

ARTICLES OF WAR, NATIVE ARMY ACT 1847

ACT No XIX OF 1847

(Rep., Act 29 of 1861)

[18th December, 1847.]

Passed by the Governor General of India in Council on the 18th of December 1847.

An Act to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided always that all crimes and offences committed against the Articles or War provided by Act XX. of 1845 aforesaid may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided, and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

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ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

ARTICLE 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

***ARTICLE 2.**

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non- Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged,

with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire service in the Army.

***ARTICLE 4.**

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer:-- or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner;---- or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer;-----or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;)-----or

ARTICLE 9.

Who, being as Sentry, in time of War or alarm, shall sleep upon his Post; or shall leave it before regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ; ----or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, Committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard ; ----or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War ; ----or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication shall not discover it immediately to the Commanding Officer;----or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or Persons in arms against the State, with money, victuals, or ammunition ; or shall knowingly harbor or protect any Enemy or Person in arms against the State;-----or

ARTICLE 14.

Who shall treacherously release, willfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge ;-----or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave ;-----or

ARTICLE 16.

Who shall in presence of an Enemy, or of person in arms against whom he is led, shamefully cast away his arms or ammunition ;-----or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder ;-----or

ARTICLE 18.

Who, in time of War, shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces ; or shall force a Safeguard ; or break into any house, or other place for plunder ; or plunder field, or gardens, or other property ;----or

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ARTICLE 19.

Who, in time of War, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters ;----or

ARTICLE 20.

Who shall, without proper authority, release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape ; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of

Treasure, or of a Magazine or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is places ;-----or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved, or without leave; or shall sleep upon his Post ; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be Dismissed the Service;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life ; or Imprisonment with or without hared labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement ; or shall suffer Corporal Punishment ; or Dismissal from the Service ; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one of more Courts Martial, or by order of his Commanding Officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll. Of Non-Commissioned Officers and Soldiers.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army;-----or

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency; -----or

ARTICLE 24.

Who shall be drunk when on, or for duty, or on Parade, or in the Line of March; --
-- or

ARTICLE 25.

Who shall strike or force any Sentry; ----- or

ARTICLE 26.

Any Soldier who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office; or grossly insubordinate and violent in the presence of a Court Martial;-----or

ARTICLE 27.

Who, being on actual Service, shall refuse to assist in making field works;

Shall, if an Officer, on conviction, be Sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And, if a Soldiers, shall, on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Imprisonment with hard labour.

Crimes punishment by General Court Martial with Dismissal or Suspension of Officer, or by General, or District Court Martial, with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 28.

Any Officer who shall behave in a manner unbecoming the character of Officer; (the fact or facts whereon the charge is grounded being clearly specified therein);--
---or

ARTICLE 29.

Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive an entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer ; or shall not cause such Deserter to be apprehended by the Civil Powers; ----- or

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document ; -----or

ARTICLE 31.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge ;-----or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall , without authority, exact from Villagers or others, carriage, portorage, or provisions ; -----or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religions prejudices of other persons;

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes Punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

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ARTICLE 34.

Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority;----or

ARTICLE 35.

Who shall malingering, feign or intentionally produce disease or infirmity; or intentionally delay his cure ; or intentionally aggravate his disease or infirmity ;----or

ARTICLE 36.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property;-----or

ARTICLE 37.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a Sword, Bludgeon, or other Weapon ;-----or

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries ; or any of the above Article entrusted or belonging to any other soldier;

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer punishment as such Court martial respectively are by these Articles of War empowered to award.

Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Embezzlement ; punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labour, and with or without solitary confinement, of Officers and soldiers.

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall willfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances ; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labour and solitary confinement, and in addition with for feature of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct* ;

In willfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life ;-----or

ARTICLE 41.

In purloining or selling Government Stores ;-----or

ARTICLE 42.

In Stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army ;-----or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property;----or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose ;-----or

ARTICLE 45.

In committing petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military;-----or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct, being of a cruel, indecent, or unnatural kind* ;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishment as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall , if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances ; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without solitary confinement, or Loss of standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldiers ;-----or

ARTICLE 48.

Any Sentry who, in time of peace, shall upon his Post ; or shall leave it before regularly relived or without leave ;-----or

ARTICLE 49.

Any Officer, or Soldiers, who shall knowingly enlist a Deserter, or connive at his enlistment ;-----or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier ; ----- or

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ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise illteating any person ; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot ; shall not see reparation done to the party or parties injured ; or, if that be impracticable, shall not report the same to his Superior Officer ; ----- or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge ; or shall without proper authority release any prisoners, or shall suffer, through carelessness or neglect, any prisoner to escape ;-----or

ARTICLE 53.

