



Admiralty Offences (Colonial) Act 1849

1849 CHAPTER 96

An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty. [1st August 1849]

WHEREAS by an Act passed in the Eleventh Year of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppression of Piracy*, it is enacted, that all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, in any Place at Sea or upon the Land in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission, in the Manner therein, directed, and according to the Civil Law and the Method and Rules of the Admiralty : And whereas by an Act passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act for the speedy Trial of Offences committed in distant Parts upon the Sea*, it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be inquired of, tried, heard, determined, and adjudged, according to the common Course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories under and by virtue of the King's Commission or Commissions under the Great Seal of *Great Britain*, to be directed to Commissioners in the Manner and with the Powers and Authorities therein provided : And whereas it is expedient to make further and better Provision for the Apprehension, Custody, and Trial in Her Majesty's Islands, Plantations, Colonies, Dominions, Forts, and Factories of Persons charged with the Commission of such Offences on the Sea, or in any such Haven, River, Creek, or Place as aforesaid :

Be it therefore 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,

All Persons charged in any Colony, with Offences committed on the Sea, may be dealt with in the same Manner as if the Offences had been committed on waters within the local Jurisdiction of the Courts of the Colony.

That if any Person within any Colony shall be charged with the Commission of any Treason, Piracy, Felony, Robbery, Murder, Conspiracy, or other Offence, of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or if any Person charged with the Commission of any such Offence upon the Sea, or in any such Haven, River, Creek, or Place shall be brought for Trial to any Colony, then and in every such Case all Magistrates, Justices of the Peace, public Prosecutors, Juries, Judges, Courts, public Officers, and other Persons in such Colony shall have and exercise the same Jurisdiction and Authorities for inquiring of, trying, hearing, determining, and adjudging such Offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such Proceedings for the bringing of such Person so charged as aforesaid to Trial, and for and auxiliary to and consequent upon the Trial of any such Person for any such Offence wherewith he may be charged as aforesaid, as by the Law of such Colony would and ought to have been had and exercised or instituted -and carried on by them respectively if such Offence had been committed, and such Person had been charged with having committed the same, upon any Waters situate within the Limits of any such Colony, and within the Limits of the local Jurisdiction of the Courts of Criminal Justice of such Colony.

II Persons convicted of such Offences shall suffer the like Punishments as on Conviction of like Offences in England.

Provided always, and be it enacted, That if any Person shall be convicted before any such Court of any such Offence, such Person so convicted shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case such Offence had been committed, and were inquired of, tried, heard, determined, and adjudged, in *England*, any Law, Statute, or Usage to the contrary notwithstanding.

III Provision for the Trial of Murder and Manslaughter, where the Death only happens in the Colony or upon the Sea.

And be it enacted, That where any Person shall die in any Colony of any Stroke, Poisoning, or Hurt, such Person having been feloniously stricken, poisoned, or hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or at any Place out of such Colony, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in such Colony in the same Manner in all respects as if such Offence had been wholly committed in that Colony; and that if any Person in any Colony shall be charged with any such Offence as aforesaid in respect of the Death of any Person who, having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such Stroke, Poisoning, or Hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, such Offence shall be held for the Purpose of this Act to have been wholly committed upon the Sea.

IV Jurisdiction of the Supreme Courts of New South Wales and Van Diemen's Land preserved.

Provided also, and be it enacted, That nothing in this Act contained shall in any way affect or abridge the Jurisdiction of the Supreme Courts of *New South Wales* and *Van Diemen's Land*, as established by an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto.*

V Interpretation of Terms.

And be it enacted, That for the Purposes of this Act the Word " Colony" shall mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except any Island within the United Kingdom, and the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent thereto respectively, and except also all such Parts and Places as are under the Government of the *East India* Company ; and the Word " Governor " shall mean the Officer for the Time being administering the Government of any Colony.

VI Act may be amended, &c.

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