ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

C A P. LXXIX.

An Act more effectually to prevent, during the War, Persons, being His Majesty's Subjects, from voluntarily repairing to or remaining in *France*, or any Country or Place united to *France*, or occupied by the Armies of *France*; and to prevent Correspondence with such Persons, and with His Majesty's Enemies. [28th *June* 1798.]

FOR preventing all traitorous Correspondence with His Majesty's Enemies; be it 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, being a Subject of His Majesty, His Heirs or Successors, shall, at any Time during the Continuance of the War, voluntarily go or repair, directly or indirectly, or embark in any Vessel with Intent to go or repair, directly or indirectly, to *France*, or any Country or Place united to *France*, or occupied by the Armies of *France*, at the Time when such Act shall be done, every such Person, being lawfully convicted thereof, shall be deemed and adjudged to be guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Preamble.

If any Subject of His Majesty shall during the War go, or embark to go, to *France*, or any Place united thereto, or occupied by its Armies, he shall suffer Death:

II. And be it further enacted, That if any Person, being a Subject of His Majesty, His Heirs or Successors, shall, at any Time during the Continuance of the War, knowingly and wilfully hire, let, engage, agree for, procure, or furnish, or endeavour to hire, let, engage, agree for, procure, or furnish, or cause or procure to be hired, let, engaged, agreed

Or if any such Person shall hire, let, or be concerned in hiring, letting, &c. any Vessel for such Purpose, he shall be transported.

agreed for, procured, or furniſhed, or be concerned in the hiring, letting, engaging, agreeing for, procuring, or furniſhing, any Veſſel, with Intent that ſuch Perſon, or any other Subject of His Majeſty, His Heirs or Succeſſors, ſhould therein go, or repair, or embark therein with Intent to go or repair, directly or indirectly, to *France*, or any other ſuch Country or Place as aforeſaid, every ſuch Perſon, being thereof lawfully convicted, ſhall be tranſported for any Time, not exceeding Seven Years, to ſuch Place or Places as His Majeſty, with the Advice of His Privy Council, ſhall direct.

If any ſuch Perſon who, ſince *May* 1, 1798, ſhall have voluntarily gone to, or remained in *France*, &c. ſhall voluntarily remain out of His Majeſty's Dominion for Six Months after paſſing this Act, or ſhall return without Licence, he ſhall be impriſoned;

III. And be it further enacted, That if any Perſon, being a Subject of His Majeſty, who, ſince the Firſt Day of *May* One thouſand ſeven hundred and ninety-eight, hath voluntarily gone into or remained in *France*, or any ſuch other Country or Place as aforeſaid, ſhall voluntarily and wilfully remain out of His Majeſty's Dominions for Six Months after the paſſing of this Act, not having obtained the Licence of His Majeſty, His Heirs or Succeſſors, for ſo remaining or if any ſuch Perſon who ſhall have ſo remained out of His Majeſty's Dominions, not having ſuch Licence, ſhall at any Time voluntarily and wilfully return into *Great Britain*, without the Licence of His Majeſty, His Heirs or Succeſſors, for that Purpoſe firſt had and obtained, every ſuch Perſon, being thereof convicted by due Courſe of Law, ſhall be committed to the Common Gaol of the County or Place where he ſhall be convicted of ſuch Offence, there to remain, without Bail or Mainprize, for any Time not exceeding Two Years.

and if any Subject ſhall correſpond with any Perſon ſo voluntarily remaining there, he ſhall ſuffer Death.

IV. And be it further enacted, That if any Subject of His Majeſty, His Heirs or Succeſſors, ſhall, during the Continuance of the War, within this Realm or without, knowingly hold, entertain, or keep any Correſpondence whatſoever, in Perſon, or by Letters, Meſſages, or otherwiſe, with any of His Majeſty's Subjects who ſhall ſo voluntarily go, or repair to, or who having ſo voluntarily gone into, or remained in *France*, or any other ſuch Country or Place as aforeſaid, ſhall ſo voluntarily and wilfully remain for Six Months out of His Majeſty's Dominions as aforeſaid, every ſuch Perſon ſo offending, being thereof duly convicted, ſhall be deemed guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

If any Subject ſhall correſpond with the Perſons exerciſing the Powers of Government in *France*, &c. or with any of their Agents, he ſhall ſuffer Death.

