

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 15.

**AN ACT to prevent the introduction into
New Zealand of convicted felons and
other persons transported for offences
against the laws. [10th October 1867.]**

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 Introduction of Convicts Prevention Act 1867.” Short Title.

2. No convicted felon or other person undergoing sentence of transportation for any offence against the laws nor any person who is or shall be under any sentence whatever in any British Colony or possession other than New Zealand for any capital or transportable offence nor any person not at liberty by reason of any conviction or sentence to reside in any part of the United Kingdom of Great Britain and Ireland or in the British Colony or possession in which any such conviction may have been had or sentence passed nor any person convicted in any of the Australian Colonies of any felony who shall have received a pardon or remission of sentence on condition that he shall leave or not come or remain within the Colony in which such conviction shall have been had for or during any residue of the term of the original sentence or for or during any other period shall land in any of the ports of New Zealand or come or be in any place within the limits of New Zealand and for the purposes of this Act the expression “Australian Colonies” shall include New South Wales Victoria South Australia Western Australia Tasmania and Queensland.

No person under sentence of transportation or under sentence for any transportable or capital offence or not at liberty by reason of any conviction to reside in the United Kingdom or in British possession in which convicted and no person convicted in Australian Colonies who has received a pardon on condition that he shall leave such Colony shall come into New Zealand.

3. Any Justice of the Peace or any constable at any time after the passing of this Act having reasonable cause to suspect that any person has at any time after the passing of this Act come into New Zealand contrary to the provisions of this Act may forthwith and without any warrant for such purpose cause such suspected person to be apprehended and taken before any two Justices of the Peace to be dealt with as hereinafter mentioned Provided that any Justice of the Peace may take bail for the appearance of such suspected person before such Justices in such sum and with or without such sureties as such Justice may deem expedient.

Persons suspected of having been convicted of felony may be arrested.

4. Any two Justices of the Peace before whom any such suspected person shall have been brought on proof that such person has come into New Zealand contrary to the provisions of this Act may convict him thereof and at their discretion either take bail that such person shall leave the Colony within fourteen days after his conviction or may cause such person to be conveyed in custody to the Colony or possession to which he or she was transported or in which he or she

Punishment.

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was convicted or may sentence such person if a male to be imprisoned in any public gaol with hard labour for any period not exceeding three years or if a female for any period not exceeding one year.

Additional punishment for convicted persons remaining after expiration of sentence.

5. Any person sentenced as aforesaid who shall remain in New Zealand three calendar months after the termination of such sentence shall be liable to be again similarly apprehended and sentenced and so on from time to time as often as he shall so remain.

Forfeiture of property.

6. All property found upon or in the possession of any such suspected person as aforesaid shall upon his apprehension be seized and detained and in the event of his being convicted and sentenced as aforesaid shall at the discretion of the convicting Justices be forfeited and sold and it shall be lawful for the convicting Justices to order the whole or such portion as they shall think sufficient to be applied towards paying the expense of conveying such person to the Colony or possession to which he or she was transported or in which he or she was convicted.

Fine on master or other person bringing felons.

7. Whoever shall convey or bring or cause to be conveyed or brought or assist in conveying or bringing into any part of New Zealand any convicted felon or other person undergoing sentence of transportation imprisonment or penal servitude for any offence against the laws who is or shall be under sentence in any British Colony or possession other than New Zealand or any person not at liberty by reason of any conviction or sentence to reside in any part of the United Kingdom of Great Britain and Ireland or in the British Colony or possession in which such conviction shall have been had or sentence passed or any person who has been convicted and whose sentence has not then expired for a greater period than three years shall be guilty of a misdemeanour and be liable to a penalty for each such offence as regards the master or other person commanding navigating or sailing any steamer ship vessel or boat of five hundred pounds or to imprisonment for a term not exceeding twelve calendar months and as regards any steward sailor or other person belonging to such steamer ship vessel or boat as aforesaid to a penalty of one hundred pounds or to imprisonment for six calendar months or at the discretion of the Court to both fine and imprisonment as herein provided. Provided that if any person charged with an offence under this clause shall prove that he did not knowingly do the act charged against him he shall not be liable to conviction therefor.

Penalty for harboring.

