ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

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CAP. XCII.

An Act for repealing several Acts for establishing Regulations respecting Aliens arriving in this Kingdom, or resident therein, in certain Cases; and for substituting other Provisions in lieu thereof.

[26th *June* 1802.]

WHEREAS by an Act, passed in the Thirty-third Year of His Majesty's Reign, intituled, *An Act for establishing Regulations respecting Aliens arriving in this Kingdom, or resident therein, in certain Cases*, divers Provisions were made respecting Aliens arriving in *Great Britain*, and resident therein; which Act has been continued by subsequent Acts, and amended by Two several Acts, passed in the Thirty-eighth Year of the Reign of His present Majesty: And whereas it is expedient that the said several Acts should be repealed, and that other Provisions should be made in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of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 when and so often as His Majesty, His Heirs and Successors, shall by His or their Proclamation, or by His or their Order in Council, or Order under His or their Sign Manual, or the Lord Lieutenant, or other Chief Governor or Governors, and the Privy Council of that Part of this Realm, or United Kingdom of *Great Britain* and *Ireland*, called *Ireland*, shall, by Proclamation, or by Order of Council, direct that any Alien or Aliens, who may be within this Realm, or who may here-

33 Geo. 3. c. 4.

Aliens not departing this Realm when ordered by Proclamation, &c. may be committed to Gaol.

after arrive therein, ſhall depart this Realm within a Time limited in any ſuch Proclamation or Order reſpectively; and any ſuch Alien ſhall knowingly and wilfully refuſe or neglect to pay due Obedience to ſuch Proclamation or Order reſpectively, or ſhall be found in this Realm, or any Part thereof, contrary to ſuch Proclamation or Order, as the Caſe may be, it ſhall be lawful for any of His Majeſty's Principal Secretaries of State, or the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or for any Juſtice of the Peace, or for any Mayor or Chief Magiſtrate of any City or Place, to cauſe every ſuch Alien to be arreſted, and to be committed to the common Gaol of the County or Place where he or ſhe ſhall be ſo arreſted, there to remain, without Bail or Mainprize, until he or ſhe ſhall be taken in Charge for the Purpoſe of being ſent out of the Realm, under the Authority herein-after given for that Purpoſe.

Penalty on Aliens diſobeying Proclamations, &c.

II. And be it further enacted, That every ſuch Alien ſo knowingly and wilfully refuſing or neglecting to pay due Obedience to any ſuch Proclamation or Order as aforeſaid, or being found in this Realm, or any Part thereof, contrary to ſuch Proclamation or Order, and who ſhall be lawfully convicted thereof in His Majeſty's Courts of King's Bench in *Weſtminſter* or in *Dublin*, or in any Court of Oyer and Terminer, Gaol Delivery in *England* or *Ireland*, or Great Seſſions in *Wales*, or Court of Juſticiary in *Scotland*, may, at the Diſcretion of ſuch Courts reſpectively, be adjudged to ſuffer Impriſonment for any Time not exceeding One Month for the Firſt Offence, and not exceeding Twelve Months for the Second Offence, and at the Expiration of any ſuch Term of Impriſonment as aforeſaid, to depart out of the Realm within a Time to be limited by ſuch Judgement; and if ſuch Alien ſhall be found therein after ſuch Time in ſuch Judgement ſo limited, without lawful Cauſe, ſuch Alien being duly convicted thereof in any ſuch Court as aforeſaid, ſhall be tranſported for Life.

Secretaries of State, or the Lord Lieutenant of *Ireland*, &c. may grant Warrants to conduct ſuch Aliens out of the Kingdom, as they apprehend will not pay Obedience to Proclamations, &c.

