

ANNO TERTIO

GULIELMI IV. REGIS.

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CAP. IV.

An Act for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*. [2d *April* 1833.]

WHEREAS there is now prevalent in certain Parts of *Ireland* a dangerous Conspiracy against the Rights of Property and the Administration of the Laws, which has been manifested, as well by open and daring Outrages against the Persons and Property of His Majesty's peaceable Subjects, as by tumultuous Movements of large Bodies of evil-disposed Persons, who have, by their Numbers and Violence, created such general Alarm and Intimidation as materially to impede the due Course of public Justice, and to frustrate the ordinary Modes of Criminal Prosecution: And whereas divers Meetings and Assemblies, inconsistent with the public Peace and Safety, and with the Exercise of regular Government, have for some Time past been held in *Ireland*: And whereas the Laws now in force in that Part of the United Kingdom have been found inadequate to the prompt and effectual Suppression of the said Mischiefs, and the Interposition of Parliament is necessary for the Purpose of checking the further Progress of the same; 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 it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at

Lord Lieutenant may, by Order,

prohibit or suppress any Meeting deemed by him to be dangerous to the public Safety.

at any Time after the passing of this Act, and from Time to Time during the Continuance thereof, as Occasion may require, by his or their Order in Writing, of which public Notice shall be given, to prohibit or suppress the meeting of any Association, Assembly, or Body of Persons in *Ireland* which he or they shall deem to be dangerous to the public Peace or Safety, or inconsistent with the due Administration of the Law, and by the same or any other Order also to prohibit every or any adjourned, renewed, or otherwise continued Meeting of the same, or of any Part thereof, under any Name, Pretext, Shift, or Device whatsoever; and that every Meeting of any Association, Assembly, or Body of Persons, the meeting whereof shall be so prohibited or suppressed as aforesaid, and every postponed, adjourned, renewed, or otherwise continued Meeting thereof, under any Name, Pretext, Shift, or Device whatsoever, shall be and be deemed an unlawful Assembly, and after Notice has been given of such Meeting having been prohibited or suppressed as aforesaid, every Person present at the same shall be deemed guilty of a Misdemeanor, and every such Offence, whether committed within any District proclaimed in pursuance of this Act, or elsewhere in *Ireland*, shall be tried and punished according to the Course of the Common Law.

Meetings so prohibited shall be unlawful, and, after Notice given, every Person present guilty of Misdemeanor.

Two Justices may enter by Force any Place where a prohibited Assembly is held, and read a Notice to the Persons to disperse.

II. And be it enacted, That any Two or more Justices of the Peace shall and may proceed, with such Assistance as shall be necessary, to any House, Room, or Place whatever, where any such Justices shall have good Reason to believe, from Information on Oath, that any Association, Assembly, or Meeting of Persons, whereof the meeting shall have been so prohibited, is held, and shall and may, in case they shall be refused Admission, enter therein by Force; and One of the said Justices, or some other Person by his Order, shall then and there notify the Order prohibiting the Meeting of such Association, Assembly, or Body of Persons, and read or repeat aloud to the Persons so assembled a Command or Notice to disperse, in the Words or to the Effect following; (that is to say,)

Notice.

'OUR Sovereign Lord the King chargeth and commandeth all 'Persons being assembled immediately to disperse and peaceably 'to depart, upon the Pains contained in the Act made in the Third 'Year of the Reign of King *William* the Fourth, for the more 'effectual Suppression of local Disturbances and dangerous Asso- 'ciations in *Ireland*:'

Persons not dispersing within a Quarter of an Hour, deemed guilty of a Misdemeanor, and may be apprehended then or afterwards.

And in case any of the Persons so met or assembled together shall not disperse and depart within the Space of One Quarter of an Hour from the Time of such Notice or Command being given, they shall respectively be deemed guilty of a Misdemeanor, and it shall be lawful for the same or any Two of the same Justices of the Peace then present to cause the Person or Persons so refusing or neglecting to disperse or depart to be apprehended and brought before them, or in case such Person or Persons cannot then be apprehended, such Person or Persons may be afterwards apprehended by a Warrant for that Purpose to be granted by any Justice of the Peace within whose Jurisdiction such unlawful Association, Assembly, or Meeting shall have been held, and such Offender or Offenders shall thereupon be

proceeded against for such Offence according to the Course of the Common Law.

Persons prosecuted by Indictment to plead forthwith.

III. And be it enacted, That where any Person shall be prosecuted by Indictment for any Misdemeanor committed against any of the Provisions of this Act, such Person shall plead to such Indictment forthwith, so that the Trial thereof may not be delayed or postponed to any subsequent Term or Session of the Court in which such Trial is to take place.

The Lord Lieutenant may issue his Proclamation declaring any County, &c. to be so disturbed as to require the Application of this Law; and such County shall be deemed a proclaimed District.

IV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice of His Majesty's Privy Council in *Ireland*, at any Time after the passing of this Act, and from Time to Time during the Continuance thereof, as Occasion may require, to issue his or their Proclamation declaring any County, County of a City, or County of a Town in *Ireland*, or any Portion thereof respectively, to be in such a State of Disturbance and Insubordination as to require the Application of the Provisions of this Act; and such County, County of a City, or County of a Town, or any Portion thereof respectively, shall, from the Publication of such Proclamation as herein-after mentioned, be deemed and taken to be a proclaimed District within the Meaning of this Act: Provided always, that it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apply the Provisions of this Act to any County or District merely because Tithes shall not have been paid in such County or District.

