regiment.

THE state having entrusted him with the care of a regiment, his greatest ambition should be to have it at all times and in every respect as complete as possible: To do which, he should pay great attention to the following objects:

The preservation of the soldiers health should be his first and greatest care; and as that depends in a great measure on their cleanliness and manner of living, he must have a watchful eye over the officers of companies, that they pay the necessary attention to their men in those respects.

The only means of keeping the soldiers in order is, to have them continually under the eyes of their superiors; for which reason the commandant should use the utmost severity to prevent their straggling from their companies,
and

and never suffer them to leave the regiment without being under the care of a non-commissioned officer, except in cases of necessity. And in order to prevent any man's being absent from the regiment without his knowledge, he must often count the files, and see that they agree with the returns delivered him, strictly obliging every man returned fit for duty to appear under arms on all occasions; and if any are missing, he must oblige the commanding officer of the company to account for their absence. In a word, the commandant ought to know upon what duty and where every man of his regiment is. To these points the other field officers must also pay attention.

The choice of non-commissioned officers is also an object of the greatest importance: The order and discipline of a regiment depends so much upon *their* behaviour, that too much care cannot be taken in preferring none to that trust but those who by their merit and good conduct are entitled to it. Honesty, sobriety, and a remarkable attention to every point of duty, with a neatness in their dress, are indispensable requisites; a spirit to command respect and obedience from the men, an expertness in performing every part of the exercise, and an ability to
teach

teach it, are also absolutely necessary; nor can a serjeant or corporal be said to be qualified who does not write and read in a tolerable manner.

Once every month the commandant should make a general inspection of his regiment, examine into the state of the men, their arms, ammunition, accoutrements, necessaries, camp utensils, and every thing belonging to the regiment, obliging the commanding officers of companies to account strictly for all deficiencies.

He should also once every month assemble the field officers and the eldest captain, to hold a council of administration; in which should be examined the books of the several companies, the pay-master and quarter-master, to see that all receipts and deliveries are entered in proper order, and the affairs of the regiment duly administered.

All returns of the regiment being signed by the commanding officer, he should examine them with the greatest care before he suffers them to go out of his hands.

The commandant must always march and encamp with his regiment; nor must he permit any

any officer to lodge out of camp, or in a house, except in case of sickness.

On a march he must keep his regiment together as much as possible, and not suffer the officers to leave their platoons without his permission; nor permit any of them, on any pretence whatsoever, to mount on horseback. There is no fatigue the soldiers go through that the officers should not share; and on all occasions they should set them examples of patience and perseverance.

When a regiment is on a march, the commandant will order a serjeant and six men into the rear, to bring up all stragglers; and the serjeant, on his arrival in camp or quarters, must make his report to him.

In a word, the commanding officer of a regiment must preserve the strictest discipline and order in his corps, obliging every officer to a strict performance of his duty, without relaxing in the smallest point; punishing impartially the faults that are committed, without distinction of rank or service.

Instructions for the Major.

TH E major is particularly charged with the discipline, arms, accoutrements, cloathing, and generally, with the whole interior management and œconomy of the regiment.

He must have a watchful eye over the officers, and oblige them to do their duty on every occasion; he must often cause them to be exercised in his presence, and instruct them how to command their platoons and preserve their distances.

He must endeavour to make his regiment perform their exercise and manœuvres with the greatest vivacity and precision, examine often the state of the different companies, making the captains answer for any deficiencies he may perceive, and reporting the same to the colonel.

He must pay the greatest attention to have all orders executed with the strictest punctuality, so far as respects his regiment; and should every week examine the adjutant's and quarter-master's books, and see that all returns, orders and other matters, the objects of their respective duties, are regularly entered.

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He must cause to be kept a regimental book, wherein should be entered the name and rank of every officer, the date of his commission, and the time he joined the regiment; the name and description of every non-commissioned officer and soldier, his trade or occupation, the place of his birth and usual residence, where, when and for what term he was enlisted; discharges, furloughs and courts martial, copies of all returns, and every casualty that happens in the regiment.

He must be at all times well acquainted with the strength of his regiment and brigade, and the details of the army, and see that his regiment furnishes no more than its proportion for duty.

He must often inspect the detachments for duty furnished by his regiment, see that they are complete in every respect, and formed agreeably to the regulations.

On a march he must often ride along the flanks of his regiment, see that the platoons march in order, and keep their proper distances.

When the regiment is detached, he will post the guards ordered by the colonel, often visit

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them,

them, examine whether the officers, non-commissioned officers and sentinels are acquainted with their duty, and give them the necessary instructions.

Instructions for the Adjutant.

THE adjutant is to be chosen from among the subalterns, the field officers taking care to nominate one the most intelligent and best acquainted with the service.

He must keep an exact detail of the duty of the officers and non-commissioned officers of his regiment, taking care to regulate his roster in such a manner as not to have too many officers or non-commissioned officers of the same company on duty at the same time.

He must keep a book, in which he must every day take the general and other orders, and shew them to the commanding officer of the regiment, who having added those he thinks necessary for the regiment, the adjutant must assemble the first serjeants of the companies, make them copy the orders, and give them their details for the next day.

He

He must attend the parade at the turning out of all guards or detachments, inspect their dress, arms, accoutrements and ammunition, form them into platoons or sections, and conduct them to the general or brigade parade.

When the regiment parades for duty or exercise, he must count it off, and divide it into divisions and platoons, and carry the orders of the colonel where necessary.

The adjutant is to receive no orders but from the field officers and officer commanding a battalion.

On a march he must ride along the flanks of the regiment, to see that regularity is observed, and must pay attention to the serjeant in the rear, that he brings up all stragglers.

On the arrival of the regiment in camp, his first care is to form and send off the guards; and when the tents are pitched, he must immediately order out the necessary number of fatigue men to dig the vaults or sinks, and open communications where necessary. He will then form the detachments for wood, water and other necessaries.

He

He must be constantly with the regiment, ready to receive and execute any orders that may come; nor must he go from his tent without leaving an officer to do his duty, or directions where he may be found.

Instructions for the Quarter-Master.

THE quarter-master, being charged with encamping and quartering the regiment, should be at all times acquainted with its strength, that he may require no more ground than is necessary, nor have more tents pitched than the number prescribed; for both which he is accountable.

He must inform the regiment where to fetch their wood, water and other necessaries, and where to pasture the horses.

He must instruct the quarter-master serjeant and pioneers in the manner of laying out the camp, agreeably to the order prescribed in the regulations.

He is answerable for the cleanliness of the
camp,

camp, and that the soldiers make no fire any where but in the kitchens.

When the army marches, he must conduct the pioneers to the place appointed, and order the quarter-master serjeant to take charge of the baggage.

He is to make out all returns for camp equipage, arms, accoutrements, ammunition, provisions and forage, and receive and distribute them to the regiment, taking the necessary vouchers for the delivery, and entering all receipts and deliveries in a book kept by him for that purpose.

He must pay particular attention to the preservation of the camp equipage, cause the necessary repairs to be done when wanting, and return every thing unfit for use to the stores from which he drew them.

The preservation of the arms, accoutrements and ammunition is of such essential importance, that he must be strictly attentive to have those of the sick, of the men on furlough, discharged, or detached on command without arms, taken care of and deposited with the brigade conductor, as directed in the regulations.

Instructions for the Captain.

A CAPTAIN cannot be too careful of the company the state has committed to his charge. He must pay the greatest attention to the health of his men, their discipline, arms, accoutrements, ammunition, clothes and necessaries.

His first object should be, to gain the love of his men, by treating them with every possible kindness and humanity, enquiring into their complaints, and when well founded, seeing them redressed. He should know every man of his company by name and character. He should often visit those who are sick, speak tenderly to them, see that the public provision, whether of medicine or diet, is duly administered, and procure them besides such comforts and conveniencies as are in his power. The attachment that arises from this kind of attention to the sick and wounded, is almost inconceivable; it will moreover be the means of preserving the lives of many valuable men.

He must divide his company into four squads, placing each under the particular care of a non-com-

commissioned officer, who is to be answerable for the dress and behaviour of the men of his squad.

He must be very particular in the daily and weekly inspections of his men, causing all deficiencies to be immediately supplied; and when he discovers any irregularity in the dress or conduct of any soldier, he must not only punish him, but the non-commissioned officer to whose squad he belongs.

He must keep a strict eye over the conduct of the non-commissioned officers; oblige them to do their duty with the greatest exactness; and use every possible means to keep up a proper subordination between them and the soldiers: For which reason he must never rudely reprimand them in presence of the men, but at all times treat them with proper respect.

He must pay the utmost attention to every thing which contributes to the health of the men, and oblige them to keep themselves and every thing belonging to them in the greatest cleanliness and order. He must never suffer a man who has any infectious disorder to remain in the company, but send him immediately to
the

the hospital, or other place provided for the reception of such patients, to prevent the spreading of the infection. And when any man is sick, or otherwise unfit for duty, or absent, he must see that his arms and accoutrements are properly taken care of, agreeably to the regulations prescribed.

He must keep a book, in which must be entered the name and description of every non-commissioned officer and soldier of his company; his trade or occupation; the place of his birth and usual residence; where, when and for what term he enlisted; discharges, furloughs, copies of all returns, and every casualty that happens in the company. He must also keep an account of all arms, accoutrements, ammunition, clothing, necessaries and camp equipage delivered his company, that on inspecting it he may be able to discover any deficiencies.

