ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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C A P. CXVI.

An Act to empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect for conspiring against His Majesty's Person and Government, until Six Weeks after the Commencement of the next Session of Parliament.

[29th *July* 1803.]

WHEREAS a treasonable and rebellious Spirit of Insurrection now unfortunately exists in *Ireland*, and hath broken out into Acts of open Murder and Rebellion; therefore for the better Preservation of His Majesty's sacred Person, and for securing the Peace, the Laws, and Liberties of this Kingdom, be it 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 and every Person and Persons who is, are, or shall be within Prison within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, at or upon the Day upon which this Act shall receive His Majesty's Royal Assent, or after, by Warrant of His Majesty's most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason, Suspicion of High Treason, or treasonable Practices, or by Warrant signed by the Lord Lieutenant or other Chief Governor or Governors

Every Person in Prison in *Ireland* at or after the passing of this Act, by Warrant of the Privy Council of *Ireland*, or of the Lord Lieutenant, or Chief Secretary, for High Treason, &c. may be de-

tained till Six Weeks after Commencement of the next Seſſion, and ſhall not before that Time be bailed or tried, without Order from the Privy Council.

vernors of *Ireland* for the Time being, or his or their Chief Secretary, for ſuch Cauſes as aforeſaid, may be detained in ſafe Cuſtody, without Bail or Mainprize, until 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 or Perſons ſo committed without Order from His ſaid Majeſty's Privy Council, ſigned by Six of the ſaid Privy Council, until Six Weeks after the Commencement of the next Seſſion of Parliament; any Law or Statute to the contrary notwithſtanding.

Privileges of Parliament not invalidated by this Act.

II. Provided always, and be it enacted, That nothing in this Act ſhall be conſtrued to extend to invalidate the ancient Rights and Privileges of Parliament, or to the impriſoning 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 detaining.

Such Perſons may be detained in any Place in *Ireland*, and the Perſons in whoſe Cuſtody they are, and the Place in which they are detained, may be changed by Warrant of the Lord Lieutenant, &c.

III. And be it further enacted, That in Caſes where any Perſon or Perſons have been, before the paſſing of this Act, or ſhall be, during the Time this Act ſhall continue in force, arreſted, committed, or detained in Cuſtody, by force of a Warrant or Warrants of His Majeſty's moſt Honourable Privy Council of *Ireland*, ſigned by Six of the ſaid Privy Council, for High Treaſon, Suſpicion of High Treaſon, or treaſonable Practices, or by Warrant or Warrants ſigned by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for ſuch Cauſes as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons to whom ſuch Warrant or Warrants have been or ſhall be directed to detain ſuch Perſon or Perſons ſo arreſted or committed, in his or their Cuſtody, in any Place whatever within *Ireland*; and that ſuch Perſon or Perſons to whom ſuch Warrant or Warrants have been or ſhall be directed ſhall be deemed and taken to be, to all Intents and Purpoſes, lawfully authorized to detain in ſafe Cuſtody, and to be the lawful Gaolers and Keepers of ſuch Perſons ſo arreſted, committed, or detained, and that ſuch Place and Places where ſuch Perſons ſo arreſted, committed, or detained, are or ſhall be detained in Cuſtody ſhall be deemed and taken, to all Intents and Purpoſes, to be lawful Priſons and Gaols for the Detention and ſafe Cuſtody of ſuch Perſon and Perſons; and that it ſhall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant ſigned by him, or for the Chief Secretary of ſuch Lord Lieutenant or other Chief Governor or Governors, by Warrant ſigned by ſuch Chief Secretary, or for His Majeſty's Privy Council of *Ireland*, by Warrant ſigned by Six of the ſaid Privy Council, from Time to Time, as Occaſion ſhall be, to change the Perſon or Perſons by whom, and the Place in which ſuch Perſon or Perſons ſo arreſted, committed, or detained, ſhall be detained in ſafe Cuſtody.

Copies of Warrants to be filed in the Office of the Pleas of the Crown in *Dublin*.

IV. Provided always, and be it enacted, That Copies of ſuch Warrants reſpectively ſhall be tranſmitted to the Clerk of the Crown, and ſhall be filed by him in the Publick Office of the Pleas of the Crown at the City of *Dublin*.

V. And

V. And whereas in the diſturbed State of *Ireland* it may be found neceſſary to ſend divers Perſons who have been or may be 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, be it enacted, That 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 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 Treaſon, or treaſonable Practices, by Warrant under the Hand and Seal of One of His Majeſty's Principal Secretaries of State.

Perſons ſent to *Great Britain* on a Charge of High Treaſon ſhall be detained in ſuch Place as His Majeſty ſhall think fit.

VI. And whereas many Perſons who may be engaged in the Rebellion in *Ireland*, and in other treaſonable Practices there, may come from *Ireland*, 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 and may 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.

One of the Secretaries of State may order any Perſon in Cuſtody on a Charge of High Treaſon to be ſecured in *Great Britain* until he can be ſent to *Ireland* for Trial.

VII. Provided always nevertheleſs, That no Perſon ſhall be detained as aforeſaid, under or by virtue of this Act, 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.

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

VIII. And be it further enacted, That this Act ſhall continue in force until Six Weeks after the Commencement of the next Seſſion of Parliament, and no longer; and that it ſhall and may be lawful to repeal, amend, or alter this Act during this Seſſion of Parliament.

Continuance of Act.

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