

who shall have the power to try all company and regimental staff officers for all violations of this act, except such as arise from absence from parade. Dec. Ses. 1823

31. *And be it enacted,* That every company court martial shall be appointed by the commanding officer of the company, and shall consist of one subaltern, one non-commissioned officer, and one private, who shall have power to try all non-commissioned officers, privates and musicians, for all violations of this act, except such as arise from absence from parade, or where an absolute fine is imposed by the provisions of said act; and in case there should be no subaltern or non-commissioned officer attached to said company, then the commanding officer of the company shall apply to the commanding officer of his regiment, who shall within five days after such application order a commissioned or non-commissioned officer, or both, as the case may require, of another company, to repair to the place designated by the commanding officer of the company, who shall then and there hold a court martial in the same manner as if they were attached to said company; and if any officer, non-commissioned officer or private, shall refuse or neglect to execute the provisions of this section as required of him, he shall be fined a sum not exceeding twenty dollars, in the discretion of such court martial as the case may require.

Company court martial.

32. *And be it enacted,* That the commanding officer of the division shall inspect the books and proceedings of the commanding officers of brigades; the commanding officers of brigades shall inspect the books and proceedings of the commanding officers of their respective regiments; and the commanding officers of regiments shall inspect the books and proceedings of the commanding officers of their respective companies, except such as are herein after otherwise provided for, at least once in each year, and oftener, if it shall appear to them or either of them, necessary or proper; and in the examination of said books and proceedings, each commanding officer as aforesaid shall be assisted by one or more of his officers whom he may select for the purpose; and if any officer shall neglect or refuse to comply with any of the duties as herein 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; and the said books shall be delivered over to the officer hereby authorised to inspect the same within three days after they are required of his inferior officers as aforesaid; and if any officer shall neglect or refuse to deliver over said books when so required; or if it shall appear from the said books, or from any other source, that any of the said officers, or any other officer in said division, has neglected or refused to comply with any of the provisions of this act as required of him, he shall be cashiered or fined a sum not exceeding one hundred dollars, in the discretion of such court martial as the case may require.

Inspection of the books.

Penalty.

33. *And be it enacted,* That in every court martial or other court created under the provisions of 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 such court not less than two thirds of the members present must agree in every sentence given, otherwise the person charged with violating any of the provisions of this act shall be acquitted, except in cases where a fine is to be imposed or remitted, and then a majority shall be sufficient.

Direction to court martial.

34. *And be it enacted,* That the president of each court martial or other court created under the provisions of this act, shall have

Power of courts martial.