

ACT No. XIV OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th June 1857.)

AN ACT to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.

Preamble. WHEREAS it is necessary to make further provision for the trial and punishment of persons who endeavour to excite mutiny and sedition among the Forces of the East India Company, and also for the trial of offences against the State: It is enacted as follows:—

Punishment for exciting or causing others to excite mutiny or sedition in the Army. I. Whoever intentionally seduces or endeavours to seduce any Officer or Soldier in the service or pay of the East India Company from his allegiance to the British Government or his duty to the East India Company, or intentionally excites or stirs up, or endeavours to excite or stir up, any such Officer or Soldier, or any Officer or Soldier serving in any part of the British Territories in India in aid of the Troops of the British Government, to commit any act of mutiny or sedition; and whoever intentionally causes, or endeavours to cause, any other person to commit any such offence—shall be liable upon conviction to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

Punishment for harbouring or concealing offenders. II. Whoever shall knowingly harbour or conceal any person who shall have been guilty of any offence mentioned in the preceding Section, shall be liable to imprisonment, with or without

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out hard labour, for any term not exceeding seven years, and shall also be liable to fine.

III. It shall be lawful for the Governor General in Council, from time to time, by Order in Council, to empower every General or other Officer having the Command of Troops in the Service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General Courts Martial for the trial of any person or persons charged with having committed an offence punishable by this Act or by Section I or Section II of Act XI of 1857, and also to confirm and carry into effect any sentence of such Court Martial.

Governor General in Council may empower Officers to appoint Courts Martial for the trial of offences against this Act or Act XI of 1857.

IV. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act shall consist wholly of European Commissioned Officers or wholly of Native Commissioned Officers, or partly of European Commissioned Officers and partly of Native Commissioned Officers; and in such case the Officer appointing the Court Martial shall determine whether the same shall consist wholly of European Officers or wholly of Native Officers, or partly of European Officers and partly of Native Officers.

General Courts Martial to be appointed by the Senior Officer on the spot, and to consist of not less than five Members, either Europeans or Natives, or both.

V. Sentence of death or other punishment to which the offender is liable by law, may be given by such Court Martial, if a majority of the Members present concur in the sentence; and any such sentence may be confirmed by, and carried into effect immediately or otherwise by order of, the Officer by whom the Court Martial shall have been appointed, or, in case of his absence, by the Senior Officer on the spot.

Majority of Members may sentence to death or other lawful punishment.

Sentence may be confirmed and carried into effect immediately or otherwise.

Order in Council may be revoked or countermanded.

VI. It shall be lawful for the Governor General in Council to countermand or alter any Order in Council which may be issued under the authority of this Act.

VII. It

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VII. It shall be lawful for the Governor General in Council, or for the Executive Government of any Presidency or place, or for any person or persons whom the Governor General in Council may authorize so to do, from time to time to issue a Commission for the trial of all or any persons or person charged with having committed within any District described in the Commission, whether such District shall or shall not have been proclaimed to be in a state of rebellion, any offence punishable by Sections I and II of Act XI of 1857, or by this Act, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

Governor General in Council or Executive Government, or any person authorized, may issue a Commission for the trial of persons charged with offences against the State or with other offences.

VIII. The Commissioner or Commissioners authorized by any such Commission, may hold a Court in any part of the District mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof, it being the intention of this Act that the District mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one District.

Court may be held in any part of the District.

IX. Any Court held under the Commission shall have power, without the attendance or futwa of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime ; and the judgment of such Court shall be final and conclusive ; and the said Court shall not be subordinate to the Sudder or other Court.

Powers of the Court.

X. If a Commission be issued under the authority of this Act, any Magistrate or other Officer* having power to commit for trial within the District described in the Commission may commit persons charged with any of the aforesaid crimes within such District for trial before a Court to be held under this Act.

Magistrate or other Officer may commit persons for trial before a Court held under this Act.

XI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Act not to apply to British-born subjects or their children.

XII. This

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Nor to persons sub-
ject to the Articles of
War.

XII. This Act shall not extend to the trial or punishment of any person for any offence for which he is liable to be tried by the Articles of War.

Interpretation.

XIII. The word "Soldier" shall include every person subject to any Articles of War.

Duration of Act.

XIV. This Act shall continue in force for one year.

