ANNO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XVIII.

An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*.

[6th *June* 1844.]

WHEREAS Doubts have arisen as to the proper Authority by which, in certain Cases, Courts-martial may be appointed and convened, and the Sentences thereof confirmed, in the *East Indies* and elsewhere; and it is important to the Maintenance of good Order and Military Discipline that such Doubts should be removed; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, any Law, Custom, Usage, Statute, Regulations, Articles of War, or Warrant to the contrary notwithstanding, any General or other Officer who may from Time to Time have Power to appoint or convene General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter, or by any of the Officers, Soldiers, or Followers in the Service of the said Company, being Natives of

Any Officer who may convene or confirm Courts-martial for the Queen's Troops, or for the East India Company's Troops, may convene or

confirm Courts-martial for any Troops under his actual Command.

of the *East Indies* or other Places within the Limits aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to appoint or convene General or District or other Courts-martial (as the Case may be) to be holden for the Trial of Offences committed by any Officer, Soldier, or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer as to appointing or convening Courts-martial might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services; and that in like Manner any General or other Officer who may from Time to Time have Power to confirm Sentences of General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives as aforesaid, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, being such Natives as aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to confirm Sentences of General or District or other Courts-martial (as the Case may be) held for the Trial of any Officer or Soldier or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer, as to confirming the Sentences of Courts-martial, might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services.

Offenders may be tried wheresoever they may be serving or the Offence may have been committed.

II. And be it enacted, That the said several Powers may be exercised as aforesaid to whichsoever of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay* the Offender may belong, or whether the General or other Officer appointing or convening the Court-martial, or confirming the Sentence, may be the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold his Command or his Power to appoint, convene, or confirm the Sentences of Courts-martial from or under the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold such Command or Power from or under any other Authority whatsoever, or whether the Offence shall have been committed before or after the Officer appointing or convening the Court or confirming the Sentence shall have taken the Command, or before or after the Offender shall have been under the Command of such Officer, or before or after the Offender shall have been or shall have come within the local Limits of the Command of such Officer, or wheresoever, whether within the Presidency to which the Offender may belong, or within any other Presidency, Possessions, or Territories under the Government of the said Company, or on the High Seas, or elsewhere, the Offender may be serving, or the Offence shall have been committed, or the Court-martial shall be appointed, convened, or held.

III. And

Her Majesty may authorize Commanders-in-Chief to delegate Power of confirming Sentences of General Courts-martial.

III. And be it enacted, That, any Articles of War or Usage to the contrary notwithstanding, Her Majesty may grant Warrants under Her Sign Manual severally empowering the Officer commanding in chief the Forces in *India*, and the General or other Officer commanding the Forces at each or any of the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* for the Time being, to authorize any General or other Officer not below the Rank of a Field Officer, having the Command of any Body of the Troops of Her Majesty or of the said Company serving in the Possessions or Territories which are or may be under the Government of the said Company or elsewhere, to confirm the Sentences of General Courts-martial which shall be holden for the Trial of Offences committed by any Officer, Soldier, or Follower of or belonging to such Troops; and the Officer commanding in chief the Forces in *India*, or the General or other Officer commanding the Forces at any of the said Presidencies, being so empowered, may authorize any such General or other Officer to confirm such Classes of Sentences only, or Sentences passed for such Classes of Offences only, or on such Classes of Persons only, as he may think fit, reserving to himself the Power of confirming Sentences in all such Cases as such General or other Officer may not be authorized to confirm, or may think fit to send for the Decision of such Officer commanding in chief the Forces in *India*, or of such Officer commanding the Forces at one of the said Presidencies.

No other Confirmation necessary, except in certain Cases.

IV. And be it enacted, That when, by any Act of Parliament or Articles of War, the Sentence of a Court-martial is not to be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency in the Territories subordinate to which the Offender shall have been tried, with the Concurrence of the Governor General in Council, or Governor in Council, or Governor of such Presidency, it shall not be necessary, in any such Case, that a Sentence so confirmed, with such Concurrence, should, in addition, be reported to or approved or confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which the Offender may belong; and the Officer confirming the Sentence, with such Concurrence, and in all other Cases the Officer authorized under the Provisions in this Act contained to confirm the Sentence of any Court-martial, shall have Power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

Confirmation of Sentences of Death on Commissioned Officers.

V. And be it enacted, That nothing in this Act contained shall empower any Person not otherwise duly authorized in that Behalf to confirm any Sentence of Death, Transportation, or Cashiering on any Commissioned Officer employed upon Her Majesty's Staff, or serving in any of Her Majesty's regular Regiments; and that nothing in this Act contained shall empower any Officer, other than those herein-after mentioned, to confirm the Sentence of Death, Transportation, or Cashiering on a Commissioned Officer of the *East India* Company's Service; (that is to say,) the General or other Officer commanding in chief at the Presidency within which, or in Territories subordinate to which, the Offender shall have been tried, or the General commanding in

in chief the Army to which the Division, Brigade, or Party in which the Offender may be serving shall belong or be attached.

Act not otherwise to affect Laws now in force.

VI. Provided always, and be it enacted, That, save as herein-before is expressly provided, this Act shall not alter or affect the Laws, Statutes, Regulations, Articles of War, Usages, or Customs which now are or hereafter may be in force with respect to Her Majesty's Forces or the Forces of the said *East India* Company, whether Natives or not of the *East Indies*, or other Places within the Limits of the said Company's Charter: Provided also, that this Act shall not be construed as declaring or interpreting the Extent of Her Majesty's Royal Prerogative, or the Meaning of any former Act or of any Article of War.

Act to extend only to the East Indies.

VII. And be it enacted, That the Provisions of this Act shall apply to all such Persons as may from Time to Time be liable to Martial Law under the Provisions of any Act of Parliament or Articles of War, and who may from Time to Time be serving or may be or come within the Limits of the Charter of the *East India* Company, construing the same as extending to all Places and Seas Eastward of the *Cape of Good Hope* to the *Straits of Magellan*.

Continuance of Act as to Her Majesty's Forces.

VIII. And be it enacted, That, so far as regards Officers and Soldiers in Her Majesty's Service, this Act shall continue in force so long only as there may be in force some Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

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