

TEXT OF THE
ARTICLES FOR THE GOVERNMENT OF THE NAVY
AS IT WILL APPEAR
AFTER AMENDMENT BY H. R. 3687
AND S. 1338 (star reprint)

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Article 1. The commanders of all fleets, squadrons, naval stations, vessels, and aircraft belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them.

Art. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

Art. 3. Officers and all others in authority in the naval service shall take all necessary and proper measures, under the laws, regulations and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

Art. 4. When the crew of any vessel or aircraft of the United States are separated from their vessel or aircraft by means of its wreck, loss, or destruction, all the command and authority given to the officers of such vessel or aircraft shall remain in full force until such crew shall be regularly discharged from or ordered again into service, or until a court martial or court of inquiry shall be held to inquire into the loss of said vessel or aircraft.

Art. 5. (a) The following persons shall be subject to the Articles for the Government of the Navy:

First. Except as provided in Articles 6 and 7, all persons on active duty in the naval service, including those, not unlawfully detained, awaiting discharge after expiration of their terms of enlistment, and any such person alleged to have committed any offense against these Articles during a prior period of service: Provided, That any person who deserted and subsequently re-entered and was discharged from the naval service shall continue to be subject to these Articles for any offense committed during the period of service from which he deserted;

Second. All reserve personnel of the naval service when employed on authorized training or drill duty, with or without pay, or other equivalent instruction or duty, or when employed in authorized travel to or from such duty, or appropriate duty, drill or instruction, or during such time as they may by law be required to perform active duty, or while wearing a uniform prescribed for reserve personnel of the naval service: Provided, That release from such duty status shall not terminate jurisdiction for offenses theretofore committed; and in such cases, reserve personnel of the naval service may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required therefor;

Third. All retired naval personnel entitled to receive pay;

Fourth. All persons discharged from the naval service subsequently charged with having fraudulently obtained said discharge: Provided, That upon conviction of this offense, said discharge shall be null and void ab initio;

Fifth. All persons in naval custody serving a sentence adjudged by a court martial;

Sixth. All former officers of the naval service dismissed by order of the President who make written application for trial, setting forth under oath that they have been wrongfully dismissed;

Seventh. Personnel of the Coast Guard, Coast and Geodetic Survey, Public Health Service, and other organizations, when actively serving under the Navy Department, pursuant to law, as a part of the naval forces of the United States.

In time of war or national emergency, in addition to the foregoing, the following persons shall be subject to the Articles for the Government of the Navy:

Eighth. Prisoners of war in naval custody;

Ninth. All persons alleged to be spies or saboteurs, or to have brought or delivered, or to have attempted to bring or deliver, any seducing letter or message from an enemy or rebel, or to have endeavored to corrupt any person subject to these Articles to betray his trust;

Tenth. All persons, other than persons in the military service of the United States, outside the continental limits of the United States accompanying or serving with the United States Navy, the Marine Corps, or the Coast Guard when serving as a part of the Navy, including but not limited to persons employed

by the Government directly, or by contractors or subcontractors engaged in naval projects, and all persons, other than persons in the military service of the United States, within an area leased by the United States which is without the territorial jurisdiction thereof and which is under the control of the Secretary of the Navy: Provided, That the jurisdiction herein conferred shall not extend to Alaska, the Canal Zone, the Hawaiian Islands, Puerto Rico, or the Virgin Islands, except the Islands of Palmyra, Midway, Johnston, and that part of the Aleutian Islands west of longitude one hundred and seventy-two degrees west.

(b) Except for desertion in time of war or absence from place of duty without authority in time of war, or for mutiny or murder, no person subject to these Articles shall be tried or punished by a court martial for any offense committed more than two years before the signing of charges and specifications to be preferred against him: Provided, That nothing in this section of this article shall extend to any person fleeing from justice or in the custody of civil authorities or shall be construed to affect the provisions of the Act of Aug. 24, 1942, c. 555, sec. 1, 56 Stat. 747 as amended by the Acts of July 1, 1944, c. 358, sec. 19(b), 58 Stat. 667, and Oct. 3, 1944, c. 479, sec. 28, 58 Stat. 781: Provided further, That before evidence is received on the general issue in any case involving any offense enumerated in this section of this article the judge advocate or, if the trial is before a deck or summary court martial, the court will cause to be noted in the record of proceedings whether the accused desires to plead the limitations on prosecution prescribed in this section in bar of any offense of which he might be convicted under Article 28(a) (2).

(c) The Articles for the Government of the Navy shall extend to all places.

(d) The following shall be offenses against the Articles for the Government of the Navy:

First. Violations of the criminal laws of the United States, whenever enacted, during the time such laws are in force, and any limitation as to territorial jurisdiction shall not apply;

Second. Violations of the treaties or conventions of the United States, whenever adopted, during the time such treaties or conventions are in force;

Third. Violations of such criminal laws of a State, Territory, District, or possession of the United States, or any

political subdivision thereof, in which the acts or omissions occurred, as are in force at the date of the passage of this Act and at the time they occurred;

Fourth. Violations of the laws, orders, regulations, or customs of the naval service;

Fifth. Violations of the law of war.

(e) Whoever aids, abets, counsels, commands, induces, or procures the commission of any offense by another is a principal.

(f) The provisions of these Articles conferring jurisdiction upon courts martial shall not be construed as affecting the jurisdiction of extraordinary military tribunals.

Art. 6. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and Articles of War prescribed for the government of the Army: Provided, That an officer or enlisted person of the Marine Corps when so detached may be tried by military court martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against the Articles of War he may be tried by naval court martial after such detachment ceases.

Art. 7. Officers and enlisted persons of the Medical Department of the Navy, serving with a body of marines detached for service with the Army in accordance with the provisions of Article 6, shall be subject to the provisions of Article 6 in the same manner as officers and enlisted persons of the Marine Corps.

