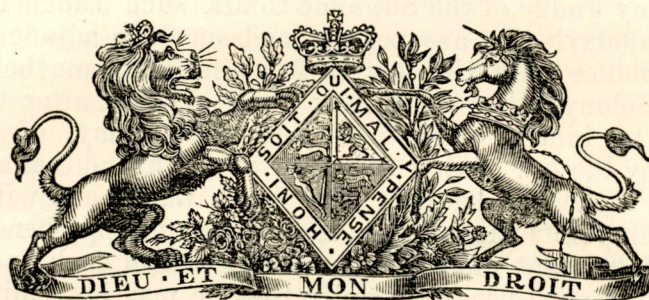


New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 26, 1899.

An Act to consolidate the Statutes relating to the apprehension of Felons. [Assented to, 23rd November, 1899.]

BE it 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 :—

1. This Act may be cited as the "Felons Apprehension Act, Short title. 1899."
2. The Acts mentioned in the Schedule hereto are hereby Repeal of Acts. repealed.
3. The provisions of this Act shall be applicable to all crimes committed, evidence taken, warrants issued, and informations filed, relating to such crimes as well before as after the passing of this Act. Application of th's Act. 42 Vic. No. 9, s. 1.
4. After information on oath made before a Justice and a warrant thereupon duly issued, charging any person therein named or described with the commission of a felony punishable by law with death, and Judge may cause persons charged with capital felony to be summoned. after Ibid. s. 2.

Felons Apprehension.

after an information by the Attorney-General for such felony filed in the Supreme Court, any Judge of the Supreme Court upon being satisfied by affidavit of these facts, and that the person charged is at large and will probably resist all attempts by the ordinary legal means to apprehend him, may forthwith issue a bench warrant under the hand and seal of such Judge for the apprehension of the person so charged in order that he may answer and take his trial upon the said information.

Procedure in the case
of an extra-territorial
outlaw.

42 Vic. No. 13, s. 2.

5. (1) Upon application by, or on behalf of, the Attorney-General to any Judge of the Supreme Court, such Judge upon being satisfied by affidavit that any person has been duly adjudged an outlaw in accordance with the law in force for the time being in any Australian Colony, other than New South Wales, after the alleged commission by him in such first-mentioned Colony, of any crime punishable by the law of that Colony with death, and that such person has been, or is then at large in New South Wales, and will probably resist all attempts by the ordinary legal means to apprehend him, may issue a bench warrant under the hand and seal of such Judge for the apprehension of such person in order that he may be remitted to the proper authority in the Colony where such person was so adjudged an outlaw, to be there dealt with in due course of law.

Proclamations in
Gazette, of outlawry
to be evidence.

42 Vic. No. 9, s. 11.

(2) The proclamation of adjudication of outlawry contained in the Government Gazette of any Colony, shall be conclusive evidence for all purposes of the adjudication of outlawry of the person or persons therein named having been duly made and published in accordance with the law of such Colony.

Judge may order
summons to be
inserted in Gazette,
&c.

42 Vic. No. 9, s. 2.

42 Vic. No. 13, s. 2.

6. After issuing a bench warrant under section four or section five the Judge may, either immediately, or at any time afterwards, before the apprehension or surrender, or after any escape from custody of the person mentioned in such warrant, order a summons to be inserted in the Gazette, requiring such person to surrender himself, on or before a day, and at a place specified, to take his trial or to be so remitted as aforesaid:

Provided that the Judge shall further direct the publication of such summons at such places, and in such newspapers, and generally in such manner and form as appears to him to be best calculated to bring such summons to the knowledge of the accused.

Effect of not sur-
rendering where the
accused remains at
large to be outlawry.

42 Vic. No. 13, s. 2.

7. (1) If any person summoned under the last preceding section does not surrender himself pursuant to such summons, or is not apprehended, or being apprehended or having surrendered escapes, so that he is not in custody on the day specified in such summons, he shall, upon proof thereof by affidavit to the satisfaction of any Judge of the Supreme Court and of the due publication of the summons, be deemed outlawed, and shall thereupon be adjudged and declared to be an outlaw accordingly by such Judge by a declaration to that effect under his hand filed in the said Court of Record.

(2)

Felons Apprehension.

(2) If after proclamation by the Governor with the advice of the Executive Council of the fact of such adjudication has been published in the Gazette, and in one or more Sydney and one or more country newspapers, such outlaw is afterwards found at large armed, or under circumstances which afford reasonable ground to believe that he is armed, any of Her Majesty's subjects, whether a constable or not, and without being accountable for the using of any deadly weapon in aid of such apprehension, whether its use be preceded by a demand to surrender or not, may apprehend or take such outlaw alive or dead.

8. The proclamation as published in the Gazette shall be evidence of the person named or described therein being, and having been, duly adjudged an outlaw for the purposes of this Act, and the Judge's summons as so published shall in like manner be evidence of the truth of the several matters stated therein. Proclamation to be evidence of the outlaw. 42 Vic. No. 9, s. 5.

