

ACT No. XX. of 1845.

Passed by the Governor General of India in Council on the 6th of September, 1845.

AN Act providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

Whereas by an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled an Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the Thirtieth day of April, One Thousand Eight Hundred and Forty-four, it was amongst other things enacted, that it should be lawful for the Governor General of India in Council, from time to time, to make Articles of War for the government of Native Officers and Soldiers in the Military Service of the Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General under the said Act, and should prevail and be in force and should be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers might belong or where-soever they might be serving: provided nevertheless that until such Articles of War should be made by the said Governor General in Council, any Articles of War for or relating to the government of the Company's Native Forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the Territories under the Government of the said Company should remain in force :

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the Seventh day of October, 1845, 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.

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

to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in the 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 that no Sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander in Chief, or the General or other Officer Commanding the Division, Field Force, District or Brigade, in which the Prisoner may be serving. 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

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 a Sentry, in time of War or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave; — 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 harbour or protect any Enemy or Person in arms against the State; — or

ARTICLE 14.

Who shall treacherously release, wilfully aid, 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 persons 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 necessities

to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in the 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.

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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
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under all circumstances in which his Superior Officer may be distinguishable as such in any manner; — or

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

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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 a Sentry, in time of War or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave; — 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

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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

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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 harbour or protect any Enemy or Person in arms against the State; — or

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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 persons 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

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 fields or gardens or other property; — or

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

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; —

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 hard 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.

Crimes not punishable with Death or Transportation.

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 on the Line of March; — or

ARTICLE 25.

Any Soldier who shall be grossly insubordinate or insolent in the Ranks; or Grossly insubordinate and violent in the presence of a Court Martial;

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, 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,

Provided, that such Officer shall not be sentenced to
or Imprisonment with Hard Labour.

ARTICLE 26.

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

ARTICLE 27.

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 28.

Who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and 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 Power; — or

ARTICLE 29.

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 30.

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 31.

Who shall malingering, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; — 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 religious prejudices of other persons; — or

ARTICLE 34.

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

ARTICLE 35.

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 36.

Who shall sell, pawn, or designedly, or through neglect, lose or injure his horse, arms, clothes, accoutrements, or regimental necessities; or any of the above articles entrusted or belonging to any other Soldier; —

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 with Fine or loss of Pay, in addition to other Punishments.

ARTICLE 37.

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 wilfully 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.

ARTICLE 38.

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

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

ARTICLE 39.

In purloining or selling Government Stores; — or

ARTICLE 40.

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 41.

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

ARTICLE 42.

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

ARTICLE 43.

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

Shall,

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments 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 be 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 not punishable with Corporal Punishment or Imprisonment with Labor.

ARTICLE 44.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier; — or

ARTICLE 45.

Any Sentry who in time of peace shall sleep upon his Post, or shall leave it before regularly relieved or without leave; — or

ARTICLE 46.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; — or

ARTICLE 47.

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

ARTICLE 48.

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 ill-treating 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 49.

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 prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 50.

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

ARTICLE 51.

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 52.

ARTICLE 52.

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

ARTICLE 53.

Who in time of peace shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments; — or

ARTICLE 54.

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 55.

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

ARTICLE 56.

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

ARTICLE 57.

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

ARTICLE 58.

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

ARTICLE 59.

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 60.

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

Crimes incident to Courts Martial.

ARTICLE 61.

Any person amenable 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 Officer, 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 62.

Any person not amenable to these Articles of War, who, having been summoned upon 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 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 63.

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 labor; 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.

ARTICLE 64.

Any Officer, or Soldier, who shall be found guilty of wilfully 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 person 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 65.

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,

District, or Garrison, or Regimental Courts Martial respectively,—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs shall 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 so to proceed; and such General or other Officer will exercise 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 permitted to be tried by Regimental Courts Martial, the term Disgraceful Conduct shall be omitted in the Charge.

Offences on the Line of March or on board Vessels.

ARTICLE 66.

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 and in all cases of Mutiny or Gross Insubordination to carry the Sentence into execution 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 specially reported for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

ARTICLE 67.

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, 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 68.

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 69,

ARTICLE 69.

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 70.

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, mitigate, 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's Chapter, and to confirm, mitigate, or remit the Sentences of such Courts Martial.

ARTICLE 71.

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 *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 72.

A General Court Martial may sentence 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 or 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, by 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;—or may sentence any Soldier to suffer Corporal Punishment not exceeding *Two Hundred 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.

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 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 Soldier, until the amount of such loss or damage he made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 73.

In cases wherein a Sentence of *Death* shall have been awarded by 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 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 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*, if the sentence shall exceed *one hundred and fifty lashes*; not exceeding *one year* if it shall exceed *one hundred lashes*; and not exceeding *six months* if it shall be *less than one hundred lashes*;—but the term of such commuted Imprisonment may be for any lesser periods respectively, at the discretion of the Commander Chief.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And

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 74.

A District, or Garrison Court Martial shall consist of not less than *seven* Commissioned Officers, except in situations 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 Court Martial; and to delegate or withhold the power to Commanding Officers 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 75.

A District or Garrison 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; or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred and fifty lashes*; 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 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 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

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 76.

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

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labour*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving; who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in full or in mitigated degree by the Officer Commanding the Regiment, or such Dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* ARTICLE 77.

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—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 portion 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

Officer or Soldier to be put under Stoppages not exceeding half of his Pay Allowances, until the amount of such loss or damage be made good.