When the company arrive at their quarters after a march, he must not dismiss them till the guards are ordered out, and (if cantoned) the billets distributed, which must be as near together as possible; and he must strictly prohibit his men from vexing the inhabitants, and cause to be punished any that offend in that respect,

He

He must acquaint them with the hours of roll-call and going for provisions, with their alarm post, and the hours of march in the morning.

If the company make any stay in a place, he must, previous to their marching, inspect into their condition, examine their knapsacks, and see that they carry nothing but what is allowed, it being a material object to prevent the soldier loading himself with unnecessary baggage.

Instructions for the Lieutenant.

THE lieutenant, in the absence of the captain, commands the company, and should therefore make himself acquainted with the duties of that station; he must also be perfectly acquainted with the duties of the non-commissioned officers and soldiers, and see them performed with the greatest exactness.

He should endeavour to gain the love of his men, by his attention to every thing which may contribute to their health and convenience. He should often visit them at different hours; inspect into their manner of living; see that their provisions are good and well cooked, and as far

as

as possible oblige them to take their meals at regulated hours. He should pay attention to their complaints, and when well founded, endeavour to get them redressed; but discourage them from complaining on every frivolous occasion.

He must not suffer the soldiers to be ill treated by the non-commissioned officers through malevolence, or from any pique or resentment; but must at the same time be careful that a proper degree of subordination is kept up between them.

Although no officer should be ignorant of the service of the guards, yet it particularly behoves the lieutenant to be perfectly acquainted with that duty; he being oftener than any other officer entrusted with the command of a guard--- a trust of the highest importance, on the faithful execution of which the safety of an army depends; and in which the officer has frequent opportunities to distinguish himself by his judgement, vigilance and bravery.

Instructions

Instructions for the Ensign.

THE ensign is in a particular manner charged with the cleanliness of the men, to which he must pay the greatest attention.

When the company parades, and whilst the captain and lieutenant are examining the arms and accoutrements, the ensign must inspect the dress of the soldiers, observing whether they are clean, and every thing about them in the best order possible, and duly noticing any who in these respects are deficient.

He must be very attentive to the conduct of the non-commissioned officers, observing that they do their duty with the greatest exactness; that they support a proper authority, and at the same time do not ill treat the men through any pique or resentment.

As there are only two colours to a regiment, the ensigns must carry them by turns, being warned for that service by the adjutant. When on that duty, they should consider the importance of the trust reposed in them; and when in action, resolve not to part with the colours but with their lives. As it is by them the battalion dresses

dresses when marching in line, they should be very careful to keep a regular step, and by frequent practice accustom themselves to march straight forward to any given object.

Instructions for the Serjeant Major.

THE serjeant major, being at the head of the non-commissioned officers, must pay the greatest attention to their conduct and behaviour, never conniving at the least irregularity committed by them or the soldiers, from both of whom he must exact the most implicit obedience. He should be well acquainted with the interior management and discipline of the regiment, and the manner of keeping rosters and forming details. He must always attend the parade, be very expert in counting off the battalion, and in every other business of the adjutant, to whom he is an assistant.

Instructions for the Quarter-Master Serjeant.

HE is an assistant to the quarter-master of the regiment, and in his absence is to do his duty, unless an officer be specially appointed for

for that purpose: He should therefore acquaint himself with all the duties of the quarter-master before mentioned. When the army marches, he must see the tents properly packed and loaded, and go with the baggage, see that the waggoners commit no disorders, and that nothing is lost out of the waggons.

Instructions for the First Serjeant of a Company.

THE foldier having acquired that degree of confidence of his officers as to be appointed first serjeant of the company, should consider the importance of his office; that the discipline of the company, the conduct of the men, their exactness in obeying orders, and the regularity of their manners, will in a great measure depend on his vigilance.

He should be intimately acquainted with the character of every foldier of the company, and should take great pains to impress upon their minds the indispensable necessity of the strictest obedience, as the foundation of order and regularity.

N

He

He will keep the details of the company, and never warn a man out of his turn, unless particularly ordered so to do.

He must take the daily orders in a book kept by him for that purpose, and shew them to his officers.

He must every morning make a report to the captain of the state of the company, in the form prescribed; and at the same time acquaint him with any thing material that may have happened in the company since the preceding report.

He must parade all guards and detachments furnished by his company, examine their arms, ammunition, accoutrements and dress, before he carries them to the parade; and if any man appears unfit, he must supply his place with another, and have the defaulter punished: For this purpose he must always warn a man or two more than ordered, to serve as a reserve, who, if not wanted, will return to their companies.

He will keep the company book (under the inspection of the captain) in which he will enter the name and description of every non-commissioned officer and soldier; his trade and occupation;

tion; the place of his birth and usual residence; where, when and for what term he was enlisted; the bounty paid him; the arms, ammunition, accoutrements, clothing and necessaries delivered him, with their marks and numbers, and the times when delivered; also copies of all returns, furloughs, discharges, and every casualty that happens in the company.

When each soldier shall be provided with a small book, the first serjeant is to enter therein the soldier's name, a copy of his enlistment, the bounty paid him, the arms, accoutrements, clothing and necessaries delivered him, with their marks and numbers: For this purpose he must be present at all distributions in his company; and as often as arms, clothing, &c. are delivered, he must enter them in the soldier's as well as the company's book.

The first serjeant is not to go on any duty, unless with the whole company; but is to be always in camp or quarters, to answer any call that may be made.

He is never to lead a platoon or section, but is always to be a file-closer in the formation of the company, his duty being in the company like the adjutant's in the regiment.

Instructions

Instructions for the Serjeants and Corporals.

IT being on the non-commissioned officers that the discipline and order of a company in a great measure depend, they cannot be too circumspect in their behaviour towards the men, by treating them with mildness, and at the same time obliging every one to do his duty. By avoiding too great familiarity with the men, they will not only gain their love and confidence, but be treated with a proper respect; whereas by a contrary conduct they forfeit all regard, and their authority becomes despised.

Each serjeant and corporal will be in a particular manner answerable for the squad committed to his care. He must pay particular attention to their conduct in every respect; that they keep themselves and their arms always clean; that they have their effects always ready, and put where they can get them immediately, even in the dark, without confusion; and on every fine day he must oblige them to air their effects.

When a man of his squad is warned for duty, he must examine him before he carries him to the parade, obliging him to take all his effects
with

with him, unless when specially ordered to the contrary.

In teaching the recruits, they must exercise all their patience, by no means abusing them, but treating them with mildness, and not expect too much precision in the first lessons, punishing those only who are wilfully negligent.

They must suppress all quarrels and disputes in the company; and where other means fail, must use their authority in confining the offender.

They should teach the soldiers of their squads how to dress with a soldier-like air, how to clean their arms, accoutrements, &c. and how to mount and dismount their firelocks; for which purpose each non-commissioned officer should always be provided with a turnscREW, and suffer no soldier to take his arms to pieces without his permission.

On a march the non-commissioned officers must preserve order and regularity, and suffer no man to leave the ranks without permission of the officer commanding the platoon.

A corporal must teach the sentinels to chal-
 N 2 lence

lence briskly, and every thing else they are to do in their different situations; and when he relieves them, must make them deliver the orders distinctly.

When a guard is relieved, the non-commissioned officers take the orders from those whom they relieve; when sent to visit the sentries, they should instruct them in their duty. They should reconnoitre the roads they are to patrol in the night, that they may not lose themselves. They must make their patrol with the greatest silence and attention, and where necessary, send a faithful soldier a-head to look out. If they meet a detachment of the enemy stronger than their own, they must retreat in order to their own post. In the night they must stop all strangers that approach. They must not suffer their men to make the least noise with their arms or accoutrements, and every now and then stop and listen. On their return from patrolling, they must report to the officer what they have seen or heard.

When a non-commissioned officer is a file-closer in action, he must take care to keep the ranks and files properly closed, and when too much crowded, make them incline from the centre. When the files of his platoon are dis-
ordered

ordered by the loss of men, he must exert himself to dress and complete them afresh, with the utmost expedition. He must keep the greatest silence in the ranks, see that the men load well and quick, and take good aim. He will do all in his power to encourage the soldiers, and use the most vigorous means to prevent any from leaving the ranks, unless wounded.

Instructions for the private Soldier.

THE recruit having received his necessaries, should in the first place learn to dress himself with a soldier-like air; to place his effects properly in his knapsack, so as to carry them with ease and convenience; how to salute his officers when he meets them; to clean his arms, wash his linen and cook his provisions. He should early accustom himself to dress in the night; and for that purpose always have his effects in his knapsack, and that placed where he can put his hand on it in a moment, that in case of alarm he may repair with the greatest alertness to the parade.

When learning to march, he must take the
greatest

greatest pains to acquire a firm step and a proper balance, practising himself at all his leisure hours. He must accustom himself to the greatest steadiness under arms, to pay attention to the commands of his officers, and exercise himself continually with his firelock, in order to acquire vivacity in his motions. He must acquaint himself with the usual beats and signals of the drum, and instantly obey them.

