

any thing herein contained, or any statute, law or usage to the contrary notwithstanding: Provided always, that in no case whatsoever, shall any non-commissioned officer, or private man, for any offence by him committed, be subjected to the punishment of being whipped by the sentence of any court martial whatsoever.

Non-commissioned officer or private man not subject to the punishment of being whipped.

XXV. And be it further enacted by the authority aforesaid, That in all cases where a militia officer not on actual service, shall be guilty of improper conduct, or do any thing unbecoming his character as such officer not otherwise provided for in this act, the Governor, Lieutenant Governor or person administering the government, upon complaint and application made to him through the colonel or other field officer of militia commanding the respective regiment or battalion to which the said officer against whom the complaint is made, may belong, or in case the said colonel or other field officer is the party accused, to the next in command, to issue his order to assemble a court of enquiry, which court shall consist of one field officer in rank superior to the officer accused, who shall be president thereof, together with not less than four other commissioned officers, and such court of enquiry shall examine witnesses, and take every necessary step to investigate the matter alleged in the complaint against the said militia officer, and report the evidence in that behalf brought before them, to the Governor, Lieutenant Governor or Person administering the government, for his decision thereon.

Court of enquiry when to be assembled.

—in what manner to be constituted.

—report to the Govr. &c.

XXVI. And be it further enacted by the authority aforesaid, That except in time of actual service, the judges of the Court of King's Bench and Clergy, the Members of the Legislative and Executive Councils, and their respective officers, the members of the house of Assembly for the time being, and the officers thereto belonging, his Majesty's Attorney General, Solicitor General, the Secretary of the Province, and all other civil officers who shall have been or hereafter may be appointed to any civil office in this Province under the great Seal of the same, as well as all magistrates, sheriffs, coroners, half-pay officers, militia officers having served by virtue of any militia commission in any part of his Majesty's dominions, (who may not have been removed for any offence as an officer of militia, or who may have obtained leave to resign his commission) the surveyor general and his deputies duly appointed, seafaring men actually employed in the line of their calling, physicians, surgeons, the masters of public schools, ferry men, and one miller to every Grift Mill, shall be, and are hereby excused from serving in the said militia. Provided always, that this act and the exceptions herein contained, shall not prevent, and it is hereby declared that the same shall not be construed to prevent any or every of the above mentioned person or persons from holding commissions as officers in the militia in this Province; Provided always, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, by warrant under his hand seal, to exempt any of the persons hereinbefore enumerated, from being called out on the service aforesaid.

Exemptions from serving in the militia except in time of actual services.

—not to prevent the persons so exempted from holding commissions as officers in the militia.

Govr &c. may grant exemptions from serving.

XXVII. And be it further enacted by the authority aforesaid, That the persons called quakers, menonists, and tunkers, who from certain scruples of conscience,

Quakers, menonists, and tunkers, not to be compelled to serve.