

No. V.

PRISONERS' SUMMARY
DISCHARGE.

An Act to provide for the summary discharge in certain cases of Persons under Committal for Felony and Misdemeanor. [27th October, 1843.]

Preamble.

Persons under committal for felony and misdemeanor may be discharged in certain cases by Judge's warrant on certificate from the Attorney General

WHEREAS persons are sometimes committed to gaol upon charges of Felony and Misdemeanor against whom Her Majesty's Attorney General or other duly appointed prosecuting officer declines to file an information and in order to prevent such persons from suffering unnecessary imprisonment it is expedient to provide for their more speedy discharge in such cases Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That it shall be lawful for Her Majesty's Attorney General of the said Colony in respect of any person or persons now or hereafter imprisoned under such circumstances to grant at any time a certificate under his signature in the form in the Schedule A to this Act annexed addressed to the Judges of the Supreme Court or any one of them who shall thereupon by warrant under their or his hand in the form of Schedule B to this Act annexed order and direct the Sheriff or Gaoler in whose custody any such prisoner shall be immediately and without fee or reward to discharge the prisoner therein mentioned from imprisonment in respect of the offence mentioned in the same warrant and if any such Sheriff or Gaoler shall refuse or neglect so to do he shall for every such offence forfeit and pay to the use of Her Majesty a fine or penalty of fifty pounds to be recovered by action of debt in the name of Her Majesty's said Attorney General.

or from the Crown
Prosecutor Port
Phillip.

2. And be it enacted That within the District of Port Phillip persons under the above recited circumstances shall be discharged on a similar certificate of the Crown Prosecutor duly appointed for the said district and a similar warrant under the hand of the Resident Judge of the said district.

Savings Banks.

SCHEDULES REFERRED TO.

A

To their Honors the Judges of the Supreme Court of New South Wales or any one of them—

This is to certify that I decline to file any information against E. F. detained in the custody of G. H. Gaoler of _____ under the warrant of I. J. Esq. J.P. upon a charge of _____

Given under my hand this _____ day of _____ A.D.
 J. H. P.
 Attorney General
 or
 Crown Prosecutor.

B.

To A. B. Esq. (Sheriff) or to C. D. (Keeper of H. M. Gaol at _____ in the Colony of New South Wales or within the District of Port Phillip in the Colony of New South Wales)—

WHEREAS E. F. is detained in your custody under the warrant of I. J. Esq. J. P. upon a charge of _____ and whereas it has been certified to me by J. H. P. Esq. Her Majesty's Attorney General (or Crown Prosecutor) that he declines to file any information against the said E. F. for the said offence you are therefore hereby authorized and required forthwith to discharge the said E. F. from your custody upon the said warrant.

Given under our (or my) hand this _____ day of _____ A.D.

K. L. }
 M. N. } Judges (or Judge) of the Supreme Court.
