ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

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C A P. VI.

An Act for indemnifying Perſons who, ſince the Twenty-ſixth Day of *January* One thouſand eight hundred and ſeventeen, have acted in apprehending, impriſoning, or detaining in Cuſtody Perſons ſuſpected of High Treaſon or Treaſonable Practices, and in the Suppreſſion of tumultuous and unlawful Aſſemblies. [17th *March* 1818.]

WHEREAS a traitorous Conſpiracy was formed in *Great Britain* for the Purpoſe of overthrowing, by means of a general Inſurrection, the eſtabliſhed Government, Laws, and Conſtitution of this Kingdom: And whereas divers Perſons have tumultuouſly, unlawfully, and in a diſorderly Manner aſſembled together in *Great Britain*, under Pretence or for the Purpoſe of proceeding to *London* in ſuch Numbers as greatly to diſturb and endanger the public Peace and Tranquillity, and to cauſe Terror and Intimidation in the Minds of His Majeſty's loyal and peaceable Subjects: And whereas in order to ſecure the internal Peace and Tranquillity of the Country, and to counteract ſuch traitorous Conſpiracy, it has been deemed neceſſary, ſince the Twenty-ſixth Day of *January* One thouſand eight hundred and ſeventeen, from Time to Time to apprehend, commit, impriſon, and detain in Cuſtody divers Perſons ſuſpected of High Treaſon or Treaſonable Practices, and to ſeize the Papers of divers of ſuch Perſons, and alſo to diſperſe the Perſons ſo tumultuouſly, unlawfully, and in a diſorderly

Manner aſſembled together as aforeſaid, and to apprehend, commit, and detain in Cuſtody divers of ſuch laſt-mentioned Perſons, and to ſearch the Houſes of divers Perſons for Arms and other offenſive Weapons concealed or ſuſpected to be concealed therein: And whereas in caſe the Acts and Proceedings of the ſeveral Perſons concerned or employed in ſuch apprehending, committing, impriſoning, and detaining in Cuſtody, and diſperſing and ſeizing and ſearching as aforeſaid ſhould be called in queſtion, it may be impoſſible for them to juſtify or defend the ſame without an open Diſcloſure of the Information given, and the Means by which the ſaid traitorous Deſigns and unlawful Purpoſes were diſcovered; and it is neceſſary for the Safety and Protection of the Perſons by whoſe Information and Means the ſame have been diſcovered, and for the future Prevention of ſimilar Practices, that ſuch Information and Means ſhould remain ſecret and undiſcloſed: And whereas ſome of the ſaid Acts done may not have been ſtrictly juſtifiable in Law, but being done for the Preſervation of the public Peace and Safety, it is fit that the Perſons doing the ſame ſhould be ſaved harmleſs in reſpect 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 all perſonal Actions, Suits, Indictments, and Proſecutions, heretofore brought, commenced, preferred, or exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all Judgments thereupon obtained, if any ſuch there be or ſhall be, and all Proceedings whatſoever againſt any Perſon or Perſons for or on account of any Act, Matter, or Thing by him or them done, or commanded, ordered, directed, or adviſed to be done, ſince the Twenty-ſixth Day of *January* One thouſand eight hundred and ſeventeen, for apprehending, committing, impriſoning, detaining in Cuſtody, or diſcharging any Perſon or Perſons who hath or have been impriſoned or detained in Cuſtody for High Treaſon, or Suſpicion of High Treaſon or Treaſonable Practices, not relating to Coin, or for apprehending, committing, impriſoning, or detaining in Cuſtody any Perſon or Perſons who have been impriſoned or detained in Cuſtody for having been ſo tumultuouſly, unlawfully, and in a diſorderly Manner aſſembled as aforeſaid, or for diſperſing any Perſons ſo aſſembled as aforeſaid, or for ſeizing the Papers of any ſuch Perſon or Perſons, or for ſearching Houſes for Arms and other offenſive Weapons as aforeſaid, ſhall be diſcharged and made void; and that every Perſon by whom any ſuch Act, Matter, or Thing ſhall have been done, or commanded, ordered, directed, or adviſed to be done, ſhall be freed, acquitted, diſcharged, and indemnified, as well againſt the King's Majeſty, His Heirs and Succeſſors, as againſt the Perſon and Perſons ſo apprehended, committed, impriſoned, or detained in Cuſtody, diſcharged, or diſperſed, and all and every other Perſon and Perſons whomſoever.