III. And be it further enacted, That it ſhall be lawful for any One of His Majeſty's Principal Secretaries of State, or the Lord Lieutenant, or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, in any Caſe in which he or they ſhall apprehend that any Alien will not pay immediate Obedience to any ſuch Proclamation or Order as aforeſaid; or in any Caſe where any Alien ſhall have been arreſted or commited for Refuſal or Neglect to obey any ſuch Order, or ſhall have been convicted of ſuch Refuſal or Neglect, and either before or after ſuch Alien ſhall have ſuffered the Puniſhment inflicted for the ſame, by Warrant under his Hand and Seal, to give ſuch Alien in Charge to One of His Majeſty's Meſſengers, or to any other Perſon or Perſons to whom he ſhall think proper to direct ſuch Warrant, in order to his or her being conducted out of the Kingdom, and ſuch Alien ſhall be ſo conveyed accordingly; and that in caſe any Excuſe ſhall be alledged by any ſuch Alien, for not complying with ſuch Proclamation or Order, it ſhall be lawful for the Lords of His Majeſty's Privy Council in *Great Britain* or *Ireland* to judge of the Validity of ſuch Excuſe, and to allow or diſallow the ſame; and ſuch Alien ſhall remain in the Cuſtody of ſuch Meſſenger, or ſuch other Perſon or Perſons as aforeſaid, until the ſaid Lords of His Majeſty's Privy Council ſhall have ſignified their Determination thereupon.

IV. And

IV. And be it further enacted, That the Maſter or Commander of every Ship or Veſſel which ſhall arrive in any Port or Place of this Realm, ſhall, immediately on his Arrival, declare in Writing to the Officer of the Cuſtoms eſpecially appointed for that Purpoſe by the reſpective Commiſſioners of the Cuſtoms in *England*, *Ireland*, and *Scotland* reſpectively, or by any of His Majeſty's Principal Secretaries of State, or by the Chief Secretary to the Lord Lieutenant, or the Chief Governor or Governors of *Ireland*, at or near ſuch Port or Place, whether there are or is to the beſt of his Knowledge, any Alien or Aliens on board his ſaid Veſſel, or who have, to his Knowledge, landed or been landed therefrom, and ſhall in his ſaid Declaration ſpecify the Number of Aliens, if any, on board his ſaid Veſſel, or who have to his Knowledge landed or been ſo landed therefrom, and alſo ſpecify their Names and reſpective Rank, Occupation, or Deſcription, as far as he ſhall be informed thereof.

Maſters of Veſſels ſhall, on their Arrival, declare in Writing to the Officer of the Cuſtoms the Number of Aliens on board, ſpecifying their Names and Deſcriptions.

V. And be it further enacted, That the Maſter or Commander of every Ship or Veſſel ſo arriving as aforeſaid, who ſhall refuſe or neglect to make ſuch Declaration as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds for each and every Alien who ſhall have been on board at the Time of the Arrival of ſuch Ship or Veſſel, or who ſhall have to his Knowledge landed or been landed therefrom as aforeſaid, whom he ſhall have wilfully refuſed or neglected to declare as aforeſaid; and in caſe ſuch Maſter or Commander as aforeſaid ſhall neglect or refuſe forthwith to pay ſuch Penalty as he ſhall be adjudged to pay in Manner aforeſaid, it ſhall be lawful for the Officer of the Cuſtoms, ſo appointed as aforeſaid, to detain ſuch Ship or Veſſel as aforeſaid, until the ſame ſhall have been paid.

Maſter neglecting to make ſuch Declaration ſhall forfeit 10 *l.* for each Alien he ſhall have had on board.

VI. Provided always, and be it further enacted, That nothing hereinbefore contained ſhall extend, or be conſtrued to extend, to any Mariner whom the Maſter or Commander of any Ship or Veſſel, arriving in any Port or Place in this Realm, ſhall certify to ſuch Officer of the Cuſtoms as aforeſaid, in Writing, ſubſcribed by ſuch Maſter or Commander, to be actually engaged and employed in the Navigation of ſuch Ship or Veſſel, during the Time that ſuch Mariner ſhall remain ſo actually engaged and employed; and which Certificate, in Writing, ſo ſubſcribed as aforeſaid, every ſuch Maſter or Commander as aforeſaid is hereby required to give.

Act not to extend to Mariners, certified to be employed in the Navigation of the Ship.

