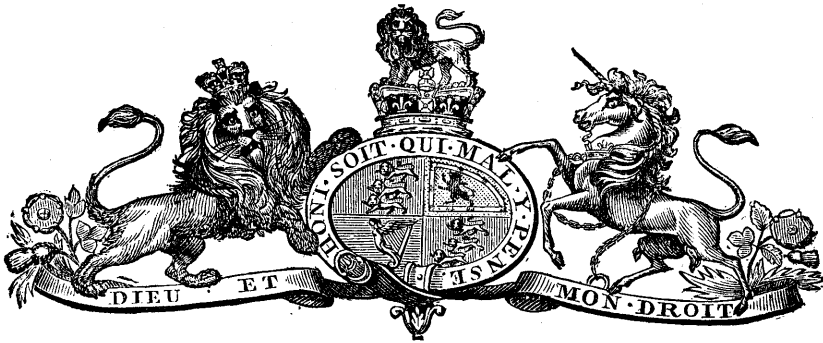


NEW ZEALAND.



TRICESIMO SECUNDO ET TRICESIMO TERTIO

VICTORIÆ REGINÆ.

No. XX.

ANALYSIS.

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| <p>Title.
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Disturbed Districts.

Title. AN ACT to provide prompt and effectual Means for trying Persons charged with certain Offences within Proclaimed Districts and for the Punishment of Persons convicted of such Offences. (Temporary.) [21st August 1869.]

Preamble. WHEREAS certain aboriginal Natives subjects of Her Majesty within the Colony of New Zealand have for a long time been and are now in open rebellion and engaged in levying war against the Queen many of whom have been guilty of outrages and atrocities such as murder rape torturing of prisoners and cannibalism And whereas in the course of such rebellion large tracts of settled country have been devastated whole families have been massacred in cold blood and much property has been destroyed whereby the Colony has become impoverished its people disheartened and its resources exhausted in the attempt to suppress rebellion And whereas it is expedient to amend and adapt the ordinary course of law for the purpose of promptly bringing to punishment persons engaged in such rebellion

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title. 1. The Short Title of this Act shall be “The Disturbed Districts Act 1869.”

Interpretation. “Colonial Forces.” 2. For the purposes of this Act the term “Colonial Forces” shall be deemed to mean and include the Militia the Volunteers and also the Armed Constabulary enrolled under “The Armed Constabulary Act 1867” or any other force for the time being in the employment of the Government of New Zealand and except there be something in the context or subject repugnant to such construction the word “offence” shall include the crimes and misdemeanours following that is to say—

- “Offence.”
- (1.) High Treason.
 - (2.) Misprision of Treason.
 - (3.) Murder.
 - (4.) Manslaughter.
 - (5.) Rape.
 - (6.) Burglary.
 - (7.) Larceny.
 - (8.) Publication of any Seditious Libel.
 - (9.) Any offence contrary to or mentioned in any of the provisions specified in the third column of the Schedule hereto of the several Acts mentioned in the said Schedule.
 - (10.) Any offence contrary to the provisions of this Act except such offences created by this Act as are by this Act required to be tried according to the course of ordinary law or before a Resident Magistrate or two or more Justices of the Peace.
 - (11.) Conspiracy to commit any “offence” as defined by this section of this Act.

Governor in Council empowered to proclaim districts under this Act. 3. It shall be lawful for the Governor in Council from time to time by Proclamation published in the *New Zealand Gazette* to declare any district of the Colony a proclaimed district for the purposes of this Act and every such Proclamation from time to time to alter amend and revoke and the production of the *New Zealand Gazette* containing

Disturbed Districts.

the publication of any Order in Council or Proclamation under this Act shall in all proceedings civil and criminal be received and deemed as conclusive evidence of the issuing and contents of the Order or Proclamation so published.

