

manding officer of the company, and shall consist of one subaltern, one non-commissioned officer, and one private, who shall have power to try all non-commissioned officers and privates for all violations of this act, other than absence from parade; and in case there should be no subaltern or non-commissioned officer attached to said company, then the commanding officer of the company shall apply to the commanding officer of the battalion, regiment or extra battalion, to which he may be attached, who shall, within five 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 commanding officer of the company, 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.

22. AND BE IT ENACTED, That the lieutenant colonels and majors of the several regiments and extra battalions, in each of the said brigades, shall be and they are hereby constituted a court of inquiry, for their respective brigades, the eldest of whom in commission shall be the president thereof, who shall meet on the second Monday in January in each year, at such time and place as may be established by the brigade major of each brigade respectively, who shall notify the said officers thereof, at least three days previous to said meeting, under a penalty to be imposed in the discretion of a brigade court martial, not exceeding fifty dollars; and it shall be the duty of the commanding officers of the brigades, regiments, extra battalion and companies, to lay, or cause to be laid, their respective books of proceedings, for the preceding year, before said courts of inquiry, respectively, under a penalty to be imposed by such court martial, as the case may require, of not exceeding fifty dollars; and the said courts of inquiry are hereby directed to investigate the proceedings of each commanding officer within their brigade as aforesaid, and if they should find that any of them have in any manner infringed or neglected or refused to comply with the provisions of this act, they shall forthwith report the same to the officer competent to order such courts martial as the nature of the offence may require, and the said officer shall forthwith order such court martial, under a penalty for neglect or refusal to comply therewith, of not exceeding fifty dollars, to be imposed by such court martial as the case may require.

Courts of inquiry

23. AND BE IT ENACTED, That in every court martial, or other court created under this act, except company courts martial, a majority of the members appointed on the court shall be sufficient to form a quorum, and in every court martial not less than two thirds of the members present must agree in every sentence for inflicting any penalty, otherwise the person charged shall be acquitted, except in case of fines, where a majority shall be sufficient.

Courts martial, a majority to form a quorum.

24. AND BE IT ENACTED, That the president of every court martial, or other court created under this act, shall have full power and authority to issue subpoenas to procure the attendance of witnesses to give testimony before such respective courts; and every such court shall have power and authority to issue attachment, directed to such person or persons who shall neglect or refuse, on being served with a summons issued by the president of such court, to attend, and to enforce such attendance, by such person as they may

Subpoenas may issue to witnesses.