

The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 9 (Session 4)

An Ordinance to repeal so much of an Act of the Parliament of Great-Britain, of the twenty-fifth year of the Reign of His late Majesty, George the Second, as directs the Period of the Execution of persons convicted of the crime of Murder, and for other purposes.

Whereas by an Act of the Parliament of Great Britain, passed in the twenty-fifth year of the Reign of His late Majesty, King George the Second, intituled, "An Act for the better preventing the horrid crime of Murder," it was, amongst other things, Enacted, "that all persons who should be found guilty of wilful murder, should be executed, according to law, on the day next but one after the sentence passed; (unless it should happen to be Sunday, and then, on the Monday following,)" and whereas it was by the said Act further provided, "that sentence should be pronounced in open Court, immediately after the conviction of such murderer, and before the Court should proceed to any other business, unless the Court should see reasonable cause for postponing the same; in which sentence should be expressed, not only the usual judgment of death, but also the time there, by appointed for the execution thereof, and the marks of infamy directed thereby for such offenders, in order to impress a just horror on the mind of the offender, and on the minds of such as should be present, of the heinous crime of Murder;" And whereas it was by the said Act provided, that after such sentence should have been pronounced, "in case there should appear reasonable cause, it should be lawful to, and for such Judge or Justice, before whom such criminal should have been so tried, to stay the execution thereof, at the discretion of such Judge or Justice And whereas it was by the said Act provided, "that it should be in the power of any such Judge or Justice to appoint the body of any such criminal to be hung in chains, but that in no case, whatsoever, the body of any murderer should be suffered to be buried, unless after such body should have been dissected and anatomized; and every such Judge or Justice should and was thereby required, to direct the same either to be disposed of to be anatomized, or to be hung in chains, in the same manner as was then practised for the most atrocious offences," And whereas, for the ends of justice, and especially more effectually to preserve from irrevocable punishment any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act, in these respects:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the Reign of Her present Majesty; intituled, "An Act to make temporary provision for the Government of Lower Canada;"—And it is hereby Ordained and Enacted by the authority of the same, that so much of the said Act of the twenty-fifth year of the Reign

of His late Majesty, George the Second, as is hereinbefore recited, shall be, and the same is hereby repealed.

II. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, sentence of death may be pronounced, after conviction for Murder, in the same manner, and the Judge shall have the same power, in all respects, as after conviction for other capital offences.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Second day of March, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the Year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.