Art. 8. The punishment of death, or such other punishment as a court martial may adjudge, may be inflicted on any person subject to the Articles for the Government of the Navy--

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Second. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander in chief of the fleet, the commander of the squadron or, in case of a vessel or aircraft acting singly, from his commanding officer;

Third. Or, in time of war, deserts or entices others to desert;

Fourth. Or, in time of war, deserts or betrays his trust or entices or aids others to desert or betray their trust;

Fifth. Or sleeps upon his watch;

Sixth. Or intentionally or willfully suffers any vessel or aircraft of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel or aircraft of the Navy, or any part of its tackle, armament, or equipment, whereby the safety of the vessel or aircraft is hazarded or the lives of the crew or passengers exposed to danger;

Seventh. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarter;

Eighth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself;

Ninth. Or in time of battle, deserts his duty or station, or entices others to do so;

Tenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertion to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy;

Eleventh. Or, being in command of a fleet, group of vessels or aircraft, or vessel or aircraft acting singly, neglects, when an engagement is probable, or when an armed vessel or aircraft or an enemy or rebel is in sight, to prepare his ship or ships or aircraft for action;

Twelfth. Or does not use his utmost exertions to join in battle, when so ordered;

Thirteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously;

Fourteenth. Or does not do his utmost to overtake and capture or destroy any vessel or aircraft which it is his duty to encounter;

Fifteenth. Or does not afford all practicable relief and assistance to vessels or aircraft belonging to the United States or its allies, when engaged in battle;

Sixteenth. Or, in time of war, or of rebellion against the supreme authority of the United States, comes or is found in the capacity of a spy or saboteur, or who brings or delivers any seducing letter or message from an enemy or rebel, or endeavors to corrupt any person subject to these Articles to betray his trust;

Seventeenth. Or violates any law or treaty or convention incorporated under Article 5(d) (First), (Second) or (Fifth) of these Articles, the violation of which is, by such law or treaty or convention, punishable by death.

Art. 9. Such punishment, other than death, as a court martial may adjudge may be inflicted upon any person subject to the Articles for the Government of the Navy--

First. Who presents or causes to be presented to any person in the civil, military, or naval service of the United States, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent;

Second. Or enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim;

Third. Or, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement;

Fourth. Or, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be ~~false~~;

Fifth. Or, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited;

Sixth. Or having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt;

Seventh. Or, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States;

Eighth. Or steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof;

Ninth. Or knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in the military or naval service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same;

Tenth. Or executes, attempts, or countenances any other fraud against the United States;

Eleventh. Or is guilty of profane swearing, falsehood, or gambling;

Twelfth. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders;

Thirteenth. Or uses provoking or reproachful words or gestures toward any person in the naval service, or strikes,

threatens to strike, or assaults any person;

Fourteenth. Or endeavors to foment quarrels between other persons in the naval service;

Fifteenth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel;

Sixteenth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while such superior officer is in the execution of his office;

Seventeenth. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer;

Eighteenth. Or utters any seditious or mutinous words;

Nineteenth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty;

Twentieth. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel, or does not use his best exertions to prevent the unlawful destruction of such public property by others;

Twenty-first. Or, through inattention or negligence, suffers any vessel or aircraft of the naval service to be stranded, or run upon a rock or shoal, or hazarded;

Twenty-second. Or, when attached to any vessel appointed as escort to any merchant or other vessel, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessel;

Twenty-third. Or takes, receives, or permits to be received, on board the vessel or aircraft to which he is attached or assigned, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels without authority from the President or Secretary of the Navy;

Twenty-fourth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

threatens to strike, or assaults any person;

Fourteenth. Or endeavors to foment quarrels between other persons in the naval service;

Fifteenth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel;

Sixteenth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while such superior officer is in the execution of his office;

Seventeenth. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer;

Eighteenth. Or utters any seditious or mutinous words;

Nineteenth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty;

Twentieth. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel, or does not use his best exertions to prevent the unlawful destruction of such public property by others;

Twenty-first. Or, through inattention or negligence, suffers any vessel or aircraft of the naval service to be stranded, or run upon a rock or shoal, or hazarded;

Twenty-second. Or, when attached to any vessel appointed as escort to any merchant or other vessel, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessel;

Twenty-third. Or takes, receives, or permits to be received, on board the vessel or aircraft to which he is attached or assigned, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels without authority from the President or Secretary of the Navy;

Twenty-fourth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

Twenty-fifth. Or wastes any ammunition, provisions, or other public property, or having power to prevent it, knowingly permits such waste;

Twenty-sixth. Or, when on shore, plunders, abuses, or maltreats any inhabitant;

Twenty-seventh. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose;

Twenty-eighth. Or, having a duty to receive or guard prisoners, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority;

Twenty-ninth. Or is absent without authority from his place of duty;

Thirtieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy;

Thirty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert;

Thirty-second. Or receives or entertains any deserter from the military or naval service, knowing him to be such, and does not, without delay, give notice of such deserter to his commanding officer or higher authority in the chain of command;

Thirty-third. Or unlawfully receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Thirty-fourth. Or fraudulently enlists in the naval service and receives any pay or allowance thereunder, or fraudulently obtains his discharge from the naval service;

Thirty-fifth. Or is guilty of any irreverent or unbecoming behavior during divine service;

Thirty-sixth. Or strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize;

Thirty-seventh. Or takes out of a prize, or vessel or aircraft seized as a prize, any money, plate, goods, or any part of

the equipment thereof, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels, aircraft, or armed forces of the United States or its allies, before the same is condemned as a lawful prize;

Thirty-eighth. Or, being an officer, knowingly and without specific authority enlists in the naval service any person who has deserted in time of war from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of fourteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of fourteen years;

Thirty-ninth. Or is guilty of forgery, uttering a forgery, burglary, housebreaking, seduction, or sodomy or any other unnatural sexual act;

Fortieth. Or knowingly commits any lascivious or indecent act, or procures another to do so;

Forty-first. Or embezzles, or willfully or maliciously injures or destroys, private property not his own;

Forty-second. Or is guilty of extortion or blackmail;

Forty-third. Or obtains any property not his own by any false pretense, expressed or implied, reasonably calculated to deceive the person to whom the pretense is made as to any existing or past fact, knowingly made with intent to defraud, and with intent permanently to deprive the owner thereof of said property;

Forty-fourth. Or maliciously publishes any writing, picture, sign, or other representation which tends to defame any person in the armed services of the United States, or slanders or threatens any person in the armed services of the United States;

Forty-fifth. Or corruptly, or by threat or force, or by any threatening communication, endeavors to influence, intimidate, or impede any witness in any disciplinary proceeding in the naval service, or injures any witness in his person or property on account of the witness attending or having attended such disciplinary proceeding, or on account of the witness testifying or having testified to any matter therein;

Forty-sixth. Or willfully and corruptly takes any false oath to any material matter, or procures another to do so;

Forty-seventh. Or is contemptuous or disrespectful in language or deportment to or concerning the President, Vice-President, the Congress of the United States, the Secretary of the Navy, or the governor or legislature of any State, Territory, or other possession of the United States in which he is on duty or present;

