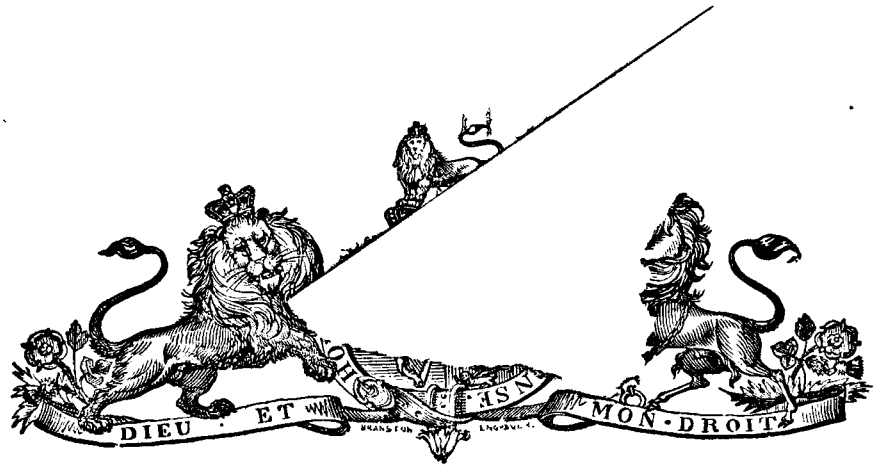


ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier in the Service of the said Company, 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 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, or Post 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 towards the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, which he or they shall be commanded to defend; or shall treacherously make known the Watchword; or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters; or shall leave his Post, for Plunder or otherwise, before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or the said Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall knowingly harbour or protect 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 Governor in Council at any of their Presidencies, or without the Licence of the General or Chief Commander; or who shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces; or shall force a Safeguard; or shall strike or shall 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 shall desert the said Company's Service; 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 Possessions or Territories which are or may be under the Government of the said Company, or in Foreign Parts, upon Land or upon the Sea, within or without the Limits of the Charter of the said United Company, shall suffer Death, Transportation, or such other Punishment as by a Court-martial shall be awarded.

Punishment for Mutiny, Desertion, and divers other Military Crimes.

II. And be it enacted, That the General or other Officer commanding in chief the Forces of or belonging to the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively for the Time being may appoint General Courts-martial, and issue his Warrant to any General or other Officer not below the Degree of a Field Officer, having the Command of a Body of Troops of Her Majesty, or of the said Company, empowering them respectively to appoint General Courts martial

Power to appoint General Courts-martial any where beyond 120 Miles from the Presi-

martial, as Occasion may require, to be holden 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*, and *Malacca*,) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the said Presidencies respectively, for the Trial of any Person under his Command, accused of having committed wilful Murder or any other Capital Crime, or of having used Violence or committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to Her Majesty's Protection, to the Protection of the respective Governments of the *East India* Company, or of any State in alliance with the said Company, 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, situated above One hundred and twenty Miles from the said Presidencies respectively; and the Persons accused, if found guilty, shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or to such other Punishment, according to the Nature and Degree of the respective Offences, as by such Sentence of any such General Court-martial shall be awarded: Provided always, that any Person so tried shall not be liable to be tried for the same Offence by any other Court whatsoever.

dencies of Fort William, Fort St. George, and Bombay, except Prince of Wales's Island, Singapore, and Malacca, for the Trial of Capital Offenders.

III. And be it enacted, That in every Case wherein a Sentence of Death or Transportation shall be pronounced, or a Sentence of Death shall be commuted to Transportation, for any such Capital Offence committed at any Place situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and being within the Territories under the Government of the said Company, such Sentence, whether original, revised, or commuted, shall not be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency, with the Concurrence of the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried, although such Offender may belong to the Forces of another Presidency: Provided always, that such Sentence shall have been regularly reported to and approved and confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which such Offender shall belong, and by whom or under whose Authority the Court-martial by which such Offender shall have been tried was appointed.

Sentences of Death or Transportation not to be carried into execution till confirmed by the Officer commanding in chief, with the Concurrence of the Governor of the Presidency.

IV. And be it enacted, That if any Person liable to be tried by a Court-martial for any such 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, and for which no Proceeding shall have been commenced in any Court of competent Juris-

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

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 herein-before is provided in that Behalf.

