

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. LXIII.

An Act to explain so much of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, as relates to the Transportation of Offenders. [2d *July* 1827.]

WHEREAS by an Act passed in this present Session of Parliament, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, it is (amongst other Things) enacted, that whenever His Majesty shall intend any Sentence of a Court-martial of Transportation to be carried into Execution, or shall be graciously pleased to extend His Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Commander in Chief for the Time being of His Majesty's Forces in *Great Britain* and *Ireland*, or in the Absence of the Commander in Chief, then by the Adjutant General for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif, in *England*, or to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, in *Ireland*; and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, 7 & 8 G. 4. c. 4.

and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts in force at the Time of making any such Orders in relation to the Transportation of Offenders: And whereas Doubts have arisen whether the Adjutant General or Secretary at War is or are thereby authorized to notify such Sentence, together with His Majesty's Pleasure upon the same, when there shall not be any Person appointed Commander in Chief of His Majesty's Forces in *Great Britain* and *Ireland*: And whereas it is expedient that such Doubts should be removed: Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever there shall not be any Person appointed Commander in Chief of His Majesty's Forces in *Great Britain* and *Ireland*, the Notification of such Sentence, and of His Majesty's Pleasure thereupon, by the Secretary at War or his Deputy, shall be deemed and taken to be as good and effectual as if made in pursuance of the said recited Act by the Commander in Chief or the Adjutant General; and all Acts and Orders done and made in pursuance of such Notification shall have the same Force and Effect and be as valid and effectual as if such Notification had been made by the Commander in Chief or the Adjutant General, as fully and effectually to all Intents and Purposes as if all the Powers and Provisions of the said recited Act were re-enacted as to all such Orders made by the Secretary at War or his Deputy.

Sentence of Transportation may be notified by the Secretary at War or his Deputy when there shall be no Commander in Chief.

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