



WESTERN AUSTRALIA.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

No. XIII.

An Ordinance to facilitate the apprehension in Western Australia of offenders who may have escaped thereto from any of the neighbouring Colonies of Australasia.

WHEREAS communication between the colony of Western Australia and the neighbouring colonies of Australasia is likely to become

become frequent, by means whereof facilities for the escape to this colony of transported offenders and persons charged with crimes and misdemeanours may be afforded;—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.—

I. THAT from and after the passing of this Ordinance, if any transported offender or any person or persons against whom a warrant shall be issued by any of the Judges of the Supreme Court of any of the neighbouring colonies of Australasia, or by any Justice of the Peace for any of the same respectively, for any crime or offence against the laws in force in any of the said colonies, shall escape, go into, reside, or be in any place within the colony of Western Australia or its Dependencies, it shall and may be lawful for any Justice or Justices of the Peace of Western Australia, and such Justice or Justices is and are hereby required upon proof being made upon oath of a credible witness of the hand-writing of the Judge, Justice or Justices of any of the aforesaid colonies respectively granting such warrant, to endorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant and to all other persons to whom such warrant was originally directed, and also to all constables for any part of the colony of Western Australia or its Dependencies to execute the said warrant within any part of Western Australia or its Dependencies, and to apprehend and carry such offender or offenders before the Justice or Justices who endorsed such warrant, or some other Justice or Justices for the Colony of Western Australia.

II. AND be it enacted, that in case the offence be bailable in law, and such offender or offenders (not being convicts then under sentence, or suspected to be such) shall be ready and willing to give bail for his or her appearance according to the exigence of the said warrant, such Justice or Justices by whom the warrant was endorsed or before whom any such offender or offenders shall be brought, shall and may proceed with such offender or offenders and take bail for him, her, or them according to the exigency of the said warrant, in the same manner as the Judge, Justice or Justices who originally issued the same should or might have done, and such Justice or Justices so taking bail as aforesaid shall take the recognizance or bail bond of the said offender or offenders, and of his or her or their bail in duplicate, and shall deliver one of such duplicates to the constable

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or other officer or officers, or person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same, and to deliver or cause to be delivered such recognizance or bail bond to Her Majesty's Crown Solicitor or Clerk of the Peace or other proper officer for receiving the same in any of the colonies aforesaid respectively, and the said Justice or Justices so taking bail as aforesaid, shall transmit the other of such duplicates to the Clerk of the Peace, or other proper officer for receiving the same, belonging to the Court of Quarter Sessions of Western Australia, there to be kept of record; and it shall and may be lawful for the Court in which any person so bound to appear shall forfeit his or her recognizance or bail bond, to transmit a certificate testifying the forfeiture thereof under seal of the said Court, or under the hand and seal of the Judge of the same, to the proper Officer of the said Court of Quarter Sessions; and it shall and may be lawful for the said last mentioned Court to proceed upon such certificate to levy the sum so forfeited in the same manner in which the said Court may proceed upon any recognizance or bail bond taken and forfeited within the Colony of Western Australia, and estreated into the said Court: Provided always that if such offence be not bailable in law, or such offender or offenders shall not give bail for his, her, or their appearance according to the exigence of such warrant, the said Justice or Justices before whom such offender or offenders shall be brought shall remand him, her, or them to the custody of the constable or other officer or person who shall have apprehended such offender or offenders, and such constable, officer or other person shall proceed to convey such offender or offenders by the most safe and expeditious mode of conveyance to that part of any of the colonies aforesaid in which the crime was committed, to be there dealt with according to Law.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN CHIEF.

*Passed the Legislative Council, }
2nd day of December, 1850. }*

T. N. YULE,
Clerk of the Council.