

[Hon. D. Pollen.]

Misdemeanants and other Offenders Arrest.

ANALYSIS.

Title.	
1. Short Title.	"Imprisonment for Debt Abolition Act, 1874," copy of warrant or order may be transmitted by one Chief Officer of Police to another.
2. Constable may apprehend without warrant in cases of misdemeanour.	5. Interpretation.
3. Provisions of common law respecting the apprehension without warrant by constables in felonies to apply to apprehensions in misdemeanours.	6. How copy to be certified.
4. In offences punishable on summary conviction, and in cases of default in payment of moneys recoverable summarily, and in cases under	7. What may be done under the authority of certified copy.
	8. Warrant or order need not be produced. Copy to be <i>prima facie</i> evidence.
	9. Punishment for forging copy, certificate, &c.

A BILL INTITULED

AN ACT to alter the Law relating to the Apprehension and Arrest of Persons for Misdemeanours and other Offences. 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 Misdemeanants and other Offenders Arrest Act, 1877." Short Title.

2. It shall be lawful for any constable whatever to apprehend without warrant any person committing or who has committed or is suspected to have committed or is about to commit a misdemeanour, whether the same shall be a misdemeanour at common law or by statute, and to convey such person before a Justice of the Peace, to be dealt with according to law. Constable may apprehend without warrant in cases of misdemeanour.

3. The provisions of the common law respecting the apprehension without warrant by constables of persons committing or who have committed or are suspected to have committed or are about to commit a felony, shall apply to apprehensions made under the foregoing section. Provisions of common law respecting the apprehension without warrant by constables in felonies to apply to apprehensions in misdemeanours.

4. Whenever in offences punishable on summary conviction a warrant for the apprehension of the person charged with the offence so punishable, or a warrant or order for the committal of any person convicted of any such offence, shall have been issued, and in all cases where a warrant or order shall have been issued for the committal of any person for default in payment of any sum recoverable summarily before a Resident Magistrate otherwise than under "The Resident Magistrates Act, 1867," and in all cases where an order for In offences punishable on summary conviction, and in cases of default in payment of moneys recoverable summarily, and in cases under "Imprisonment for Debt Abolition Act, 1874," copy of warrant or order

may be transmitted
by one Chief Officer
of Police to another.

the committal of any person under "The Imprisonment for Debt Abolition Act, 1874," shall have been issued, a copy of such warrant, or order by telegram or otherwise, may be transmitted by one Chief Officer of Police to another Chief Officer of Police.

Interpretation.

5. For the purposes of this Act—

5

(1.) The expression "Resident Magistrate" shall include any Justice or Justices of the Peace, or Court of Petty Sessions under "The Justices of the Peace Act, 1866."

(2.) The expression "Chief Officer of Police" shall mean and include the chief or only officer of police other than the Commissioner, or a Superintendent of Police residing in or stationed at the place where any such warrant or order shall be issued, or the place to which such copy shall be transmitted as aforesaid.

10

And wherever in this or the last preceding section reference is made to any Act, such reference shall include any Act amending such first-mentioned Act, or passed for like purposes.

15

How copy to be
certified.

6. The copy so transmitted shall have a certificate attached thereto, signed by the Chief Officer of Police transmitting the same, as follows, or to the like effect:—

20

To (A.B.), Chief Officer of Police at

The above is a true copy of the original warrant [*or order, as the case may be*] issued on the day of 18 .
C.D.,

Chief Officer of Police at

25

What may be done
under the authority
of certified copy.

7. Such certified copy as aforesaid shall authorize the Chief Officer of Police to whom the same shall be transmitted, and every other person to whom the same may be directed, to apprehend or arrest any person named in the warrant or order, and to do, perform, and execute all such acts, matters, and things as if such chief officer or such other person had in his possession such original warrant or order, and the same had been directed to him or them personally.

30

Warrant or order
need not be produced.

8. It shall not be necessary, when a person is apprehended or arrested under the provisions of the last preceding section of this Act, to produce at the time of the apprehension or arrest the original warrant or order, or such certified copy as aforesaid, or any copy, or to deliver to the person apprehended or arrested, a copy of such original or certified copy, or that any person who apprehends or arrests shall have in his possession such original or certified copy as aforesaid, or any copy thereof respectively, when he apprehends or arrests.

35

40

Copy to be *prima*
facie evidence.

Every copy of a warrant so certified and transmitted as aforesaid shall be *prima facie* evidence of the matters therein contained, and that the original warrant or order has been issued.

Punishment for
forging copy, certi-
ficate, &c.

9. Whosoever shall forge or fraudulently make or alter any such copy of a warrant or order, or any certificate as aforesaid, or any part thereof, or shall knowingly and unlawfully insert, or cause or permit to be inserted, therein any false material matter, or shall knowingly and unlawfully give any false certificate, or shall certify any writing to be a true copy of a warrant or order, knowing such writing or any part of such warrant or order whereof such copy shall be so given to be false in any material particular, or shall forge the signature of any Chief Officer of Police to any such certificate, or shall send or transmit any such copy, certificate, or signature, knowing the same to be false, forged, or altered, 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 not exceeding seven years, or for any term not less than one year, or to be imprisoned for any term not exceeding two years with or without hard labour.

45

50

55