



ANNO TERTIO

VICTORIÆ REGINÆ.

No. 5.

An Act to facilitate the Apprehension in South Australia of Convicts escaping from the neighboring Penal Settlements.

WHEREAS the communication between the Island of Van Diemen's Land the Colony of New South Wales and the Province of South Australia has greatly increased and facilities for the escape of transported offenders and persons charged with crimes and misdemeanors have thereby arisen:

Be it therefore Enacted by His Excellency Lieutenant-Colonel George Gawler Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of Her Majesty's Province of South Australia with the advice and consent of the Legislative Council thereof that from and after the passing of this Act if any transported offender or person against whom a warrant shall be issued by any of the Judges of the Supreme Courts of Van Diemen's Land or of New South Wales or by any Justice of the Peace for the same respectively for any crime or offence against the laws in force in Van Diemen's Land or New South Wales shall escape go into reside or be in any place within the Province of South Australia or its Dependencies it shall and may be lawful for any Justice or Justices of the Peace for South Australia and all such Justices are hereby required upon proof being made upon oath of a credible witness of the handwriting of the Judge Justice or Justices of Van Diemen's

Warrants issued by a Judge or Justice of Van Diemen's Land or New South Wales against offenders escaping from Van Diemen's Land or New South Wales into the Province of South Australia.

May be indorsed by
any Justice of the
Province of South
Australia.

Diemen's Land or of New South Wales 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 Province of South Australia or its Dependencies to execute the said warrant within any part of South 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 Province of South Australia.

The party apprehended to be admitted to bail unless convicts.

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 her or their 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 exigence 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 her or their bail in duplicate and shall deliver one of such duplicates to the constable 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 Van Diemen's Land or New South Wales respectively and the said Justice or Justices so taking bail as aforesaid, shall transmit the other of such duplicates to the Chief Clerk or other proper officer for receiving the same belonging to the Supreme Court of South 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 one of the Judges or Justices of the same to the proper officer of the said Supreme Court and it shall and may be lawful for the said Supreme Court to proceed upon such certificate to levy the sum so forfeited in the same manner in which the said Supreme Court may proceed upon any recognizance or bail bond taken and forfeited within the said Province of South Australia and estreated into the said Supreme 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

proceed to convey such offender or offenders by the most safe and expeditious mode of conveyance to that part of Van Diemen's Land or of New South Wales in which the crime was committed to be there dealt with according to law.

GEORGE GAWLER,
Governor of South Australia.

Passed in Council this 17th day of
September 1839.

GEORGE HALL,
Clerk of Council.