THE OFFENCES AT SEA ACT, 1806.

(46 Geo. 3, c. 54.)

An Act for the more speedy Trial of Offences committed in distant Parts upon the Sea. [1119] [23rd May, 1806.]

The short title was given to this Act by the Short Titles Act, 1896 (c. 14).

Preamble.

Whereas by an Act of Parliament made in the twenty-eighth year of the reign of King Henry the Eighth, it is enacted, that all treasons, felonies, robberies, murders, and confederacies committed on the sea shall be enquired of, tried, and determined according to the common course of the laws of this land used for such offences upon the land within this realm: And whereas by another Act of Parliament made 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, enquired 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 rules of the civil law: And whereas treasons, murders, and divers other felonies, and misdemeanors not mentioned in the said statute of the eleventh year of the reign of King William the Third cannot be tried by virtue of any commission directed under that Act, but the persons committing or charged with having committed the same upon the seas in or near the East or West Indies, and in places very remote, can only be brought to trial by sending them to England to be tried within this realm under the commission directed by the said statute of the twenty-eighth year of the reign of King Henry the Eighth; whereby not only great charges and expences are incurred, but offenders do often times escape unpunished by reason of the delay and difficulties attending such prosecutions: For remedy whereof and in order that one uniform course of trial may be had for all treasons, piracies, felonies, robberies, murders, conspiracies, and other offences committed upon the seas, be it 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: [1120]

All offences committed on the sea, etc., may be tried in any of his Majesty's islands, etc., by virtue of the King's commission under the great seal directed to four or more discreet persons, etc.—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 enquired 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 any such four or more discreet persons as the lord chancellor of Great Britain, lord keeper, or commissioners for the custody of the great seal of Great Britain for the time being shall from time to time think fit to appoint; and that the said commissioners so to be appointed or any three of them shall have such and the like powers and authorities for the trial of all such murders, treasons, piracies, felonies, robberies, conspiracies, and other offences within any such island, plantation, colony, dominion, fort, or factory, as any commissioners appointed or to be appointed according to the directions of the said statute of the twenty-eighth year of the reign of King Henry the Eighth by any law or laws now in force have or would have for the trial of the said offences within this realm; and that all persons convicted of any of the said offences so to be tried by virtue of any commission to be made according to the directions of this Act 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 the same were respectively inquired of, tried, heard, determined, and adjudged within this realm, by virtue of any commission made according to the directions of the said statute of the twenty-eighth year of the reign of King Henry the Eighth; any law, statute, or usage to the contrary notwithstanding. [1121]

The recited Acts are the Offences at Sea Act, 1536 (c. 15), p. 298, *ante*, and Stat. (1698–9) 11 Will. 3, c. 7, p. 334, *ante*.

The first of these Acts made certain offences committed at sea triable in England, according to the ordinary law of the land, and was extended to cover all offences by the Offences at Sea Act, 1799 (c. 37), p. 401, *ante*.

The Stat. (1698–9) 11 Will. 3, c. 7, made the offence of piracy similarly triable in any of the King's colonies or dominions.

The effect of this statute is to make all offences committed at sea triable in the colonies or dominions, in accordance with the provisions of the Offences at Sea Act, 1536.

See, further, the Murders Abroad Act, 1817 (c. 53), p. 440, *post*; Admiralty Offences (Colonial) Act, 1849 (c. 96); Admiralty Offences (Colonial) Act, 1860 (c. 122); Courts (Colonial) Jurisdiction Act, 1874 (c. 27), Vol. 5, title DOMINIONS.