

NEW ZEALAND.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 40.

ANALYSIS.

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An Act to amend an Act called "The Native Circuit Courts Act 1858." Title.
[15th September, 1862.]

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 misdemeanours except such crimes as by the Law for the time being in force in the Colony 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 in any Native Circuit Court Juries may consist of any number less than twelve and the right to challenge Jurors shall extend to half the Jurors if the number shall be even or if the number of Jurors shall be odd then half such number less one. Governor may regulate Juries.

IV. If at any time from any cause there shall be an insufficient number of Jurors present in Court for the trial of any Procedure when Jury List incomplete.

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case Civil or Criminal in the Native Circuit Court the bystanders may be impanelled at the discretion of and by the Court.

Majority to regulate verdict.

V. Instead of an unanimous verdict as required by Section VIII of the said Act of 1858 the verdict shall be the verdict of not less than two thirds of the Jurors.

Procedure for abating Nuisances.

VI. Upon the presentation of a nuisance by a Jury as referred to in Section IX of the said Act of 1858 a Resident Magistrate appointed under the said Act or two Native Assessors appointed under Section XXXI 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.

Imprisonment limited to 3 years.

IX. 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.

X. 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.