

BEGIN TRANSCRIPTION

GEORGE THE THIRD BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland King defender of the faith

TO ALL TO WHOM these Presents shall come Greeting WHEREAS by our Letters Patent under Our Great Seal of Great Britain bearing date at Westminster the second day of April in the twenty seventh Year of our Reign Reciting that, by virtue of an Act of Parliament passed in the twenty fourth Year of our Reign We judged fit by and with the advice of Our Privy Council by two several Orders bearing date respectively on the sixth day of December One thousand seven hundred and eighty six to declare and appoint the place to which certain Offenders should be transported for the time or terms in their several Sentences mentioned to be the Eastern Coast of New South Wales or some one or other of the Islands adjacent And that Whereas We had found it necessary that a Colony and Civil Government should be established in the place to which such Convicts should be transported and that a sufficient provision should be made for the recovery of Debts and determining of private Causes between Party and Party in the Place aforesaid We taking the same into Our Royal Consideration and being desirous that Justice should be administered to all our Subjects did of Our Especial Grace certain knowledge and mere motion think fit to grant ordain direct and appoint and by the said Letters Patent did for Us Our Heirs and Successors will grant ordain direct and appoint that there should be within the Place aforesaid a Court to be called The Court of Civil Jurisdiction and that such Court should consist of the Judge Advocate for the time being together with two fit and proper Persons inhabiting the said Place to be appointed from time to time by our Governor or in case of his death or absence by Our Lieutenant Governor for the time being or of any two of them (whereof the Judge Advocate to be one) to which Court We did thereby give full power and authority to hold plea of and to hear and determine in a summary way all Pleas concerning Lands Houses Tenements and Hereditaments and all manner of Interests therein and all Pleas of debt account or other Contracts Trespasses and all manner of other personal pleas whatsoever And We did further will ordain and grant to the said Court full power and authority to grant Probates of Wills and Administration of the Personal Estates of Intestates dying within the Place or Settlement aforesaid And our further Will and Pleasure was And We did by the said Letters Patent for us Our Heirs and Successors direct ordain and appoint that upon Complaint to be made in writing to the said Court by any Person or Persons against any other Person or Persons residing or being within the said Place of any Cause of Suit the said Court should or might issue a warrant in writing under the hand and seal of the said Judge Advocate for the time being to be directed to the Provost Marshal or such other Officer as should be appointed by our Governor to execute the process thereof which Warrant should contain shortly the substance of the Complaint and should either command such Officer to summon the Defendant or Defendants to appear or in case the value of the demand be ten pounds or upwards (of which Oath should first be made) Command him to bring his her or their body or bodies to take bail for his or their appearance before the said Court at a certain time or place therein to be named to answer to the said Complaint and to find sufficient security for his her or their performance of such Judgment Sentence or Decree as should be pronounced thereupon or finally given upon an Appeal and upon Appearance Arrest or Non Appearance or return by the Officer that the Defendant or Defendants could not be found We did thereby for us, our heirs and successors ordain direct and authorize the said Court to proceed to the examination of the matter and cause of such Complaint and upon due proof made thereof either upon the Oath or Oaths of any witness or witnesses in writing to be by him her or them subscribed (for which purpose We did by the said Letters Patent empower and require the said Court to

