



In the Beginning

By Master Sergeant Patrick V. Garland (Retired)

A Provost Marshal General's Office and Corps of Military Police were established in 1941. Before that, though, there was no regularly appointed provost marshal general or regularly constituted military police corps—except during the Civil War and World War I. However, references can be found to a “provost marshal” as early as January 1776 and a “provost corps” as early as 1778.¹ This can be problematic for military police historians, who must often “read between the lines.”

Beginning with the January 1776 reference to a provost marshal, just eighteen days after Major General George Washington was appointed commander in chief of the Continental Army, he petitioned the Continental Congress for the authority to appoint a provost marshal.² The first provost marshal to the Army of the United Colonies was appointed, via the following general order, on 10 January 1776:

Headquarters, Cambridge, January 10, 1776

His Excellency, General Washington, has been pleased to appoint Mr. William Marony, provost marshal to the Army of the United Colonies, serving in the Massachusetts Bay; he is, therefore, in all things appertaining to his office, to be considered and obeyed as such.³

First, Washington wrote a personal note to Mr. Marony, a sergeant from Massachusetts, advising him of the appointment. Then, in his flourishing handwriting, he wrote—

All persons guilty of capital crimes and crimes not triable by a regimental court-martial are to be sent to the provost.

The provost is not to receive any prisoner without a crime specified in writing and signed by the person committing him. No prisoner is to be suffered to be absent from his confinement until released by proper authority.

The provost marshal is to provide a suitable person, when necessary, to execute the sentences of general courts-martial approved of and directed to be enforced by the Commander in Chief.

When any men are sent to the provost, the provost marshal is to send a report of them immediately to the regiment they belong to; and no man is to be received by the provost unless his crime is sent with him.

The provost is to make a return every morning by ten o'clock, to the adjutant general, of the number of prisoners under guard, specifying the regiments they belong to, their crimes, by whom, and how long confined.

The provost is to take due care that all orders from the judge advocate respecting the trials of prisoners be punctually executed and is to post proper sentries from his guard, at such times and in such places as a general court-martial may sit.

The provost is frequently to take a party from his guard and patrol the avenues and environs of the camp, is to take up and confine all disorderly and suspicious persons, to suppress riots and disturbances, and to inform the quartermaster general of all persons who keep unwarranted and destructive dram shops and all other pernicious and camp nuisances.

The provost is to receive and obey all such orders and instructions as may, at any time, be given him by his Excellency the Commander in Chief, the adjutant general, the quartermaster general, and the judge advocate of the Army of the United Colonies.⁴

These instructions required that the provost marshal act as the executioner when a death sentence was directed by court-martial. In June 1776, Marony signed off on the execution of the first person hung, as directed by a death warrant signed by General Washington. However, Marony was soon replaced by another provost marshal. According to a 1 October 1776 general order, “Captain Marony, late provost marshal, having absented himself from camp without leave, is suspended and Thomas Bryan appointed in his stead. He is to be obeyed and respected accordingly.”⁵

A total of nine provost marshals were appointed during the course of the American Revolutionary War; and although all were sergeants, they served as captains. One of them—William Hutton—was tried by general court-martial for aiding and abetting the escape of a counterfeiter. Hutton argued that he had only been provost marshal for days and had not had sufficient time to organize an execution. General Washington countered by stating that Hutton had been an assistant provost marshal for a year and had previously performed the duties of provost marshal. Hutton's ultimate acquittal of the charges incensed the commanding general, who said, "To allow such a precedent as Mr. Hutton contends for to be established might, upon future occasion, operate seriously, should a criminal of consequence require a hasty execution. In the civil line, a high sheriff, whose office is of a similar nature to that of provost marshal in the military, is obliged to execute his warrant himself if he cannot procure a common executioner. Mr. Hutton is dismissed from his office."⁶

Although primarily a jailer, the provost marshal was authorized to use the provost guard to perform military police functions. The patrolling of the camp and surrounding areas significantly reduced the number of desertions and the incidence of theft and destruction of nearby property. These duties eventually led to the establishment of a mounted military police unit called the *Marechaussee*.