VII. And be it further enacted, That every Alien who ſhall arrive in this Realm at any Port or Place therein, after the paſſing of this Act, ſhall, immediately after ſuch Arrival, declare in Writing to ſuch Officer of the Cuſtoms as aforeſaid, at or near ſuch Port or Place, the Name of the Ship or Veſſel in which he or ſhe ſhall have come to this Country, and every Alien who ſhall ſo arrive, and alſo every Alien who ſhall depart from any Port or Place of this Realm, after the paſſing of this Act, ſhall immediately, after ſuch Arrival, or before ſuch Departure reſpectively, declare in like Manner to ſuch Officer as aforeſaid, his or her Name and Rank, Occupation or Deſcription, or if a domeſtick Servant, then alſo the Name, Rank, and Deſcription of his or her Maſter or Miſtreſs, or ſhall verbally make to ſuch Officer as aforeſaid ſuch Declaration, to be by him reduced to Writing, and ſhall alſo in like Manner declare the Country or Place from whence he or ſhe ſhall then have come, and the Place to which he or ſhe is then going, his or her Profeſſion or Occupation, and the Name and Place of Abode of the Perſon to whom (if any) he or ſhe is known;

Aliens, on their Arrival, and on their Departure, ſhall declare in Writing to the Officer of the Cuſtoms their Names, Deſcriptions, and Occupations, &c.

and

Penalty on Aliens arriving, who ſhall neglect to make ſuch Declaration, or ſhall make a falſe One.

and that every ſuch Alien coming into this Realm, who ſhall neglect to make Declaration of the aforeſaid Particulars, or who ſhall wilfully make any falſe Declaration thereof, may for every ſuch Offence, on Conviction thereof in His Majeſty's Court of King's Bench at *Weſtminſter* or in *Dublin*, or in any Court of Oyer and Terminer, and Gaol Delivery in *England* or *Ireland*, or Great Seſſions in *Wales*, or Juſticiary Court in *Scotland*, be impriſoned for any Time not exceeding Three Months, or may, at the Diſcretion of ſuch Court, be adjudged to depart out of this Realm, and all other His Majeſty's Dominions, within a Time to be limited in ſuch Judgement; and if he or ſhe ſhall be found therein after ſuch Time in ſuch Judgement ſo limited, without lawful Cauſe, he or ſhe ſhall, being duly convicted thereof, be impriſoned for any Term not exceeding Twelve Months, and at the Expiration of ſuch Term of Impriſonment as aforeſaid, to be ſent out of the Realm; and if ſuch Alien be found therein after ſuch Time in ſuch Judgement ſo limited, without lawful Cauſe, ſuch Alien, being duly convicted thereof in any ſuch Court as aforeſaid, ſhall be tranſported for Life.

Officer of the Cuſtoms ſhall regiſter ſuch Declarations in a Book.

VIII. And be it further enacted, That the Officer of the Cuſtoms ſo appointed as aforeſaid, to whom ſuch Declaration ſhall be made, or Particulars delivered as aforeſaid, ſhall immediately regiſter the ſame in a Book to be kept by him for that Purpoſe; in which Book Certificates ſhall be printed in Blank, and Counterparts thereof, in the Form following:

Form of Certificate.

Ship's Name.	Alien's Name and Deſcription.	From whence.	Whither going.	Profeſſion, &c.	To whom known.	Remarks.

Ship's Name.	Alien's Name and Deſcription.	From whence.	Whither going.	Profeſſion, &c.	To whom known.

And ſhall inſert therein the ſeveral Particulars by this Act required, in their proper Columns in both Parts thereof, expreſſing ſuch Particulars as ſhall be inſerted in the Column of Remarks, which ſhall be entered only in

in One of ſuch Columns, and ſhall then and there cut off One Part thereof, through the Flouriſh or Device between the Two Parts thereof, and deliver, without Fee or other Charge, One Part, containing all the Particulars contained in ſuch Entry, excepting ſuch thereof as ſhall be contained in the Column of Remarks, to the Alien who ſhall have made ſuch Declaration, or delivered ſuch Particulars according to the Proviſions of this Act; and the Officer keeping or having the Care of ſuch Book, ſhall alſo enter, or cauſe to be entered therein, an Alphabetical Liſt and Index of the Names of the Aliens, in reſpect of whom ſuch Entries ſhall be made therein as aforeſaid.

