

ACT No. III OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd January 1858.)

AN ACT to amend the Law relating to the arrest and detention of State Prisoners.

WHEREAS doubts have been entertained whether State Prisoners confined under Regulation II. 1819 of the Madras Code, or Regulation XXV. 1827 of the Bombay Code, can be lawfully detained in any fortress, jail, or other place within the local limits of the jurisdiction of the Supreme Courts of Judicature at Madras and Bombay respectively; and it is expedient that such doubts be removed, and that the powers of the said Regulations and of Regulation III. 1818 of the Bengal Code be extended; It is enacted as follows:—

Preamble.

I. So much of Clause 1 Section I of Regulation XXV. 1827 of the Bombay Code as provides—that, with reference to the individual, the apprehension and confinement therein referred to shall not be in breach of British Law—is repealed; except so far as the said provision applies to European British Subjects.

Part of Regulation XXV. 1827 of the Bombay Code repealed.

II. The provisions of Regulation III. 1818 of the Bengal Code, Regulation II. 1819 of the Madras Code, and Regulation XXV. 1827 of the Bombay Code as altered by Section I of this Act, relating to the arrest and confinement of persons as State Prisoners, shall be in force within the local limits of the jurisdiction of the Supreme Courts of Judicature at Calcutta, Madras, and Bombay respectively.

Regulations relating to the arrest and confinement of State Prisoners in the three Presidencies, to be in force within Supreme Court jurisdiction.

III. All

III. All powers for the better custody of State Prisoners which by virtue of Act XXXIV of 1850 are vested in the Governor General in Council, shall be possessed and may be exercised by the Governor in Council of Fort St. George and the Governor in Council of Bombay respectively for the better custody of State Prisoners arrested within their respective Presidencies.

Powers for the better custody of State Prisoners, vested by Act XXXIV of 1850 in the Governor General in Council, may be exercised by the Governors in Council of Fort St. George and Bombay respectively.

IV. Any person arrested as a State Prisoner before the passing of this Act or now confined as a State Prisoner by the order or under the warrant of the Governor General in Council, or of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, shall be deemed to have been lawfully arrested and to be lawfully confined.

Arrests &c. made before the passing of this Act legalized.

V. The Governor General in Council may order the removal of any State Prisoner, confined under the provisions of any of the said Regulations as amended and extended by this Act, from any fortress, jail, or place in which he may be confined within either of the said Presidencies, to any other fortress, jail, or place of confinement within the territories in the possession and under the Government of the East India Company.

Removal of State Prisoners from one place of confinement to another.

