

Battalion, Company, or Detachment, to which such person so offending, shall belong; and it shall and may be lawful for the Governor 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 offenders, 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 may be

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

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 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 the sentence of any general Court Martial be carried into execution until it has been approved of by the Governor or Commander in Chief for the time being.

Members of a General Court Martial to be sworn.

XXXII. *And be it further enacted*, that in all trials by General Court 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 at any time 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 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 *fifteen shillings* per diem, during the time he shall actually be employed in such service; which Judge Advocate, so appointed, shall previous to any proceedings had on the trial of any prisoner, take the following oath to be administered by the President of the Court, to wit: "I (A. B.) do swear, that I will not upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of this 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."

no sentence of death to be given unless twelve officers concur,

Judge Advocate to be appointed and sworn and allowed 15s per day.