

Hon. Sir F. Whitaker.

FRENCH CRIMINALS.

ANALYSIS.

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| Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Criminals defined by Act prohibited from landing, &c.
4. French ships to be placed in quarantine.
5. No person except master to leave ship till discharged from quarantine.
6. Master, on arrival, to deliver to Collector a list of persons on board.
7. Master empowered to ask questions.
8. List to be verified by declaration.
9. Penalty for not delivering a list or delivering a false one.
10. If suspected a criminal on board, police to be communicated with.
11. Collector, when satisfied no criminal on board, to give a discharge. | 12. Justice of Peace having grounds to believe a criminal at large to issue a warrant.
13. Any two Justices may convict. Penalties.
14. Criminal in custody may be sent out of colony.
15. Money and property, on conviction, may be forfeited.
16. Penalty for remaining in colony after discharge.
17. Master of vessel bringing a criminal liable to penalty.
18. Persons aiding or abetting commission of offence liable to a penalty.
19. Justice believing, on information on oath, that criminal harboured, &c., may issue secret warrant.
20. Two Justices of Peace may hear and determine all cases under this Act, and fix penalties, &c.
21. To be reserved for Her Majesty's pleasure. |
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A BILL INTITULED

AN ACT to Protect the Colony of New Zealand from the Influx of French Criminals. Title.

WHEREAS a law has recently been passed by the Legislature of the Republic of France authorizing the transportation of criminals of the worst description, in large numbers, to penal settlements on islands in the Western Pacific Ocean: And whereas the vicinity of the said islands to the British Colonies of Australasia will render easy the escape of such criminals to the said colonies, and many of such criminals when they become free will have opportunities of migrating to the said colonies: And whereas the influx of so vicious a class of persons would be highly disastrous to the interests of the said colonies and dangerous to the lives and property of the inhabitants thereof: And whereas it is expedient that effective steps should be taken to protect this colony from so serious an evil: Preamble.

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

1. The Short Title of this Act is "The French Criminals Act, 1886." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

- “Criminal” means and includes every person who has been convicted of any crime in any Court within the French dominions to which a punishment of not less than five years’ duration is attached.
- “French dominions” means and includes France and all the colonies, possessions, and settlements belonging to France. 5
- “Ship” means and includes every description of vessel used in navigation not propelled by oars.
- “Master” means the person having, or taking, or being in charge of, any ship. 10
- “Colony” means the Colony of New Zealand.
- “Collector of Customs” includes Sub-collector or other principal officer of Customs at any port or place.

Criminals defined by Act prohibited from landing, &c.

3. Criminals as defined by this Act are prohibited from landing, coming into, or being at large within the Colony of New Zealand, and every such criminal so landing, coming into, or being at large shall be deemed guilty of an offence under this Act, and shall be apprehended, and, on conviction, punished or otherwise dealt with as hereinafter provided. 15

French ships to be placed in quarantine.

4. Every ship arriving in New Zealand from any port or place within the French dominions, directly or after calling at any port or place, shall, on arrival, be placed in quarantine at such places in the several ports of the colony as shall from time to time be appointed by the Governor and notified in the *Gazette*. 20

No person except master to leave ship till discharged from quarantine.

5. Until any such ship has been discharged from quarantine, as hereinafter provided, every person, except the master, who shall leave the ship without the permission of some person authorized by the Governor to give such permission may be forthwith apprehended, without warrant, by any constable, and again placed on board the said ship, and shall also be liable to a fine not exceeding *one hundred* 30 pounds, or to imprisonment not exceeding *twelve months*, or to both fine and imprisonment.

Master, on arrival, to deliver to Collector a list of persons on board.

6. The master of any such ship shall, immediately on his arrival at any port in the colony, deliver to the Collector of Customs a list of all persons on board, inclusive of the officers and crew, setting 35 forth in respect of every such person his name, apparent age, nationality, and last place of abode, and also designating distinctly in such list every person whom he knows, or has reason to believe or suspect, to be a criminal within the meaning of this Act.

Master empowered to ask questions.

7. In order to prepare such list, the master is empowered to ask 40 such questions as may be necessary, and any person who shall refuse or neglect to answer, or shall give any answer which shall be untrue in any important particular, shall be liable to a fine not exceeding *twenty* pounds.

List to be verified by declaration.

8. Every such list shall be verified by a declaration to be made 45 by the master before the Collector in the form or to the effect prescribed by “The Justices of the Peace Act, 1882,” in respect of voluntary declarations.

Penalty for not delivering a list or delivering a false one.

