

BEGIN TRANSCRIPTION

[27 GEORGE III An Act to enable his majesty to establish a Court of Criminal Judicature on the Eastern Coast of New South Wales and the points adjacent]

Roy le Neult.

Int Vaillé aux Seigneurs  
A Cette Bille les Seigneurs sont absentus

**Whereas** by an act made and passed in the twenty-fourth year of his present majesty's reign intituled "an act for the "effectual transportation of felons "and other offenders; and to "authorise the removal of "prisoners in certain cases and "for other purposes therein mentioned" it is enacted that from and after the passing of that act when any person or persons at any sessions of oyer or terminer or gaol delivery or at any quarter or other general session of the peace to be holden for any county riding division city town borough liberty or place within that part of Great Britain called England or at any great session to be holden for the county palatine of Chester or within the principality of Wales shall be lawfully convicted of grand or petit larceny or any other offence for which such person or persons shall be liable by the laws of this realm to be transported it shall and may be lawful for the court before which any such person or persons shall be convicted as aforesaid or any subsequent court holden at any place for the same county riding division city town borough liberty or place respectively with like authority to order and adjudge

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that such person or persons so convicted as aforesaid shall be transported beyond the seas for any term of years not exceeding the number of years or term for which such person or persons is or are or shall be liable by any law to be transported; and in every such case it shall and may be lawful for his majesty by and with the advice of his privy council to declare and appoint to what place or places part or parts beyond the seas either within his majesty's dominions or elsewhere out of his majesty's dominions such felons or other offenders shall be conveyed or transported and such court as afore said is thereby authorised and impowered to order such offenders to be transferred to the use of any person or persons and his or their assigns who shall contract for the due performance of such transportation; and when his majesty his heirs and successors shall be pleased to extend mercy to any offender or offenders who hath or have been or shall be convicted of any crime or crimes for which he she or they is are or shall be by law excluded from the benefit of clergy upon condition of transportation to any place or places part or parts beyond the seas either for term of life or any number of years and such extension

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of mercy shall be signified by one of his majesty's principal secretaries of state it shall be lawful for any court having proper authority to allow such offender or offenders the benefit of a conditional pardon and (except in cases where such offenders shall be authorised by his majesty to transport himself herself or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such

transportation and his or their assigns for such and the source term of years for which any such offender or offenders shall have been ordered to be transported or for such term of life or years as shall be a specified in such condition of transportation **And** whereas his majesty by two several orders in council bearing date respectively on the sixth day of December one thousand seven hundred and eighty six hath judged fit by and with the advice of his privy council to declare and appoint the place to which certain offenders named in two lists to the said several orders in council annexed should be transported for the time or terms in their several sentences mentioned to be the Eastern coast of New South Wales or some one or other of the islands adjacent **And** whereas Sir

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James Eyre Knight and Sir Beaumont Botham Knight two of the barons of his majestys' court of exchequer of the degree of the coiffe according to the authority to them given by the said statute did on the thirtieth day of December one thousand seven hundred and eighty-six order that the said several offenders in the said two several lists to the said several orders in council annexed should be transported to the place and for the time and terms aforesaid **And** whereas it may be found necessary that a colony and a civil government should be established in the place to which such convicts shall be transported under and by virtue of the said act of parliament the said two several orders of council and other the said above recited orders and that a court of criminal jurisdiction should also be established within such place as aforesaid with authority to proceed in a more summary way than is used within this realm according to the known and established laws thereof. **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 commo[?] in this present parliament assembled and by the authority of the same that his majesty may by his commission under the

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Great Seal authorise the person to be appointed governor or the lieutenant governor in the absence of the governor of such place as aforesaid to convene from time to time as occasion may require a court of judicature for the trial and punishment of all such outrages and misbehaviours as it committed within this realm would be deemed and taken according to the laws of this realm to be treason or misprision thereof felony or misdemeanour which court shall consist of the judge advocate to be appointed in and for such place together with six officers of his majesty's forces by sea or land which court shall proceed to try such offenders by calling such offenders respectively before that court and causing the charge against him her or them respectively to be read over which charge always be reduced into writing and shall be exhibited to the said court by the judge advocate and by examining witnesses upon oath to be administered by such court as well for as against such offenders respectively and afterwards adjudging by the opinion of the major part of the persons composing such court that the party accused is or is not (as the case shall appear to them) guilty of the charge and by pronouncing judgment therein

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(as upon a conviction by verdict) of death if the offence be capital or of such corporal punishment not extending to capital punishment as to the said court shall seem meet and in cases not capital by pronouncing judgment of such corporal punishment not extending to life or limb as to the said court shall seem meet **And** be it further **enacted** that the provost marshall or other officer to be for that purpose appointed by such governor or lieutenant

governor shall cause due execution of such judgement to be had and made under and according to the warrant of such governor or lieutenant governor in the absence of the governor under his hand and seal and not otherwise **provided** always that execution shall not be had or done on any capital convict or convicts unless five persons present in such court shall concur in adjudging him her or them so accused and tried as aforesaid to be respectively guilty until the proceedings shall have been transmitted to his majesty and by him approved **And** be it also **enacted** by the authority aforesaid that the said court shall be a court of record and shall have all such powers as by the laws of England are incident and belonging to a court of record.

END TRANSCRIPT