4. From and after the publication of any such Proclamation as aforesaid all Justices Constables and Peace Officers and all Commissioned Officers of or in the Colonial Forces in New Zealand are hereby required to take the most vigorous measures according to law for suppressing rebellion sedition or insurrection and all acts tending thereto within the proclaimed district and to search for arrest and detain for trial under this Act every person who shall at any time after the passing of this Act whether before or after the issue of such Proclamation act aid or encourage or in any manner be concerned in or be suspected of acting aiding encouraging or being concerned in rebellion sedition or insurrection within such proclaimed district or in maliciously attacking or injuring within such proclaimed district the persons or properties of Her Majesty's loyal subjects in furtherance of rebellion or insurrection and also every person who shall be charged with or suspected of any offence whatever which by this Act may be cognizable by or before any Court hereinafter empowered and authorized to try such offence and also every person who shall at any time before the passing of this Act have committed any of the offences aforesaid within such proclaimed district.

All Justices Constables and Commissioned Officers required to suppress rebellion and to arrest and bring to trial persons guilty of treason or other offences in furtherance of the rebellion.

5. It shall be lawful for any Commissioned Officer in actual command at the time of any part of the Imperial or Colonial Forces to make and issue such warrants as are next hereinafter mentioned and it shall be lawful for any such officer so commissioned as aforesaid from time to time to make and issue his warrant under his hand for the arrest or detention in safe custody or the committal to some public gaol or other place of safe custody for trial in the manner provided by this Act or to be thence delivered in due course of law of any person within any proclaimed district charged with or reasonably suspected of any offence within the meaning of this Act committed within any part of New Zealand included within any district proclaimed under this Act but whether committed before or after such district shall have been proclaimed or before or after the passing of this Act or charged with or reasonably suspected of being a disorderly person within the meaning of this Act and it shall be lawful for any person to whom any such warrant may be directed to detain such person so arrested or committed in his custody in any place whatever within New Zealand until such person shall be tried for his offences as aforesaid or be thence delivered in due course of law and every gaoler of a public gaol in the Colony and every constable and peace officer shall obey every such warrant so directed to him and it shall also be lawful for such officer so commissioned as aforesaid to order any person whom he shall believe to be able to give material evidence on the trial of any person so committed to attend at such trial and give evidence thereat and if such person shall neglect or refuse so to do he shall be liable to a penalty of fifty pounds to be recovered in a summary way before any two or more Justices of the Peace.

Commissioned Officer may issue warrants for arrest and committal for trial of persons charged with offences.

Power also to order persons able to give material evidence to attend at trial under a penalty.

6. It shall be lawful for the Governor in Council from time to time to appoint as many fit persons as may be needed to be Judges of the Supreme Court of New Zealand to hold special sittings of such Court under this Act each of whom shall be a Barrister-at-law of New Zealand and shall have practised as an Advocate or Barrister or as either in England Ireland Scotland New Zealand the Australian Colonies or any of them for such period as shall make an aggregate

Governor empowered to appoint Barristers of seven years' standing to be Judges of the Supreme Court for a limited time.

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of seven years at the least and the commission of every such person so appointed shall continue in force for such period as shall be fixed therein and no longer. Provided that nothing herein contained shall diminish alter or affect the power of appointing Judges of the Supreme Court conferred by "The Supreme Court Judges Act 1858" or the tenure of office of persons appointed under the said Act to be Judges of the Supreme Court.

SPECIAL SITTINGS OF SUPREME COURT.

Governor may appoint special sittings of the Supreme Court.

7. It shall be lawful for the Governor by Order in Council from time to time to appoint special sittings of the Supreme Court for the purposes of this Act to be held at such times and places and before such one or more Judges of the Supreme Court whether appointed under "The Supreme Court Judges Act 1858" or this Act as the Governor shall from time to time by any Order in Council fix and appoint for the trial of persons accused or suspected of any offence within the meaning of this Act.

Jurisdiction of Judges at such special sittings.

