

Laws of His Majesty's Province of Upper Canada, passed in the year 1826. York: Robert Stanton, 1826.

7 George IV – Chapter 3

An Act to dispense with the necessity of actually Pronouncing Sentence of Death in certain cases of Capital Convictions. (Passed 30th January, 1826.)

Whereas it is expedient to dispense in certain cases with the actual Pronouncing of Sentence of Death upon Prisoners capitally convicted, and to allow of the same sentence being entered of Record in open Court, to have the like effect as if the same had been actually pronounced: 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 Upper 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 farther Provision for the Government of the said Province'" and by the authority of the same, That whenever any person shall be convicted of any felony, except murder, and shall by law be excluded from 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 to 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 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 alledge any matter or thing sufficient in law to bar or arrest 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 Officer as aforesaid, shall and may, and is hereby authorised, to enter judgment of death on Record against such Offender, in the usual and accustomed forms, 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.

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.