administer an Oath to such Witnesses as should be produced by either Party Plaintiff or Defendant or by the voluntary confession of such Defendant or Defendants) to give judgment and sentence according to Justice and Right and to award and issue out a Warrant or Warrants of Execution under the hand and seal of the said Judge Advocate for the time being for levying the duty adjudged or decreed to the Party or Parties Complainant together with Costs of Suit upon the Goods and Chattels of such Defendant or Defendants and to cause sale to be made of the said Goods and Chattels rendering to the Party the overplus (if any be) and for want of sufficient distress We did thereby for Us Our Heirs and Successors give full power and authority to the said Court to imprison the Defendant or Defendants until satisfaction be made by him her or them to the Plaintiff or Plaintiffs of the Duty decreed together with the Costs and in Case Judgement should be given for the Defendant or Defendants, We did thereby likewise give full Power and Authority to the said Court to award Costs to such Defendant or Defendants and to issue the like process of execution for the same as in cases where Costs are awarded to any Plaintiff or Plaintiffs and if either Party should find him or themselves aggrieved by any Judgment or Decree to be given or pronounced by the said Court Our Will and Pleasure was that he she or they should and might appeal to the Governor of the Eastern Coast of New South Wales and the parts adjacent or in case of his death or absence to the Lieutenant Governor for the time being whom We did thereby empower and authorize to hear and determine the same and to issue process of summons to answer to such [document first page ends here] APPEAL and the like process of execution as the said Court was thereby directed and empowered to issue and if either Party should find him her or themselves aggrieved by the judgement or determination of the said Governor in any case where the debt or thing in demand should exceed the value of three hundred pounds and not otherwise our will and pleasure also was that such Party so aggrieved might appeal to Us or our Heirs and Successors in Council And we did further will and ordain that no appeal should be admitted from the judgement of the said Court unless the same should be interposed within eight days after the said Judgement nor from the Judgement of the Superior Court unless the same should be interposed within fourteen days after the judgement of such Superior Court and further that the said Court might proceed in a summary way by foreign Attachment of Good Debts and Effects of Debtors in the hands or possession of other persons residing in the place aforesaid and We did further will and ordain that all complainants at whose suit any persons should be imprisoned should make an allowance to each of such Defendants after such rate for every day so long as such Defendants should be kept in prison as the said Court should direct and in default of payment thereof for one week such Person should be discharged out of prison and such discharge out of Prison should be a discharge of the Debt unless the Complainant should before any new proceeding against such Defendants pay or tender to them all the arrears of such allowance from the time of the last payment to the time of such new proceeding Provided always that such Defendants did make Oath before the Judge Advocate to his satisfaction that he had not any estate or effects sufficient to maintain himself with necessaries in the Prison otherwise that such allowance be not made to him And our said Letters Patent further reciting that Whereas it was necessary that a Court of Criminal Jurisdiction should also be established within the Colony or Settlement aforesaid with Authority to proceed in a more summary way than was used within this Realm according to the known and established laws thereof And that by an Act of Parliament passed in the twenty seventh year of our Reign It was Enacted that His Majesty might by his Commission under the Great Seal authorize the Person to be appointed Governor or the Lieutenant Governor in the absence of the Governor of such Place as aforesaid to convene from time to time as occasion might require a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this Realm would be deemed and taken according to the laws of this Realm to be treason or misprision thereof felony or misdemeanor which Court should consist of the Judge Advocate to be appointed in and for such Place together with six officers of His Majesty's forces by sea or land which Court should proceed to try such Offenders by calling such Offenders respectively before that Court and causing the charge against him her or them respectively to be read over which charge should always be reduced into writing and should be

exhibited to the said Court by the Judge Advocate and by examining Witnesses upon oath to be administered by such Court as well for as against such Offenders respectively and afterwards adjudging by the opinion of the major part of the Persons composing such Court that the Party accused was or was not (as the Case should appear to them) Guilty of the charge and by pronouncing judgement therein (as upon a conviction by verdict) of Death if the offence be Capital or of such corporal punishment not extending to Capital Punishment as to the said Court should seem meet and in cases not Capital by pronouncing Judgement of such corporal punishment not extending to life or limb, as to the said Court should seem meet and that the Provost Marshall or other Officer to be for that purpose appointed by such Governor or Lieutenant Governor should cause due execution of such Judgement to be had and made under and according to the warrant of such Governor or Lieutenant Governor in the absence of the Governor under his hand and seal and not otherwise Provided always that execution should not be had or done on a Capital Convict or Convicts unless five Persons present in such Court should concur in adjudging him her or them so accused and tried as aforesaid to be respectively guilty until the proceedings should have been transmitted to His Majesty and by him approved and that the said Court should be a Court of Record and should have all such Powers as by the laws of England are incident and belonging to a Court of Record We upon full consideration of the premises and of our especial Grace certain knowledge and mere motion thought fit to grant direct and appoint and by the said Letters Patent did accordingly for Us our Heirs and Successors grant direct ordain and appoint that there should be within the Settlement and Colony aforesaid a Court which should be called The Court of Criminal Jurisdiction And We did thereby create direct and constitute the said Court of Criminal Jurisdiction to be a Court of Record and that our said Court of Criminal Jurisdiction should have all such powers as are incident to a Court of Record by the Laws of that part of Our Kingdom of Great Britain called England And We did further will ordain and appoint that the said Court of Criminal Jurisdiction should consist of our Judge Advocate for the time being together with such six officers of our Sea and Land Service as our Governor or in case of his Death or Absence our Lieutenant Governor should by precept issued under his hand and seal convene from time to time for that purpose And that the said Court of Criminal Jurisdiction [document second page ends here] should have power to enquire of hear determine and punish all treason or misprisions thereof murders felonies forgeries perjuries trespasses and other crimes whatsoever committed in the place or places aforesaid such Punishment so to be inflicted being according to the Laws of that part of our Kingdom of Great Britain called England as nearly as might be considering and allowing for the circumstance and situation of the place and settlement aforesaid and the inhabitants thereof And it was our further will and pleasure that our said Court of Criminal Jurisdiction should proceed to try all offenders by calling them respectively before such Court and causing the Charge or Charges against him her or them respectively when reduced into writing and exhibited by our Judge Advocate to be read over to such Offender or Offenders respectively and by examining Witnesses upon oath to be administered by the said Court of Criminal Jurisdiction as well for as against such offenders respectively and that the said Court should adjudge by the Opinion of the major part of the persons composing the same as aforesaid that the Party accused was guilty or not guilty of the charge so exhibited as aforesaid and, if adjudged guilty that the Court should proceed to pronounce judgement of death if the offence be capital in like manner as if the Prisoner had been found guilty by verdict of a Jury in that part of our Kingdom of Great Britain called England or by pronouncing judgement of such Corporal Punishment not extending to Capital Punishment as to the said Court or the major part of the Persons composing the same should seem meet And in cases not capital by the laws aforesaid by pronouncing judgement of such corporal punishment, not extending to life or limb as to the said Court or the major part of the persons composing the same should seem meet And It was our further will and pleasure And we did thereby ordain direct and appoint that our Provost Marshal or such other Officer as should be appointed for that purpose by our Governor or in case of his death or absence by our Lieutenant Governor for the time being should cause due execution to be had and made of such judgements as aforesaid according to the warrant of our Governor or in his absence of

