

ANNO UNDECIMO

VICTORIÆ REGINÆ.

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CAP. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm.

[9th *June* 1848.]

WHEREAS it is expedient, for the due Security of the Peace and Tranquillity of this Realm, that Provision should be made, for a Time to be limited, respecting Aliens arriving or resident in this Kingdom: Be it enacted by the Queen'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 when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called *Great Britain*, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any Part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called *Great Britain*, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of

Power to Secretary of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

of the United Kingdom called *Ireland*, by Order under his or their Hand or Hands respectively, to be published in the *London* or *Dublin* Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within *Great Britain* or *Ireland* respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given.

If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the Purpose of being sent out of the Realm.

Penalty on Aliens disobeying such Order.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of Ireland, to be conveyed out of the Kingdom.

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in *Great Britain* or in *Ireland*, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him

him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or to the Lord Lieutenant or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in, or discharge such Alien out of, Custody.

VI. Provided

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Duration of Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Act may be repealed, &c.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.