

Criminal Law Amendment.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Member of copartnership guilty of converting to his own use &c. property of copartnership liable to be tried as if not such member.</p> <p>3. No indictment for offences herein named to be preferred without previous authorization.</p> <p>4. In certain cases where prosecutor desires to</p> | <p>prefer an indictment Justice to take his recognizance to prosecute.</p> <p>5. Limitation of provisions of second section of this Act.</p> <p>6. On acquittal &c. of person indicted who has not been committed or held to bail Court may order prosecutor to pay costs to accused if it think the prosecution unreasonable.</p> |
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A BILL INTITULED

AN ACT to amend the Law relating to Larceny and Embezzlement and to prevent vexatious Indictments for certain Misdemeanours. 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 Criminal Law Amendment Act 1869." Short Title.

5 2. If any person being a member of any copartnership or being one of two or more beneficial owners of any money goods or effects bills notes securities or other property shall steal or embezzle any such money goods or effects bills notes securities or other property of or belonging to any such copartnership or to such joint beneficial owners every such person shall be liable to be dealt with tried convicted and punished for the same as if such person had not been or was not a member of such copartnership or one of such beneficial owners. Member of copartnership guilty of converting to his own use &c. property of copartnership liable to be tried as if not such member.
81 and 82 Vict. c. 116 s. 1.

15 3. After the first day of October one thousand eight hundred and sixty-nine no bill of indictment for any of the offences following viz.— No indictment for offences herein named to be preferred without previous authorization.
22 and 23 Vict. c. 17 s. 1.

- Perjury
- Subornation of perjury
- Conspiracy
- Obtaining money or other property by false pretences
- 20 Keeping a gambling house
- Keeping a disorderly house and
- Any indecent assault

shall be presented to or found by any grand jury unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence or unless the person accused has been committed to or detained in custody or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence or unless such indictment for such offence be preferred by the direction or with the consent in writing of a Judge of the Supreme Court or of Her Majesty's Attorney-General or (in the case of an indictment for perjury) by the direction of any Court Judge or public functionary authorized by an Act or Acts for the time being in force in New Zealand to direct a prosecution for perjury. 5

In certain cases where prosecutor desires to prefer an indictment Justice to take his recognizance to prosecute.

22 and 23 Vict. c. 17
s. 2.

4. Where any charge or complaint shall be made before any Justice of the Peace that any person has committed any of the offences in the last preceding section mentioned within the jurisdiction of such Justice and such Justice shall refuse to commit or to bail the person charged with such offence to be tried for the same then in case the prosecutor shall desire to prefer an indictment respecting the said offence it shall be lawful for the said Justice and he is hereby required to take the recognizance of such prosecutor to prosecute the said charge or complaint and to transmit such recognizance information and depositions (if any) to the Court in which such indictment ought to be preferred in the same manner as such Justice would have done in case he had committed the person charged to be tried for such offence. 15

Limitation of provisions of second section of this Act.

30 and 31 Vict. c. 35.
s. 1.

5. The provisions of the third section of this Act shall not extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment containing a count or counts for any of the offences in the said third section mentioned if such count or counts be such as may now be lawfully joined with the rest of such bill of indictment and if the same count or counts be founded (in the opinion of the Court in or before which the same bill of indictment be preferred) upon the facts or evidence disclosed in any examinations or depositions taken before a Justice of the Peace in the presence of the person accused or proposed to be accused by such bill of indictment and transmitted or delivered to such Court in due course of law and nothing in this Act shall extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment if such bill be presented to the Grand Jury with the consent of the Court in or before which the same may be preferred. 20

On acquittal &c. of person indicted who has not been committed or held to bail Court may order prosecutor to pay costs to accused if it think the prosecution unreasonable.

Ib. s. 2.

6. Whenever any bill of indictment shall be preferred to any Grand Jury under the provisions of the third or fourth sections of this Act against any person who has not been committed to or detained in custody or bound by recognizance to answer such indictment and the person accused thereby shall be acquitted thereon it shall be lawful for the Court before which such indictment shall be tried in its discretion to direct and order that the prosecutor or other person by or at whose instance such indictment shall have been preferred shall pay unto the accused person the just and reasonable costs charges and expenses of such accused person and his witnesses (if any) caused or occasioned by or consequent upon the preferring of such bill of indictment to be taxed by the proper officer of the Court and upon non-payment of such costs and charges and expenses within one calendar month after the date of such direction and order it shall be lawful for the Supreme Court of New Zealand or any Judge thereof to issue against the person on whom such order is made such and the like writ or writs process or processes as may now be lawfully issued by the said Supreme Court for enforcing judgments thereof. 25