Forth-eighth. Or divulges information of a secret or confidential nature to any person not entitled to receive the same;

Forty-ninth. Or negligently endangers the life of another;

Fiftieth. Or resists arrest by or disobeys the lawful order of proper authority, or breaks arrest, restriction, or quarantine;

Fifty-first. Or unlawfully detains another person;

Fifty-second. Or uses a vehicle not his own without authority;

Fifty-third. Or, while under the influence of alcoholic liquors or narcotic drugs, operates any vehicle;

Fifty-fourth. Or operates any vehicle in a reckless or wanton manner;

Fifty-fifth. Or is incapacitated for the proper performance of duty by the use of, or previous indulgence in, alcoholic liquors or narcotic drugs, or by self-injury inflicted with intent to incapacitate, or by refusing to submit to medical or surgical treatment with intent to remain unfit for duty;

Fifty-sixth. Or feigns sickness or any physical disablement or mental lapse or derangement, for the purpose of escaping work or duty;

Fifty-seventh. Or, without authority, deliberately and willfully misses his ship or mobile unit;

Fifty-eighth. Or exhibits a deliberate indifference to his just financial obligations;

Fifty-ninth. Or, in any way other than specifically pro-

vided against herein, being an officer, so seriously offends against law, justice, morality, or decorum as to expose the offender, socially as a man or woman, to disgrace, and at the same time to bring, through the nature of the act or the circumstances under which it was committed, dishonor or disrepute upon the naval profession;

Sixty. Or fails to comply with or violates any provision of Articles 1, 3, 12, or 13 of these Articles;

Sixty-first. Or is guilty of any disorder or neglect to the prejudice of good order and discipline or any conduct of a nature to bring discredit upon the naval service other than any disorder or neglect or conduct mentioned in these Articles;

Sixty-second. Or is guilty of an attempt, or of a conspiracy, or of a solicitation, to commit any offense against these Articles;

Sixty-third. Or is guilty of any violation which is an offense against the Articles for the Government of the Navy under Article 5(d).

Art. 10. Any officer who absents himself from his command without authority, may, by the sentence of a court martial, be reduced to the rating of seaman, second class.

Art. 11. Any commissioned officer of the Navy or Marine Corps, who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter.

Art. 12. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted men on vessels of the Navy, or at navy yards or naval stations, for his own account or benefit.

Art. 13. Distilled spirits shall be admitted on board naval vessels or aircraft only upon the order and under the control of the commanding officers of such vessels of aircraft, and to be used only for non-beverage purposes.

Art. 14(a). No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days unless a further period is necessary to bring the offender to trial by a court martial; nor shall he inflict, or cause to be inflicted, upon any enlisted person, for a single offense, or at any one time, any other than one of the following punishments, namely:

First. Reduction to the next inferior rank or rating;

Second. Solitary confinement on bread and water not exceeding five days, to run consecutively;

Third. Confinement not exceeding ten days, to run consecutively, unless further confinement be necessary, in the case of a prisoner to be tried by court martial;

Fourth. Deprivation of liberty on shore for a period not exceeding one month;

Fifth. Extra duties not exceeding one month;

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a court martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

(b) All officers who are empowered to convene summary courts martial shall have the same authority as that of a commander of a vessel to inflict punishments for minor offenses committed by persons regularly or temporarily under their command: Provided, That such officers may delegate to their subordinate officers on separate or detached duty the authority to inflict the punishments set forth in Article 14(a).

(c) As an alternative to a punishment provided for in this article, loss of pay, not exceeding one-half of one month's pay, may, in time of war or national emergency, or when specifically authorized by the Secretary of the Navy, in time of peace, be inflicted as a punishment, for a single offense, or at any one time.

(1) Upon any officer by an officer having authority to convene a general court martial for the trial of the offender.

(2) upon any enlisted person by an officer having authority to convene a summary court martial for the trial of the offender:

Provided, That a full report be made of the infliction under this article of any punishment involving loss of pay,

(1) to the Secretary of the Navy by the officer inflicting this punishment upon an officer,

(2) to the next senior officer in the chain of command by an officer inflicting this punishment upon an enlisted person.

(d) No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishments than confinement or suspension from duty.

Art. 15. All officers who are empowered to convene summary courts martial may convene deck courts martial for the trial of enlisted persons regularly or temporarily under their command or charge for minor offenses triable by summary courts martial.

Art. 16(a) Deck courts martial shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths and to hear and determine cases.

(b) A deck court martial shall have power to impose either a part or the whole of any one of the following punishments:

First. Reduction to the next inferior rank or rating;

Second. Solitary confinement on bread and water with full ration every third day for a period not exceeding twenty days, to run consecutively;

Third. Confinement, or restriction within stated limits, for a period not exceeding one month;

Fourth. Deprivation of liberty on shore for a period not exceeding one month;

Fifth. Loss of pay not to exceed one month's pay.

(c) Loss of pay not to exceed one month's pay may be imposed in addition to any one of the punishments enumerated under Second, Third and Fourth of section (b) of this article.

(d) Any person in the naval service under command of the officer by whose order a deck court martial is convened may be detailed to act as clerk thereof.

(e) The record of the proceedings of deck courts martial shall contain such matters only as are necessary to enable the reviewing authorities to act thereon.

(f) No person who objects thereto shall be brought to trial before a deck court martial. Where such objection is made by the person accused, trial shall be ordered by summary or general court martial, as may be appropriate.

Art. 17. Commanding officers of naval vessels and such other officers in command or in charge of naval forces or activities as may be designated by the Secretary of the Navy may convene summary courts martial for the trial of enlisted persons regularly or temporarily under their command or charge for alleged offenses deemed deserving of greater punishment than he is authorized to inflict, but not sufficient to require trial by general court martial.

Art. 18. (a) A summary court martial shall consist of three commissioned officers.

(b) For every summary court martial, the convening authority shall appoint a prosecutor and a defense counsel, who shall be persons qualified to perform such duties. This shall not affect the right of the accused to counsel of his own choice.

(c) It shall be the duty of the prosecutor, under such rules of practice, pleading and procedure as the Secretary of the Navy may prescribe, (1) to summon all witnesses and (2) to keep the record of proceedings.

Art. 19. The senior member of the summary court martial shall administer the following oath or affirmation to the prosecutor: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof." This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the prosecutor: "I, A B, do swear (or affirm) that I will truly try, without prejudice or partiality, the case(s) now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court unless required so to do

before a court of justice in due course of law." These oaths shall not be required if the accused was present when such oaths were previously administered: Provided, That the right of an accused to challenge any member of the court shall not thereby be prejudiced.

