ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

****

CAP. XXXII.

An Act for further continuing, until Six Weeks after the Commencement of the next Seſſion of Parliament, ſeveral Acts, made in the Thirty-eighth and Thirty-ninth Years of His preſent Majeſty's Reign, and in the laſt Seſſion of Parliament, for empowering His Majeſty to ſecure and detain ſuch Perſons as His Majeſty ſhall ſuſpect are conſpiring againſt His Perſon and Government.

[31ſt *December* 1800.]

WHEREAS an Act was paſſed on the Twenty-eighth Day of *February* One thouſand eight hundred, intituled, *An Act for further continuing, until the Firſt Day of* February *One thouſand eight hundred and one, an Act, made in the laſt Seſſion of Parliament, intituled,* '*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;*" which Act was to continue in force until the Firſt Day of *February* One thouſand eight hundred and one, and no longer: And whereas it is neceſſary for the publick Safety that the Proviſions of the ſaid Act paſſed on the Twenty-eighth Day of *February* One thouſand eight hundred, ſhould be 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 aſſem-

Preamble. 39 & 40 Geo. III, Cap. 20.

Persons imprisoned for High Treason, &c. may be detained till Six Weeks after the next Meeting of Parliament.

bled, 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, Suspicion of Treason, or Treasonable Practices, may be detained in safe Custody, without Bail or Mainprize, until the Expiration of Six Weeks after the Commencement of the next Session of Parliament; 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 Expiration of Six Weeks after the Commencement of the next Session of Parliament; 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 Six Weeks after the next Meeting of Parliament.

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 Expiration of Six Weeks after the Commencement of the next Session of Parliament; 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 Six Weeks after the next Meeting of Parliament, Persons committed to have the Benefit of all Laws providing for the Liberty of the Subject, *etc.*

III. Provided always, That, from and after the Expiration of Six Weeks after the Commencement of the next Session of Parliament, 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.

The Secretary of State may order Persons committed for High Treason, &c. to be removed to any other Gaol.

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.

Perſons ſo removed not to be deprived of Right to be tried or diſcharged.

VII. And whereas in the diſturbed State of the Kingdom of *Ireland*, it has been found neceſſary to ſend divers Perſons who have 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.

Perſons ſent from *Ireland* to *Great Britain* for ſafe Cuſtody, may be detained in ſuch Place as His Majeſty ſhall think fit, provided they are charged with High Treaſon, &c. by Warrant of a Secretary of State.

VIII. 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

But no Perſon ſhall be detained ſo as to prevent his Trial or Diſcharge when

entitled thereto by the Law of *Ireland*.

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.

The Secretary of State may order Persons in Custody for High Treason, &c. committed in *Ireland*, to be detained in *Great Britain*.

IX. 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 or detained in *Great Britain* until such Person can be properly sent to *Ireland*, to be tried or discharged in due Course of Law.

But no Person shall be detained so as to prevent his Trial or Discharge when entitled thereto by the Law of *Ireland*.

X. 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.

Continuance of Act.

XI. And be it further enacted, That this Act shall continue in force until the Expiration of Six Weeks after the Commencement of the next Session of Parliament, and no longer.

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