

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

***

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 it shall be lawful for Her Majesty to make Articles of War for the better Government of the *East India* Company's Forces, and from Time to Time to renew, alter, add to, or amend the same, as to Her Majesty shall appear fit, and all Articles of War to be so made shall be judicially taken notice of by all Judges and in all Courts whatsoever, and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, *Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad and of the Territories under the Government of the said Company; provided that no Person within the Territories which are or may be under the Government of the said Company, and within One hundred and twenty Miles Distance from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, shall by such Articles of War be subject to be transported as a Felon, or be subject to any Punishment extending to Life or Limb, except for Crimes or Offences which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War or other Matters made, enacted, or in force, or which hereafter may be made or enacted or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter; and that on the Trial of all Offences committed by any Native Officer or Soldier, or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

The Queen may make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors.

Trial of Native Officer or Soldier.

II. And be it enacted, That the Provisions of this Act shall apply to all Persons belonging to any of the Forces of the *East India* Company who are or shall be commissioned or in Pay as Officers, or who are or shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners or Pioneers, or as Military Surveyors or Draftsmen, or in the

Persons subject to this Act.

the Ordnance and Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all licensed Sutlers and Followers in or of any of the said Forces, and that all such Persons shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

For the Purposes of this Act, the Presidency of Fort William to comprise that of Agra.

III. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same the Presidency of *Fort William* in *Bengal* shall be deemed and taken to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and such Territories shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

Officers, &c. raised or serving in Places occupied by Persons subject to the Government of the Company liable to the same Law as Company's other Forces.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or in Places in possession of or occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, and being under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law, in like Manner as the Company's other Forces are.

After Embarkation all Officers and Soldiers subject to Provisions of this Act.

V. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company be during their Passage subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent; and in all Cases in which it may happen that Offences shall be committed by the said Officers and Soldiers after their Embarkation, and before their Arrival at their Place of Destination abroad, which cannot be tried and punished during their Passage in such Manner as such Offences

Offences committed during Passage cognizable after Arrival.

Offences ought to be tried and punished, every such Officer or Soldier may and shall after his Arrival at his Place of Destination abroad be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender might have been tried by Court-martial held under the Authority of this Act.

Commanders in Chief at the several Presidencies empowered to convene Courts-martial.

VI. And be it enacted, That for the Purpose of bringing Offenders to Justice it shall be lawful for the General or other Officer commanding in chief the Forces in *India*, or the Forces within the Presidency of *Fort William*, and also for each of the Generals or other Officers respectively commanding in chief the Forces within the Presidencies of *Fort Saint George* and *Bombay* respectively, from Time to Time, as Occasion may require, to convene Courts-martial for the Trial of any Officer or Soldier under his Command who is or shall be charged with any Offence liable to be tried by Court-martial, whether such Offence shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively to direct his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, authorizing him to convene Courts-martial for the Trial of Offences committed by any Officer or Soldier under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively, when and as often as any Sentence is given and passed by a Court-martial, legally constituted, upon any Officer or Soldier under his Command, to confirm such Sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said Officers commanding in chief respectively to give his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, to confirm Sentences of Courts-martial passed upon Officers or Soldiers under the Command of the Officer to whom such Warrant shall be given (always excepting in any such Warrant the Confirmation of any Sentence of Death, Transportation, or Cashiering, upon any Commissioned Officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and the said Officers commanding in chief respectively may (where they shall think fit) authorize any such Officer to confirm any such Classes of Sentences only, or Sentences passed for any such Class of Offences only, or on any such Classes of Persons only, as they may think fit;

and

and it shall also be lawful for Her Majesty to grant Commissions or Warrants under the Royal Sign Manual to any General or other Officer having the Command of any Body of Forces, as well in the Possessions or Territories which are or may be under the Government of the *East India* Company as elsewhere, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being, however, below the Degree of a Field Officer; and any Person subject to the Provisions of this Act who shall in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any Part of the Territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

The Queen may grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

VII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers (except in Cases where the same shall be holden in any Place out of Her Majesty's Dominions and of the Territories which are or may be under the Government of the said Company, or where the same shall be holden in any *African* Colony, the *Australian* Colonies, the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, or *Malacca*, in which Cases such General Courts-martial may consist of any Number not less than Five), and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

Composition and Constitution of General Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Composition and Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found

Regimental and Detachment Courts-martial.

to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March or on board any Ship or Vessel the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Officers in command of Troops in Foreign Countries not in alliance with the East India Company may assemble Courts-martial.