9. (1) Whosoever after such proclamation voluntarily and knowingly harbours, conceals, or receives, or gives, any aid, shelter, or sustenance to such outlaw, or provides him with firearms or any other weapon, or with ammunition, or any horse, equipment, or other assistance, or, Harbouring or aiding offenders after summons. Ibid. s. 6.

directly or indirectly gives, or causes to be given, to such outlaw or any of his accomplices, information tending, or with intent, to facilitate the commission by him of further crime, or to enable him to escape from justice; or,

withholds information, or gives false information concerning such outlaw, from or to any member of the police force in quest of such outlaw

shall be guilty of felony, and shall on conviction be liable to penal servitude for a term not exceeding fifteen years. (46 Vic. No. 17, s. 416.)

(2) No allegation or proof by the person so offending that he was at the time under compulsion shall be deemed a defence, unless he has as soon as possible afterwards gone before a Justice, or some member of the police force, and then to the best of his ability given full information respecting such outlaw, and made a declaration on oath voluntarily and fully of the facts connected with such compulsion.

10. In any indictment under the last preceding section it shall be sufficient to describe the offence in the words of the said section, and to allege that the person in respect of whom, or of whose accomplice, such offence was committed was an outlaw within the meaning of this Act, without alleging by what means, or in what particular manner, the person on trial harboured, or aided, or gave arms, sustenance, or information to the outlaw, or what in particular was the aid, sustenance, shelter, equipment, information, or other matter in question. Form of indictment under previous section. Ibid. s. 7.

11. (1) Any Justice or member of the police force having reasonable cause to suspect that an outlaw or accused person summoned under the provisions of this Act, is concealed, or harboured, in or on any dwelling- Justice or member of police force may search for suspected felons. Ibid. s. 8.

Felons Apprehension.

dwelling-house or premises, may alone, or accompanied by any persons acting in his aid, and either by day or by night demand admission into, and if refused admission, may break and enter such dwelling-house or premises, and therein apprehend every person whom he has reasonable ground for believing to be such outlaw, or accused person, and may thereupon seize all arms found in or on such house or premises, and also apprehend all persons found in or about the same whom such Justice or member of the police force has reasonable ground for believing to have concealed, harboured, or otherwise succoured, or assisted, such outlaw, or accused person.

(2) All persons and arms so apprehended and seized shall be forthwith taken before a Justice to be further dealt with and disposed of according to law.

Police may take
horses, &c.

Ibid. s. 9.

12. (1) After any such proclamation as aforesaid, any member of the police force in the pursuit of any such outlaw may, in the name of Her Majesty demand, and take, and use, any horses not being in actual employment on the road, or any arms, saddles, forage, sustenance, equipments, or ammunition required for the purposes of such pursuit.

(2) If the owner of such property does not agree as to the amount of compensation to be made for the use of such property, then the amount of such compensation shall be determined in the District Court, or Supreme Court, according to the amount claimed, in an action to be brought by the claimant against the Colonial Treasurer, or upon an issue agreed to by the claimant and the Colonial Treasurer:

Tender proved.

Provided that in all cases in which any such action is brought it shall be lawful for the Colonial Treasurer to plead in bar any tender previously made by him, or to pay into Court such money as he thinks fit, and plead such payment in bar of the further maintenance of such action.

Conveyance of
property after issue
of warrant void.

Ibid. s. 10.

13. No conveyance, or transfer of land, or goods by any such outlaw, or accused person, after the issue of a warrant for his apprehension, and before his conviction, if he be convicted, shall be of any effect whatever.

Saving rights of
Supreme Court.

Ibid. s. 12.

14. Nothing in this Act contained shall be deemed—

(a) to abridge the jurisdiction now by law reposed in the Supreme or any Circuit Court; or

(b) to compel the surrender of any extra-territorial outlaw to be dealt with in the Colony where he has been outlawed if such outlaw has committed in New South Wales any crime for which he might have been indicted and tried in New South Wales before the commencement of this Act.

And right to keep
and deal with extra-
territorial outlaws
guilty of crime in
New South Wales.

Ibid.

Felons Apprehension.

SCHEDULE.

See s. 2.

Repeal of Acts.

Reference to Act.	Subject or Short title.	Extent of repeal.
42 Vic. No. 9 ...	Felons Apprehension Act of 1879...	All hitherto unrepealed.
42 Vic. No. 13 ...	Act amending abovementioned Act and included in same title.	The whole.

[6d.]

By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1899.

Section 1.

Section 2.

Section 3.

That the said court shall have jurisdiction to hear and determine all matters in dispute between the parties to the suit, and to grant such relief as may be just and equitable in the premises, and to make such orders as may be necessary for the execution of its judgments and decrees, and to do all such other things as may be required for the purpose of giving effect to its judgments and decrees.

That the said court shall have jurisdiction to hear and determine all matters in dispute between the parties to the suit, and to grant such relief as may be just and equitable in the premises, and to make such orders as may be necessary for the execution of its judgments and decrees, and to do all such other things as may be required for the purpose of giving effect to its judgments and decrees.