Such Proclamation shall warn the Inhabitants to abstain from unlawful Assemblies, &c.

V. And be it enacted, That every such Proclamation shall warn the Inhabitants of every such County, County of a City, County of a Town, or Part thereof, as shall be so proclaimed, to abstain from all seditious and other unlawful Assemblies, Processions, Confederacies, Meetings, and Associations, and to be and remain within their respective Habitations at all Hours between Sunset and Sunrise from and after such Day as shall be named therein for that Purpose.

Every County, &c. so proclaimed shall be a District within the Act from the publishing of the Proclamation therein.

VI. And be it enacted, That every County, County of a City, County of a Town, or Part thereof respectively, so proclaimed, shall be considered to all Intents and Purposes as a proclaimed District within this Act from the Day after that on which such Proclamation shall be published within such proclaimed District, by affixing a Copy thereof on some conspicuous Place in each Barony within the District, if the same be a County at large or Part of such County, or on some conspicuous Place within a County of a City or County of a Town within such District, if the same be a County of a City or County of a Town, or any Part thereof, as the Case may be.

All Justices, Constables, &c., and all Commissioned Officers in Ireland, required to suppress

VII. And be it enacted, That when any such Proclamation shall have been issued, all Justices, Constables, Peace Officers, and others to whom the Execution of the Process of Law may properly belong, and also all Commissioned Officers commanding His Majesty's Regular Forces in *Ireland* or any Part thereof, shall and each of them is hereby required and enjoined to take the most effectual Measures according

Disturbances in proclaimed Districts; and to search for and bring to Trial Offenders.

according to Law for suppressing insurrectionary and other Disturbances and Outrages in any Part of *Ireland* which may be specified in such Proclamation respectively, and to search for, arrest, and detain for Trial under this Act every Person who shall be charged upon Oath with any Offence which by the Provisions of this Act may be cognizable by or before any Court herein-after empowered and authorized to try such Offence.

Dublin Gazette to be Evidence of the issuing of any Proclamation therein contained.

VIII. And be it enacted, That the Production of the *Dublin Gazette*, containing the Publication of any Proclamation or Order under this Act, shall in all Proceedings, Civil and Criminal, be received and deemed conclusive Evidence of the issuing and of the Contents of the Proclamation or Order so published.

Tenants of Houses in proclaimed Districts to deliver to Chief Constable, &c. correct Lists of all Males, distinguishing those of the Age of 14 from those under.

IX. And be it further enacted, That the Tenants and Possessors of all Houses and other Buildings within any such proclaimed District shall, within a reasonable Time after Application to them respectively made, and so often as such Application shall be so made, by any Chief Constable, or any Constable by such Chief Constable for that Purpose authorized by Writing under his Hand and Seal, sign and deliver to such Chief or other Constable Two true and correct Lists of all the Male Inhabitants or Inmates of each such House or Building, with their Names and Surnames in full, distinguishing those who are of the Age of Fourteen Years or upwards from those who are under that Age, such Lists to be dated and signed, and to be filled up according to the Form in the Schedule to this Act annexed prescribed, or as near thereto as may be; and one of such Lists, countersigned by such Chief or other Constable, shall be delivered to the Person signing the same, to be by him posted on his Door, or inside his House, or to be kept by him; and another of said Lists shall be truly copied into a Book to be for that Purpose kept by such Chief or other Constable, and shall, together with such Book, remain in the Care and Custody of such Chief Constable, and shall be kept at the nearest Police Station, or elsewhere, as to such Chief Constable shall seem fit; and every such Tenant refusing or neglecting to make and sign such Lists within a reasonable Time after being so required to make and sign the same as aforesaid, shall, upon the Complaint of such Chief or other Constable, be fined in any Sum not exceeding One Shilling a Day for each Day that he shall, after such Request so made as aforesaid, refuse or neglect to make and sign such Lists, or shall be imprisoned until he shall have made and signed such Lists; and such Fine or Imprisonment shall, after due Notice and Opportunity of Defence, according to the course of the Court, be awarded by and at the Discretion of the Justices of Petty Sessions of the District in which such Tenants and Possessors shall respectively be resident: Provided always, that any false Statement or Suppression of the Truth in any such List shall be deemed to be a Misdemeanor, and the Person or Persons guilty of wilfully making the same shall be punishable accordingly.

One of such Lists, countersigned by the Constable, to be posted on the Door or kept by Tenant; the other to be kept by the Constable.

Penalty for Neglect by Tenant.

False Statement deemed a Misdemeanor.

Forms for facilitating such Lists to be provided.

X. And in order to facilitate the making such Lists, be it further enacted, That the Chief Constables of Police within such District shall provide and keep at their several Police Stations, for the Use of such

such Tenants and Possessors of Houses as aforesaid, printed Forms of Lists according to the Form in the Schedule to this Act annexed, and shall furnish the same to such Tenants and Possessors free of Expence; and that such Chief or other Constables shall also assist the said Persons in the filling and making and signing of such Lists, if by them so required; and that to defray the Expences of such printed Forms and of such Books, the Grand Jury of the County, County of a City, or County of a Town, within which such District or any Part thereof is situate, shall and may and is hereby required at the Assizes next after the making of such Proclamation, and of making such Lists as aforesaid, to present such Sum or Sums as shall be sufficient to defray the Expence of that Portion of the District locally situate within the Jurisdiction of such Grand Jury, and which Sums shall be levied off such Counties respectively, and paid over to such Chief Constable as aforesaid.