Aliens (except domeſtick Servants) ſhall, within a Week after their Arrival, produce their Certificates to the Chief Magiſtrate of the Place, or to a Juſtice; or where the Certificate is loſt, deliver in an Account of the Particulars.

IX. And be it further enacted, That every Alien arriving in this Realm after the paſſing of this Act, except ſuch domeſtick Servants as aforeſaid, ſhall, within One Week after his or her arriving at the Place which ſhall be expreſſed in the Certificate delivered to him or her as aforeſaid, as the Place to which he or ſhe propoſes to go, produce ſuch Certificate to the Chief Magiſtrate of the Town or Place in which he or ſhe ſhall be; and if there be no Chief Magiſtrate in ſuch Town or Place, then, and in ſuch Caſe, to ſome One of the Juſtices of the Peace in and for the County, City, Town, or Diſtrict in which ſuch Alien ſhall be, or to ſuch Perſon or Perſons as ſhall be authorized to that Effect by ſuch Chief Magiſtrate or Juſtice, as the Caſe may be, by Warrant under his Hand and Seal; or in caſe ſuch Certificate ſhall be loſt, ſhall deliver a full and true Account of all the Particulars that ſhall have been contained in ſuch Certificate; and that every ſuch Alien as aforeſaid, who ſhall ſo neglect or refuſe to produce ſuch Certificate as aforeſaid, or deliver ſuch Account as aforeſaid, or who ſhall wilfully deliver any falſe Account to ſuch Magiſtrate or Juſtice reſpecting any of the Particulars herein-before mentioned, on Conviction thereof before any Two of His Majeſty's Juſtices of the Peace for the County, City, Town, or Diſtrict in which ſuch Alien ſhall be, may be adjudged, at the Diſcretion of ſuch Juſtices, for the Firſt Offence to ſuffer Impriſonment for any Time not exceeding One Month, and for the Second Offence to depart out of the Realm within a Time to be limited by ſuch Juſtices; and if ſuch Alien ſhall be found therein after ſuch Time ſo limited, without lawful Cauſe, he or ſhe ſhall, being duly convicted thereof, be tranſported for Life.

Penalty for neglecting to do ſo.

Juſtices ſhall grant Certificates in lieu of ſuch as ſhall appear to be loſt, &c.

X. And be it further enacted, That if any Certificate iſſued to any Alien by virtue of this Act, ſhall be loſt, miſlaid, or deſtroyed, and ſuch Alien ſhall produce to One of His Majeſty's Juſtices of the Peace, from the Officers of the Cuſtoms ſo appointed as aforeſaid, at the Port where ſuch Alien ſhall have arrived, or from the Office of One of His Majeſty's Principal Secretaries of State, or from the Office of the Chief Secretary of the Lord Lieutenant, or of the Chief Governor or Governors of *Ireland*, a Copy of the Paſſport or Certificate ſo loſt, miſlaid, or deſtroyed, and ſhall make it appear, to the Satisfaction of ſuch Juſtice, that he or ſhe is the Perſon named in ſuch Paſſport or Certificate, and that the ſame has been loſt, miſlaid, or deſtroyed, without his or her wilful Neglect or Default, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to grant to ſuch Alien a freſh Paſſport or Certificate, which ſhall be of the like Force and Effect as the Paſſport or Certificate ſo loſt, miſlaid, or deſtroyed.

Officer of the Customs, and Magistrates to whom Certificates shall be produced, shall weekly transmit Copies of Entries and Certificates to the Secretary of State, *etc.*

XI. And be it further enacted, That every such Custom House Officer shall every Week, or oftener if he thinks fit or be required, and every Magistrate or Justice to whom any such Certificate or Account shall be produced or delivered as aforesaid, shall, within One Week after the same shall have been so produced or delivered as aforesaid, transmit, if in *Great Britain* to One of His Majesty's Principal Secretaries of State, and if in *Ireland* to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, true and exact Copies of all such Entries, Certificates, and Accounts respectively made by or delivered to any such Custom House Officer, Magistrate, or Justice respectively, by virtue of this Act.