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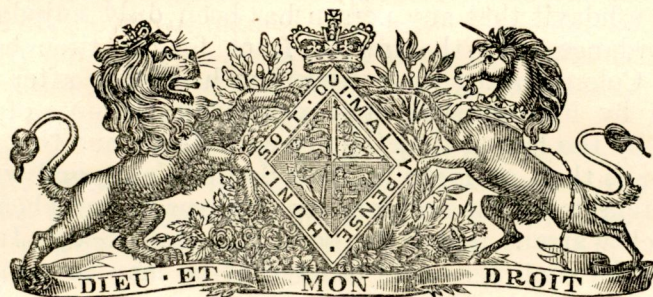
That the said court shall have jurisdiction to hear and determine all matters in dispute between the parties to the suit, and to grant such relief as may be just and equitable in the premises, and to make such orders as may be necessary for the execution of its judgments and decrees, and to do all such other things as may be required for the purpose of giving effect to its judgments and decrees.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 15th November, 1899. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 26, 1899.

An Act to consolidate the Statutes relating to the apprehension of Felons. [Assented to, 23rd November, 1899.]

BE it 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:—

1. This Act may be cited as the "Felons Apprehension Act, Short title. 1899."

2. The Acts mentioned in the Schedule hereto are hereby **Repeal of Acts.** repealed.

3. The provisions of this Act shall be applicable to all crimes committed, evidence taken, warrants issued, and informations filed, relating to such crimes as well before as after the passing of this Act. Application of this Act. 42 Vic. No. 9, s. 1.

4. After information on oath made before a Justice and a warrant thereupon duly issued, charging any person therein named or described with the commission of a felony punishable by law with death, and Judge may cause persons charged with capital felony to be summoned. after Ibid. s. 2.

Felons Apprehension.

after an information by the Attorney-General for such felony filed in the Supreme Court, any Judge of the Supreme Court upon being satisfied by affidavit of these facts, and that the person charged is at large and will probably resist all attempts by the ordinary legal means to apprehend him, may forthwith issue a bench warrant under the hand and seal of such Judge for the apprehension of the person so charged in order that he may answer and take his trial upon the said information.

Procedure in the case
of an extra-territorial
outlaw.

42 Vic. No. 13, s. 2.

5. (1) Upon application by, or on behalf of, the Attorney-General to any Judge of the Supreme Court, such Judge upon being satisfied by affidavit that any person has been duly adjudged an outlaw in accordance with the law in force for the time being in any Australian Colony, other than New South Wales, after the alleged commission by him in such first-mentioned Colony, of any crime punishable by the law of that Colony with death, and that such person has been, or is then at large in New South Wales, and will probably resist all attempts by the ordinary legal means to apprehend him, may issue a bench warrant under the hand and seal of such Judge for the apprehension of such person in order that he may be remitted to the proper authority in the Colony where such person was so adjudged an outlaw, to be there dealt with in due course of law.

Proclamations in
Gazettes of outlawry
to be evidence.

42 Vic. No. 9, s. 11.

(2) The proclamation of adjudication of outlawry contained in the Government Gazette of any Colony, shall be conclusive evidence for all purposes of the adjudication of outlawry of the person or persons therein named having been duly made and published in accordance with the law of such Colony.

Judge may order
summons to be
inserted in Gazette,
&c.

42 Vic. No. 9, s. 2.

42 Vic. No. 13, s. 2.

6. After issuing a bench warrant under section four or section five the Judge may, either immediately, or at any time afterwards, before the apprehension or surrender, or after any escape from custody of the person mentioned in such warrant, order a summons to be inserted in the Gazette, requiring such person to surrender himself, on or before a day, and at a place specified, to take his trial or to be so remitted as aforesaid:

Provided that the Judge shall further direct the publication of such summons at such places, and in such newspapers, and generally in such manner and form as appears to him to be best calculated to bring such summons to the knowledge of the accused.

Effect of not sur-
rendering where the
accused remains at
large to be outlawry.

42 Vic. No. 13, s. 2.

7. (1) If any person summoned under the last preceding section does not surrender himself pursuant to such summons, or is not apprehended, or being apprehended or having surrendered escapes, so that he is not in custody on the day specified in such summons, he shall, upon proof thereof by affidavit to the satisfaction of any Judge of the Supreme Court and of the due publication of the summons, be deemed outlawed, and shall thereupon be adjudged and declared to be an outlaw accordingly by such Judge by a declaration to that effect under his hand filed in the said Court of Record.

(2)

Felons Apprehension.

(2) If after proclamation by the Governor with the advice of the Executive Council of the fact of such adjudication has been published in the Gazette, and in one or more Sydney and one or more country newspapers, such outlaw is afterwards found at large armed, or under circumstances which afford reasonable ground to believe that he is armed, any of Her Majesty's subjects, whether a constable or not, and without being accountable for the using of any deadly weapon in aid of such apprehension, whether its use be preceded by a demand to surrender or not, may apprehend or take such outlaw alive or dead.

8. The proclamation as published in the Gazette shall be evidence of the person named or described therein being, and having been, duly adjudged an outlaw for the purposes of this Act, and the Judge's summons as so published shall in like manner be evidence of the truth of the several matters stated therein.

Proclamation to be evidence of the outlaw.
42 Vic. No. 9, s. 5.

9. (1) Whosoever after such proclamation voluntarily and knowingly harbours, conceals, or receives, or gives, any aid, shelter, or sustenance to such outlaw, or provides him with firearms or any other weapon, or with ammunition, or any horse, equipment, or other assistance, or,

Harbouring or aiding offenders after summons.
Ibid. s. 6.

directly or indirectly gives, or causes to be given, to such outlaw or any of his accomplices, information tending, or with intent, to facilitate the commission by him of further crime, or to enable him to escape from justice; or,

withholds information, or gives false information concerning such outlaw, from or to any member of the police force in quest of such outlaw

shall be guilty of felony, and shall on conviction be liable to penal servitude for a term not exceeding fifteen years.