Art. 20. (a) A summary court martial shall have power to impose either a part or the whole of any one of the following punishments:

First. Discharge with a bad conduct discharge;

Second. Reduction to the next inferior rank or rating;

Third. Solitary confinement on bread and water with full ration every third day for a period not exceeding thirty days, to run consecutively;

Fourth. Confinement, or restriction within stated limits, for a period not exceeding six months, to run consecutively;

Fifth. Deprivation of liberty on shore for a period not exceeding three months, to run consecutively;

Sixth. Loss of pay not to exceed six months' pay.

(b) Confinement for a period not exceeding three months, to run consecutively, and loss of pay not to exceed three months' pay may be imposed in addition to a bad conduct discharge; and loss of pay not to exceed six months' pay may be imposed in addition to any one of the punishments enumerated under (Third), (Fourth), and (Fifth) of section (a) of this article.

Art. 21. The records of proceedings of all courts martial shall be transmitted to the Navy Department to be kept on file: Provided, That the records of summary and deck courts martial may be destroyed in the discretion of the Secretary of the Navy at such time as their retention will serve no useful purpose.

Art. 22. General courts martial may be convened:

First. By the President, the Secretary of the Navy, the commander in chief of a fleet, and the commanding officer of a naval station or a larger shore activity beyond the continental limits of the United States; and

Second. When empowered by the Secretary of the Navy, by the commanding officer of a division, squadron, flotilla, or other naval force afloat, and by the commandant or commanding

officer of any naval district, naval base, or naval station, and by the commandant, commanding officer, or chief of any other force or activity of the Navy or Marine Corps, not attached to a naval district, naval base, or naval station.

Art. 23. A general court martial shall have jurisdiction to try and punish any person subject to the Articles for the Government of the Navy for any offense against said Articles.

Art. 24. (a) A general court martial shall consist of not less than five commissioned officers as members. In no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the person to be tried. The senior officer shall always preside and the others shall take place according to their rank.

(b) For every general court martial, the convening authority shall appoint: (1) a prosecutor and a defense counsel, who shall be certified by the Judge Advocate General as persons qualified to perform such duties, but the appointment of such defense counsel shall not affect the right of the person accused to counsel of his own choice; and (2) a judge advocate, whose duties it shall be (1) to advise the court on all matters of law arising during the trial of the case; (2) to rule on interlocutory questions, except challenges; (3) in open court, to instruct the court upon the law of the case; and (4) to perform such other duties as the Secretary of the Navy may prescribe: Provided, That the judge advocate may be overruled by a majority vote of the court, in which case the reasons therefor shall be spread upon the record: Provided further, That the judge advocate shall be an officer certified by the Judge Advocate General as qualified to perform the duties herein prescribed and who shall be responsible to the Judge Advocate General for the performance thereof: And Provided further, That the judge advocate shall be subject to challenge.

Art. 25. The president of the general court martial shall administer the following oath or affirmation to the judge advocate: "I, A B, do swear (or affirm) that I will discharge all my duties as judge advocate of this court without prejudice or partiality or fear of disfavor." This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge advocate: "I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case(s) now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the

court unless required so to do before a court of justice in due course of law." These oaths shall not be required if the accused was present when such oaths were previously administered: Provided, That the right of an accused to challenge any member of the court or the judge advocate shall not thereby be prejudiced.

Art. 26. An oath or affirmation in the following form shall be administered to all witnesses, before any court martial, by the president or senior member thereof: "You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth. So help you God (or 'this you do under the pains and penalties of perjury')." "

Art. 27. Whenever a general court martial is reduced below five members the reduced court may, with the consent of the accused, proceed to a final determination of the case being tried: Provided, That if the accused does not give his consent the convening authority may appoint new members sufficient in number to provide not less than five members, such new members to be subject to challenge: Provided further, That upon the new members taking their seats the trial may proceed after recorded testimony of each witness previously examined has been read to the witness in open court and verified by him and after such further examination of the witness thereon as any new member may require.

Art. 28. (a) (1) Every finding shall be determined by a majority vote. A tie vote shall be a determination in favor of the accused. The court shall announce its findings in open court as soon as they have been determined.

(2) A court martial may convict the accused of the offense charged, or a lesser and included offense, or an attempt of either, or of a lesser but not included offense. A lesser but not included offense shall be construed to mean an offense which is not included in the offense charged only because of proof of criminal negligence instead of criminal intent.

(b) It shall be the duty of a court martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing.

(c) No person shall be sentenced to death, except by the concurrence of all the members of the court martial, and then only for the offenses for which the punishment of death is expressly provided in Article 8 of these Articles subject to any exceptions which the President may have prescribed under Article 33 (b) of these Articles; nor sentenced to life imprisonment, nor to confinement for more than ten years, except by the concurrence of three-fourths of all the members. All other sentences, by general or summary court martial, shall be determined by a two-thirds vote of the members. Every court shall announce in open court the sentence and recommendations to clemency, if any, as soon as determined.

Art. 29. The record of every general court martial shall be authenticated by the signatures of the president and of the judge advocate; but in case the record can not be authenticated by the president and the judge advocate, by reason of death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by another member in lieu of the judge advocate.

Art. 30. Any punishment which a summary court martial is authorized to inflict may be inflicted by a general court martial.

Art. 31. In no case shall punishment by flogging, or by branding, marking or tattooing on the body be adjudged by any court martial or be inflicted upon any person in the naval service. The use of irons, single or double, is abolished, except for the purpose of safe custody.

Art. 32. A naval court martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated.

Art. 33. (a) No court martial shall adjudge a sentence of imprisonment upon conviction of an offense under the laws specified in Article 5 (a), First, of these Articles, in excess of the period prescribed for that offense in such laws,

but such limitations upon the period of imprisonment shall not affect the power to impose additional or other types of punishment authorized by these Articles.

(b) The President is authorized to prescribe a limitation of the punishment which may be inflicted under any of these Articles; and thereafter, such limitation while in force shall not be exceeded.

Art. 34. Whenever a court martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

Art. 35. (a) A general court martial, a summary court martial, and a court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, District, or possession where such naval court shall be ordered to sit may lawfully issue. Such process shall run to any part of the United States, its Territories and possessions.

