

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 8.

ANALYSIS.

- | | |
|--|--|
| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Application of Act.
4. Justices declared to have power to commit to prison or hold to bail for trial at Court without as well as within the Province in which acting.
5. Applications under the Act may be made to Supreme Court or Judge.
6. When person committed or held to bail for felony or misdemeanour and before indictment found Judge may change place of trial and indictment may be presented at place appointed by him.
7. When person committed or held to bail for felony or misdemeanour in any Province or Judicial District Judge may either before or after indictment found or inquisition taken order trial to take place at Circuit Court or Sitting of Supreme Court held in another Province or Judicial District.
8. When order made prisoner may be removed to Public Prison at or nearest to place of trial.
9. Defendant need not appear in person when application for order made.
10. When indictment or inquisition removed from Court of Committal then such Court to bind over prosecutor and witnesses.
11. When indictment or inquisition removed from Court of Committal such Court may either commit or bail defendant.
12. When indictment or inquisition removed to a Court under this Act defendant to be tried as if indictment or inquisition presented at or returned to it originally.
13. When order made that trial shall be held at a Substituted Court all recognizances to be as obligatory as if entered into to appear and plead or prosecute or give evidence at a Substituted Court if notice given.</p> | <p>14. When order made for removal of indictment or inquisition prisoner not to be discharged.
15. When place of trial changed Substituted Court may issue process for apprehending defendant if on bail or for compelling attendance of witnesses.
16. No objection to be made to any order for removal or other proceeding when indictment removed to or presented at Substituted Court.
17. Judge of Substituted Court to have same power jurisdiction and authority as if indictment or inquisition had been presented at or returned to Substituted Court.
18. Not necessary to prove that indictment or inquisition has been properly transmitted.
19. Verdicts and judgments valid.
20. Any person may be sentenced to be punished either in the Province or Judicial District where the offence was committed or within Judicial District where tried.
21. Person removed or committed to the Public Gaol at or nearest to place of trial may be taken to and from Court as often as necessary.
22. Every person whilst being removed or detained under this Act shall be deemed to be in legal custody.
23. Defendant on bail may be bailed again by Substituted Court on committal.
24. Prosecutor and witnesses may be bound by recognizances to appear again at Substituted Court.
25. The Judge of Supreme Court may impose condition on prosecutor or defendant applying that trial shall be at Substituted Court.
26. When Crown obtains change of place of trial expenses of witnesses to be advanced to defendant.
27. Superintendent of Province where offence committed to pay expense of prisoner's maintenance &c. in Gaol.
28. Governor in Council may make rules to effect the purposes of this Act.
Schedules.</p> |
|--|--|

AN ACT to Declare and Amend the Law Relating to Trials of Indictable Offences. [6th September 1866.]

WHEREAS Justices of the Peace in New Zealand do sometimes commit or hold to bail persons charged before them with indictable offences to take their trial at Circuit Courts or Sitzings of the Supreme Court to be holden at places not being within the Province in which such Justices are at the time sitting and acting And whereas doubts have been raised whether such Justices are by law authorized to com-

Indictable Offences Trials.

mit to any gaol situate beyond the Province within which they at the time are sitting or to commit or hold to bail for trial at any Circuit Court or Sitting of the Supreme Court to be holden at a place not being within such Province And whereas it is expedient to settle and determine such doubts And whereas it would contribute to the better administration of criminal justice in New Zealand if persons charged with indictable offences and committed or held to bail to take their trial at a particular Circuit Court or Sitting of the Supreme Court were rendered liable to be tried in certain cases at some other Circuit Court or Sitting of the Supreme Court.

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.

I. The Short Title of this Act shall be “The Indictable Offences Trials Act 1866.”

Interpretation.

