

"not guilty" to be entered. 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 the same force and effect as if such person had actually pleaded the same.

Every Challenge beyond the legal number shall be void.

XVI. 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 shall proceed as if no such challenge had been made.

Attainder of another offence not pleadable.

XVII. And be it enacted, That no plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Attainder be of the same offence as that charged in the Indictment.

Jury shall not inquire of prisoner's lands, &c., nor whether he fled.

XVIII. 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.

XIX. 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.

XX. 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 by the Law in force in that part of this Province in which the trial shall be before the commencement of this Act, or which shall be made punishable with Death by some Act passed after that day.*

Every punishment for Felony after it has been endured shall have the effect of a pardon under the Great Seal.

XXI. And whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of Felonies not capital, who have undergone the punishment to which they were adjudged; Be it therefore enacted, That where any offender had been or shall be convicted of any Felony not punishable with death, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon under the Great Seal as to

* See sect. 24, as to punishment for Felonies for which no other punishment is specially provided.