

Police Magistrates.

No. IV.

AN ORDINANCE for extending the Powers of Police Magistrates. [21st January, 1842.]

POLICE
MAGISTRATES.

WHEREAS great evils have been found to arise from the imprisonment of persons before trial, and it is desirable to diminish as far as may be safely done the number of cases in which such imprisonment is by law required: Preamble.

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All charges of larceny, where the value of the property stolen shall not exceed twenty shillings and where the age of the party charged shall not exceed fifteen years, shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who, upon being satisfied of the value of the property and the age of the party charged, shall hear the evidence for the prosecution and defence, and in case of conviction shall sentence the offender to be imprisoned for any period not exceeding six calendar months. Such adjudication shall be final, although it should subsequently be proved that the value of the property and the age of the party charged shall in fact exceed the aforesaid limits. Certain charges of larceny to be dealt with summarily.

2. When upon such charge as aforesaid the circumstances of the case shall appear to the Police Magistrate to be of so trivial a nature as to be unfit for prosecution, he shall have power to dismiss the case although a felony may have been proved. Trivial cases may be dismissed.

3. On any charge of larceny before such Police Magistrate as aforesaid, where the value of the property stolen shall not exceed five pounds, whatever may be the age of the party charged, if such party shall after hearing the information and evidence against him voluntarily confess the offence, the Police Magistrate shall take such confession, and shall sentence the offender to imprisonment for any period not exceeding twelve calendar months. If party make confession, he may be dealt with summarily.

4. Before any person shall be committed for trial or held to bail to take his trial on any charge of felony or misdemeanour, he shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who shall inquire into the case, and commit the party so charged, or hold him to bail, or suffer him to go at large on his own recognizance, or dismiss the case, as circumstances may require. Offenders to be committed or held to bail by Police Magistrate only.

5. Every Police Magistrate shall have all such powers of dealing summarily with cases of assault and of admitting to bail persons charged with felony as may by law be exercised by any two Justices of the Peace. A Police Magistrate to have the power of two Justices.

6. In every case where any person shall be so committed or held to bail, the depositions taken in the case shall, as soon as conveniently may be, be transmitted by the Police Magistrate to the Crown Prosecutor of the district, or where there shall be no Crown Prosecutor, to the Clerk of the Peace or Clerk of the Crown as the case may require. Depositions.

7. Every person so committed or held to bail shall be brought to trial upon an indictment signed by the Crown Prosecutor, or where there shall be no Crown Prosecutor, by the Attorney-General. All persons committed or held to bail, to be brought to trial.

8. All

Summary Proceedings.

Fees.

8. All fees received by any Police Magistrate shall be accounted for monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be), and shall be chargeable with the salary of the Police Magistrate and the current expenses of the Police Office.

Commencement of Ordinance.

9. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.

No. V.

SUMMARY
PROCEEDINGS.

AN ORDINANCE to regulate Summary Proceedings before Justices of the Peace. [21st January, 1842.]

Preamble.

WHEREAS it is expedient to prescribe by law one uniform course of practice for the regulation of Summary Proceedings in all cases before Justices of the Peace:

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Form of information.

1. Every information or complaint laid before any Justice of the Peace of any matter which may be heard and determined in a summary way shall be in the form in Schedule A hereunto annexed, or to the effect thereof.

Summons.

2. Such Justice may summon the party charged to appear before him or before any Justice or Justices as the case may require, and if such party shall not appear according to the tenor of the summons, the Justice shall on being satisfied of the service of such summons issue his warrant for apprehending and bringing such party before him or before such Justice or Justices, in order that such information or complaint may be heard and determined.

Service of summons.

3. Every summons may be served by delivering a copy thereof to the party summoned, or by delivering a copy thereof to the wife or servant or to some adult inmate of the family of such party, at his usual place of abode, and explaining the purport thereof to such wife, servant, or inmate.

Warrant.

4. Every Justice of the Peace may issue his warrant in the first instance without any summons, whenever good grounds for so doing shall be stated on oath before him.

Attendance of witnesses.

5. Every Justice of the Peace may issue a summons to be served in manner aforesaid on any witness to appear and give evidence before him upon the matter of any offence cognizable in a summary way at the time and place appointed for hearing the information or complaint, and may by warrant, upon proof of the service of such summons, require any person to be brought before him who shall neglect or refuse to appear to give evidence, and may imprison any person so brought before him who shall refuse to give evidence for any term not exceeding fourteen days, or until such person shall sooner submit himself to be examined.

Form of conviction.

6. Every conviction upon such information or complaint as aforesaid shall be in the form set forth in Schedule B hereunto annexed, or to the effect thereof.

Costs.

7. It shall be lawful for any Justice of the Peace who shall hear and determine any charge or complaint to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint.