Desertion in the American Army During the Revolutionary War.

James Howard Edmonson
Louisiana State University and Agricultural & Mechanical College

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DESERTION IN THE AMERICAN ARMY DURING
THE REVOLUTIONARY WAR

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of History

by

James Howard Edmonson
B.A., Sanford University, 1957
B.D., The Southern Baptist Theological Seminary, 1961
M.A., Louisiana State University, 1963
December, 1971
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FOREWORD

In no war where Americans have been engaged in battle against foreign foes, except the American Revolution, has desertion been classified as a major issue, although it has always been a concern of military commanders. It is ironic that it should have been so serious a factor during the period when Americans were fighting to establish a new nation based on lofty principles. Since 1783, generations of Americans have pointed with pride to the gallant little army that persevered and finally won independence for the United States. However, Americans have closed their eyes too long to the hardships that some men were unable to endure, as if desertion were un-thinkable for patriots and too unpleasant to concern us now.

This study will explore the problem of desertion in the American army during the War of the Revolution as fully as possible. A look at the laws passed by the states and the central government that pertain to desertion, both in the Continental army and the militia forces, will show the efforts of Congress and the states to deal with shirkers. The causes of desertion will be dealt with in three chapters followed by a chapter on the extent of desertion, which makes an attempt to establish how many men left illegally from the American service. The chapter on apprehension will show the various means used by the army to retrieve their runaways. Two chapters
are concerned with the prevention of the crime: they deal with the army's attempts to correct grievances and to improve the recruiting system and describe the types of punishments to which deserters were subject. The concluding chapter considers the effect of desertion on military operations.

Many questions have been raised about the problem of desertion in the army during the American Revolutionary War. Some of these questions will be answered in this study, but no doubt more will be raised than answered. It is conceded that much additional work needs to be done in this area, especially since this investigation is principally devoted to the American field army under Washington's immediate command.
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ABSTRACT

This is a study of desertion in the American army during the Revolutionary War. Emphasis is placed on the following facets of the subject: laws, regulations, and policies enacted by governing bodies to combat desertion; reasons men deserted; extent of illegal departures; capture of deserters; action by authorities to prevent desertion; punishment of deserters; and effect of desertion on the operation of the army.

The states passed numerous laws to regulate the activities of militia forces and state lines serving with the Continental army. These laws provided punishment for men who refused to report when ordered and for those who left the service prior to the termination of their legal tour of duty without proper authorization. Additional state laws prohibited civilians from assisting known army runaways.

The Continental Congress enacted the Articles of War (1775-1776) to govern the army. Several provisions in the Articles of War gave the army authority to apprehend deserters, bring them to trial, and, if convicted, impose punishment ranging from reprimands and whippings (not to exceed one hundred lashes) to the death penalty.

Soldiers deserted the service for a variety of reasons. Physical hardship was a principal cause, as were inadequate food, clothing, and shelter. Sickness and the lack of medical attention prompted others to seek solace away from the army. Delays or the failure to be paid angered some soldiers to the point that some gave up serving. Rigid discipline, poor officers, disgust with recruiting methods,
and long periods of idleness soured minds against the army and induced many to flee. Homesickness and personal business concerns lured others away. A considerable number of men deserted to receive additional bounties offered to recruits. Fear of death or wounding in combat or capture spurred a few to abandon their army duty.

The exact number of men who deserted the American army is difficult to ascertain, in no small part, because of incomplete and often inaccurate records. This study indicates that from 20 to 25 percent of the men who served in the army during the Revolutionary period deserted. Recruiting officers played an important role in capturing deserters. Civilians occasionally recovered shirkers.

To prevent desertion the army punished some of the guilty, sometimes severely, while at the same time it tried to correct glaring abuses. No amount of punishment dissuaded men from leaving the army. Even the death penalty — awarded to hundreds of convicted deserters and actually carried out in a few dozen cases — was no deterrent to men determined to run away. As disagreeable as harsh punishment was, commanders were reluctant to abandon its use, even though they knew from experience that it brought little good in stopping defections.

Desertion in combat occurred frequently, especially during marches and retreats, or at other times when men found themselves separated from the main body of troops. However, there is little evidence to suggest that desertion materially altered the outcome of any engagement. The most damaging results of desertion came in the
form of discouraging recruiting, harming morale, frustrating commanders planning battles, and reducing the army's effectiveness. Even so, it is doubtful that desertion prolonged the war. It is quite possible that the Commander in Chief at times exaggerated the magnitude of the problem.

Various sources of information were highly important in this study. George Washington's writings edited by John C. Fitzpatrick was the primary reference used, supplemented by the Washington Papers in the Library of Congress. The Papers of the Continental Congress and the Revolutionary War Records in the National Archives were invaluable sources. Published papers of general officers were used extensively, along with numerous diaries and journals of individual soldiers.
CHAPTER I

INTRODUCTION: THE PROBLEM OF DESERTION

The problem of desertion is not a popular subject for tradition-minded Americans who look with great pride on the heroic soldiers of General George Washington in the Revolutionary War. There are many books describing the acts of American heroes, but few that deal with desertion and punishment in the patriot camp. Nevertheless, desertion was a troublesome sore that caused Washington much pain.

Eighteenth-century Americans were not totally unaware of the military’s struggle with soldiers who abandoned the service. European armies also faced the problem of desertion; and although they dealt with quitters by imposing severe punishment, they experienced relatively little success in preventing it on a large scale. According to Fred Wilson, in his digest of laws governing desertion, no satisfactory remedy “has ever been advanced whereby the evils attendant upon and growing out of the matter may be

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practicably met or removed."² Military service, whether voluntary or compulsory, was ordinarily attended with hardships and restraints exceeding the expectations of most men, however honest and praise-worthy their motive for embracing it. During wartime the severity of discipline and the presence of the enemy usually operated to lessen the frequency of the crime, and capital punishment often deterred others from disgracing themselves and their flag. But a few always managed to slip away.

The problem of desertion had existed in the English colonies prior to the Revolution, and George Washington had had to deal with it while commanding his Virginia regiment on the frontier during the Seven Years' War. Whippings and imprisonment, used frequently, proved to be no real deterrent to desertion, and Washington had even resorted to hanging a few of the worst offenders to set an example.³ Washington, in fact, maintained that he could not keep


an army together without literally "whipping it into line" in the European fashion.\(^4\)

Furthermore, the British army in American colonies had to deal continually with desertion, especially during the French and Indian War. Large provincial bounties often increased desertion of the British regulars.\(^5\) Pontiac's Indian uprising, 1763-1764, forced the recruits to fight an elusive enemy on his own ground and under miserable conditions. Some British soldiers in that campaign occupied isolated Mississippi posts, where they lived in Indian huts, suffered sickness, fevers, fright and despair; consequently, many fled the service. An expedition to Illinois in 1764, commanded by Major Arthur Loftus, failed primarily because of desertion.\(^6\) Loftus' trouble began at New Orleans while recruiting his men. In spite of the threat of severe punishment, twenty men deserted before the detachment left the city. Ten men disappeared during the first night's encampment; sixteen more escaped during the next five nights in spite of posted guards. Even one of the guards fled his post, but he was captured, court-martialed,

\(^4\) Washington to Governor Dinwiddie, October 8, 1775; September 23, 1756, ibid.


sentenced to death, and executed at the head of the regiment.\textsuperscript{7} Two more deserters caught aboard a ship in New Orleans were court-martialed and shot. Numerous British soldiers, along with American recruits and volunteers continued to "show their heels" during the 1764 campaigns in West Florida, notwithstanding threats of death if captured.

Soon after the fighting broke out at Lexington in 1775, the throng of militiamen that eventually emerged as the American Continental army began defecting. Patriotic fervor, for a few individuals, quickly subsided and they decided to forsake the service. On August 24, 1775, Samuel Bixby recorded in his diary that a rifleman deserted.\textsuperscript{8} Accounts of known desertions, such as this one, are profuse, and they continued daily with little let-up throughout the war years.

For some of those who did not desert the traumatic experience of being away from home and facing hardship produced the most tragic consequences. Bixby noted on June 1, 1775, that a soldier from Cambridge, "deeply in love and wishing to go home to see his dear," was refused a leave of absence and consequently went into a barn and hanged himself.\textsuperscript{9} A few days later he noted another

\textsuperscript{7}Ibid., 125.


\textsuperscript{9}Ibid., 286.
instance of suicide when a prisoner killed himself by jumping from a window of the guard house; and later in the war, William Moody wrote in his diary on July 20, 1779, that a soldier died of a self-inflicted wound, having blown his hand off with a gun. While a few took this way out, the more frequently used method of relief from the distresses of army life was simply to turn tail and run.

The countless references to desertion during the Revolution, such as those found in letters and papers of most every general officer and especially in Washington's official communications, indicate that the problem ranked as one of the greatest concerns of the entire military command. The Commander in Chief complained often to the president of Congress about it; in 1777 he said that the army was shamefully reduced by desertions, and that unless the people helped in returning the runaways he would "be obliged to detach one half of the Army to bring back the other." In March, 1777, writing to John McKinley, president of Delaware, Washington

10Ibid., 288.


referred to the "scandalous practice of desertion" so prevalent in the army. To William Buchanan, commissary general of the Continental army, Washington confided in 1778, "the spirit of desertion among the Soldiery never before rose to such threatening heights, as at the present time." In a letter to Major General Marquis de Lafayette in 1781, the General expressed his extreme concern over the mood of his command, where desertions were occurring at an alarming rate.

Desertion is often mentioned in the correspondence of other major American military commanders. In 1780 Brigadier General William Irvine complained to Washington "that the Spirit of desertion still prevails." Major General William Heath voiced the same sentiment in a letter to the Commander in Chief in 1782:

13 Washington to President John McKinley (Delaware), March 4, 1777, ibid., VII, 243.


15 Washington to Lafayette, April 22, 1781, ibid., XXI, 493-94.

... desertions are too frequent in our army. I assure you it is become a serious affair. They are every day increasing. I have this moment a report of a very steady sergeant, corporal and three men going off from the 5th Massachusetts regiment. Desertions are as frequent in the Connecticut line; ten or a dozen are almost entirely of the old soldiers who are for the war, and unless some means are speedily devised to relieve them I fear the desertion will increase among that class.  

Numerous British records verify that desertion was a serious American problem. General von Knyphausen reported to Lord George Germain in 1780 that Washington's army, located at Morristown, had suffered from "a great desertion," and that "a general discontent prevades the whole army." As the war continued desertion rose to an alarming height not only embarrassing Washington and his general staff, but also interfering seriously with the conduct of military operation. Soldiers left singly and in whole units. The losses in the New York campaign in 1776 in particular worried Washington and the Continental Congress. Washington wrote to the president of Congress that the militia, thoroughly dispirited, were


leaving in some instances almost by whole regiments.\(^{19}\) Frederick Mackenzie of the Royal Welch Fusiliers stated that on a single day close to eighty Americans fled to the British lines.\(^{20}\)

While continentals, militia, and state troops all departed illegally, Washington seemed to be especially conscious of the instability of the militia forces, which disappeared in such large numbers that the Commander in Chief doubted that he could get sufficient service from them to justify their pay, meager as it was.\(^{21}\) Within a two-week period, he reported that a Connecticut militia regiment was reduced to fourteen fit men, all the others having slipped away;\(^{22}\) another regiment was down to less than thirty, and several others were reduced to half strength.\(^{23}\) The day after Fort Washington fell the Massachusetts militia began to

\(^{19}\)Washington to the President of Congress, September 2, 1776, Writings of Washington, VI, 5.

\(^{20}\)Frederick Mackenzie, Diary of Frederick Mackenzie as an officer of the Regiment of Royal Welch Fusiliers during the years 1775-1781 (2 vols., Cambridge, Massachusetts: Harvard University Press, 1930), I, 64.


\(^{22}\)Washington to Lund Washington, September 30, 1776, Writings of Washington, VI, 137-38.

\(^{23}\)Ibid., VI, 138.
march homeward without being properly relieved;\textsuperscript{24} and when Washington went to Hackensack to resume preparations for a withdrawal southward, he was appalled to find scarcely any of the New Jersey militia.\textsuperscript{25} He assumed that they either were frightened by the British victories or did not have American sympathies at heart. He lamented the use of militia because of their instability and bad influence on his regular troops:

> To place any dependance upon Militia, is, assuredly, resting upon a broken staff. Men just dragged from the tender scenes of domestick life; unaccustomed to the din of Arms . . . when opposed to Troops regularly train'd, disciplined . . . makes them timid, and ready to fly from their own shadows. Besides, the sudden change in their manner of living, (particularly in the lodging) brings on sickness in many; impatience in all, and such an unconquerable desire of returning to their respective homes that it not only produces shameful, and scandalous Desertions among themselves, but infuses the like spirit in others.\textsuperscript{26}

Desertion certainly was not confined to the irregular units. During the terrible winter at Valley Forge, where most of the men were organized into Continental regiments, Joseph Galloway estimated that 1,134 soldiers and 354 sailors went over to the enemy, taking

\textsuperscript{24}Freeman, Washington, IV, 254.
\textsuperscript{25}Washington to John Augustine Washington, November 6, 1776, Writings of Washington, VI, 245-46.
\textsuperscript{26}Washington to President of Congress, September 24, 1776, \textit{ibid.}, VI, 110-11.
the oath of allegiance to Great Britain. He added that the bulk of these runaways were foreign-born, most of them "natives of Ireland, England, or Scotland." The British claimed that 3,000 Americans deserted to their camp during the first five months of 1777, a number possibly exaggerated but still indicating that defection to the enemy had reached near ruinous proportions.

At times mass exits were prevented by the quick action of the commanders. On January 1, 1780, a hundred Massachusetts men stationed at West Point, declaring their enlistment had expired, marched off in a body. They were forcibly brought back, and while some were punished, most of them were pardoned. In June of that year thirty-one men of the First New York Regiment stationed at Fort Schuyler left with their arms for want of pay and necessary clothing. In an exchange of gunfire, thirteen of the deserters were killed, and the remainder were returned to the fort.

Desertion remained a major problem until the very end of the war. In a letter to the Superintendent of Finance in 1782, Washington underscored the troubled disposition of the troops:


30 Ibid.
"Minds soured by distresses are easily rankled; as a specimen of it, the privates of the Connecticut Line were the other day upon the eve of a general Mutiny." Washington continued: "Besides this, desertions are more prevalent than ever; by the last Returns a greater number went off than ever did in the same space before."\textsuperscript{31}

It is almost impossible to determine how many American soldiers fled from duty during the eight years of the war. Benjamin A. Bowman, in his study of morale in the American army, estimated conservatively that at least every other militiaman and every third Continental fled the service.\textsuperscript{32} Historical Statistics states merely that no official figures of troop strengths are available for the Revolutionary War.\textsuperscript{33} Volume twelve of The American State Papers provides a table that gives the number of men from each state that entered the Army, but nothing is included to indicate the percentage of desertions.\textsuperscript{34} The Army Almanac does not bother to even discuss the topic, as is true of most army

\textsuperscript{31}Washington to the Superintendent of Finance, May 17, 1782, Writings of Washington, XXIV, 289.


\textsuperscript{34}American State Papers, Documents, Legislative and Executive. (38 vols., Washington: Gales and Seaton, 1832-1861), XII, 14-19. Hereinafter cited as American State Papers.
histories. Although Washington himself wrote hundreds of letters that mentioned desertion, he gave no hint as to the total number of soldiers that left. Troop musters and returns prepared for the adjutant general's office during the war give the approximate strength of the army, including the location of various units. These reports, of course, do provide information about desertion, but these records are both incomplete and often inaccurate. (A careful study of data secured from these muster rolls will be presented in chapter eight.)

Washington was especially annoyed by inaccuracies found in many muster returns, since the aggregate of the army was altered and usually more men were reported than were actually present. On other occasions verbal reports of commanders differed greatly with actual returns. Regiments, which Washington expected were nearly completed according to reports from colonels, were found to "have only from fifty to one hundred men" by actual return. If these totals were faulty, it is not unreasonable to assume the other reports might also be defective.


36 Washington to Brigadier General John Armstrong, March 5, 1777, Writings of Washington, VII, 251.
The overall number of deserters from all types of units during the Revolution has been estimated at from 184,000 to 250,000. From an army reputed to have numbered only about a quarter of a million different enlistments during the war, this estimate would provide a range from 75 to 100 per cent! Bowman's lower suggestion of from 33 to 50 per cent is probably more accurate. If these figures are true, then the American army experienced far more desertions than the usual 10 to 12 per cent which was characteristic of European armies.

A closer study will show that not all the men listed as deserters were actually guilty of that crime in a meaningful sense. In fact, terminology accounts for a considerable amount of confusion in trying to determine who should be classified as a deserter. Many duplications in records add to the total number of desertions listed.

The question must be asked: What is desertion? Fred Wilson defined the crime as "the willful abandonment of the military service by a soldier or officer duly enlisted or commissioned, or in the pay of the government, without leave and without an intention to return." In order to establish the nature of the specific offense, both these elements -- fact of the unauthorized voluntary withdrawal and the intent permanently to abandon the service -- must be proved. Using this definition, an unauthorized absence of a

37 Wilson, Digest of Laws, 15.
few hours, or even longer, without intent to leave permanently should not have been labeled desertion. Yet this is in fact what happened during the recording of musters in the Revolutionary army. For lack of a different terminology men were often listed as deserters who had merely missed the muster formation. Recruits who did not report when ordered were also counted among the deserters. Militia troops were listed as deserters if they failed to show up for their training. Obviously then, the number of deserters in the American army during the Revolution was not as high as the records indicate. A conservative estimate of from 20 to 25 per cent might be more correct than the higher figures given by Bowman and others.

Before considering statistics, a look at state and congressional laws governing men on active duty will provide the legal setting under which individuals who deserted were legally charged and brought to trial.
CHAPTER II

MILITIA LAWS

During the eight years of the Revolutionary War, the state councils of safety, conventions, and assemblies passed a variety of laws dealing with desertion from military service. These laws may be grouped into three categories: (1) those dealing with rules and regulations for each state's militia force; (2) those providing rewards for the apprehension of runaways and punishment for anyone harboring or enticing soldiers to desert; and (3) those dealing with treason. To some extent all these laws had an effect on the Continental army's problem of desertion.

All the states passed laws establishing militia forces. Most of these laws provided for the organization of the state's military force, specifying duties, muster days, obligations, as well as prescribing punishment for non-compliance with the various articles in the military codes. The penalties for violation of the state codes were usually minor compared with those provided for in the Articles of War which governed soldiers on active duty with the Continental army. While the intent of the laws in most cases was to discourage desertion, some of the laws actually worked in the opposite direction -- creating attitudes and practices that made desertion more widespread by allowing legal means to avoid
military service. Also, some state laws enumerated penalties for desertion so minor that often the payment of the fine was far less of an inconvenience than fulfilling the designated tour of duty with the army. Many militiamen did not always feel bound to a definite commitment to remain in service under all conditions and, therefore, some left without permission.

When the war began in April, 1775, the laws of only three of the former colonies -- New Hampshire, Rhode Island, and Pennsylvania -- provided the death penalty for desertion, and they were either repealed soon after the colonies became states or were not enforced. Two states, Virginia and New Hampshire, used confinement as the chief punishment for desertion, but the confinement period in both was limited to two months. New Hampshire law prescribed corporal punishment for captured runaways, and that of Virginia called for the death penalty beginning in 1781. Most state militia laws provided fines only for non-attendance at drills.

In Article Eleven of the New Hampshire militia law, enacted September 19, 1776, desertion was to be punished at the discretion of a general court-martial, but Article Fifty-four of this code set limits to punishment specifying that a court-martial could inflict only "degrading, Cashiering, drumming out of the camp, whipping not exceeding thirty-nine, fines or imprisonment, not
exceeding one month." However, Article Twenty-eight of the same code allowed the death penalty for "abandoning post and inducing others to leave." A court-martial sentence of death was to be immediately put into effect by order of the commanding officer, according to the New Hampshire code. The law further declared that no confinement of more than eight days was allowed, until a court-martial could convene. On January 18, 1777, the New Hampshire Assembly enacted an additional law providing a fine of ten pounds for non-attendance at muster, which could be removed if the soldier furnished a convincing excuse for his absence. On June 26, 1779, another act was passed increasing the fine from ten to sixty pounds.

The Rhode Island General Assembly on December 11, 1776, voted to accept the Congressional Articles of War in their entirety

1 Acts and Laws of the Colony of New Hampshire (Portsmouth: Daniel Fowle, 1780), 42.
2 Ibid., 40. 3 Ibid., 42. 4 Ibid., 159.
5 Prior to June, 1775, Rhode Island had passed the "Rules of Army of Observation," which allowed the death penalty for betraying or changing the watchword and for compelling a commander to abandon his post. Flogging was limited to thirty-nine lashes. John R. Bartlett (ed.) Records of the Colony of Rhode Island; and Providence Plantation in New England (10 vols., Providence; 1856-1865), VII, 340 ff. Rhode Island passed additional codes in 1777, 1779, 1792, 1794, and 1798. The code of 1792 specified that the death penalty would be by hanging only. The Public Laws of the State of Rhode Island and Providence Plantations (Providence Plantations: Carter and Wilkinson, 1798), 442.
and apply them to its militia on duty.\textsuperscript{6} The code was published and a copy furnished to each unit. This code announced the death penalty for desertion.

The Pennsylvania Council of Safety in 1775 enacted the death penalty for mutiny and desertion to the enemy, but the main militia law that was in force throughout the war, passed on May 17, 1777, removed the death penalty for all offenses and allowed only a fine for a sentinel's sleeping on duty or for deserting his post.\textsuperscript{7} The law of 1777 was extremely lax and possibly accounted for the widespread desertion of the Pennsylvania militia troops during the war. Section Eleven of this code called for a forfeit of only ten shillings for any commissioned officer who refused to attend any of the days appointed for exercise; for non-commissioned officers and privates the fine was only five shillings for the same offense.\textsuperscript{8} The penalty was increased to five pounds for field officers, fifteen shillings for commanding officers, and seven shillings for all enlisted men if the exercise was for a field day

\begin{itemize}
\item \textsuperscript{6} 
\item \textsuperscript{7} 
\item \textsuperscript{8} 
\textit{Ibid.}, 24.
\end{itemize}
rather than just a muster. For leaving his company and joining another company, an offense carrying the death penalty under the Continental code, the Pennsylvania law allowed a man to get off with a fine of only three pounds! Section Twenty-five of Pennsylvania's code stated that if "any militia man when called into actual service shall absent himself or desert from the company, battalion, or troop to which he belongs, the person or persons so offending shall forfeit and pay a sum equal to two months' pay, and if an officer, shall be cashiered."\(^9\) Under such a lenient code, it is no wonder that many men preferred to pay the two months' fine rather than endure the rigors of active duty. Even for such a serious crime as mutiny the penalty was moderate: "Any officer or private man, who shall begin, excite, cause, join in, or promote any mutiny or disturbance in the battalion, troop or company to which he belongs, or in any other battalion, troop or company, shall be fined or censured according to the nature of the offense, by a General or Regimental court-martial."\(^10\) Section Twenty of the Pennsylvania code limited the punishment any court-martial may prescribe: "No penalty shall be inflicted at the discretion of a court-martial other than degrading, cashiering, or fining; the fines for officers not to exceed Ten pounds, fines

\(^9\)Ibid., 27.

\(^{10}\)Ibid., 281.
for non-commissioned officers and privates, not to exceed five pounds for one fault."\textsuperscript{11}

On June 19, 1777, a supplement to the act to regulate the militia of Pennsylvania was passed which in effect greatly weakened Washington's control over the militia forces while on active duty with the Continental army. It stated:

The militia of this state, while in actual continental service, shall be subject to the same Rules and Regulations as the Continental Troops are . . . provided, that upon any break, transgression or offense of a militia man, whether officer or private, against the Rules and Regulations of the Continental Troops, the cause shall be tried and determined by a Court-Martial of the Militia of this state, except for a charge of High Treason.

It also provided that the sentence could be mitigated, suspended, or pardoned by the president of the Executive Council or the commanding officer of the militia.\textsuperscript{12}

Pennsylvania passed a new militia law on March 20, 1780, authorizing a mulct of one day's pay for every day a militiaman

\textsuperscript{11}Ibid., 30.

neglected to perform a tour of duty, and a penalty of twenty
days' labor if the soldier left his company. A most
extraordinary provision of the 1780 code was section Sixty-three:

That in case any militia man shall desert when he is
out on a tour of duty, the commanding officer of the
battalion or detachment from which he deserts, shall
as soon as possible give notice thereof to the
lieutenant of the city or county or sublieutenant
of the district from which he came, who, if he does
not see proper to send him back, shall subject him
to the payment of such fine as he would have paid
if he had not gone out on such tour.

In short, if a soldier decided he wanted to go home, and he
did go, then the only penalty he had to face was the payment of
a fine equal to the days' pay that he missed, provided he could
talk the county lieutenant into allowing him to remain at home.
No doubt many did just that. This same code restated the limitations
upon courts-martial, that no penalty more than degrading,
cashiering, or fining was allowed.

The New Jersey assembly enacted militia laws that were in
force for only one year, requiring renewal of the old laws or

\[13\] Acts of the General Assembly ... of Pennsylvania (1780),
356, Section 34.

\[14\] Ibid., 361, Section 41.

\[15\] Ibid., 369.

\[16\] Ibid., 367, Section 60, Item 9.
annual passage of new ones. The New Jersey code, passed March 17, 1777, was the basic law that was used until 1781 when the militia regulations were completely overhauled. None of the codes provided the death penalty for offenses enumerated. The 1777 code allowed a fine of ten shillings for the first offense and twenty shillings for all other offenses of non-attendance at exercises, if no reasonable excuse was provided for the absence.\(^\text{17}\) The 1780 code increased the fine for all offenses to three times the original amount.\(^\text{16}\) The fine of thirty shillings for refusal to muster, no doubt seemed like an enormous penalty to pay, and was, therefore, considered by the assembly to be inducement enough to make every militiaman obey orders. A supplement to a law passed June 5, 1777, stated that for the crime of desertion, the offender could suffer whatever punishment a court-martial directed but was not to suffer loss of life.\(^\text{19}\) A supplement to the code passed September 23, 1777, provided a three pound fine for the crime of leaving one company and joining another.\(^\text{20}\)


\(^{18}\) Ibid. (1780), 69, Article 11.

\(^{19}\) Ibid., 66, Article 2.

\(^{20}\) Ibid., 100, Article 2.
If a soldier chose not to serve, he was allowed to enlist a substitute to take his place. If he could not find a substitute and still refused to serve, he was obligated to pay a fine to cover the commanding officer's expenses incurred in finding the substitute for him. The New Jersey regulations gave militiamen great latitude in choosing whether or not to obey orders summoning them to military service, and also protected militia forces when under the Continental code by specifying that the death penalty would apply only for treason, desertion to the enemy, and cowardice in action -- a highly questionable procedure.

Virginia, like most of the other states, had passed numerous militia acts during its colonial period, and the provisions of these colonial acts were retained to some extent during the first few years of the Revolutionary War. The primary militia act passed by the assembly in 1777 provided a forfeiture of two months' pay or a one month's confinement for desertion. The death penalty for desertion was not allowed in Virginia until the assembly passed a supplementary act in 1781.

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21 Ibid., Article 7.
22 Ibid., 52.
24William W. Hening (ed.), Statutes at Large: Being a Collection of all the Laws of Virginia . . . 1619-1792 (13 vols.,
Massachusetts militia laws provided a fine of from five to twenty shillings for neglect to appear as ordered on training or muster days. The law specified that if a soldier who had missed the muster or drill should

within fifteen Days next after such training or muster, make his application to the officer of said company, or the major part of them, and pay such fines as they order . . . or shall obtain their Excuse, and present a certificate of the same under Hands of the clerk it shall be a Bar to any further action or Complaint against him for such offense.  

The law was written so that the best interests of the soldier would always be considered and none of his rights violated. This militia code had a highly humanitarian and extremely democratic flavor, which certainly did not enhance the effectiveness of the militia forces. It was much too lenient especially with regard to desertion. Washington and Congress continued to ask the states to pass stricter militia laws dealing with the problem of desertion. Massachusetts responded on March 3, 1781, by passing a new law which provided an increased fine of from twenty to forty shillings for failure to appear as ordered.


25 Acts and Laws Passed by the Great and General Court or Assembly of the Colony of the Massachusetts Bay in New England (Boston: Benjamin Edes and Sons, 1780), 19.

26 Ibid., (1781), 32-43.
The Connecticut assemblymen passed both a militia act and a minuteman act in December, 1775. The minuteman legislation called for a force of men to be raised for the better defense of the colony and for the "defense of the rest of the united Colonies." The members of the minuteman organization, who already belonged to a military unit, were not allowed to be militiamen. The minuteman law made the penalty for non-attendance of drill the same as that prescribed for the militia. In May, 1776, the General Assembly of Connecticut passed a militia law to supersede the older laws, but the new law did not include a penalty for those who refused to muster or march. A separate act, passed during the same session, corrected this oversight by levying a fine of "ten pounds Lawful Money" against soldiers who were guilty of these offenses. On December 18, 1776, a completely new and enlarged militia law was passed, but the penalty for non-attendance did not change; fines alone were allowed. An officer guilty of non-attendance could be fined forty shillings if no excuse were presented within twelve days.

28 Ibid., 423-24.
29 Ibid., 441.
The New York militia law, passed April 3, 1778, required that twenty shillings should be paid by any foot soldier who failed to appear on drill day, and a forfeit of forty shillings for any horse soldiers who did not attend scheduled drills. Officer punishment was limited to demotion and disqualification from any military office within the state. The law further stated that "fines may be fixed, for which any Persons adjudged to receive corporal punishment may commute such punishment." Such fines had to be paid within a specified time. An act passed on October 9, 1777, lengthened the time that the state's militia forces might be used by the Continental army outside the state from forty days to three months. During such duty, all militiamen would be subject to the "Pains and Penalties, prescribed by the said Law [Militia] for any Refusal or neglect of Duty, Desertion and other offences respectively which shall be committed during such space of time." It was not uncommon for New York militia troops to refuse to march.


31 Ibid., 33, Article 23.

32 Ibid., 225-33. A new militia law was passed April 4, 1782.

33 Ibid., 80.
They felt that they did well to turn out for drill in the first place. Many did not wish to serve outside their state. For refusal to do so the only penalty was the payment of a fine, and often the fine seemed worth the price to avoid serving with the Continental forces even for a few days. Many left the service the very day they arrived. Fearing no penalty, they were apt to plead that they must sow their grain first.

The lower house of the Delaware General Assembly discussed a militia bill in detail for two months before finally passing it in 1777; the rules and regulations finally adopted were effective for only a short time. Additional laws were passed in 1778, 1779, 1781, 1782, and 1783, all providing fines only for violation of the code.

The laws passed by the Maryland general assembly were similar to those of other states, except that control over militia troops on active duty would be retained by the State of Maryland.

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35 Vote of the House of Assembly of the Delaware State ... (Wilmington: James Adams, 1778), 55-82.

An interesting law passed during the October-December, 1777, session declared that if a person refused or neglected to serve and refused or neglected to find a substitute to serve in his place and "a substitute shall have been found by any field officer, [the soldier] shall be charged with and liable to pay such sum of money together with reasonable expenses of procuring such substitute as any field officer shall have actually paid, or contracted to pay." Both officers and enlisted men had this privilege, making the avoidance of active duty rather easy.

The laws of the State of North Carolina required a forfeit of ten pounds for desertion, mutiny, or quitting post. The Digest of Laws of the State of Georgia indicate that only fines were authorized for the violations of the articles in the militia codes.

37 Laws of Maryland made since 1763 Consisting of Acts of Assembly under the Proprietary Government, Resolves of Convention, the Declaration of Rights, the Constitution and form of government, The Articles of Confederation, and Acts of Assembly since the revolution (Annapolis: Frederick-Green, 1787), 17, Articles 7 and 8. Hereinafter cited as Laws of Maryland.


As might be expected from the brief survey of the laws discussed, regulation of the militia during the Revolution, especially in the early years, was lax in the extreme. James Wilson, a captain in the Virginia militia, wrote to Governor Patrick Henry complaining that the men preferred the trifling fine of five shillings to appearance at muster. Wilson said they were such a disaffected and cowardly set that he could do nothing to prevent the Tories from ravaging the state. He further complained that only ten had appeared out of 200 summoned; he compelled twenty more to serve, but a fourth of the little force deserted the first night of their march, and the expedition was forced to return home because the men insisted that they must tend their crops!

In a letter to Thomas Jefferson, a Virginia commander complained that out of 104 men ordered from the county of New Kent only 28 appeared, and it was certain that about half of them would desert before they reached the rendezvous; he said that many others had fled with impunity.


\[^{41}\text{Walker to Jefferson, March 8, 1780, Nathaniel Greene, Papers, William L. Clements, Library, Ann Arbor, Michigan, quoted in Bowman,} \text{"Morale of the Continental and Militia Troops in the War of the Revolution," 162.}\]
governor of Virginia that calling the militia to active duty was as little regarded as though it came from a man on the street and that the few who did respond remained in service only as long as they pleased. They would return home at will, sometimes led by their officers, without consulting the commanding officer. Even though elaborate methods of collection were provided by law, when forfeitures were assessed for violating militia codes, commanders complained that they were almost impossible to collect. George Clinton noted the danger of using corporal punishment against violators because it usually stirred the men to mutiny. Penalties were at times suspended for months on the assumption that the governor would issue pardons. Governor Patrick Henry of Virginia told the legislature in 1778 that militia discipline was practically non-existent and called for stronger measures, which he finally got in 1781.

In units where the men had the right to elect their officers, those who attempted to enforce the rules and regulations of the


43 Hastings and Holden (eds.), Clinton Papers, III, 702.

44 Ibid., IV, 270.


militia laws not uncommonly found themselves disowned by their own men. Uncooperative militia officers caused additional distress. The Governors could not get accurate returns from their officers, even when the regulations specifically stated that such returns must be made and that a penalty would be assessed for failure to do so. The few returns actually made were often incorrect because officers tried to shield their disobedient men. The delinquent officers were threatened with punishment, but few were ever court-martialed. Occasionally an officer was fined or cashiered in the militia. On one occasion, the Massachusetts Council attempted to stop the wages of certain artillerymen who had presented their colonel with a mutinous writing and refused to march. The men had balked at an order to leave the state to participate in the Rhode Island expedition. Eight sergeants were tried and sentenced to be flogged and reduced to the ranks for leading the mutiny. This was entirely too much for their commander; he interceded for the men and secured their pardon and restoration of their pay and rank.

Another interesting case is that of one Gregory, sentenced to receive twenty lashes for damaging the guardhouse, and thirty-nine each

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47 Hastings and Holden (eds.), *Clinton Papers*, III, 190, 709; IV, 154, 824.


for striking a sergeant, boarding a privateer, seeking to desert, and threatening to kill, with his pen knife, anyone who tried to apprehend him. The court completely overlooked two other offenses, intoxication and raising a disturbance in town. The severity of the cumulative punishment for Gregory was almost too much for the compassionate colonel. Half apologetically, he explained after the flogging that he hoped additional corporal punishment would not be necessary, but he felt it was needed at this time to impress the men with the fact that whipping was for the good of the entire regiment. 50

Any unusual claims on the militiamen, such as the need of getting in the harvest, made their services extremely uncertain. It, for example, was almost useless to summon them in July even when enthusiasm was high, stated Washington in 1775. 51 The New Jersey Provincial Congress once asked permission to dismiss the troops they had sent to the army in order that they might save their grain crops. Some of these men had already returned home before permission was obtained. 52 Brigadier General Hugh Mercer had to discharge all those occupying positions from South Amboy to

50Ibid.

51Washington to the President of Congress, July 14, 1775, Writings of Washington, III, 337.

Paulus Hook in 1776 because, as he said, their "clamour was so insistent." In 1777 Washington dismissed all but one hundred of the New Jersey militia and most of those from Pennsylvania because of the harvest. Brigadier General Arthur St. Clair in 1777 dismissed half of his unit at harvest time, only to have most of the other half desert. According to Jared Sparks, it probably would have been better if the Northern Department had dismissed all the militia troops to attend to their harvest, for the men eventually took things into their own hands and deserted by whole companies.

In the South, Brigadier General Thomas Sumter adopted the plan of leaving selected persons at home in the busy season to assist their neighbors in the harvest, but even so he had great difficulty gathering a force, and found it impossible to prevent hourly desertions. Brigadier General Frances Marion's force diminished so fast at harvest time that by July 17, 1781, he complained of

53 Mercer to Washington, July 16, 1776, and to Congress July 20, 1776, ibid., 5th ser., I, 370, 470.


having scarcely one hundred men left; four days later practically the entire command had disappeared.58

Evidence is overwhelming that the extent of desertion among militia forces was far greater than with Continental troops (a subject to be discussed in later chapters). Militiamen usually rallied with great reluctance, and it is not surprising to find that, once they actually left home, they quickly became impatient to return. Many pleas were made to them by their commanders, the governors, and Washington to stay in service a little longer when their terms of active duty were up -- but with little response. Washington said that from former experience he found it "equally practicable to stop a torrent, as these people, when their time is up."59 The New York militia marched home from the scene of Burgoyne's invasion despite an offer of twenty dollars' bounty for four month's further service.60

Of course, going home when their terms of active duty ended could not be considered desertion, but it does reveal a significant lack of enthusiasm for fighting and helps one to understand the fact that large numbers failed to wait until their terms expired.

58Ibid., 167.
59Washington to Reed, March 25, 1776, Writings of Washington, IV, 431.
60Hastings and Holden (eds.), Clinton Papers, II, 212.
If examples of faults of the militia are almost unlimited, one should not conclude that the militia forces were useless. Time and time again the militia came to the rescue of the Continental army when it was hard pressed. All cases considered, the militia performed in magnificent fashion. While the state troops did not usually fight well in sustained offensive or defensive operations, they behaved admirably for short periods in a crisis. As many British commanders knew, the militia was always there, swarming around like bees whenever their homes were approached; when the British left one place, a particular group of militia might disappear, but another would spring into being to face the enemy somewhere else, so that in effect the total population was always on the offensive. The militia therefore proved very valuable to Washington in winning the war.

While some of the militia codes were rather strict, allowing the death penalty and corporal punishment, others were so mild that they were violated, with impunity. New Hampshire, Rhode Island, Pennsylvania, and Virginia laws allowed the death penalty for some periods, but they were not always enforced. The statutes of other states, like New Jersey, New York, and Pennsylvania, gave more consideration to the rights of the soldiers than to the need for enforcing strict discipline, and therefore weakened the overall

61 Bowman, Morale of the American Revolutionary Army, 43.
effect of the laws. The New Jersey law protected militia forces while they were under the Continental code by limiting the use of the death penalty to three offenses: desertion, treason and cowardice. The Massachusetts code, with its many loopholes, allowed militiamen to refuse to march with penalties of little more than the payment of a fine. The Connecticut and Delaware laws were likewise very mild.

Lenient laws no doubt contributed to the poor discipline of the state militia forces. Two questions might be asked: Why were the state laws so lenient? And were they in fact lenient? No state assembly sought to impose more severe penalties on their militia forces than they felt were absolutely necessary. Since these forces were primarily civilian in nature, the state governmental bodies were extremely reluctant to place these civilians under a strict military code that could impose corporal punishment on them. Since most militiamen were likely to be voters, they had considerable political power. Thus, they could influence legislation. Unlike European armies, the American military was not divorced from the population at large. The fact that state legislatures often passed laws governing militiamen who deserted indicates, not a tendency toward leniency, but rather a step forward in trying to alleviate the problem. Even the imposition of a fine for non-attendance was by no means to be taken as lightly as it might first seem. A fine of forty shillings, or in some cases ten
pounds, was a considerable amount to be paid by many of the troops in the militia units; it represented a real punishment for them to endure. But the degree of the punishment doubtless had little actual effect on the thinking of most of the militiamen. They were civilians at heart, not soldiers. When they felt they were being asked to go beyond what seemed to them to be a reasonable assignment as civilians, they simply declined to obey, punishment notwithstanding.

Possibly the greatest effect the militia had on the problem of desertion was their influence when in contact with regular Continental troops. While the militia left the service freely when they decided it was time to go, not fearing the consequences, the Continental troops could not follow that example, for they were subject to severe penalties under a stricter code. Under the Articles of War, passed by Congress, a soldier could be required to suffer bodily punishment or pay for the breach of an article with his life.
Neither Congress nor the various state legislatures was unaware of the seriousness of the problem of desertion from the American forces. In an effort to assist the army most states passed acts, apart from the various militia codes already discussed, providing punishment for deserters and offering rewards for their capture and delivery to the proper authorities. Most of the states added provisions or passed separate laws imposing fines or corporal punishment on civilians who harbored or abetted deserters in any way. Unlike the militia laws, the penalties for violating these laws were often very harsh, indicating a strong desire on the part of the state governments to assist Washington in the prevention of desertion.

Soon after the Revolutionary War began, Washington complained to both Congress and the states that laws were needed to deal with civilians who interfered with soldiers of the American army. In a circular letter to the states on January 3, 1777, Washington wrote:

I know of no remedy, so effectual, as the different States immediately to pass Laws, laying a severe
penalty upon those who harbour or fail to give information against deserters . . . Desertion must cease of course, when the Offenders find that they have no Shelter.¹

On the same day, he urged the president of Congress to write to the state assemblies, insisting that they pass laws to inflict severe and heavy penalties upon those who harbored runaways.²

As late as 1780 Washington was still seeking the passage of laws to prevent civilians from assisting deserters. To President Joseph Reed of Pennsylvania he wrote:

I am . . . persuaded that there is too much countenance given to Deserters, and if proper Laws could be devised and effectually executed against those that do it, then our force would be much more respectable than it is at present. There have been many instances where Deserters which have been apprehended by Officers, have been rescued by the People, but very few where the Officers have received their aid and support.³

Most of the states complied by passing laws as requested. The Massachusetts lawmakers had long been accustomed to enacting legislation that required a stiff penalty for desertion. Prior

¹Washington to the States, January 31, 1777, Writings of Washington, VII, 82-83. Circular letter sent to all states except South Carolina and Georgia.

²Washington to President of Congress (John Hancock), January 31, 1777, ibid., VII, 81. See Chapter Four for Congressional discussion on this topic.

³Washington to Joseph Reed, April 28, 1780, ibid., XVIII, 311.
to 1742, the Bay Colony produced a law declaring that any soldier who deserted would be "proceeded against as a felo; and shall suffer the pains of death, or some other grievous Punishment."\(^4\)

The law also declared that "every justice of the peace within his precinct is hereby authorized and required to cause all such deserters . . . to be apprehended."\(^5\) This view prevailed during the Revolutionary War as evidenced by the numerous laws enacted by Massachusetts to deal with illegal departures from the army.

The Massachusetts House of Representatives on September 29, 1779, directed county superintendents to advertise for quitters from their districts in one of the Boston newspapers and to offer a reward of one hundred dollars and expenses for each deserter taken to jail.\(^6\) The bill passed gaining the concurrence of fifteen members of the Council.

Within two weeks Massachusetts passed another act that directed militia officers to apprehend persons who had fled from any corps in the service of the United States and to deliver them to their units where they were to serve their time and

\(^4\) Acts and Laws, of His Majesty's Province of the Massachusetts-Bay in New England (Boston: Samuel Kneeland and Timothy Green, 1742), 117.

\(^5\) Ibid., 118. The same law was again enacted in 1757.

\(^6\) Journals, Minutes and Proceedings: State of Massachusetts Bay, 1775-1780 (Boston: Benjamin Edes and Sons, 1780), 5-6.
receive any punishment that the regulations of the army provided. The act further stipulated that if any person deserted one unit then enlisted in another unit, he was to be sentenced to serve from three to six months on board a vessel in the service of the United States. While serving in this capacity he was not to be eligible to receive prize money, and expenses for keeping him on board were to be deducted from his pay. On November 23, 1779, the Massachusetts lower house passed a resolution that prevented sentencing to the navy; the deserters were to be immediately returned to their army units.

An act of October, 1779, provided a penalty for any town that harbored a deserter or refused to obey the law:

Resolved, that if there shall be found in any Town, any Person who shall desert from the detachment ordered by this Resolve, or who has deserted from any former detachment and the Militia Officers, Selectmen & Committee in the same Town being knowing thereto shall neglect to perform the Duty by this Resolve prescribed them for bringing such Offender to punishment the Inhabitants of such Town shall incur as a Penalty for every Offender respecting whom they shall be thus delinquent the sum of five hundred Pounds which sum shall be added to the next State Tax of such Town or Plantation.

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7Ibid., 79; Act passed October 9, 1779.
8Ibid., 114-15.
9Ibid., 80.
The law also stated that no credit would be given a town for enlisting prisoners and known deserters in fulfilling its draft quotas. The law further stated that if any brigadier general, commanding officer, or company commander should refuse or neglect to observe the provisions of this law, the offender would be fined one hundred pounds for each such delinquent.  

The next year, the Massachusetts General Court passed a law entitled, "An Act to prevent and punish Desertion, and for apprehending and securing Deserters from the Continental Army."11 This very detailed and complete law attempted to provide a remedy for the embarrassing problem of the Massachusetts soldiers' fleeing from the Continental army and to discourage civilians from trying to help the deserters escape their pursuers. The General Court noted that many soldiers of the Continental army had fled from the several battalions belonging to the state of Massachusetts and that the laws already passed were found to be insufficient to deter

10 Ibid.

11 Acts and Laws . . . of the Commonwealth of Massachusetts, 306-309. Act passed May 5, 1780; on June 23, 1780, another bill was passed, after having two readings and receiving the consent of 15 members of the Council, entitled "An Act for the punishment of such persons as shall encourage desertions from the fleets and armies of any foreign power who shall prosecute the war in America in conjunction with the United States of America for recovering such deserters as shall conceal themselves among the inhabitants." Journals, Minutes and Proceedings: State of Massachusetts Bay, 1775-1780, 537.
desertion or to guarantee the effectual apprehension and return of the deserters to their companies. This law gave the officers of every militia company and the committees of all the towns and plantations the authority to

apprehend all Deserters from the Continental Army that may reside or come within the limits of their respective Companies and Plantation, and to command the Assistance of the Militia if necessary, for the Purpose, and deliver him or them so apprehended, to some Continental Officer within the County . . . or commit him or them to the common Gaol of the County.12

The jailers were instructed to receive the captured truants, with any expenses incurred to be paid out of the treasury of the state; if there was further expense in getting a deserter to his rightful company, that expense would also be paid out of the state treasury, but would be recovered from the pay of the deserters. A fine was imposed on any official who refused to obey this law, amounting to from five to fifteen hundred pounds for each offense.

The Massachusetts law, which was quite severe in providing stiff penalties for these offenses, did not overlook many details. A provision was added to cover those men who attempted to desert by way of the navy. The lawmakers noted that countless deserters escaped "on board the armed Ships and other Vessels sailing from this State as Seamen, or otherwise, to the great Injury of the

Land Service." To prevent this practice Massachusetts authorized that every commander of an armed vessel sailing from any harbor of the state, who conveyed away on board his ship any person known to be a fugitive from the Continental army, "shall pay for every Deserter a fine not exceeding Fifteen Hundred Pounds, nor less than Five Hundred Pounds." It was further declared that all prizes, or shares of prizes that otherwise might accrue to such deserters, should be paid by the agent of such deserter into the State Treasury. A descriptive list of all officers, sailors, and marines belonging to each vessel and all the shares they were entitled to was required to be prepared and submitted to the Secretary of State; an additional penalty of from five to fifteen hundred pounds was provided for non-compliance. The colonels of Continental army regiments were also ordered to prepare descriptive lists of their runaways for the Secretary of the State.

The Massachusetts bill allowed a pardon for all deserters who gave themselves up within a three-month period, or for those at sea, who, did so within the first month after their returning to the state. The pardon was, however, dependent upon the terms of proclamations issued by General Washington. The preamble to this section of the law declared that many quitters were "sensible of

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13Ibid., 307.
14Ibid.
15Ibid.
their folly and wickedness in violating their Faith and Oath, in
dishonorably abandoning the Cause of their Country by Desertion,"\textsuperscript{16} and expressed the conviction that they would return to their
companies for the remainder of their three years or for the
duration of the war, and might even serve an extra few months to
show their remorse. The authors of the bill felt that the only
thing preventing many from taking advantage of the pardon was fear
of "an ignominious Punishment."\textsuperscript{17} To quiet the minds of persons,
and to deny any appearance of excuse to any who might reject the
pardon, a further inducement was added, provided the Commander in
Chief approved: those accepting the pardon would be entitled "to
receive all Bounties, Gratuities and Allowances for Depreciation
offered or granted, or that may be due to the Soldiers of the
Continental Army, belonging to this State, for the time that he or
they may have served, as though he or they had never deserted."\textsuperscript{18}
While this was a fair, and even very liberal offer, it might well
have displeased faithful soldiers who would be entitled to not one
cent more for their active duty service than deserters who spent
that time at home! If the offer of pardon was shunned by the
fugitives, however, they were to "be considered as having forfeited

\textsuperscript{16}\textit{Ibid.}, 307-308.
\textsuperscript{17}\textit{Ibid.}, 308.
\textsuperscript{18}\textit{Ibid.}.
their right to the Liberties and Privileges of a Free Citizen, and may be apprehended by Virtue of this Act, any time hereafter, within the Term of Twenty Years."

Thus, a rather severe penalty was prescribed by Massachusetts law for captured deserters. If caught during the war, they, of course, would be subject to the Articles of War, which meant they could receive the death penalty. If caught after the conclusion of the war and before the expiration of twenty years they were to be confined on board a ship of the state or sent to a fort of the state to serve a ten-year sentence!

By the terms of the same statute, Massachusetts authorized ordinary citizens to capture deserters. After the termination of the time limit set for delinquents to return without penalty, any male inhabitant could capture deserters and, upon handing them over to proper authorities, was to "receive out of the Public Treasury . . . the sum of thirty pounds." At the same time, civilians who employed runaways for more than forty-eight hours, or who concealed known deserters, were subject to a fine, upon conviction, of from five to fifteen hundred pounds.

To insure wide distribution of the provisions of this act, the Secretary of State sent copies to commanders of brigades, corps,

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19 Ibid.
20 Ibid., 309.
regiments, and companies to be read to all their men. Massachusetts, therefore, took seriously the advice of Washington and the Continental Congress by passing stern laws to help prevent desertion from the army.

A new act was passed on November 2, 1781, by Massachusetts for apprehending and securing deserters from the Continental Army and from the fleets and armies of the allies, a measure that repealed all previous acts.\textsuperscript{21} It authorized all militia commanding officers, selectmen, committees, and other persons to catch deserters and take them to jail. Whatever expenses incurred would be paid out of the state's treasury but would be ultimately charged to the account of the deserter. The important difference in the new law was in the amount of the fines imposed on those convicted of violating the various provisions. For instance, under the new law of 1781, any militia officer, selectmen, or committee who neglected to apprehend deserters would be fined from ten to one hundred pounds rather than five to fifteen hundred pounds for each offense. The penalty for commanders of vessels who conveyed known deserters away from the state was reduced to fifty to three hundred pounds. The reward for successfully apprehending and securing a deserter was also reduced from thirty to six pounds. For concealing, harboring, encouraging to desert, or employing a quitter for more

\textsuperscript{21}"An Act for Apprehending and Securing Deserters for the Continental Army; and from the Fleets and Armies of our allies; and for repealing all Acts heretofore made and passed for that purpose," \textit{ibid.}, 104-107.
than forty-eight hours, the fine was reduced to fifty to three
hundred pounds for each offense proven.

The net effect of the law of 1781 was to reduce penalties
of the law of the previous year. The need of a stiff law, enacted
during the time of heavy desertion and several mutinies, no doubt
was thought to have ended with the surrender of Cornwallis at
Yorktown in October, 1781. 22

The Pennsylvania General Assembly enacted its first major
bill dealing with desertion on February 20, 1777: "An Act to
discourage desertion, and to punish all such persons as shall
harbor or conceal deserters." 23 This law, differing on several
points from those of Massachusetts, placed the burden of
apprehending deserters on the constables in every town, ward, and
borough. The law authorized and required those officials to arrest
any person whom they suspected of being a deserter and to turn him
over to the justice of the peace for examination of the charge. If

22 In 1782 the Massachusetts General Court passed two additional
acts dealing with the same topic with little change. "An Act more
effectually to Prevent the Desertion of French Sailors," Massachusetts
General Court, March 6, 1782. A bill entitled "An Act in addition
to an Act for apprehending and securing deserters from the Continental
Army and from the Fleets and Armies of our Allies: and for repealing
all other acts made and passed for that purpose," passed April 30,
1782, Journals, Minutes and Proceedings; State of Massachusetts Bay.

23 The Acts of the General Assembly of the Commonwealth of
Pennsylvania, enacted into Laws, since the Declaration of Independence
found to be a deserter, he was to be conveyed to the jail of the county where apprehended; the sheriff was then to be responsible for his return to the army where he would be prosecuted under military law. The keeper of the jail was to receive the "full subsistence of such deserter or deserters," but was not entitled to any fee or reward. The Pennsylvania lawmakers apparently felt it the duty of public servants to perform this service without extra pay. The law specified, however, that the army officer to whom the deserter was delivered should "pay into the hands of the gaoler or sheriff the sum of three dollars, over and besides the reward ordered to be paid by congress for each deserter." None of this reward money was to come from the Pennsylvania treasury.

A fine of five pounds was to be assessed against any civilian who sheltered a deserter "for the space of six hours by day, or twelve hours by night," without giving notice to the justice of the peace. An additional penalty of five pounds was to be paid by any "civilian who shall knowingly detain, buy, or exchange, or receive any arms, caps, clothes, or other furniture, or accountrements, belonging to the United States of America . . .

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24 Ibid., 33.
23 Ibid.
26 Ibid.
from any soldier or deserter . . . or who cause the color of the clothes to be changed."27

The disposition of the fines collected was unique, for part went to the overseer of the poor of the town and the remainder to the informers who helped seize quitters. Convicted violators who did not have money to pay in cash or could not promise to pay within sixty days were "committed to the common gaol, there to remain without bail or mainprise for the space of six weeks," or were "publically whipped on his or her back with any number of lashes not exceeding twenty-one."28 The corporal punishment prescribed for Pennsylvania civilians who maintained deserters was, therefore, a more severe penalty than the fines levied in some of the other states.

The Pennsylvanians were very careful that in carrying out one law they did not violate another. Section Five of the "Desertion and Harboring Act" forbade the breaking open of any houses by a commissioned officer or any other person to search for runaways without first obtaining a warrant from the justice of the peace for that purpose. Violators of this provision were subject to fines of thirty pounds, payable to the owners of the house, plus repair bills for any damage done to the dwelling.29

27 Ibid., 34.
28 Ibid.
29 Ibid., 34-35.
Since the Pennsylvania law made apprehension of deserters compulsory for certain officials, lawmen were obliged to make frequent visits to areas where fugitives were suspected of hiding. To make passing through the state more difficult for turncoats, the law required that all suspicious persons coming into the state without passes from some justice of the peace or from some commanding officer be immediately arrested by the constable and put in jail until it could be determined whether or not they were deserters. In case the officer requested help in making the arrest, the law stipulated that the men of the neighborhood were required to give it; and if any person commanded to assist the constable refused such assistance, he was subject to a fine of twenty shillings upon conviction. 30 Again the money went to the poor and to the constable.

Further to encourage the capturing of deserters, the law stated that "every person, not a constable, who shall apprehend any deserter, and deliver him to some constable, shall be entitled to receive for each such deserter, the sum of twenty shillings," to be paid out of the state treasury. 31 If he conveyed the deserted to the county jail, he would also receive additionally the reward entitled to constables.

