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**Registers of the Records of the  
Proceedings of the U.S. Army  
General Courts-Martial  
1809-1890**



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*Records of the Office of the  
Judge Advocate General (Army)  
Record Group 153*

REGISTERS OF THE RECORDS OF THE  
PROCEEDINGS OF THE U.S. ARMY  
GENERAL COURTS-MARTIAL,  
1809-1890

On the 8 rolls of this microfilm publication are reproduced the 17 volumes, or registers, of the records of the proceedings of the U.S. Army general courts-martial, 1809-90. These volumes are part of Records of the Office of the Judge Advocate General (Army), Record Group (RG) 153.

A general court-martial is the highest military tribunal convened to try violations of military law. Also registered in these volumes are records of the proceedings of courts of inquiry and of military commissions. Courts of inquiry are investigative bodies without power to impose punishments. Military commissions are special courts established under martial law for the investigation and trial of private citizens.

#### History

In military terminology, a trial judge advocate is an officer appointed by a convening authority to act as public prosecutor at a general court-martial. Although the Continental Congress provided for judge advocates and a chief legal officer, called the Judge Advocate of the Army, the Federal Congress did not enact a law establishing such a staff officer until March 3, 1797. On June 2, 1797, the Congress appointed Capt. Campbell Smith as Judge Advocate of the Army. When Smith resigned on March 16, 1802, his position was abolished. On January 11, 1812, the Congress reestablished the principle of a chief legal officer by authorizing a judge advocate for each administrative geographical division, but on March 2, 1821, the Congress again abolished those positions.

For 28 years, the Army remained without a separate legal office, although judge advocates, usually line officers, continued to be appointed for court-martial duty, and other officers were detailed as acting judge advocates of the major territorial commands. On March 2, 1849, the Congress established an Office of the Judge Advocate General. On June 20, 1864, when the Congress created the Bureau of Military Justice, it designated the Judge Advocate General as its head. On July 15, 1884, the Bureau of Military Justice was replaced by the Judge Advocate General's Department, headed by the Judge Advocate General and a staff of seven officers. The administrative structure of this office remained essentially the same throughout the remainder of the 19th century.

Both the Continental Congress and the Federal Congress authorized the Judge Advocate of the Army to oversee the prosecution of soldiers who were in violation of the Articles of War, which constitute the code of laws governing the conduct for all persons subject to military law. The first American Articles of War, established by the Continental Congress on June 20, 1775, were based largely on the British code of 1774. An act of the Federal Congress, September 29, 1789, recognized the existing Articles of War as amended by the Confederation Congress on May 31, 1786. These articles were subsequently revised by the Congress in 1806 and 1874.

Soldiers accused of violations of the Articles of War were tried before a military tribunal called a court-martial. During the Revolutionary War, both the British and American Armies recognized two kinds of courts-martial: general and regimental. By the end of the 19th century, four kinds had evolved in the U.S. Army: general, regimental, garrison, and summary.

A general court-martial was usually convened by a general officer, but could also be appointed by an officer who was in command of any army, territorial department, or district. It was composed of from 5 to 13 officers, the latter being the usual number.

Only a general court-martial could try capital cases (i.e., cases involving desertion, mutiny, murder, or rape) and the more serious noncapital crimes. Only a general court-martial could try officers. Only a general court-martial could impose a sentence of death, dismissal from service, forfeiture of more than 3 month's pay, or incarceration exceeding 3 months. Summary, garrison, and regimental courts-martial handled lesser violations by enlisted men and cadets.

The articles of War of 1806 provided for the retention in the War Office of all records of general courts-martial proceedings. Before March 2, 1849, the War Department, and later, the Office of the Adjutant General, assumed this responsibility. In this period, the Adjutant General performed some of the functions of a judge advocate general with respect to review and revision of the records of the proceedings.

#### Records Description

The records of the proceedings of the general courts-martial received in the War Office between 1809 and 1828 were not registered until about 1829. At that time, the office clerks arbitrarily divided, without regard for the date they had been received, all of the early case files into 25 groups, alphabetically labeling the groups from A through Z, skipping J. Each group consisted of between 15 and 150 cases. The cases

were then labeled alpha-numerically--A1, A2, A3 . . . B1, B2, B3 . . . , etc.--with the letter identifying the group and the number identifying the particular case within the group.

The clerks then registered the case files for 1809-27 into one large volume (vol. 1), making an entry for each defendant in each case. In addition to its file designation, each entry includes the name of the soldier tried; his rank and unit; the month, year, and location of the trial; the name of the president of the court; the name of the judge advocate prosecuting the case; and the sentence imposed by the court. The case files for 1828 were entered in volume 2. The informational content of the entries for each case in volume 2 and all subsequent volumes is the same as in volume 1, except for the omission of the sentence imposed by the court.

Beginning in 1829, the clerks registered the records of the proceedings of general courts-martial at the time they were received. The only change made in the composition of the file designation was the use of double letters of the alphabet (AA, BB, etc.), rather than a single letter, as the prefix to the case number. Every few years or so, a new double letter citation, using the next letter of the alphabet, was employed. For example, the prefix AA was used to identify courts-martial proceedings received during the years 1829-31; BB, 1831-34; CC, 1834-40; etc. Because the proceedings were registered as they were received, the wide variance in the length of the trials and the delays in forwarding the proceedings to Washington have resulted in numerous instances of the dates of cases filed under one double letter group overlapping those filed in the preceding or succeeding sequences. The AA through GG groups were registered in volume 2 of the records, and the HH through KK groups were registered in volume 3. Subsequent groups were registered one group per volume. A complete list of the volume numbers, lettered prefixes, and the years each was used appears in the table of contents.

In 1862, because of the tremendous increase in records of proceedings received by the Office of the Judge Advocate General, the office clerks employed five registers (vols. 3, 5, 8, 11, 13) concurrently to record the receipt of the proceedings of general courts-martial during the years 1862-66. The records were registered and filed under the lettered prefixes KK, LL, MM, NN, and OO. Subsequent to the closing of the OO series (vol. 13) in 1868, the clerks prepared a supplementary set of registers, alphabetically arranged, to facilitate the location of a particular case file recorded in the concurrent registers. These alphabetical registers (vols. 4, 6, 7, 9, 10, 12, and 14) commence with the II series (1859) of volume 3 and extend through the OO series (1868) of volume 13. They have been filmed immediately following the original concurrent register

to which they pertain. The list of concurrent registers and their alphabetical supplements is incorporated into the table of contents.

The 17 volumes, or registers, reproduced in this publication are arranged by time period. The entries in volumes 1-3, 5, 8, 11, 13, and 15-17 are arranged alphabetically by the initial letter of the surname of the defendant and thereunder, except for volume 1, generally chronologically by date received. The entries in volumes 4, 6, 7, 9, 10, 12, and 14 are arranged strictly alphabetically.

#### Related Records

Other significant collections of registers of both general and inferior courts-martial for the 19th century can be found among the post, departmental, and district Records of the U.S. Army Continental Commands, 1821-1920, RG 393, and among Records of the U.S. Regular Army Mobile Units, 1821-1942, RG 391. Records of the proceedings of general courts-martial can also be found among the records created during the China Relief Expedition and the Spanish-American War, which form part of Records of the U.S. Army Overseas Operations and Commands, 1898-1942, RG 395.

Stuart L. Butler arranged these records for filming and prepared these introductory remarks.

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