When in the ranks, he must always learn the names of his right and left hand men and file-leader, that he may be able to find his place readily in case of separation. He must cover his file-leader and dress well in his rank, which he may be assured of doing when he can just perceive the breast of the third man from him. Having joined his company, he must no longer consider himself as a recruit, but as a soldier; and whenever he is ordered under arms, must appear well dressed, with his arms and accoutrements clean and in good order, and his knapsack, blanket, &c. ready to throw on his back in case he should be ordered to take them.

When warned for guard, he must appear as neat as possible, carry all his effects with him, and even when on sentry must have them at
his

his back. He must receive the orders from the fentry he relieves; and when placed before the guard-house, he must inform the corporal of all that approach, and suffer no one to enter until examined; if he is posted at a distance from the guard, he will march there in order, have the orders well explained to him by the corporal, learn which is the nearest post between him and the guard, in case he should be obliged to retire, or have any thing to communicate, and what he is to do in case of alarm; or if in a town, in case of fire and any disturbance. He will never go more than twenty paces from his post; and if in a retired place, or in the night, suffer no one to approach within ten paces of him.

A sentinel must never rest upon his arms, but keep walking on his post. He must never suffer himself to be relieved but by his corporal; challenge briskly in the night, and stop those who have not the countersign; and if any will not answer to the third challenge, or having been stopped should attempt to escape, he may fire on them.

When on patrol, he must observe the strictest silence, nor make the least noise with his arms or accoutrements.

In

In action he will pay the greatest attention to the commands of his officers, level well, and not throw away his fire; take particular care to keep his rank and file, incline to that side he dresses to, and encourage his comrades to do their duty.

When ordered to march, he must not charge himself with any unnecessary baggage; he will march at his ease, without however leaving his rank or file; he should drink as seldom as possible, and never stop but when necessity obliges him; in which case he must ask leave of the commanding officer of the platoon.

When arrived at camp or quarters, he must clean his arms, prepare his bed, and go for necessaries, taking nothing without leave, nor committing any kind of excess.

He must always have a stopper for the muzzle of his gun in case of rain, and when on a march; at which times he will unfix his bayonet.



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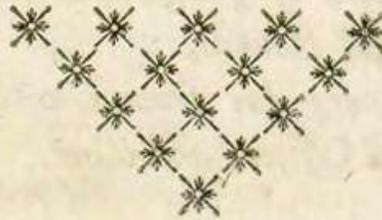
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*The following Errors and Omissions happened
in copying the Work for the Press.*

Page 18. Line 2. Dele comma after *cock*; and add comma after *briskly*.

26. 14. Put semicolon after *swell*; and add
“ instantly shifting the right hand
“ to its former position.”

29. 21. Add comma after *left*; after which
read “ except the left hand man.”

32. 5. Instead of Chapter XII. Article 2.
read “ Chapter XIII. Article 1. 2.”

37. 13. For Figure 3 and 4, read “ Figure
“ 4 and 5.”

38. last Line, For *nor* read “ *or*.”

39. 10. Put semicolon after *advances*; and
comma instead of semicolon after
B, line 11.

57. 7. After the words *Halt! Dress to the
Right!* add “ The battalion halts
“ and dresses to the right.”

58. after L. 23. Add to Article 4 of Chapter XI
what follows :

“ As soon as the front division
“ has passed, it will halt; and the
“ other divisions, as fast as they ar-
“ rive in the rear, face outwards,
“ and march by files till they come
“ to their proper places in battalion;
“ when the officers commanding the
“ platoons order

“ *Halt! Front! Dress!*

“ and the platoons dress in line with
“ those already formed.

“ If the commanding officer does
“ not think proper to form imme-
“ diately on passing the defile, he
“ may order the battalion to remain
“ in column, march it where he
“ thinks necessary, and form the
“ line in the manner above men-
“ tioned.”

Page 95. Line 19. Instead of *field* read “ *other.*”

140. 20. For *arive* read “ *arrive.*”

141. 3. For *hours* read “ *hour.*”



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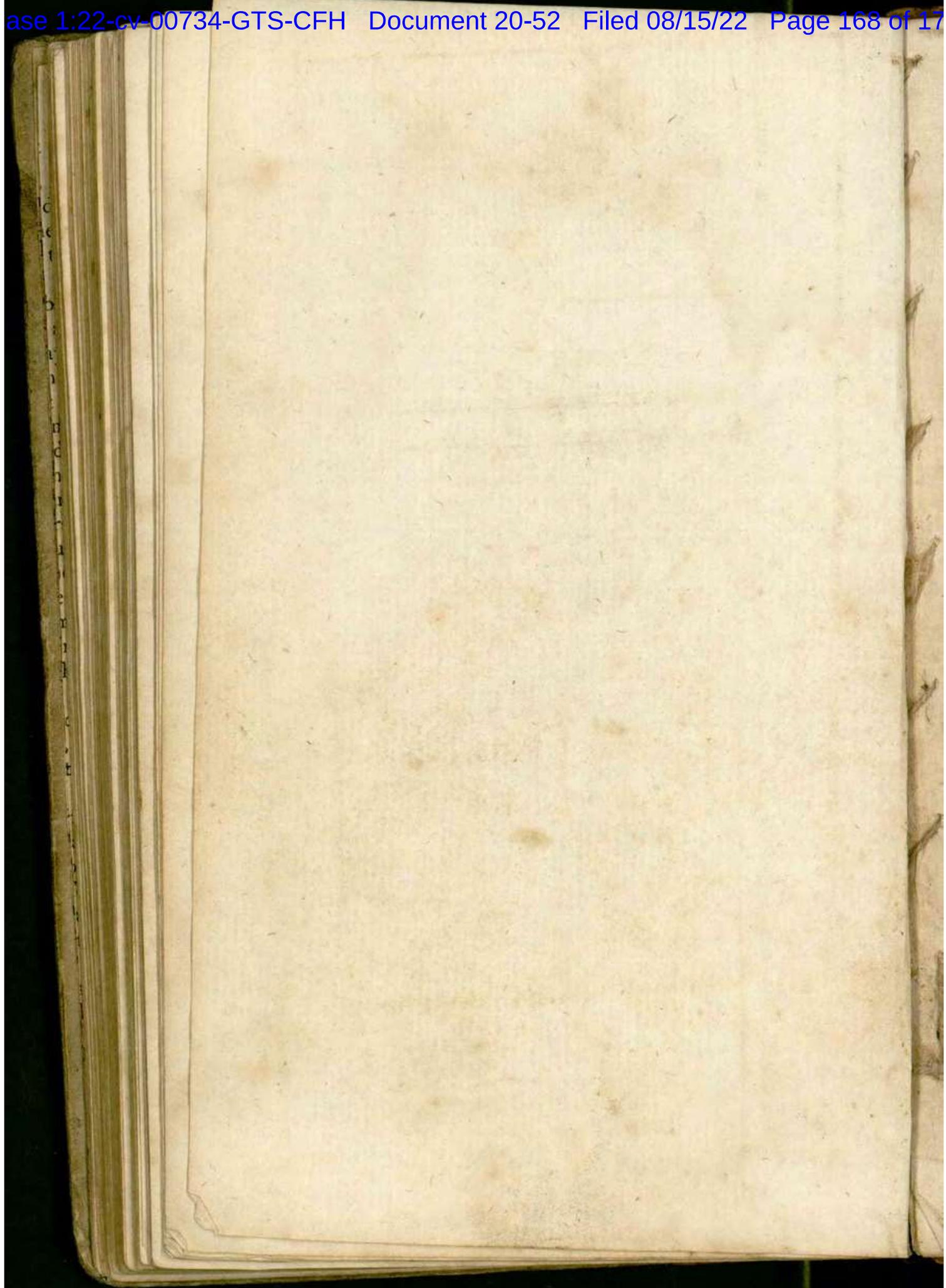
James Sewer

