

The members of which they shall consist.

Judge advocate to be appointed.

Oath to be taken by the members.

Oath to be taken by the judge advocate.

Oath to be administered to witnesses.

No judgment without the concurrence of two thirds of the members.

— not to be executed without the approbation of the Governor, &c.

No officer of other forces to sit in such court martial.

Regulations to which the militia shall be subject while embodied for actual service.

court martial shall consist of a president who shall be a field officer, and twelve other commissioned officers of the militia; Provided always, that in all trials by general courts martial to be held by virtue of this Act, the Governor, Lieutenant Governor or person administering the government shall nominate and appoint the person who shall act as a judge advocate, and that every member of the said court martial, before any proceedings be had before that court, shall take the following oath before the said judge advocate, who is hereby authorized to administer the same, viz You A. B. do swear that you will administer justice to the best of your understanding in the matter now before you, according to the evidence and the militia laws now in force in this Province, without partiality, favor or affection; and you further swear, that you will not divulge the sentence of the court, until it shall be approved by the Governor, Lieutenant Governor or person administering the government, neither will you upon any account, at any time whatsoever 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 you God. And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words: You A. B. do swear, that you will not, upon any account, at any time whatsoever, 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 you God. And the said judge advocate shall, and he is hereby authorized to administer to every person giving evidence before the said court, the following oath: The evidence you shall give to this court martial, on the trial of A. B. shall be the truth, the whole truth, and nothing but the truth—So help you God. Provided always, that the judgment of every such court martial shall pass with the concurrence of two thirds of the members, and shall not be put in execution, until the Governor, Lieutenant Governor or person administering the government has approved thereof. Provided always, that no officer serving in any of his Majesty's other forces shall sit in any court martial upon the trial of any officer or private man serving in the militia.

XXIV. *And be it further enacted by the authority aforesaid,* That during the time in which the said militia shall be embodied for actual service, they and every of them, as well officers as privates, shall be liable and subject to all and every the provisions, regulations, matters and things in this act contained, respecting the said militia, and also in cases to which the provisions of this act do not extend to all the rules, regulations, pains and penalties of any act or acts of the British Parliament that are or may be in force for the punishment of mutiny and desertion not contrary to this act; Provided nevertheless, that no sentence of any court martial to be constituted and established under and by virtue of this act, shall extend to the loss of life or limb, unless for desertion, mutiny and sedition, traitorous correspondence, or for traitorously delivering up to the enemy any garrison, fortrels, post or guard,

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