

C H A P.
C.

quarrel himself, or promote any quarrel among his fellow-soldiers, he shall be disarmed, and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of the company court-martial, in any sum not exceeding twenty dollars, nor less than seventy-five cents.

ARTICLE 2. If the lieutenant-colonel or commanding officer of any regiment, battalion or extra battalion, shall neglect or refuse to give orders for assembling his regiment, battalion or extra battalion, at the times appointed by law, at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded, or in case of an invasion of the state, he shall be cashiered, or punished by fine, not exceeding two hundred dollars, nor less than twenty dollars, at the discretion of a brigade court-martial; and if the commanding officer of any company shall, on any such occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant-colonel or commanding officer of the regiment, battalion or extra battalion, to which such company belongs, he shall be cashiered, or punished by fine, not exceeding one hundred dollars, nor less than ten dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case shall be fined, at the discretion of a company court-martial, in any sum not exceeding twenty dollars, nor less than five dollars.

ARTICLE 3. If any captain or commanding officer of a company shall refuse or neglect to make a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding 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, in any sum not exceeding one hundred dollars, nor less than ten dollars.

ARTICLE 4. Every general court-martial shall consist of thirteen members, one of whom at least shall be a general officer, and none under the grade of a field-officer.

ARTICLE 5. Every division court-martial shall consist of thirteen members, two thirds of which at least to be field-officers.

ARTICLE 6. Every brigade court-martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require.

ARTICLE 7. Every regimental court-martial shall be composed of five commissioned officers.

ARTICLE 8. Every company court-martial shall consist of one subaltern officer, one non-commissioned officer, and one private, to be selected from the company by the captain or other commanding officer of the company; and it shall be the duty of every captain or other commanding officer of a company to appoint, at each meeting of the company, a company court-martial, to try the delinquencies of such meeting, the court-martial to assemble and try such delinquencies at the succeeding meeting of the company, and the commissioned officer shall be the president of such court-martial.

ARTICLE 9. In any 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.

ARTICLE 10. The president of each and every court-martial shall require all witnesses, in order to the trial of offenders, to declare on oath, or affirmation, as the case may be, that the evidence they shall give is 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.

ARTICLE 11. All persons called as witnesses in any case before a court-martial, who shall refuse to attend and give evidence, shall be fined, at the discretion of the said court, not exceeding twenty dollars, nor less than seventy-five cents.

ARTICLE 12. No officer, being charged with transgressing any of these rules, shall be suffered to do duty in the regiment, company or troop, to which he belongs, 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.

ARTICLE 13. If any officer or private shall think himself injured by his lieutenant-colonel, or the commanding officer of the regiment or extra battalion, and shall, upon due application made to him, be refused redress, he may complain to the brigadier-general, who may, in his discretion, direct the inspector of the brigade to summon a brigade court-martial, that justice may be done.

ARTICLE 14. If any non-commissioned officer or private shall think himself injured by his captain, or other superior officer in the regiment, troop or company, to which he belongs, he may complain to the commanding officer of the regiment, who shall, at his discretion, summon a regimental court-martial for doing justice according to the nature of the case.

ARTICLE 15. The officer ordering the court-martial, or in his absence the next to him in rank, shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted on any officer, non-commissioned officer or private, for the breach of any of these articles, by such court-martial, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer from another, such sentence to be approved by the commander in chief, who is empowered to pardon or mitigate such sentence, or disapprove of the same in case of cashiering only.

ARTICLE 16. The militia on the days of exercise may be detained under arms on duty in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time without allowing them proper time to refresh themselves.

ARTICLE 17. All fines incurred by field-officers, in consequence of any breach of these articles, shall be paid into the hands of the inspectors of brigades, for the use of said brigades, under the direction of the brigadier thereof; and all fines incurred by platoon officers, non-commissioned officers and privates, in consequence of any breach of these articles, shall be paid into the hands of the lieutenant-colonel, or to such persons as the said inspector or lieutenant-colonel shall respectively