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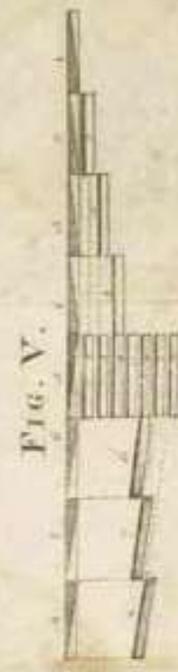
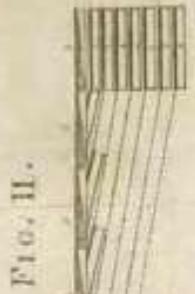
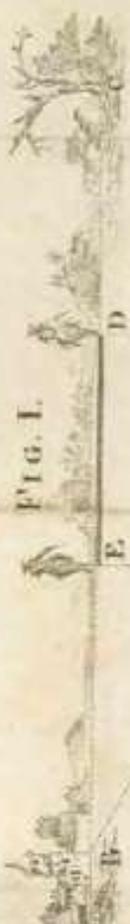
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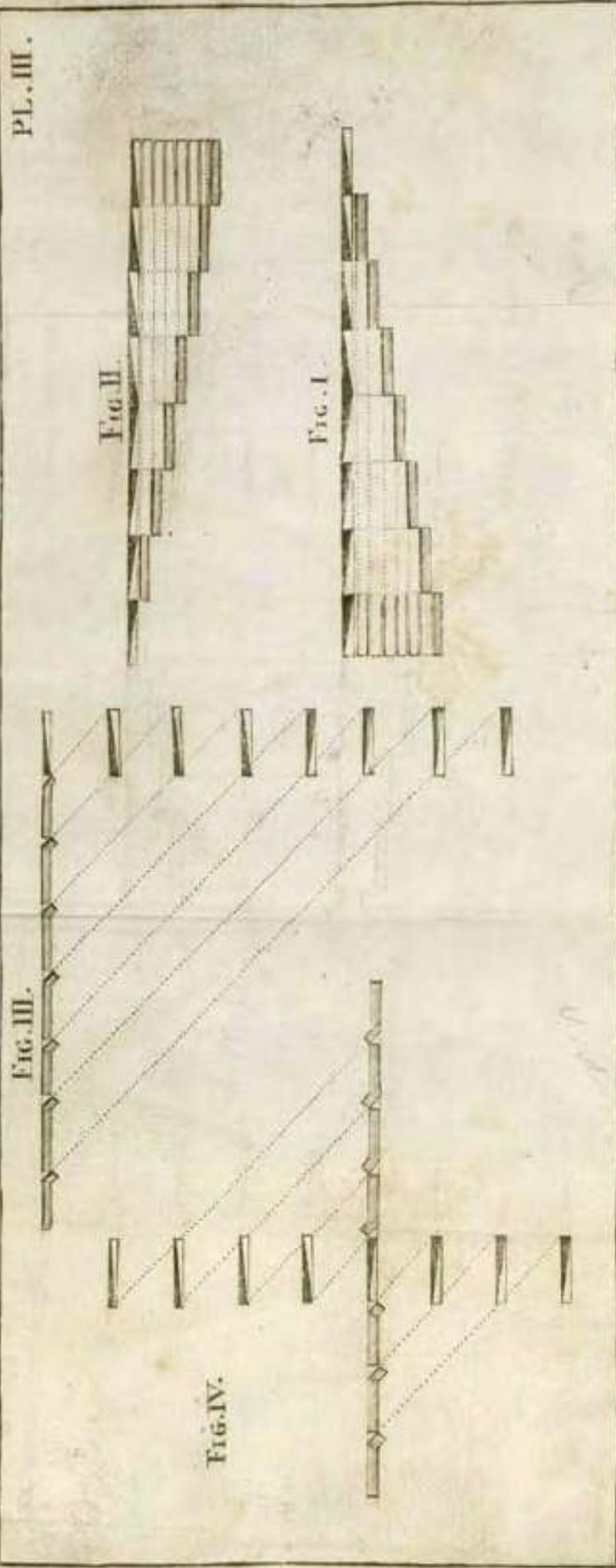
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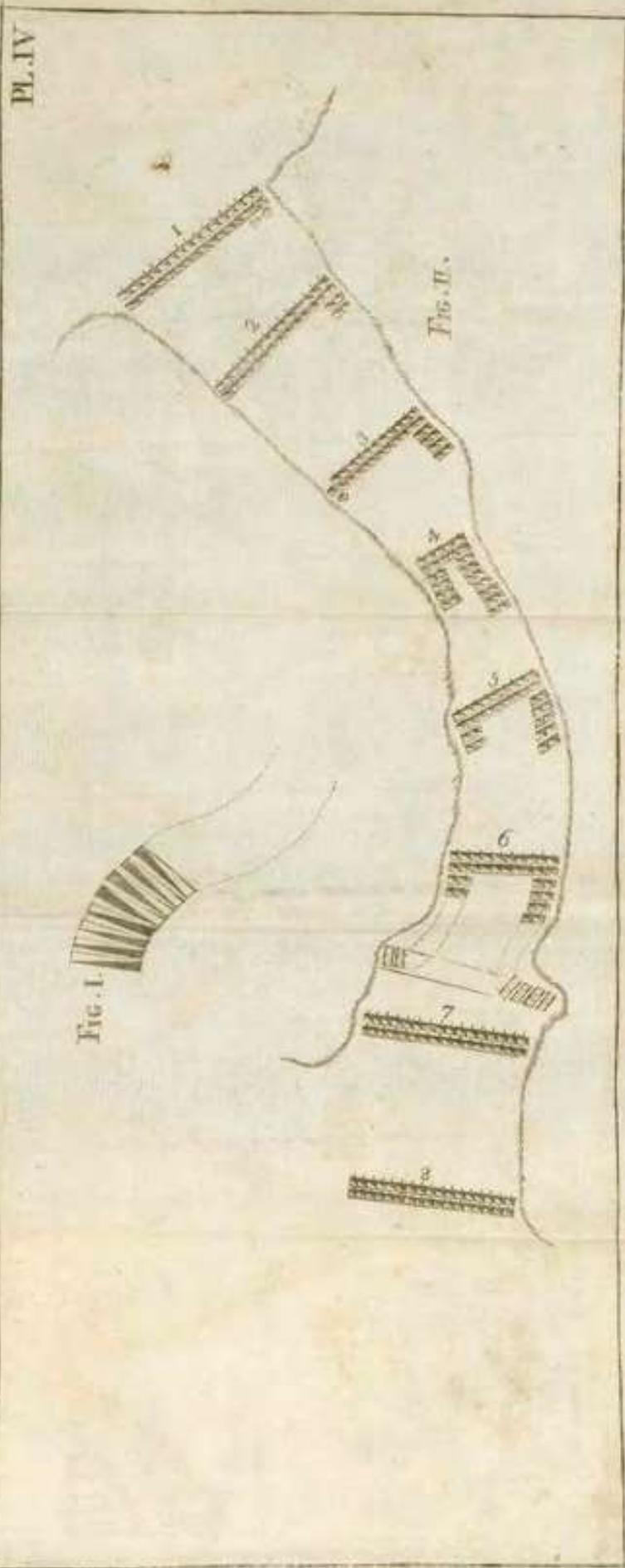


