

**A CATECHISM OF MILITARY
LAW, QUESTIONS
AND ANSWERS ON THE
ARMY DISCIPLINE ACT, 1879**

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A catechism of military law, questions and answers on the Army discipline act, 1879 by An Adjutant

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AN ADJUTANT

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A CATECHISM
OF
MILITARY LAW.

BEING
QUESTIONS AND ANSWERS
ON THE ARMY DISCIPLINE ACT, 1879.

*For the Use of Candidates for Military Examinations,
Members of Boards, &c.*

BY
AN ADJUTANT.



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CATECHISM OF MILITARY LAW.

POWERS OF COMMANDING OFFICERS.

Q. 1.—Must a commanding officer send an offender to court-martial who is charged with an offence cognizable by court-martial? (46.)

A.—Not if he, in his discretion, thinks the charge ought not to be proceeded with.

Q. 2.—What amount of imprisonment may a commanding officer award summarily? (46a.)

A.—Seven days, with or without hard labour.

Q. 3.—Is there any offence for which he may award more than seven days' imprisonment? (46.)

A.—Yes, *absence without leave*; when he may award twenty-one days' imprisonment as a maximum.

Q. 4.—Is the amount of imprisonment for absence without leave discretionary up to twenty-one days? (46.)

A.—Not entirely. If the award exceeds seven days, it must not exceed the number of days for which the offender was absent.

Q. 5.—Has the offender any privilege when he is awarded more than seven days' imprisonment? (46.)

A.—Yes, he may demand that the evidence against him be taken on oath as before a court-martial.

Q. 6.—How may a commanding officer punish the offence of drunkenness? (46.)

A.—He may order the offender to pay a fine not exceeding ten shillings, either in addition to or without imprisonment.

Q. 7.—Under what circumstances must the commanding officer deal summarily with the offence of drunkenness? (46.)

A.—In all cases, except where the soldier was drunk after having been warned for duty, or except where the soldier has been drunk on not less than four occasions in the preceding twelve months. Also, except in the case of a non-commissioned officer charged with drunkenness.

Q. 8.—Has a commanding officer any power to order deductions from the pay of an offender? (46) (184.)

A.—Yes, for absence without leave, loss or damage of equipment, &c., and fines for drunkenness.

Q. 9.—What deductions from a soldier's pay may be awarded for absence without leave? (184.)

A.—All his ordinary pay for every day of such absence except one penny per diem.

Q. 10.—Under what circumstances may a soldier appeal to court-martial from the award of his commanding officer? (46.)

A.—If the award is imprisonment, fine, or any deduction from his ordinary pay.

Q. 11.—Can an offender be tried by court-martial for an offence which has been dealt with summarily? (46.)

A.—No; nor is he liable to be punished by his commanding officer for any offence for which he has been tried, whether he was acquitted or convicted.

Q. 12.—May a commanding officer award minor punishments? (46.)

A. Yes, but a minor punishment must not be added to an award of imprisonment which exceeds seven days.

ARREST AND TRIAL.

Q. 13.—How long may an offender be detained "awaiting trial" when not on active service? (45—1.)

A.—For eight days. If, however, a court cannot be assembled before the termination of eight days, a special report must be made by his commanding officer of the necessity for further delay; and a similar report every eight days until the court is assembled or the offender released.

Q. 14.—In what cases may a junior order a senior into arrest? (45—3.)

A.—An officer may order into arrest any officer, though senior to himself, who may be engaged in a quarrel, fray, or disorder.

Q. 15.—What is the duty of an officer or non-commissioned officer who gives a person into military custody? (45—4.)

A.—To deliver to the officer, or non-commissioned officer into whose custody the person was given, a written charge against the offender within forty-eight hours after his arrest.

COURTS-MARTIAL.

Q. 16.—What are the different degrees of court-martial?

- A.—(1) Regimental court-martial.
(2) District court-martial.
(3) Field general court-martial.
(4) General court-martial.

REGIMENTAL COURT-MARTIAL.

Q. 17.—What officers have power to convene a regimental court-martial? (47—1.)

A.—(1) Any officer authorized to convene general or district courts-martial.

(2) Any commanding officer of a rank not below the rank of captain.

(3) On board a ship not commissioned by Her Majesty, a commanding officer of any rank.

Q. 18.—Is a warrant necessary for the convening of a regimental court-martial? (47—1.)

A.—No. The Army Discipline and Regulation Act, 1879, is sufficient authority.

Q. 19.—Of how many officers must a regimental court-martial be composed? (47—2) and (50—1.)

A.—Of not less than five officers, who may belong to the same or different corps.

Q. 20.—If five officers are not available? (47—2.)

A.—Of not less than three; but in this case the convening officer must record the fact in the order convening court.

Q. 21.—How is the president of a regimental court-martial appointed? (47—3.)

A.—By order of the convening officer.

Q. 22.—What should be the rank of the president of a regimental court-martial? (47—4.)

A.—He must not be under the rank of captain except (1) where the court-martial is held on the line of march, or

(2) On board a ship not commissioned by Her Majesty, or

(3) If a captain is not available, in which case the convening officer must record the fact in the order convening the court.

Q. 23.—What are the limits of the powers of a regimental court-martial? (47—5.)

A.—(1) It cannot try an officer.

(2) It cannot award death, penal servitude, or discharge with ignominy.

(3) It cannot award more than forty-two days' imprisonment.

Q. 24.—By whom alone can a general court-martial be convened? (48—1.)

A.—By Her Majesty, or by an officer deriving authority to do so from Her Majesty.

Q. 25.—By whom can a district court-martial be convened? (48—2.)

A.—By an officer authorized to convene general courts-martial, or by an officer deriving authority to do so from an officer authorized to convene general courts-martial.

Q. 26.—By whom may the president of a general or district court-martial be appointed? (48—3.)

A.—By order of the authority convening the court.

Q. 27.—What should be the rank of the president of a general or district court-martial? (49—8.)

A.—He should not be under the rank of field officer. When, however, necessity compels the appointment of an officer of lower rank, the fact should be stated in the order convening the court.

Q. 28.—What are the limitations of the powers of a district court-martial? (48—5.)

A.—A district court-martial may not try an officer, nor award the punishment of death or penal servitude.

Q. 29.—What is the limit of imprisonment that may be awarded by a general or district court-martial? (44—c.)

A.—Two years with or without hard labour.

FIELD GENERAL COURT-MARTIAL.

Q. 30.—What is a field general court-martial, and by whom may it be convened? (49.)

A.—A court-martial convened in any country beyond the seas, for the trial of offences against the property or person of inhabitants or residents of that country, which cannot practicably be tried by an ordinary general court-martial. It may be convened by the officer in command of the detachment or portion of troops to which the offender belongs, although he may not be authorized to convene any other kind of court-martial.

Q. 31.—Of how many members must it consist? (49—1.)

A.—It shall not consist of less than three members.

Q. 32.—May the convening officer preside? (49—2.)

A.—Yes; but he should only do so if it be not practicable to appoint another officer. The president should, if practicable in the opinion of the convening officer, be not below the rank of captain.

Q. 33.—What are the limits of sentence of a field general court-martial? (49—2.)

A.—The same as those of a general court-martial.

Q. 34.—By whom may the finding and sentence of a field general court-martial be confirmed? (54—d.)

A.—By an officer authorized to confirm the findings