The ordinary Course of Law not to be interfered with.

V. 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 wilfully neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to Her Majesty's Protection, or to the Protection 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 neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts of Record in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or 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 Condition, 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 in manner herein-before provided in respect of Offences 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 in or out of the Territories 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 against whom any effectual Proceeding shall have been taken or ordered to be taken, for the Purpose of bringing such Person to Trial by such Court-martial as aforesaid; provided also, that no Person or Persons, being acquitted or convicted of any Capital 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.

After Trial by the Civil Power, no other Punishment than cashiering.

No Soldier liable to Arrest for Debt, unless amounting to 300 Company's Rupees.

VI. And be it enacted, That no Person whatever enlisted into the Company's Service as a Soldier shall be liable to be arrested or taken therefrom, by any Process or Execution whatever, other than for some Criminal Matter, unless an Affidavit (for which no Fee shall be taken) shall be made by the Plaintiff or some one on his Behalf, before a Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such

such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been 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 Complaint thereof 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 that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs, against the Defendant in the said Action; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing or left at such Soldier's last Quarters, may file a Common Appearance, in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment according to the Course of the Court, and have Execution other than against the Body.

Plaintiff may enter a Common Appearance, &c.

VII. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the said Company's Forces, which Articles of War 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, signed with his own Hand and Name, 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 the Territories within the Limits of the Charter of the said Company; provided that no Person shall by such Articles of War be subject to any Punishment extending to Life or Limb or Transportation within the Dominions of Her Majesty, or the Possessions or Territories which are or may be under the Government of the said Company, for any Crime committed within One hundred and twenty Miles Distance from either of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, which is not expressed to be so punishable by this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War, or any Matters enacted or in force, or which hereafter may be enacted by 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 to whom the present Act is declared not to be applicable.

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

VIII. And be it enacted, 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.

Trial of Native Officer or Soldier.

The Queen may authorize the Court of Directors of the East India Company to empower the Indian Governments and their Commanding Field Officers to appoint Courts-martial.

IX. And be it enacted, That Her Majesty may from Time to Time grant a Commission or Warrant under Her Royal Sign Manual unto the Court of Directors of the said Company, who by virtue of such Commission or Warrant shall have Power under the Seal of the said Company to authorize and empower their Governor General in Council and Governor in Council for the Time being at the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, from Time to Time to appoint Courts-martial, and to authorize and empower the General or other Officer commanding any Body of the Forces employed in the said Company's Service to appoint General Courts-martial, as well as to authorize any Officer under their respective Commands, not below the Degree of a Field Officer, to convene General Courts-martial, as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Commands, whether the same shall have been so committed before or after such Officer shall have taken upon himself such Command, all which Courts-martial shall be constituted and shall regulate their Proceedings according to the several Provisions herein-after specified; provided that, whenever any of Her Majesty's Forces shall be employed to act under the Authority of any of the said Company's Presidencies in the *East Indies*, the Power of appointing Courts-martial, or authorizing the Appointment of Courts-martial for the Trial of any Officer or Soldier of the said Company of or belonging to such Presidencies, shall be in the Officer for the Time being commanding in chief at such Presidency.

The Queen may authorize the convening of Courts-martial for trying Offences against Articles of War.

X. And be it enacted, That, for bringing to Justice Offenders against such Articles of War as may be framed by Her Majesty as herein before provided, it shall be lawful for Her Majesty to grant Her Commission or Warrant to the Persons and in the Manner herein mentioned and expressed for convening, and authorizing any Officer under their respective Commands not below the Degree of a Field Officer to convene Courts-martial, as well in the Possessions or Territories which are or may be under the Government of the Company as elsewhere where the Troops of the Company are or may be employed, 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.

Offenders may be tried and punished in Places other than where the Offences have been committed.

XI. And be it enacted, That any Person subject to the Provisions of this Act who shall, in any Part of Her Majesty's Dominions or the Possessions or 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 by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions or the Possessions or 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.

XII. And

Composition and Constitution of General Courts-martial.

XII. 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 the same shall be holden in any Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or at *Prince of Wales Island*, *Singapore*, or *Malacca*, at which Places such General Court-martial may consist of any Number not less than Five; and no Judgment of Death shall pass without the Concurrence of Two Thirds at least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of General Courts-martial.

