

MILITARY LAW.—NATIVE ARMY

ACT No. VI. OF 1850

(Rep., Act 29 of 1861)

[Passed on the 15th March, 1850.]

1, 2, 3, Commander-in-Chief in each presidency may pardon or remit punishment of purely Military offences of Native Officers and Soldiers: (2) by warrant. (3) Countersigned by Magistrate, &c. (4) to which all Sheriffs, Gaolers, &c., shall give effect.

For enabling the commander-in-Chief to pardon Military Offences.

Whereas the power of pardoning persons under sentence of a Court Martial, for offences which are not punishable by any other authority, may be entrusted to the commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, but in all other cases ought to belong only to the Supreme Government. It is enacted as follows;

1. The Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency shall have power to pardon any person belonging to the said Forces, convicted by sentence of a Court Martial of any offence against the Articles of War framed for the government of the Native Officers and Soldiers in the Military service of the East India Company, which, wherever committed, is not punishable otherwise than by sentence of a Court Martial: or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In such cases, the Commander-in-Chief shall issue a Warrant under his hand, instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said Warrant shall be countersigned by the magistrate of the Zillah, or City in which the offender is undergoing his sentence ; or if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to

such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial ; but not otherwise.

IV. All Sheriffs, Gaolers, and other person having custody, of any offender under sentence of a Court Martial, shall obey and give effect to any Warrant of the Commander-in-Chief, countersigned by a Magistrate, or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.