8. The Judge or Judges of the Supreme Court acting in pursuance of any such Order in Council shall in hearing and determining any criminal case under this Act have the same powers jurisdiction and authority in all respects as the said Supreme Court or any single Judge thereof on circuit has in the exercise of the ordinary criminal jurisdiction of such Court in hearing and determining cases of crimes and misdemeanours except so far as such power jurisdiction or authority may be inconsistent with the provisions of this Act. Provided however that any person charged with any offence within the meaning of this Act may be tried before any such Judge or Judges sitting as aforesaid whether such offence shall have been committed before or after the passing of this Act or within any district proclaimed under this Act or not or within the judicial district in which such Judge or Judges shall be sitting or elsewhere in New Zealand and whether the judicial district in which such Judge or Judges shall be acting shall have been assigned to such Judge or Judges or not.

Case may be brought before Court by indictment signed by Attorney-General or Crown Prosecutor.

9. For the purpose of bringing any case under the cognizance of the Judge or Judges sitting as aforesaid an information shall be signed by the Attorney-General or by a Crown Prosecutor appointed by the Governor either generally for the purposes of this Act or for such sitting specially and shall be exhibited before such Court and such information shall be deemed to be an indictment and shall be as valid and effectual in all respects as if the same had been a bill of indictment presented by a Grand Jury.

In cases of treason copy of information and list of witnesses and jury need not be delivered unless ordered by Supreme Court or Judge.

10. And when any person shall be informed against as aforesaid for high treason or misprision of treason it shall not be necessary any law or enactment to the contrary notwithstanding unless ordered by any Judge or Judges of the Supreme Court sitting as aforesaid that a copy of such information or a list of the names of the witnesses to be produced at the trial for proving such information or of the jury should be delivered to the party informed against ten days or at any time before the trial. Provided that it shall be lawful for any Judge or Judges of the Supreme Court sitting as aforesaid to order that a copy of such information and a list of the names of the witnesses to be produced at the trial for proving the information and of the jury shall be delivered to the party informed against at such time before the trial as shall appear to such Judge or Judges reasonable.

Jury lists when to be formed when special sitting held at a place where Supreme Court does not ordinarily sit.

11. In case any such special sitting of the Supreme Court as aforesaid shall be appointed to be holden at any town other than those at which sittings of the Supreme Court are now holden a Jury List shall be formed in accordance with the provisions of the fifteenth

Disturbed Districts.

section of "The Jury Act 1868" within such time as the Governor shall order and no Grand Jury shall be summoned to attend at any such special sitting aforesaid and where in the said "Jury Act 1868" any act matter or thing in relation to the issue or delivery of jury process or selection of jurors or summoning of jurors or otherwise is required to be done at or within a particular time or period of time therein mentioned it shall be lawful for the Governor in Council from time to time to order that for the purposes of any such special sitting as aforesaid such act matter or thing shall be done at or within some other and shorter or earlier or later time as he may think fit.

12. The provisions contained in the forty-sixth section of "The Jury Act 1868" relating to trial by Maori juries in criminal cases where the offence is charged to have been committed against a Maori shall not apply to criminal cases brought on for trial before any Judge or Judges of the Supreme Court sitting as aforesaid.

Provisions of "Jury Act 1868" as to Maori Juries not to apply to cases tried at special sittings.

13. Whenever at any such special sitting of the Supreme Court as aforesaid any person shall be acquitted of the offence charged against him such person on being so acquitted may forthwith be required in a summary way and without process of any kind by the Attorney-General or Crown Prosecutor to prove to the satisfaction of the Judge or Judges then and there sitting that during the twelve months preceding his committal for trial he had been a person of good behaviour and if such person shall then and there or at any adjourned hearing of such matter appointed by such Judge or Judges fail to prove to the satisfaction of such Judge or Judges that during such time aforesaid he was a person of good behaviour such person shall be deemed in the discretion of such Judge or Judges a disorderly person within the meaning of this Act and it shall be lawful for such Judge or Judges to commit by warrant under his or their hand such person to any public gaol in the Colony for any term not exceeding eighteen calendar months with or without hard labour and it shall also be lawful for such Judge or Judges to require such person to enter into his own recognizance and to find sureties for keeping the peace and being of good behaviour for such time as to such Judge or Judges shall seem proper Provided that if such person shall then or at any time thereafter enter into such recognizance and find sufficient surety or sureties to the satisfaction of such Judge or Judges or to the satisfaction of any two Justices of the Peace duly commissioned by the Governor to approve of sureties under this Act it shall be lawful for such Judge or Judges or for any Judge of the Supreme Court to order the discharge of such person from further imprisonment under such sentence.

