



WESTERN AUSTRALIA.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

NO. II.

AN ORDINANCE to provide for the summary Discharge, in certain Cases, of Persons under Committal for Felony and Misdemeanour.

WHEREAS Persons are sometimes committed to Gaol upon Charges of Felony and Misdemeanour against whom Her Majesty's Advocate General, or other duly appointed prosecuting Officer or Officers decline to file an Information, and in order to prevent such Persons from suffering unnecessary Imprisonment it is expedient to provide for their more speedy Discharge in such Cases; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the Advice and Consent of the Legislative Council thereof, That it shall be lawful for Her Majesty's Advocate General, or the Public Prosecutor for the Time being of the said Colony, in respect of any Person or Persons now or hereafter imprisoned under such Circumstances, to grant, at any Time, a Certificate under his Signature in the Form in the Schedule A to this Ordinance annexed addressed to the Commissioner of the Civil Court, who shall thereupon, by Warrant under his Hand in the Form in the Schedule B to this Ordinance annexed order and direct the Sheriff or Gaoler in whose Custody any such Prisoner shall be, immediately, and without any Fee or Reward, to discharge the Prisoner therein mentioned from Imprisonment in respect of the Offence mentioned in the same Warrant; and if any such Sheriff or Gaoler shall refuse or neglect so to do, he shall, for

Preamble.

Persons under committal for Felony and Misdemeanour may be discharged in certain cases by Commissioner's Warrant on Certificate of Advocate General.

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every such Offence, forfeit and pay to the Use of Her Majesty a Fine or Penalty of Fifty Pounds to be recovered by Action of Debt in the Name of Her Majesty's said Advocate General or other proper Officer.

A. E. KENNEDY,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council
this 18th day of November, 1859.*

HENRY WAKEFORD,

Clerk of the Council.

L.S.

SCHEDULES REFERRED TO.

A.

To His Honor the Commissioner of the Civil Court of Western Australia.

This is to certify that I [or We] decline to file any Information against E. F. detained in the Custody of G. H., Gaoler of _____ under the Warrant of I. J., Esq., J. P., upon a Charge of

Given under my [or our] hand the _____ day of

Advocate General.

B.

To A. B. (Sheriff) or to C. D., Keeper of Her Majesty's Gaol at _____ in the Colony of Western Australia.

Whereas E. F. is detained in your Custody under the Warrant of J. J. Esq., J. P., upon a Charge of

And whereas it has been certified to me by _____ Advocate General, [as the case may be] that he declines to file any Information against the said E. F. for the said Offence, you are therefore hereby authorised and required forthwith to discharge the said E. F. from your Custody upon the said Warrant.

Given under my Hand this _____ Day of

Commissioner of the Civil Court.