II. In the construction of this Act the words terms and expressions following shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say—

The expression “Judge of the Supreme Court” shall mean the Judge of the Supreme Court to whom for the time being shall be assigned the Judicial District wherein the person with regard to whose trial any application shall be made under this Act shall have been committed or held to bail or if such Judicial District shall have been assigned to more than one such Judge then such expression shall mean any one or more of the Judges to whom such Judicial District shall for the time being be assigned The term “Supreme Court” shall mean the Supreme Court of New Zealand The word “order” shall mean either Rule of Court or Order of a Judge as the circumstances may require The term “Court of Committal” shall mean that Circuit Court or Sitting for trial of criminal cases of the Supreme Court by or at which the public gaol to which any person charged with any felony or misdemeanour shall have been by any examining Justice committed to be safely kept until delivered by due course of law is usually delivered or in the case of any person charged as aforesaid who shall have been held to bail by any such Justice to appear and plead to such indictment as may be found against him at a Circuit Court or Sitting of the Supreme Court such term shall mean the Circuit Court or Sitting of the Supreme Court specified in the recognizance and in any case where any person charged as aforesaid shall by any such Justices be committed or held to bail for trial at a specified Circuit Court or Sitting of the Supreme Court such term shall mean the Circuit Court or Sitting of the Supreme Court specified The term “Clerk of the Court of Committal” shall mean the Registrar or Deputy-Registrar of the Supreme Court at the place where such Court is or is to be held and if there be no such officer then such term shall mean the Judge’s Clerk or Associate or other officer whose duty it is to take charge of the records of or at any Court of Committal as defined by this Act The term “Substituted Court” shall mean any Circuit Court or Sitting for the trial of criminal cases of the Supreme Court at which under the provisions of this Act a Judge of the Supreme Court shall have ordered any person committed or held to bail for any felony or misdemeanour to be tried The term “Clerk of the Substituted Court” shall mean the Registrar or Deputy-Registrar of the Supreme Court at the place where such Court is or is to be held and if there be no such officer then such term shall mean the Judge’s Clerk or Associate or other proper officer whose duty it is

Indictable Offences Trials.

to take charge of the records of or at any Substituted Court as defined by this Act.

III. This Act shall apply to offences committed before the passing of this Act as well as to offences which shall hereafter be committed and as well to cases when any examination of any person charged with any felony or misdemeanour has been commenced and is depending at the time of the passing of this Act as to cases in which informations shall hereafter be laid before any Justice of the Peace. Application of Act.

IV. It is hereby declared and enacted that in any case where any Justice of the Peace shall have determined or shall determine to commit any person charged before him with any felony or misdemeanour to a Public Gaol to be there safely kept until he shall be thence delivered by due course of law it is and shall be lawful for any such Justice to commit such person to any Public Gaol situate either within the Province where such Justice shall at the time be sitting or situate in any other Province or when any such Justice shall have determined or shall determine to hold any such person to bail to appear and plead it is and shall hereafter be lawful for such Justice to hold any such person to bail to appear and plead to such indictment as may be found against him at such Circuit Court or Sitting of the Supreme Court as such Justice shall in his discretion think fit and determine. Justices declared to have power to commit to prison or hold to bail for trial at Court without as well as within the Province in which acting.

V. Any application to a Judge of the Supreme Court which under the provisions of this Act is authorized to be made may be made either to such Judge when sitting as the Court in Banco or when sitting out of Court in Chambers. Applications under the Act may be made to Supreme Court or Judge.

VI. Whenever either before or after the passing of this Act any person shall have been committed to a public gaol for any felony or misdemeanour to be there safely kept until delivered by due course of law or shall have been held to bail for any felony or misdemeanour to appear at a Circuit Court or Sitting of the Supreme Court and there to plead to such indictment as may be found against him and in any case where any person shall have been committed or held to bail for any felony or misdemeanour if on application either by or on behalf of the prosecutor or the person charged it shall be made to appear on affidavit to the satisfaction of a Judge of the Supreme Court that it is expedient to the ends of justice that such person should be tried for such offence at some Circuit Court or Sitting of the Supreme Court other than the Circuit Court or Sitting of the Supreme Court at which such Public Gaol is usually delivered or which such person has been held to bail to appear at and plead as the case may be it shall be lawful for such Judge of the Supreme Court at any time before any indictment charging such person with such offence shall have been found by any order and subject to such conditions as the Judge of the Supreme Court may think fit to impose to order that such person shall if an indictment be found as hereinafter mentioned be tried for such offence at such Circuit Court or Sitting of the Supreme Court as such Judge of the Supreme Court may think fit holden at any place either within the same Judicial District wherein such person shall have been committed or held to bail or in some other Judicial District and in and by such order or by a separate order to direct that the Justice or Justices before or by whom any such person so committed or held to bail shall have been examined the Registrar or Deputy Registrar of the Supreme Court or other person having the custody or possession thereof shall forthwith upon delivery to him of an office copy of such order or separate order transmit any recognizances depositions examinations or informa- When person committed or held to bail for felony or misdemeanour and before indictment found Judge may change place of trial and indictment may be presented at place appointed by him.

