

Enclosure in No. 14.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to the Governor, and returns to His Excellency papers respecting the Imperial Act of 1881, "to amend the law with respect to fugitive offenders," &c. (Circular, 25th October, 1881; Despatch No. 47, 1881; Despatch No. 55, 1881.)

2. The Act having been referred to the Solicitor-General for his opinion how far it meets the requirements in the matter of legislation, the necessity for which had been for some time pressed upon the Imperial Government, he has replied that, when its provisions are fully taken advantage of, the difficulties which have been experienced in this colony will be obviated; and he has stated the action necessary as preliminaries to the complete operation of the measure.

3. Steps were immediately taken for consulting the Governments of the several Australian Colonies, and of Fiji, respecting the grouping of colonies for the purposes of Part II. of the Act, and as to the offences to be included in the Order which must be made by Her Majesty in Council before this part of the Act can have any force. A copy of the letter of the Colonial Secretary is enclosed for His Excellency's information, and six copies of the Solicitor-General's opinion are attached thereto.

Wellington, 13th March, 1882.

J. HALL.

Sub-Enclosures.

The COLONIAL SECRETARY, New Zealand, to the CHIEF SECRETARY, Victoria.

SIR,—

Colonial Secretary's Office, Wellington, 13th June, 1881.

I have the honor to enclose herewith copy of a memorandum by the Solicitor-General of this colony respecting the Bill providing for the execution of warrants of apprehension issued in other colonies, which was prepared at the recent Intercolonial Conference at Sydney.

It would appear, for the reasons stated in that memorandum, that any colonial legislation would in many cases fail to be operative, and I am therefore to express a hope that you will join this colony in pressing on the Imperial Government the desirability of dealing with the subject by Imperial legislation.

I have, &c.,

The Hon. the Chief Secretary, Victoria.

THOMAS DICK.

[Similar to New South Wales, South Australia, Western Australia, Queensland, and Tasmania.]

"The Fugitive Offenders Act, 1881."

I HAVE perused this Act, and I think that, when full advantage has been taken of its provisions, the difficulties hitherto experienced in this colony in dealing with fugitive offenders will be obviated.

The Act came into operation on the 1st January instant.

Part I. provides for the return of fugitives who have committed offences in one part of Her Majesty's dominions and fled to some other part of such dominions, and prescribes the necessary procedure.

The offences to which this Part of the Act applies are, "treason, felony, and every offence, whether called felony, misdemeanour, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment."

Part II. provides that this Part of the Act may be applied to *groups* of British possessions by Her Majesty's Order in Council, with power to except certain offences, and to limit the operation of that Part of the Act, as may be deemed expedient. Provision is made that, where a person accused of an offence punishable by law in one British possession is or is suspected of being in or on the way to another British possession of the *same group*, the warrant of apprehension may be indorsed by a Magistrate in such last-mentioned possession, in order that the person may be apprehended and dealt with as prescribed. Application will therefore have to be made for this Order in Council. Probably it would be thought convenient to include in the group the whole of the Australian Colonies, Tasmania, Fiji, and New Zealand; and these colonies might be communicated with so as to secure united action, both as to the colonies to be included in the group, and as to any exception of offences or conditions to be inserted in the Order in Council.

I think it would be well at the same time that the attention of the respective Governments of these colonies should be called to section 32 of "The Fugitive Offenders Act, 1881," with a view to conferring on the class of offences it may be desired to bring within the scope of the Act, and settling any other matters respecting which that section enables the Legislature of a British possession to pass laws.

Crown Law Office, 16th January, 1882.

W. S. REID.