

longs, he shall be cashiered or punished by a fine not exceeding one hundred dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case shall be fined at the discretion of a company court-martial, in any sum not exceeding twenty dollars.

1812.

ART. 3d. 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, and send or convey the same to the commanding officer of the regiment or extra-battalion to which such company may belong; for such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court-martial, a sum not exceeding one hundred dollars nor less than five dollars.

Commanding officers of regiments shall be furnished with lists of persons notified to perform a tour of duty.

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

General courts-martial.

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

Division courts-martial.

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

Brigade courts-martial.

ART. 7th. Every regimental court-martial shall be composed of six commissioned officers.

Regimental courts-martial.

ART. 8th. Every extra-battalion court-martial shall consist of six commissioned officers.

Extra-battalion courts martial.

ART. 9th. Every company court-martial shall be composed of one subaltern officer, one non commissioned officer and one private, to be appointed by the commanding officer of the company, and in case there should be no subaltern or non-commissioned officer attached to said company, then the captain shall apply to the commanding officer of the battalion, regiment or extra battalion to which he may be attached; who shall, within ten days after such application, order a commissioned or non-commissioned officer, or both, as the case may require, of a neighbouring 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 were attached to said company.

Company courts-martial.

ART. 10th. In every court-martial, not less than two-thirds of the members must agree in every sentence for inflicting any penalty, otherwise the person charged shall be acquitted.

Two-thirds of members of a court martial must agree.