

ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

CAP. XXVI.

An Act for reviving and further continuing, until Six Weeks after the Commencement of the next Seſſion of Parliament, ſeveral Acts, made in the Thirty-eighth, Thirty-ninth, and Fortieth 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. [18th *April* 1801.]

Preamble.

WHEREAS an Act was paſſed in the laſt Seſſion of Parliament, intituled, *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*; which Act was to continue in force until Six Weeks after the Commencement of the next Seſſion of Parliament, and no longer: And whereas it is neceſſary for the publick Safety that the Proviſions of the ſaid Act ſhould be revived and 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

40 *Geo.* III. Cap. 32.

Commons,

Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who ſhall be in Priſon within that Part of the United Kingdom of *Great Britain* and *Ireland* called *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.

Perſons impriſoned for High Treaſon, &c. may be detained 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.

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.

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.

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.*

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.

Privileges of Parliament, not invalidated by this Act.

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.

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

VI. And whereas it may be highly important that ſuch Perſons as have been or ſhall be ſecured and detained on Charges of High Treaſon, Suſpicion of High Treaſon, and treaſonable Practices, under Warrants from One of His Majeſty's Principal Secretaries of State, under the Authority of the ſaid recited Acts or of this Act, ſhould be kept wholly

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

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 *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 *Ireland*, ſhall and may be detained in Cuſtody in *Great Britain*, 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, *etc.* 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 there, 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, *etc.* 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 there, 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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