9. Every master who fails to deliver a list as hereinbefore provided, or who shall insert in any such list any statement or thing 50 which he knows or has any reasonable ground for believing or suspecting to be false, shall, in any such case, be liable to a fine not exceeding *one hundred* pounds.

10. If it shall appear from any such list, or the Collector has reason from any other cause to suspect, that any person on board any such ship is a criminal, he shall forthwith communicate all such information as he may be in possession of to the police authorities, who shall thereupon inquire into and investigate the case, and, if it shall appear that there are reasonable grounds for doing so, shall thereupon institute a prosecution.

If suspected criminal on board, police to be communicated with.

11. When the Collector is satisfied that any ship subject to quarantine has no criminal on board he shall, by writing under his hand, give the master a discharge for the said ship from quarantine.

Collector, when satisfied no criminal on board, to give a discharge.

12. If any Justice of the Peace is satisfied from any cause whatever that there is reasonable ground to suspect that any person is a criminal at large within the colony, either on board any ship or on land, he shall forthwith cause a warrant to be issued for the apprehension of such suspected person; and, on being apprehended, such suspected person shall be taken, as soon as conveniently may be, before any two Justices of the Peace to be dealt with under the provisions of this Act:

Justice of Peace having grounds to believe a criminal at large to issue a warrant.

Provided that any Justice of the Peace may, if he think fit, take bail in such sum, either with or without sureties, for the appearance of any suspected person, at such convenient time and place as shall by such Justice be appointed for that purpose.

13. Any two Justices of the Peace before whom any such suspected person appears or is brought shall, on sufficient proof of any offence under this Act, convict him thereof, and at their discretion may order him—

Any two Justices may convict.

- (a.) To be imprisoned for any time not exceeding three years; or
- (b.) To pay a penalty not exceeding *five hundred* pounds; or
- (c.) To be placed on board any ship bound for any place within the French dominions; or
- (d.) To be kept in custody, with or without hard labour, until a convenient opportunity occurs of transporting him to some place within the French dominions; or
- (e.) To enter into a recognizance in such sum, with or without sureties, that he will leave the colony within a time to be fixed by the said Justices and specified in such order.

Penalties.

The said order may include such one or more of the said alternatives as the convicting Justices think fit.

14. When any person convicted as a criminal for any offence under this Act is in custody he may, by an order under the hands of any two Justices of the Peace, be placed on board any ship about to sail for any place within the French dominions, notwithstanding that the term of his imprisonment has not expired.

Criminal in custody may be sent out of colony.

15. All money or property found upon or in the possession of any such suspected person when he is apprehended shall be seized and detained, and, in the event of his being convicted, may, at the discretion of the convicting Justices, be forfeited and sold, and if he be acquitted shall be restored to him.

Money and property, on conviction, may be forfeited.

16. Any person sentenced as a criminal to be imprisoned or kept in custody under this Act, who after being discharged shall remain in the colony for three months thereafter, shall be liable to be again apprehended, convicted, and sentenced for being at large; and so on from time to time as often as the case shall occur.

Penalty for remaining in colony after discharge.

Master of vessel bringing a criminal liable to penalty.

Persons aiding or abetting commission of offence liable to a penalty.

Justice believing, on information on oath, that criminal harboured, &c., may issue secret warrant.

Two Justices of Peace may hear and determine all cases under this Act, and fix penalties, &c.

Bill reserved for Her Majesty's pleasure.

17. Any master who shall knowingly bring any criminal to this colony and permit him to land shall, on conviction thereof before any two Justices of the Peace, be liable for every person so brought to a fine not exceeding *one hundred* pounds, or to be imprisoned for any time not exceeding twelve months, or to both fine and imprisonment. 5

18. Every person who shall aid, abet, counsel, or procure the commission of an offence under this Act shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable to a penalty not exceeding *one hundred* pounds, or to imprisonment for any time not exceeding six months, or to both fine and imprisonment. 10

19. Any Justice of the Peace having information on oath that there are reasonable grounds to believe that any person liable to be apprehended under this Act is harboured or concealed in any ship, house, or other place, shall grant a search warrant, and by virtue of such warrant any constable may break, enter into, and search, by day or by night, such ship, house, or other place, and apprehend the person so harboured or concealed. 15

20. It shall be lawful for any two Justices of the Peace to hear and determine, in a summary way, all cases under this Act, and at their discretion to fix and determine all fines, penalties, punishments, and forfeitures hereby imposed. 20

21. This Act shall be reserved for the signification of Her Majesty's pleasure thereon. 25