XIII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year; of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge; and 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, instead of awarding a corporal Punishment or Imprisonment, 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 any Corps of 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,) which the Officer commanding in chief at the Presidency to which the Offender belongs shall thereupon direct, or may, if such Offender shall have enlisted for a limited Number of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which such Officer commanding in chief shall direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay or as to Pension on Discharge which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for the Officer commanding in chief the Forces of the Presidency to which the Offender shall belong, 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 the Officer commanding as aforesaid.

XIV. And

The Queen empowered to appoint or to authorize the Indian Government to appoint Places of Transportation.

XIV. 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 such Offenders shall be about to be transported from any of the said Presidencies to such 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.

Indian Governments to execute Sentences of Transportation.

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

XV. And be it enacted, That so soon as such Offender shall be delivered to the Governor of the Colony, or other Person or Persons to whom the Contractor or other Person appointed for that Purpose as aforesaid shall be so directed to deliver him, every such Person shall, within the Place or Places to which under or in pursuance of any such Order or Orders in Council they shall be sent or transported, be subject and liable to all such and the same Laws, Rules, and Regulations as are or shall be in force in any such Place or Places with respect to Convicts transported from *Great Britain*.

Trial and Punishment for Embezzlement and similar Offences.

XVI. 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, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces, or for Her Use, or belonging to the *East India* Company or for their Use, 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 said Company's Service, and Incapacity of serving the *East India* Company in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to Her Majesty or the *East India* Company, as the Case may be, and may be recovered accordingly.

Composition and Powers of District or Garrison Courts-martial.

XVII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such

Offender

Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Stores, the Property of the Crown or of the *East India* Company:

In stealing any Money or Goods, the Property of a Comrade, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

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

Or in committing any Petty 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:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from the Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, 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 such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, or Island; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Sentences to be confirmed.

President.

XVIII. And

Certain Offences may be tried and punished by Regimental Courts-martial.

XVIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental 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 a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct.

Regulations as to Imprisonment and other Punishment awarded by Regimental Courts-martial.

Additional Punishments.

XIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General or District or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the left Side, Two Inches below the Arm-pit, 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.

Officers in command of Troops serving in foreign Countries, not in Alliance with the East India Company, may assemble Courts-martial.

XX. And be it enacted, That it shall be lawful for any Officer commanding any District, or any Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in 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 summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers at the least, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon any such Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief of 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.

Sentence of such Courts to be confirmed.

XXI. And be it enacted, That Officers of Her Majesty's Land Forces, and of the Forces in the Service of the *East India* Company, may, whenever it shall be necessary, sit in conjunction on Courts-martial, which shall be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the said Company; except that upon the Trial of any Person in Her Majesty's Land Forces, 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; and on the Trial of any Officer or Soldier in the Service of the said *East India* Company, the Provisions of this Act shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or any of Her Royal Predecessors.

How Proceedings shall be regulated in Cases of Conjunction of Queen's and Company's Officers on Courts-martial.

XXII. And whereas it may sometimes happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial; be it enacted, That any Officer or Soldier, or Person subject to the Provisions of this Act, may be tried by a General 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 that no Officer in the Service of the said Company could conveniently be had.

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

XXIII. And be it enacted, That all General and other Courts-martial shall administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Oaths or solemn Declarations to be administered.

XXIV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceedings be had thereon, shall take the Oaths in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial 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 shall administer to the Judge Advocate, or the Person officiating as such, the Oath in the

Members of General Courts-martial and Officiating Judge Advocate to take the Oaths mentioned in the Schedule.

the Schedule to this Act annexed; and no Proceeding or Trial shall be had but between the Hours appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example: Provided also, that every Witness duly summoned or warned to attend any Court-martial shall during his necessary Attendance on such Court, and in going to and returning from the same, be privileged from Arrest, and shall, if arrested in breach of such Privilege, be discharged by such Court-martial, or any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made 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 that every Witness so duly summoned or warned to attend as aforesaid who shall not attend on such Court, or who attending shall refuse to give Evidence, on Oath or solemn Declaration, or to answer all such Questions as the Court may legally demand, shall be liable to be attached in the Courts of Law, upon Complaint made, in like Manner as if such Witness had neglected to attend on any Trial in any such Court.