Expences thereof to be defrayed by Presentment.

XI. And be it enacted, That no Meeting of any Assembly, Association, or Body of Persons shall be held in any District proclaimed under this Act, for the Purpose or under the Pretence of petitioning Parliament, or discussing or deliberating on or respecting the Subject of any alleged public Grievance, or any Matter in Church or State, unless a written Notice, specifying the Purpose of the intended Meeting of such Association, Assembly, or Body of Persons, and stating the Day, Hour, and Place at which the same shall be proposed to be holden, shall have been given, Ten Days at least previous to the Day stated in such Notice, to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in case of his Absence to his Under Secretary, and the Consent in Writing of such Lord Lieutenant or other Chief Governor or Governors for holding such Meeting, signified by such Chief or Under Secretary, shall be obtained; and every Meeting of any Association, Assembly, or Body of Persons which shall be holden for such Purposes and under such Pretexts, or any of them, in any District proclaimed under this Act, without such previous Notice and Consent as aforesaid, shall be deemed to be an unlawful Assembly; and every Person present at the same shall, upon Conviction, be deemed guilty of a Misdemeanor.

No Meeting allowed in a proclaimed District for petitioning Parliament, &c. without previous Notice given to the Lord Lieutenant, and his Consent obtained.

Meetings held without such Notice and Consent declared illegal.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prohibit, or to enable the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to prohibit, in any County, County of a City, or County of a Town, whether in any proclaimed District or elsewhere in *Ireland*, any Meeting which shall be duly convened by the High Sheriff or Lieutenant of such County, or by the Lieutenant or Chief Magistrate of such County of a City or County of a Town: Provided nevertheless, that in any proclaimed District it shall not be lawful for any Person not being resident, nor being registered as a Freeholder of Twenty Pounds or upwards in right of Property situate within the County, Barony, Half Barony, Parish, or District for which such Meeting shall be convened, to take part in or be present at any such Meeting; and that any Person taking part in or being present at such Meeting, and not being resident nor registered as aforesaid,

Not to extend to Meetings convened by High Sheriff, &c.

In proclaimed Districts any Person not being resident or a registered Freeholder of 20*l.* taking part at Meetings

guilty of a Misdemeanor.

(save and except any Magistrates, Constables, or others charged with the Preservation of the Peace,) shall be deemed and taken to be guilty of a Misdemeanor.

Lord Lieutenant, and any Officer commanding the District, authorized by him, may commission Officers of the Regular Forces to hold Courts Martial for Trial of Offences within this Act.

XIII. And whereas the ordinary Tribunals may in certain Cases in proclaimed Districts be inadequate to the prompt and effectual Punishment of the Offences herein-after mentioned; be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and any General or other Officer commanding the District, being by him or them duly authorized, if he or they shall so think fit, from Time to Time, by Warrant or Warrants for that Purpose under his or their Signature or Signatures, to commission any Officer or Officers of His Majesty's Regular Forces, not being under the Degree of a Field Officer, to convene, assemble, and hold Courts Martial within any District or Districts proclaimed according to the Provisions of this Act, for the Trial of such Persons charged with Offences committed within such District as any of such Courts Martial shall be directed, by any Warrant or Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or other Officer duly authorized by him or them as aforesaid, to try.

Courts Martial so constituted to consist of not less than Five nor more than Nine, and to have all the Powers of Courts Martial and of Courts of Oyer and Terminer.

Courts to be open Courts.

No Finding of Acquittal shall be liable to Revision.

Limitation as to Officers serving on Courts.

Examination of Witnesses.

Prosecutions to be conducted by Persons authorized.

XIV. And be it further enacted, That such Courts Martial so constituted and appointed shall consist of any Number of Officers of His Majesty's Regular Forces, not less than Five nor exceeding Nine, and shall have all Powers and Authorities incident to any Courts Martial, and also every Power, Right, Jurisdiction, and Authority by Law appertaining to any Court of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, as far as such Power, Right, Jurisdiction, and Authority may be applicable to the Proceedings of such Courts Martial, which Proceedings shall be conducted according to the Manner of proceeding used by Courts Martial holden under the Provisions of the Act now in force for punishing Mutiny and Desertion, unless in so far as otherwise directed by this Act; and that every such Court shall be an open Court, without Prejudice however to the Right of such Court from Time to Time to clear the Hall or Room where the same shall be held, for the Purposes of Deliberation and Determination: Provided always, that no Finding of Acquittal given by any such Court Martial shall be liable to Revision by the same or any other Court; and provided also, that no Officer shall be appointed to serve on any such Court Martial to be convened under this Act who shall not have attained the Rank of Captain in His Majesty's Army, or who shall at or within One Month of the Time of holding such Court Martial be or have been in the Performance of Regimental Duty within such proclaimed District; and provided also, that no Officer below the Rank of a Field Officer shall be the President of such Court Martial: Provided also, that on Trials before such Courts Martial it shall be lawful for the Parties, their Counsel and Attornies, to examine and cross-examine the Witnesses, and to take Notes of the Proceedings for the Purposes of such Trials, as in Courts of Law: Provided also, that all Prosecutions before such Courts Martial shall be conducted by

a Person or Persons to be thereunto duly authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Number of Members necessary to concur in Decisions in such Courts.

