

ADMIRALTY OFFENCES (COLONIAL) ACT, 1849

12 of 1849

[1st August, 1849]

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ADMIRALTY OFFENCES (COLONIAL) ACT, 1849

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An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty. [Preamble.- Repealed by 54 and 55 Vict, C. 67.]

1. Trial of Admiralty offences in colonies :-

1 [* * *] 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 on 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 authorised, 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.

1. Introductory words were repealed by 54 and 55 Vict., c. 67.

2. Repealed :-

Repealed by 54 and 55, Vict., c. 67.]

3. Provision, etc., where death in the colony, or at sea, etc., follows from injuries inflicted on the sea, etc :-

¹ [* * *] 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, 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 man slaughter, 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 and in all respects as if such offence had been wholly committed in that colony: and 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.

1. Introductory words were repealed by 54 and 55 Vict., c. 67.

4. omitted :-

Omitted as being inapplicable to India.]

5. Interpretation of "colony" :-

¹ [* * *] 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 lands adjacent thereto respectively ² [* * *].

1. Introductory words were repealed by 54 and 55 Vict., c. 67.

2. And includes British India; see 23 and 24 Vict., c. 88, S. I, page 22a, supra.

6. Repealed :-

Repealed by 41 and 42 Vict., c. 79.]