our Lieutenant Governor for the time being under their hands and seals respectively and not otherwise And we did by the said Letters Patent ordain and direct that execution of any judgement of death should not be had or done on any Offender or Offenders unless five persons present sitting in judgement in our said Court of Criminal Jurisdiction should concur in adjudging such offender or offenders so accused and tried as aforesaid to be respectively guilty until the proceedings in the trial of such offender or offenders should have been transmitted to us our heirs or successors and our or their pleasure should have been signified thereupon and that execution be not done in any Capital Case whatever without the consent of our Governor or in case of his death or absence of our Lieutenant Governor And in case execution should be suspended that the said Governor or Lieutenant Governor should apply to us our heirs and successors for our or their direction therein And our further Will and Pleasure was that all and every the members of our said Court of Civil Jurisdiction respectively should before they proceeded to sit in judgment severally make oath well and truly to try the several issues brought before them and to give a true judgment according to the evidence And that all and every the members of our said Court of Criminal Jurisdiction should in like manner make oath to make true deliverance between us our heirs and successors and the several Prisoners who should by them be tried and to give a true judgment according to the evidence And we did thereby give full power and authority to our Judge Advocate for the time being to administer such oaths to the respective Members of our said several Courts And further We for preserving the peace of our said Settlement and the Islands thereunto adjacent of our special grace certain knowledge and mere motion granted ordained directed and appointed and by the said Letters patent did grant ordain direct and appoint that our present and all our future Governors and Lieutenant Governors and our Judge Advocate for the time being should be Justices of the Peace within the said Place or Settlement and that all and every such Justice and Justices of the Peace should have the same power to keep the peace arrest take bail bind to good behaviour suppress and punish riots and to do all other matters and things with respect to the Inhabitants residing or being in the place and settlement aforesaid as Justices of the Peace had within that part of Great Britain called England within their respective Jurisdictions AND WHEREAS by virtue of the said recited Letters Patent the Court of Civil Jurisdiction thereby established within our said Territory of New South Wales and its dependencies was fully constituted and appointed and has since continued to exercise and now does exercise within our said territory and its Dependencies the various jurisdictions and authorities offices and functions granted to and vested in it by the said Letters Patent AND WHEREAS in consequence of the increased Population of the said Territory and its dependencies the said Court of Civil Jurisdiction has been found insufficient for the purpose of administering Civil Justice to our Subjects residing within the said Territory and its Dependencies or for determining private causes between party and party within the same We have thought fit to revoke and we do by these Presents revoke so much of the said Letters Patent herein before recited as relates to the appointment of the Court of Civil Jurisdiction and every matter clause and thing relating thereto therein contained and our will and pleasure is that as far relates to the said Court of Civil Jurisdiction should henceforth determine and be null and void AND NOW KNOW YE that in order to provide for the better administration of Civil Justice within our said Colony of New South Wales and its dependencies We have of our especial Grace certain knowledge [document third page ends here] AND mere motion thought fit to grant ordain direct and appoint and by these Presents do for us our Heirs and Successors will grant ordain direct and appoint that there be within the said Territory and its Dependencies Three Courts of Civil Judicature to respective called " The Governors Court" " The Supreme Court" and " The Lieutenant Governor's Court" AND IT IS our Will and Pleasure that the Governors Court shall consist of The Judge Advocate for the time being together with two fit and proper Persons inhabiting the said Territory of New South Wales to be appointed from time to time by our Governor (or in case of his death or absence by our Lieutenant Governor for the time being) or of any two of them (whereof the Judge Advocate to be one) AND IT IS our further Will and Pleasure that the Supreme Court shall consist of a Judge to be appointed by Commission under Our Royal Sign Manual together with any such two Magistrates of our said Territory and its