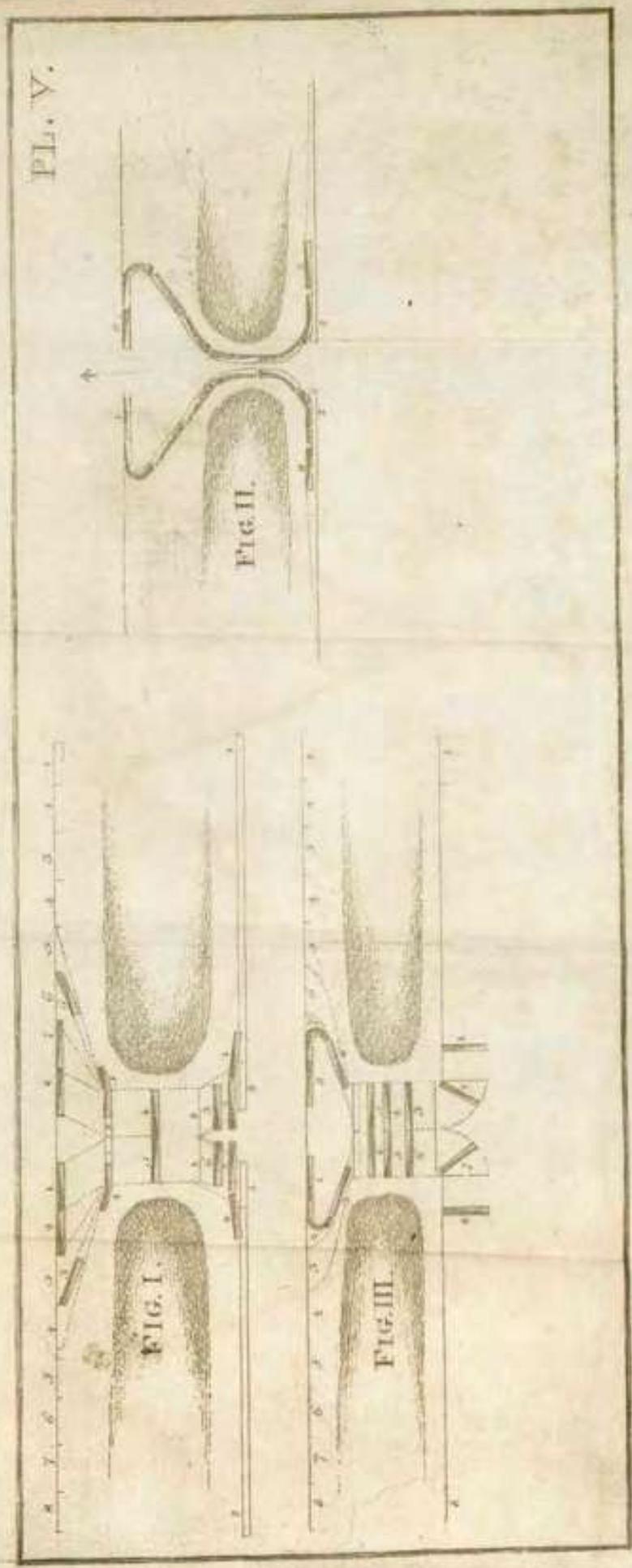


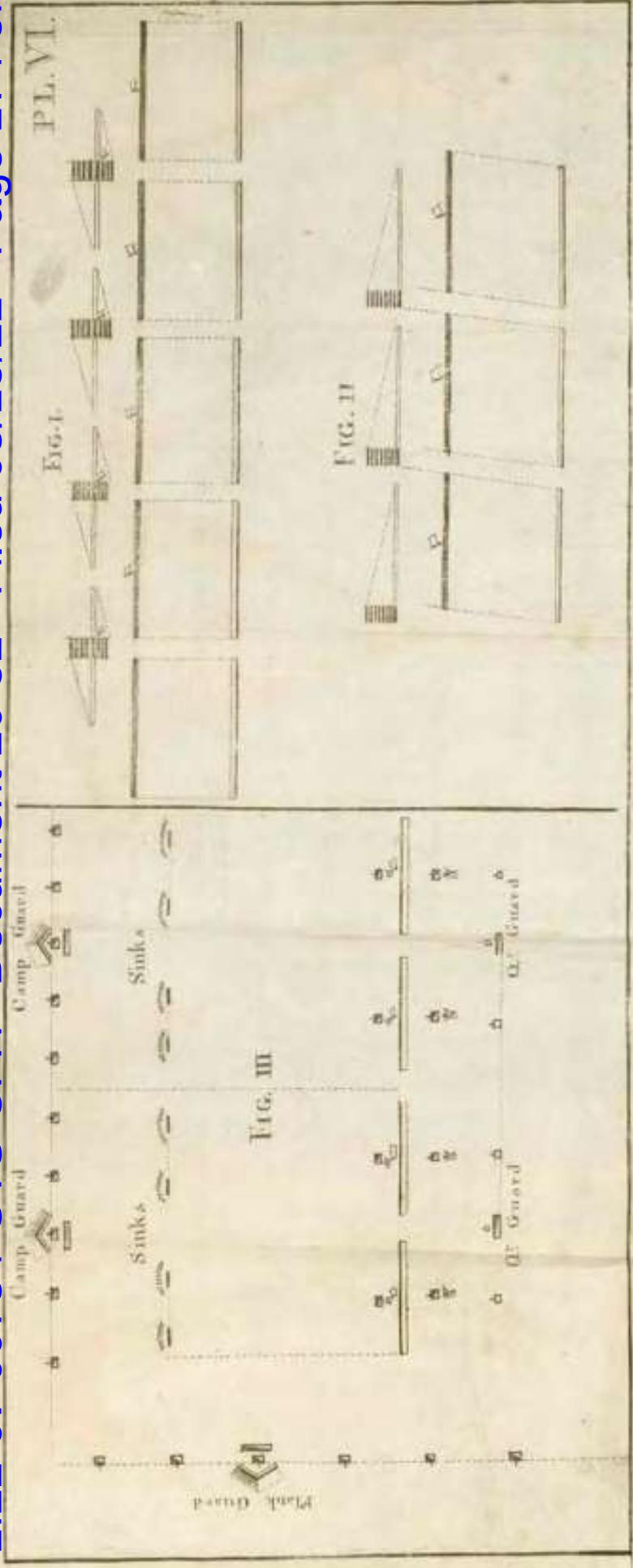
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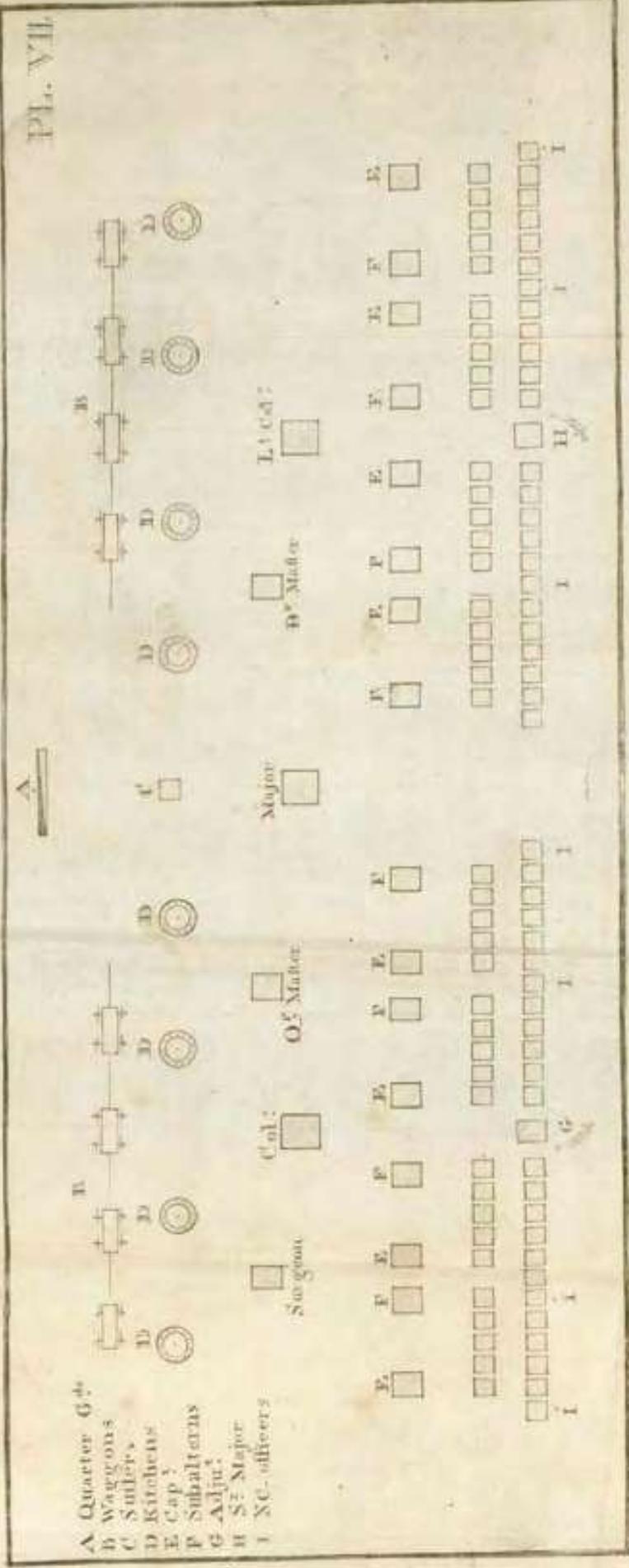




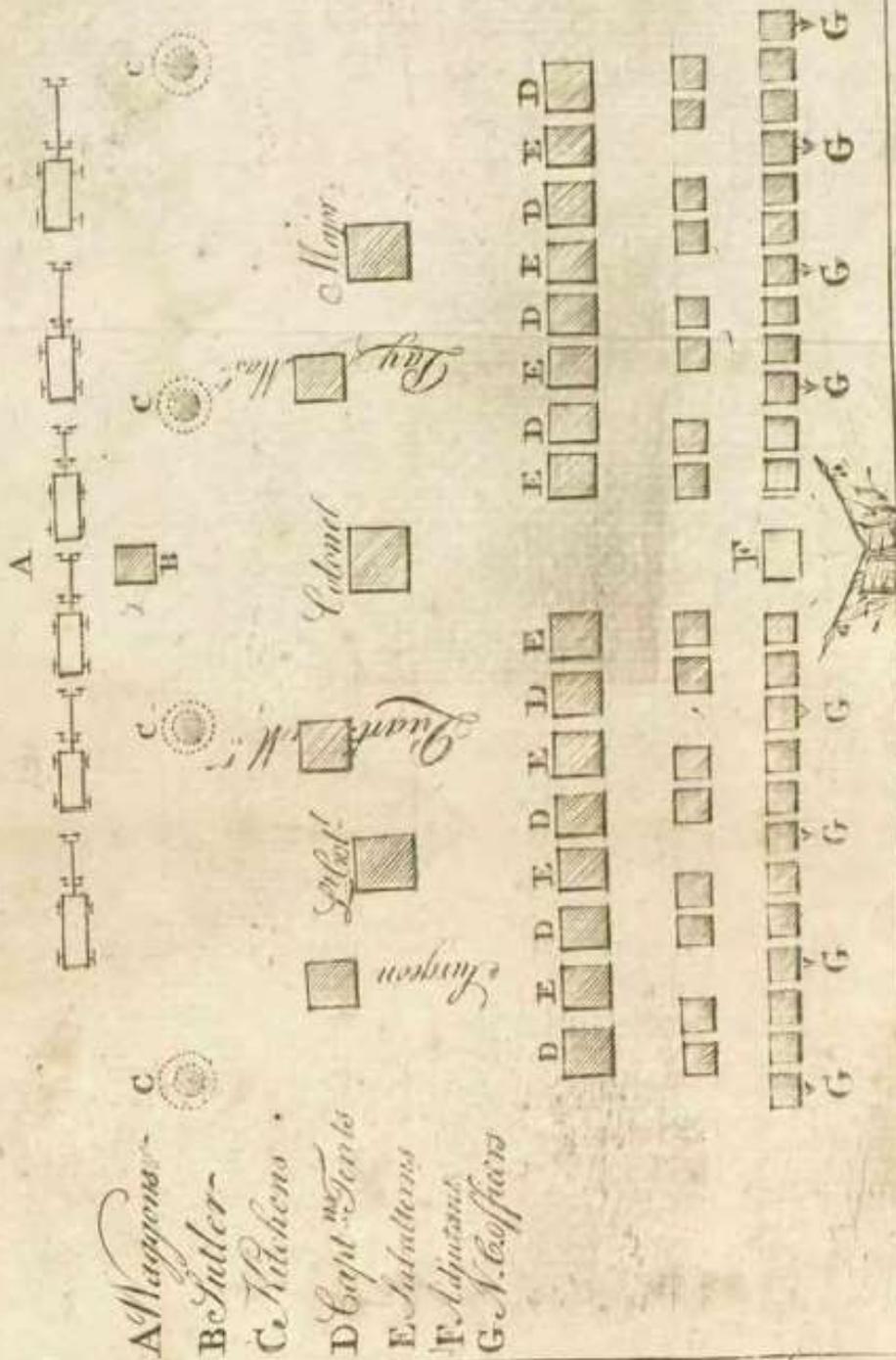








PL. VIII



W. C. Humphreys
Giltspur Chambers
Newgate Street
1861

LIBER ALBUS:

THE WHITE BOOK.

