

directed and ordered in the said Warrant: which Warrant shall be a sufficient justification to the Officer to whom the same may be directed, and to all those lawfully employed under him in executing such sentence. *Provided always*, that previous to any person being put to death, pursuant to the sentence of a General Court Martial, such sentence, and the Warrant for the execution thereof, shall be publicly read in the hearing of the bye-standers, at the time and place appointed for such execution.

LXXXIX. *And be it enacted*, That no Officer, under the rank of Captain, shall sit upon a Court Martial for the Trial of any Field Officer.

XC. *And be it enacted*, That General Courts Martial are hereby empowered, upon appeal being made from the sentence of Regimental Courts Martial, to enquire into, and confirm or annul the said sentence, as to the same Court shall appear fit and right; and in case it shall appear to the Court, that an appeal hath been made, without any sufficient cause, by a person sentenced by such Regimental Court Martial, then, and in that case, the said General Courts Martial are hereby empowered to increase the punishment of such appellant, by imprisonment in the Jail of the County, where such appellant doth reside, for a time not exceeding thirty days.

XCI. *And be it enacted*, That Officers commanding Regiments, Battalions or Detachments, not under the rank of Captains, are hereby empowered to order a Regimental Court Martial for the trial of all offences cognizable by such Court, under and by virtue of this Act; and that such Regimental Court Martial shall consist of five Members at the least—the President whereof shall not be under the rank of Captain.

XCII. *And be it enacted*, That the said Regimental Courts Martial are hereby empowered to fine or imprison offenders for offences made by Law, cognizable by such Court, in their discretion, according to the nature of the offence—provided that the fine to be by them imposed, shall in no case exceed the sum of Five Pounds; and the imprisonment, shall in no case exceed thirty days.

XCIII. *And be it enacted*, That no sentence of a Regimental Court Martial shall be executed until the same shall be approved of, and confirmed by, the Officer commanding the Regiment, Battalion or Detachment of Militia, in which the person prosecuted shall serve, nor shall the same be executed without an order under the hand of such Commanding Officer, for that purpose.

XCIV. *And be it enacted*, That all Courts Martial are hereby empowered to administer an Oath to Witnesses in the same manner as is accustomed by the Court Martial in the British Regular Army; and to punish all and every person or persons for contempt of the Court, by disobedience of its orders, made in pursuance of the power and authority vested in them, or gross abuse of the said Court, in presence of the said Court, by fine or imprisonment, so as the said fine by them imposed shall in no case exceed the sum of Five Pounds, and the imprisonment shall in no case exceed twenty days.

XCV. *And be it enacted*, That no person shall sit as a Member of any Court Martial, for the trial of any offender, who shall be related within the fourth degree, either to the Prosecutor or to the person prosecuted; nor shall any accuser sit as a Member of the Court for the trial of the person accused.

XCVI. *And be it enacted*, That it shall and may be lawful for the Governor to draw, by warrant, from the Treasury of the Province, such sum or sums of money as may be necessary to defray the expense attending any Militia Courts of Enquiry, as the Governor may, from time to time, think proper to form, for the purpose of enquiring into such charges and allegations as may be exhibited against any Officer in the Militia.

XCVII. *And be it enacted*, That upon any emergency, arising either from invasion or from attack, made or threatened upon this Province, or upon the Province of New Brunswick, or upon danger of such invasion or attack upon this Province, or the Province of New Brunswick, it shall be deemed necessary to call into actual service and embody any portion of the Militia of this Province, it shall and may be lawful for the Governor to order and direct the Colonel of any Regiment of such Militia to furnish two hundred men for every six hundred men of the first class, or in the like proportion of any greater or less number of men of the first class, of which such Regiment shall or may be composed—such men to be furnished either from the drafts of such Regiment, agreeably to this Act, or by such men of the first class who may volunteer from such Regiment.

XCVIII.

Rank of Officers composing Courts Martial

Power of Regimental Courts Martial

Regimental Courts Martial

Sentence of Regimental Courts Martial

Execution of sentence

Witnesses to be sworn

Consanguinity of Members of Courts Martial to delinquents

Militia Courts of enquiry

Upon any emergency from invasion of Provinces to direct the Commander of any Regiment of Militia to furnish 200 men for every 600 of which the Regiment is composed