30 Ibid., 35.
31 Ibid., 35-36.
The Pennsylvania assemblymen on March 12, 1778, passed a supplement to the "Desertion and Harboring Act" that offered an extra incentive to persons of draft ages for nabbing truants: any person who captured a deserter would not only receive the monetary rewards, but was exempted from active duty in the militia for a two-month period or excused from paying the fine if he refused to join when called to service. Two years later another supplement was passed which extended the coverage of the act to include aiding deserters from the fleets and armies of any country assisting the United States. In September, 1780, Pennsylvania again strengthened the apprehension code by adopting a measure to cover soldiers who fled from the service, boarded armed vessels, and then deserted the ship when in a foreign port. A severe penalty was imposed on those who aided runaways in this manner. The law provided that every captain or other officer belonging to a vessel that received or entertained any known deserters, "shall forfeit and pay to this

32 A Supplement to the Act, entitled, "An Act to discourage desertion and to punish all such persons as shall harbor or conceal deserters," ibid., 110-11. On September 29, 1781, this law was amended to allow exemption from two tours of militia duty for apprehending a deserter, ibid., 515.

33 Section 15 and 16 of "An Act for funding and redeeming the bills of Credit of the United States of America, and for providing means to bring the present war to a happy conclusion," Passed June 1, 1780, ibid., 389-97.
commonwealth the sum of ten thousand pounds . . . or suffer one 
year's imprisonment without bail or mainprize." Section Seven 
of this statute declared that all shares of prize money and wages 
to which deserters originally would be entitled were to be 
"confiscated and forfeited to the use of the commonwealth" and 
"applied to recruiting troops for the state line in the Continental 
army."

These laws indicate that the state government of Pennsylvania 
was keenly aware of the problem of desertion and knew how injurious 
its continuation was to the state and to the Continental army. Pennsylvania made definite efforts to halt illegal departures, but 
with little success.

Most states passed similar laws dealing with deserters 
and provided penalties for those who offered them assistance. The 
New Hampshire legislature, on March 12, 1777, authorized any person 
to apprehend any other person suspected of being a deserter from 
the American army, and provided a penalty of forty shillings for 
any one refusing to assist in the capture of a known deserter.

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34 A supplement to the act entitled, "An Act for regulating 
and establishing Admiralty jurisdiction," passed September 22, 
1780, ibid., 399-405. This act also provided the death penalty for 
any captain who betrayed his trust and turned pirate.

35 Ibid., 401.

36 "An Act to prevent the Desertion of Soldiers, during the 
present War with Great Britain, the concealment of Deserters, and 
also the embezzlement of Clothes, Arms, etc., belonging to the
A fine of from nine to fifteen pounds was levied against any person knowingly concealing a fugitive. For capturing a deserter, the New York assembly provided an exemption from "being classed, drafted, or detached from or in the Militia, or performing any Duty in the Militia, for the space of one year." It further offered a reward of ten pounds per capture to be paid out of unappropriated money of the treasury of the state. For harboring, aiding, or comforting, any deserters, or for encouraging or persuading any person to desert from the American armies, or allied armies of the United States, the New York code provided that "any person so offending, would be prosecuted as a misdemeanor."

The Maryland assembly meeting February 5 through April 20, 1777, passed a desertion law containing rewards for seizing deserters and penalties for harboring runaways. If the reward was undeclared, the penalty was severe. For the first offense violators either paid fines or went to jail for three months, whereas a second conviction brought either a heavier fine or a whipping up to thirty-nine lashes. The Maryland lawmakers also allowed magistrates to

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37Ibid., 60.

38"An Act to encourage the apprehending of Deserters, from the Troops of this state, serving in the Army of the United States," passed July 1, 1781, Laws of the State of New York, I, 203.

39Ibid., Section 4.
issue warrants and legally search houses they suspected of concealing deserters—even to break down doors if not opened on demand. However, a penalty of twenty dollars was set for any person who broke down a door without a warrant which was to be paid to the injured party. Maryland, therefore, provided fines, imprisonment, and whippings for persons assisting fugitives, making this law one of the harsher passed by the various states.

The New Jersey General Assembly passed a fairly mild apprehension law on February 26, 1777. The statute required citizens to help capture alleged renegades who passed through the state without proper identification. After delivery to the justices of the peace, the pursuer received a reward of five dollars, plus expenses. Persons harboring, concealing, or encouraging desertion were subject to forfeits of ten pounds for the first offense and fifteen for the second and all other offenses of a like nature. A further penalty of five pounds struck any ferryman or boatman who conveyed a deserter across any river.

Responding to a letter on the problem of desertion from Washington read before the General Assembly on February 7, 1777,

40"An Act to prevent desertion," Laws of Maryland, Chapter II.

Delaware prepared and passed within fifteen days a law to prosecute deserters and their cohorts.\textsuperscript{42} Connecticut enacted a law on the same subject prior to receiving Washington's request. The Connecticut measure pointed out that it was the duty of every citizen, especially constables and grand-juries, to assist in the return of deserters. A fifteen pound fine or two months imprisonment was set for anyone convicted of concealing deserters.\textsuperscript{43} Unlike that of many of the other states, the Connecticut law was unchanged throughout the war. The Virginia Assembly, meeting at Williamsburg, on May 5, 1777, passed a similar act designed to discourage desertion and to punish persons in league with the backsliders.\textsuperscript{44}

Most state passed treason laws usually contained provisions which were similar in phraseology, dealing with desertion. The primary purpose of the treason laws was to punish civilians who used their influence to assist the enemy. Some states felt that civilians who aided deserters and the deserters themselves could be

\textsuperscript{42}"An Act against desertion, and harbouring deserters, and dealing with them in certain cases," passed February 22, 1777, \textit{Laws of the State of Delaware}, II, 598; for discussion in the assembly, see \textit{Vote of the House of Assembly of the Delaware State}, 50-83.

\textsuperscript{43}"An Act for taking up and securing Deserters, and for punishing those who shall conceal them," passed after December 14, 1775, and before January 1, 1776. \textit{Acts and Laws of the State of Connecticut in America}, 41.

\textsuperscript{44}\textit{A Collection of all such Public Acts of the General Assembly of Virginia}, 52.
punished under these state statutes. North Carolina enacted a measure in 1777 that made it a violation of the treason act punishable by death and forfeiture of estate to join the army of the enemy; to furnish arms, ammunition or provisions, to plot, conspire, or betray the state; or to give intelligence to the enemy.\footnote{An Act for declaring what Crimes and Practices against the state shall be treason, and what shall be Misprison of Treason, and Providing Punishment adequate to Crimes of Both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State," Iredell (ed.), Laws of the State of North Carolina, 321-26, Section 2.} The same law allowed punishment of imprisonment for the duration of the war and forfeiture to the state of half of all lands, tenements, goods, and chattels, for discouraging enlistment or stirring up turmoils, disorders, and insurrections.\footnote{Ibid., 332, Section 3.} A Connecticut treason law provided the death penalty for aiding or joining the enemy's army, "by enlisting or procuring or persuading others to inlist for that purpose."\footnote{An Act for the Punishment of High Treason, and other Atrocious Crimes against the State," passed October, 1776, Acts and Laws of the State of Connecticut in America, 25.} Unsuccessful attempts to join or aid the enemy were, upon conviction, punishable by fine and imprisonment "in any of the Gaols [of Connecticut], not exceeding ten years."\footnote{Ibid.} A New Hampshire treason act required the death penalty upon conviction, but special care was taken to insure that offenders were legally
hanged. No one was to be executed until the New Hampshire clerk
certified the record and the House of Representatives reviewed it
and sent official orders to the sheriff for execution of the
sentence.\footnote{49} An earlier act was repealed by the New York lawmakers
in 1778, to make more humane the method of execution of criminals
guilty of treason. The old method of putting a prisoner to death
by mutilating his body was abolished, and the law prescribed that
execution was to be by hanging by the neck until dead.\footnote{50}

The New Jersey treason law was more lenient than that of
the other states mentioned. The punishment for treason or other crimes
listed in the act was to be set by the court, and was to be fines
and imprisonment. "Saving the corruption of blood."\footnote{51} For assisting
the enemy a fine of three hundred pounds and one year's imprison­
ment was provided; a person could also be set in pillory and imprisoned
for less than a year for violations of various other provisions of
the act.

\footnote{49}"An Act Against Treason and Misprison of Treason . . . 1777,"
\textit{Acts and Laws of the Colony of New Hampshire}, 51-54.

\footnote{50}"An Act for altering the Judgement heretofore by Law pre­
scribed against Persons found guilty of High Treason and Petty
Treason and those who on being arraigned for Treason or Felony, stand
mute or refuse to plead," passed March 30, 1778, \textit{Laws of the State
of New York}, I, 22.

\footnote{51}"Act to punish Traitors and disaffected Persons," passed
October 4, 1776, \textit{Acts of the General Assembly of the State of New
Jersey}, 41; "Supplement to the Act," passed June 7, 1777, \textit{ibid.},
77-78.
Virginia amended an earlier treason act in 1778 to allow a maximum imprisonment of six months for any officer or soldier found guilty of "mutiny, desertion, disobedience of command, absence from duty or quarters, neglect of guard, or cowardice," stating that the earlier penalty was not severe enough to deter the defaulter from committing all these offences. The revised law was still far more lenient than most other state laws dealing with insurrection.

A number of states passed laws providing penalties for civilians who went over to the enemy. A New Hampshire law declared that all persons who "have traiterously deserted, or may hereafter desert the common cause of America, and have gone over to or in any way or manner joined our enemy, or of those who belong to or reside in Great Britain," were to be punished by the seizure of all their property and the voiding of all other legal transactions, which prevented them from engaging in normal business contracts. Georgia had a similar law, passed in 1778, that allowed the attaining of persons guilty of high treason and their execution


53 "An Act to prevent the transfer or conveyances of the Estates and Property of all such Persons who have been, or shall be apprehended upon suspicion of being guilty of Treason . . .," passed June 25, 1777, Acts and Laws of the Colony of New Hampshire, 83-85.
if apprehended and convicted.\textsuperscript{54} A Maryland statute imposed the death penalty for any one who should bear arms against the state.\textsuperscript{55} The Maryland law also prohibited any person who had deserted the defense of the state from "holding any office of trust or profit with the state."\textsuperscript{56} A New York measure, passed in 1780, subjected any person who came out from the enemy to be tried by a court-martial as a spy, under the Articles of War. If convicted, he was to suffer death.\textsuperscript{57} According to the New York law, any person so apprehended and sentenced would be executed by the sheriff for the government of the state. At least one person was given a pardon by the New York Assembly after being convicted of treason prior to the passage of the above act.\textsuperscript{58} Massachusetts passed an act

\textsuperscript{54}"An Act for Attaining such persons as are therein mentioned of high treason, and for Confiscating their estate . . .," passed March 1, 1778, Digest of the Laws of the State of Georgia, 208-19.

\textsuperscript{55}"An Act to punish certain crimes and misdemeanors, and to prevent the growth of Toryism," passed 5 Feb - 20 April, 1777, Laws of Maryland, Chapter XX.

\textsuperscript{56}Ibid., Chapter XX, Section 17.

\textsuperscript{57}"An Act subjecting all Persons who shall come out from the Enemy and secretly lurk in any Park of this State, to Trials by Court-Martial as Spies," passed June 30, 1780, Laws of the State of New York, I, 143.

\textsuperscript{58}"An Act to Pardon Thomas Cummings, convicted of Treason," passed October 8, 1779, ibid., I, 77. Cummings, a farmer of Ulster County, was convicted of adhering to the enemy, and sentenced to be executed October 29, 1779. The New York Assembly records show two other pardons; Jonah Wood, pardoned September, 1780, and Richard Everitt, pardoned July 1, 1781.
directed at the capture of one individual, John Robinson, who "left and went to the enemy."\footnote{59 Journals, Minutes and Proceedings, State of Massachusetts Bay, 434. Robinson, a former inhabitant of the state, had been taken and exchanged as a British prisoner, and was then at large in Boston. The Commissioner of Prisons was directed to capture him in order that he could be exchanged for a subject of that state of equal rank.}

The terms of the desertion and harboring laws passed by the various state legislatures clearly show the willingness of local officials to render every aid possible to prevent illegal departures from the army. Some of the laws were particularly well written and comprehensive in coverage. Massachusetts, which witnessed considerable combat during the first few years of the war, was sensitive to the army's problem in regard to desertion. Passing laws not only to discourage runaways and require civilians to make captures, the Massachusetts assembly also punished individuals and whole towns for abetting deserters.

The threat of being pursued for twenty years after the war's termination made fugitives of deserters for a long time and should have dissuaded most men from any temptation to steal away illegally. Unfortunately, too few soldiers considered the consequences after their minds were set on parting company with the service. The Pennsylvania lawmakers also passed laws adequate to cover the crime, allowing corporal punishment to be inflicted on civilians who schemed with deserters and, in some cases, their imprisonment for a
year. Maryland went further, making it legal to break down doors to seize fugitives and providing imprisonment and fines for civilians who did not help in capturing runaways. While all the states enacted measures designed to prevent desertion and deter citizens from helping shirkers, some of the laws were very mild. Specifically, the laws passed by New Hampshire, New York, New Jersey, Delaware, Connecticut, and Virginia were comparatively lenient. In some cases, the harsher treason laws of these states added the needed sting against deserters and those who concealed them.

In most cases, the state statutes were designed primarily to promote the capture of deserters (leaving the actual punishment of the renegades to the army) and to prevent civilians from encouraging men to leave the service. No doubt, state desertion laws were effective in influencing some soldiers to remain on active duty. Yet it is unreasonable to assume that mere passage of laws could have solved such an enormous problem. Nevertheless, realizing the necessity for unified cooperation, Washington never stopped asking the states to revise or pass new laws against desertion, just as at the same time he made similar requests to the Continental Congress.
CHAPTER IV

CONTINENTAL CONGRESS' DESERTION LAWS

Although state assemblies passed numerous laws in an effort to curtail the evil of desertion, they were limited to state boundaries, with no jurisdiction elsewhere. Had each state enacted the same laws, theoretically, the entire country would have been blanketed with laws adequate to punish the guilty; where one state's law ended, another's would begin. Problems involving militia or state forces could possibly have been settled among the states. While this arrangement would have pleased many state lawmakers, it would have been clumsy for commanders to regulate forces designated to operate in all of the states under the direct control of a central government. Congress, therefore, in answer to a clearly recognizable need, passed a number of laws to regulate the armed forces under its jurisdiction. Some of these dealt with the problem of desertion.

The first important congressional resolution pertaining to the regulation of the army was the agreement made in 1775 to use the Massachusetts Articles of War as a model for the Continental
army. The Articles of War in effect at Cambridge when Washington took command had been enacted by the Provisional Congress of Massachusetts two weeks prior to the first engagement between the minutemen and British regulars at Lexington. Most of these articles were copied from the British rules and regulations of 1765; the Massachusetts government had modified them to make the punishments less severe than those permitted by the British code. As Richard Henry Lee predicted to Washington, the Continental Congress adopted the "mutiny and military regulations" of Massachusetts with few exceptions. A week later, Roger Sherman wrote to Joseph Trumbull that "Congress had agreed on articles for regulating the army not much differing from those established by the New England Colonies except the addition of a few, and a more particular limitation of the discretionary powers given to Court Martial." The military


4 Roger Sherman to Joseph Trumbull, July 6, 1775, ibid., I, 154.
code adopted by Congress on August 10, 1775, was derived more from the Massachusetts articles than from the British. Amendments made on November 7, 1775, followed by a complete revision on September 20, 1776, brought the American code more in line with British law.\(^5\)

The first Congressional code began by justifying the existence of an American army. The regulations were to give order to the army authorized "for the express purpose of securing and defending the lives, liberties and immunities of the Colonists,"\(^6\) and were intended to have jurisdiction over all military units raised by Congress.

Several articles of this code dealt with desertion and its punishment. Article Five provided that any officer or soldier who started, excited, caused, or joined in a mutiny in any part of the Continental forces, would suffer punishment ordered by a general court-martial.\(^7\) No specific punishment was mentioned. Nor did Articles Eight and Nine, which dealt with desertion, prescribe any definite punishment. Article Eight stated that any officer or

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\(^6\) *Journals of the Continental Congress*, II, 111-12.

soldier who deserted would be punished by a court-martial; Article Nine included punishment for those who induced others to desert.\(^8\)

The sentence of a regimental court-martial was to be inflicted on any non-commissioned officer or soldier who was found one mile from camp without written orders from his commanding officer, as well as for any officer or soldier who slept out of camp.\(^9\) Moreover, any officer who failed to show up for any parade or exercise would be punished by a regimental court-martial.\(^10\) The commanding officer could order punishment without court-martial for any officer or soldier who retired to his quarters without permission,\(^11\) according to Articles Sixteen and Seventeen.

For sleeping on guard, or for leaving his post without being properly relieved, a sentinel was subject to punishment by a general court-martial.\(^12\) For leaving the platoon or division, any officer or soldier would be punished by a regimental court-martial.\(^13\)

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\(^8\)Ibid., Article 8. "Any non-commissioned officer, or soldier, who shall desert, or without leave of his commanding officer, absent himself from the troop or company to which he belongs, or from any detachment of the same, shall upon conviction thereof, be punished according to the nature of his offense at the discretion of a general court-martial."

\(^9\)Ibid., 115, Articles 16 and 17.

\(^10\)Ibid., Article 19.

\(^11\)Ibid., Article 18.

\(^12\)Ibid., Article 21.

\(^13\)Ibid., 115-16, Article 23.
According to Article Fifty, the court-martial could inflict punishments at its discretion, although Article Fifty-one put limitations on the severity of the sentences. No person was to be sentenced to death except in the three cases expressly mentioned in the articles: for abandoning a post, or inducing others to quit a charge; for making known the watch-word to any person not entitled to receive it; and for compelling a commander of a post to give up to the enemy—all serious offenses that endangered the lives of many soldiers. The courts were further limited in the punishment that could be ordered by the same articles. No punishment was to be inflicted at "the discretion of the court-martial, other than degrading, cashiering, drumming out of the army, whipping not exceeding thirty-nine lashes, fine not exceeding two months pay of the offender, imprisonment not exceeding one month." An additional safeguard was Article Forty-two; no person could be put in arrest, imprisoned, or confined for more than eight days prior to his court-martial.

While the 1775 rules and regulations of the army did provide a basis for the orderly control of the troops, they did not completely satisfy Washington and the other commanders. They desired stricter codes, and Congress eventually acceded to their

\[14\] Ibid., 116, Articles 25, 26 and 31.

\[15\] Ibid., 119, Article 51.
wishes. In a letter to Congress, Washington urged an addition to the Articles of War that would provide the death penalty for several other offenses. On November 7, 1775, Congress complied with the request, amending sixteen articles of the code to permit a wider use of the death sentence. For instance, under the revised code the death penalty was allowed, upon conviction, for any person who gave intelligence to the enemy. Formerly the sentence for this offense had been at the discretion of the court, which meant that no penalty above thirty-nine lashes could be inflicted. For beginning, exciting, causing, or joining a mutiny or sedition, the death penalty was authorized. Any officer or soldier who deserted to the enemy and was afterward captured, would be subject to death, as he would be if he misbehaved before the enemy, or did "shamefully abandon any post committed to his charge," or spoke


17 Journals of the Continental Congress, III, 330-34.

18 Ibid., III, 331, Amendment One.

19 Ibid., Amendment Five.

20 Ibid., III, 332, Amendment Six.
words inducing others to do the same.\textsuperscript{21} For sleeping on guard or for leaving a guard post without permission the sentence was changed to cashiering for officers, and whippings of from twenty to thirty-nine lashes for soldiers.\textsuperscript{22} For signing a false certificate or giving a false return of troops, officers convicted were to be cashiered.\textsuperscript{23} Congress ordered the amendments published in the newspapers.\textsuperscript{24}

Even the revised articles did not produce the desired discipline in the army that both Congress and the generals had hoped for. Although conditions improved after Washington took over the disorganized and undisciplined crowd at Cambridge, he learned that a well-trained, orderly, fighting force could not be developed in a day, or month, or even a year. The American soldiers were accustomed to unbounded freedom, and could not, as he said, "brook the Restraint which is indispensably necessary to the good order the Government of an Army," without a stricter code.\textsuperscript{25}

\textsuperscript{21}Ibid., Amendment Ten.

\textsuperscript{22}Ibid., Amendment Eight.

\textsuperscript{23}Ibid., III, 334, Amendment Fifteen.


\textsuperscript{25}Washington to President of Congress, September 24, 1776, Writings of Washington, VI, 111.
Washington regarded subordination and discipline as the "life and soul of an Army;" these qualities must be established and maintained to "make us formidable to our enemies, honorable to ourselves, and respected in the world."26 Earlier Washington had informed the troops that "an Army without Order, Regularity and Discipline, is no better than a Commission'd Mob."27 He promised to punish every kind of neglect or misbehavior and warned that no connections, interests, or intercessions would avail to prevent strict execution of justice.28 In June, 1776, in letters to the president of Congress, Washington again pleaded for further revision of the Articles of War.29

John Hancock, president of Congress, wrote Washington on June 14, 1776, that additional regulations were deemed necessary and would be passed. Congress had only laid a foundation at the present time and, "it still remains, in a great measure, to erect a System of Rules and Laws, that will enable us to carry on our

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26Ibid.


28 Similar warnings appeared frequently in General Orders, July 4, 1775, July 7, 1775, January 1, 1776, October 1, 1776.

29 Washington to President of Congress, June 13, 1776, June 20, 1776, Writings of Washington, V, 128, 159; see also Force (ed.), American Archives, 4th ser., VI, 837, 991; Journals of Continental Congress, January 24, March 20, April 18, June 12, 13, 14.
military operations with more Knowledge, Certainty, and Dispatch."

The duty of preparing the new army regulations fell to a committee consisting of John Adams, Thomas Jefferson, Edward Rutledge, James Wilson, and Robert R. Livingston. The committee brought in a report on August 7, which was debated August 13, 19 and September 19, and adopted on September 20, 1776. John Adams in his autobiography said that he and Thomas Jefferson presented the proposal "In consequence of a letter from General George Washington . . . representing the insufficiency of the Articles of War, and requesting a revision of them." Adams acknowledged that revision of the Articles of War "was very difficult and unpopular"; he suggested to Jefferson that since the opposition to a small change would be as great as a more complete alteration, "we might as well therefore report a compleat System at once and let it meet its fate." Observing that the British Articles of War were, in fact, a copy almost of the Roman code, and since these regulations had carried both Rome and England to the head of mankind, Adams felt they deserved serious consideration. "It would be in vain," he wrote, "for Us to seek, in our own Inventions or the Records of Warlike nations for a more compleat System of military discipline."

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30 John Hancock to Washington, June 14, 1776, Burnett (ed.), Letters of Members of the Continental Congress, I, 488. Included in this letter was the suggestion of the establishment of War Office which Hancock said, "is a new and great event in the History of America, and will doubtless be attended with essential advantages when properly conducted and inspected."
Moreover, noting that the "prosperity of Nations had been in proportion to the discipline of their forces by Sea and Land," he therefore favored reporting verbatim the code that had worked so successfully for the British.\(^{31}\) Jefferson cordially concurred in this plan. Using the British regulations as a model, the new articles were accordingly reported to Congress, defended principally by Adams, and eventually adopted on September 20, 1776. Commenting years later, Adams said the new code "laid the foundation of a discipline, which in time brought our Troops to a Capacity of contending with British Veterans, and a rivalry with the best Troops of France."\(^{32}\)

The debate over the articles was heated and prolonged. According to Adams, Jefferson never spoke a word in their defense, and all the labor of the debate on the articles, which were discussed paragraph by paragraph, fell upon him.\(^{33}\) Some members of Congress saw great danger in a strong military code. The fact that military law was a very powerful instrument to place in the hands of Washington or any other military commander worried many congressmen, since it extended over both enlisted men and officers, as well as

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\(^{32}\)Ibid., III, 410.

\(^{33}\)Ibid., III, 434.
civilians who accompanied the army in the field. Americans had always cherished the privileges of a common law and naturally objected to a legal system in which indictment by grand jury and other fundamental rights and safeguards were omitted.

The members of Congress were familiar with the long struggle of the English people against military law, and the war they were fighting was itself a protest against arbitrary government. Jefferson, and no doubt other members of Congress, were familiar with Sim Matthew Hale's History of the Common Law of England, in which the Chief Justice had asserted that military law was "something indulged, rather than allowed as law." Hale explained that order and discipline was necessary in the army and was the only thing that could give the law respectability. Military necessity, then, was viewed as justification for a strong military law to govern the Continental army. Washington's judge advocate, William Tudor, said, "when a man assumes the soldier he lays aside the

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35 Sim Matthew Hale, History and Analysis of the Common Law of England (1713), as quoted by Justice Hugo Black in Reid v. Covert, 1 L ed 2d, 1169, n.48.
36 Ibid.
citizen, and must be content to a temporary relinquishment of some of his civil rights." Adams remarked in his Works that "so indigested were the notions of Liberty prevalent among the Majority of the Members most zealously attached to the public Cause, that to this day I scarcely know how it was possible that these Articles could be carried." In August, 1776, Edward Rutledge, Congressman from South Carolina, wrote Robert R. Livingston:

"We are doing everything in our power to reform the vices of the army and put the forces under better regulations than they have yet been." Rutledge felt that if the articles carried they would have a happy effect on the army.

Apart from the debate on the articles, Adams had been instrumental in bringing about a resolution prepared by the Board of War.

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40 The Board of War and Ordnance, established in July, 1776, was made up of five members of the Continental Congress, a paid secretary, and clerks. It soon became apparent the Board was not able to carry out its assigned duties, and a new Board of War was set up October, 1777, composed of three persons not members of Congress, a secretary, and clerks. In November, 1777, the number was expanded to five, all military men. In October, 1778, the Board was changed again to allow two of the five members to be congressmen. It remained essentially the same until it was superseded by the War Office in 1781. James A. Huston, The Sinews of War: Army Logistics 1775-1953, Vol. 2 of the Army Historical Series (Washington: Government Printing Office, 1966), 6-7.
(an executive arm of Congress) in behalf of discipline that was passed September 19. This resolution came as a result of his journey through New Jersey to Staten Island, where he had observed much dissipation, idleness, confusion, and distraction among the officers and men. He was "astonished, grieved, and alarmed" by it:

Discipline had become by constant topic of discourse and even declamation in and out of Congress and especially in the Board of War. I saw very clearly that the Ruin of our Cause and Country must be the Consequence if a thorough Reformation and strict Discipline could not be introduced. My Zeal on this Occasion was no doubt represented, by my faithfull Enemies in great Secrecy however, to their friends in the Army, and although it might recommend me to the Esteen of a very few, yet, it will be easily believed that it contributed nothing to my Popularity, among the many.  

Adams was very happy to be able to report to James Warren on September 24, 1776, that the articles had been accepted, and he hoped real discipline would be introduced at last.  

The new Articles of War, enacted in 1776, contained a number of changes from the code put in effect the year before. Punishment for violations under the revised code was more severe. The death penalty was prescribed upon conviction in fifteen cases,

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and the maximum number of lashes allowable was changed from thirty-nine to one hundred. Section VI, Article One, covering desertion, specified that "all officers and soldiers, who having received pay or having been duly inlisted in the service of the United States, shall be convicted of having deserted, shall suffer death, or such other punishment as by a court-martial shall be inflicted." In this instance the punishment was the same as the amendment of the previous November. Article Three dealt with soldiers who enlisted in two or more units without receiving a discharge from the company in which they last served. The offender would be guilty of desertion from the first unit and would suffer accordingly. While this article did not specifically state that the death penalty would be inflicted upon conviction, it was understood that it was to be so interpreted. A provision was added to punish officers who

43 Besides desertion, the death penalty was provided for the following offenses: Excite or join a mutiny (Sec. II, Art. 3); officer or non-commissioned officer who did not stop a mutiny (Sec. II, Art. 4); leave guard post (Sec. XIII, Art. 8); do violence at civilian provisioner (Sec. XIII, Art. 11); misbehave before the enemy or abandon post (Sec. XIII, Art. 12); misbehave before the enemy, run away, abandon post, speak words inducing others to do the like, quit post to plunder . . . to be regarded as a "disobeyer of military orders" (Sec. XIII, Art. 13); cast away arms or ammunition (Sec. XIII, Art. 14); make known the watch word (Sec. XIII, Art. 15.); force a safeguard (Sec. XIII, Art. 19); relieve the enemy with money, victuals, or ammunition (Sec. XIII, Art. 18); leave post to go in search of plunder (Sec. XIII, Art. 21); compel the commander to give up or go to the enemy, or abandon a post (Sec. XIII, Art. 22); Journals of the Continental Congress, V, 788-807.

44 Ibid., V, 792.
knowingly enlisted men who had deserted from other military units.
Upon conviction an officer would be cashiered. For persuading
any officer or soldier to desert, the offender would be subject to
punishment as inflicted by a court-martial.

Articles dealing with those absent without proper authority
(A. W. O. L.) were listed under Section Thirteen. 
Soldiers found
one mile from camp without permission were subject to a sentence of
the court-martial; officers who "sleep away from camp without
permission" were also subject to punishment at the discretion of a
court-martial. For sleeping on guard or leaving a guard post without
proper authority, the sentence of thirty-nine lashes maximum was
changed to the death penalty. 

While the new Articles of War added teeth to the commander's
attempt to instill discipline in the officers and soldiers in the
Continental army, it was not the complete answer. Additional laws
were required from time to time to cover specific instances not
adequately explained in the code.

Resolutions and laws for the apprehension of deserters,
deemed essential for the good discipline of the army, touched off
a heated debate in Congress. To some congressmen the problem of

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45 Ibid., V, 797.
46 Ibid., V, 797, Section XIII, Article 6.
desertion was less important than the fact that state's rights were being violated for the purpose of capturing and punishing deserters. Thomas Burke of North Carolina recorded in his "Abstract of Debates" an interesting discussion that took place on February 15, 1777, over amendments proposed to a report of a committee "appointed to consider some means for preventing desertion." Burke noted that "the main question was concerning the jurisdiction of Congress and the States," with the debate being mainly between James Wilson of Pennsylvania and himself. The original report of the committee called for Congress to recommend to the states "Laws Empowering all Constables, Ferry keepers, and Freeholders to take up persons suspected of being deserters and carry them before any Justice of the Peace." An amendment was moved and passed that the power to enforce this law could go immediately from Congress without the intervention of the states.

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48 Ibid., II, 275-81.
49 Ibid., II, 275; The report Burke referred to was submitted to Congress February 13, 1777, by the committee on desertion, appointed to study the problem and to act on a request by Washington for a stiff apprehension law. The committee's proposed recommendation stated:

Whereas several Soldiers and Marines duly enlisted in the Service of the United States do afterwards desert, and are often found wandering, or otherwise absenting themselves illegally from the Service: Resolved that it be recommended to the Legislatures of the several states to provide as soon as possible by law that it

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This amendment distressed Burke, who asked for permission to enter a protest against it, but the chair denied his request. He then proceeded to voice his protest anyway, so that it could be included in the Journals, for the purpose, he noted, of letting his constituency know that he had opposed it. He felt that Congress was wrongfully assuming power to give authority to persons within states to seize and imprison other persons of any state, which, thereby, endangered the personal liberty of every man in America. Wilson argued in opposition to Burke that every object of continental concern was a proper subject of debate for the Continental Congress, and that all provisions made by Congress must be executed with Continental authority. The army, he continued, was a Continental organization and "preventing Desertion in it was certainly as Necessary an object as the raising of it." Wilson added: "Nothing could be more Necessary to prevent Desertion than to take Effectual Measures for Apprehending

shall and may be lawful as and of any Constable, freeholder, or keeper of any public ferry, within any of the United States, to apprehend, or cause to be apprehended, any person being a Deserter, and cause such person to be brought before any Justice of the Peace, living in or near the place where such person shall be taken, who shall have power to examine such person, and . . . (if a deserter to convey him to the army).


Deserters." He contended that power must necessarily be in the Congress, and that Congress certainly had power to authorize any persons in the states to put congressional directives into execution. Every officer and soldier already had the power to apprehend deserters, and Congress had the authority to make any justice of the peace in any state an officer and give him power to do the same. Wilson stated that the officers and soldiers of the army were certainly not subject to the laws of the states. To give justices of the peace this power was no more than was being done every day in authorizing persons to purchase provisions for the army by actions of Congress, and Congress had never been denied the power to put such resolutions into execution.

The delegate from North Carolina then retorted with a long, impassioned speech restating his objections to the apprehension law: "the states alone had Power to act coercively against their Citizens, and therefore, were the only Power competent to carry into execution any Provisions against citizens whether Continental or Municipal." Only by violence, he argued, could any power on earth obtain authority to act coercively against any of the citizens of the state he represented "except under their own Legislature." Burke was

51 Ibid.

52 Ibid., II, 276-77.

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actually striking at the very foundation of Congress' authority.

Burke added another factor in the argument. He admitted that the army was a proper agency to be governed and directed by the Continental councils, and that it was right for Congress to punish deserters, since desertion was a great evil; but the basic question was, just who is a deserter and who is not? Desertion, he said, must be determined prior to punishment, and the person with the authority to make this decision has power over the life and liberty of the citizens:

If the Congress has the Power to appoint any Person to decide this Question the Congress has the Power un­limited over the lives and Liberties of all men in America and the Provisions so anxiously made by the respective States to Secure them, at once Vanish before this Tremendous Authority.\(^53\)

However correct it was for Congress to punish desertion, Burke felt that it was necessary for the states to prevent arbitrary and unjust punishments and imprisonment of their citizens. According to Burke, the state codes provided that no man should be imprisoned or in any degree injured in person or property except under the laws of the states. Congress, therefore, could not give power to anyone within a state to hear and determine cases of this nature or to seize and imprison people of any state.

Burke was especially alarmed by Wilson's statement that the officers and soldiers of the army were not responsible to the laws

\(^{53}\text{Ibid., II, 277.}\)
of the states. If the members of the armed forces, he continued, were not "subject to the Laws of the Respective State, it would follow that a powerful Body of men within any State might Violate with Impunity all the Rights of the Citizens and subject them to the worst of Oppressions." The North Carolinian felt that if this were the case, then all society and government might well be dissolved, for they were fighting against the same type of oppression imposed by the British. He argued that to give power to individuals to take deserters into custody would make waste paper of the state constitutions' basic rights. Burke reasoned that no military officer had the authority to act in any civil department whatever in any state. In regard to Congress' power to make purchases, he saw a great difference since mere money was the object of concern, whereas with apprehending deserters personal lives and liberty were at stake.

Wilson, in his reply, admitted that officers and soldiers were subject to state laws and only in their military duty were subject to Congress. In reply to the last part of Burke's argument, Wilson maintained that this was an essential power Congress needed to insure discipline in the army:

If the states alone were competent to this Power it would follow that no deserter could be punished or apprehended but in the state where he enlisted, and consequently by keeping out of that state he was sure of Impunity—that he was in Effect declaring that desertion could not

54 Ibid.
be punished and consequently that the army might be immediately disbanded.\textsuperscript{55}

Wilson then moved that the words "suspected of being," be removed from the amendment, hoping that all objections to it would be silenced.\textsuperscript{56}

Other members of Congress joined the debate; it seemed that most of them were amazed at the furor created over this issue. Apparently only Thomas Burke held to his views at this time. Richard Henry Lee said that he could see no more in the problem than he saw every day in the newspapers advertising rewards for the return of deserters, which "was certainly exercising no Magisterial Power." John Adams confessed that the matter passed without attracting his attention, and from the discussion it would seem that the Articles of War were intended to be effective in every state. Burke responded to Wilson by saying that the "Plea of Necessity would subvert all restraint laid on persons entrusted with power and authority, and always had been used by tyrants for that purpose." He felt that this plea had no foundation in the American Congress since the states were competent to enact laws for the apprehending of deserters.\textsuperscript{57}

\begin{itemize}
\item \textsuperscript{55}Ibid., II, 279.
\item \textsuperscript{56}Ibid.
\item \textsuperscript{57}Ibid.
\end{itemize}
As Burke further commented, it was untrue that desertion could not be prevented or punished, if the states alone could exercise this power. Nor was it true that deserters could be apprehended nowhere but in the states where the soldiers enlisted:

That desertion was a Crime and like all other Crimes to be punished whereever it should be committed, and by the Power who had competent Jurisdiction. That the crime once committed the offender might be apprehended in any state and removed to the Jurisdiction who had power to punish, but every Individual who might be apprehended had a right to call for the Interposition of the state where he was apprehended to Enquire whether he was a person liable to suspicion, whether the restraint of his liberty was lawful or not.58

Burke rejected the idea that the removal of the word "suspected" would render the amendment satisfactory to him. To Lee, Burke said that there was a difference between advertising for a deserter, and Congress giving power to individuals to decide the question of his guilt or innocence. To Adams, Burke explained that Congress had the power to raise and govern an army, but the Power of Congress could not extent to subject any other but such as enlisted and personally consented to the articles of War, and it was the Duty of the states to Interpose whenever the Question arose whether soldier or not, because otherwise their citizens might be subjected to Martial Law against their Consent . . . .59

58 Ibid., II, 279-80.
59 Ibid., II, 281.
Finally, Burke argued that whenever any soldier surmised that "the courts-martial exceeded their Jurisdiction he had a right to bring the matter before the civil Tribunal of the State where he was, because otherwise the Military might become absolute and Independent of the civil authority." 60

Had Thomas Burke's argument prevailed in Congress, then every court-martial held by the Continental army would have been subjected to review or cancellation by the various state court systems. To say the least, the relationship between laws of the states and the central government was at times confusing and often conflicting. It is not difficult to see how questions of this nature could very easily arise. According to the rules and regulations of the army passed in 1775, a soldier who deserted would have been subjected to a penalty of only thirty-nine lashes, whereas if he were tried in certain state courts (New Hampshire, Pennsylvania, Rhode Island) for the crime of desertion he could have been given the death penalty. After 1776 the death penalty was allowed under military law, upon conviction, for a number of offenses, including desertion. But if the soldier were tried for this offense in the majority of the state courts, he would have been subjected to a much more lenient penalty. It has already been shown that conviction for desertion in some states carried a penalty of a fine of only a few shillings, or corporal punishment not

60 Ibid.
exceeding thirty-nine lashes. A switching of jurisdiction from military to civilian courts would have been chaotic for the army, and would no doubt have further encouraged soldiers to desert since they could reasonably assume that a dispute would arise over jurisdiction that could prohibit a trial from ever taking place. Fortunately for the army, Congress dismissed the objections of Burke and proceeded to pass laws for the strict enforcement of the Articles of War.

Congress eventually passed a number of laws authorizing various individuals to apprehend deserters. On July 31, 1777, Congress voted to divide the states into districts and appoint recruiters with power to apprehend deserters. The sum of five dollars, with expenses, was allowed for every deserter taken up and secured. 61 Three months later, Congress amended this law to allow an additional five-dollar reward for the capture of runaways plus "12/90 parts of a dollar for each mile between the place in which he may be taken and to which he may be conveyed." 62 The same law provided that the premium and other expenses for catching quitters be taken from their pay. The impression left by the Burke-Wilson debates probably accounted for the expunging of part of this resolution, which would have recommended that the states pass laws

61 Journals of the Continental Congress, VIII, 593-94.
62 October 7, 1777, Ibid., IX, 813-14; October 7, 1777, Papers of the Continental Congress, National Archives, Roll 30, 135-36.
authorizing any citizen to apprehend deserters and receive the congressional reward.\textsuperscript{63}

An additional part of the resolution of October, 1777, was a recommendation to state legislatures that they enact laws to punish persons who knowingly harbored, concealed, or assisted deserters.\textsuperscript{64} Most states complied with the resolution by either passing new laws or revising existing statutes governing the apprehension of deserters.\textsuperscript{65} Congress enacted resolutions pertaining to the harboring of deserters as early as November 4, 1775. At that time, it recommended to the state governments that offenders be punished by a fine of from thirty to fifty dollars, and if they could not pay the fine, they be subject to "whippings, not exceeding thirty-nine lashes for each offense."\textsuperscript{66} A five-dollar reward and reasonable expenses were also provided for any person who brought in a deserter; the paymaster general of the army would make the payment to the person who retrieved the shirker, and the same amount was to be deducted from the pay of the deserter.\textsuperscript{67} In

\begin{itemize}
\item \textsuperscript{63}\textit{Journals of the Continental Congress}, IX, 814.
\item \textsuperscript{64}\textit{Ibid.}, IX, 814-15.
\item \textsuperscript{65}\textit{Cf. ante}, Chapter III.
\item \textsuperscript{66}\textit{Journals of the Continental Congress}, III, 324-25.
\item \textsuperscript{67}\textit{Ibid.}, III, 325.
\end{itemize}
April, 1777, a committee requested a resolution that forfeited to the United States all pay and allowances due soldiers or officers who deserted. After some debate this proposal was ordered to lie on the table.

A report prepared by the Board of War and read in Congress on May 28, 1779, outlined a very strong and definite policy to be followed in arresting deserters. The Board asked Congress to recommend to the state legislatures that they "faithfully capture deserters, return them to their regiments, and appoint trustworthy officials in every state to pay the rewards and mileage." The Board further requested that the reward be increased to thirty dollars for each captured deserter delivered into safe custody, and that 36/90ths of a dollar be paid for each mile between the place of capture and the place of confinement. Congress was asked to provide the funds for this expense. In addition, every military officer was to collect such deserters as might be turned over to him and convey them to their regiments, or to some other place of confinement where they would be punished or worked while waiting to join their parent units. Congress adjourned without taking

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68 Papers of the Continental Congress, National Archives, Roll 30, 131-35. Committee report was read before Congress, April 19, 1777.

69 April 21, 1777, ibid., Roll 30, 132.

70 Journals of the Continental Congress, XIV, 663-64.
action on this proposal. Fortunately, most of the states had already passed similar laws or were in the process of doing so, and Congress, no doubt, did not wish to touch off another long debate over state versus Congressional control.

Another problem that plagued Washington was enlisting enemy deserters in the American army. In compliance with a request from the Commander in Chief, Congress declared (February 26, 1778) that "no prisoner of war or deserter from the enemy be enlisted, drafted, or returned to serve in the continental army." 71 Yet Washington continued to be troubled by reports of enlistments of enemy deserters, who shortly after enlisting in the American army fled again with their arms and other equipment. Acting on a report from the Board of War, Congress in May, 1778, recommended to the states that they enact laws exempting from all military duty persons who deserted from the British army or navy. 72 Congress further asked that the states disqualify by law all enemy deserters from serving as substitutes, and void all contracts made for their service in this capacity. To encourage compliance with the law, it was recommended that all money paid deserters enlisted as substitutes be retained by them. A person who might have engaged an enemy turncoat to serve in his place would therefore lose the fee paid

71 Ibid., X, 203.
72 Ibid., XI, 522-23.
to the substitute and still be compelled to serve the tour himself.

In March, 1782, Congress recommended that the states pass laws for the seizing of deserters from the enemy who escaped from their places of confinement. A reward of eight Spanish-milled dollars was offered for every enemy escapee captured, plus 1/8th of a dollar per mile for traveling expenses and 5/90ths of a dollar per day for subsistence of the deserters while confined, the money to come from the congressional treasury.\textsuperscript{73}

Since many enemy deserters did join the American army despite all the laws forbidding this practice, some question arose over the punishment of those who joined, then ran off, and were captured. In March, 1778, Brigadier General Samuel H. Parsons asked Congress if "deserters from the enemy are permitted to enlist into the service of these United States, and whether, in case such are enlisted, a deserter of that character can be legally condemned and executed for desertion?"\textsuperscript{74} Congress gave its opinion that, although it had recommended against enlisting deserters from the enemy, "yet such being enlisted and receiving bounty and pay, are in all respects

\textsuperscript{73}Ibid., XXII, 154-55.
\textsuperscript{74}Ibid., X, 247-48.
subject to the articles of war, and liable to suffer death for
desertion."\textsuperscript{75} Congress said the Articles of War were for the
governance of the army and did not make any distinction between
inhabitants of the states and deserters from the enemy.

Numerous complaints reached Congress from the army regarding
civilians who assisted the enemy in some way either by encouraging
desertion or supplying the British forces.

In a letter to Congress, Major General John Sullivan complained
about certain Quakers who had given intelligence to the enemy.
The Congressional committee reporting the complaint recommended
that the state of Pennsylvania arrest several men reported to belong
to the Society of Friends. After debating the question, Congress
approved the resolution on August 28, 1777.\textsuperscript{76} Two months later,
Congress followed with another resolution setting a policy for
all states to follow in dealing with civilians who aided the enemy.
General Washington was empowered to seize such persons who had
acted as guides, given intelligence, furnished supplies, provisions,
money, clothing, arms, fuel, or any other kind of stores, within
thirty miles of any town in Pennsylvania, Jersey, or Delaware.
Those apprehended would be tried by court-martial, and, if convicted,
were to suffer death, or any other punishment the court felt

\textsuperscript{75}Ibid., XXII, 248.

\textsuperscript{76}Ibid., VIII, 694-95.

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was adequate. It was further resolved that all "magistrates and officers, civil and military, and all good people . . . be vigilant in apprehending, securing and bringing to punishment all such persons, in order that a speedy and effectual stop may be put to such a pernicious practice." A number of civilians were apprehended under the authority given to the military and some of them were sentenced to be executed.

77October 8, 1777, ibid., IX, 784.
78Ibid., IX, 785.
79Washington ordered the capture of a Dutchman believed to be carrying intelligence to the enemy, and, if convicted, he was to be "hanged instantly." Washington to Brigadier General William Maxwell, February 18, 1777, Writing of Washington, VII, 158. Joseph Worrell, an inhabitant of Pennsylvania, was court-martialed for giving intelligence to the enemy and sentenced to death. General Orders, March 1, 1778, ibid., XI, 11-12. Worrell's execution was postponed the next day, however. General Orders, March 2, 1778, ibid., XI, 12. For supplying the enemy, William Morgan of Pennsylvania, was sentenced to hard labor for the duration of the war with the stipulation that if he tried to escape he was to "suffer Death." General Orders, April 3, 1778, ibid., XI, 202. Thomas Shanks, confessing to being a spy for the enemy, was ordered hanged on June 4, 1778. General Orders, June 3, 1778, ibid., XII, 14. Edward Hicks, charged with conveying information to the enemy, was tried by court-martial and sentenced to be imprisoned for the duration of the war. "Court-martial Proceedings," March 19, 1779, Washington Papers, Library of Congress, Roll 56. At the same trial, Robert Lands was convicted of aiding the enemy, and sentenced to "Suffer Death," ibid. Thomas Osborn of New Haven, charged with being a spy, was ordered executed if the commander saw fit to do so. Washington to Samuel Parsons, August 26, 1780, ibid., Roll 70.
Alexander Hamilton, in behalf of Washington, wrote the New York committee of correspondence in April, 1777, that civilians who aided the enemy should be punished capitally, or by heavy fines and imprisonments. "An execution or two," he said, "by way of example would strike terror, and powerfully discourage the wicked practices going on." He further cautioned that the corporal punishment of inhabitants might also "excite compassion and breed disgust," and furthermore, "confiscation of property is not cognizable by martial law." Gouverneur Morris answered from Kingston, New York, that the spirit of the Tories had been broken in his state by taking strong actions. He added that "they shall have a few more executions than which nothing can be more efficacious." John Eddy was charged with enlisting men for the British service. He was indicted for treason by a grand jury, but escaped before he could be tried.

Colonel Israel Shreve from New Mill wrote Washington on April 10, 1778, that he was doing everything possible to stop the "Disaffected from Trading" with the enemy. Shreve had already

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81 Morris to Hamilton, May 16, 1777, ibid., I, 254.

82 Hamilton to William Livingston, April 21, 1777, ibid., I, 235-36.

court-martialed two deserters from the army, William Seeds and Samuel Carter, who were supplying the enemy, and both were sentenced to death. Washington confirmed the sentence of Seeds, but not that of Carter. He said it was necessary to consult with Brigadier General William Livingston of the New Jersey militia on the matter:

Introducing martial law into this State [Pennsylvania], was intended to remedy the weakness of the Civil [law]; but in the State of New Jersey where there is a law framed expressly for the purpose of trying inhabitants taking Arms on the side of the Enemy, I think such person should be delivered to the Civil power.

Washington seemed always ready for the civil authorities to take action whenever there was a possibility of conflict between the army and any state government. The problem of dealing with civilians who supplied the enemy was never solved, regardless of the efforts made by Congress, the states, and the army. Washington complained in October, 1778, that he had "no authority to punish the persons taken in the fact of illicit commerce, any further than by seizing their merchandize, and delivering their persons to the civil magistrate." As late as 1782 the Commander in Chief of the

84 Proceedings of a General Court Martial, April 8. 1778, ibid.

85 Washington to Colonel Israel Shreve, April 14, 1778, Writings of Washington, XI, 258.

86 Washington to Brigadier General Charles Scott, October 3, 1778, ibid., XIII, 18.
army was still writing letters to Congress and the states, trying to persuade them to pass rigorous laws to prevent inhabitants from furnishing the enemy with provisions. He said that in other nations this practice was punishable with death, and unless the states of this continent passed similar laws, "I see no means of putting a stop to that destructive practice," for "anything the Military could do in that matter would be in vain."  

Numerous other problems arose that Washington felt could be remedied with adequate laws. In 1778 he wrote to George Read that there were disaffected persons in Delaware that made a practice of harboring deserters, and were encouraged to do this, "knowing there is at present no law to punish this crime, which is most pernicious to the service."  

Washington advised General William Smallwood, in regard to a certain Jetson who had been charged with committing a number of crimes, that the only offense specific enough to warrant trial was his firing on Continental troops, and this was no crime because there was not a law against that practice!  

Washington suggested turning him over to the civilian authorities to

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87 Washington to Chevalier de la Luzerne, November 13, 1782, ibid., XXV, 334.
88 Washington to President George Read, February 26, 1778, ibid., X, 517.
be tried for treason. He further suggested to Governor George Clinton that three inhabitants of New York arrested for enticing soldiers to desert be tried in civilian courts rather than by the military.  

On one occasion an officer was prosecuted on a felony charge for apprehending civilians who trafficked with the enemy. Washington explained to Governor George Clinton of New York that "prosecutions of this kind may discourage officers from the discharge of their duty." The General cautiously mentioned that the "good of the service sometimes required things to be done in the military line, which cannot be supported by the civil law."  

In most instances of this nature, the Commander in Chief was very careful not to appear to be infringing on the rights of the states or individual citizens. He fully recognized the need of maintaining popular support among the people, and every incident that violated this policy was quickly smoothed over if possible.

It was Washington's desire that all matters pertaining to the army be handled through the authority of the central government and not the various states. He recognized that there were inequalities of provisions for the various state lines caused partly

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90 Washington to Governor George Clinton, September 25, 1778, *ibid.*, XII, 497.

91 Washington to Governor George Clinton, December 13, 1779, *ibid.*, XVII, 252.
by the differences in state appropriations and laws. Washington reasoned, no doubt correctly, that everything relating to the army must be conducted by regulations passed by Congress; "this alone," he said, would bring "harmony and consistency to our military establishment."92

The record left in the Journals of the Continental Congress gives the impression that Congress was sensitive to (and whenever possible responded favorably to) every petition and request that came from Washington or any of the military commanders in trying to relieve the distress caused by desertion. Resolutions were passed almost daily to meet various military needs, and changes were made when needed to render better enforcement of discipline in the army. Yet resolutions did not mean the problem had been solved; it was often not affected at all. At times, mere changes in rules or additional grants of authority, or the clarification of issues, did help in future prosecutions of offenders, but the real causes of desertion were seldom dealt with by the adoption of a resolution, despite the good intentions of Congress. Congress did, however, establish a legal basis for apprehending and punishing those who deserted. It was the responsibility of the army, coupled with a firm determination of the civilian population, to see that offenders were captured; it was here that the major task of stopping this most

harmful practice rested. There were many basic causes for desertion that had to be remedied before men would choose to remain with the army during their legal tour of duty. A closer look at some of the causes of desertion will help in understanding the problem.
Desertion during the Revolutionary War could not be ascribed to a single cause any more than it could be curbed by a single statute. One source alone, the Calendar of Virginia State Papers, reveals dozens of causes. Court-martial proceedings, private letters, general orders, and official correspondence all contain information on desertion, which Washington characterized as "the most pernicious Vice that can possibly prevail in an Army." For clarity, some of the reasons for desertion discussed on the following pages are grouped into several categories: physical, military, domestic, political, and miscellaneous.

General Distress

Physical hardship and personal distress caused hundreds of men to desert the army. Hunger, sickness, and exposure to the elements were constant companions of the American army, along with inadequate shelter, insufficient clothing, poor medical attention, and extended periods of duty without pay or provisions. From Valley Forge in February, 1778, Washington complained to William Buchanan,

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1Palmer and others (eds.), Calendar of Virginia State Papers.
2Washington to Colonel David Mason, September 2, 1777. Writings of Washington, IX, 165.

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commissary-general of purchases, that "the murmurs on account of provisions are become universal," and he added, "what may ensue, if a better prospect does not speedily open, I dread to conjecture." Two months later, he wrote proudly to John Banister of Virginia that the army, while suffering greatly, had shown remarkable patience:

... no history, now extant, can furnish an instance of any Army's suffering such uncommon hardships as ours have done, and bearing them with the same patience and fortitude. To see Men without clothes to cover their nakedness, without blankets to lay on, without shoes, by which their marches might be traced by the blood from their feet, and almost as often without provisions as with; Marching through frost and snow, and at Christmas taking up their Winter quarters within a day's march of the enemy, without a house or hut to cover them till they could be built and submitting to it without a murmur, is a mark of patience and obedience which in my opinion can scarce be parallel'd.

While Washington's letter was complimentary to the soldiers, he failed to mention that some were not able to endure irksome conditions and departed illegally to seek comfort elsewhere. During the first year of fighting Sergeant Ephraim Squire of the Connecticut Line explained some of the conditions the troops endured:

This morning early it began to rain and we [had] no shelter, and are obliged to go to carry over our battooes, and barrells, the way muddy and slippery,

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4 Washington to John Banister, April 21, 1778, ibid., XI, 291-92. Washington wrote a similar letter to James McHenry, October 17,
hard for poor soldiers, that have to work hard in the rain and cold, and wade a mile and a half knee deep in water and mud, cold enough and after night, to camp in the rain without any shelter. 5

Numerous letters from Washington's headquarters to governors and other officials complained of discomforts. Washington assured Colonel Theodorick Bland in 1779 that the want of supplies and other necessities was the principal cause of discontent, desertions, and mutinies. 6 Brigadier General Anthony Wayne, complaining about the poorly equipped and provisioned troops sent to him, made an impassioned plea to Washington in 1777: "For God's sake rouze your Field and other officers from their Lathargy" and supply the leadership needed to meet our needs. 7 Responding to this and similar pleas, Washington communicated almost daily with Congress and the governors seeking supplies. To Governor William Livingston of New Jersey, Washington explained that the absence of shelter and the loss of baggage caused numerous soldiers to abandon the army. He said "it is difficult to determine the extent of the evils if at so critical a juncture we shall experience a failure 1782, stating that "the patience, the fortitude, the long and great sufferings of this army is unexampled in History; but there is an end to all things, and I fear we are very near one." Ibid., XXV, 269.


6 Washington to Theodorick Bland, August 20, 1779, Writings of Washington, XVI, 139.

of the provisions which we should have every reason to apprehend."\(^8\) In 1781 he wrote again to Livingston urging him to call on the legislature to make provisions for procuring needed items for the army. The alternative would be for the army to use coercion in obtaining supplies, a procedure "highly disgusting and oppressive to the inhabitants" and ruinous to the discipline of the army.\(^9\) Some commanders and individual troops sought to improve their plight by their own initiative. James Moore, from Rantas Mills, New Jersey, wrote Washington in 1780, that "the want of provision, I was afraid would Excite the Soldiers to frequent desertions"; he therefore sent his quarter-master out with a party to procure supplies from the people.\(^10\) In 1781, Washington advised Brigadier General James Clinton to seek relief for his distressed troops from the counties near him in Massachusetts.\(^11\) Washington pointed out that the more that could be regularly obtained through established channels, the less occasion there would be to resort to measures of a disagreeable kind. Even rum was in short supply. To the New Hampshire governor, Washington noted that no rum had arrived from that state. "This Article," he said, "is so necessary for the


\(^9\) June 15, 1781, ibid., XXII, 223.