(b) Any person, not subject to the Articles for the Government of the Navy, duly subpoenaed to appear as a witness before a general court martial, summary court martial, or court of inquiry, who fails to appear or refuses to qualify as a witness or to testify or produce documentary evidence, which such person may have been legally subpoenaed to produce, or who refuses to give his evidence or to give it in the manner provided by these Articles, or behaves with contempt to the court, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: Provided, That the fees of such witness and his mileage in the rates provided for witnesses in the United States district court for said State, Territory, District, or possession shall be duly paid or tendered said witness, such amounts to be paid by the Navy Department out of the appropriations made therefor.

(c) Whenever any person, subject to the Articles for the Government of the Navy, refuses to give his evidence before a general or summary court martial or court of inquiry or to give it in the manner provided by these Articles or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

Art. 36. Except in trials by courts martial of offenses in which the maximum punishment is death under Article 8 of these Articles and not excepted by the maximum limitations of punishment which the President may have prescribed under Article 33 (b) of these Articles, a duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any naval court when it appears to the satisfaction of the judge advocate of the general court martial, or the senior member of the summary court martial, or the deck court-martial officer, or the president of the court of inquiry, that the witness, by reason of death, age, sickness, bodily infirmity, imprisonment, or military necessity, is unable to, or in foreign places, because of nonamenability to process, refuses to appear and testify in person at the place of trial or hearing: Provided, That the accused, or defendant, and his counsel, or a representative of the accused or defendant if so desired by the accused or defendant, shall be given an opportunity to be present and cross-examine any deponent against the accused or defendant, unless the Secretary of the Navy has, in extraordinary circumstances, expressly authorized the taking of the deposition without the granting of such opportunity.

Art. 37. A court martial may, for reasonable cause, grant a continuance for such time and as often as may appear to be just. In time of peace no person shall, against his objection, be brought to trial before a general, summary, or deck court martial, within periods of five days, three days, and 24 hours, subsequent to the service of specifications upon him, respectively.

Art. 38. In every court-martial proceeding in which the accused pleads not guilty, the defense counsel, if there be one, shall, in the event of conviction, attach to the record of proceedings either a brief of such matters as he feels should be considered on behalf of the accused on review or a signed statement setting forth his reasons for not so doing.

Art. 39. (a) Every punishment, except death, dismissal, discharge, or reduction in rank or rating, imposed by the sentence of a general court martial shall be executed upon announcement of the sentence by the court: Provided, That reduction in rank or rating shall be effective upon the date of the forwarding of the record of proceedings by the convening authority to the Navy Department without having remitted or suspended the reduction in rank or rating: Provided further, That a discharge shall be executed only after

confirmation by the Secretary of the Navy or other authority duly appointed by him; that a dismissal shall be executed only after confirmation by the President or, when empowered by the President, by the Secretary of the Navy; and that a punishment of death shall be executed only after confirmation by the President.

(b) The convening authority of any court martial shall have the power, to remit or mitigate, but not to commute, the punishment imposed by the sentence of any court martial convened by him.

(c) Every punishment imposed by the sentence of a summary court martial, except discharge or reduction in rank or rating, or of a deck court martial, except reduction in rank or rating, shall be executed upon announcement of the sentence by the court: Provided, That a discharge shall be executed only after confirmation by the Secretary of the Navy or of other authority duly appointed by him: Provided further, That reduction in rank or rating shall be executed upon the date of forwarding of the record of proceedings by the authority exercising the power of legal review to the Navy Department without having remitted or suspended the reduction in rank or rating.

(d) The officer empowered to convene general courts martial who is next senior in the chain of command to any convening authority of summary or deck courts martial shall be the reviewing authority as to legality of the proceedings, findings, and sentences thereof, if such reviewing authority be present or found by the convening authority to be reasonably available: Provided, That if such reviewing authority be not present or found to be so available, the convening authority shall review the records of such courts as to legality: Provided further, That the reviewing authority shall have the power to set aside the proceedings, findings, and sentence or to remit or mitigate, but not to commute, the punishment imposed by the sentence of any such summary or deck court martial: And Provided further, That the power to set aside shall include the power to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of an offense of which the accused might have been convicted under Article 28 (a) (2).

(e) The proceedings, findings, and sentence of every general court martial shall, and of any other court martial may, be reviewed as to legality in the Office of the Judge Advocate General of the Navy: Provided, That the Judge Advocate General of the Navy shall have the power to set

aside the proceedings, findings, and sentence of any court martial: Provided further, That the power to set aside shall include the power to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of an offense of which the accused might have been convicted under Article 28 (a) (2).

(f) The sentence of every general court martial and of such other courts martial as may be designated by the Secretary of the Navy, shall, under such regulations as the Secretary of the Navy may prescribe, be reviewed by a clemency board appointed by the Secretary of the Navy: Provided, That such clemency boards shall have the power to remit, mitigate or commute the sentence, in whole or in part, imposed by any naval court martial except a court martial convened by the Secretary of the Navy or by the President, in which case like power shall repose in the convening authority.

(g) The proceedings, findings, and sentence of every court martial shall upon request by the convicted person made within one year after such person has been informed that the review of his case has been completed and under such regulations as the Secretary of the Navy may prescribe, be reviewed by a board of appeals appointed by the Secretary of the Navy to serve in his office: Provided, That such boards of appeals shall have the power to take any action which could have been taken by the Judge Advocate General under section (e) of this article and by a clemency board under section (f) of this article: Provided further, That any officer dismissed shall, upon the setting aside or remission of the dismissal on such subsequent review, be restored, without further appointment or confirmation and without regard to the number of officers authorized or appropriated for, to the rank and precedence to which he would be entitled if he had not been dismissed; but no pay or allowances shall be held to have accrued from the date of his dismissal to the date of his restoration.

(h) The Secretary of the Navy shall have the power to set aside the proceedings, findings, and sentence, or to remit, or mitigate, or commute the sentence, in whole or in part, imposed by any naval court martial except a court martial convened by the President, in which case like power shall repose in the President: Provided, That upon the request provided for in section (g) of this article, in cases convened by the Secretary of the Navy or by the President, the convening authority shall have the power to revoke his former action and to take any action which he could have taken at the time the case was first presented for confirmation: Provided further, That the effect of the remission of a dismissal shall have the same effect as provided in the last proviso of section (g) of this article.

(i) No record of proceedings of a court martial shall be returned to the court for the purpose of reconsidering a finding of "not proved" or "not guilty" or for reconsideration of a sentence with a view to increasing its severity.

