

the substance of the charges against him, and of the time and place of trial, ten days at least before the day of trial, and the accused shall be entitled, before trial, to have a copy of said charges.

*Trial—Ex-parte.*

SECT. 136.—If the accused neglects to appear and defend, or refuses to plead, or withdraws in contempt of the court, the court may proceed to trial and judgment, as if he had appeared and pleaded not guilty.

*Attachment of Witnesses.*

SECT. 137.—All persons summoned by the judge advocate shall appear and give evidence before a court martial, and the penalties for neglect to appear shall be the same, and the president, on motion of the judge advocate may issue an attachment, in like manner as in criminal prosecutions.

*Provost Guard.*

SECT. 138.—In all cases which may involve the punishment of imprisonment or death, the court may in time of war, invasion or insurrection, order any district commandant, or commanding officer of any regiment, battalion or company, to detail a sufficient number of men as a provost guard.

SECT. 139.—The said provost guard shall, under the orders of the provost marshal attend the sittings of said court, to enforce its process, guard its prisoners, and execute its sentences.

*Absence of Witnesses.*

SECT. 140.—Upon application by the accused for postponement on the ground of the absence of a witness, it ought distinctly to appear on his oath, 1st, that the witness is material and competent; 2d, that the accused has used due diligence to procure his attendance; and 3d, that he has reasonable ground to believe, and does believe, that he will be able to procure such attendance within a reasonable time stated, and shall further state, on oath, all the facts he expects to prove by the absent witness, which may be admitted by the judge advocate, and in such a case the court shall immediately proceed with the trial.

SECT. 141.—When the adjutant general shall be complainant for neglect or default in making returns, he shall not be required to be present, and his certificate shall be sufficient *prima facie* evidence that the return was or was not made, and that a copy of a return is true.

*Depositions.*

SECT. 142.—On the trials of cases not capital, the deposition of witnesses may be taken before a justice of the peace,