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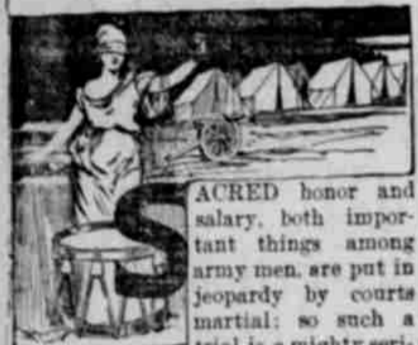
CANBY, OREGON

GRIM, SOLEMN JUSTICE

That's the Kind the Soldier Gets In a Court Martial.

HIS HONOR AND SALARY AT STAKE

Some High Army Officials Who Have Faced Military Tribunals on Serious Charges and How They Were Dealt With—Odd Coincidences.



ACRED honor and salary, both important things among army men, are put in jeopardy by courts martial; so such a trial is a mighty serious and solemn thing to the men who wear Uncle Sam's fighting uniform. Even a civilian spectator must be impressed with the difference between a military tribunal and the ordinary court of justice. In the latter offenses against the lives and property of individuals are investigated. In the former assaults on the fame and discipline of the nation's army, made by individual lapses of integrity, discipline or good behavior are probed.

In the civilians' court the lawyers make use of wit, pathos, ridicule and passionate appeal to the emotions. Even the judges fillip an occasional joke from the bench to the bar. But in the soldier's court justice is grim and stern and ever dignified. A criminal's life may hang in the balance amid jest and mental buffoonery, but a soldier's honor and a soldier's salary can be put to forfeit only with solemn surroundings.

Even the drumhead justice of a campaign court martial, when the offense demands immediate punishment, lacks nothing in dignity, although the surroundings may be unconventional.

A general court martial is a brilliant spectacle. Gold lace and red tape abound, and dignity of procedure and demeanor dominates in a manner not paralleled, perhaps, in any civil court except tribunals like the United States supreme court. Here in a form to please the eye better are the equivalents of all the adjuncts of the high civil courts, but each in a shape that makes the whole seem most interesting.

Instead of a gowned judge one sees the president of the court—grim, perhaps, and well along in years, because promotions in the army are slow and the president must be of higher rank than the other members, but resplendent in all the glories of his full military uniform.

In place of the jury are the other members of the court, every one of them in full uniform, begirt with a gold belt. In a full court martial there are just a dozen of these officers besides the president, and many an officer and man has found in this sort of 13 gathering confirmation of the evil superstition attaching to the number. The articles of war provide that when it can be avoided no member of the court shall be inferior in rank to the officer accused.

Owing to the high rank of Brigadier General Eagan it was hardly possible to have all the members of the court his official equals, but the list as selected included four major generals, five brigadiers and four colonels.

In a court martial may be determined questions of life or death, matters involving imprisonment, fines or dishonor. Bound by almost no rules of evidence, amenable to none for the exercise of their judgment, the members of a court martial may probe straight to the bottom of every piece of evidence brought before them, sweep aside all technicalities and finally render a verdict entirely in accordance with their own ideas of the rights and equities of the United States and of the officer who is upon trial.

Standing between the court and the power which appoints it is the judge advocate. In the trial of the case the judge advocate is the prosecutor. Like a prosecutor of the pleas or a district attorney, he represents the government, and it is his duty to prepare and present to the court all the evidence against the accused. Once he had a more complex duty to perform.

Not many years ago an accused officer was without the right to be aided by legal counsel, and the judge advocate was bound to look after his interests as well as to formulate the case against him. This was a duty so manifestly impossible to perform properly that the members of courts martial, knowing that no man can fairly divide himself into prosecutor and defender at the same time, almost always became interested in protecting the interests of the men brought before them, and it took a strong case or a clever

judge advocate to get a verdict of guilty. Now this has been changed, and it is the duty of the commanding officers at the posts where such courts are convened to appoint suitable officers to act as counsel to defend any defendant who requests it, or the accused may employ lawyers. General Eagan, for instance, employed one of the most brilliant lawyers in Washington to conduct his defense.

The judge advocate is also the recorder of the court. Under his direction a record is made of all the proceedings, even to the most minute, for before the findings and sentence of a court martial can be carried into effect they must be approved by the officer who appointed the court or, in the case of a death penalty, by the president of the United States himself. Even in time of war there is no exception to this rule, except that spies, mutineers, deserters or murderers or guerrillas convicted of violating the laws and customs of warfare may have the sentence of death executed upon them upon the confirmation of the sentence by the officer commanding in the field.

