



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1891.

No. 532.

An Act to amend "The Northern Territory Justice Act, 1875."

[Assented to, December 19th, 1891.]

WHEREAS it is expedient, for the more effectual administration of Justice in the Northern Territory, to make further provision for the hearing of appeals from the decision of the Court constituted for the trial of causes and offences in the Northern Territory by the Supreme Court of the Province of South Australia—Be it 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:

Preamble.

1. Section 7 of "The Northern Territory Justice Act, 1875," is hereby repealed, and section 2 of this Act is substituted therefor, and is to be read and construed as if it had been in the said Act of 1875 instead of section 7.

Repeal of section 7 of "The Northern Territory Justice Act, 1875."

2. "Court" shall mean the Court constituted, or to be hereafter constituted, or appointed in the Northern Territory under the provisions of or powers conferred by any Act or Acts now in force in relation to such constitution or appointment.

Definition.

"Supreme Court" shall mean the Supreme Court of South Australia.

3. Any person convicted of any crime or offence by any such Court may appeal to the Supreme Court against such conviction on either or all of the following grounds:—

Appeals.

(a) That

The Northern Territory Justice Act Amendment Act.—1891.

- (a) That there was not sufficient evidence to go to the jury of the commission by the appellant of such crime or offence:
- (b) That evidence which ought not to have been admitted was submitted to the jury at the trial of the appellant for such crime or offence:
- (c) That any evidence which was tendered on behalf of the appellant, and which ought to have been admitted, was held from the jury at the trial of the appellant for the commission of such crime or offence:
- (ca) That at the trial the presiding Judge, Practitioner, or Special Magistrate misdirected the jury upon, or erroneously decided, a question of law submitted by or on behalf of the appellant:

And the Supreme Court hearing such appeal, if the notes of the evidence given at the trial, transmitted as required by section 6 of "The Northern Territory Justice Act, 1875," shall not disclose sufficient evidence of the commission of the crime or offence whereof the appellant shall have been convicted, or if the said notes of the evidence so transmitted shall show that evidence which ought not to have been admitted was put before the jury, or if the said notes shall show that evidence which was tendered on behalf of the appellant and which ought to have been admitted was held from the jury, may reverse and set aside the conviction; but no action shall lie against the Judge of the Northern Territory, 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 four months after the conviction complained of, or such further time as may be allowed by the Supreme Court.

Governor may annex any portion of the Northern Territory south of the twenty-first parallel to a circuit district in South Australia.

4. The Governor may, by Proclamation to be published in the *Government Gazette*, annex any portion of the Northern Territory south of the twenty-first parallel of south latitude to any circuit district in South Australia.

Twelve jurors for cases punishable by death in the Northern Territory.

5. In all cases punishable by death, triable in the Northern Territory, the jury to try the case shall consist of twelve jurymen.

Short title.

6. This Act may be cited for all purposes as "The Northern Territory Justice Act Amendment Act, 1891."

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

KINTORE, Governor.