ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXL.

An Act to enable His Majeſty more eaſily and effectually to grant conditional Pardons to Perſons under Sentence by Naval Courts Martial, and to regulate Impriſonment under ſuch Sentences.

[20th *July* 1797.]

Preamble.

WHEREAS it is expedient to provide more effectually for the Performance of the Conditions upon which His Majeſty may be graciouſly pleaſed to grant conditional Pardons to Offenders liable to the Puniſhment of Death by Sentence of Naval Courts Martial; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if His Majeſty ſhall be graciouſly pleaſed to extend His Mercy to any Offender liable to the Puniſhment of Death by the Sentence of a Naval Court Martial, upon Condition of Tranſportation, or of tranſporting himſelf beyond Seas, or upon Condition of being impriſoned within any Gaol in *Great Britain*, or on Condition of being kept to Hard Labour in any Gaol or Houſe of Correction, or Penitentiary Houſe, or on any River, under the Direction of any Superintendant or Superintendants legally appointed

If His Majeſty ſhall extend His Mercy to Perſons liable to Death by the Sentence of a Naval Court Martial, a Juſtice of the King's Bench, &c. may, on Notification

from the Secretary of State, allow the Benefit of such conditional Pardon as if it had passed under the Great Seal, and shall make Orders accordingly.

appointed for the Charge of Offenders sentenced to Hard Labour on such River, it shall and may be lawful for any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, of the Degree of the Coif, upon such Intention of Mercy as aforesaid being notified in Writing by One of His Majesty's Principal Secretaries of State, to allow to such Offender the Benefit of such conditional Pardon as shall be expressed in such Notification, in the same Manner as if a conditional Pardon had passed for that Purpose under the Great Seal; and thereupon, whenever any such Pardon shall be granted to any such Offender upon Condition of Transportation, or of transporting himself, such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by an Act, passed in the Twenty-fourth Year of His Majesty's Reign, intituled, *An Act for the effectual Transportation of Felons, and other Offenders, and to authorize the Removal of Prisoners, in certain Cases; and for other Purposes therein mentioned*, with respect to Offenders in such Act mentioned, tried at any Court of Oyer and Terminer or Gaol Delivery in *England*, as in the said Act mentioned; and such Order and Orders so to be made as aforesaid, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that Time be, and all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned; and whenever any such Pardon shall be so granted as aforesaid to any Offender liable to the Punishment of Death by the Sentence of a Naval Court Martial as aforesaid, upon Condition of being imprisoned within any Gaol in *Great Britain*, or on Condition of being kept to Hard Labour in any House of Correction, or Penitentiary House, or on Condition of being kept to Hard Labour, during any specified Term, on any River, under the Direction and Management of any Superintendant or Superintendants legally appointed as aforesaid, and such Pardon shall have been allowed in Manner aforesaid by any such Justice or Baron as aforesaid, such Justice or Baron shall order such Offender to be imprisoned or kept to Hard Labour in the Manner and for the Time which shall be specified in the Notification of such conditional Pardon from such Secretary of State as aforesaid, and shall make such Order or Orders, and do all such other Acts consequent thereupon, as any Justice of Oyer and Terminer or Gaol Delivery is authorized to make or do by an Act, passed in the Nineteenth Year of His Majesty's Reign, intituled, *An Act to explain and amend the Laws relating to Transportation, Imprisonment, and other Punishment of certain Offenders*, with respect to Offenders mentioned in the said Act, and to whom conditional Pardons may be granted, as in the said Act mentioned; and such Order or Orders when made, and all such other Act and Acts when done, by any such Justice or Baron as aforesaid, shall be as effectual, and have all the same Consequences, as any Order made for the like Purpose under the Authority of the last mentioned Act, with respect to any Offender in such Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant, whom it may concern, and all Constables and other Persons shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting

rupting the Execution of the ſame, as they would be if the ſame had been made under the Authority of the aforeſaid Acts reſpectively; and every Perſon to whom ſuch conditional Pardon ſhall be extended, ſhall be ſubject reſpectively to all and every the Proviſion and Proviſions made by Law and now in force concerning Perſons convicted of any Crime and receiving His Majeſty's Pardon on any ſuch Condition as aforeſaid.

The Juſtice or Baron allowing the Pardon, to direct the Notification and Order to be filed with the Clerk of the Crown of the Court of King's Bench.

II. And be it further enacted, That when any Offender liable to the Puniſhment of Death by the Sentence of any Naval Court Martial as aforeſaid, ſhall receive and be allowed His Majeſty's Pardon in Manner aforeſaid, the Juſtice or Baron who ſhall allow ſuch Pardon, and make any ſuch Order as aforeſaid under any ſuch Notification of His Majeſty's Intention as aforeſaid, ſhall direct the ſaid Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of His Majeſty's Court of King's Bench, and to be there kept of Record; and the ſaid Clerk of the Crown ſhall receive a Fee of Two Shillings and Sixpence, and no more, for filing the ſame.

