ANNO QUINQUAGESIMO SEPTIMO

# GEORGII III. REGIS.

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## C A P. LV.

## An Act to continue an Act to empower His Majeſty to ſecure and detain ſuch Perſons as His Majeſty ſhall ſuſpect are conſpiring againſt His Perſon and Government.

[30th *June* 1817.]

57 G. 3. c. 3.

WHEREAS an Act was paſſed in this Seſſion of Parliament, 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*, which Act was to continue in force until the Firſt Day of *July* One thouſand eight hundred and ſeventeen: And whereas it is neceſſary for the public Safety that the Proviſions of the ſaid Act ſhould be further continued: Therefore, for the better Preſervation of His Majeſty's ſacred Perſon, and the ſacred Perſon of His Royal Highneſs The Prince Regent, and for ſecuring the Peace and 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 or any Perſon or Perſons that are or ſhall be in Priſon within that Part of the United Kingdom called *Great Britain* at or upon the Day on which this Act ſhall receive His Majeſty's Royal Aſſent, or after, by Warrant of His ſaid Majeſty's moſt Honourable Privy Council, ſigned by Six of the ſaid Privy Council, for High Treaſon, Suſpicion of High Treaſon, or Treaſonable Practices, or by Warrant ſigned by any of His Majeſty's Secretaries of State, for ſuch Cauſes as aforeſaid, may be detained in ſafe

Perſons impriſoned for High Treaſon, &c. may be detained, and ſhall not be bailed or tried without an Order from the Privy Council.

6 T

Cuſtody,

Cuſtody, without Bail or Mainprize, until the Firſt Day of *March* One thouſand eight hundred and eighteen; 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 the Firſt Day of *March* One thouſand eight hundred and eighteen; any Law or Statute to the contrary notwithſtanding.

Act in Scotland of 1701, ſo far as relates to Treaſon, ſuſpended.

Perſons committed there not to be tried, &c. without ſuch Order as aforeſaid.

II. And be it further enacted, That the Act made in *Scotland* in the Year of our Lord One thouſand ſeven hundred and one, intituled *An Act for preventing wrongous Impriſonment, and againſt undue Delays in Trials*, in ſo far as the ſame may be conſtrued to relate to the Caſes of Treaſon and Suſpicion of Treaſon, with reſpect to Perſons ſo committed as aforeſaid, be ſuſpended until the Firſt Day of *March* One thouſand eight hundred and eighteen; and that until the Firſt Day of *March* One thouſand eight hundred and eighteen no Judge, Juſtice of Peace, or other Officer of the Law of *Scotland*, ſhall liberate, try, or admit to Bail any Perſon or Perſons that is, are, or ſhall be in Priſon within *Scotland* under a Warrant or Warrants ſo ſigned as aforeſaid, for ſuch Cauſes as aforeſaid, without Order from His ſaid Majeſty's Privy Council, ſigned by Six of the ſaid Privy Council.

After March 1, 1818, Perſons committed to have the Benefit of the Laws.

III. Provided always, That from and after the Firſt Day of *March* One thouſand eight hundred and eighteen the ſaid Perſons ſo committed ſhall have the Benefit and Advantage of all Laws and Statutes in any way relating to or providing for the Liberty of the Subjects of this Realm.

Privileges of Members not invalidated.

IV. 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 Impriſonment 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.

Perſons againſt whom Indictments for High Treaſon are already found, to be tried thereon.

V. Provided nevertheleſs, That any Perſon or Perſons in Priſon at the Time of paſſing this Act, againſt whom any Bill or Bills of Indictment for High Treaſon have been already found, ſhall and may be tried on the ſaid Indictment as if this Act had never paſſed.

The Secretary of State may order Perſons committed for High Treaſon, &c. to be removed to any other Gaol.

VI. And whereas divers Perſons are now in Cuſtody on Charges of High Treaſon and Suſpicion of High Treaſon, under Warrants from One of His Majeſty's Principal Secretaries of State, or from His Majeſty's Privy Council, and it may be highly important that ſuch Perſons as have been or ſhall be ſecured and detained on ſuch Charges under and by virtue of ſuch Warrant or Warrants ſhould be kept wholly ſeparate and apart from each other, ſo as to prevent all Communication between them and with other Perſons, except ſuch Communication as His Majeſty may think fit to permit, and under ſuch Reſtrictions as may be adviſable, and Doubts may ariſe how far the Powers of His Majeſty's Principal Secretaries of State to change the Places of Confinement of Perſons ſo committed extend; and it is expedient to provide that the ſame ſhall not be ſo exerciſed as to deprive the Perſons ſo committed of any Right to be tried or diſcharged which they might reſpectively have had if their reſpective

reſpective Places of Confinement had not been changed: Now, to obviate all Doubts and Difficulties in reſpect thereof, be it further enacted and declared, That it ſhall be lawful for One of His Majeſty's Principal Secretaries of State, as he ſhall ſee Occaſion, to order any Perſon committed to any Gaol or other Priſon on any Charge of High Treaſon, Suſpicion of High Treaſon, or Treaſonable Practices, either before or after Indictment found, to be conveyed to and detained in any other Gaol or other Priſon until diſcharged by due Courſe of Law, and to iſſue all Warrants neceſſary for ſuch Purpoſes: Provided always nevertheleſs, that no Perſon who ſhall be removed by any ſuch Warrant as aforeſaid ſhall be by means of ſuch Removal deprived of ſuch Right to be tried or diſcharged as ſuch Perſon would by Law have been entitled to if not ſo removed; and in every Caſe in which any ſuch Perſon would have been entitled to have been tried or diſcharged, if ſuch Perſon had continued in the Gaol or Priſon to which ſuch Perſon was before committed, it ſhall be lawful for ſuch Perſon to apply to be bailed or diſcharged in the ſame Manner as ſuch Perſon might have done if ſuch Perſon had remained in the Gaol or Priſon to which ſuch Perſon was before committed as aforeſaid.

Perſons ſo removed not to be deprived of Right to be tried or diſcharged.

VII. And be it further enacted, That this Act ſhall continue in force until the Firſt Day of *March* One thouſand eight hundred and eighteen.

Act to continue till March 1, 1818.

VIII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be made in this preſent Seſſion of Parliament.

Act may be altered this Seſſion.

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