Who shall quit his Guard, or Picquet, in time of peace, without being regularly relived, or without leave ;-----or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority ; ----- or refuse to assist him when requiring his aid in the execution of his duty ;-----or

ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarter of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay;-----or

ARTICLE 56.

Who, in time of peace, shall, by discharging five arms, drawing sword, beating drums, or by any other means whatever, intentionally occasion false alarms in Cam, Garrison, or Cantonments ;-----or

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;-----or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of Superior Officer, quit his Company, or Troop, or the Parade ;-----or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him ;-----or

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders; -----
or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tattoo, or from Camp after retreat beating; ----- or

ARTICLE 62.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award ;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial ; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment, or Imprisonment with hard labour.

Crimes incident to Courts Martial ; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

ARTICLE 64.

Any person emenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal, or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer; or with Dismissal, or Imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officers, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend ; or who, attending, shall

refuse to be sworn, or to make affirmation, or to answer any lawful question ; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury ; or who shall induce any other person so to offend;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War ; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour ; and if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

Perjury ; punishable by General of District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of willfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath ; or of inducing any other persons so to offend;

Shall be Dismissed the Service, and shall be further subject to Fine to the amount of his Arrears of Pay and Allowances, or to Imprisonment which may extend to three years ;--according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “*Disgraceful Conduct*” in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term “*Disgraceful Conduct*” shall be omitted in the Charge; and the offender shall on conviction be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

ARTICLE 69.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;-- and that the Proceedings held in all such cases shall be transmitted for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

ARTICLE 70.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer ; or if a Soldier, be confined ; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority ; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;-- but where resistance may be made, or from other circumstances such process may be impracticable, the Offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.

Any person amenable to these Articles of War. Who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, 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.

ARTICLE 73.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, and mitigate or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the Service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company; Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

*ARTICLE 75.

A General Court Martial may sentences any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death of Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the service ;--- or to be Suspended from, Rank and pay and Allowances, for a stated period ;-- or to be Placed lower on the list of his rank, be an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service ; and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge ;--or the Court may sentence such Officer to be Reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;-- or may sentence any Non-Commissioned Officer or Soldier to be Dismissed the service;-- or to be Placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal punishment not exceeding *fifty lashes*;-- or Imprisonment with or without hard labour not exceeding *two years*;-- and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to Forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;-- And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldiers, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 76.

In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be Imprisoned for any term of year, or to be Dismissed; and, if a Soldier, to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander in Chief may seem meet.

In Cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be Dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment, direct, that the offender be Suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without

Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officer Sentence to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be Reduce to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender to be Reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be Dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 77.

A District, or Garrison Court Martial shall consist of not less than Seven Commissioned Officers, except in situation where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial ; and to delegate to or withhold from Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (*not including forfeiture of pay or pension or other advantage*), as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander in Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* ARTICLE 78.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officers to be Reduced to the ranks, ---or may sentence any Non-Commissioned Officer or Soldier to be Dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing ;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashed* ; or Imprisonment with or without Hard Labour not exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And Such court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharges, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage

absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in additional to the punishment of Dismissal, Sentence any Non-commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

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ARTICLE 79.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner ; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;-- and to commute a Sentence of

Imprisonment with Hard Labour, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks ; or to Imprisonment without Hard Labour.

Powers of a Regimental Court Martial.

* ARTICLE 80.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks ;-- or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service;-- or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,)--or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes*; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months*; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-commissioned Officer or Soldier to be put under Stoppages, not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his Regiment, may assemble Regimental Detachment Courts Martial;-- and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;-- and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of the Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment ;--(who is hereby authorized to confirm the same, in the manner, as an Officer Commanding a Regiment is empowered to do;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service ; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;--or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular cases; and the Court will govern itself according; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.

Whenever any Soldier shall be sentenced to Imprisonment for life, or a sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be Transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for Transportation.

ARTICLE 86.

Person sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 87.

Every Soldier sentenced to Imprisonment with had labour, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 88.

Offenders sentenced to Dismissal for disgraceful conduct;

And offenders subject to Corporal Punishment, or to Imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be Dismissed with Ignominy.

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ARTICLE 89.

In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available with the sanction of the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year ; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, not be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Form of Proceeding.

ARTICLE 90.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer or not less than four years standing the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

Standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashed* ; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months* ; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct ; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss of damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;-- and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial ;-- and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the Provisions of these Articles of War relating to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment ;--(Who is hereby authorized to confirm the same, in the manner, as an Officer Commanding a Regiment is empowered to do ;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an immediate example is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service ; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary ;-- or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceeding of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient ; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall hen cause the following Solemn Affirmation to be made by each Member;

“ I. A. B., solemnly affirm in the presence of Almighty God, that I “will duly administer justice according to the Articles of War, without “partiality, favour, or affection, and, if any doubt shall arise, then, “according to my conscience, the best of my understanding, and the “custom of War in the like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further, “that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof “by a Court of Justice or a Court Martial in due course of Law.”

