

ACT No. XIII OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 4th April 1858.)

AN ACT for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.

WHEREAS it is expedient to provide for the punishment of persons who shall knowingly and unlawfully have in their possession or conceal arms, horses, or other property belonging to Her Majesty or to the East India Company ; It is enacted as follows : —

I. In any District to which the provisions of this Act shall be extended by order of the Governor General in Council or the Executive Government of any Presidency or place, the Magistrate shall issue a proclamation calling upon all persons within his District, having in their possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property belonging to Her Majesty or to the East India Company, to deliver up the same to the Magistrate or at the nearest Police Station within a time to be fixed by the proclamation; and whoever, after the expiration of the time so fixed, shall without lawful or reasonable excuse have in his possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property, knowing the same to belong to Her Majesty or to the East India Company, shall on conviction be liable to the punishment of transportation for life or of imprisonment with hard labor for a term not exceeding fourteen years, either with or without fine, or to a fine alone, or to corporal punishment not exceeding thirty stripes with a ratan.

In Districts to which this Act is extended by Government, Magistrates to issue proclamation calling upon persons to deliver up property belonging to Her Majesty or the East India Company.

Punishment for the possession of such property, without reasonable excuse, after the time fixed for its delivery to the Magistrate.

II. After

the expiration of the time so fixed by the proclamation, the Magistrate shall issue a proclamation calling upon all persons within his District, having in their possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property belonging to Her Majesty or to the East India Company, to deliver up the same to the Magistrate or at the nearest Police Station within a time to be fixed by the proclamation; and whoever, after the expiration of the time so fixed, shall without lawful or reasonable excuse have in his possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property, knowing the same to belong to Her Majesty or to the East India Company, shall on conviction be liable to the punishment of transportation for life or of imprisonment with hard labor for a term not exceeding fourteen years, either with or without fine, or to a fine alone, or to corporal punishment not exceeding thirty stripes with a ratan.

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II. After any such proclamation shall have been issued, whoever having in his possession any such property as aforesaid, knowing it to belong to Her Majesty or to the East India Company, shall, without lawful or reasonable excuse, conceal or attempt to conceal the same, or neglect to deliver it up as required by the proclamation, shall be liable on conviction to the punishment provided by the preceding Section.

Concealing or neglecting to deliver up such property after issue of proclamation.

III. For offences under this Act, the offender may be tried and sentenced by a Sessions Judge or by a Special Commissioner appointed in the manner provided by Act XIV of 1857; and the sentence or judgment shall not be subject to appeal. Provided that a European British subject shall not be tried under the provisions of this Act.

Jurisdiction.

IV. Nothing in this Act shall be deemed to exempt any person from any punishment to which he may be liable under Act XVI of 1857.

Act not to exempt persons from punishment under Act XVI of 1857.

V. This Act shall continue in force for the period of two years from the time of the passing thereof.

Duration of Act.