Dependencies as our Governor or in case of his death or absence our Lieutenant Governor for the time being shall by precept under his hand from time to time appoint or any two of them (whereof the Judge to be one) AND IT IS our further Will and Pleasure that the Lieutenant Governor's Court shall consist of the Deputy Judge Advocate of Van Diemens Land for the time being together with two fit and proper persons inhabiting our Island of Van Diemens Land to be appointed from time to time by the Lieutenant Governor of Van Diemens Land for the time being or in case of his death or absence by the Officer administering the Government of the said Island for the time being or of any two of them (whereof the Deputy Judge Advocate to be one) AND it is our will and pleasure that the said Governor's Court constituted as aforesaid shall have full power and authority to hold Plea of and to hear and determine in a summary way all Pleas concerning Lands Tenements Hereditaments and all manner of interests therein and all pleas of debt account or other Contracts Trespasses and all manner of other personal pleas whatsoever where the Sum in dispute shall not exceed fifty pounds Sterling or where the value of the lands tenements or hereditaments or the interest therein or the subject matter of the suit shall not exceed the said value of fifty pounds Sterling excepting only such as shall arise between party and party resident in our Island of Van Dieman's Land which shall be determined as hereinafter provided AND our further will and pleasure is and we by these Presents for us Our Heirs and Successors direct ordain and appoint that upon Complaint to be made in Writing to the said Governor's Court by any person or persons against any other person or persons residing or being within any part of our said Territory of New South Wales save and except always our Island of Van Diemens Land of any case of Suit, the said Court shall or may issue a Warrant in writing under the hand and seal of the said Judge Advocate to the Provost Marshal or such other Officer as shall be appointed by our Governor to execute the process thereof which warrant shall contain shortly the substance of the Complaint and shall either command such Officer to summon the Defendant or Defendants to appear or in case the value of the demand be ten pounds or upwards if the same arises from or by virtue of any debt or detention of any Goods or Chattels (of which Oath shall first be made) command him to bring his her or their body or bodies to take bail for his her or their appearance before the said Court at a certain time and place therein to be named to answer to the said complaint and to find sufficient security for his her or their performance of such Judgement Sentence or Decree as shall be pronounced thereupon or finally given and upon appearance arrest or non appearance and return by the Officer that the Defendant or Defendants cannot be found in which case of non appearance and return that the Defendant or Defendants cannot be found it shall be previously verified upon oath before the said Court that the Defendant or Defendants at the time of the complaint instituted was or were abiding somewhere within the said Territory of New South Wales We do hereby for Us our Heirs and Successors ordain direct and authorise the said Court to proceed to the examination of the matter and cause of such Complaint and upon due proof made thereof either upon the Oath or Oaths of any witness or witnesses (for which purpose We do hereby by these presents empower and require the said Court to administer an oath to such witnesses as shall be produced by either Party Plaintiff or Defendant) or by voluntary confession of such Defendant or Defendants to give Judgement and Sentence according to justice and right which Judgement and Sentence shall be final and the said Governors Court may and shall award and issue out a Warrant or Warrants of execution under the hand and Seal of the said Judge Advocate for the time being for levying the duty adjudged or decreed to the Party or Parties Complainant together with costs of suit upon the Goods and Chattels of such Defendant or Defendants and to cause sale to be made of the goods and chattels rendering the surplus (if any be) to the Defendant or Defendants and for want of sufficient distress We do hereby for Us our Heirs and Successors give full power and authority to the said Governor's Court to imprison the Defendant or Defendants until Satisfaction be made by him her or them to the Plaintiff or Plaintiffs of the duty decreed together with the costs and in case Judgement shall be given for the Defendant or Defendants We do hereby likewise give full Power and Authority to the said Court to award costs to such Defendant or Defendants and to issue the like process of execution for the same as in cases where costs are awarded to any Plaintiff or Plaintiff AND IT IS our will and pleasure that the said