Health as well as comfort of the Soldiery at this Season, that I wish it might be particularly attended to.\textsuperscript{12}

Jealousies among the soldiers from different states often erupted because of the inequity in the way the soldiers were supplied. Hamilton complained to the New York legislature that his troops were not receiving the quantity of subsistence prescribed as standard for the Continental army:

\begin{quote}
My Men, you are sensible, by their articles, [are] entitled to the same subsistance with the Continental troops; and it would be to them an insupportable discrimination, as well as a breach of the terms of their enlistment, to give them almost a third less provisions than the whole army besides receives.\textsuperscript{13}
\end{quote}

Moses Hazen, in a "Memorial" to Washington, made a similar complaint; his Second Canadian Regiment had not been properly supplied by Congress, nor any of the states since most of the troops arrived from Canada: "Belonging to no one of the Thirteen United States consequently no kind of Provisions is or has been attempted to be made for them."\textsuperscript{14} He noted with pride, however, that only one of his men had deserted because of this distress; the others had endured the suffering patiently.

\textsuperscript{12}Washington to Mesheck Weare, August 5, 1781, \textit{ibid.}, XXII, 467.  
\textsuperscript{13}Hamilton to the Convention of the Representatives of the State of New York, July 26, 1776, Syrett (ed.), \textit{Papers of Hamilton}, I, 186.  
In answer to a letter from Colonel James Livingston, First Canadian Regiment, Washington expressed regret for the desertions that occurred "on account of the superior advantages possessed by other troops," and promised to solicit aid from Congress to satisfy their needs.\(^{15}\)

Congress was not unaware of the needs of the army. A committee appointed to inquire into the state of the army and to suggest means for supplying its needs visited the troops near New York in 1776. Its report to Congress described not only the need for food and clothing, but suggested that the real reason the army was destitute was the poor discipline of the troops and the inferior quality of some of the officers. Congress promptly requested that in the future the states be more careful in selecting officers.\(^{16}\) Congress subsequently passed a resolution directing commanders to select suitable garden spots near general hospitals to supply the army with vegetables and authorized the hiring of civilian laborers to cultivate the fields. This arrangement was not successful in producing an adequate food supply and was discontinued.


Washington seldom pointed an accusing finger at an individual administrator or officer in an attempt to shift the blame for the army's deplorable condition. His letter to William Buchanan in 1778 illustrates this attitude: "I pretend not to assign the causes of the distress, we experience in this particular, nor do I wish to throw out the least imputation of blame upon any person." Moreover, he frequently attempted to reassure the troops that everything possible was being done to remedy the abuses. Through general orders Washington let the men know that he would share the same difficulties they experienced and tried to lift their spirits by encouraging them to be diligent in their activities and in building shelter. Yet as late as 1782 the General wrote to the superintendent of finance that "minds soured by distresses are easily rankled," causing desertions and mutinies.

**Food Shortages**

The shortage of food plagued the army constantly. George Norton of Ipswich, in his diary, recorded numerous examples of hardships, reduced rations, and severe weather conditions to which

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18. Washington to the Superintendent of Finance, May 17, 1782, *ibid.*, XXIV, 289. Similar statements found in many other letters, *ibid.*, X, 14; XVI, 139; XVII, 293; XXII, 36, 223, 467.

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soldiers were subjected. On January 18, 1777, he wrote, "nothing to eat but frozen meat and bread . . . it was said 3 froze to Death."¹⁹ James Varnum of Rhode Island wrote to Washington in 1777:

According to the saying of Soloman, hunger will break thro' a Stone Wall . . . Three Days successively we have been entirely without Meat. It is not be be had from the Commissaries. Whenever we procure Beef, it is of such a vile Quality, as to render it a poor Succerdernium for Food. The Men must be supplied, or they cannot be commanded . . . The Complaints are too urgent to pass unnoticed. It is with Pain that I mention this Distress.²⁰

Varnum was astonished that so many men had endured the suffering so long without leaving. It is little wonder that officers were reluctant to punish men who went off because they could not take these extreme discomforts. Varnum was so depressed by February, 1778, that he felt the army would soon be dissolved. Writing to Major General Nathanael Greene, he said the "troops are distitute of Meat," the horses were dying for want of forage, and the country in the vicinity of the camp was exhausted. As a result, he lamented, "Our Desertions are astonishingly great; the Love of Freedom, which

¹⁹George Norton, "Revolutionary Diary kept by George Norton of Ipswich, 1777-1778," Essex Institute, Historical Collections, LXXIV (October, 1938), 337.

once animated the Breasts of these born in the Country, is controlled by Hunger, the Kennest of Necessities." Varnum suggested that the army be moved to a different and more productive location if effective remedies could not be supplied in their present area. He viewed the situation with horror: "It is unparalleled in the History of Mankind to establish Winter Quarters in a Country wasted, and without a single Magazine." In a letter to Congress, Washington stated his mortification to learn that his troops were unable to move out against the enemy who were foraging in the area near Derby, Pennsylvania, because there were no provisions. He feared the men were on the point of mutiny at that time, for there was not a single hoof to slaughter and less than twenty-five barrels of flour for the entire force, nor was any expected to arrive.

While Washington might not have wanted to accuse anyone of negligence of duty, Alexander Hamilton did not mind doing so. He wrote George Clinton that "by injudicious charges and arrangements in the commissary's department, in the middle of a campaign, they have

21 James Mitchell Varnum to Nathaniel Greene, February 12, 1778, ibid., Roll 47.
22 Ibid.
23 Ibid.
24 Washington to President of Congress, December 23, 1777, Writings of Washington, X, 193.
exposed the army frequently to temporary want, and to the danger of a dissolution, from absolute famine." He continued: "At this very day there are complaints from the whole line, of having been three or four days without provisions; desertions have been immense, and strong features of mutiny begin to show themselves." Hamilton, like many others, was surprised at the unparalleled degree of patience shown by those who did not desert. He felt the situation could be partially remedied by replacing men who had lost hope in the cause of freedom with men of stronger determination and purpose.26

In March, 1778, from Valley Forge, Washington voiced a slight ray of hope to John Cadwalader while recounting the sufferings experienced: "By death and desertion, we have lost a good many Men since we came to this ground, and have encountered every species of hardship, that cold, wet, and hunger, and want of Cloathes were capable of producing; notwithstanding and contrary to my expectations we have been able to keep the Soldiers from Mutiny and dispersion."27 The hope was short lived; in June, Hamilton was again complaining. Eight miles from Allen Town, New Jersey, with


26 Ibid., I, 427.

the enemy within four miles of the American force, the Continental troops had halted. Hamilton said that the reason was "the extreme distress of the troops for want of provisions," and that General Wayne's detachment was "almost starving and seem both unwilling and unable to march further 'till they are supplied. 28 Desertions I imagine have been pretty considerable today; I have seen 8 or 10 deserters and heard of many more." 29

Major General William Heath reported to Washington in November, 1779, from Peekskill, New York, that his troops had been without bread for several days, "which has created great uneasiness, and the men are driven to duty." 30 To Brigadier General William Irvine, serving as superintendent of military stores at Cranes Mills, Washington wrote in January, 1780, that the commissary had not provided the food they promised and he had been without bread for days. 31 Washington borrowed some buckwheat and corn from the local

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29 Ibid., I, 505.
30 Washington to Jeremiah Wadsworth, November 22, 1779, Writings of Washington, XVII, 163.
inhabitants, but had to promise to repay in food rather than in currency. Washington pointed out that the farmers were reluctant to supply any more: "My Credit begins to run low and they make a thousand apologys particularly scarcity for their families." As a result of poor provisions, Washington declared the spirit of desertion still prevailed. He reported that six men had left from an outpost near his camp, induced to escape because of the absence of supplies. From Morristown, Washington wrote Philip Schuyler that the army had been put to a severe trial, being five or six days without bread or meat. On this occasion Washington had prevailed on the local magistrates to supply food and they responded to his requisitions punctually. "Nothing," he reported, "but this great exertion could have saved the army from dissolution, or starving; as we were bereft of every hope from the Commissaries." From his headquarters near Fort Lee, in August, 1780, Washington wrote Thomas Jefferson, governor of Virginia, that the army was almost destitute of meat, which had voided hope of any successful operation, and had further caused "A most licentious spirit in the soldiery." "An army," he said, "should be well fed, well cloathed and paid and

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32 Ibid.
33 Washington to Philip Schuyler, January 30, 1780, Writings of Washington, XVII, 467.
34 Washington to Thomas Jefferson, August 29, 1780, Ibid., XIX, 470.
then You may expect almost any thing from it. Food and provisions were still a problem as late as May, 1781. To Colonel Timothy Pickering, Washington related the condition of the troops on the frontier in upper New York who were on the point of mutinying and abandoning their posts for want of provisions of every kind. On this occasion Washington dispatched a hundred barrels of flour to Albany, but had no meat to send to them. He also instructed Heath to collect food from Connecticut, Rhode Island, Massachusetts, and New Hampshire for the frontier garrisons. Schuyler was then informed that provisions were on the way in hope that the garrison would hold.


36 Washington to Timothy Pickering, May 7, 1781, ibid., XXII, 52.

37 Washington to William Heath, May 9, 1781, ibid., XXII, 63-64; a similar letter was sent to Jonathan Trumbull in 1777, which solicited this reply from the governor: "It does not seem in my power to send any relief to Gen. Schuyler, the few Continental troops raised are scattered, unpaid, and unclothed. Shall therefore have no way but to send militia, and so many of them are now volunteer men New Young, at Providence and New London, and since past of them in their tours having been Doubled be very necessary have suffered extremely by Sickness and the last season and many dies, that it has be like the Sentence of Death to send any more, and at this extreme season to the north, and militia are at best, but a poor relief. Besides that the frequent calls upon them to the great fatigues they have suffered has much tended to give many a Distaste to the Serving, and is one great and principal means of distressing the project . . . ." February 7, 1777, Washington Papers, Library of Congress, Roll 40.

38 Washington to Philip Schuyler, May 14, 1781, Writings of Washington, XXII, 82.
After 1781, the food problem apparently did not recur, for there is little mention of it in Washington's correspondence, but insufficient food already had taken a heavy toll in desertions during these six years.

Clothing Problems

The scarcity of clothing caused almost as much trouble as that of food. Soldiers often complained about the lack of uniforms and blankets to give them protection against rain and snow and severe winter cold. The misery of camp life at Valley Forge is vividly described by Albigence Waldo, a surgeon in the First Connecticut Regiment:

I am Sick--discontented--and out of humor. Poor food--hard lodging--Cold Weather--fatigue--Nasty Cloaths--nasty Cookery--Vomit half my time--smoak'd out of my senses--the Devil's in't--I can't Endure it--Why are we sent here to starve and Freeze . . . There comes a Soldier, his bare feet art seen thro' his worn out shoes, his legs nearly naked from the tatter'd remains of an only pair of stockings, his Breeches not sufficient to cover his nakedness, his Shirt hanging in Strings, his hair dishevell'd, his face meagre; his whole appearance pictures a person forsaken and discouraged. 39

Doctor Waldo was deeply touched by the wretched condition of the soldiers. No doubt many came to him with their complaints:

He comes, and cries with an air of wretchedness and despair, I am sick, my feet lame, my legs are sore, my body cover'd with this tormenting Itch—my Cloaths are worn out, my Constitution is broken, my former Activity is exhausted by fatigue, hunger, and Cold, I fail fast I shall soon be no more! And all the reward I shall get will be—Poor Will is Dead.40

Bad air and smoke in huts and around camp fires added to the soldiers' misery. Waldo wrote that cold and smoke made men fret; he said that he did not "know of anything that vexes a man's soul more than hot smoke continually blowing into his Eyes, and when he attempts to avoid it, he is met by a cold and piercing wind."41 John Cadwalader, brigadier general of the Pennsylvania militia, informed Washington in December, 1777, that he knew his men were in great want of clothing but he felt the army would be supplied sooner if it remained in the field and suffered, thereby gaining the sympathy of the people.42 Nathaniel Smith, captain of an artillery company, wrote to the Maryland Council of Safety in 1777 seeking clothing for his men who were almost naked.43

40Ibid.
41Ibid., XXI, 312.
42Cadwalader to Washington, December 3, 1777, Washington Papers, Library of Congress, Roll 46. Washington had solicited the advice of several of his general officers on the desirability of a winter campaign or going into the winter quarters.
43Nathaniel Smith to Council of Safety (Annapolis), February 15, 1777, Bernard Steiner and others (eds.), Archives of Maryland (71 vols. to date, Baltimore: Maryland Historical Society, 1883), XXI, 139.
Clothing was in such short supply in 1777 that Washington doubted his ability to keep the troops in the field during the winter season. A muster taken in the field on December 23, 1777, indicated "2898 Men unfit for duty by reason of their being barefoot and other wise naked." A month later, the total was 3,710. By April, 1778, Washington was particularly upset about the inability of Congress to provide clothing. Writing the President of Congress, he expressed astonishment that the army should "be deficient in any article of Cloathing when it is commonly asserted that the Eastern States alone can furnish Materials enough, to cloath 100,000 Men." If this was true, he said, then "there is a fatal error somewhere, to which may be attributed the death and desertion of thousands." A month later, Washington informed the president of Congress that doctors had attributed the loss of hundreds of lives to the dearth

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44 Washington to President of Congress, November 17, 1777, Writings of Washington, X, 76.
45 Circular to the states, December 29, 1777, ibid., X, 224.
46 Returns of the Army of the United States, War Department Collection of Revolutionary War Rolls, 1775-1783 (138 Rolls, Record Group 93, Microcopy No. 246, National Archives), Roll 137. Hereinafter cited as Revolutionary War Rolls.
47 Washington to President of Congress, April 10, 1778, Writings of Washington, XI, 240; Major General William Heath at Boston wrote Henry Laurens, president of Congress, on March 10, 1778, that the service was suffering unspeakably for want of clothing and stores. "Heath Papers," Papers of the Continental Congress, National Archives, Roll 177.
of clothing, and he added, "I am certain Hundreds have deserted from the same cause." In 1780 Nathanael Greene, from Richmond, after surveying his troops, was appalled at their distressed condition. His army was nearly immobilized; he could neither stay nor move because the soldiers had no provisions, arms, clothing, or wagons. New recruits from Virginia could not be retained in service for want of clothing; they deserted "in shoals," Greene reported.

Washington probably reached the bottom of despair in 1780, when he wrote to John Sullivan from Passaic Falls:

> At present we do not know where, or to whom to apply. I have made the distresses of the Army known to Congress, the Board of War and the States Individually without learning from whence the supplies are to come and can without the aid of a perspective see a very gloomy prospect before us this Winter on the Score of Cloathing.

Fortunately for the army, after 1781 the discomforts caused by lack of clothing were eliminated in most army units, thereby correcting a glaring abuse that had led to thousands of desertions.

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48 Washington to the President of Congress, May 18, 1778, *Writings of Washington*, XI, 417. Washington wrote that "For the troops to be without Cloathing at any time, is highly injurious to the service and distressing to our feelings; but the want will be more peculiarly mortifying when they come to act with these of our allies." To President of Congress, June 20, 1780, *ibid.*, XIX, 36.


50 Washington to John Sullivan, November 20, 1780, *Writings of Washington*, XX, 373. The expected clothing from France still had not
Illness

Illness caused some men to leave the service. Sickness was to be expected where troops were poorly fed, inadequately housed and clothed, and frequently exposed to harsh weather and fatiguing work. Seeing their physical condition slowly deteriorating, many soldiers chose desertion to dying. Others, already sick and receiving scant medical attention, fled in the hope of finding medical assistance at home or elsewhere. Some soldiers regained their health and then sneaked away. From Morristown in 1777, Washington wrote Doctor William Shippen that the soldiers, after being dismissed from the hospitals, "instead of joining their Corps they belong to, go Stroling about the country at their own option, to the great detriment of the Service." As a corrective measure Washington ordered the surgeons to release the men to the commanding officer nearest the hospital, who would then furnish officers to escort them to their units.

Sickness was prevalent in the army throughout the war; rarely did the number of men unfit for duty come under 1,000 and often rose to over 3,000 from an army that averaged 10,000

arrived two months later. Washington to Nathanael Greene, January 9, 1781, *ibid.*, XXI, 86.


soldiers. A committee of Congress reported in August, 1777, that there were 3,745 soldiers sick in the army hospitals, or about one-fifth of the total number then on duty. A committee appointed to enquire into the state of the army in New York reported to Congress on October 3, 1777, that there were 6,927 sick in hospitals or absent sick. It could be assumed from the musters taken two months earlier, that about half of this number were absent from camp. Soldiers who became ill in camps which lacked medical facilities were often permitted to go home. After their recovery, they sometimes were slow to return. On May 21, 1781, Washington ordered commanding officers of regiments and corps to insert advertisements in the newspapers "Requiring such of their men as are sick or absent . . . to join their respective corps or give information where they are and the cause of their detention within a reasonable time on pain of being treated as deserters." Regimental officers were prohibited from releasing patients from hospitals to go home on furlough; releases were valid only when ordered by

53 Revolutionary War Rolls, National Archives, Rolls 137, 138.
54 Committee of Congress, August, 1777, Papers of the Continental Congress, National Archives, Roll 30.
55 Journals of the Continental Congress, V, 842.
56 Orderly Book, No. 51 (26 April to 1 July, 1781), Orderly Books, 1775-1783 (70 vols., Nos. 12-72, 193-197, War Department Collection of Revolutionary War Records, Record Group 93, Entry 5-b, National Archives), p. 7. Hereinafter cited as Orderly Book (with No.).
the senior surgeon or administrative head of the hospital.\textsuperscript{57} Surgeons were also restricted in their authority to release convalescent patients on furloughs.

Medical treatment available in hospitals was grossly ineffective. Washington's troops distrusted the army hospitals and the surgeons. Fear of sicknesses that would send them to the notoriously bad army hospitals caused many to decide desertion was the lesser of two evils. The General, writing to Congress in 1777, stated that if the hospitals were not improved, "our Regiments will be reduced to Companies, by the end of the Campaign, and those poor Wretches, who escape with life, will be either Scattered up and down the Country and not to be found, or if found, totally enervated and unfit for further duty."\textsuperscript{58} He further said that the "dread of undergoing the same Miseries for want of proper care and attention when Sick, has much retarded the new inlistments."\textsuperscript{59} Writing to Doctor John Morgan in 1779, the Commander in Chief said the deplorable medical facilities and poor treatment of sick in hospitals had sown the

\begin{footnotes}
\item[57]\textit{Orderly Book, No. 16 (23 May, 1777 to 20 October, 1778),} p. 36.
\item[58]\textit{Washington to President of Congress, February 14, 1777, Writings of Washington, VII, 149.}
\item[59]\textit{Ibid.}, VII, 150.
\end{footnotes}
seed of disorder and violence that had broken out in the winter of 1778-1779.60

While some men were sincerely concerned about their health, others took advantage of the situation and ran away on the pretext of being sick. Once assigned to a hospital as a patient the opportunity to escape was greatly increased. Captain William Reily reported that nine men deserted from the hospital at Pluckemin and Baskin Ridge, but were captured and confined.61 Some men who fled from infirmaries were captured before they reached home. Heath caught several men who fled from a Light Infantry company; some in this group possessed certificates from the governor of Maryland stating they left the army legally, because they were sick and planned to return promptly after recovery. However, Heath confined as deserters those without certificates.62

The inoculation of soldiers against smallpox caused a mild uproar in the army; it was especially disruptive during the first two years of the war when the disease was widespread among both


62 Major General William Heath to Washington, February 17, 1781, ibid., Roll 76.
soldiers and civilians. Inhabitants shunned army camps where epidemics of smallpox raged, and most of the soldiers were uneasy about their close contact with those who were ill with the disease. The failure of a few military operations was attributed to smallpox. The disease was apparently as much responsible for the unhappy outcome of the Carolina campaign as anything else; a report reached Washington that "small pox is ten times more terrible than Britons, Canadians, and Indians together." In a scorching letter, Major General Horatio Gates said that "as fine an army as ever march'd into Canada, has this year been entirely ruined by the Small pox." Gates felt the disease had been spread needlessly by the surgeons, and he strongly requested that Washington order the inoculations of troops stopped and the doctors jailed. Civilians feared both the disease and inoculation. The governor of Maryland received a request from the townspeople of Chestertown, asking that inoculation of the soldiers in that area be stopped to quell the outcry against it. Besides Gates, several other commanders objected to the

64 Major General Horatio Gates to Washington, August 20, 1776, U. S. Revolution, Miscellaneous Manuscripts (18 File Boxes, Manuscript Division, Library of Congress), File Box I.
65 Ibid.
66 T. Smyth, Jr. to Governor Johnson, April 9, 1777, Archives of Maryland, XVI, 204-205; Council of Maryland to Colonel William
inoculation of their troops and asked permission to delay or avoid "the operation." Major General Samuel H. Parsons excused some of the troops in his command who had objected to immunization. He justified his actions to Washington by explaining that the few troops who refused inoculation were sent forward, since he supposed it was not Washington's intention "to compell any against their will to receive that disease." Washington had already made it clear that his orders were to be obeyed in regard to inoculation. As early as December, 1776, Washington had undertaken measures to have the troops inoculated against smallpox to avoid having the army devastated as it was in Canada.

The medical committee of the Continental Congress, in consultation with Washington, decided in April, 1777, to inoculate all the troops against the disease. It had already greatly weakened the effectiveness of the army. The committee observed that new troops were often of little use because of the prevalence

Richardson, April 12, 1777, _ibid._, XVI, 209-10.


69 Washington to Doctor William Shippen, Jr., January 6, 1777, _Writings of Washington_, VI, 473-74.

70 Journals of the Continental Congress, VII, 110, 292; _Writings of Washington_, V, 83.
of smallpox. Some men, realizing the danger, had inoculated themselves voluntarily. However, a few soldiers, fearing both smallpox and the preventative, abandoned the army altogether.

Not only were lives lost to the disease but the smallpox scare also discouraged enlistments. Queen Anne County, Maryland, recruiters told the Committee of Safety that smallpox, allegedly brought to that country by the soldiers of the "Flying Camp," had discouraged countless men from enlisting "who would otherwise have offered themselves for service."71 Joseph Marbury of Port Tobacco, Maryland, asserted that he had only recruited nineteen men, mainly because most eligible persons believed that smallpox was widespread in the army and feared coming into contact with soldiers who had been exposed to the disease.72

A few commanders used the excuse of inoculations to keep their men from returning to the field, fearing too early exposure to the elements would worsen their reactions. Washington sent a stern reprimand to Lieutenant Colonel David Greer in May, 1777, for not sending his men out sooner after their inoculations; he ordered Greer to march immediately with all soldiers who had recovered from the infection of the inoculation.73

71 Committee of Observation of Queen Anne's County to the Committee of Safety, February 5, 1777, Archives of Maryland, XVI, 120.

72 Joseph Marbury to Colonel Mordica Gist, March 12, 1777, ibid., XVI, 170-71.

73 Washington to Lieutenant Colonel David Greer, May 16, 1777, Mount Vernon Library, Mount Vernon, Virginia.
By June, 1777, the smallpox epidemic had subsided considerably in the army. Washington wrote Parsons that only one case of smallpox had been reported that month. The General attributed the success over the disease to the immunization of the entire force including recruits and reinforcements. This encouraging report was not entirely accurate, for the disease continued as a threat to the soldiers throughout the war, and many felt they could cope with the situation better at home than in the army.

Pay Problems

The payment of soldiers was notoriously slow and uncertain throughout the war. Hardly a day passed that Washington did not receive grievous complaints on this score. Long intervals without pay naturally caused both irritation and unnecessary harassment for the American troops. Even before serious inflation occurred, army wages were inadequate; almost every type of civilian laborer received better pay than military personnel in spite of the numerous wage and price control laws enacted by the states.

74 Washington to Major General Samuel H. Parsons, June 17, 1777, Writings of Washington, VIII, 259.
76 Washington to the President of Congress, June 18, 1776, July 30, 1776, February 14, 1777, Writings of Washington, V, 107, 354; VII, 148.
civilians were amassing fortunes from the war, the soldiers were compelled to do without. The injustice was particularly galling to married men, who worried about their families, and to officers who struggled to keep their finances in order. Some destitute dependents applied to the army for relief but were often rebuffed. John Hancock expressed surprise in 1776 when he learned that the army's contractors had refused to supply soldiers' wives and families with meat and bread. As a rule, provisions were made for providing relief to dependents of enlisted men, but officers' families were not included in this assistance. Officers' pay was far below the British standard, and many American officers gradually consumed their private fortunes and sank into poverty. Fifty or more men holding commissions in Greene's division at Valley Forge resigned in a single day because their families at home were suffering. By April, 1778, officers were resigning at the rate of two or three a day. Officers and soldiers suffered alike; while officers could resign, enlisted men could only complain or desert.

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78 Smith (ed.), The St. Clair Papers, I, 461.


80 Washington to the President of Congress, September 24, 1776, Writings of Washington, VI, 108.

81 Petition of Captain Nathaniel Smith's Company to Council of Safety (Maryland), January 24, 1777, Archives of Maryland, XVI, 73-74; January 25, 1777, ibid.; XXIV, 28; Albingence Waldo, "Diary Kept at Valley Forge by Albingence Waldo, Surgeon in the Continental Army, 1777-1778," Historical Magazine, 1st ser., V (June, 1861), 169; Writings of Washington, XI, 237.
Currency depreciation became serious by the end of 1778. Congress was unable to keep up with the army's financial needs. By August, 1780, Washington reported that wages had not only fallen below the price level of the barest necessities, but they were so hopelessly in arrears that mutiny was imminent. 82

Early in the war Congress authorized a pay table for the army. Privates received six and two-thirds dollars per month, a corporal seven and one-third dollars, and a sergeant eight dollars. Recruits were paid six pence a day subsistence from the time they enlisted until they marched for camp. Mileage was paid at the rate of one penny per mile from their homes to the regiments they joined. 83 From these meager wages about one-fourth was deducted each month to pay for the soldier's clothing. Some states provided additional benefits. The noncommissioned officers and privates from New York received one pound of sugar, two ounces of tea, and one pound of tobacco each month, but no rum. 84 Increased amounts of money were authorized by some states to make up for depreciated Continental

82 Washington to the President of Congress, August 20, 1780, Writings of Washington, XIX, 411.


currency. Authorized pay, therefore, varied from unit to unit because of the additional state support, and the amount due each soldier was increased from time to time by Congressional action. Regardless of how little the pay, the soldiers wanted what was coming to them; problems arose when the troops received no pay at all, a circumstance that sometimes caused them to become almost unmanageable. Washington warned Congress early in the war that the army pay scale was too low. A soldier's entire monthly pay would not buy "necessities." While some soldiers sold their clothes to eke out a living, others quit the service entirely.

Understandably, the shortage of money caused a lowering of morale in most of the Continental regiments. Writing to John Hancock in April, 1776, seeking financial relief for five regiments that had come from Boston, Heath noted that "these Regiments were reluctant to leave the Camp, before they had Received their pay, but the Treasury being bare they could not have it—they suffered much on the Road for want of money and would have Suffered more had they not been relieved by their officers, who spent all their money to relieve their men." Heath explained that the men of one regiment were exceedingly discouraged at not having been paid for three months. Somehow Heath was able to borrow enough money to pay three rifle companies one month's pay. Lieutenant John Richardson of

85 Major General Heath to John Hancock, April 3, 1776, Papers of the Continental Congress, National Archives, Roll 177.
the Fifth Pennsylvania Battalion wrote on September 24, 1776, from Morris Heights, that while visiting the "Flying Camp" in New Jersey, he found absolutely no discipline in the units, the troops were "mutinous about pay," and the men in two battalions had all "mutinied, and most all deserted." Lieutenant Colonel Goose Van Scheick from Albany complained in 1780 that his men had not been paid in seven months, which caused wholesale desertion. Greene declared in 1781 that he had not been furnished a shilling in specie since he assumed command. In 1781 the Virginia troops had not received a cent of pay for two years. Washington informed Congress that same year of a great dissatisfaction prevailing in the York line for want of pay; they had sixteen months compensation coming to them. The New Jersey troops were due about the same amount. The Commander in Chief believed that a small amount of pay would stop desertion and avert other evils that were expected if no money was received

86 John Richardson, "Letters of Lieutenant John Richardson, 1776," Pennsylvania Magazine of History and Biography, XVI, No. 2 (1892), 205.

87 Lieutenant Colonel Goose Van Scheick to Washington, June 1, 1780, Washington Papers, Library of Congress, Roll 66; Washington answered that "he had neglected no method to endeavour to obtain for them their pay, shoes, shirts." June 10, 1780, ibid., Roll 67.

88 Greene to Jethro Summer, April 19, 1781, quoted in Howman, Morale of the American Revolutionary Army, 25.

89 Washington to the President of Congress, April 8, 1781, Writings of Washington, XXI, 431.
soon. He sought aid from both Congress and the various state governments.

In 1781, Washington pointed out to Mescheck Weare, governor of New Hampshire, that the troops had not received pay for many months, and that it was "vain to think an army can be kept together much longer under such a variety of suffering as ours has experienced." He said that "unless some immediate and Spirited measures are adopted to furnish at least three months' pay to the troops in money . . . the worst that can befall us may be expected." Similar letters deploring the situation of the army which he sent to state governors and to the Superintendent of Finance created some interest and concern but produced few immediate results. Later in the war, the states seemed to have turned a deaf ear to the Virginian's pleas for funds for the army. "The Army, as usual, are without Pay," Washington scribbled to John Armstrong in 1783, "and the States seem perfectly indifferent to their cries." The General, however, continued to press for relief from all sources.

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90Washington to Mescheck Weare, 1781, Mount Vernon Library, Mount Vernon, Virginia.

91Washington to Colonel Timothy Pickering, May 7, 1781, Writings of Washington, XXII, 52; to the Superintendent of Finance, May 17, 1782, ibid., XXIV, 289.


93Washington to Major General William Heath, June 6, 1783, ibid., XXVI, 472.
The state governments were also experiencing money woes. They often wanted to provide more funds to the central government, and thus to the army, but were usually beset with staggering financial loads at home. No doubt some states did not exert sufficient efforts on the home front to adequately meet the money challenges brought on by the war and the new experiences associated with political independence.94 Gouverneur Morris, in a letter to New York's Governor George Clinton, said that the "want of Money in the several Departments in a Complaint reverberated to us from all Quarters . . .";95 that it would be wise for the state of New York immediately to "tax very heavily even if it should answer no other Purpose than to pay their own Subjects." He said that to delay taxation was a bad policy as indicated by the chaotic financial condition of New York, and suggested that reprisals be taken against any official who persisted in delaying the establishment of a proper taxation program. Morris went on to state that heavy taxation was really a good policy, reasoning that the money collected would, in the end, enrich the whole state and help create a healthy financial situation. Morris noted that the state that taxes heavily over a given number of years will end up with a


95Gouverneur Morris to George Clinton, March 16, 1778, U. S. Revolution, Miscellaneous Manuscripts, Library of Congress, File Box VI.
better monetary base than a state that refuses to tax. This official's advice, while sound and reasonable, came too early for most states to accept. In any event taxation by one state alone was not the real solution to the army's monetary difficulties. As long as Congress did not have the power to levy a uniform tax on all the states, the army would continue to be plagued by insufficient funds and commanders would be destined to continue to face soldiers in need.

Some states did exert extra efforts to provide funds for their Continental Lines and militiamen. In some cases, monetary woes were partly solved, but in other situations new problems came with additional state funds for troop wages. Altering his usual plea for money, Washington informed Governor William Livingston of New Jersey in 1779 that a very disagreeable consequence would result from an increase in the pay of that state's militia forces: "It would create an additional cause of discontent to the Soldiery, who would naturally draw a comparison between their situation and that of the Militia and would think it very hard and unjust that these should receive for temporary services a greater reward than they for permanent ones." Washington reasoned that the extra money for

96 Ibid.
the militia "would occasion disgust and desertion, if not mutiny, among these already in the army," and would also be a "new discouragement to others from entering into it." The Commander in Chief said the only remedy was to increase all the soldiers' pay to the same level -- a condition which was not possible at that time. The General also discouraged payment in silver unless all the troops could receive the same type of money. He said it would "open the eyes of the whole" and set them "to reasoning upon the difference between specie and paper [money]." Thus, even when some states tried to satisfy the needs of their soldiers with more pay, it caused added unrest and jealousy among those receiving less. Piecemeal increases in pay administered by the states in a haphazard, uncoordinated manner was not the answer to the problem of insufficient pay for the army.

As noted earlier, some men grew restless because they did not receive the same pay that soldiers in other units were receiving. Hamilton complained to the Provincial Congress of New York that his artillerymen had not received the income authorized by the Continental Congress; he said this difference in pay had "a very

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98Ibid., XVI, 490.

99Washington to Richard Henry Lee, September 23, 1778, ibid., XII, 484; to John Armstrong, May 18, 1779, ibid., XV, 98.
pernicious effect on the minds and behavior of the men.\textsuperscript{100}

Artillerymen in other companies registered similar grievances. Informing the president of Congress in December, 1776, that three additional battalions of artillery had been called, Washington said that to recruit and retain men in this capacity the army would have to pay them more; therefore, artillerymen were promised a twenty-five per cent increase in pay by Washington with the provision that if they did not get the additional money their enlistments would be considered null and void.\textsuperscript{101} Writing to the Council of Safety of Maryland in 1777, Nathaniel Smith of Baltimore reported that his artillerymen had been very uneasy "in regard to not having as much pay as the Continental troops" and said it would be "very troublesome keeping them in order."\textsuperscript{102} Court-martial transcripts attest to the fact that disorderly troops were often the most prone to desert.

Another troublesome problem that irritated both the soldiers and the commanders was the deliberate misappropriation of funds by

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\textsuperscript{100}Hamilton to the Provincial Congress of New York, May 26, 1776, Syrett (ed.), \textit{Papers of Hamilton}, I, 184. On the same day New York resolved "that the artillery company of the said Captain Hamilton be allowed the same pay as the Continental artillery." \textit{Journals of the Provincial Congress . . . of the State of New York, 1775-1777} (2 vols. Albany, 1842), I, 462.

\textsuperscript{101}Washington to President of Congress, December 20, 1776, \textit{Writings of Washington}, VI, 401.

\textsuperscript{102}Nathaniel Smith to the Council of Safety (Annapolis), February 6, 1777, \textit{Archives of Maryland}, XVI, 139.
\end{flushright}
certain finance officers who cheated the men out of their pay or withheld it for their own use. Irregularity in receiving wages that were promised perplexed the troops exceedingly. As Washington admitted to Major General Benjamin Lincoln, he was convinced "that the amazing desertions, which have of late prevailed among our Troops, proceed entirely from their not being regularly paid." 103 Faced with no money, the soldiers were extremely vulnerable to the small inducement of money the British offered to any soldier who deserted and brought in his arms.

In answer to the complaints that the army paymasters had frequently absented themselves from the army and used the funds for their own needs, Congress, on June 7, 1777, passed a resolution directing the Commander in Chief "to take the most effectual means for compelling all regimental paymasters to attend punctually to the duties of their office," or be subject to punishment or replacement. 104 Washington had already taken steps to correct this abuse. He ordered all pay officers to prepare proper payrolls and to draw money for their troops -- for which they would be held strictly accountable. Some pay officers made various excuses for

103 Washington to Major General Benjamin Lincoln, April 27, 1777, Writings of Washington, VII, 480.
not preparing payrolls, but few explanations satisfied the General. Washington felt there was just cause to believe that a few officers had "drawn large Sums, under pretence of paying their Men," but had, from extravagance or for other purposes, appropriated the money to their own use. The Commander in Chief ordered inquiries into the accounts of regimental pay officers in an effort to detect fraudulent use of government funds. Regardless of the pressure exerted by military commanders to enforce honesty in handling the payrolls, the paucity of money available to the army continued to cause disgust.

The shortage of food and clothing, the inadequacy of quarters, the poor medical services, and the dearth of money caused unwarranted physical suffering for American soldiers, and desertion was a not uncommon result. A deserter from an earlier war expressed in graphic terms the sentiments held by countless men serving in armed forces: "Gentlemen, you seem surprized at our Desertion, but you'l not be surprized if you'l consider that we have been starved with Hunger & Cold in the Winter, and that we have received no pay for seven or eight Months; Now we have no Cloaths & you cheat us out of our allowance of Rum & half our working Money."

105 Washington to Lincoln, April 27, 1777, Writings of Washington, VII, 481.

Many of Washington's soldiers, enduring the same hardships during the Revolution, assumed similar attitudes when too little effort, in their opinion, was made to bring relief — they simply departed from the army.
CHAPTER VI

CAUSES OF DESERTION:

MILITARY FACTORS

Colonial Americans had long expressed unfavorable opinions of professional military forces. Such sentiments against "standing armies" were part of their British heritage that dated back to Parliament's confrontations with the Stuarts over military matters in the seventeenth century. It was from the colonial militia that the revolutionary forces in America were first formed. Many practices, some good and some bad, used in the colonial era were inherited by the Continental army. The colonial governments had usually included nearly all free white males in the militia system, thereby avoiding any need for a standing army. The colonists had considered their militias preferable to long-service mercenary troops.¹

In order to make this type of military establishment workable, able-bodied men were carried on muster rolls and were required to train periodically in militia units.\(^2\) Usually the colonial governments listed every male on the muster rolls to insure that no one escaped his military obligation, although certain individuals were exempt from service: especially those under sixteen or over sixty years of age; justices of the peace, sheriffs, ministers, physicians, schoolmasters, shipmasters, notaries, and public servants. After 1775, most states provided similar exemptions from military service.\(^3\) In Pennsylvania, for instance, at the beginning of the Revolutionary War, exemption from military service was limited to delegates in Congress, members of the executive councils, judges of the supreme court, masters and faculties of colleges, ministers of the gospel of all denominations, and servants purchased "bone fide and for a valuable consideration."\(^4\) By 1780 the exemption list in Pennsylvania had doubled, which accounted for some of the discontent among those selected to serve; but the Quakers and Mennonites, who opposed


military service and who refused to share in the burdens of defense, were allowed no special favors by the Pennsylvania laws.\footnote{Journals of the Continental Congress, II, 187-90.}

Substitutes

Militiamen and draftees, called out for a tour of duty, were able to avoid military service if they could manage to hire an approved substitute. A Pennsylvania act of 1780 allowed an individual to avoid personal service by paying a fine which was computed on the basis of the value of a day's labor for each day absent from service; anyone owning an estate was assessed an extra levy of fifteen shillings per hundred pounds of property.\footnote{Alexander, "Pennsylvania Revolutionary Militia," 22.} Substitutes provided a convenient out for Quakers and members of other religious sects opposed to war. Usually a delinquent's (a person who wished to avoid military duty) place in the army was filled by the county lieutenant who located a suitable substitute, who in turn was paid by the person whose place he took. After 1780, in Pennsylvania, delinquents located their own substitutes; and even if a substitute was found, the delinquent had to attend regular drills with the militia or pay a fine based on a day's labor. Those determined to shirk military duty usually found some way to circumvent the law.
Often county lieutenants were remiss in performing their duty in compelling men to serve or in regard to the collection of fines for delinquency from military duty. Some men moved to new locations to avoid being drafted.

Washington was especially annoyed with the substitute system of Pennsylvania and the other states. He felt this practice was both harmful to recruiting and an encouragement to desertion. The General asked the Board of War to stop men from using this method to escape service. The money or bounty paid to substitutes was equally disgusting to Washington. In 1777 he wrote Patrick Henry that it was almost fruitless to try to enlist men in the Continental establishment because "the amazing Sums given for Substitutes in the Militia, induces all those, who would otherwise have gone into the Continental service, to prefer a line in which neither duty or discipline is severe; and in which they have a chance of having the bounty repeated three or four times each year." Washington suggested drafting, without allowances

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7 General Orders, January 21, 1778, Writings of Washington, X, 333. A lieutenant was tried for embezzling recruiting funds and taking bribes to discharge enlisted soldiers. Recruiting officers occasionally padded their books by reporting soldiers as deserters. See R. Don Higginbotham, The War for American Independence (New York: Macmillan Company, 1971), Chapter XV.

8 Washington to the Board of War, November 11, 1777, Writings of Washington, X, 39.

9 Washington to Patrick Henry, November 13, 1777, ibid., X, 54.
for substitutes, as the most efficient method of raising an army. The Board of War agreed with Washington concerning substitutes and asked Congress to prevent substitution since a number of bad effects resulted from this practice. The Board, in a report to Congress, specified that the practice of hiring substitutes to perform militia duty impeded the effectiveness of the militia, harmed recruiting, and "encouraged desertions from the Continental Army." Congress passed a resolve on December 4, 1777, requesting that Pennsylvania repeal the clause in its militia law which permitted the hiring of substitutes to perform militia duty. Most states continued to follow the substitute method, and Washington continued to complain about the matter. To the committee of Congress with the army he stated: "A stop put to the militia substitution laws, would probably be attended with very happy consequences. A number of idle, mercenary fellows would be thrown out of employment, precluded from their excessive wages, as substitutes for a few weeks or months." Once on active duty as a continental soldier the privilege of obtaining a substitute ended.

10 Journals of the Continental Congress, IX, 1002.
11 Ibid.
12 Washington to the Committee of Congress with the Army, January 29, 1778, Writings of Washington, X, 367.
Raising an Army

The organizing of a respectable army was an enormous assignment for the new nation. During the winter of 1775-1776, Washington replaced practically the entire army while continuing the siege of Boston. Recruiting parties went out from each regiment to regions where they were well known. Since the Continental Congress did not have the power to draft men or to order that they be recruited, these officers were under state regulations while on recruiting duty. State executives were urged to provide additional recruiters from the militia. The states selected general places of rendezvous where recruits assembled. There physical examinations were given and the states were requested to replace all men who were rejected for medical reasons. The names of those accepted were entered on muster rolls; when eight or ten men were available, they were sent to regiments. Recruits frequently were permitted to select the regiment from their state in which they desired to serve, if there were vacancies.

14 General Orders, February 5, 1781, Writings of Washington, XXI, 186.
16 Journals of the Continental Congress, XVI, 249; IV, 63.
17 Orderly Book, No. 23 (April 18 to July 21, 1778), National Archives.
In 1776 the Congressional committee on safety, which had an important role in the control of the army, realized that one-year enlistments would not fulfill military requirements. Congress, on December 27, passed a resolution proposing that men be enlisted for the duration of the war. The resolution gave Washington the power to offer bounties and to prevail on the troops to reenlist when their tours ended. Unfortunately, most of the men would not enlist in the Continental army for the duration of the war while it was possible to enlist in the militia for a shorter period and receive larger bounties. Thus, short enlistments prevailed, and Washington never overcame the disadvantages arising from the continuous turnover of manpower. In July, 1777, Washington recommended that the states be divided into recruiting districts with appointed managers for each district, who would select civilians to both recruit soldiers and apprehend deserters. This plan would have relieved the army of various recruiting burdens had the states carried it out forcefully.

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Often the recruiters were criticized for improper conduct, and some state officials hindered the work of Washington's recruiting officers. In February, 1779, the army was so short of men that Congress called upon the states to draft, for a nine-minth period, enough men to fill up the battalions. The states decided themselves the extent to which they could comply with the draft request; most states resorted to drafting men from their own militia forces to serve with the Continental army. In some cases, the states first filled their own militia battalions and then sent the older, less desirable recruits to Washington. The General naturally complained about this practice, warning that it jeopardized the common defense of the nation. The states continued to have a large part in army administration. As late as 1780 the Commander in Chief still questioned whether he had one army or thirteen.

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20 Report of a Committee to Congress, August, 1777, Papers of the Continental Congress, National Archives, Roll 30. As late as 1782, Washington was complaining about the poor recruits being sent to the army. He wrote to Heath: "I am astonished to hear the recruits which have arrived from Massachusetts are so very improper for service, after all the precautions and pains that have been taken to avoid . . . such horrid impositions on the public . . . I think the officer who mustered them ought to be instantly relieved, ordered to Camp, and arrested upon his arrival." May 8, 1782, Writings of Washington, XXIV, 232; XIX, 413.


22 Washington to Governor Nicholas Cooke, January 20, 1777, Writings of Washington, VII, 42.

23 Washington to President of Congress, August 20, 1780, ibid., XIX, 413.
The indifferent success of the states in raising the quotas assigned to them by Congress always left the army considerably under full strength. Washington frequently turned to the state militia forces to fill deficiencies in his battalions. Usually these militiamen served only short periods of from three months to a year. While on active duty with the Continental army, recruiters tried to persuade these men to join the regular force for the duration of the war.

The critical shortage of men in 1776 caused Congress to authorize the placing of 10,000 men in a "Flying Camp," commanded by Brigadier General Hugh Mercer, which was to protect New Jersey and Philadelphia while the Continental army was in New York. The plan was to collect the armed inhabitants into a large reserve without enrolling them as regular members of the army, and Washington refused to allow recruiters to interfere with this force. After the British took New York the Flying Camp, authorized to serve only until December 1, was discontinued. Its strength never exceeded 3,000.

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26 *Lerwill, Personnel Replacement System in the U. S. Army*, 16-17.
The Bounty

After the initial patriotic surge in 1775, recruiting became more difficult each year, forcing the army to offer bounties to attract enlistees. Washington discouraged use of the bounty as an inducement to military service in the earlier period of the war, but later he and Congress felt bounties were necessary. On November 30, 1775, Congress voted to pay no bounties for recruits, but within ten months the Continental representatives agreed to offer twenty dollars and one hundred acres of land as a bounty. Since the land was to be provided by the states, there were some objections to this procedure. The convention of Maryland substituted a payment of ten dollars for the one hundred acres determined by Congress. Congress informed the Maryland convention, through a resolution, that its policy would prove detrimental to the states, because it would "induce such soldiers as are to compose the remainder of the levies, to require an equal sum from the United States, and ... compel Congress to the immediate payment of an additional bounty, far beyond what is reasonable."  

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27 November 30, 1775, Papers of the Continental Congress, National Archives, Roll 8.

28 Congress passed a resolution, June 26, 1776, authorizing a ten-dollar bounty to soldiers who would re-enlist for three years, Journals of the Continental Congress, V, 483; a twenty-dollar bounty was authorized September 16, 1776, to assist in recruiting to fill the eighty-eight battalions, ibid., V, 762.

29 Ibid., October 30, 1776, VI, 912.
Congress, however, retreated from this position a short time later and authorized a payment in money for reenlistments.\(^{30}\)

In an effort to compete with the ever-increasing state bounties, Congress raised its bounty from twenty dollars to eighty, then to one hundred, and finally to two hundred dollars for privates who enlisted for the duration of the war. Besides the money rewards, land grants, clothes, amelioration of small claims, help in legal difficulties, and pensions were offered to individuals who joined the Continental forces.\(^{31}\)

Three things were involved in the bounty system: (1) the term of the enlistments, which was often less than the duration of the war; (2) the amount of money to be paid, causing the states to compete with each other for recruits and in some cases to compete with Continental recruiters; and (3) the stimulus to desertion -- men enlisted for the money reward only to desert and enlist in another unit for another bounty.

\(^{30}\) December 27, 1776, Papers of the Continental Congress, National Archives, Roll 8.

\(^{31}\) Journals of the Continental Congress, IV, 103; V, 855; Kreidberg and Henry, Military Mobilization, 14. On September 5, 1778, Washington turned down Gouverneur Morris' suggestion that half the bounty be paid in specie because he said "it would have a tendency to depreciate our paper Money," Writings of Washington, XII, 403. In 1777, Washington advised one of his company commanders to pay as little bounty as possible, Washington to Captain Barthelomew Burke, March 4, 1777, ibid., VII, 246.
Most commanders were affected by the bounty system. Colonel Henry B. Livingston wrote Washington from Fishkill, New York, in 1777, that his unit was not complete "owing in a great measure to the great Bounty given by our Eastern Friends and the disadvantage of having most of the Militia of that State Employ's for two or three months at a Time: The Bounty that is given for that Short Service [is] much more advantageous than the Continental Bounty, and this thing was very Discouraging to those already enlisted and has been the means of many desertions."32 Washington wrote to John Augustine Washington from Morristown in 1777 that "Desertion is a growing evil; it is become a kind of business, under the present bounty, to Desert one Corps to Enlist in another."33 He insisted that vigorous measures be taken to apprehend and punish deserters to stop the evil. General Heath was advised to administer severe punishment to those who deserted to receive double bounties.34 Recruiting in the "Country," Washington stated, was dependent

"on the abolishing State bounties," and if this was not accomplished, there was no need for the army even to try to compete in recruiting.  

Even while Washington was warning that state bounties had been a "source of immense expense and misfortunes," the states were busy providing greater money inducements for attracting recruits. Washington sounded a note of alarm to Congressman Burke of North Carolina in regard to the $300 bounty voted by his state in 1779:

Men who enlisted at early and intermediate periods for the war for moderate bounties have become dissatisfied at seeing such enormous sums paid for short services, and there are numbers on this account, who were always esteemed Soldiers for the War, that are trying by every possible artifice to prove that their engagements were only temporary. Tho' they should not succeed in this, it is certain there will be great desertions, murmurings, perhaps what will be worse.

At this point Washington confessed that he was not sure that an offer of a bounty was advisable, even though the soldiers agreed to enlist for the duration of the war.

As Washington confided to the Board of War in July, 1779, he was convinced that most of the illegal departures, other

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36 Ibid.
37 Washington to Thomas Burke, April 5, 1779, ibid., XIV, 337; XVII, 431-32.
than those where the men went over to the enemy, were caused as a
direct result of the bounty system used in recruiting. While
Washington was pleading for the wholesale abolishment of state
bounties, the amounts offered by the states soared. New Jersey pre­
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ashed a bounty of $250 to her recruits, in addition to the Continental
bounty. Georgia gave a bounty of $300 for enlistment for the
duration of the war. Virginia allowed $750, a suit of clothes
yearly, and 100 acres of land. Congress fought back by voting
an additional gratuity of $100 to those soldiers on active duty
who reenlisted before January 23, 1779. A few months later,
Washington reported to the president of Congress that Rhode Island
and Connecticut were giving a bounty of $300, and that the New
Jersey bounty had been increased to $1,000, this in addition to
the bounty provided by Congress.

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\[38\] Washington wrote to the Board of War in 1779 that "the
enormous bounties given by the States, Towns and by Individuals
to Men for very short temporary services, are the source of the
present discontents and of a thousand evils among soldiery . . .
they induce the soldier who has undergone a long service and who
engaged for the War in the first instance on a very moderate bounty
to reason upon his situation, and to draw a comparison between
what he does not receive and the great emoluments Others get . . .
and from this comparison and those consideration it is I am
convinced, that most of our desertions proceed . . .," June 9,
1779, ibid., XV, 252-53.

\[39\] Ibid., XV, 253n; XIII, 438.

\[40\] Washington to President of Congress, March 28, 1780,
ibid., XVIII, 170; February 9, 1777, Washington Papers, Library
of Congress, Roll 40; April 9, 1777, ibid., Roll 41.
After long and careful consideration of the pros and cons of short enlistments, Washington finally decided in January, 1779, on a policy of enlisting all men for the duration of the war and making full use of the bounty for that purpose. But the large state bounties then being given dulled the offers of Continental army recruiters. Washington, consequently, reasoned that if all state bounties were abolished, Congress could raise its bounty to as much as $150 and in a short time have all army vacancies filled. In February, 1779, recruiters for the Continental army began offering bounties up to $200, clothing, and land to men who would enlist for the duration of the war.

Washington was no doubt correct in surmising that the large bounties attracted men who enlisted only to receive the cash reward and who, on the first opportunity, deserted and enlisted again in

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41 Washington to the Committee of Conference, January 13, 1779, Writings of Washington, XIV, 3. On several occasions Washington had recommended drafting for a shorter period of time to fill the battalions, ibid., VII, 52-53; X, 366; XI, 238-39; XIII, 80-81; XXII, 384. In a circular letter to the states sent in 1780, Washington expressed dissatisfaction with short enlistments, stating that it was partly responsible for many misfortunes the army endured, had helped destroy the value of paper currency, and had greatly hurt public credit. Circular Letter to the States, October 18, 1781, ibid., XX, 205.

42 Washington to the Committee of Conference, January 13, 1779, ibid., XIV, 4.

43 Washington to Moses Rawlings, January 30, 1779, Washington Papers, Library of Congress, Roll 55. Washington said that "whatever salutory effects might have been expected from giving the bounty which has been directed, essentially depended on abolishing the state bounties," Washington to the Committee of Conference, February 27, 1779, Writings of Washington, XIV, 159.
another military unit. In general orders Washington had already cautioned his army against this fraudulent and abusive practice and threatened strict and severe punishment for those apprehended and convicted, with little hope of a reprieve if sentenced to death.44 A method used to help officers in detecting men who had already been enlisted was a requirement that each recruit have a piece of blue, red, or yellow ribbon fixed on his hat at the time of his enlistment. The soldiers were required to wear the hat with the ribbon clearly visible until their regiments were assembled and marched off to camp. Failure to comply with this regulation was punishable by thirty-nine lashes.45 Nevertheless, abuse of the bounty system grew enormously. Patriotic-minded men, who entered the service with no intention of deserting, were discouraged when they saw new recruits coming to their camps with large bounties, occasionally as much as "one hundred Pounds lawful Money"46 for as little as fifteen months' service. Many of the old soldiers, therefore, chose to desert and take advantage of the enlistment rewards to the chagrin of Washington and Congress.

Revolutionary War orderly books are replete with accounts of courts-martial of men who enlisted, received bounties, then deserted,

44General Orders, February 6, 1777, ibid., VII, 111.
46Washington to Governor Nicholas Cooke, April 3, 1777, ibid., VII, 349.
and continued the practice until captured. Benjamin Barbersby of Lieutenant Colonel William J. Winds' First New Jersey Regiment was tried on September 1, 1776, for deserting and enlisting in another regiment, for which he received a sentence of thirty-nine lashes.\(^47\) A soldier at Ticonderoga was tried and sentenced to a total of 117 lashes for slipping away from the Sixteenth Continental Regiment and joining the Thirteenth Continental Regiment. The bounty of eighteen shillings which he had received was to be recovered by deductions from his future pay and was to be returned to the commander who had paid it.\(^48\) Another soldier at Ticonderoga in 1778 was shot after being convicted of seven desertions followed in each case by another enlistment for which he had collected a bounty.\(^49\) David Hand and Benjamin Floyd of Colonel Enoch Poor's Eighth Continental Regiment were tried for deserting their company, joining a militia unit, and afterwards deserting the militia unit. They were found guilty and sentenced to thirty-nine lashes on the bare back.\(^50\)

\(^{47}\) Orderly Book, No. 13 (February 22, 1776-September 11, 1777), National Archives. Benjamin Hale of Colonel Enoch Poor's regiment and John Donley of Colonel Cook's regiment were tried and convicted for the same offense, ibid., 69.

\(^{48}\) Ibid.

\(^{49}\) Lerwill, Personnel Replacement System in the U. S. Army, 20.

\(^{50}\) Orderly Book, No. 13, National Archives, 42.
At a court-martial held March 16, 1779, at Minisink in upper New York, Frederick Whortman of Colonel Spencer's Regiment was found guilty of deserting his regiment and enlisting in another battalion for which he received one hundred lashes and was required to return the bounty money. In 1780, Thomas Morgan of Colonel Webbs' Regiment was tried for deserting and enlisting in the First New Jersey Regiment; he was sentenced to receive one hundred lashes and "half of his monthly Pay to be stopt, till the Bounties and other Expensies incurred in Consequence of his Desertion and second Inlistment are paid, and to rejoin Colonel Webbs' Regiment into which he was first Inlisted during the war." On the same day, Nathaniel Hand and Samuel Burrough were tried for the same offense and received similar sentences. The temptation to desert to receive bounties was a problem experienced by the army in all the states. Levi Springer of the Fourth North Carolina Regiment was charged with desertion and then joining Captain Sims' company of the Tenth North Carolina Regiment. He received fifty lashes and was forced to return the bounty to Captain Sims.

