

sentence of such court-martial to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons, on his behalf, whether such sentence be approved or not.

Fines to be collected and applied to relief of the sick.

ART. 4. The field-officers of each and every regiment, are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiments; and such person shall account with such officer for all fines received, and the application thereof.

Crimes not capital, &c. punishable at discretion of courts-martial.

ART. 5. 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 above 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 to be punished at their discretion.

CHAPTER 3.

In Congress—April 14, 1777.

Resolved, That from and after the publication hereof, the 2d article of the 8th section, the 1st article of the 11th section, the 8th article of the 14th section, and the 2d article of the 18th section, of the rules and articles for the better government of the troops raised, or to be raised, and kept in pay by, and at the expense of the United States of America, passed in Congress the 20th day of September, 1776,* shall be, and they are hereby, repealed; and that the four following articles be substituted in the place and stead thereof.

All officers and soldiers at liberty to bring provisions into forts or garrisons except when contracted for by Congress.

ART. 1: All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United States of America, any quantity of eatable provisions, except where any contracts are, or shall be, entered into by Congress, or by their orders, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Officers wronged by their colonel and refused redress may complain to the general commanding who

ART. 2. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the continental general commanding in the state where such regiment shall be stationed, in order

* See chapter 2.

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 Congress, a true state of such complaint, with the proceedings had thereon.

ART. 3. No sentence of a general court-martial shall be put in execution, till after report shall be made of the whole proceedings to Congress, the commander-in-chief, or the continental general commanding in the state, where such a general court-martial shall be held, and their or his orders be issued for carrying such sentence into execution.*

ART. 4. The continental general, commanding in either of the American states, for the time being, shall have full power of appointing general courts-martial to be held, and of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the aforementioned rules and articles for the better government of the troops; except the punishment of offenders, under sentence of death, by a general court-martial, which he may order to be suspended until the pleasure of Congress can be known, which suspension, with the proceedings of the court-martial, the said general shall immediately transmit to Congress for their determination. And every offender, convicted by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.*

CHAPTER 4.

In Congress—May 27, 1777.

Resolved, That the general, or commander-in-chief, for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the rules and articles, for the better government of the troops raised, or to be raised and kept in pay by, and at the expense of, the United States of America; the fourth article resolved in Congress the 14th day of April last, notwithstanding.

CHAPTER 5.

In Congress—June 14, 1777.

Resolved, That the flag of the thirteen United States, be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.†

* Modified by resolutions of 27th May, and 18th June, 1777—see chaps. 4, and 6, also chap. 8, art. 2.

† Altered by act of 13th January, 1794—see chap. 17.

CHAPTER 6.

In Congress—June 18, 1777.

General officers commanding separate departments may act upon capital sentences without reference to Congress or commander-in-chief.

Resolved, That a general officer commanding a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by general courts-martial, without being obliged to report the matter to Congress or the commander-in-chief.

CHAPTER 7.

In Congress—April 12, 1785.

700 troops to be raised.

Resolved, That the non-commissioned officers and privates to be raised by the resolution of the seventh day of the present month, April, be furnished by the states hereinafter mentioned, in the following proportions :

Connecticut,	-	-	-	165
New York,	-	-	-	165
New Jersey,	-	-	-	110
Pennsylvania,	-	-	-	260
				—700

Commissioned officers to be furnished by the states named.

That the following commissioned officers be furnished by the said states, for the said troops, in the following proportions :

One lieutenant colonel from Pennsylvania.
Two majors, one from Connecticut, and one from New York, each to command a company.
Eight captains, ten lieutenants, one to act as adjutant, one as quartermaster, and one as paymaster. Ten ensigns, one surgeon and four mates, to be furnished by the said states in proportion to the number of privates which they respectively furnish.

Pay of officers, non-commissioned officers, and soldiers.

That the pay of the lieutenant colonel be fifty dollars per month; that of the major, forty-five; captain, thirty-five; lieutenant, twenty-six; ensign, twenty; sergeant, six; corporal, five; drum, five; fife, five; private, four; surgeon, forty-five; mate, thirty.

