ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

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CAP. V.

An Act to extend the Powers of an Act of the Thirty-ſeventh Year of His preſent Majeſty, for enabling His Majeſty more effectually to grant conditional Pardons to Perſons under Sentence of Naval Courts-martial, and to regulate Impriſonment under ſuch Sentences. [4th *March* 1816.]

WHEREAS an Act paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, 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:* And whereas by another Act paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled *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*, certain Proviſions of the ſaid former Act relating to the Tranſportation of Offenders convicted at Seſſions of Oyer and Terminer and Gaol Delivery, were extended to the Tranſportation and Impriſonment of Perſons capitally convicted before Courts-martial, but to whom His Majeſty ſhould be graciouſly pleaſed to grant a Pardon on Condition of Tranſportation, or of Impriſonment, or being kept to hard Labour: And whereas by another Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to amend the Laws relating to the Tranſportation of Offenders, to continue in force until the Firſt Day of* May *One thouſand eight hundred and ſixteen*, the ſaid Act of the Twenty-fourth Year of His ſaid Majeſty's Reign has been repealed: And whereas Doubts have ariſen whether the ſaid Act of the Fifty-fifth Year of the Reign of His preſent Majeſty may not

24 G. 3. Seſſ. 2. c. 56.

37 G. 3. c. 140.

55 G. 3. c. 156.

not have in part repealed the ſaid Act of the Thirty-ſeventh Year of His ſaid Majeſty's Reign; for Removal whereof, and in order to enlarge and extend the Proviſions of the ſaid Act of the Thirty-ſeventh Year of the Reign aforeſaid as herein-after mentioned, 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 whenever His Majeſty ſhall be graciouſly pleaſed to extend His Royal Mercy to any Offender liable to the Puniſhment of Death by the Sentence of a Naval Court-martial on Condition of Tranſportation or Impriſonment, or of being kept to hard Labour for Life, or for any Term of Years, it ſhall and may be lawful, on a Communication of the Intention of His Majeſty from the Lords Commiſſioners of the Admiralty, or any Three or more of them, for One of His Majeſty's Principal Secretaries of State to notify to any Juſtice of the King's Bench or Common Pleas or Baron of the Exchequer of the Degree of the Coif, ſuch Intention of Mercy as aforeſaid; whereupon the ſaid Juſtice or Baron ſhall allow ſuch Offender the Benefit of ſuch conditional Pardon as ſhall be expreſſed in ſuch Notification, in the ſame Manner as if a conditional Pardon to the ſame Effect had paſſed under the Great Seal for that Purpoſe; and the ſaid Juſtice or Baron, and all other Officers or Perſons whatſoever, are to make ſuch Order or Orders, and to do and perform all ſuch Act or Acts for the carrying into effect the Puniſhment mentioned in ſuch conditional Pardon, as may be required by the ſaid Acts of the Thirty-ſeventh and Fifty-fifth Years of His ſaid Majeſty, or by any other Act or Acts which may be in force at the Time when ſuch conditional Pardon ſhall be granted for carrying into Execution any Sentence of Tranſportation or Impriſonment, or to be kept to hard Labour, paſſed at any Court of Oyer and Terminer or Gaol Delivery in the United Kingdom; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant, whom it may concern, and all Conſtables and other Perſons, ſhall be bound to obey ſuch Order or Orders, and be aſſiſtant in the Execution thereof, and of all ſuch Act or Acts as aforeſaid, and be liable to the ſame Puniſhment for Neglect, Diſobedience, or Interruption of the ſame, as they would be if the ſaid Offender had been convicted by any Court of Oyer and Terminer or Gaol Delivery, and as if ſuch Order and Orders had been made, and ſuch Act or Acts performed, or required to be performed in purſuance of ſuch Conviction.

Benefits of conditional Pardon in Caſes of Naval Courts-martial, how to be carried into Execution.

