

they orders, or neglect doing his duty; or shall shew any contemptuous behaviour towards his superior Officer, if an Officer, he shall on conviction thereof before a General Court Martial to be constituted and appointed as herein after directed, be cashiered by the sentence of such Court Martial, if a non-commissioned Officer or private, he shall be confined by the commanding Officer of the party or guard, and it shall be lawful for the commanding Officer of the Regiment or Battalion, or of any party or command, not under the degree of a Captain, to order a regimental Court Martial to be forthwith held for the trial of such offender, the said Court Martial to consist of three Commissioned Officers at least, but where they can be had of five, who may give judgment by laying a fine on such offender in any sum not exceeding forty shillings, and in addition thereto, if a non-commissioned Officer, reducing him to the ranks, at the discretion of the Court, which fine so ordered by the Court Martial, if he neglect or refuse to pay, shall be either stopped out of the pay of such offender, or recovered by warrant of distress and sale of his goods and chattels, under the hand and seal of the commanding Officer of such Regiment or Battalion, or party, and for want thereof, such offender to be imprisoned or subject to hard labour, for a term not exceeding ten days. *Provided always nevertheless,* that no sentence of a Regimental Court Martial, shall be put in execution until approved of by the Officer, ordering such Court Martial, and no Officer being the accuser shall be a member.

XXXI. *And be it further enacted,* That if any Officer, non-commissioned Officer or private, shall in the field, upon a march, or in quarters, on actual service, begin, excite or join any mutiny, or knowing of such mutiny, begun or intended, shall not give information thereof, to his commanding or other superior Officer, or shall not when thereunto ordered, use his utmost endeavours to suppress such mutiny, or shall desert the Company or command to which he belongs, or shall disobey orders, if a commissioned Officer, he shall be put under arrest by any superior Officer; if a non-commissioned Officer or Private, he shall be committed to the next County, or other Gaol, as soon as convenient, by order in writing under the hand of the Officer commanding the Regiment, Battalion, Company, or Detachment to which such person so offending, shall belong, and it shall and may be lawful for the Governor or Commander in Chief of the Province, for the time being, to order a general Court Martial by warrant under his hand and seal, for the trial of such offenders 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 Rank of a Field Officer; and there shall be as many Captains as conveniently may 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 any of the above offences that shall come before them, and shall also have power to punish with death, or by fine and imprisonment, in proportion to the enormity of the offence, the fine not to exceed fifty pounds, nor imprisonment six months. *Provided always,* that no sentence of any Court Martial shall extend to death, unless for desertion to the enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to the enemy any Garrison, Fortrefs, Post or Guard, nor shall the sentence of any general Court Martial, be carried into execution until it has been approved of by the Governor or Commander in Chief, for the time being.

XXXII. *And be it further enacted,* That in all trials by general Court Martial, the President, and every Member thereof, before any proceedings be had, shall take the following oath, and the Judge Advocate is hereby authorised to administer the same, to wit "I (A. B.) do swear, that I will duly administer justice, according to the Laws of this Province now in force, for the better regulating the Militia, without partiality, favor, or affection; and I do further swear that I will not divulge the sentence of this Court, until it shall be approved by the Commander in Chief of this Province, neither will I, on any account, at any time whatever, 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!" And no sentence of death, shall be given by any such General Court Martial, unless twelve Officers present, shall concur therein. And the Governor or Commander in Chief shall have power to appoint any fit person to act as Judge Advocate, at any such General Court Martial, who shall be allowed for his services fifteen shillings per diem, during the time he shall actually be employed in such service, which Judge Advocate so appointed, shall previous to any proceedings had on the trial of any prisoner, take the following oath, to be administered by the President of the Court, to wit: "I (A. B.) do swear, that I will not upon any account at any time whatever, disclose or discover the vote or opinion of any particular Member of this 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!"

XXXIII. *And be it further 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 or Commander in Chief, 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 and ordered in the said warrant; which warrant shall be a sufficient justification to the officer or officers to whom the same shall be directed, and to all those lawfully employed under them, in executing such sentence. *Provided always,* that previous to any persons being put to death, pursuant to the sentence of a General Court Martial, such sentence and 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.

