

Charles II, 1661: An Act for the Establishing Articles and Orders for the regulateing and better Government of His Majesties Navies Ships of Warr & Forces by Sea.

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Articles to be observed

FOR the regulateing and better Government of his Majesties Navies Ships of War and Forces by Sea wherein under the good Providence and protection of God the Wealth Safety and Strength of this Kingdome is soe much concerned Bee it Enacted by the Kings most Excellent Majesty with the advice and consent of the Lords and Commons in this present Parliam[en]t assembled and by the Authority thereof That all and every the Articles and Orders in this Act menc[i]oned shall be duely and respectively put in Execution observed and obeyed in manner hereafter menc[i]oned.

The public Worship of God.

1. That all Co[m]manders Captaines and other Officers att Sea shall cause the publique Worshipp of Almighty God according to the Liturgy of the Church of England established by Law to be solemnly orderly and reverently performed in their respective Ships And that prayers and preachings by the respective Chaplaines in holy Orders of the respective Ships be performed diligently and that the Lords Day be observed according to Law.

Swearing, Drunkenness, &c.

2. Every person and persons in his Majesties pay using unlawfull and rash Oathes Cursings Execrations Drunkenness Uncleanes or other Scandalous Actions in derogation of Gods Honour and corruption of good manners shall be punished by Fine Imprisonment or otherwise as the Court Martiall shall thinke fitt.

Holding Intelligence with Foreign States, being Enemies, or with Rebels.

3. If any Officer Mariner Souldier or other person in the Fleet shall give hold or entertaine Intelligence to or with any King Prince or State being Enemy to or any persons in Rebellion against His Majesty His Heires and Successors without direction or leave from the Kings Majesty the Lord High Admirall Vice Admirall or Commander in Cheife of any Squadron every such person & persons so offending shall be punished with death.

Receiving Letters or Messages from any Foreign Prince, &c. being an Enemy, and not revealing the same. Punishment.

4. If any Letter or Message from any King Forreigne Prince State or Potentate being an Enemy to the Kings Majesty His Heires and Successors or on their behalfe be conveyed to any Inferior Officer Mariner or Souldier or other in the Fleet and the said Officer Mariner Souldier or other as aforesaid doe not within twelve houres having opportunity soe to do) acquaint the Superior Commander with it or if a Superior Officer or Mariner being acquainted therewith by an Inferior Officer Mariner or other or himselfe in his owne person receiving a Letter or Message from any such Enemy or Rebell and shall not in convenient time reveale the same to the Admirall Vice Admirall or the Commander of the Squadron every such person shall be punished with death or such other punishment as the Court martiall shall thinke fitt.

Relieving an Enemy or Rebel.; Punishment.

5. No person or persons of the Fleet shall relieve an Enemy or Rebell in time of Warre with money victuals powder shott armes ammunition or any other supplies whatsoever directly or indirectly upon pain of death or such other punishment as the Court martiall shall thinke fitt to impose.

Papers, Charter-parties, &c. taken in any Ship seized as Prize, to be preserved.; Punishment.

6. All the Papers Charter Parties Bills of Lading Pasports and other Writings whatsoever that shall bee taken seized or found aboard any Ship or Ships which shall bee surprised or seized as prize shall bee duely preserved and not torne nor made away but the very Originals sent up intirely and without fraud to the Court of Admiralty or such other Commissioners as shall be appointed for that purpose there to be veiwed made use of and proceeded upon according to Law upon pain of losse of all the shares of the Takers and such further punishment to be inflicted upon the Offenders therein as the quality of their offence and misdemeanor shall be found to deserve and the Court martiall shall impose.

Taking out of Prize, or Ships or Goods seized for Prize, any Money, &c. before Judgment had Punishment.; Proviso for Pillage.; Exception.

7. None in his Majesties pay shall take out of any Prize or Ship or Goods seized on for Prize any Money Plate Goods Lading or Tackle before Judgement thereof first past in the Admiralty Court but the full and intire accompt of the whole without imbezlement shall be brought in and Judgement past intirely upon the whole without fraud upon pain of such punishment as shall be

imposed by a Court martiall or the Court of Admiralty excepting That it shall be lawfull for all Captaines Seamen Souldiers and others serving as aforesaid to take and to have to themselves as Pillage without further or other account to be given for the same all such Goods and [Merchandize [\(fn. 1\)](#)] (other then Armes Ammunition Tackle Furniture or Stores of such Ship) as shall be found by them or any of them in any Ship (they shall take in fight or prize) upon or above the Gundeck of the said Ship and not otherwise.

