

Dec. Ses 1817

Courts of inquiry.

delinquent resides, who shall then and there hold a court martial in the same manner as if they were attached to said company.

22. *And be it enacted,* That the lieutenant-colonels and majors of the several regiments and extra battalions, in each of the said brigades, shall be and they are hereby constituted a court of inquiry, for their respective brigades, the eldest of whom in commission shall be the president thereof, who shall meet on the second Monday in January in each year, at such time and place as may be established by the brigade major of each brigade respectively, who shall notify the said officers thereof, at least three days previous to said meeting, under a penalty to be imposed in the discretion of a brigade court martial, not exceeding fifty dollars; and it shall be the duty of the commanding officers of the brigades, regiments, extra battalion and companies, to lay, or cause to be laid, their respective books of proceedings, for the preceding year, before said courts of inquiry, respectively, under a penalty to be imposed by such court-martial, as the case may require, of not exceeding fifty dollars; and the said courts of inquiry are hereby directed to investigate the proceedings of each commanding officer within their brigade as aforesaid, and if they should find that any of them have in any manner infringed or neglected or refused to comply with the provisions of this act, they shall forthwith report the same to the officer competent to order such courts martial as the nature of the offence may require, and the said officer shall forthwith order such court martial, under a penalty for neglect or refusal to comply therewith, of not exceeding fifty dollars, to be imposed by such court martial as the case may require.

Courts martial
a majority to
form a quorum

23. *And be it enacted,* That in every court martial, or other court created under this act, except company courts martial, a majority of the members appointed on the court shall be sufficient to form a quorum, and in every court martial not less than two thirds of the members present must agree in every sentence for inflicting any penalty, otherwise the person charged shall be acquitted, except in case of fines, where a majority shall be sufficient.

Subpœnas
may issue to
witnesses.

24. *And be it enacted,* That the president of every court martial, or other court created under this act, shall have full power and authority to issue subpœnas to procure the attendance of witnesses to give testimony before such respective courts; and every such court shall have power and authority to issue attachment, directed to such person or persons who shall neglect or refuse, on being served with a summons issued by the president of such court, to attend, and to enforce such attendance, by such person as they may appoint therefor, for the purpose of giving evidence in any cause pending therein, and fine such person a sum not exceeding twenty dollars, unless he can give a reasonable excuse; the return of which fine shall be made to the officer ordering said court, in the same manner; and within the same time, as other fines are directed by this act.

Witnesses to
declare on oath

25. *And be it enacted,* That the president of each court martial, or other court created under 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