Person acquitted of any offence may forthwith be called upon to satisfy Judge that he has been a person of good behaviour for twelve months preceding If he fail to do so to be deemed a disorderly person to be liable to imprisonment with hard labour for any term not exceeding eighteen months.

To be discharged if he find sureties.

14. If at any time it shall appear to the Governor in Council expedient that for the purposes of any such special sitting of the Supreme Court a jury list should be formed or jurors should be selected or summoned in a different manner from that now provided by law or that any provision of "The Jury Act 1868" should be suspended it shall be lawful for the Governor in Council to declare that "The Jury Act 1868" or any part or parts thereof shall not apply to trials to be held at such special sitting and that for the purposes of such special sitting juries shall be formed of and from such persons or in such manner as shall be in accordance with Rules to be from time to time made by the Governor And for the purpose of any such special sitting it shall be lawful for the Governor from time to time to make Rules and the same from time to time to revoke or alter prescribing what persons shall be liable to serve on such juries or providing for the formation of lists of persons liable to serve as jurors or for the issuing of jury process or for the summoning of jurors or for

Where necessary special provision may be made as to formation of Juries.

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selecting from such lists the jurors to be summoned or for the challenging of jurors on the part of the Crown or the person informed against or for selecting juries from the jurors summoned and generally for the formation of juries for the trial of informations exhibited at any such special sitting of the Supreme Court and generally in and by such Rules to make such other provision as the Governor may think fit in lieu of any part of "The Jury Act 1868" which may have been suspended and also in and by any such Rules to fix and appoint pecuniary penalties for the breach of any such Rules which penalties shall be recovered in a summary way before any two or more Justices of the Peace Provided that as to any penalties for neglect or refusal to attend or serve on any such jury the Judge or Judges before whom any such special sitting shall be held shall have the same power of enforcing such penalty as the Supreme Court or any Judge thereof now hath in like cases in the exercise of the ordinary criminal jurisdiction of such Court Provided however in such cases the juries shall consist of such number of jurors not less than five nor more than twelve as the Judge or Judges before whom any information is to be tried shall in each case direct and the verdict of every such jury shall be an unanimous verdict.

15. Nothing in this Act contained shall be deemed to prohibit or prevent the prosecution in the Supreme Court according to the ordinary course of law of any person who shall have committed or shall commit any offence cognizable by the Supreme Court at special sittings thereof to be held for the purposes of this Act Provided that no person under detention under this Act shall be tried in the Supreme Court according to the ordinary course of law without the sanction of the Attorney-General or a Crown Prosecutor appointed under this Act.

JURISDICTION OF JUSTICES AS TO DISORDERLY PERSONS.

16. Any person who within any proclaimed district upon being brought before any Resident Magistrate or two or more Justices of the Peace in pursuance of a warrant issued by any officer of the Imperial or Colonial Forces duly commissioned for this purpose as herein provided does not prove to the satisfaction of such Resident Magistrate or Justices that he has been a person of good behaviour during the twelve months preceding shall be deemed a disorderly person within the meaning of this Act and shall be liable to be imprisoned in any gaol for any term not exceeding eighteen calendar months with or without hard labour and every such offence against this section of this Act shall be heard and determined in a summary way in the manner provided by "The Justices of the Peace Act 1866" except where otherwise expressly provided and in any case in which any person shall be convicted under this section of this Act as a disorderly person such person shall also be required to enter into his recognizance and to find sureties for keeping the peace and being of good behaviour for such time as to the convicting Resident Magistrate or Justices shall seem proper provided that if such person shall then or at any time thereafter enter into such recognizance and find sufficient surety or sureties to the satisfaction of such Resident Magistrate or Justices or to the satisfaction of any two Justices of the Peace duly commissioned by the Governor to approve of sureties under this Act it shall be lawful for such convicting Resident Magistrate or Justices or for such Justices so commissioned as aforesaid to order the discharge of such person from imprisonment or further imprisonment under such sentence.