No Fee to be taken for granting Certificates, on Penalty of 50*l.*

XII. And be it further enacted, That all Certificates and Notices hereinbefore required to be given by any Officer of the Customs appointed for that Purpose, or by any Justice or Justices of the Peace or other Magistrates respectively, shall be given without any Fee or Reward whatsoever; and every such Officer of the Customs, or Magistrate or Justice of the Peace, or other Person, who shall take any Fee or Reward, or Sum of Money, of any Alien for any Certificate, or other Matter or Thing under this Act, shall forfeit, for every such Offence, the Sum of Fifty Pounds; and every Officer of the Customs appointed for that Purpose as aforesaid, who shall refuse or neglect to make any such Entry as aforesaid, or grant any Certificate thereon in pursuance of the Provision of this Act, or shall knowingly make any false Entry, or neglect to return the Copies thereof in Manner directed by this Act, shall forfeit, for every such Offence, the Sum of One hundred Pounds.

Officers of the Customs neglecting to make Entry, or to grant Certificates, *etc.* shall forfeit 100*l.*

Penalty on Persons forging, *etc.* Passports or Certificates.

XIII. And be it further enacted, That if any Person shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, any Certificate herein directed to be obtained, or shall obtain any such Certificate under any other Name or Description than the true Name and Description of such Alien (without disclosing to the Person granting such Certificate the true Name and Description of such Alien, and the Reason for concealing the same), or shall falsely pretend to be the Person intended to be named and described in any such Certificate, every Person so offending, being lawfully convicted thereof, shall suffer Imprisonment in the common Gaol for any Time not exceeding One Year.

Ambassadors, *etc.* not to be deemed Aliens.

XIV. Provided always, and be it further enacted, That no Foreign Ambassador or other publick Minister duly authorized, nor the domestick Servants of any such Foreign Ambassador or publick Minister, registered as such according to the Directions of the Laws in force for that Purpose, or being actually attendant upon such Ambassador or Minister, shall be deemed an Alien within the Meaning of this Act.

Act not to extend to Aliens not more than 14 Years old.

Proof whether any Person is or is not an Alien shall lie on the Party.

XV. Provided also, that nothing in this Act contained shall affect any Alien in respect of any Act done or omitted to be done, who shall make it appear that he or she was not above the Age of Fourteen Years at the Time when such Act was so done or omitted to be done: Provided always, that if any Question shall arise whether any Person alledged to be an Alien, and subject to the Provisions of this Act, or any of them, is an Alien or not, or is or is not an Alien subject to the said Provisions or any of them,

the Proof that ſuch Perſon is, or by Law is to be deemed to be a natural-born Subject of His Majeſty, or Denizen of this Kingdom, or naturalized by Act of Parliament, or if an Alien is not ſubject to the Proviſions in this Act contained, or any of them, by Reaſon of any Exception contained in this Act, or which ſhall be expreſſed in any Proclamation or Order in Council as aforeſaid, or in any Special Warrant from One of His Majeſty's Principal Secretaries of State, or from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary as aforeſaid, ſhall lie on the Perſon ſo alledged to be an Alien, and to be ſubject to the Proviſions of this Act, ſome or One of them.

Juſtices of the Courts of *Weſtminſter* or *Dublin*, &c. may admit Aliens to Bail,

XVI. Provided always, and be it further enacted, That in every Caſe in which Power is given by this Act to commit any Alien to Gaol, without Bail or Mainprize, it ſhall and may be lawful for any of the Juſtices of His Majeſty's Courts of Record at *Weſtminſter* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Juſtice Clerk, or any of the Commiſſioners of Juſticiary in *Scotland*, if upon Application made he ſhall ſee ſufficient Cauſe to preſume that ſuch Perſon is not within the Deſcription limited by this Act in the different Caſes herein mentioned, to admit ſuch Perſon to Bail, he or ſhe giving ſufficient Security for his or her Appearance to anſwer the Matters alledged againſt him or her.

as may alſo any Juſtice, by Authority of a Secretary of State, *etc.*

XVII. Provided always, and be it further enacted, That it ſhall be lawful for any Juſtice of the Peace to admit any Alien to Bail who ſhall have been committed by virtue of this Act, ſuch Juſtice being authorized ſo to do by Warrant of One of His Majeſty's Principal Secretaries of State, or of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, for that Purpoſe, ſpecifying the Security to be taken by ſuch Juſtice.