Indictable Offences Trials.

tions relating to the offence for which such person shall have been committed or held to bail which shall be in his custody or possession to the Clerk of the Substituted Court and it shall be lawful for the Attorney-General on behalf of Her Majesty or for any person appointed to prosecute on behalf of Her Majesty or for the prosecutor to present to the Grand Jury at the Substituted Court an indictment charging such person with such offence and the indictment shall be presented and the person charged shall be arraigned and shall plead and be tried and the like proceedings had in such Substituted Court as if such person had been committed in the first instance to the Public Gaol which is usually delivered by or at or had been held to bail to appear and plead at the Substituted Court at which such indictment is presented And after any such order has been made no indictment shall be presented to or at the Court of Committal by the Attorney-General or Crown Solicitor or other person appointed to prosecute on behalf of the Crown against such person for such offence.

When person committed or held to bail for felony or misdemeanour in any Province or Judicial District Judge may either before or after indictment found or inquisition taken order trial to take place at Circuit Court or sitting of Supreme Court held in another Province or Judicial District.

VII. Whenever either before or after the passing of this Act any person shall have been committed or held to bail for any felony or misdemeanour and it shall appear to a Judge of the Supreme Court that it is expedient to the ends of justice that such person should be tried for such offence at some Circuit Court or Sitting of the Supreme Court other than the Court or Sitting for trial at which such person shall have been committed or held to bail or at which such person would in the ordinary course of law be tried for such offence it shall be lawful for such Judge of the Supreme Court by any order either before or after indictment found or inquisition taken to order subject to such conditions as such Judge of the Supreme Court may in his discretion impose that such person shall be tried for such offence at such Circuit Court or Sitting of the Supreme Court as such Judge of the Supreme Court may think fit holden either within the same Judicial District wherein such person shall have been committed or held to bail or in some other Judicial District and by such order or by a separate order to direct that the Clerk of the Court of Committal before or at which any indictment or inquisition charging such person with such offence shall then be pending for trial or before or at which any such indictment shall thereafter be found or that the Coroner before whom any such inquisition shall have been or shall thereafter be taken forthwith upon delivery to him of an office copy of such order shall transmit such indictment or inquisition to the Clerk of the Substituted Court And it shall be lawful for such Judge of the Supreme Court in and by such order or by a separate order to direct that the Justice or Justices before whom any person charged with any offence by such indictment shall have been examined the Coroner before whom such inquisition shall have been taken the Registrar or Deputy-Registrar of the Supreme Court or other person having the custody or possession thereof shall forthwith upon delivery to him of an office copy of such order or such separate order transmit any recognizances depositions examinations or informations relating to the offence charged in such indictment or inquisition which shall be in his custody or possession to the Clerk of the Substituted Court.

When order made prisoner may be removed to Public Prison at or nearest to place of trial.

VIII. Whenever any such order as is mentioned in any preceding section of this Act shall have been made directing that the trial of any person confined in any Public Gaol in the Colony for any felony or misdemeanour shall be held at a Substituted Court then whether or not any indictment shall have been presented or found against such person for such offence at the Court of Committal the gaoler or keeper of such Public Gaol shall forthwith upon the delivery

Indictable Offences Trials.

to him of an office copy of such order without writ of *habeas corpus* or other writ for that purpose cause such person with his commitment and detainer to be safely removed to the Public Gaol at or if there be not one at then to the Public Gaol nearest to the town or place at which the Substituted Court is to be holden and thereupon the gaoler or keeper of such last mentioned Public Gaol shall receive such person into his custody in such Gaol there to remain until he shall be delivered in due course of law.

IX. Whenever any application shall be made to any Judge of the Supreme Court either before or after any indictment or inquisition shall have been found or taken for an order under the provisions of this Act that any person charged with any offence by such indictment or inquisition or committed or held to bail for any offence shall be tried at a Substituted Court it shall not be necessary for such person to be brought or appear in person before such Judge of the Supreme Court either upon the making or the determination of such application and it shall not be necessary for such person to plead any plea to any such indictment or inquisition in the Court of Committal.

