ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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C A P. LXV.

An Act for the more effectual Administration of Justice at *Norfolk Island.* [13th *August* 1834.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the Powers of Justices of the Peace in* New South Wales, His Majesty was empowered, by Order in Council, to appoint or authorize the Governors or Persons administering the Government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, to appoint the Places within His Majesty's Dominions to which any Offenders convicted in any such Possession, Colony, or Plantation, and being under Sentence or Order of Transportation, should be sent or transported: And whereas His said late Majesty, by an Order bearing Date the Eleventh Day of *November* in the Year of our Lord One thousand eight hundred and twenty-five, was pleased, by and with the Advice of His Privy Council, to authorize the Governors or other Persons administering the Government of any of His Majesty's Possessions, Colonies, or Plantations, from Time to Time, by Proclamation to be by them respectively for such Purpose issued, to appoint the Place or Places within His Majesty's Dominions to which any Offender convicted as aforesaid, and being under Sentence or Order of Transportation, should be sent or transported: And whereas, in pursuance of the said Order of His Majesty in Council, the Governor of *New South Wales* issued a Proclamation, bearing Date the Fifteenth Day of *August* in the Year One thousand eight hundred and twenty-six, and thereby appointed, among other Places,

6 G. 4. c. 69.

Norfolk Island to be the Place within the Colony of *New South Wales* to which Offenders convicted in the said Colony, and being under Sentence or Order of Transportation, might be sent or transported: And whereas the Removal of Persons under Charge of Capital and other Offences committed at *Norfolk Island*, from thence for Trial in the Supreme Court of the said Colony, is attended with great Delay, Expence, and Inconvenience, and it is expedient that a Court should be established in *Norfolk Island* for the Trial and Punishment of Crimes, Misdemeanors, and Offences, of what Nature or Degree soever, committed there by Persons under Sentence or Order of Transportation: And whereas an Act was made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *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:* And whereas the Provisions of the said recited Act are insufficient to remedy the Inconvenience and to carry into effect the Purposes herein-before expressed, and it is therefore expedient to repeal the same: 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 recited Act so made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third as aforesaid, and every Clause, Matter, and Thing therein contained, shall be and the same is and are hereby repealed.

35 G. 3. c. 18.

Recited Act 35 G. 3. c. 18. repealed.

Governor of New South Wales empowered to institute a Court of Criminal Jurisdiction in Norfolk Island.

II. And be it further enacted, That it shall and may be lawful for the Governor of *New South Wales*, with the Advice and Consent of the Legislative Council of the said Colony, by an Ordinance to be by them made for such Purpose, to institute a Court of Criminal Jurisdiction in *Norfolk Island*, and to grant to such Court full Power and Authority to take cognizance of all Crimes, Misdemeanors, and Offences soever committed by any Felons or other Offenders under Sentence or Order of Transportation or Removal to *Norfolk Island*, whether the same be committed within the said Island, or on board of any Ship or Vessel during the Passage of such Felons or Offenders to the same, or at the Island called *Philip Island*, adjacent to *Norfolk Island*; and the said Crimes, Misdemeanors, and Offences so committed to adjudge and punish respectively according to the Laws in force in *New South Wales* in like Cases.

Court to consist of a Barrister and Five Military or Naval Officers.

III. And be it enacted, That the said Court of Criminal Jurisdiction shall consist of One Judge, who shall be a Barrister duly admitted in *England* or *Ireland*, of not less than Three Years standing, and of Five Commissioned Officers of His Majesty's Sea or Land Forces, whether on Full or Half Pay; and such Judge and Officers respectively shall from Time to Time, as Occasion shall require, be appointed by the Governor of *New South Wales*, for the Purpose of forming a Court as aforesaid; and the said Court shall have such ministerial Officers as shall be necessary for conducting the Proceedings and executing the Processes, Judgments, and Orders thereof; and the said ministerial Officers shall be appointed to and

removed from their respective Offices in such Manner as the said Governor for the Time being shall direct; and the said Judge, Commissioned Officers, and ministerial Officers respectively shall receive such reasonable Allowances as the said Governor, with the Advice of the Legislative Council of the said Colony, shall, by any such Ordinance made as aforesaid, appoint and direct, which Allowances shall be in lieu of all Fees, Perquisites, and Emoluments whatsoever in respect of their said Offices.

Regulating Periods of holding the Court.

IV. And be it further enacted, That the said Court of Criminal Jurisdiction shall be holden at *Norfolk Island* at such Times and Place as the Governor of *New South Wales* shall, by Warrant under his Hand, from Time to Time appoint and direct; and all Crimes, Misdemeanors, Offences, and other Misconduct cognizable by such Court shall be prosecuted, tried, and adjudged, and the Judgments, Processes, and Orders thereof shall be carried into effect, according to such Forms, Rules, Course, and Order of Proceeding as the said Governor, with the Advice of the said Legislative Council, shall by any such Ordinances as aforesaid from Time to Time direct and appoint: Provided always however, that Execution shall not be had or done upon any Convict or Convicts in any Capital Case unless the said Judge and Five Officers by whom such Convict or Convicts shall be tried shall concur in finding him or them guilty.

Court to be a Court of Record.

V. And be it further enacted, That the said Court of Criminal Jurisdiction shall be a Court of Record, and shall have all such Powers as by Law are incident and belong to a Court of Record: Provided always, that the Records and Proceedings of such Court shall be deposited in the Office of the Supreme Court of *New South Wales*, and there safely kept in like Manner as other Records of the said Court.

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