XI. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions and of the Possessions or Territories which are or may be under the Government of the said Company, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to the Company's Army being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Proceedings on Mixed Courts-martial how to be regulated.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Land Forces, or Officers of Her Majesty's Royal Marines, or Officers of both such Services, may sit on Courts-martial together with Officers in the Service of the *East India* Company; and where the Person to be tried shall belong to Her Majesty's Land Forces, then the Proceedings of the Court shall be regulated to all Intents and Purposes as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable to the Proceedings of such Court; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of this

Act

Act shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or any of Her Royal Predecessors; and where it shall happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial, then any Officer or Soldier or Person subject to the Provisions of this Act may be tried by a Court-martial composed of Officers in Her Majesty's Service alone: Provided always, that the Officer convening such Court-martial shall specify in his Warrant or Order convening the Court that no Officer in the Service of the said Company could be conveniently had.

Courts-martial in some Cases may be wholly composed of Queen's Officers.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment, or Body of Troops composed of Detachments of different Regiments, to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless a Field Officer cannot be had, nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Ship or Vessel, or on any Foreign Station, where a Captain cannot be had; and it shall be lawful for any Officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit Person to execute the Office of Judge Advocate at and for the Purpose of such Court-martial.

President of Court-martial.

XIV. And be it enacted, That in all Trials by Courts-martial to be held by virtue of this Act, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President, or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers appointed to form the Court; and when the Place of the President or of any other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made and allowed, or if no Challenge shall have been made, or, if made, not allowed, the President and the other Officers composing the

Proceedings at Trial.

the Court shall take the Oath in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, or before the President of such Court, who are hereby respectively authorized to administer the same; and any sworn Member may administer the Oath to the President; and as soon as the said Oaths 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 the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but during seasonable and convenient Hours of the Day, to be appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example.

Swearing and summoning Witnesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by such Court-martial, or by any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made to appear to such Court-martial, Court of Law, or Judge, by Affidavit, in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending to be sworn, or being sworn, shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or refuse to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in any Court of Justice, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend on a Trial in any Proceeding in the Court in which Complaint shall be made.

XVI. And

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by any Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk or of such other Officer, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk or other Officer, shall be sufficient Evidence of such last-mentioned Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than

may by this Act and by the Articles of War for the Government of the *East India* Company's Forces be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, shall transmit, with as much Expedition as the Opportunity of Time and Distance of Place will admit, the original Proceedings and the Sentence of such Court-martial to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Three Months, if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial to be had for the same Offence, and no Revision more than once.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, or, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer, or shall correspond with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or of the *East India* Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever, or shall relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, any such Rebel or Enemy, or shall treat or enter into any Terms with such Rebel or Enemy without the Licence of the said Company or of the said Company's Governor General in Council, or of the Governor in Council at One of the Presidencies, or of the General or Chief Commander, or shall

cast

cast away his Arms or Ammunition or otherwise misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend, or shall compel the Governor or Commanding Officer of any Garrison, Fortress, Post, or Guard to deliver up to the Enemy or to abandon the same, or shall speak Words or use any other Means to induce such Governor or Commanding Officer or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend, or shall desert the said Company's Service, or shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, or shall leave his Post before relieved, or shall be found sleeping on his Post, or shall treacherously make known the Watchword, or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters, or shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces, or shall force a Safeguard, or shall break or enter into any House or Store or Cellar, or other Place, for Plunder, or shall strike, or shall draw or offer to draw or lift up any Weapon, or use or offer any Violence, against his superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer, or who, being confined in a Military Prison, shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Territories which are or may be under the Government of the said Company, or in Foreign Parts, and whether upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXI. And be it enacted That whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in the said Company's Forces, and in any Country or Place (such Country or Place being within the Limits of the said Company's Charter and under the said Company's Government)

ment) which the Officer commanding in chief the Forces with which the Offender may have been serving at or previously to the Time of the Offence shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which the Officer commanding in chief as aforesaid shall direct; provided, that in all Cases where a Capital Punishment shall have been awarded by a Court-martial it shall be lawful for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to such Officer.

