

The Provincial Statutes of Lower-Canada, Being the second session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1826.

6 George IV – Chapter 5

An Act for enabling Courts to abstain from pronouncing sentence of Death in certain Capital Felonies. (29th March, 1826.)

Whereas it is expedient that in all cases of Felony, not within the benefit of Clergy, except Murder, the Court before which the Offender or Offenders shall be convicted shall be authorized to abstain from pronouncing Judgment of Death, whenever such Court shall be of opinion that, under the particular circumstances of any case, the Offender or Offenders is or are a fit and proper subject, or fit and proper subjects, to be recommended for the Royal mercy:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province:"—And it is hereby enacted by the authority of the same, that from and after the passing of this Act, whenever any persons shall be convicted of any Felony, except murder, and shall by Law be excluded the Benefit of Clergy in respect thereof, and the Court before which such Offender shall be convicted shall be of opinion that, under the particular circumstances of the case, such Offender is a fit and proper subject to be recommended for the Royal mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper Officer then being present in Court, to require and ask, whereupon such Officer shall require and ask, if such Offender hath or knoweth any thing to say, why Judgment of Death should not be recorded against such Offender, and in case such Offender shall not allege any matter or thing sufficient in Law to arrest or bar such Judgment, the Court shall and may, and is hereby authorised, to abstain from pronouncing Judgment of Death upon such Offender, and instead of pronouncing such Judgment to order the same to be entered of record, and thereupon such proper Officer as aforesaid shall and may be and he is hereby authorized to enter Judgment of Death on record against such Offender in the usual and accustomed form, and in such and the same manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such Offender, by the Court before which such Offender shall have been convicted.

II. And be it further enacted by the authority aforesaid, that a record of every such Judgment so entered as aforesaid, shall have the like effect, to all intents and purposes, and be followed by all the same consequences as if such Judgment had actually been pronounced in open Court, and the Offender had been reprieved by the Court.