ANNO TRICESIMO NONO

GEORGII III. REGIS.

CAP. XLIV.

An Act for further continuing, until the First Day of *March* One thousand eight hundred, an Act, made in the last Session of Parliament, intituled, *An Act to empower His Majesty to secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government.*

[20th *May* 1799.]

Preamble.

WHEREAS an Act was passed in the last Session of Parliament, intituled, *An Act to empower His Majesty to secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government*, which Act was to continue in force until the First Day of *February* One thousand seven hundred and ninety-nine, and no longer; but the same, by an Act passed in the present Session of Parliament, that is to say, on the Ninth Day of *January* One thousand seven hundred and ninety-nine, was continued until the Twenty-first Day of *May* One thousand seven hundred and ninety-nine, and no longer: And whereas it is necessary for the publick Safety that the Provisions of the said Act passed in the last Session of Parliament should be further continued; 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 every Person who shall be in Prison within the Kingdom of *Great Britain* at or upon the Day on which this Act shall receive His Majesty's Royal Assent, or at any Time after that Day, by Warrant of His said Majesty's most Honourable Privy Council, signed by Six of the said Privy Council, or by Warrant signed by any of His Majesty's principal Secretaries of State, for High Treason,

38 *Geo.* III, Cap. 26, recited.

Persons imprisoned for High Treason, *&c* may be detained till *March* 1, 1800, *etc.*

ſon, Suſpicion of Treaſon, or treaſonable Practices, may be detained in ſafe Cuſtody, without Bail or Mainprize, until the Firſt Day of *March* One thouſand eight hundred; and that no Judge or Juſtice of the Peace ſhall bail or try any ſuch Perſon ſo committed, without Order from His ſaid Majeſty's Privy Council, ſigned by Six of the ſaid Privy Council, until the ſaid Firſt Day of *March* One thouſand eight hundred; any Law or Statute to the contrary notwithſtanding.

Act in *Scotland* of 1701, for preventing wrongous Impriſonment, ſo far as may relate to Treaſon, &c. ſuſpended till *March* 1, 1800, &c.

II. And be it further enacted, That the Act made in *Scotland* in the Year of our Lord One thouſand ſeven hundred and one, intituled, *An Act for preventing wrongous Impriſonment, and againſt undue Delays in Trials*, in ſo far as the ſame may be conſtrued to relate to Caſes of Treaſon and Suſpicion of Treaſon, be ſuſpended until the ſaid Firſt Day of *March* One thouſand eight hundred; and that until the ſaid Day no Judge, Juſtice of the Peace, or other Officer of the Law in *Scotland*, ſhall liberate, try, or admit to Bail, any Perſon or Perſons that is, are, or ſhall be, in Priſon within *Scotland*, for ſuch Cauſes as aforeſaid, without Order from His ſaid Majeſty's Privy Council, ſigned by Six of the ſaid Privy Council.

From *March* 1, 1800, Perſons committed to have the Benefit of all Laws providing for the Liberty of the Subject, &c.

III. Provided always, That, from and after the ſaid Firſt Day of *March* One thouſand eight hundred, the ſaid Perſons ſo committed ſhall have the Benefit and Advantage of all Laws and Statutes any Way relating to or providing for the Liberty of the Subjects of this Realm.

Privileges of Parliament not invalidated by this Act.

IV. Provided always, and be it enacted, That nothing in this Act ſhall be conſtrued to extend to invalidate the ancient Rights and Privileges in Parliament, or to the Impriſonment or Detaining of any Member of either Houſe of Parliament, during the Sitting of ſuch Parliament, until the Matter of which he ſtands ſuſpected be firſt communicated to the Houſe of which he is a Member, and the Conſent of the ſaid Houſe obtained for his Commitment or Detainer.

Perſons againſt whom Indictments for High Treaſon are already found, to be tried thereon.

V. Provided nevertheleſs, That any Perſon or Perſons in Priſon at the Time of paſſing this Act, againſt whom any Bill or Bills of Indictment for High Treaſon have been already found, ſhall and may be tried on ſuch Indictment, as if this Act had never paſſed.