Embezzling, &c. Cables, Anchors, &c.; Punishment.

8. None shall imbezle steale or take away any Cables Anchors Sailes or any of the Ships Furniture or any of the Powder or Armes or Ammunition of the Ship upon pain of death or other punishment as the quality of the offence shall be found by a Court martiall to deserve.

Pillaging, &c. Captains, &c. of Foreign Ships taken as Prize not making Resistance.; Penalty.

9. If any foreign Ship or Vessell shall be taken as prize that shall not fight or make resistance that in that case none of the Captaines Masters or Mariners being Foreigners shall be stripped of their Clothes or in any sort pillaged beaten or evill entreated upon pain That the person or persons soe offending shall forfeit double Damages but the said Foreign Ships and all the Goods soe taken shall be preserved intire to receive Judgement in the Admiralty Court according to Right and Justice.

The Duty of Captains, &c. upon Signal of Fight.

Punishment.; Yielding, &c.; Punishment.

10. Every Captain or Commander who upon signall or order of fight or view or sight of any Ships of the Enemy Pirate or Rebell or likelihood of Engagement shall not put all things in his Ship in a fitt posture for fight and shall not in his owne person and according to his place hearten and encourage the Inferior Officers and common men to fight couragiously and not to behave themselves faintly shall bee [casheire [\(fn. 2\)](#)] And if he or they shall yeild to the Enemy Pirate or Rebels or cry for quarter he or they soe doing shall suffer the paines of death or such other punishment as the offence shall deserve.

Inferior Officers not observing the Commands of their Superiors.

Punishment.

11. Every Captaine Commander and other Officer Seaman or Souldier of any Shipp Frigott or Vessell of Warre shall duly observe the Commands of the Admirall or other his Superior or Commander of any Squadron as well for the assailing or setting upon any Fleete Squadron or Ships of the Enemy Pirate or Rebels or joyning Battel with them or making defence against them as all other the Commands of the Admirall or other his Superior Commander upon pain to suffer death or other punishment as the quality of his neglect or offence shall deserve.

Officers in time of fight withdrawing or not fighting.; Punishment.

12. Every Captaine and all other Officers Mariners and Souldiers of every Ship Frigott or Vessell of War that shall in time of any fight or engagement withdraw or keepe backe or not come into the fight and engage and do his utmost to take fire kill and endamage the Enemy Pirate or Rebels and assist and releive all and every of His Majesties Ships shall for such offence of cowardice or disaffection be tried and suffer paines of death or other punishment as the circumstances of the offence shall deserve and the Court martiall shall judge fitt.

Officers and Ships appointed for Convoy not fighting, or otherwise neglecting Duty.; Penalty.

13. The Captaines Officers and Seamen of all Ships appointed for Convoy and Guard of Merchants Ships or any other shall diligently attend upon that Charge without delay according to their Instructions in that behalfe and whosoever shall be faulty therein and shall not faithfully performe the same and defend the Ships and Goods in their Convey without either diverting to other parts or occasions or refusing or neglecting to fight in their defence if they be sett upon or assailed or running away cowardly and submitting those in their Convoy to hazard and perill or shall demand and exact any money or other reward from any Merchant or Master for conveying of any such Ships or other Vessels belonging to His Majesties Subjects shall bee condemned to make reparation of the damage to the Merchants Owners and others as the Court of Admiralty shall adjudge and alsoe be punished criminally according to the quality of their Offences be it by pains of death or other punishment according as shall be judged fit by the Court martiall.

Not chasing an Enemy, or not relieving a Friend. Punishment.

14. Whatsoever person or persons in or belonging to the Fleete either through cowardize negligence or disaffection shall forbear to pursue the chase of any Enemy or Pirate or Rebell beaten or flying or shall not releive or assist a known freind in view to the utmost of his power shall be punished with death or otherwise as a Court martiall shall find fitt.

Discouraging the Service.; Punishment.

15. When att any time service or action shall be commanded no man shall presume to stopp or put backward or discourage the said service and action by pretence of Arreares of Wages or upon any pretence of Wages whatsoever upon pain of death.