(j) The Secretary of the Navy is authorized and directed to issue such regulations as may be necessary to assure that the members of every court martial shall be free to perform their sworn duties without any coercion or influence, directly or indirectly, on the part of any person in the naval service.

Art. 40. No officer shall be dismissed from the naval service except by sentence of a general court martial, or in mitigation or commutation thereof, or, in time of war, by order of the President: Provided, That the President is authorized to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a State or Federal penitentiary: Provided further, That no officer so dropped shall be eligible for reappointment.

Art. 41. When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court martial to try such officer on the charges on which he shall have been dismissed. And if such court martial shall not be convened, within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

Art. 42. (a) Courts of inquiry may be convened by any person authorized to convene general courts martial. A court of inquiry shall consist of three or more commissioned officers.

(b) Boards of investigation composed of two or more officers and investigations conducted by one officer may be convened by any person authorized to convene courts of inquiry, and by such other officers as the Secretary of the Navy may designate.

(c) For every court of inquiry and board of investigation, the convening authority shall appoint a counsel to assist the court or board in its duties.

(d) Any person subject to these Articles, or in the employ of the naval service, whose conduct shall be the subject of inquiry, or his counsel, shall have the right to ~~cross-examine~~ all the witnesses.

(e) Any person subject to these Articles, or in the employ of the naval service, who has an interest in the subject of inquiry shall have the right to be present and to be represented by counsel of his own choice.

Art. 43. Courts of inquiry, and, when empowered by the convening authority, boards of investigation and investigations conducted by one officer shall have power to administer oaths. They shall make findings of fact, and when required so to do, express opinions and make recommendations.

Art. 44. The proceedings of courts of inquiry shall be authenticated by the signatures of the president of the court and of the counsel for the court; but in case the proceedings cannot be authenticated by the signatures of the president and of the counsel by reason of death, disability, or absence of either or both of them, they shall be signed by a member in lieu of the president and by another member in lieu of the counsel. The sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained shall be evidence before a court martial of a defendant before said court of inquiry: Provided, That where such testimony is used in evidence against the accused person, other than under the general rules of evidence, the punishment imposed shall not extend to death.

Art. 45. When actively serving under the Navy Department, pursuant to law, as a part of the naval forces of the United States, commissioned officers of the Naval Reserve, Marine Corps Reserve, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and other organizations serving as a part of the naval forces of the United States, shall be eligible to serve on naval courts martial and fact-finding bodies.

Art. 46. When a force of marines is embarked on a naval vessel, or vessels, as a separate organization, not a part of the authorized complement thereof, the authority and powers of the officers of such separate organizations of marines shall be the same as though such organization were serving at a naval station on shore, but nothing herein shall be construed as impairing the paramount authority of the commanding officer of any vessel over the vessel under his command and all persons embarked thereon.

Art. 47. (a) Such officers as may be designated by the Secretary of the Navy shall at all times have authority to administer oaths for the purpose of naval administration, including naval justice, and shall have the general powers of a notary public and of a consul of the United States, in the performance of all notarial acts.

(b) No fee of any character shall be paid to or accepted by any officer for the performance of any notarial act herein authorized.

(c) The signature without seal of any such officer acting as such notary public shall be prima facie evidence of his authority.

Art. 48. The Secretary of the Navy is authorized to prescribe, and to modify from time to time, the rules of pleading and procedure, including modes of proof, in proceedings before naval courts martial, other naval tribunals, and fact-finding bodies as will insure the enforcement of discipline and the fair and impartial administration of justice in the United States naval service: Provided, That, in so far as applicable, such modes of proof shall follow the law of evidence prevailing in the district courts of the United States in the trial of criminal cases: Provided further, That nothing contrary to or inconsistent with these Articles shall be so prescribed.

CROSS-REFERENCE
 from
 PROPOSED AGN
 to
 EXISTING LAW

| <u>AGN amended as proposed</u> | <u>Derived from (existing AGN except as noted)</u> | <u>Proposed AGN found in BILL SEC</u> |
|------------------------------------|--|---|
| 1 | 1 | 1 |
| 2 | 2 | --- |
| 3 | 20 | 13 |
| 4 | 21 | 14 |
| 5 (a) | New | 47 |
| (1) | 52 Stat 780; RS 1621, 1422 | |
| (2) | 52 Stat 1180, 1175 | |
| (3) | RS 1457, 1621; 52 Stat 1175, 1176 | |
| (4) | New | |
| (5) | New | |
| (6) | 37 | |
| (7) | 39 Stat 600, 602; 40 Stat 37; 58 Stat 690, 691 | |
| (8) | New | |
| (9) | 5 | |
| (10) | 34 USC 1201 | |
| (b) | 61; 62 | |
| (c) | 23 | |
| (d) | New | |
| (1) | 22(a) | |
| (2) | 22(a) | |
| (3) | 22(a) | |
| (4) | 22(a) | |

AGN amended
as proposed

Derived from
(existing AGN
except as noted)

Proposed AGN
found in
BILL SEC

| | | | | |
|---|------|------------|-------------|----|
| | (5) | | 22 (a) | |
| | (e) | | New | |
| | (f) | | New | |
| 6 | | 34 USC 716 | | 47 |
| 7 | | 34 USC 716 | | 47 |
| 8 | | | 4 | 3 |
| | (1) | | 4 (1) | |
| | (2) | | 4 (4) | |
| | (3) | | 4 (6) | |
| | (4) | | 4 (7) | |
| | (5) | | 4 (8) | |
| | (6) | | 4 (10) | |
| | (7) | | 4 (12) | |
| | (8) | | 4 (13) | |
| | (9) | | 4 (14) | |
| | (10) | | 4 (15) | |
| | (11) | | 4 (16) | |
| | (12) | | 4 (17) | |
| | (13) | | 4 (18) | |
| | (14) | | 4 (19) | |
| | (15) | | 4 (20) | |
| | (16) | | 5 | |
| | (17) | | 6 | |
| 9 | | | 8;14 | 11 |
| | (1) | | 14 (1) | |
| | (2) | | 14 (2) | |
| | (3) | | 14 (3) | |
| | (4) | | 14 (4) | |
| | (5) | | 14 (5) | |
| | (6) | | 14 (6) | |
| | (7) | | 14 (7) | |
| | (8) | | 14 (8) | |
| | (9) | | 14 (9) | |
| | (10) | | 14 (10) | |
| | (11) | | 8 (1) | |
| | (12) | | 8 (2) | |
| | (13) | | 4 (3)?;8(3) | |
| | (14) | | 8 (4) | |
| | (15) | | 8 (5) | |
| | (16) | | 8 (6) | |
| | (17) | | 8 (7) | |
| | (18) | | 8 (8) | |
| | (19) | | 8 (9) | |
| | (20) | | 4(11);8(10) | |
| | (21) | | 8(11) | |

