CAP. VII.

An Act to amend the Law affecting transported Convicts with respect to Pardons and Tickets of Leave.

[3d *April* 1843.]

'WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof*, it is among other things enacted, that neither the Governor nor Lieutenant Governor of any Island, Colony, or Settlement, or any other Person, shall give any Pardon or Ticket of Leave to any Person sentenced to Transportation, or who shall receive a Pardon on condition of Transportation, or any Order or Permission to suspend or remit the Labour of any such Person, except in Cases of Illness, until such Person, if transported for Seven Years shall have served Four, if transported for Fourteen Years shall have served Six, or if transported for Life shall have served Eight Years of Labour; and that no such Person shall be capable of acquiring or holding any Property, or of bringing any Action for the Recovery of any Property, until after such Person shall have duly obtained a Pardon from the Governor or Lieutenant Governor of the Colony or Settlement in which he or she shall have been confined; provided that nothing therein contained shall in any Manner affect His Majesty's Royal Prerogative of Mercy: And whereas it is expedient that the Law with respect to Pardons and Tickets of Leave should be amended;' be it therefore enacted by the Queen'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assembled, and by the Authority of the same, That so much of the above-recited Act as is herein-before recited shall be repealed. 2 & 3 W. 4. c. 62.

Repeal of so much of the recited Act as respects Pardons and Tickets of Leave.

II. And be it enacted, That after the Time when this Act shall take effect in any Place to which Felons and Offenders have been or may be transported by Law, neither the Governor nor Lieutenant Governor of such Place shall be empowered as heretofore to remit, either absolutely or conditionally, the Whole or any Part of the Time for which any such Felons or other Offenders shall have been or shall be hereafter transported to such Place, but instead thereof the Governor or Lieutenant Governor shall from Time to Time, by an Instrument in Writing under his Hand, recommend such Felons or other Offenders as he shall think fit to be recommended to Her Majesty for an absolute or conditional Pardon; and in case Her Majesty shall, through One of Her Principal Secretaries of State, signify Her Approval of any such Recommendation, it shall be lawful for the Governor or Lieutenant Governor to grant such absolute or conditional Pardon pursuant to such Instructions as shall be sent

Manner of granting Pardons.

to him by the Secretary of State, by an Instrument in Writing under the Seal of his Government, which shall be deemed from the Day of the Date thereof to have, within such Place or Places as shall be specified in such Pardon, but not elsewhere, the same Effect in the Law to all Intents and Purposes as if a general, absolute, or conditional Pardon had passed on that Day under the Great Seal of the United Kingdom.

Holders of Tickets of Leave enabled to sue for Personal Property.

III. 'And whereas the Practice hath prevailed in those Places 'to which Felons and Offenders have been transported by Law 'of granting, in certain Cases and on certain Conditions, Per-'mission to such Felons and Offenders to employ themselves 'for their own Benefit (which Permissions are usually called 'and known by the Name of Tickets of Leave), and it is just 'that they should be protected in their Persons and in the Pos-'session of such Property as they may acquire by their Industry 'while holding such Tickets of Leave;' be it enacted, That it shall be lawful for every Felon under Sentence or Order of Transportation who shall hold any such Ticket of Leave, notwithstanding his or her Conviction of Felony, to acquire and hold Personal Property, and to maintain any Action or Suit for the Recovery of any Personal Property so acquired by him or her, and for any Damage or Injury sustained by him or her, in the Courts of the Colony or Place where such Felon shall lawfully reside; and if the Defendant in any such Action or Suit shall plead or allege in his or her Defence the Plaintiff's or Complainant's Conviction of Felony, and the Plaintiff or Complainant shall allege and prove that he or she hath received and doth still continue to hold unrevoked such a Ticket of Leave as aforesaid, a Verdict shall pass and Judgment shall be given for the Plaintiff or Complainant: Provided always, that whenever such Ticket of Leave shall be revoked all Property so acquired by any such Felon shall vest absolutely in Her Majesty, and shall be disposed of at the Discretion of the Governor or Lieutenant Governor, subject to such Instructions as shall be from Time to Time sent to him by One of Her Majesty's Principal Secretaries of State.

Holders of Tickets of Leave declared incapable of holding Real Property.

IV. Provided always, and be it declared and enacted, That no Felon under Sentence of Transportation who shall hold a Ticket of Leave shall be capable of acquiring or holding any Estate in Lands or Tenements other than as Tenant for Years, or for some less Term or Estate, determinable in each Case upon the Revocation of the Ticket of Leave, until after such Felon shall have duly obtained an absolute or conditional Pardon from the Governor or Lieutenant Governor of the Place to which he shall have been so transported, pursuant to the Provisions hereinbefore contained.

Commencement of Act.

V. And be it enacted, That this Act shall be proclaimed by the Governor or Lieutenant Governor of every Place to which Felons and Offenders have been or now may be transported by Law within Six Weeks after a Copy of it shall have been received by him, and shall take effect in every such Place from the Day of the Proclamation thereof; and in case Her Majesty shall be

pleased, with the Advice of Her Privy Council, to appoint any new Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation may be conveyed, this Act shall take effect in every such Place from the Time of such Appointment.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended.

CAP. VIII.

An Act to empower Justices of the Peace in *Ireland* to act in certain Cases relating to Rates to which they are chargeable. [3d *April* 1843.]

'WHEREAS Doubts have arisen whether Justices of the Peace in *Ireland* may lawfully act in Cases relating to Cesses, Rates, and Taxes to which such Justices respectively are rated or chargeable;' be it therefore enacted by the Queen'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 it shall and may be lawful to and for all and every Justice or Justices of the Peace for any County, County of a City, or County of a Town, or Borough, or Town Corporate, in *Ireland*, within their respective Jurisdictions, to do and perform all Acts appertaining to their Office as Justice or Justices of the Peace under or in execution of the Laws for the Presentment of Public Money by Grand Juries in *Ireland*, or the Laws for the more effectual Relief of the Destitute Poor in *Ireland*, or for the Apprehension and Punishment of Vagrants, or under an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to make Provision for lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in* Ireland, *in certain Cases*, or under or in execution of any other Laws concerning local Cesses, Rates, or Taxes, notwithstanding any such Justice or Justices is or are rated to or chargeable with the Cesses, Rates, or Taxes affected by such Act or Acts of such Justice or Justices as aforesaid. Justices of the Peace empowered to act in Cases relating to Grand Jury and Poor Law Rates and other Rates, although liable to such Rates. 9 G. 4. c. 82.

II. And be it enacted, That no Act of any such Justice or Justices done before the passing of this Act shall hereafter be quashed or declared void because the same has been done by any such Justice or Justices so rated or chargeable as aforesaid. Former Acts of Justices not to be declared void.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended this Session.