ANNO PRIMO

VICTORIÆ REGINÆ.

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C A P. LXXVII.

An Act to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Judicature within the Kingdom of *England* and *Wales* with respect to Offenders liable to the Punishment of Death. [17th *July* 1837.]

WHEREAS it is expedient to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Judicature within the Kingdom of *England* and *Wales* with respect to Offenders liable to the Punishment of Death: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be necessary that any Report should be made to Her Majesty, Her Heirs and Successors, in the Case of any Prisoner convicted before the said Central Criminal Court, and now under Sentence of Death, or who may be hereafter convicted before such Court and sentenced to the like Punishment, previously to such Sentence being carried into execution; any Law, Usage, or Custom to the contrary notwithstanding.

No Report to be made to Her Majesty of the Case of any Capital Convict at the Central Criminal Court.

II. And be it enacted, with respect to Offenders now under Sentence of Death, That in case any Judge, being a Judge of one of the Superior Courts of *Westminster Hall*, before whom any such Offender

The Judge before whom any Offender already under Sentence

of Death has been tried, may direct Execution to be done on such Offender.

Offender has been tried shall be of opinion that under the Circumstances of such Offender's Case the Sentence of the Law ought to be carried into effect, it shall be lawful for such Judge and he is hereby required, as soon after the passing of this Act as conveniently may be, to order and direct Execution to be done on such Offender at such Time and Place as he shall think fit (the Time so to be appointed not being less than Seven Days nor more than Twenty-one Days from the making of such Order); and thereupon the Sheriff, or other proper Officer in whose Custody any such Offender shall be, shall carry such Sentence into effect at such Time and Place as may be specified in such Order.

The Court may abstain from pronouncing Judgment on Persons convicted of Crimes liable to the Punishment of Death, and order the same to be entered of Record.

III. And be it enacted, That whenever any Offender shall hereafter be convicted before the said Court of any Crime for which such Offender shall be liable to the Punishment of Death, and the Court 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 authorized 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 and 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.

Such Record to have same Effect as if pronounced.

IV. And be it enacted, 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.

Court to direct Execution to be done on certain Offenders.

V. And be it enacted, That whenever any Offender shall hereafter be convicted before the said Court of any Offence for which such Offender shall be liable to and shall receive Sentence of Death, and the said Court shall be of opinion that under the Circumstances of the Case the Judgment of the Law ought to be carried into effect, it shall be lawful for the said Court and such Court is hereby required to order and direct Execution to be done on such Offender in the same Manner as any Court of Assize is empowered to order and direct Execution by the Law as it stood before the passing of this Act.

Not to affect the Royal Prerogative.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect Her Majesty's Royal Prerogative of Mercy.

VII. Pro-

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Rights, Interests, Privileges, Franchises, or Authority of the Lord Mayor, Aldermen, and Recorder of the City of *London*, or their Successors, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Lord Mayor, Aldermen, and Recorder for the Time being of the said City did or might lawfully use or exercise, except so far as is otherwise by this Act expressly provided. Saving the Rights of the City of London.

VIII. And be it enacted, That this Act may be amended or altered by any Act to be passed in this present Session of Parliament. Act may be altered.

IX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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