

No. XI.

An Act to facilitate the Apprehension of Offenders ESCAPED OFFENDERS. escaping from the Island of Van Diemen's Land or from South Australia to the Colony of New South Wales. [29th August, 1838.]

WHEREAS the communication of the Island of Van Diemen's Preamble.
Land and South Australia with the Colony of New South
Wales hath greatly increased and facilities for the escape of trans-
ported offenders and persons charged with crimes and misdemeanors
have thereby arisen Be it therefore enacted by His Excellency the Warrants issued by
Governor of New South Wales with the advice and consent of the a Judge or Justice
Legislative Council thereof That from and after the passing of this of Van Diemen's
Act if any transported offender or any person or persons against Land against of-
whom a warrant shall be issued by any of the Judges of the Supreme fenders escaping
Court of Van Diemen's Land or by any Judge of South Australia from Van Diemen's
or any Justice of the Peace for the same respectively for any crime Land into New South
or offence against the laws in force in Van Diemen's Land or South Wales.
Australia shall escape go into reside or be in any place within the
Colony of New South Wales or its Dependencies it shall and may
be lawful for any Justice or Justices of the Peace of New South
Wales and such Justice or Justices is and 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 Land
or South Australia respectively granting such warrant to endorse his may be endorsed by
or their name or names on such warrant which shall be a sufficient any Justice of New
authority to the person or persons bringing such warrant and to all South Wales.
other persons to whom such warrant was originally directed and also
to all constables for any part of the Colony of New South Wales or
its Dependencies to execute the said warrant within any part of New The party appre-
South Wales or its Dependencies and to apprehend and carry such hended to be brought
offender or offenders before the Justice or Justices who endorsed such before a Justice of
warrant or some other Justice or Justices for the Colony of New the Peace.
South Wales.

2. And be it enacted That in case the offence be bailable in The party appre-
law and such offender or offenders (not being convicts then under hended to be admit-
sentence or suspected to be such) shall be ready and willing to give ted to bail (unless
bail for his her or their appearance according to the exigence of convicts).
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 recog- Bail bonds to be
nizance taken in duplicate

Catarrh in Sheep.

one for the officer
apprehending

the other to be
transmitted to the
Supreme Court to be
kept of record.

To be estreated as
other bail bonds.

Parties not bailable
nor bailed shall be
remanded to custody
of the apprehending
officer to be conveyed
to Van Diemen's
Land or South Aus-
tralia.

nizance 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 South Australia respectively and the said Justice or Justices so taking bail as aforesaid shall transmit the other of such duplicate to the Chief Clerk or other proper officer for receiving the same belonging to the Supreme Court of New South Wales 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 Colony of New South Wales 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 to convey such offender or offenders by the most safe and expeditious mode of conveyance to that part of Van Diemen's Land or South Australia in which the crime was committed to be there dealt with according to law.
