

2. 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.

3. 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.*

4. 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 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.

5. 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 Warrant 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.

6. 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 offender 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.†

7. 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.

8. 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.

9. 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.‡

No. 29.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 44.)

Government House, Wellington,

MY LORD,—

27th April, 1867.

I have the honor to transmit for your Lordship's information, a copy of
a Memorandum drawn up by my Responsible Advisers explaining a discrepancy

* Justices must not assume that the same acts amount to felony or misdemeanour in other Colonies which do so in New Zealand. There are many new felonies and misdemeanours created by the New Zealand Legislature, and there may be such in other Colonies also.

† In cases where depositions have been taken in another Colony a warrant of apprehension would probably have been issued; and if so, it would be much safer to follow the provisions of the Imperial Act than trust to this, possibly invalid Act of the Legislature of New Zealand.

‡ Whether the New Zealand Act be *ultra vires* or not, it would seem that any person sent prisoner to another Colony under its provisions would have an action for false imprisonment within that Colony, unless such imprisonment were legal under some Act of that Colony or the Imperial Acts.