

PARDONS.

2417

A further supplement to the act entitled "An act making lands liable to be sold for the payment of debts," approved April sixteenth, eighteen hundred and forty-six.

Approved April 6, 1868.

P. L. 1868, p. 1051.

259. SEC. 1. That all sales of real estate heretofore confirmed by any orphans' court of any county in this state at any general or stated term of such court, shall be as valid and effectual in law as if the same had been confirmed at a special term of said court; *provided*, said sale be otherwise legal.

Certain sales confirmed by orphans' court validated.

260. SEC. 2. That the judges of the orphans' courts aforesaid, be authorized and empowered to receive reports of all sales of real estate made by order of said court, at any stated term of said court of the same county in which the real estate may be situated, at any stated term of said court to confirm such sale and order title to be made to the purchaser or purchasers thereof. [See Sec. 76, *ante*.]

Reports of sales may be made to any stated term of orphans' court.

An act authorizing the discharge of executors or trustees in certain cases.

Approved March 31, 1882.

P. L. 1882, p. 238.

261. SEC. 1. That when any executor or trustee who has entered on the duties of his office, or who shall hereafter enter on the duties of his office, shall desire to be discharged from the performance of any particular trust imposed upon him by the last will and testament under which he is appointed, it shall be lawful for him to apply for such discharge by petition to the prerogative court, when the letters testamentary shall have been issued by the ordinary, or to the orphans' court when letters have been issued by the surrogate; and upon such application, it shall be lawful for the court, by an order made for that purpose, to grant such discharge and to appoint some other suitable person or persons in the place and stead of the person or persons so discharged; and such executor or trustee so discharged shall thereupon be relieved and discharged from all further liabilities and duties of his office with respect to the said particular trust, except the accounting for and paying over the moneys or assets received by him for such trust to his successor in office.

Executor or trustee may apply to court for discharge of performance of trust.

Court may discharge and appoint other person or persons.

262. SEC. 2. That where there is more than one such executor or trustee appointed by any will, they may, all or any one or more of them, join in the same application to be discharged.

Two or more executors or trustees may join in application.

263. SEC. 3. That the trustee or trustees appointed in the place of the executor or executors, trustee or trustees, who shall be discharged, shall give bond with sufficient sureties, to be approved by the court, for the faithful execution of the trust, in double the amount of the trust fund; and that thereupon the new trustee or trustees shall have the right to receive, sue for and recover the trust fund from the executor or executors, trustee or trustees, who have been discharged.

Trustee or trustees appointed to give bond.

Pardons.

1. Times and places of meeting.
2. Secretary of state *ex-officio* clerk of.
3. Sentence of death may be commuted by.
4. Costs of conviction, how certified and paid.
5. Majority of court necessary to all acts.
6. Court may grant pardons and remit forfeitures in any case.
7. Requirement to meet on third day of each regular term of court of errors, repealed.
8. Applicants for pardon may be heard in person or by counsel.
9. Repealer.
10. Court may license convicts to be at large.
11. License, how signed, &c.
12. License may be revoked.
13. Manner of revoking. Proceedings after revocation.
14. Records of court to be open to public inspection.

PARDONS.

An act relative to the court of pardons.

P. L. 1853, p. 4.

Approved January 18, 1853.

Times and places
of meeting of
court of pardons.

1. That the officers of this state, in whom the power to remit fines and forfeitures, and to grant pardons, is vested by the constitution, shall meet statedly at Trenton, on the third day of each regular term of the court of errors and appeal, and at such other times and places as the governor, or person administering the government, may direct; and when convened, shall be called the court of pardons, and shall keep a record of their votes and proceedings, to which all persons shall have access, or copies thereof, upon paying such fees as are now required for like services in the office of the secretary of state. [See Sec. 7, *post.*]

Secretary of state,
ex-officio clerk of.

2. That the secretary of state shall be ex-officio clerk of said court; and that said clerk and each member of said court shall receive three dollars for each day's actual attendance upon said court; and when convened specially, the same mileage as is allowed to members of the legislature.

Sentence of death
may be com-
muted by.

3. That the court of pardons may, upon application for the pardon of any person under sentence of death, direct that the sentence of death be commuted to imprisonment at hard labor, for life or a term of years; and the sheriff or other officer in whose custody such person may be, shall, upon receiving such order or direction, signed by the governor or person administering the government, and attested by the clerk of said court, refrain from executing such sentence of death, and shall, within ten days after the receipt thereof, convey such convict to the state prison, and deliver him with such order to the keeper of the prison, who shall detain him for the term for which such sentence was commuted; and such term of imprisonment shall not be remitted or commuted. [See Sec. 6, *post.*]

Costs of convic-
tion, how certi-
fied and paid.

