



ANNO TRICESIMO OCTAVO ET TRICESIMO NONO

# VICTORIÆ REGINÆ.

A.D. 1875.

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No. 15.

*An Act for the better Administration of Justice in the Northern Territory.*

[Assented to 15th October, 1875.]

**W**HEREAS it is expedient, for the more effectual Administration of Justice in the Northern Territory, to make temporary additional provision for the trial of causes and offenders therein—Preamble.  
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows:

1. In this Act the following terms shall, except when inconsistent with the subject matter or context, have the meanings hereby assigned to them respectively—Interpretation.

“The Territory”—That portion of the said Province lying to the north of the twenty-sixth parallel of south latitude:

“Special Magistrate”—A Special Magistrate, appointed by the Governor, pursuant to the powers in that behalf conferred upon him by the “Local Court Act, 1861”:

“Deputy Sheriff”—The deputy appointed by the Sheriff to perform the duties of Sheriff in the Territory, pursuant to “The Northern Territory Deputy Sheriff’s Act, 1874”:

“Supreme Court”—The Supreme Court of the said Province.

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Commission may be directed to Practitioner or Special Magistrate.

2. Any Commission which shall be issued by the Governor authorizing a Court of Oyer and Terminer and of General Gaol Delivery, and for the trial of issues and the assessment of damages in the Supreme Court, to be holden in the Territory, pursuant to "The Third Judge and District Courts Act," and the Act No. 6 of 1868-9, may be directed to a Practitioner of the Supreme Court of at least seven years' standing, or to a Special Magistrate; and such Practitioner or Special Magistrate shall proceed to hold such Court accordingly, and shall, during the continuance and in the exercise and performance of such Commission, and when holding such Court, possess and exercise all the powers, duties, and discretions of a Judge of the Supreme Court acting by virtue of a Commission issued to him pursuant to the said Acts: Provided that no felony punishable by death shall be tried at any Circuit Court presided over by such Practitioner of the Supreme Court or Special Magistrate.

Governor may fix qualification and alter number of jurors.

3. The Governor may, from time to time, by Proclamation, to be published in the *Government Gazette*, fix and alter the qualifications of persons liable to serve as jurors in the Territory; and may also, by Proclamation, published as aforesaid, direct and order that, notwithstanding the provisions of section 26 of "The Jury Act 1862," the trial in any Court so to be holden as aforesaid of issues joined upon any information and of issues joined and the inquiry of damages in all civil actions (except of actions tried without a jury), shall be had by a jury of not less than six men qualified as mentioned in the same section, or as altered by the first-mentioned Proclamation.

Jurors to be summoned.

4. Upon receiving any such Commission as mentioned in section 2 of this Act, the Practitioner of the Supreme Court or Special Magistrate, to whom the same shall be directed, shall issue a precept directing and requiring the Deputy Sheriff to summon not less than twelve nor more than twenty-five (or in case the number of jurors shall be reduced as in the last preceding section mentioned, then to summon not less than six nor more than twenty-five) of the persons qualified and liable to serve as jurors, to attend at the time and place appointed for holding the Court, and on receipt of the said precept the Deputy Sheriff shall proceed to summon the persons aforesaid within the time and in manner required by "The Third Judge and District Courts Act," and the persons so summoned shall be jurors for the trial of all felonies and misdemeanors, and of all issues of fact, and for the assessment of damages in all causes to be tried or assessed at the Court to be holden by virtue of such Commission.

Informations.

5. Any person may be put upon his trial for any crime or offence whatsoever, not punishable by death, before any such Court, upon an information presented in the name and by the authority of the Attorney-General or of the Deputy Sheriff, in like manner as at any Criminal Session of the Supreme Court upon an information

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formation presented in the name and by the authority of the Attorney-General for the time being; and no such information shall be invalidated by reason of the death, resignation, or removal from office before the trial, of the Attorney-General or Deputy Sheriff, in whose name such information shall have been presented; but the trial shall be proceeded with in all respects as if such Attorney-General or Deputy Sheriff had continued in office after the trial upon such examination. The Attorney-General shall have the same control over any information presented in the name of the Deputy Sheriff as if the same were presented in the name of the Attorney-General.

6. Every Practitioner of the Supreme Court, or Special Magistrate, presiding at such Court, shall transmit full notes of the evidence given at any trial or assessment of damages, together with a certificate of the verdict of the jury, and, in criminal cases, of the sentence passed by him on the offender, together with the information upon which such offender was tried, to the Clerk of Arraignment of the Supreme Court, there to be kept among the records of the Court. Record to be sent to Supreme Court.

7. Any person convicted of any crime or offence by any such Court may appeal to the Supreme Court against such conviction on the ground that there was not sufficient evidence to go to the jury of the commission by the appellant of such crime or offence, and the Supreme Court hearing such appeal, if the notes of the evidence given at the trial, transmitted as required by the last preceding section of this Act, shall not disclose sufficient evidence of the commission of the crime or offence whereof the appellant shall have been convicted, may reverse and set aside the conviction; but no action shall lie against the Practitioner of the Supreme Court or Special Magistrate presiding at the trial, or the Deputy Sheriff or any gaoler, constable, or other person by reason of such conviction or of the setting aside and reversing thereof or of anything done thereunder; and no such appeal shall be heard unless notice thereof be given to the Crown Solicitor and the Clerk of Arraignment of the Supreme Court within six months after the conviction complained of, or such further time as may be allowed by the Supreme Court. Appeal.

8. "The Third Judge and District Courts Act," and the said Act No. 6 of 1868-9, shall (except so far as inconsistent with this Act, and whilst this Act continues in force) be incorporated and read herewith as forming one Act: Provided that in Section 4 of the first-mentioned Act the words "within twenty miles" shall be read "within one hundred miles," and that whenever in the said Acts the word "Sheriff" occurs the same shall be read as "Deputy Sheriff." Incorporation.

9. This Act may be cited for all purposes as "The Northern Territory Justice Act, 1875," and shall continue in force for two years Short title and duration.

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years from the passing hereof, and for such further period (if any) not exceeding three years, as may be fixed by the Governor by Proclamation published in the *Government Gazette*.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.