In November 1777, General Washington received Captain Bartholomew von Heer's "Plan for a Corps of Marechaussee" from Assistant Quartermaster General Henry E. Lutterloh. The plan outlines the following proposed organization of the Marechaussee Corps:

First – The Corps should subsist of:

1 Commander.

1 Captain.

3 Lieutenants.

} *Which four officers are to be posted upon
the flanks and the rear of the Army.*

1 Quartermaster, who draws provisions.

1 Clerk, who is to keep an exact book of all the transactions of the service.

2 Trumpeters to give proper notices.

2 Sergeants.

5 Corporals, one to be by each officer and one by the commander.

43 Privates on horseback.

4 Negroes to perform the executions, as white men would not do as well, nor perhaps be got so easily.

63 men, their regiment to be distinct from the other troops and to be green or blue coats with black facings. And as these corps in all other services have better pay than Dragoons, he hopes the common man will have an allowance."⁷

The document goes on to describe how the proposed Marechaussee Corps would be expected to serve.

Some minor changes were made to the final plan for the Marechaussee Corps. For example, the supposition that Negroes would serve as better executioners was removed and the uniform specifications were altered somewhat—the black facings being replaced with yellow ones. A proposal that Captain von Heer be promoted to colonel was also eliminated.

Captain von Heer was appointed as commander of the Marechaussee Corps,⁸ and the "new" organization was introduced with the following general order:

October 11, 1778

The following summary of the duties of the Marechaussee Corps, commanded by Captain von Heer, is published for the information of the Army at large. The General hopes that the institution, by putting men on their guard, will operate more in preventing than punishing crimes.

While the Army is encamped, the officers of the corps are to patrol the camp and its neighborhood for the purpose of apprehending deserters, marauders, drunkards, rioters, and stragglers, under which last denomination are included all Soldiers who are found beyond the nearest picquets, in front and on the flanks, and beyond the distance of one mile, estimated from the center of the encampment, in the rear. They are also to apprehend all other Soldiers that may be detected in a violation of general orders.

All countrymen and strangers whose appearance or manners excite suspicion of their being spies and [who] are not furnished with passes either from the same general officer, the quartermaster general,

or the commissaries generals of provision or forage. The officers of the corps are directed not to apprehend any offender who may be within the encampment of his own regiment, as it is expected that the regimental quarter guard will, in that case, secure the offender.

Captain von Heer is to keep an exact list of all licensed sutlers and confine any follower of the Army who may presume to suttler without the proper leave. Every newly appointed sutler is, therefore, to signify his appointment to Captain von Heer and produce a proper certificate thereof.

On the day of march, this corps, with the provost guard, is to remain on the old ground 'till the columns and baggage have moved off, in good order, to secure all such Soldiers as have loitered in camp; and the officers are to see that the Soldiers and women who march with the baggage do not transgress the general orders made for their government. They will, likewise, secure all stragglers on the march, treating in this light all Soldiers absent from their platoons without a noncommissioned officer to conduct them. On a day of battle, the Marechaussee will be posted in the rear of the second line or reserve in order to secure fugitives.

The Commander in Chief strictly forbids all persons whatever to do or say anything that may tend to impede the officers of this corps in the execution of their duty. On the contrary, he requires that they may be respected and assisted, as good order and discipline will be much promoted by the full exercise of their office.

If any offender attempts to escape or presumes to make any resistance, he will incur double punishment; and all persons belonging to the Army are required to succor any part of the Marechaussee Corps that may be opposed in the prosecution of their duty.

The captain of the Marechaussee will have the usual provost guard drawn from the line near him and under his direction for the security of the prisoners. He is, every morning, to deliver a written report of the persons committed the preceding day and the charges against them to the adjutant general, who will have proper courts-martial held for their trial. This is to be considered a standing order and, as such, to be published in the different parts of the Army. The adjutants of regiments are to have it frequently read to the men that, by being reminded of what is prohibited and the certainty of punishment, they may avoid the one and the other.⁹

Captain von Heer was tried by general court-martial on more than one occasion. According to one of the decisions—

The court [is] of opinion that Captain von Heer exacted, without authority, money for licensing sutlers, being a breach of Article 5th, Section 18th, of the Rules and Articles of War. They are also of opinion that, as Captain von Heer's conduct might possibly have arisen from a misconception of the nature of his office, he shall only be reprimanded in general orders and repay the several sutlers the money he exacted from them.

