

NEW ZEALAND.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. V.

AN ACT for the better Security of the Crown and
Government and for the better Suppression and
Punishment of Seditious Practices and Attempts.

Title.

[17th August 1868.]

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 Treason-Felony Act 1868.” Short Title.

2. The provisions of the Act of the Parliament of Great Britain passed in the thirty-sixth year of the reign of His late Majesty King George the Third chapter seven intituled “An Act for the safety and preservation of His Majesty’s Person and Government against Treasonable and Seditious Practices and Attempts” made perpetual by the Act of the Parliament of Great Britain and Ireland passed in the fifty-seventh year of the same reign chapter six and all the provisions of the last-mentioned Act in relation thereto save such of the same respectively as relate to the compassing imagining inventing devising or intending death or destruction or any bodily harm tending to death or destruction maim or wounding imprisonment or restraint of the person of the heirs and successors of His said Majesty King George the Third and the expressing uttering or declaring of such compassings imaginations inventions devices or intentions or any of them shall from and after the passing of this Act cease to have operation in New Zealand and from and after the passing of this Act there shall be repealed the Act of the General Assembly of New Zealand intituled “The English Laws Act 1858” so far as the same enacts that the provisions or any of the provisions of the said Act of the thirty-sixth year of the reign of King George the Third or of the said Act of the fifty-seventh year of the same reign shall so far as applicable to the circumstances of New Zealand be deemed to have been in force in New Zealand on and after the fourteenth day of January one

Provisions of 36 Geo.
III. c. 7 and 57 Geo.
III. c. 6 repealed
except as to offences
against the person of
the Sovereign.
11 and 12 Vict. c. 12
s. 1.

Treason - Felony.

thousand eight hundred and forty and continue to be therein applied in the administration of justice.

Offences declared felonies by this Act to be punishable by penal servitude or imprisonment.
11 and 12 Vict. c. 12 s. 3.

3. If any person whosoever shall within this Colony compass imagine invent devise or intend to deprive or depose our Most Gracious Lady the Queen her heirs or successors from the style honour or royal name of the Imperial Crown of the United Kingdom or of any other of Her Majesty's dominions and countries or to levy war against Her Majesty her heirs or successors within any part of the United Kingdom or any other of Her Majesty's dominions in order by force or constraint to compel her or them to change her or their measures or counsels or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of the Parliament of the United Kingdom or the Parliament of this Colony or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other Her Majesty's dominions or countries under the obeisance of Her Majesty her heirs or successors and such compassings imaginations inventions devices or intentions or any of them shall express utter or declare by publishing any printing or writing or by open and advised speaking or by any overt act or deed every person so offending shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for the term of his natural life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Time within which prosecution shall be commenced and warrant issued.
Ib. s. 4.

4. No person shall be prosecuted for any felony by virtue of this Act in respect of such compassings imaginations inventions devices or intentions as aforesaid in so far as the same are expressed uttered or declared by open and advised speaking only unless information of such compassings imaginations inventions devices and intentions and of the words by which the same were expressed uttered or declared shall be given upon oath to one or more Justice or Justices of the Peace within six days after such words shall have been spoken and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued by two or more Justices of the Peace within ten days next after such information shall have been given as aforesaid and no person shall be convicted of any such compassing imaginations inventions devices or intentions as aforesaid in so far as the same are expressed uttered or declared by open or advised speaking as aforesaid except upon his own confession in open Court or unless the words so spoken shall be proved by two credible witnesses.

In indictments more than one overt act may be charged.
Ib. s. 5.

5. It shall be lawful in any indictment for any felony under this Act to charge against the offender any number of the matters acts or deeds by which such compassings imaginations inventions devices or intentions as aforesaid or any of them shall have been expressed uttered or declared.

Nothing herein to affect 25 Ed. III. c. 2.
Ib. s. 6.

6. Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the statute passed in the twenty-fifth year of King Edward the Third intituled "A Declaration which Offences shall be adjudged Treason."

Indictments for felony under this Act valid though the facts may amount to treason.
Ib. s. 7.

7. If the facts or matters alleged in an indictment for any felony under this Act shall amount in law to treason such indictment shall not by reason thereof be deemed void erroneous or defective and if the facts or matters proved on the trial of any person indicted for any felony under this Act shall amount in law to treason such person shall not by reason thereof be entitled to be acquitted of such felony but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts.

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8. In the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable and every accessory after the fact to any such felony shall on conviction be liable at the discretion of the Court to be imprisoned with or without hard labour and with or without solitary confinement for any term not exceeding two years.

As to the punishment of accessories.

11 and 12 Vict. c. 12 s. 8.

9. If it shall be made to appear by information on oath or affirmation before any two or more Justices of the Peace that there are grounds for suspecting that persons guilty of felony under this Act or of being accessories to any such felony or that papers which would tend to prove the commission of any such felony or that arms intended to be used in furtherance of any such felony are concealed in any house or place they may issue their warrant directing any constable or other peace officer with such persons as he may call to his assistance to enter by force if necessary such house or place and to make search therein for such persons papers or arms and to apprehend such persons and to seize such papers and arms and it shall be lawful for such constable or other peace officer and such other persons as aforesaid to execute and assist in executing such warrant whether such house or place shall be the house or place of any persons mentioned in such warrant as suspected of having committed or been accessory to any such felony or the house or place of any other person and no such constable peace-officer or other person aforesaid shall be deemed to have committed a trespass in executing or assisting to execute such warrant though no such persons papers or arms be found in the house or place in which the same shall be executed and if any such papers or arms shall be found upon such search it shall be lawful to seize and carry the same before any two Justices of the Peace who may order the same to be detained until the Governor's pleasure be known with regard to the disposition thereof and the same shall be disposed of as the Governor shall direct.

Warrants may be issued to search for persons papers and arms in certain cases.

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