

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 22.

ANALYSIS:

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**AN ACT for the better Apprehension of Offenders who shall have escaped to parts within the Colony of New Zealand from any other of the Australasian Colonies.** <sup>Title.</sup>

**[14th December 1863.]**

**WHEREAS** by a certain Act of the Imperial Parliament <sup>Preamble.</sup> passed in the sixth and seventh years of the Reign of Her present Majesty intituled "An Act for the Better Apprehension of Certain Offenders" provision is made for the apprehension in any part of Her Majesty's Dominions of persons charged with committing in any other part of Her Majesty's Dominions certain offences in the said Act mentioned and against whom a Warrant shall have been issued by any person or persons having lawful authority to issue the same and for the imprisonment of such offenders and for their removal to that part of Her Majesty's Dominions in which they were charged with having committed the offence: <sup>6 & 7 Vic. c. 34.</sup>

**AND WHEREAS** by another Act of the Imperial Parliament passed in the sixteenth and seventeenth years of the Reign of Her said Majesty intituled "An Act to amend an Act of the seventh year of the Reign of Her Majesty for the better apprehension of certain Offenders" the provisions of the first recited Act were extended to other offences: <sup>16 & 17 Vic. c. 118</sup>

**AND WHEREAS** the contiguity of the Australasian Colonies to each other greatly facilitates the escape of offenders from one to the other of such Colonies which said offenders may in many instances elude the pursuit of justice unless provision be made

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for their apprehension in the Colony to which they shall have escaped without requiring that a Warrant be obtained from a Magistrate of the Colony having the original jurisdiction and that such Warrant shall be endorsed by a Judge of the Colony to which the offender shall have withdrawn himself And Whereas it is expedient that the provisions of the said Acts of Parliament should be applied to persons charged with other offences than those to which the said recited Acts are limited.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

- Short Title.** I. The Short Title of this Act shall be the “Foreign Offenders Apprehension Act 1863.”
- Interpretation.** II. For the purposes of this Act and of the said recited Acts the words “Australasian Colonies” shall be deemed to describe and include the Colonies of New Zealand New South Wales Tasmania Victoria South Australia Western Australia and Queensland with their respective Dependencies as such Colonies are now or may hereafter be defined and limited and also any other Colony which may hereafter be established within the existing limits of any of the said Colonies or within any portion of Her Majesty’s Dominions in New Holland.
- Application of Act.** III. This Act shall apply to all charges of treason and felony and to all indictable misdemeanours committed or charged to have been committed in any of the Australasian Colonies.
- Apprehension of offenders.** IV. After the passing of this Act if any person shall be within the Colony of New Zealand who shall be charged with having committed any offence such as is hereinbefore mentioned within any other of the Australasian Colonies it shall be lawful for any Justice of the Peace to issue his Warrant for the apprehension of such supposed offender in the same manner and upon the like grounds as if the offence was charged to have been committed within the ordinary jurisdiction of such Justice and thereupon it shall be lawful for all Peace Officers and they are hereby required to execute such Warrant by apprehending the person against whom it is directed and to convey him before the same or any other Justice.
- Committal of offender for removal.** V. It shall be lawful for any Justice before whom any such supposed offender shall be brought as aforesaid upon such evidence of criminality as would justify his committal for trial if the offence had been committed within the ordinary jurisdiction of the Justice to commit such supposed offender to prison there to remain until he can be sent back to the Colony in which the offence is alleged to have been committed and delivered to the proper authorities therein in the manner mentioned in the said recited Acts of Parliament and immediately upon the committal of such person information thereof in writing under the hand of the committing Magistrate accompanied by a copy of his War-

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rant and of the depositions on which the same was granted shall be given to the Governor or to the Superintendent of the Province in which the committal shall take place.

VI. It shall be lawful for any Justice before whom any such supposed offender shall be brought upon such evidence of criminality as would justify the remand of any person for further examination in cases where evidence is expected to be obtained from remote parts if the offence had been committed within the ordinary jurisdiction of such Justice to commit such supposed offenders to prison by way of remand for such reasonable time not exceeding One month until copies of depositions taken certified and attested as hereinafter mentioned shall have been received from the Colony in which the offence is alleged to have been committed and submitted to the same or some other Justice and upon such copies being so submitted it shall be lawful for the Justice to whom the same shall be so submitted either to discharge such supposed offender or to commit him finally under and in pursuance of the authority hereinbefore given in that behalf Provided always that immediately upon the committal by way of remand information thereof in writing under the hand of the committing Magistrate accompanied by a copy of the depositions upon which the remand was ordered shall be given to the Governor or to such Superintendent as aforesaid as hereinbefore provided with respect to final committals.

Committal by way of remand.

VII. Provided always that it shall be lawful for any such Justice who shall so as aforesaid commit any such supposed offender either finally or by way of remand to allow bail to be taken for the surrender of the prisoner committed at a day and place to be specified in the recognizance of bail if the nature of the offence charged or the character of the evidence of criminality shall be such as would justify the allowance of bail in a similar case occurring within the ordinary jurisdiction of the Justice and thereupon the recognizance of bail shall be of the same force and effect in all respects as if the same had been entered into for the appearance of an accused person to take his trial or for further examination upon a charge of an offence committed within the Colony.

Bail allowed.

VIII. In every such case as hereinbefore mentioned copies of the depositions upon the charge made against the said supposed offender taken by a person having lawful authority to take the same in the Colony in which the offence is alleged to have been committed if duly certified under the hand of the person taking such depositions and attested on Oath by the person producing the same to be true copies of the original depositions may be received in evidence of the criminality of the person apprehended under the provisions of this Act.

Copies of depositions.

IX. The provisions in the said first recited Act of Parliament touching the discharge of any person committed as therein provided if he shall not have been conveyed away within two months after his committal shall be applied to all committals under this Act whether final or by way of remand.

Judge's discharge of offender.