Governor's Court may proceed in a summary way by Foreign Attachment of Goods, Debts and Effects of Debtors in the Hands or Possession of other Persons [document fourth page ends here] RESIDING within Our said Territory of New South Wales AND it is our further Will and Pleasure that the said Supreme Court constituted as aforesaid shall be and is hereby constituted a Court of Record and is hereby authorized to hold plea of and to hear and determine all Pleas concerning Lands Tenements Hereditaments and all manner of Interests therein and all Pleas of Debt Account or other Contract Trespasses and all manner of other Personal Pleas whatsoever except where the Cause of Action shall not exceed fifty pounds Sterling AND WE do by these Presents for Us our Heirs and Successors direct ordain and appoint that upon Complaint to be made in writing to the said Court by or on the behalf of any Person or Persons against any other Persons whomsoever then residing or being or who at the time when such Cause of Action did or shall accrue did or shall reside within Our Territories in New South Wales or its dependencies or in Our Island of Van Diemens Land of any of the Causes of Suit aforesaid unless the Cause of Suit shall not exceed the Value of fifty pounds Sterling the said Court shall and may issue a Summons in writing under the Hand and Seal of the Judge to be directed to the Provost Marshall requiring the Party or Parties Defendant or Defendants to appear before the Court at a certain time and place therein to be appointed in the said Summons to answer the said Complaint and in default of appearance upon return of the said Summons at such time and place the said Court shall and may upon Oath being first made of the amount of the debt or demand issue forth a Warrant under the hand and Seal of the said Judge for the time being to take the body or bodies of such Defendant or Defendants and bring him her or them before the said Court at a certain time and place therein to be appointed to answer to the said Complaint And in case of appearance or arrest of the body or bodies of such Defendant or Defendants to let such Defendant or Defendants to bail upon giving sufficient Security (which We do hereby empower the Court to take) to abide and perform the final order of the said Court or such final order and Judgement as shall be given upon any Appeal to be brought in the said Cause or to surrender him her or themselves to the said Court to be charged in execution till the said Judgement shall be satisfied or in default of finding bail or giving such security as aforesaid to detain the said Defendant or Defendants in custody until he she or they shall have found such bail or have given such security as aforesaid or shall have Judgement or Sentence given for him her or them upon such Complaint and after such bail bond or security given as aforesaid or in case such Defendant or Defendants shall be detained in Custody for want of bail or security We do hereby for Us Our Heirs and Successors Ordain Direct and Authorize the said Court to proceed to the Examination of the matter and cause of Complaint upon the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths We do by these Presents empower and require the said Court to administer to such Witness or Witnesses as shall be produced on behalf of either party plaintiff or Defendant) or by the confession or admission of such Defendant or Defendants in his her or their Answer upon the like Oath or Oaths and thereupon it shall be lawful for the said Court to give Judgement and Sentence according to Law and Equity and to Award and Issue a Warrant or Warrants of Execution under the hand and seal of the Judge of the said Court to be directed to the Provost Marshal for the time being for levying the Debt Duty or Damage adjudged or decreed to the Party or Parties Complainant or Complainants together with Costs of Suit upon the Goods and Chattels of such Defendant or Defendants or to cause Sale to be made of his her or their Goods and Chattels tendering to the Party the Overplus if any be and for the want of sufficient distress We do hereby for Us our Heirs and Successors give full Power and Authority to the said Court to imprison the Defendant or Defendants until Satisfaction be made by him her or them to the Plaintiff or Plaintiffs of the Debt Duty or Damage decreed or adjudged together with the Costs of Suit and in case Judgement shall be given for the Defendant or Defendants We do hereby for Us Our Heirs and Successors likewise give full power and authority to the said Court to award Costs to such Defendant or Defendants and to Issue the like Process and Execution for the same as in cases where Costs are awarded to any Plaintiff or Plaintiffs AND It is Our further Will and Pleasure that the said Supreme Court may proceed, by way of foreign Attachment of Goods Debts and Effects of Debtors

