ANNO SEPTIMO

VICTORIÆ REGINÆ.

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C A P. II.

An Act for the more speedy Trial of Offences committed on the High Seas.

[5th *March* 1844.]

WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *For Pirates*, it was enacted, that all Treasons, Felonies, Robberies, Murders, and Confederacies thereafter to be committed in or upon the Sea, or in any other Haven, River, Creek, or Place where the Admiral or Admirals have or pretend to have Power, Authority, or Jurisdiction, should be inquired, tried, heard, determined, and judged in such Shires and Places in the Realm as should be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land; and such Commissions should be had under the King's Great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, Deputy and Deputies, and to Three or Four other substantial Persons as should be named or appointed by the Lord Chancellor of *England* for the Time being, from Time to Time and as often as need should require, to hear and determine such Offences after the common Course of the Laws of this Realm used for Treasons, Felonies, Murders, Robberies, and Confederacies of the same done and committed upon

28 H. 8. c. 15.

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the Land within this Realm: And whereas it is expedient that Provision be made for the Trial of Persons charged with Offences so committed, without issuing any Special Commission in that Behalf; be it enacted by the Queen'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 Her Majesty's Justices of Assize or others Her Majesty's Commissioners by whom any Court shall be holden under any of Her Majesty's Commissions of Oyer and Terminer or General Gaol Delivery shall have severally and jointly all the Powers which by any Act are given to the Commissioners named in any Commission of Oyer and Terminer for the trying of Offences committed within the Jurisdiction of the Admiralty of *England*, and that it shall be lawful for the first-mentioned Justices and Commissioners, or any One or more of them, to inquire of, hear, and determine all Offences alleged to have been committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, and to deliver the Gaol in every County and Franchise within the Limits of their several Commissions of any Person committed to or imprisoned therein for any Offence alleged to have been committed upon the High Seas and other Places within the Jurisdiction of the Admiralty of *England;* and all Indictments found, and Trials and other Proceedings had, by and before the said Justices and Commissioners shall be valid; and it shall be lawful for the Court to order the Payment of the Costs and Expences of the Prosecution of such Offences, in the Manner prescribed by an Act of the Seventh Year of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, in the Case of Felonies tried in the High Court of Admiralty.

Justices of Oyer and Terminer may try Offences committed on the High Seas.

7 G. 4. c. 64.

Venue in Indictments.

II. And be it enacted, That in all Indictments preferred before the said Justices and Commissioners under this Act the Venue laid in the Margin shall be the same as if the Offence had been committed in the County where the Trial is had; and all material Facts which in other Indictments would be averred to have taken place in the County where the Trial is had shall in Indictments prepared and tried under this Act be averred to have taken place "on the High Seas."

Where Offenders shall be tried.

III. And be it enacted, That the Justice or Justices by whom any Information shall be taken touching any Offence committed within the Jurisdiction of the Admiralty of *England* under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, if he or they shall see Cause thereupon to commit such Person to take his Trial for such Offence, shall commit him to the same Prison to which he would have been committed to take his Trial at the next Court of Oyer and Terminer and General Gaol Delivery if the Offence had been committed on Land within the Jurisdiction of the same Justice or Justices, and shall have Authority to bind by Recognizance all Persons who shall know or declare any thing material touching the said Offence to appear at the said next

7 G. 4. c. 38.

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Court of Oyer and Terminer and General Gaol Delivery, then and there to prosecute or give Evidence against the Party accused, and shall return all such Informations and Recognizances to the proper Officer of the Court in which the Trial is to be, at or before the opening of the Court; and every such Offender shall be arraigned, tried, and sentenced as if the Offence had been committed within the County, Riding, or Division for which such Court shall be holden.

Not to affect Central Criminal Court, or prevent the Issue of Special Commissions.

IV. Provided always, and be it declared and enacted, That nothing herein contained shall affect the Jurisdiction belonging to the Central Criminal Court for the Trial of Persons charged with Offences committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, or to restrain the Issue of any Special Commission under the first-recited Act for the Trial of such Offenders, if need shall be.

Act may be amended.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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