



(By Authority)
AN ACT,

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

[CONCLUDED.]

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

Article 61. Officers having brevets 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 brevets, or dates of their former commissions; but in the regiment, troop 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 authorized 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 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 the immediate profession, except by the special order of the President of the United States; 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 wherever 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 dismissal 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 United States for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court martial 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 imprisonment, 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. States; 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 may tend to criminate himself, and admit

nister 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 and truly try and determine, according to evidence, the matter now before you between the United States 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 a 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 any prisoner arraigned before a general court martial, shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded 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 case now on 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 a 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 commanding, 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 martial, 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 emolument 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 in which he resided 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 and 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 authorized 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 any 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 regiment or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Article 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of trial and distance of place can admit the original proceedings and sentence of such court martial, to the secretary of war, which said original proceedings and sentence shall be carefully kept and preserved in the office of the said secretary to the end, that the persons entitled thereto may be enabled upon application to the said office, to obtain copies thereof.

The party tried by any general court martial, shall upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence, and proceedings of such court martial.

Article 91. In cases where the general or commanding officers may order a court of inquiry to examine into the nature of any transaction, accusation or institution against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, or a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to be faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses so as to investigate fully the circumstances in question.

Article 92. The proceedings of a court of enquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court-martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Article 93. The judge-advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

After which the president shall administer to the judge-advocate or recorder, the following oath:

"You, A. B. do swear that you will according to the best of your abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court-martial.

Article 94. When any commissioned officer shall die, or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the officer of the department of war, to the end that his executors or administrators may receive the same.

Article 95. When any non-commissioned officer or soldier shall die or be killed in the service of the United States, the then commanding officer of the troop or company, shall in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the officer of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier, and in case any of the officers so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

Article 96. All officers, conductors, gunners, matrosses, drivers or other persons whatsoever, receiving pay or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial in like manner with the officers and soldiers of the other troops in the service of the United States.

Article 97. The officers and soldiers of any troop, whether militia or others being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Article 98. All officers, serving by commission from the authority of any particular state, shall on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Article 99. All crimes, not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and punished at their discretion.

Article 100. The President of the U. S. shall have power to prescribe the uniform of the army.

Article 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop or company, mustered or to be mustered in the service of the U. S. and are to be duly observed and obeyed, by all officers and soldiers who are or shall be in said service.

Sec. 2. And be it further enacted, That in time of war all persons not citizens of, or owing allegiance to the U.

S. of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the U. S. or any of them, shall suffer death according to the law and usage of nations, by sentence of a general court-martial.

Sec. 3. And be it further enacted, That the rules and regulations by which the armies of the U. States have heretofore been governed, and the resolves of Congress thereunto annexed and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively occupied by any part of the army of the United States.

NATHL. MACON,
Speaker of the House of Representatives
S. SMITH,
President of the Senate pro-tempore.
April 10, 1806.

APPROVED,
TH. JEFFERSON.

New Paper-hanging Store.

ROBERT ELLIOT,

No. 7, North Charles-street, opposite the Union Bank.

INFORMS his friends and the public in general, that he has just received, and has now ready for sale, a large and general assortment of PAPER-HANGINGS & BORDERS, from Hurley's manufactory, Philadelphia, who supplies Thomas & Childreigh for several years, with American paper that afforded general satisfaction to their customers. His papers are of the newest fashions, most elegant designs, first colors, and best of workmanship, well adapted for halls, ceilings, staircases, rooms, &c.

The subscriber, having for above 8 years past in this city, used his utmost endeavors to oblige the customers of his late employers (Messrs. Thomas & Childreigh) will assuredly not relax in his exertions to please those who may honor him with their commands.

He will always have on hand, a constant supply, and regular succession of new patterns, from the above manufactory; will superintend the hanging of his own papers; employ the best workmen; and execute all orders in town or country, with neatness, punctuality and dispatch.

N. B. Wanted, two Boys, of good character, from the age of 14 to 16 years, as apprentices to the above business.

Just Received,

And for sale at the Bookstore of
GEO. DOBBIN & MURPHY,
A collection of POEMS and Fugitive Pieces,
written by a gentleman of distinction, at
BALLSTON SPRINGS.

Libraries.
Additions to BALLSTON SPRINGS,
Price 12 cents each.

Also,
A neat edition of
MOORE'S EPISTLES, ODES, &c.
In different bindings.
October 22 en8t

HATS.

EIGHT cases mens' black and white HATS, assorted, with a large proportion broad brims, suitable for the West India trade—Just received for sale by
A. M'CALLLOH,
80, Market-street.

Who has imported in the Boston,
Velvets, Velveteens and Constitution Corda
Silk and worsted Bindings
Boot Webbing, &c. &c.

And on hand,
1500 pieces short yellow Nankeens, entitled to drawback
Cloths, Cassimeres and Waistcoating, most fashionable colors and patterns
Silk Chambrays, an extensive assortment, and some very superb, with
India Muslins, German and Irish Linens, &c. &c. wholesale and retail.

N. B. A young Gentleman acquainted with accounts and expert at the retail dry good business, will meet suitable encouragement by applying as above.

September 17. d15te010t

Nicholas S. and D. Jones,
No. 12, BOWLY'S WHARF,
Have received by the Fair American, from London
Superfine Cloths, Cassimeres,
FLUSHINGS, &c.

And by the Sully, from London,
A few bales best quality Sail Cloth, and a few pieces of Calicoes.

Also in Store,
Madeira and Lisbon Wine, old and fit for immediate use.

1000 Demijohns,
200 boxes white and brown Soap,
50 ditto negro Pipes,
20 hhds. Antigua and Jamaica Spirits,
20 ditto New England Rum,
15 ditto good brown Sugars,
80 quarter casks best English Gun-Powder,
Patent Shot, assorted,
Bar and Miled Lead,
Imperial, Hyson, Young Hyson, Hyson Skin and Souchong Teas, with an assortment of Groceries, which will be sold on liberal terms.
October 15. en8t

George Maris, DRUGGIST,

No. 140, MARKET-STREET,
HAS ON HAND,
5000 lbs. Glauber Salts,
200 bottles Castor Oil
100 lbs Arrowroot Starch of a superior quality, and fresh,
Antibiotic Pills as usual,
With a general and extensive assortment of Drugs and Patent Medicines, which he will sell on moderate terms.
October 8. en2w

Slater & Roy,

84, Market-street,
HAVE received by the Diana, from Liverpool, and Six Sisters, from Bristol,
THE BALANCE of their FALL GOODS,
making their assortment of HARDWARE,
CUTLERY, SADDLERY, CARRIAGE MOUNTING & BRASSWARE, extensive and complete.

Also,
400 boxes Tin Plate,
4 casks Spelter.