

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

CAP. LIX.

An Act for amending an Act, intituled *An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.* [2d *July* 1847.]

WHEREAS by an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea*, Courts-martial holden and appointed by virtue of that Act are, in certain Cases, authorized and required to pronounce Judgment of Death; and it is expedient that in all Cases (except Murder and Buggery or Sodomy with Man or Beast), such Courts-martial shall be authorized to abstain from pronouncing Judgment of Death, if such Courts-martial shall think fit, and to impose such other Punishment as the Nature and Degree of the Offence shall be found to deserve: Be it therefore enacted by the Queen'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 22 G. 2. c. 33.

Courts-martial to have a discretionary Power in awarding Sentence in all Cases except Murder.

of the same, That it shall and may be lawful for any such Court-martial, holden and appointed as aforesaid, either to pronounce Judgment of Death in all Cases in which by Law such Court is now authorized or required so to do, or, if such Court shall so think fit, in all such Cases (except Murder and Buggery or Sodomy with Man or Beast) to impose such other Punishment as the Nature and Degree of the Offence shall be found to deserve.

Court-martial may take cognizance of Manslaughter.

II. And be it enacted, That it shall be lawful for any such Court-martial, holden and appointed as aforesaid, to try any Person, who at the Time of the Offence committed shall be in actual Service and Full Pay in the Fleet or Ships of War of Her Majesty, for Manslaughter, whether committed within the Jurisdiction of the Admiralty or out of any Part of Her Majesty's Dominions on shore, and to impose upon every such Person, so convicted of Manslaughter by the Sentence of such Court, such Punishment other than Death as the Degree of the Offence shall be found to deserve.

Oath to be administered to Members of Courts-martial.

III. And be it enacted, That upon all Trials of Offenders by any Court-martial, holden and appointed as aforesaid, all the Officers present who are to constitute such Court shall, before they proceed to such Trial, take the Oath herein-after mentioned before the Court instead of the Oath appointed by the said Act, which Oath the Judge Advocate or his Deputy, or the Person appointed to officiate as such, is hereby authorized and required to administer in the Words following; (that is to say,)

'I do swear, That I will duly administer Justice, 'according to the Laws in force for the Government of Her 'Majesty's Ships, Vessels, and Forces by Sea, without Partiality, 'Favour, or Affection; and if any Case shall arise which is not particularly mentioned in any such Laws, I will duly administer Justice 'according to my Conscience, the best of my Understanding, and the 'Custom of the Navy in like Cases; and I do further swear, that I 'will not on any account at any Time whatsoever disclose or discover 'the Vote or Opinion of any particular Member of this Court-martial, 'unless thereunto required in due Course of Law.

'So help me GOD.'

Oath to be administered to Judge Advocate.

And so soon as the said Oath shall have been administered to the respective Members the President of the Court is hereby authorized and required to administer to the Judge Advocate or his Deputy, or the Person officiating as such, instead of the Oath appointed by the said Act, an Oath in the following Words:

'I do swear, That I 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 thereunto required 'in due Course of Law. 'So help me GOD.'

When Act is to take effect.

IV. And be it enacted, That this Act shall take effect from the First Day of *January* One thousand eight hundred and forty-eight.

V. And

V. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.