

yond 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.

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. Attainder not Pleadable

V. *And be it enacted*, That where any person shall be indicted for Treason or Felony, the Jury impanelled 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. Jury not to enquire of Prisoners; Lands, &c.

VI. *And be it enacted*, That benefit of Clergy, with respect of 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. Benefit of Clergy abolished

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 the Assembly, or which hath been or shall be made punishable with death, by some Statute passed after that day. What Felonies only shall be capital

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 to be imprisoned for any term not exceeding seven years. Felonies not capital to be punished under the Acts if any relating thereto otherwise under this Act

And with regard to the place and mode of imprisonment for all offences punishable under this Act:

IX. *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, Bridewell, or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction, which may be hereafter established in any part of this Province; and also, to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, such solitary confinement not exceeding one month at one time, and not exceeding three months, in any one year, as to the Court, in its discretion, shall seem meet. Place and mode of Imprisonment under this Act.

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 of imprisonment, the Court may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which punishments could be otherwise awarded. If a person under sentence for another crime the Court may pass a second sentence to commence after the expiration of the first

*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:

XI. *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 to be imprisoned for any term not exceeding seven years; 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 and 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 Punishment for a subsequent Felony

Form of Indictment

What sufficient proof of the first conviction