

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. IV.

An Act to continue, until Six Weeks after the Commencement of the next Session of Parliament, an Act, made in the last Session of Parliament, for continuing 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. [22d *February*, 1805.]

WHEREAS an Act made in the last Session of Parliament, intituled, *An Act to continue, until Six Weeks after the Commencement of the next Session of Parliament, An Act made in the last Session of Parliament, intituled, '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,'* is near expiring: And whereas it is necessary for the Safety of that Part of the United Kingdom called *Ireland*, that the Provisions of the said Act should be continued for a limited Time; 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 and every Person and Persons who is, are, or shall be in Prison within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, at or upon the Day upon which this Act

54 G. 3. c. 8.

Persons imprisoned by Warrant of the Privy Council of

Ireland, or of the Lord Lieutenant or Chief Secretary, for High Treason, *etc.* may be detained till Six Weeks after the Commencement of the next Session, *etc.*

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 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, *etc.*

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

IV. Provided always, and be it enacted, That Copies of such Warrants respectively shall be transmitted to the Clerk of the Crown, and shall

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be filed by him in the Publick Office of the Pleas of the Crown at the City of *Dublin*.

Office of the Pleas of the Crown in *Dublin*.

V. And whereas in the diſturbed State of *Ireland*, it may have been or 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 may have 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 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 High 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* from *Ireland*, on a Charge of High Treaſon, ſhall be detained in ſuch Place as His Majeſty ſhall think fit.

VI. And whereas many Perſons engaged in Rebellion in *Ireland*, and in other treaſonable Practices there, may have come, or may come from *Ireland* to *Great Britain*, 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 preſent Seſſion of Parliament.

Continuance of Act.

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