Persons may be prosecuted in the Supreme Court unless under detention or prosecution under this Act.

Jurisdiction of Justices as to disorderly persons.

Disturbed Districts.

POWER TO DISARM.

17. If in any such proclaimed district any person or persons shall have in his or their possession any gun pistol bayonet or other offensive arms or weapon or any ammunition and if it shall appear to the Governor or any Officer duly commissioned by him to take proceedings under this section of this Act in such district that such person or persons ought to be disarmed it shall be lawful for the Governor or any such Officer as aforesaid to order and direct that such person or persons shall be disarmed and thereupon it shall be lawful for the Governor or such Officer as aforesaid to order all guns pistols bayonets and other offensive weapons and all ammunition in the possession of such person or persons to be seized and carried away and dealt with in such way as the Governor or such Officer as aforesaid shall direct and it shall be lawful for the Governor or any such Officer as aforesaid by warrant under his hand to authorize any officer to call upon any such person or persons as aforesaid to give up all fire and other arms and offensive weapons whatsoever and ammunition in their possession and if any such person or persons after they shall have been so called upon shall be found within any such proclaimed district in possession of any gun pistol or firearms or any offensive weapon of any kind or any ammunition without the authority in writing of the Governor or of an Officer so commissioned as last aforesaid every such person or persons shall be guilty of a misdemeanour and be liable to be imprisoned with or without hard labour for any term not exceeding two years and may be tried convicted and punished accordingly at any special sitting of the Supreme Court under this Act.

Orders may be given for disarming persons in proclaimed districts.

POWER TO SEARCH FOR ARMS AND AMMUNITION.

18. It shall be lawful for the Governor or any such Officer so commissioned as last aforesaid by warrant under his hand to authorize any officer of the Imperial or Colonial Forces with any other officers or privates of the said Forces to enter and search either by day or night any house place ship or boat within any proclaimed district to be named or described therein and if necessary to force an entrance therein and if any such arms as aforesaid or ammunition shall be found in such house place ship or boat to seize and carry away the same and the same shall be disposed of in such manner as the Governor or such Officer so commissioned as last aforesaid shall from time to time direct.

Orders may be given to search for arms and ammunition.

PERSONS SURRENDERING OR CONVICTED MAY BE ORDERED TO RESIDE IN APPOINTED DISTRICT.

19. Whenever any person who shall have committed any offence within the meaning of this Act shall have yielded himself up to the Governor or to any officer of the Imperial or Colonial Forces and shall admit his guilt and whenever any person shall be convicted in the Supreme Court or at any special sitting thereof held under this Act of any offence within the meaning of this Act it shall be lawful for the Governor to order any such person to reside at some place or within the boundaries of some district to be appointed by the Governor within any part of New Zealand whether within or without a proclaimed district and during a period to be defined by the Governor and in and by such order to suspend during his pleasure the carrying into execution of any sentence which may have been awarded to or against such person and if any such person or persons shall at any time within such period be found anywhere in New Zealand out of such place or

Persons convicted of offences triable under this Act or who have yielded themselves up may be ordered to reside in a district to be defined by the Governor.

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beyond such district every such person shall be guilty of a misdemeanour and shall be liable to be imprisoned for any term not exceeding fourteen years and with or without hard labour and may be tried convicted and punished accordingly under this Act.

INDEMNITY.

Nothing done in pursuance of this Act to be questioned in any Court.