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the 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, an that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 98.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on Affirmation—and persons of the Hindoo or Mahomedan persuasion and other persons making Affirmation, shall make Affirmation to the following effect;

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I solemnly affirm, in the presence of Almighty God, that what I “ shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such Affirmation as aforesaid, shall willfully and falsely safe any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amendable to these Articles.

ARTICLE 99.

In all cases where person required as witnesses before a Court Martial; may not be amenable to Military Law, the Judge Advocate or Commanding officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offender whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right

to claim to be tried by European Officers ; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

***ARTICLE 102.**

When any Officer or Soldier, or nay person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

***ARTICLE 103.**

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased viz, the expense of Funeral Ceremonies, his Debts in Chap or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within months, from the date of the casualty, the amount in the hands of the Officer

having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated accruing to the rules obtaining at such Presidency.

ARTICLE 105.

All Powers and provisions contained in these Articles relating to the Commanding in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All Powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War,

which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 107.

Any Officer Commanding any portion of the East India 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, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant 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, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, 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 these Articles to General Courts Martial ; Provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief 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; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 108.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 109.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the general character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

*ARTICLE 110.

No Non-Commissioned Officer shall be Reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be Reduced to the ranks for any limited period; or Suspended from his rank ; not Reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first Reduced to the ranks.

*ARTICLE 111.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is

hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require ; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to Dismissal not to suffer Corporal Punishment or Imprisonment with hard labour.

ARTICLE 112.

In case of light offences, a Commanding Officer, may, without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days ; restriction to Barrack limits not exceeding fifteen days ; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days ; removal from staff situations or acting appointments; or may order Soldiers to be employed in piling and unpling shot; and in cleaning accoutrements of men in Hospital ; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.

Any Officers, or soldiers, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the services when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not seved with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief. And every Officer or Soldier in imprisonment under the sentence of Court Martial, or a commuted sentence, or

under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending the securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 115.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 116.

General Court Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.

District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence person convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial with power sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer Death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury willfully caused by offender, but without his tending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for life.

ARTICLE 120.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person : That is to say,

1st.—Breaking, or attempting to break, by day or night, into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be Sentenced by such General Court Martial to Imprisonment with or without hard labour and Transportation for life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person ;-- or

ARTICLE 122.

Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another;--or

ARTICLE 123.

Of Robbery by open violence, or Dacoity, that is to any, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery ;--or

ARTICLE 124.

Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;--or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Company's Rupees ;--or

ARTICLE 126.

Or purchasing or receiving plundered or stolen property, knowing in to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Shall be sentenced by such General Court Martial to Imprisonment with or without Hard Labour for a period not exceeding fourteen years,

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to willful murder;--- or

ARTICLE 128.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance;--or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person;--or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person, with the intention of doing such injury to another person;--or

ARTICLE 131.

Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ;--- or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value;--or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ;-- or

ARTICLE 134.

Of Arson ;--or

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ARTICLE 135.

Of an unnatural crime;---or

ARTICLE 136.

Of Rape ;-- or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years;--or

ARTICLE 138.

Of stealing a child under the age of eight years;--or

ARTICLE 139.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit ;--or

ARTICLE 140.

Of forging or procuring to be forged any counterfeit Coin, in imitation of any of the Gold, Silver or Copper Coin of the British Government in India; or of any Coin usually received as money in the British Territories; or of clipping, filing, drilling or defacing any such Coin; or of paying or tendering in payment counterfeit. Coin,

Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete;

Shall be Sentenced by such General Court Martial to suffer Imprisonment with or without Hard Labour, for any period and exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 142.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees but exceeding Fifty Company's Rupees;---or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances ;--or

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 145.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value;-- or

ARTICLE 147.

Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances;

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award by a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer;-- or

ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 150.

Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Courts to the punishment therein provided for such offence, and awardable by General, or District or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.

No sentence of Death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.

The Commander in Chief is authorized at his discretion to confirm any sentence of Death, or to remit such sentence, or to commute it into Imprisonment with hard labour and Transportation for life, or into Imprisonment with hard labour for any term of years.

ARTICLE 153.

No sentence of Transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into Imprisonment with or without hard labour for any period of time.

ARTICLE 154.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with hard labour, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

ARTICLE 155.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall be acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 156.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controlled ; or by which Panchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments ; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or other attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Court Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the Service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an* (Asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his attestation.