Embezzlement punished by Transportation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to the *East India* Company, or for the Use of the *East India* Company's Forces or Her Majesty's Forces, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the *East India* Company's Service, and Incapacity of serving the *East India* Company or Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature or Degree of the Offence, and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained which shall have been ascertained by such Court-martial, and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender, and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to the *East India* Company, and may be recovered accordingly in any of the Courts of Law in the *East Indies*, or any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to the *East India* Company's Service, and forfeit any Commission held from Her Majesty, and for ever be incapable

of

of serving the said Company or Her Majesty in any Military Capacity.

Execution of Sentences of Transportation.

XXIII. And be it enacted, That Her Majesty may, by any Order or Orders to be by Her from Time to Time made with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council and the Governor in Council of *Fort Saint George* and *Bombay* respectively to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when any such Offender shall be about to be transported from any of the said Presidencies to a Place of Transportation, the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

Transports to be subject to the Convict Laws of the Place of Transportation.

XXIV. And be it enacted, That every Offender who shall be transported as aforesaid shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he shall be removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Power to inflict Corporal Punishment.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, or without such Sentence, to award Imprisonment, with or without hard Labour.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the General or other Officer authorized to confirm the Sentences of Courts-martial to commute such Corporal Punishment to Imprisonment, either solitary or otherwise, and either with or without hard Labour, for any Period not

exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service;

In tampering with his Eyes, with Intent thereby to render himself unfit for Service;

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating any Disease or Infirmity, or delaying his Cure;

In malingering or feigning Disease;

In stealing or embezzling Stores the Property of the *East India* Company or of the Crown, or in receiving them knowing them to have been stolen;

In stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen;

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent;

In stealing or embezzling or fraudulently misapplying Money intrusted to him belonging either to the *East India* Company or to the Crown;

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military;

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. And

Forfeiture of Pay on Conviction of Desertion or Felony.

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony by any Court of ordinary Criminal Jurisdiction, or of any Crime or Offence by any Court of Criminal Jurisdiction in the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty or the *East India* Company, or by a Court-martial, which would if committed in the United Kingdom amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence, or during Absence or Commitment under a Charge;

or in Arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining the Service due Inquiry shall be made by a Court-martial, and, unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding

exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order, that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, or ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture; provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. And be it enacted, That any Court-martial may sentence any Soldier, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of One Penny or Eight Pice a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and, in addition to any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay or Allowance, for such

such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny or Eight Pice of his daily Pay, for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good,

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified;

Any Loss or Destruction of or Damage or Injury to any Property whatsoever, occasioned by his wilful or negligent Misconduct;

Any Loss or Destruction of or Damage or Injury to his Horse, or to the Horse of any other Soldier, or to any Beast used in Indian Warfare, or any Loss or Destruction of or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct;

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court; provided also, that, after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny or Eight Pice a Day.

Discharge with Ignominy.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct as aforesaid, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such

Soldier, such Court may further recommend that he be discharged with Ignominy from the Service.

Marking Deserters.

XXXV. And be it enacted, That on the First and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

XXXVIII. And

Term of Imprisonment.

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President.

Place of Imprisonment.

XXXIX. And be it enacted, That the Place of Imprisonment under the Sentence of General Courts-martial shall be appointed by the Officer commanding in the District, Garrison, or Place, and, under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Keepers of Prisons to receive Military Offenders.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, House of Correction, or other Place of Confinement in any Part of the Territory under the Government of the *East India* Company, or of Her Majesty's Dominions, shall receive into his Custody any Military Offender under the Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he shall be discharged, or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose.

