



Naval Discipline Act 1860

1860 CHAPTER 123

PART II

GENERAL PROVISIONS

XL Power of Court-martial to find Intent with which Offence committed.

Where the Amount of Punishment for any Offence under this Act depends upon the Intent with which it has been committed, and any Prisoner is charged with having committed such Offence with an Intent involving a greater Degree of Punishment, a Court-martial may find that the Offence was committed with an Intent involving a less Degree of Punishment, and award such Punishment accordingly.

XLI Power of Court-martial to find Prisoner guilty of lesser Offence on Charge of greater.

Where any Prisoner shall be charged with Murder, a Court-martial may find him guilty of Manslaughter or of a Common Assault; where he shall be charged with Sodomy, a Court-martial may find him guilty of an indecent Assault; where he shall be charged with Theft, a Court-martial may find him guilty of an Attempt to thieve, or of Embezzlement, or of wrongful Appropriation of Property belonging to another; and generally where any Prisoner shall be charged with any Offence under this Act he may upon Failure of Proof of the Commission of the greater Offence be found guilty of another Offence of the same Class, involving a less Degree of Punishment, but not of any Offence involving a greater Degree of Punishment.

XLII Rebels and Mutineers to be deemed Enemies.

All armed Rebels, armed Mutineers and Pirates, shall be deemed to be Enemies within the Meaning of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

XLIII Power to arrest Offenders.

Every Officer in Command of One of Her Majesty's Ships may, by Warrant under his Hand, authorize any Person to arrest an Offender belonging to such Ship for any Offence against this Act mentioned in such Warrant; and any Person so authorized may use Force, if necessary, for the Purpose of effecting such Apprehension, towards any Person subject to this Act.

XLIV Penalty for not assisting in Detection of Prisoners.

Every Person subject to this Act who shall not use his utmost Endeavours to detect, apprehend, and bring to Punishment all Offenders against this Act, and shall not assist the Officers appointed for that Purpose, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.