XV. Provided always, and be it further enacted, That whenever the said Court Martial shall consist of Nine Members, then the Concurrence of at least Seven Members of the said Court shall be required, and shall be sufficient to give Validity and Effect to the Decisions and Acts of such Court; and that whenever the said Court shall consist of any Number of Members less than Nine, then the Concurrence of at least Five Members of the said Court shall be required, and shall be sufficient to give Validity and Effect to the Decisions and Acts of such Court.

A Serjeant at Law or Barrister of Five Years standing to act as Judge Advocate at such Courts.

XVI. And be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall nominate and appoint One of His Majesty's Serjeants at Law, or a Barrister at Law of not less than Five Years standing, to act at every such Court Martial; and such Serjeant or Barrister shall be and be deemed to be a Judge Advocate at and for the Purposes of such Court Martial, and shall have all the Powers and Authorities, and perform all the Duties and Functions, which any Judge Advocate may or ought, in case of any Court Martial, to possess, execute, and discharge.

Oath to be taken by Members of the Court.

XVII. And be it enacted, That the Persons so constituted and appointed Members of such Courts Martial shall, instead of any Oath or Oaths now usually taken by Members of Courts Martial, take the Oath following; (that is to say,)

'I *A. B.* do swear, That I will well and truly try and determine the 'Matter before me according to the Evidence; that I will faithfully, 'impartially, and justly exercise all Powers and Authorities conferred 'upon me by an Act passed in the Third Year of the Reign of King '*William* the Fourth, intituled [*here set forth the Title of this Act*]; 'that I will not divulge the Sentence of the Court until it shall be 'approved by the Lord Lieutenant or other Chief Governor or 'Governors of *Ireland*, or by some Person duly authorized by him 'or them; and that I will not upon any account at any Time what-'soever disclose or discover the Vote or Opinion of any particular 'Member of the Court Martial, unless required to give Evidence 'thereof as a Witness by a Court of Justice or a Court Martial in a 'due Course of Law. So help me GOD.'

And so soon as the said Oath shall have been administered to the respective Members of the said Court by the Person by this Act authorized to act as Judge Advocate, and which Oath the said Person so authorized is hereby empowered to administer, then the President of the said Court is hereby authorized and required to administer to the Person so appointed to act as Judge Advocate as aforesaid an Oath in the following Words; (that is to say,)

Oath of Person acting as Judge Advocate.

'I do swear, That I will faithfully, impartially, and justly 'exercise all Powers and Authorities conferred upon me by an Act 'passed in the Third Year of the Reign of King *William* the Fourth, 'intituled [*here set forth the Title of this Act*]; and that I will not 'upon any account, at any Time whatsoever, disclose or discover

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'the Vote or Opinion of any particular Member of the Court Martial,
'unless required to give Evidence thereof as a Witness by a Court of
'Justice or a Court Martial, in a due Course of Law.

'So help me GOD.'

Lord Lieutenant, &c. may order Persons charged with Offences by this Act made cognizable by Courts Martial to be tried before them.

XVIII. And be it further enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or any Officer duly authorized by him or them as aforesaid, is and are hereby empowered to order that every Person charged with any of the Offences by this Act made cognizable by such Court Martial may be, and such Persons shall be, summarily tried by and before such Court Martial; and the Sentence of such Court Martial, when duly confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by any Officer by him or them authorized to convene such Court Martial and to confirm the Sentences of such Court Martial, shall be carried into execution, and shall have the like Effect as if the Trial of such Offences had been had before and the Sentences had been passed by any Court of Oyer and Terminer or General Gaol Delivery, or Sessions of the Peace: Provided always, that no Forfeiture of Goods or Chattels shall ensue upon any Conviction had before any such Court Martial as aforesaid under this Act, nor shall any Sentence of Transportation by such Court Martial be carried into effect, unless confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* under his or their Hand or Hands.

In certain Cases Sentences shall be confirmed by the Lord Lieutenant before they are carried into effect.

Lord Lieutenant, &c. may issue Orders for bringing before the Court Persons charged with Offences or for carrying into effect their Sentences.

XIX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or such Person as shall be duly authorized by him or them for that Purpose, from Time to Time to issue such Orders as to him or them shall seem fit for bringing before such Court any Person charged with any Offence by this Act made cognizable by such Court, or for executing and carrying into effect any Sentence, so confirmed as aforesaid, of any such Court respectively; which Orders all Sheriffs, Justices of the Peace, Gaolers, Constables, Officers, and Ministers of Justice, and other Persons to whom the same shall be directed, and to whom the Execution thereof shall rightfully and properly appertain, shall and are hereby required to execute, enforce, and obey.

Courts Martial may compel the Attendance of Witnesses;

and commit in case of Refusal to give Evidence.

XX. And be it enacted, That it shall be lawful for any such Court Martial, or any Member thereof, and they or he are hereby required, to summon, as well on the Part of the Defence as the Prosecution, any Person, whose Evidence may be required, to appear before such Court to give Evidence upon any Trial touching any Offence, Matter, or Thing cognizable by such Court; and if the Person so summoned shall refuse or neglect to attend in obedience to such Summons, it shall be lawful for such Court, after Proof upon Oath of the due Service of such Summons, to issue a Warrant to apprehend and bring before such Court the Party so refusing or neglecting; and in case of the Refusal of any Party to be examined or to give Evidence touching any Matter to which he or she shall be interrogated by such Court (there being no lawful Objection thereto), then it shall be lawful for such Court to commit the Person so refusing to Custody

Custody for any Period not exceeding Three Months, or until such Person shall sooner submit to be examined and answer touching the Matters before the said Court.