When Queſtions ariſe whether any Perſon is or not an Alien, a domeſtick Servant, *etc.* Proof ſhall lie on the Party.

XVIII. And be it further enacted, That in all Caſes concerning the Execution of this Act, when any Queſtion ſhall ariſe whether any Perſon is or is not an Alien born, not having obtained Letters Patent of Denization, nor having been naturalized by Act of Parliament, is or is not ſuch a domeſtick Servant as aforeſaid, the Proof of being a natural-born Subject of His Majeſty, His Heirs and Succeſſors, or of being a Denizen by Letters Patent, or of Naturalization by Act of Parliament, or of being ſuch a domeſtick Servant as aforeſaid, ſhall lie upon the Perſon touching whom ſuch Queſtion ſhall ſo ariſe.

When Perſons ſhall be adjudged to be tranſported, the Place ſhall be that which His Majeſty, *etc.* ſhall appoint.

XIX. And be it further enacted, That in all Caſes in which any Perſon ſhall be adjudged to be tranſported in purſuance of this Act, the Tranſportation ſhall be adjudged to be, and ſhall be to ſuch Place or Places as His Majeſty, with the Advice of His Privy Council in *Great Britain*, or the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and Privy Council in *Ireland*, ſhall direct or appoint.

Perſons ordered to be tranſported, and afterwards found within the Realm, ſhall be deemed

XX. And be it further enacted, That in caſe any Perſon ordered or adjudged to be tranſported in purſuance of this Act, ſhall eſcape out of Cuſtody previous to ſuch Sentences of Tranſportation being carried into Execution, or ſhall, after having been tranſported, be found at large within

guilty of Felony, *etc.*

within this Realm, he or ſhe ſhall be deemed guilty of Felony, and ſhall ſuffer Death as a Felon without Benefit of Clergy.

In caſe of Requiſition made purſuant to Treaty between His Majeſty and the *French* Republick, *etc.* for the Delivery of Perſons accuſed of Crimes, One of the Secretaries of State, *etc.* ſhall ſignify the ſame, and require Magiſtrates, *etc.* to apprehend the Perſons accuſed, and deliver them over to Juſtice.