Whoever has the time and opportunity to attend a court martial may see and know everything which takes place, except the discussions held by the court to settle disputed points as to the admissibility of evidence and the final deliberations in reaching a verdict. All other proceedings must be held in public, and all the evidence must be spread upon the record in open court, so that there could never occur in this country such a controversy as that which has stirred up France over the Dreyfus case, where the evidence upon which he was convicted has been kept hidden even from his friends.

Enlisted men may be tried for offenses not capital before field officers' courts, regimental courts and garrison courts, but an officer may be tried only before a general court martial. Such a court may be appointed by any general commanding an army, a territorial division or a department or a colonel commanding a separate department, but in case such an officer be himself the accuser the court must be appointed by the president of the United States. The officer who appoints the court names the judge advocate.

There is one peculiarity of the courts martial which marks them as widely different from any of the civil courts. They are double in their character. In the trial of the greater number of the charges made against soldiers these courts act purely as tribunals of law, but attached to almost every set of charges against officers is one charge the trial of which totally changes the character of the court. This is the charge of "conduct unbecoming an officer and a gentleman," the same which was brought against General Eagan.

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There are no rules of law which define conduct unbecoming a gentleman and an officer. The court martial becomes, therefore, a court of honor in dealing with this charge, and its deliberations can be guided by nothing but the judgment of the members themselves. The charge is, too, one of the most serious in the whole military code, for the usual penalty proscribed, upon conviction, is dismissal from the service.

It may be of interest to note that while the court martial of an officer so high in rank as General Eagan has



COURT MARTIAL IN SESSION. rarely occurred in the history of our army many men who afterward attained equal or even higher rank have in their time faced a military tribunal on just as serious charges.

No less a person than General Winfield Scott was court martialled for calling a superior officer names to which the superior objected. General Scott was suspended for a year and put in the time studying tactics. He was a junior officer at the time his offense was committed.

Time brings forgetfulness as certainly as it assuages grief. There are probably not many who remember that nine people out of ten once believed General Miles' hitherto rapid promotion was certain to be checked because of displeasure visited upon him in a rather marked way by President Cleveland.

How many men remember that Henry C. Corbin, now the adjutant general of the army and one of the most prominent figures now in the present army controversy at Washington, was once court martialled for alleged cowardice in the face of the enemy.

General Russell A. Alger, the secretary of war, has had troubles of his own in the past, and one of the first things which strike the man with a good memory on reading the details of the present army row is the fact that General Wesley Merritt, senior officer of the board appointed to try General Eagan, is the man who, as a cavalry leader, once declared that his present chief, Alger, should be tried and dismissed from the service for absenting himself without leave from his command during a critical period of the war of the rebellion.

General George A. Custer, who made the official report as Alger's commanding officer that the present secretary of war was absent without leave, was three or four years afterward court martialled himself.

As a matter of fact, courts martial and threats of court martial, like wars and rumors of war, have kept pretty steady company with army officers since George Washington took command of the colonial forces. It is pleasing for the populace and grateful to the ranks to know, however, that the record of trials in the American army falls below, with all due allowance for smaller numbers, that of the armies of Europe. CAPTAIN T. B. FRANCIS.

In For It. Mrs. Chinner—Ernestine, my darling do you expect Constant tonight? Ernestine—Of course, mamma. Why do you inquire? Mrs. Chinner—If he asks you to marry him, tell him to come and speak to me. Ernestine—And if he doesn't ask me? Mrs. Chinner—Tell him I am coming to speak to him.—Brooklyn Life.

The Foal and the Calf. It is an interesting study to note in domestic animals the traits of their wild ancestors. There are some characteristics, of course, which are readily recognizable as being similar to those of animals still in a wild state, and for this reason they give a fair idea of the life and surroundings of progenitors. The habits of the dog and cat are too familiar to comment on, but take the foal and compare his traits with those of the calf.

The foal when a few days old can gallop as fast as he ever can in after life. He never leaves the dam, and takes nourishment in small quantities, avoiding a full meal, which would impede swift escape. In lying down no attempt is made at concealment, and when he stands his head is held high. These habits show that the animal's ancestors spent their lives in the open and not in the forests and that they were great travelers.

The calf, on the contrary, fills himself with milk, and is a poor traveler. When danger approaches, his first impulse is to conceal himself. He holds his head low in order to look under the branches of the forest. All his characteristics point to the fact that the ancestral home of cattle was in a moist, wooded country, while the primeval horse roamed the plains.—New York Times.

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