

been committed. And no Officer, being the Accuser, shall sit as a Member.

And be it further enacted, That if any Officer, Non-commissioned Officer, or Soldier, of the Militia, shall in the Field, upon a March, or in Quarters on actual Service, desert the Troop Company or Command to which he belongs, or shall disobey orders; if a commissioned Officer, he shall be put under Arrest by the commanding Officer, if a Non-commissioned Officer, or Soldier, he shall be sent to the next County or other Jail as soon as convenient, and it shall and may be lawful for his Excellency the Governor, Lieutenant Governor or Commander in Chief of the Province, to order a General Court Martial, by a Warrant under his Hand and Seal, for the Trial of such Offender 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 Degree of a Field Officer, and there shall be as many Captains as conveniently can be 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 the above Offences that shall come before them.

And be it further enacted, That such General-Court Martial shall have Power to punish with Death, or otherwise by Fine or Imprisonment, the Fine not exceeding *Twenty Pounds*, or Imprisonment not more than *six months*.

Provided always, That in all Trials by General-Courts Martial, every Officer, before any Proceeding be had, shall take the following Oath, and the Judge Advocate is hereby authorized to administer the same.

YOU Shall well and truly try and determine according to your Evidence in the Matter now before you, between Our Sovereign Lord the King's Majesty and the Prisoner to be tried.

And no Sentence of Death shall be given against any Offender, by any such General Court-Martial, unless *Twelve* Officers present shall concur therein; and His Excellency the Governor, Lieutenant-Governor, or Commander in Chief, shall have Power to appoint any one of His 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 be it also enacted, That no Sentence of such General Court-Martial shall be put in Execution before the same be approved by his Excellency the Governor, Lieutenant Governor or Commander in Chief for the Time being.

Provided always and be it enacted, That when any Part of the Militia shall be draughted to march from one part of the Province or Town to
Another