51 Orderly Book, No. 27 (October 30, 1778–June 26, 1779), National Archives, 18.
52 Orderly Book, No. 34 (1780), National Archives, 191.
53 Ibid.
54 "Orderly Book of the Pennsylvania State Regiment of Foot, May 10 to August 16, 1777," Pennsylvania Magazine of History and Biography, XXIII, No. 3 (1898), 210. An article in the Virginia Gazette tells of the death of an unknown deserter: "Yesterday was
Poor Soldiers

While the bounty system took its toll of desertions, there were other factors that played an influential roll in the desertion issue. Many of the recruits inducted into the army after 1776 seem to have been of a poorer sort, ill disciplined, and little inclined to fulfill a military commitment. John Adams declared that none but "the meanest, idlest, most intemperate and worthless" could be obtained in New England to serve for the duration of the war. General Nathanael Greene stated that in New England the common people were "exceedingly avaricious," with little interest in endeavours not financially gainful. The attempts by state recruiters to meet their quotas resulted in many nay-do-wells and convicted criminals being enlisted, who usually bolted the service on the first opportunity. Henry Knox complained about the type of men being recruited, saying the army was only a home for executed at Peekskill a soldier who had several times enlisted and received the bounty, and was deserting to the enemy; he had enlisted and deserted from the enemy also. Virginia Gazette (Alexander Purdie), July 18, 1777.

55 Washington to John Parke Curtis, January 22, 1777, Writings of Washington, VII, 52-54.


ragamuffins. Anthony Wayne called them "Food for Worms . . . miserable sharp looking Catiffs, hungry lean fac'd Williams." Greene said the militia of the Carolinas was the "worst in the world" and "of no more use than if they were in the moon." On January 23, 1776, Timothy Downey, a soldier in Brigadier General Sullivan's division, was tried and sentenced to receive thirty-nine lashes, but the court decided he was "worthless and Incorrigable," so he was drummed out of the regiment. The least provocation caused troops of this character to flee the service regardless of the threat of punishment.

Foreign-born Soldiers

Foreign-born troops seemed especially desertion-prone. During the summer of 1777, quitters among soldiers not born in America had become so general that Washington warned against enlisting more

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of them, especially for the cavalry, unless they were well recommended. According to Joseph Galloway, three-fourths of the deserters from Valley Forge who came into Philadelphia were foreign-born. Henry Brodrick, a German officer in the British service, in a letter to Thomas Townshend on March 16, 1777, attested that large numbers of Irish-men were abandoning the American army in Pennsylvania. From New England came the same report: foreign-born troops seemed to desert more frequently than native-born men. Washington, therefore, warned against recruiting foreign-born individuals and forbade enlisting deserters from the British army as Continental soldiers.

62 Washington to Colonel George Baylor, June 19, 1777, Writings of Washington, VIII, 264; X, 230. James Wood from Charlottesville, wrote to Washington in 1780 in behalf of a deserter, La Brun, who he characterized as "extremely ignorant, and is in my opinion, an object worthy of Mercy." La Brun was a recruit who deserted a few days after enlisting and was sentenced to death by a general court-martial. Wood to Washington, March 25, 1780, Washington Papers, Library of Congress, Roll 65.

63 Washington to Count Pulaski, May 1, 1778, Writings of Washington, XI, 337; General Orders, June 9, 1778, ibid., XII, 40.

64 Henry Brodrick to Thomas Townshend, March 16, 1777, U. S. Revolution, Miscellaneous Manuscripts, Library of Congress, File Box III.

65 Washington to Governor Thomas Jefferson, April 8, 1779, Writings of Washington, XIV, 349. On August 27, 1776, Congress had encouraged the enlisting of British soldiers who deserted by offering bounties of twenty dollars and two hundred acres of land, Papers of the Continental Congress, National Archives, Roll 8.
Although Washington wanted to encourage British soldiers to desert from their units, he was extremely leery of enlisting them into the American regiments. Intelligence reports indicated that a considerable number of British soldiers were deserting. In March, 1777, Hamilton reported to the New York Committee of correspondence that the British army was being decreased daily by deserters who were coming into the American posts. Recruiters for the state militia forces and for the Continental army were sorely tempted to meet their quotas by enlisting these British deserters. Some even considered signing up prisoners of war. Washington had stated emphatically on several occasions that British deserters and prisoners of war were not to be inducted into the Continental corps. Congress passed several resolutions supporting this policy. These troops usually ran off as soon as they were issued a rifle and clothing, causing a double loss to the American forces.

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66 Hamilton to New York committee of Correspondence, March 2, 1777, Syrett (ed.), Papers of Hamilton, I, 209-10; March 20, 1777, ibid., I, 211.

67 Orderly Book, No. 18 (1777-1779), 66, National Archives. "... particular Care is to be taken that no Prisoner of War are inlisted into the Continental Army, the Officers who inlist such will be answerable for all the expense they may be to the Continent."

68 Washington to President of Congress, March 12, 1778, Writings of Washington, XI, 73; 145-46, 80, 320-21, 337, 424; XI, 404-405; XI, 470; XV, 493-94; XVIII, 2; XXV, 401-402; February 26, 1778, Papers of the Continental Congress, National Archives, Roll 9.
The warning against enlisting British deserters seems not to have been entirely effective, for many of this sort were actually enlisted as soldiers in state and Continental units. Israel Putnam from Peekskill informed Washington in July, 1777, that a deserter picked up at Fort Washington had taken the oath of loyalty to New York and had enlisted in his unit. Washington felt that taking of an oath meant nothing to British runaways. In regard to escapees from Burgoyne's Convention army, Washington said "there is not the smallest confidence to be placed in the professions of the Soldiery and let them be as solemn as they will, and even sanctified by an Oath, they will seize the first opportunity to escape to the Enemy." Washington wrote in March, 1778, to James Bowdoin, president of the Massachusetts Council: "The evil which I apprehended from the enlistment of Deserters . . . has already made its appearance. One of the Colonels informs me, that every British Deserter sent to his Regiment, except one, is already gone off." Washington said that he hoped that this proof would put a total stop to engaging

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71 Washington to President James Bowdoin, March 31, 1778, ibid., XI, 180.
British deserters as soldiers; but the practice of enlisting enemy turncoats continued with little let up.

The Commander in Chief was astonished that so many officers persisted in violating his orders and the resolutions of Congress; he was especially annoyed by the enlisting of fugitives from Burgoyne's Convention army. "These troops," he said, "did not originally come into our hands thro' choice, they were conquered, brought to our possession by compulsion." Washington pointed out that the fear of punishment in case of capture, which usually operated on the mind of American deserters, was totally absent with these troops. Rather than being punished, the British commanders applauded them for their fidelity and cunning in escaping by merely enlisting in a Continental regiment and then deserting it. Washington noted that, while recruiters were rejoicing at their good luck, the American commanders were counting on men who could not be trusted and who embraced the earliest opportunity to leave and strengthen the enemy, with American arms, clothes, and bounty money. A number of examples were given by Washington to enforce his statement:

73Ibid., XI, 321.
But very few, if any, of those who Deserted from General Burgoyne and who came on with the two detachments under Lieutenant Col. Smith, now remain with him, they are gone ... a detachment from Col. Henley, which marched from Boston 60 strong arrived here ... with 13 Men only, and had it not been for a detachment of New Hampshire Troops, it is highly probable, one of 'em would not have been seen ... If we would wish to reinforce the Enemy with the whole of Mr. Burgoyne's Army, we can not pursue a mode that will be more effectual or more certain, than to inlist it in our service.  

The General concluded that it would be better to send men directly back to the British, unarmed, without clothes, and without paying them an exorbitant bounty. The officers who continued this practice were to be required to pay for all expenses and losses that occurred. To Washington this slight punishment was small recompense; nothing could really compensate for the injury the army suffered.

Washington took a slightly different view in regard to enlisting German deserters and prisoners of war. Brigadier General Casimer, Count Pulaski, persuaded Congress to allow him to fill his legion with British deserters, and Washington agreed to the arrangement with the understanding that only Germans would be inducted to fill no more than one-third of the foot regiment, with none being permitted to join cavalry units. However, when

74 Ibid.

75 Washington to Count Pulaski, May 1, 1778, Ibid., XI, 337.
Washington learned that Pulaski had engaged British prisoners for his legionary corps, he ordered the prisoners returned to confinement and instructed Pulaski to adhere strictly to the regulations of Congress and orders of the Commander in Chief.\(^76\)

The issue, however, was not closed. From Boston a report reached Congress in May, 1778, that a large desertion had occurred among foreign-born troops in the British service when they learned that the Americans were in the process of recruiting a battalion of Germans. General Heath informed the president of Congress that Colonel Tuffin Charles Armand was engaging large numbers of British and German deserters.\(^77\) Heath was a little embarrassed by this situation, since he did not know whether to wink at it or try to check the enlistments. During the summer of 1778, Washington and Henry Laurens had discussed the desirability of forming a corps consisting of Hessian refugees;\(^78\) however, it was not until the summer of 1780 that an agreement was reached to go ahead with the Hessian unit.\(^79\) Colonel Armand, who took command of Pulaski's

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\(^76\)Ibid.

\(^77\)General William Heath to Henry Laurens, May 25, 1778, Papers of the Continental Congress, National Archives, Reel 177.

\(^78\)Washington to Henry Laurens, August 9, 1778, written by Hamilton, Syrett (ed.), Papers of Hamilton, I, 533.

\(^79\)Washington to Chevalier De Luzerne, August 16, 1780, and to Comte De Rochambeau, August 17, 1780, Writings of Washington, XIX, 384, 388.
legion in 1779, engaged goodly numbers of Germans in his unit, and on October 21, 1780, the designation of the command was changed to "Armand's Partisan Corps," which he commanded until the close of the war. 80

Except for Armand's German corps, Washington remained opposed to the use of enemy deserters as soldiers in the Continental army, 81 yet he made another slight deviation from his announced policy in 1780 when he allowed a few skilled prisoners to be employed in the rear areas where they would be safe from capture. A few British prisoners of war continued to find their way into the American army throughout the war, especially in Massachusetts. As late as April, 1781, the General requested the names of officers who had sent a few former British soldiers to the Massachusetts Line as recruits. 82

Washington was also highly suspicious of British officers who deserted and agreed to serve in the Continental forces. He

80 Francis E. Heitman, Historical Register of Officers of the Continental Army During the War of the Revolution . . . (Baltimore: Genealogical Publishing Co., 1967, originally published 1914), 73.

81 Washington to President Jeremiah Powell (Massachusetts), May 19, 1778, Writings of Washington, XI, 424; to the Board of War September 19, 1778, ibid., XII, 470; to the Committee of Arrangement of Congress, October 5, 1778, Syrett (ed.), Papers of Hamilton, I, 559; Heath to Jonathan D. Sergeant, November 12, 1779, Pennsylvania Archives, VIII, 6-7; Stephen Sushet (?) D. Croux to Lieutenant Thomas, July 7, 1779 (?), Original Letter, Record Group 93, Document No. 034059, National Archives.

82 April 29, 1781, Orderly Book, No. 51, National Archives.
wrote to Brigadier General Elias Dayton, in regard to Lieutenant Angus McDonald, deserter from the Seventy-first British Regiment, stating that "many reasons may be alleged to justify the Desertion of a Private Soldier, but such a Conduct in an Officer cannot but impress a very unfavorable opinion of his Character." The commander suggested that his person be watched very closely.

**Negro Soldiers**

Negroes served in various capacities in the army during the Revolutionary War. The substitute system naturally accounted for the presence of many Negroes, but many free colored soldiers volunteered. New England states allowed recruiters to openly engage blacks to fill their quotas; all the states except South Carolina and Georgia eventually accepted Negroes as soldiers. John C. Miller suggested that Washington's army averaged about fifty Negroes per battalion and that "at least 700 were among the 13,500 troops in the Monmouth Campaign." A special return of Adjutant General Alexander Scammell, dated August 24, 1778, reported 755 Negroes in the army, of whom 148 were in Samuel Parsons'

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brigade, and 162 in three Virginia brigades. Benjamin Quarles has estimated that as many as 5,000 Negro soldiers served in the American forces during the Revolution, with only about one third being identified by color.

After 1776, Congress discouraged the enlistment of black recruits. However, it allowed free Negroes who had served faithfully at Cambridge to be reenlisted, but no others. Washington had strictly forbade the recruiting of all men of color on several occasions. However, since sizable numbers were being inducted, Congress in 1779 decided to enlist 3,000 slaves as soldiers, but was rebuffed by southern slave owners. Regardless of announced policies, during the course of the Revolution, hundreds of blacks served in various Continental regiments; most of them were listed by the muster masters only as "a Negro man."

It is difficult to determine how extensive desertion was among Negro soldiers since so few were identified by color in court-martial transcripts. Quarles listed by name several dozen who deserted, with the suggestion that blacks were less prone to leave

86 Freeman, Washington, V, 99n.
87 Quarles, Negro in the American Revolution, ix.
88 January 16, 1776, Journals of the Continental Congress, IV, 60.
89 Miller, Triumph of Freedom, 510-11.
the service since "they had less to desert to." He further noted that a considerable number of blacks left to join the British, thinking their situation would be improved. In any event, a few were court-martialed for desertion, and at least one was executed for the crime.

Induced to Leave by Comrades and Friends

Apparently some soldiers deserted for no real reason on their part, but were simply induced to leave by comrades, who might or


91Josiah Dashiell of Worcester County, Maryland, requested information from Governor Thomas Johnson about the alleged execution of a Negro named James. Josiah Dashiell to Governor Thomas Johnson, April 23, 1778, *Calendar of Maryland State Papers, The Red Books*, (Baltimore: Hall of Records Commission, 1936-1967), Part Three, 31. A court inquiry was held at Morristown, March 12, 1780, to ascertain facts concerning the death of a Negro soldier, apparently executed by Captain John Van Dyke. The court exonerated Van Dyke declaring his action on that occasion was in the line of duty and was "highly justifiable." Washington approved the court's decision. Orderly Book, No. 34, National Archives. William Placey, a mulatto, accused of desertion twice from the Continental service, was tried by general court-martial on March 31, 1777. He escaped the death penalty because the court decided he was "Ignorant of the Continental Articles prohibiting his offense, that he is unskill'd in Reading, and never heard these articles read." The court did punish him with fifty stripes on the naked body with a cat o'nine tails, and ordered him to return to duty. Major General Parsons to Washington, April 8, 1777, Washington Papers, Library of Congress, Roll 40. Edward Hand captured and confined a Negro soldier named Robert serving in Colonel Durkee's regiment, who had attempted to desert after being wounded. Brigadier General Edward Hand to Dwight McKnight, May 16, 1781, Copies of Letters written while Adjutant General from 27th March 1781 to July 6th 1783, Miscellaneous Record Books, No. 162, Record Group 93, Entry 5-d, National Archives. Hereinafter cited as Hand, Copies of Letters, Miscellaneous Record Book No. 162. "Negroes as
might not have had a reason themselves. A mass desertion occurred at Fort Schuyler in May, 1780, when thirty-one men decamped from Colonel Goose Von Schaick's regiment and Captain William Brown's artillery. Three of these men were captured by a force commanded by Lieutenant John Johnston, which was sent in pursuit. Johnston reported: "I enquired of the prisoners the reasons why they had Deserted, they told me they had been deluded off by Conway & some of the rest, but could give no other reasons." A few soldiers were persuaded to quit the service by their officers, who either going on furlough or leaving the service took the soldiers along in the capacity of servants. Captain Thomas Massie of the Sixth Virginia Regiment advertised in the Virginia Gazette offering a forty dollar reward for the return of one James Patterson, a deserter from his company who had escaped from the jail in

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Soldiers," Massachusetts Historical Society, Proceedings, VI (1862-1863), 172-248, is a scathing article condemning the South for not using more Negroes to fill their battalions during the Revolutionary War. A fuller account is Quarles, Negro in the American Revolution.


93 General Orders (Valley Forge), May 16, 1778, Writings of Washington, XI, 399. Lieutenant Davis, Eleventh Virginia Regiment was tried May 22, 1778, "for encouraging a soldier to stay away from his regiment," but was acquitted. General Orders, May 24, 1778, ibid., XI, 442-43. As early as July 15, 1775, both soldiers and officers were threatened with severe punishment if they conversed with the enemy, William Henshaw, "Orderly Book," Massachusetts Historical Society, Proceedings, XV (1876), 124-25.
Williamsburg; the paper stated that Patterson had been "decoyed off by his father."  

Soldiers who were opposed to an American victory often persuaded members of the Continental forces to desert to the British. A certain John Springer, Jr. enlisted in Colonel Moses Hazen's Canadian Regiment in the spring of 1777, deserted to the enemy shortly thereafter, and served in the British armed forces. In July, 1779, Springer returned to the American army, taking advantage of a pardon offered by Washington to deserters who returned. He asked to be employed where he would be safe from capture by the British forces and was obliged by being assigned to the Wagon Master's Department. In that capacity he immediately began to enlist men from the Maryland Line for the enemy's service.

Washington reported "there was every reason to believe he occasioned several desertions which happened in the Corps with which he was tampering." Washington requested that Springer be confined aboard a ship to prevent him from influencing more men to join the enemy.

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94 *Virginia Gazette*, July 9, 1777.

95 Washington to Abraham Ackerman, October 9, 1779, *Writings of Washington*, XVI, 443-45.

96 Washington to the Marine Committee, October 9, 1779, *ibid.*, XVI, 442. Springer was court-martialed July 7, 1779, on the charge of "Being a Spy and seducing soldiers to enlist in the British army," for which he received one hundred lashes and confinement, *General Orders*, July 11, 1779, *ibid.*, XV, 407.
Returned prisoners of war and escapees from the British prison camps often went to their homes rather than back to their military companies, believing that they had been freed from their former obligations. Washington explained that there could be no possible foundation for this claim, and if it were allowed would soon prove detrimental to the army. The Commander in Chief ordered Brigadier General Peter Muhlenberg to take measures to inform those of this persuasion in Virginia that if they did not return in a reasonable time they would "be treated as deserters." In 1781 Washington authorized Brigadier General Daniel Morgan to seize as deserters soldiers released from captivity, or those who had enlisted in the British army and then escaped, and had not reported to their corps, provided their original enlistment had not expired.

Women who came into the camps occasionally persuaded soldiers to desert. Orders were issued as early as 1776 to keep "lewd women" and other dangerous persons from entering the camp.

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97 Washington to Governor Thomas Jefferson, August 14, 1780, ibid., XIX, 375; Washington wrote: "...many Soldiers who have been captured in the course of the War, and escaped from the Enemy, have gone to their homes and consider themselves as discharged from the service."

98 Washington to Brigadier General Peter Muhlenberg, August 15, 1780, ibid., XIX, 382.

99 Washington to Brigadier General Daniel Morgan, December 12, 1781, ibid., XXIII, 383.
areas. \(^{100}\) While at Valley Forge, Washington warned the soldiers, through general orders, against women who came from Philadelphia under the pretense of visiting relatives, but who really came "with an intent to intice the soldiers to desert." \(^{101}\) Officers were ordered to arrest any women they suspected of having interviews with soldiers for the purpose of causing them to desert.

**Fear**

Fear, no doubt, was another reason that led to a number of desertions—fear of combat, fear of being wounded, fear of being captured, and fear of dying. Most of the reasons for desertion mentioned in letters of commanders involved physical discomforts and complaints about food and clothing; however, most diarists noted, when desertion was mentioned, that it occurred during combat. Seeing men dying all around acted powerfully on the minds of young men who naturally began considering every avenue that would lead them to safety. Jonathan Burton, in his diary, remorsefully wrote: "This morning Died and at night was buried Benj. Daley of our company who made the 20th which we have Lost from our Regt


\(^{101}\) February 4, 1778, Orderly Book, No. 21 (February 1 to March 1, 1778), National Archives; *Writings of Washington*, X, 420-21.
Sence we came to this Place." Many like Burton chose to leave before they became the next to die. A minister in Pennsylvania recorded in his diary that several deserters passed through his town fleeing the battle of Long Island where their battalion had been "badly cut up." Lieutenant James McMichael of the Pennsylvania Line reported being ordered to parade to see a man shot who left his post during a battle fought on September 16, 1776.

Some soldiers reasoned that the safest place during a battle was behind the enemy lines, thus frequent desertions occurred while conflicts raged. Captain John Montresor, with Lieutenant General Knuphuysens' force in Pennsylvania while on a foraging raid reported that "two deserters came in from the Rebel army," during a skirmish July 23, 1777. In another report, Montresor mentioned "a light horse deserter coming in," and that during a fire fight on September 1, 1777, two more rebel "light

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103 John W. Jordan (ed.), "Bethlehem during the Revolution ..." Pennsylvania Magazine of History and Biography, XII, No. 4 (1889), 391, September 4, 1776.


horse" deserted to the British. Several soldiers, mainly from Brigadier General William Maxwell's unit, went over to the enemy during the fighting that took place in Pennsylvania during September, 1777. An article in the New York Gazette on May 3, 1779, stated that during a minor engagement near the city several deserters took advantage of the opportunity by joining the King's troops.

Ebenezer Wild, a soldier from Braintree, Massachusetts, who served throughout the war, left an account in his diary of the desertion of several men during combat. In 1777 he was out with a scouting party that came upon several British soldiers. Wild said that a "very hot fire ensued for the space of two or three minutes" in which eight enemy soldiers were killed, and the remainder of their party were run off. After Wild's scouting party returned to camp at Prospect Hill, they discovered that four of the men who went out with the group did not return, and it was "supposed they tarried with the enemy, as they were all Old Cuntreemen." Major John Rose, a Russian serving in the American army, recorded in his journal, while on an expedition to Sandusky in 1782, that many

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106 Ibid., V, 412.
American soldiers deserted during the action against the Indians. His graphic account of the battle well illustrates the fear many soldiers felt:

... the moment we halted we were fired on ... the larger part was quite bewildered and by the dread that hung upon their souls, incapacitated for action — another part thinking this was the last for the dreadful moment, deserted ... 109

Colonel Marinus Willett, who had distinguished himself with repeated instances of bravery in combat in the Continental Line and retired to serve as colonel of New York levies and militia, reported to General Stirling an account of a battle fought in 1781 where some of his men had fled during combat. Willett noted that as his force advanced in two columns, without any apparent cause, one whole wing "turned about and fled," and it was not "possible to rally them" — they even abandoned a field piece that fell into the hands of the enemy. On this occasion, Willett finally collected his troops, returned to battle, and routed the enemy. 110

In a letter written to his son, William Chamberlin recounted the apprehension and fear he felt as a soldier being called upon to

109 Rosenthal, Baron (John Rose), "Journal of a Volunteer Expedition to Sandusky . . .," Pennsylvania Magazine of History and Biography, XVIII, No. 3 (1894), 310.

110 Colonel Marinus Willett to General Lord Stirling, November 2, 1781, Papers of the Continental Congress, National Archives, Reel 177.
enter combat. A courier summoned him at night to be ready the next morning to march against a large British force that had penetrated New Hampshire. Chamberlin spent all night getting his equipment ready, and early the next morning bid farewell to his family "not without some dismal forebodings that I should never return.”

While marching to camp, he thought:

I could not help reflecting on the horrid news I had heard, and on the doubtful issue of the contest, & that if I should not be killed in battle, that those who had taken up arms, if overcome, would be executed for treason. It operated as a damper to my courage, and brot me to a full halt for a moment . . . .^111

Fortunately, Chamberlin did not stop, but continued to his company, learning upon his arrival that the British had halted their drive, and he was permitted to return home. For other men in similar situations the decision was often different; numerous soldiers chose to steal away while marching to camp or to battle.

Long marches not only stimulated the desire to desert, but gave the men the best opportunity to run away. The least difficult time to depart the service was while the unit was moving from one location to another. Washington constantly warned regimental commanders to keep close guard over the men while marching, especially those expected to desert on the first opportunity. He also insisted that his generals prevent soldiers from "straggling"

or lagging behind. In 1779 the Commander in Chief cautioned Brigadier General William Woodford, whose Virginia brigade was moving south, that he "was apprehensive" about his troop passing through their own state, for "the March will be attended with very considerable desertion." Washington advised Woodford to use rigid discipline on the march and post a chain of sentries around the encampment during the night to prevent desertion.

Jonathan Mifflin, deputy quartermaster-general, inscribed in his journal an account of the army going through Morristown in 1778. The weather was so hot and the march so difficult that even the horses died of fatigue. By the time the wagon train had reached Germantown the murmuring of the men was so sharp that thirty applied for and obtained discharges and thirty more deserted. Washington instructed Gates in 1777 to be especially careful in sending small groups of men from one location to another without sufficient officers to ensure that they all arrived. The General explained that many of them returned to their homes, sold their equipment provided by public funds, and were consequently rendered

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unable to return to the field. Washington ordered Gates to make a complete list of the men who left in small bodies and to include all the equipment they took with them. Benjamin Tallmadge explained to Heath in 1781 that his unit was moving slowly because his men were barefooted, and he did not want to leave stragglers along the way. Numerous soldiers who fled during marches were captured and punished. In October, 1777, Roger Lord of Colonel Wigglesworth's regiment was tried for leaving his unit while on the march, "absenting himself from camp an unreasonable time & for loosing [sic] or disposing of his Arms, Accoutrements, Cloathing," for which he received one hundred lashes and was required to pay for the articles he had lost. Most commanders experienced desertions while on the move; the problem was greatest when the troops were being moved out of their state or region to another part of the country, especially to the south.

These factors -- the method of enlistment, use of substitutes, bounties, personal persuasion, straggling, and fear --

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115 Washington to Gates, February 5, 1777, Writings of Washington, VII, 110.
116 Benjamin Tallmadge to Heath, October 22, 1781, Papers of the Continental Congress, National Archives, Roll 177, 358.
117 October 1, 1777, Orderly Book, No. 26 (Providence), National Archives.
118 Washington to Marquis De Lafayette, April 22, 1781, Writings of Washington, XXI, 493-94; XXIII, 60, 86, 376; XXIV, 209.
influenced a large number of soldiers to scamper off, shirk their duty, and leave the mark of "deserter" beside their names on the muster rolls.
CHAPTER VII

DOMESTIC, POLITICAL, AND OTHER CAUSES

OF DESERTION

Soldiers have always been disturbed by vexatious news from home. If family difficulties appeared severe and of such a nature that the soldier's presence would bring relief, those who could not manage authorized leave very often went home without proper authority. Soldiers were especially concerned about the safety of their families when large elements of the British army came near their homes. Major General John Burgoyne's army in upper New York in 1777 presented an immediate danger to many frontier families whose men-folk were serving in the American forces. Robert R. Livingston wrote Hamilton in August that the approaching danger of Burgoyne had alarmed soldiers who felt the position of Gates' army in the north was defenseless, and placed their families in great jeopardy; the result was desertion of a sizeable portion of the army who returned home to move their families to a

safer place. Livingston also reported that most men drafted to meet this imminent threat had refused to leave their homes, and the few that did join units left the service in a day or so, because they feared the exposed plight of their own families.²

Soldiers of the Thirteenth Virginia Regiment, drawn from the west side of the Allegheny Mountains, were alarmed at the Indian disturbances in 1778 which jeopardized their families and, subsequently, caused many of them to desert.³ Captain William Bratton of the Seventh Pennsylvania Regiment wrote Washington in April, 1779, requesting acceptance of his resignation so that he could return to his distressed family on the frontier of Pennsylvania. He had shared the fatigues and hardships of war from the beginning and was willing to continue to do so; but since he had "a family and an Aged Father in that Part of the Country that lies within reach of the Enemy," he asked for his immediate release.⁴

On other occasions soldiers left in the spring at planting time or in the fall at harvest time to attend to their own affairs,

³ Washington to President of Congress, February 27, 1778, Writings of Washington, X, 519-20.
The same magnet which drew men from the army when most needed deterred others from responding to the call. Such excuses did not impress Governor Thomas Jefferson, who observed that "the enemy will not suspend their operations till we can sow or reap."^5

Unplowed fields were not the only reasons men deserted the colors; urgent appeals from parents or wives caused untold desertions. Letters came to Washington and other commanders pleading for the release of relatives. "Hope also my pore boy in your Company is Still a Live," wrote one father concerning his son, "pray Sir as he must be Very Much worn out if a live Dow Let Him Com out awhile for a Recrute and if He is so unwell as not Likely to be fit for Duty pray get Him Discharg'd."^6 An American officer commented on the misery of many wives and children as reported to him by one in his command:

Not a Day Passes my head, but some Soldier with Tears in his Eyes, hands me a letter from his Wife Painting forth the Distresses of his family in such strains as these, 'I am without bread, and Cannot get any, the Committee will not Supply me, my Children will Starve, or if they do not, they will freeze, we have no wood, neither Can we get any, Pray Come Home.'^7

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Understandably, soldiers could not easily resist such appeals. Authorized leaves were often given in such cases, but not in all, since most soldiers could have produced similar letters if they thought it would be effective. Furloughs granted were at times abused by soldiers who overstayed the leave period specified in their orders, causing them to be listed as deserters. Washington frequently had to warn his commanders against awarding leaves of absence; during a few periods of the war furloughs were stopped altogether. In 1778 Washington wrote to General Heath that it was "shameful to see the number of Men that have been admitted to Furlough"; he ordered Heath to have his furloughed men rejoin their units "under pain of being treated as Deserters." The General was just as insistent that officers who had exceeded their terms be ordered to return "without loss of time." During the winter of 1778, the General refused to grant leaves to officers who sought to comfort their wives or to repair their finances, or to those who wanted to visit their sweethearts. The officers, however, could resign their commissions, and many of them did.

8 Thomas Crafts, "Orderly Book of the Regiment of Artillery . . .," Essex Institute, Historical Collections, XIV (July, 1877), 191. On April 30, 1778, all furloughed soldiers and recruits were ordered to return immediately to their regiments or be treated as deserters.

9 Washington to Major General Heath, April 8, 1778, Writings of Washington, XI, 226; similar letters to Major Moses Knap, February 25, 1783, ibid, XXIV, 161.

10 Ibid., XI, 226.

11 Freeman, George Washington, IV, 615.
Many soldiers, especially the very young who most likely had never been away from home for a long period, became extremely homesick. Two brothers, Peter and Cornelius Ten Broeck, entered the army in the summer of 1779, and very soon became worried because they had received no mail. In August, Peter wrote to his father: "I have been almost ready to Despair to hear from you . . . ."12 In November, Cornelius complained: "I have not heard a syllable from you since your letter by General Morris which is some considerable time ago -- which makes me not so happy as if I could hear from you oftener, but suppose you have no opportunity to write you would not willingly omit once in a while to let me know how you do."13 In another letter sent a year later, the homesick soldier complained that he had "not heard a word from . . . any of the family since Mr. John De Lamater came to camp," which caused him "to have a great Anxsiety to receive a line."14 Letters similar to these eventually led some men to abandon the war to be with their families. Washington reminded a committee of Congress, from his headquarters


13 Cornelius Ten Broeck, Jr., to his father, November 10, 1779, ibid., 174.

14 November 2, 1780, ibid., 175.
at Kings Ferry, how disagreeable and frequently distressing it was for men "to be torn from their families to a life which they are totally unacquainted," but it was absolutely necessary that a permanent force be kept in the field regardless of the hardships involved.15

To maintain this permanent force, Washington made it clear that those who left illegally would be punished regardless of the justice of their action in their own thinking. He ordered commanders to keep a careful watch around camps to prevent would-be deserters from escaping. Men who had deserted and were confined for their crimes occasionally petitioned Washington for release to visit their families. Denwood Turpin, Solomon Ward, and Isaac Esten, or Worcester County, Maryland, petitioned the Council of Safety for leniency and permission to return to their suffering families.16 John Winterson, a deserter, sought consideration for a discharge, stating that he very much wanted to see his family.17 Vincent Trapnall of Baltimore petitioned the House of Delegates at Annapolis for release, asking that they consider his "wife and poor children who might have suffered greatly" during his


17 Stephen Steward to Major John Steward, 1777, ibid., XXIV, 36.
confinement. On this occasion, Trapnall was released when he put up the sum of one thousand pounds.

It was difficult for Continental army commanders to keep soldiers from fleeing their posts in order to rescue their families; the hazards of desertion counted for little when wives and children were in a more precarious position. While the reasons for leaving might have seemed perfectly good to the troops, it was nevertheless desertion in the eyes of the army, and of a particularly damaging sort, since the army often was weakened at crucial moments. The causes of desertion are often many sided, and it is almost impossible to isolate specific reasons when so many influences were operating on the minds of the soldiers at the same time. Political issues such as the defense of the rights of the colonies collectively, as well as the protection of cherished personal liberties, inspired Americans to take up arms against the British in 1775 and to continue in the fight for their beliefs until their goals were finally achieved. During the eight years of war, there were those who fell by the wayside, either fatigued by the rigors of the ordeal, or discouraged by its long duration, or perhaps unsure of their original beliefs. Sometimes a shift in the policy of

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18 Vincent Trapnall to House of Delegates (Maryland), February 18, 1777, ibid., XVI, 142.

19 Ibid., XVI, 153.
either the British government or the Continental Congress caused soldiers to shift from one side to the other. Some American colonials were willing to fight for their constitutional rights as Englishmen. In time many of them would support the idea of independence and express their cause in terms of the rights of all men. Some Americans, regardless of the issues, could not bring themselves to fight for independence; consequently, they switched to the British side after the Declaration of Independence in July, 1776. At least a few patriots during the first two years of the war became loyalists when the Americans allied with the French and later, indirectly, with the Spanish, two traditional enemies of British Americans. The only visible reason for others to switch was the difference in religious backgrounds of the two belligerents—Protestant England and Catholic France. Many Americans were violently opposed to the Roman Catholic church and could not bring themselves to fight against Protestant England and alongside troops who were supporters of Roman Catholicism. For others the hope of an American victory seemed very remote; and rather than take a chance on being hanged as a traitor by the British, they refused to take up arms against the King.

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British sympathizers, as well as English military commanders, were quick to encourage American soldiers to desert from their regiments. Appeals were especially effective during periods when the morale in the American camps was low and when soldiers were suffering from hunger, fatigue, homesickness, and financial distress. It might be noted that there was no factor during the war that could be used to predict when soldiers would be most prone to desert or would be most susceptible to British propaganda. Indeed, there was often less desertion during the periods of incredible hardships than during those of relative ease. British encouragements did not always increase desertions, but they did worry the American commanders, especially Washington. Even so, if only one American soldier was tempted to desert because of a deliberate course of action taken by the British, it warrants comment. For various reasons, large numbers left the ranks of the American army to join the opposition. These defectors had obviously lost confidence in the ability of the Continental forces to win a victory over the better trained British troops. In 1776, the British offered pardons and money and promised land grants to any American soldier deserting. At first sixteen dollars was paid for each man who went over; later this was raised to twenty-four dollars if he brought along his musket.

22 Bowman, The Morale of the American Revolutionary Army, 57-61.
By January, 1777, when military operations had come to a temporary halt, a propaganda war began. General William Howe's staff in April, 1777, made appeals that successfully lured away some Americans. One promised rebel soldiers not only full pardon and pay for their weapons, but also the opportunity of joining a provincial corps being formed to serve in the British army.23 Another appeal promised two hundred acres of land to every non-commissioned officer, and fifty acres to every private who enlisted in the provincial corps for two years. In May, Washington reported to Congress that these British endeavors had had "an unhappy influence on too many of the Soldiers; in a particular Manner on those who are not Natives."24

The British used a number of methods to get their propaganda to the American soldiers. One was through planting deserters and prisoners of war inside the American camp. Hamilton wrote to Robert Livingston from Coryell's Ferry in July that the British prisoners and deserters were spreading rumors and "manufacturing stories calculated to serve the purposes of the side they belong


24 Washington to the President of Congress, May 3, 1777, Writings of Washington, VIII, 8.
to." He advised that no dependence be placed on such information.  

Another commonly used method was to send out a party under a flag of truce to talk with military or civilian personnel on any pretence whatever. During these conversations various information was passed. William Livingston from Princeton complained to Washington in April, 1778, that the British General John Campbell had made a constant practice of sending his flags "by a set of dirty villains who are traitors by the laws of this State and who being intimately acquainted with Elizabethtown, and frequently not sufficiently watched by our Militia Officers at the Post, generally made it an opportunity of sowing the seeds of disaffection among their old cronies." On this occasion Livingston arrested one of the envoys on the charge that he was a deserter from the American army, stating that "however sacred a flag may be . . . it can [not] protect a Deserter from the punishment incurred by his Desertion from the Army in which he was enlisted."  

Another very effective British propaganda procedure was to circulate among the people, and in the army camps, false but authentic looking acts of Congress containing information that would

27 Ibid.
be harmful to the American cause. In April, 1778, the British distributed a leaflet containing a spurious act of Congress which gave the impression that those men who had been drafted or had enlisted in the Continental army for a limited time would be held for the duration of the war regardless of the enlistment agreement. Washington responded from Valley Forge through general orders to the army, assuring the troops that the act was false and had been issued by the British to persuade those who had just enlisted to desert and to discourage others from entering the service. 28 He further explained that the promise to send deserters from the Continental army to England or Ireland, without cost, there to be set free, was also false. The Commander in Chief made it clear that most of the American turncoats were being confined on board ship and were later forced either to serve as seamen in the navy or in British garrisons. The General was naturally upset by these false reports coming at a time when recruiting was critical, for it had alarmed many would-be enlistees. In a letter to John Augustine Washington, the General said that the enemy had lost all "Sense of virtue and honor" by resorting to such "low dirty tricks." 29 He wrote to Congress in October that he would try to intercept all

28 General Orders, April 23, 1778, Writings of Washington, XI, 299-300.

"seditious papers calculated to excite dissention and mislead the people" when they came by way of a flag of truce, but he feared that there were so many avenues available to the enemy that no way could be found to stop every communication.30

To counter the British propaganda efforts, Congress passed a resolution on November 13, 1775, appointing three delegates to a committee to answer the "sundry illegal ministerial proclamations" that had appeared in America.31 The committee, consisting of Richard Henry Lee, James Wilson, and William Livingston, published a lengthy address, To the Inhabitants of the United States, reviewing the background of the struggle and warning against British trickery.32

Besides disaffected servicemen, civilian loyalists encouraged American soldiers to desert. In April, 1779, the Commander in Chief informed the governor of New Jersey that the "enemy appear to have a number of active emmissaries . . . who have been very successful in corrupting our men" as was evidenced by "an alarming spirit of mutiny and desertion" which had shown itself on several occasions.

30Washington to President of Congress, October 22, 1778, ibid., XIII, 132.


32Ibid., VIII, 397-404.
He further stated that "there is no saying how extensively the infection might spread." A few days earlier, he had written to Brigadier General William Maxwell that "the spirit of desertion which of late made its appearance in some extraordinary instances, seems to have its source in corruptions artfully introduced by the enemy." Washington's instruction to Maxwell was for the officers to be especially watchful of the company with whom the soldiers were spending their time and to note the houses they visited. He presumed it was from these civilians that the British promises of various sorts, including offers of gold, "had reached the soldiers tempting them to desert." As a remedy the General again suggested "strict discipline, frequent roll calls, to keep an eye over those who may have been in foreign service, and now in ours, and to watch all strangers who under any pretense whatsoever mix with the soldiery." Washington hinted that capital punishment should immediately accompany any found guilty of luring the soldiers off to the enemy. This policy was easier written than put into practice as time would prove.

Hamilton wrote Governor Livingston of New Jersey in 1777 that a number of tories had been apprehended for conversing with

33 Washington to Governor William Livingston, April 22, 1779, Writings of Washington, XIV, 427.
34 Washington to Brigadier General William Maxwell, April 18, 1779, ibid., XIV, 403.
35 Ibid.
emissaries from the enemy and for refusal to take the oath of allegiance to the state. He reported that a "spirit of disaffection shows itself with so much boldness and violence in different parts of this state, that it is the ardent wish of his Excellency, no delay might be used in making examples of some of the most atrocious offenders," for if left alone they would destroy the American cause by threatening those loyal to Congress.36

In the summer of 1776, Congress issued a secret order for the arrest of Fletcher Matthews, a New York loyalist, for enlisting men for the King's service. Washington was, at the time, defending New York with forces and facilities far inferior to those of the British.37 In April, 1776, Captain Bernard Romans, commander of the Independent Pennsylvania Artillery Company, complained to Governor Clinton of inhabitants near Ticonderoga Landing encouraging his men to desert. Although he had not lost a single man en route to that place, he had lost four men since arriving, mainly because rum had been sold to the soldiers prior to their being enticed away. Besides luring the men away, the inhabitants had caused a great commotion by accusing the soldiers of stealing their livestock


37 Washington to Governor George Clinton, June 20, 1776, Mount Vernon Library, Mount Vernon, Virginia.
and using abusive language against the troops. Romans was hardly able to restrain the more patriotic Continentals from inflicting serious damage on the people and their houses because of the clamour; the only disrespectful action taken by the men, however, was to shout at the inhabitants in a reproachful manner, calling them "tories." Since the citizens threatened to complain to the governor, Romans' letter was a denial of any wrongdoing during this incident.38

Brigadier General William Smallwood told the Maryland Council of Safety that many citizens had refused to take the oath of allegiance to the state; some of them were harboring deserters, encouraging Continental troops to sign General Howe's proclamation, and misleading and corrupting the minds of ignorant people.39 Washington instructed Smallwood in April, 1778, to have recruiting officers in Delaware send all recruits to camp as fast as they were enlisted because "the disaffected make a point of seducing the Recruits to desert" and then either hid them or sent them "off to the Enemy."40 Nathaniel Gist, while at

38Captain Bernard Romans to Brigadier General George Clinton, April 25, 1776, U. S. Revolutionary Miscellaneous Records, Library of Congress, File Box II.

39Major General William Smallwood to Demit of St. Thomas Jenifer, President of the Council of Safety, March 16, 1777, Archives of Maryland, XVI, 178-79.

Tilton Falls, reported in April, 1779, to Lieutenant Colonel Tench Tilghman, aide-de-camp and military secretary to Washington, that desertion was still rampant in his unit: "if some method cannot be prevailed upon to prevent this spirit, there is no knowing where it will End." Gist took particular care to stop the soldiers from mixing with the inhabitants, who had "been principally to blame" for the desertions; if a few incendiaries were discovered it would have the effect of stopping the desertions. In May, 1779, Brigadier General Henry Knox, chief of Continental army Artillery, broke up a ring of civilians near Fluckamin, New Jersey, who had been assisting American soldiers to escape from the army. He wrote to Washington that he suspected the enemy had agents among the country people who enticed the soldiers away. In April eight men deserted in a body, and although they were pursued immediately, they managed to escape and remained at large for about a week; they were finally captured near Staten Island when a Continental sympathizer turned them in. During the interrogation of the deserters no information

41 Colonel Nathanael Gist to Lieutenant Colonel Tench Tilghman, April 3, 1779, Washington Papers, Library of Congress, Reel 57. Similar letter sent March 31, 1779, ibid. On April 4, 1779, Gist reported to Tilghman that a riot occurred among the soldiers and that desertions rose to twenty-seven. He further stated: "I am convinced that this post cannot be maintained with Foreigners, I would Humbly advise that Country Born be substituted in place of these," ibid.
was gained about the method they used to get away; they had taken an oath of secrecy. However, one soldier, described by Knox as the "greatest scoundrel amongst them, having once deserted from the Enemy, enlisted into our Service, deserted back to them, and taken in their Uniform last Year . . . for which he was punished with one hundred Lashes," decided to talk: he informed the judge advocate of the persons who had assisted them. These persons had established a chain of loyalist safety points from the Artillery Park to Staten Island, which they used to "spirit away" the deserters to the enemy. Knox ordered the arrest of the people involved. The first one brought in confessed that he had piloted the deserters twelve miles in secrecy and hid them near Quibble Town for two or three days. However, he said he was forced to do it. Knox felt that his excuse was unsupported, since he had returned to his home, which was within three miles of camp, and had given no hint of his actions during the past three days when he knew a detachment was out looking for the deserters. The man was definitely one of a party that "had repeatedly and constantly assisted our Soldiers in their Desertion." Knox wanted a "dreadful example [to] be made of these men such as will sufficiently deter others from the like practices"; but he was not sure how it could be done legally, by either a civil or military court. He therefore asked for
Washington's advice on this matter before he did anything.  

Washington apparently did not often know what to do with such people. He wrote to Brigadier General William Maxwell a year later on the same subject, requesting that Maxwell inquire whether there were state laws then in force that provided for the punishment of persons arrested for seducing soldiers to desert and conveying them to the enemy. Washington suggested that if there were no laws covering this offense Maxwell could safely bring the person he had captured to trial as a spy. Washington stated that he was "fully of opinion that much of our desertion is occasioned by Villains of this kind influencing our Soldiery."  

42 Brigadier General Henry Knox to Washington, May 6, 1779, ibid., Reel 58.  

43 Washington to Brigadier General William Maxwell, May 19, 1780, Writings of Washington, XVIII, 389; in 1780 Washington returned Joshua Hett Smith to New York after military court jurisdiction was found inadequate to try him. Smith was imprisoned by the civil authorities but escaped before he was brought to trial. Washington to Governor George Clinton, October 29, 1780, ibid., XX, 262. Washington wrote to Clinton in 1778, that he arrested three inhabitants of West Chester County for inticing soldiers to desert and offering to conduct them to the enemy. Washington said, "I have not punished them by martial law, because I did not know but the Civil Law might take cognizance of them . . . if you think proper that they should be delivered to the civil power it shall be done." September 25, 1778, ibid., XII, 497.
Deliberate defectors often influenced their comrades to run off with them. Washington constantly cautioned commanders to keep close watch on individual men who were prime suspects for switching their loyalty. America's best known defector, Benedict Arnold, attempted to influence Continental officers to go over to the British side. In October, 1780, Arnold suggested to Major Benjamin Tallmadge that he desert to the British side. Tallmadge was an outstanding American soldier who served in the Second Continental Dragoons where he earned special recognition from Congress for his bravery and excellency in battle. Wrote Arnold:

As I know you to be a Man of Sense, I am convinced you are by this time fully of opinion that the real interest and Happiness of America consists in a reunion with Great Britain. To effect which happy purpose I have taken a Commission in the British Army, and invite you to join me with as many Men as You can bring over with You.

Tallmadge immediately sent Arnold's letter to Washington, thus rejecting the offer. Unfortunately, a few were not able to resist similar appeals, especially when they were offered the same rank in the British Service as they held in the American, as was

44Washington to Benjamin Harrison, May 5, 1779, ibid., XV, 9-10.

Tallmadge. A few officers who deserted to the enemy were recovered and forced to stand trial for their crimes. Captain Moses Carson, Eighth Pennsylvania Regiment, deserted to the enemy on April 21, 1777, and was captured a year later, tried, found guilty, and punished. Carson not only defected, but he also persuaded a number of soldiers to go off with him. The court sentenced him to be drummed through the army regiments located near West Point with a halter around his neck and a label pinned to his breast setting forth his offense; he was then ordered confined in prison for the duration of the war. Responding to a letter from Lieutenant Colonel Francis Barter regarding the questionable loyalty of Captain William Bernard Gifford of the Third New Jersey Regiment, Washington offered an unusual procedure. Rather than discharge the officer as Barber suggested, Washington proposed that Gifford be arrested on some charge and brought to trial in the anticipation that something would turn up during the court-martial that would give sufficient grounds for his being cashiered from the service. Whether found guilty or innocent, Washington felt that Gifford's reputation would be tarnished, and he would be rendered less attractive to the British. Otherwise, if discharged, Gifford would be free


47 Lieutenant Colonel Francis Barber, December 11, 1780, Papers of Washington, Library of Congress, Roll 73.

48 Washington to Lieutenant Colonel Francis Barber, December 13, 1780, Writings of Washington, XX, 466.
to join the enemy and even if captured would no longer be subject to American military law. The scheme against Gifford never materialized, for he did not return to the Continental army after his temporary release on November 22, 1780. Nevertheless, the approach outlined by the Commander in Chief on this occasion is a clear indication of the extent to which he was willing to go to prevent officer defections.

Along with desertion to the enemy, several other officer problems caused considerable disturbances in the American army. The most vexatious to the army was the practice of irresponsible officers either leaving their regiments without proper authority or overstaying their furloughs. It was extremely difficult to keep officers on duty; many felt they could leave whenever they decided it was time to depart. Numerous junior and senior officers were court-martialed for being absent without proper authority. While most officers remained away for only a few days, some were gone for months, and even years.49 Other perplexing problems included

Officer problems began almost as soon as the war started. Captain Christopher Gardiner of Colonel Varnum's regiment was tried August 2, 1775, for deserting his post, for which he was cashiered; Captain Eleazer Lindsey was tried August 16, 1775, for absenting himself from his post and discharged as a person improper to hold a commission. Henshaw, "Orderly Book," 136. Lieutenant Andrew McGaffey, Third New Hampshire Regiment, was tried for refusing to return from a furlough, Enoch Poor to Washington, May 31, 1779, Washington Papers, Library of Congress, Roll 59. Lieutenant Philip Gibbons, Sixth Pennsylvania Regiment, was cashiered for "repeated disobedience of orders, and absenting himself eleven months" without leave, and for embezzling public money. General Orders, October 10, 1779, Writings of Washington, XVI, 449. Additional courts-martial of officers found in ibid., VII, 337-38,
disobeying orders,\textsuperscript{50} setting bad examples for the enlisted men by demonstrating,\textsuperscript{51} leading in mutinies,\textsuperscript{52} and attempting to avoid punishment.\textsuperscript{53} Many officers tried to escape the ordeal of a court-martial and punishment by resigning their commissions. Congress attempted to stop this practice by passing a resolution that required the immediate trial of officers accused of violating a number of specified offences before the acceptance of their resignations.\textsuperscript{54} The Commander in Chief repeatedly issued calls for absent officers to return to duty, and he ordered commanders to punish officers who did not heed the warnings.

The sour attitude of officers and their resignations often influenced the soldiers directly or indirectly to leave their posts.

\textsuperscript{50} Washington to Colonel Josiah Carvil Hall, April 3, 1778, \textit{ibid.}, XI, 204-205.


\textsuperscript{52} General Orders, September 21, 1779, \textit{ibid.}, XVI, 317.

\textsuperscript{53} \textit{Journal of the Continental Congress}, V, 472.

\textsuperscript{54} \textit{Ibid.}
In 1778 Washington warned the officers that if they persisted in talking of resigning, or if any left their post or command before they were regularly relieved and thereby influenced or caused any soldier to do likewise, they would be punished "as far as martial law will extend without favor or mitigation." 55

Poor leadership among the officers was a definite cause of some men's deserting. Henry Haller, from Reading, Pennsylvania, informed Thomas Wharton, Jr., President of the Council of Safety at Philadelphia, in December, 1776, that most of the men in his battalion of the "Flying Camp" had run away. These desertions could have been prevented, said Haller, "had the officers taken proper steps but some of the [officers] were as willing as their Privates, to break up the Battalion, tuck no pains to git their men, and this Conduct incouraged others [to desert]." 56

Washington wrote in 1778 that if the motives for desertions proceeded from the instigation of officers, the officers were to be called to account for their actions. 57 Numerous officers were replaced

55 Washington to Brigadier General Charles Scott, October 27, 1778, Writings of Washington, XIII, 166; September 30, 1778, ibid., XII, 530.

56 Henry Haller to Council of Safety, December 30, 1776, Pennsylvania Archives, 1st ser., V, 144.

57 Washington to Brigadier General Charles Scott, September 30, 1778, Writings of Washington, XII, 530.
for inactivity and loss of confidence in their ability by their men. Washington complained to Brigadier General George Weedon in 1777 that it was almost impossible to get officers and men out of their comfortable quarters. He proposed demoting a few officers in every regiment to set an example and bring about a cure for this trouble. Still, many officers left their commands and took long furloughs; some general officers were guilty of this abuse.

In a very strongly worded letter to Brigadier General William Maxwell in 1779, Washington warned of the bad influence the officers were exerting in the First New Jersey Regiment. If their example "should be followed and become general," he observed, "how would they console themselves for having been the foremost in bringing ruin and disgrace upon their country?"

In an effort to prevent desertion, both civilians and military personnel arrested for encouraging soldiers to defect were punished, often severely. At a general court-martial held in the Highlands on January 13, 1778, by order of Major General Israel Putnam, Matthias

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58 Washington to Governor William Livingston, February 22, 1777, *ibid.*, VII, 186. Colonel Silas Newcomb was removed from his command.


60 *Ibid.*, VII, 322-23; on February 10, 1778, Washington wrote to Weedon that Muhlenberg was gone, and Woodford and Scott had applied for furloughs, which pained him very much. *Ibid.*, X, 448-49.

Colbhart of Rye, New York, was tried "for holding a Correspondence with the Enemy of the United States, living as a Spy among the Continental Troops and inlisting and persuading them to desert to the British Army," and was sentenced to be hanged by the neck until dead. Washington approved the sentence and ordered his execution to be carried out on Gallows Hill at nine o' clock the next day. The *Virginia Gazette* reported that on April 23, 1777, two deserters were shot at Peekskill, and a civilian who was arrested with recruiting orders in his pocket was scheduled to be executed. Three other men were captured who possessed British recruiting orders and bounty money in gold and silver. Following a resolution of Congress on February 27, 1778, Isaac Depue and John King of New York, tried for assisting several soldiers and officers to desert to the British, were sentenced to death by hanging at a court-martial held April 6, 1779. Tried for being a spy for General Burgoyne, Joseph Bettys was also condemned to "suffer death" by the same court-martial. An American soldier, one Straffain, was sentenced to death on June 6, 1779, for "attempting to desert to the Enemy & endeavouring to persuade others to do the Same at a Critical &

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63 *Virginia Gazette*, (Alexander Purdie), May 9, 1777.

64 General Orders, July 4, 1779, *Writings of Washington*, XV, 363-64; Stephen Smith was tried on January 6, 1778, for "Being a Spy, by coming frequently within the American Lines," and was given the death sentence. It is not known if these executions occurred since
alarming time, when the Garrison were at quarter allowance a day."
The particular time this offense occurred no doubt influenced the
court decision. 65

William Seymour recorded in his journal that on January 1,1781, a "tory" was found guilty of deserting to the enemy and of
piloting Indian forces against the army, for which "he was hanged
on a tree the same day till he was dead." 66 Three days later,
Seymour reported that one of Colonel Washington's horse soldiers
was found guilty of going over to the enemy and shot the same day.
In March, Solomon Slocum, of the Second Maryland Battalion,
convicted of deserting to the Crown and returning to the camp as a
spy, paid for his crime by being "hanged on a tree by the roadside
in full view of all who passed by." 67 Five men were executed on
May 1, 1781; they had deserted from the American army and were
captured in the battle of Camden in the uniform of the enemy.
Seymour wrote in April, 1782, that a man named William Peters, a

Washington granted a general pardon to all prisoners in the Army
under sentence of death on July 4, 1779, to commemorate "the
Anniversary of our Glorious Independence," 65 Ibid., XV, 364.

65 Proceedings of a General Court Martial, June 6-7, 1779,

66 William Seymour, "Journal of the Southern Expedition,"
Pennsylvania Magazine of History and Biography, VII, No. 3 (1883),
293.

67 Ibid., 379.
steward for General Nathanael Greene and his wife, was sentenced to death for corresponding with the enemy and for recruiting a number of men for service in the British army. General Greene wrote to Brigadier General Otho Holland Williams in June that he had hanged one of his sergeants for mutiny and sent the other defectors away; this action stopped most of his immediate troubles and brought a much needed change as Greene noted: "you cannot conceive a change it has made in the temper of the army."