Any Person liable to be prosecuted within any proclaimed District for any Offence against 27 G. 3. c. 15. (I.), 50 G. 3. c. 102., 1 & 2 W. 4. c. 44., or 2 & 3 W. 4. c. 118., or with any Offence against this Act, may be tried by such Courts Martial.

XXI. And be it enacted, That any Person liable to be prosecuted for any Offence committed within any District proclaimed as aforesaid, contrary to the Provisions of an Act passed in the Parliament of *Ireland* in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths*, or contrary to the Provisions of an Act passed in the Fiftieth Year of the same Reign, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in* Ireland, *and for the Protection of Magistrates and Witnesses in Criminal Cases*, or contrary to the Provisions of a certain other Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled 'An Act to prevent and 'punish tumultuous Risings of Persons within this Kingdom, and for 'other Purposes therein mentioned,'* or contrary to the Provisions of the said Act of the Fifteenth and Sixteenth Years of King *George* the Third therein referred to, or contrary to the Provisions of a certain other Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to restrain for Five Years, in certain Cases, Party Processions in* Ireland, or contrary to the Provisions of any Act or Acts to continue the said Acts or any of them, and also every Person charged with any Offence contrary to the Provisions of this Act, except any Offence created by this Act, and directed to be tried and prosecuted according to the Course of the Common Law, shall and may be tried by and before a Court Martial to be appointed as aforesaid, and whether the Offence so charged shall or shall not have been committed before the issuing of any Proclamation under this Act: Provided always, that in case the Lord Lieutenant should direct that any Person charged with any Offence contrary to any of the Acts aforesaid, which by Law now is or may be punishable with Death, shall be tried before any Court Martial appointed under this Act, such Court, in case of Conviction, shall, instead of the Punishment of Death, sentence such Convict to Transportation for Life or for any Period not less than Seven Years; and provided also, that such Courts shall in no Case impose the Penalty of whipping on any Person convicted by or before such Courts: Provided always, that it shall not be lawful for any such Court Martial to convict or try any Person for any Offence whatsoever committed at any Time before the passing of this Act: Provided also, that nothing in this Act shall be deemed or taken to give to such Court Martial any Power or Jurisdiction to try any Person or Persons charged or to be charged with the printing, publishing, or circulating of any Libel, or with any Combination or Confederacy contrary to the Provisions of the said recited Statute of the Twenty-seventh Year of the Reign of King *George* the Third, or with any Prevention or Obstruction of any Person, or any Act to defraud any

Exception.

Courts Martial may try Capital Offences, and sentence to Transportation; but not impose the Penalty of whipping.

Not to try Offences committed before the passing of this Act; or Offences committed against 27 G. 3. c. 15. (I.) unless such last-

mentioned Offences shall be accompanied with Force.

Person in the Assertion or Enforcement of any Civil Right or Claim contrary to the Provisions of the said last-mentioned Statute, unless such Combination or Prevention, Obstruction or Act, shall be accompanied by Force or by Threats; but that all such Offences, unaccompanied by Force or Threats as aforesaid, shall remain triable according to the Course of the Common Law.

Persons found out of their Houses under suspicious Circumstances in a proclaimed District after Sunset, may be committed, and if convicted deemed guilty of a Misdemeanor.

XXII. And be it enacted, That any Magistrate, Peace Officer, or other Person for that Purpose authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall and may cause to be apprehended and committed any Person who, within any such proclaimed District as aforesaid, and under suspicious Circumstances, shall be in the Fields, Streets, Highways, or elsewhere out of his or her Dwelling or Place of Abode, at any Time from One Hour after Sunset until Sunrise; and such Person shall and may be detained until Trial, unless previously discharged or held to Bail by some Person thereto authorized; and the Court before whom such Person shall be tried shall inquire into the said Charge, and unless the Person accused shall make it appear, to the Satisfaction of such Court, that he or she was out of his or her House upon his or her lawful Occasions, such Person shall be deemed guilty of a Misdemeanor.

Justices, &c. may, after Sunset, require the Male Inhabitants of any House in a proclaimed District to show themselves.

XXIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace within any County, County of a City, County of a Town, or other District proclaimed under this Act, and for any Person thereto authorized by the Warrant of any such Justice of the Peace, if the Person so authorized be accompanied by a Commissioned Officer of His Majesty's Army or a Chief Constable of Police, at any Time from One Hour after Sunset until Sunrise, to demand and require that the Male Inhabitants or Inmates, by Name, of any House or other Building within any such proclaimed District, shall come forth and show themselves to such Justice or authorized Person; and if any of such Male Inhabitants or Inmates (being above the Age of Fourteen Years, and being so demanded and required,) shall not, within a reasonable Time after such Demand, come forth and show himself or themselves as aforesaid, such Person or Persons shall be deemed and taken to have been absent from their Houses at the Time of such Demand, save as herein-after provided; and any Magistrate or Peace Officer may cause to be apprehended and committed any Person or Persons who shall have been absent from their Houses at the Time of such Demand; and such Person or Persons shall be deemed guilty of a Misdemeanor, and shall be convicted and punished accordingly, unless such Person or Persons can make it appear, to the Satisfaction of the Court before which he or they shall be tried for the said Offence, that he or they was or were absent on his or their lawful and proper Occasions: Provided always, that if any Excuse be made or offered for the Non-appearance of any Person so demanded or required as aforesaid, such Justice or authorized Person, being satisfied with the Truth thereof, may accept such Excuse; but if such Justice or authorized Person shall have Reason to suspect such Excuse to be untrue, he may thereupon demand Admission for himself and One other Person in his

Persons absent deemed guilty of a Misdemeanor, unless they prove some lawful Occasion.