(46 Vic. No. 17, s. 416.)

(2) No allegation or proof by the person so offending that he was at the time under compulsion shall be deemed a defence, unless he has as soon as possible afterwards gone before a Justice, or some member of the police force, and then to the best of his ability given full information respecting such outlaw, and made a declaration on oath voluntarily and fully of the facts connected with such compulsion.

10. In any indictment under the last preceding section it shall be sufficient to describe the offence in the words of the said section, and to allege that the person in respect of whom, or of whose accomplice, such offence was committed was an outlaw within the meaning of this Act, without alleging by what means, or in what particular manner, the person on trial harboured, or aided, or gave arms, sustenance, or information to the outlaw, or what in particular was the aid, sustenance, shelter, equipment, information, or other matter in question.

Form of indictment under previous section.
Ibid. s. 7.

11. (1) Any Justice or member of the police force having reasonable cause to suspect that an outlaw or accused person summoned under the provisions of this Act, is concealed, or harboured, in or on any dwelling-

Justice or member of police force may search for suspected felons.
Ibid. s. 8.

Felons Apprehension.

dwelling-house or premises, may alone, or accompanied by any persons acting in his aid, and either by day or by night demand admission into, and if refused admission, may break and enter such dwelling-house or premises, and therein apprehend every person whom he has reasonable ground for believing to be such outlaw, or accused person, and may thereupon seize all arms found in or on such house or premises, and also apprehend all persons found in or about the same whom such Justice or member of the police force has reasonable ground for believing to have concealed, harboured, or otherwise succoured, or assisted, such outlaw, or accused person.

(2) All persons and arms so apprehended and seized shall be forthwith taken before a Justice to be further dealt with and disposed of according to law.

Police may take
horses, &c.
Ibid. s. 9.

12. (1) After any such proclamation as aforesaid, any member of the police force in the pursuit of any such outlaw may, in the name of Her Majesty demand, and take, and use, any horses not being in actual employment on the road, or any arms, saddles, forage, sustenance, equipments, or ammunition required for the purposes of such pursuit:

(2) If the owner of such property does not agree as to the amount of compensation to be made for the use of such property, then the amount of such compensation shall be determined in the District Court, or Supreme Court, according to the amount claimed, in an action to be brought by the claimant against the Colonial Treasurer, or upon an issue agreed to by the claimant and the Colonial Treasurer:

Tender proved.

Provided that in all cases in which any such action is brought it shall be lawful for the Colonial Treasurer to plead in bar any tender previously made by him, or to pay into Court such money as he thinks fit, and plead such payment in bar of the further maintenance of such action.

Conveyance of
property after issue
of warrant void.
Ibid. s. 10.

13. No conveyance, or transfer of land, or goods by any such outlaw, or accused person, after the issue of a warrant for his apprehension, and before his conviction, if he be convicted, shall be of any effect whatever.

Saving rights of
Supreme Court.
Ibid. s. 12.

14. Nothing in this Act contained shall be deemed—

- (a) to abridge the jurisdiction now by law reposed in the Supreme or any Circuit Court; or
- (b) to compel the surrender of any extra-territorial outlaw to be dealt with in the Colony where he has been outlawed if such outlaw has committed in New South Wales any crime for which he might have been indicted and tried in New South Wales before the commencement of this Act.

And right to keep
and deal with extra-
territorial outlaws
guilty of crime in
New South Wales.
Ibid.

Felons Apprehension.

SCHEDULE.

See s. 2.

Repeal of Acts.

Reference to Act.	Subject or Short title.	Extent of repeal.
42 Vic. No. 9 ... 42 Vic. No. 13 ...	Felons Apprehension Act of 1879... Act amending abovementioned Act and included in same title.	All hitherto unrepealed. The whole.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,
Sydney, 23rd November, 1899.

BEAUCHAMP,
Governor.

I certify that this Bureau has been organized in the Executive Council, and hereby
do hereby certify that the same is now in operation.

Witness my hand and the seal of the Department at Washington, D.C., this 1st day of January, 1901.

JOHN D. LONG

In the name and on the behalf of the President of the United States

JOHN D. LONG

Special Agent in Charge

After the above information was received, the Bureau was organized in the Executive Council, and hereby do hereby certify that the same is now in operation.

Memo. and Certificate to accompany the Felons Apprehension Bill.

