ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

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C A P. LXVI.

An Act for indemnifying such Persons as, since the First Day of *February* One thousand seven hundred and ninety-three, have acted in the apprehending, imprisoning, or detaining in Custody, in *Great Britain*, of Persons suspected of High Treason or Treasonable Practices. [24th *June* 1801.]

WHEREAS by an Act, passed in the Parliament of *Great Britain* in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act to impower His Majesty to secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government*, reciting, that a traitorous and detestable Conspiracy had been formed for subverting the existing Laws and Constitution, and for introducing the System of Anarchy and Confusion which had so fatally prevailed in *France*, it was, for the better Preservation of His Majesty's sacred Person, and for securing the Peace and the Laws and Liberties of the Kingdom, enacted, That every Person or Persons who were or should be in Prison, within the Kingdom of *Great Britain*, at the Time therein mentioned, or after, by Warrant signed as therein specified, for High Treason, Suspicion of High Treason, or Treasonable Practices, might be detained in safe Custody as thereby provided; and that the Act made in *Scotland*, intituled, *An Act for preventing wrongous Imprisonment and against undue Delays in Trials*, in so far as the same

Preamble.

34 Geo. III, Cap. 54.

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might

might be conſtrued to relate to Caſes of Treaſon and Suſpicion of Treaſon, ſhould be ſuſpended, as therein alſo provided; which Act was to continue in Force until the Firſt Day of *February* One thouſand ſeven hundred and ninety-five, and was afterwards by a ſubſequent Act continued until the Firſt Day of *July* One thouſand ſeven hundred and ninety-five: And whereas by another Act, paſſed in the Parliament of *Great Britain*, in the Thirty-eighth Year of the Reign of His preſent Majeſty, alſo 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*, reciting, that His Majeſty's Enemies were making Preparations, with conſiderable and increaſing Activity, for the Invaſion of His Majeſty's Dominions, and that theſe Deſigns were encouraged by the traitorous Practices of wicked and diſaffected Perſons within the Realm, it was, for the like Purpoſes, enacted in like Manner as is contained in the ſaid recited Act of the Thirty-fourth Year of His Majeſty's Reign; which Act of the Thirty-eighth Year of His Majeſty's Reign was to continue in Force until the Firſt Day of *February* One thouſand ſeven hundred and ninety-nine, and was afterwards, by ſeveral ſubſequent Acts, continued until Six Weeks after the Commencement of the preſent Seſſion of Parliament: And whereas, by an Act paſſed in this preſent Seſſion of Parliament, intituled, *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*, it was enacted in like Manner as is contained in the ſaid Act paſſed in the Thirty-eighth Year of His preſent Majeſty's Reign; and which ſaid Act of the preſent Seſſion of Parliament is to continue in Force until the Expiration of Six Weeks after the Commencement of the next Seſſion of Parliament: And whereas in order to ſecure the internal Peace and Tranquillity of the Country, and to counteract the traitorous Deſigns in the ſaid Acts recited, it hath been deemed neceſſary from Time to Time to apprehend, impriſon, and detain in Cuſtody, in *Great Britain*, divers Perſons ſuſpected of High Treaſon or Treaſonable Practices: And whereas in caſe the Acts and Proceedings of the ſeveral Perſons employed or concerned in ſuch apprehending, impriſoning, and detaining in Cuſtody, ſhould be called in Queſtion, it would be impoſſible for them to juſtify or defend the ſame without an open Diſcloſure of the Means by which the ſaid traitorous Deſigns were diſcovered; and it is neceſſary, for the further Prevention of ſimilar Practices, that thoſe Means of Information ſhould remain ſecret and undiſcloſed; 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 all perſonal Actions, Suits, Indictments, Informations, and Proſecutions, heretofore brought, commenced, preferred, exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all Judgments thereupon obtained, if any ſuch there be, and all Proceedings whatſoever, againſt any Perſon or Perſons, for or on Account of any Act, Matter, or Thing by him or them done, or commanded, ordered, directed, or adviſed to be done, in *Great Britain*, ſince the Firſt Day of *February* One thouſand ſeven hundred and ninety-three, for apprehending, impriſoning,

38 *Geo.* III, Cap. 36, and

Cap. 26 of this preſent Seſſion, recited.

All Actions, &c. already brought or hereafter to be brought for any Thing done ſince *Feb.* 1, 1793, for apprehending or impriſoning any Perſon charged with

impriſoning,

impriſoning, or detaining in Cuſtody any Perſon charged with or ſuſpected of High Treaſon or Treaſonable Practices, ſhall be diſcharged and made void, and that every Perſon by whom any ſuch Act, Matter, or Thing ſhall have been done or commanded, ordered, directed, or adviſed to be done, ſhall be freed, acquitted, diſcharged, and indemnified as well againſt the King's Majeſty, His Heirs and Succeſſors, as againſt the Perſon and Perſons ſo apprehended, impriſoned, or detained in Cuſtody, and all and every other Perſon and Perſons whomſoever.