Protection to Witnesses.

Witness not attending or refusing to give Evidence liable to be attached.

A second Trial to be had only on Appeal from a Regimental to a General Court-martial, and no Revision more than once.

XXV. 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, unless in the Case of an Appeal from a Regimental to a General Court-martial; 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; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Original Proceedings, Sentence, &c. to be transmitted to the Judge Advocate General of the Army in which such Court shall be held.

XXVI. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, shall transmit, with as much Expedition as Circumstances will admit, the original Proceedings, and the Sentence, Finding, or Opinion 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, Finding, or Opinion, 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.

Indian Governments may suspend Proceedings.

XXVII. 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.

Offences against former Mutiny Act punish-

XXVIII. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth, or against any of the Articles

Articles of War made and established by virtue of the same, may, during the Continuance of this Act, 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 of the Fourth Year of the Reign of His Majesty King *George* the Fourth 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 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 under such Commission or Warrant at any Time not exceeding Two Years after the Impediment shall have ceased; or unless the Conduct of the Person accused shall have been submitted to the Consideration of the Court of Directors of the *East India* Company by the Government of the Presidency to which such Person shall belong, in which Case such Person shall be liable to be tried under such Commission or Warrant at any Time not exceeding Five Years after his Offence shall have been committed.

able as if committed against this Act, and all existing Proceedings continued.

Limitation as to Trial of Offences.

XXIX. 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 Her Majesty's Service, notwithstanding that he may of right belong to some Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act, and by the Articles of War to be framed by Her Majesty by virtue of this Act, be awarded for the Offence of which he shall have been found guilty.

Desertion shall be punishable, notwithstanding any Circumstances of Enlistment.

Admissibility of Evidence of former Offences.

A Person acknowledging himself to be a Deserter to be deemed duly enlisted and dealt with accordingly.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserted from any Regiment or Corps of the said Company's Forces, or who, upon being apprehended for Desertion or any other Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter from any such Regiment or Corps, 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 Commander of the Forces of the said Company shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not.

Punishment for inducing or assisting in Desertion.

XXXI. And be it enacted, That every Person who shall directly or indirectly persuade any Soldier to desert shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Eight hundred Company's Rupees, and be further liable to Imprisonment not exceeding Twelve Months.

Regulations for Musters, and Penalties on false Musters.

XXXII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the said 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, or to be sick, or in Prison, or on Furlough; and every Person 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 shall make any false or untrue Muster of Man or Horse, 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, 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 Her Majesty's Service or the Service of the said Company; and if the Person giving such untrue Certificate shall not have any Military Commission he 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 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.

Suspension and Forfeiture of Pay.

XXXIII. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has

so absented himself without Leave, or for which he has been absent by such Desertion; and that no Soldier shall be entitled to Pay, or to reckon Service, Rewards, Pay, or Pension, when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence: Provided always, that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining the Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath 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; 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.

Soldiers entitled to Discharge may claim to be sent home, free of Expence;

XXXIV. And be it enacted, That every Soldier entitled to his Discharge under any Orders or any Regulations made by the said Company, or upon the Expiration of any Period for which he shall have engaged to serve, or under this Act, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expence, 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*, shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and

but to be subject to this Act till their Arrival.

and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces.

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

Punishment for so doing.

XXXV. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowances of any Officer or Soldier (without his Consent be obtained thereto), 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 Officer having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain for the Space of One Month the same, or refuse to pay the same when it shall become due, according to the several Rates established by the Regulations of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit Eight hundred 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 that it shall be lawful for the Governor General in Council, or the Governor in Council at the said Presidencies 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.

Indian Governments may give Orders to withhold Pay in Cases of Absence without Leave.

Penalties on Persons unlawfully having or purchasing Military Stores, &c.

XXXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or 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 belonging to the Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Forty Company's Rupees, (one Moiety to be paid to the Informer,) together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath or solemn Declaration before a Magistrate, 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, in or with respect to which any such Offence shall have been committed, the Magistrate or Person exercising like Authority may grant a Warrant to search for such Property as in case of stolen Goods.

Recruits concealing Infirmities punishable.

