

C H A P.
CXXVIII.

a brigade or regimental court-martial, as the case may require, in any sum not exceeding one hundred dollars, nor less than five dollars; that for offences against the militia law of this state, all company commissioned officers shall be tried by a regimental court-martial, but in cases of cashiering they may have an appeal to a brigade court-martial; all field and staff officers shall be tried by a brigade court-martial, and all general officers shall be tried by a division or a general court-martial; and that the proceedings of every court-martial, in case of cashiering, shall be transmitted to the commander in chief for his approbation or disapprobation; and if any noncommissioned officer, private or musician, shall, at the time of parading the company to which he belongs, appear drunk, or disobey orders, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow-soldiers, he may be disarmed, and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of the company court-martial, in any sum not exceeding ten dollars, nor less than one dollar.

Article 2d. If the commanding officer of any-regiment, battalion or extra battalion, shall neglect or refuse to give orders for assembling his regiment, battalion or extra battalion, at the times which may be appointed under this act, at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded by his commanding officer, or in case of an invasion or threatened invasion, or insurrection or threatened insurrection, of the state, therein, he shall be cashiered, or punished by fine, not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of a brigade court-martial; and if the commanding officer of any company shall, on any such occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the commanding officer of the regiment, battalion or extra battalion, to which such company belongs, he shall be cashiered, or punished by a fine, not exceeding two hundred dollars, nor less than ten dollars, at the discretion of a regimental court-martial; and a noncommissioned officer offending in such case shall be fined, at the discretion of a company court-martial, in any sum not exceeding fifty dollars, nor less than five dollars.

Article 3d. If any captain or commanding officer of a company shall refuse or neglect to make a list of the persons notified to perform any tour of duty, and send or convey the same to the commanding officer of the regiment or extra battalion to which such company may belong, for such neglect or refusal he shall be cashiered, or fined, at the discretion of a regimental court-martial, a sum not exceeding two hundred dollars, nor less than five dollars.

Article 4th. Every general court-martial shall consist of twelve members, one of whom at least shall be a general officer, and none under the grade of a field-officer.

Article 5th. Every division court-martial shall consist of twelve members, two thirds of whom at least shall be field-officers.

Article 6th. Every brigade court-martial shall consist of twelve members, at least one third of whom shall be field-officers.

Article 7th. Every regimental court-martial shall be composed of six commissioned officers.

Article 8th. Every extra battalion court-martial shall consist of six commissioned officers.

Article 9th. Every company court-martial shall be composed of one subaltern officer, one noncommissioned officer and one private, to be appointed by the commanding officer of the company.

Article 10th. In every court-martial, not less than two thirds of the members must agree in every sentence for inflicting any penalty, otherwise the person charged shall be acquitted.

Article 11th. The president of each and every court-martial shall require all witnesses produced on the trial of offenders, to declare on oath or affirmation, as the case may be, that the evidence they shall give shall be the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath, or affirmation, which the president is required to administer to them, as follows: "You, and each of you, do swear, or affirm, (as the case may be,) that you will well and truly try, and impartially determine, all causes to be tried by this court, according to the rules for regulating and governing the militia of the state of Maryland; so help you God;" and the president shall take the same oath, to be administered by any member of the court-martial.

Article 12th. That the president of every court-martial authorised by this act, shall have power and authority to issue subpoenas to procure the attendance of witnesses to give testimony before such respective court-martial, and every court-martial shall have power and authority to issue attachment, directed to such person as they may appoint, against all and every person or persons who shall neglect or refuse, on being duly served with a summons issued by the president of the court-martial, to attend for the purpose of giving evidence in any cause therein pending, and fine such person any sum not exceeding fifty dollars, out of which sum the person serving such attachment shall receive such compensation as the court-martial may deem reasonable.

Article 13th. No commissioned officer, charged with transgressing these rules, shall be suffered to do duty in the regiment, battalion, company or troop, to which he belongs, until he has had his trial by a court-martial, and every person so charged shall be tried as soon as a court-martial can convey