Orders as to Removal of Prisoners to be obeyed.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol or House of Correction, or other Place of Confinement, it shall be lawful for the Officer who confirmed the Proceedings, or for the Officer commanding in the District or Garrison or Place, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial, or other Purpose, and such

such Prisoner shall accordingly on the Production of such Order be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Diet of Prisoners.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement shall diet and provide every Soldier imprisoned by the Sentence of a Court-martial, or as a Deserter, with Fuel and other Necessaries, according to the Regulations of such Place of Confinement, the Expense of which shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by any Laws or Regulations to be made in that Behalf.

Notice to be given of the Expiration of Imprisonment.

XLIII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve the *East India* Company on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or, if there shall not be a sufficient Time for a Month's Notice, then the longest practicable Notice thereof to the Adjutant General of the Army, or to the nearest Military Authority to whom such Notice may conveniently be given.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the *East India* Company's Service at such Times as shall be appointed, and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Beast, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, or shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, upon Proof thereof, upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have

or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India* Company, or in the United Kingdom of *Great Britain* or *Ireland*, or in the Service of the said Company or of Her Majesty.

Trials for Desertion after subsequent Enlistment.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from the *East India* Company's Service, although he may of right belong to some Corps from which he shall originally have deserted; and that whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

XLVI. And be it enacted, That every Person who shall voluntarily deliver himself up and confess himself to be a Deserter from the *East India* Company's Forces, or who while serving in any of the said Company's Forces shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Officer commanding in chief at any of the said Presidencies shall appoint, whether such Person shall have been actually enlisted as a Soldier or not, and he shall be liable to Punishment in the same Manner as if he had actually enlisted and had afterwards deserted.

Punishment for inducing or assisting in Desertion.

XLVII. And be it enacted, That any Person who shall by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall, by Words or by any other Means whatsoever, attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Enlisting and attesting Recruits.

XLVIII. And be it enacted, That it shall be lawful for any Justices of the Peace within the Territories under the Government of the *East India*

India Company, and for any Person holding the Office of *British* Resident, or performing the Duties of such Office, within the Territories of any Foreign State, to enlist and attest any Persons desirous of enlisting, or any Soldiers or others desirous of re-enlisting, into the Service of the said Company; and the said Justices of the Peace shall have the same Powers in that Behalf as by the Mutiny Act passed in the present Year for Her Majesty's Forces are given to Justices in the United Kingdom for the Purposes of Enlistment, and any Person so enlisted or re-enlisted shall be deemed to be an enlisted Soldier in the Service of the said Company.

Recruits concealing Infirmities punishable.

XLIX. And be it enacted, That any Person who shall enlist into the *East India* Company's Forces, and who shall be discovered to be incapable of active Service, or unfit for the Service for which he shall have been enlisted, by reason of any Infirmity which shall have been concealed by such Person or not declared at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion or Company, or into any of the said Company's *European* Forces, or into Her Majesty's Land Forces or Marine Forces, notwithstanding he shall have enlisted for any particular Regiment or any particular Service, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts or any Rules or Regulations relating to Soldiers to the contrary notwithstanding.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay.

Punishment for so doing.

L. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowance of any Officer or Soldier in the *East India* Company's Service, or from their Agents, other than the usual Deductions or such other necessary Deductions as shall from Time to Time be required to be made, according to the Regulations of the Service; and every Paymaster or other Person having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the Regulations established by the Rules of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One thousand Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, One Moiety of such Fine to be paid to the Informer; and should such Informer be a Soldier, he shall, if he demand it, be discharged from any further Service: Provided always, that it shall be lawful for the Governor General in Council or the Governor in Council at the said Presidencies respectively

respectively to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty.

Penalty for procuring false Musters.