Justice may accept Excuse for an Absentee, if satisfied of the Truth thereof.

Aid, for the sole Purpose of seeing the Person for whom such Excuse was so offered; and in case Admission for such Purpose shall be refused, or shall not be obtained within a reasonable Time after such Demand, then such Person so demanded and required shall be deemed and taken to have been absent from his House at the Time of such Demand.

If Arms are found in the Possession of any Person not authorized to keep the same, he shall be deemed guilty of a Misdemeanor.

XXIV. And be it enacted, That if any Justice of the Peace, or other Person authorized by the Warrant of such Justice, shall in any such proclaimed District find any Arms or Ammunition, or any Pike, Pike Head, Spear, Dirk, or any other offensive Weapon, in the Dwelling House or Possession of any Person or Persons not duly authorized to keep the same, every such Person shall be deemed guilty of a Misdemeanor, and may be convicted and punished accordingly by a Court Martial under this Act, unless such Person shall make it appear to the Satisfaction of the Court before which he, she, or they shall be tried, that such Arms, Ammunition, or offensive Weapons as aforesaid were in his, her, or their House or Possession without his, her, or their Knowledge, Privity, or Consent.

Persons wilfully injuring any one who has appeared as Juror, Witness, &c., or deterring any one from appearing, shall be liable to Transportation.

XXV. And be it enacted, That every Person who shall wilfully or maliciously injure either the Person, or the Property, Real or Personal, of any Person who has appeared or shall appear as a Juror, Witness, Prosecutor, or otherwise, for the Purpose of any Prosecution, or any Civil Action or Proceeding, for or by reason of any thing done thereupon by such Person, or who shall, by Menaces or otherwise howsoever, deter or intimidate, or endeavour to deter or intimidate, any Person from appearing or acting in any such Prosecution or Civil Action or Proceeding, as a Juror, Witness, Prosecutor, or otherwise, for the Purposes of such Prosecution, Action, or Proceeding, or from discharging his or her Duty in that Behalf, shall upon Conviction be deemed guilty of a Misdemeanor, and may be sentenced to be transported for any Term not less than Seven nor more than Fourteen Years; and every such Offence, if committed within any such proclaimed District as aforesaid, shall be cognizable by a Court Martial appointed under the Authority of this Act.

Proviso as to Offences punishable with Death under any Law now in force.

XXVI. Provided always, That in all Cases in which by any Law now in force any such Offence would amount to Felony, and the Party convicted thereof would be subject to be punished with Death, any such Offence shall still be deemed a Felony, and the Person convicted thereof by any competent Court other than a Court Martial under the Provisions of this Act shall be subject to be punished with Death, any thing herein to the contrary notwithstanding.

Making any Beacon or other Signal, or giving Intimation to Persons engaged in any Assembly against the Provisions hereof, or

XXVII. And be it further enacted, That from and after the passing of this Act no Person shall make, aid or assist in making, or be present for the Purpose of aiding or assisting in the making of any Beacon, Bonfire, Light, Fire, Flash, Blaze, or any Signal by Smoke, or by any Rocket, Firework, Flag, firing of any Gun or other Fire-arms, or by blowing of Horns, or by ringing of any Church, Chapel, or other Bell, or by any other Contrivance or Device, for the Purpose of giving any Notice or Intimation to any Person or Persons engaged in any illegal Combination, or in any Association or Assembly against

Notice to any Persons to assemble to the endangering of the Public Peace, a Misdemeanor.

against the Provisions of this Act; and that no Person shall make or give, or assist in the making or giving, or be present for the Purpose of assisting in the making or giving of any such Signal, or of any other Signal, Notice, or Call, to or upon any Person or Persons whatsoever to assemble together, or to act in concert together, for any Purpose not warranted by Law, or which is prohibited by this Act, or to assemble in Arms, or in unusual Numbers, and at unusual Times and Places, to the endangering of the Public Peace; and if any Person, contrary to the true Intent and Meaning of this Act, shall make or cause to be made, or aid or assist in the making, or be present for the Purpose of assisting at the making of any such Signal, Notice, or Call to or upon any such Person or Persons as aforesaid, or for any such Purpose as aforesaid, such Person so offending shall be guilty of a Misdemeanor; and every such Offence committed within any District proclaimed in pursuance of the Provisions of this Act shall be cognizable by any Court Martial appointed under this Act, and, if committed within any other District, shall be tried and punished according to the Course of the Common Law, and not otherwise.

Offences within a proclaimed District to be cognizable by a Court Martial; in any other, by Common Law.

Nothing done in pursuance of this Act in any proclaimed District to be questionable in any Court.

Officers, &c. acting in pursuance of such Power or Authority shall be responsible only to Courts Martial.