XXXVII. And be it enacted, That any Person who shall enlist into the Company's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof,

thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into Her Majesty's or Company's Marine Forces, notwithstanding he shall have been enlisted for any particular Regiment, and shall be entitled to receive such Portion 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, any thing in any Act or Acts, orany Rules or Regulations relating to Soldiers, to the contrary notwithstanding.

After Embarkation all Officers and Soldiers subject to this Act.

XXXVIII. 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.

Offences during Passage cognizable after Arrival.

XXXIX. And forasmuch as it may happen that Offences may be committed by the said Officers and Men after their Embarkation, and before their Arrival at their Place of Destination abroad, which nevertheless cannot be tried and punished during their Passage in such Manner as such Offences ought to be tried and punished; be it therefore enacted, That in every such Case 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 would have been tried by any Court-martial held under the Authority of this Act.

Divers Persons, besides Officers and Soldiers, made subject to this Act.

XL. And be it enacted, That the Provisions of this Act shall apply to all Officers and Persons who are or shall be serving and hired to be employed, or who shall serve and be hired to be employed, in the Artillery, and in the several Trains of Artillery, and all Conductors of Stores, and in the Department of Engineers, and all Officers serving or who shall serve in the Corps of Engineers, and all Officers and Persons serving or who shall serve as Military Surveyors or Draftsmen, or in the Corps of Sappers and Miners or Pioneers, and all Persons who now are or shall be in the Ordnance and Commissariat Department; and all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Establishment of the Army, licensed Sutlers and Followers, and all Storekeepers and other Civil Officers employed under the Ordnance, 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.

Officers and Soldiers raised or

XLI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised or serving in

serving in friendly States subject to Martial Law.

in any of the Possessions or Territories which are or may be under the Government of the said Company, or Places which are or may be occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, 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.

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

XLII. 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 taken and deemed 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 shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

XLIII. And whereas the said Company, for the Safety and Protection of the Territories under their Government, in addition to their Land Forces, maintain a Marine Establishment, heretofore called "The *Bombay* Marine," but now called "The *Indian* Navy;" and by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to extend the Provisions of the* East India *Mutiny Act to the* Bombay *Marine*, reciting the said Act of the Fourth Year of King *George* the Fourth, and that it was expedient that Discipline should be enforced in the said Marine Establishment in the Manner provided by the said Act of the Fourth Year of King *George* the Fourth in respect to the other Forces of the said Company, it is enacted, that the Provisions of the said Act of the Fourth Year of King *George* the Fourth, and the Rules and Articles of War made and to be made by virtue thereof, should extend and be applied to the Service of "The *Bombay* Marine;" and that all Persons in the Service of the said Company belonging to the said *Bombay* Marine who should be commissioned or in Pay as Officers, or enlisted or in Pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, should be, to all Intents and Purposes, liable to the Provisions of the said Act of the Fourth Year of His Majesty King *George* the Fourth, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces: And whereas it is expedient to provide other Means for enforcing Discipline in the said Marine Establishment called "The *Indian* Navy;" be it enacted, That for the retaining the Forces of the said Establishment in their Duty, the Governor General of *India* in Council shall have Power to make Laws and Regulations for securing the Observance of an exact Discipline in the said Service called "The *Indian* Navy," and for bringing to a more exemplary and speedy Punishment than the usual Forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment who shall mutiny or stir up Sedition, or shall desert the said Service, or shall commit any other Offence which in its Nature would be cognizable by Courts-martial under this Act, or which may be against good Discipline in Naval Service, in the same and as full and ample Manner, to all Intents and Purposes, as by virtue of an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty

9 G. 4. c. 72.

Governor-General of India in Council empowered to make Laws and Regulations for securing Discipline and punishing Offences in the Indian Navy, as fully as he may make other Laws under 3 & 4 W. 4 c. 85.

King *William* the Fourth, intituled *An Act for effecting an Arrangement with the* East India *Company, and for the better Government of His Majesty's* Indian *Territories till the Thirtieth Day of* April *One thousand eight hundred and fifty-four*, the said Governor General in Council now has Power to make any Laws and Regulations whatsoever any thing in the said last-mentioned Act, or any other Act or Acts, to the contrary notwithstanding.