Defendant need not appear in person when application for order made.

X. Whenever any order made under the provisions of this Act for the trial of any person in a Substituted Court shall be delivered to any Court of Committal or the Judge thereof or to the Clerk of the Court of Committal such Court of Committal shall require any person who shall be attending such Court of Committal under any recognizance or subpoena to prosecute or to prosecute and give evidence or to give evidence upon the trial of such person to enter into a recognizance in such sum of money as to such Court of Committal shall seem fit to prosecute or to prosecute and give evidence or to give evidence as the case may be upon the trial at the Substituted Court whenever the same shall be held.

When indictment or inquisition removed from Court of Committal then such Court to bind over prosecutor and witnesses.

XI. Whenever any order made under the provisions of this Act for the transmission or removal of any indictment or inquisition to or for the trial of any person at a Substituted Court shall be delivered to any Court of Committal or to the Judge or Clerk thereof it shall be lawful for such Court of Committal either to require any person who shall be attending such Court of Committal under any recognizance to take his trial to enter into such recognizance with so many sureties and in such sum or sums of money and with such condition for his appearance and taking his trial at such Substituted Court whenever the same shall be held as to such Court of Committal shall seem fit or to commit such person to the Public Gaol at or if there be not one at then to the Public Gaol nearest to the town or place where such Court of Committal shall be holden there to remain until he shall be removed under the provisions of this Act or otherwise delivered in due course of law.

When indictment or inquisition removed from Court of Committal such Court may either commit or bail defendant.

XII. Whenever any indictment or inquisition shall have been transmitted under the provisions of this Act to any Substituted Court any person charged with any offence by such indictment or inquisition shall be arraigned and shall plead to such indictment or inquisition and shall be tried in such Substituted Court in the same manner in all respects as if such offence had been actually committed within the jurisdiction of such Substituted Court and as if such indictment or inquisition had been originally presented at or returned to such Substituted Court.

When indictment or inquisition removed to a Court under this Act defendant to be *tried* as if indictment or inquisition presented at or returned to it originally.

XIII. Every recognizance which shall have been or shall be entered into for the prosecution of any person and every recognizance as well of any witness to give evidence as of any person to answer for

When order made that trial shall be held at a Substituted Court all recognizances to be as

Indictable Offences Trials.

obligatory as if entered into to appear and plead or prosecute or give evidence at a Substituted Court if notice given.

any offence shall in case any such order shall be made for the trial of such offence at a Substituted Court be obligatory on each of the parties bound by such recognizance to prosecute and give evidence and to do all other things therein mentioned with reference to the said trial at such Substituted Court in like manner as if such recognizance had been originally entered into for prosecuting such offence appearing or giving evidence or doing such other things before such Substituted Court Provided that notice in writing shall have been given either personally or by leaving the same at the place of residence as of which the parties bound by such recognizance are therein described to appear before such Substituted Court upon the trial of the said offence Provided also that it shall be lawful for the Judge of the Supreme Court to cause the party applying for such order whether he be the prosecutor or party charged with such offence to enter into a recognizance for such sum and with or without sureties as such Judge of the Supreme Court may direct conditioned to give such notice to the parties bound by such recognizances to appear before such Substituted Court Provided also that where it shall appear to any Court of Committal to which any order shall be delivered for the purpose of removing any indictment or inquisition from such Court of Committal that any person so bound by recognizance has been personally served with any such notice as in this section is mentioned it shall not be necessary for such Court of Committal to require such person to enter into a fresh recognizance unless it shall appear to such Court of Committal that it is expedient to the ends of justice that such person should enter into such recognizance.

When order made for removal of indictment or inquisition prisoner not to be discharged.

XIV. Whenever any order made under this Act for the removal of any indictment or inquisition from a Court of Committal or for the trial of any person at a Substituted Court shall be delivered to the Court of Committal or Judge thereof or to the Clerk of the Court of Committal and any person charged with any offence by such indictment or inquisition or whose trial is ordered to be had at the Substituted Court shall then be in prison such person shall not be discharged by such Court of Committal out of prison but shall remain therein until he shall be removed under the provisions of this Act or otherwise discharged by due course of law.

