

Duties
when con-
vened.

§ 186. Such board, when so convened, shall audit all just claims on the military fund of such regiment for contingent expenses of the regiment, and shall make their order on the proper county treasurer, which shall require him to pay such order out of any money in his hands belonging to the military fund of such regiment.

Printing
and pay of
board.

§ 187. Such board may also direct such printing and publishing to be performed and executed as shall be necessary for the best interest of the regiment and service; the members of such board shall be entitled to receive for each day's service, as such members, the sum of two dollars, for not more than three days in any one year; such sum to be certified and paid in the same manner. Such board shall enter their proceedings from time to time in a book to be kept for that purpose by each regiment.

Treasurers
to report
moneys, &c

§ 188. All county and city treasurers shall report to the brigadier-general, within the bounds of whose brigades he may reside, the amount of all moneys received by them, respectively, by the first days of April and December, annually, and the balance then remaining in their hands, and the number of the regiment to which the same belongs.

OF THE COURTS OF INQUIRY AND COURTS MARTIAL.

OF THE COURTS OF INQUIRY AND COURTS MARTIAL FOR THE TRIAL OF OFFICERS.

Court, how
constituted.

§ 189. Courts of inquiry may be instituted by the Commander-in-Chief, or the commanding officer of division or brigade, in relation to those officers for whose trial they are authorized to appoint courts martial for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct degrading to the character of an officer, or for the purpose of settling rank; but no such court shall consist of more than one officer, who may, if approved of by the officer ordering the court, require a judge-advocate to attend such court in taking testimony, and in investigating any complaint that may come before such court.

To report
evidence
without de-
lay.

§ 190. Such court shall, without delay, report the evidence adduced, a statement of facts, and an opinion thereon, when required, to the officer instituting such

court, who may in his discretion thereupon appoint a court martial for the trial of the officer whose conduct shall have been inquired into.

§ 191. Every court martial for the trial of a major general shall be ordered by the Commander-in-Chief, and shall consist of five officers, any three of whom shall constitute a quorum. Trial of major general.

§ 192. Every court martial for the trial of a brigadier general shall be ordered by the Commander-in-Chief, and shall consist of five officers, any three of whom shall constitute a quorum. Brigadier General.

§ 193. All other courts martial for the trial of commissioned officers shall consist of three officers, and shall be ordered, if for the trial of officers above rank of captain, by the commanding officer of division, and for all other officers, by the commanding officer of brigade. Commissioned officers.

§ 194. No officer arrested shall be brought to trial unless a copy of the charges and specifications, certified by the officer ordering the arrest, shall be delivered to him, or left at his usual place of abode, within three days after his arrest; nor unless the officer ordering such court martial shall have ordered the same within thirty days after receiving notice of the arrest, and a copy of the charges and specifications; nor until ten days after a copy of a list of the names of the officers detailed to form the court shall have been delivered to the officer arrested, or left at his usual place of abode. Charges and specifications to be personally served.

§ 195. The officer ordering the court may, at any time, supply any vacancy that, from any cause, may happen therein. Vacancies.

§ 196. If the officer accused shall have any cause of challenge to any member of such court, he shall, within a reasonable time after receiving a copy of the charges and a list of the members, deliver his cause of challenge, in writing, to the officer ordering such court, who shall thereupon determine as to the validity of such challenge; and if, in his opinion, the causes are sufficient, he shall appoint another member of such court. Challenges.

§ 197. After the court shall be assembled, and after all challenges, if any are made, shall have been determined, the judge advocate, whether commissioned or special, shall administer to each member the following oath: "You, _____, do swear that you will faithfully discharge the duties of a member of a court Oath.

martial now assembled, according to the best of your ability."

Sentence to be kept secret.

§ 198. Every judge advocate, whether commissioned or special, and every member of a court martial, shall keep secret the sentence of the court, until the same shall be approved or disapproved according to law; and shall keep secret the vote or opinion of any particular member of the court, unless required to give evidence thereof by a court of justice.

Effect of sentence.

§ 199. The sentence of any such court martial shall be according to the nature and degree of the offence, and according to military usage; but shall not extend farther, in time of peace, than cashiering the officer convicted, and disqualifying him from holding any office in the militia of this state, and imposing a fine not exceeding one hundred dollars.

When to be executed.

§ 200. The proceedings and sentence of every court martial shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court martial and to the arresting officer, and he may, at his discretion, publish the sentence, as approved or disapproved, in orders; but no part of such sentence shall be executed until after the time allowed for appeal has expired.

Full proceedings to be sent to Adjutant General.

§ 201. He also shall transmit such proceedings and sentence, and his approval or disapproval thereof, to the Adjutant General, to be kept in his office.

Appeal.

§ 202. The right of appeal to the Commander-in-Chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from is made known to the person appealing.

Compensation.

§ 203. There shall be allowed and paid out of the treasury, to each division and brigade judge advocate, and to each president and member of any court of inquiry or court martial for the trial of officers, two dollars for each day actually employed on duty; and the like compensation to every marshal appointed by any such court, for every day employed in the execution of the duties required of him.

Accounts to be audited.

§ 204. The accounts of all persons who under this article are entitled to be paid out of the treasury, shall

be audited by the Comptroller, who shall, on the application of the Governor, draw his warrant on the Treasurer for such sums of money as may be requisite in the execution of the provisions of this act; and may require the chief of each staff department to account quarterly for all money received by him for the purposes connected with his department.

OF REGIMENTAL AND BATTALION COURTS MARTIAL.

§ 205. The commandant of each brigade may at any time appoint a regimental or battalion court martial for any regiment or battalion in his brigade, to consist, if practicable of a field officer or captain.

Court to consist of field officer or captain.

§ 206. The appointment of said court shall be published in orders at least three weeks previous to the convening of the court; and the officer appointing said court shall fix the day on which it shall convene, and when convened the court may adjourn from time to time, as shall become necessary for the transaction of business, but the whole session of the court, from the day on which it shall convene until its dissolution, shall not exceed three weeks.

Appointment of court to be published.

§ 207. In case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy or order a new court.

Vacancy.

§ 208. The officer constituting such court, before he shall enter on his duties as such, shall take the following oath: "I, _____, do swear that I will well and truly try and determine, according to evidence, all matters between the people of the State of New York and any person or persons which shall come before the regimental (or battalion) court martial to which I have been appointed."

Oath.

§ 209. Such oath shall be taken by the president, on or before the day on which the court shall convene, before a justice of the county in which he may reside, or a field officer of his regiment or battalion; and it shall be the duty of such justice or field officer to administer the oath without fee or reward.

Before whom taken.

§ 210. Such court shall direct a non-commissioned officer, or other fit person or persons, to be by him designated to summon all delinquents and parties accused to appear before the court, at a time and place to be by

Summons to accused parties.