in the hands or possession of other persons residing within our said Territories And if either party shall find him her or themselves aggrieved by any Judgement or Decree to be given or pronounced by our said Supreme Court in any Case whatever where the Judge of the said Court shall have differed in Opinion with the Magistrates acting with him and shall have protested against the Judgement or Decree of the said Court (such protest being duly recorded) or in any other Case where the debt or thing in Demand shall exceed [document fifth page ends here] the Value of three hundred pounds Sterling our Will and Pleasure is that he she or they shall and may appeal to Our said Governor or in case of his death or absence to the Lieutenant Governor for the time being which Governor or Lieutenant Governor as the case may be shall be assisted by the Judge Advocate AND WE do hereby Authorize and empower him with the assistance of the Judge Advocate to hear and determine the same and to issue Process of Summons to answer such appeal and the like Process of Execution as the said Supreme Court is hereby directed and empowered to issue which decision shall be final in every case where the debt or thing in Demand shall not amount to the Sum of three thousand pounds Sterling and if any Party shall find him her or themselves aggrieved by the Judgement or determination of the said Governor in any Case where the debt or thing in Demand shall amount to or exceed the value of three thousand pounds Sterling and not otherwise Our Will and Pleasure further is that such Party so aggrieved may Appeal to Us or to Our Heirs and Successors in Council AND WE do further Will and Ordain that no Appeal shall be admitted from the Judgement of the said Supreme Court to the Governor assisted by the Judge Advocate in any Case unless the same shall be interposed within eight days after the said Judgement nor from the Judgement of the Governor to Us or to Our Heirs and Successors in Council unless the same shall be interposed within fourteen days after such Judgement nor unless the Party appealing shall give good Security to be duly approved by Our Governor or Lieutenant Governor as aforesaid for his her or their performance of such Judgement Sentence or Decree as shall be finally given or pronounced thereupon in at least double the amount of the debt or thing in demand or double the value of the Lands Tenements or Hereditaments or other Estate in Question AND IT is our further Will and Pleasure that the said Lieutenant Governor's Court constituted as aforesaid for our Island of Van Diemens Land shall have full Power and Authority to hold Plea of and to hear and determine in a summary way all Pleas concerning Lands Tenements Hereditaments and all manner of Interests therein And all Pleas of Debt Account or other Contracts Trespasses and all manner of other Personal Pleas whatsoever within Our said Island of Van Diemens Land where the sum in dispute shall not exceed fifty pounds Sterling or where the Value of the Lands Tenements or Hereditaments or the Interest therein or the subject matter of the suit does not exceed the said value of fifty pounds AND OUR further Will and Pleasure is And We do by these Presents for Us our Heirs and Successors direct ordain and appoint that upon Complaint to be made in writing to the said Lieutenant Governor's Court by any Person or Persons against any Person or Persons residing or being within Our said Island of Van Diemens Land of any Cause of Suit the said Court shall and may issue a warrant in writing under the hand and seal of the said Deputy Judge Advocate to the Provost Marshal or such other officer as shall be appointed by our Governor or Lieutenant Governor to execute the Process thereof which Warrant shall contain shortly the substance of the Complaint and shall either command such Officer to summon the Defendant or Defendants to appear or in case the value of the Demand be ten pounds or upwards if the same arises from or by virtue of any debt or detention of any Goods or Chattels (of which Oath shall be first made) command him to bring his her or their body or bodies or to take Bail for his her or their Appearance before the said Court at a certain time and place therein to be named to answer to the said Complaint and to find sufficient Security for his her or their performance of such Judgement Sentence or Decree as shall be pronounced thereupon or finally given and upon Appearance Arrest or Non appearance and Return by the Officer that the Defendant or Defendants cannot be found in which Case of Non appearance and Return that the Defendant or Defendants cannot be found it shall be previously verified upon Oath before the said Court that the Defendant or Defendants at the time of the Complaint instituted was or were abiding some where within the said Island, We do hereby for Us our Heirs and

