

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

CAP. XXVIII.

An Act for further improving the Administration of Justice in Criminal Cases in *England*.

[21st *June* 1827.]

WHEREAS Trials for Criminal Offences in that Part of the United Kingdom called *England* are attended with some Forms which frequently impede the due Administration of Justice, and it is therefore expedient to abolish such Forms, and also to abolish the Benefit of Clergy, and to make better Provision for the Punishment of Offenders in certain Cases: 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 if any Person, not having Privilege of Peerage, being arraigned upon any Indictment for Treason, Felony, or Piracy, shall plead thereto a Plea of "Not Guilty," he shall by such Plea, without any further Form, be deemed to have put himself upon the Country for Trial; and the Court shall, in the usual Manner, order a Jury for the Trial of such Person accordingly.

A Plea of "Not Guilty," without more, shall put the Prisoner on his Trial by Jury.

II. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute of Malice, or will not answer directly to the Indictment or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of "Not Guilty" on behalf of such Person; and the Plea so entered shall have

If he refuses to plead, Court may order a Plea of "Not Guilty" to be entered.

have the same Force and Effect as if such Person had actually pleaded the same.

Every Challenge beyond the legal Number shall be void.

III. And be it enacted, That if any Person, indicted for any Treason, Felony, or Piracy, shall challenge peremptorily a greater Number of the Men returned to be of the Jury than such Person is entitled by Law so to challenge in any of the said Cases, every peremptory Challenge beyond the Number allowed by Law in any of the said Cases shall be entirely void, and the Trial of such Person shall proceed as if no such Challenge had been made.

Attainder of another Crime not pleadable.

IV. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Attainder be for the same Offence as that charged in the Indictment.

Jury shall not enquire of Prisoner's Lands, &c., nor whether he fled.

V. And be it enacted, That where any Person shall be indicted for Treason or Felony, the Jury empannelled to try such Person shall not be charged to enquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Benefit of Clergy abolished.

VI. And be it enacted, That Benefit of Clergy, with respect to Persons convicted of Felony, shall be abolished; but that nothing herein contained shall prevent the Joinder in any Indictment of any Counts which might have been joined before the passing of this Act.

What Felonies only shall be capital.

VII. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before or on the First Day of the present Session of Parliament, or which hath been or shall be made punishable with Death by some Statute passed after that Day.

Felonies not capital punishable under the Acts, if any, relating thereto; otherwise under this Act.

VIII. And be it enacted, That every Person convicted of any Felony, not punishable with Death, shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony, for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

IX. And, with regard to the Place and Mode of Imprisonment for all Offences punishable under this Act, be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

X. And

If a Person under Sentence for another Crime is convicted of Felony, the Court may pass a Second Sentence, to commence after the Expiration of the First.

X. And be it enacted, That wherever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Punishment for a subsequent Felony.

XI. And whereas it is expedient to provide for the more exemplary Punishment of Offenders who commit Felony after a previous Conviction for Felony, whether such Conviction shall have taken place before or after the Commencement of this Act; be it therefore enacted, That if any Person shall be convicted of any Felony, not punishable with Death, committed after a previous Conviction for Felony, such Person shall, on such subsequent Conviction, be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court, or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer (for which Certificate a Fee of Six Shillings and Eight-pence, and no more, shall be demanded or taken), shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any such Clerk, Officer, or Deputy shall utter a false Certificate of any Indictment and Conviction for a previous Felony, or if any Person, other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk, Officer, or Deputy, or shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and, being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Form of Indictment for the subsequent Felony.

What shall be sufficient Proof of the First Conviction.

Uttering false Certificate of Conviction.

XII. And

Admiralty Offences.

XII. And be it enacted, That all Offences prosecuted in the High Court of Admiralty of *England* shall, upon every first and subsequent Conviction, be subject to the same Punishments, whether of Death or otherwise, as if such Offences had been committed upon the Land.

Effect of a free or conditional Pardon to a Convict.

XIII. And be it declared and enacted, That where the King's Majesty shall be pleased to extend His Royal Mercy to any Offender convicted of any Felony punishable with Death or otherwise, and by Warrant under His Royal Sign Manual, countersigned by One of His principal Secretaries of State, shall grant to such Offender either a free or a conditional Pardon, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the Case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender, as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon.

Proviso.

Rule for the Interpretation of all Criminal Statutes.

XIV. And be it enacted, That wherever this or any other Statute relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence or the Subject Matter on or with respect to which it shall be committed, or the Offender or the Party affected or intended to be affected by the Offence, hath used or shall use Words importing the Singular Number or the Masculine Gender only, yet the Statute shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Commencement of this Act.

XV. And be it enacted, That this Act shall commence and take effect on the First Day of *July* One thousand eight hundred and twenty-seven.

Not to extend to Scotland or Ireland.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to *Scotland* or *Ireland*.

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