

ACT No. XXV OF 1857.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 8th August 1857.)

AN ACT to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases.

WHEREAS it is expedient to render Officers and Soldiers in the Native Army, who shall be convicted of Mutiny, subject to the forfeiture of all their property, and to provide for the adjudication and recovery of forfeitures in certain cases; It is enacted as follows :—

Preamble.

I. Every Officer and Soldier or other person subject to the Articles of War for the Native Army, who shall be convicted of Mutiny, shall forfeit all his property of every description.

Forfeiture of property on conviction of Mutiny.

II. If any person who shall have committed treason or any offence for which, by this Act, or Act XI of 1857, or Act XIV of 1857, or Act XVI of 1857, his property is declared to be forfeited, shall have been killed, or shall have died, or shall have escaped out of the territories of the East India Company, before he shall have been convicted of the offence, or cannot after diligent search be found; any Court or other authority which might have tried such offender, if he could have been brought to trial, shall, upon the application of the Magistrate or other Officer authorized by Government to make such application, hold an enquiry, and on proof that the person charged with having committed the offence was guilty thereof, and that he is dead, or has escaped out of the territories of the East India Company, or cannot after diligent search be found, shall adjudge that all the property of such offender shall be forfeited to Government.

Adjudication of forfeiture in case of death or escape of offender before conviction of an offence for which property is liable to be forfeited.

III. The

III. The forfeiture, whether upon conviction of such an offence as aforesaid or upon an adjudication of forfeiture under

Forfeiture to extend to all property possessed by the offender at the time of the commission of the offence.

this Act, shall extend to all property and effects of or to which the offender shall have been possessed or entitled, either at the time of committing the offence,

or at the time of the conviction or of the adjudication of forfeiture, or at any intermediate time; and no sale, alienation, or other disposition of such property, made subsequently to the commission of the offence or made at any time with the fraudulent intention of preventing a forfeiture, shall have any effect against the right of Government to the forfeiture.

Proviso.

Provided that nothing in this Section contained shall affect any transferee of any negotiable security, who shall prove that he acquired the same in good faith and with due caution for valuable consideration.

IV. All immoveable property of the offender, which shall be alienated

Forfeiture of land alienated without valuable consideration before the commission of the offence.

after the passing of this Act and before the commission of any offence specified in Section II, shall be forfeited in the same manner as if no such alienation had been made, unless the alienation be made in good faith and

for valuable consideration, or unless the same shall have been made and

Unless alienation made and registered three months before.

registered more than three months before the commission of the offence.

V. The Court, or other authority by which the offender shall be con-

Court may specify in the conviction the day on which the offence was committed.

victed or the forfeiture shall be adjudged, may specify in the conviction or adjudication the day on which the offence was committed, if it can be ascertained.

VI. In any proceeding concerning property alleged to have been for-

What matters shall be proved by the conviction or adjudication.

feited, the conviction shall be conclusive evidence that the offence was committed, and (if the day be specified in such conviction) that the offence was committed on

that day; if the day be not specified, the conviction shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge.

In any such proceeding, an adjudication of forfeiture under this Act shall be *prima facie* evidence of the commission of the offence, and (if the day

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be specified in the adjudication) that the offence was committed on that day ; if the day be not specified, the adjudication shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge. Any adjudication under this Act shall be filed with and may be proved in the same manner as the records of the Principal Court of Criminal jurisdiction of the District.

VII. After the conviction or adjudication, the Collector or other Chief Officer appointed by Government for the collection of Revenue, or any other Officer whom the Government may specially appoint, may seize and take possession of the forfeited property : if he require the assistance of a Court to enable him to obtain possession of any such property by reason of any dispute respecting the title to the same or for any other cause, the Principal Civil Court of original jurisdiction of the District in which the property is situate may, upon the production of a certified copy of the conviction or adjudication, hear and determine in a summary manner upon petition any matter in dispute relating to such property. Any order which may be passed by the Court shall not be subject to appeal ; but the party against whom the same may be given, by any Court other than one of Her Majesty's Supreme Courts of Judicature, shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

VIII. In case any person whose property shall have been so adjudged to be forfeited shall within one year after the seizure of any part of his property as a forfeiture surrender himself, and shall upon trial before a competent Court be acquitted of the offence, his property or the proceeds thereof shall be restored upon proof, to the satisfaction of the Court, that he did not escape or keep out of the way for the purpose of evading justice.

IX. No suit or other proceeding shall be had or taken on account of the seizure of any property seized in pursuance of this Act, or for the restoration or recovery of such property or of the proceeds thereof, unless the same be instituted within one year from the time of the seizure.

X. In

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X. In case it shall appear to a Magistrate that there is reasonable ground to suppose that any person is guilty of any offence specified in Section II of this Act, and that any property liable to forfeiture for the offence is likely to be made away with, it shall be lawful for the Magistrate to attach such property and secure the same until the trial of the offender or until an enquiry for the purpose of adjudication under this Act shall be had.

Power to secure property before forfeiture in certain cases.

XI. The word "Magistrate" in this Act shall include any Officer competent to commit for trial for any offence specified in Section II of this Act.

Interpretation.