

Sub-Enclosure.

The Minister of Justice.

I HAVE looked over the Bill, prepared at the recent Intercolonial Conference held in Sydney, providing for the execution of warrants of apprehension issued in adjoining colonies. This Bill provides, in effect, that, if a person against whom a warrant is issued in any colony, for an offence against the laws of that colony, escapes or is supposed to be in another colony, any Justice in the latter colony may indorse such warrant in a prescribed form. The indorsement is declared to be a sufficient authority for the execution of the warrant, and for the removal in custody of the person named in the warrant to the colony in which it was originally issued.

The attention of the Conference appears to have been directed to the increasing practice of persons removing to another colony, leaving wives and children to be a burden on the community. There is therefore a provision in clause 6 that the Act shall extend to warrants issued in any colony for the apprehension of a man on the ground that he has deserted, or is about to desert, his wife and children, or leave them without adequate means of support.

In this colony the offence of wife-desertion is dealt with in a summary manner, and is not an indictable offence. I am not aware how it is treated in other colonies, but I believe the existing law is similar to ours.

At present, extradition of offenders in cases amounting to *felony* takes place from one colony to another by virtue of the Imperial Act, 6 and 7 Vict., c. 34. The Act of this colony called "The Fugitive Offenders Apprehension Act, 1863," extends also to *misdemeanours*; but it has been held by the Supreme Court in the case of one Gleich (an absconding bankrupt from South Australia) to be beyond the legislative power of the colony.

The judgment of the Supreme Court will be found printed in the Appendix to the Journals of the House of Representatives for 1880, A.—6; and in the same paper attention was called to the necessity of Imperial legislation on the general subject of offenders escaping from one colony to another.

That case decided that the Act mentioned could not authorize the Governor to deport persons over the high seas to other territories, because the powers of the General Assembly are to legislate for the peace, order, and good government of the colony, and this Act purported to operate beyond the colony. (*Vide* section 53 of the Constitution Act.)

From this decision, it seems evident that the Bill prepared by the Conference is open to precisely the same objection as prevailed in Gleich's case, and that the Legislature of this colony could not well be asked to pass such a measure when the Supreme Court has declared that the Legislature of the colony has no power to deport persons over the high seas.

The only effectual means appears to be that the Imperial Parliament should either legislate directly on the subject, or empower each colony to do so; and such an authority could well be given in some general enactment relating to the extradition of persons from one colony to another, and the necessity for which has been brought under notice on several previous occasions.

I may mention that I observe in the European telegraphic news of to-day that the Lord Chancellor has introduced a Bill in the House of Lords to facilitate the arrest of offenders escaping from the colonies. I presume this is the Bill sent out to this colony some years ago, and which was reported on and returned to the Home Government.

Crown Law Office, 31st May, 1881.

W. S. REID.

No. 6.

Government House, Wellington,

New Zealand, 13th September, 1881.

MY LORD,—

I have the honor to inform your Lordship that Sir Arthur Gordon has this day left.

2. Under the Dormant Commission, which, in these circumstances, delegates to the Chief Justice the Governor's powers, I have accordingly taken the required oaths in the presence of the Executive Council, and assumed the administration of the Government during His Excellency's absence.

I have, &c.,

J. PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 7.

Government House, Wellington,

New Zealand, 1st October, 1881.

MY LORD,—

I have the honor to transmit to your Lordship a petition, addressed to Her Majesty by the Ngatiwhatua Tribe of Maoris, assembled at Kaipara, together with its translation.

I have, &c.,

J. PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Reply.

A-2, No. 10.