**War and Society: British Regular and Provincial Armies**

**Document Excerpts**

Orders issued at Fort Edward, 1758, quoted in Anderson, *A People’s Army*, 127

[3 June] All soldiers and followers of the army who are found gaming in camp, shall immediately receive three hundred lashes without a court martial.

[3 June] The Article of War, which forbids, on pain of death or such other punishment as shall be ordered by a general court martial, if any person [is] to occasion false alarms in camp by discharging of firearms, by drawing of swords, by beating of drums, or by any other means whatsoever, will, for the future, be strictly put in execution.

Preamble to 1754 Mutiny Act, Massachusetts:

WHEREAS this government have judged it necessary that a number of forces should be raised and levied for the safety and defence of this province, and of his majesty’s subjects and interest therein; *and whereas* no man be may forejudged of life or limb, or subjected to any kind of punishment by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of the province; *yet, nevertheless*, it being requisite for retaining such forces as are or shall be raised for his majesty’s service on the present occasion in their duty, than an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert his majesty’s service be brought to a more exemplary and speedy punishment than the usual forms of law will allow . . .

Diary of Captain Samuel Jenks, Massachusetts Provincial Soldier. Quoted in Anderson, *A People’s Army,* 133-34.

12 July 1760: James Casey and William Delaru had got up orders on the sutler and forged my name to them, and taken a considerable [amount] up. I immediately sent them under guard, and acquainted Colonel Saltonstall [the battalion commander] of their crime, who advised me not to send their crime in as forgery, because then they must come to a general court martial and be tried for their lives; and it is death for a soldier to counterfeit his offer’s hand. But [he] told me to send in their crime as ill behavior and insolent treatment, which I accordingly did, and by that means hope their lives will be saved by trying them by a regimental court-martial.

14 July 1760 [after two more soldiers were found to have been involved]: This day, about 7 o’clock A.M., there was a regimental court martial held at the president’s tent, who was Captain Chabourn. After the prisoners were brought and examined, Casey and Delaru confessed they were guilty of the facts, but the other two pleaded not guilty. But Hasey owned he saw Delaru sign his order, but it appeard Bony knew nothing of his [Delaru’s] signing his. The court sentence Casey 250 stripes, Delaru 150, and Hasey 50; which the Brigadier [Timothy Ruggles] approved of as just.. . I ordered the sergeants to turn out all my company to see them go through the operation to deter any from such vile practices. I had rather lose twenty dollars than such affairs should [h]a[ve] happened in my company.

David Perry, “Recollections of an Old [Massachusetts Provincial] Soldier,” *Magazine of History* CXXXVII (1928), 23. [Of a scene he remembered witnessing sixty years before in Nova Scotia, 1762]

Three men, for some trifling offense which I do not recollect, were tied up to be whipped. One of them was to receive eight hundred lashes, the others five hundred apiece. By the time they had received three hundred lashes, the flesh appeared to be entirely whipped from their shoulders, and they hung as mute and motionless as though they had been long deprived of life. But this was not enough. The doctor stood by with a vial of sharp stuff, which he would ever and anon applyt to their noses, and finding, by the pain it gave them, that some signs of life remained, he would tell them, “d--mn you, you can bear it yet” – and then the whipping would commence again. It was . . . by far worse than death.

Lemuel Wood, 13 July 1759. Quoted in Anderson, *A People’s Army*, 140. [Wood was 17 years old when he described the first firing squad execution he had ever seen.]

The 13[th of July, 1759]. This morning at six o’clock a court-martial set for the trial of the deserter that was brought in yesterday. He was sentenced . . . to be shot today at twelve o’clock. Accordingly all the picquets of the lines was drawn up for the execution of the above prisoner. The provost guard brought forth the prisoner and marched him round before all the regulars’ regiments [and] from thence to the place of execution. There was drawn out of the regiment to which the prisoner belonged [two] platoons of six men each. The prisoner was brought and set before one of the platoons and knelled down upon his knees. He clinched his hand. The platoon of six men each of them fired him through the body. The other platoon then came up instantly and fired him through the head and blowed his head all to pieces. They then dug a grave by his side and tumbled him in and covered him up, and that was an end of the whole.