

# THE CRIMINAL CODE AMENDMENT ORDINANCE OF 1907.<sup>(1)</sup>

No. 4 of 1907.

## An Ordinance to amend the Criminal Code.

**B**E it enacted by the Administrator of Papua by and with the advice and consent of the Legislative Council thereof as follows:—

1. Any person who commits the crime of murder as defined by Section 302 of "*The Criminal Code*"<sup>(2)</sup> is liable to imprisonment with hard labour for life with or without solitary confinement; and Section 305 of the said Code so far as it relates to murder is repealed.

Murder in term of Section 302 of the Code to be punished with imprisonment.

2. When a person is convicted of any crime punishable with death if the Court is of opinion that under the circumstances of the case it is proper that the offender should be recommended for the Royal mercy the Court may if it thinks fit direct the proper Officer instead of asking the offender whether he has anything to say why sentence of death should not be passed upon him to ask the offender and thereupon such Officer is to ask the offender whether he has anything to say why judgment of death should not be recorded against him.

Recording sentence of death.

In any such case the Court may abstain from pronouncing sentence of death and may instead thereof order judgment of death to be entered of record.

And thereupon the proper Officer is to enter judgment of death on record against the offender in the usual form as if sentence of death had actually been pronounced by the Court against the offender in open Court.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Administrator.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
7.5.1907	2.10.1907	7.5.1907 ( <i>Statute Law of Papua, 1888 to 1916, Vol. II, p. 193</i> )

(2) See *The Criminal Code* (Queensland, adopted), printed on p. 1031.

CRIMINAL LAW—

A record of a judgment of death so entered has the same effect in all respects as if sentence of death had been pronounced in open Court.

Short title.

3. This Ordinance may be cited as "*The Criminal Code Amendment Ordinance of 1907.*"<sup>(1)</sup>

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(1) See footnote (1) printed on p. 1301.