THIS Bill consolidates the whole of the following Acts :—

42 Vic. No. 9 ;

42 Vic. No. 13.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends
the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Memo and Certificate to accompany the return of
the purchase bill

For the sum of _____

For the sum of _____

For the sum of _____

Felons Apprehension Act.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
42 VICTORIA No. 9.		
1	Part 3	Part, viz., Short title, omitted. } Omitted ; repealed by 42 Vic. No. 13, sec. 1, <i>see</i> below.
2	4, 6	
3	
4	
5	8	
6	9	
7	10	
8	11	
9	12	
10	13	
11	5 (2)	
12	14	
42 VICTORIA No. 13.		
1	Omitted. Repeal and formal matter.
2	5 (1 and 2), 6, 7	

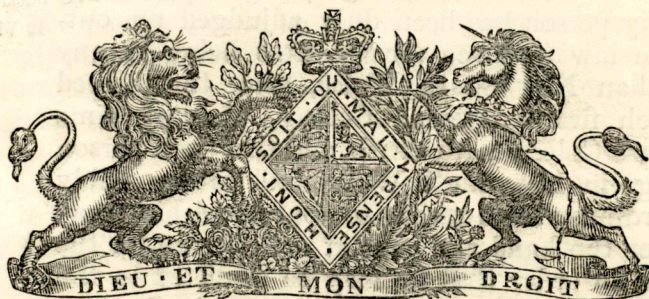
Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
19 VICTORIA No. 34— <i>continued</i> .		
36	41	
37	42	
38	Omitted	...
Schedule A...	3, 26	... Commencement of Act. "Constable" incorporated in s. 26 and omitted from interpretation section. "Gazette" and "gazetted" omitted.
Schedule B...	Second Schedule.	
Schedule C...	Third Schedule.	
Schedule D...	Fourth Schedule.	
Schedule E...	Fifth Schedule.	
Schedule F...	Sixth Schedule.	
Schedule G...	Seventh Schedule.	
Schedule H...	Eighth Schedule.	
42 VICTORIA No 5.		
Preamble	Omitted.	
1	17	... Part exhausted and omitted.
2	Omitted...	... Exhausted.
3	18	
4	Omitted...	... Short title.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 2nd August, 1899. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. , 1899.

An Act to consolidate the Statutes relating to the apprehension
of Felons.

BE it 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:—

1. This Act may be cited as the "Felons Apprehension Act, Short title.
1899."
2. The Acts mentioned in the Schedule hereto are hereby Repeal of Acts.
repealed.
3. The provisions of this Act shall be applicable to all crimes Application of this
committed, evidence taken, warrants issued, and informations filed, Act.
relating to such crimes as well before as after the passing of this Act. 42 Vic. No. 9, s. 1.
4. After information on oath made before a Justice and a warrant Judge may cause
thereupon duly issued, charging any person therein named or described persons charged with
with the commission of a felony punishable by law with death, and capital felony to be
summoned.
c 21—A after Ibid. s. 2.

Felons Apprehension.

after an information by the Attorney-General for such felony filed in the Supreme Court, any Judge of the Supreme Court upon being satisfied by affidavit of these facts, and that the person charged is at large and will probably resist all attempts by the ordinary legal means to apprehend him, may forthwith issue a bench warrant under the hand and seal of such Judge for the apprehension of the person so charged in order that he may answer and take his trial upon the said information.

5. (1) Upon application by, or on behalf of, the Attorney-General to any Judge of the Supreme Court, such Judge upon being satisfied by affidavit that any person has been duly adjudged an outlaw in accordance with the law in force for the time being in any Australian Colony, other than New South Wales, after the alleged commission by him in such first-mentioned Colony, of any crime punishable by the law of that Colony with death, and that such person has been, or is then at large in New South Wales, and will probably resist all attempts by the ordinary legal means to apprehend him, may issue a bench warrant under the hand and seal of such Judge for the apprehension of such person in order that he may be remitted to the proper authority in the Colony where such person was so adjudged an outlaw, to be there dealt with in due course of law.

Procedure in the case of an extra-territorial outlaw.

42 Vic. No. 13, s. 2.

(2) The proclamation of adjudication of outlawry contained in the Government Gazette of any Colony, shall be conclusive evidence for all purposes of the adjudication of outlawry of the person or persons therein named having been duly made and published in accordance with the law of such Colony.

Proclamations in Gazettes of outlawry to be evidence.

42 Vic. No. 9, s. 11.

6. After issuing a bench warrant under section four or section five the Judge may, either immediately, or at any time afterwards, before the apprehension or surrender, or after any escape from custody of the person mentioned in such warrant, order a summons to be inserted in the Gazette, requiring such person to surrender himself, on or before a day, and at a place specified, to take his trial or to be so remitted as aforesaid:

Judge may order summons to be inserted in Gazette, &c.

42 Vic. No. 9, s. 2.

42 Vic. No. 13, s. 2.

Provided that the Judge shall further direct the publication of such summons at such places, and in such newspapers, and generally in such manner and form as appears to him to be best calculated to bring such summons to the knowledge of the accused.

7. (1) If any person summoned under the last preceding section does not surrender himself pursuant to such summons, or is not apprehended, or being apprehended or having surrendered escapes, so that he is not in custody on the day specified in such summons, he shall, upon proof thereof by affidavit to the satisfaction of any Judge of the Supreme Court and of the due publication of the summons, be deemed outlawed, and shall thereupon be adjudged and declared to be an outlaw accordingly by such Judge by a declaration to that effect under his hand filed in the said Court of Record.

Effect of not surrendering where the accused remains at large to be outlawry.

42 Vic. No. 13, s. 2.

(2)

Felons Apprehension.

