

where the provisions of the said Imperial Act are applicable, to this Province.

CAP. XXXIV.

An Act to regulate the Law with regard to the Course of proceeding on indictments and informations, in the Supreme Court, in certain cases.

Passed 8th March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That whenever any person shall be charged with any offence for which he or she may be prosecuted by indictment or information in His Majesty's Supreme Court, not being Treason or Felony, and the same shall be made appear to any Judge of the same Court, by affidavit, or by certificate of an indictment or information being filed against such person in the said Court, for such offence, it shall and may be lawful for such Judge, to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended, and brought before him, or some other Judge of the same Court, or before some one of His Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty, with two sufficient sureties, in such sum, as in the said warrant shall be expressed, with condition to appear in the said Court, at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively, to commit such person to the Common Gaol of the County, City or place, where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall

Judges of the Supreme Court may issue warrant for persons charged with offences (not being treason or felony) which may be prosecuted by indictment or information in the Supreme Court.

In order to their being bound over to appear in Court and answer the same.

In case of refusal to become bound, Judge may commit them to gaol, until they shall become bound or be discharged by order of Court in term time, or of one of the Judges in vacation.

shall become bound as aforesaid, or shall be discharged by order of the said Court, in term time, or of one of the Judges of the said Court in vacation; and the recognizance to be thereupon taken, shall be returned and filed in the said court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction, shall have received judgment for the same, unless sooner ordered by the said Court to be discharged.

Recognizance to remain in force until acquittal or judgment, unless sooner ordered to be discharged by the Court.

II. *And be it further enacted*, That this Act shall continue and be in force for the term of Five years. Limitation.

CAP. XXXV.

An Act in addition to and explanatory of "an Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences."

Passed 5th March, 1830.

WHEREAS, in and by an Act made and passed in the Ninth and Tenth years of the Reign of his present Majesty, intituled, "An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences," the benefit of Clergy is not taken away by express words from the crimes there made capital; *And whereas*, doubts are entertained whether persons convicted of the said crimes would not for the first offence be entitled to the benefit of Clergy: for remedy whereof. Preamble.

I. *Be it therefore enacted by the President, Council and Assembly*, That in all cases where any crime or offence is made capital by the provisions of the before recited Act, and it is enacted that every person convicted of the same "shall suffer death as felon," that then and in all such cases every such person so convicted

Death as a felon to be suffered without the benefit of Clergy in all cases where the offence is made capital by 9 and 10, Geo. 4. c. 21.