

and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

*Proceedings to be in Writing.*

SECT. 143.—The charges of the complainant and the defence of the accused, and motions and objections to the proceedings by either party, and the answers thereto, shall be submitted to the court in writing; the evidence and proceedings in and out of the court, and opinions of the judge advocate on questions of law arising during the trial, shall be put in writing by him. After the prosecution and defence are closed, he shall state and sum up the evidence, and give his opinion to the court upon matters of law, which opinion with the sentence, he shall put in writing.

*Sentence.*

SECT. 144.—When a question is to be decided, the judge advocate shall receive the vote of each member, beginning with the junior in rank, and ending with the president. Unless at least two-thirds of the members present agree that the accused is guilty, he shall be acquitted. If at least two-thirds of the members shall find him to be guilty, he shall be sentenced to such punishment within the power of the court to impose, as the said court by a vote of at least two-thirds may deem adequate to the offence.

*Punishments.*

SECT. 145.—The legal punishments within the power of a court martial to impose, according to the nature and degree of the offence are, death; confinement; hard labor; ball and chain; expulsion; forfeiture of pay and allowances; dismissal; and in the case of commissioned and non-commissioned officers, reduction to the ranks; reprimands;—and in all cases the court shall impose such fines, penalties and forfeitures as are herein provided, and when no amount has been named, then it may impose such fine as in the discretion of the court may seem just. But in no case shall the sentence of death be imposed, except by a general court martial, in time of war.

*Capital Offences.*

SECT. 146.—Every officer, non-commissioned officer and soldier of the National Guard, and every person enrolled in the militia, who may be drafted into the National Guard, or ordered into service under a call for the reserve militia, may be tried for the following offences:

1. Desertion.
2. Advising or persuading another to desert.
3. Mutiny.
4. Failure to aid in suppressing mutiny.
5. Relieving the enemy with money, victuals or ammunition.