(2) If after proclamation by the Governor with the advice of the Executive Council of the fact of such adjudication has been published in the Gazette, and in one or more Sydney and one or more country newspapers, such outlaw is afterwards found at large armed, or under circumstances which afford reasonable ground to believe that he is armed, any of Her Majesty's subjects, whether a constable or not, and without being accountable for the using of any deadly weapon in aid of such apprehension, whether its use be preceded by a demand to surrender or not, may apprehend or take such outlaw alive or dead.

8. The proclamation as published in the Gazette shall be evidence of the person named or described therein being, and having been, duly adjudged an outlaw for the purposes of this Act, and the Judge's summons as so published shall in like manner be evidence of the truth of the several matters stated therein. Proclamation to be evidence of the outlaw. 42 Vic. No. 9, s. 5.

9. (1) Whosoever after such proclamation voluntarily and knowingly harbours, conceals, or receives, or gives, any aid, shelter, or sustenance to such outlaw, or provides him with firearms or any other weapon, or with ammunition, or any horse, equipment, or other assistance, or, Harbouring or aiding offenders after summons. Ibid. s. 6.

directly or indirectly gives, or causes to be given, to such outlaw or any of his accomplices, information tending, or with intent, to facilitate the commission by him of further crime, or to enable him to escape from justice; or,

withholds information, or gives false information concerning such outlaw, from or to any member of the police force in quest of such outlaw

shall be guilty of felony, and shall on conviction be liable to penal servitude for a term not exceeding fifteen years. (46 Vic. No. 17, s. 416.)

(2) No allegation or proof by the person so offending that he was at the time under compulsion shall be deemed a defence, unless he has as soon as possible afterwards gone before a Justice, or some member of the police force, and then to the best of his ability given full information respecting such outlaw, and made a declaration on oath voluntarily and fully of the facts connected with such compulsion.

10. In any indictment under the last preceding section it shall be sufficient to describe the offence in the words of the said section, and to allege that the person in respect of whom, or of whose accomplice, such offence was committed was an outlaw within the meaning of this Act, without alleging by what means, or in what particular manner, the person on trial harboured, or aided, or gave arms, sustenance, or information to the outlaw, or what in particular was the aid, sustenance, shelter, equipment, information, or other matter in question. Form of indictment under previous section. Ibid. s. 7.

11. (1) Any Justice or member of the police force having reasonable cause to suspect that an outlaw or accused person summoned under the provisions of this Act, is concealed, or harboured, in or on any dwelling- Justice or member of police force may search for suspected felons. Ibid. s. 8.

Felons Apprehension.

dwelling-house or premises, may alone, or accompanied by any persons acting in his aid, and either by day or by night demand admission into, and if refused admission, may break and enter such dwelling-house or premises, and therein apprehend every person whom he has reasonable ground for believing to be such outlaw, or accused person, and may thereupon seize all arms found in or on such house or premises, and also apprehend all persons found in or about the same whom such Justice or member of the police force has reasonable ground for believing to have concealed, harboured, or otherwise succoured, or assisted, such outlaw, or accused person.

(2) All persons and arms so apprehended and seized shall be forthwith taken before a Justice to be further dealt with and disposed of according to law.

12. (1) After any such proclamation as aforesaid, any member of the police force in the pursuit of any such outlaw may, in the name of Her Majesty demand, and take, and use, any horses not being in actual employment on the road, or any arms, saddles, forage, sustenance, equipments, or ammunition required for the purposes of such pursuit.

Police may take horses, &c.
Ibid. s. 9.

(2) If the owner of such property does not agree as to the amount of compensation to be made for the use of such property, then the amount of such compensation shall be determined in the District Court, or Supreme Court, according to the amount claimed, in an action to be brought by the claimant against the Colonial Treasurer, or upon an issue agreed to by the claimant and the Colonial Treasurer :

Provided that in all cases in which any such action is brought it shall be lawful for the Colonial Treasurer to plead in bar any tender previously made by him, or to pay into Court such money as he thinks fit, and plead such payment in bar of the further maintenance of such action.

Tender proved.

13. No conveyance, or transfer of land, or goods by any such outlaw, or accused person, after the issue of a warrant for his apprehension, and before his conviction, if he be convicted, shall be of any effect whatever.

Conveyance of property after issue of warrant void.
Ibid. s. 10.

14. Nothing in this Act contained shall be deemed—

- (a) to abridge the jurisdiction now by law reposed in the Supreme or any Circuit Court; or
- (b) to compel the surrender of any extra-territorial outlaw to be dealt with in the Colony where he has been outlawed if such outlaw has committed in New South Wales any crime for which he might have been indicted and tried in New South Wales before the commencement of this Act.

Saving rights of Supreme Court.
Ibid. s. 12.

And right to keep and deal with extra-territorial outlaws guilty of crime in New South Wales.
Ibid.

Felons Apprehension.

SCHEDULE.

See s. 2.

Repeal of Acts.

Reference to Act.	Subject or Short title.	Extent of repeal.
42 Vic. No. 9 ...	Felons Apprehension Act of 1879...	All hitherto unrepealed.
42 Vic. No. 13 ...	Act amending abovementioned Act and included in same title.	The whole.

Sydney: William Applegate Gullick, Government Printer.—1899.

[9d.]