V. And be it further enacted by the Authority aforeſaid, That if any of the Subjects of His Majeſty, His Heirs or Succeſſors, ſhall, during the preſent War, within this Realm or without, hold, entertain, or keep any Intelligence or Correſpondence whatever, in Perſon, or by Letters, Meſſages, or otherwiſe, with the Perſons exerciſing the Powers of Government in *France*, or in any other ſuch Country or Place as aforeſaid, or with any of ſuch Perſons, or with any Perſon or Perſons in any Manner employed by them, or any of them, knowing ſuch Perſon or Perſons to be ſo employed, ſuch Perſon ſo offending ſhall be deemed and adjudged to be guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Act not to extend to Perſons authorized by His Ma-

VI. Provided always, and be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to any Act done, or which ſhall be done, by any Perſon, or in any Place, by virtue of or in obedience

dience to or under the Authority of a Licence, ſuch Licence, when granted, to be granted without Fee, from His Majeſty, His Heirs or Succeſſors, either general or ſpecial, under His or their Sign Manual, or by Order in Council, or Proclamation, or from any Perſon or Perſons authorized by Him or them under His Sign Manual, or otherwiſe, to give ſuch Licence and Authority; or to any Act done or which ſhall be done in His Majeſty's Service, or relative thereto, by any Perſon or Perſons employed, or who ſhall be employed therein; or to any Act done, or which ſhall be done, by any Perſon or Perſons in aiding or aſſiſting, or relative to ſuch Perſons whilſt ſo employed. jeſty, or to any Act done in His Majeſty's Service.

VII. Provided alſo, and be it further enacted by the Authority aforeſaid, That any Offence committed againſt this Act on the High Seas, or out of this Realm, or within that Part of *Great Britain* called *England*, ſhall and may be alledged and laid, enquired of, proſecuted, tried, and determined, before any Court of Oyer and Terminer or Gaol Delivery, for any County in that Part of *Great Britain* called *England*, in ſuch Manner and Form as if ſuch Offence had been therein committed; and if committed in that Part of *Great Baitain* called *Scotland*, ſhall and may be proſecuted, tried, and determined, either before the Juſticiary Court of *Edinburgh*, or in any of the Circuit Courts in that Part of the United Kingdom: Provided alſo, That any Perſon who ſhall be tried and acquitted, or convicted, of any Offence againſt this Act, ſhall not be liable to be indicted, proſecuted, or tried again for the ſame Offence as High Treaſon or Miſpriſion of Treaſon, or as an Offence againſt any other Act; and that nothing in this Act contained ſhall be conſtrued to extend to prevent any Perſon guilty of any Offence againſt this Act, and who ſhall not be tried for the ſame as an Offence againſt this Act, from being tried for the ſame as High Treaſon or Miſpriſion of High Treaſon, or as an Offence againſt any other Act, in ſuch Manner as if this Act had not been made: Provided alſo, That no Proſecution ſhall be commenced under this Act, after the Party ſo to be proſecuted ſhall have been Twelve Months in *Great Britain* ſubſequent to the Time when the Offence was committed. Where Offences may be tried. Perſons tried under this Act not to be tried again for the ſame Offence; but Offenders not ſo tried, may be tried for High Treaſon, &c. Limitation of Actions.

VIII. And be it further enacted, That in caſe any Perſon ordered or adjudged to be tranſported under this Act ſhall be found at large within this Realm after Sentence of Tranſportation pronounced, and before the Time ſhall be expired for which ſuch Perſon was ſentenced to be tranſported, he ſhall be guilty of Felony, and ſhall ſuffer Death as a Felon, without Benefit of Clergy. Perſons adjudged to be tranſported and afterwards found at large, to ſuffer Death.

IX. And be it further enacted, That ſo much of this Act as relates to holding or keeping Intelligence or Correſpondence as aforeſaid, ſhall commence and take Effect, with reſpect to any Act done in this Realm, on the Firſt Day of *Auguſt* next; and with reſpect to any Act done out of this Realm and in *Europe*, from and after the Expiration of Three Months after the paſſing of this Act; and with reſpect to any Act done out of *Europe*, from and after the Expiration of Six Months after the paſſing of this Act. Commencement of Act.

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