

*Article 3.* If any captain or commanding officer of a company shall refuse or neglect to make a list of the persons notified to perform any tour of duty, or to send or convey the same to the commanding officer of the regiment, extra battalion or squadron to which such company may belong, for every such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court martial, a sum not exceeding one hundred nor less than five dollars.

*Article 4.* Every general court martial shall consist of twelve members, one of whom at least shall be a general, and none under the grade of field officer.

*Article 5.* Every division court martial shall consist of twelve members, two-thirds of whom at least shall be field officers.

*Article 6.* Every brigade court martial shall consist of twelve members, at least one-third of whom shall be field officers.

*Article 7.* Every regimental court martial shall be composed of six commissioned officers.

*Article 8.* Every extra battalion or squadron court martial shall consist of six commissioned officers.

*Article 9.* Every company court martial shall be composed of one subaltern officer or non-commissioned officer, and one private, to be appointed by the commanding officer of the company; and in case there be no subaltern or non-commissioned officer attached to said company, then the said captain shall apply to the commanding officer of the regiment, extra battalion or squadron to which he may be attached, who shall within three days after such application, order a commissioned or non-commissioned officer, or both, as the case may require, of a neighboring company, to repair to a convenient place designated by the captain in whose district the delinquent resides, who shall then and there hold a court martial in the same manner as if they had been attached to said company.

*Article 10.* In every court martial, not less than two-thirds of the members must agree in every sentence for inflicting any penalty, otherwise the party charged shall be acquitted; and any person charged may be acquitted by any court martial upon its appearing to said court that sickness or some such excuse