Any of His Majeſty's Secretaries of State may order any Perſon committed on any Charge of High Treaſon, &c. to be conveyed from One Priſon to another.

VI. And whereas divers Perſons are now in Cuſtody on Charges of High Treaſon, Suſpicion of High Treaſon and treaſonable Practices, under Warrants from One of His Majeſty's principal Secretaries of State, and who have been ſecured and detained in Cuſtody under the Authority of the ſaid recited Acts; and it may be highly important that ſuch Perſons as have been or ſhall be ſecured and detained on ſuch Charges under the Authority of the ſaid recited Acts, or of this Act, ſhould be kept wholly ſeparate and apart from each other, ſo as to prevent all Communication between them and with other Perſons, except ſuch Communication as His Majeſty may think fit to permit, and under ſuch Reſtrictions as may be adviſeable; and it has been found by Experience to be very difficult to keep ſuch Perſons ſeparate as aforeſaid, and to prevent ſuch Communication as aforeſaid, without ſending ſuch Perſons to different Places of Confinement; and Doubts may ariſe how far the Powers of His Majeſty's principal Secretaries of State, to change the Places

of Confinement of Perſons ſo committed extends; and it is expedient to provide that the ſame ſhall not be ſo exerciſed, as to deprive the Perſons ſo committed of any Right to be tried or diſcharged, which they might reſpectively have had, if their reſpective Places of Confinement had not been changed: Now, to obviate all Doubts and Difficulty in reſpect thereof, be it further enacted and declared, That it ſhall be lawful for One of His Majeſty's principal Secretaries of State, as he ſhall ſee Occaſion, to order any Perſon committed to any Gaol or other Priſon on any Charge of High Treaſon, Suſpicion of High Treaſon, or treaſonable Practices, either before or after Indictment found, to be conveyed to and detained in any other Gaol or other Priſon, until diſcharged by due Courſe of Law, and to iſſue all Warrants neceſſary for ſuch Purpoſes: Provided always nevertheleſs, That no Perſon who ſhall be removed by any ſuch Warrant as aforeſaid, ſhall be by Means of ſuch Removal deprived of ſuch Right to be tried or diſcharged, as ſuch Perſon would by Law have been entitled to if not ſo removed; and in every Caſe in which any ſuch Perſon would have been entitled to have been tried or diſcharged, if ſuch Perſon had continued in the Gaol or Priſon to which ſuch Perſon was before committed, it ſhall be lawful for ſuch Perſon to apply to be bailed or diſcharged in the ſame Manner as ſuch Perſon might have done if ſuch Perſon had remained in the Gaol or Priſon to which ſuch Perſon was before committed as aforeſaid.

Such Removal not to deprive any Perſon of any Right to be tried or diſcharged, &c.

VII. And whereas in the preſent diſturbed State of the Kingdom of *Ireland*, it has been found neceſſary to ſend divers Perſons who had been committed to Priſon in *Ireland* on Charges of High Treaſon, Suſpicion of High Treaſon, or treaſonable Practices, to *Great Britain*, for ſafe Cuſtody, and for the Purpoſe of preventing improper Intercourſe between ſuch Perſons and other Perſons engaged or ſuſpected of being engaged in the like Treaſons or treaſonable Practices; and it may be found expedient to ſend other Perſons to *Great Britain* under like Circumſtances; be it enacted, That every Perſon who hath been ſent to *Great Britain* as aforeſaid, before the paſſing of this Act, and every Perſon who, after the paſſing of this Act, ſhall be ſent to *Great Britain* for ſafe Cuſtody, by Order of the Lord Lieutenant, or Governor General, or other Chief Governor or Chief Governors of *Ireland*, and of Six or more of His Majeſty's Privy Council of the ſaid Kingdom, ſhall and may be detained in Cuſtody in this Kingdom, in ſuch Place of ſafe Cuſtody as to His Majeſty ſhall ſeem fit, provided ſuch Perſon ſhall be charged with High Treaſon, Suſpicion of High Treaſon, or treaſonable Practices, by Warrant under the Hand and Seal of One of His Majeſty's principal Secretaries of State: Provided always nevertheleſs, That no Perſon ſhall be detained as aforeſaid, ſo as to prevent the Trial or Diſcharge of ſuch Perſon in due Courſe of Law, whenever ſuch Perſon ſhall by the Law of *Ireland* be entitled to ſuch Trial or Diſcharge; but in all Caſes in which any Perſon ſo detained would by the Law of *Ireland*, if in Cuſtody in that Kingdom, be entitled to be tried or diſcharged, it ſhall be lawful for ſuch Perſon to apply to the Court of King's Bench in *England*, or to any Judge of that Court, or to the Court of Juſticiary in *Scotland*, or to any Judge of that Court, to be diſcharged; and if it ſhall appear to ſuch Court or to ſuch Judge that ſuch Perſon, if in Cuſtody in *Ireland*, would be entitled to be tried or diſcharged, it ſhall be lawful for ſuch Court or ſuch Judge to order ſuch Perſon to be diſcharged, or to be ſent to *Ireland*, to be dealt with according to Law.