LONDON:
BEED AND PARDON, PRINTERS,
PATERNOSTER ROW.

Exposition of London
LIBER ALBUS:

THE WHITE BOOK

OF

The City of London.

COMPILED A.D. 1419, BY

JOHN CARPENTER, *Common Clerk.*

RICHARD WHITINGTON, *Mayor.*

Translated from the Original Latin and Anglo-Norman,

BY

HENRY THOMAS RILEY, M.A.,

CLARE HALL, CAMBRIDGE;

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

London :

RICHARD GRIFFIN AND COMPANY,

STATIONERS' HALL COURT.

MDCCCLXI.

(1861)

That no one go armed.

Item, that no one, of whatever condition he be, go armed in the said city or in the suburbs, or carry arms, by day or by night, except the vadlets of the great lords of the land, carrying the swords of their masters in their presence, and the serjeants-at-arms of his lordship the King, of my lady the Queen, the ¹Prince, and the other children of his lordship the King, and the officers of the City, and such persons as shall come in their company in aid of them, at their command, for saving and maintaining the said peace ; under the penalty aforesaid, and the loss of their arms and armour.

Of Hostlers.

Item, that every hosteler and herbergeour cause warning to be given unto his guests that they leave their arms in their hostels where they shall be harboured ; and if they shall not do so, and any one shall be found carrying arms contrary to the said proclamation, through default of warning by his host, such host is to be punished by imprisonment and by fine, at the discretion of the Mayor and Aldermen.

Of the power of arresting Felons and Misdoers.

Item, that every man of standing in the said city, Alderman and commoner, who is of good repute, have power, in the absence of the officers, to arrest felons and misdoers, and to bring them unto the houses of the Sheriffs, that so due punishment may be inflicted upon such misdoers.

That no one draw sword or knife.

Item, the better to keep the said peace, and that each person may fear the more to break the said peace, it is ordained that no person draw sword, or knife, or other arm ; [and in such case], provided he do not strike, he is to pay unto the City half a mark, or remain in the prison of Newgate fifteen days. And if he draw blood of any one, he is to pay unto the City twenty shillings, or remain in prison forty days.

¹ Edward the Black Prince, son of Edward III.

A
T R E A T I S E
O F T H E
P L E A S
O F T H E
C R O W N :
O R A

SYSTEM of the Principal Matters relating to that
SUBJECT, digested under their proper Heads.

B O O K I.

By *W I L L I A M. H A W K I N S,*
of the *Inner-Temple, Esq;*

In the *S A V O Y,*

Printed by *Eliz. Nutt,* (Executrix of *J. Nutt,* Assignee
of *Edward Sayer, Esq;*) for *J. Walthoe* in the *Middle-*
Temple-Cloysters; and *J. Walthoe, jun.* against the
Royal-Exchange in *Cornhill.* 1716.

one's Fist at him, or by any other such like Act done in an angry threatening Manner; and from hence it clearly follows, That one charged with an Assault and Battery, may be found guilty of the former, and yet acquitted of the later. But notwithstanding the many ancient Opinions to the contrary, it seems agreed at this Day, that no Words whatsoever can amount to an Assault.

Secſ. 2. As to the second Point, *viz.* What shall be said to be a Battery, It seems that any Injury whatsoever, be it never so small, being actually done to the Person of a Man, in an angry, or revengeful, or rude, or insolent, Manner, as by Spitting in his Face, or any Way touching him in Anger, or violently jostling him out of the Way, are Batteries in the Eye of the Law: But it is said to be no Battery to lay one's Hand gently on another whom an Officer has a Warrant to arrest, and to tell the Officer that this is the Man he wants.

Secſ. 3. As to the third Point, *viz.* In what Cases an Assault and Battery may be justified, this is so fully set forth already in the Chapter of *Surety of the Peace*, that there seems to be no need of any farther Consideration thereof in this Place; and therefore I shall only add, That where a Man in his own Defence beats another who first assaults him, &c. he may take an Advantage thereof upon an Indictment, as well as upon an Action; but with this Difference, that in the first Case he may give it in Evidence upon the Plea of Not guilty, and in the later he must plead it specially.

Secſ. 4. As to the fourth Point, *viz.* How unlawful Assaults and Batteries are punished, there is no doubt but that the Wrong doer is Subject, both to an Action at the Suit of the Party, wherein he shall render Damages, &c. and also to an Indictment at the Suit of the King, wherein he shall be fined according to the Heinousness of the Offence.

C H A P. LXIII.

Of Affrays.

IN treating of Affrays, I shall consider,

1. What shall be said to be an Affray.
2. How far it may be suppressed by a private Person.
3. How far by a Constable.
4. How far by a Justice of Peace.
5. In what Manner the several Kinds of Affrays may be punished.

³ Inst. 158.
Dalt. ca. 8.

Lamb. 125,
126.

Secſ. 1. As to the first Point, it is said, That the word Affray is derived from the *French* word *Effraier*, to terrify, and that in a legal Sense it is taken for a publick Offence, to the Terror of the People, from whence it seems clearly to follow, That there may be an Assault which will not amount to an Affray; as where it happens in a private Place, out of the hearing or seeing of any, except the Parties concerned; in which Case it cannot be said to be to the Terror of the People; and for this

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Of Affrays.

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this Cause such a private Assault seems not to be inquirable in a Court-Leet, as all Affrays certainly are, as being common Nufances.

Seçt. 2. Also it is said, That no quarrellome or threatening Words whatsoever shall amount to an Affray; and that no one can justify laying his Hands on those who shall barely quarrel with angry Words, without coming to blows; yet it seemeth, That the Constable may, at the Request of the Party threatened, carry the Person who threatens to beat him before a Justice of Peace, in Order to find Sureties.

Seçt. 3. Also it is certain, That it is a very high Offence to challenge another, either by Word or Letter, to fight a Duel, or to be the Messenger of such a Challenge, or even barely to endeavour to provoke another to send a Challenge, or to fight, as by dispersing Letters to that purpose, full of Reflections, and insinuating a Desire to fight, &c.

Seçt. 4. But granting that no bare Words, in the Judgment of Law, carry in them so much Terror as to amount to an Affray; yet it seems certain, That in some Cases there may be an Affray where there is no actual Violence; as where a Man arms himself with dangerous and unusual Weapons, in such a Manner as will naturally cause a Terror to the People, which is said to have been always an Offence at Common Law, and is strictly prohibited by many Statutes: For by 2 *Ed.* 3. 3. it is enacted, *That no Man, great nor small, of what Condition soever he be, except the King's Servants, in his Presence, and his Ministers in executing of the King's Precepts, or of their Office, and such as be in their Company assisting them, and also upon a Cry made for Arms to keep the Peace, and the same in such Places where such Acts happen, be so hardy to come before the King's Justices, or other of the King's Ministers doing their Office, with Force and Arms, nor bring no Force in Affray of Peace, nor to go nor ride armed by Night nor by Day, in Fairs, Markets, nor in the Presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to prison, at the King's Pleasure. And that the King's Justices in their Presence, Sheriffs, and other Ministers in their Bailiwicks, Lords of Franchises, and their Bailiffs in the same, and Mayors and Bailiffs of Cities and Boroughs, within the same Cities and Boroughs, and Borough-holders, Constables and Wardens of the Peace within their Wards, shall have Power to execute this Act: And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case, and to punish them whom they find, that have not done that which pertained to their Office; and this Statute is farther enforced by 7 *Rich.* 2. 13. and 20 *Rich.* 2. 1.*

And in the Exposition of it, the following Points have been holden:

Seçt. 5. I. That any Justice of Peace, or other Person, who is impowered to execute this Statute, may proceed thereon, either *ex Officio*, or by Force of a Writ out of Chancery formed upon the Statute, and that if he find any Person in Arms contrary to the Form of the Statute, he may seize the Arms, and commit the Offender to Prison; and that he ought also to make a Record of his whole Proceeding, and certify the same into the Chancery, where he proceeds by Force of the said Writ, or into the Exchequer, where he proceeds *ex Officio*.

Seçt. 6. II. That where a Justice of Peace, &c. proceeds upon the said Writ, he may not only imprison those whom he shall find offending against the Statute in his own View, but also those who shall be found by an Inquest taken before him, to have offended in such Manner in his Absence; and I do not see why he may not do the same where he proceeds *ex Officio*; for seeing the said Writ hath no other Foundation but the

4 *H. 6.* 10. a.
8 *Ed.* 4. 5. b.H. P. C. 135.
23 *E.* 4. 45. b.
Dal. ch. 8.
Lamb Constable 14.Poph. 158.
3 *Inst.* 158.
1 *Sid.* 186.
1 *Ke.* 694.
Hob. 120,
215.
2 *Ro.* Ab. 78.Lamb. 126.
3 *Inst.* 160.
76 *D.*
2 *Ro.* Ab. 78.
Pl 4
H. P. C. 137.

