

victed before a general Court martial of behaving in a scandalous, infamous manner, such as is unbecoming the character of an Officer and a gentleman, shall be discharged from the service. C. J.<sup>2</sup>

Art. 48. All officers, conducters, gunners, matrosses, drivers, or any other persons whatsoever receiving pay or hire in the service of the Continental Artillery shall be governed by the aforesaid rules and articles, and shall be subject to be tried by Courts martial, in like manner with the Officers and Soldiers of the Continental troops.

Art. 49. For differences arising amongst themselves, or in matters relating solely to their own Corps, the Courts martial may be composed of their own Officers, but where a number sufficient of such Officers cannot be assembled, or in matters wherein other corps are interested, the Officers of Artillery shall sit in Courts martial with the Officers of the other corps.

Art. 50. All crimes not capital and all disorders and neglects which Officers and Soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the articles of War, are to be taken cognizance of by a general or regimental Court martial, according to the nature and degree of the Offence, and be punished at their discretion.

Art. 51. That no person shall be sentenced by a Court martial to suffer death, except in the cases expressly mentioned in the foregoing articles, nor shall any punishment be inflicted at the discretion of a Court martial, other than degrading, cashiering, drumming out of the Army, whipping not exceeding thirty nine lashes, fine not exceeding two months pay of the Offender, imprisonment not exceeding one month.

Art. 52. The field Officers of each and every regiment are to appoint some suitable person belonging to such regiment, to receive all such fines, as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiment; and such person shall account with such Officer for all fines received, and the application thereof.

Art. 53. All members sitting in Courts martial shall be sworn by the President of said Courts, which President shall himself be sworn by the Officer in said Court next in rank; the oath to be administered previous to their proceeding to the trial of any Offenders in form following, viz: "You A. B. swear that you will well and truly try and impartially determine the cause of the Prisoner now to be tried, according to the rules for regulating the Continental Army; So help you God."