Dear Mr. Hall Cairns

A sentence of death can be confirmed by an officer deriving authority either immediately or mediatelty from His Majesty, and this authority is given in the form of a General Court Martial Warrant.

There are several descriptions of such Warrants -

(1) A Full Warrant which enables the holder to confirm any sentence awarded by a court martial.

(2) Those in use at home, which admit only of the holder convening a general court martial - but not confirming the sentence.

(3) Those in use in the Colonies which enable the holder to convene a general court martial and to confirm sentences - except one of death, penal servitude, cashiering or dismissal of a British commissioned officer.

Both the Duke of Connaught and the C.O.C. in Egypt have a Warrant No. (3) and under them neither of those officers has power to confirm a death sentence. Any sentence of death passed upon a British officer belonging to the Army of Occupation would have to be confirmed by the King.
No one else has power to do so in such a case, and the Consul-General could not, in any circumstances, be authorised to carry out the confirmation. The Duke of Connaught could not authorise, by telegram or otherwise, any officer to confirm the sentence. The Duke of Connaught could not obtain the King's confirmation by cable, but the proceedings would have to come to the King and be confirmed by His Majesty.

It is true that under Section 189 (1) of the Army Act the Army of Occupation in Egypt could be considered as on "active service", as under that Section a person "attached to, or forming part of a force which is in military occupation of any foreign country" is deemed to be on active service.

There is, however, no declaration (as required by Section 189 (2) of the Army Act) now in operation declaring the troops in Egypt to be on "active service", and, consequently, it is not at present the practice to try officers or soldiers of the Army of Occupation by Field General Court Martial.

Indeed, in a case such as is mentioned, of an officer committing
committing a personal offence against the General Officer Commanding, the matter would in present circumstances be dealt with by ordinary General Court Martial and not by a Field General Court Martial. The latter tribunal might be held in the case of an offence against the property or person of an inhabitant of, or resident in, Egypt, under Section 49 (1) (a) of the Army Act - but not otherwise.

If the Sirdar happened to be junior in rank to the General Officer Commanding in Egypt, the latter might, in very exceptional circumstances, attach the Sirdar with his consent to the Army of Occupation for the purpose of serving on a General Court Martial, but a General Court Martial is as a rule composed of officers serving under the command of the officer convening the Court. The Sirdar is not serving under the command of the General Officer Commanding the Army of Occupation, and, even if the Sirdar were the junior of the two, the General Officer Commanding the Army of Occupation would hesitate to attach him - even with his own consent - as above mentioned. As a matter of fact the President of a General Court Martial need only be a Field Officer - Major or upwards - but the King's Regulations (para. 578 (ii) lay down
down that whenever a general officer or colonel is available to sit as president of a General Court Martial, an officer of inferior rank is not to be appointed.

The present Sirdar is senior to the General Officer Commanding the Army of Occupation in Egypt.

A sentence of death, if confirmed by the King, could not be annulled by the Secretary of State. It would have to be submitted to His Majesty, who might grant the convicted person a free pardon, or might commute the sentence to one of less severity. It may be remarked that unless the offence of striking or using or offering any violence to a superior officer is committed when the superior is "in the execution of his office" the death penalty cannot be inflicted. (Section 8, Army Act.)

An application for the annulling of a death (or other) sentence can be made by any independent person, as, for instance, the Counsel for the defence of the accused.

I hope this warning will be appreciated. It is a pleasure to be of any helps to you.
Hall Lane By
Valance Hotel
St. Moritz
Surtsteania