

No. XXIII.

An Act to establish a Court of Criminal Jurisdiction in Norfolk Island. [10th June, 1835.]

NORFOLK ISLAND
CRIMINAL COURT.

WHEREAS an Act of Parliament was made and passed in the fourth and fifth years of the reign of His present Majesty intituled “ *An Act for the more effectual Administration of Justice at Norfolk Island* ” whereby it was amongst other things enacted That it should be lawful for the Governor of New South Wales with the advice

Preamble.

4 and 5 Wm. IV.
c. 65.

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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 "Phillip 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 And it was further enacted That the said Court should consist of one Judge and five Commissioned Officers of His Majesty's sea or land forces and should have such Ministerial Officers as should be necessary for conducting the proceedings and executing the processes judgments and orders thereof and that the said Judge Commissioned Officers and Ministerial Officers respectively should be appointed as therein directed and should receive such reasonable allowances as the Governor with the advice of the Legislative Council should by any such Ordinance as aforesaid direct and appoint And it was further enacted That the said Court should be holden at Norfolk Island at such times and place as the Governor of New South Wales should by warrant from time to time appoint and direct that all crimes misdemeanors offences and other misconduct cognizable by such Court should be prosecuted tried and adjudged and the judgments processes and orders thereof should be carried into effect according to such forms rules course and order of proceedings as the said Governor with the advice of the said Legislative Council should by any such Ordinance as aforesaid direct and appoint Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act there shall be a Court of Criminal Jurisdiction in Norfolk Island to consist of one Judge and five Commissioned Officers of His Majesty sea or land forces as in the said recited Act of Parliament is directed and to be holden at such time and place within the said island as His Excellency the Governor of New South Wales by warrant under his hand from time to time shall appoint and direct and that such Court shall have 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 any ship or vessel during the passage of such felons or offenders to the same or at the island called "Phillip 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 of Criminal Jurisdiction instituted at Norfolk Island to consist of a Judge and five Commissioned Officers.

Offences to be prosecuted by information in the name of officer to be appointed.

2. And be it further enacted That all crimes misdemeanors offences and other misconduct cognizable by the said Court shall be prosecuted by criminal information in the name of such officer as shall from time to time be appointed for such purpose by the Governor of New South Wales and every such information shall be exhibited by such officer before the said Court at the time appointed by the Court for the trial of such felons or offenders respectively and the said Court shall call the party or parties accused in such information before the Court and cause him her or them severally to be arraigned upon such information and in case he she or they confess the same then the said Court shall record such confession or in case he she or they shall plead to such information the said Court shall proceed to hear and determine such plea according to law or to try

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try the party or parties accused as the case may require and shall examine witnesses upon oath to be administered by the said Court as well for as against the said party or parties and shall adjudge according to the opinion of the major part of the persons composing such Court that the party or parties accused is or are guilty or not guilty of the charge exhibited against him her or them respectively and afterwards pronounce in open Court by the mouth of the Judge of the said Court such judgment or sentence upon the party or parties convicted as shall be appointed by the laws in force in New South Wales for the punishment of offenders convicted in like cases in the said Colony.

3. And be it further enacted That all and every the warrants and processes of the said Court shall be under the hand and seal of the Judge of the said Court and shall be directed to the proper ministerial officer or officers appointed by the Governor of New South Wales in pursuance of the said recited Act of Parliament and such warrants and processes shall be in the like form as used and practised in like cases in the Supreme Court of New South Wales and shall be executed and enforced by the proper officer or officers appointed as aforesaid for such purpose according to law and the judgment or order of the said Court Warrants and process of the Court to be under the hand and seal of Judge. Provided always that it shall be lawful for the said Court or the major part thereof to respite the execution of any capital sentence until the Governor of New South Wales shall have approved thereof and in every such case execution shall not be done until the proceedings shall have been transmitted to the said Governor and by him approved. Provido that Court may respite the execution of capital sentence.

4. And be it further enacted That all and every of the members of the said Court respectively shall before they proceed to sit in judgment or try any such offender as aforesaid severally make oath well and truly to try the several issues brought before them and to make a true deliverance between our Sovereign Lord the King and the several prisoners who shall by them be tried and to give a true judgment according to the evidence and such oath shall be administered first by the Judge of the said Court to the respective officers composing the said Court and afterwards by the senior of such officers to the said Judge. Members of the Court to be first sworn.

5. And be it further enacted That there shall be paid to the Judge and to the Commissioned Officers and Ministerial Officers of the said Court respectively the several sums and allowances specified in the Schedule hereunto annexed marked with the letter A which sums and allowances shall be in lieu of all fees perquisites and emoluments whatsoever in respect of of the said offices. Allowance to the Judge and officers of the Court.

SCHEDULE REFERRED TO.

A.

Allowances to the Judge Commissioned Officers and Ministerial Officers of the Court.

	£	s.	d.
To the Judge of the Court for every entire Session of the same	...130	0	0
To each of the Commissioned Officers composing the Court for every day the same may sit	...	0	15 0
To the Clerk of Arraigns for every day while employed	...	1	10 0
To the Clerk of the Court for every day while employed	...	1	10 0
To the Sheriff's Deputy for every day while employed...	...	0	10 0

Passage and Table being found in addition to the above Allowances to such persons as shall be sent from the Colony to Norfolk Island from the day of their departure until their return.