Actions and Proceedings on account of any Thing done in apprehending and impriſoning Perſons charged with High Treaſon, &c. made void, and the Perſons againſt whom ſuch Actions are brought ſhall be indemnified.

II. And be it further enacted, That if any Action or Suit hath been or ſhall be brought, commenced, or had in any Court of that Part of the United Kingdom called *England*, againſt any Perſon or Perſons for or on account of any ſuch Act, Matter, or Thing as aforeſaid, he and they may plead the General Iſſue, and give this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs ſhall become nonſuit,

General Iſſue may be pleaded, and Defendants ſhall have Double Coſts.

nonſuit, or forbear further Proſecution, or ſuffer Diſcontinuance in any ſuch Action or Suit, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs therein, the Defendant or Defendants ſhall have and be entitled to Double Coſts, for which he or they ſhall have the like Remedy as in other Caſes in which Coſts by Law are given to Defendants; and if any ſuch Action or Suit hath been or ſhall be brought, commenced, or had in any Court within that Part of *Great Britain* called *Scotland*, the Court before whom or in which ſuch Action or Suit ſhall be brought, commenced, or had, or ſhall be depending, ſhall allow to the Defender or Defenders therein the Benefit of the Diſcharge and Indemnity herein-before provided, and ſhall further decern the Purſuer or Purſuers to pay the Defender or Defenders the full and real Expences which he or they ſhall be put to by ſuch Action or Suit: Provided always, that in ſuch Caſes in which any ſuch Action or Suit ſhall have been commenced before the Twenty-ſeventh Day of *February* now laſt paſt, and in which the Plaintiff or Plaintiffs, Purſuer or Purſuers, ſhall not have continued ſince the Twenty-ſeventh Day of *February*, or ſhall not hereafter continue the Proceedings in any ſuch Action or Suit, ſuch Plaintiff or Plaintiffs, Purſuer or Purſuers, ſhall not be liable to any Coſts or Expences.

In Actions brought in Scotland Defenders ſhall be allowed their Expences.

III. And be it further enacted, That if any Action, Suit, Indictment, Information, Proſecution, or Proceeding hath been or ſhall be brought, commenced, preferred, exhibited, or had in any Court againſt any Perſon or Perſons for or on account of any ſuch Act, Matter, or Thing as aforeſaid, it ſhall be lawful for the Defendant or Defendants, Defender or Defenders, in any ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding, or for any of them, to apply by Motion, Petition, or otherwiſe, in a ſummary Way, to the Court in which the ſame hath been or ſhall be brought, commenced, preferred, exhibited, or had, or ſhall be depending, if ſuch Court ſhall be ſitting, and if not ſitting, then to any one of the Judges or Juſtices of ſuch Court, to ſtay all further Proceedings in ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding; and ſuch Court, and any Judge or Juſtice thereof when the ſaid Court ſhall not be ſitting, is hereby authorized and required to examine the Matter of ſuch Application; and upon Proof by the Oath or Affidavit of the Perſon or Perſons making ſuch Application, or any of them, or other Proof to the Satisfaction of ſuch Court, Judge, or Juſtice, that ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding is brought, commenced, preferred, exhibited, or had for or on account of any ſuch Act, Matter, or Thing as aforeſaid, to make an Order for ſtaying Execution and all other Proceedings in ſuch Action, Suit, Indictment, Information, Proſecution, or Proceeding, in whatever State the ſame ſhall or may then be; and the Court or the Judge or Juſtice making ſuch Order for Stay of Proceedings in any Action or Suit as aforeſaid ſhall alſo order unto the Defendant or Defendants, Defender or Defenders, and he or they ſhall have and be entitled to, Double Coſts for all ſuch Proceeding as ſhall be had or carried on in any ſuch Action or Suit after the paſſing of this Act, and for which Coſts he and they ſhall have the like Remedy as in Caſes where Coſts are by Law given to Defendants or Defenders: Provided always, that it ſhall be lawful for any Perſon or Perſons, being a Party or Parties to any ſuch Action, Suit, Indictment, Information, Proſecution, or other Proceeding, to apply by Motion, Petition,