When place of trial changed Substituted Court may issue process for apprehending defendant if on bail or for compelling attendance of witnesses.

XV. Whenever any indictment or inquisition shall have been transmitted or removed to or the trial of any person committed or held to bail for any felony or misdemeanour shall have been ordered to be held at any Substituted Court under the provisions of this Act it shall be lawful for such Substituted Court to issue process for apprehending any person charged by such indictment or inquisition with any offence or held to bail for any such offence and to compel the attendance of witnesses as well on the part of the prosecution as on the part of the defence on the trial of such indictment or inquisition or of such person so committed or held to bail in like manner as in cases of indictments found at such Substituted Court for offences committed within the jurisdiction of such Substituted Court and every such process shall and may be lawfully executed at any place within the Colony of New Zealand.

No objection to be made to any order for removal or other proceeding when indictment removed to or presented at Substituted Court.

XVI. It shall not be lawful for any person by himself or by his counsel to take any objection either in any Court of Committal or in any Substituted Court or in any Court of Error or Appeal to any order of any Judge of the Supreme Court or to any other proceeding under or by virtue of which any indictment or inquisition shall have been transmitted or removed to or any trial ordered to be had at any Substituted Court under the provisions of this Act any matter or

Indictable Offences Trials.

thing set out or appearing on the face of the record save and except only to such indictment or inquisition alone.

XVII. Whenever any indictment or inquisition shall be transmitted or removed to any Substituted Court under the provisions of this Act or any indictment shall be presented and found at any Substituted Court under the sixth section of this Act the Judge of such Substituted Court for the time being shall possess the same power jurisdiction and authority as to all matters and things whatsoever as if the offence charged in any such indictment or inquisition had actually been committed within the jurisdiction of such Substituted Court and every such offence may be dealt with tried and determined by and before such Judge of such Substituted Court in the same manner in all respects as if the same had actually been committed within the jurisdiction of such Substituted Court and the offender had been committed or held to bail for trial at such Substituted Court and in the case where any indictment or inquisition has been removed as if such indictment or inquisition had been originally presented at or returned to such Substituted Court.

Judge of Substituted Court to have same power jurisdiction and authority as if indictment or inquisition had been presented at or returned to Substituted Court.

XVIII. It shall not be necessary for any purpose whatsoever to prove that any indictment or inquisition has been duly transmitted or removed into such Substituted Court under the provisions of this Act but every such indictment and inquisition shall be presumed to have been duly removed and transmitted under the provisions of this Act upon production of the same in such Substituted Court by the proper officer having the custody of the records of such Substituted Court and no evidence or proof to the contrary shall be admitted.

Not necessary to prove that indictment or inquisition has been properly transmitted.

XIX. Every verdict and judgment which shall be given upon any indictment or inquisition transmitted or removed to or upon any indictment presented and found at any Substituted Court under the provisions of this Act shall be of the same force and effect in all respects as if such indictment had been duly found and such inquisition had been duly taken within the jurisdiction of such Substituted Court and as if the offence charged in such indictment or inquisition had been actually committed within the jurisdiction of such Substituted Court and as if the offender had been duly committed or held to bail for trial at such Substituted Court.

Verdicts and Judgments valid.

XX. When any person shall have been convicted of any offence at any Substituted Court upon the trial of any indictment or inquisition under the provisions of this Act it shall be lawful for the Judge of such Substituted Court before whom any such conviction shall have taken place or in case sentence shall not then be passed for the Judge of such Substituted Court at any subsequent sitting of such Substituted Court to order and adjudge such convict to be punished according to law at any place either within the Province or Judicial District wherein such Substituted Court is held or within the Province or Judicial District where such offence shall have been committed or supposed to have been committed and in cases where such Judge shall order such convict to be punished in such last-mentioned Province or Judicial District it shall be lawful for such Judge after passing sentence upon such convict to make an order commanding the Gaoler or Keeper of the Public Gaol at or near the place of trial to which the convict shall have been removed under any order made under this Act to cause such convict to be delivered into the custody of the Gaoler or Keeper of such Public Gaol as he may think in any such Province or Judicial District together with such order and commanding such Gaoler or Keeper to receive such convict into his custody in such Public Gaol and him there safely to keep until such sentence shall

Any person may be sentenced to be punished either in the Province or Judicial District where the offence was committed or within Judicial District where tried.

