



Criminal Law Act 1826

1826 CHAPTER 64

VII Felonies without Benefit of Clergy provided for under all Circumstances consequent on the Indictment. (3 W. & M. c. 9. s. 2. 12 G. 3. c. 20.)

And whereas divers Statutes, taking away the Benefit of Clergy, or creating Felonies without Benefit of Clergy, have omitted to take away the Benefit of Clergy under certain Circumstances consequent upon the Indictment of the Offender: And whereas a partial Remedy for such Defects was supplied by an Act passed in the Third Year of the Reign of King *William* and Queen *Mary*, intituled *An Act to take away Clergy from some Offenders, and to bring other to Punishment*, whereby it was enacted, that if any Person should be indicted of any Offence for which, by virtue of any former Statute, such Person was excluded from the Benefit of Clergy, if convicted by Verdict or Confession, such Person should not be admitted to the Benefit of Clergy under any of the Circumstances therein enumerated: And whereas it is expedient to extend the like Remedy to all Offences which now are or hereafter shall be excluded from the Benefit of Clergy : Be it therefore enacted. That if any Person shall be indicted of any Offence for which, by virtue of this or of any other Statute or Statutes made or to be made, the Offender is or shall be excluded from the Benefit of Clergy, such Person shall be equally excluded from the Benefit of Clergy, whether he or she shall be convicted by Verdict or by Confession, or shall upon Arraignment stand mute of Malice, or will not answer directly to the Charge, or shall challenge peremptorily above the Number of Twenty Persons returned to be of the Jury, or shall be outlawed upon such Indictment, although the Statute or Statutes taking away the Benefit of Clergy in any such Case may not expressly provide that the Offender shall be excluded from the Benefit of Clergy in case such Offender shall confess, or stand mute, or not answer directly, or challenge peremptorily above the Number of Twenty Persons returned to be of the Jury, or be outlawed; and every thing herein contained shall extend as well to all Accessories as to Principals.