

51. Any commissioned officer who shall be guilty of any fraud or imbezzlement, shall forfeit all his pay due at the time of his conviction, make restitution, and be discharged from the service.

52. Any non-commissioned officer or soldier, who shall embezzle or destroy ammunition, provisions, tools, or any other thing belonging to the public stores, shall be punished as may be adjudged.

53. Any officer or soldier, who shall wilfully or through negligence disobey any general or special orders, shall be punished as may be adjudged.

54. That no general court-martial shall consist of a less number than thirteen, none of whom shall be of a less degree than a commissioned officer, and the president shall be a field officer; which general court-martial shall be appointed, when and as often as occasion shall require, by the Council of Safety, or the colonel or commanding officer of the said battalion; and the president shall administer an oath to the other members of the same court, and the member next in rank to the president shall administer an oath to him, before the same court shall proceed to determine or hear any case, in the words following, to wit: "You, A. B. do 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 and governing the forces in the service of this province. So help you God." Provided, That when any person is to be tried for his life, the Council of Safety shall appoint twenty-four members at least, two of which to be field officers, and ten at least to be captains, out of a list of whom the offender may strike all above the number of fifteen, leaving at least one field officer and five captains; and sentence of death shall not be pronounced, unless twelve of the court-martial concur in such sentence.

55. That no inferior court-martial shall consist of a less number than five commissioned officers, unless in such cases where that number cannot be conveniently assembled, when three shall be sufficient; but no person on or against whom the offence is alleged to have been committed, shall be a member of any court-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 censure, 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-