

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

C A P. CXVII.

An Act for the Suppreſſion of Rebellion in *Ireland*, and for the Protection of the Perſons and Property of His Majeſty's faithful Subjects there, to continue in force 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, and Perſons who may be guilty of Acts of Cruelty and Outrage in Furtherance and immediate Proſecution of ſuch Inſurrection and Rebellion, and who may be taken by His Majeſty's Forces to be employed for the Suppreſſion of the ſame, may ſeek to avail themſelves of the ordinary Courſe of the Common Law to evade the Puniſhment of ſuch Crimes committed by them, whereby it has become neceſſary for Parliament to interpoſe; 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, from and after the paſſing of this Act, it ſhall and may be lawful to

The Lord Lieutenant of *Ireland* may iſſue Orders for taking Meaſures for ſuppreſſing Inſurrection

and Rebellion, &c. and for punishing Offenders by Martial Law.

to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, from Time to Time during the Continuance of the said Rebellion; whether the ordinary Courts of Justice shall or shall not at such Time be open, to issue his or their Orders to all Officers commanding His Majesty's Forces in *Ireland*; and to all others whom he or they shall think fit to authorize in that Behalf, to take the most vigorous and effectual Measures for suppressing the said Insurrection and Rebellion in any Part of *Ireland*, which shall appear to be necessary for the publick Safety, and for the Safety and Protection of the Persons and Properties of His Majesty's peaceable and loyal Subjects, and to punish all Persons acting, aiding, or in any Manner assisting in the said Rebellion, or maliciously attacking or injuring the Persons or Properties of His Majesty's loyal Subjects, in Furtherance of the same, according to Martial Law, either by Death or otherwise, as to them shall seem expedient for the Punishment and Suppression of all Rebels in their several Districts, and to arrest and detain in Custody all Persons engaged in such Rebellion, or suspected thereof; and to cause all Persons so arrested and detained in Custody to be brought to Trial in a summary Way by Courts Martial, to be assembled under such Authority as the said Lord Lieutenant, or other Chief Governor or Governors, shall from Time to Time direct, and to consist of Commissioned Officers of the Line, Fencible, or Militia Regiments, or Yeomanry Corps, not less in Number than Seven, nor more than Thirteen, for all Offences committed in Furtherance of the said Insurrection and Rebellion, whether such Persons shall have been taken in open Arms against His Majesty, or shall have been otherwise concerned in the said Rebellion, or in aiding, or any Manner assisting the same, and to execute the Sentences of all such Courts Martial, whether of Death or otherwise, and to do all other Acts necessary for such several Purposes; provided that no Sentence of Death shall be given against any Offender by such Court Martial, unless the Judgement shall pass by the Concurrence of Two Thirds at least of the Officers present.

No Act done in pursuance of such Orders shall be questioned in any Courts

II. And be it enacted, That no Act which shall be done in pursuance of any Order which shall be so issued as aforesaid shall be questioned in His Majesty's Court of King's Bench in *Ireland*, or in any other Court of the Common Law in any Part of the United Kingdon: And in order to prevent any Doubt which might arise, whether any Act alledged to have been done in Conformity to any Orders so to be issued as aforesaid was so done, it shall and may be lawful to and for the said Lord Lieutenant, or other Chief Governor or Governors, to declare such Acts to have been done in Conformity to such Orders, and such Declaration signified by any Writing under the Hand of such Lord Lieutenant, or other Chief Governor or Governors, shall be a sufficient Discharge and Indemnity to all Persons concerned in any such Acts, and shall, in all Cases, be conclusive Evidence that such Acts were done in Conformity to such Orders.

Officers and Soldiers for Acts so done shall be responsible to Courts Martial only.

III. And be it further enacted, That all Officers, Non-commissioned Officers, and Soldiers, who shall act under any such Orders as aforesaid, shall be responsible for all Things which shall be done under such Orders to such Courts Martial only, by which they shall be liable to be tried for any Offence against the Articles of War under any Act then in force for such Purposes; and such Courts Martial shall have full and exclusive Cognizance

Cognizance of all Matters and Things which shall be objected against such Officers, Non-commissioned Officers, and Soldiers respectively, and all Proceedings shall be had thereon in the same Manner as for Offences against the Articles of War, and not otherwise; and the Court of King's Bench in *Dublin*, or any other Court of Justice, Civil or Criminal, in the United Kingdom, shall not take Cognizance of any Act, Matter, or Thing, which shall be done by any such Officer, Non-commissioned Officer, or Soldier, in pursuance of this Act; and if any Proceeding shall be had in any such Court against any such Officer, Non-commissioned Officer, or Soldier, for any such Act, Matter, or Thing, by Indictment, Action, or otherwise, all such Proceedings shall be stayed by summary Order, on Application to the Court wherein they shall be had.

If Persons detained sue forth a Writ of *Habeas Corpus*, it shall be a sufficient Return that the Party is detained by Warrant of a Person authorized by the Lord Lieutenant, &c.

IV. And be it enacted, That if any Person who shall be detained in Custody under the Powers created by this Act shall sue forth a Writ of *Habeas Corpus*, it shall be a good and sufficient Return to such Writ, that the Party suing forth the same is detained by virtue of a Warrant under the Hand and Seal of some Officer or other Person duly authorized by the Chief Governor or Chief Governors for the Time being to issue such Warrant under the Authority of this Act: Provided nevertheless, that the Name of such Officer or other Person so authorized as aforesaid to issue such Warrant shall have been previously notified by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, to the Court of King's Bench in *Dublin*, by Writing, signed by the said Lord Lieutenant or other Chief Governor or Chief Governors, or his or their Chief Secretary, and signifying to the said Court that such Person or Persons was or were so authorized as aforesaid to exercise the Powers specified by this Act, and when such Return shall be made, it shall not be necessary to bring up the Body of the Person who is so detained.

Act not to abridge the Prerogative of His Majesty, or Powers by Law vested in the Lord Lieutenant, &c.

V. Provided always, and be it declared and enacted, That nothing in this Act contained shall be construed to take away, abridge, or diminish the acknowledged Prerogative of His Majesty, for the publick Safety, to resort to the Exercise of Martial Law against open Enemies or Traitors, or any Powers by Law vested in the said Lord Lieutenant or Chief Governor or Governors of *Ireland*, with or without the Advice of His Majesty's Privy Council, or of any other Person or Persons whomsoever, to suppress Treason and Rebellion, and to do any Act warranted by Law for that Purpose, in the same Manner as if this Act had never been made, or in any Manner to call in Question any Acts heretofore done for the like Purposes.

Continuance of Act, which may be repealed or altered this Session.

VI. And be it enacted, That this Act shall continue and be 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.

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