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

XXXV. *And be it further enacted,* That whenever the whole or any part of the Militia of this Province, shall be called out into actual service, the Officers, non-commissioned Officers, Drummers, Fifers, and Privates, shall be entitled to the same pay and allowances as the Officers, non-commissioned Officers, Drummers, Fifers, and privates, of His MAJESTY'S regular troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies, to go on actual service, until they shall be dismissed by order of the Governor or Commander in Chief; and at the time of their dismissal they shall be allowed respectively, a number of days pay to defray their expences to their usual places of residence, according to the distance, at the rate of fifteen miles per day, together with a bounty to each man of the non-commissioned Officers, Drummers, Fifers, and Privates, who shall have served faithfully during the time or times they shall so have continued on actual service, at and after the rate of thirty shillings per month, for every calendar month which they shall respectively have been and remained on actual service but not to exceed in the whole the sum of five pounds, for each separate time or occasion on which they shall so have respectively been called out into actual service as aforesaid.

XXXVI. *And be it further enacted,* That all the male Blacks, and people of Colour, between sixteen and fifty years of age, within each and every of the Counties within this Province, shall be formed into one or more Companies as may be thought expedient, and attached to the several Regiments or Battalions, within the districts of which, they may respectively reside, and shall have such Officers to command them as the Governor or Commander in Chief for the time being, may think fit to appoint, and shall be considered as the Pioneers of the Regiments or Battalions to which they may respectively belong, or otherwise as the Commander in Chief may direct: and be subject to the same, or the like draughts for actual service as the Militia in general are liable to in times of invasion or imminent danger thereof.

XXXVII. *And be it further enacted,* That it shall and may be lawful for the Governor or Commander in Chief, for the time being, and he is hereby authorised in case of actual invasion or imminent danger thereof, to direct the building of such a number of Boats as in his judgment and discretion may appear requisite, and on such a construction as he shall judge most proper for the purposes of transporting the Militia with greater facility to different parts of this Province, as well as for annoying the enemy, provided that the sum or sums, to be expended in building such Boats, shall not exceed the sum of four hundred pounds.

XXXVIII. *And be it further enacted,* That it shall and may be lawful for the Governor or Commander in Chief, for the time being, in any place or places, where he may judge it to be necessary or expedient, to cause one or more Company or Companies of Sea Fencibles to be formed, (to be composed of the Sea-faring people, and such as are principally employed on the water) to belong to and form a part of the Regiments or Battalions of Militia, respectively, in the districts of which the same may be formed, and to direct the mode of drilling and instructing the Officers and men of the same Companies, provided that the time required of the Officers and men thereof, shall not exceed that required by this Act, of other persons belonging to the Militia; and for neglect, or refusal, on the part of either the Officers or men of either of the said Companies of Sea Fencibles to discharge the duty required of them in compliance with such direction of the Commander in Chief, they shall severally incur the like penalty and penalties as other persons of the like rank in the Regiments or Battalions to which they may belong, and to be recovered and applied in like manner as is herein provided.

XXXIX. *And be it further enacted,* That whenever the Commanding Officer of the Militia, in any County or district, where such Boats are provided, shall find it necessary to order the Boats so provided, or any other Boats or Vessels with which he may be furnished, to proceed in repelling the enemy, or to the assistance of any neighbouring district or place, or to be stationed as a watch for the defence of any such place, the Militia of any such County, and particularly the Sea Fencibles, shall on the orders of such Commanding Officer, proceed in such Boats accordingly.

XL. *And be it further enacted,* That if any Captain or officer commanding a Company, shall refuse or neglect to collect, or refuse or neglect to pay into the hands of the Quarter-Master, any fine or penalty by him imposed, or any sum or sums by him received, it shall in any such case or cases, be the duty of the Commanding Officer of the Regiment or Battalion to which such Officer may belong, to order and direct such Officer to be prosecuted by the Quarter-Master, as well for the Money by him received, as that which he has neglected to collect, before any one of His MAJESTY'S Justices of the Peace, pro-

vided the same shall not exceed the sum of five pounds; and when the same shall exceed the sum of five pounds, then before any two of His MAJESTY'S Justices of the Peace, and that it shall be the duty of such Quarter-Master forthwith to proceed for the recovery of the same.

