

C H A P.
XIV.

commission there on duty or in quarters, shall command the whole, and give out orders for what is needful to the service.

ARTICLE 22. And in like manner also, if any regiments or detachments shall happen to march with or be encamped or quartered with any other bodies or detachments, the eldest officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

S E C T I O N XIV.

ARTICLE 1. A general court-martial, for the trial of any person belonging to any corps attached to the continental army, shall not consist of less than thirteen commissioned officers (the president not to be under the degree of a field-officer) the major part of which shall, where it is practicable, be officers belonging to the draughts or other militia of this state, and the president and other officers sufficient to compose such court, may be continental officers; which court-martial shall be appointed by such authority as is usual in the continental army. A general court-martial, for the trial of any person belonging to any corps acting in this or any other state, unconnected with the continental army, shall not consist of less than eleven commissioned officers of the militia of this state, or of the militia of the state in which such corps may act, and the president of such court-martial shall not be the commanding officer, or under the degree of a field officer; which court-martial may be appointed by the governor and council, the lieutenant of the county, or commanding officer of the corps to which such person belongs.

ARTICLE 2. The president of every general court-martial shall appoint a proper person to officiate as judge-advocate, who shall take the following oath, to be administered by such president: "You, A. B. do swear, that you 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 you God." After which, the person so appointed to officiate as judge-advocate, shall administer to each member of such general court-martial the following oaths: "You shall well and truly try and determine, according to your evidence, the matter now before you. So help you God." "You, A. B. do swear, that you will duly administer justice according to an act to establish rules and articles for the government of the draughts and other militia of this state, while in service, without partiality, favour, or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war, in the like cases: And you do further swear, that you will not divulge the sentence of the court, until it shall be approved of by the general, or the governor of this state; neither will you, 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 you God."

ARTICLE 3. All the members of a court-martial are to behave with calmness and decency, and in the giving of their votes, are to begin with the youngest in commission.

ARTICLE 4.