XXI. And whereas by a Treaty made between His Majeſty and the *French* Republick, His Catholick Majeſty, and the *Batavian* Republick, it was agreed that the contracting Parties ſhall, on Requiſitions made by them reſpectively, or by their Miniſters or Officers duly authorized to make the ſame, deliver up to Juſtice, Perſons accuſed of Crimes of Murder, Forgery, or fraudulent Bankruptcy, committed within the Juriſdiction of the requiring Party; provided that this ſhall be done only when the Evidence of the Criminality ſhall be ſo authenticated as that the Laws of the Country where the Perſon ſo accuſed ſhall be found, would juſtify his Apprehenſion and Commitment for Trial, if the Offence had been there committed; and that the Expences of ſuch Apprehenſion and Delivery ſhall be borne and defrayed by thoſe who make the Requiſition: And whereas it is expedient that Proviſion ſhould be made for carrying the ſame into Effect; be it therefore enacted, That in caſe Requiſition ſhall at any Time be made in purſuance of and according to the ſaid Article for the Delivery of any Perſon accuſed of the Crime of Murder, or of Forgery, or of fraudulent Bankruptcy reſpectively, committed after the Concluſion of the ſaid Treaty, within the Juriſdiction of the *French* Republick, His Catholick Majeſty, or the *Batavian* Republick reſpectively, it ſhall be lawful for One of His Majeſty's Principal Secretaries of State, and the Chief Secretary of the Chief Governor or Governors of *Ireland*, by Warrant under his Hand and Seal, to ſignify that ſuch Requiſition has been ſo made, and to require all Juſtices of the Peace, and other Magiſtrates and Officers of Juſtice, to govern themſelves accordingly, and to be aiding and aſſiſting in apprehending the Perſon ſo accuſed, and committing ſuch Perſon for the Purpoſe of being delivered up to Juſtice, according to the Proviſions in the ſaid Article; and thereupon it ſhall be lawful for any Juſtice of the Peace, or other Perſon having Power to commit for Trial Perſons accuſed of Crimes againſt the Laws of this Kingdom, to examine upon Oath any Perſons or Perſon touching the Truth of ſuch Charge, and upon ſuch Evidence as, according to the Laws of this Kingdom, would juſtify the Apprehenſion and Commitment for Trial of the Perſon ſo accuſed, if the Crime of which he ſhall be ſo accuſed had been committed in this Kingdom, it ſhall be lawful for ſuch Juſtice of the Peace, or other Perſon having Power to commit as aforeſaid, to commit the Perſon ſo accuſed to His Majeſty's Gaol, there to remain until delivered purſuant to ſuch Requiſition as aforeſaid; and thereupon it ſhall be lawful for One of His Majeſty's Secretaries of State, by Warrant under his Hand and Seal, to order the Perſon ſo committed to be delivered to ſuch Perſon or Perſons as ſhall be authorized by the ſaid *French* Republick, His Catholick Majeſty, or the *Batavian* Republick, as the Caſe may be, to receive the Perſon ſo committed, and convey ſuch Perſon to the Dominions of the ſaid *French* Republick, His Catholick Majeſty, or the *Batavian* Republick, as the Caſe may be, to be tried for the Crime of which ſuch Perſon ſhall be ſo accuſed, or if the Perſon ſo accuſed ſhall eſcape out of any Cuſtody to which he ſhall be committed as aforeſaid, it ſhall be lawful to retake ſuch Perſon in the ſame Manner as any Perſon accuſed of any Crime againſt the Laws of this Kingdom may be retaken upon an Eſcape, ſo that ſuch Perſon ſo accuſed as aforeſaid

ſaid may be effectually delivered up to Juſtice, according to the true Intent and Meaning of the ſaid Article of the ſaid Treaty.

When Aliens have been in Cuſtody for Two Months, in order to be ſent out of the Realm, Juſtices of the Courts, *etc.* may, on Proof being made that Notice had been given of ſuch Application to a Secretary of State, may either continue in Cuſtody, or diſcharge ſuch Aliens.

XXII. Provided nevertheleſs, and be it enacted, That where any Alien who ſhall have been committed under this Act, to remain until he or ſhe ſhall be taken in Charge for the Purpoſe of being ſent out of the Realm, ſhall not be ſent out of the Realm within Two Calendar Months after ſuch Commitment, or where any Alien who ſhall have been committed as aforeſaid, to remain until delivered purſuant to ſuch Requiſition as aforeſaid, ſhall not be delivered purſuant to ſuch Requiſition as aforeſaid within Two Calendar Months after ſuch Commitment, it ſhall, in every ſuch Caſe, be lawful for any of the Juſtices of His Majeſty's Court of Record at *Weſtminſter* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Juſtice Clerk, or any of the Commiſſioners of Juſticiary in *Scotland*, upon Application made to him or them by or on the Behalf of the Perſon ſo committed, and upon Proof made to him or them that reaſonable Notice of the Intention to make ſuch Application had been given to ſome or One of His Majeſty's Principal Secretaries of State in *Great Britain*, or to the Lord Lieutenant or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, according to his or their Diſcretion, to order the Perſon ſo committed to be continued in or diſcharged out of Cuſtody.

So much of 38 Geo. 3. c. 50. as exempts certain Perſons from being arreſted, ſhall be perpetual.

