

ARTICLE 4. All persons who give evidence before a court-martial are to be examined upon oath; and no sentence of death shall be given against any offender, by any general court-martial, unless two-thirds of the officers present shall concur therein.

ARTICLE 5. All persons called to give evidence in any cause, before a court-martial, who shall refuse to give evidence, shall be punished, for such refusal, at the discretion of such court-martial. The oath to be administered in the following form, viz. "You swear the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

ARTICLE 6. No field officer shall be tried by any person under the degree of a captain, nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning and of three in the afternoon, except in cases which require an immediate example.

ARTICLE 7. No sentence of death, by any general court-martial, shall be put in execution till after a report be made of the whole proceedings to the governor of this state, and his direction be signified thereupon; nor shall any other sentence of a general court-martial be put in execution till after a report of the whole proceedings to the general or commander in chief of the forces of the United States, when the person tried belongs to any corps attached to the continental army; or to the governor of this state, when the person tried belongs to any corps acting in this state, or any other of the United States, unconnected with the continental army, and their respective direction be signified thereupon.

ARTICLE 8. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental courts-martial for the enquiring into such disputes or criminal matters as may come before them, and for the inflicting punishments for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the court-martial) or the commandant of the garrison, shall have confirmed the same.

ARTICLE 9. No regimental court-martial shall consist of less than five-officers, excepting in cases where that number cannot conveniently be assembled, when three may be sufficient, who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer of the regiment, corps or detachment, not being a member of the court-martial; and the members of such court-martial, before they proceed to the trial of any offender, shall severally take the following oath: "You, A. B. shall well and truly try and determine the matter now before you according to your evidence, and duly administer justice according to the directions of the act, entitled, An act to establish rules and articles for the government of the draughts and other militia of this state, while in service."

ARTICLE 10. No commissioned officer shall be cashiered, or dismissed from the service, excepting by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers, and by the order of the colonel of the regiment, or, by the sentence of a regimental court-martial, be reduced to private sentinels.

ARTICLE 11. No person whatever shall use menacing words, signs or gestures, in the presence of a court-martial, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

ARTICLE 12.