



ANNO QUARTO

GULIELMI IV. REGIS.

No. 16.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to provide for paying the Expenses of Witnesses in Criminal Cases.

WHEREAS witnesses for the prosecution in criminal cases frequently incur expenses and sustain considerable inconvenience by their loss of time in attending the trial of such cases and also the previous investigation thereof before the Committing Magistrates—AND it is expedient to provide by law for the payment of a sufficient compensation to witnesses in all such cases—

PREAMBLE.

BE IT THEREFORE ENACTED by His Excellency Colonel GEORGE ARTHUR Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that after the passing of this Act every Court within this Island before which any person shall be prosecuted for any felony or misdemeanor (where the prosecution shall have been in fact carried on or instituted by or at the instance or under the direction of His Majesty's Attorney-General) may in its discretion at the request of any person or persons who shall appear on subpoena to give evidence against any person accused of such felony or misdemeanor order payment unto such witnesses of such reasonable sums of money as to the Court shall seem sufficient to reimburse such witnesses for the expenses they shall have severally incurred in obedience to such subpoena or in attending before the examining Magistrate or Magistrates or otherwise in or about such prosecution and also to compensate them for their loss of time therein respectively.

Courts may order payment of the expenses of prosecutions in all cases of felony or misdemeanor.

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How expenses to
be ascertained.

II. PROVIDED ALWAYS AND BE IT ENACTED that no expenses or compensation shall be allowed to any such witness for attending before the examining Magistrate or Magistrates unless he or she shall produce to the Court a certificate from such Magistrate or Magistrates of the amount of expenses incurred by such witness and of the amount of compensation (if any) which such Magistrate or Magistrates shall think fair and reasonable to be allowed to such witness for his or her loss of time therein which certificate it is hereby declared that every such Magistrate or Magistrates may grant or refuse at discretion—AND PROVIDED ALSO that the amount of all other expenses and compensation as aforesaid shall be ascertained under the direction of such Court by the proper officer thereof but subject nevertheless (as to the rate of all such expenses and compensation) to such general rules and regulations as shall be established (if any shall be so established) from time to time by the Supreme Court of Van Diemen's Land such rules and regulations to be at any time or times altered as to the said Supreme Court shall seem expedient.

Order for pay-
ment.

III. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor or other person administering the Government from time to time to direct the Colonial Treasurer to pay into the hands of the Registrar of the Supreme Court and the several Clerks of the Peace such sums of money for the purposes of this Act as shall from time to time appear necessary—AND that every order for payment to any witness as aforesaid shall be forthwith made out under the hand of the presiding Judge or Chairman of the Court and be delivered to such witness or to some authorized person on his or her behalf drawn upon such Registrar or the Clerk of the Peace acting at such Court and they are respectively hereby required upon sight of any such order forthwith out of such monies to pay to the person named in such order (or to some person authorized by indorsement thereon to receive the same) the sum or sums of money in such order mentioned and the same shall be allowed in the accounts of such Treasurer Registrar and Clerk respectively accordingly.

GEORGE ARTHUR.

Passed the Legislative Council this
fourth day of January one thousand
eight hundred and thirty-four,

JOHN MONTAGU, *Clerk of the Council.*