XXVIII. And be it enacted, That no Act, Matter, or Thing done in any such proclaimed District as aforesaid, in pursuance or execution of any Power or Authority hereby conferred, shall be questioned in any Court of the United Kingdom having Jurisdiction, Civil or Criminal, except as herein-after mentioned; that is to say, that all Officers, Non-commissioned Officers, and Soldiers who shall act under any such Power or Authority shall, for and in respect of any thing done under such Power or Authority, in any such proclaimed District as aforesaid, be responsible to Courts Martial to be holden under any Statute in force for holding Courts Martial, by which Courts Martial respectively they shall be liable to be tried and punished for any Offence against the Articles of War under any Law then in force for such Purposes; and such Courts Martial respectively shall have full and exclusive Cognizance of all such Matters and Things which shall be objected against such Officers, Non-commissioned Officers, and Soldiers respectively, and Proceedings shall be had thereon in the same Manner as for Offences against the Articles of War, and not otherwise; and no other Court in any Part of the United Kingdom, whether Civil or Criminal, shall have Cognizance or Jurisdiction with respect to any Act, Matter, or Thing which shall be done by any such Officer, Non-commissioned Officer, or Soldier, in pursuance of this Act, in any such proclaimed District as aforesaid; and any Proceeding instituted, had, or commenced in any such Court as last mentioned, against any Officer, Non-commissioned Officer, or Soldier, for or by reason of any such Act, Matter, or Thing, whether by Indictment, Action, or otherwise, shall be stayed by summary Application to the Court in which the same shall have been instituted, had, or commenced; and that all Justices of the Peace, Constables, Policemen, and all other Persons besides Officers, Non-commissioned Officers, and Soldiers, who shall act under any such Power or Authority, for and in respect of any thing done under such Power or Authority in any such proclaimed District as aforesaid, shall be liable to be prosecuted in any Court of Criminal Jurisdiction under the Warrant of His Majesty's Attorney General for *Ireland*, and not otherwise, and being so prosecuted shall be proceeded

proceeded against and punished for such Offence according to the Course of the Common Law.

Persons arrested may be detained in any Place within Ireland, but not in any other Place than a public Gaol or Prison for more than 24 Hours.

XXIX. And be it enacted, That in Cases where any Person or Persons shall during the Continuance of this Act be arrested, committed, or detained in Custody by force of any Warrant issued under the Authority of this Act, or by any Person hereby empowered in that Behalf, it shall and may be lawful for any Person or Persons so authorized or empowered to detain such Person or Persons so arrested or committed in his or their Custody in any Place whatever within *Ireland:* Provided always, that no Person so arrested shall be detained in any Place of Custody other than some public Gaol or Prison more than Twenty-four Hours from the Time of his Arrest, without his own Consent.

Persons swearing falsely liable to the Penalties of Perjury.

XXX. And be it enacted, That every Person who shall knowingly and corruptly swear falsely in any Evidence given by such Person before any Court constituted or acting under the Authority of this Act shall be deemed and adjudged to be guilty of the Crime of wilful and corrupt Perjury, and shall upon Conviction thereof be liable to all the Penalties and Punishments now by Law incident to the Crime of wilful and corrupt Perjury.

What shall be a sufficient Return to a Habeas Corpus sued out by a Person detained under this Act.

XXXI. And be it enacted, That if any Person who shall be detained in Custody under the Powers created by this Act, charged with any Offence committed in any proclaimed District as aforesaid, shall sue forth a Writ of Habeas Corpus within Three Calendar Months from the Time of his first Arrest, it shall be a good and sufficient Return to such Writ that the Party suing forth the same is detained by virtue of the Powers in that Behalf hereby conferred, and when such Return shall be made it shall not be necessary to bring up the Body of the Person so detained.

Offences under this Act not bailable.

Persons arrested to be brought to Trial within 3 Months.

XXXII. And be it enacted, That no Justice or Justices of the Peace, save as herein-before provided, shall have any Power or Authority to admit to Bail any Person charged with any Offence hereby made cognizable by any Court Martial appointed under the Provisions of this Act: Provided always, that no Person shall be detained in Custody by virtue of the Powers contained in this Act for a longer Time than Three Calendar Months from the Time of his first Arrest, without being brought to Trial for the Offence or Offences for which he is so detained in Custody.

Hard Labour may be added to Imprisonment for certain Offences.

XXXIII. And be it enacted, That in all Cases where any Offence committed within such District proclaimed as aforesaid shall be punished with Imprisonment under this Act, or by any Court authorized under the Provisions thereof, other than and except any Offence created by this Act for being present at any unlawful Assembly, it shall and may be lawful for such Court to order and award, if they shall so think fit, that, in addition to the Imprisonment thereby directed, the Person convicted shall be kept to hard Labour during the Whole or any Part of the Period to which such Imprisonment shall extend.

Execution of Act within Counties of Cities (except in Dublin).

XXXIV. And be it enacted, That it shall and may be lawful to and for the Magistrates of the next adjacent Counties at large respectively to execute this Act within the several Counties of Cities or Counties of Towns in *Ireland*, except the County of the City of *Dublin*.

Powers given to Magistrates of Counties to extend to those of Towns or Cities.

XXXV. And be it enacted, That all the Powers and Authorities given to and all Duties required from Magistrates of Counties at large, under and by virtue of this Act, shall be and are hereby given to and required from all Magistrates of Counties of Towns or Counties of Cities in *Ireland*, within their respective Counties of Towns or Counties of Cities.

Limitation of Actions.

