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(By Authority.)

AN ACT,

For establishing rules and articles for the government of the armies of the United States.

(CONCLUDED.)

Article 31. No officer commanding in any of the garrisons, forts or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to sutlers, or connive at the like exactions in others; nor by his own authority, and for their private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Article 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating, or otherwise ill treating any person, of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the U. S. he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered or punished as a general court martial shall direct.

Article 33. When any commissioned officer, or soldier, shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person, or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of the party, or parties injured, to use their utmost endeavors to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer, or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

Article 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state, or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

Article 35. If any inferior officer, or soldier, shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court martial.

Article 36. Any commissioned officer, store keeper, or commissary, who shall be convicted, at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall at his own expence, make good the loss, or damage, and shall moreover, forfeit all his pay, and be dismissed from the service.

Article 37. Any non-commissioned officer, or soldier, who shall be convicted, at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United states, shall be punished at the discretion of such court.

Article 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial, as having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall under such weekly stoppages (not not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other corporeal punishment as his crime shall deserve.

Article 39. Every officer, who shall be convicted before a court martial, of having embezzled, or misapplied any money, with which he may have been entrusted for the payment of the men under under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Article 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Article 41. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

Article 42. No officer, or soldier, shall be out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Article 43. Every non commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Article 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

Article 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Article 46. Any centinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

Article 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Article 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Article 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Article 50. Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Article 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Article 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage, every such offender being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Article 53. Any person belonging to the armies of the United States, who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch-word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Article 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Article 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

Article 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Article 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Article 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Article 59. If any commander of any garrison, fortress or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

Article 60. All suttlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not inlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Article 61. Officers having brevetts, or commissions, of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevetts, or dates of their former commissions; but in the regiment, troops, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Article 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States according to the nature of the case.

Article 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the U. S. but they are to receive every mark of respect, to which their rank in the army may entitle them respectively, and are liable to be transferred at the discretion of the President, from one corps to another, regard being paid to rank.

Article 64. General courts martial may consist of any number of commissioned officers from five to thirteen, inclusively, but they shall not consist of less than thirteen, where that number can be convened, without manifest injury to the service.

Article 65. Any general officer commanding an army, or colonel commanding a separate department may appoint general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or shall, either in time of peace or war, respecting a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary of war, to be laid before the President of the U. S. for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Article 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment, or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences, not capital, and decide upon their sentences. For the same purpose all officers, commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Article 67. No garrison, or regimental court martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

Article 68. Whenever it may be found convenient and necessary to the public service, the officers of the marine shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officers of either corps who may be present and duly authorized, shall be received and obeyed.

Article 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the U. S. but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court before they proceed upon any trial the following oath, which shall also be taken by all members of the regimental and garrison courts martial.

"You A. B do swear that you will well & truly try & determine, according to evidence, the matter now before you between the U. S. of America, and the prisoner to be tried, and that you will duly administer justice, according to the provisions of "An act establishing rules and articles for the government of the armies of the United States," without partiality, favor or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war, in like cases; and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*"

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in due course of law. Nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*"

Article 70. When an prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute or answer foreign to to the purpose, the court may proceed to trial and judgement as if the prisoner had regularly pleaded not guilty.

Article 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Article 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Article 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation in the following form:

"You swear or affirm (as the case may be) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

Article 74. On the trials of cases not capital, before courts martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided, the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

Article 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases, which, in the opinion of the officer appointing the court martial, require immediate example.

Article 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court martial.

Article 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tents, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Article 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court martial or released by proper authority.

Article 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

Article 80. No officer commanding a guard, or provost martial, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Article 81. No officer commanding a guard, or provost martial, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Article 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Article 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Article 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Article 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Article 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Article 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial, and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Article 88. No person shall be liable to be tried & punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person by reason of having absented himself or some other manifest impediment shall not have been amenable to justice within that period.

Article 89. Every officer authorised to order a general court martial shall have power to pardon or mitigate any punishment ordered by such court except the sentence of death, or of cashiering an officer; which in the cases where he has authority (by article 65) to carry them into execution he may suspend until the pleasure of the President of the United States can be known; which suspension together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison where any regimental or garrison court