

ACT No. VIII of 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th May 1857.)

AN ACT to amend Act XIX of 1847.

Preamble. WHEREAS it is expedient to facilitate the trial and punishment of offences against the Articles of War for the Native Army: It is enacted as follows:—

I. It shall be lawful for the Governor General of India in Council from time to time, by Order in Council, to empower every General or other Officer having the Command of Troops in the Service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of any of the Officers, Soldiers, or Followers in the Service of the East India Company, being Natives of the East Indies or of other places within the limits of the said Company's Charter, and amenable to the Articles of War for the Native Troops, who may be charged with any offence punishable by the said Articles of War, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial; or to commute, mitigate, or remit any such sentence; or, in case he shall deem it necessary so to do, to refer any such sentence to the Commander-in-Chief for his orders thereon.

Governor General in Council may empower General or other Officers having the Command of Troops to appoint General or District or Garrison Courts Martial for the trial of persons amenable to the Articles of War for the Native Troops.

II. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General

General Courts Martial to be appointed by the Senior Officer on the spot, and to consist of not less than five Members.

ACT No. VIII OF 1857.

General Court Martial to be appointed under the provisions of this Act, shall consist wholly of European Commissioned Officers or of Native Commissioned Officers ; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court

The Order in Council may direct that General Courts Martial shall consist wholly of European or of Native Commissioned Officers.

Martial appointed under the authority of this Act shall have all the powers of a General Court Martial specified in the 75th Article of War for the Native Army ; and sentence of death, or other punishment to which the offender is liable

Powers of General Courts Martial appointed under this Act.

by the said Articles of War, may be given by such Court Martial, if a majority of the Members present concur in the sentence.

III. General Order No. 677 of 1857, made by the Governor General in Council in the Military Department, and bearing date the 14th of May 1857, is hereby confirmed ; and the same shall have the force and effect of Law, and shall be deemed to have had such force and effect from the date thereof.

General Order of Governor General in Council, Military Department, No. 677 of 1857, confirmed.

The said General Order or any Order issued under this Act may be countermanded or altered.

IV. It shall be lawful for the Governor General in Council to countermand or alter the said General Order, or any Order in Council which may be issued under the authority of this Act.

