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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
31st August, 1869.*

Justices of the Peace Amendment.

ANALYSIS.

Title.	
1. Short Title.	4. Two months' imprisonment substituted for three in cases of assault. Fine and costs together not to exceed ten pounds.
2. "Justices of the Peace Act 1858" repealed as to "Indictable Offences Act 1848."	5. Repeal of 81st section of "Justices of Peace Act 1866." Compensation in cases of injury.
3. Proceedings taken on assumption that "Indictable Offences Act 1848" was repealed validated.	6. Explanation of section 38 "Justices of the Peace Act 1866."

A BILL INTITLED

AN ACT to amend "The Justices of the Peace Acts Repeal Act 1866" and "The Justices of the Peace Act 1866." Title.

BE IT 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 shall be "The Justices of the Peace Act Amendment Act 1869." Short Title.

2. So much of the first section of "The Justices of the Peace Act 1858" as enacts that "The Indictable Offences Act 1848" shall be taken to extend to this Colony and shall be applied therein in the administration of justice is hereby repealed as from the thirty-first day of *December* one thousand eight hundred and sixty-six except as to proceedings which were then pending to which the said Act was applicable. "Justices of the Peace Act 1858" repealed as to "Indictable Offences Act 1848."

Provided also that every act duly done and every warrant or other instrument duly made or granted and every proceeding duly taken under the authority or in execution of so much of the said Act as is hereby repealed before this Act comes into operation shall be and continue as valid to all intents and purposes and may be continued executed and enforced after this Act shall come into operation as if this Act had not been passed and the said part of the said Act had not been repealed and that every action prosecution and other proceeding which shall have been commenced before this Act comes into operation in respect of any matter or thing committed or done before this Act comes into operation may be prosecuted continued and defended in the same manner as if this Act had not been passed. And where in any Act or Ordinance any proceedings are directed to be taken under the part of the said Act hereby repealed or under "The Indictable Offences Act 1848" such proceedings may be taken under "The Justices of the Peace Act 1866."

3. Subject to the proviso contained in the last preceding section every proceeding taken commenced or completed and every act matter and thing done before the coming into operation of this Act shall be deemed to have been as regular valid and effectual as if this Act had been passed at the same time as "The Justices of the Peace Acts Repeal Act 1866." Proceedings taken on assumption that "Indictable Offences Act 1848" was repealed validated.

Two months' imprisonment substituted for three in cases of assault.

Fine and costs together not to exceed ten pounds.

Repeal of 81st section of "Justices of Peace Act 1866."

Compensation in cases of injury.

Explanation of section 38 "Justices of the Peace Act 1866."

4. In the cases mentioned in the seventy-seventh section of "The Justices of the Peace Act 1866" the term for which two Justices are empowered to commit an offender to gaol either in the first instance or for non-payment of the fine and costs therein mentioned shall be any term not exceeding two months with or without hard labour or in the case of a fine being imposed any term not exceeding two months with or without hard labour unless such fine and costs be sooner paid. And the fine which may be imposed in the cases aforesaid shall be such fine as to such Justices shall seem meet not exceeding together with costs if ordered the sum of ten pounds. 5
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5. The eighty-first section of "The Justices of the Peace Act 1866" is hereby repealed and in lieu thereof it is enacted as follows—
When any person shall be convicted before two Justices of the Peace of an assault and it shall appear upon the evidence of a credible witness other than the party assaulted that such assault was wanton and unprovoked and attended with bodily injury to the person assaulted or with injury to his clothes or with injury to any property then in his immediate personal custody and where in any such case a fine shall have been imposed upon the offender it shall be lawful for such Justices as aforesaid when it shall appear to them proper that compensation be made for the injury inflicted to award to the party injured such portion of the fine so levied as to them shall seem meet and the order of such Justices shall be a sufficient authority to the Clerk receiving such fine for the payment of the portion so awarded to the party injured. Provided always that the sum so to be awarded shall not in any case exceed one-half of the fine levied. 15
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6. It is hereby declared and enacted that in the cases mentioned in the thirty-eighth section of "The Justices of the Peace Act 1866" wherein on committal for want of sufficient distress the Justice issuing the warrant of commitment is empowered to appoint the time and manner of imprisonment such imprisonment may be either with or without hard labour according as the Justice issuing the warrant of commitment shall by such warrant appoint. Provided that the imprisonment so to be appointed shall be for such time and in such manner as shall have been directed by the Act or Ordinance upon which the conviction is founded and in default of any such direction such imprisonment may be for any time not exceeding one month for every five pounds of penalty and costs inclusive or for any fractional part of five pounds and not exceeding in the whole three months and such imprisonment shall in every case cease on payment of the sum or sums adjudged to be paid and all costs and charges of the distress and the costs and charges of the commitment and conveying of the defendant to prison if the Justice issuing the warrant shall think fit to order that such last-mentioned costs and charges be paid (the amount thereof being ascertained and stated in such commitment). 30
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