Several other factors that induced numerous soldiers to desert were boredom, inactivity, immaturity, lawlessness, and general immorality. To this list might also be added the proclamations of pardon issued several times during the war. Many soldiers who for various reasons might have considered deserting were encouraged to leave when they felt assured that they would be pardoned upon their return. Washington indicated a great reluctance to offer pardons to deserters. He wrote the Board of War in April, 1780, that he was of the "opinion that it would at present rather tend to encourage future desertions than bring in any number of those who have already gone off." Although he had already tried

68Ibid., 389; Greene to O. H. Williams, June 6, 1782, W. B. Reed, Life and Correspondence of Joseph Reed (2 vols., Philadelphia: Lindsay, 1847), II, 470; Greene, Life of Nathanael Greene, III, 450.

69Washington to the Board of War, April 9, 1780, Writings of Washington, XVIII, 236.
proclamations of clemency and probably would use this procedure again, he had "never found that the offer of pardons to deserters upon voluntary surrender has been attended with any substantial advantages." Expressing the same sentiment to Major General Benjamin Lincoln, Washington wrote in February, 1781: "I have tried the efficacy of proclamations of pardon to deserters so often, and have found so little good result from them, that I am inclined to think desertion is rather encouraged than remedied by a frequent repetition of them." He said that the soldiers go off or remain home after a furlough and look for a proclamation of pardon as a thing of course.

Boredom and inactivity disgusted troops who considered that their time was being wasted, and many simply departed when they felt their continuance on active duty added little to the war effort. These men were not necessarily opposed to fighting for independence from England, nor did they retreat from commitments to uphold political principles. They were more opposed to the rigid discipline that army life demanded. Walter Millis' *Arms and Men* sheds much light on this problem. The framework in which eighteenth-century European armies functioned directly affected the attitudes toward

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70Ibid.

71Washington to Major General Benjamin Lincoln, February 27, 1781, *ibid.*, XXI, 308.
the army held by many Americans. In Europe, armies were made up of highly skilled professionals, expensive personnel. These units were not considered expendable; rather, each soldier was carefully guarded against harm. Rarely did a commander wish to expose his men to battle, especially if there was the possibility of heavy casualties with little to be gained. The typical procedure was to maneuver to gain the best position insuring victory if battle occurred. The disadvantaged commander would normally concede and withdraw from the field; thus victory was often accomplished with few lives lost. This procedure resulted in armies experiencing long periods of inactivity when little was done outside of normal camp life. This was almost the rule during the winter months of the American Revolutionary War for both the British and American armies. During these periods, soldiers became bored, and many Americans, considering their time to be more valuable at home, left their units. When the fighting started again, they often returned. Having nothing to do between battles doubtless caused desertions. The militia troops were especially prone to take this attitude. At times the militia fought well, even when quickly assembled and poorly officered, but when the battle was over, they melted away, returning

to their homes. They were ready to be called to fight another day, but were unwilling to stay assembled for the battle which might not come until next month.\textsuperscript{73} It is doubtless true that most of these men were never tried for desertion, yet their actions caused untold anguish for commanders.

Lawlessness and insubordination constituted a major problem that lasted until the end of the war. From the beginning, the bulk of the army maintained a fiercely independent spirit which hindered efforts to transform the men into a real fighting force.\textsuperscript{74} Officers were often compelled to indulge their troops to a dangerous degree lest reenlistment be discouraged. Washington was normally a strict disciplinarian, but he had adapted himself as best he could to the situation. Severity would not always solve the problems; neither executions nor pardons had been effective. American soldiers, though patient under hardships, were too deeply immersed in revolutionary ideas of liberty and equality to tolerate extremely strict discipline. Brigadier General Richard Montgomery was appalled at finding himself almost powerless to control men who,

\textsuperscript{73}Kreidberg and Henry, \textit{History of Military Mobilization}, 12.

\textsuperscript{74}Washington to Richard Henry Lee, July 10, 1775, \textit{Writings of Washington}, III, 331; to Lord Stirling, March 5, 1780, \textit{ibid.}, XVIII, 71-74.
he complained, "carry the spirit of freedom into the field, and think for themselves." Inspector General Baron Von Steuben was able to improve the drilling and maneuvering of the troops, but could do little to change the prevailing mental attitude of the American soldiers. The spirit of insubordination expressed itself forcefully in terms of numerous desertions from the American ranks throughout the war.

On several occasions when the army was engaged in combat, fear and panic seized American troops tempting them to depart from the scene. Hamilton informed Robert R. Livingston in August, 1777, that it was not Burgoyne that had produced all the anxiety in the army, but rather the "want of zeal in the Eastern States." There were those in command who were ready to flee from the most defensible positions "at the Terror of a small Scouting Parties [Sic] of Indians." Hamilton concluded that if this continued, it would lead to misfortune and a victory for the British without a blow. Hamilton reported that the lack of firmness and panicky leaders led to a retreat and near chaos among the troops, resulting in three

76 General Orders, March 22, 1778, Writings of Washington, XI, 132. Ibid., XI, 211, 328, 363; XXIV, 332.
78 Ibid.
hundred men running away from about fifty Indians. A week later, Hamilton informed Livingston that the misfortunes of the army "are greatly owing to a panic dread of the Indians." He felt the coming of Colonel Daniel Morgan's Corps would have a good effect on the troops, and requested that this news be propagated widely. In November, Hamilton wrote Washington that a mutiny had occurred in a Massachusetts brigade in which a captain had killed a soldier and was shot himself by another soldier. Poor management had caused these difficulties.

During the eight years of war, a number of mutinies occurred in various units of the Continental army. Mutiny is certainly not to be equated with desertion. Normally, in a mutiny men act collectively to register their displeasure with some army policy or situation. While deserters might go off in groups, usually the decision is more individualistic requiring less cooperation with others. Both mutiny and desertion represent discontent with the army and are therefore related.

Often soldiers felt strongly about the sufferings they were undergoing and, rather than desert or mutiny, they wrote petitions to

79 Ibid., I, 307.
80 Ibid., I, 315-16, August 18, 1777.
81 Hamilton to Washington, November 10, 1777, ibid., I, 358.
Congress explaining their grievances. Congress received hundreds of these petitions during the war. Petitioners were often considered prime subjects for more radical actions. During a wartime situation, the slightest disobedience of an order could be considered mutiny. No doubt some of the actions taken by soldiers in opposition to objectionable orders might better be classified as political actions rather than mutiny or desertion.

Flagrant abuses of orders could not be condoned by commanders; therefore, whenever men indicated their opposition to orders, they were punished for it, if at all possible. Five men of Colonel Henry Jackson's Detachment were tried at Providence on September 19, 1778, for attempting to excite a mutiny and were sentenced to be whipped; a week later at the request of their officers they were all pardoned except for one, Thomas Wilson, who was punished with one hundred lashes. In January, 1779, General James Varnum reported to Washington that "a spirit of Mutiny has made its

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84 Orderly Book No. 26 (September-October, 1778), 26-30, National Archives. The five men were Abiel Trafton, Thomas Wilton, Oliver McLean, Alexander Askin, and Josiah Hunt.
appearance among the troops" under General John Sullivan's command. Washington felt that the common soldiers were not at fault, but had been mislead by a few agitators whom he ordered to be swiftly and severely punished. The cause of mutiny was reported to be the depreciation of the currency and the shortage of supplies. Washington wrote to Henry Champion in May, 1780, that the Connecticut line mutinied because they had received no meat for several days and their rations had been cut to one-eighth allowance. The Commander in Chief reported to Congress that "the extremity for want of meat" had caused the two regiments of Connecticut to mutiny, but it was quelled by the timely actions of a few officers. The troops under Colonel Goose Van Schaick mutinied in June, 1780, for lack of pay and provisions. The most critical period for mutinies came in January, 1781, when the Pennsylvania and New Jersey lines mutinied, and several lives were lost before the disturbance was quieted. 

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86 Washington to Henry Champion, May 26, 1780, ibid., XVIII, 424.
87 Washington to President of Congress, May 27, 1780, ibid., XVIII, 428.
88 Washington to Goose Van Schaick, June 20, 1780, ibid., XIX, 45.
Two of the principal agitators were executed on the spot, which seemed to bring the mutiny to an end. In general orders, Washington warned that leniency would not be shown in the future if this continued. In 1782 the Connecticut line again attempted a mutiny that was discovered and suppressed by Colonel Heman Swift before it could get started; two of the ringleaders were ordered court-martialed. The last mutiny during the war years occurred in June, 1783, when the Pennsylvania line again rebelled, marching on Congress and forcing that body to move to Princeton. There was no positive way to suppress all mutinies; they occurred frequently during the war, principally because of lack of food, pay, or other supplies. In most cases, the mutineers were returned to active duty with only a few of the main actors being court-martialed and punished for their actions.

Some desertions occurred as an afterthought following the commitment of criminal acts. Poorly disciplined soldiers and those

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90 Washington to Chevalier De Chastellux, January 28, 1781, Writings of Washington, XXI, 149-50; ibid., XXI, 151, 156-57, 159-60, 161.

91 General Orders, January 30, 1781, ibid., XXI, 159-60.

92 Washington to Colonel Heman Swift, May 6, 1782, ibid., XXIV, 227-28. Sergeants Bunce and Parker were the ringleaders.

93 Washington to President of Congress, June 24, 1783, ibid., XXVII, 32-34.
predisposed to desert were often involved in numerous crimes. General orders issued at Fredericksburg, Virginia, to inspire the troops to obey the civil laws, appealed to the "purity of morals" as being the only sure foundation for public happiness. Washington said, "It is painful to see many shameful Instances of Riot and Licentiousness among us . . . the frequent Robberies which have lately prevailed in the Vicinity of Camp are truly alarming and demand the most vigilant Exertions to detect the Perpetrators and bring them to the severest punishment."94 In January, 1780, the General expressed astonishment at the crimes committed near camps and the "plundering spirit of the soldiery." He said that scarcely a night passed without "gangs of soldiers going out of camp and committing every species of robbery and depredations" against the inhabitants.95 An advertisement in the Pennsylvania Gazette offered a reward of two hundred dollars for the capture of Henry Rush, a deserter from Captain Van Hair's troop of light horse, for having stolen numerous articles from a house in Somerset county.96

94 General Orders, October 21, 1778, ibid., XIII, 119; John Yeoman of Colonel Dubois' regiment was tried and convicted on October 20, 1778, for robbery and desertion for which he was sentenced to be shot to death. Yeoman was pardoned by Washington a week later. General Orders, October 28, 1778, ibid., XIII, 171-72.


96 Pennsylvania Gazette, March 10, 1779. Another ad reported that John Harris, a deserter from the First New Jersey Regiment, had stolen a number of articles at Roxbury, New Jersey, ibid., May 26, 1779.
Kennedy, a soldier in the Eighth Pennsylvania Regiment, was court-martialed in June, 1779, for desertion and theft. The court, considering him to be an old offender, sentenced him to receive three hundred lashes for desertion and one hundred for theft "well laid on his bare back." Washington felt that inattention to duty and relaxation of discipline were partly to blame for allowing a situation to exist that was "pregnant of desertion, Robbery, and even murders." James Livingston reported to Benedict Arnold in August, 1780, that seven soldiers had deserted to the enemy near Ver Plunk Point. Plundering the inhabitants below the rivers, they had been induced to desert because of fear of being punished for their crimes. Fear of punishment for crimes committed was itself an inducement to desert.

Washington wrote to Heath in 1781 in regard to several deserters from a detachment under the Marquis de Lafayette, suggesting

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98 Washington to Lord Stirling, March 5, 1780, Writings of Washington, XVIII, 73.

99 James Livingston to Benedict Arnold, August 28, 1780, Washington Papers, Library of Congress, Reel 70. There seems to have been some question about the desertion of these seven men; Richard Varick said "it appears probably they were taken." Varick to Colonel James Livingston, August 28, 1780, ibid.
that severe examples be made of them if additional troops ran away. He added that if the desertions ceased, then the punishments should be lighter, "lest the fear of Punishment . . . induce them to a final desertion." Similarly, a British deserter, named Herbert, who deserted from several loyal units, gave the cause of his desertion as having been punished so often he feared further stripes.

Washington continually spurred his commanders to take every precaution to keep their men strictly under observation in order to curtail crime and desertion. He ordered that all soldiers found straggling out of camp after the beating of retreat were to be apprehended and given one hundred lashes on the spot. If they were found engaging in robberies or other violence they were to receive from one to five hundred lashes at the discretion of the officer of the guard. The General ordered commanders to have the rolls called every hour during the day, and the quarters visited by officers every hour in the night; besides this, patrols were to be sent out at frequent intervals to apprehend deserters and to prevent surprise attacks from the enemy.

100 Washington to Heath, April 20, 1781, ibid., XXI, 483.


John DeArmour, a soldier in Colonel Israel Angell's Second Rhode Island Regiment, was tried for attempting to pass the sentries at night with his arms and equipment, and for endeavouring to persuade the guards who stopped him to leave their post and go off with him. He was found guilty by a division court-martial and sentenced to suffer death, a sentence the Commander in Chief approved. While these precautions prevented some from escaping, others managed to effect their departure undetected.

When men were determined to leave, there was little Washington or anyone could do to stop them. Regardless of the reasons for their leaving, whether from physical, military, domestic, or political factors, their absence was harmful to the overall efficiency of the Continental army.
CHAPTER VIII

THE EXTENT OF DESERTION

The exact degree of desertion from the American army during the Revolutionary War is difficult to ascertain. Certainly it assumed large proportions in view of the enormous number of official army reports and private letters complaining of soldiers leaving the service. A high percentage of the army's time and energy was spent dealing with this problem. Actual statistics on desertion are meager. Most documents that refer to desertion merely list specific cases, or give warnings of the evil that would result if it was not prevented; rarely do these materials give numbers in relation to the actual strength of a command. Official muster returns were usually grossly inaccurate, and many often omitted entries concerning desertion. Even when deserters were designated, normally only those who made good their escape were included; those captured immediately after their departure or prevented from leaving were usually reported as confined rather than as deserters. Thus, it will have to be conceded that no accurate number of deserters can be compiled from existing records. This does not mean that an estimate cannot be made. Even though the records are not always complete, they will of necessity have to be used, since they contain the only information available. From three sources data was
gathered to produce a probable percentage of desertion from the American army: the official muster returns of the army; the state muster rolls; and muster reports of a few units of company and battalion size picked at random. The approximate percentages gleaned from these three groups will no doubt vary, but when combined the resulting data may very well show a percentage of desertion reasonably close to the actual number of men who fled the army during the war.

Continental Army Muster Returns

The accuracy of the muster returns of Washington's army was suspect from the time they were received at the Commander in Chief's headquarters. It was essential that Washington have accurate reports of troop strength for him to devise plausible plans for the army. Very early in the war, the returns proved not to reflect the true strength of the army. Washington often complained to his subordinates about the faulty nature of the returns; through his adjutants general he issued instructions for the "returns" and "musters" to be more faithfully and correctly posted.

The Commander in Chief was both amazed and alarmed over the erroneous reports coming to his headquarters.¹ Commenting on a

¹Washington warned that "erroneous returns not only marks the negligence of an Officer," but also could involve him in "disgrace and punishment." General Instructions for the Colonels and Commanding Officers of Regiments in the Continental Service, December, 1777, Writings of Washington, X, 239.
return from Major General Horatio Gates received in February, 1777, Washington expressed considerable skepticism as to its correctness, calling the report "very extraordinary." He singled out Colonel Joseph Penrose's "return" as being specifically faulty, since Penrose had related his unit's strength to Washington personally two months earlier; it differed substantially from the report sent in by Gates. According to Washington, Gates' returns for desertions appeared "to be utterly impossible." The General suggested that Gates call his colonels together and find out what was going on, and if some deliberate scheme of falsification was detected that could be tied to any person, "to bring him to the most exemplary punishment." He suggested also that Gates could discourage the practice of reporting men present when they were not actually at hand by reviewing the companies periodically and by making routine inspection tours.

Washington wrote on the same subject to Brigadier General John Armstrong that there seemed to be "scandalous abuses in the recruiting Service in Pennsylvania." The number of desertions

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4 Washington to Brigadier General John Armstrong, March 5, 1777, ibid., VII, 250.
being reported were much beyond what Washington had conceived possible; the General said that he was "inclined to think the officers pocket the bounty and return men deserted"; that is, men were reported as being enlisted, their names were added to the rolls, and then they were listed as having deserted. It is difficult to ascertain just how widespread this practice was, but the results, regardless of extent, added unwarranted desertions to the American army's muster returns. For the Commander in Chief, the trouble was compounded, for regiments he had counted on being complete were often only partly filled. It certainly seemed to Washington that several regimental officers were not telling the whole story in regard to the strength of their units.  

As a remedy to this abuse Washington suggested that the area commanders "force" the recruiting officers "to make actual returns." The General wrote to Brigadier General Alexander McDougall that the recruiters were drawing arms, clothing, and money on the pretense of enrolling great numbers of men, but when the returns were made, "they fall Shamefully short of my expectations." Washington related an instance where a colonel from Connecticut had drawn 400 arms

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5Washington said that some units expected to have four hundred men numbered only from fifty to one hundred men, ibid., VII, 251.

from Peekskill on the claim of having that many men, but when General Parsons' return was sent forward, this colonel's regiment consisted of only eighty men.\(^7\) These discrepancies were promptly reported to the president of Congress by Washington, who stated in 1777 that he and the Continental regimental commanders had been deceived by the returns, and that either the army had the most desertions in history or there was a most scandalous fraud taking place among the officers employed in recruiting.\(^8\)

Congress went to work immediately attempting to help improve the accuracy of the reports, to curb the falsification of records, and to prevent fraud. On April 4, 1777, it passed a resolution establishing one commanding general of muster for the Army of the United States, and a deputy muster master general for each of the Eastern, Northern, Middle, and Southern departments. The appointments of these deputy muster masters were to be made by Congress. According to the resolution, the troops were to be mustered once each month by the deputy muster masters. All deficiencies were to be reported promptly to the commanding officers of the department where the neglect was detected.\(^9\) Congress was also to receive copies

\(^7\)Ibid., VII, 306.

\(^8\)Washington to President of Congress, March 26, 1777, ibid., VII, 318. Washington said this abuse was not found in a single regiment, but in many. General Parsons' department reported four regiments with less than eighty men each.

of the musters of the entire army. In 1779 Washington issued
detailed instructions specifying the procedure to be followed in
preparing and forwarding returns to his headquarters.\(^\text{10}\)

The Articles of War contained a provision that made
falsification of certificates relating to absence of either officers

\(^{10}\) The Commander in Chief directed officers commanding regiments, corps, and brigades to follow regulations enumerated in fifteen points to insure that army returns were similar in every respect and regularly submitted. Item 13 specified:

"The regimental returns to be made out weekly signed by the commanding officers of regiments and delivered to the commanding officers of brigades who are to have them digested into brigade returns which after they have carefully examined and signed they will transmit to the Adjutant General every Saturday at orderly time. The monthly returns to be delivered in the last Saturday of each month successively . . . whatever except such as are immediately concerned in making and signing them not to be forwarded by any others, except under a sealed cover."

Item 14:

"The officers commanding regiments are to keep books in which they are to have every return they make regularly recorded, also the regimental casualties (viz) the dates of the Deaths, Discharges, Desertions, Furloughs, etc. that happen in a regiment. The commanding officers of brigades are also to have their brigade returns recorded in books kept for that purpose . . . ."

Item 15:

"Morning reports of companies are to be made every day signed by the oldest officer of each present to the commanding officer of the regiment, immediately after roll-call in the morning which every Monday and Thursday are to be digested into field returns and delivered to the officer commanding the brigade."

or privates a crime punishable by cashiering upon conviction. While a few officers might have chanced sending in returns they knew to be incorrect, it is more likely that most of the errors were made by commanders who ignorantly responded to requests for information according to their own interpretation of what the reports were supposed to indicate. There could have been a reasonable doubt just how to report some men. One problem connected with muster returns came up over just where to list men who had attempted to desert but were prevented from actually leaving the camp. Did the Articles of War operate equally against those who intended to desert and those who actually attempted to desert? Washington partly answered this question in 1779 in a letter to Brigadier General Smallwood. He said cases of mere intention, unexpressed in any act, did not come under the meaning of the Articles of War; but where intention and any act expressive of it corresponded, the person could be held in violation of the desertion articles. Any deliberate attempt to depart illegally from the service was to be considered desertion, according to Washington's reasoning; he felt

11 Articles of War, Section IV, Article 4, Journals of the Continental Congress, V, 791.

12 The Adjutant Robert Ralston of the First Pennsylvania Brigade was cashiered for "Making a false return," General Order, December 18, 1777, Writings of Washington, X, 169; Captain Thomas Lucas of Colonel Malchom's regiment was discharged from the service for the same offense, May 11, 1778, ibid., XI, 375-76; Lieutenant Robert Nicholson of the First North Carolina Regiment was only reprimanded for "making out and repeatedly signing false returns," General Order, May 14, 1779, ibid., XV, 70.
that if this was not the case it would be very difficult to prove
desertion unless the deserter actually got away, which would mean in
most cases the quitters might never be apprehended and tried for
the crime.  

While the number of musters taken increased considerably,
with weekly returns being prepared for most of the time until the
end of the war, the reliability of the reports left much to be
desired. In April, 1777, Washington wrote to Major General
Benjamin Lincoln in regard to two of his independent companies
that reported returns less than the previous one with the deficiencies
not accounted for. Washington ordered that the captains be called
upon to explain what had become of their men.

The information included in the weekly and monthly returns
required a great deal of careful attention by those responsible for
their preparation. The report submitted by the American commanders
was very similar to the one used by the British. Along with the
unit designation and date, columns were drawn to show troops fit for
duty, sick-present, sick-absent, on command, furloughed, and the total
number. This was followed by several columns showing the number

13 Washington to Brigadier General William Smallwood,
February 21, 1778, ibid., X, 488.

14 Washington to Major General Benjamin Lincoln, April 20,
1777, Mount Vernon Library, Mount Vernon, Virginia.
enlisted, killed, deserted, discharged, transferred, and missing. In 1777 an additional column was added to show the number of men present but unfit for duty because they had no shoes or clothing. Some reports also gave the number of men confined in jails. The troops listed as sick-present, sick-absent, on command, and furloughed caused the most trouble in attempting to decide just how many men had deserted from the army.

The "sick-present" usually were those men sick who could not perform duty and were either in their barracks or in the hospital at that camp. The "sick-absent" referred to those men who had gone home or were in hospitals located at another place. Some units erroneously reported deserters as sick-absent. Since this figure was always large, and the desertion figure usually small, there is reason to believe that the commanders preferred to make the entry in the sick-absent column rather than in the deserted column.\(^\text{15}\) As indicated earlier, many troops went home to recover from illness. Some of these men never returned to the army and rightfully should have been listed as deserters.

Those "on command" were usually sent on special missions as individuals or in small parties to perform duty apart from that being

\(^{15}\)In 1778 Washington instructed officers superintending hospitals to make accurate lists of the sick and transmit them immediately to the adjutants office for he felt that many listed as sick-absent were either dead or deserted. February 28, 1778, *Writings of Washington*, X, 526.
exercised by the main part of their company. For example, soldiers might be sent out as messengers, wagon drivers, recruiters, guards used in transferring prisoners of war from one location to another, regular prison guards, pickets or defenders of small outposts, and personal servants for officers. Any person sent away from his company on orders, and expected to return eventually was listed as "on command." Soldiers so designated often had an excellent opportunity to desert, and many did. A certain percentage of the men listed as "on command" should more accurately have been listed in the desertion column.\(^\text{16}\)

Furloughed men referred to those soldiers authorized by written orders to be away for a specified length of time. Frequently, furloughed soldiers never returned but were carried under this column for months, and in some cases for years, and should have been listed as deserters.

Once the army reached Valley Forge, Washington's adjutant general added the column listing those not available for duty for want of shoes or clothes. This column first appeared in the return of December 22, 1777, and was retained for some time. On that date, 829 men were reported as unfit for this reason. By January 24, 1778, the total had jumped to 3,710.

\(^{16}\)Washington to Board of War, January 9, 1779, ibid., XIII, 498; General Orders, January 22, 1780, ibid., XVII, 424; to Brigadier General John Stark, February, 1780, ibid., XVIII, 63.
The adjutants general worked hard trying to obtain accurate returns. Most unit commanders attempted to send their musters promptly, but usually the final army returns prepared by Washington's staff lacked some units' reports. Often the adjutants general simply used the latest figures they had and made notes at the bottom of the return stating the date of the information and the units excluded. Other times the adjutants made entries indicating that the reports were in error because some brigades had not reported the correct figures. Adjutant General Alexander Scammel noted specifically that certain men from a Virginia regiment had been reenlisted and given a furlough but had not been reported in the return for that brigade. Other men in the same Virginia unit had been discharged and were not shown on the returns. A few units were omitted from almost every muster. In February, 1778, the Maryland brigade and Colonel Thomas Hartley's Eleventh Pennsylvania Regiment did not send in returns. The return of the Ninth Virginia Regiment was not included in the return of February 21, 1778, because it was reported that there was no officer belonging to it "who is able to make a Return thereof." The artillery was usually reported separately on most returns as were the militia forces.

17 Returns of January 12, 19, 1778, Revolutionary War Rolls, 1775-1783, National Archives, Roll 137.

18 February 21, 1778, ibid.
As late as 1780, Washington was still trying to impress his commanders with the importance of accurate returns. To Lord Stirling he penned the following instructions:

... all returns are [to be] made in due form, in proper time, and correctly; comparing one return with another in order to prevent mistakes, correct abuses, and do justice to the public; and that in visiting such parts of the line, and such particular Corps as are entrusted to their care prize is bestowed on the deserving, reprehension, and ... punishment on the negligent, the good effect would be almost instantaneously felt; frequent visits and inspections into matters of this kind would produce more real good in one month than volumes of the best digested Orders that the wit of man can devise wd. accomplish in Seven years.19

Most commanders attempted to comply with these instructions and to correct their returns; however, errors persisted. Brigadier General Edward Hand, serving as adjutant general, wrote to Colonel Philip Van Cortlandt in 1782, requesting additional information in regard to his return. Hand pointed out that the return had not been dated, that the drummers and fifers vacancies and the numbers needed to complete those positions did not agree, and that the number of sergeants requested, and received, or reduced did not account for sixteen sergeants! Several additional entries in this return were questioned. Hand demanded that corrections be made and that

19Washington to Lord Stirling, March 5, 1780, Writings of Washington, XVIII, 72-73.
explanations be given in regard to several men stationed at odd places and doing a variety of things like serving as butchers for the local contractors.  

Hand requested similar information from several other regimental commanders who had sent in returns that were grossly incorrect. The Tenth Massachusetts Regiment returned three men on "extra guard," which caused Hand to ask what they meant by that remark. Two men had been returned on extra service with Major Rochefontain when he was entitled to only one. The same regiment returned a man on extra service with the artificers in garrison, which Hand felt should have been included under another more appropriate column. The chaplains were also listed incorrectly, causing Hand to remark that he could not tell if they were present, sick, at liberty, or in jail. He ordered that these irregularities be promptly rectified.

Regardless of the actions taken by Washington and his adjutants general, the reports were never as accurate as they should have been.

Army Returns

Even with all the irregularities, the returns provide valuable information. In 1775 Washington requested that weekly, or at least


21 Ibid., 54-56.
monthly, returns be prepared. These musters were difficult to obtain, as has already been indicated, and when accumulated rarely did they reflect the true status of the army. A return of every regiment is not absolutely necessary for this study since only a comparative percentage is sought. Data from the returns available indicate what percentage of the men were listed as deserters, regardless of the completeness of the units reporting. Of course, if some unit that experienced unusually large numbers of desertions failed to report, the percentage of desertion for that month would be affected to some extent. Even so, the exclusion of a few units will not be regarded as detrimental to the problem of determining approximate percentages from the army returns.

From the Revolutionary War Records in the National Archives, data was gathered from returns for the following years: 1775, fourteen returns; 1776, twenty-one returns; 1777, six returns; 1778, forty-one returns; 1779, forty-three returns; 1780, fifty returns; 1781, thirty-seven returns; 1782, forty-one returns; and 1783, thirty-two returns. Some returns were not fully usable because of omissions of vital statistics. As might be expected, most of these "official" reports register relatively few men in the column marked desertion. Actually, if these returns alone were used, the impression would be gained that desertion seldom occurred in the American army, or at least it was so infrequent that little mention need be made of it. Since the opposite of this is most likely
the case, some account must be made for the gross discrepancies in the records. As indicated earlier, the most likely place to hide the deserters was with the soldiers listed as sick-absent, furloughed, or on command, since reports on these troops could not easily be checked out. This reasoning seemed logical to the typical commander. As far as usefulness was concerned, it mattered little in which column the soldier was listed on the muster, since he was lost to the unit whether sick, on command, or deserted. Moreover, the morale of other troops would have been damaged by seeing large numbers of men listed as having successfully deserted. It is therefore, quite understandable that a relatively small number of men were officially listed as deserters.

Another factor to be considered was just which soldiers were to be placed in the desertion column. If all the men who left without authorization for any length of time had been listed as deserters, the number would have been very large. This was not the case; usually only those men who were known to have deserted to the enemy were listed. This meant definite proof was available concerning their illegal departure. Another way runaways were counted was by recording the actual number who had been court-martialed for that offense and found guilty. Again, since most deserters avoided capture, they were never tried as deserters. The numbers listed in the official returns correspond rather closely to the actual number of men who were court-martialed for desertion. While such information
might at first be considered very accurate, it is also misleading. The army apparently did not wish to make known how many men were leaving the service, but could not help recording those definitely accused or convicted of desertion. Another more serious obstacle arose over whether to count each occurrence of desertion, or to count only once individuals who deserted, regardless of the number of times they fled.

The data employed in preparing the following figures was based on general returns of the army directly commanded by Washington, which included soldiers of the rank and file only, with commissioned officers, staff officers, and chaplains being excluded. A percentage of desertions was obtained by averaging the total strength of the army from a specified number of musters and comparing this figure with the total number listed in the desertion columns.

There were fourteen general returns from July 19 to December 30, 1775. The returns for July 19, 22 and 29 did not include a section for entries regarding enlistments, dead, discharges, or desertions. The first return to show this information was the one for August 5, which listed the highest number of desertions to be recorded that year, 199. The next highest number of desertions appeared the following week when 164 were counted. Without exception, the number of desertions declined each succeeding week according to the general returns throughout the year 1775; only eight deserters
were listed in the returns of December 30, 1775. The 1775 reports
show an average strength during the last six months of 18,873
troops, with an average of 13,732 listed fit for duty. The number
of desertions for this same period totaled 960, which gives an
average desertion rate of 5.1 per cent of the total strength and
7.0 per cent of those declared fit for duty. At the same time,
those counted as sick-absent, sick-present, on command, and
furloughed averaged 5,141 or 27.2 per cent of the total strength
and 37.5 of those fit for duty. The desertion rate of 5.1 for
1775 was not high when compared with that of European armies, but
if part of the 5,141 troops listed in other places were actually
deserters, then the true rate of desertion would be much higher.

From January through July, 1776, the average total strength
of the army was 11,240, and the average fit for duty strength was
8,300. During this period at least 843 men deserted, causing an
increase in the percentage of departures over the previous year's
figures to 7.5 per cent of the total and 10.1 per cent of the fit
for duty strength. In only two weeks' returns were more than 100
desertions reported -- that of February 18th, which showed 140,
and that of June 28th which indicated 107. The next highest figure
for this period was May 12, when 72 men were reported absent without
leave. The return for January 8 listed 10,209 men fit for duty, 705
sick-present, 233 sick-absent, 1,318 on command, and 1,044 on
furlough from a total strength of 13,509 rank and file. No figures
were given for those enlisted, killed, discharged, or deserted.
The strength of the army was increased during the last half of 1776. The Continental Congress first called for 26 battalions for 1776, with each state to furnish a given quota. On September 16, the figure was raised to 88 battalions of infantry, to be raised by the country at large, bringing the year's tally with three other irregular battalions, to 107 battalions. Three returns submitted in 1776 show the increased size of the army. The one dated September 21 was the first to reveal substantial desertions, 556. Desertion statistics fell markedly in the tallies of September 28 and October 5, to 80 and 142, respectively. With the total force being increased, the percentage of desertions took a large drop from the 7.5 for the first seven months returns to a low of 2.9 for the last five months. A corresponding drop in desertion percentages was seen in the fit for duty strength from 10.1 to 5.0. During the last five months those registered as sick-absent rose to 3,361, or 12.2 per cent of the total enlisted personnel. It is very likely that the lists for the last half of 1776 were incorrect since the army was engaged in heavy fighting in New York and New Jersey from August through December. On the other hand, it is also reasonable to assume that fewer soldiers deserted during this period of heavy combat. The inconsistency of official returns

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precludes verification of the generally held belief that there was always a decrease in desertions during periods of heavy fighting.

The general returns for the year 1777 are the least usable since they were usually devoid of information concerning desertion. Only three give complete data regarding such losses, those of November 3, 10, and December 31. They show that the percentage of desertions dropped again to a low of 1.6 of the aggregate strength and 3.2 for those fit for duty. By December, 1777, Washington had moved his army to Valley Forge, where its size increased about 7,000 over the number counted at White Marsh in 1776. During the last two months in 1777, an average of 4,099 men or 23.5 per cent of the total, were reported sick-absent. It is likely that some of these men should have been listed as deserters. The May 2 return indicated 1,020 men sick-absent, mostly because of unfavorable reaction to smallpox vaccination on the western side of the Delaware River. The same report showed 369 men on command, with 33 specifically listed as serving as wagoners; there was no mention of the other 336.23 A comment on the November 10 return explained that the eleven men reported as deserters from the Tenth Pennsylvania Regiment belonged to an independent company

23 General Return, May 21, 1777, Revolutionary War Rolls, National Archives, Roll 137.
recently annexed to the Pennsylvania unit and that they had deserted on the march from Lancaster to camp.  

A general weekly return was made in 1778 for all but about a dozen weeks, and all but four give complete data on desertions and other losses. The strength of the army rose from about 17,000 in January to a high of 30,134 in October, for an average of 20,241 for the year. The actual available manpower averaged only 9,874, with eight showing fewer than 5,000 men fit for duty, and six recording fewer than 4,000 men. After May, Congress increased the size of the army considerably, giving Washington an effective force of over 12,000 on each return for the remainder of the year. Desertions recorded during this period, excluding militia not used as Continental troops, totaled 3,612, with the greatest numbers occurring after the troop increase in May. Prior to May 9, five returns show over 100 desertions: January 2, 101; February 29, 242; March 30, 207; May 2, 295; and May 9, 152. Seven returns made after May 9, show over 100 desertions with the highest — 321 — coming on May 30. Since there were more returns available for that year, it is not surprising that defectors reported was larger than for any previous year, causing the percentage of desertions also to appear greater. When desertions are compared to total strength,

24 General Return, November 10, 1777, ibid.
the desertion rate for 1778 was 17.8 per cent and when compared with those fit for duty the rate was an astounding 36.4 per cent. This rate of desertion seems vastly out of line with that of earlier years, but it might be more nearly correct than the figures for those years since the data for 1778 are more complete. The data for the first three years could justifiably be disregarded and reliance placed entirely on the returns for the years from 1778 through 1783 since the percentages for these latter years stabilized, indicating a level of accuracy had been reached that is more in line with actual desertions. During this same period the sick-absent figures continued to be very high, averaging over 4,000 per return for an average of 20 per cent of the total. Beginning with 1779, two percentages are given for each year, one based on weekly returns and the other on monthly returns. The weekly and monthly returns should be the same, but in fact they are not.

Eleven monthly returns for 1779 show an average strength of 19,809 and an average duty aggregate of 13,619, with a desertion percentage of 8.9 of total strength and 12.9 of duty strength. The monthly lists recorded a total of 1,762 desertions, of which the highest number, 364, occurred in July. When the weekly returns for 1779 were used, the percentages of desertion dropped noticeably, primarily because a total of only 634 desertions appeared on all the thirty returns. The weekly tallies show an average total strength of 10,751 and an average duty strength of 7,258, with
desertion percentages of 5.9 and 8.7. Obviously there were discrepancies in these reports.

The 1780 returns reversed the pattern, showing the desertion percentages for the weekly returns to be larger than those for the monthly reports. Nine monthly returns for 1780 revealed an average strength of 13,808 and a duty strength of 9,259, for desertion percentages of 9.8 and 14.6. The number of runaways on these nine returns was 1,354, with the 275 desertions in January the largest number for a single month. Thirty-eight weekly returns record a total of 1,217 quitters, only 137 less than the number recorded on the monthly returns. Since the total average strength in the weekly returns was much less -- 9,159--the desertion percentage increased to 13.3, or 3.5 greater than the percentage registered for the monthly rolls. The percentage for the duty strength on the weekly return of 6,307 also showed an increase in the desertion rate to 19.3 per cent, or 4.7 per cent greater than for the monthly checks. Only one weekly return of the thirty-eight showed more than 100 deserters, that of February 14, which listed 135.

The monthly and weekly returns for 1781 are very close for strength but vary widely as to desertions reported. The percentage of illegal absences on the monthly returns was much larger; only 437 desertions are listed on the weekly inventories, while 609 appear on the monthly reports. The aggregate of the army fell to
about half the strength of the previous year, with only 6,290 recorded on the monthly and 5,562 on the weekly returns. The average duty strength was 2,427 on the monthly and 2,586 on the weekly manifests. These figures provide desertion percentages of the total strength of the army of 9.1 on the monthly and 7.9 on the weekly returns. Duty strength percentages were 23.6 on the monthly and 17.9 on the weekly returns.

The monthly returns for the year 1782 show an increase in the average strength of the army over the previous year to 8,699, and in duty strength to 5,080; the desertions total also increased to 692, yielding percentages of 8.0 and 13.6. The weekly returns for 1782 were lower in total strength —6,351— duty strength —4,145— and in total deserters —440— for percentages of 6.9 (of total strength) and 10.9 (of duty strength).

While the total and duty statistics remained about the same for the first six months of 1783 in both monthly and weekly checks, the total number of desertions decreased measurably (463 monthly and 280 weekly), providing desertion percentages of 5.3 and 7.3 — the lowest since the year 1777.

What conclusions can be drawn from these returns? The erratic changes in the desertion percentages compared with total strength for the first four years would indicate that these figures are less reliable than the figures for the last five years. Beginning with the figures for 1779 and continuing through 1783, the rates
of desertion seemed to stabilize according to both the monthly and weekly returns. More accurate reporting by the commanders probably accounted for some of the change, along with the increased number of returns submitted. When the monthly returns are compared for the years 1779, 1780, 1781, and 1782, the percentages of desertions of the total strength are very close: 8.9, 9.8, 9.8 and 8.0. The desertion rates computed from the average duty strength are much more erratic, but are interesting as an additional comparison.

The weekly returns for these same years show a stability that corresponds with that of the monthly returns, enhancing the reliability of both sets. When the return for 1779 is omitted, the rate of desertion from 1780 to 1783 in the weekly returns dropped each year in a fairly reasonable pattern, falling from 13.3 per cent in 1780 to 7.9, then 6.9, and finally 3.4. The similarity in the monthly returns would indicate that possibly the rate for the last four years of the war should be estimated at no less than 10 per cent of the total strength of the army. This approximation might seem reasonably sound since it comes close to the figures armies usually expect today and compares favorably with desertion rates of European armies of the eighteenth century. When other factors regarding inaccuracies in reporting are considered, it seems reasonable at best to double the figures and estimate the desertion rate to have been from 20 to 25 per cent. The larger figure would account for the men listed as sick-absent who should
have been carried as deserters. Since the percentage of men in this category often ranged above the 25 mark, it seems not out of line to give preference to an overall desertion rate that closely approximates this figure. Additionally, the higher percentage is substantiated when the 1778 desertion rate of 36.4 per cent of duty strength is considered.

Individual Units

The records of many units when examined separately show desertion rates much higher than the rates indicated by the army muster returns. Of course, some units experienced more desertions than others, but since all units cannot be analyzed in detail, a close look at a few will provide desertion percentages that can be used in comparison with data from other sources.

Colonel Moses Hazen's Second Canadian Regiment, also called "Congress' Own" because it belonged to no single state, is a suitable unit of the Continental army to study in detail for several reasons. First, the officer personnel remained about the same throughout the war; Hazen himself commanded the regiment from January 22, 1776, to June 1, 1783. Second, this period corresponds closely with the years of the war. Finally, a list is available that provides the name of every man serving in this unit during the war,

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25 Heitman, *Historical Register of Officers of the Continental Army*, 16.
# TABLE I

**GENERAL RETURNS FOR THE CONTINENTAL ARMY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Total Strength</th>
<th>Average Fit For Duty</th>
<th>Average Total Deserted</th>
<th>Average Percentage Deserted</th>
<th>Week Showing Most Desertions</th>
<th>Number Returns Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>1775</td>
<td>18,873</td>
<td>13,732</td>
<td>960</td>
<td>5.1</td>
<td>Aug. 5, 1775 (199)</td>
<td>11</td>
</tr>
<tr>
<td>1776 (Jan. to July)</td>
<td>11,240</td>
<td>8,300</td>
<td>843</td>
<td>7.5</td>
<td>Feb. 18, 1776 (140)</td>
<td>16</td>
</tr>
<tr>
<td>1776 (Sept. to Dec.)</td>
<td>26,896</td>
<td>15,854</td>
<td>778</td>
<td>2.9</td>
<td>Sept. 21, 1776 (556)</td>
<td>3</td>
</tr>
<tr>
<td>1777</td>
<td>17,362</td>
<td>8,758</td>
<td>278</td>
<td>1.6</td>
<td>Dec. 31, 1777 (147)</td>
<td>3</td>
</tr>
<tr>
<td>1778</td>
<td>20,241</td>
<td>9,874</td>
<td>3,612</td>
<td>17.8</td>
<td>May 30, 1778 (321)</td>
<td>39</td>
</tr>
<tr>
<td>1779</td>
<td>10,751</td>
<td>7,258</td>
<td>634</td>
<td>5.9</td>
<td>Aug. 14, 1779 (57)</td>
<td>305</td>
</tr>
<tr>
<td>1779</td>
<td>19,809</td>
<td>13,619</td>
<td>1,762</td>
<td>8.9</td>
<td>July 19, (364)</td>
<td>11</td>
</tr>
<tr>
<td>1780</td>
<td>9,159</td>
<td>6,307</td>
<td>1,217</td>
<td>13.3</td>
<td>Feb. 14, 1780 (135)</td>
<td>385</td>
</tr>
<tr>
<td>1780</td>
<td>13,808</td>
<td>9,259</td>
<td>1,354</td>
<td>9.8</td>
<td>Jan., (275)</td>
<td>9</td>
</tr>
<tr>
<td>1781</td>
<td>5,562</td>
<td>2,427</td>
<td>437</td>
<td>7.9</td>
<td>Oct. 6, 1781 (38)</td>
<td>295</td>
</tr>
<tr>
<td>1781</td>
<td>6,290</td>
<td>2,586</td>
<td>609</td>
<td>9.7</td>
<td>June, 1781 (127)</td>
<td>8</td>
</tr>
<tr>
<td>1782</td>
<td>6,351</td>
<td>4,145</td>
<td>440</td>
<td>6.9</td>
<td>April 22, 1781 (37)</td>
<td>315</td>
</tr>
<tr>
<td>1782</td>
<td>8,699</td>
<td>5,080</td>
<td>692</td>
<td>8.0</td>
<td>April, 1782 (140)</td>
<td>105</td>
</tr>
<tr>
<td>1783</td>
<td>8,026</td>
<td>5,847</td>
<td>280</td>
<td>3.4</td>
<td>Feb. 22, 1783 (39)</td>
<td>17</td>
</tr>
<tr>
<td>1783</td>
<td>8,819</td>
<td>6,360</td>
<td>463</td>
<td>5.3</td>
<td>Feb., 1783 (139)</td>
<td>5</td>
</tr>
</tbody>
</table>

1. Data collected from Revolutionary War Record, National Archives, Rolls 137, 138.
2. Only nine returns used for computing average strength fit for duty in 1775.
3. No deserters listed on return dated January 8, 1776.
4. Eighty-eight battalions authorized accounts for large increase in army strength.
5. Weekly returns.
6. Return covers period from January to May, 1783.
along with the dates of enlistments, discharges, desertions, promotions, and other data. On the other hand, Hazen's regiment was not typical of the army as a whole, because it often suffered more from want of supplies, food, and pay than units supported by both the central government and a specific state. In another way, this unit seemed to be a poor example, because it often received as recruits many of the undesirables rejected by other regiments. These factors could help account for the unusually high desertion rate suffered by Hazen's command.

Hazen's muster roll contains the names of 1,435 men who joined this unit, in most cases for the duration of the war. From this aggregate, 399 men are listed as deserters from the regiment, which provides a desertion rate of 27.8 per cent for the eight-year period. While this is a much higher rate than the general muster returns indicated, it corresponds closely with estimates often given by other writers and is only slightly higher than the adjusted estimate already determined from the official muster returns. At the same time that over one-fourth of Hazen's men were deserting, only 4.8 per cent were listed as killed in action or deceased from other causes. Only one of Hazen's soldiers, Richard Bussard, was

listed as having been executed for desertion—on June 6, 1777, at Princeton. Most of the men listed on this roll were from Connecticut, New York, Massachusetts, Pennsylvania, New Jersey, and Maryland.

Colonel Henry Jackson's regiment, one of the sixteen additional Continental regiments authorized by Congress on December 27, 1776, and redesignated the Sixteenth Massachusetts Regiment on July 23, 1780, suffered considerably fewer desertions than Hazen's unit. Fourteen returns during 1778 listed 48 deserters from an average total strength of 405 men, which yields a desertion rate of 11.9 per cent. Fifteen returns for 1779 show 52 shirkers from an average total strength of 402 men, for a desertion rate of 12.9 per cent. 27 Jackson's unit was probably more typical of the army as a whole and the rate from his unit closely corresponds with the unadjusted figure from the general muster returns.

Company-size unit muster rolls reveal varying desertion rates. Captain John Nelson's company of Pennsylvania riflemen in Colonel John Philip DeHass's regiment experienced 18 desertions from March to May 1776, from a full complement of 93 officers and men. For this period Nelson's unit experienced defections at the rate of 19.4 per cent. All of these slackers were short-time men having served only a few months before departing; seven of the eighteen

left together on May 2, 1776.\textsuperscript{28} This figure supports the adjusted rate of about 20 per cent.

Captain Samuel Watson's company in Colonel Arthur St. Clair's and Colonel Joseph Wood's battalion contained 103 officers and men. From January 5, to November 25, 1776, six soldiers were killed, four discharged, two reported missing in action, and eighteen ran off. All the deserters were privates except one, Sergeant Morris McMahon, and all served about two months before abandoning the army. Eight scampered off in a four-day period -- April 6-10 -- while the unit was not engaged in combat. The rate of desertion for this unit was 13.5 per cent,\textsuperscript{29} which is still higher than the rate obtained from general returns; when adjusted, this company would exceed the 20 per cent mark.

During the same period of time, Captain Rudolph Bunner's company, of the same battalion, experienced eight desertions for a rate of only 8.5 per cent. However, eight others are listed as missing, most having disappeared while the unit fought at Three Rivers, Canada, and nine others were killed.\textsuperscript{30} Captain Thomas Craig's

\textsuperscript{28}William Thomas Roberts Saffell, Record of the Revolutionary War: Containing the Military and Financial Correspondence of Distinguished Officers, Names of Officers and Privates of Regiments ... General Orders ... (New York: Pudney & Russell, 1858), 181.

\textsuperscript{29}Ibid., 183.

\textsuperscript{30}Ibid., 185-87.
company of 100, also at Three Rivers, reported three missing and five privates and two corporals deserting for a rate of 7 per cent. 31

Several companies of St. Clair's and Wood's Pennsylvania battalion recorded no desertions, and very few missing, killed, or discharged. However, the total strength of these units averaged only about 60 men rather than the normal 100. It is likely that desertion took a heavy toll from these companies, because no explanation is given concerning the disappearance of nearly half the men. The desertion rate in these units, while officially low, was probably in excess of 20 per cent. 32

Colonel Anthony Wayne's Pennsylvania battalion, during 1776, felt substantial desertions. Captain Persifor Frazer's Company of 108 officers and men experienced thirteen desertions, for a rate of 12 per cent. Seven of the thirteen decamped in July. Twelve men deserted from Captain James Taylor's rather large company of 120 officers and men during 1776, for a rate of 12 per cent. All of these deserters were short-timers; most of them left in February after only a month's service. 33

31 Ibid., 187-89.

32 Ibid., 189-98. Captain William Butler's Company contained 72 men; Stephen Bayard's, 57; John Brisban's, 60; John Rees, 47; John Huling's, 47; Thomas Robinson's, 73; Thomas Church's, 83; and John Lacey's, 69. None of these companies show any deserters.

33 Ibid., 198-201.
The desertion rates, of course, were not the same in all military companies all the time — they varied with circumstances. Hence, individual unit records might not always support the average rate of about 20 to 25 per cent determined from other data. For example, the number of men who deserted from the companies of Colonel William Irvine's regiment while fighting at Three Rivers was remarkably low. Captain Samuel Hay's company of 97 troops had six to desert; Captain Robert Adam had only three to leave from 111 men. Four of Captain Abraham Smith's company of 93 ran off; William Rippey's company lost only one man by defection while losing ten captured and four killed; Captains David Greer, James A. Wilson, Moses McLean, and Jeremiah Tolbott reported no truants from their companies.34 Although it is reasonable to assume that almost all soldiers in a few units remained faithful to the service, this was not the case army-wide. Captain Bernard Roman's Pennsylvania artillery company made up of 102 officers and men suffered twenty-one desertions during 1776 while stationed at Fort Ticonderoga, for a desertion rate of 20.4 per cent,35 and is more representative of the typical army unit -- and of the army as a whole.

34Ibid., 202-15.

The desertion rates of these companies, selected at random, vary considerably — from practically none to over 27 per cent. When considered collectively, they tend to agree rather loosely with the adjusted desertion rate given in the general returns. This gives credence to the thesis that the overall desertion rate of the army should be placed somewhere between 20 and 25 per cent of the total strength. Certainly Hazen's regiment strongly supports the higher figure.

State Records

Another view of desertion can be had by looking at the troops furnished by each state without regard to their regiments, the enlistment periods, or the length of service. The total number of men listed on state rosters can easily be compared with the number designated as deserters, yielding a desertion rate for each state. These state statistics furnish another figure useful in determining a reasonable rate of desertion from the army during the war.

The data for this comparative analysis comes from the Rosters of State and Continental Troops 1775-1783, located in the National Archives. Nine state rosters are included in this twelve-volume series.

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36 Rosters of State and Continental Troops, 1775-1783 (12 vols., Record Group 93, Entry 5-1, National Archives).
set: Connecticut, Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and South Carolina. These rosters give the name and military assignment of each soldier, along with such information as rank, date of appointment or enlistment, promotion, duration of enlistment, and date of discharge, desertion, or death. Within each volume the soldiers are listed alphabetically by surname according to regiments. A few additional regiments are attached to some of the state rosters. For example, those of Colonel John Crane, Colonel David Henley, Colonel Henry Jackson, and Colonel William R. Lee are attached to the Massachusetts lists. The regiments of Colonel Oliver Spencer and Colonel David Forman are attached to the New Jersey roster.

Some of the state rosters are not complete. The North Carolina roster includes only soldiers whose surnames begin with the letters "R" to "Z". The entries for "A" are missing in the Rhode Island list, and only the soldiers whose surnames begin with "A" through part of "R" appear in the South Carolina record.

A count was made of the total number of soldiers listed in each state roster and of those who deserted. These two figures were compared to give a percentage of desertions for each state. The total of all the troops listed in these nine rosters was compiled and compared with the aggregate number listed as deserters from all the states. This provided a rate of desertion that could be compared with rates obtained from other data.
Before presenting the data gleaned from the state rosters, one should mention the total number of troops officially belonging to each state according to the Continental Congress. Although the exact number of men furnished by each state in the war is not known, an estimate was made by Colonel John Pierce, paymaster-general of the Continental army, and the treasury accountants in 1787. It is listed below.

**TABLE II**

NUMBER OF MEN FURNISHED BY EACH STATE IN THE WAR

<table>
<thead>
<tr>
<th>State</th>
<th>Continental Army</th>
<th>State Troops</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>12,497</td>
<td>4,000</td>
<td>16,497</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>67,907</td>
<td>20,000</td>
<td>87,907</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>5,908</td>
<td>4,000</td>
<td>9,908</td>
</tr>
<tr>
<td>Connecticut</td>
<td>31,939</td>
<td>9,000</td>
<td>40,939</td>
</tr>
<tr>
<td>New York</td>
<td>17,781</td>
<td>10,000</td>
<td>27,781</td>
</tr>
<tr>
<td>New Jersey</td>
<td>10,726</td>
<td>7,000</td>
<td>17,726</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>25,678</td>
<td>10,000</td>
<td>35,678</td>
</tr>
<tr>
<td>Delaware</td>
<td>2,386</td>
<td>1,000</td>
<td>3,386</td>
</tr>
<tr>
<td>Maryland</td>
<td>13,912</td>
<td>9,000</td>
<td>22,912</td>
</tr>
<tr>
<td>Virginia</td>
<td>26,678</td>
<td>30,000</td>
<td>56,678</td>
</tr>
<tr>
<td>North Carolina</td>
<td>7,263</td>
<td>13,000</td>
<td>20,363</td>
</tr>
<tr>
<td>South Carolina</td>
<td>6,417</td>
<td>20,000</td>
<td>26,417</td>
</tr>
<tr>
<td>Georgia</td>
<td>2,679</td>
<td>8,000</td>
<td>10,679</td>
</tr>
</tbody>
</table>

Totals: 231,771 | 145,000 | 376,771

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37Haitman, *Historical Register of Officers of the Continental Army*, 691. For the complete list consult *American State Papers*,

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The total given in this table is excessive. Many of the men listed served two, three, or even four terms, which caused them to be counted more than once. While the total enlistments might well have numbered 231,771 for the Continental army, it is likely that no more than 154,000 different men served in the Continental army from all the states. The troops from the nine states included in this comparison, according to Pierce's estimate, totaled 176,005. When the factor for multiple enlistments is subtracted (about 20 per cent), the corrected total for individuals should be about 118,000. The state rosters for these nine states list only 48,589 individual troops by name who served in the Continental army. This leaves approximately 70,000 men unaccounted for. Even though the Rhode Island, North Carolina, and South Carolina rosters are incomplete, the total number of troops omitted would be small compared to the 70,000 missing names, probably reducing the number at the most by only nine or ten thousand. This discrepancy can be accounted for in two ways: either Pierce's records are grossly inaccurate, or the state records are very incomplete, or both are partly faulty. For the purpose of this study, the state rosters, even though they might not contain all the troops, seem at times to be more reliable and therefore more usable, since they list individuals that can be accounted for. They will, therefore, be used to compile a desertion rate for the Continental army.

