

Dec Ses 1824

Courts martial for trial of minor officers.

Powers restricted.

Limit of fine;

Organization and rules of courts martial.

Power to pardon or mitigate.
Two thirds to sentence.

Entitled to a copy of proceedings.

Compel attendance of witnesses.

Disobedience of orders, &c. punishable.

Executive authorised to organize corps, &c.

8. *And be it enacted,* That every officer commanding a regiment or extra battalion, may appoint courts martial, to consist of not less than five commissioned officers for the trial and punishment of minor offences, to inflict fines and decide finally upon their proceedings; but in no case can an officer or private in the militia be punished or fined for any neglect of duty, without having an opportunity to appear before a court martial to allege a reasonable excuse for the same.

9. *And be it enacted,* That no private shall be fined more than one dollar for nonattendance at parade.

10. *And be it enacted,* That the commanding officer ordering a court martial, shall appoint the president thereof, and also some suitable person as judge advocate or recorder, whose duty it shall be to keep a fair and impartial record of said proceedings, and shall transmit the same, after being signed by the president thereof to the commanding officer ordering said court martial for his approval or condemnation; the same oaths of qualification to be administered to the officers composing the court martial, and the same rules of organization and proceeding as in the courts martial of the United States army.

11. *And be it enacted,* That every officer authorised to order a court martial, shall have power to pardon or mitigate any punishment ordered by said court, except the sentence of cashiering an officer; in every general court martial not less than two thirds of the members present must agree in every sentence, otherwise the person charged must be acquitted.

12. *And be it enacted,* That the party tried by any court martial shall upon demand thereof, made by himself, be entitled to a copy of the sentence and proceedings of such court.

13. *And be it enacted,* That the president of every court martial is authorised to issue subpoenas to procure the attendance of witnesses; and every court martial shall have power and authority to issue attachment directed to such person as they may appoint, against all and every person or persons who shall neglect or refuse on being duly summoned to attend to give evidence, and fine such person in any sum not exceeding ten dollars; the person serving such attachment to be compensated as the court may deem reasonable; all fines so collected, after defraying such expenses, to be retained by the commanding officer for the payment of incidental expenses.

14. *And be it enacted,* That any officer who shall disobey the orders of his commanding officer under the provisions of the militia laws of this state, or who shall neglect or refuse to attend any court martial at the time and place appointed, shall be cashiered the service, or fined at the discretion of a court martial in any sum not exceeding one hundred dollars, nor less than five dollars, unless he can give a reasonable excuse to the court for such nonattendance or neglect; any officer of the militia who shall hereafter disobey any orders from the adjutant general's office, authorised by the commander in chief, shall be liable to the penalties of this law.

15. *And be it enacted,* That the executive of this state shall whenever he may deem it expedient for the public service, organ-