That the lieutenants acting as adjutant, quartermaster and paymaster, shall receive, in consideration of the said extra duty, each ten dollars per month.

That each officer and soldier shall receive one month's pay after they are embodied, before their march.*

* The provisions of this resolution in regard to pay, were adopted by a resolution of the 3d of October, 1787, and again by an act of Congress of 29th September, 1789—see chapter 9 and chapter 11, section 2.—Repealed and supplied by act of 30th April, 1790—see chap. 12.

That the secretary of war be directed to form the said troops when raised into one regiment, consisting of eight companies of infantry, and two of artillery, to appoint their places of rendezvous, direct their subsequent operations, and make all other inferior necessary arrangements not herein particularly mentioned, subject to the order of Congress, and of the committee of the states in the recess of Congress; and that the commissioners of the treasury be instructed to furnish on his warrant, the sums necessary for carrying the same into effect.

That the said troops when embodied, on their march, on duty, or in garrison, shall be subject to all the rules and regulations formed for the government of the late army, or such other rules as Congress or a committee of the states may form.

That the secretary at war ascertain the necessary clothing and rations proper for the troops, and report the same to Congress.

That the commissioners of the treasury contract for the supply of rations at such places and in such quantities as the secretary at war shall judge necessary.

CHAPTER 8.

In Congress—May 31, 1786.

WHEREAS crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service :

Resolved, That the 14th section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

ART. 1. 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.

General courts-martial shall be ordered as often as the cases may require, by the general or officer commanding the troops. Sentences not to be executed until after the proceedings shall have been laid before him; nor then, in time of peace, if they extend to loss of life, or dismissal of commissioned officers; nor in time of peace or war, if they respect general officers, until laid before Congress for their orders.

ART. 2. General courts-martial shall be ordered, as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the said general or 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, the dismissal of a commissioned officer, or which shall either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid before Congress for their confirmation, or disapproval, and their orders on 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.

Officers commanding regiments or corps may appoint regimental courts-martial and decide upon their sentences.

ART. 3. Every officer commanding a regiment or corps, may appoint of his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial of offences, not capital, and the inflicting corporeal punishments, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other place where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Regimental or garrison courts-martial not to try capital cases, nor commission'd officers; nor inflict a fine exceeding a month's pay, nor imprison or put to hard labor for more than one month.

ART. 4. 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.

Members of all courts-martial, take rank according to the composition of the courts.

ART. 5. The members of all courts-martial shall, when belonging to different corps, take the same rank in court which they hold in the army. But when courts-martial shall be composed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

Judge-advocate shall prosecute in the name of the United States, but after the plea of the prisoner, shall shield him from self-crimination by any question to himself or leading questions to witnesses.

ART. 6. 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 United States of America; 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 the following oaths, which shall also be taken by all members of regimental and garrison courts-martial.

Oaths of members.

"You shall 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. So help you God."

"You, A. B., do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war, in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, 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 oaths 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 upon any account, at any time whatsoever, 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."

Oath of judge-advocate.

ART. 7. 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.

ART. 8. All persons who give evidence before a court-martial, are to be examined on oath, or affirmation, as the case may be, and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the members of the court shall concur therein.

ART. 9. Whenever an oath or affirmation shall be administered by a court-martial, the oath or affirmation shall be in the following form:

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

ART. 10. On the trials of cases not capital, before courts-martial, the depositions 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.

ART. 11. 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, except in cases which, in the opinion of the officer appointing the court require immediate example.

ART. 12. No person whatsoever shall use menacing words, signs or gestures in the presence of a court martial, or shall cause any disorder or riot to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Members to behave with decency, and in voting begin with the youngest in commission.

Witnesses shall be examined on oath—sentence of death requires concurrence of two-thirds of the members.

Oath of witness.

On trials not capital, depositions of witnesses not of the army may be taken and read in evidence.

Officers not to be tried but by general courts-martial, nor by inferior grades if it can be avoided—hours of proceeding.