20. No act matter or thing done in any such proclaimed district as aforesaid in pursuance or execution of any power or authority hereby conferred shall be questioned in any Court having jurisdiction civil or criminal except as herein mentioned Provided however that all officers non-commissioned officers privates and constables who shall act under any such power or authority shall for and in respect of anything done under such power or authority in any such proclaimed district as aforesaid be responsible to Courts-Martial to be holden under any statute in force for holding Courts-Martial by which Courts-Martial respectively they shall be liable to be tried and punished for any offence against the Articles of War under any law then in force for such purposes and such Courts-Martial respectively shall have full and exclusive cognizance of all such matters and things which shall be objected against such officers non-commissioned officers privates and constables respectively and proceedings shall be had thereon in the same manner as for offences against the Articles of War and not otherwise and no other Court whether civil or criminal shall have cognizance or jurisdiction with respect to any act matter or thing which shall be done by any such officer non-commissioned officer private or constable in pursuance or execution of any power or authority conferred by this Act in any such proclaimed district as aforesaid and any proceeding instituted had or commenced in any such Court as last mentioned against any officer non-commissioned officer private or constable for or by reason of any such act matter or thing whether by indictment action or otherwise shall be stayed by summary application to the Court in which the same shall have been instituted had or commenced and all Resident Magistrates Justices of the Peace policemen and all other persons except officers non-commissioned officers privates or constables who shall act under any such power or authority for and in respect of anything done under such power or authority in any such proclaimed district as aforesaid shall be liable to be prosecuted in any Court of criminal jurisdiction under the warrant of the Attorney-General and not otherwise and being so prosecuted shall be proceeded against and punished for such offence according to the course of the common law.

Officers &c. acting in pursuance of Act shall be responsible only to Courts-Martial.

DETENTION OF PERSONS ARRESTED.

Detention of persons arrested.

21. In cases where any person shall during the continuance of this Act be arrested committed or detained in custody by force of any warrant signed by any commissioned Officer under the powers contained in the fifth section of this Act it shall and may be lawful for any person to whom such warrant may be directed to detain such person so arrested or committed in his custody in any place whatever within New Zealand whether the same be a public gaol or not and every gaoler of a public gaol in the Colony and all constables and other peace officers to whom any such warrant shall be directed shall obey every such warrant so directed to him and such person or persons to whom such warrant or warrants have been or shall be directed shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody and to be the lawful gaolers and keepers of such persons so arrested committed or detained and such place or places where such persons so

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arrested committed or detained are or shall be detained in custody shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively and it shall and may be lawful to and for the Governor by warrant signed by him or for the Colonial Secretary for the time being by warrant signed by such Colonial Secretary from time to time as occasion shall be to change the person or persons by whom and the place in which such person or persons so arrested committed or detained shall be detained in safe custody.

22. If any person who shall be detained in custody under the powers created by this Act and hereinbefore contained charged with any offence committed in any proclaimed district as aforesaid shall sue forth a writ of *habeas corpus* within six months from the time of his first arrest it shall be a good and sufficient return to such writ that the party suing forth the same is detained by virtue of the powers in that behalf hereby conferred and when such return shall be made it shall not be necessary to bring up the body of the person so detained.

What shall be sufficient return to *habeas corpus* sued out by person detained.

23. No person shall be detained in custody by virtue of the powers hereinbefore contained for a longer time than six months from the time of his first arrest without being brought to trial for the offence for which he is so detained in custody unless such person be also detained under a warrant signed by the Governor as hereinafter provided and in which warrant it shall be stated that the same is issued under the sanction of this Act.

Persons arrested to be brought to trial within six months unless also detained under a Governor's warrant.

SPECIAL POWER TO ARREST AND DETAIN SUSPECTED PERSONS.

24. And whereas it is expedient that a power should be given to arrest commit and detain in custody during the continuance in operation of this Act any person or persons reasonably suspected of high treason or treason-felony or treasonable practices or of having committed within any proclaimed district any offence whatever within the meaning of this Act Be it therefore enacted it shall be lawful for the Governor to make and issue his warrant or warrants under his hand for the arrest committal or detention in custody of any person or persons charged with or reasonably suspected of high treason treason-felony or treasonable practices or any offence within the meaning of this Act.

Persons may be detained under warrant of Governor.

25. All and every person and persons who shall be within prison within New Zealand after the day on which this Act shall receive the Governor's assent by warrant signed by the Governor for high treason or treason-felony or treasonable practices or suspicion of high treason or treason-felony or treasonable practices or for any offence within the meaning of this Act may be detained in safe custody without bail until the end of the Session of the General Assembly immediately succeeding the present Session and no Judge or Justice of the Peace shall bail or try any such person or persons so committed without order from the Governor until the end of the Session of the General Assembly immediately succeeding the present Session any law or statute to the contrary notwithstanding.

