

NEW ZEALAND.

ANNO VICESIMO QUINTO ET VICESIMO SEXTO

VICTORIÆ REGINÆ.

No.

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A BILL INTITULD—

An Act to amend an Vct called "The
Native Circuit Courts' Act, 1858."

Title.

WHEREAS it is expedient to amend the "Native Circuit
Courts' Act 1858"

Preamble.

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

I. The Short Title of this Act shall be "The Native Circuit
Courts' Act Amendment Act 1862."

Short Title.

II. The Court constituted under the said "Native Circuit
Courts Act 1858" (which Court is hereafter referred to as 'the
Court' and which Act is the Act referred to as 'the Act of 1858')
besides the power and jurisdiction conferred by the fifth section
thereof shall have power subject to the provisions thereof to take
cognizance of hear determine and punish all felonies crimes and
misdemeanors except such crimes as by the Law of England are or
may be punishable with death Provided always that the Governor
in Council may from time to time by order limit the power and
jurisdiction hereby conferred and may make such conditions or
regulations as he may think fit for securing the discreet and
beneficial exercise of such power either as hereby conferred or
as limited as aforesaid.

Jurisdiction of Court.

III. The Governor in Council may order that Juries under
section six of the Act of 1858 may consist of not less than six men
instead of twelve as therein provided and the right to challenge
Jurors conferred by section seven of the said Act shall extend
to half the men selected as Jurors whatever the number may be.

Governor may regu-
late Juries.

Procedure when Jury List incomplete.

IV. If at any time from any cause no list be framed as prescribed by section six of the said Act of 1858 the bystanders may be impanelled at the discretion of and by the Court.

Majority to regulate verdict.

V. Instead of a unanimous verdict as required by section eight of the said Act of 1858 the verdict shall be the verdict of the majority of the Jurors.

Procedure for abating Nuisances.

VI. Upon the presentation of a nuisance by a Jury as referred to in section nine of the said Act of 1858 a Resident Magistrate appointed under the said Act or two Native Assessors appointed under section thirty-one thereof may make an order that the same shall be abated and if not abated within the time limited in the order for the purpose may cause the same to be abated and may issue his or their Warrant of distress against the goods and chattels of the person having caused the same and against any other person concerned therein for the amount of fine inflicted (if any) and for the expense of abating the nuisance together with costs.

Court may reduce any Fine.

VII. The Court may order that any fine shall be reduced and the same shall be reduced accordingly.

Action may be changed during progress from Civil to Criminal, &c.

VIII. During the progress of any action the Court may order that it be changed from a Civil Action to a Criminal Action or *vice versa* and may proceed with the hearing thereof when so changed without re-commencing the proceedings or in any way interrupting the same and may give a decision in accordance with such change of character in the action.

Court may commute punishment for a fine.

IX. In any case in which a person shall be convicted before the Court of any felony crime or misdemeanor the Court may commute any punishment recorded for a pecuniary fine and may order such fine or any part thereof to be paid over by way of compensation to such person or persons at such time with such conditions attached as the Court may think fit.

Imprisonment limited to 3 years.

X. No imprisonment with hard labour shall be inflicted under the said Act of 1858 or under this Act of longer duration than three years.

Orders in Council may be revoked, &c.

XI. Any order made by the Governor in Council under this Act or under the Act of 1858 may be altered or revoked or another order made in lieu thereof from time to time as the Governor in Council shall think fit and any such order shall extend to one or more district or districts or to any part of a district as shall be expressed therein.