

Non commiffioned Officers or Militia Men, appointed Conftables, exempted from Militia duty during that year,

XI. Provided always and be it further enacted that no non-commiffioned Officer of Militia, or Militia Man, who fhall be lawfully appointed to ferve the Office of Conftable fhall be obliged to perform any Militia duty during the year for which he is fo appointed a Conftable, unlefs the County in which he refides is actually invaded.

Officers neglecting their duty, &c. may be tried by a court-martial,

XII. And as good order depends much on the ready obedience of Officers in the execution of their duty, and on the example they fhew to the Militia Men; be it further enacted by the authority aforefaid, that in all cafes where a Militia Officer fhall refuse or neglect to attend any Court-martial to which he is called, and to take the Oath herein after mentioned, or fhall abfent himfelf from mufters, exercife or reviews eftablifhed by this Act, refuse to attend, (unlefs prevented by ficknefs or unavoidable neceffity,) neglect his duty, or be guilty of partiality or difobedience to the orders of his fuperior Officers, quarrel with or infult them by injurious or abufive words; the faid Officer fhall be liable to be brought before a Court-martial which fhall be affembled for that purpofe, and compofed of one Field-Officer at leaft, and of a number of other Militia Officers of the diftrict or battalion, who fhall not be lefs than eight, to which Officers, or any of them, it may always be legally objected, before the hearing of the caufe, that he or they are interefted in the complaint, and which Court-martial compofed as above, and in which a Field Officer fhall prefide, fhall proceed to hear and determine the complaint brought before it concerning the faid Officer, and fhall, if he is found guilty, inflict upon him fuch penalty, proportioned to the offence, as the faid Court fhall judge proper, which may be either by cenfure, or fufpention, or depriving him of his commiffion and degrading him from his rank.

Governor, &c. to appoint the Prefident of each court-martial,

Sentence of a Court-martial fhall not be executed, unlefs paffed with the concurrence of two thirds of the Members, and approved by the Governor, &c.

XIII. And be it further enacted, by the authority aforefaid, that in all cafes where a Court-martial fhall be held as above eftablifhed, the Governor, Lieutenant Governor, or Perfon adminiftering the Government, upon complaint and application to him made through the Colonel or Field-Officer of Militia commanding the refpective Diftrict or Battalion, or in cafe he is inculpated, through the next in command, fhall iflue an order under his hand and feal appointing the Prefident of the court, and directed to fuch Colonel or Field-Officer or the next in command, as the cafe may require, therein nominating or authorizing him to nominate the members of the Court, and to fix a time and place for convening the fame: provided always, that the judgment of every fuch Court-martial fhall have paffed with the concurrence of two thirds of the Officers prefent, and fhall not be put in execution until the Governor, Lieutenant Governor or Perfon adminiftering the Government has approved thereof.

Judge Advocate and members of the court-martial to be fworn,

XIV. And be it further enacted, by the authority aforefaid, that in all trials by Court-martial, to be held in virtue of this Act, on Officers not embodied on actual fervice