As the public manner in which Captain von Heer demanded fees from the sutlers is an argument of his being unconscious that he was committing the most heinous species of extortion, the Commander in Chief acquiesces in the lenient sentence of the court-martial. He desires that Captain von Heer will, for the future, pay stricter attention to his instructions and consider them as the only rule of his conduct which will be approved or condemned only as he adheres to, or deviates from, them.¹⁰

Another decision stated that—

The court, after considering the evidence for and against Captain von Heer, of the Light Dragoons, are of opinion that he is guilty of the latter part of the charge "beating Owen McGlochlin, a Soldier under Captain Selens' immediate command, without a sufficient cause to justify such correction," being a breach of

The men who were appointed to the position of provost marshal of the Continental Army and their dates of service are—

Sergeant William Marony
(Massachusetts):
10 January–1 October 1776,
absent without leave.

Sergeant Thomas Bryan
(Maryland):
1 October 1776–
14 January 1777

Sergeant John Prentice:
14 January–15 February 1777,
resigned.

Sergeant Henry Snagg:
15 February 1797–
23 January 1778

Sergeant Daniel Timothy Howe:
23 January–July 1778

Sergeant John Weiss
(Rhode Island): July 1778–
March 1780

Sergeant Thomas O'Bryan:
March–July 1780

Sergeant William Hutton:
19 May 1780–April 1781,
court-martialed and dismissed.

Sergeant Asa Andrus:
19 July 1781–November 1782

Upon appointment, each of these men assumed the rank of captain.

Article 5th, Section 18th, of the Rules and Articles of War, and sentence him to be reprimanded in general orders. The court acquit[s] him of the preceding part of the charge.

The General approves the sentence and, at the same time he expresses his dissatisfaction at any instance of conduct where violence is made use of without sufficient cause, he is sensible that the laudable motive of preserving the public property from abuse, which seems to have influenced Captain von Heer, is a palliation for the deed.¹¹

At the end of the Revolutionary War, the Marechausee were one of the last units mustered out!

Endnotes:

¹“Army Birthdays,” <<http://www.history.army.mil/faq/branches.htm>>, accessed on 20 October 2010.

²Harry M. Ward, *George Washington’s Enforcers: Policing the Continental Army*, Southern Illinois University, 2006.

³General Orders, 10 January 1776, George Washington Papers, Library of Congress.

⁴“Instructions to William Marony,” Head Quarters, 12 January 1776, *The Writings of George Washington (From the Original Manuscript Sources, 1745–1799)*, U.S. George Washington Bicentennial Commission, U.S. Government Printing Office, Washington, November 1931.

⁵General Orders, 1 October 1776, George Washington Papers, Library of Congress.

⁶Ward, 2006.

⁷“Plan of Bartholomew von Heer to Establish a Marechausee Corps,” letter from Henry E. Lutterloh to George Washington, 14 November 1777, George Washington Papers, Library of Congress.

⁸Robert K. Wright, Jr., compiler, *Military Police*, Center of Military History, U.S. Army, Washington, D.C., 1992.

⁹David L. Valuska and Byron Reppert, “The Marechausee: von Heer’s Provost Corps,” *von Heer’s Provost Corps of the Continental Army*, <<http://www.vonheers.org/history.html>>, 2010, accessed on 2 November 2010.

¹⁰*The Writings of George Washington (From the Original Manuscript Sources, 1745–1799)*, 1931.

¹¹General Orders, 5 June 1782, George Washington Papers, Library of Congress.

Master Sergeant Garland retired from the U.S. Army in 1974. During his military career, he served in military police units and criminal investigation detachments and laboratories. At the time of his retirement, Master Sergeant Garland was serving as a ballistics evidence specialist at the European Laboratory. He remained in this career field until retiring from civilian law enforcement in 1995.