



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

No. 8.

An Act for the better apprehension of Offenders who shall have escaped to parts within the Province of South Australia, from any other of the Australian Colonies.

[Assented to 22nd November, 1851.]

WHEREAS by a certain Act of Parliament, passed in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act for the better apprehension of certain offenders," provision is made for the apprehension, in any part of Her Majesty's Dominions, of persons charged with committing, in any other part of Her Majesty's Dominions, certain offences in that Act mentioned, and against whom a warrant shall have been issued by any person or persons having lawful authority to issue the same, and for the imprisonment of such offenders, and for their removal to that part of Her Majesty's Dominions in which they were charged with having committed the offence: And whereas the contiguity of the Australian Colonies to each other greatly facilitates the escape of offenders from one to the other of such Colonies, which said offenders may, in many instances, elude the pursuit of justice, unless provision be made for their apprehension in the Colony to which they shall have escaped, without requiring that a warrant be obtained from a Magistrate of the Colony having original jurisdiction, and that such warrant shall be endorsed by a Judge of

Preamble.
6 & 7 Vict., chap. 34.

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the Colony to which the offender shall have withdrawn himself: And whereas it is expedient that the provisions of the said recited Act of Parliament should be applied to persons charged with other offences than those to which the said recited Act is limited, so that the course of justice may, in a less degree, be impeded by the separation and independence of the judicial jurisdictions of the said Colonies respectively:

Alleged offender from any of the Australian Colonies, may be apprehended by order of a Magistrate of this Province.

Be it therefore Enacted by His Excellency the Governor of South Australia, with the advice and consent of the Legislative Council thereof, That from and after the passing hereof if any person shall be within the Province of South Australia who shall be charged with having committed any offence, such as is hereinafter mentioned, within any other of the Australian Colonies, it shall be lawful for any Justice of the Peace of this Province, or of any limited jurisdiction therein where such person shall then be, to issue his warrant for the apprehension of such supposed offender in the same manner, and upon the like grounds, as if the said offence was charged to have been committed within the ordinary jurisdiction of such Justice; and thereupon it shall be lawful for all Peace Officers within the said Province, and they are hereby required to execute such warrant, by apprehending the person against whom it is directed, and to convey him before the same or any other Magistrate having authority to examine and commit offenders for trial in the part of the said Province in which he shall have been apprehended.

Committal for removal to the Colony in which the offence is alleged to have been committed.

2. And be it Enacted, That it shall be lawful for any such Magistrate as last aforesaid, before whom any such supposed offender shall be brought as aforesaid, upon such evidence of criminality as would justify his committal for trial if the offence had been committed within the ordinary jurisdiction of the said Magistrate, to commit such supposed offender to prison, there to remain until he can be sent back to the Colony in which the offence is alleged to have been committed, and delivered to the proper Authorities therein, in the manner mentioned in the said recited Act of Parliament; and immediately upon the committal of such person, information thereof in writing, under the hand of the committing Magistrate, accompanied by a copy of his warrant, and of the depositions upon which the same was granted, shall be given to the Governor of this Province.

Committal by way of remand.

3. And be it Enacted, That it shall be lawful for any such Magistrate as last aforesaid, before whom any such supposed offender shall be brought, upon any such evidence of criminality as would justify the remand of any person for further examination, in cases where evidence is expected to be obtained from remote parts, if the offence had been committed within the ordinary jurisdiction of such Magistrate, to commit such supposed offender to prison by way of remand, for such reasonable time not exceeding one calendar month until copies of depositions, taken, certified, and attested, as hereinafter mentioned, shall have been received from the Colony in which
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the offence is alleged to have been committed, and submitted to the same or some other Magistrate; and upon such copies of depositions being so submitted, it shall be lawful for the Magistrate to whom the same shall be submitted, either to discharge such supposed offender, or to commit him finally under and in pursuance of the authority hereinbefore given in that behalf: Provided always, that immediately upon the committal by way of remand, information thereof in writing, under the hand of the committing Magistrate, accompanied by a copy of the depositions upon which the remand was ordered, shall be given to the said Governor, as hereinbefore provided with respect to final committals.

4. Provided always, and be it Enacted, That it shall be lawful for any such Magistrate, who shall so, as aforesaid, commit any such supposed offender, either finally or by way of remand, to allow bail to be taken by one or two Justices, as the case may require, for the surrender of the party committed, at a day and a place to be specified in the recognizance of bail, if the nature of the offence charged, and the character of the evidence of criminality, shall be such as would justify the allowance of bail in a similar case occurring within the ordinary jurisdiction of the Magistrate; and thereupon the recognizance of bail shall be of the same force and effect in all respects, as if the same had been entered into for the appearance of an accused party to take his trial, or for further examination upon a charge of an offence committed within the Province of South Australia. Authority to take bail.

5. And be it Enacted, That in every such case as hereinbefore mentioned, copies of depositions upon the charge made against the said supposed offender, taken by a person having lawful authority to take the same, in the Colony in which the offence is alleged to have been committed, if duly certified under the hand of the person taking such depositions, and attested on oath by the party producing the same to be true copies of the original depositions, may be received in evidence of the criminality of the person apprehended under the provisions hereof. Copies of depositions from any of the Australian Colonies receivable in evidence.

6. And be it Enacted, That the provisions in the said recited Act of Parliament touching the discharge of any person committed as therein provided, if he shall not have been conveyed away within two months after his committal, shall be applied to all committals under this Act, whether final or by way of remand. Supposed offender may be discharged by a Judge if not conveyed away within two months after committal.

7. And be it Enacted, That this Act shall apply to all charges of treason and felony, and to all indictable misdemeanors committed or charged to have been committed in any of the Australian Colonies. Offences within the Act.

8. And be it Enacted, That for the purposes hereof and of the said recited Act of Parliament, the words "Australian Colonies" shall be deemed and taken to describe and include the Colonies of Definition of the words 'Australian Colonies.'
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New South Wales, Victoria, Van Diemen's Land, South Australia, Western Australia, and New Zealand, with their respective Dependencies, as such Colonies are now or may hereafter be defined and limited; and also any other Colony which may hereafter be established within the existing limits of any of the said Colonies, or within any portion of Her Majesty's Possessions in New Holland.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this Twentieth }
day of November, One Thousand Eight }
Hundred and Fifty-one.*

F. C. SINGLETON,
Clerk of Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Lieutenant-Governor.

Government House, Adelaide,
22nd November, 1851.