Conduct in presence of court-martial.

Dismissal of officers, and discharge of non-commissioned officers and soldiers.

ART. 13. No commissioned officer shall be cashiered, or dismissed from the service, excepting by order of Congress, or by the sentence of a general court-martial; and no non-commissioned officer or soldier shall be discharged the service, but by the order of Congress, the secretary at war, the commander-in-chief, or commanding officer of a department, or by the sentence of a general court-martial.

Arrest and confinement of officers—breach of arrest.

ART. 14. Whenever any officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters or tent, and deprived of his sword by his 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 power, shall be cashiered for it.

Imprisonment of soldiers

ART. 15. Non-commissioned officers and soldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a court-martial, or released by proper authority.

Limitations of arrest and confinement.

ART. 16. No officer or soldier, who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a court-martial can be assembled.

Refusal to receive prisoners.

ART. 17. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by any 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.

Release and escape of prisoners.

ART. 18. No officer commanding a guard, or provost-marshal, 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 penalty of being punished for it by the sentence of a court-martial.

Prisoners to be reported daily.

ART. 19. Every officer, or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or soon as he shall be relieved from his guard, make report in writing, to the commander-in-chief, or commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect at the discretion of a court-martial.

Scandalous behaviour.

ART. 20. Whatever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

Suspension.

ART. 21. 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.

Officers cashiered for cowardice—sentence, to be published in newspapers, &c.

ART. 22. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, 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 usually resides; after which it shall be deemed scandalous for any officer to associate with him.

ART. 23. 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 the necessary witnesses, to be transported to the place where the said court shall be assembled.

Commanders of posts shall report the necessity for general courts-martial to commanders of departments, &c.

ART. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender at the discretion of a court-martial.

Sentence of death—limitation of corporeal punishment.

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

Proceedings of general courts-martial to be filed in war office.

The party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

Party tried entitled to copy on demand.

ART. 25. In such cases, where the general, or commanding officer may think proper to order a court of inquiry, to examine into the nature of any transaction, accusation or imputation against any officer or soldier, the said court shall be conducted conformably to the following regulations: It may consist of one or more officers, not exceeding three, with the judge-advocate, or a suitable person, as a recorder, to reduce the proceedings and evidences to writing, all of whom shall be sworn to the 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.

Courts of inquiry—organization—rules of proceeding, and powers.

ART. 26. The proceedings of a court of inquiry 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

Proceedings may be admitted as evidence by courts-martial, &c.—courts of inquiry prohibited unless demanded by the accused.

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 demanded by the accused.

Oaths of members, judge-advocate and witnesses.

ART. 27. The judge-advocate, or the 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 favor or affection. 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 your best abilities, accurately and impartially record the proceedings of the court, and the evidences to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as is directed to be administered to witnesses sworn before a court-martial.

Desertions to be immediately reported to the commanding officer present.

Resolved, That when any desertion shall happen from the troops of the United States, the officer commanding the regiment or corps to which the deserters belonged, shall be responsible, that an immediate report of the same be made to the commanding officer of the forces of the United States present.

Deserters to be vigorously pursued, advertised in newspapers, and reward of ten dollars offered for the apprehension of each.

Resolved, That the commanding officer of any of the forces in the service of the United States, shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the deserter or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require. That, if such search should prove ineffectual, the officer commanding the regiment or corps to which the deserter or deserters belonged, shall insert, in the nearest gazette or newspaper, an advertisement, descriptive of the deserter or deserters, and offering a reward, not exceeding ten dollars, for each deserter who shall be apprehended and secured in any of the gaols of the neighboring states. That the charges of advertising deserters, the reasonable extra expenses incurred by the person conducting the pursuit, and the reward, shall be paid by the secretary at war, on the certificate of the commanding officer of the troops.

CHAPTER 9.

In Congress—October 3, 1787.

WHEREAS the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year,

Resolved, That the interest of the United States require that 700 troops shall be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians; to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon.