The following table lists the nine state roster totals:

### TABLE III

ROSTERS OF STATES' CONTINENTAL TROOPS

<table>
<thead>
<tr>
<th>State</th>
<th>Total on Rolls</th>
<th>Deserters</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>8,477</td>
<td>1,045</td>
<td>12.33</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>16,148</td>
<td>1,682</td>
<td>10.42</td>
</tr>
<tr>
<td>Rhode Island (B-Z)</td>
<td>2,424</td>
<td>494</td>
<td>20.38</td>
</tr>
<tr>
<td>New Jersey</td>
<td>4,448</td>
<td>1,190</td>
<td>26.76</td>
</tr>
<tr>
<td>New York</td>
<td>5,063</td>
<td>1,308</td>
<td>25.83</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>4,928</td>
<td>377</td>
<td>7.66</td>
</tr>
<tr>
<td>North Carolina (R-Z)</td>
<td>1,765</td>
<td>239</td>
<td>13.54</td>
</tr>
<tr>
<td>South Carolina (A-R)</td>
<td>4,146</td>
<td>151</td>
<td>3.64</td>
</tr>
<tr>
<td>Delaware</td>
<td>1,190</td>
<td>305</td>
<td>25.63</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>48,589</strong></td>
<td><strong>6,781</strong></td>
<td><strong>13.98</strong></td>
</tr>
</tbody>
</table>

The rate of 13.98 per cent desertions shown by the state rosters is only slightly higher than the rate found by using the unadjusted general returns of the army. This still does not signify conclusively that the rate was this low. More likely it was closer to 20 per cent for the whole army during the entire war, since the state rosters are not without errors and omissions. As indicated earlier, the state rosters list fewer troops from each state than is believed to have been furnished by the states. It can also be assumed that not all the men who deserted were so indicated in all cases in the state rosters.
At least two state rosters, Pennsylvania and South Carolina, appear to be significantly erroneous. The Pennsylvania roster, like the others, recorded fewer men serving in the Continental army than the Pierce account, but more importantly, it did not indicate very many desertions among the individuals included. The Pennsylvania roster was at times little more than a list of names with the "remarks" column left blank. There was little consistency in the recording of information in this roster. Troops who served in 1776, 1782 and 1783 were not included. Many of the entries could not be interpreted -- some of which could have referred to desertion. None of the entries in the Pennsylvania roster show multiple enlistments, which means that if a soldier ran off, and then returned, he was not listed as a deserter. Another problem with the Pennsylvania roster is that only those men who had served long enough to build up a sizeable amount of pay were included. This would eliminate all those who fled in the first thirty days or so, when much of the desertion occurred. Possibly the Pennsylvania percentage of desertions should have been in excess of 25 rather than the 7.6 given in the table.  

Pennsylvania 1776-1781, Roster of State and Continental Troops, National Archives, VII.
The South Carolina roster is odd in that the total number of individuals included in half the roster equals two-thirds of the total number recorded by Pierce. If all other data had been complete this roster would become a very accurate source, but the reverse is true. There were very few deserters indicated, and most of those listed occurred very early or very late in the war, either in 1775-1776, or in 1782-1783. The desertion rate of only 3.64 per cent seems out of line with the rate for troops in other states.

If the Pennsylvania and South Carolina rosters are not used, the overall desertion rate for the seven states remaining would be 15.85 per cent. Since this figure represents known deserters, the true rate for the army, based on this known factor, should have exceeded 20 per cent, possibly as high as 25 per cent.

The rosters for the states of Connecticut, Delaware, Massachusetts, Rhode Island, New York, and New Jersey were the most complete in detail and are probably the most accurate. All of these states recorded desertion rates above 10 per cent, with New Jersey listing 26.76 per cent of the troops as deserters. Both Delaware and New York recorded defections of over 25 per cent with Rhode Island close behind with over 20 per cent. It is conceivable that New Jersey did experience a very high desertion rate. Much of the war (actual combat) took place in or near New Jersey. These troops,

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39 South Carolina, 1775-1783, *ibid.*, XIX.
if engaged, would than have been stationed relatively near their homes making it much easier for them to desert. The temptation to leave the army would have been intensified if news reached the soldiers that British units were active in or near their places of residence. In an attempt to protect their families soldiers were often impelled to desert. The same reasoning could account for the high desertion rate of the Delaware troops. Another possible explanation for the higher rate of the New Jersey troops is that the record is more accurate for them. While the recorders for the other states did not always give complete and accurate tallies, the New Jersey compiler perhaps listed every person, without fail, who was absent from a muster or who was reported at any time as having deserted. This possibility would then support the higher percentage rate of New Jersey as being more accurate for the army rather than the lower rate obtained by averaging all the states together. The 25 per cent desertion rate for the army is certainly within reason according to most authorities.

The New York roster was more detailed than any of the others; it shows signs of much work in an attempt to produce a complete account of the soldiers' military record. The rate of desertion for New York was above 25 per cent. The Delaware roster, likewise,

40 New York, 1776-1783, ibid., V, one unnumbered volume. This roster also included Colonel James Livingston's First Canadian Regiment and Colonel William Malcolm's regiment.
seems to be quite accurate, listing half the total number of troops given by Pierce. The conscientious recorder of this check list noted over 25 per cent of the troops as deserters.\textsuperscript{41}

The Rhode Island roster, showing signs of being as accurate as any of the other state rosters, lists a few less than half of the troops ascribed by Pierce to that state, and records a desertion rate of over 20 per cent.\textsuperscript{42} The Rhode Island rate fits about midway between the three states with the highest percentages and the remainder of the states with rates of from 12 to 15 per cent, and might have been typical for the entire army.

If the lower rate of desertion of about 20 per cent is to be preferred to the higher one of 25 per cent, then the Connecticut roster would best represent the entire Continental army. This register appears to be fairly accurate and probably as complete as any other in this set. It, however, listed approximately 8,477 men as compared to Pierce's 31,939, or about one-fourth the total assigned to that state.\textsuperscript{43} The roster includes some individuals who might have been militiamen. The "Arrangement" troops of 1778, 1781, and 1783 are

\textsuperscript{41}Delaware, 1776-1783, ibid., II.

\textsuperscript{42}Rhode Island, 1776-1783, ibid., VII. Roster included Colonel Nicholas Haussenger's German Regiment and Colonel Henry Sherburne's Regiment. Haussenger's Regiment was organized under a resolution of Congress of May 25, 1776. It was raised in Pennsylvania and Maryland, but, not belonging to any state, it was regarded as one of the sixteen additional regiments.

\textsuperscript{43}Connecticut, 1776-1783, ibid., I.
also included. The number of deserters indicated on the Connecticut roll is less than the number recorded in several other state rosters. The inclusion of so many short-term troops, or arrangement soldiers, partially accounts for the difference, since these part-time men did not seem to be as likely to desert as did the troops who were in for the duration of the war. Many entries in the Connecticut roster indicate that soldiers were mustered on certain dates and were supposed to have joined other units, especially units in Georgia. Some of these men possibly should have been carried as deserters. For example, John Carrell of Colonel Philip B. Bardley's regiment enlisted on April 1, 1777, for the duration of the war. In the August, 1777, muster he was reported present, but he supposedly had joined the Georgia battalion and could have been a deserter. The desertion rate for Connecticut was slightly over 12 per cent, and possibly should have been a little higher.

The North Carolina roster, only partly intact, lists over 13 per cent of the troops as deserters, which corresponds closely with the Connecticut rate, and the rate for all the states combined. It appears to be moderately accurate in regard to runaways, but skimpy in recording other information.45

44 Troops provided by states for short periods of three, six or nine months.

45 North Carolina, 1776-1783, Roster of the State and Continental Troops, National Archives, VI.
The Massachusetts roster contains the largest number of soldiers and the largest number of deserters, but still only about one-fourth the total number registered by Pierce. This tally begins with 1776 and ends with 1780, which would account for a sizeable number of men being left off the roll. The information seems to be accurate and complete in most cases. The desertion rate of over 10 per cent for Massachusetts troops is a little misleading if soldiers who deserted more than once are counted as only one desertion. A considerable percentage of the deserters in this roster actually deserted two, three, or more times according to the information written in the record. For example, Timothy Alvord enlisted April 1, 1777, deserted December 12, 1777, then joined again on February, 1778, deserted the second time on January 5, 1779, joined again March 2, 1779, deserted for the third time in 1779, and joined for the fourth time on July 3, 1779, only to desert again on October 13, 1780. Just how this information is to be dealt with makes a difference in the desertion rate. Should Alvord be counted as one deserter, or as four desertions? The desertion rate gathered from these state rosters records each soldier who deserted only once, regardless of how many times he deserted.

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46Massachusetts, 1776-1780, ibid., III.
47Ibid., III, 2.
This same problem exists for all the rosters; they all record many men as having deserted more than once. Samuel G. Dyer, listed in the Rhode Island roster, enlisted five times and deserted four times, receiving his discharge by order of General Washington in October, 1782.\(^48\) John Hendrick of Colonel Bradley's Connecticut regiment deserted three times.\(^49\) Some men who went home sick were just dropped from the rolls rather than being listed as deserters. George Patton enlisted December 31, 1776, went home sick in 1778, never returned and was dropped from the rolls and finally discharged January 1, 1780.\(^50\) Some men were transferred from unit to unit. Elisha Reynolds, enlisted as a private in January, 1777, reenlisted in 1780 for the duration of the war, then deserted on January 31, 1781, rejoined in June, 1781, and deserted again on July 27, 1782. During this time he was transferred from Holmes' regiment to Starr's, then to Stanford's, then to Douglass's unit.\(^51\) Promotions did not always act as a safeguard against desertion. Daniel Browning of Connecticut enlisted January 10, 1777, as a private, was promoted to corporal on July 11, 1780, to sergeant in September, 1780, and deserted on January 31, 1781.\(^52\) Henry Brown of Samuel Wyllis' regiment enlisted

\(^{48}\)Rhode Island, 1776-1783, \textit{ibid.}, VII, 18.
\(^{49}\)Connecticut, \textit{ibid.}, I, 154.
\(^{50}\)\textit{Ibid.}, I, 227.
\(^{51}\)\textit{Ibid.}, I, 241.
\(^{52}\)\textit{Ibid.}, I, 15.
on January 1, 1777, deserted on September 6, 1778, rejoined on
October 10, 1778, was promoted to corporal on August, 1779, promoted
to Sergeant August 1, 1780, and deserted September 26, 1782.\textsuperscript{53}

On the other hand, many men who deserted returned to serve
out their time or until they were properly discharged. John Barnes,
Ladock Morris, and Elijah Murphy all deserted more than once, only
to return to the army and serve faithfully until the end of the war.
Countless men could be included in this category. These men \textit{were not}
registered as deserters since they returned.

\textit{In summary, what can be deduced from the state rosters?}
Excluding those of Pennsylvania and South Carolina, the desertion
rate varied from a low of 10 per cent for Massachusetts to a high of
nearly 27 per cent for New Jersey. It is possible that each roster
was correct for that state. A combined average for the seven states
gives a rate of nearly 15 per cent, half again as large as the rate
obtained from the general returns. It is difficult, however, to set
an average rate for the army lower than the highest state rate since
possibly none of these records included all the men that deserted.
It can be assumed that the actual rate of desertion was considerably
higher than the totals positively identified. Three states -- Delaware,
New Jersey and New York -- did show over 25 per cent of their troops
as having deserted. If this evidence is used as a guide, the desertion

\textsuperscript{53}\textit{Ibid.}, I, 25.
rate for the entire army should be considered to correspond rather closely with the highest rates, or at least not lower than 20 per cent for the entire army during the war. When data from the three groups are considered collectively, a desertion rate of from 20 to 25 per cent can be fairly well established.
CHAPTER IX

THE APPREHENSION OF DESERTERS

To prevent further defections it was absolutely essential that the army exert every possible effort to capture deserters. Any hesitancy on the part of officers and non-commissioned officers to recover their losses only encouraged more men to depart. In fact, the negligence of some officers not only interfered with the apprehension of deserters, but encouraged others to leave under the assumption that they would not be pursued or punished if returned. General Anthony Wayne made a deep impression on one lieutenant who apparently neglected his duty to post sentries properly. Ebenezer Elmer recorded in his diary that Wayne came on board his vessel, and finding no sentry, which was normal during the day, became enraged and "damned all our souls to hell, and immediately ordered two by night and one by day." This order was immediately put into execution. Elmer added that the lieutenant "shall not forget his damns, which he is very apt to bestow upon people."

1 Ebenezer Elmer, "Journal kept during an Expedition to Canada 1776 . . .," New Jersey Historical Society, Proceedings, III, No. 1 (1848), 55. Elmer "blessed God" that no more power was in the hands of Wayne. A week later Elmer wrote: "I hear that Col. Wayne is promoted to Brigadier General but believe it is a joke," January 20, 1777, ibid., III, 56. Elmer was in the Third New Jersey Regiment.
Major General Horatio Gates was just as direct in rebuking two officers who had apparently deserted:

To the disgrace of yourself, and the Dishonor of your Rank, and profession, you have been Guilty of the Atrocious Crime of Desertion; to which you have added that of being accessory to Inveighing the Soldiers under your Command, to commit the like scandalous Offense. If you do not return without delay to Camp, and bring with you, the soldiers you carried off, be assured, that I will leave you no resting place upon this Continent, until I get you into my Hands, When, a Solemn Trial, and an Ignominious Death, is what you must expect, as the just reward of your Complicated Crimes.

Gates then signed the letter, "I am Sirs, Your humble Servant, Horatio Gates."²

The negligence of some non-commissioned officers gave opportunity for desertions to occur. A Sergeant Major Hammer was court-martialed August 28, 1779, for neglect of duty in not apprehending a deserter when it was in his power to do so, and also for using abusive language against other sergeants who were trying to capture deserters. The court found Hammer guilty and reduced him to the rank of private, but the commanding officer granted him a full pardon with the warning that he would be punished severely if he ever committed that crime again.³

²Major General Horatio Gates to Captain James Libbey and Lieutenant Joshua Roberts of Colonel Evans' New Hampshire regiment, and to all other officers of this command who have deserted, October 24, 1777, U. S. Revolution, Miscellaneous Manuscripts, Library of Congress, File Box V.

³Orderly Book No. 32, National Archives, 231-33.
On the other hand, most officers and soldiers gave serious attention to this problem from the first. Eventually Washington had to call on Congress and the states to assist in the capture of soldiers by offering rewards, promising punishment for those who harbored deserters, and encouraging the citizenry to aid the army in returning such men. While most runaways were not captured, some were recovered and stood trial for their misdeed.

Recruiting officers played a major role in rounding up deserters as well as enlisting new men. Civilians gave only minimum assistance, and the burden of taking shirkers fell mainly upon army officers; recruiters actually handled considerable numbers of deserters. Whatever methods were used, Washington's subordinates were severely handicapped by the widespread tendency of civilians to shelter fugitives. Officers constantly appealed for vigorous measures against loyalists and other civilians who prevented the return of army truants.

Colonel John Stark asked the New Hampshire Committee of Safety in 1775 to recommend that town officials arrest and return men found away from the army without furloughs. In the same year Washington called upon the Massachusetts legislature to cooperate in securing large numbers of men who were at their homes, some engaged in

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4 Bowman, The Moral of the American Revolutionary Army, 81.
regular civilian employment, but the response was disappointing. Virginia gave little help to Charles Lee who found large numbers of recruits deserting. Connecticut at one point actually cooperated with deserters, providing them a wage settlement since they claimed that their time had expired.

By 1777 the situation had worsened. Washington implored Congress to exert pressure on the states for vigorous action. He warned that if the states did not force the people to give information about deserters in their communities he would be obliged to deplete his force to bring back deserters. The widespread aiding of deserters was causing his army to evaporate as fast as it was recruited. Washington favored strong action by the central government over reliance on state authorities to remedy the situation. In a letter to Joseph Reed, Washington stressed the importance of Congress developing some effective means of preventing desertion and apprehending

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deserters or else, he warned, the states would implement "some new-fangled, or inadequate schemes of their own." 9

As early as November 4, 1775, Congress recommended to the states that fines of from thirty to fifty dollars be imposed on persons sheltering fugitives, but the effect was incidental. 10 In 1776 Congress brought special pressure on Pennsylvania to use the German battalion to return culprits to camp. 11 The state authorities did little to implement this proposal.

In February, 1777, Congress passed a resolution recommending that the state legislatures provide laws authorizing any "constable, freeholder, or Keeper of any public ferry" to apprehend any deserter and return him immediately to the army. At the same time Congress also recommended that the states provide laws to punish any person who concealed or aided any deserter by imposing a fine of ten dollars. If he could not pay the fine the guilty person was to be publicly whipped, not exceeding thirty-nine lashes. It was also ordered that pertinent sections of the Articles of War along with the harboring


10 Journals of Continental Congress, III, 325.

11 September 27, 1776, ibid., V, 831-32.
resolutions be published in the newspapers for six months and three
hundred copies be distributed among the officers of the army.\(^\text{12}\) The
reward for apprehending deserters was increased from five to ten
dollars in March, 1777, and the offer extended to non-commissioned
officers and privates as well as to civilians.\(^\text{13}\)

Besides the reward, on July 31, 1777, Congress authorized the
payment of mileage between the place where the deserter was captured
and the nearest jail or army camp.\(^\text{14}\) The premium and all expenses
were to be taken from the pay of the soldier being returned.

Washington consented to releasing a sizeable number of officers
to apprehend turn-tails. State executives were requested to provide
additional officer assistance as well as money.\(^\text{15}\) Many officers
were able to draw expense money for having properly secured deserters
in jails. Captain James Smith incurred expenses of £49.5 in the
pursuit of eight deserters. Smith encountered trouble collecting his
expense money and appealed to Washington to help him settle the

\(^{12}\text{Ibid.}, \text{VII}, 115-18. See Chapter 4 for a discussion of the harboring laws.}\)

\(^{13}\text{Ibid.}, \text{IX}, 813; \text{Writings of Washington, IX, 442, 492,}
Washington sent a circular letter to general officers commanding
corps and divisions on October 26, 1777, requesting their opinions
concerning a number of questions. One question was: "Will it be
consistent with propriety and good policy to allow Soldiers the
reward offered to others for apprehending deserters?" Most of the
generals answered that a reward should be allowed to soldiers.

\(^{14}\text{Papers of the Continental Congress, October 7, 1777,}
National Archives, Roll 30.}\)

\(^{15}\text{Ibid.; Washington to Colonel James Innis, January 2, 1778,}\)
account. Lieutenant Colonel Richard Kidder Meade, aide-de-camp to General Washington, informed Captain Thomas Converse of the Seventh Connecticut Regiment in September, 1779, that he could not pay the full amount owed him for apprehending four deserters because of the shortage of money, but he was given a reduced amount. These examples indicate that the good intentions of Congress and the states in providing money for apprehension were not always realized because of the inability to pay what they had promised. Even so, in 1779 the state governors were authorized to offer a reward of £30 and 3s. per mile for transportation of captured deserters, with Congress paying the bill.

While these measures had some good effect, they offered no satisfactory solution, mainly because local cooperation was too often lacking. Most states did pass laws offering rewards for seizing deserters and imposing punishments on those who harbored them, but even the legislators admitted that the laws were ineffective.

Washington informed Vice President George Read of Delaware that not less than three hundred deserters were hiding out in Delaware, receiving assistance from many disaffected persons who made a practice of aiding these renegades. He urged the speedy passage of a law to


16 Lieutenant Colonel R. K. Meade to Captain Thomas Converse, September 29, 1779, ibid., Roll 61; Washington to Thomas Converse, September 29, 1779, Writings of Washington, XVI, 360-61. Twenty-five receipts of money paid for bringing in deserters were found in Record Group 93, Entry 6, Documents 1111-1134, National Archives.
remedy this situation.\textsuperscript{17} Washington ordered Captain Henry Lee to proceed with the apprehension of these deserters after the passage of the required law.\textsuperscript{18} But Lee, who received scant help from state authorities, found a considerable number of influential men who continued to shelter the guilty.

In addition to the three Delaware counties, several areas of the country became recognized hideouts for deserters. The lower counties of New Jersey, because of their inaccessibility and loyalist influence, were excellent places for quitters to find refuge. Many people in various towns of Pennsylvania concealed deserters and refused to give them up to recruiting officers. Hundreds of lawless deserters lurked in Virginia, especially in the counties of Hampshire, Montgomery, and Washington, where they spread disaffection and occasionally engaged in armed riots. Many truants were found in North Carolina as early as 1776, where the army had had little success in apprehending them.\textsuperscript{19} The good reception given runaways by civilians throughout the South had a demoralizing effect on the army and caused others to flee on the assumption that they too would be forgiven and well received.

\begin{itemize}
\item \textsuperscript{17}Washington to Vice President George Read, February 26, 1778, \textit{Writings of Washington}, X, 517-18.
\item \textsuperscript{18}Washington to Captain Henry Lee, February 25, 1778, \textit{ibid.}, X, 514.
\item \textsuperscript{19}Washington to Brigadier General Lachlan McIntosh, January 5, 1778, \textit{ibid.}, X, 268-69. Washington sent an appeal to the Governor of North Carolina to give assistance in picking up stragglers and deserters.
\end{itemize}
The western parts of Pennsylvania and New York, as well as the frontier settlements in Tennessee and Kentucky, were swarming with fugitives who sometimes combined with the Indians and Tories to raid army supply trains and prey on civilians. Throughout the war Vermont was a favorite sanctuary for hundreds of deserters from Washington's army. In 1781, Washington told Joseph Jones that he had had many uneasy moments because of the conduct of the people of Vermont in harboring quitters. Vermont, said the General, had become "an asylum to all deserters; [and] to every person who wishes to avoid taxation," adding that the population growth in Vermont corresponded with the army's loss by desertion. In 1783, Washington all but gave up trying to retrieve fugitives from Vermont. In describing the land and the people he said that they were a "hardy race, composed of that kind of People who are best calculated for Soldiers; in truth who are Soldiers; for many, many hundreds of them are Deserters from this Army; who having acquired property there, would be desperate in the defense of it, well knowing they are fighting with Halters about their NECKS."

The General decided against sending after the Vermont refugees. He felt his soldiers would be unwilling "to embrue their hands in the blood of their Brethren." He was no doubt correct in this decision.

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22 February 11, 1783, *ibid.*, XXVI, 123.
Most of the responsibility for capturing deserters and bringing them to trial for their crimes rested directly with the army. The Commander in Chief and commanders of regiments took positive steps to safeguard soldiers from abandoning the service while in camp and while marching to new locations. While at Morristown in 1777, Washington instructed regimental and corps commanders to take special care to prevent men from straggling, to disapprove all requests for officer leaves, and to have the rolls called twice daily. From Valley Forge in December he issued orders providing confinement and severe punishment for any non-commissioned officer or soldier caught outside the limits of the camp without a pass, with or without his arms. Brigade commanders selected officers to visit soldier's quarters unannounced between the hours of eight and ten each evening with authority to administer "exemplary punishment" on all absentees that could be located. Orders issued at White Marsh in December on the day prior to the scheduled march of Knox's troops called for "a Subaltherm from each regiment and a Captain from each brigade, under the command of a Field Officer," to assemble and remain back until the force moved out, and then to collect all the stragglers who attempted


to hide out in the camp grounds. The backsliders were marched off with the main body. As desertions continued during December, Washington increased the roll calls to once every two hours, and ordered the officers to keep up with their men — to know where every one was at all times. No soldier was to be out of quarters after dark.

Washington set a strict policy for granting furloughs to officers and soldiers at Valley Forge. No regiment was to be without at least two field grade officers, no company without two commissioned officers, and no regiment to have more than twenty men on furlough at a time. Those on furlough were to have written orders specifying their leave time.

While providing security from within, efforts were also made to provide security from without the camp. Guards were detailed to patrol every camp area. Captain Bartholomew Von Heer's entire command was detailed in 1778 to patrol the camp while the army was bivouaced with orders to apprehend deserters, marauders, drunkards, rioters, stragglers, and all other soldiers found violating general

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All civilians and strangers who were found near the pickets or in camp without passes from some general officer and were unable to give a good account of themselves, or whose actions seemed suspicious, were ordered to be arrested as spies. Attempting to clarify just who were to be considered as stragglers from camp, Washington stated that "all Soldiers found beyond the nearest Pickets in front and on the Flanks; and beyond the extent of one mile estimated from the center of the Encampment in the Rear, without furloughs in the usual form, or proper passes, are to be taken as such."  

From his headquarters at Short Hills, New Jersey, in 1780 the Commander in Chief again issued stern orders against going out of camp. Observing with great pain "that a number of men were straggling to a considerable distance from Camp on a variety of frivolous pretences and without passes," a practice that was "subversive of all discipline and pernicious in every point of view," Washington authorized officers to whip (with fifty lashes on the spot) soldiers found outside the limits without permission. To avoid this punishment soldiers desiring for some reason to violate the regulations managed to obtain fraudulently signed passes.

29 Washington to Captain Bartholomew Von Heer, October 11, 1778, ibid., XIII, 68; General Orders, October 11, 1778, ibid., XIII, 61.

30 Ibid., XIII, 68; General Orders, August 20, 1778, ibid., XII, 338.

31 General Orders, June 11, 1780, ibid., XVIII, 503-504.
Washington was exceedingly enraged by this practice. Noting that soldiers were passing pickets at Orangetown, New Jersey, with signed passes given by sergeants, the General ordered all such to be immediately stopped and returned to their regiments with their false passes so that the regimental commanders could locate and punish the culprits responsible for issuing them.32

A civilian at Bethlehem, Pennsylvania, expressed astonishment on hearing that General Thomas Mifflin had to station a special guard of several men to protect Continental stores and to apprehend deserters.33 This was very soon the rule rather than the exception for the army.

Supposedly alert guards should have detected most potential deserters trying to slip out of the camp area. Washington often complained about the lack of attention officers gave to the checking of guards. This neglect, coupled with the natural tendency of sentries to shirk their duty, at times actually sleeping on post, allowed men to stroll defiantly out of camp without so much as a challenge. Washington ordered that guards found sleeping on post be immediately punished; he further promised not to pardon any man found guilty of this offense.34 A few soldiers were given the death penalty for this neglect.35

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32 General Orders, August 19, 1780, ibid., XIX, 396.
35 Robert Barber of the 3rd Artillery Regiment was sentenced
At the same time the army was tightening the controls around encampment areas and pressing states to prevent civilians from giving refuge to deserters, plans were put into operation to pursue violators more aggressively. Important road junctions and river crossings were placed under strict surveillance by local militia units or special detachments of Continental troops. Civilians were prevented from using transportation facilities for the purpose of aiding deserters; those detected engaged in these unlawful actions were punished. In 1777 Washington ordered the operators of ferries in Pennsylvania and New Jersey not to convey soldiers across the Delaware and North rivers until duly authorized discharges or passes were presented. The ferrymen were further urged to apprehend soldiers who sought transportation without properly signed papers, and immediately send them back to their corps.36

Continental forces were ordered to widen their coverage of areas where deserters might pass. Washington ordered Captain Eliakim Littell of the First New Jersey Regiment to extend his pickets across a bridge and put a patrol on the Morristown road, with instructions to apprehend not only runaways, but also strangers and suspicious persons.37 Garrison orders issued at Lancaster, Pennsylvania, on

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36 General Orders, February 22, 1777, Writings of Washington, VII, 184.

37 Washington to Eliakim Littell, March 10, 1778, Mt. Vernon Library.

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December 29, 1777, called for a subaltern with guards to be immediately sent to Webbs Ferry "to attend strictly to the apprehending of all Deserters and particularly to the Examination of all Persons in a Soldiers' Dress and others that appear to be suspicious Characters." According to this order, if the account given by those questioned was not satisfactory to the officer in charge, the suspects were to be marched to camp for further interrogation. All wagons were to be checked not only for hidden deserters but also for property belonging to the Continental army. All women passing the ferry accompanied by soldiers were to be closely investigated concerning their movements.

So flagrant was the abuse of extra privileges granted to soldiers while convalescing at hospitals that particular attention had to be given to this problem. Surgeons were restricted in their use of the furlough. The sick were to be closely accounted for at all times; even so, desertions from hospitals were profuse. In 1777 Washington complained to the president of Congress that vast numbers had been sent to hospitals but few ever returned to duty after they recovered! Sometimes the well were grouped together and marched back to camp. Others were given certificates stating

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38 Orderly Book, No. 18, National Archives.

39 Washington to the President of Congress, January 19, 1777, Writings of Washington, VII, 30.
their condition and allowed to go back on their own. Many of these failed to return and had to be pursued.

Washington eventually had to send his officers out to collect deserters, who, he said, were scattered over almost the entire continent. Some regimental commanders and line officers occasionally had to be ordered to take more vigorous actions to retrieve deserters. Colonel William Russell, whose Thirteenth Virginia Regiment had suffered heavy desertions, was ordered by the Commander in Chief in 1777 to hurry to Fort Pitt, there to exert himself fully in the collection of as many deserters as possible.

While numerous officers were sent out specifically to look for military fugitives, other officers voluntarily offered their time while traveling or on furlough. Captain David Scott of the Thirteenth Virginia Regiment, granted permission to accompany an expedition to the Indian country in 1777, informed Washington that while waiting to join the detachment he had busied himself by collecting deserters, including one officer, an Ensign Forshee.

Brigadier General Anthony Wayne, from Mount Joy in 1778, advised Governor Thomas Wharton of Pennsylvania that a Captain Williams had been sent on recruiting service with "orders to take up as many Deserters

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40 Ibid.


in this State as he possibly can."^43 Captain McLane, in 1778, was sent to Delaware to take up and receive deserters belonging to the Continental army.^44

Some officers were sent out to apprehend certain known deserters. Colonel Francis Johnson, Second Pennsylvania Battalion, ordered Captain Charles McHenry to proceed to Pennsylvania to arrest all deserters from that regiment whose names appeared on a list furnished him.^45 Captain Moore (possibly Henry Moore of the Fourth South Carolina Artillery Company) requested that a John Dillard apprehend a few deserters from his company, namely, Joshus Westbrook, Richard Harden, William James, William Fowler, and William Kirby. Dillard was promised from seventy to one hundred dollars reward each for these men.^46 Captain Galbraith Falls, North Carolina Partisan Rangers, detailed Captain Leroy Taylor to seize "the Bodys of William & Robert Johnsons and any other suspected Persons such as Vagerant Deserters or Disorderly Persons."^47

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^43 Brigadier General Anthony Wayne to Governor Thomas Wharton, April 12, 1778, Pennsylvania Archives, VI, 411.


^45 Colonel Francis Johnston to Captain Charles McHenry, September 1, 1778, Pennsylvania Archives, VI, 732.

^46 Captain Moore to John Dillard, March 20, 1778, Original Letter, Miscellaneous Numbered Records (Manuscript File), 1775-1784, Record Group 93, Entry 6, Document No. 31894, National Archives.

^47 Galbraith Falls to Captain Leroy Taylor, July 31, 1779.
Occasionally extra benefits were derived from being assigned the duty of apprehending deserters. Washington suggested to Major General Robert Howe in 1780 that those officers who had not been given furloughs be selected since they would have an opportunity to visit their families and friends, and even to look after some private affairs while on this duty. Lieutenant James McMichael of the Pennsylvania Line recorded in his diary that he was ordered to return to Pennsylvania to search for deserters. He immediately set out for his home at Stoney Brook where he "passed some days with his wife." 

Washington seemed to be always conscious of the expense attached to every mission, even the business of retrieving deserters. He wanted to make sure that benefits reaped in apprehension missions were worth the expense and effort. Officers were not usually sent out without written authorization. The General personally approved most such expeditions requested by regimental commanders. A letter

Original Letter, ibid., Document No. 034161, National Archives. Second Lieutenant John Campbell, Second North Carolina Continental Regiment, was stationed at Guilford Court House to apprehend deserters and delinquent troops. Ibid.

48 Washington to Major General Robert Howe, April 13, 1780, Writings of Washington, XVIII, 256.

49 July 11, 1777, McMichael, "Diary," 145.
to Colonel Francis Johnston in 1780 well illustrates Washington's concern for the money being spent:

His Excellency is consenting to your sending Lt. John Armstrong after the deserters to Fish Kill should you think the object worth the expense; but wishes at the same time in order to avoid further expense on his head [quarters] that you would take proper measures before his setting out to inform yourself whether there may not be deserters from the rest of the line at or near the same place . . . that may be taken up.  

A detachment sent out on a patrolling mission in 1780 to detect night-time enemy activities was given a secondary mission of inquiring about deserters as they made their way through an area considered to be infected with loyalists. Captain William Reily, stationed at Pluckemine Hospital, reported to Robert H. Harrison in 1780 the capture of several deserters. He ended his letter with a request for a horse, which he said was absolutely necessary if he was to discharge his duty properly. "If a man deserts," pleaded Reily, "we are sure to loose him for want of a horse to follow." He said that two had already made good their escape who might have been recovered with the assistance of a horse.

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A letter from Adjutant General Richard K. Meade to Colonel Moses Hazen in 1780 well illustrated the concern both to capture deserters and to do it in the most economical manner. Meade expressed Washington's anxiety to prevent further desertions from the Canadian regiment. The General had consented to a few officers being sent to recover those who had deserted, but they were to use "the strictest economy in the execution of this business and procure accounts and vouchers agreeable to the Genl order of that head [quarters]."\(^53\)

Not all the effort expended by the army was wasted; sometimes officers and soldiers detailed to pursue military shirkers were successful in apprehending culprits. Colonel James Wood of the Eighth Virginia Regiment reported to Washington in 1778 that he had collected twenty deserters whom he was forwarding to camp.\(^54\) An article in the *New Jersey Gazette* reported that eight enemy cavalry troops had been captured on July 30, 1779, near Tarrytown by Continental soldiers. Three were former members of the Continental army who had defected to the enemy. After surrendering themselves the three attempted to escape but were prevented from leaving again by their guards. The newspaper account said that the deserters were "Pretty

\(^{53}\) Major General R. K. Meade to Colonel Moses Hazen, October 5, 1780, *ibid.*, Roll 71.

\(^{54}\) Colonel James Wood to Washington, March 14, 1778, *ibid.*, Roll 47.
roughly handled when subdued." James Moore from Rantas Mills reported to Washington in April, 1780, that the militia had captured two deserters who belonged to the Tenth Pennsylvania Regiment. Brigadier General Edward Hand informed David McKnight of the Fifth Pennsylvania Regiment in 1781 about the capture and wounding of a Negro soldier named Robert, who belonged to Colonel John Durkee's regiment of the Connecticut Line. According to Hand, Robert was escorting British prisoners of war to Pennsylvania and apparently had been bribed by the British soldiers to let them escape and then to go off with them but was prevented from escaping because of his wound. While recuperating Hand overheard Robert trying to persuade a Negro woman to go off with him to the enemy. He was confined for attempted desertion but was later sent to the hospital at Fishkill to recover from his injury.

A report giving full details of the pursuit of thirty-one deserters from Fort Schuyler was sent to Colonel Goose Van Schaick by Lieutenant Abraham Hardenberg in May, 1780. The lengthy report

55 New Jersey Gazette, August 11, 1779.


stated that on May 22 the officer of the guard observed that two of his sentries had not called out the hour of the night. Upon investigation the officer found that the sentries had fled their post; he immediately alerted the commanding officer who ordered the entire garrison to parade; when the rolls were called, it was learned that thirty-one men were missing. Since the garrison was weakened by this desertion, the commander sent a dispatch to neighboring friendly Indians requesting that they collect warriors to pursue the deserters. The next day about forty Indians appeared at the post. Lieutenant Hardenberg accompanied the party in pursuit of the deserters with orders to bring in as many prisoners as possible without endangering his detachment; but, if the deserters resisted, force was to be used to compel them to surrender.

The search party found the deserters' tracks about two miles from camp and followed them all that day. On Wednesday, May 24, about sunset, they came upon the deserters while they were attempting to cross the Grand River on a small raft. Fifteen had already crossed the river which left sixteen on the near side. Those across the river saw the Indians and hollered across warning the others of the danger. The search party rushed the deserters. A deserter named Conway fired at the search party, then the other fugitives began to fire as well as those on the opposite bank of the river. The Indians immediately returned the fire, killing thirteen of the deserters.
Three were captured unharmed. Lieutenant Hardenberg then beckoned to those across the river watching the melee to give themselves up, promising that they would not be harmed. They answered with their muskets, then fled. The next morning six Indians cautiously crossed the river to investigate; they soon surmised that the deserters had run off in several different directions making it useless to continue the pursuit. Judging from the number of packs and food left behind Hardenberg estimated that the escapees had no more than three loaves of bread to carry fifteen of them about 150 miles to Oswagatchee their supposed destination. On Friday the Lieutenant returned to Fort Schuyler with the three prisoners and submitted his report.

Rapid pursuit prevented a mass desertion from occurring in Major General William Heath's command. On the evening of January 1, 1780, about forty men of the West Point garrison gathered their belongings including packs, arms, and accoutrements and left the army on the assumption that their time of enlistment had expired. Since most of them had enlisted for three years or the duration in January, 1777, they felt they should have been released. However, none of them had been granted discharges from the army; thus their departure was unauthorized, and they were all considered deserters.

As soon as it was known that the men were gone, Captain Luther Bailey with one hundred men was ordered to bring them back

59 Major General William Heath to Washington, January 10, 1780, ibid., Roll 63.
dead or alive. The deserters marched up the west side of the Hudson River, looking for a place to cross. Heath sent an express rider to the regimental commander located at Fishkill, requesting that he prepare to stop the deserters if they got that far. Captain Bailey fortunately overtook them at New Windsor, bringing them all under his control without opposition. He marched them back to West Point, where the leaders were confined, and the others allowed to return to their quarters. 60

Heath indicated to Washington that he felt there had been a plan for more troops to leave for the same reason. All of them were to rendezvous at Fishkill, and from there to go to Danbury to be joined by still more troops from Poors' brigade before they all marched home together. Effective measures taken by Heath had discouraged their plan. Heath said a sergeant in Colonel Timothy Biglow's Fifteenth Massachusetts Regiment had tipped off the plan by talking too freely. The sergeant was tried, reduced in rank, and given one hundred lashes at the head of the brigade. The effect of the punishment was noticeable, for none of the men of that unit left their quarters while about sixty men of Brigadier General John Glover's brigade, who had not heard of the actions already taken, went off from their lines, but they were speedily recovered. 61

60 Ibid.
61 Ibid.
Not all the men captured offered resistance. Captain Jeremiah Fogg, whose company was located at a bridge near Bedford, New York, reported that the militia forces had taken two deserters from his company who were making their way to the enemy. The deserters, John McCormick and William Boyd, were captured in a swamp early one morning by the militia guards who reported that the men seemed panic stricken at the approach of the guards and gave up without a struggle, even though only one of the militiamen was armed.

Ebenezer Wild recorded in his diary on August 23, 1777, that five men from the First Massachusetts Regiment had been captured trying to desert. They were put in irons in the guardhouse.

Some of the methods used by individual officers and commanders to retrieve deserters might not have stood careful scrutiny by concerned citizens. Captain William Eggleston of Colonel Lee's Legion used rather highhanded tactics in the apprehension of Peter Bainbridge, a soldier in the Legion, who had deserted. Washington wrote to Greene in 1780 that reports had reached him indicating that Eggleston's "conduct had been highly unmilitary and unwarrantable." Apparently the captain had extorted from the father of the

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62 Captain Jeremiah Fogg to Major Amos Morrill, February 2, 1781, ibid., Roll 76.
63 Wild, "Journal," VI, 93.
64 Washington to Major General Nathaniel Greene, December 28, 1780, Writings of Washington, XXI, 30.
deserter a number of concessions including a promise to pay for a pair of leather breeches, the procurement of ten recruits for the army, and the capture of three additional deserters. In return Eggleston promised to spare the life of the lad. The Commander in Chief ordered that this matter be investigated, and that if the captain was guilty, he be punished.

At the same time, Washington himself occasionally resorted to questionable methods, such as using captured deserters to lead search parties to hideouts of other deserters. Washington wrote to Heath in 1779 that the capture of a deserter named Rissimbarack was worth a little trouble and suggested that a deserter named Nifer be used as a pilot to Rissimbarack's home. 65

Deserters were often found among the prisoners of war. A careful check of the prisoners of war at Penburroug township in 1778 revealed four men who were deserters from the American army. 66 Two of the men had escaped by going aboard an English ship, a method used frequently when desertion occurred near the coast or in the lake areas. In October, 1781, Washington ordered that all prisoners taken at Yorktown and Gloucester be carefully scrutinized to determine if

65 Washington to Heath, August 10, 1779, ibid., XVI, 71.

66 Report of the Prisoners of War now under Main Guard ... Penburroug, Township, June 2, 1778, U. S. Revolution, Miscellaneous Manuscripts, Library of Congress, File Box III.
any were deserters from the American forces. Officers from every corps and state line who knew their deserters personally were detailed to make the inspection and point out their men, who were to be immediately confined. 67

Occasionally men who deserted were sent back to the American lines under flags of truce on various missions for the British. Some of these men were apprehended, but it posed a question concerning the honoring of a flag of truce. In answer to a letter from Sir William Howe questioning the propriety of taking action against men in this situation, Washington gave assurance that persons of this kind would be detained and punished. He said that, since the person in question was a deserter from the army under his command, he and all others in similar circumstances would be seized and punished as deserters whenever they were found. This was simply the practice of war among nations. The American Commander in Chief angrily added that former deserters who appeared under these conditions only aggravated their offense. 68

Numerous advertisements for deserters appeared in practically every newspaper printed in America. They usually gave descriptions of the deserters including how they looked, what they wore,

67 General Orders, October 21, 1781, Writings of Washington, XXIII, 252.

the regiment and company they belonged to, and the reward for their capture. They were normally inserted by officers who promised from eight to one thousand dollars reward. Captured offenders were ordinarily to be delivered to the officers placing the notices, although some requested the men be delivered to a jail.

The apprehension of deserters during the Revolutionary War was never effective enough to constitute a substantial deterrent to desertion. The laws on the subject were never adequate or well enforced. Popular sympathy for the fugitives, frontier lawlessness, and a weak government were effective obstacles that hindered capture. At times officers were actually prevented physically from taking culprits. Washington bitterly observed that there was "too much countenance given to Deserters," and many instances "where Deserters which have been apprehended by Officers, have been rescued by the People, and but very few where the Officers have received their aid and support." It was evident that a greater threat than mere capture was needed to stem the practice of desertion among the soldiers -- they would have to be punished in an exemplary manner.

69 Washington to President Joseph Reed, April 28, 1780, ibid., XVIII, 311.
CHAPTER X

THE PREVENTION OF DESERTION - PART I

Since desertions began to occur at the very start of the fighting, authorities immediately began to deal with the problem. At first commanders thought only of punishing offenders, believing this would have a positive effect on all the troops. Various punishments were used, such as confinement, forfeiture of pay, reduction in rank, whipping, and death, along with other forms. When these measures failed to produce the desired results, the army interlaced punishment with periods of leniency by offering pardons to some while promising much harsher treatment if desertion recurred. This approach also failed.

At the same time, the army attempted to deal with the desertion problem by correcting some of the grievances that had caused men to flee the service, which was certainly a step in the right direction. Improvements in camp life and in the recruiting process along with a rigidly imposed discipline were measures attempted by the army. Washington maintained that ill-trained men and poor officers accounted for a large percentage of the army's deserters. Regular pay, better clothing and living conditions, and adequate food were remedies designed to dissuade men from running away. Of course, the army was powerless to correct all the abuses the men suffered; many were
beyond the scope of the army. Family problems could not usually
be solved by military regulations, nor could the service stop men
determined to run away to gain additional bounty payments.

The first action, and the one most often used in an
effort to prevent desertion, was simply to punish the person who
deserted. But it was difficult to mete out adequate and meaningful
punishment. Ever since the publication of Marchess Di Beccaria's
*Essay on Crimes and Punishment* in 1764, the use of punishment had
been undergoing a slow change in Western society. This book had a
profound impact on the thinking of all prison reformers, including
military disciplinarians. Beccaria maintained that the certainty,
not the severity, of the punishment was the most powerful deterrent
to an act of crime.¹ This idea was the keynote of all who opposed
capital punishment. However, during the Revolutionary War, most
military men continued to regard the death penalty and flogging as the
best deterrents against desertion. And the basic assumption of the
reformers was lost, because the army did not always punish offenders.
Too many pardons removed the certainty; thus punishment, for all
practical purposes, lost its deterrent effect during the Revolutionary
War.

**Recruiting**

A particularly troublesome grievance arose over the manner
of enlisting men for the service. Various attempts were made during

¹Albert Post, "Early Efforts to Abolish Capital Punishment in
the course of the war to improve the recruiting process in order to
decrease the illegal departures. As noted earlier, some commanders
obtained recruits through the unlawful procedure of enticing men away
from units where they were already serving tours of duty. Not only
did this practice cause dissention among the officer class, but
often resulted in the soldiers' being tried as deserters by their
former commanders. Most of these men, no doubt, agreed willingly to
the "transfer" because of the bounties offered them. As early as
July, 1775, Washington sent a stern warning to commanders to abstain
from this practice: "if any agent or soldier shall hereafter be
found so offending," they would be punished with the utmost severity.\(^2\)
If flagrant abuses of this sort subsided after the war's first year,
bounty-jumping continued for several years and even increased as the
bounties became more attractive.

In January, 1777, the Commander in Chief issued detailed
instructions to all recruiting agents.\(^3\) Qualification for service in

\(^{\text{Pennsylvania,}}\) Pennsylvania Magazine of History and Biography, LXVIII
(January, 1944), 38; Marchess Di Beccaria, On Crime and Punishment,
trans. Henry Paolucci (Liberal Arts Press, Imprint of Bobbs-Merrill


\(^3\) Recruiting Instructions, January 13, 1777, Writings of
Washington, VII, 7-8.
the army was specified. Recruits were to be between seventeen and fifty years of age, sufficiently large and strong to perform the duties of soldiers, free from lameness and bodily infirmities. Recruiters were not to enlist any deserters from the British army, "nor any person of disaffected and Suspicious Principles, with respect to the American Cause." Besides monetary benefits, the soldiers were to receive one hundred acres of land at the end of the war or the termination of three years' service. This last provision caused considerable confusion during 1780, because some of those enlisted in 1777 felt that their tours ended in three years rather than at the end of the war. Desertion turned into mutiny on that occasion.

Complete fairness in recruiting could scarcely prevail. Individual inequities continued to cause resentment not only among the soldiers chosen to serve, but also among the civilian population and among army commanders. Brigadier General John Glover, from Marblehead, complained to Washington in April, 1777, of doing everything in his power to fill the quota for the state of Massachusetts without success. A great part of the problem, he said, was caused by "privateers fitting out" in the sea port towns and signing up most of the men normally available for the land service. Glover complained that "there is at least 5 or 100 as good able bodied men in this town as I should wish to see in the field, but nothing will induce

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4 Ibid., VII, 7.
them to go into the army while there's the least prospect of going to sea.\textsuperscript{5} From Providence, Major General Joseph Spencer reported in April, 1777, that there were only 382 rank and file in the army from Connecticut and not one from Massachusetts of New Hampshire.\textsuperscript{6} Colonel George Baylor, Third Continental Dragoons, located at Fredricksburg, Virginia, wrote in April that it was difficult to find men fit to serve as cavalrymen who were willing to enlist for the duration of the war. Baylor suggested that he be allowed to exchange large men for small men from other corps to fill up his dragoons.\textsuperscript{7} The Commander in Chief did not favor the idea of transferring men; he issued instructions later that year to encourage the enlisting of suitable men for the horse service, but included a warning against taking anyone not a native in this service, since, as he said, "the Equipment [Sic] of Dragoons is very expensive and Desertions should be avoided."\textsuperscript{8} Horse soldiers were indeed prime targets for British propaganda. Considerable numbers were tempted away from the American service by offers of money for their mounts and equipment.

\begin{footnotes}
\item[6] Major General Joseph Spencer to Washington, April 14, 1777, \textit{ibid.}, Roll 41.
\item[7] Colonel George Baylor to Washington, April 14, \textit{ibid.}, Roll 41.
\item[8] Instructions to Officers of Light Dragoons, December 30, 1777, \textit{Writings of Washington}, X, 230.
\end{footnotes}
In 1779, in an attempt to eliminate inequities and stabilize personnel procurement, Washington recommended that Congress adopt a policy of drafting annually to fill up the regiments. He expressed his disdain for short tours of duty and discouraged further dependence on voluntary enlistments. Washington wanted a sure supply of men and disliked having to rely on recruiters to persuade men to join. Earlier in the year a council of officers met at Peekskill, New York, to discuss the problem of recruiting. At the meeting, held at Major General McDougall's headquarters, the officers agreed to enlist only able-bodied men and to recruit for the duration of the war. Another improvement came when the army selection policy became more selective. Before credit would be given for enlistments, a certificate had to be secured from the surgeon stating that the inductees "were free from ulcers, ruptures, and other infirmities," and were of a firm constitution. The generals also agreed to follow orders and not enlist British deserters.

Regardless of the efforts of Congress, the states, or military officers, the levies were never completely filled and the army struggled along with insufficient numbers. In 1780 the Commander in Chief wrote a circular letter to the states expressing extreme alarm over the

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9 Washington to the President of Congress, November 18, 1779, ibid., XVII, 127-28.

lack of men. "Our allies," he said, "would be chagrined, were they to arrive today, to find that we have but a handful of men in the field, and would doubt, it is more probable, whether we had any serious intentions to prosecute the measure with vigor." He insisted that the states fill their levies as fast as possible. No doubt the shortage of men in the field was discouraging to those soldiers on active duty, causing some of them to desert. Fully conscious of this situation, Washington did everything possible to keep the army at full strength, partly at least, to improve the morale of the veterans. During the last two years of the war, the army was able to attract sufficient men to keep the Continental forces operative until victory came; and there appear to have been fewer desertions for this reason.

Discipline

Early in the war Washington decided that strict discipline must be maintained if the American army was to be effective. Realizing that desertions often occurred in conjunction with criminal acts, such as stealing, plundering, rioting, and even murder, the army endeavored to remedy both situations by improving the discipline of the troops. Soldiers poorly trained and lacking proper supervision were very likely to become engaged in unlawful activities warranting punishment.

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11 Washington to the States, June 30, 1780, Writings of Washington, XIX, 104-105.
12 Ibid., XIX, 104.
To avoid punishment the simplest alternative facing the offender was to run away. It was obvious that measures had to be taken to stop men from committing crimes, which would thereby prevent some desertions.

As early as June, 1775, Washington ordered regimental colonels to prepare detailed descriptions of all their troops so they could be readily identified. These descriptive lists were to include the soldier's name, place of residence, age, stature, and complexion. The same order required that the rolls be called each morning and evening; the soldiers were to be in their tents by 9 o'clock at night on penalty of confinement. Similar instructions were repeated numerous times during the war, indicating a lack of strict compliance.

Foremost in the mind of Congress in revising the Articles of War in 1776 was the hope of achieving better discipline among the troops. The president of Congress wrote to Philip Schuyler in September that Congress was insistent on strict discipline; all soldiers were to be trained daily in the art of war and taught to pay attention to orders. As might be expected, the desired results were not fully achieved. A letter from the president to Horatio Gates

13 John Chester, "Extracts from an Orderly Book, 5 June-17 June, 1775," Massachusetts Historical Society, Proceedings, XIV (1875-1876), 90.

in 1777, deploring the poor discipline and lack of order in the army,\textsuperscript{15} attests to the disorderliness of the service. Congress on March 22, 1778, appointed a five-member committee to devise ways and means for preserving the health of the troops, and for introducing better discipline into the army. Little good came from this study.\textsuperscript{16}

The Commander in Chief continued to press the issue. In 1778 Washington wrote to Major General Charles Lee that he must be strict in discipline: He must allow no rambling, keep his men in their ranks, and the officers on duty with their divisions, and "punish severely every Officer or Soldier who shall presume to press without proper authority." Lee was also to "prohibit the burning of Fences," and "to protect the persons and property of the Inhabitants from every kind of Insult and abuse."\textsuperscript{17} Writing to Brigadier General William Woodford, Washington reasoned that a strict attention to discipline would enable the Virginia Line to vie with any corps in the service. The Commander in Chief listed all those things that

\begin{itemize}
\item President of Congress to Horatio Gates, February 23, 1777, \textit{ibid.}, II, 273.
\item Resolutions of Congress, March 22, 1778, \textit{Journals of the Continental Congress}, VII, 193. Members of this committee were Oliver Walcott, David Roberdeau, John Witherspoon, Samuel Adams, and Abraham Clark. On April 17, two additional members were appointed, Elbridge Gerry and William Duer.
\end{itemize}
were required to prepare a unit to compete successfully in the field with the enemy. He concluded by encouraging soldiers

... to abide strictly by Military rules, regulations, and orders. These constitute the essence of a Soldier, and are characteristic of good Officers. Without these no service can be well conducted, and every service must be disagreeable [Sic], sluggish, and expensive.¹⁸

One reason for the ill-discipline of some troops came as a result of officers' failure to properly inform them or pass on vital information. There was gross negligence in reading general orders to the men.¹⁹ Many soldiers were totally ignorant of important orders and instructions designed to improve military discipline. Major General Greene found officers with little more idea of military discipline than raw militia recruits. Numerous general orders from Washington's headquarters dealt directly with the problem of desertion. Orders from Morristown in 1780 noted the continued irregularities and disorders that prevailed in the army. The General called upon all commanders to correct the abuses and to "introduce an

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¹⁸Washington to Brigadier General William Woodford, December 13, 1779, ibid., XVII, 255. Similar instructions were sent to Lord Stirling, June 2, 1779, ibid., XV, 211.

¹⁹General Orders, September 26, 1777, ibid., IX, 268.
exact conformity to the regulations for the order and discipline of the troops," ending with a reminder that ignorance of duties and regulations could not be excused. 20 From Orangetown, New York, general orders instructed commanders to prevent their troops from plunderings, committing violence, destroying fruit in the fields, and injuring private citizens. 21

Civilians often contributed to the ill-conduct of the troops. From Middlebrook, New Jersey, Washington wrote to Colonel Daniel Brodhead concerning the problem of local inhabitants selling liquor to the soldiers. The General advised exemplary punishment for the soldiers and seizure of the liquor from the sellers, but he warned against trying to punish civilians under military law. 22 In 1778, in a letter to William Duer, Hamilton returned to an old problem, stating that he considered much of the poor discipline to stem from having military units only half filled. Under strength regiments tend to be lax in all military affairs, and consequently, lax in discipline. 23

20 General Orders, February 12, 1780, ibid., XVIII, 5-6.
21 General Orders, August 9, 1780, ibid., XIX, 348.
Many commanders, however, did try to comply with Washington's instructions. Brigadier General James Mitchell issued orders when at Providence, Rhode Island, designed to keep closer watch over the troops. Both soldiers and non-commissioned officers were forbidden to go more than one mile from camp without a written pass from the officer of the day. Soldiers found outside the limits were ordered to be immediately confined and court-martialed. The next day Mitchell issued additional orders detesting the general confusion and noise in camp at night and the high-handed practice of some soldiers who were going into town at night disturbing the civilian inhabitants. The threat of punishment, the only weapon available, was again published. Mitchell was even more appalled to learn that many of the officers were not remaining in camp at night; by sleeping out of camp without authority, they afforded the troops ample opportunity to slip away. This practice, though ordered stopped immediately, did not cease.

At West Point, Greene had the same trouble. In October, 1780, he declared that he was "exceedingly mortified at the complaints by the inhabitants . . . against the troops of this garrison for fights

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24 Orderly Book, No. 26 (Varnum, Providence), September 16, 1780, National Archives.

25 September 17, 1780, ibid.

26 September 20, 1780, ibid.
and violence offered to their property." He further stated that
the villains had tried to justify their actions by the "license" of
their officers, the scarcity of provisions, and the apparent unconcern
of the inhabitants about the cause they were suffering to accomplish.
To prevent the ill-disciplined from stealing from the townspeople,
Greene ordered the rolls to be called three times a day, and directed
the local inhabitants to apprehend every soldier that went out of
camp without an authorized pass.\textsuperscript{27} Strict discipline energetically
enforced did bring good results. Major General Robert Howe reported
to Washington in March, 1780, that he had arrested both officers and
soldiers who violated orders, and that he intended to continue the
strict discipline because it had already produced a good effect.\textsuperscript{28}

Numerous attempts were made to maintain close supervision of
troops in garrison areas. Captain Simeon Brown, of Colonel Nathaniel
Wade's regiment, recorded in his orderly book in August, 1778,
warnings against officers being absent from camp without permission;
on September 6, 1778, additional orders announced that "no soldier
[was] to absent [himself] more than one mile from his quarters without
written permit from his officers on penalty of his being flogged ten

\textsuperscript{27}Orderly Book No. 45 (Greene, West Point), October 13, 1780,
National Archives.

