

Right of officers summarily dismissed to demand a trial by Court Martial.

I..The following section of the act of Congress approved March 3, 1865, chapter 79, is published for the information of all concerned:

SEC. 12. *And be it further enacted*, That in case any officer of the military or naval service who may be hereafter dismissed by authority of the President, shall make an application in writing for a trial, setting forth, under oath, that he has been wrongfully and unjustly dismissed, the President shall, as soon as the necessities of the public service may permit, convene a Court Martial to try such officer on the charges on which he was dismissed. And if such Court Martial shall not award dismissal or death as the punishment of such offence, the order of dismissal shall be void. And if the Court Martial aforesaid shall not be convened for the trial of such officer within six months from the presentation of his application for trial, the sentence of dismissal shall be void.

II..The following regulations for carrying into effect the foregoing provisions, are promulgated, and will be complied with in all cases:

1. Army, Department, or Division Commanders, forwarding recommendations for summary dismissal, will transmit, accompanying the same, charges and specifications appropriate to the offences imputed, properly framed, and supported by affidavits or official reports, with the names of the witnesses by whom all material allegations can be substantiated.

2. Applications for trial under this act must be made as soon as practicable after receipt of notice of dismissal, setting forth, under oath, facts showing the error or injustice complained of, and must be addressed to the Adjutant General of the Army.

3. Should there be no General Court Martial, appointed by direction of the President, then in session at a convenient point, one will be convened within the Department or Corps where the accused last served, unless the latter shall have suggested sufficient reasons for causing the trial to be elsewhere held.

4. The trial will proceed in the usual manner, upon the charges originally forwarded; and, should the President revoke the order of dismissal before arraignment of the accused, he may also be tried upon such additional charges as may be properly preferred.

5. Should the Court award any other punishment than death or dismissal, such sentence will, if approved by the President, be duly executed.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.

OFFICIAL:

Assistant Adjutant General.