

Dec. Ses. 1823.

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power and authority to issue subpoenas to procure the attendance of witnesses to give testimony in any cause pending before said court, and said court shall have power and authority to issue attachment against any person who shall neglect or refuse to attend, and to enforce such attendance by such person as they may appoint therefor; and said court may also fine said person any sum not exceeding twenty dollars, unless he can give a reasonable excuse for not attending as aforesaid, and if the person appointed as aforesaid to serve said process, shall neglect or refuse to serve the same, he shall be subject to such fine as said court shall impose, not exceeding the sum of twenty dollars, and the return of said fines shall be made to the officer ordering said court in the same manner, under the like penalty, and within the same time, as the returns of other fines are directed by this act.

Witnesses  
examined on  
oath.

35. *And be it enacted*, That the president of each court martial or other court created under the provisions of this act, 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 provisions of the act for the better regulation of the militia of the city of Baltimore, so help you God, and the President shall take the same oath to be administered by any member of the court as aforesaid.

Oaths of  
members.

Penalties  
for not serving  
on court.

36. *And be it enacted*, That any officer required to attend as a member of a division, brigade, regimental or company court martial, or any other court as established under the provisions of this act, who shall refuse or neglect to attend at the time and place appointed, shall be fined a sum not exceeding one hundred dollars in the discretion of said court, unless he can give a reasonable excuse for such non-attendance; and any non-commissioned officer or private required to attend as a member of any such court who shall refuse or neglect to attend at the time and place appointed shall be fined a sum not exceeding five dollars in the discretion of said court, unless he can give a reasonable excuse for such non-attendance; and if the members appointed upon said court do not attend so as to form a quorum, each of the absentees shall be fined a sum not exceeding one hundred dollars in the discretion of such court martial as the case may require; which said fines shall be returned for collection to the officer ordering said court, except in cases of division courts martial, when the fines shall be returned to the commanding officers of the brigade to which the offender belongs in the same manner under the like penalty and within the time as is directed in this act for the return of other fines.

Appoint-  
ment of per-  
sons to collect  
fines.

37. *And be it enacted*, That the commanding officer of each of the said brigades shall on or before the first day of July next, and from time to time thereafter as may be necessary, appoint some suitable person or persons, on such terms as he may deem advisable to collect all fines that may be imposed by or under the provisions of this act, upon all generals and their respective staff officers, and upon all regimental field officers and their respective staff officers within his brigade, or upon the major general and his staff officers, if the fines incurred by either of them should be handed over