AGN amended
as proposed

Derived from
(existing AGN
except as noted)

Proposed AGN
found in
BILL SEC

| | | |
|------|------------------|---|
| (22) | 8(12) | |
| (23) | 8(13) | |
| (24) | 8(14) | |
| (25) | 8(15) | |
| (26) | 8(16) | |
| (27) | 8(17) | |
| (28) | 8(18) | |
| (29) | 4 (9);8(19);46 | |
| (30) | 8(20) | |
| (31) | 8(21) | |
| (32) | 8(22) | |
| (33) | 4 (5) | |
| (34) | 22 (b);22(a) | |
| (35) | 3 | |
| (36) | 17 | |
| (37) | 16 | |
| (38) | 19 | |
| (39) | 8 (1) | |
| (40) | 8 (1) | |
| (41) | 22 (a) | |
| (42) | 22 (a) | |
| (43) | 8 (1) | |
| (44) | 22 (a) | |
| (45) | 22 (a) | |
| (46) | 22 (a) | |
| (47) | 22 (a) | |
| (48) | 8(20);22(a) | |
| (49) | 22 (a) | |
| (50) | 4 (2);22(a) | |
| (51) | 22 (a) | |
| (52) | 22 (a) | |
| (53) | 22 (a) | |
| (54) | 22 (a) | |
| (55) | 22 (a) | |
| (56) | 22 (a) | |
| (57) | 22 (a) | |
| (58) | 22 (a) | |
| (59) | 22 (a) | |
| (60) | 1,11,13,20,22(a) | |
| (61) | 22 (a) | |
| (62) | 8 (1);22(a) | |
| (63) | 8 (1);12;22(a) | |
| 10 | 9 | 7 |
| 11 | 10 | 8 |
| 12 | 11 | 8 |

| <u>AGN amended as proposed</u> | <u>Derived from (existing AGN except as noted)</u> | <u>Proposed AGN found in BILL SEC</u> |
|------------------------------------|--|---|
| 13 | 13 | 10 |
| 14(a) | 24 | 16 |
| (1) | 24 (1) | |
| (2) | 24 (3) | |
| (3) | 24 (2) | |
| (4) | 24 (5) | |
| (5) | 24 (6) | |
| (b) | 25 (a) | |
| (c) | New | |
| (d) | 25 (b) | |
| 15 | 64 (a) | 47 |
| 17(a) | 64 (b) | 47 |
| (b) | 64 (b) | |
| (c) | 64 (b) | |
| (d) | 64 (c) | |
| (e) | 64 (f) | |
| (f) | 64 (g) | |
| 17 | 26; 66 | 18 |
| 18(a) | 27 | 19 |
| (b) | 27 | |
| (c) | New | |
| 19 | 28 | 20 |
| 20(a) | 30 | 22 |
| (1) | 30 (1) | |
| (2) | 30 (5) | |
| (3) | 30 (2) | |
| (4) | 30 (4) | |
| (5) | 30 (6) | |
| (6) | 30 (7) | |
| (b) | 30 (7) | |
| 21 | 34 | 24 |
| 22 | 38 | 28 |
| 23 | New | 47 |
| 24 | 39 | 29 |
| (a) | 39 | 29 |
| (b) | New | 30 |
| 25 | 40 | 30 |
| 26 | 41 | 31 |
| 27 | 47 | 34 |
| 28(a) (1) | New | 47 |
| (2) | New | |
| (b) | 51 | |

| <u>AGN amended as proposed</u> | <u>Derived from (existing AGN except as noted)</u> | <u>Proposed AGN found in BILL SFC</u> |
|------------------------------------|--|---|
| (c) | 50 | |
| 29 | 52 | 38 |
| 30 | 35 | 25 |
| 31 | 49 | 36 |
| 32 | 7 | 5 |
| 33 (a) | New | 47 |
| (b) | 63 | |
| 34 | 48 | 35 |
| 35 (a) | 42(b);57 | 32 |
| (b) | 42(a)(b) | |
| (c) | 42(a) | |
| 36 | 68 | 47 |
| 37 | 43;45 | 47 |
| 38 | New | 47 |
| 39 (a) | 53 | 39 |
| (b) | 33;54(a);64(d) | |
| (c) | 32;64(d) | |
| (d) | 32;33;64(d) | |
| (e) | 32;53;64(d) | |
| (f) | 33;54(a);64(d) | |
| (g) | 64(f) | |
| (h) | 54(b) | |
| (i) | New | |
| (j) | New | |
| 40 | 36 | 26 |
| 41 | 37 | 27 |
| 42 (a) | 55 | 41 |
| (b) | 56 | |
| (c) | 56 | |
| (d) | 59 | |
| (e) | 59 | |
| 43 | 57;70 | 43 |
| 44 | 60 | 45 |
| 45 | 65 | 47 |
| 46 | 67 | 47 |
| 47 | 69;49 Stat 161; 57 Stat 58. | 47 |
| 48 | 29;34;64(e) | 47 |

CROSS-REFERENCE
from
EXISTING LAW
to
PROPOSED AGN

| <u>AGN as existing law</u> | <u>AGN amended as proposed</u> | <u>Disposition of old AGN found in Bill Sec.</u> |
|------------------------------------|------------------------------------|--|
| 1 | 1;9(60) | 1;11 |
| 2 | 2 | -- |
| 3 | 9(35) | 2(R)*;11 |
| 4 | 8 | 3 |
| (1) | 8 (1) | 3 |
| (2) | 9(50) | 11 |
| (3) | 9(13) | 11 |
| (4) | 8 (2) | 3 |
| (5) | 9(33) | 11 |
| (6) | 8 (3) | 3 |
| (7) | 8 (4) | 3 |
| (8) | 8 (5) | 3 |
| (9) | 9(29) | 11 |
| (10) | 8 (6) | 3 |
| (11) | 9(20) | 11 |
| (12) | 8 (7) | 3 |
| (13) | 8 (8) | 3 |
| (14) | 8 (9) | 3 |
| (15) | 8(10) | 3 |
| (16) | 8(11) | 3 |
| (17) | 8(12) | 3 |
| (18) | 8(13) | 3 |
| (19) | 8(14) | 3 |
| (20) | 8(15) | 3 |
| 5 | 8(16);5(a)(9) | 3;4(R);47 |
| 6 | 8(17) | 3;4(R) |
| 7 | 32 | 5 |
| 8 | 9 | 6(R);11 |
| (1) | 9(11),(39),(40), (43),(62),(63) | 11 |
| (2) | 9(12) | 11 |
| (3) | 9(13) | 11 |
| (4) | 9(14) | 11 |
| (5) | 9(15) | 11 |
| (6) | 9(16) | 11 |
| (7) | 9(17) | 11 |