XXXVI. And be it enacted, That if any Action, Suit, Plaint, or Information shall be commenced or prosecuted against any Person or Persons for what he or they shall do in pursuance and execution of this Act, in any Part of *Ireland*, not being in any such proclaimed District as aforesaid, the same shall be commenced within Six Months after the Act complained of was committed, and shall be brought or laid within the County where the Act was committed; and such Person so sued may plead the General Issue of Not guilty, or any other General Issue which the Nature of the Case may admit, and upon Issue joined may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a Verdict or Judgment on Demurrer shall pass against him, the Defendant shall recover Treble Costs.

In case of Verdict for Defendant, the Judge may certify that the Act complained of was done by virtue of this Act, and the Defendant in that Case allowed his Treble Costs.

XXXVII. And whereas Doubts may arise whether any such Action, Suit, Plaint, or Information was so commenced or prosecuted against the Defendant or Defendants therein for what he or they did in pursuance or execution of this Act; be it enacted, That in all Cases where there shall be a Verdict for the Defendant, if it shall appear to the Judge or Court before whom the Cause shall have been tried that the same was prosecuted or instituted for or by means of any Act done in pursuance or execution of this Act, such Judge or Court shall certify the same on the Record, and thereupon such Treble Costs shall be adjudged as aforesaid; and if the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or suffer a Discontinuance, or if Judgment shall pass against him on Demurrer, it shall and may be lawful for the Defendant or Defendants, or any of them, to suggest on the Record that such Action, Suit, Plaint, or Information was brought against such Defendant or Defendants for what he or they did in pursuance or execution of this Act, which Suggestion may be traversed by the Plaintiff if he shall think proper so to do, and Issue being joined thereupon, the same shall be tried by Nisi Prius according to the usual Course of such Court on Issues joined therein; and if such Suggestion shall not be traversed, or being traversed the Issue thereon shall be found for such Defendant or Defendants, he or they shall thereupon be entitled to his or their Treble Costs as aforesaid, together with the Treble Costs of the said Suggestion, and of the Proceedings thereon (if any); and if such Issue shall be found for the said Plaintiff, he shall be entitled to the Costs of the said Suggestion and the Proceedings

thereon,

thereon, and the same shall be set off against the Costs to be adjudged to the Defendant or Defendants making such Suggestion, and the Judgment shall be for the Balance of the said Costs, if any.

As to Costs in Actions for false Imprisonment, &c.

XXXVIII. Provided always, and be it enacted, That when a Verdict shall be given for the Plaintiff in any such Action to be brought against any Justice of the Peace, Peace Officer, or other Person for taking or imprisoning or detaining any Person, or entering Houses, under colour of any Authority given by this Act, and it shall appear to the Judge or Judges before whom the same shall be tried that there was a probable Cause for doing the Act complained of in such Action, and the Judge or Court shall certify the same on Record, then and in that Case the Plaintiff shall not be entitled to more than Sixpence Damages, nor to any Costs of Suit: Provided also, that where a Verdict shall be given for the Plaintiff in any such Action as aforesaid, and the Judge or Court before whom the Cause shall be tried shall certify on the Record that the Injury for which such Action was brought was wilfully and maliciously committed, the Plaintiff shall be entitled to Treble the Costs of Suit.

The Lord Lieutenant may by Proclamation revoke any former Proclamation.

XXXIX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by a new Proclamation to be made by and with the Advice of the Privy Council of *Ireland*, to revoke any Proclamation issued in pursuance of this Act as to the Whole or any Part of the District thereby proclaimed, which new Proclamation shall be forthwith transmitted by the Clerk of the Privy Council to the Lord Lieutenant of the County, County of a City, or County of a Town, who shall forthwith notify the same to each Court Martial, if actually sitting, and if not, then at the next Sitting of such Court, and such Court shall thereupon cause the same to be read in open Court; and on such new Proclamation being read, the original Proclamation mentioned therein shall forthwith stand and be revoked so far as the said new Proclamation shall purport to revoke the same; and if no Part of such County, County of a City, or County of a Town shall then remain proclaimed, the Authorities and Powers of such Court shall forthwith cease and determine.

Nothing herein to take away the Prerogative of the Crown to appoint Courts Martial, or to resort to the Exercise of Martial Law or anyPowers given by Law for Suppression of Insurrection.

XL. 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, in respect of appointing and convening Courts Martial according to the Provisions of the Act for punishing Mutiny and Desertion, or the undoubted Prerogative of His Majesty, for the Public 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 of *Ireland*, or other Chief Governor or Governors of Ireland, with or without the Advice of His Majesty's Privy Council, or in any other Person or Persons whomsoever, to suppress Insurrection and Disturbances or 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.

XLI. And

This Act to continue in force till 1st Aug. 1834.

XLI. And be it enacted, That this Act shall continue and be in force until the First Day of *August* One thousand eight hundred and thirty-four, and no longer; and that it shall and may be lawful to repeal, amend, or alter this Act during this present Session of Parliament.

Revocation of Proclamation, or Expiration of Act, not to annul any Sentence.

XLII. Provided always, That neither the Revocation of any Proclamation by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, nor the Expiration of this Act, shall annul or suspend any Sentence passed against any Person or Persons for Offences of which such Persons shall have been or shall be convicted by any Court Martial under this Act.

SCHEDULE.

House of , at in the Parish of in the County of .

Name and Trade in Business.	Age, 14, or upwards.	Age, under 14.
A. B. Farmer or Labourer, as may be.	25.	

Signed this Day of 1833.
A. B.

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