When an Offender is ordered to be impriſoned, or kept to Hard Labour, the Clerk of the Crown to deliver to the Perſon in whoſe Cuſtody he ſhall be, a Certificate of his Name, Offence, &c. and ſuch Perſon ſhall deliver him and the Certificate to the Gaoler, &c.

III. And be it further enacted, That whenever any Offender ſhall be ordered, by virtue of this Act, to be impriſoned or to be kept to Hard Labour in any ſuch Manner as aforeſaid, the Clerk of the Crown ſhall deliver, or cauſe to be delivered, to the Perſon in whoſe Cuſtody ſuch Offender ſhall at that Time be, a Certificate in Writing under his Hand, (not taking for the ſame more than Two Shillings and Sixpence over and above what he has received for filing the ſaid Notification and Order), containing an Account of the Chriſtian Name and Surname of ſuch Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Time for which, the Place where, and the Manner in which, he ſhall be ordered to be impriſoned, or to be kept to Hard Labour, in any ſuch Manner as aforeſaid; and the Perſon having the Cuſtody of ſuch Offender ſhall, with all convenient Speed after receiving ſuch Certificate as aforeſaid, convey ſuch Offender, or cauſe him to be conveyed, to the Houſe, Priſon, or Place, to which he ſhall ſo be directed to be conveyed, and ſhall deliver, or cauſe to be delivered, ſuch Offender, together with ſuch Certificate, to the Gaoler, Keeper, Governor, or Superintendant, as the Caſe may be, or to ſuch Perſon as ſuch Gaoler, Keeper, Governor, or Superintendant, ſhall appoint; and the Perſon to whom ſuch Offender ſhall be ſo delivered ſhall give a proper Receipt, in Writing under his Hand, to the Perſon ſo delivering ſuch Offender, for the Diſcharge of ſuch Perſon, and ſuch Certificate ſhall be kept by the Perſon to whom ſuch Offender ſhall be ſo delivered, as his Warrant and Authority for keeping ſuch Offender in his Cuſtody for ſuch Term, and in ſuch Manner, as ſhall be therein ſpecified.

The Clerk of the Crown, on Application, to deliver a Certificate of the Name, Offence, Place of Conviction, and Terms of Pardon, which ſhall be Proof.

IV. And be it further enacted, That the ſaid Clerk of the Crown of His Majeſty's Court of King's Bench ſhall, upon the Application of any ſuch Offender who ſhall accept His Majeſty's Pardon, or of any other Perſon applying on his Behalf, or on the Application of any Perſon on Behalf of His Majeſty, to deliver a Certificate in Writing under his Hand, (not taking for the ſame more than Two Shillings and Sixpence), containing an Account of the Chriſtian Name and Surname of ſuch Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majeſty's Pardon

was extended to him, which Certificate ſhall be ſufficient Proof of the Conviction and Sentence of ſuch Offender, and alſo of the Terms on which ſuch Pardon was granted to him, in any Court, and in any Proceeding wherein it may be neceſſary to enquire into the ſame.

His Majeſty may remove Offenders under Sentence of Death by a Naval Court, but reprieved, &c. as Offenders ſo reprieved, are removed by 24 *Geo.* III, Seſſ. 2, Cap. 56.

V. And be it further enacted, That it ſhall and may be lawful for His Majeſty to remove any Offender under Sentence of Death by any Naval Court Martial, but reprieved during His Majeſty's Pleaſure, or under Order of Tranſportation by virtue of this Act, or in Confinement under Sentence of any Court Martial, to ſuch Place, in ſuch Manner, and with ſuch Reſtrictions, as He is empowered to do with reſpect to Offenders under Sentence of Death, but reprieved during His Majeſty's Pleaſure, or under Sentence or Order of Tranſportation by the ſaid Act, paſſed in the Twenty-fourth Year of His Majeſty's Reign, intituled, *An Act for the effectual Tranſportation of Felons, and other Offenders, and to authorize the Removal of Priſoners, in certain Caſes; and for other Purpoſes therein ſpecified.*

Laws touching Eſcape of Felons under Sentence of Death to apply to Offenders under like Sentence by a Naval Court, if allowed the Benefit of a conditional Pardon.

VI. And be it further enacted, That if any Offender under Sentence of Death by a Naval Court Martial as aforeſaid, ſhall be allowed the Benefit of ſuch conditional Pardon as aforeſaid, all and every the Laws now in force touching the Eſcape of Felons under Sentence of Death ſhall apply to ſuch Offender, and to all Perſons aiding, abetting, or aſſiſting, in any Eſcape, or intended Eſcape, of any ſuch Offender, or contriving any ſuch Eſcape, from the Time when ſuch Order ſhall be made by ſuch Juſtice or Baron as aforeſaid, and during all the ſeveral Proceedings which ſhall be had for the Purpoſes aforeſaid.

FINIS.