

Officer, or shall not when thereunto ordered, use his utmost endeavours to suppress such mutiny, or shall desert the Company or command to which he belongs, or shall disobey orders; if a commissioned officer he shall be put under arrest by any superior officer; if a non-commissioned officer or soldier, he shall be committed to the next County or other gaol as soon as convenient by order in writing under the hand of the Officer commanding the Regiment, Company, or Detachment, to which such person so offending shall belong, and it shall and may be lawful, for the Governor, Lieutenant-Governor, President or Commander in Chief of the Province for the time being, to order a general Court Martial, by warrant under his hand and seal, for the trial of such offender as speedily as the service will admit; which Court Martial shall not consist of a less number than thirteen Commissioned Officers of the Militia, and the President of such Court Martial shall not be under the rank of a Field Officer, and there shall be as many Captains as conveniently can be had; the eldest Subalterns to make up the number, and that such Court Martial shall have power to administer an oath to any witness in order to the examination or trial of any of the above offences that shall come before them, and shall also have power to punish with death or by fine and imprisonment, in proportion to the enormity of the offence, the fine not to exceed *fifty pounds* nor imprisonment six months. *Provided always*, that no sentence of any general Court Martial shall extend to death unless for desertion to the enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to the enemy any garrison, fortress, post or guard, nor shall any man serving in the Militia, be subject to be whipped, or otherwise corporally punished in any case whatsoever except by imprisonment, nor shall the sentence of any general Court Martial be carried into execution until it has been approved of by the Governor, Lieutenant-Governor, President or Commander in Chief for the time being.

XXVII. *And be it further enacted*, That in all trials by general Courts Martial, the President and every Member thereof before any proceedings be had; shall take the following oath, and the Judge Advocate is hereby authorised to administer the same, to wit: I (A B) do swear that I will duly administer justice, according to the Laws of this Province now in force for the better regulating the Militia without partiality, favor or affection; and I do further swear that I will not divulge the sentence of this Court until it shall be approved by the Commander in Chief of this Province, neither will I on any account whatever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice in a due course of Law, so help me God. And no sentence of death shall be given by any such General Court Martial, unless twelve Officers present shall concur therein, and the Governor, Lieutenant-Governor, President or Commander in Chief, shall have power to appoint any fit person to act as Judge Advocate at any such General Court Martial, who shall be allowed for his services *ten shillings* per diem during the time he shall be actually employed in such service, which Judge Advocate so appointed shall previous to

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if an Officer to be put under arrest, if a non-Commissioned Officer or Soldier to be committed to gaol and tried by a General Court Martial,

to be appointed by warrant under the hand and seal of the Commander in Chief

to consist of not less than thirteen Officers, the President to be a Field Officer.

Court may administer oaths, and may punish with death or by fine not exceeding 50*l.* or imprisonment not exceeding six months.

No sentence to extend to death but for mutiny and sedition, desertion to the enemy, traitorous correspondence with or traitorously giving up to the enemy any post, &c.

Men serving in the Militia exempted from corporal punishment except imprisonment, no such sentence to be executed until approved by the Commander in Chief.

President and Members of the Court to be sworn.

Oath of Member.

No sentence of death shall be passed unless twelve Officers present shall concur.

Commander in Chief to appoint a Judge Advocate, to be allowed ten shillings per day, and to be sworn.