

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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CAP. CXI.

An Act to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given. [20th *August* 1836.]

WHEREAS by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for further improving the Administration of Justice in Criminal Cases*, Provision is made for the more exemplary Punishment of Offenders who shall commit any Felony not punishable with Death after a previous Conviction for Felony: And whereas since the passing of the said Act the Practice has been on the Trial of any Person for any such subsequent Felony to charge the Jury to inquire at the same Time concerning such previous Conviction: And whereas Doubts may be reasonably entertained whether such Practice is consistent with a fair and impartial Inquiry as regards the Matter of such subsequent Felony, and it is expedient that such Practice should from henceforth be discontinued: 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 it shall not be lawful on the Trial of any Person for any such subsequent Felony to charge

7 & 8 G. 4. c. 28.

A Previous Conviction not to be given in charge or read to the Jury until after the Finding for a subsequent Felony.

except when Evidence as to good Character is given.

charge the Jury to inquire concerning such previous Conviction until after they shall have inquired concerning such subsequent Felony, and shall have found such Person guilty of the same; and whenever in any Indictment such previous Conviction shall be stated, the reading of such Statement to the Jury as Part of the Indictment shall be deferred until after such Finding as aforesaid: Provided nevertheless, that if upon the Trial of any Person for any such subsequent Felony as aforesaid such Person shall give Evidence of his or her good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Indictment and Conviction of such Person for the previous Felony before such Verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction for Felony at the same Time that they inquire concerning the subsequent Felony.

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