Court of Directors, under Control, may disallow any such Laws and Regulations;

XLIV. Provided always, and be it enacted, That in case the Court of Directors of the *East India* Company, under the Control of the Board of Commissioners for the Affairs of *India*, shall signify to the said Governor General in Council their Disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of this Act, then and in every such Case, upon Receipt by the said Governor General in Council of Notice of such Disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

but until repealed they shall be in force.

XLV. Provided also, and be it enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same Force and Effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same Manner as any Public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

No Law to be made for sentencing to Punishment of Death European-born Subjects, &c.

XLVI. Provided also, and be it enacted, That it shall not be lawful for the said Governor General in Council, without the previous Sanction of the said Court of Directors, to make any Law or Regulation whereby Power shall be given to any Court, other than the Courts of Justice established by the Charters of the Crown, to sentence to the Punishment of Death any of Her Majesty's natural-born Subjects, born in *Europe*, or the Children of such Subjects.

Until such Laws and Regulations made, the Provisions of this Act to be applicable to the Indian Navy.

XLVII. Provided also, and be it enacted, That until the said Governor General in Council shall have made Laws and Regulations for the good Government of the said *Indian* Navy by virtue of the Powers by this Act for that Purpose given, all the Provisions of this Act, and the Rules and Articles of War to be made by virtue thereof, shall extend and be applied to the said Marine Establishment called The *Indian* Navy; and that all Persons in the Service of the said Company belonging to the said *Indian* Navy, who shall be commissioned or in Pay as Officers, or enlisted or in Pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, shall be, to all Intents and Purposes, liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces.

6 G. 4 c. 61.

XLVIII. And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-eighth Year of His late Majesty, for regulating*

lating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of His present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India *Company*, Provision is made for the Care, Application, and Distribution of the Effects and Credits of Officers and Soldiers in the said Company's Service; and it is expedient to render such Provisions more effectual; be it enacted, That it shall be lawful for all Persons who may be employed or required, 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, to take care of, collect, or superintend or direct the Collection of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, to ask, demand, and receive any such Effects, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of 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 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 Persons employed or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

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

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

XLIX. 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 Expences during the current Month, or in respect of any Quarters, or of any Mess or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Accounts, or on account of any Advance made for any such Purpose, and also any Charges or Expences 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 any 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 Expences attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, such Question shall be decided and concluded by the Order or Certificate of the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged; 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

Military Secretary to decide Doubts as to Regimental Debts.

into

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; any thing 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.

L. 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 of 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 in respect of any Probate, or of any Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or for the Purpose of Distribution as Personal Estate; and it shall be lawful for the said Military Secretary to order and direct the Payment or Distribution of any such Surplus in any Case in which the same shall not exceed Five hundred Company's Rupees, without any Probate or Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise; and it shall also be lawful for any Paymaster or other Person to issue any Sum not exceeding the Value of Five hundred Company's Rupees which may be due to any Officer deceased, or to the Widow or Relative of any Officer deceased, or to 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 of Stamps, or upon Legacies or otherwise, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto; 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; any thing in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Military Secretary to administer such Surplus when not exceeding 500 Company's Rupees, without Probate or Administration, and Duty free.

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

Military Secretary authorized to order Remittance of Effects to

LI. And be it enacted, That such Effects, or the Proceeds or Surplus of such Effects, of any Officer or Soldier so dying, 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* where the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of

any other Place in India.

of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds or Surplus of such Effects, shall be a Discharge from all Actions, Suits, and Demands in respect thereof to any Person to whose Hands any such Effects, Proceeds, or Surplus shall have come, and which shall have been paid and disposed of under the Order of such Military Secretary.

Mode of administering Surplus prescribed.

LII. And be it enacted, That the Effects, or the Proceeds or Surplus of such Effects, of any such Officer or Soldier dying as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, shall with all convenient Speed be transmitted to such Military Secretary, by the Officer or Person employed or required to take care of, collect, and receive the same as aforesaid; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and after such Payment and Application as is herein-before authorized, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier; or if such Executor or legal Representative shall not be in *India*, or shall not 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 said 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 Registrars 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; 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 Fifty 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 of Stamps upon any Legacies or otherwise.

Registrars of Supreme Courts not to take out Administration to Surplus.

Court of Directors may distribute remitted Surplus, if not exceeding 50*l.*

Preceding Provisions as to the Effects of deceased Officers and Soldiers extended to the Indian Navy.