Application may be made to the Court in which the Action ſhall be brought, or to one of the Judges if the Court be not ſitting, to ſtay Proceedings, &c.

tion, or otherwiſe, in a ſummary way, to the Court in which the ſame ſhall have been brought, commenced, preferred, exhibited, or had, or ſhall be depending, to vacate, diſcharge, or ſet aſide any Order made by any Judge or Juſtice of that Court for ſtaying Proceedings, or for Payment of Coſts as aforeſaid, ſo as ſuch Application be made within the firſt Four Days on which ſuch Court ſhall ſit next after the making of any ſuch Order by any Judge or Juſtice as aforeſaid; and ſuch Court is hereby required to examine the Matter of ſuch Application, and to make ſuch Order therein as if the Application had been originally made to the ſaid Court, but nevertheleſs in the meantime, and until ſuch Application ſhall be made to the ſaid Court, and unleſs the ſaid Court ſhall think fit to vacate, diſcharge, ſet aſide, or reverſe the Order made by any ſuch Judge or Juſtice as aforeſaid, the ſame ſhall continue in full Force to all Intents and Purpoſes whatſoever.

In Actions brought in Ireland, Defendants may plead the General Iſſue, and be entitled to Double Coſts.

IV. Provided alſo, and be it enacted by the Authority aforeſaid, That if any Action or Suit hath been or ſhall be brought, commenced, or had in any Court in that Part of the United Kingdom called *Ireland*, for, or by reaſon, or on account of apprehending, committing, impriſoning, detaining in Cuſtody, or diſcharging out of Cuſtody, any Perſon or Perſons in *Ireland* who have or hath been charged with High Treaſon, or Suſpicion of High Treaſon, or Treaſonable Practices, committed or carried on, or alledged to have been committed or carried on in *Great Britain*, any Perſon or Perſons againſt whom any ſuch Action or Suit hath been or ſhall be brought, commenced, or had, may plead the General Iſſue, and give in Evidence this Act and the Special Matter, and ſhall be entitled to Double Coſts in like Caſes in which any Defendant or Defendants ſued in *Great Britain* is or are hereby declared to be entitled to Double Coſts, and ſhall have the like Remedies for the ſame; and the Court in *Ireland* in which ſuch Action or Suit hath been or ſhall be commenced whilſt ſitting, and the reſpective Judges thereof whilſt the Court is not ſitting, are and is hereby empowered, authorized, and required, upon Applications made for that Purpoſe in a ſummary Way by any Defendant or Defendants, to examine the Matter of ſuch Applications, and thereupon to make Orders as to ſtaying Execution and other Proceedings, and as to Double Coſts, in ſuch and the like Manner as is herein-before enacted and provided with reſpect to Applications made to any Court or Judge in *England*, and with ſuch and the like Power to the Courts when ſitting to vacate, diſcharge, or ſet aſide any Orders made by any Judge of ſuch Court when the ſaid Court was not ſitting.

Perſons diſcharged out of Cuſtody, deemed legally diſcharged.

V. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons diſcharged out of Cuſtody as aforeſaid, although he ſhall not have been diſcharged according to Law, ſhall be deemed and taken to have been legally diſcharged out of Cuſtody.

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