II. And be it further enacted, That it ſhall and may be lawful for His Majeſty to cauſe any Offender who may be in Priſon or Confinement after or under any Sentence of a Naval Court-martial, or after or under any conditional Pardon as aforeſaid, to be removed from the Priſon or Place of Confinement in which he may at any Time be, to ſuch other fit and proper Priſon or Place of Confinement being a Public Gaol, Priſon, Hulk, Penitentiary Houſe, or Houſe of Correction, within the United Kingdom, as to His Majeſty may ſeem expedient; and any One of His Majeſty's Principal Secretaries of State is hereby authorized and empowered to iſſue a Warrant or other Inſtrument under his Hand for ſuch Removal, and for carrying into Execution ſuch Part or Parts of ſuch Sentence as may remain unexpired or unſatisfied, or for which His Majeſty's gracious Pardon may not have been granted; 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 Warrant or Inſtrument,

Offenders may be removed from one Place of Confinement to another.

Inſtrument, be aſſiſtant in the Execution thereof, and be liable to the ſame Puniſhment for Neglect, Diſobedience, or Interruption of the ſame, as if the ſaid Perſon were under Sentence of a Court of Oyer and Terminer or Gaol Delivery for ſuch Impriſonment, as in the ſaid Warrant may be ſpecified.

Pay of ſuch Offenders to be ſtopped during Impriſonment.

III. And be it further enacted, That during the Impriſonment of any Officer, Petty Officer or Seaman, or Officer, Non-commiſſioned Officer or Private of Royal Marines in any Gaol or Priſon, or other Place of Confinement in purſuance of any ſuch Sentence of a Naval Court-martial, or under any conditional Pardon, or Order or Warrant for Removal as aforeſaid, all Pay and Wages of ſuch Officer, Petty Officer or Seaman, or Officer, Non-commiſſioned Officer or Private of Royal Marines, ſhall be ſuſpended and ſtopped, and the Gaoler, Keeper, Governor, or Superintendant, in whoſe Cuſtody ſuch Officer, Petty Officer or Seaman, or Officer, Non-commiſſioned Officer, or Private of Royal Marines may be, ſhall receive and apply, in the Subſiſtence and Support of every ſuch Priſoner, an Allowance of ſuch a Sum of Money *per Diem* as ſhall at that Time be appointed by any Act of Parliament for the regulating of His Majeſty's Royal Marine Forces while on Shore, to be paid to any Gaoler or Keeper of any Priſon or Houſe of Correction for the Subſiſtence of any Non-commiſſioned Officer or Private Marine committed into their Cuſtody under ſuch Act, and which Allowance the ſaid Commiſſioners for executing the Office of Lord High Admiral for the Time being are hereby authorized and required to cauſe to be paid by the Treaſurer of the Navy or the Paymaſter of Royal Marines, as the Caſe may be, to the ſaid Gaoler, Keeper, Governor, or Superintendant accordingly.

Allowance to the Gaoler.

In Caſes of Infanity Priſoners to be removed to ſome Lunatic Aſylum.

IV. And be it further enacted, That if any Perſon, being in Priſon or Confinement under any ſuch Sentence, or by virtue of any ſuch Warrant or Inſtrument as aforeſaid, ſhall become inſane, and ſhall be certified by Two Phyſicians or Surgeons to be inſane, it ſhall and may be lawful for One of the ſaid Secretaries of State to direct, by a Warrant or Inſtrument under his Hand, the Removal of ſuch Perſon to ſuch Lunatic Aſylum, or other proper Receptacle for Inſane Perſons in the United Kingdom, as he may judge proper, for the unexpired Term of any ſuch Sentence or Impriſonment or Confinement; and if any ſuch Perſon ſhould be in the ſame Manner certified to be of ſound Mind, the ſaid Secretary of State may iſſue a ſimilar Warrant or Inſtrument for his being removed to ſuch Priſon or Place of Confinement as he may deem expedient.

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