



ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO
TERTIO

VICTORIÆ REGINÆ.

A.D. 1879.

No. 146.

An Act to amend the Convicts Prevention Act, 1865.

[Assented to, 25th October, 1879.]

WHEREAS it is desirable to amend the Convicts Prevention Act, 1865, which, as regards convicts whose sentence or sentences have expired previous to their arrival in the said province, is applicable only to those convicts who come from the colony of Western Australia, by extending the operation of the said Act so as to apply to such convicts coming from any of the British possessions—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble

1. This Act may be cited for all purposes as “The Convicts Prevention Act Amendment Act, 1879.”

Short title

2. The said Convicts Prevention Act, 1865 (save so far as the same is affected, altered, repealed, or amended hereby), shall be deemed to be incorporated with this Act, and shall be construed herewith as forming one Act.

Incorporation.

3. Sections 3, 4, 5, 15, and 18 of the said Convicts Prevention Act, 1865, are hereby repealed, excepting always in so far as the said sections may affect, alter, repeal, or amend any former Acts or Ordinances, or any part thereof, and excepting so far as relates to anything lawfully done thereunder before the commencement of this Act, and excepting so far as may be necessary to enable any

Repeal of certain sections of the Convicts Prevention Act, 1865.

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any punishment to be inflicted or penalty enforced for anything contrary to the provisions of the said Act or the Acts or Ordinances thereby repealed, or any of them.

Suspected persons
may be arrested.

4. It shall be lawful for any Justice of the Peace, having reasonable cause to suspect that any person has at any time been found guilty of any capital felony, or any felony on conviction for which such person was liable to be imprisoned for a period of one year or upwards by a Court of competent jurisdiction in the United Kingdom of Great Britain and Ireland or any British possession other than the said province, and who is now or may at any time after the coming into operation of this Act come into the said province, to issue a warrant for the arrest of, and to cause such suspected person to be apprehended and taken before any two Justices of the Peace to be dealt with as hereinafter mentioned, such person not having been lawfully resident in the said province at the time of or previous to the passing of this Act: Provided that it shall be lawful for any Justice of the Peace to take bail for the appearance of such suspected person before such Justices in such sum, and with or without such sureties as such Justice may deem expedient: Provided also that nothing in this Act contained shall apply or be deemed to apply to any person whose sentence or sentences (if more than one) shall have expired for a greater period than three years previous to his arrival in the said province.

Punishment on
suspected persons
being convicted.

5. It shall be lawful for any two Justices of the Peace, before whom any such suspected person shall have been brought, on proof that such person has come into the said province contrary to the provisions of this Act, or of the said Convicts Prevention Act, 1865, to convict him thereof, and at their discretion either to take bail that such person shall leave the said province within seven days after his conviction, or to cause such person to be conveyed in custody to the country or possession from whence he came, or to sentence such person, if a male, to be imprisoned with hard labor for any period not exceeding three years; or, if a female, to be imprisoned with or without hard labor for any period not exceeding two years.

Additional punish-
ment for convicted
persons remaining
after expiration of
sentence.

6. Any person sentenced as aforesaid to imprisonment, who shall remain in the said province for three months after the termination of such sentence, shall be liable to be again similarly apprehended and sentenced, and so on from time to time so often as he shall so remain.

Who may lay in-
formations.

7. Any person, except as hereinafter provided, may lay an information for any offence contrary to the provisions of this Act, or of the said Convicts Prevention Act, 1865: Provided that no person shall lay any information against any person whose sentence or sentences (if more than one) shall have expired previous to his arrival in the said province, without first obtaining for that purpose the written authority of the Chief Secretary of the said province for the time being.

8. This

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8. This Act shall come into operation from and after the day to be fixed by the Governor by Proclamation in the *Government Gazette*, and such day shall not be more than three months from the day upon which Her Majesty's pleasure upon the said Act shall be signified in the said *Gazette*. Commencement of Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.