Officers betraying their Trust, or yielding to the Enemy.

16. All Sea-Captaines Officers and Seamen that shall betray their Trust or turne to the Enemy Pirate or Rebels and either run away with their Shipp or any Ordnance Ammunition or Provision to the weakning of the Service or yeild the same up to the Enemy Pirate or Rebels shall be punished with death.

Deserting.; Punishment.

17. All Sea Captains Officers or Mariners that shall desert the Service or their Employment in the Ships or shall run away or intice any others soe to doe shall be punished with death.

Spies.; Punishment.

18. All persons whatsoever that shall come or be found in the nature of Spies to bring any seducing Letters or messages from any Enemy or Rebell or shall attempt or endeavor to corrupt any Captaine Officer Mariner or other of the Navy or Fleete to betray his or their Trust and yeild up any Shipp or Ammunition or turn to the Enemy or Rebell shall be punished with death.

Sedition, Mutiny, Punishment.

19. Noe Person in or belonging to the Fleete shall utter any words of Sedition or Mutiny nor make or endeavour to make any mutinous Assemblies upon any pretence whatsoever upon pain of death.

Concealing traiterous or mutinous Practices or Words.; Punishment.

20. Noe person in or belonging to the Fleet shall conceale any traiterous or mutinous practices designes or [word [\(fn. 3\)](#)] or any words spoken by any to the prejudice of His Majestie or Government or any words practices or designes tending to the hindrance of the Service but shall forthwith reveale them to his Superior that a meet proceeding may bee had thereupon upon pain of such punishment as a Court martiall shall finde to be just.

Quarrelling with or striking a superior Officer.

21. None shall presume to quarrell with his Superior Officer upon pain of severe punishment nor to strike any such upon pain of death or otherwise as a Court martiall shall finde the matter to deserve.

Complaint of unwholesome Victuals how to be made.; Exciting Disturbance thereon.; Punishment.;

22. If any of the Fleet finde cause of Complaint of the unwholesomnes of his Victuals or upon other just ground he shall quietly make the same knowne to his Superior or Captaine or Commander in Cheife as the occasion may deserve that such present remedy may bee had as the matter may require and the said Superior or Commander is to cause the same to be presently remedied accordingly but no person upon any such or other pretence shall privately attempt to stirr up any disturbance upon pain of such severe punishment as a Court martiall shall finde meete to inflict.

Quarrelling, &c.; Punishment.

23. None shall quarrell or fight in the Ship nor use reproachfull or provokeing speeches tending to make any quarrell or disturbance upon paine of Imprisonment and such other punishment as the Offence shall deserve and the Court martiall shall impose.

Wasteful Expence of Ammunition.; Punishment.

24. That there be [no (fn. 4)] wastfull expence of any Powder Shott Ammunition or other [ores (fn. 4)] in the Fleet nor any imbezlement thereof but that the Stores and Provisions be carefully preserved upon such penalties by Fine Imprisonment or otherwise upon the Offenders Abbetters Buyers and Receivers as shall bee by a Court martiall found just in that behalfe.

Neglect in conducting and steering Ships.; Punishment.

25. That care be taken in the conducting and steering of the Ships that through wilfulnes negligence or other defaults none of His Majesties Ships be stranded or run upon any Rocks or Sands or Split or hazarded upon pain that such as shall be found guilty therein be punished by Fine imprisonment or otherwise as the Offence by a Court martiall shall be adjudged to deserve.

Burning Ship or Stores.; Punishment.

26. All persons that shall willingly burn or sett fire on any Shipp or Magazine or [sto (fn. 4)] of Powder or Shipp Boat Ketch Hoy or Vessell or Tackle or Furniture thereto belonging not appertaining to an Enemy or Rebell shall be punished with death.

Sleeping upon Watch.; Punishment.

27. No man in or belonging to the Fleet shall sleep upon his Watch or negligently performe the Duty imposed on hin or forsake his station upon pain of death or other punishment as the circumstances of the Case shall require.

Murders.

28. All Murders and wilfull killing of any persons in the ship shall be punished with death.

Robbery and Theft.

29. All Robbery and Theft committed by any person in or belonging to the Fleet shall be punished with death or otherwise as the Court martiall upon considerac[i]on of circumstances shall finde meete.

