

*Police Magistrates.***No. IV.****AN ORDINANCE for extending the Powers of Police Magistrates. [21st January, 1842.]****POLICE
MAGISTRATES.**

WHEREAS great evils have been found to arise from the imprisonment of persons before trial, and it is desirable to diminish as far as may be safely done the number of cases in which such imprisonment is by law required: Preamble.

BE IT ENACTED by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All charges of larceny, where the value of the property stolen shall not exceed twenty shillings and where the age of the party charged shall not exceed fifteen years, shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who, upon being satisfied of the value of the property and the age of the party charged, shall hear the evidence for the prosecution and defence, and in case of conviction shall sentence the offender to be imprisoned for any period not exceeding six calendar months. Such adjudication shall be final, although it should subsequently be proved that the value of the property and the age of the party charged shall in fact exceed the aforesaid limits. Certain charges of larceny to be dealt with summarily.

2. When upon such charge as aforesaid the circumstances of the case shall appear to the Police Magistrate to be of so trivial a nature as to be unfit for prosecution, he shall have power to dismiss the case although a felony may have been proved. Trivial cases may be dismissed.

3. On any charge of larceny before such Police Magistrate as aforesaid, where the value of the property stolen shall not exceed five pounds, whatever may be the age of the party charged, if such party shall after hearing the information and evidence against him voluntarily confess the offence, the Police Magistrate shall take such confession, and shall sentence the offender to imprisonment for any period not exceeding twelve calendar months. If party make confession, he may be dealt with summarily.

4. Before any person shall be committed for trial or held to bail to take his trial on any charge of felony or misdemeanour, he shall be brought before the Police Magistrate of the district within which the offence shall be alleged to have been committed, who shall inquire into the case, and commit the party so charged, or hold him to bail, or suffer him to go at large on his own recognizance, or dismiss the case, as circumstances may require. Offenders to be committed or held to bail by Police Magistrate only.

5. Every Police Magistrate shall have all such powers of dealing summarily with cases of assault and of admitting to bail persons charged with felony as may by law be exercised by any two Justices of the Peace. A Police Magistrate to have the power of two Justices.

6. In every case where any person shall be so committed or held to bail, the depositions taken in the case shall, as soon as conveniently may be, be transmitted by the Police Magistrate to the Crown Prosecutor of the district, or where there shall be no Crown Prosecutor, to the Clerk of the Peace or Clerk of the Crown as the case may require. Depositions.

7. Every person so committed or held to bail shall be brought to trial upon an indictment signed by the Crown Prosecutor, or where there shall be no Crown Prosecutor, by the Attorney-General. All persons committed or held to bail, to be brought to trial.

8. All

Summary Proceedings.

Fees.

8. All fees received by any Police Magistrate shall be accounted for monthly to the Colonial Treasurer or Treasurer of the county or district (as the case may be), and shall be chargeable with the salary of the Police Magistrate and the current expenses of the Police Office.

Commencement of Ordinance.

9. This Ordinance shall come into operation on the first day of March, one thousand eight hundred and forty-two.
