

MILITARY LAWS

OF THE

UNITED STATES;

INCLUDING THOSE RELATING

TO

THE MARINE CORPS,

TO WHICH IS PREFIXED

THE CONSTITUTION OF THE UNITED STATES.

COMPILED

BY COLONEL TRUEMAN CROSS, U. S. ARMY.



SECOND EDITION.

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DISTRICT OF COLUMBIA, TO WIT:

BE IT REMEMBERED, That on the 9th day of October, Anno Domini, eighteen hundred and thirty-eight, George Templeman, of the said District, deposited in this office the title of a Book, the title of which is in the words following: "Military Laws of the United States, including those relating to the Marine Corps; to which is prefixed the Constitution of the United States—compiled by Colonel Truman Cross, U. S. Army," the right whereof he claims as proprietor, in conformity with an Act of Congress, entitled "An act to amend the several acts respecting Copy Rights."

EDMUND I. LEE, Clerk of the District.

IN TESTIMONY that the above is a true copy from the records of the District Court for the District of Columbia, I, EDMUND I. LEE, the Clerk thereof, have hereunto
[L. S.] set my hand and affixed the seal of my office, this 9th day of October, 1838.

EDMUND I. LEE, Clerk.



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EDMUND I. LEE, Clerk of the District Court for the Southern District of New York, has the honor to acknowledge the receipt of a true copy from the records of the District Court for the Southern District of New York, of the following: "Military Laws of the United States, to which is prefixed the Constitution of the United States, compiled by Edmund I. Lee, Esq., U. S. Army, the right whereof is hereby acknowledged in conformity with an Act of Congress, entitled 'An act to amend the several Acts relating to the publication of laws, and to the printing of the same.' Approved March 3, 1875." Approved March 3, 1875.

The many important laws which have been enacted since the year 1824, when the first edition of this work was published, having rendered a second edition necessary, the Compiler of the first, at the instance of a friend, and with the sanction of the War Department, undertook to arrange the additional matter, and supervise the publication of a second edition. Exercising, at the same time, two-fold official functions, he has not been able to give quite so much attention to the subject as it deserved; but he nevertheless believes that the execution is sufficiently accurate, and hopes the work will prove acceptable and useful to the service.

ADVERTISEMENT.

The subjoined letters, whilst they show the authority by which this compilation is offered to the army, indicate the plan on which it was originally designed to be executed. It was soon perceived however, from the mingled character of the legislation, that the arrangement suggested could not be adhered to—a single act often embracing provisions under each of the proposed heads of division. This indeed, the compiler, from an acquaintance with the few acts which had previously come under his observation, was already aware of and ought to have borne in mind; but at the moment of the suggestion, he was rather looking to what should be, than to what was, the actual state of things.

It was not without reluctance that he undertook the task of pronouncing upon the repeal of the several laws: First, from a doubt of his ability—amidst a press of current duties which more than shared his attention, to decide accurately upon so many nice and difficult points; and secondly, from a conviction, that the question of repeal is purely a *judicial* one, belonging to the competent tribunals to determine. It is, indeed, a right which they cannot surrender; one which no other power can legally exercise. With these impressions, the notes of the compiler have been made, and though they may be found expressed in terms somewhat positive, they should only be regarded as reference, or passing admonitions, emanating from authority too humble to be taken as conclusive.

WASHINGTON, December 24, 1824.

SIR : I have had it in contemplation for some time, and am prompted to the suggestion at this moment by an increased sense of its importance, to propose, for the use of the army, a compilation of the acts of Congress relating thereto. It would embrace all laws of that description, enacted since the formation of the present government, whether relating to organization, discipline, or administration; and if found convenient, would be arranged under those distinct heads, with a view to facilitate reference. The laws relating to the militia, might also be embraced in the shape of an appendix.

The importance and necessity of such a work, are believed to be apparent. That usually denominated the "*Blue Book*," cannot, with propriety, be called a substitute for the one proposed. Besides being extremely deficient in matter, its arrangement is regarded as defective.

The propriety of rendering all the *penal* laws accessible to those on whom they are to operate, is sufficiently obvious—and it is believed to be an object of some moment, that the laws relating to organization and administration, though repealed or modified, should, also, be placed within the reach of the army. If they answer no other end by assisting in the fair interpretation of subsequent acts, they would, perhaps, be important, as presenting a complete and connected history of the military legislation—a point on which, there is some dearth of information. Scattered as those laws are at present, through six ponderous volumes of the statutes at large, it is scarcely possible that they ever can become sufficiently known to the army.

A copious index, with now and then a note of reference, indicating essential connections between laws of different dates, would be all that I should add to a naked copy of the laws themselves, taken from an authentic source.

Should the proposition meet your approbation, I would, very cheerfully, devote my leisure to its accomplishment.

I have the honor, &c. &c.

T. CROSS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

DEPARTMENT OF WAR, December 30, 1824.

SIR : I have received and considered your letter of the 24th instant, suggesting a compilation of the acts of Congress, relating to the army and the militia.

The proposition meets my entire approbation, and you are authorized to proceed to the execution of the work as early, and with as much despatch, as your other duties will permit. The plan laid down in your letter will be adhered to, should it not be found impracticable, from the nature of the laws, to observe the classification proposed.

As all the laws will be given, it is desirable, for the sake of practical convenience, to distinguish such as have been repealed by subsequent enactments. A remark to that effect where it is obvious, and a note of reference to direct the readers attention where it is matter of doubt, should, therefore, be inserted.

I have the honor, &c. &c.

J. C. CALHOUN.

Maj. T. CROSS, *United States Army.*

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