

SECT. 110.—Every officer, except when under arrest, shall perform the duties of his office until he is discharged, and no officer shall be considered out of the service until his resignation is accepted.

SECT. 111.—No officer shall be discharged upon tender of his resignation until he has turned over to the officers entitled to receive the same, all rolls, books, rosters and documents, and all arms, accoutrements, uniforms, equipments, equipages, ammunition, and other public property issued to him, or in his custody, or for which he is responsible.

*Commission, when Vacated.*

SECT. 112.—Every officer who shall remove his residence beyond the limits of the military district where his command is organized, or who shall be absent from his command six months without leave of his commanding officer, or who shall neglect to uniform and equip himself for more than three months after the date of his appointment, may be considered, in the discretion of his said commanding officer, as having vacated his office, and a new election may be ordered, without delay, to fill the vacancy so created, provided that the first part of this section in relation to the change of residence of an officer shall not apply to the city of Baltimore.

*Relative Rank.*

SECT. 113.—Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, their rank shall be determined by lot drawn before the commander of the detachment, company, battalion, regiment, brigade or division, or president of a court martial, as the case may be.

COURTS MARTIAL.

SECT. 114.—Courts martial shall be, so far as practicable, composed of members of at least equal rank to the accused. A majority of all the members appointed shall be sufficient to form a quorum, but less than a quorum may adjourn the court from time to time, and fine absent members. The member highest in rank present shall be president.

The time and place of holding the court shall be appointed by the order convening the same.

*Company Courts Martial.*

SECT. 115.—Any company commander may, and, whenever thereto required by his regimental commander, or, if of an independent company, by the district commandant, shall order a company court martial for the trial of non-commissioned officers or privates of his company, to consist of the three officers in said company, whether commissioned or non-commissioned, next to him in rank.