

within three days after such application, order a commissioned, or non-commissioned officer, or both, as the case may require, of a neighbouring company, to repair to a convenient place, designated by the captain in whose district the delinquent resides, who shall then and there hold a court martial in the same manner as if they were attached to said company.

Two-thirds must agree. Article 10. 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; and any person charged may be acquitted by any court martial, upon its appearing to said court that sickness, or some such excuse, was the cause of the violation of this act, for which such person is called to trial.

Sickness, &c.

Oath of witnesses.

Article 11. 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 declare on 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.

Issue subpoenas.

Article 12. That the president of every court martial authorized by this act, shall have power and authority to issue subpoenas to procure the attendance of witnesses, to give testimony before such respective courts martial; and every court martial shall have power and authority to issue attachments 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 case therein pending and fine such person any sum not exceeding twenty dollars, (unless he can give a reasonable excuse,) out of which sum the person serving such attachment, shall receive such compensation as the court martial may deem reasonable.

And attachments.

And fine for disregard.

Officers under charges.

Article 13. No commissioned officer, charged with transgressing these rules, shall be suffered to do duty in the brigade, regiment, battalion, or company to which he belongs, nor to resign his commission, 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 conveniently be assembled; and shall be furnished by the adjutant-general, the brigade inspector, adjutant of the regiment, or other person as the case may require,