Resolved, That in order to save the great expense of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country, acquired by the troops on the frontiers, it is highly expedient to retain as many of them as shall voluntarily re-engage in the service.

* *Resolved*, That 700 non-commissioned officers and privates be raised for the term of three years, unless sooner discharged, and that the same be furnished in the proportions herein specified, by the states which raised the troops agreeably to the requisitions of Congress, of April, 1785:†

Connecticut,	165,	New York,	165
New Jersey,	110,	Pennsylvania,	260

That the commissioned officers for the said troops be furnished by the said states, agreeably to the present proportions.

That the organization of the said troops, together with the two companies of artillery raised by virtue of the resolves of Congress of the 20th of October, 1786, be according to the present establishment, to wit: one regiment of infantry of eight companies, each company four sergeants, four corporals, two musicians, and sixty privates; and one battalion of artillery, of four companies, each company four sergeants, four corporals, two musicians, and sixty privates.

That the secretary at war make the necessary arrangements, from time to time, to replace the men on the frontiers whose engagements shall expire.

That the said troops shall be governed by such rules and articles of war as are or shall be established by Congress, or a committee of the states.

That the pay and allowances of the said troops be the same as directed by the resolve of Congress of April 12, 1785.†

CHAPTER 10.

An act to establish an executive department, to be denominated the Department of War.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*

* The establishment provided for by these resolutions, was recognized and adopted by an act of Congress under the Constitution—see chapter 11, section 1.

† See chapter 7.

‡ Though this act has no direct bearing upon the military service, yet it was thought, that, as it indicates the relation in which the secretary of the war department stands to the army, it would not be out of place here.

Department of war established.

Secretary thereof;

Duties of the secretary of war to include naval and military affairs.

Secretary subject to the President's instructions.

Chief clerk of the department of war.

His duties.

Oath of office of the secretary of war and his clerks.

Secretary to take charge of papers, &c. of the former war department.

bled, That there shall be an executive department, to be denominated the department of war; and that there shall be a principal officer therein, to be called the secretary for the department of war, who shall perform and execute such duties as shall, from time to time, be enjoined on, or entrusted to, him, by the President of the United States, agreeable to the constitution, relative to military commissions, or to the land or naval forces,* ships, or warlike stores, of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs: And furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States, shall, from time to time, order or instruct.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said department.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation *well and faithfully to execute the trust committed to him*.

SEC. 4. *And be it further enacted*, That the secretary for the department of war, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers, in the office of secretary for the department of war, heretofore established by the United States in Congress assembled.

[Approved, August 7, 1789.]

CHAPTER 11.

An act to recognise and adapt to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress as-*

*So much of this act as vests in the secretary of war, the administration of naval concerns, is repealed by an act of 30th of April, 1798, establishing the navy department.

†Repealed by act of the 30th of April, 1790—see chap. 12, sec. 14.

sembled, That the establishment contained in the resolve of the late Congress, of the third day of October, one thousand seven hundred and eighty-seven,* except as to the mode of appointing the officers, and also as is hereinafter provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.

SEC. 2. *And be it further enacted*, That the pay and allowances of the said troops, be the same as have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.†

SEC. 3. *And be it further enacted*, That all commissioned and non-commissioned officers, and privates, who are, or shall be, in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be) that I will support the constitution of the United States." "I, A. B. do solemnly swear or affirm, (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

SEC. 4. *And be it further enacted*, That the said troops shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,‡ and by such rules and articles of war as may hereafter by law be established.

SEC. 5. *And be it further enacted*, That, for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the states, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops abovementioned.

SEC. 6. *And be it further enacted*, That this act shall continue, and be in force, until the end of the next session of Congress, and no longer.

[Approved, September 29, 1789.]

CHAPTER 12.

An act for regulating the Military Establishment of the United States.§

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress as-*

*See chapter 9.

†See chapter 7.

‡See chapter 2, with supplements 3, 4, 6, and 8.

§Repealed and supplied by act of 3d of March, 1795; which recognized and continued the then existing establishment—see chapter 24.