

C. S. C. 1st Cong. 4th sess. House

Jan 22, 1864

[HOUSE BILL.]

HOUSE OF REPRESENTATIVES, January 28, 1864.—Read first and second times, laid on the table and ordered to be printed

[By Mr. GRAY, from the Judiciary Committee.]

A BILL

To be entitled An Act supplemental to the several acts relating to
military courts.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That so much of the act authorizing the organization of
3 military courts as provides for the appointment of provost mar-
4 shal of such courts is hereby repealed, and the office of provost
5 marshal is abolished.

1 SEC. 2. The clerks of military courts shall hereafter be enti-
2 tled to the rank and pay of a captain of cavalry: *provided*, That
3 no one liable to military service in the field shall be appointed or
4 hold the office of clerk.

1 SEC. 3. Additional military courts may be organized by the
2 President when the Service may require it, not exceeding one for
3 each State; and also one for each separate command of cavalry,
4 consisting of one or more divisions of an army; which courts

5 shall have the same powers as are or may be conferred by law on
6 military courts heretofore organized.

1 SEC. 4. Any member of a military court who shall be intoxi-
2 cated while on duty, or who shall be so intoxicated as to pre-
3 vent his attendance to his duty, shall be liable to arrest and trial
4 as other army officers, and on conviction shall be cashiered.

1 SEC. 5. Whenever the service may require it the members of
2 military courts may be interchanged or transferred from one to
3 another by order of the President, or in the Trans-Mississippi
4 department by the general commanding.

1 SEC. 6. When any member of a military court is incompetent
2 to sit in a case, or is unable to attend from sickness or other
3 case, or when vacancies occur, field officers may be detailed
4 and temporarily assigned to duty, as judges on such courts,
5 by order of the President, or of the General commanding the
6 department.

1 SEC. 7. All military courts shall have power to compel the
2 attendance of persons not in the military service as witnesses,
3 by the same process and under the same penalties as provided
4 by law for the district courts of the Confederate States.

1 SEC. 8. In all cases of acquittal by the court, the decision
2 shall at once be publicly announced, and the accused be released
3 from arrest or imprisonment.

1 SEC. 9. The powers of each court to adopt rules for conducting

2 business and for the trial of cases; and to enforce the rules
3 adopted, and to punish for contempt; and to regulate the taking
4 of evidence shall be exercised as each court may deem most con-
5 venient to facilitate business; and the powers to secure the
6 attendance of witnesses in military service, and to enforce and
7 execute their orders, sentences and judgments shall be according
8 to the laws governing courts martial. But, as soon as practica-
9 ble, the Secretary of War shall cause forms of proceedings to be
10 furnished to each court so as to secure uniformity, to which said
11 courts shall conform.

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