Indictable Offences Trials.

have been executed upon such convict according to law or until he shall be otherwise delivered by due course of law and also where sentence of death shall have been passed to make an order commanding the Sheriff of the Sheriff's District in which the place so ordered to be the place of punishment shall be to execute such sentence upon such convict within his district according to law in the same manner as if he had been tried and received such sentence in such Sheriff's district and every such Sheriff Gaoler and Keeper respectively is hereby commanded to perform and execute according to law each and every thing which he shall be commanded to perform and execute by any such order and the several forms in the Schedule to this Act contained or forms to the like effect shall be deemed good valid and sufficient in law and in the case of any order directed to any Sheriff and commanding him to execute any sentence it shall be sufficient to deliver such order either to such Sheriff or to his Deputy Sheriff in his absence.

Person removed or committed to the Public Gaol at or nearest to place of trial may be taken to and from Court as often as necessary.

XXI. Whenever any person shall have been removed into the custody of the said Gaoler or Keeper of the said Public Gaol at or nearest to the place of trial as aforesaid under any order aforesaid under the provisions of this Act or shall have been committed to the custody of such gaoler or keeper by the Substituted Court such person shall without writ of *habeas corpus* or other writ for that purpose be removed into and from the said Substituted Court when and as often as it may be necessary by the gaoler or keeper of the said last mentioned gaol with his commitment and detainer in order that he may be tried sentenced or otherwise dealt with according to law and such removal shall not be deemed an escape.

Every person whilst being removed or detained under this Act shall be deemed to be in legal custody.

XXII. Every prisoner so removed as in any of the preceding sections of this Act is mentioned shall for and during the time of such removal and for and during the time of his being removed back to the public gaol to which he was originally committed and from which he shall have been brought when and as often as he shall for any reason be so removed back and also for and during such time as he may be detained in the said public gaol at or near the place of trial or in any other public gaol or any other place to or through which he shall have been so removed and until he shall be delivered by due course of law be to all intents and purposes deemed and considered to be in the proper legal custody wherever in the Colony he may in effecting such removal have been taken or detained and no action or other proceeding civil or criminal shall or may be maintained by such prisoner or any other person against the gaoler or keeper of the public gaol from which such prisoner shall have been removed or against the gaoler or keeper of the public gaol to which such prisoner shall have been removed or against any other person by reason or in consequence of any such removal or detainer of such prisoner.

Defendant on bail may be bailed again by Substituted Court on committal.

XXIII. Where any person charged with any offence by any indictment or inquisition transmitted or removed to or presented and found at any Substituted Court under the provisions of this Act shall appear before such Substituted Court in pursuance of any recognizance for that purpose or otherwise it shall be lawful for such Substituted Court from time to time and as often as to such Substituted Court shall seem fit either to require such person to enter into such recognizance with so many sureties and in such sum or sums of money and with such condition for his appearance at such Substituted Court and otherwise as to such Substituted Court shall seem fit or to commit such person to the custody of the Gaoler or Keeper of the Gaol at or if there be no Public Gaol at then to the Public Gaol nearest to the

Indictable Offences Trials.

place of trial as aforesaid until he shall be discharged by due course of law.

XXIV. Whenever any prosecutor or witnesses in any case where any indictment or inquisition shall have been transmitted or removed to or presented and found at any Substituted Court under the provisions of this Act shall appear before such Substituted Court it shall be lawful for such Substituted Court from time to time and as often as to such Substituted Court shall seem fit to require such prosecutor and witnesses to enter into such recognizance in such sum of money and with such condition as to appearance at such Substituted Court and otherwise as to such Substituted Court shall seem fit.

Prosecutor and witnesses may be bound by recognizances to appear again at Substituted Court.

XXV. Whenever any prosecutor or person charged with any offence shall apply either before or after any indictment or inquisition shall have been found or taken to any Judge of the Supreme Court for an order that the trial of any person shall be had at any Substituted Court under the provisions of this Act it shall be lawful for the Judge of the Supreme Court to require such prosecutor or other person to submit to such conditions as to bail the payment of the costs of the prosecutor and witnesses and of the removal and transmission or removal of such indictment or inquisition and of the removal of such defendant and any other matter or thing whatsoever as in the judgment of such Judge of the Supreme Court may reasonably be imposed upon such prosecutor or defendant.

