

martial for the trial thereof; and in such cases where three, for that reason, cannot be had of the same corps, garrison, party, or station, of the offender, then with those who are competent of that corps, garrison, party or station, and the next most convenient thereto; such inferior court martial shall be constituted of five members at least.

56. That all inferior court-martials shall be appointed by the colonel or commanding officer of the battalion, corps, garrison, party, or station to which the offender belongs, and the members thereof shall take the same oath, to be administered in like manner as the members of a general court-martial.

57. That every court-martial administer an oath to every witness produced before them in the following words, to wit: "You, do swear, that the evidence you shall give in the case in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you GOD."

58. That the members of every court-martial shall take the same rank as they hold in the army, and shall behave themselves with calmness, decency, and moderation, and in giving in their votes shall begin with the lowest in commission, and the sentence of the court shall be given according to the majority of votes, except in capital cases as before mentioned.

59. That in all trials of field officers, two-thirds of the number that constitute the court-martial, shall be of the degree of a captain at least.

60. That no person shall suffer death under any article, unless the pain of death is expressly annexed by such article to his crime, nor shall any person be punished for any crime or offence, except for shamefully abandoning his post in an engagement, until he shall be convicted thereof by a general or inferior court-martial.

61. That no inferior court-martial shall be competent to pass sentence for any greater punishment on a commissioned officer than a pecuniary fine not exceeding twelve dollars, or reprimand, or concession, or to ask pardon; or on a non-commissioned officer or soldier for a greater punishment than a pecuniary fine not exceeding half a month's pay, or for five days close imprisonment, or for whipping on the bare back not exceeding fifteen lashes.

62. That in all cases where the sentence is discretionary, no general court-martial shall adjudge the offender, if a commissioned officer, to suffer any greater punishment than a fine or forfeiture of his pay to the amount of ten pounds, to make proper concessions, or to ask pardon, to be reprimanded or cashiered, or discharged from the service; or if the offender be a non-commissioned officer