High Treaſon, *etc.* ſhall be made void, and the Perſons indemnified,

II. And be it further enacted, That if any Action or Suit hath been or ſhall be brought, commenced, or had, in any Court within *England* or *Wales*, againſt any Perſon or Perſons, for or on Account of any ſuch Act, Matter, or Thing as aforeſaid, he and they may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff or Plaintiffs ſhall become Nonſuit, or forbear further Proſecution, or ſuffer a Diſcontinuance in any ſuch Action or Suit, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs therein, the Defendant or Defendants ſhall have and be entitled to double Coſts, for which he or they ſhall have the like Remedy as in other Caſes in which Coſts by Law are given to Defendants; and if any ſuch Action or Suit hath been or ſhall be brought, commenced, or had, in any Court within that Part of *Great Britain* called *Scotland*, the Court before whom or in which ſuch Action or Suit ſhall be brought, commenced, or had, or ſhall be depending, ſhall allow to the Defender or Defenders therein, the Benefit of the Diſcharge and Indemnity herein-before provided, and ſhall further decern the Purſuer or Purſuers to pay the Defender or Defenders the full and real Expences which he or they ſhall be put to by ſuch Action or Suit.

who, if the Action be brought in *England*, may plead the General Iſſue, and be entitled to Double Coſts, and if in *Scotland* the Defenders ſhall have the Benefit of Indemnity, and be paid their Expences.

III. And be it further enacted, That if any Action, Suit, Indictment, Information, Proſecution, or Proceeding, hath been or ſhall be brought, commenced, preferred, exhibited, or had, in any Court in *Great Britain*, againſt any Perſon or Perſons, for or on Account of any ſuch Act, Matter, or Thing as aforeſaid, it ſhall be lawful for the Defendant or Defendants, Defender or Defenders, in any ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding, or for any of them, to apply by Motion, Petition, or otherwiſe, in a ſummary Way, to the Court in which the ſame hath been or ſhall be brought, commenced, preferred, exhibited, or had, or ſhall be depending, if ſuch Court ſhall be ſitting, and if not ſitting, then to any One of the Judges or Juſtices of ſuch Court, to ſtay all further Proceedings in ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding; and ſuch Court, and any Judge or Juſtice thereof when the ſaid Court ſhall not be ſitting, is hereby authorized and required to examine the Matter of ſuch Application, and upon Proof by the Oath or Affidavit of the Perſon or Perſons making ſuch Application, or of any of them, or other Proof to the Satisfaction of ſuch Court, Judge, or Juſtice, that ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding is brought, commenced, preferred, exhibited, or had, for or on Account of any ſuch Act, Matter, or Thing as aforeſaid, to make an Order for ſtaying Execution and all other Proceedings in ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding, in whatever State the ſame ſhall or may then be, and although Judgment ſhall have been entered up of

Application may be made to the Courts where Actions brought, *&c.* by the Parties proſecuted to ſtay Proceedings, *etc.*

of Record, or given, or any Writ of Error or Appeal ſhall have been brought or made, or ſhall be depending therein; and the Court, or the Judge or Juſtice making ſuch Order for Stay of Proceedings in any Action or Suit as aforeſaid, ſhall alſo order unto the Defendant or Defendants, Defender or Defenders, and he and they ſhall have and be entitled to doul le Coſts, for all ſuch Proceedings as ſhall be had or carried on in any ſuch Action or Suit, after the paſſing of this Act; and for which Coſts he and they ſhall have the like Remedy as in Caſes where Coſts are by Law given to Defendants or Defenders: Provided always, That it ſhall be lawful for any Perſon or Perſons, being a Party or Parties to any ſuch Action, Suit, Indictment, Information, Proſecution, or other Proceeding, to apply by Motion, Petition, or otherwiſe, in a ſummary Way, to the Court in which the ſame ſhall have been brought, commenced, preferred, exhibited, or had, or ſhall be depending, to vacate, diſcharge, or ſet aſide any Order made by any Judge or Juſtice of that Court for ſtaying Proceedings, or for Payment of Coſts as aforeſaid, ſo as ſuch Application be made within the Firſt Four Days on which ſuch Court ſhall ſit next after the making of any ſuch Order by any Judge or Juſtice as aforeſaid; and ſuch Court is hereby required to examine the Matter of ſuch Application, and to make ſuch Order therein as if the Application had been originally made to the ſaid Court; but nevertheleſs, in the mean Time and until ſuch Application ſhall be made to the ſaid Court, and unleſs the ſaid Court ſhall think fit to vacate, diſcharge, ſet aſide, or reverſe the Order made by any ſuch Judge or Juſtice as aforeſaid, the ſame ſhall continue in full Force to all Intents and Purpoſes whatſoever.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1801.