LI. And be it enacted, That every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse or other Beast to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged the said Service.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LII. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses or other Beasts belonging to or used in the *East India* Company's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Two hundred Company's Rupees, together with the Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person, having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Two hundred Company's Rupees but not less than Fifty Company's Rupees, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture,

feiture, be liable to be imprisoned only, or imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath or solemn Declaration before a Justice of the Peace, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, with respect to which any such Offence shall have been committed, the Justice, or Person exercising like Authority, may grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice or other Person, to be dealt with according to Law.

Soldiers entitled to Discharge may claim to be sent Home free of Expense.

LIII. And be it enacted, That every Soldier entitled to his Discharge, either upon the Expiration of any Period for which he shall have engaged to serve, or otherwise, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expense, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, as aforesaid, as also any other Soldier in the Service of the *East India* Company entitled to be sent to *Great Britain* or *Ireland* shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces; and Her Majesty may by such Articles of War provide for the Punishment of any such Soldier who in the Passage shall be guilty of Drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful Conduct, by Sentence of a Court-martial, to be held under the Mutiny Act and Articles of War for the Time being in force for Her Majesty's Forces, and may direct that

Punishment of Offences on the Voyage.

that for the Purposes of such Court-martial and Punishment he shall be considered as belonging to any Regiment in Her Majesty's Service, and be punishable in the same or the like Manner as if the Offence had been committed whilst serving with such Regiment, and as if any Advantages he may be entitled to by Service were Advantages arising from Service in Her Majesty's Forces.

Indian Government may suspend Proceedings.

LIV. And be it enacted, That the Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except Prince of Wales Island, Singapore, and Malacca,) for the Trial of Capital and other Offenders.

LV. And be it enacted, That any Officer or Soldier who shall be serving in the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, and *Malacca*,) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which if committed in *England* would be Felony, or of having committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to the Protection of Her Majesty or of the Government of the *East India* Company, or of any State in alliance with the said Company, may be tried by a General Court-martial to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and if found guilty shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or other Punishment, according to the Nature and Degree of the Offence, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been confirmed by the General or other Officer commanding in chief as aforesaid; and such Officer may, if he shall think fit, suspend, mitigate, or remit the Sentence, or, in the Case of a Sentence of Death, commute the same, by directing the Offender to be transported as a Felon for Life or for any certain Term of Years; provided also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever.

Proviso for Confirmation by the Governor in Council in certain Cases.

LVI. Provided always, and be it enacted, That where any Officer or Soldier shall under the Clause lastly herein-before contained have been found guilty of any such Offence as therein mentioned, committed at any Place within the Territories under the Government of the

the said Company situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and the Offender shall have been tried within such Territories, no Sentence of Death or Transportation in respect of such Offence, whether original, revised, or commuted, shall be carried into execution until such Sentence shall have been approved by the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried.

Such Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.

LVII. And be it enacted, That if any Person liable under the Provisions herein-before mentioned to be tried by a Court-martial for any Crime or Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, or *Malacca*,) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or upon the High Seas, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as is herein-before provided in that Behalf.

The ordinary Course of Law not to be interfered with.

LVIII. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to the Protection of Her Majesty or of the respective Governments of the *East India* Company or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command so accused as aforesaid, such Officer shall, upon Conviction thereof on any Prosecution in any of Her Majesty's Courts of Record in the United Kingdom or in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military

Military Office or Employment in the said Company's Service in the *East Indies;* and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown or other proper Officer of the Court in which such Conviction shall take place, shall within Two Months from the Time of such Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided, that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial under the Provisions herein-before in that Behalf contained, or against whom any effectual Proceeding shall have been taken or ordered to be taken for the Purpose of bringing such Person to Trial by Court-martial under the Provisions herein-before in that Behalf contained; provided also, that no Person or Persons, being acquitted or convicted of any Crime, Violence, or Offence by the Civil Magistrate or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of One Company's Rupee and Eight Annas; and every such Certificate, containing the Substance and Effect of the Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.

LIX. And be it enacted, That no Person whatever enlisted into the *East India* Company's Service as a Soldier shall be liable to be arrested or taken therefrom by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, (for which no Fee shall be taken,) before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit a Memorandum without Fee shall be endorsed upon the Back of such Process, that the

the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Party by whom the Action shall have been brought or Execution sued as aforesaid: Provided always, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.

