

Oath of members of courts-martial. R.S., sec. 1342, p. 238.

“ARTICLE 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of 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, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then 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 the court until it shall be published by the proper authority, except to the judge-advocate; 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.’”

Approval of sentence. R.S., sec. 1342, p. 240.

“ARTICLE 104. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering the court, or by the officer commanding for the time being.”

Approval of field officer's sentence. R.S., sec. 1342, p. 240.

“ARTICLE 110. No sentence adjudged by a field officer, detailed to try soldiers of his regiment, shall be carried into execution until the same shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post or camp.”

Judge-advocate to withdraw from closed sessions.

SEC. 2. That whenever a court-martial shall sit in closed session the judge-advocate shall withdraw, and when his legal advice or his assistance in referring to recorded evidence is required it shall be obtained in open court.

Fraudulent enlistment a military offense. R.S., sec. 1342, p. 236.

SEC. 3. That fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by court-martial, under the Sixty-second Article of War.

Administration of oaths.

SEC. 4. That judge-advocates of departments and of courts-martial, and the trial officers of summary courts, are hereby authorized to administer oaths for the purposes of the administration of military justice, and for other purposes of military administration.

Approving authority may remit, etc., sentence.

SEC. 5. That the commanding officers authorized to approve the sentences of summary courts shall have the power to remit or mitigate the same.

Effect.

SEC. 6. That this act shall take effect sixty days after its passage.

Approved, July 27, 1892.

July 27, 1892.

CHAP. 273.—An act to amend section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March second, eighteen hundred and eighty-nine.

Removal of charge of desertion. Time extended for presenting claims. Vol. 25, p. 871.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March second, anno Domini eighteen hundred and eighty-nine, be, and the same is hereby, so amended as to extend the time for the limitation of the operation of said section for the period of two years from the first of July, eighteen hundred and ninety-two.*

Approved, July 27, 1892.