PROCEEDINGS OF THE

REPORT

Name of the person		Date of birth	
John Doe		1880	
Jane Smith		1885	
Robert Johnson		1890	
Mary White		1895	
William Brown		1900	
Elizabeth Black		1905	
Thomas Green		1910	
Margaret Grey		1915	
Charles Hall		1920	
Anna King		1925	
Frank Lee		1930	
Grace Miller		1935	
Henry Moore		1940	
Irene Nelson		1945	
James Oliver		1950	
Katherine Parker		1955	
Louis Quinn		1960	
Mildred Reed		1965	
Nathan Scott		1970	
Olivia Taylor		1975	
Peter Vance		1980	
Quinn Walker		1985	
Ruth Young		1990	
Samuel Zane		1995	

1888

Memo. and Certificate to accompany the Felons Apprehension Bill.

THIS Bill consolidates the whole of the following Acts :—

42 Vic. No. 9 ;

42 Vic. No. 13.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Memorandum and Certificate to accompany the Report
of the Committee on the Administration of the Government

THE SECRETARY OF THE TREASURY,
WASHINGTON, D. C.
JANUARY 1, 1900.
SIR: I have the honor to acknowledge the receipt of your letter of the 29th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours very truly,
J. M. McKIM,
Secretary of the Treasury.

Felons Apprehension Act.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
42 VICTORIA No. 9.		
1	Part 3	Part, viz., Short title, omitted.
2	4, 6	
3	} Omitted ; repealed by 42 Vic. No. 13, sec. 1, <i>see</i> below.
4	
5	8	
6	9	
7	10	
8	11	
9	12	
10	13	
11	5 (2)	
12	14	
42 VICTORIA No. 13.		
1	Omitted. Repeal and formal matter.
2	5 (1 and 2), 6, 7	

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

Legislative Council.

No. , 1899.

A BILL

To consolidate the Statutes relating to the apprehension of
Felons.

[MR. HUGHES ;—27 July, 1899.]

BE it 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 :—

1. This Act may be cited as the "Felons Apprehension Act, Short title.
1899."

2. The Acts mentioned in the Schedule hereto are hereby Repeal of Acts.
repealed.

3. The provisions of this Act shall be applicable to all crimes Application of this Act.
committed, evidence taken, warrants issued, and informations filed, 42 Vic. No. 9, s. 1.
relating to such crimes as well before as after the passing of this Act.

4. After information on oath made before a Justice and a warrant Judge may cause persons charged with capital felony to be summoned.
thereupon duly issued, charging any person therein named or described
with the commission of a felony punishable by law with death, and

c 21—A

after Ibid. s. 2.

after an information by the Attorney-General for such felony filed in the Supreme Court, any Judge of the Supreme Court upon being satisfied by affidavit of these facts, and that the person charged is at large and will probably resist all attempts by the ordinary legal means to apprehend him, may forthwith issue a bench warrant under the hand and seal of such Judge for the apprehension of the person so charged in order that he may answer and take his trial upon the said information.

Procedure in the case
of an extra-territorial
outlaw.

42 Vic. No. 13, s. 2.

5. (1) Upon application by, or on behalf of, the Attorney-General to any Judge of the Supreme Court, such Judge upon being satisfied by affidavit that any person has been duly adjudged an outlaw in accordance with the law in force for the time being in any Australian Colony, other than New South Wales, after the alleged commission by him in such first-mentioned Colony, of any crime punishable by the law of that Colony with death, and that such person has been, or is then at large in New South Wales, and will probably resist all attempts by the ordinary legal means to apprehend him, may issue a bench warrant under the hand and seal of such Judge for the apprehension of such person in order that he may be remitted to the proper authority in the Colony where such person was so adjudged an outlaw, to be there dealt with in due course of law.

Proclamations in
Gazettes of outlawry
to be evidence.

42 Vic. No. 9, s. 11.

(2) The proclamation of adjudication of outlawry contained in the Government Gazette of any Colony, shall be conclusive evidence for all purposes of the adjudication of outlawry of the person or persons therein named having been duly made and published in accordance with the law of such Colony.

Judge may order
summons to be
inserted in Gazette,
&c.

42 Vic. No. 9, s. 2.

42 Vic. No. 13, s. 2.

6. After issuing a bench warrant under section four or section five the Judge may, either immediately, or at any time afterwards, before the apprehension or surrender, or after any escape from custody of the person mentioned in such warrant, order a summons to be inserted in the Gazette, requiring such person to surrender himself, on or before a day, and at a place specified, to take his trial or to be so remitted as aforesaid:

Provided that the Judge shall further direct the publication of such summons at such places, and in such newspapers, and generally in such manner and form as appears to him to be best calculated to bring such summons to the knowledge of the accused.

Effect of not sur-
rendering where the
accused remains at
large to be outlawry.

42 Vic. No. 13, s. 2.

7. (1) If any person summoned under the last preceding section does not surrender himself pursuant to such summons, or is not apprehended, or being apprehended or having surrendered escapes, so that he is not in custody on the day specified in such summons, he shall, upon proof thereof by affidavit to the satisfaction of any Judge of the Supreme Court and of the due publication of the summons, be deemed outlawed, and shall thereupon be adjudged and declared to be an outlaw accordingly by such Judge by a declaration to that effect under his hand filed in the said Court of Record.