* (R) indicates section of bill repealing existing law.

| <u>AGN as existing law</u> | <u>AGN amended as proposed</u> | <u>Disposition of old AGN found in Bill Sec.</u> |
|------------------------------------|------------------------------------|--|
| (8) | 9 (18) | 11 |
| (9) | 9 (19) | 11 |
| (10) | 9 (20) | 11 |
| (11) | 9 (21) | 11 |
| (12) | 9 (22) | 11 |
| (13) | 9 (23) | 11 |
| (14) | 9 (24) | 11 |
| (15) | 9 (25) | 11 |
| (16) | 9 (26) | 11 |
| (17) | 9 (27) | 11 |
| (18) | 9 (28) | 11 |
| (19) | 9 (29) | 11 |
| (20) | 9 (30), (48) | 11 |
| (21) | 9 (31) | 11 |
| (22) | 9 (32) | 11 |
| 9 Code. | 10 | 7 |
| 10 | 11 | 8 |
| 11 | 9 (60); 12 | 8; 11 |
| 12 | 9 (63) | 9(R); 11 |
| 13 | 9 (60); 13 | 10; 11 |
| 14 | 9 | 11 |
| (1) | 9 (1) | 11 |
| (2) | 9 (2) | 11 |
| (3) | 9 (3) | 11 |
| (4) | 9 (4) | 11 |
| (5) | 9 (5) | 11 |
| (6) | 9 (6) | 11 |
| (7) | 9 (7) | 11 |
| (8) | 9 (8) | 11 |
| (9) | 9 (9) | 11 |
| (10) | 9 (10) | 11 |
| (11) | -- | -- |
| 15 <u>Non-existent</u> | -- | -- |
| 16 | 9 (37) | 11; 12(R) |
| 17 | 9 (36) | 11; 12(R) |
| 18 Code. | -- | 12(R) |
| 19 | 9 (38) | 11; 12(R) |
| 20 | 3; 9 (60) | 13; 11 |

AGN
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Disposition
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| | | | | |
|-------------|--|--|--|-----------|
| 21 | | 4 | | 14 |
| 22 (a) | | 9 (41), (42), (44)- (46); (48)-(63) | | 11; 15(R) |
| (b) | | 9 (34) | | 11; 48(R) |
| 23 | | 5 (d) | | 15(R); 47 |
| 24 | | 14 (a) | | 16 |
| 25 (a) Code | | 14 (b) | | 16; 17(R) |
| (b) | | 14 (d) | | 16 |
| 26 | | 17 | | 18 |
| 27 | | 18 (a) | | 19 |
| 28 | | 19 | | 20 |
| 29 | | 48 | | 21(R); 47 |
| 30 | | 20 (a) | | 22 |
| 31 | | -- | | 23(R) |
| 32 | | 39 (c)(d)(e) | | 23(R); 39 |
| 33 | | 39 (b)(f) | | 23(R); 39 |
| 34 Code | | 21, 48 | | 24; 47 |
| 35 | | 30 | | 25 |
| 36 | | 40 | | 26; 48(R) |
| 37 | | 5 (a)(6); 41 | | 27; 47 |
| 38 | | 22 | | 28 |
| 39 | | 24 | | 29 |
| 40 | | 25 | | 30 |
| 41 | | 26 | | 31 |
| 42 (a) | | 35 (b), (c) | | 32 |
| (b) Code | | 35 (a) | | 32 |
| (c) Code | | 35 (b) | | 32 |
| 43 | | 37 | | 33(R); 47 |
| 44 | | -- | | 33(R) |
| 45 | | 37 | | 33(R); 47 |
| 46 | | 9 (29) | | 11; 33(R) |
| 47 | | 27 | | 34 |
| 48 | | 34 | | 35 |
| 49 | | 31 | | 36 |
| 50 | | 28 (c) | | 37(R); 47 |
| 51 | | 28 (b) | | 37(R); 47 |
| 52 | | 29 | | 38 |
| 53 | | 39 (a)(e) | | 39 |
| 54 (a) | | 39 (b)(f) | | 39; 40(R) |
| (b) Code | | 39 (h) | | 39 |
| 55 | | 42 (a) | | 41 |

AGN
as
existing law

AGN amended
as proposed

Disposition
of old AGN
found in
Bill Sec.

| | | | |
|-------|-------------------------------|--------------|---------------|
| 56 | | 42(b) | 41; 42(R) |
| 57 | | 35(t); 43 | 32; 43 |
| 58 | | -- | 44(R) |
| 59 | | 42(d)(e) | 41; 44(R) |
| 60 | | 44 | 45 |
| 61 | | 5(b) | 46(R); 47 |
| 62 | | 5(b) | 46(R); 47 |
| 63 | | 33(b) | 46(R); 47 |
| 64(a) | Code | 15 | 47; 48(R) |
| | (b) Code | 16(a) b)(c) | 47; 48(R) |
| | (c) Code | 16(d) | 47; 48(R) |
| | (d) Code | 39(b)-(f) | 39; 48(R) |
| | (e) Code | 48 | 47; 48(R) |
| | (f) Code | 16(e) | 47; 48(R) |
| | (g) Code | 16(f); 39(g) | 47; 48(R) |
| 65 | Code | 45 | 47; 48(R) |
| 66 | Code | 17 | 18 |
| 67 | Code | 46 | 47 |
| 68 | Code | 36 | 47 |
| 69 | Code | 47 | 47; 48(R) |
| 70 | Code | 43 | 48 |
| 34 | USC 715 | 6 | 47 |
| 34 | USC 716 | 7 | 47 |
| 22 | Mar 43, c. 18, 57 Stat 41 | 5(a)(10) | 47; 48(R) |
| 25 | Apr 35, c. 81, 49 Stat 161 | 47 | 47; 48(R) |
| 9 | Apr 43, c. 36, 57 Stat 58 | 47 | 47; 48(R) |