ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XLV.

An Act to enable His Majesty to establish a Court of Criminal Judicature in *Norfolk Island*.

[9th *May* 1794.]

WHEREAS by an Act, made and passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act to enable His Majesty to establish a Court of Criminal Judicature on the Eastern Coast of* New South Wales, *and the Parts adjacent*; it is enacted, that His Majesty may, by His Commission under the Great Seal, authorize the Person to be appointed Governor, or the Lieutenant Governor in the Absence of the Governor, of the Eastern Coast of *New South Wales*, and the Islands adjacent thereto, to convene, from Time to Time, as Occasion may require, a Court of Judicature, for the Trial and Punishment of all such Outrages and Misbehaviours, as if committed within this Realm would be deemed and taken, according to the Laws of this Realm, to be Treason, or Misprision thereof, Felony, or Misdemeanor, which said Court shall proceed to try such Offenders after the Manner therein mentioned: And whereas from the increased Number of Persons in *Norfolk Island*, being One of the said Islands adjacent to the said Eastern Coast of *New South Wales*, and from the Delay and Difficulty attending the Conveyance of Prisoners from the said *Norfolk Island* to His Majesty's Settlement on the said Eastern Coast of *New South Wales*, the due Execution of the said Act hath been greatly retarded and impeded: For Remedy thereof, and to the End that the Benefits of the said Act may be more effectually extended to His Majesty's Settlement on *Norfolk Island*; be it enacted by the King's most Excellent Majesty,

Preamble.

27 *Geo.* III, Cap. 2, recited.

by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That His Majeſty may, by His Commiſſion under the Great Seal, authorize the Lieutenant Governor, or Perſon for the Time being adminiſtering the Government of His Majeſty's Settlement in *Norfolk-Iſland*, to convene, from Time to Time, as Occaſion may require, a Court of Judicature for the Trial and Puniſhment of all ſuch Outrages and Miſbehaviours, as if committed within this Realm would be deemed and taken, according to the Laws of this Realm, to be Treaſon, or Miſpriſion thereof, Felony, or Miſdemeanor; which Court ſhall conſiſt of the Judge Advocate, to be appointed in and for His Majeſty's Settlement in *Norfolk Iſland*, together with Four Officers of His Majeſty's Forces by Sea or Land, and ſhall proceed to try all Perſons who ſhall offend in any of the Premiſes, by calling ſuch Offenders reſpectively before them, by cauſing the Charge againſt him, her, or them reſpectively, to be read over, which Charge ſhall always be reduced into Writing, and ſhall be exhibited to the ſaid Court by the Judge Advocate, and by examining Witneſſes upon Oath, to be adminiſtered by ſuch Court, as well for as againſt ſuch Offenders reſpectively, and afterwards adjudging by the Opinion of the major Part of the Perſons compoſing ſuch Court, that the Party accuſed is or is not (as the Caſe ſhall appear to them) guilty of the Charge, and by pronouncing Judgement therein (as upon a Conviction by Verdict) of Death, if the Offence be Capital, or of ſuch corporal Puniſhment, not extending to capital Puniſhment, as to the ſaid Court ſhall ſeem meet.

His Majeſty may authorize the Lieutenant Governor of *Norfolk Iſland*, to convene a Court of Judicature for Trial of Offenders:

Who are to be Members of it, and how they are to proceed.

II. And be it further enacted, That the Provoſt Marſhall or other Officer to be for that Purpoſe appointed by ſuch Lieutenant Governor, or Perſon for the Time being adminiſtering the Government of His Majeſty's Settlement in *Norfolk Iſland* as aforeſaid, ſhall cauſe due Execution of ſuch Judgement to be had and made, under and according to the Warrant of ſuch Lieutenant Governor, or Perſon for the Time being adminiſtering the Government of His Majeſty's Settlement in *Norfolk Iſland* as aforeſaid, under his Hand and Seal, and not otherwiſe: Provided always, That Execution ſhall not be had or done on any capital Convict or Convicts, unleſs Four Perſons preſent in ſuch Court ſhall concur in adjudging him, her, or them, ſo accuſed and tried as aforeſaid, to be reſpectively guilty, until the Proceedings ſhall have been tranſmitted to His Majeſty, and by Him approved.

Provoſt Marſhall to execute the Judgement of the Court.

Unleſs Four Members concur in adjudging capital Offenders, the Proceedings to be tranſmitted to His Majeſty.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Court ſhall be a Court of Record; and ſhall have all ſuch Powers as, by the Laws of *England*, are incident and belonging to a Court of Record.

Court to be a Court of Record.

6 FINIS.