Persons within prison by warrant of Governor to be detained till end of next Session and not to be bailed or tried.

26. In any case where any person or persons shall be during the time this Act shall continue in force arrested committed or detained in custody by force of a warrant or warrants signed by the Governor for high treason or treason-felony or treasonable practices or suspicion of high treason or treason-felony or treasonable practices or for any offence within the meaning of this Act it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed to detain such person or persons so arrested or committed in his or their custody in any place whatever within New Zealand

Such persons to be deemed in lawful custody and those in whose custody they are to be lawful gaolers.

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and such person or persons to whom such warrant or warrants have been or shall be directed shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody and to be the lawful gaolers and keepers of such persons so arrested committed or detained and such place or places where such persons so arrested committed or detained are or shall be detained in custody shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively and it shall and may be lawful to and for the Governor by warrant signed by him or for the Colonial Secretary for the time being by warrant signed by such Colonial Secretary from time to time as occasion shall be to change the person or persons by whom and the place in which such person or persons so arrested committed or detained shall be detained in safe custody and all gaolers constables and other peace officers to whom any such warrants as in the preceding and this section respectively mentioned shall be directed shall and are hereby required to execute enforce and obey the same.

Power to change place of custody.

What shall be sufficient return to *habeas corpus* sued out by person suspected.

27. If any person who shall be detained in custody under the powers created by the three preceding sections of this Act shall during the continuance in operation of this Act sue forth a writ of *habeas corpus* it shall be a good and sufficient return to such writ that the party suing forth the same is detained by virtue of the powers in that behalf conferred by the said two sections of this Act and when such return shall be made it shall not be necessary to bring up the body of the person so detained.

MISCELLANEOUS PROVISIONS.

Copies of warrants to be filed in Supreme Court.

28. Copies of such warrants as in the twenty-first twenty-fourth twenty-fifth or twenty-sixth sections mentioned shall be transmitted to the Registrar or Deputy Registrar of the Supreme Court in the Province or District in which the person shall be detained and shall be filed by him in the Supreme Court there.

Sentences may be commuted.

29. In all cases where the punishment of death or penal servitude shall have been awarded by any Judge or Judges at any such special sitting of the Supreme Court it shall be lawful for the Governor to order the offender to be kept in penal servitude for any term not less than three years or in cases of sentence of penal servitude for any term not less than three years and not exceeding the term of the original sentence or to suffer such term of imprisonment with or without hard labour and with or without solitary confinement as shall seem meet to the Governor not exceeding in cases of penal servitude the term of the original sentence and in all cases where a sentence of imprisonment either with or without hard labour shall have been awarded by any such Court it shall be lawful for the Governor to order the offender to suffer such term of imprisonment not exceeding the term of the original sentence and with or without hard labour and with or without solitary confinement as shall seem meet to the Governor and it shall also be lawful for the Governor at any time if he shall think fit to order the discharge from custody of any person who shall have been convicted as a disorderly person under this Act and sentenced to imprisonment notwithstanding that such person may not have found sureties for his good behaviour or to keep the peace.

Convicts may be put on board ships to serve as seamen &c.

30. Whenever any person shall have been convicted by a Judge or Judges at a sitting of the Supreme Court holden under this Act of any offence within the meaning of this Act it shall be lawful for the Governor or the Colonial Secretary to order that any such person shall instead of undergoing the sentence or the

Disturbed Districts.

remainder of the sentence as the case may be passed upon him be taken and put on board any of Her Majesty's ships of war if the captain or officer in command of such ship shall be willing to receive him as an apprentice seaman or servant or on board any other ship in the Colony the master of which shall be willing to receive such person as an apprentice seaman or servant and such person shall be bound under articles or agreement in the manner and form now customary or in such manner and form as the Governor shall from time to time order.