LX. And be it enacted, That it shall be lawful for all Officers or other Persons who by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company may be authorized or required to take care of or collect or superintend, or direct the Collection, of the Effects or any Part of the Effects of any Officers or Soldiers dying in the Service of the said Company out of the United Kingdom to ask, demand, and receive any such Effects to which his Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects, unless required and authorized so to do by any such Officer or Person so authorized or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

LXI. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servants Wages due, and Household Expenses, during the current Month, or in respect of any Quarters, or of

of any Mess or Band or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expenses attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, or whether any such Regimental Debts remain due, such Question shall be decided and concluded by any Order or Certificate to be made either by the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged, or, in case where, for Convenience, such last-mentioned Military Secretary shall authorize or request the Military Secretary to the Government of any other Presidency to act on his Behalf, then by such last-named Military Secretary; and all such Payments shall be good and valid in Law, and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid, under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary in relation to the Distribution of such Assets, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered.

Military Secretary to administer such Surplus, when not exceeding 1,000

LXII. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters Testamentary or Dative, being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same; and it shall be lawful for the said Military Secretary to the Government of the Presidency to which the Deceased shall have belonged to order and direct the Payment or Distribution of any such Surplus, to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of

Company's Rupees, without Probate or Administration, and Duty-free.

Testament, or Letters Testamentary or Dative, or Payment of any Duty; and it shall also be lawful for any Paymaster or other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow, or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto, or as being a proper Person to receive the same; and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters Testamentary or Dative, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Effects remitted not to be deemed Assets in the Place to which remitted, so as to render Administration necessary.

LXIII. And be it enacted, That any Effects, or the Proceeds or Surplus of any Effects, which shall be collected or received under the Authority of any Articles of War as aforesaid, when remitted to any Person, under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India*, Person of Persons, by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions, Suits, and Demands in respect thereof, to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Military Secretary authorized to order Remittance of Effects to any other Place in India.

Mode of administering Surplus prescribed.

LXIV. And be it enacted, That the Effects, or the Proceeds or Surplus of the Effects, collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to such Payment or Distribution

Distribution as is herein-before authorized, shall with all convenient Speed be transmitted to such Military Secretary as aforesaid by the Officer or Person employed or required to take care of, collect, and receive the same; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier, or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Soldier claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the *East India* Company in London, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Registrar of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration with the Will annexed, or otherwise, in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary; and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in *London* shall not exceed One hundred Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters Testamentary or Dative, or Payment of any Duty.

Registrar of Supreme Courts to take out Administration to Surplus.

LXV. And be it enacted, That it shall be lawful for Her Majesty, by any Articles of War to be made by Her as aforesaid, to make Provision for collecting any Effects of Deserters, and for Payment out of the same of any Regimental Debts and Quarters of the Deserters, and for carrying the Balance to the Credit of the *East India* Company, for the Use of the said Company; and that all Questions respecting any such Regimental Debts may be determined and concluded in such Manner as herein-before is provided.

The Queen may make Provision for the Collection and Administration of the Effects of Deserters.

LXVI. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of any Courts of Requests or other Courts for enforcing small Demands established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachments or at any Station or Cantonment, Persons resident within the Limits of a Military Cantonment, or other Persons

Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt not exceeding 400 Company's Rupees to be cognizable

by a Military Court.

Persons amenable to the Provisions of this Act, not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no instance of less than Three; and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain; and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

Composition and Constitution of the Court prescribed;

'I swear, That I will duly administer Justice according to 'the Evidence in the Matters that shall be brought before me.

'So help me GOD.'

and its Powers defined.

