

that the Officer commanding the party of Militia on board such Boats, shall have the command also of such Boats, and that the Militia shall not be obliged to proceed more than three leagues from the land, when so ordered.

LXXXIV. *And be it enacted,* That in case of an invasion of an Enemy, or imminent danger thereof, when any part of the Militia shall be drawn out and embodied for actual service, in the manner hereinbefore directed, from the time that such part of the Militia shall be so embodied, until they shall be discharged by order of the Governor, such of the Articles of War, which may be then in force for the Government of Her Majesty's Forces in this Province, as the Governor, by and with the advice of the Executive Council, shall consider applicable, and shall alter, so as render the same conformable to the restrictions hereinafter mentioned, shall be printed, agreeably to such alterations; and such of the said Articles, when so altered and printed, (until otherwise provided for by the Legislature,) shall be judicially taken notice of by all Judges, and all Courts whatsoever; and shall be binding on, and extend to, all the Officers, Non-commissioned Officers, and men of the Militia, embodied as aforesaid; which Articles of War the Governor may cause to be made and published as soon after the publication of this Act as he may think proper.

Articles of
War

LXXXV. *Provided always, and be it enacted,* That no Officer serving in Her Majesty's Regular Forces, shall sit on any Court Martial upon the Trial of any Officer, Non-commissioned Officer or Man, serving in the Militia; nor shall any sentence of General Court Martial extend to death, unless for the 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.

Courts Martial

LXXXVI. *And be it enacted,* That the Governor is hereby empowered, by Warrant under his Hand and Seal, to constitute and appoint General Courts Martial for the trial of all offences made cognizable by such Courts, by virtue of this Act, or which shall be made cognizable by such Courts, under such Articles of War as shall be published for the government of the Militia, as hereinbefore mentioned—which Court shall consist of not less than thirteen Commissioned Officers, the President whereof shall not be under the rank of Field Officer.

Governor to
appoint General
Courts
Martial

LXXXVII. *And be it enacted,* That in all Trials by General Court Martial, every Officer, before any proceedings be had, shall take the following Oath, and the Judge Advocate is hereby authorized to administer the same:

Members to be
sworn

"I, A. B., do swear, that I will duly administer Justice, according to the Laws of this Province, now in force for regulating the Militia, without partiality, favor or affection; and I further swear that I will not divulge the sentence of this Court, until it shall be approved by Her Majesty, or some person duly authorized by her; neither will I, upon any account 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 me God."

Form of Oath

And no sentence of death shall be given against any offender by such General Court Martial, unless twelve Officers shall concur therein. And the Governor shall have power to appoint any one of Her Majesty's Justices of the Peace for said Province, or other fit person, to act as Judge Advocate at any such General Court Martial; and the Judge Advocate, previous to any proceedings had on the Trial of any Prisoner, shall take the following Oath, to be administered by the President of the Court Martial, to-wit:

Judge Advocate to be
sworn

"I, A. B., do swear, that I 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 me God."

Form of Oath

LXXXVIII. *And be it enacted,* That no person shall be put to death, under the sentence of a General Court Martial, until a Warrant, under the Hand and Seal of the Governor, shall issue for the execution of such sentence—which Warrant shall direct the time and place when and where the person sentenced to death shall be executed; and all sentences of death shall be executed by either shooting or hanging the offender, as the same may be directed

Persons sentenced to death
by a Court
Martial