

the same to take an oath or affirmation. Witnesses to be examined on oath, written process.

(or affirmation, if he be one of the people called quakers) impartially to assist to try and determine, to the best of his understanding, the case that shall be brought before him. In this court, all the witnesses shall be examined on oath, the whole process shall be written, and not fewer than eight of its members shall be a majority competent to award judgment.

CHAP. V.—OF THE PUBLIC DEFENCE.

Militia. ARTICLE I. As public safety is no less necessary than public order, we find it expedient to institute a militia, in which every male between the ages of sixteen and sixty, not having religious scruples to the contrary, shall be enrolled.

How armed and exercised. ART. II. They shall each be furnished with a musket, bayonet, and proper accoutrements, and shall assemble once a week on the public parade, to learn the use of arms.

Subject, while under arms, to military law. ART. III. Sensible that an armed force cannot be maintained without discipline, we hereby subject ourselves, while under arms, to an annual act of the British parliament, entitled, "An act for punishing mutiny and desertion, and for the better payment of the army and their quarters;" provided the punishment do not extend to death.

Officers how elected. ART. IV. The officers of this militia (except the governor and lieutenant-governor) shall be elected by ballot from the heads of families.

Testing clause. In witness of all, and the several clauses and agreements hereinbefore contained, we the said settlers have each of us hereunto severally set our hands and seals, the day and year first above written.