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped, and paid over to the Plaintiff, out of any Part not exceeding One Half of any Pay or Allowance, or out of any other public Money which may respectively be coming to the Defendant in the current or any future Month or Months, or to direct the same to be so paid by Instalments; and in all Cases where the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer, grounded on the Judgment of the Court; and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, or Cantonment to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner, in satisfaction of any Remainder of such Debt or Damages; and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same; and if sufficient Goods shall not be found within the

the Limits of the Camp, Garrison, or Cantonment, then any public Money, or any Part, not exceeding One Half, of the Pay or Allowances accruing to the Defendant, shall be stopped, in liquidation of such Debt or Damage; and if such Defendant shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of any public Money, the same shall be stopped and paid accordingly, in conformity with such Direction: Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

Term and Limitation of Actions.

LXVII. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months; and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidencies in *India*, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Modes of Procedure.

Mode of recovering Penalties.

LXVIII. And be it enacted, That all Penalties and Forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said Presidencies, or in any other Court in *India* in which under any Laws made or to be made in *India* the Penalty would be recoverable if the same had been incurred by the Offender in breach of any other Law: Provided always, that no Action shall be brought or Prosecution carried on by virtue of this Act for any such Penalties or Forfeitures as aforesaid unless the same be commenced within Six Months after the Offence is committed.

One Moiety to Informer; Remainder to Military Secretary of the Presidency.

LXIX. And be it enacted, That One Moiety of any Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same; and the Remainder of the Penalty, together with the Treble Value of any Article, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, and shall abide the Disposal of such Military Secretary; and the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Secretary.

Punishment for giving false Testimony.

LXX. And be it enacted, That in all Cases where any Oath is hereby required to be taken, or any Person is hereby required to be sworn, a solemn Declaration or Affirmation may be substituted, if by the Laws for the Time being in force in *India* such Declaration or Affirmation would be allowed to be substituted in the Place of an Oath in case the Party were about to depose as a Witness in a Civil Action in any of the Supreme Courts at the Presidencies; and that any Persons wilfully and knowingly giving false Testimony on Oath, or solemn Declaration or Affirmation in any Case wherein such Oath or solemn Declaration or Affirmation shall have been made for the Purpose of this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or other Court-martial.

Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued.

LXXI. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Third and Fourth Years of the Reign of Her present Majesty, herein-before mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like Manner as if they had been committed against this Act, and every Warrant for holding any Court-martial under the said Act shall remain in full Force notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than

than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Act not to affect Queen's Prerogative.

LXXII. And be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Not to affect Provisions of 7 & 8 Vict. c. 18.

LXXIII. And be it enacted, That nothing herein contained shall affect the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty, intituled *An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the* East Indies, and that all the Provisions thereof shall after the passing of this Act apply and be in full Force and Effect, unless and except so far as the Provisions thereof may in any respect be inapplicable.

Commencement of this Act, and Repeal of former Act.

LXXIV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty, and that from and after such Day all Powers and Provisions contained in the said Act of the Third and Fourth Years of Her present Majesty, except as herein-after is particularly provided, shall cease and determine, and that from and after the same Day the Articles of War made by Her Majesty in pursuance of the said Act shall cease and determine: Provided nevertheless, that full Effect shall be given to the Provisions herein-before contained respecting the Punishment of Offences against the said former Act, and otherwise, as herein-before is mentioned; and that, so far as may be necessary to give full Effect to such Provisions, the said Act of the Third and Fourth Years of Her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full Force; and provided also, that all the Powers and Provisions contained in the said Act of the Third and Fourth Years of Her Majesty concerning or in any way relating to the *Indian* Navy shall be and remain in full Force and Effect, in the same Manner as if this Act had not passed; and provided also, that the Repeal of the same Act shall not operate to revive any former Act.

Act may be amended or repealed.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

FORM of OATH to be taken by the PRESIDENT and MEMBERS of COURTS-MARTIAL.

You shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I *A. B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, that I will not divulge the Sentence of the Court until it shall be duly approved, neither will I, upon any account, at any Time whatsoever, disclose or discover any 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 or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH to be taken by the JUDGE ADVOCATE (or Person officiating as such).

I do swear, That I will not, upon any account whatsoever, disclose or discover any 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 or a Court-martial in a due Course of Law, and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.