

Legislative Council.

No. , 1898.

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## A BILL

To provide for the more convenient administration of the  
Imperial Extradition Acts, 1870 and 1873.

[MR. WANT;—30 *June*, 1898.]

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**W**HEREAS 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,  
5 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  
10 surrender of a fugitive criminal, may be done by the

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Governor

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 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 the said Act :

And whereas by another Act of the Imperial Parliament, known as The Extradition Act, 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 stipendiary and 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, and to make better provision for the arrest of fugitive offenders :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

Powers of stipendiary and police magistrates.

Arrest by constable without warrant.

1. This Act may be cited as the " Extradition Act, 1898."
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 stipendiary or police magistrate in relation to the surrender of fugitive criminals under the said Acts.
3. It shall be lawful for every constable without warrant to apprehend any person whom he, with reasonable cause, suspects of being a fugitive criminal within the meaning of the said Acts, and take such person together with any property found upon him before a stipendiary or police magistrate to be dealt with according to law.

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4. This Act shall not come into operation until Her Majesty <sup>When Act comes into</sup> by Order in Council directs that this Act, with or without modifica-<sup>operation.</sup> tions and alterations, shall have effect within the Colony as if it were part of The Extradition Act, 1870; but this Act, with or without  
5 those modifications and alterations, shall thereafter come into operation as soon as such Order in Council has been publicly made known in the Colony.

4. This Act shall not come into operation until Her Majesty's Order in Council directs that this Act, with or without modifications and alterations, shall have effect within the Colony as if it were part of the Constitution Act 1870; but this Act, with or without those modifications and alterations, shall thereafter come into operation as soon as such Order in Council has been publicly made known in the Colony.

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Section 11

11. No warrant of a Bench of Justices shall be returned, and all proceedings in a Bench of Justices shall be deemed to be done under the said Act by the proper magistrates, and the jurisdiction of a Bench of Justices shall be deemed to be done by the proper magistrates, unless it is shown as aforesaid.