ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XVIII.

An Act to repeal an Act made in the laſt Seſſion of Parliament, intituled, *An Act to enable His Majeſty to eſtabliſh a Court of Criminal Judicature in* Norfolk Iſland; and for better enabling His Majeſty to eſtabliſh ſuch Court in the ſaid Iſland.

[16th *March* 1795.]

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: And whereas for Remedy thereof, and to the End that the Benefits of the ſaid Act might be more effectually extended to His Majeſty's Settlement on *Norfolk Iſland*, an Act was made and paſſed in the laſt Seſſion of Parliament, intituled, *An Act to enable His Majeſty to eſtabliſh a Court of Criminal Judicature in* Norfolk Iſland: And whereas the Proviſions of the ſaid laſt mentioned Act are inſufficient for the Purpoſes thereby intended, and it is therefore expedient to repeal the ſame, and to make ſuch Proviſions for the ſaid Purpoſes as are intended to be hereby made; be it therefore enacted by the King's moſt Excellent Majeſty, 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 the ſaid Act, paſſed in the laſt Seſſion of Parliament, and every Clauſe, Matter, and Thing, therein contained, ſhall be, and the ſame is, and are hereby repealed.

Preamble.

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

34 *Geo.* III, Cap. 45, recited.

34 *Geo.* III, Cap. 45, repealed.

II. And

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 by the Authority aforesaid, 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 also 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; and in Cases not Capital, by pronouncing Judgement of such corporal Punishment not extending to Life or Limb, as to the said Court shall seem meet.

Provost Marshall to execute the Judgement of the Court.

III. And be it further enacted by the Authority aforesaid, 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.

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

Court to be a Court of Record.

IV. 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.

This Act not to affect any Proceedings under the recited Acts, unless specified in Commissions granted under it.

V. And be it further enacted by the Authority aforesaid, That neither this Act, nor any Commission or Commissions which shall be granted by virtue thereof, nor any Proceedings which may be had under the same, shall in any Manner revoke, alter, prejudice, or affect, any Commission or Commissions heretofore granted by virtue of the said Act of the Twenty-seventh Year of His present Majesty's Reign, or of the said Act hereby repealed, or any Proceedings under the same respectively, further or otherwise than in such Commission or Commissions, which shall be so granted by virtue of this present Act, shall be provided, expressed, and declared.

FINIS.