



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1864.

No. 16.

An Act to make further and better provision for the apprehension of Offenders escaping into South Australia from any of the Australian Colonies.

[Assented to, 9th December, 1864.]

WHEREAS it is expedient to make better provision for the apprehension of offenders escaping into the Province of South Australia from any of the Australian Colonies—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. If any person shall be in the said Province who shall be charged with the commission of any treason, felony, or indictable misdemeanors within any of the Australian Colonies, and against whom a warrant shall be issued by any Judge or Justice of the Peace of any of the Australian Colonies, it shall be lawful for any Judge or Justice of the Peace of the said Province, and any such Judge or Justice is required, upon proof, on oath, of the handwriting of any Judge or Justice of the Peace of any of the said Colonies, to endorse his name on such warrant, whereupon the person or persons to whom such warrant may have been originally directed, and all constables for the said Province, or any part thereof, may execute such warrant within any part of the said Province, and apprehend the person or persons named in such warrant, and carry him, her, or them before any Justice or Justices of the Peace for the said Province.

Offenders may be arrested on warrants issued by a Judge or Justice of any Australian Colony being endorsed by a Judge or Justice of South Australia.

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Persons apprehended may be admitted to bail in certain cases.

2. In case the offence named in such warrant be such as if committed within the said Province would be bailable in law, and the person or persons arrested not being under sentence, or suspected to be so, be ready to give bail to appear according to the exigence of the said warrant, the Justice or Justices of the Peace before whom such person or persons may be brought may take recognizances of the person or persons and the sureties, in duplicate, and forward one of such copies to the Crown Solicitor or other Crown law officer in the Colony from which the said warrant may have issued, and the other copy shall be transmitted to the Master or Chief Clerk of the Supreme Court of the said Province, there, to be filed as of record; and on receiving from the Court or other tribunal before whom the person bailed shall be bound to appear, a certificate that such person has failed to appear according to the exigence of the bail bond or recognizance, the Supreme Court of the said Province may estreat such bail bond or recognizance, in the same manner as a recognizance given for the appearance of any person to take his trial before the said Supreme Court.

In default of bail the person may be sent back to the place from which the warrant issued.

3. If the person or persons so arrested shall not be bailed, any Justice or Justices of the Peace may deliver such person or persons into the custody of the constable or other person who may have made the arrest, or any other person; and the prisoner so arrested shall be taken by the most expeditious route to the Colony from whence the warrant issued, there to be dealt with according to law.

Justice may issue warrant on telegram or letter.

4. It shall be lawful for any Justice of the Peace on production before him of any telegram or letter stating that a warrant has issued in any of the Australian Colonies against any person charged with any treason, felony, or other indictable offence, who is suspected to be in the said Province, and on the written certificate or statement on oath of any Commissioner, Inspector, or other officer of police, that he has reasonable cause to believe that such telegram or letter has been forwarded by order of any Police Magistrate, or Commissioner, Inspector, or other officer of Police in either of the said Colonies, to issue a warrant against the person named in such telegram; and, in case any person named therein should be brought before him or any other Justice or Justices of the Peace, whom there is reasonable ground for believing is the person named in such telegram or letter, the Justice or Justices of the Peace before whom any such person may be brought, may cause such person to be remanded from time to time to the custody of any gaoler or Peace Officer, for such reasonable period as may seem sufficient to allow of the receipt of the warrant issued in any of the Colonies aforesaid, in the said Province.

Bail may be taken.

5. The Justice or Justices of the Peace may take bail for the appearance of such person on any remand day before the same, or any other Justice or Justices of the Peace in the same manner as bail is taken for the appearance of any person charged before a Justice of the Peace with any offence within the said Province, and the

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the recognizance so taken shall be liable to be estreated in the same manner as in the case of a recognizance given for the appearance of a person charged with an offence within the said Province.

6. The term "Australian Colonies" shall include any Colony or Settlement now or hereafter formed in any part of New Holland, Tasmania, New Zealand, or the islands adjacent.

Interpretation of
term "Australian
Colonies."

In the name and on behalf of the Queen I hereby assent to
this Act.

D. DALY, Governor.