



(By Authority.)

AN ACT,

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

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Article 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Article 2. It is earnestly recommended to all officers and to soldiers to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court martial, there be publicly and severely reprimanded by the president; if non commissioned officers or soldiers, every person so offending shall, for his first offence forfeit one sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined 24 hours; and for every like offence shall suffer and pay in like manner, which money so forfeited, shall be applied by the captain or senior officer of the troop or company to the use of the sick soldiers of the company or troop to which the offender belongs.

Article 3. Any non commissioned officer or soldier who shall use any profane oath or exclamation shall incur the penalties expressed in the foregoing article, and a commissioned officer shall forfeit and pay for each and every offence one dollar, to be applied as in the preceding article.

Article 4. Every chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (except in cases of sickness or leave of absence) shall on conviction before a court martial be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged as the said court martial shall judge proper.

Article 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished as a court martial shall direct; if a non commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Article 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

Article 7. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Article 8. Any officer, non-commissioned officer or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death or otherwise, according to the nature of his offence.

Article 9. Any officer or soldier who shall strike his superior officer or draw or lift up any weapon, or offer any violence against him, being in the execution of his office on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

Article 10. Every non commissioned officer, or soldier, who shall in his conduct in the service of the United States, shall at the time of his being promoted, or within six days afterwards, have the articles for the government of the armies of the United States read to him and shall by the officer who enlisted him, or by the commanding officer of the troop or company, into which he was enlisted, be taken before the judge advocate of the peace or chief magistrate of any city, or town corporate; and be sworn an officer of the army, or where no peace or chief magistrate be had, to the civil magistrate before the judge advocate, and in his presence, shall take the following oath:

I do solemnly swear or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will, serve them honestly, and faithfully against all their enemies or opposers, whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States." Which justice, magistrate, or judge advocate is to give the officer a certificate, signifying that the man enlisted, did take the said oath, or affirmation.

Article 11. After a non commissioned officer, or soldier, shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non commissioned officer, or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the commandant of a general court martial, nor shall a commissioned officer be discharged the service, but by order of the President of the U. S. or by sentence of a general court martial.

Article 12. Every colonel, or other officer commanding a regiment, troop or company, and actually quartered with it may give furloughs to non commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain or other inferior officer commanding a troop or company, or in any garrison, fort or barracks of the U. S. (his field officer being absent,) may give furloughs, to non commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, except some extraordinary occasion should require.

Article 13. At every muster, the commanding officer of each regiment, troop, or company thereof present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

Article 14. Every officer who shall be convicted before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Article 15. Every officer who shall knowingly make a false muster of man or horse; and every officer or commissary of musters who shall willingly sign, direct or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Article 16. Any commissary of musters or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on the mustering any regiment, troop or company, or on the signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the U. States.

Article 17. Any officer who shall presume to muster a person as a soldier who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Article 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison, under his command; or of the arms, ammunition clothing, or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Article 19. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers then absent from their posts, and the reasons for and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

Article 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserved the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Article 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence at the discretion of a court martial.

Article 22. No non-commissioned officer or soldier shall initiate himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial be cashiered.

Article 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier, to desert the service of the United States shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Article 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Article 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non commissioned officer or soldier, of suffering corporal punishment at the discretion of a court martial.

Article 26. If any commissioned or non commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post or detachment, who is knowing to a challenge being given or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Article 27. All officers, of what condition soever, have power to part and quell all quarrels, frays and disorders though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Article 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace of opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Article 29. No further shall be permitted to sell any kind of liquors, or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed, from all future furloughs.

Article 30. All officers commanding in the field, forts, barracks or garrisons of the United States, are hereby required to see that the persons permitted to furlough supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as he shall be answerable for their neglect.

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 furloughers, or connive at the like exactions in others; nor by his own authority, and to 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 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 dishonouring flags or standards, or of committing any kinds of riots, to the disturbance of the citizens of the United States, 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 of 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 a convicted 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 field, 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 fold, 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 fold, 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 fold, lost, or spoiled through neglect, his horse, arms, clothes, or accoutrements, shall order such weekly stoppages (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 corporal 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 his command, or for entrusting 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 corporal 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 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 reason.

or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly relieved, or received, 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 corporal 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 executed 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 cashiered; 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 the 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 U. 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 colour 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, warden, 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, town, fort, or magazines, whether artillery, or 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, by the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death or such punishment, as shall be inflicted upon them by the sentence of a court martial.

(To be continued.)

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