

("The Lunatic Soldiers' Property Act, 1873.")

ACT NO. XIV OF 1873.

BRITISH BURMA GAZETTE, OCTOBER 11TH, 1873.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 11th September 1873, and is hereby promulgated for general information:-

An Act to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged.

Preamble.

WHEREAS it is expedient to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged; It is hereby enacted as follows:-

Short title.

1. This Act may be called "**The Lunatic Soldiers' Property Act, 1873.**"

Local extent.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Native Princes and States in India in alliance with Her Majesty;

Commencement.

And it shall come into force on the passing thereof.

Interpretation-clause

2. In this Act-

"Officer"

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army; and

"Soldier."

"Soldier" means a soldier of Her Majesty's Army, or a European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

Securing of effects insane by Committee.

3. When an Officer or soldier becomes insane on service, but is not removed, put on half-pay, or discharged on the ground of insanity, such

Committee of Officers as the Governor-General in Council may from time to time prescribe, shall immediately secure all such of his effects as are within the territories to which this Act extends.

Application of effects.

4. Such effects shall be liable to be applied in or towards payment of any expenses necessarily incurred in the maintenance and removal of such Officer or Soldier to any place in India, and of any such expenses and debts incurred and owing by him as would, under Part I of the Regimental Debts Act, 1863, be preferential charges on his movable property in case he had died on service, with the like preference, in the like order, and subject to the like provision for decision of doubt or difference, as would in that case apply, as nearly as may be, **mutatis mutandis**.

Stay of proceedings by Committee on payment of expenses and debts by representative.

5. If any person who would, if such Officer or Soldier were dead, be entitled to take out representation to him (otherwise than as a creditor), or his wife (if any), or any near relative, pays in full the expenses and debts aforesaid, the said Committee shall not further interfere in relation to the property.

Administration by Committee.

6. If such payment is not made, then, within one month after the insanity is known at the quarters where the property is, the said Committee may sell and convert into money such part of the property as they think fit, and after paying out of the proceeds the expenses attending the discharge of their duties, shall pay thereout the expenses and debts aforesaid, and shall dispose of any property then remaining in their hands in such manner as may from time to time be prescribed by the Governor-General in Council, or by such Officer as he appoints in this behalf, to the end that the same may be applied for the benefit of the Officer or Soldier to whom it belongs.

Validation of payments, sales and dispositions by Committee.

7. Every payment or application of money, and every sale or other disposition of property, made by any Committee in pursuance of this Act, shall be valid as against all persons whomsoever.

Indemnity.

And every Officer belonging to any such Committee shall be discharged from all liability in respect of the money or other property so paid, applied or disposed of.

Power to make regulations.

8. The Governor-General in Council may from time to time prescribe such regulations as may seem fit for the better execution of any of the purposes of this Act.

WHITLEY STOKES,
Secretary to the Govt, of India.