

**THE ADMIRALTY OFFENCES (COLONIAL) ACT,
1849.**

(12 & 13 Vict. c. 96.)

*An Act to provide for the Prosecution and Trial in Her Majesty's Colonies
of Offences committed within the Jurisdiction of the Admiralty.*
[2363] [1st August, 1849.]

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

[*Preamble.*]

[1.] **Trial of Admiralty offences in colonies.**—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. [2364]

As to the punishment to be inflicted, see the Courts (Colonial) Jurisdiction Act, 1874 (c. 27), s. 3, p. 771, *post*.

Of offences committed on seas and rivers in England, the English and Empire Digest, Vol. 14, pp. 137 *et seq*.

As to Colonial Courts of Admiralty and their jurisdiction, see the Colonial Courts of Admiralty Act, 1890 (c. 27), Vol. 1, title ADMIRALTY, p. 24.

[S. 2 *rep.* 54 & 55 *Vict.* c. 67 (S.L.R.).]

3. Provision, etc., where death in the colony, or at sea, etc., follows from injuries inflicted on the sea, etc.—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 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. [2365]

As to jurisdiction where an offence is committed within the colony and death occurs as a result upon the sea or outside the limits of jurisdiction, see the Admiralty Offences (Colonial) Act, 1860 (c. 122), p. 761, *post*.

As to punishment for offences, see Courts (Colonial) Jurisdiction Act, 1874 (c. 27), *post*.

4. Saving.—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 the Australian Courts Act, 1828. [2366]

For the Australian Courts Act, 1828 (c. 83), see p. 230, *ante*.

5. Interpretation of "colony."—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, . . . [2367]

The word "colony" includes British India (see the Admiralty Jurisdiction (India) Act, 1860 (c. 88), p. 760, *post*).

[S. 6 *rep.* 41 & 42 *Vict.* c. 79 (S.L.R.).]