4. That the costs on conviction, and the costs and fees of transporting such convict to the state prison, shall be certified, paid and recovered, in the same manner as if said convict had been originally sentenced to such imprisonment.

Majority of court
necessary to all
acts.

5. That the concurrence of a majority of the members of the court of pardons, of which majority the governor, or person administering the government, shall be one, shall be necessary to all acts of said court.

Supplement.

P. L. 1857, p. 378.

Approved March 20, 1857.

Court may grant
pardons and remit
forfeitures in any
case.

6. SEC. 1. That so much of the third section of the act entitled "An act relative to the court of pardons," as limits the powers of the said court to grant pardons or remit fines and forfeitures in any case, after conviction, be and the same is hereby repealed.

Supplement.

P. L. 1858, p. 351.

Approved March 12, 1858.

Requirement as to
time of meeting
repealed.

7. SEC. 1. That so much of the first section of the act to which this is supplementary, as requires the court of pardons to meet statedly at Trenton, on the third day of each regular term of the court of errors and appeals, be and the same is hereby repealed.

Supplement.

P. L. 1881, p. 127.

Approved March 17, 1881.

Persons may,
upon application
for a pardon, be
heard before
court in person
or by counsel.

8. SEC. 1. That whenever any person, after conviction, has heretofore been, or may hereafter be, sentenced to imprisonment, and has served out, or may serve out, the full term of such imprisonment, and shall apply to the court of pardons of this state for a pardon and a restoration of the rights and privileges forfeited by such conviction and imprisonment, such person may be heard before said court, either in person or by one counsel.

Repealer.

9. SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and that this shall be a public act and take effect immediately.

PARDON.

Supplement.

Approved April 16, 1891.

P. L. 1891, p. 426.

10. SEC. 1. That it shall be lawful for the court of pardons to grant to any convict now or hereafter undergoing imprisonment in any of the penal institutions of this state, a license to be at large, upon such security, terms, conditions and limitations, in all respects, as to the said court shall seem proper, which said terms, conditions and limitations shall be indorsed upon or annexed to such license; such convict shall continue to be legally in custody after the granting of such license, and shall be liable to be taken at any time and returned to the place of punishment to which he or she was originally sentenced, as hereinafter provided.

Court of pardons may license convicts to be at large.

Convict to continue in legal custody.

11. SEC. 2. That such license shall be signed by the governor, or person administering the government, and attested by the clerk of said court; a duly-certified copy thereof shall be deposited with the keeper of the prison or other penal institution in which such convict is confined, and shall be a sufficient warrant to the keeper for permitting such convict to go at large.

License, how signed, &c.

12. SEC. 3. That the court of pardons, or the governor, or person administering the government, when said court is not in session, shall have authority, at any time, in his or their discretion, to revoke any license granted under this act; and it shall be the duty of said court, or of the governor, or person administering the government, when the said court is not in session, to revoke any such license whenever it shall come to his or their knowledge that the person holding the same has violated any of the terms, conditions or limitations thereof, or any penal law of this state, or of any other state, or of the United States.

License may be revoked at any time.

13. SEC. 4. That such revocation shall be made by an order in writing, which shall state the reason therefor, and shall be signed by the governor, or person administering the government, and filed with the clerk of said court; upon the filing of such revocation, the governor, or person administering the government, shall issue his warrant for the arrest of the holder of such license, and his or her return to the place of confinement from which he or she was released thereunder; said warrant may be served by any person authorized to serve criminal process in any county in this state; the holder of such license when returned to the place of confinement from which he or she was released thereunder shall be detained therein according to the terms of his or her original sentence; and in computing the period of such confinement, the time between his or her release upon such license and return to said place of confinement shall not be taken to be any part of the term of sentence; if the person for whose arrest such warrant is issued is confined in any prison or penal institution of this state, the officer to whom said warrant shall have been delivered shall deliver the same to the warden or keeper of such institution or prison, and the said warden or keeper shall, upon the expiration of said present term of imprisonment in that institution, return him to the institution from which he was discharged on license, or if the discharge on license was from the same institution, then shall detain him therein according to the terms of his original sentence as aforesaid.

Manner of revoking license.

Proceedings after revocation.

An act concerning the court of pardons.

Approved May 6, 1887.

P. L. 1887, p. 246.

14. SEC. 1. That hereafter the records of the court of pardons shall be public records and open to the inspection of the public in the same manner as records of other courts in this state.

Records of court to be open to public inspection.