XXIII. And be it further enacted, That ſo much of an Act, paſſed in the Thirty-eighth Year aforeſaid, as exempts certain Perſons therein deſcribed from being arreſted, impriſoned, or held to Bail, or to find any Caution for their forthcoming, or paying any Debt, or to be taken in Execution on any Judgement, or by any Caption for any ſuch Debt as is therein mentioned and deſcribed, ſhall be, and the ſame is hereby made perpetual.

Penalties, how to be recovered and applied.

XXIV. And be it further enacted, That all pecuniary Penalties by this Act impoſed, exceeding the Sum of Ten Pounds, ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter* or in *Dublin*, or the Courts of Great Seſſion in *Wales*, or the Courts of the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham*, or by Action, or ſummary Bill or Information, in the Courts of Juſticiary or Exchequer in *Scotland*, as the Caſe ſhall require, wherein no Eſſoign, Privilege, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and all pecuniary Penalties by this Act impoſed, not exceeding the Sum of Ten Pounds, ſhall, on Conviction of the Offender upon Oath before any Juſtice of the Peace of the County, Riding, Stewartry, City, Town, or Place where the Offence ſhall be committed, be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice, rendering to ſuch Offender the Overplus (if any) on Demand, after deducting the Charges of ſuch Diſtreſs and Sale; and for Want of ſufficient Diſtreſs, ſuch Juſtice is hereby required to commit ſuch Offender to the common Gaol of the County, Riding, Stewartry, City, Town, or Place where ſuch Offence ſhall be committed, for any Time not exceeding Six Calendar Months; and that no Writ of *Certiorari*, or of Advocation or Suſpenſion, ſhall be allowed to remove the Proceedings of the ſaid Juſtice, touching the pecu-

niary Penalties aforeſaid, or to ſuperſede or ſuſpend Execution or other Proceeding thereupon.

Pariſhioners may be Witneſſes, though Part of the Penalty be given to the Poor of the Pariſh.

XXV. And be it further enacted, That the Inhabitants of any Pariſh, Townſhip, or Place, ſhall be deemed and taken to be competent Witneſſes for the Purpoſe of proving the Commiſſion of any Offence againſt this Act, within the Limits of ſuch Pariſh, Townſhip, or Place, notwithſtanding any Part of the Penalty incurred by ſuch Offence, is given or applicable to the Poor of ſuch Pariſh, Townſhip, or Place.

Limitation of Actions.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time be ſued or proſecuted for any Thing by him or them done or executed in purſuance or by colour of this Act, or of any Matter or Thing therein contained, ſuch Action or Proſecution ſhall be commenced within the Space of Three Calendar Months next after the Offence ſhall be committed, and ſuch Perſon or Perſons ſhall and may plead the General Iſſue, and give the Special Matter in Evidence for his or their Defence; and if upon Trial a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or ſhall diſcontinue his or their Suit or Proſecution, or if Judgement be given for the Defendant or Defendants upon Demurrer or otherwiſe, ſuch Defendant or Defendants ſhall have Treble Coſts to him or them awarded againſt the Plaintiff or Plaintiffs.

General Iſſue.

Treble Coſts.

Powers given to the Lord Lieutenant of *Ireland*, &c. not to extend to the Caſe of Aliens arriving in *Great Britain*.

XXVII. Provided nevertheleſs, and it is hereby further enacted, That the Powers and Authority given by this Act to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or to the Privy Council of *Ireland*, ſhall not extend, or be held or deemed to extend, to the Caſe of any Alien arriving or being in that Part of this Realm or United Kingdom called *Great Britain*; and that the Powers and Authority given by this Act to any Juſtice of the Peace, Mayor, or Chief Magiſtrate of any City, Town, or Place, ſhall not extend, or be conſtrued to extend, to give to ſuch Magiſtrates any Authority to act beyond the Limits of their reſpective Juriſdictions; any Thing in this Act contained to the contrary notwithſtanding.

Magiſtrates ſhall act within the Limits of their Juriſdictions.

Act may be altered or repealed this Seſſion.

XXVIII. Provided always, and be it enacted, That this Act, or any of the Proviſions therein contained, may be altered, varied, or repealed, by any Act or Acts to be paſſed in this preſent Seſſion of Parliament.

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