Successors Ordain Direct and Authorize the said Court to proceed to the Examination of the Matter and Cause of such Complaint and upon due proof made thereof either upon the Oath or Oaths of any Witness or Witnesses (for which purpose we do hereby by these Presents empower and require the said Court to Administer an Oath to such Witnesses as shall be produced by either Party Plaintiff or Defendant) or by Voluntary Confession of such Defendant or Defendants to give Judgement and Sentence according to Justice and Right which Judgement and Sentence shall be final and the said Lieutenant Governor's Court may and shall award and issue out a Warrant or Warrants of Execution under the hand and seal of the said Deputy Judge Advocate for the time being for levying the duty adjudged or decreed to the Party or Parties Complainant together with Costs of Suit upon the Goods and Chattels of such Defendant or Defendants and to cause Sale to be made of the said Goods and Chattels rendering the surplus (if any be) to the Defendant or Defendants and for Want of sufficient Distress We do for us Our Heirs and Successors give full power and authority to the said Lieutenant Governor's Court to imprison the Defendant or Defendants until Satisfaction be made by him her or them to the Plaintiff or Plaintiffs of the duty decreed together with the Costs and in case Judgement shall be given for the Defendant or Defendants We do hereby likewise give full Power and Authority to the said Court to award Costs to such Defendant or Defendants and to issue the like Process of Execution for the same as in Cases where Costs are awarded to any Plaintiff or Plaintiffs AND IT is our Will and Pleasure that the said Lieutenant Governor's Court may proceed in a summary way by foreign Attachment of Goods Debts and Effects of Debtors in the Hands or Possession of other Persons resident within Our said Island of Van Dieman's Land And it is our further Will and Pleasure that in all [document sixth page ends here] cases in which Judgement shall be given by any of the said Courts in any suit which shall be brought to recover possession of Lands Tenements or any Interests therein the said Governor's Court Supreme Court and Lieutenant Governor's Court respectively may and shall issue a Warrant under the Hand and Seal of the said Judge Advocate Judge or Deputy Judge Advocate for the time being respectively as the Case may be addressed to the Provost Marshal or such other Officer as may be appointed by our Governor or Lieutenant Governor to execute the same to enter upon the Lands and Tenements adjudged or decreed to the Party or Parties Complainant and to cause possession thereof to be delivered to the said Party or Parties Complainant and the said Governor's Court Supreme Court and Lieutenant Governor's Court respectively shall have full Power to Award such Costs and to issue the like Process of Execution for the same as is hereinbefore directed in cases where the Suit shall arise from or by virtue of any debt or detention of Goods and Chattels AND WHEREAS it may frequently happen that the Estate and Effects of Persons dying in Our said Colony of New South Wales and its Dependencies are wasted and embezzled and their Debts contracted there remain unpaid for want of a proper Authority vested in some proper Person or Persons residing therein to take care of the same for the preventing of which mischief We do hereby for Us our Heirs and Successors give and grant unto the said Supreme Court And do by these Presents Ordain Establish and Appoint that when any Person or Persons within the said Colony and its Dependencies shall by his Will appoint any Person or Persons within the said Colony or its Dependencies to be his her or their Executor or Executors then and in such Case the said Supreme Court upon proof made of the due Execution of the said Will is hereby authorized and required to grant Probate of the said Will under the Seal of the Court aforesaid whereby the Person or Persons so named Executor or Executors shall have full Power and Ample Authority to Act as such as touching the Debts and Estate of his her or their Testator and when any Person shall die within the Colony or it's Dependencies aforesaid intestate or not having appointed some Person or Persons to be Executor or Executors residing within the said Colony or its Dependencies that in either of these Cases the said Supreme Court shall and the same is empowered to grant Probates of Wills or Letters of Administration with an Authentic Copy of the Will annexed (determinable upon any Executor named in such Will appearing in Court and praying Probate thereof) as touching the Debts and Estate of the Person dying intestate or not naming such Executor as aforesaid that shall be or arise within the Limits aforesaid to such Person or Persons then residing within the Jurisdiction of the