F. N. B. 149.

3 *Inst.* 161.
Dal. ch. 22.
Lamb. 168,
&c.
Dalif. 23.
2 *Bul.* 330.Cro. El. 294.
Con. Lamb.
170.

the said Statute, and is the most authentick Explication thereof, it seemeth that the Rules therein prescribed, should be the best Direction for all Proceedings upon that Statute.

Gro. El. 294. *Sect.* 7. III. That the Under-Sheriff may execute the said Writ, being directed to the Sheriff, if it name him only by the Name of his Office; and not by his proper Name, and do not expressly command him to act in his proper Person.

24 Ed. 33. a. b. *21 H.* 7. 39. a. *3 Inst.* 161, 162. *Con.* 2. Rol. 78. d. *2 H.* 7. 39. a. *3 Inst.* 162. *Sect.* 8. That a Man cannot excuse the wearing such Armour in Publick, by alledging that such a one threatened him, and that he wears it for the Safety of his Person from his Assault; but it hath been resolved, That no one shall incur the Penalty of the said Statute for assembling his Neighbours and Friends in his own House, against those who threaten to do him any Violence therein, because a Man's House is as his Castle.

3 Mod. 117, 118. *2 Bull.* 330. *Sect.* 9. V. That no wearing of Arms is within the meaning of this Statute, unless it be accompanied with such Circumstances as are apt to terrify the People; from whence it seems clearly to follow, That Persons of Quality are in no Danger of Offending against this Statute by wearing common Weapons, or having their usual Number of Attendants with them, for their Ornament or Defence, in such Places, and upon such Occasions, in which it is the common Fashion to make use of them, without causing the least Suspicion of an Intention to commit any Act of Violence or Disturbance of the Peace. And from the same Ground it also follows, That Persons armed with privy Coats of Mail to the Intent to defend themselves against their Adversaries, are not within the Meaning of this Statute, because they do nothing *in terrorem Populi*.

Crom. 64. a. *Sect.* 10. VI. That no Person is within the Intention of the said Statute, who arms himself to suppress Rioters, Rebels, or Enemies, and endeavours to suppress or resist such Disturbers of the Peace or Quiet of the Realm; for Persons who so arm themselves, seem to be exempted out of the general Words of the said Statute, by that Part of the Exception in the beginning thereof, which seems to allow all Persons to arm themselves upon a Cry made for Arms to keep the Peace, in such Places where such Acts happen.

Lamb 131. *3 Inst.* 158. *H. P. C.* 131. *2 Inst.* 52. *22 E.* 4. 44. b. *Dalt.* cap. 8. *Lamb* 131. *Sect.* 11. As to the second Point, *viz.* How far an Affray may be suppressed by a private Person, it seems agreed, That any one who sees others fighting, may lawfully part them, and also stay them till the Heat be over, and then deliver them to the Constable, who may imprison them till they find Surety for the Peace; also it is said, That any private Person may stop those whom he shall see coming to join either Party; and from hence it seems clearly to follow, That if a Man receive a Hurt from either Party in thus endeavouring to preserve the Peace, he shall have his Remedy by an Action against him; also upon the same Ground it seems equally reasonable, That if he unavoidably happen to hurt either Party, in thus doing what the Law both allows and commends, he may well justify it, inasmuch as he is no Way in Fault; and the Damage done to the other, was occasioned by a laudable Intention to do him a Kindness.

3 Inst. 138. *Con.* Lamb. 131. *Dalt.* cap. 8. *Lamb* 131. *Dalt.* cap. 8. *3 Inst.* 158. *Bro.* Faux Imprisonment 35, 44. *H. P. C.* 135. *10 H.* 7. 20. *2 Inst.* 52. *Sect.* 12. However it seems clear, That if either Party be dangerously wounded in such an Affray, and a Stander-by, endeavouring to arrest the other, be not able to take him without hurting, or even wounding him, yet he is no Way liable to be punished for the same, inasmuch as he is bound under Pain of Fine and Imprisonment, to arrest such an Offender, and either detain him till it appear whether the Party will live or die, or carry him before a Justice of Peace, by whom he either is to be bailed or committed, &c.

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Sec. 13. As to the third Point, *viz.* How far an Affray may be suppressed by a Constable; it seems agreed, That a Constable is not only empower'd, as all private Persons are, to part an Affray which happens in his Presence, but is also bound at his Peril to use his best Endeavours to this Purpose, and not only to do his utmost himself, but also to demand the Assistance of others, which if they refuse to give him, they are punishable with Fine and Imprisonment.

3 Inst. 158.
H. P. C. 135.
Lamb. 132,
133.
Dalt. cap. 8.
3 H. 7. 10. b.

Sec. 14. And it is said, That if a Constable see Persons either actually engaged in an Affray, as by Striking, or offering to strike, or drawing their Weapons, &c. or upon the very Point of entering upon an Affray, as where one shall threaten to kill, wound, or beat another, he may either carry the Offender before a Justice of Peace, to the End that such Justice may compel him to find Sureties for the Peace, &c. or he may imprison him of his own Authority for a reasonable Time, till the Heat shall be over, and also afterwards detain him till he find such Surety by Obligation: But it seems, That he has no Power to imprison such an Offender in any other manner, or for any other Purpose; for he cannot justify the committing an Affrayer to Gaol till he shall be punished for his Offence: And it is said, That he ought not to lay Hands on those, who barely contend with hot Words, without any Threats of personal Hurt, and that all which he can do in such a Case, is to command them under Pain of Imprisonment to avoid Fighting.

Lamb 132,
133.
Dalt. ca. 1, 8.

H. P. C. 136.
Dalt. cap 1, 8.
Bro. Surety,
23. 36.
Moore 284.
Pl. 436.
3 H. 4. 9. a.
22 Ed. 4. 35. b.
10 Ed. 4. 18.
5 H. 7. 6. a.
Savil. 97, 98.

Sec. 15. But he is so far intrusted with a Power over all actual Affrays, that though he himself is a Sufferer by them, and therefore liable to be objected against, as likely to be partial in his own Cause, yet he may suppress them; and therefore, if an Assault be made upon him, he may not only defend himself, but also imprison the Offender, in the same manner as if he were no way a Party.

5 H. 7. 6. a.
H. P. C. 136.
1 Rol. Re. 238.
2 Bullst. 329.

Sec. 16. And if an Affray be in a House, the Constable may break open the Doors to preserve the Peace; and if the Affrayers fly to a House, and he follow with fresh Suit, he may break open the Doors to take them.

13 Ed. 4. 9. a.
7 Ed. 3. 12. b.
Dalt. cap. 8,
67.
Lamb 133,
134.

Sec. 17. But it is said, That a Constable hath no Power to arrest a Man for an Affray done out of his own View, without a Warrant from a Justice of Peace, unless a Felony were done or likely to be done; for it is the proper Business of a Constable to preserve the Peace, not to punish the Breach of it; nor does it follow from his having Power to compel those to find Sureties who break the Peace in his Presence, that he has the same Power over those who break it in his Absence, inasmuch as in such Case it is most proper to be done by those who may examine the whole Circumstances of the Matter upon Oath, which a Constable cannot do; yet it is said, That he may carry those before a Justice of Peace, who were arrested by such as were present at an Affray, and delivered by them into his Hands.

H. P. C. 135.
Cro. El. 375.
Owen 105.
H. P. C. 136.
H. P. C. 92.

Sec. 18. As to the fourth Point, *viz.* In what manner an Affray may be suppressed by a Justice of Peace; there is no doubt, but that he may and must do all such Things to that Purpose, which a private Man or Constable, are either enabled, or required by the Law to do: But it is said, That he cannot without a Warrant authorize the Arrest of any Person for an Affray out of his View; yet it seems clear, that in such Case he may make his Warrant to bring the Offender before him, in order to compel him to find Sureties for the Peace.

Lamb, 131.
Dalt. cap. 8.

H. P. C. 136.
Dalt. cap. 8.
Bro. false Im-
prisonment
6. 12, 33.
14 H. 8. 7.
Moore 468.
Pl. 551.

See 38 Ed. 3.
6. b. 7. a.
22 Aff. 56.
5 Mod. 84.

H. P. C. 36.
Dalt. cap. 8.
Poph. 153.

Secſ. 19. Also it ſeems, That a Juſtice of Peace has a greater Power over one who hath dangerously wounded another in an Affray, than either a private Perſon or a Conſtable; for there does not ſeem to be any good Authority, that theſe have any Power at all to take Sureties of ſuch an Offender: but it ſeems certain, That a Juſtice of Peace has a diſcretionary Power either to commit him or to bail him, till the Year and Day be paſt; but it is ſaid, that he ought to be very cautious how he takes Bail, if the Wound be dangerous; for that if the Party die, and the Offender appear not, he is in Danger of being ſeverely fined, if he ſhall appear upon the whole Circumſtances of the Caſe to have been too favourable.