\textsuperscript{28}Major General Robert Howe, March 8, 1780, Washington Papers,
Library of Congress, Roll 64.
lashes on the spot."30 By September, 1779, in the Providence headquarters, the punishment had jumped to thirty-nine lashes on the spot for any soldier found one mile from camp after tattoo and a five-dollar reward to anyone who exposed an offender. Houses were searched for delinquent soldiers.30 A more effective threat was to move the troops far away from all inhabited areas if conduct did not improve. At Peekskill, general orders issued in 1781 required "chains" of sentries to be established around the camp grounds to keep the soldiers from leaving during the night.31 At York, Pennsylvania, orders called for the use of patrols with authority to detect and apprehend all soldiers found straggling out of camp with their firearms. Those detected were to be given thirty lashes, on their bare back without the benefit of a trial.32

General Orders issued in November, 1782, by Washington to the entire army attempted to suppress the practice of marauding out of camp that was so scandalously flagrant at that time. The orders required that the rolls be called four times every twenty-four hours at irregular times. The General advised commanding officers to call the roll during the night if they suspected that soldiers had slipped

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30Orderly Book No. 26 (Providence), September 1, 1779, National Archives.

31General Orders, June 27, 1781, Writings of Washington, XXII, 269.

32General Orders, October 31, 1781, ibid., XXIII, 305.
out to pillage the countryside. Patrols were ordered out to apprehend villains, with instructions to punish those apprehended on the spot with lashes not exceeding one hundred. If goods and property belonging to inhabitants were found in the possession of the delinquents they were to be confined until they could be "tried for their Lives" by a general court-martial. The army certainly tried to correct this gross violation of military discipline, but the effectiveness of these measures were all less than was desired.

The general qualities of the American troops were well known to the British. Captain Johann Heinricks of the Hessian Jäger Corps reported in 1778 from Philadelphia that the Continental soldiers were brave and enthusiastic but lacked good leadership. The greatest problem Heinrick detected was the lack of subordination: "their very spirit of independence is detrimental to them, as Hans cannot concede that Peter, who is his neighbor should command him." A few months later, in a letter to his brother, this Hessian officer provided further insight into the American problem when he reported that all males were required to take up arms against the enemy, without benefit of hiring a substitute. He noted that there were many soldiers pressed into service in the army against their will,
which accounted for many of the American desertions. Substitutes were permitted in some states although many could not afford them.

It is very doubtful whether the most stringent military code could have remedied the prevailing laxity in the army. These were problems that could be solved only if the greatest attention possible were given the subject by every officer in the service, at the same time that the attitude of the entire army was changed to one of willingness to undergo rigid regimentation for the good of the service. This idealistic condition could only have been achieved by vigorous attempts to change public opinion throughout the thirteen states. The army, therefore, had to struggle along as best it could, meeting each crisis with the only weapons it had — courts-martial for those apprehended and punishment for those convicted.

Punishment

While the army tried to correct administrative and operational abuses that had doubtlessly been responsible for considerable unrest and some desertions, it also resorted to punishment of offenders against army rules. An often-used procedure was to punish a few of the guilty in a severe manner as an example to the others. From the start of the war until the very end examples were made daily.

35 April 14, 1778, ibid., 143.
Congress passed a resolution in April, 1776, directing the commanders in Canada to be very attentive to military discipline and to impose a precedent of harsh punishment on all who violated military regulations. In November, the Board of War read a report in Congress directing Washington to punish "in the most exemplary manner" all officers and men who desert the service.

Concurring in the opinion that examples were essential, Washington wrote to Major General Joseph Spencer approving the death sentence of one of three men convicted of desertion. "Examples must be made," wrote Washington, "to put a stop to that prevailing Crime, or we may as well disband the Army at once; I therefore desire that the most atrocious of the three may be executed and the others pardoned." In a letter to Major General William Heath in July, 1777, the General condoned a heavy-handed method of dealing with deserters:

It is a disagreeable consideration, that our men are so apt, on any misfortune, to desert their engagements, and return home at a time their Services are most wanted. The evil is of the most injurious and dangerous nature and calls for a vigorous remedy. I approve of what you have done . . . toward checking the practice by a few instances of exemplary Severity.

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36 April 23, 1776, Journals of the Continental Congress, IV, 302.
37 November 7, 1776, ibid., VI, 933.
Two months later, an extract of a letter from Washington to Congress appeared in the *Virginia Gazette* giving fair warning to all potential deserters. The letter specified that soldiers who quit their posts without orders, retreat, or desert, "are instantly to be shot down, as a just punishment to themselves, and for examples to others."\(^40\)

Major Henry Lee, in 1779, was particularly perplexed by desertion and proposed to Washington that all quitters be immediately put to death.\(^41\) Washington agreed that immediate death would probably discourage some defectors, but he cautioned that this punishment should be decreed with great care and only when the facts were "very clear and unequivocal."\(^42\) Lee further proposed decapitating deserters and sending their heads on spikes to the troop areas. Washington disapproved of this proposal, explaining that "examples however severe ought not to be attended with an appearance of inhumanity otherwise they give disgust, and may excite resentment rather than terror."\(^43\) During the same month, Brigadier General

\(^40\) *Virginia Gazette* (Alexander Purdie), September 26, 1777, p. 21.


\(^43\) Ibid. A year later Washington advised Lee to have the culprits executed at the place where the example would do the most good, April 17, 1780, *ibid.*, XVIII, 258-59.
Charles Scott wrote the General from Petersburg, Virginia, requesting permission to execute a few deserters to prevent the loss of the entire force.⁴⁴ Washington informed the general that he had full power under a resolution of Congress of April 14, 1777, to order courts-martial and execute sentences. Washington further encouraged Scott by saying that "examples necessary to check the spirit of desertion ought to be made."⁴⁵

Major James Moore, at Paramus, New Jersey, reversed the procedure — he executed a "fit culprit" as an example and then sought Washington's approval for what he had done. Moore explained in his letter, written April 26, 1780, that the night before a sergeant and fourteen men had attempted to desert to the enemy but all were captured within a mile from camp. To prevent the loss of even a larger part of his detachment, Moore pled that he found it absolutely necessary to make an example of one of those captured "to put a stop (if possible) to so great a spirit of Desertion."

The officers had voted and chosen Sergeant Williams as the one to be executed as an example. Moore was satisfied with this choice, because Williams had made a full confession at the gallows just before he was hanged — without a court-martial trial. After soliciting


⁴⁵ Washington to Brigadier General Charles Scott, July 27, 1779, Writings of Washington, XV, 492.
Washington's approval, Moore boasted that he expected no more desertions in his command.46

Major General William Heath, in 1780, added a slightly different slant to the practice of making examples of a few renegades. Colonel Christopher Greene, of the First Rhode Island Regiment, having approved courts-martial sentences for three deserters, informed Heath that he felt an example was absolutely necessary to restrain desertion in his regiment. It was Heath's intention, therefore, to execute one of the three as an example and to pardon the other two. Heath reasoned that he had ample power to order an execution, but he doubted his authority to pardon the other two. He asked Washington for advice,47 and the latter agreed to the pardons.

Major General Nathanael Greene, after assuming command of the southern department, found the troops essentially ineffective primarily because of their utter disregard of discipline. It had been the custom of these troops to come and go almost at will. Some went home without leave and stayed as long as they pleased. Under Greene's leadership strict and sudden discipline was imposed. The first offender after Greene assumed command, having been properly tried and sentenced, was made an example for all to see, being shot at the


47Major General William Heath to Washington, August 22, 1780, ibid., Roll 69.
head of the army. The terrible lesson was deemed necessary to impress
the southern forces that discipline must be maintained and desertion
stopped. Still they deserted.

The use of examples having produced little visible results, Washington
seemed to have reverted to a much harsher attitude just before Yorktown
that carried over into the last years of the war. In September, 1781,
the Commander in Chief advised Heath to deal with deserters with
the "greatest severity."\(^{48}\) A month later, in
general orders, Washington warned that every deserter from the American
forces found within the enemy lines if the place fell into his hands,
would be "instantly Hanged."\(^{49}\)

No amount of exemplary executions were able to stop men from
running away from military service. Even during the last two years
of the war, the problem remained just as acute as ever; captured
deserters continued to be executed as examples for others to see.
A court-martial, held February 28, 1782, in the Second Pennsylvania
Regiment, sentenced five men to death for desertion to the enemy
and for plundering inhabitants. The five were executed, and on
November 2 published orders for the day explained:

\(^{48}\)Washington to Heath, September 7, 1781, \textit{Writings of Washington},
XXIII, 96.

\(^{49}\)General Orders, October 4, 1781, \textit{ibid.}, XXIII, 171.
The General hopes that the dreadful example that was given the army yesterday, for the crimes of plundering and desertion, will prove a seasonable warning for others to avoid a conduct which brought these men to such a shameful and disgraceful end. Let no false hopes of avoiding punishment enduce others into such villainous [Sic] conduct. It is painful to the General to be under the disagreeable necessity but he will be as inflexible in that to those who behave ill, as he will be just and generous to those who behave well.  

After March, 1782, the General took a more lenient stance in regard to examples. Writing to Brigadier General Elias Dayton in regard to James Fury, a soldier convicted of desertion and sentenced to death, Washington suggested that Fury be executed only if deemed absolutely necessary.  

Courts-Martial

The convening and conducting of courts-martial caused considerable unrest. Punishment for violating provisions of the Articles of War had to be preceded by a properly convened court-martial and a fair trial. Numerous letters arrived at Washington's headquarters and the various state headquarters complaining of the inability to call a court-martial or to inflict punishment adequate to the crimes committed.

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51 Washington to Brigadier General Elias Dayton, March 1, 1782, Writings of Washington, XXIV, 33.

52 Washington to Lieutenant Colonel David Mason, July 25, 1779, ibid., XV, 483.
Nathaniel Smith wrote from Baltimore to the Council of Safety in Annapolis in 1777 complaining that he did not have the power to call a general court-martial, and even if one were convened he could only punish with fifteen lashes, "Let their crimes be what they will." He added, "I would not by this have you think me cruel, or that I wish to punish my fellow creatures with more than they can bear or deserve, but the punishment I am now allowed to inflict is by no means equal to some of their crimes."\(^53\)

From New London, Brigadier General Samuel H. Parsons wrote Washington in March, 1777, requesting the General's endorsement before a court-martial sentence was executed.\(^54\) Letters of this sort constantly plagued the Commander in Chief. Often, as in this case, prisoners were sent along with the sentence of the court to Washington's headquarters, where the punishment was expected to be executed. This procedure compounded the General's problems, for he not only had to agree to a sentence that he had had no part in adjudicating, but he also had to impose punishment on the criminal.

Congress eventually decided to relieve Washington of his troublesome chore by allowing general courts-martial to be convened

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\(^53\) Nathaniel Smith (Captain Independent Company, Baltimore Artillery), to Council of Safety, February 15, 1777, Archives of Maryland, XVI, 139.

by specified officers and to have the sentences executed by the convening authority. On April 14, 1777, Congress debated and finally passed a resolution which amended several sections of the Articles of War, one of which gave commanding generals the full power to appoint general courts-martial in any of the American states. The generals were also given power to pardon or mitigate any punishment ordered to be inflicted for any of the offenses specifically mentioned. However, to provide a safeguard for the accused, Congress declared that no sentence of a general court-martial shall be put into execution until after a report of the court proceedings has been prepared and approved by Congress, or the Commander in Chief, or the general commanding in the state where the court was held. To some extent this change in the Articles relieved Washington of the unhappy chore of having to approve all death penalties. The General, nevertheless, insisted that he be properly informed concerning all death sentences. In a letter to Brigadier General Alexander McDougall, dated the very day he received a copy of the change by Congress, Washington made it known that he viewed with favor and relief the new amendment, adding that he "shall esteem it as a favour, if


every General Officer will exercise his own Judgment as to the propriety of executing" the sentences of courts-martial. 57

The sentence of a court-martial was actually no more than an opinion, for the proceedings and the sentence were subject to review by the officer who had ordered the trial. If Washington found irregularity in the constitution of a court or in its proceedings, he ordered a new trial. In most cases he approved the sentence, but he often exercised his authority to pardon the accused or mitigate punishment. He did not, however, have the power to increase the punishment set by a court, even when he felt the court had been too easy on the offender. Appeals from regimental courts to general courts were permitted but seldom taken. All through the war the courts were busy, causing the judge advocate to complain with justification that his duties were "arduous and difficult." 58

Often commanders punished soldiers without bothering to use the court system. A few times even Washington dispensed with regular legal proceedings and resorted to summary action to restore order. At Valley Forge he ordered soldiers to be punished immediately on the spot with from twenty to fifty lashes for violating rules of camp. 59

57 Washington to Brigadier General Alexander McDougall, April 18, 1777, Writings of Washington, VII, 431.
59 General Orders, December 22, 1777, June 11, 1780 (Short Hills, New Jersey), November 19, 1782 (Newburgh), Writings of
Washington also felt that a coward was not entitled to his day in court; he ordered that any officer or soldier who turned his back and fled from the enemy during an attack was to be immediately shot down. All officers were authorized to see that this was done. The Commander in Chief went as far as to order his generals to station selected officers in the rear of battalions with orders "to shoot any Officer, or Soldier, who shall presume to quit his Ranks, or retreat, unless the Retreat is ordered by proper Authority."  

Not all offenses warranted harsh punishment. The General distinguished between premeditated crimes and slight offenses committed through levity or inconsideration. The Commander in Chief was always more interested in reclaiming soldiers than in punishing offenders. More often, strict adherence to military law was demanded by the General. The extreme care taken by Washington to insure complete legality in all judicial affairs is evident from the many letters he wrote on this subject and the numerous courts-martial sentences he disapproved on technical grounds. As an example, responding to the proceedings of a general court-martial held by order of Major General Marquis de Lafayette, Washington regretfully wrote:


60 General Orders, September 20, 1776, Writings of Washington, VI, 79.

61 General Orders, October 1, 1776, ibid., VI, 146.
I am sorry, there happens to be an obstacle, which must necessarily delay the punishment due to such atrocious offenders, as those who have been the subject of these proceedings; but as the constitution of the Court was irregular, I cannot with propriety confirm the sentences. 62

Washington then restated the authority provided in the Articles of War for convening a general court-martial. He sent Lafayette an order showing exactly how a court-martial should be formed. At the same time, the General specifically pointed out several errors in the court proceedings that had been sent to him. A week later, another letter went out from Washington's headquarters explaining to Captain Thomas Cartwright that only the Commander in Chief, or the commanding general in a particular state, could call together a general court-martial. In this case, and in several others Washington ordered new trials under properly convened courts-martial. 63

A case involving two soldiers in Captain Edmund Reeds' Virginia State Dragoons is a good illustration of Washington's insistence that courts-martial be technically correct. Colonel James Wood, Eighth Virginia Regiment, sent to Washington's headquarters a


63 Washington to Captain Thomas Cartwright, February 21, 1778, ibid., X, 493. Lieutenants McMichael and Dickerson were ordered to be retried.
transcript of a general court-martial held at Albemarle Barracks, March 24, 1780, in which Christopher Fossil and John LaBrun were tried and convicted of desertion and carrying off horses, arms, and other equipment. Both men pled guilty to the charge. Fossil was sentenced to run the gauntlet through the troops of the garrison twice a day for three days. LaBrun was sentenced to death by the firing squad. The sentence against Fossil was locally approved and carried out.\(^6\) Washington responded to Wood's letter in April, stating that he could not confirm the sentence against LeBrun "on account of the irregular constitution of the Court." Washington therefore ordered that the prisoner be released and returned to duty.\(^6\)

Similarly, courts-martial were disapproved in the New Jersey line. In 1782 Washington informed Brigadier General Elias Dayton that he had returned several courts-martial "on account of their wanting that formality which is requisite in Capital Cases." Additional proceedings were returned to Dayton disapproved because they lacked proper signatures. Washington stated that these procedures "carry too great an appearance of negligence and inattention."\(^6\)


\(^6\)Washington to James Wood, April 20, 1780, Writings of Washington, XVIII, 290.

court-martial sentences of two soldiers in Colonel John Lamb's Second Continental Artillery on the grounds that the court was constituted in an illegal manner. The Commander in Chief again ordered new trials before a properly convened court.  

Apparently Washington was never satisfied in regard to the administration of justice in the army. Nor were his generals satisfied. General Moses Hazen complained to Washington about the lack of established rules in the proceedings of courts-martial; he discussed several cases where the innocent had suffered while those guilty of grave offenses had been set free on mere technicalities. Washington could only agree that uniform rules were badly needed, but they would not be furnished until years later.

Washington's reputation for being just was widespread. Douglas Southall Freeman, in his biography of Washington, suggests that desertion was reduced at Valley Forge "by Washington's reputation for justice." He had often refused to allow punishment beyond one hundred lashes for multiple offenses, and was reluctant to take

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67. Washington to Colonel John Lamb, September 18, 1782, ibid., XXV, 175.

68. Washington to the Board of General Officers, February 12, 1783, ibid., XXVI, 124.


70. Washington to Colonel Thomas Hartley, May 29, 1779, Writings of Washington, XI, 480. The sentence against William Jones, tried for theft and desertion was mitigated to one hundred lashes.
away the personal liberty of a subject on the mere presumption of guilt. A Hessian officer reported to his commander the great justice of Washington in the release of certain Quaker prisoners, and the good treatment received by most people held in captivity.

On the other hand, a few unfortunate deserters from the American forces, as noted earlier, were denied even the pretense of a court-martial, regardless of how improperly it might have been formed. An example occurred during the battle at Quaker Hill, Rhode Island, August 29, 1778. The Continentals, hard pressed by the British throughout the day, managed to repulse a charge and retain their ground. Ebenezer Wild, a sergeant in Colonel Joseph Vose's regiment, recorded in his diary that a prisoner taken in action that night turned out to be a former American soldier who had fled from Fort Montgomery in 1776. Wild wrote: "We shot him in about an hour after we took him prisoner." While no name was given, there is no reason to believe that the account by Wild was not correct. No doubt this type of military justice occurred only infrequently, but it could have happened more often.

71 In regard to the court-martial of John King, Jr., tried for desertion, Washington wrote: "I presume that the court took care to ascertain the fact of his [King] being a soldier and liable to be tried as a Deserter." Ibid., XI, 479-80.

72 Major Baurmeister to General Von Jungkenn, May 10, 1778, Pennsylvania Magazine of History and Biography, LX, 171-72.

Ebenezer Wild, who served both as an enlisted man and an officer, was on active duty during the entire war; he left a most interesting diary of his experiences that reveals the attitude soldiers took in regard to punishment. Wild recorded many episodes reflecting his feelings on hunger, hardships, cold, battles, punishments, and even executions. He felt that most of the punishments administered to soldiers were fully justified. Nowhere does he give evidence that he disapproved of stripes or hangings. On several occasions whippings and executions were postponed for some reason or another, and Wild was somewhat annoyed when announced punishments were not carried out. It is even possible that he wanted to see hangings! Often the person receiving punishment was from another unit, which would partially explain his attitude toward the whole affair; but on other occasions men from his unit were whipped or hanged. From the record he left in his diary, it appeared that Wild was a fully and totally committed soldier; therefore, he probably had little sympathy for anyone who was less committed.

It was assumed by most commanders that punishment would be most effective if administered immediately upon the discovery of a violation of any regulation. (The same reasoning held true in regard to desertion.) The chief purpose of punishment was to dissuade the culprit from committing further illegal actions, and at the same time to let the punishment of one person act as a visible and terrible
example before the entire regiment, brigade, or garrison. During critical periods, when the absolute loyalty of the troops was most urgently needed, offenders were sometimes punished on the spot with or without the convening of a trial court to render a decision and pronounce a sentence. Washington ordered commanders to "inflict discretionary punishment . . . upon the Spot," on all stragglers during field exercises and marches. Numerous men were punished in this manner.

The inflicting of punishment for disobeying orders had a direct bearing on desertion. Laxity in enforcement of one rule led naturally to the assumption that the same attitude might be taken in regard to illegal departures. In an effort to prevent desertion the General endeavored to remove annoying inequities in recruiting, to instill good discipline in the army, to insure offenders of a fair trial, and to assure the convicted that they would be punished — all of which were intended to help keep soldiers from prematurely leaving the service.

74 General Orders, August 6, 1780, Writings of Washington, XIX, 337; VII, 439; XII, 93-94.
Although the threat of whippings and the death penalty were held over the heads of enlisted men during most of the war, there were limitations imposed by Congress on the use of punishment. In June, 1775, the Continental Congress limited stripes in all cases to thirty-nine.\(^1\) In Washington's opinion this was not sufficiently severe to act as a curb to desertion. William Tudor, judge advocate, in October, 1775, suggested that the limit be raised to one hundred. He said that most of the officers thought this addition "absolutely necessary."\(^2\) Washington stated that even the thirty-nine lashes were often administered in "such a manner as to become rather a sport than punishment," adding that many "harden [Sic] fellows who have been the Subjects, have declared that for a bottle of Rum they would undergo a Second operation."\(^3\) It was evident to the General that thirty-nine lashes was inadequate for the crimes assigned and gave as evidence examples of thirty or forty soldiers deserting at a

\(^1\) Rules and Regulations for the Army, Journals of the Continental Congress, II, 111-12.


\(^3\) Washington to the President of Congress, September 24, 1776, Writings of Washington, VI, 114.
time. Hence, Washington argued for a graduated scale of punishment that would allow more stripes to be administered for the crime of desertion.

The Lash

Realizing that light floggings had not discouraged desertions, Congress acquiesced, and on September 20, 1776, raised the limit to "not exceeding 100 lashes," which undoubtedly had the General's approval. Still, this increase was not considered to be adequate by most of the senior officers. To circumvent the maximum limit, courts often awarded a hundred lashes for each of two or more charges against a deserter. Burgal Capernaum, a private in Captain James Kieth's company, Colonel Michael Jackson's regiment, was found guilty of desertion and failure to join his company when ordered; his sentence was two hundred lashes on his naked back and forfeiture of half the pay due him; but one hundred lashes were remitted because it exceeded the maximum limit. Denis Lyons, a soldier in the Eighth Virginia Regiment and the Invalid Regiment, deserted and soon afterward was captured. He was tried, found guilty, and

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4Washington to Governor Jonathan Trumbull, September 26, 1776, ibid., VI, 122.
5Journals of the Continental Congress, VI, 933.
6January 20, 1778, Crofts, "Orderly Book," XIV, 73.
awarded three hundred lashes.\(^7\) Robert Kennedy of the Eighth Pennsylvania Regiment received four hundred lashes: three hundred for repeated desertion and one hundred for theft.\(^8\) A deserter belonging to the Fourth Pennsylvania Regiment was captured on July 21, 1779, along with two others. He was immediately tied up and given five hundred lashes, which was justified as being "back allowance" for a previous desertion for which he had received a reprieve from his colonel.\(^9\) Washington regarded such sentences as illegal and whenever possible would not allow excessive stripes to be administered.\(^10\)

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\(^7\) Court Martial Proceedings, Colonel James Proctor, president of the Court, July ?, 1778, Papers of the Continental Congress, National Archives, Roll 179.


\(^10\) On June 11, 1778, Washington disapproved a sentence of three hundred lashes decreed by a court-martial against William Powell for desertion, joining another unit, and purjury. General Orders, June 11, 1778, Writings of Washington, XII, 49. James Gorden, sentenced to three hundred lashes for three desertions, was given only one hundred. General Orders, ibid., XI, 266. Edward Conally, sentenced to two hundred lashes for desertion had his sentence reduced to one hundred lashes. General Orders, June 11, 1778, ibid., XII, 49-50. However, on May 29, 1778, the Commander in Chief approved a two hundred lash sentence against John Clime, convicted of desertion and attempting to join the enemy, General Orders, May 29, 1778, ibid., XI, 487.
Commander in Chief overturned a court decision that had awarded a Sergeant Denmark several hundred lashes, stating that it was "unwarrantable to elude this restriction [of one hundred lashes] by accumulating the punishment of several crimes in one Trial." Denmark's sentence was limited to one hundred lashes. Thomas Cashall and Samuel Burris of Colonel Lambs' regiment, tried for desertion in 1778, were to receive five hundred lashes each on their naked backs. Washington disapproved the sentences as being illegal and ordered new trials by a general court-martial.

To increase the severity of the punishment, courts often ordered that the lashes be administered in segments at different times or on several successive days. In 1780 John McLean of the Fourth New York Regiment, found guilty of desertion, was sentenced to one hundred lashes on the naked back "to be inflicted at four different times." Two soldiers, Thomas Cosheal and Samuel Burris, were sentenced to one hundred stripes each, fifty lashes to be administered on each of two successive days, with the culprit's "Back to be well washed with Salt and water after he has received the last fifty." 

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11 Washington to Colonel William Irvine, June 2, 1778, Writings of Washington, XII, 12.
12 General Orders, March 10, 1778, ibid., XI, 57.
13 General Orders, January 3, 1780, ibid., XVII, 345; William Potter, a soldier in Colonel Angell's regiment received the same punishment.
14 General Orders, March 25, 1778, ibid., XI, 143.
The orderly books of the Second and Fourth New York Regiments listed hundreds of courts-martial authorizing thousands of stripes.\footnote{15}{A. W. Lauber (ed.), Orderly Books of the Fourth New York Regiment, 1778-1780, the Second New York Regiment, 1780-1783 . . . (Albany, New York: University of the State of New York, 1932). For a typical day see Samuel Tallmadge, "Military Journal, December 1780-July, 1782," ibid., 340.} While Washington and most commanders felt the lashes were often very "lightly" laid on, which was no doubt true in some cases, the generally held view was that whipping on the naked back was an extremely severe punishment. The diary of an English soldier gives a vivid account of the pain:

\begin{quote}
At the first blow I felt an astonishing sensation between the shoulder under my neck, which went to my toenails in one direction, my finger-nails in another, and stung me to the heart as if a knife had gone through my body. The Sergeant-Major called in a loud voice, 'one'.\footnote{16}{Quoted in Hughes, George Washington, III, 82.}
\end{quote}

James Thacker, a surgeon in the American army, described the procedure used and the results of whippings. Most officers in command resorted to spacing the authorized number of lashes by "first beating the soldier's back to an exquisite tenderness, and then later administering the balance of the lashes to his lacerated and inflamed skin." In such cases, he reported, "the wounds are in a state of inflamation [sic], and the skin rendered more sensibly..."
tender, and the terror of the punishment is greatly aggravated."\textsuperscript{17}

As painful as one hundred lashes might have been, it offered no solution to the desertion problem. Few soldiers, determined to leave the service, were slowed down by the lash. Washington complained to Congress in January, 1778, that a better gradation of punishments was sorely needed to prevent desertion. He explained that the difference in severity between a hundred lashes and death was too great and needed to be filled by some intermediate stages of punishment.\textsuperscript{18} The General reasoned that a gradual scale of punishments would better facilitate the sentencing of those properly tried by allowing the court to assign a fair penalty for each crime committed. To compensate for the variety and complexity of offenses, Washington felt that the court should be given discretionary power to extend the number of lashes to at least five hundred.\textsuperscript{19} Washington bolstered his argument by pointing out that the awarding of the death penalty, which was too frequently the decision reached by courts-martial for desertion, produced an unfortunate effect for everyone concerned. To inflict capital punishment upon every deserter would give the army a reputation for cruelty, and to use it too often would

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\textsuperscript{18} Washington to the Committee of Congress with the Army (Committee of Conference) January 29, 1778, \textit{Writings of Washington}, X, 402.

\textsuperscript{19} \textit{Ibid.}, X, 403.
also destroy its effect as an example. On the other hand, he said, to give only one hundred lashes to such criminals was a burlesque on their crimes rather than a serious correction, "and affords encouragement to obstinacy and imitation." It is true that the courts, confronted by the enormity of the facts against shirkers, too often felt compelled to sentence the offenders to death. Washington, consequently, felt obliged to remit most of these sentences because of the large numbers involved. The end result was that the criminals in many cases got off wholly unpunished. The Commander in Chief argued that this could be avoided if other punishments, short of the destruction of life, that were adequate to the crimes were available.

In August, 1778, Washington presented the same argument to a council of general officers at White Plains, explaining that to "avoid the appearance of cruelty many atrocious criminals were being pardoned which had the unhappy effect of encouraging repetition of the same crimes." The General requested the opinion of the council on a substitute plan of punishment. He suggested that instead of capital sentences, the offenders be punished with "hard and severe labor" sufficiently rigorous to provide an effective deterrent to desertion.  

20 Ibid., X, 402.

21 Washington to the Council of General Officers, August 20, 1778, Ibid., XII, 343-44.
The decision of the officers, delivered on August 24, was unanimous; they recommended that hard labor be used as an intermediate punishment between one hundred lashes and death. The board also advocated the establishment of prisons in each division for the confinement of the guilty with a bread and water diet during imprisonment. In a letter to the president of Congress, Washington presented the plans and suggestions of the Board of Officers, being careful to explain the advantages of the intermediate punishments as being more effective in preventing desertion and less shocking to the general public than capital executions. To add weight to his argument he noted that there were at that time eleven men awaiting execution and many more in the divisions awaiting trial for crimes that warranted the sentence of death. Congress, however, took no action on the matter at that time. Despite the persuasive stand of Washington, Congress was in no mood during 1778 to increase the number of lashes to five hundred.

In February, 1781, the Commander in Chief again tried to persuade Congress to extend the number of lashes to a maximum of five hundred. Washington attributed most of the army's discipline problems

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22 Ibid., XII, 344 n. This report was signed by Horatio Gates, Lord Stirling, Baron DeKalb, Alexander McDougall, Samuel Holden Parsons, William Smallwood, Henry Knox, Enoch Poor, John Paterson, and Jedidiah Huntington.

23 Washington to the President of Congress, August 31, 1778, ibid., XII, 377.
to the fact that the Articles of War allowed no punishment between one hundred lashes and death. Offering the same argument in slightly different words, he said that courts felt obliged to pronounce the death penalty for serious crimes since anything less would be inadequate.

An equally distressing situation arose when some officers, determined to punish offenders, resorted to arbitrary and unusual sentences that were not authorized. Though the General had no intention of allowing this practice to continue, he felt helpless to offer any solution other than revision of the Articles of War to allow courts to fix punishments at their discretion with the maximum number of lashes set at five hundred. 24

Washington's February 3 letter, was read in Congress on February 9, and came before a committee composed of John Sullivan, Alexander McDougall, and Joseph Jones. On June 15, Congress received the committee's report, which contained almost verbatim the request of Washington, and rejected it. Five states voted against the report, three voted for it, and three were divided. Fourteen members of Congress voted against it and thirteen for it. 25 Leading the fight

24 Washington to the President of Congress, February 3, 1781, ibid., XXI, 178-79.

against the amendment was Roger Sherman who urged adherence to the Levitical Law specifying that stripes be limited to less than forty. John Sullivan, the only member from New England to vote for the proposal, sent word to Washington in July concerning the amendment's fate and hinted at the incompetence of some members in the "American Senate." Although the increase asked for by the Commander in Chief had humanitarian roots, Congress felt that five hundred lashes was excessively harsh. Washington was left with the unpleasant task of deciding on the fate of hundreds of soldiers sentenced to death by courts-martial. Desertions had to be stopped and capital punishment seemed to be the only remedy other than the lash.

Odd Punishments

Whippings were often accompanied by other penalties, such as fines, imprisonment, or some odd punishment like running the gauntlet and standing on the picket. James Thatcher described the gauntlet as a company of soldiers standing in two lines, each one with a switch; a criminal was made to run between them and receive the scourge as he passed through. Often, to impede his steps, another

26"Forty stripes may be given him, but not more; lest, if one should go on to beat him with more stripes than these, your brother be degraded in your sight," Deuteronomy 25:3 (RSV)

soldier was ordered to hold a bayonet at the criminal's breast. Ebenezer Wild recorded in his journal on May 4, 1779, that William Luckey was taken from the guardhouse to the gallows with a halter around his neck where he was stripped naked and made to run the gauntlet through the whole brigade. Major General John Sullivan's orderly book recorded the sentence of Edward Taylor, a soldier in the Second New York Regiment, who was tried for desertion and made to run the gauntlet through four regiments with a "Sentinal at his Breast to regulate his pace." A sergeant, convicted of forging discharge papers for deserters, ran the gauntlet through his regiment before being drummed out of the service.

Other types of arbitrary punishment included riding the wooden horse, wearing a halter around the neck, having a log chained to the leg, standing the picket, service in the navy, confinement on bread and water, and whipping with a birch rod. The British army also used

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30 June 25, 1779, Orderly Book No. 27 (Sullivan), National Archives.

the strappado, hanging an offender by the thumbs with only the
toes touching, tying neck and heels, the stocks and a few other odd
punishments. Possibly some of these punishments were also used
by American commanders for minor offenses.

Americans frequently employed the wooden horse, especially
during the first years of the war. This punishment was very painful,
often permanently mutilating the victims, even to the point of
emasculating. The wooden horse was formed of planks laid together
so as to form a sharp ridge or angle which represented the back of
the horse. It was supported by four posts or legs, about six or
seven feet long. Sometimes a head and tail were added. The offender
was straddled across the ridge of the horse with his hands tied behind
him and his legs tied together. The horse was often placed on rollers
so it could be moved about which increased the difficulty of
remaining upright. James Stevens, a private in Captain Poor's
minutemen company, noted in his journals on June 30, 1775, that a

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Clever, Under the Lash, 8-28. The British also used cold
burning or bottling (pouring water down sleeve of culprit while
arms are tied as high above the head as possible), cobbing (striking
an offender on the posterior with a cobbing stick or, cross belt),
booting (flogging a man with a belt on the soles of the feet),
blistering (blister back with boiling oil or water), and
venereal fine (a mulct of five shinnings for contracting a venereal
disease).

Ibid., 13.
soldier was made to ride the horse for an hour. Another soldier was sentenced to ride the wooden horse for "ten minutes on a very Snowey day," and two others received the same punishment a few days later.

Another way men were punished was to require them to wear objects around their necks or tied to their legs. John Hewit, guilty of desertion, was sentenced to pay charges, "ware the clogg and work in the Laboratory two Days." John Griffith had "to wear a clog four Days with his Coat turn'd rong side outwards." At Ticonderoga in 1776, James Conway, for desertion was sentenced to receive thirty-nine lashes and made to wear a halter around his neck for fourteen days as an example to others, and if he at any time was found without the halter he was to be immediately whipped with one hundred lashes. A court ordered Levi Perce, guilty of desertion and striking an officer, to sit on the gallows with a rope around

34James Stevens, "The Revolutionary Journals of James Stevens of Andover, Massachusetts," Essex Institute, Historical Collections, XLVIII (January, 1912), 49.
37June 17, 1778, ibid., XIV, 195.
38September 24, 1776, Orderly Book, No. 13 (February 22, 1776-September 11, 1777), National Archives.
his neck for half an hour, after which he was to be whipped with one hundred lashes on his naked back under the gallows, and then sent to prison to be confined until he paid for his clothing and the cost incurred in his apprehension. 39

Sometimes weighty objects were attached to the legs of culprits to increase the effect of the punishment. Samuel Brown was to wear "the log" for one week and to attend the parades with it attached to his leg. 40 Baptist Benrick, a deserter from Colonel Henry Jackson's regiment, received one hundred lashes, besides having a "clogg of twenty Wt. chained to his legg for one Month and [to] attend all Parades in that situation." 41 Richard Smith, a matross (an artilleryman) in Colonel John Carne's Third Continental Artillery Regiment, was to receive one hundred lashes on his naked back, well laid on, twenty-five each morning for four days, and to wear a "clogg chain'd to his legg for the Term of two Months." 42

39 Silvanus Reed, "Orderly Book of Adjutant Silvanus Reed, New Hampshire Historical Society Collections, IX (1889), 370. Similar punishment was given to James Mumford and Cornelius Gordon, October 23, 1780, Orderly Book, No. 45, National Archives.
40 November 5, 1779, Orderly Book, No. 32, National Archives.
41 October 2, 1779, ibid.
42 Ibid.
The American army rarely used the punishment of "picketting." The offender was suspended in mid-air by a rope tied to his wrist with a sharp stake driven into the ground just high enough for him to rest his bare heel. The stake did not break the skin but caused great pain. The only means of relieving the heel was to allow the wrist to bear the weight, which was also intolerably painful. Fifteen minutes was considered the limit a person could endure this torture. In 1780, at Orange Town, Jack Freeman, a deserter from the Ninth Connecticut Regiment, received one hundred stripes and stood the pickett for fifteen minutes. Major General Greene ordered this sentence put into effect that day at retreat before the whole regiment as an example to others who might consider deserting the service.

Sometimes the instrument to be used in whippings was prescribed by the court-martial. For deserting his guard post Samuel Platt was sentenced to receive thirty-nine lashes on the naked back with a cat-o-nine-tails, and John Butler, for being absent without leave, was ordered "to be whipped severely 13 strips with a Berch rod over such Parts as the commanding Officer shall appoint." The commanding officer reduced Platt's sentence to twenty lashes, and Butler's to ten, to be applied to his "Back side." John Rowe received two sentences

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44 September 25, 1780, Orderly Book No. 45, National Archives.
of thirty-nine lashes with the cat-o-nine-tails -- one for desertion and one for stealing.⁴⁶

Sea duty, while not legally authorized, was occasionally prescribed by courts to lessen the opportunities for desertion. In 1777 a deserter felt one hundred lashes and went to the navy.⁴⁷ In 1778 John Pooler, a private in the Second Regiment of Light Dragoons, was guilty of desertion, selling his continental clothing, and stealing a horse and saddle, for which he was sentenced to receive one hundred lashes, and ordered to service on a frigate for the remainder of his enlistment. Washington immediately remitted the service on the frigate but allowed the whipping to be executed the next day.⁴⁸ Benjamin Barbersby, sentenced to thirty-nine lashes for desertion, thirty-nine lashes for enlisting in another regiment, and repayment of his enlistment bounty, was also to wear a halter around his neck and be sent to a boat on Lake George. The colonel approved all his sentence except the last.⁴⁹

⁴⁶Ibid., XIV, 195.
⁴⁷General Orders, September 2, 1777, Writings of Washington, IX, 168.
⁴⁸General Orders, September 13, 1778, ibid., XII, 447-48.
⁴⁹September 1, 1776, Orderly Book, No. 13, National Archives.
seemed extremely reluctant to allow courts to send soldiers to serve in the naval forces.)

Occasionally soldiers had their hair cut as punishment. Peter Linch, found guilty of desertion, was sentenced to have the hair on the front part of his head shaved off without soap, "and a quantity of tar and feathers fixed on the place as a substitute for hair." He was then to run the gauntlet through his company and then to serve for the duration of the war on board a Continental frigate. For being drunk and asleep while on guard duty James Martin was to have one hundred lashes and then to have his head shaved, tarred, and feathered. Numerous soldiers and officers were publicly reprimanded or drummed out of the service as punishment for crimes committed. A decorated soldier who subsequently deserted had his honorary badge taken off by the drum major at the head of his regiment and then was given fifty lashes on his naked back. A captain was drummed out of the service wearing women's clothing at a camp on Morris Heights on York Island in 1776, and several others were reduced in rank for crimes committed. James McMichael recorded in his diary the procedure


51 Ibid.


53 Richardson, "Letters of Lieutenant John Richardson, 1776," XVI, 206.
followed in the drumming out of Lieutenant Frederick Gotthold Enslin:

He was first drum'd from right to left of the parade, thence to the left wing of the army; from that to the centre, and lastly transported over the Schuylkill with orders never to be seen in Camp in the future. This shocking scene was performed by all the drums and fifes in the army — the coat of the delinquent was turned wrong side out.\textsuperscript{54}

Offenders were often ordered to be confined by courts. This punishment was widely used but deemed less satisfactory than corporal punishment. Jails or prisons were not always available for the army's use;\textsuperscript{55} this left the commander with an added burden of furnishing soldiers to guard those ordered to be confined. Whenever possible prisoners were retained in confinement for only short periods of time. Washington frequently ordered men who were in confinement back to service.

Samuel Platt, punished earlier for desertion, was sentenced again in 1778 to pay charges for his capture and ordered "confined to Noodles Island During his Captain's pleasure."\textsuperscript{56} Often local

\textsuperscript{54}McMichael, "Diary . . .," XVI, 157-58. Enslin was cashiered March 14, 1778, and drummed out March 15.

\textsuperscript{55}In 1776 the Convention of Pennsylvania donated a new jail to Congress for use of state prisoners, July 20, 1776, \textit{Journals of the Continental Congress}, VI, 594.

prisons were used when accessible. Non-commissioned officers found guilty of desertion by courts-martial were usually reduced in rank to private. Sometimes they also received whippings.\textsuperscript{57}

Simulated whippings were used as a means of scaring the offender. Benjamin Hole, soldier in Colonel Enoch Poor's regiment, convicted of desertion, but under circumstances which appeared in his favor, was sentenced to be "struck at," as if he were being whipped, and then to be severely reprimanded by his commanding officer.\textsuperscript{58}

A common occurrence was for officers to take it upon themselves to administer punishment to offenders without the benefit of a court-martial. Washington objected strenuously to this practice, as noted earlier, and ordered courts-martial for officers who inflicted such punishment. Two captains, tried by a court-martial for beating soldiers, were acquitted of the charge only to have Washington disapprove of the court's findings and lecture them against such obvious abuse of their authority.\textsuperscript{59}

Occasionally officers went far beyond legal means to punish deserters, even ordering executions without benefit of a trial. A few officers urged the practice of having deserters' heads cut off and placed on poles as warnings for the whole camp. On one occasion

\textsuperscript{57}Examples are numerous. See Orderly Book No. 32, National Archives.

\textsuperscript{58}August 26, 1776, Orderly Book No. 13, National Archives.

\textsuperscript{59}General Orders, May 8, 1779, Writings of Washington, XV, 27-28. Captain Jones beat a sentinel on his post and a corporal on his guard; Captain Mitchell beat a corporal on his guard.
three deserters, sentenced to suffer death, were made to draw lots; the loser was decapitated, his head was placed on a spike and carried around camp by the other two and was then hung over the camp gallows. Although Washington had disagreed with Henry Lee's suggestion of cutting off an occasional head, the Commander in Chief found that before his letter reached Lee, the threat had been carried out; a soldier was hanged and decapitated for the crime of desertion. Shocked, Washington ordered Lee to have the body buried immediately lest it fall into the hands of the British, who would use the publicity gained to justify their acts of cruelty. Peter Ten Broeck recorded the circumstances of these deaths in a letter to his parents, dated July 9, 1779:

We hear there is a great Number of Men Deserts Dayly both to and from the enemy; yesterday three men belonging to the Maryland line were found going into the enemy, they were brought to their camp. The one was shot and his head cut off and this morning was brought to the Virginia Camp and was put on the top of the gallows . . .

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60 Washington to Henry Lee, July 9, 1779, ibid., XV, 388.
61 Washington to Henry Lee, July 10, 1779, ibid., XV, 399. See also, Freeman, George Washington, V, 112.
Ten Broeck said another soldier was hanged that day who had previously been sentenced to death on two occasions and reprieved and fully expected to be reprieved the third time. Ten Broeck had been in the army only six days when he witnessed these executions. It was to stop such exhibitions as these that Washington pled with Congress to increase the authorized limit of lashes to five hundred. Neither the whip nor any of these odd punishments acted as a deterrent to desertion. The death penalty seemed to be the only recourse, but it rendered no better results.

Death Penalty

Congress' adoption of the new Articles of War on September 20, 1776, extending the death penalty to all types of desertion and for all crimes punishable by death under British law, was like opening the flood gates in the American army. Commanders, exasperated at the ineffectiveness of whipping as a deterrent to desertion, resorted more and more to the use of capital punishment. And yet the death sentence was so drastic that its use by a court usually invited a general to issue a pardon. General Henry Knox wrote to Washington concerning George Baker, a scoundrel who had been sentenced to die on May 5, 1779, for several desertions; he said that Baker would

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63 Ten Broeck's letter of July 8, indicated he joined on July 3, ibid.
probably desert twice a year for the next ten years if the war lasted that long. Still, Knox recommended a pardon for this soldier! 64

Washington's attitude toward administering the death penalty varied. At times he approved large numbers of death sentences, but frequently would issue reprieves at the last minute. The Commander in Chief disliked the death penalty and used it only as a last resort when he thought the deterrent effect would be the greatest. Washington realized that little good was gained by merely having a culprit executed if it did not evoke the desired reactions among the troops. A deserter could be legally punished by death, but the army also lost a soldier! By 1777, the courts were sentencing so many deserters to death that Washington became alarmed. Writing to Brigadier General Samuel Parsons, he advised that death penalties be remitted if more advantage could be derived from a pardon, adding that capital executions had been too frequently used by the army. 65

Brigadier General James Clinton voiced the same opinion in 1778: "I always hear of capital executions with concern, and regret that there should occur so many instances in which they are necessary." Nevertheless, on that occasion he approved of the execution of

64 General Orders, May 12, 1779, Writings of Washington, XV, 49N. Knox letter written May 9, 1779.

65 Washington to Brigadier General Samuel Holden Parsons, April 23, 1777, ibid., VII, 459.
Aaron Williams, deeming it justified because of the large number of desertions in the New York line. After several executions Major General Alexander McDougall expressed concern over the ineffectiveness of too frequent use of the death penalty, in which view Washington concurred.

The first instance in which Washington approved a sentence of death came nearly a year after he assumed command. Thomas Hickey, a member of the General's guard, was involved in a plot to enlist soldiers of the Continental army in the British service. There were also rumors that he was involved in a plot to start an uprising in New York and to assassinate Washington. A court-martial sentenced Hickey to death; Washington submitted the matter to a council of generals, who advised the Commander in Chief to approve the sentence. Accordingly, the General ordered Hickey to be hanged the next day, June 28, 1776, at eleven o'clock, with all the officers and men belonging to the brigades of Heath, Spencer, Lord Stirling, and Scott in attendance at the execution. Deeply concerned, the Commander in Chief explained the reason for the execution to the soldiers.

68 General Orders, June 27, 1776, ibid., V, 182; Washington to President of Congress, June 28, 1776, ibid., V, 193.
The unhappy Fate of Thomas Hickey executed this day for mutiny, Sedition and Treachery and General Hopes will be a warning to every Soldier in the Army to Avoid those Crimes and all others so disgraceful to a soldier and pernicious to the Country whose pay he received and whose bread he eats — and in order to avoid these Crimes the most Certain Method is to keep out of the Temptations of them and particularly to avoid lew's women who by the dying Confession of this Poor Criminal first led him into Practices which ended in an untimely and Ignominous Death. 69

Although this was the first executed, it was to be followed by hundreds more. The exact number of men receiving the death sentence is difficult to ascertain. Allen Bowman, in his study of morale in the American Army, found 225 sentences of death, with only about 40 actually being carried out. 70 This could indicate that most of those sentenced to die were pardoned. Suspension of sentences for short periods were often granted by generals; many suspensions were left in that state with no later mention of whether or not the sentences were consummated. John Porterfield, a sergeant in Captain Stephen Bayard's company, Third Pennsylvania Regiment, was convicted of desertion on February 21, 1777, and sentenced to be shot. The General approved the court's judgment, but granted a reprieve of the sentence for one week. On the 27th the execution was suspended until March 14, when it was put off until the 21st, at which time it

69 Abraham Dodge, "Orderly Book kept by Captain Abraham Dodge of Ipswich . . .," Essex Institute, Historical Collections, LXXX (October, 1944), 379. June 28, 1776.

70 Bowman, Morale of the American Army, 89.
was postponed again until the 28th; on March 28th the execution was
delayed until April 4th, when there was another postponement until
the 11th. No further mention of Sergeant Porterfield has been found.
It is reasonable to assume that he was ultimately pardoned.\textsuperscript{71}
Instances of this sort were common.

While many sentences were carried out, Washington tended to
employ the extreme penalty more as a threat, using stays of execution
and pardons to prevent actual executions. Rarely did the General
refuse to respond to a plea from a commander to pardon a convicted
deserter. He could, however, be adamant in rejecting petitions for
the pardon of men he was determined to execute as examples.\textsuperscript{72} Elisha
Smith, a soldier in Colonel Elisha Sheldon's Second Continental
Dragoons, was tried on October 8, 1778, for several crimes -- de-
serting to the enemy, piloting the enemy in excursion raids against
Continental troops, defrauding the public by selling his horse, arms,
accoutrements, furniture, and clothing to the enemy, attempting to
escape while a prisoner, and assaulting an officer. The court
sentenced him to death, which was approved by the local commander who
ordered Smith to be executed on October 12th at eleven o'clock.\textsuperscript{73}

\textsuperscript{71}General Orders, February 21, 27, March 14, 21, 28, April 3,
\textit{Writings of Washington}, VII, 183, 204, 285, 311, 324, 351.

\textsuperscript{72}The petitions of pardon for Charles McClean, Thomas
Herrindeen, William Potter, John Lewis, John McLane, William Hopper
were all denied by Washington who ordered them "to suffer agreeable
to the sentences decreed against them." General Orders, February 11,
1780, \textit{ibid.}, XVIII, 3.

\textsuperscript{73}General Orders, October 10, 1778, \textit{ibid.}, XIII, 60-61.
Writing to Major General Horatio Gates on October 10th, Washington said the charges seemed sufficiently clear and well founded, and directed Gates to oversee the execution to ensure that "the example" was made "where the opportunity to desert is the greatest," and where it might "have a good tendency in checking so pernicious a practice." Gates probably changed the execution date, which accounts for Smith's not having died on the 12th.

In the meantime, petitions for pardons reached Washington, one coming on the 15th from Captain Josiah Stoddard, Smith's commanding officer. Washington was determined that Smith should die. Answering Stoddard, the General expressed his sorrow at having to increase the number of unfortunate sufferers, but the General felt that Smith was "an object worthy of punishment, and a proper example to prevent the commission of crimes of a like nature." Since no further mention of Smith has been found, Washington's denial of the reprieve no doubt sealed his fate. However, his death might have influenced the Commander in Chief to grant a pardon to John Yeomans on October 27, a soldier equally guilty and equally deserving the sentence. Explaining to Colonel Goose Van Schaick, who had intervened

74 Washington to Brigadier General Charles Scott, October 10, 1778, ibid., XIII, 55.
75 Washington to Captain Josiah Stoddard, October 17, 1778, ibid., XIII, 95.
on behalf of Yeomans, Washington said that the judgment of the court seemed very proper for this offender; and he was suitable to be used as an example, but since he had inflicted the punishment of death on seven persons in the past few days, he felt obliged to remit the punishment of Yeomans. The General ordered that he be taken to the place of execution and there reprieved at the last moment. Washington felt that this would have the same good influence as an actual execution, and furthermore, would offset the bad effect that too many death penalties had produced.\(^76\)

A year later, writing to Brigadier General Anthony Wayne, Washington related that "he did not see the multiplying of executions produce the effects for which they were intended," and reasoned that it was not desirable to lose men in examples of this kind, unless absolutely necessary.\(^77\) He suggested that pardons might be very advantageously used, as well as the practice of confining the condemned for some time under the fear of being executed as sentenced, and then liberated. The expected result was for a transformation in the heart and mind of the person sentenced to die once freed. As the record clearly shows, this idealistic reaction did not always occur, for often men scampered off on the very day some unfortunate soldier was


executed as an example to deserters. The pity of it is that these extreme examples failed in their purpose. Heavy desertions continued in the army at the very time the death penalty was most often used. When the vast majority who attempted to run away succeeded, additional discontented men were ready to take the risk.

As might be expected, the erratic way in which pardons and stays were used tended to offset the effect of the examples ordered by the commanders. Soldiers were too familiar with capital sentences and last minute reprieves to expect that all of the men sentenced would be put to death, but no one knew for sure who would be pardoned. Eleven deserters were ordered executed on May 25, 1780, at Morristown.

The regiments were mustered to watch the execution; the ceremonies were designed to bring home to the army both the gravity of the offense of desertion and the mercy shown the offenders. On this occasion, with ropes around their necks, the coffins before their eyes, and their graves in view, they waited the last words of the chaplain, when at the last moment the reprieve came for ten of the eleven waiting to die. The eleventh man, James Coleman, guilty of

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78 Bowman, Morale of the American Revolutionary Army, 90.
79 General Orders, May 25, 1780, Writings of Washington, XVIII, 422.
80 The criminals pardoned on May 26, 1780, by a proclamation of the Commander in Chief were: Emanuel Evans, Cornelius Nix, Thomas Brown, Joseph Infelt, John Earhart, Mathew Bell, James Hanly (Hanby), Lancaster Lighthall, Thomas Calvin, Washington Papers, Library of Congress, Roll 66.
numerous desertions, forging discharges, and causing more than one hundred soldiers to leave the army, suffered the death penalty. 81

Appeals to Congress requesting pardons for condemned deserters were sometimes fruitful. Acting on the recommendation of General Putnam, Congress passed a resolution on September 2, 1777, approving pardons for two soldiers, Amos Rose and Lemuel Ackerly, had been sentenced to death by a court. 82 Congress sometimes dumped the decision back into the lap of the army. A petition on behalf of John Moore, a deserter from the Fourth Virginia Regiment who was sentenced to be shot, was read in Congress on October 20, 1777, and referred to the Board of War. Two days later the Board of War reported its opinion that the case be referred to General Washington for his determination, 83 and he remitted the punishment against Moore and ordered him to rejoin his regiment. 84 Congress passed a resolution on May 23, 1777, granting the Commander in Chief full power of pardoning or remitting any punishment ordered by a court-martial for any offense mentioned in the Articles of War. 85 A petition for a pardon for


82 Resolution of Congress, September 2, 1777, Journals of the Continental Congress, VIII, 703.

83 Ibid., IX, 822, 828.

84 Washington to Colonel David Mason, November 14, 1777, Writings of Washington, X, 63.

85 John Laurance, judge advocate general, requested this resolution on May 17, 1777, which was passed May 23, 1777, Journals of the Continental Congress, VIII, 381.
Thomas McCann, condemned to be shot for desertion from General Howe's command in South Carolina, was the occasion for Congress' extending the pardoning power to all generals commanding separate departments. The resolution specified that commanders were empowered to grant "free pardons" to criminals if they considered "such a step conducive to the good of the service and the public welfare." They could also order executions for all criminals condemned to death by court-martial without being obliged to report the matter to Congress or to the Commander in Chief.  

**Pardons**

Along with individual pardons, the Commander in Chief occasionally ordered pardons on a broader scale. The July 4, 1779 "anniversary of our glorious Independence" served as an occasion to pardon all prisoners then under the sentence of death.  

The Commander in Chief more than once pardoned from ten to twenty or more persons at a time; other commanders imitated this practice — Heath pardoned twenty-six, and Sullivan twenty-nine, at a single stroke of the pen.  

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86 Ibid., VIII, 476-77.  
87 General Orders, July 4, 1779, Writings of Washington, XV, 364. At least three soldiers, DePeu, King, and Bettis, were pardoned that day, and possibly several others benefited from this proclamation. Washington to Major General Alexander McDougall, July 3, 1779, ibid., XV, 361-62; Washington to Philip Schuyler, July 9, 1779, ibid., XV, 405.  
88 General Orders, April 28, 1777, ibid., VII, 484-85; VIII, 476-77.
General proclamations of pardon were devices used by the Continental Congress, the various states, and the army to induce men to return to the service. These proclamations offered pardons to deserters who would return to camp within a given time, and threatened drastic punishment for all who refused to do so. The proclamations were published widely in the newspapers and occasionally printed as handbills for distribution near army camps.

Washington permitted some recruiters to extend pardons to deserters. On four occasions Washington issued proclamations covering the entire army. The first appeared on April 6, 1777, promising pardon to all deserters who voluntarily surrendered themselves.

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89 June 9, 1777, Journals of the Continental Congress, VIII, 431.


91 New Jersey Gazette, No. 16, March 16, 1778; New Jersey Archives: Newspaper Extracts, II, 119-20: The articles promised free pardon to all deserters from the Jersey brigade who returned to camp by April 5, 1778, and if they refused to return they were promised to be severely punished. Handbill, April 13, 1779, Washington Papers, Library of Congress, Roll 57; Virginia Gazette (Dixon and Nicholson), April 2, 1779, p. 32.