(2)

(2) If after proclamation by the Governor with the advice of the Executive Council of the fact of such adjudication has been published in the Gazette, and in one or more Sydney and one or more country newspapers, such outlaw is afterwards found at large armed, or under circumstances which afford reasonable ground to believe that he is armed, any of Her Majesty's subjects, whether a constable or not, and without being accountable for the using of any deadly weapon in aid of such apprehension, whether its use be preceded by a demand to surrender or not, may apprehend or take such outlaw alive or dead.

8. The proclamation as published in the Gazette shall be evidence of the person named or described therein being, and having been, duly adjudged an outlaw for the purposes of this Act, and the Judge's summons as so published shall in like manner be evidence of the truth of the several matters stated therein.

Proclamation to be evidence of the outlaw.
42 Vic. No. 9, s. 5.

9. (1) Whosoever after such proclamation voluntarily and knowingly harbours, conceals, or receives, or gives, any aid, shelter, or sustenance to such outlaw, or provides him with firearms or any other weapon, or with ammunition, or any horse, equipment, or other assistance, or,

Harbouring or aiding offenders after summons.
Ibid. s. 6.

directly or indirectly gives, or causes to be given, to such outlaw or any of his accomplices, information tending, or with intent, to facilitate the commission by him of further crime, or to enable him to escape from justice; or,

withholds information, or gives false information concerning such outlaw, from or to any member of the police force in quest of such outlaw

shall be guilty of felony, and shall on conviction be liable to penal servitude for a term not exceeding fifteen years.

(46 Vic. No. 17, s. 416.)

(2) No allegation or proof by the person so offending that he was at the time under compulsion shall be deemed a defence, unless he has as soon as possible afterwards gone before a Justice, or some member of the police force, and then to the best of his ability given full information respecting such outlaw, and made a declaration on oath voluntarily and fully of the facts connected with such compulsion.

10. In any indictment under the last preceding section it shall be sufficient to describe the offence in the words of the said section, and to allege that the person in respect of whom, or of whose accomplice, such offence was committed was an outlaw within the meaning of this Act, without alleging by what means, or in what particular manner, the person on trial harboured, or aided, or gave arms, sustenance, or information to the outlaw, or what in particular was the aid, sustenance, shelter, equipment, information, or other matter in question.

Form of indictment under previous section.
Ibid. s. 7.

11. (1) Any Justice or member of the police force having reasonable cause to suspect that an outlaw or accused person summoned under the provisions of this Act, is concealed, or harboured, in or on any dwelling-

Justice or member of police force may search for suspected felons.
Ibid. s. 8.

Ibid. s. 8.

dwelling-house or premises, may alone, or accompanied by any persons acting in his aid, and either by day or by night demand admission into, and if refused admission, may break and enter such dwelling-house or premises, and therein apprehend every person whom he has reasonable ground for believing to be such outlaw, or accused person, and may thereupon seize all arms found in or on such house or premises, and also apprehend all persons found in or about the same whom such Justice or member of the police force has reasonable ground for believing to have concealed, harboured, or otherwise succoured, or assisted, such outlaw, or accused person.

(2) All persons and arms so apprehended and seized shall be forthwith taken before a Justice to be further dealt with and disposed of according to law.

12. (1) After any such proclamation as aforesaid, any member of the police force in the pursuit of any such outlaw may, in the name of Her Majesty demand, and take, and use, any horses not being in actual employment on the road, or any arms, saddles, forage, sustenance, equipments, or ammunition required for the purposes of such pursuit.

(2) If the owner of such property does not agree as to the amount of compensation to be made for the use of such property, then the amount of such compensation shall be determined in the District Court, or Supreme Court, according to the amount claimed, in an action to be brought by the claimant against the Colonial Treasurer, or upon an issue agreed to by the claimant and the Colonial Treasurer:

Provided that in all cases in which any such action is brought it shall be lawful for the Colonial Treasurer to plead in bar any tender previously made by him, or to pay into Court such money as he thinks fit, and plead such payment in bar of the further maintenance of such action.

13. No conveyance, or transfer of land, or goods by any such outlaw, or accused person, after the issue of a warrant for his apprehension, and before his conviction, if he be convicted, shall be of any effect whatever.

14. Nothing in this Act contained shall be deemed—

- (a) to abridge the jurisdiction now by law reposed in the Supreme or any Circuit Court; or
- (b) to compel the surrender of any extra-territorial outlaw to be dealt with in the Colony where he has been outlawed if such outlaw has committed in New South Wales any crime for which he might have been indicted and tried in New South Wales before the commencement of this Act.

Police may take
horses, &c.

Ibid. s. 9.

Tender proved.

Conveyance of
property after issue
of warrant void.

Ibid. s. 10.

Saving rights of
Supreme Court.

Ibid. s. 12.

And right to keep
and deal with extra-
territorial outlaws
guilty of crime in
New South Wales.

Ibid.

Felons Apprehension.

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SCHEDULE.

Repeal of Acts.

See s. 2.

Reference to Act.	Subject or Short title.	Extent of repeal.
42 Vic. No. 9 ...	Felons Apprehension Act of 1879...	All hitherto unrepealed.
42 Vic. No. 13 ...	Act amending abovementioned Act and included in same title.	The whole.

Sydney : William Applegate Gullick, Government Printer.—1899.

[9d.]

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