Secſ. 20. As to the fifth Point, *viz.* In what manner the ſeveral kinds of Affrays are to be puniſhed, it ſufficiently appears from the foregoing Part of this Chapter, how ſuch Affrays as are accompanied with Force and Arms, are to be dealt with upon the Statute of *Northampton*; and therefore I ſhall only examine in this Place, what Penalties other Affrays are liable unto, as to which it is to be obſerved, That all Affrays in general are puniſhable by Fine and Impriſonment, the Meaſure of which is to be regulated by the Diſcretion of the Judges according to the Circumſtances of the Caſe, which very much vary the Nature of this Crime, and in ſome Caſes make it ſo inconſiderable as ſcarce to deſerve to be taken Notice of; and in others, make it an Offence of a very heinous Nature, as in the following Inſtances:

1. In Reſpect of the dangerous Tendency thereof.
2. In Reſpect of the Perſons againſt whom it is committed.
3. In Reſpect of the Place wherein it happens.

Poph. 153.
3 Inſt. 158.

1 Sid. 186.
1 Keb. 694.

Moore 563,
Pl. 763.

Secſ. 21. And firſt, An Affray may receive an Aggravation from the dangerous Tendency thereof, as where Perſons coolly and deliberately engage in a Duel, which cannot but be attended with the apparent Danger of Murder, and is not only an open Deſiance of the Law, but carries with it a direct Contempt of the Juſtice of the Nation, as putting Men under a Neceſſity of righting themſelves; upon which Conſiderations, Perſons convicted of barely ſending a Challenge, have been adjudged to pay a Fine of one hundred Pounds, and to be impriſoned for one Month without Bail, and alſo to make a publick Acknowledgment of their Offence, and to be bound to their good Behaviour.

Secſ. 22. Secondly, An Affray may receive another Aggravation from the Perſons againſt whom it is committed; as where the Officers of Juſtice are violently diſturbed in the due Execution of their Office, as by the Reſcous of a Perſon legally arreſted, or the bare Attempt to make ſuch a Reſcous; for all the Miniſters of the Law are under its more immediate Protection.

12 Co. 101.
1 Keb. 290,
491.
1 Mod. 186.

Secſ. 23. Thirdly, An Affray may receive a farther Aggravation from the Place wherein it is committed, and upon this Reſpect all Affrays in the King's Courts are ſo ſeverely puniſhed, as hath been ſhewn already in Chapter 21, and upon the ſame Account alſo, all Affrays in a Church or Church-yard, have been always eſteemed very heinous Offences, as being great Indignities to the Divine Majeſty, to whoſe Worſhip and Service ſuch Places are immediately dedicated. And upon this Conſideration, all irreverent Behaviour in theſe Places hath been eſteemed ſo criminal by the Makers of our Laws, that they have not only ſeverely puniſhed ſuch Diſturbances in them which are puniſhable where-ever they happen, as all actual Affrays, &c. but alſo ſuch, which if they happen elſewhere,

are not punishable at all; as bare quarrelsome Words, and even such which would be commendable if done in another Place; as Arrests by Vertue of legal Process: But for the better Understanding hereof, I shall consider the several Statutes made for this Purpose.

Seç. 24. And first, It is enacted by 5 and 6 Ed. 6. 4. That if any Person whatsoever, shall by Words only quarrel, chide, or brawl, in any Church or Church-yard, that then it shall be lawful unto the Ordinary of the Place where the same Offence shall be done, and proved by two lawful Witnesses, to suspend every Person so offending; that is to say, if he be a Layman, ab ingressu Ecclesiæ, and if he be a Clerk, from the Ministration of his Office, for so long Time as the same Ordinary shall by his Discretion think meet and convenient, according to the Fault.

Seç. 25. And it is farther enacted by the said Statute, That if any Person shall smite or lay any violent Hands upon any other, either in any Church or Church-yard; that then, ipso Facto, every Person so offending shall be deemed excommunicate, and be excluded from the Fellowship and Company of Christ's Congregation.

Seç. 26. And it is also farther enacted by the said Statute, That if any Person shall maliciously strike any Person with any Weapon in any Church or Church-yard, or shall draw any Weapon in any Church or Church-yard, to the Intent to strike another with the same Weapon; that then every Person so offending, and thereof being convicted by Verdict of twelve Men, or by his own Confession, or by two lawful Witnesses, before the Justices of Assize, Justices of Oyer and Terminer, or Justices of Peace in their Sessions, by Force of this Act, shall be adjudged by the same Justices before whom such Person shall be convicted, to have one of his Ears cut off, &c. and besides that every such Person to be, and stand ipso Facto excommunicated, as aforesaid.

And in the Exposition hereof it hath been holden :

Seç. 27. I. That notwithstanding the Words of the Statute be expressed, That he who smites another in the Church, &c. shall, ipso Facto, be deemed excommunicate; yet there ought either to be a precedent Conviction at Law, which must be transmitted to the Ordinary, or else the Excommunication must be declared in the Spiritual Court upon a proper Proof of the Offence there; for it is implied in every Penal Law, that no one shall incur the Penalty thereof, till he be found guilty upon a lawful Trial; also it must be intended in the Construction of this Statute, That the Excommunication ought to appear judicially, for otherwise there could be no Absolution.

Seç. 27. II. That he who strikes another in a Church, &c. can no way excuse himself, by shewing that the other assaulted him.

Seç. 28. III. That Church wardens, or perhaps private Persons, who whip Boys for playing in the Church, or pull off the Hats of those who obstinately refuse to take them off themselves, or gently lay their Hands on those who disturb the Performance of any Part of divine Service, and turn them out of the Church, are not within the meaning of the Statute.

Seç. 29. Also it is enacted by 1 Ma. Seç. 2. cap. 3. That if any Person or Persons, of their own Power and Authority, shall willingly and of Purpose by open and over Word, Fact, Act, or Deed, maliciously or contemptuously molest, let, disturb, vex or trouble, or by any other unlawful Ways and Means, disquiet, or misuse, any Preacher who shall be licenced, allowed, or authorized to preach by the Queen's Highness, or by any Archbishop, or Bishop of this Realm, or by any other lawful Ordinary, or by any of the Universities of Oxford and Cambridge, or otherwise lawfully authorized or charged, by Reason of his or their Cure, Bene-

Dyer 175.
Pl. 48.
Cro. Ja. 462.
1 Vent. 146.
Lit. 149.
Hett. 86.
Cro. El. 919.

Cro. Ja. 367.

1 Saund. 13,
14.
1 Sid. 301.
3 Keb. 124.
1 Mod. 168.

fice,

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rice, or other Spiritual Promotion or Charge, in any of his, or their open Sermon, &c. or if any Person or Persons shall maliciously, willingly, or of purpose, molest, let, disturb, vex, disquiet, or otherwise trouble any Parson, Vicar, Parish-Priest, or Curate, or any lawful Priest, preparing, saying, doing, singing, ministering or celebrating the Mass, or other such divine Service, Sacraments, or Sacramentals, as was most commonly frequented and used in the last Year of the Reign of the late Sovereign Lord King Henry the eight, or that at any Time hereafter should be allowed, set forth, or authorized by the Queen's Majesty; or if any Person or Persons shall unlawfully, contemptuously, or maliciously, of their own Power or authority, pull down, deface, spoil, or otherwise break any Altar or Altars, or any Crucifix, or Cross, in any Church, Chapel, or Church-yard; every such Offender and Offenders, his or their Aiders, Procurers, or Abettors, may be apprehended by any Constable, or Church-warden of the Place where such Offence shall be committed, or by any other Officer or Person then being present at the Time of the said Offence; and being so apprehended, shall be brought before some Justice of Peace by whom they shall be committed forthwith, and within six Days the Matter shall be examined by the same, together with some other Justices; and on Proof by two Witnesses or Confession, the Offender shall be committed for three Months, and also till the next Quarter-Sessions, where if they repent, they shall be discharged upon giving Sureties for their good Behaviour for a Year, and if they do not repent they shall be committed till they do.

2 Jon. 159.
Con. Aleyn
50.
2 Bulst. 51.

Sect. 30. It hath been resolved, That the Disturbance of a Minister in saying the present Common Prayer is within this Statute; for the express mention of such Divine Service, as should afterwards be authorized by Queen Mary, doth implicitly include such also as should be authorized by her Successors; for since the King never dies, a Prerogative given generally to one, goes of Course to others.

Sect. 31. Also it is enacted by 1 Will. and Mar. 18. Par. 19. That if any Person shall willingly and of Purpose, maliciously or contemptuously come into any Cathedral or Parish Church, Chapel, or other Congregation permitted by the said Act, and disquiet or disturb the same, or misuse any Preacher or Teacher, such Persons, upon Proof before any Justice of Peace, by two or more sufficient Witnesses, shall find two Sureties to be bound by Recognizance in the penal Sum of fifty Pounds, and on Default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter-Sessions, and upon Conviction of the said Offence at the said General or Quarter-Sessions, shall suffer the Pain and Penalty of twenty Pounds.

C H A P. LXIV.

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Lamb. 135.
Dalt. cap. 76.
Crom. 70.a.b.

Kellw. 92.
Yelv. 172.

Sect. 1. **I**T seems that at the Common Law a Man disseised of any Lands, or Tenements, (if he could not prevail by fair Means,) might lawfully regain the Possession thereof by Force, unless he were put to a Necessity of bringing his Action, by having neglected to re-enter in due Time: And it seems certain, That even at this Day, he who is wrongfully dispossessed of his Goods, may justify the re-taking of them by Force from the Wrong-doer, if he refuse to re-deliver them; for the Violence which happens through the Resistance of the wrongful Possessor, being