92 Washington to Colonel David Mason, September 2, 1777, Writings of Washington, IX, 165-66; Washington to Colonel Elisha Sheldon, April 18, 1780, ibid., XVIII, 281.
before the fifteenth of May. In October, 1777, Congress ordered that another general proclamation be issued covering the period to January 1, 1778. The third, issued March 10, 1779, stated that, since some deserters had not rejoined their Corps because of fear of punishment, their apprehension could be dismissed if they would return by May 1. This grace period proved too short since few came in, and it was extended to July 1, thus covering altogether over three and a half months. The last general proclamation was issued in 1782 in the hope of dissolving the "New Corps" organized by the British out of men who deserted from Continental forces; it applied only to deserters then in the British service.

These proclamations proved to be very disappointing; only an occasional fugitive came in to claim pardon under their provisions. Most deserters, perhaps, remained ignorant of the offers, and others preferred to run the risk of capture rather than to return voluntarily

93 Proclamation, April 6, 1777, ibid., VII, 364.
94 October 17, 1777, Journals of the Continental Congress, IX, 816; Writings of Washington, IX, 426-27, 496.
95 Proclamation, March 10, 1779, ibid., XIV, 222-23.
96 Proclamation, April 22, 1779, ibid., XIV, 429-30.
97 Washington to the Secretary at War, January 20, 1782, ibid., XXIII, 456; to Heath, January 29, 1782, ibid., XXIII, 469. Probably issued February 8, 1782.
to the army. Washington, who lost confidence in obtaining any good results from general proclamations of pardon, was very reluctant to issue the second one. The Council of Safety of Maryland reported to Washington in 1777 that it was disappointed that so few availed themselves of the benefit of the proclamations.\textsuperscript{98} Some good results were reported in scattered areas after the 1779 proclamation. Samuel Culper of New York wrote to Benjamin Tallmadge that he was surprised to see a large number of deserters come in since the "General's Pardon" appeared in the newspapers.\textsuperscript{99} In the main, however, Washington did not think proclamations were producing desirable results; he even tried to discourage Virginia from issuing a proclamation in 1780, stating that it would actually encourage future desertions.\textsuperscript{100}

The overall results of the proclamations of pardon proved to be harmful to the army. The few soldiers who returned without punishment only encouraged others to leave in the belief that they would also be able to return without punishment under provisions

\textsuperscript{98}Council of Safety (Annapolis), 1777, \textit{Archives of Maryland}, XVI, 202-203.


\textsuperscript{100}Washington to Governor Thomas Jefferson, August 29, 1780, \textit{Writings of Washington}, XIX, 468-70.
of some future proclamation of mercy. Washington despaired of this method: "I have tried the efficacy of proclamations of pardon to deserters so often," he wrote Benjamin Lincoln in 1781, "and have found so little good result from them, that I am inclined to think desertion is rather encouraged than remedied by a frequent repetition of them. The Soldier goes off or remains at home after a furlough, and looks for a proclamation as a thing of course." Nevertheless, the General did not give up hope, but continued to issue proclamations.

It was evident from the beginning that neither punishment, the threat of death, nor proclamations of pardon would prevent men from deserting the service; yet the army had no alternative but to try to stop it by these methods. Just as Washington was aware that restraints were necessary to maintain good discipline in the army, so he also knew that too frequent use of the gallows demoralized the entire military force. He was not able to escape his dilemma. Desertions continued and the army continued to use very severe methods to punish the guilty until the end of the war.

The Commander in Chief took no pleasure in punitive measures. He begged his men to save him the anguish of having to inflict harsh chastisements on them. He seemed unable to understand why men behaved as they did: "Why will Soldiers force down punishment

101 Washington to Benjamin Lincoln, February 27, 1781, ibid., XXI, 308.
upon their heads? Why will they not be satisfied to do their
duty, and reap the benefits of it? Why will they abandon or betray
so great a trust? Why will they madly turn their backs upon glory,
freedom and happiness?" 102 He expected too much, for no commander
has ever been able to have "the business of the Army conducted
without punishment." 103 The cure for desertion remained unanswered
during the American Revolutionary War.

102 General Orders, June 10, 1777, ibid., VIII, 214.
103 General Orders, January 1, 1776, ibid., IV, 203.
CHAPTER XII

CONCLUSION

This study has made no attempt to cover all the aspects of desertion in the American Revolutionary Army. Future studies might well show how many men deserted from each separate regiment, listed according to the states where they were inducted. An accurate record of executions should be made available. This information would be very useful if compiled according to states, dates of executions, family background, place of birth, age, race, occupation, and educational level.

It would also be of interest to know the relationship between the army and civilians who became entangled with military justice. On several occasions private citizens were punished by court-martial, and a few were executed. Since the British were also struggling with the problem of desertion, a comparison of the situation in the two armies would be enlightening. A study of how officer discontent affected desertion in the ranks would yield fruitful results.

What are the principal conclusions to be drawn from the study? The Americans obviously found no satisfactory remedy for the problem

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1 The excellent study by Frederick Bernays Wiener, Civilians Under Military Justice: The British Practice since 1689 Especially in North America (Chicago, Illinois: University of Chicago Press, 1967) should be duplicated to show the American civilian experience during the Revolutionary War.
of desertion during the Revolutionary War. Regardless of the military's efforts to satisfy specific needs of the soldiers, or of the multitude of laws passed by governing bodies to prevent desertion, soldiers left the service in droves. Various punishments failed to restrain men from running off. The American army dealt with desertion not unlike other armies: (1) by encouraging faithful service with reminders of love of country and manly obligation to perform legal duty; (2) by vigorously pursuing those who would not serve; and (3) by punishing captured runaways.

It was perhaps asking too much to expect to establish overnight an effective fighting organization properly provisioned and composed of well trained officers and disciplined troops. Organizational and command functions of an army during wartime are staggering even for long-established countries, and to assume these burdens in revolutionary periods compounds the difficulties. It would have been most remarkable had there been no problem of desertion during the Revolution. The American forces had no long tradition of gallant service and meritorious action in combat to bolster morale to a point sufficient to overcome the desire of many men to go home illegally. It was praiseworthy that the American army remained intact during eight years of war, and too much to expect that it should have found a workable solution to the age-old problem of desertion.
The "Typical" Deserter

The question might be asked, "Was there a 'typical' deserter during the American Revolutionary War'? The answer is probably "no." The typical deserter was actually the typical soldier. Some men needed no special hardships or problems to encourage them to leave. The fact that they were serving in the army, away from their homes and families, was reason enough for leaving at the first opportunity. Had there been no suffering or shortages of food, supplies, clothing, money, and housing, it would have mattered little to this sort of soldier. A recent study suggests that every soldier who deserts suffers from a personality disorder, lumped under the label of "domestic neurosis," which caused him, when placed in the military service, to give home and family problems first place, with the army second, if any place.\(^2\) A few left because they did not relish facing death in combat, or, if captured, being hanged as rebels. They were too human. Their love of life was stronger than their will to fight for the ideal dream of political freedom, a cause that they did not fully understand. On many occasions this proved to be true with Washington's soldiers; at times whole units walked away without the least concern for the welfare of those left behind.\(^3\)


\(^3\) John Cadwalader to Washington, December 3, 1777, Washington Papers, Library of Congress, Roll 46. Cadwalader wrote that the army was "every day reduced, by whole Brigades, leaving you, in sight of the enemy."
Randolph Shaw, a cavalry officer, after studying desertion in the American army during the late nineteenth century, compiled a list of interesting conclusions that seem applicable to the revolutionary period. He found that the rate of desertion was considerably higher in the spring and summer than in the fall and winter, and that it fell when punishment was severe, but gradually increased to the same rate and even went higher at times. Shaw's final conclusion was that most men deserted simply because they did not like army life. He found that pay increases, changes in methods of apprehension, and increased punishment had little lasting effect in reducing the desertion rate. Every attempt by the army to reduce desertions by any broad change in policy invariably proved unsuccessful. The causes of defection were placed more largely on the offender and his outside interests than on the service itself. A study at Fort Leavenworth after World War I showed that 44 per cent of those confined for illegal departures had criminal records in civilian life. There is no reason to believe the causes in most cases were greatly different during the Revolutionary War when approximately 20 to 25 per cent forsook the service.

Although specifying characteristics of a "typical" deserter from the American Revolutionary army is hazardous, Arthur J. Alexander

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has drawn some suggestive conclusions regarding deserters listed in the "wanted" advertisements appearing in the two Virginia Gazettes published during the years 1776-1780. He found that runaways came from all sections of Virginia, but with fewer from the mountain and up-country counties. Alexander noted that "132 out of 214 deserters were men in their late teens or early twenties," and that after a soldier celebrated his twenty-sixth birthday he was less prone to flee the service. At the same time, he observed that more thirty-year old men deserted than those of any other age. Alexander, however, partly discredited Washington's frequently stated warning against enlisting "Old Countrymen," for he found only nine per cent, or fifty-eight, of all advertised deserters to be of known foreign origin, with Irishmen slightly in the lead. Of the total twenty-three were Irishmen, twenty-two Britons, nine Frenchmen, eleven mulattoes, and one each were German, Portuguese, Scotch, and Canadian. Not all were from the Old Dominion; some were from other states. Alexander explained that the low percentage of foreign born could be accounted for by the nature of the data used. Advertisements were not inserted for each and every quitter. Descriptions of the deserters

5 Arthur J. Alexander, "A Footnote on Deserters from the Virginia Forces During the American Revolution," Virginia Historical Magazine, LV (April, 1947), 139-46; one of the two Virginia Gazettes was edited by Alexander Purdie and his nephew after his death, and the other was edited by John Dixon and John Hunter, and later in copartnership with Thomas Nicholson.

6 Alexander, op. cit., 145.

7 Ibid., 138.
were often vague partly due to poorly kept regimental records. Commanders with high percentages of German troops might have deliberately chosen not to advertise as much as other units. General Muhlenberg's "German Regiment" advertised for only three deserters from its ranks. Alexander found the average deserter or draftee who failed to muster to be a young man under twenty-six, who might have come from any part of the state, was probably born in America, and had been employed before his service in a variety of trades and professions. 8

Other lists of deserters are available in scattered sources. In an attempt to apprehend runaways, for example, Washington required descriptive lists prepared and distributed to the county recruiting officers and others in a position to use them. On August 10, 1782, the General ordered the commanding officers of various state lines to accumulate data on all men who had deserted from their regiments since January 1, 1777, and to send these lists to him and to the state governors. 9 Washington asked that the lists describe as accurately as possible the physical features of the men, as well as the dates of their enlistment and desertion, place of birth, and home

8Ibid., 144-46.

9General Orders, August 10, 1782, Writings of Washington, XXIV, 493.
The list found in the George Clinton Papers differs considerably with the findings of Alexander's study in regard to age and place of birth, while the returns of Henry Jackson's regiment closely correspond with Alexander's in age but differ in birth place. Clinton's rather short roster of only fifty-three deserters showed an average age of twenty-eight and a half; only three were less than twenty, and two were very old men — one sixty-seven and the other fifty-five. Jackson showed even fewer deserters on his lists with the average age of those included a little over twenty-four. Clinton listed over twenty-eight per cent of his deserters as foreign born, while Jackson recorded an even higher one of forty-eight. No doubt, when other lists are compared equally divergent percentages would emerge. Until an accurate list of all the men who deserted the American army can be compiled approximate percentages will have to suffice. The same difficulty prevails when attempting to determine the physical features of deserters such as their average height, weight, and complexion.

Age seemed not to be the most important factor in determining the probability of desertion, because most of the soldiers were young

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10Revolutionary War Rolls, Record Group 93, State Rolls, National Archives, Roll 28 (Connecticut); Roll 37 (Massachusetts). List are also found in returns of various commanders and in published papers: Hastings and Holden (eds.), Public Papers of George Clinton, VIII, 286-87; Henry Jackson, "Returns of Regiment, 1777-1780," U. S. Revolution, Miscellaneous Manuscripts, Library of Congress, File Box I.
men in their prime. It is, therefore, reasonable to assume that the average age of deserters would correspond with the average age of all the men in the army. Elderly patriots were enlisted, and some of them did depart illegally as indicated in Clinton's report, which included the sixty-seven year old Charles Dutcher of Connecticut. A fifty-dollar reward was offered for the capture of Nathan Hall of the First Jersey Regiment, listed as an "elder man" in the advertisement appearing in the New Jersey Journal. According to this description, he left on an authorized leave of ten days in January, 1779, and had not returned by November of that year. On the other hand, some very young men deserted. An advertisement appeared in the New Jersey Gazette in 1780 seeking the return of nineteen-year-old James Lucay of North Carolina; and another in the Pennsylvania Journal in 1779 sought Nathaniel Avis who was only seventeen. The very young James Robilliard, only fifteen when he entered the Continental service, deserted to the enemy in January 1779, and was captured in May on board the British ship George while attempting to make his way to Scotland.

Except for his physical appearance and his formal education, it is doubtful that the profile of an average deserter during the

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11 The New Jersey Journal, November 30, 1779.

12 New Jersey Gazette, August 23, 1780; The Pennsylvania Journal, September 22, 1779.

American Revolutionary War would differ greatly from the average slacker of today. Fred S. Hoffman, a military writer, has made a study of 116 soldiers listed as deserters to Sweden during the Viet Nam War and has constructed this description of the typical army deserter:

He is a regular Army soldier, nearly 23 years old and has had three years of high school. He is single, has no civilian occupation of skill, came from the more highly populated states, could not adjust to Army life, and was a disciplinary problem before he defected.¹⁴

Methods Used to Desert

Soldiers used various methods to desert. As previously mentioned, one of the best opportunities to desert came when units were on the move from one location to another. Those disposed to leave slowed their pace, lingered until they were far behind the main body, and when out of sight, they "got lost." Even though the commanders took careful precautions to prevent straggling, all the troops could not be watched every minute, which meant that any soldier who had determined to leave could best effect his escape during a march.

Equally effective was the practice of leaving during the confusion of battle. Soldiers often found themselves isolated from their comrades during skirmishes; once separated, they could easily

hide until the action ended and make their way home or to the enemy. Many continentals left from camp areas. Usually under cover of darkness, they would make their way past the guards posted to prevent this very thing from happening. Others left from hospitals, or obtained authorized leaves and never returned. Small groups of soldiers sent out on special missions, or transferred to adjacent units, took this opportunity to run off while they were not closely supervised. If the intention of the deserter was to join the enemy, assistance was obtained from loyalists who helped him get to British lines. Boats were used frequently in making get-aways. British ships offered sanctuary to American army defectors. If soldiers did not wish to join the enemy, they often went home to be hidden by relatives and friends. Some chose to seek safety outside the American continental limits by crossing over into Canada. Others fled to the hills of Vermont for safety. Washington was especially annoyed by the sanctuary soldiers found in Vermont, describing it as an asylum for all deserters.


18 Washington to Joseph Jones, July 10, 1781, Writings of Washington, XXII, 354.
A few soldiers managed to get out of the army by deserting, joining another unit, receiving additional pay, then revealing their true identity, taking their whipping, and being drummed out of the army. Of course this procedure was risky, since some were hanged for the crime. Daniel Carmicle, a soldier in Colonel Paterson's regiment, was able to receive a discharge by following this procedure. Patrick English, in the Delaware regiment, was not so fortunate. He attempted to desert by changing his clothes and name and re-enlisting in one of the Jersey regiments. He was discovered, tried, and sentenced one hundred lashes.

Sometimes soldiers left in groups after making careful preparations. General William Maxwell informed Washington in 1779 that twelve or thirteen left the Second Jersey Regiment after planning their escape for several nights in a house a short distance from town. One of the group informed an officer of the plan, but before they could be apprehended, the sentry at the colonel's door, who was in on the plot, sent word to those already assembled and they made good their escape. However, six were captured along with the guard.

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19Hensham "Orderly Book", 124.

20General Orders, May 27, 1779, Writings of Washington, XV, 163.

The Effect of Desertion During Combat Situations

Few if any battles, once underway, were lost as a direct result of desertion. Retreats occurred, some orderly and some disorderly, as a result of confusion or superior enemy strength during which soldiers made good their escape from the army. The impact of desertion was felt more in planning attacks where commanders contended with half-filled regiments. Similarly, desertion affected the enlisting of new recruits, the training of soldiers, and the maintaining of good military discipline. Desertion, consequently, discouraged some commanders from fighting. In only a few instances did desertion during the conflict cause the course of the battle to turn, and this usually in small engagements.

Probably the heaviest desertion in combat occurred during the New York campaign in 1776, where Washington's army of approximately 20,000 was badly beaten in several engagements. Thousands of Americans deserted the colors at that time, and, no doubt, did affect the outcome of the battle to some extent. More importantly, however, were other factors such as poor communications and untrained soldiers. Desertion was, at best, only a secondary cause for this military disaster. The bulk of those who left illegally departed after the outcome of the contest was fairly well determined.

Considerable numbers fled during the New Jersey campaign in 1778 when Washington pursued the British on their withdrawal from
Philadelphia to New York; especially was this so following the bloody but indecisive battle at Monmouth Court House on June 28. After burying the dead with full military honors, Washington ordered an immediate return of the killed, wounded, and missing during the battle. From Brunswick, the next day, Washington again ordered the commanders to "avail themselves of this opportunity for collecting all their Straglers." He also ordered officers "to exert themselves in retraining their men from stragling, injuring Fences, Fruit Trees and etc."  

In reporting the casualties to Horatio Gates, Washington, mentioned the men killed and wounded, but said nothing about the number of deserters in the campaign. To Augustine Washington the Commander in Chief noted that he suffered "60 men killed, 132 wounded, and abt. 130 Missing, some of whom I suppose may yet come in." On the same day, letters to Governors William Livingston and Patrick Henry mentioned only British losses and the 60 Americans

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22 For a full account of this battle see John R. Alden, General Charles Lee (Baton Rouge: Louisiana State University Press, 1948), chapters 13-16, and Freeman, George Washington, V, 11-36.

23 General Orders, June 30, 1778, Writings of Washington, XII, 132.

24 General Orders, July 2, 1778, ibid., XII, 147.


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killed and 132 wounded, with nothing said about the 130 missing.27

Proof that many desertions occurred during this time is to be found in the fact that in the weeks that followed numerous courts-martial of captured deserters were held in the various regiments. Even one officer deserted. Lieutenant Garland Burnley of the Seventh Virginia Regiment was tried for absenting himself from his command without leave, found guilty, and was discharged from the service.28

On July 26, 1778, Washington wrote the president of Congress that "the moving state of the Army has for some time past, in a great degree, suspended the exercises of the Inspectorate."29 After the troops marched from Brunswick, Washington noted that there had been a scarcity of general officers, because so many of them were being used in courts-martial proceedings. Several soldiers received death sentences for desertion during the June battles. Alexander Graham, alias Smith, in Colonel Meigs' Regiment, was tried for desertion. The court found him guilty by a unanimous vote and "sentenced him to be shot to death." John Craige of the Fourth Maryland Regiment, tried for desertion to the enemy and found guilty,

27 Washington to William Livingston, July 4, 1778, ibid., XII, 158-59; to Governor Patrick Henry, ibid., XII, 159-60.
28 General Orders, July 18, 1778, ibid., XII, 191.
29 Washington to President of Congress, July 26, 1778, ibid., XII, 234.
was unanimously "sentenced to suffer death." A few days later, John Jenkins, Zechariah Ward, Richard Burk, Michael Carmer, William McConklin of the Sixth Maryland Regiment, Nicholas Fitzgerald of the Seventh Maryland Regiment, and Solomon Lyons of the Second Virginia Regiment were tried for desertion in several courts-martial trials, found guilty by a unanimous vote in each case, and sentenced to death. Another, John Daily of the Seventh Maryland Regiment, was also found guilty of desertion but received only one hundred lashes. David McClemens of the Delaware Regiment was tried for desertion and acquitted. Washington approved these sentences and ordered the whipping of Daily to take place the next morning at the head of his regiment, but did not specify a date for the execution of the others. Yet, if there were heavy desertions during the Monmouth campaign, the evidence indicates that these desertions did not materially affect the outcome of the campaign.

Deserters were more likely to alter the outcome of small engagements than large battles. Even here most expeditions succeeded or failed because of other factors and not because of the number of men who slipped away. The Sandusky expedition to the Ohio country during the summer of 1782 offers a good example of how men reacted


31 General Orders, July 31, 1778, \textit{ibid.}, XII, 254-55.
in limited battlefield exercises. Baron Rosenthal, or Major John Rose, a Russian serving as aide to Colonel William Crawford, leader of the expedition, left an interesting account of the month's campaign. On June 4, the day of the battle, while yet a few miles short of Sandusky, Rosenthal wrote that about one hundred men determined among themselves "not to proceed any farther." Thus, the expedition was temporarily stopped. Shortly thereafter, scouts brought in favorable information in regard to the Indian force that for the moment eased tensions; the march continued for about five miles when it halted again. "The Majority was for returning," wrote Rosenthal, "discouraged by the scarcity of their provisions, and that there was not the least signs of any cultivation, or inhabitants nor cattle or horses."33

After a reconnoitering party found the Indians, an almost continuous fight ensued from June 4 to June 6, in which the American force retreated while being pursued by the red men. During the hard fighting the first day and the retreat that followed Rosenthal reported "that a good many deserted us; who mostly all lost themselves in the Woods and fell into our Rear at Mohickin John's Town."34 On June 12, 

33 June 4, 1782, ibid., 149.
34 June 6, 1782, ibid., 154.
Rosenthal noted that some of those who deserted during the battle returned to camp on the Ohio River. Men in battle with Indians in wooded areas, no doubt, felt that they would be safer alone than staying with the main body. They believed that the Indians would not allow the military force to get away, and they left the expedition to save their lives. The number killed and missing during this encounter was estimated to be between forty and fifty out of a force of three hundred. Rosenthal understood the fear that possessed men facing the possibility of death: "Think[ing] this was the last, the dreadful moment, [they] deserted." Yet he wrote that the small body that did not desert fought heroically, and even boasted of their success: "We got rid of all our cowards, and the enemy got a sufficient check, not to molest us any more on our march." To Rosenthal the campaign had been a success in spite of the desertions. Actually the British and Indians had carried the field causing Crawford's force to flee helter-skelter. Most prisoners, which included Colonel Crawford, were promptly slaughtered by the Indians.

35 June 13, 1783, ibid., 310.
36 Ibid., 311.
Was Desertion a Real Problem?

The question must be asked, "Was desertion a real problem during the Revolutionary War?" The answer is "yes," if we stop here and say no more. But when asked in a more limited sense -- whether desertion materially altered the course of the war? -- the answer must be "no"; it did not. There is no evidence to indicate that the war was prolonged because of desertion and, obviously, no way to prove that it would have been any shorter had there been no desertions. Therefore, it must be concluded that desertion had no significant impact on the course of the war, even though the effectiveness of the army was reduced. It is quite possible that the Commander in Chief greatly exaggerated the problem. If so, it is easily understood; Washington had a war to fight, and any person who shirked his duty was naturally deemed a pernicious influence on the army and deserved to be punished. The General was well aware that a few deserters could affect adversely the overall determination of the nation to pursue the war.

The average person in the mid-1770's was basically non-military in his attitudes. When called to serve as a soldier, he remained a civilian at heart, more likely to follow civilian views than to become enamored of military law. He could not easily be persuaded to serve during periods when he was not really needed, nor encouraged to endure hardships which he deemed unnecessary. A few inconveniences, added to the natural reluctance to serve in the army,
produced the perfect ingredients for desertion to take place. It is true that there were many loyal, well-trained soldiers who endured all the hardships of army life, and who served without trying to better their plight by running away — at the very time their fellow soldiers were illegally leaving the colors.

Washington realized early in the war that patriotism was not enough to hold men in the service. In a long letter written at Valley Forge in 1778 to John Banister, just after over ninety officers had applied for permission to resign their commissions, the General said:

Men may speculate as they will; they may talk of patriotism; they may draw a few examples from ancient story, of great achievements performed by its influence; but whoever builds upon it, as a sufficient basis for conducting a long and [bloody] War, will find themselves deceived in the end.  

Washington reasoned that the army must deal with "the passions of Men as Nature has given them," taking into consideration all the principles that will ultimately guide their actions. The Commander in Chief said that he did not mean "to exclude altogether the idea of Patriotism," because he knew it did exist, and had accomplished much in the American army. The point that he wanted to stress was that "a great and lasting War can never be supported on this principle alone."

38 Washington to John Banister, April 21, 1778, Writings of Washington, XI, 286.
Rather, he asserted, "it must be assisted by a prospect of Interest or some reward. For a time, it may, of itself push Men to Action; to bear much, to encounter difficulties, but it will not endure unassisted by Interest."\textsuperscript{39}

Washington was saying that there must be something of material worth offered to men to persuade them to serve in the army. If this was true for officers, it was also true for every person who donned the uniform of any regiment. Since benefits offered to soldiers were far below those promised to officers, the task of keeping troops on active duty when they had pressing problems at home was one which very few commanders were able to accomplish with notable success.

Washington felt that Congress was not properly acquainted with the actual conditions that existed in the army. Writing to Robert Morris in 1777, the Commander in Chief said that it was "not in his power" to make Congress fully sensible of the real situation of our Affairs," and that it was with difficulty with all the means in his power that he was able to "keep the Life and Soul of this Army together." Washington believed that Congress was too far removed from the army to understand its needs; when the lawmakers heard of needs and grievances, "they think it is but to say Presto begone, and everything is done. They seem not to have any conception of the difficulty and perplexity attending those who are to execute [the resolutions]."

\textsuperscript{39}Ibid.
After stating his mind on this subject, which, no doubt, acted as a much needed catharsis for the General, he ended with a ray of hope. "Our cause is good," he said, "and I hope Providence will support it."  

In any case, during the Revolutionary War a large number of American soldiers decided to await the final outcome a safe distance away from the army. Perhaps the nature of the war itself affected soldiers in a peculiar way. Final victory rested not so much on how many battles were won or lost, but on the continued existence of an American force that could offer resistance when pressed. As long as an American army was in the field, the British could not boast that the rebellion was squelched. American deserters hampered the effectiveness of the Continental army, prevented it from being more aggressive by reducing its numbers, and caused commanders great anxiety by exhibiting a spirit of unwillingness to persevere to the end; but desertions did not cause the army to go out of existence. Those who remained faithful helped assure the political independence of all Americans.

Desertion in the Eighteenth-Century

Desertion rates from eighteenth-century armies were high everywhere. Most European armies of this period contained a substantial

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element of ner'er-do-wells, social misfits, and even criminals, along with large numbers of peasant conscripts and mercenaries. During the American Revolution three British regiments were composed entirely of reprieved criminals, vagrants, and undesirables. Armies drawn so largely from the lowest strata of society, and so non-national in composition, were prone to lose men by desertion. Frederick I, in 1711, ordered that future deserters from his army have their noses and one of their ears cut off and be sent to hard labor for life -- the threat was ineffective. From 1713 to 1740 the Prussian Army suffered 30,216 desertions from an army that averaged from 38,000 to 80,000 troops. In Russia, 20,000 deserters were counted in 1732.

During the Seven Years War the Austrian army lost 62,000 men by desertion, France 70,000, and Prussia over 80,000. British regiments in Ireland, numbering about 12,000 in 1768, had above 500

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41 M. S. Anderson, *Europe in the Eighteenth Century 1713-1783* (New York: Holt, Rinehart and Winston, 1961), 137-38. Most European armies contained large numbers of foreign mercenaries. The French army included over 50,000 foreigners in the 1750's, and still had over 40,000 in 1789. Twenty-eight of the one hundred-thirty-three battalions of infantry in the Spanish army were composed of foreigners, and twenty more battalions were proposed. The United Provinces had a Scottish brigade in their service, and 80,000 foreigners served in the Prussian army. The Swiss cantons, Ireland, Hesse-Cassel, Denmark, and Saxony hired out considerable forces as mercenaries. Ibid.

deserters per year. In the 1780's about one-sixth of the British troops in Ireland deserted each year. The Prussian army, in the War of the Barvarian Succession of 1778-1779, lost 3,400 men in battle and over 16,000 by desertion. After the Seven Years War, France set up military posts on her frontiers primarily to prevent soldiers from fleeing their units. The average annual loss of the French army through desertion and sickness prior to the revolutionary period was estimated at about 20,000 from a force of 80,000 men.\textsuperscript{43}

General Thomas Gage, British Commander in Chief in North America, was continually plagued during the years prior to the Revolution by desertions. He was especially disturbed because citizens so willingly gave assistance to deserters. Gage wanted the clause in the Mutiny Act against harboring deserters extended to America. As John Shy has pointed out, the British general had learned very little in his ten years in North America if he seriously thought that such a stringent law would materially decrease desertions.\textsuperscript{44} Many British soldiers left the service in the 1760's and early 1770's just as the American soldiers would do a few years later when their own armies were formed.


\textsuperscript{44}Shy, \textit{Toward Lexington}, 174-75.
The British had their own share of defectors during the American Revolution, especially among the hired soldiers. The first attempt at influencing British troops to desert came on August 9, 1776, when Congress resolved that a committee of three be appointed to devise a plan to encourage the Hessians and other foreigners to quit the British forces.\textsuperscript{45} The resolve stated that

\begin{quote}
\ldots these states will receive all such foreigners who shall leave the armies of his Britannic majesty in America, and shall cause to become members of any of these states; that they shall be protected in the free exercise of their respective religions, and be invested with the rights, privileges and immunities of natives, as established by the laws of these states; and, moreover, that this Congress will provide for every such person 50 Acres of unappropriated lands in some of these states, to be held by him and his heirs in absolute property.\textsuperscript{46}
\end{quote}

By August 26 Washington announced that the papers had been put into several channels so as to get them to the foreign troops.\textsuperscript{47} Shortly thereafter, another Congressional broadside appeared designed to influence the officers -- promising 1,000 acres of land to colonels, 800 to lieutenant colonels, 600 to majors, 400 to captains, 300 to lieutenants, 200 to ensigns, and 100 to non-commissioned officers, with an added reward for officers who brought over a number of their

\begin{thebibliography}{9}
\bibitem{Journals} Journals of the Continental Congress, V, 640.
\bibitem{Ibid} Ibid., V, 654-55.
\bibitem{Washington} Washington to the President of Congress, August 26, 1776, Writings of Washington, V, 491.
\end{thebibliography}
soldiers. These measures had very little effect at first. Captured prisoners said the Hessians had not received any bills and knew nothing of the offers. When prisoner exchanges were offered, Washington wanted the Hessians returned so they could spread favorable reports about America among their comrades. The German commanders sought to thwart the effort, but not until after it was already somewhat effective. From Canada there came reports of great numbers of Germans fleeing daily; and on one occasion seventy Brunswickers made off together. The New Jersey Gazette printed an article on September 16, 1778, stating that four Hessian runaways, who had deserted from Kingsbridge some ten days before, in company with a number of others, had passed through Trenton.

The morale of the German troops in America was not good. Joseph Pell, an officer in the British Army, recorded in his diary (October 11, 1777) an account of a staff meeting during which Burgoyne


51 New Jersey Gazette, September 16, 1778.
tried to determine from his regimental commanders "what face their regiments bore." The British commanders all answered that their soldiers would fight to a man, but the German officers returned to their regiments to determine the disposition of their troops, who responded with: "nix the money, nix the rum, nix the fighten!"\(^52\)

Pell attributed the defeat of Burgoyne, in part, to the sour disposition of the Germans, on whom no dependence could be placed.

The American efforts eventually paid off. During Clinton's withdrawal to New York, the British and German forces suffered hundreds of desertions during the march. Baurmeister estimated that the Hessians alone had lost two hundred men, which he attributed not to fatigue but rather to the long stay in Philadelphia and the many temptations put before the common soldiers.\(^53\) Probably over six hundred Germans were lost to the British through desertion. Lyman H. Butterfield estimates that over the eight years of the war between five and six thousand German soldiers deserted.\(^54\)

American Desertions after the Revolution

Desertion in the American army after the Revolutionary War was a continuing problem. Between February 1809 and January 1810, \(^52\)Joshua Pell, Jr., "Diary of Joshua Pell, Junior, An Officer of the British Army in America 1776-1777," Magazine of American History, II (January, 1878), 111.

\(^53\)Baurmeister, Revolution in America, 185.

\(^54\)Lyman H. Butterfield, "Psychological Warfare in 1776: The
a force of 2,036 men under Brigadier General James Wilkinson, 
operating at Terre aux Beoufs in the Mississippi River Valley, 
suffered 166 desertions. The American adjutant general reported 
in 1823 that desertions totaled about one-fourth of the enlistments 
for the year; in 1826 the number was more than half. During 
the Mexican War, the American army with an aggregate of only 47,150 
troops experienced 6,375 desertions or 14.28 per cent. In 
1853 Secretary of War Jefferson Davis reported that the usual total 
of desertions, added to discharges and deaths, compelled the re-
placement of one-third of the army annually.

Ella Lonn, in her excellent study of desertion during the 
Civil War, stated that statistics on desertion released after the 
war had been in progress for some time startled the country.
The official records noted 278,644 desertions from the Union army


Weigley, History of the United States Army, 168.

Wilson, Digest of Laws, 8.

Weigley, History of the U. S. Army, 168.

Ella Lonn, Desertion During the Civil War (Glouster, Mass.: Peter Smith, 1966), 146.
and 103,400 from the Confederate army during the four years of fighting. Lonn estimated that approximately 150,000 additional desertions should be added to the Union list. Fred Wilson said that draftees who failed to report for duty, and who were deemed deserters by the law, amounted to 161,286, and when added to the other figure gave a grand total of 508,494 desertions from an army of over two million men. Thus possibly one-fourth of the Northern army deserted during the Civil War. At the end of the war there were still 117,247 deserters at large, exclusive of non-reporting drafted men. Desertion continued after the Civil War, ranging in percentages from a low of 7 in 1869 to over 21 in 1873.

In the early twentieth century the army corrected some of the more flagrant abuses that helped to account for the high rates of desertion during the eighteenth and nineteenth centuries. In World War I the desertion rate in the American army was reduced considerably, and the problem was not considered serious. During World War II, 40,000 men deserted before the enemy in the European theater of operation.

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61 Wilson, Digest of Laws, 8.

62 Ibid.; Weigley states that "in 1871 some 8,800 men, one-third of the army, deserted," Weigley, History of the United States Army, 290.
alone. To American commanders in Europe the problem seemed serious enough at the time to warrant the use of the death penalty as a deterrent to further desertion. Of these 40,000 withdrawals, 2,864 were tried by general courts-martial, and received sentences of from twenty years to death. Forty-nine death sentences were approved by convening authorities in Europe. (The death sentence had not actually been carried out in the American army since the Civil War.) In punishing offenders, the United States military usually followed the practice of commuting death sentences, reducing confinement sentences systematically, and releasing most deserters shortly after the end of the war. In only one instance during World War II was this not the case: Private Eddie D. Slovik was actually shot to death in 1945 after being convicted of the crime of desertion.63 The army executed ninety-six men during World War II, but Slovik was the only one shot for desertion.64

By the time of the Korean War, desertion had been greatly reduced, although much attention was given to a number of captured Americans who refused to be repatriated. The United States Army has made repeated announcements since the beginning of the Viet Nam War belittling the much publicized individuals who willingly deserted to avoid fighting in what many consider an unjust war. Apparently


64 Ibid. Ninety-five of the ninety-six criminals were hanged by the United States for ordinary crimes of violence such as rape and murder.
desertion has not been a major difficulty for the army during the Viet Nam conflict despite all the news coverage given to deserters.\textsuperscript{65} Even so, the problem continues to exist where men are unhappy with the idea of military service; just as it did in the American War of Independence.

\textsuperscript{65}In 1968 the Department of Defense reported that 155,536 members of the military went absent without leave for periods of less than thirty days during that year. Military men absent more than thirty days are classified as deserters. There were 53,357 men listed as deserters in 1968. Very few of these men were tried and convicted for the crime of desertion. The \textit{Commercial Appeal} (Memphis), March 6, 1969, p. 12.

BIBLIOGRAPHY

I. Primary Sources

A. Principal Unpublished

Miscellaneous Papers of the Continental Congress, 1774-89. 9 Rolls. Record Group 360, Microcopy No. 332, National Archives.

Miscellaneous Numbered Records (Manuscript File), 1775-1784. War Department Collection of Revolutionary War Records. Record Group 93, Entry 6, National Archives.


Miscellaneous Unnumbered Records, 1709-1913. War Department Collection of Revolutionary War Records. Record Group 93, Entry 11, National Archives.

Orderly Books. 1775-1783. 70 vols. War Department Collection of Revolutionary War Records. Record Group 93, Entry 5-b, National Archives.


Rosters of State and Continental Troops, 1775-1783. 12 vols. (Nos. 1-11, and 1 unnumbered vol.). War Department Collection of Revolutionary War Records. Record Group 93, Entry 5-i, National Archives. Includes rosters of Connecticut (vol. 1), Delaware (vol. 2), Massachusetts (vol. 3), New Jersey (vol. 4), New York (vol. 5 and 1 unnumbered vol.), North Carolina (vol. 6), Pennsylvania (vol. 7), Rhode Island (vol. 8), South Carolina (vol. 9), Col. Moses Hazen's Second Canadian Regiment and Artillery Artificer Regiments (vol. 10), Sheldon's and Moylan's Dragoons and Lee's Legion (vol. 11).


War Department Collection of Revolutionary War Rolls, 1775-1783. 138 Rolls, Record Group 93, Microcopy No. 246, National Archives.


B. Unpublished Primary Sources


_____. Letters Sent and Received by Brigadier General Edward Hand, Adjutant and Brigadier General Commanding at Fort Pitt, 1778. Miscellaneous Record Book, No. 156, War Department Collection of Revolutionary War Records. Record Group 93, Entry 5-a, National Archives.


_____. Roll of Regiment. Returns of Non-Commissioned Officers and men re-enlisted for the war. U. S. Revolution, 1778-
1779, Ac. 378, Manuscript Division, Library of Congress.

Memorandum of Papers Relating to the Revolutionary Army filed in the State Department among Letters to General Washington. War Department Collection of Revolutionary Records. Record Group 93, Entry 11, Miscellaneous Unnumbered Records, 9 packages, National Archives.


Pickering, Timothy. Letters Sent by Colonel Timothy Pickering, Quartermaster General, August 5, 1779, to July 1781. Miscellaneous Record Books Nos. 82-88, 90 (23-127). War Department Collection of Revolutionary Records. Record Group 93, Entry 5-1, National Archives.


Receipt of money paid for bringing in a deserter. War Department Collection of Revolutionary Records. Record Group 93, Entry 6. Documents 1111-1134, National Archives. All from Delaware.

Records of monies due dead Officers and enlisted men, deserters and absentees of Connecticut, Massachusetts and New Hampshire Regiments and Continental organizations in the Revolutionary War, turned into paymaster General's Office by the Regimental Paymasters 1779. Miscellaneous Record Book No. 179, War Department Collection of Revolutionary Records, Record Group 93, Entry 5-hhh, National Archives.

Revolutionary Muster Roll, 1776-1783. Names of Persons taken from Inlistments and Muster Rolls in the service of the United States in a Regiment Commanded by Brigadier General Moses Hazen in the Revolutionary War by Benji. Moore. 2 Ledger

Revolutionary War, [Jacob], Gerrish's Massachusetts Regiment and 26 Continental regiments raised in Massachusetts. A Book of Miscellaneous accounts of Captain Thomas Mighill's company from March 1775 to May 24, 1777. Miscellaneous Record Book No. 174, War Department Collection of Revolutionary War Records. Record Group 93, Entry 5-b, National Archives.


C. Published Letters and Papers


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The Writings of George Washington Being His Correspondence, Addresses, Messages, and Other Papers, Official and Private, Selected and Published from the Original Manuscripts: With a Life of the Author, Notes and Illustrations. Edited by Jared Sparks. 12 vols., Boston: American Stationers Company, 1834-1838.


D. Public Documents, Archives


E. Muster Rolls and Rosters


McCall, Howard H. Roster of Revolutionary Soldiers in Georgia. Atlanta, Georgia: John T. Hancock, 1941.


F. Diaries, Journals, and Orderly Books


Campfield, Jabez (Dr.). "Diary of Dr. Jabez Campfield, Surgeon in Spencer's Regiment while Attached to Sullivan's Expedition Against the Indians, from May 23rd to October 2nd, 1779," New Jersey Historical Society, Proceedings, 2nd ser., III, No. 3 (1873), 115-36.


Chester, John. "Extracts from an Orderly Book, 5 June-17 June, 1775, Supposed to be Captain Chesters," Massachusetts Historical Society, Proceedings, XIV (1875-1876), 87-91.


Craft, Benjamin (Lieutenant). "Croft's Journal of the Seige of Boston." Edited by S. P. Fowler, Essex Institute, Historical Collections, III (April, 1861), 51-57; (June, 1861), 133-40; (August, 1861), 167-74; (October, 1861), 219-20.

Crafts, Thomas. "Orderly Book of the Regiment of Artillery raised for the Defense of the town of Boston in 1776." Essex Institute, Historical Collections, XIII (January, 1875), 115-34; (October, 1876), 237-52; XIV (January, 1877), 60-76; (April, 1877), 110-28; (July, 1877), 188-211.
Dodge, Abraham. "Orderly Book kept by Captain Abraham Dodge of Ipswich, January 1, 1776 to August 1, 1776." Essex Institute, Historical Collections, LXXX (January, 1944), 37-53; (April, 1944), 111-30; (June, 1944), 208-28; (October, 1944), 368-84; LXXXI (January, 1945), 87-94; (April, 1945), 152-75.


Freeman, Constant. "Record of the Services of Constant Freeman, Captain of Artillery in the Continental Army." Magazine of American History, II (1878), 349-60.


_____ . "Orderly Book of the Pennsylvania Regiment of Foot, May 10 to August 16, 1777." _Pennsylvania Magazine of History and Biography_, XXII, No. 1 (1898), 57-70; XXII, No. 2 (1898), 196-210; XXII, No. 3 (1898), 301-20; No. 4 (1898), 475-78.


Mackenzie, Frederick. Diary of Frederick Mackenzie as an officer of the Regiment of Royal Welch Fusiliers during the years 1775-1781. 2 vols., Cambridge, Massachusetts: Harvard University Press, 1930.


Morton, Robert. "The Diary of Robert Morton Kept in Philadelphia while that City was Occupied by the British Army in 1777," Pennsylvania Magazine of History and Biography, I, No. 1 (1877), 1-39.


Norton, George. "Revolutionary Diary Kept by George Norton of Ipswich, 1777-1778." Essex Institute, Historical Collections, LXXIV (October, 1938), 337-49.

Noyes, John. "Letters written During the Revolution by Captain John Noyes of Newbury." Essex Institute, Historical Collections, XLV (January, 1909), 77-86.


Page, Captain Samuel. "Journal of Captain Samuel Page in the Campaign of 1779, with Notes." Edited by S. P. Fowler. Essex Institute, Historical Collections, IV (December, 1862), 241-49; V (February, 1863), 1-9.


Putnam, Enoch. "Orderly Book of Captain Enoch Putnam of Danvers, 1776." Essex Institute, Historical Collections, LXVII (January, 1931), 49-64; (April, 1931), 119-36; (July, 1931), 249-64; (October, 1931), 361-79.


Regiment 1778–1780, the Second New York Regiment, 1780–1783 . . . .


_____. "Diary Kept at Valley Forge by Albigence Waldo, Surgeon in the Continental Army, 1777–1778," The Historical Magazine, 1st ser., V (May, 1861), 129–34; (June 1861), 169–72.


Young, William. "Journal of Sergeant Williams Young, written during the Jersey Campaign in the Winter of 1776-7." Pennsylvania Magazine of History and Biography, VIII, No. 3 (1884), 255-78.

G. Laws


Maryland. Laws of Maryland made Since 1763 Consisting of Acts of Assembly under the Proprietary Government, Resolves of Convention, the Declaration of Rights, the Constitution and form of government, the Articles of Confederation, and Acts of Assembly since the revolution. Annapolis, Maryland: Frederick-Green, 1787.


———. Acts and Laws Passed by the Great and General Court or Assembly of the Colony of the Massachusetts Bay in New England. Boston: Benjamin Edes and Sons, 1780, 1781.


Rhode Island. Orders of the Council of War, made between the Sessions of the General Assembly held in October and December, 1778. Providence, Rhode Island: John Carter, 1778.


South Carolina. Statutes at Large of South Carolina. Edited by Thomas Cooper and D. J. McCord. 9 vols., Columbia, South Carolina, 1836-1841.


_____. A Collection of all such Public Acts of the General Assembly and Ordinances of the Convention of Virginia Passed since the Year 1768, as are now in force. (Through 16 June 1783) Richmond, Virginia: Thomas Nicolson and William Prentis, 1785.


H. Newspapers

Boston Evening Post (Boston), 1763-1775.

Boston Gazette and Country Journal (Boston and other places), 1763-1783.

Connecticut Courant (Hartford), 1764-1783.

Connecticut Journal (New Haven), 1767-1783.

Maryland Gazette (Annapolis), 1763-1783.

Maryland Journal and the Baltimore Advertiser (Baltimore), 1773-1797.
Massachusetts Spy or the Worcester Gazette (Boston and Worcester), 1770-1904.

New Hampshire Gazette (Portsmouth and Exeter), 1778-1783.

New Jersey Gazette (Burlington), 1777-1778; (Trenton), 1778-1783.

New Jersey Journal (Chatham), 1779-1783.

The Newport Mercury, or the Weekly Advertiser (Newport), 1763-1776.


Pennsylvania Gazette (Philadelphia and York), 1728-1815.

Pennsylvania Journal (1742-1793).

Dunlop's Pennsylvania Packet (Philadelphia), 1773-1777; Pennsylvania Packet (Lancaster), 1777-1778; (Philadelphia), 1778-1783.

Virginia Gazette (Williamsburg), 1763-1781; Alexander Purdie, 1776; Purdie and John Dixon, 1766-1775; Dixon and William Hunter, 1775-1779; Dixon and Thomas Nicholson, 1779-1783.

_____. (Williamsburg), 1766-1779; William Rind, 1766-1773; Clementina Rind, 1773-1774; John Pinkney, 1774-1776.

_____. (Williamsburg), 1775-1779, Alexander Purdie.

II. Secondary Sources

A. Theses and other Unpublished Studies


Hoffman, Fred S. "Army Draws Profile of Average Deserter," Jackson Sun (Jackson, Tennessee), April 14, 1969.

Metcalf, Frank J. (comp.) List of Organizations in the Revolutionary War Arranged as filed. Record Group 93, Entry 28, National Archives, 1930.

______. (comp.) The pages of this book show the stations of the different organizations during the Revolutionary War. Washington, National Archives, Record Group 93, Entry 29, 1933.


B. Books


Drake, Francis S. *Life and Correspondence of Henry Knox*. Boston: S. G. Drake, 1873.


Ramsey, David. *The Life of George Washington Commander in Chief of the Armies of the United States of America, throughout the war which Established their Independence; and First President of the United States.* New York: Hopkins and Seymour, 1807.

Reed, W. B. *Life and Correspondence of Joseph Reed.* 2 vols., Philadelphia: Lindsay, 1847.


Steiner, Bernard C. *The Life and Correspondence of James McHenry.* Cleveland: Burrows Brothers Company, 1907.


C. Articles


———. "Footnote on Deserters from the Virginia Forces During the American Revolution," *Virginia Historical Magazine*, LV (April, 1947), 137-46.


"Service by Substitute in the Militia of Lancaster and Northampton Counties [Pennsylvania] During the War of the Revolution," Military Affairs, IX (Fall, 1945), 278-82.


APPENDICES
# APPENDIX I

## PRESIDENTS OF THE CONTINENTAL CONGRESS

<table>
<thead>
<tr>
<th>NAME</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peyton Randolph, Virginia</td>
<td>5 September 1774</td>
</tr>
<tr>
<td>Henry Middleton, South Carolina</td>
<td>10 March 1774</td>
</tr>
<tr>
<td>Peyton Randolph, Virginia</td>
<td>24 May 1775</td>
</tr>
<tr>
<td>John Hancock, Massachusetts</td>
<td>1 November 1777</td>
</tr>
<tr>
<td>Henry Laurens, South Carolina</td>
<td>10 December 1778</td>
</tr>
<tr>
<td>John Jay, New York</td>
<td>28 September 1779</td>
</tr>
<tr>
<td>Samuel Huntington, Connecticut</td>
<td>10 July 1781</td>
</tr>
<tr>
<td>Thomas McKean, Delaware</td>
<td>5 November 1781</td>
</tr>
<tr>
<td>John Hanson, Maryland</td>
<td>4 November 1782</td>
</tr>
<tr>
<td>Elias Boudinot, New Jersey</td>
<td>4 November 1783</td>
</tr>
<tr>
<td>Thomas Mifflin, Pennsylvania</td>
<td>30 November 1784</td>
</tr>
<tr>
<td>Richard Henry Lee, Virginia</td>
<td>23 November 1785</td>
</tr>
<tr>
<td>John Hancock, Massachusetts (did not serve)</td>
<td>6 June 1786</td>
</tr>
<tr>
<td>Nathanael Gorham, Massachusetts</td>
<td>2 February 1787</td>
</tr>
<tr>
<td>Arthur St. Clair, Pennsylvania</td>
<td>22 June 1788</td>
</tr>
<tr>
<td>Cyrus Griffin, Virginia</td>
<td></td>
</tr>
</tbody>
</table>

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# Appendix II

## Location of Congress During the Revolutionary War

<table>
<thead>
<tr>
<th>Location</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philadelphia</td>
<td>5 September – 26 October 1774</td>
</tr>
<tr>
<td></td>
<td>10 May 1775 – 12 December 1776</td>
</tr>
<tr>
<td>Baltimore</td>
<td>20 December 1776 – 4 March 1777</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>5 March – 18 September 1777</td>
</tr>
<tr>
<td>Lancaster, Pennsylvania</td>
<td>27 September 1777</td>
</tr>
<tr>
<td>York, Pennsylvania</td>
<td>30 September 1777 – 27 June 1778</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>2 July 1778 – 21 June 1783</td>
</tr>
<tr>
<td>Princeton, New Jersey</td>
<td>30 June – 4 November 1783</td>
</tr>
<tr>
<td>Annapolis, Maryland</td>
<td>20 November 1783 – 3 June 1784</td>
</tr>
<tr>
<td>Trenton, New Jersey</td>
<td>1 November – 24 December 1784</td>
</tr>
<tr>
<td>New York</td>
<td>11 June 1785 – 2 March 1789</td>
</tr>
<tr>
<td>New York</td>
<td>4 March 1789 – 1800</td>
</tr>
</tbody>
</table>
APPENDIX III

STATE GOVERNORS DURING THE REVOLUTIONARY WAR

<table>
<thead>
<tr>
<th>STATE</th>
<th>GOVERNOR</th>
<th>TERM IN OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Jonathan Trumbull</td>
<td>1769-1784</td>
</tr>
<tr>
<td>Delaware</td>
<td>John McKinly</td>
<td>1776-1777</td>
</tr>
<tr>
<td></td>
<td>George Read</td>
<td>1777-1778</td>
</tr>
<tr>
<td></td>
<td>Caesar Rodney</td>
<td>1778-1781</td>
</tr>
<tr>
<td></td>
<td>John Dickinson</td>
<td>1781-1783</td>
</tr>
<tr>
<td></td>
<td>John Cook</td>
<td>1782-1783</td>
</tr>
<tr>
<td></td>
<td>Nicholas Van Dyke</td>
<td>1783-1786</td>
</tr>
<tr>
<td>Georgia</td>
<td>Archibald Bullock</td>
<td>1775-1777</td>
</tr>
<tr>
<td></td>
<td>Button Gwinnett</td>
<td>1777</td>
</tr>
<tr>
<td></td>
<td>John Treutlen</td>
<td>1777-1778</td>
</tr>
<tr>
<td></td>
<td>John Houstoun</td>
<td>1778-1779</td>
</tr>
<tr>
<td></td>
<td>William Glascock</td>
<td>1779</td>
</tr>
<tr>
<td></td>
<td>John Wereat</td>
<td>1779-1780</td>
</tr>
<tr>
<td></td>
<td>George Walton</td>
<td>1779-1780</td>
</tr>
<tr>
<td></td>
<td>Richard Howley</td>
<td>1780-1781</td>
</tr>
<tr>
<td></td>
<td>George Wells</td>
<td>1780</td>
</tr>
<tr>
<td></td>
<td>Stephen Heard</td>
<td>1780</td>
</tr>
<tr>
<td></td>
<td>Myrick Davies</td>
<td>1780</td>
</tr>
<tr>
<td></td>
<td>Nathan Brownson</td>
<td>1781-1782</td>
</tr>
<tr>
<td></td>
<td>John Martin</td>
<td>1782-1783</td>
</tr>
<tr>
<td></td>
<td>Lyman Hall</td>
<td>1783-1784</td>
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<tr>
<td>Maryland</td>
<td>Thomas Johnson</td>
<td>1777-1779</td>
</tr>
<tr>
<td></td>
<td>Thomas Sim Lee</td>
<td>1779-1782</td>
</tr>
<tr>
<td></td>
<td>William Paca</td>
<td>1782-1785</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>John Hancock</td>
<td>1780-1785</td>
</tr>
</tbody>
</table>

1List of governors, assembled by Macmillan, The War Governors, 285-86, presented here in different arrangement.

2The executive powers in Massachusetts were exercised by a twenty-eight member council from 1775 to 1780 as provided by their charter in the absence, death, or displacement of the governor. John Hancock, James Bowdoin, and Jeremiah Powell served as president of the Council at various times, ibid., 40-41.
<table>
<thead>
<tr>
<th>State</th>
<th>Delegate(s)</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>Meschech Weare</td>
<td>1776-1784</td>
</tr>
<tr>
<td>New Jersey</td>
<td>William Livingston</td>
<td>1776-1790</td>
</tr>
<tr>
<td>New York</td>
<td>George Clinton</td>
<td>1777-1795</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Thomas Wharton, Jr., George Bryan, Joseph Reed, William Moore, John Dickinson</td>
<td>1776-1778, 1778, 1778-1781, 1781-1782, 1782-1785</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Nicholas Cooke, William Greene</td>
<td>1775-1778, 1778-1786</td>
</tr>
<tr>
<td>South Carolina</td>
<td>John Rutledge, Rawlins Lowndes, John Rutledge, John Matthews, Benjamin Guerard</td>
<td>1776-1778, 1778-1779, 1779-1782, 1782-1783, 1783-1785</td>
</tr>
<tr>
<td>Virginia</td>
<td>Patrick Henry, Thomas Jefferson, Thomas Nelson, Benjamin Harrison</td>
<td>1776-1779, 1779-1781, 1781, 1781-1784</td>
</tr>
</tbody>
</table>
VITA

James Howard Edmonson was born May 19, 1931, in Sylacauga, Alabama. He attended public schools at Sylacauga, Pell City, Cullman, and Talladega, all in Alabama, graduating from Talladega High School in 1949. In September, 1950, he entered Jacksonville State College, Jacksonville, Alabama. In January, 1951, the author was called into the United States Army where he remained until 1954, serving part of that time in Korea. He has remained active in the United States Army Reserve and presently holds the rank of lieutenant colonel. After discharge from active service in 1954, he entered Howard College (now Samford University), Birmingham, Alabama, and received the Bachelor of Arts degree in the summer of 1957. In September, 1957, he entered Southern Baptist Theological Seminary, Louisville, Kentucky, and received the Bachelor of Divinity degree in the spring of 1961. In September of that year he began graduate study at Louisiana State University, Baton Rouge, Louisiana, in the department of history, and received the Master of Arts degree in June, 1963. Since September, 1965, while continuing his graduate study, he has taught history and political science at Union University, Jackson, Tennessee, advancing to associate professor in 1969 and chairman-elect of the history department in 1971. He is a candidate for the degree of Doctor of Philosophy in December, 1971.
EXAMINATION AND THESIS REPORT

Candidate: James Howard Edmonson

Major Field: History

Title of Thesis: Desertion in the American Army During the Revolutionary War

Approved:

Major Professor and Chairman

Dean of the Graduate School

EXAMINING COMMITTEE:


Date of Examination:

July 20, 1971