

challenge any Person or Persons three Times distinctly, and the Person or Persons so challenged, shall refuse to give an Account of him or themselves, may lawfully fire upon such Person or Persons so challenged, without being impeached or prosecuted for the same; any Law, Custom or Usage, to the contrary, notwithstanding.

LIII. *AND be it Enacted, by the Authority aforesaid,* That in Case any Person who shall serve upon such Military Watch as aforesaid, shall leave his Post or Station, or shall demean himself in a turbulent or disorderly Manner, or shall not obey the just Orders of his Commanding Officer, it shall and may be lawful for the Officer commanding on such Watch, to put such Person under Arrest, over and above the Penalty above-mentioned, for any Time, not exceeding the Space of three Days.

LIV. *AND be it further Enacted, by the Authority aforesaid,* That during the Time any Persons of the Militia shall be in actual Service, within this Province, or shall keep military Watch as aforesaid, they shall be supported and paid in Manner following, *to wit,* To every Major-General, Twenty Shillings *per Day*: To every Chief Colonel of Foot, Seventeen Shillings and Six-pence *per Day*: To every Lieutenant Colonel of Foot, Fifteen Shillings *per Day*: To every Major of Foot, Fourteen Shillings *per Day*: To every Captain of Foot, Twelve Shillings and Six-pence *per Day*: To every Lieutenant of Foot, Six Shillings and Eight-pence *per Day*: To every Ensign, Five Shillings *per Day*: To every Serjeant, Two Shillings *per Day*: To every Corporal of Foot, One Shilling and Eight-pence *per Day*: To every Drummer of Foot, One Shilling and Eight-pence *per Day*: To each private Soldier, One Shilling and Six-pence *per Day*: To a Surgeon, Eight Shillings and Six-pence *per Day*, and Medicines to be found: To a Preis-Master, Four Shillings *per Day*: To every Colonel of Horse, Nineteen Shillings *per Day*: Every Lieutenant Colonel of Horse, Eighteen Shillings *per Day*: A Major of Horse, Sixteen Shillings *per Day*: A Captain of Horse, Fourteen Shillings *per Day*: A Lieutenant of Horse, Seven Shillings and Six-pence *per Day*: A Cornet, Six Shillings *per Day*: A Quarter-Master, Five Shillings *per Day*: A Corporal, Two Shillings and Six-pence *per Day*: A Trumpeter, Two Shillings and Six-pence *per Day*: A private Trooper, Two Shillings *per Day*. *Provided,* That if they shall be discharged again in two Days, no Pay shall be allowed.

LV. *AND be it Enacted, by the Authority aforesaid,* That the Provisions, and all and every the Matters, Articles and Things, which shall be taken up and impressed by Virtue of this Act, and the Pay aforesaid of the Militia, shall be paid for, discharged and defrayed by the Money which shall or may arise, or accrue in Virtue of or by the Execution of this Act; and in Case, that after the Application of such Monies to the Purposes aforesaid, there shall happen or be any Deficiency, the same shall be provided for, by the Consent of the Freemen of this Province, by their Representatives in General Assembly.

LVI. *AND* whereas in the Time of actual Service, in the Time of Invasion, Rebellion or Insurrection, it is necessary that the Officers, and private Men of the Militia of this Province, be held to a more strict Discipline than at other Times might be expedient; *Be it therefore Enacted, by the Authority aforesaid,* That if any Officer, or private Man, of the Militia of this Province, in the Time of actual Service within this Province, in the Time of Invasion, Rebellion or Insurrection, shall wittingly and willingly excite, cause or join, in any Mutiny or Sedition, in any Company, Troop, Regiment, Party, Guard, or Detachment of the Militia of this Province, or shall shamefully leave, desert, depart, or fly from his Station, or Post, without the Order or Direction of his proper Officer, or other good, sufficient, reasonable Cause, or shall wittingly hold Correspondence with any Rebel or Enemy, or give any Rebel or Enemy Advice, or Intelligence, by Letter, Message, Signs or Tokens, in any Manner or Way whatsoever, the Person or Persons so offending, being thereof convicted in due Form of Law, shall and are hereby declared Felons, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

LVII. *AND be it further Enacted,* That if any Person in the Time aforesaid, shall strike or use any Violence to his superior Officer, or shall wilfully refuse to obey his just Orders, such Person, so offending, shall suffer such Punishment, by Fine or Imprisonment (the said Fine not to exceed the Sum of Five Pounds Current Money, and such Imprisonment not to exceed the Space of seven Days), as shall be adjudged by a Court-Martial for that Purpose, to be constituted and appointed by the Commission of the Governor, or Commander in Chief, for the Time being, under the Seal of this Province, out of the Officers of the County wherein the Offender shall reside, not under the Degree of a Captain; the said Court-Martial to consist of the Number of Twelve, and no more, besides the President; and such Court shall have full Power and Authority to administer an Oath to every Witness, to discover the Truth, in Order to the Examination and Trial of any of the Offences determinable before such Court, and the Sentence of the Majority of the Members of such Court shall be immediately executed.

LVIII. *PROVIDED* always, That in all Trials to be had before any Court-Martial, to be appointed and held as aforesaid, in Virtue of this Act, every Judge, before any Proceedings shall be had, shall take the following Oath, *to wit.* "I do swear that I will well and truly try and determine, according to Evidence on the Subject of my present Enquiry, to the best of my Knowledge and Judgment, according to the Intent and Meaning of an Act of Assembly of the Province of Maryland, entituled, An Act for Regulating the Militia of the Province of Maryland, without Partiality, Malice, Favour or Affection, and that I will not at any Time, upon any Account whatsoever, disclose or discover my own Vote or Opinion, or the Vote or Opinion of any other 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." *Provided also,* That no Officer or private Person aforesaid, being once acquitted by a Court-Martial, for any Offence under this Act, shall be liable to be tried a second Time for the same Offence.

LIX. *AND be it Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Commanding Officer of any Person guilty of the Offence aforesaid, to commit such Person, and have him safe kept, so as that he may be brought to his Trial, for any of the said Offences.

LX. *AND be it Enacted, by the Authority aforesaid,* That if it shall happen that any Trooper's Horse shall be killed by an Enemy, in actual Service, then the said Trooper to be paid for the said Horse by the Public. *Provided* always, That nothing in this Act contained, shall oblige or compel any of the People called Quakers, or any of the Congregation called *Unitas Fratrum*, or United Brethren, who from religious