XLI. *And be it further enacted,* That all fines not herein before particularly appropriated, shall be paid to the respective Quarter-Masters of Regiments or Battalions, for the purpose of defraying the contingent expences of such Regiments or Battalions, and that it shall be the duty of the respective Commanding Officers of such Regiments or Battalions, to see that the fines and sums to be collected by this Act, be laid out for the purposes herein provided for; and that the commander of every Regiment or Battalion, render an account to the Commander in Chief, every six months, of the application of such fines and sums of money, and what may be remaining in the hands of the Quarter-Master, that the same may be paid into the Province Treasury, if the Commander in Chief shall so direct.

XLII. *And be it further enacted,* That whenever the Militia, or any part thereof, shall be called into actual service, it shall and may be lawful for the Officer commanding any Regiment or Battalion, detachment or party, to impress Boats, Men, Horses, and teams as the service may require.

XLIII. *And be it further enacted,* That whenever it shall be rendered necessary by any attack, made or threatened suddenly to be made in any sea-port, City, Town, or other place at or in the Harbour of which any Merchant Ships, or Vessels, may be lying, the Officer commanding the Militia, is hereby authorised and fully empowered to duty on shore, with the Militia Artillery, if any such there be, or in any boats or vessels, or with any part of the Militia, where they can be the most usefully employed in resisting the attack of the enemy: And that in case of any great emergency which may render the service of Artillerymen necessary, the Officer commanding any Regiment or Battalion, to which there may be an Artillery Company, may require the service of the whole, or a part of such Artillery Company as he may judge necessary although the numbers required may exceed the proportion of men wanted or required from the rest of the Regiment or Battalion and so in like manner with any Company of Sea Fencibles, or any or either of the Flank Companies.

XLIV. *And be it further enacted,* That the Commissioned Officers of the Militia, when on actual service, and doing duty in Garrison or the Field, with any of His MAJESTY'S regular or Fencible Forces, shall take rank with the Officers of such forces, as the youngest of their degree, and that the said Officers of the regular and Fencible forces in this Province, and the Officers of the Militia thereof, shall be entitled reciprocally to command, and be subject to be commanded in the same manner as is provided by the Laws of Great-Britain, and the Articles of War, for the Government of the Regular and Militia forces thereof; and subject to the like pains and penalties on the part of the Officers of the Militia as are prescribed by the thirty-first Section of this Act. *Provided that* nothing in this Section contained, shall be in force until the same shall be more effectually established, as far as it relates to the Officers of the Regular and Fencible Forces, by a general Order of the Lieutenant-General Commanding His MAJESTY'S Forces, and published by the Governor or Commanding in Chief, for the time being, in General Orders to the Militia.

XLV. *And be it further enacted,* That if any person be wounded or disabled upon any invasion or attack of the enemy, he shall be taken care of, and provided for, at the expence of the Province, during the time of such disability.

XLVI. *And be it further enacted,* That this Act, shall continue and be in force for two years and no longer.

CAP. X.

An ACT, to continue an Act, intitled "An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof." Passed the 14th of March, 1810.

BE it enacted by the President, Council and Assembly, That an Act passed in the forty-seventh year of His MAJESTY'S Reign, intitled "An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof," be, and the same is hereby continued to the first day of April, which will be in the year of our Lord one thousand eight hundred and fifteen.

JUST RECEIVED,

And for Sale at this Office,

A REPORT OF THE TRIAL OF

Edward Jordan and Margaret Jordan,

For Piracy, Robbery and Murder—together with

EDWARD JORDAN'S DYING CONFESSION,

To which is added,

The Trial of John Kelly,

For Piracy, compiled from Authentic Documents and

Notes of the Trials.

ST. JOHN, 2d April, 1810.

BLANKS of various kinds may be had at this Office.