ARTICLE 78.

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 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, 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 if hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do, and with the same restrictions;)—Except in cases where an *immediate Example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.

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 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.

Execution of Sentences of Courts Martial

ARTICLE 80.

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 81.

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 Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with 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 Division, Field Force, District, or Brigade, within which the trial is held.

Article 82.

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 76.

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

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labour*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him ; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving ; who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in full or in mitigated degree by the Officer Commanding the Regiment, or such Dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* ARTICLE 77.

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—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 portion 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

Officer or Soldier to be put under Stoppages not exceeding half of his Pay Allowances, until the amount of such loss or damage be made good.

ARTICLE 78.

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 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, 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 if hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do, and with the same restrictions;—) Except in cases where an *immediate Example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.

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 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.

Execution of Sentences of Courts Martial

ARTICLE 80.

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 81.

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 Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with 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 Division, Field Force, District, or Brigade, within which the trial is held.

Article 82.

ARTICLE 82.

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, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.

Persons 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 84.

Every Soldier sentenced to imprisonment with hard 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 85.

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.

ARTICLE 86.

In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender, shall be available under an order from 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, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.

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 88.

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 Général, an European Officer of not less than four years standing in 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.

Article 89.

ARTICLE 89.

An Interpreter shall be appointed to all Courts Martial; and any Interpreter available at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE. 90.

At all Courts Martial the Senior Officer shall sit as President, without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar. Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 91.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 92.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present provided the number of Members present, be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes, upon other questions than the finding and the sentence, the President shall have a casting vote.

ARTICLE 93.

No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 94.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation :

"I, A. B.,

"I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been 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 Court Martial, in due course of Law."

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 then cause the 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 customs 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 Martial in due course of law, and 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 95.

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 shall make Affirmation to the following effect:

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

And if any person making such affirmation as aforesaid, shall wilfully and falsely state 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 amenable to these Articles.

ARTICLE 96.

In all cases where persons 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 witnesses may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers

Powers and Duties of Provost Marshal.

ARTICLE 97.

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, Provosts Marshal 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 Provosts may from time to time receive from the Commander of the Forces in the Field, and 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 Provosts Marshal being limited to the punishment of offenders 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 98.

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 or District, 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 99.

When any Officer or Soldier, or any 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 100

* ARTICLE 100.

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 Camp 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 twelve 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 101.

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.

ARTICLE 102.

All powers and provisions contained in these Articles relating to the Commander 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 103.

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 104.

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

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 at the least, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by 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 105.

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

ARTICLE 106.

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 107.

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; nor suspended from his rank; nor 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 108.

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

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 nor to suffer Corporal Punishment or Imprisonment with hard labour.

ARTICLE 109.

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 110.

Any Officer, or Soldier, 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 service; 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 served 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.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 111.

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 and securing any person so accused.

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

ARTICLE 112.

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 113.

ARTICLE 113.

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

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

ARTICLE 114.

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 persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 115.

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 to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 116.

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 wilfully caused by an offender, but without his intending 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 117.

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

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 14 years.

ARTICLE 118.

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 119.

Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another ; — or

ARTICLE 120.

Of Robbery by open violence or Dacoity, that is to say, 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 121.

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 122.

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 100 Company's Rupees ; — or

ARTICLE 123.

Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119 ;—

Shall be sentenced by such General Court Martial to imprisonment with or without Hard Labour for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding 7 years.

ARTICLE 124.

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

ARTICLE 125.

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

ARTICLE 126.

Of intentionally wounding, maiming, otherwise doing corporal injury to any person ; — or

Article 127.

ARTICLE 127.

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

ARTICLE 128.

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 129.

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

ARTICLE 130.

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

ARTICLE 131.

Of Arson; — or

ARTICLE 132.

Of an unnatural crime; — or

ARTICLE 133.

Of Rape; — or

ARTICLE 134.

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 15 years; — or

ARTICLE 135.

Of stealing a child under the age of 8 years:—

Shall be Sentenced by such General Court Martial to suffer imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding 3 years.

ARTICLE 136.

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 137.

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

of value not exceeding three Hundred Company's Rupees but exceeding Fifty Company's Rupees; — or

ARTICLE 138.

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 139.

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 140.

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 Court.

ARTICLE 141.

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 142.

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 of a Regimental, or Detachment, or Line Court Martial.

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

ARTICLE 143.

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

ARTICLE 144.

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

Shall

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 145.

Any Officer or Soldier who shall be convicted by a General, or District, 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 preceeding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General, or District, or Regimental Courts Martial, respectively.

ARTICLE 146.

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 147.

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 148.

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 149.

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 150.

But no sentence of imprisonment with hard labour, passed by a Regimental, or Detachment, or Line Court Martial, and confirmed either in whole or in part by the Commanding Officer; and no award of discharge substituted for other punishment, as aforesaid, by such Commanding Officer; shall be carried into effect without the sanction and authority of the Officer Commanding the Division or Field Force, or District, or Brigade, (being the senior Officer on the spot,) in which the offender may be serving or of the senior Officer on the spot in the field.

ARTICLE 151.

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 have been 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 152.

ARTICLE 152.

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 Bazzars, are defined and controuled; 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 Cantonment; 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 153.

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

Provided, that persons of European decent, (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 Officers and Soldiers in the European Service of the East India Company.

Promulgation of the Articles.

ARTICLE 154.

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, 72, 75, 77, 99, 100, 107, and 108, are to be read once every six months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his enlistment.