

one part, and immobility on the other, is manifest; and it is equally clear, either that informalities in the proceedings of a court-martial must often occur, or that the course of justice must be as often impeded.

For example:—Within these few years, commanders, or second captains, of sloops of the line have been permitted to sit at courts-martial in preference to junior officers of the same grade in command of sloops of war. Now, section 14 of the act of Parliament states, that 'in case any court-martial shall be appointed to be held at any place where there are no less than three, not yet so many as five, officers of the degree and denomination of a post-captain, or of a superior rank, to be found, then it shall be lawful for the officer, at the place appointed for holding such court-martial, who is to preside at the same, to call to his assistance as many of the commanders of His Majesty's vessels, under the rank and degree of a post-captain, as, together with the post-captains then and there present, will make up the number of five, to hold such court-martial.'

When this act was framed, the Legislature evidently meant by the term 'commander' the officer of that grade in actual command of one of His Majesty's sloops, not a commander being in the same ship under a post-captain, for such an officer was then unknown, or even contemplated; to say nothing of the important clause mentioned in another section of the same act, touching the assembly of five vessels of war, which clause clearly shows that the Legislature intended that five persons in superior command, in rank not below that of a commander, were necessary to constitute a naval court-martial.

In the last revision of the 'Regulations for His Majesty's Sea Service' the following article appears in the chapter entitled 'Courts-martial':—

'A captain in command of a sloop-of-war, notwithstanding his temporary loss of rank in other respects, is to sit at courts-martial according to his rank on the list of captains; and commanders, acting in the temporary command of His Majesty's ships, shall be considered liable to sit at courts-martial, according to their respective ranks. Lieutenants shall not be permitted to sit as members at courts-martial, although they may be acting in the temporary command of ships.'

The paragraph above cited is the only passage which appears in His Majesty's 'Regulations' relative to rank and precedence at courts-martial.

The stress that appears to be laid upon the words 'command' and 'temporary command,' of His Majesty's ships, as particularly applicable to captains and commanders, is sufficient to show that the revisers of these regulations could never have contemplated that commanders serving in the same ship with captains were eligible to become members of a court-martial.

To prevent the possibility of officers giving different versions to the various sections in the statute which was intended by the Legislature to guide and govern the proceedings in every case of a naval court-martial, and particularly to remove, in some measure, those penal liabilities to which the members composing a court may, collectively and individually, be subjected by the misconstruction of an ambiguous act of Parliament, it may be necessary to remodel the statute, and amend those sections which, in many instances, have puzzled and perplexed the best Crown lawyers this country has ever produced.

#### POLITICS AFLOAT.

The prevailing disposition to discuss politics afloat is truly deplorable. In former days it would have been difficult to find a naval officer competent to define the difference existing between Whig and Tory; but now party questions are introduced at table, and disputed with a warmth and testiness of temper that would hardly be tolerated even in St. Stephen's.

#### SUCCESSING TO THE COMMAND OF A SHIP.

It has long been the practice of the service for a captain, in succeeding to the command of a ship, to adopt some public manner of acquainting the crew of the means by which he proposes to regulate his own conduct, and to enforce obedience in that of others. This is sometimes effected through the medium of an address, publicly delivered to the people assembled on the quarter-deck. The propriety of this practice becomes questionable; measures intended for general announcement require deliberate consideration. Promises may be made which may materially tend to confine the captain's future conduct in the management of men placed under his command, and with respect to whose individual behaviour it is impossible to perceive what may arise. Seamen are always averse to speeches, and particularly to those that contain pledges. There can be no occasion to advert to pledges, whether relating to rewards, or touching punishments. Neither is the system of the captain turning over to his successor the characters, individually, of the ship's company, at all to be desired. If, in mustering the crew over, some hands are particularly pointed out as 'good men,' whilst others are passed over in silence, those who come under what may be termed mute notice retire with feelings of dissatisfaction, and the former frequently presume upon their 'reported' propriety of conduct.

#### PUNISHMENT.

In every case of a man's being brought up for punishment the slightest indication of passion should be avoided, and the offender thus impressed with the wholesome conviction that the infliction is the necessary consequence of crime, abstracted from all private animosity or prejudice. The moment the painful duty is ended, no inclination should be shown to keep the recollection of it alive by any ill-timed comment, or intimation that, in addition to his punishment, the delinquent is set down in the captain's private list. The tendency of such intimation is to make men reckless of the future and regardless of character, which they, with a good deal of reason, imagine is irrecoverably lost the moment their name is enrolled, in writing, in that hated record, denominated by men-of-war's men 'the captain's black book.'

#### THREATS OF PUNISHMENT.

There is in some men an infirmity with regard to perpetual threats of punishment which constantly places the threatener in what may be termed a false position. In the heat of the moment such men indulge in unguarded language, which is generally followed up by strong asseverations to have the party addressed 'severely punished.' Such manifestations of uncontrollable temper produce no other effect upon the foremost-men save that of an unfavourable opinion of the officer's self-possession, added to a total, though silent, contempt for his waste of words. Threats of punishment are always bad, particularly as the threatener has seldom reason on his side to support his menace, or rather the infliction of a punishment promised in a moment of heat or irritable mood of mind. And here it may be recommended to the young officer never to permit an expression to escape him which may afterwards involve his character for adherence to truth. An officer should never break his word, and particularly with British seamen.

#### SURGEON.

The idea that seamen of the service are often disposed to seek surgical relief under 'false pretences' is not justifiable. That the 'gull-birds' of former days used to impose upon medical credulity few will attempt to deny; but the surgeon should rather appear to believe the complainant's statement, than permit any busy ejaculation to escape him, even though he may have strong reason to suspect the motives of the appealing party. The surgeon, in fact, should economize his suspicions, and keep them to himself. A medical man may be mistaken, and a solitary instance of erroneous decision is not only calculated to bring into disrepute the professional skill and sagacity of the surgeon, but to engender a feeling of dissatisfaction afloat, and, what is equally bad, to induce a general disinclination to seek medical aid, when medical aid is in reality required.