ANNO QUARTO

GEORGII IV. REGIS.

****

CAP. XLVIII.

An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies. [4th *July* 1823.]

WHEREAS it is expedient that in all Cases of Felony not within the Benefit of Clergy, except Murder, the Court before which the Offender or Offenders shall be convicted shall be authorized to abstain from pronouncing Judgment of Death, whenever such Court shall be of Opinion that, under the particular Circumstances of any Case, the Offender or Offenders is or are a fit and proper Subject or fit and proper Subjects to be recommended for the Royal Mercy: Be it therefore enacted by the King'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, whenever any Person shall be convicted of any Felony, except Murder, and shall by Law be excluded 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 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

Court may abstain from pronouncing Sentence of Death on Persons convicted of any Felonies, except Murder.

or

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 before which such Offender shall have been convicted.

Record of Judgment to have the same Effect as if pronounced.

II. And be it further 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, and the Offender had been reprieved by the Court.

Act not to extend to Scotland.

III. And be it further enacted, That nothing herein contained shall extend to that Part of the United Kingdom called *Scotland*.

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