said Court as shall be next of Kin to the Person so dying or his residuary Legatee and in case there shall be no such Person within the Jurisdiction then to the Principal Creditor of the Person so dying and for Want of any Creditor appearing then to such other Person or Persons as shall be thought proper by the said Court every such Person or Persons to whom Administration shall be granted first giving Security by Bond (respect being had to the value of the Estate) to the Judge of the said Court with Condition in the form usually given in Our Courts Ecclesiastical in England or as near thereto as the nature and circumstances of the Case will admit AND it is Our Will and Pleasure that such Person or Persons to whom Administration shall be so granted shall and may Act in all respects as Administrator or Administrators touching the Debts Effects and Estates of such Person or Persons to whom he she or they shall take out Administration as aforesaid which shall be or arise within the said Colony AND it is Our further Will and Pleasure And We do hereby for Us our Heirs and Successors Grant Ordain and Establish that the said Supreme Court shall also be a Court of Equity and have Equitable Jurisdiction over the Person and Persons hereinbefore described and specified or limited for its ordinary Civil Jurisdiction as aforesaid and shall and may have full power and authority to administer Justice in a summary manner according or as near as may be to the Rules and Proceedings of our High Court of Chancery in Great Britain upon a Bill filed to issue Subpoenas and other Process under the Hand and Seal of the Judge of the said Supreme Court to compel the Appearance and Answer upon Oath of the Parties therein complained against and obedience to the Decrees and Orders of the said Court of Equity in such manner and form and to such Effect as Our High Chancellor of Great Britain or as near the same as Circumstances will admit AND WE do hereby authorize the said Supreme Court to administer Oaths and to frame such Rules of Practice and Nominate and Appoint such Clerks and Officers and to do all such other Things as shall be found necessary for the Administration of Justice and the due execution of all or any of the Powers granted to them by these Presents subject to the approbation of our said Governor AND our further Will and Pleasure is And We do hereby require and command that a Table of the Fees to be allowed to such Clerks and Officers shall be settled by the said Supreme Court with the consent and approbation of our said Governor and shall be written out fair and constantly fixed up in some visible and open part of the Room or Place where the said Court shall be held and that it shall be lawful for the said Court with the approbation of the said Governor to vary and alter such Table of Fees in such manner as they shall think fit AND WE further Will and Ordain that all Complainants at whose Suit any Defendant or Defendants shall be imprisoned by the Process either of the Governor's Court or of the Supreme Court or of the Lieutenant Governor's Court respectively shall make an Allowance to each of such Defendants after such rate for every day so long as such Defendants shall be kept in Prison as the said Courts shall respectively direct and in default of Payment for one week such Person shall be discharged out of Prison and such discharge out of Prison shall be a discharge of the Debt unless the Complainant shall before any new Proceedings against such Defendant or Defendants pay or tender to him her or them all the Arrears of such Allowance from the time of the last Payment to the time of such new proceeding PROVIDED ALWAYS that such Defendant do make Oath before the Judge Advocate or the Judge of our Supreme Court or the Deputy Judge Advocate respectively as the Case may be to their Satisfaction that he or she hath not any Estate or Effects sufficient to maintain himself or herself with necessaries in the Prison otherwise that [document seventh page ends here] SUCH Allowance be not made to him or her AND WE do further Will and Ordain that the Persons so appointed by us unto the Offices of Judge Advocate Judge and Deputy Judge Advocate as aforesaid shall previously to their taking their Seats in the said Courts respectively take an Oath duly to execute their respective Offices together with the Oath of Allegiance which Oaths Our said Governor or Lieutenant Governor for the time being is hereby empowered to Administer accordingly and that all and every other Member of the said Governor's Court the Supreme Court and The Lieutenant Governor's Court respectively shall before they proceed to sit in Judgement severally make Oath well and truly to try the several Issues brought before them and to give Judgement according to the Evidence AND WE do hereby give full Power and Authority to our Judge Advocate Judge and

Deputy Judge Advocate respectively for the time being to administer such Oaths to the Members of our said Courts respectively AND WE do hereby further Will Ordain and Direct that no Action Cause Suit or Proceeding now depending in the Court of Civil Jurisdiction established by Our said Letters Patent before recited shall be avoided abated discontinued or annulled by the cessation of the Authority and Functions of the said Court But that the same shall remain in as full force and virtue as if the said Court of Civil Jurisdiction still possessed the Powers and Authorities conferred upon it by the said recited Letters Patent and shall be respectively transferred in their present condition to and subsist and depend respectively and be prosecuted tried and determined respectively in the said Courts hereby constituted according to the amount of the sum or thing in dispute to all intents and purposes as if they had been first respectively commenced had brought and prosecuted in the said last mentioned Courts respectively for which purpose WE DO further Will direct and appoint that all the Records Muniments and Proceedings whatever of and belonging to the said Causes Actions or Suits respectively shall be delivered over to and deposited and preserved either in the said Governor's Court or in the said Supreme Court or in the said Lieutenant Governor's Court as the Case may happen to be AND FURTHER KNOW YE that We for preserving the Peace of Our said Settlement and the Islands thereunto adjacent of Our especial Grace certain knowledge and mere motion have granted ordained directed and appointed And by these Presents do grant ordain direct and appoint that our present and all Our future Governors Lieutenant Governors and Our Judge Advocate Judge and Deputy Judge Advocate for the time being shall be Justices of the Peace within the said territory and its Dependencies and all Places or Settlements therein and that all and every such Justice and Justices of the Peace shall have the same power to keep the Peace arrest take Bail bind to good behaviour Suppress and Punish Riots and to do all other matters and things with respect to the Inhabitants residing or being in the Places and Settlement aforesaid as Justices of the Peace have within that part of Great Britain called England within their respective Jurisdictions And these Our Letters Patent or the Enrolment or Exemplification thereof shall be as well unto the said Courts respectively and unto all and every other person or Persons whomsoever a sufficient Warrant and Discharge from time to time for all and whatever they shall do or execute in pursuance of Our Royal Will and Pleasure hereinbefore declared AND LASTLY Our Will and Pleasure is AND WE do hereby declare that this Our Charter shall be and remain in force only until We shall be pleased to revoke and determine or alter the same IN WITNESS Whereof we have caused these Our Letters to be made Patent WITNESS Ourselves at Westminster the Fourth day of February in the Fifty fourth year of Our Reign

BY WRIT OF PRIVY SEAL

BATHURST AND BATHURST

END TRANSCRIPTION