Perſons charged with High Treaſon, &c. by Warrant of a Principal Secretary of State, and ſent from *Ireland* to *Great Britain*, by Order of the Lord Lieutenant and of Six Privy Councillors, to be detained in Cuſtody in ſuch Place as His Majeſty ſhall think fit.

But when entitled by the Law of *Ireland* to be tried or diſcharged, ſuch Perſons may apply to the Court of King's Bench in *England*, or Court of Juſticiary in *Scotland*, or One of the Judges of theſe Courts, who ſhall order them to be diſcharged, or ſent to *Ireland*.

VIII. And

One of His Majesty's Secretaries of State may order any Person in Custody on a Charge of High Treason, &c. committed in *Ireland*, to be detained in *Great Britain* until he can be properly sent to *Ireland*, to be tried or discharged: And when entitled to be tried or discharged, such Person may apply to the Court of King's Bench in *England*, or Court of Justiciary in *Scotland*, or One of the Judges, who shall order him to be discharged, or sent to *Ireland*.

VIII. And whereas many Persons engaged in the late Rebellion in *Ireland*, and in other treasonable Practices there, have fled from *Ireland*, and are now in *Great Britain*; and other Persons may come from *Ireland* to *Great Britain* under the like Circumstances; and it may be expedient, not only to arrest such Persons, for the Purpose of sending them to *Ireland* to be tried for such Offences, but also to secure and detain such Persons in *Great Britain* until they can be properly sent to *Ireland*, to be tried or discharged in due Course of Law; be it further enacted, That it shall be lawful for One of His Majesty's principal Secretaries of State, by Warrant under his Hand and Seal, to order any Person who shall be in Custody upon any Charge of High Treason, Suspicion of High Treason, or treasonable Practices, done or committed in *Ireland*, to be secured and detained in *Great Britain*, until such Person can be properly sent to *Ireland*, to be tried or discharged in due Course of Law: Provided always nevertheless, That no Person shall be detained as aforesaid, so as to prevent the Trial or Discharge of such Person in due Course of Law, whenever such Person shall by the Law of *Ireland* be entitled to such Trial, or discharged; but in all Cases in which any Person so detained would by the Law of *Ireland*, if in Custody in that Kingdom, be entitled to be tried or discharged, it shall be lawful for such Person to apply to the Court of King's Bench in *England*, or to any Judge of that Court, or to the Court of Justiciary in *Scotland*, or to any Judge of that Court, to be discharged; and if it shall appear to such Court or to such Judge that such Person, if in Custody in *Ireland*, would be entitled to be tried or discharged, it shall be lawful for such Court or such Judge to order such Person to be discharged, or to be sent to *Ireland*, to be dealt with according to Law.

Continuance of this Act.

IX. And be it further enacted, That this Act shall continue in force until the said First Day of *March* One thousand eight hundred, and no longer.

Act may be altered or repealed this Session.

X. And be it further enacted, That this Act may be altered, varied, or repealed, by any Act or Acts to be made in this present Session of Parliament.

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