Provost Marshall refusing to receive, &c. Prisoners. Punishment.

30. No Provost marshall belonging to the Fleet shall refuse to receive or keepe any prisoner comitted to his charge nor suffer him to escape being once [in (fn. 4)] his custody nor dismisse him without order upon pain of being lyable to the same punishment which should have bene inflicted upon the party dismissed or permitted to escape or such other punishment as the Court marshall shall thinke fitt.

Officers, &c. not apprehending Offenders. Punishment.

31. All [Captaines (fn. 4)] Officers and Seamen shall doe their endeavours to detect apprehend [and (fn. 4)] bring to punishment all Offenders and shall assist the Officers appointed for that

purpose therein upon paine to bee proceeded against and punished by the Court martiall at discretion.

Sodomy.

32. If any person [or (fn. 4)] persons in or belonging to the Fleet shall commit the unnaturall and detestable sin of Buggery or Sodomy with Man or ((fn. 5)) Beast he shall be punished with death without mercy.

Misdemeanors and Disorders at Sea.

33. All other Faults Misdemeanors and Disorders committed at Sea not mentioned in this Act shall be punished according to the Lawes and Customes in such cases used at Sea.

Lord High Admiral may grant Commissions to call Courts Martial.; Proceedings regulated.

Sentence of Death, for Offences on Voyage, when executed.

34. And it is hereby further Enacted That the Lord High Admirall for the time being shall by vertue of this Act have full power and authority to grant Commissions to Inferior Vice Admiralls or Commander in Cheife of any Squadron of Ships to call and assemble [Court marshalls (fn. 7)] consisting of Commanders and Captaines and no Court martiall where the paines of death shall bee inflicted shall consist of lesse then Five Captaines at least the Admiralls Lieutennant to be as to this purpose esteemed as a Captaine and in no case wherein sentence of death shall passe by vertue of the Articles aforesaid or any of them (except in case of mutiny) there shall be execution of such Sentence of Death without the leave of the Lord High Admirall if the offence be committed within the Narrow Seas But in case any of the Offences aforesaid be committed in any Voyage beyond the Narrowe Seas whereupon Sentence of Death shall be given in pursuance of the aforesaid Articles or of any of them then Execution shall not be done but by Order of the Commander in Cheife of that Fleete or Squadron wherein Sentence of Death was passed.

Judge Advocate to administer an Oath on Trial; or Court may appoint a Person to administer Oath.

35. And be it further Enacted and Declared That the Judge Advocate of any Fleete for the time being shall have full power and authority to administer an Oath to any person or witnes in order to the Examinac[i]on or Tryall of any of the Offences aforesaid and in the absence of a Judge Advocate the Court marshall shall have full power and authority to appoint any person to administer an Oath to the purpose aforesaid

II. Proviso touching the Powers of the Lord Admiral.

[Provided alsoe and bee it further Enacted by the Authority aforesaid That this Act or any thing or things therein conteyned shall not in any manner of wise extend to give unto the Lord Admirall of England for the time being or to any his Vice Admiralls Judge or Judges of the Admiralty his or their Deputy or Deputies or to any other the Officers or Ministers of the

Admiralty or to any others having or claiming any Admirall Power Jurisdiction or Authority within this Realme and Wales or any other the Kings Dominions any other Power Right Jurisdiction Preheminence or Authority then he or they or any of them lawfully have hath or had or ought to have and enjoye before the making of this Act other then for such of the Offences specified in the severall Articles conteyned in this Act as hereafter shall be done upon the main Sea or in Ships or Vessells being and hovering in the maine Streame of great Rivers onely beneath the Bridges of the same Rivers nigh to the Sea within the Jurisdiction of the Admiralty and in none other places whatsoever and comitted only by such persons as shall be in actual Service and Pay in his Majesties Fleete or Ships of War. [\(fn. 8\)](#)]

Footnotes

- [1](#). Merchandizes *O*.
- [2](#). cashiered *O*.
- [3](#). words *O*.
- [4](#). the word is not clear on the Roll.
- [5](#). interlined on the Roll.
- [6](#). with *O*.
- [7](#). Courts Martiall *O*.
- [8](#). annexed to the Original Act in a separate Schedule.

Source: <https://www.british-history.ac.uk/statutes-realm/vol5/pp311-314>