

Dec. Ses. 1823

Proceedings
against per-
sons not at-
tending.

23. *And be it enacted*, That if any delinquent from parade being notified of the time and place of the meeting of any such courts of appeal in the manner prescribed by this act, shall refuse or neglect to attend, the said court is authorised and empowered to proceed to the trial of such delinquent as if he was personally present;—*Provided nevertheless*, that the said delinquent shall have power of making his excuse in writing or otherwise in cases where he is prevented from attending said court by sickness or absence from said city; and if he should from the same causes, or either of them be unable to make known his excuse to said court of appeal, the officer appointing such court of appeal may in such cases only have the power of remitting such fine or fines as may have been incurred by said delinquent for absence from parade, upon the same conditions as the courts of appeal are authorised to do: and if any officer shall neglect or refuse to comply with the provisions of this section as required of him he shall be cashiered or fined a sum not exceeding fifty dollars in the discretion of such court martial as the case may require.

Officers
may appoint
supernume-
raries.

24. *And be it enacted*, That the officer who may appoint a court martial, or any other court under the provisions of this act, shall have the power of appointing such supernumeraries to said court as he may deem advisable.

Company
courts to con-
sist of.

25. *And be it enacted*, That the courts of appeal to decide upon the remission of fines incurred by company officers, non commissioned officers, privates and musicians, as absentees from parade, shall consist of not less than three, nor more than five members, one third of whom at least shall be privates.

Superior
courts to con-
sist.

26. *And be it enacted*, That the courts of appeal to decide upon the remission of fines incurred by the general officers, and their respective staff officers, the regimental field officers, and their respective staff officers, as absentees from parade, shall consist of not less than three nor more than five members, two thirds of whom at least shall be field officers.

Books of
proceedings.

27. *And be it enacted*, That it shall be the duty of the commanding officers of the division, brigades, regiments and companies, to keep, or cause to be kept a book or books, in which shall be entered all the proceedings of their respective commands for the year as required by the provisions of this act, giving the dates of such entries, and a clear and distinct detail of said proceedings, and if any officer shall neglect or refuse to comply with any of the provisions of this section as required of him, he shall be fined a sum not exceeding one hundred dollars in the discretion of such court martial as the case may require.

Division
court marti-
als.

28. *And be it enacted*, That every division court martial shall be appointed by the commanding officer of the division, and shall consist of not less than five, nor more than thirteen members, two thirds of whom at least shall be field officers, who shall have the power to try the commanding officers of the brigades for all violations of this act except such as arise from absence from parade.

Brigade court
martial.

29. *And be it enacted*, That every brigade court martial shall consist of not less than five members, nor more than thirteen members, one third at least of whom shall be field officers, who shall have the power to try all regimental, field, and brigade staff officers for all violations of this act, except such as arise from absence from parade.

Regimental
court mar-
tials.

30. *And be it enacted*, That every regimental court martial shall be appointed by the commanding officer of the regiment, and shall consist of not less than three, nor more than seven commissioned officers