8. Any person who shall harbor or conceal any other person whom he shall know or believe to have come into or remained in New Zealand contrary to the provisions of this Act shall be subject to a fine not exceeding one hundred pounds or to be imprisoned in any public gaol in New Zealand for any period not exceeding twelve months.

Power to grant search warrant.

9. It shall be lawful for any Justice of the Peace having information on oath that any person who has arrived in New Zealand contrary to the provisions of this Act is harbored in any house or other place within the jurisdiction of such Justice to grant a general search warrant to any constable for such person and it shall be lawful for any such constable in virtue of such general search warrant to break enter and search by day or by night any dwelling-house tenement or other place wherein such person may be suspected to be concealed and to apprehend any person whom such constable shall have reasonable cause for suspecting to have arrived or remained in New Zealand contrary to the provisions hereof and also to apprehend all persons found in or about such dwelling-house tenement or other place whom such constable shall have reasonable grounds for suspecting and believing to have knowingly harbored and concealed such suspected

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person and all persons found and apprehended as aforesaid shall be forthwith taken before any Justices of the Peace to be dealt with as herein provided.

10. It shall be lawful for any Justice of the Peace or constable to enter on board any vessel and having reasonable cause to suspect that any person by this Act prohibited from landing in New Zealand is on board such vessel to search any and every part thereof and apprehend any such person found therein. Power of search.

11. It shall be lawful for any two or more Justices to hear and determine in a summary way all offences against and all cases arising under this Act except under the seventh section hereof and at their discretion to fix and determine all the fines penalties punishments and forfeitures hereby imposed and no complaint conviction order for confiscation punishment or forfeiture or other proceeding before or by any Justices under this Act shall be quashed or set aside or deemed void or insufficient for want of form only. Summary jurisdiction.

12. Every summons information conviction and warrant of commitment under the provisions of this Act shall be deemed valid in which the offence charged or alleged in the same respectively shall be set forth in the words of this Act. Words of Act sufficient statement of offence.

13. Oral proof that any person was in any part of the British dominions known to have been or commonly deemed or reputed to have been found guilty of any felony in the United Kingdom or any British possession other than New Zealand or to have been serving any sentence of transportation or imprisonment for such offence or the production of any paper purporting to be a *Government Gazette* published in any of the Australian Colonies and containing the name of any person charged with offending against any of the provisions of this Act described in such paper as a convicted prisoner of the Crown or transported felon shall for the purposes of this Act be taken as good *prima facie* evidence that such person was found guilty of felony as aforesaid and proof that any person so found guilty was apprehended in New Zealand at any time after the passing of this Act not having a fixed and known place of residence shall be deemed good *prima facie* evidence that such person arrived in New Zealand after the passing hereof unless the contrary be proved. Oral proof.

14. Whenever any pecuniary penalty shall have been imposed under the provisions of this Act and the person convicted shall not forthwith pay the same into the hands of the convicting Justices it shall be lawful for such Justices to direct that such person be imprisoned with or without hard labour as they shall think fit for a period not exceeding two calendar months if the penalty be not above twenty pounds and for a period not exceeding four calendar months if the penalty be above twenty pounds and not above fifty pounds and for a period not exceeding twelve calendar months if the penalty be above fifty pounds and such person shall be detained and kept to hard labour if so sentenced unless such respective penalties shall be sooner paid. Recovery of penalties. Application.

15. One moiety of all fines and penalties recovered under this Act shall be paid to the informer and the remainder of all such fines and penalties and all moneys and property forfeited and not specially appropriated shall be applied and go to Her Majesty Her heirs and successors for the public uses of the Colony. Disposal of penalties.

16. All proceedings for offences against this Act and all other cases under this Act which by this Act may be heard and determined by any two Justices shall be heard and determined in the manner provided by so much of "The Justices of the Peace Act 1866" as relates to summary convictions and orders or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to Proceedings to be heard and determined under "The Justices of the Peace Act 1866."

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summary convictions and orders and all convictions and orders may be enforced as in the said Act or in such Act is mentioned.

Who may lay
information.
Appeal.

17. Any person may lay an information for any such offences.

18. Any person who shall feel himself aggrieved by any summary conviction under this Act or by any order for the forfeiture or sale of any property or for the payment of any money for costs or otherwise or any informant whose information may have been dismissed under this Act may appeal to the Supreme Court and the proceedings on such appeal shall be conducted in manner appointed by "The Appeals from Justices Act 1867."

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