

WESTERN AUSTRALIA

ANNO QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ

No. 1

An Act to provide for the more convenient administration of 'The Extradition Acts, 1870 and 1873.'

[Assented to 25th July, 1877.]

WHEREAS by the Act of the Imperial Parliament known as Preamble 'The Extradition Act, 1870,' it is amongst other things enacted that the said Act when applied by Order in Council, shall, unless it is otherwise provided by such Order, extend to every British possession, but with the following among other modifications, namely:—

No warrant of a Secretary of State shall be required, and all powers vested in, or Acts authorised or required to be done under the said Act by the Police Magistrates and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone;

and any prison in the British possession may be substituted for a prison in Middlesex.

And whereas by the said Act it is also enacted that:—

If by any law or Ordinance made before or after the passing of the

Extradition Act, 1877

said Act by the legislature of any British possession, provision is made for carrying into effect, within such possession, the surrender of fugitive criminals who are in, or suspected of being in such British possession, Her Majesty may, by the order in Council applying the said Act in the case of any foreign state, or by any subsequent Order, either

Suspend the operation within any such British possession of the said Act, or any part thereof, so far as it relates to such foreign state, and as so long as such law or Ordinance continues in force there, and no longer;

Or direct that such law or Ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of said Act.

And whereas by another Act of the Imperial Parliament known as 'The Extradition Act of 1873' it is enacted that the said Act shall be construed as one with 'The Extradition Act, 1870,' and that the said two Acts may be cited together as 'The Extradition Acts, 1870 and 1873.'

And whereas it is expedient to provide for the more convenient administration within the Colony of 'The Extradition Acts, 1870 and 1873,' by conferring on the Police Magistrates of the Colony the like powers and authorities in relation to the surrender of Fugitive Criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom.

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, as follows:—

1. This Act may be cited as 'The Extradition Act, Western Australia, 1877.'

Powers of Police
Magistrates in
relation to Ex-
tradition under
the Imperial
Acts

2. All powers vested in and acts authorised or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of Fugitive Criminals in the United Kingdom, under 'The Extradition Acts, 1870 and 1873,' are hereby vested in, and may in the Colony be exercised and done by, any Police Magistrate, in relation to the surrender of Fugitive Criminals under the said Acts.

Suspending
clause

3. This Act shall not come into operation until Her Majesty shall by Order in Council direct that this Act shall have effect within the Colony as if it were part of 'The Extradition Act, 1870,' but this Act shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony.

WILLIAM C. F. ROBINSON,
GOVERNOR.