

CHAP. 182.

perform a tour of duty.

General court martial.

Division court martial.

Brigade court martial.

Regimental court martial.

Extra battalion court martial.

Company court martial.

Two-thirds of members of court martial must agree

Witnesses to be sworn. Oath of members of court martial.

Subpoenas may be issued for attendance of witnesses.

manding 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 one hundred dollars nor less than five dollars.

Art. 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.

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

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

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

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

Art. 9th. Every company court-martial shall be composed of one subaltern officer, one non-commissioned officer, and one private, to be appointed by the commanding officer of the company, and in case there should be no subaltern or non-commissioned officer attached to said company, then the captain shall apply to the commanding officer of the battalion, regiment or extra battalion, to which he may be attached, who shall, within ten 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.

Art. 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.

Art. 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.

Art. 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 courts-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 twenty dollars, (unless he can give a reasonable excuse,) out of which sum, the person serving such attach-