

1812.

Witnesses on the trial of offenders shall declare on oath or affirmation. Members of courts shall take an oath.

Presidents of courts-martial may issue subpoenas for the attendance of witnesses.

Commissioned officers transgressing these rules.

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 attachment shall receive such compensation as the court-martial may deem reasonable.

ART. 13th. 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,) with a copy of the charge or charges exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence; and in case any delinquent being duly notified of the time and place of meeting of any such court-martial, who shall refuse or neglect to attend, the said court-martial, is authorised and empowered to proceed to the trial of such delinquent in the same manner as if he were personally present.