The Judge of Supreme Court may impose conditions on prosecutor or defendant applying that trial shall be at Substituted Court.

XXVI. Whenever any application shall be made on behalf of Her Majesty or of any prosecutor to any Judge of the Supreme Court for an order that any person charged with any offence shall be tried at a Substituted Court under the provisions of this Act it shall be lawful for such Judge of the Supreme Court to issue a certificate upon the production of which the Colonial Treasurer may order to be paid out of any moneys provided by the General Assembly for cost of criminal prosecutions to the person so charged a sum not exceeding thirty pounds to enable such person to defray the charges and expenses of the attendance of his witnesses provided that no such order shall be made where the Substituted Court is to be holden in the same judicial district wherein such person shall have been committed or held to bail.

When Crown obtains change of place of trial expenses of witnesses to be advanced to defendant.

XXVII. Where any person shall have been removed or committed to the Public Gaol at or nearest to the place of trial under the provisions of this Act the Superintendent of the Province in which the offence with which such person is charged shall have been committed or supposed to have been committed shall pay or cause to be paid to the Superintendent of the Province wherein such last mentioned gaol shall be the actual expenses incurred in any removal of such prisoner to or from the said last mentioned gaol and also 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 quarterly or at such other intervals as the Superintendent of the Province in which such last mentioned gaol shall be 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 last mentioned gaol and any other charges whatsoever on account of the prisoners confined in such gaol subject nevertheless to a proportional share of all deductions on account of the earnings of the

Superintendent of Province where offence committed to pay expenses of prisoner's maintenance &c. in Gaol.

Indictable Offences Trials.

prisoners in the said gaol and of all sums of money received in aid of the rates for the maintenance of such prison.

Governor in Council
may make rules to
effect the purposes of
this Act.

XXVIII. The Governor in Council is hereby authorized from time to time to make rules and regulations touching the Public Gaols in this Colony and the government and keeping thereof for the purposes of this Act and touching the duties of Sheriffs and Gaolers under this Act and touching the alteration of any proceeding whatsoever for carrying into effect the purposes of this Act and all such rules and regulations shall be of the like force and effect as if the same had been made by authority of the General Assembly and shall be notified in the *New Zealand Gazette* or in such other manner as the Governor in Council may direct.

Schedules.

SCHEDULE A.

To the gaoler of the public gaol at in the Province of and to the
gaoler of the public gaol at in the Province of
In the Judicial District of }
To wit.

WHEREAS at a Circuit Court [or sitting for the trial of criminal cases] of the Supreme Court holden at on the day of in the year of our Lord 18 [prisoner's name] was convicted of [here state shortly the offence] and was thereupon sentenced by the said Court to be [here state the sentence including the Province or place where it is directed to be executed].

These are therefore in Her Majesty's name to command you the said gaoler of the said gaol at forthwith to cause the said [prisoner's name] to be delivered into the custody of the said gaoler at the said public gaol at in the said Province of together with this order and also to command you the said gaoler of the said last-mentioned public gaol to receive the said [prisoner's name] into your custody in the same gaol and there safely to keep him until the said sentence shall have been executed according to law or until he shall be otherwise delivered by due course of law.

Given under the hand [s] and seal [s] of me [or us] the undersigned Judge [or Judges] of the said Supreme Court at

(L.S.)
(L.S.)

A.B.
C.D.

SCHEDULE B.

To the Sheriff of the Sheriff's District of
In the Judicial District of }
To wit.

WHEREAS at a Circuit Court [or at a sitting for trial of criminal cases] of the Supreme Court holden at on the day of in the year of our Lord 18 [prisoner's name] was convicted of [here state shortly the offence] and was thereupon sentenced by the said Court to be [here state the sentence including the Province or place where it is directed to be executed] And whereas the said [prisoner's name] has been ordered to be removed into your said district in order that the said sentence may there be executed upon him.

These are therefore in Her Majesty's name to command you the said Sheriff to execute the said sentence upon the said [prisoner's name] within your said district according to law.

Given under the hand [s] and seal [s] of the undersigned Judge [or Judges] of the said Supreme Court at

(L.S.)
(L.S.)

A.B.
C.D.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.