

late Majesty's Reign, or in a certain Act of the Parliament of this Province, passed in the fortieth of His late Majesty's Reign, intituled, An Act for the further introduction of the Criminal Law of England in this Province, and for the more effectual punishment of certain offenders," to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the trial of Women charged with murder of any issue of their bodies, male or female which being born alive, would by Law be Bastard, shall proceed and be governed by such and the like rules of evidence and presumption, as are by law used and allowed to take place in respect to other trials for Murder as if the said Act had never been made.

Women charged with the Murder of their Bastard Children, shall be tried as in cases of Murder, and by the same rules of evidence.

III. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Jury, by whose verdict any Prisoner charged with Murder as aforesaid, shall be acquitted to find in case it shall so appear in evidence that the Prisoner was delivered of issue of her body, male or female, which if born alive, would have been Bastard, and that she did by secret burying or otherwise endeavour to conceal the birth thereof, and thereupon it shall be lawful for the Court, before which such Prisoner shall have been tried, to sentence such Prisoner to punishment in their discretion as in case of misdemeanor.

Jury on a trial of such charge may find a verdict that the birth was concealed, which shall subject the Defendant to punishment as for a misdemeanor.



CHAP. III.

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 further 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

Preamble.

The sentence in certain cases of capital Conviction, may be entered of record instead of being actually pronounced.

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.

Effect of sentence so recorded.

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.*



CHAP. IV.

An Act to repeal part of an Act passed in the Thirty-sixth year of His late Majesty's Reign, intituled, "An Act for the better regulation of certain Coins current in this Province, and to make further Provision for the regulation of the British Silver and Copper Coinage Current in this Province."

[Passed 30th January, 1826.]

Preamble.

36 Geo. 3. Chap. 1st. recited.

WHEREAS an Act was passed in the Thirty-sixth year of His late Majesty's Reign, intituled, "An Act for the better regulation of certain Coins Current in this Province, by which it is enacted that among other Silver Coins by the said Act made Current in this Province, the Silver Coins herein-after mentioned, shall pass Current and be deemed a legal tender at the rates following, that is to say;—The British Crown, at Five Shillings and Six Pence. The British Shilling, at One Shilling and a Penny. The Spanish Milled Dollar, at Five Shillings, equal to Four Shillings and Six Pence Sterling money of Great Britain. The American Dollar at Five Shillings, and all the higher and lower denominations thereof in the same proportion respectively: And whereas it appears by