

Hon. Mr. W. C. Walker.

HABEAS CORPUS EXTENSION.

ANALYSIS.

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A BILL INTITULED

AN ACT for Better Securing the Liberty of the Subject.

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 is “The Habeas Corpus Extension Act, 1902.”

Short Title.

2. (1.) Where, upon the return of any writ of *habeas corpus*, the Court or Judge refuses to discharge or let to bail any person confined or restrained of his liberty, or if such person considers the bail fixed is too great, he may appeal to the Court of Appeal. ~~at any time within twelve months from the decision appealed against.~~

Right of appeal by person confined on return of writ of *habeas corpus*.

*New subclause.*

(2.) In the case of a fugitive criminal or fugitive offender, notice of appeal shall be given within twenty-one days after the decision appealed against, and in all other cases within twelve months after such decision.

3. Not later than ~~fourteen~~ seven days before the sitting of the Court of Appeal the person intending to appeal shall file in the principal Supreme Court office of the district in which the decision to be appealed against was given, a notice in writing of his intention to appeal, and also deliver a copy thereof to the person in whose custody he is, or who confines or restrains him.

Notice of appeal.

4. The Registrar of the Supreme Court for the district in which such notice is filed shall forthwith after the filing thereof send to the Registrar of the Court of Appeal all documents relating to the proceedings in respect to which the decision was given, and also a copy of the decision.

Registrar of Supreme Court to transmit papers to Court of Appeal.

5. Security for costs shall not be required from the person appealing.

Security for costs not required.

6. On the hearing of the appeal the Court ~~shall be bound to consider the question independently of and not influenced by the decision appealed against, and~~ may discharge or let to bail the person confined or restrained.

Independent consideration to be given.

*New clause.*

Fugitive not to be  
surrendered pending  
appeal.

6A. Notwithstanding anything in the Imperial Acts, 33 and 34 Vict., cap. 52 (intituled "The Extradition Act, 1870"), and 44 and 45 Vict., cap. 69 (intituled "The Fugitive Offenders Act, 1881"), no person shall be conveyed out of New Zealand under those Acts, or either of them, until the expiration of the period within which notice of appeal may be given by him under this Act, nor, where such notice is given, until after the determination of such appeal. 5

Order for discharge  
to be final.

7. Where the Supreme Court or a Judge thereof, on the return of a writ of *habeas corpus*, or the Court of Appeal on appeal, orders the discharge of the person confined or restrained, such order shall be final and without appeal. 10