LIII. And whereas it is expedient that the Benefit of Provisions similar in Principle and Extent of Operation to those hereby enacted, respecting the Collection and Conversion into Money of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, and the Nature and Priorities of Debts of such Officers or Soldiers, and the general Administration of the Proceeds or Surplus of such Effects, should be extended to the *Indian* Navy; be it therefore enacted, That the Governor General of *India* in Council shall have Power to make Laws and Regulations in manner aforesaid, to be subject to such Disallowance as aforesaid, for providing for the due Collection and Conversion into Money, the Priorities and Discharge of Debts out of, and the Application, Remittance, and Distribution of the Effects and Credits of Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment called the *Indian* Navy, who shall happen to die in the Service of the *East India* Company out of the United Kingdom; provided that such Laws and Regulations,

so far as the Nature and Circumstances of the different Cases will permit, shall, in Principle and Substance, be conformable to and in Extent of Benefit shall not exceed the Provisions herein-before contained respecting the Administration of the Effects of Officers and Soldiers so dying in Service as aforesaid; and for the Purpose of Distribution of the Surplus of the Effects of such Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said *Indian* Navy, under any such Laws and Regulations, in Cases in which their legal Representatives shall not be in *India*, such Surplus shall be remitted to the Court of Directors of the said Company in *London*; and in all Cases in which the same shall not exceed Fifty 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 of Stamps upon any Legacies or otherwise.

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.

LIV. 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 the Court of Requests 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 Detachment or at any Station or Cantonment, all Persons resident within the Limits of a Military Cantonment, or other Persons amenable to the Provisions of this Act, 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 Station 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 having served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings to be had before it, shall take the following Oath upon the Holy Evangelists, 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 every Witness before any such Court shall be examined on Oath, which such Courts are hereby authorized to administer, or if Natives of the *East Indies*, on Oath or solemn Declaration, as the Circumstances of the Case may require; and it shall be competent for such Courts, upon finding any Debt or Damage due, either to award Execution thereof generally, or to direct that the Whole or any Part thereof shall be stopped and paid over to the Creditor out of any Pay or Public Money which may be coming to the Debtor in the current

and its Powers defined.

current or any future Month, or to be paid by Instalment on sufficient Security; and in case the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Debtor's Goods 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 the Goods of the Debtor, if found within the Limits of the Company's Garrison or Cantonment to which the Debtor shall belong at any subsequent Time, shall be liable to be seized and sold in satisfaction of any Remainder of such Debt or Damages; and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Cantonment, then any Public Money, or any Sum not exceeding the Half Pay accruing to the Debtor, shall be stopped in Liquidation of such Debt or Damage; and if such Debtor shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant or Follower, he shall be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for the Space of Two Months, unless the Debt be sooner paid.

Punishment for giving false Testimony.

LV. And be it enacted, That any Person wilfully and knowingly giving false Testimony on Oath or solemn Declaration, or Affirmation, in any Case wherein an Oath or solemn Declaration is required to be made, 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 *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 Regimental Court-martial.

Limitation of Actions.

Modes of Procedure.

LVI. And be it enacted, That any Action which shall be brought against any Person for any thing 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 by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidency under which such Person is serving, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Mode of recovering Penalties for procuring Desertion.

LVII. And be it enacted, That all Penalties by this Act imposed for persuading or procuring any Soldier to desert may and shall be sued for and be recoverable in any Court of Record at the Presidency under which such Offender shall be resident; provided that no Action

Action shall be brought or Prosecution carried on by virtue of this Act for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed.

Not to affect the Royal Prerogative.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Commencement of this Act and repeal of former Act.

LIX. 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 forty-one, except where any other Commencement is particularly directed; and that from after such Day all Powers and Provisions contained in the said Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall cease and determine, and that the said Act shall be and is hereby repealed.

SCHEDULE to which this Act refers.

FORM of OATHS 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 several Cases and Matters which shall be brought before you, upon the General Court-martial now assembled.

So help you GOD.

I *A.B.* do swear, That I will duly administer Justice as a Member of the General Court-martial now assembled, upon the several Cases and Matters which shall be brought before the same, 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 any Sentence of the Court until it shall be duly approved or published in General Orders: And I further swear, that I will not, upon any Account, or 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 Court-martial in due Course of Law.

So help me GOD.

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