31. Whenever any person shall have been convicted by any such Judge or Judges at any such sitting as aforesaid of any offence within the meaning of this Act it shall be lawful for the Governor to order that such person shall be taken and conveyed to any place without the Colony to which the Governor shall by agreement with the Government of such place have obtained permission to send persons convicted of offences and such person shall there undergo the sentence or the remainder of the sentence passed upon him. Provided such agreement shall have been approved of by the Queen or other authority under any Act passed or hereafter to be passed by the Imperial Parliament.

Persons convicted of offences triable under this Act may be deported from Colony.

32. Whenever any person shall be sentenced by any Judge or Judges at a sitting of the Supreme Court under this Act to penal servitude or imprisonment or by any Resident Magistrate or Justice of the Peace to imprisonment under this Act such Judge or Judges and Resident Magistrate or Justices of the Peace as the case may be shall have power to order that such person shall undergo such sentence in such one of the public gaols in the Colony as such Judge or Judges or Resident Magistrate or Justices may think fit and the gaoler of such gaol shall obey any order that may be directed to him for carrying into effect such sentence. Provided that the Governor or Colonial Secretary respectively may from time to time as occasion may require by warrant under his hand order the removal of such person to any other public gaol in the Colony.

Gaoler of public gaols to receive persons committed to such gaols.

33. Whenever any person shall be detained under any of the provisions of this Act whether under sentence or not in any public gaol of the Colony maintained at the expense of any Provincial Government or at the expense of the County of Westland there shall be paid by the Colonial Treasurer to the Superintendent of the Province or the Chairman of the County Council as the case may be the actual expenses incurred in the maintenance safe custody care and punishment of such prisoner according to the time for which he shall have been in custody there at the average daily cost of each prisoner according to the whole number of prisoners confined in the said gaol such average to be taken yearly half-yearly or quarterly or at such other intervals as the Governor shall from time to time determine including in such expenses all salaries of officers all expenses of repairs alterations additions and improvements in or to such gaol and any other charge whatever on account of prisoners confined in such gaol subject nevertheless to a proportionate share of all deductions on account of the earnings of the prisoners in the said gaol.

Contribution to be paid for maintenance of persons committed to Provincial gaols.

34. The gaoler or other person having the custody of any person detained under the twenty-first twenty-fourth twenty-fifth or twenty-sixth sections of this Act may order such person to be set to such work or labour as the Governor or Colonial Secretary may from time to time approve.

Persons under detention may be set to labour.

35. The Governor may from time to time make Regulations under the tenth section of "The Secondary Punishment Act 1854" specially applicable to persons sentenced under this Act to penal servitude.

Special Regulations under "The Secondary Punishment Act 1854."

Disturbed Districts.

Revocation of Proclamation or expiration of Act not to affect any sentence.

Continuance of Act.

36. Neither the revocation of any Proclamation by the Governor nor the expiration of this Act shall annul or suspend any sentence passed against any person or persons for offences of which such persons shall have been or shall be convicted under this Act.

37. This Act shall continue and be in force until the end of the Session of the General Assembly next ensuing this present Session and no longer.

Schedule.

SCHEDULE.

References to Act.	Title of Act.	Sections of Act relating to Offence.
32 Vict. No. 5	"The Treason Felony Act 1868"	Third section.
31 Vict. No. 3	"The Larceny Act 1867"	Sections four ten eleven forty forty-two forty-three forty-five fifty-one sections numbered from fifty-four to sixty-one both inclusive.
31 Vict. No. 5	"The Offences against the Person Act 1867"	Sections one and three sections eight to twelve both inclusive sections fifteen to eighteen both inclusive sections twenty-five to twenty-seven both inclusive section thirty-five sections forty-five to forty-eight both inclusive.
31 Vict. No. 6	"The Malicious Injuries to Property Act"	Sections two and three sections six to twelve both inclusive sections sixteen to eighteen both inclusive.
31 Vict. No. 7	"The Accessories Act 1867"	The whole.
32 Vict. No. 20	"The Offences against the Person Act Amendment Act 1868"	Section two.

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