ANNO SEXAGESIMO

GEORGII III. REGIS.

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C A P. VIII.

An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels.

[30th *December* 1819.]

WHEREAS it is expedient to make more effectual Provision for the Punishment of blasphemous and seditious Libels; 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 from and after the passing of this Act, in every Case in which any Verdict or Judgment by Default shall be had against any Person for composing, printing, or publishing any blasphemous Libel, or any seditious Libel, tending to bring into Hatred or Contempt the Person of His Majesty, His Heirs or Successors, or The Regent, or the Government and Constitution of the United Kingdom as by Law established, or either House of Parliament, or to excite His Majesty's Subjects to attempt the Alteration of any Matter in Church or State as by Law established, otherwise than by lawful Means, it shall be lawful for the Judge, or the Court before whom or in which such Verdict shall have been given, or the Court in which such Judgment by Default shall be had, to make an Order for the Seizure and carrying away and detaining in safe Custody, in such Manner as shall be directed in such Order, all Copies of the Libel which shall be in the Possession of the Person against whom such Verdict or Judgment shall have been had, or in the Possession of any other Person named in the Order for his Use; Evidence upon Oath having been previously given to the Satisfaction of such Court or Judge, that a Copy or Copies of the said Libel is or are in the Possession of such other Person for the Use of the Person against whom such Verdict or Judgment shall have been had as aforesaid; and in every such Case it shall be lawful for any Justice of the Peace, or for any Constable or other Peace Officer acting under any such Order, or for any Person or Persons acting with or in Aid of any such Justice of the Peace, Constable, or other Peace Officer, to search for any Copies of such Libel in any House,

Court to make Order for the Seizure of Copies of the Libel in Possession of the Persons against whom Verdicts shall have been had, &c.

Building, or other Place whatsoever belonging to the Person against whom any such Verdict or Judgment shall have been had, or to any other Person so named, in whose Possession any Copies of any such Libel, belonging to the Person against whom any such Verdict or Judgment shall have been had, shall be; and in case Admission shall be refused or not obtained within a reasonable Time after it shall have been first demanded, to enter by Force by Day into any such House, Building, or Place whatsoever, and to carry away all Copies of the Libel there found, and to detain the same in safe Custody until the same shall be restored under the Provisions of this Act, or disposed of according to any further Order made in relation thereto.

Copies of Libels so seized to be restored if Judgment for Defendant; otherwise to be disposed of as the Court shall direct.

II. And be it further enacted, That if in any such Case as aforesaid Judgment shall be arrested, or if, after Judgment shall have been entered, the same shall be reversed upon any Writ of Error, all Copies so seized shall be forthwith returned to the Person or Persons from whom the same shall have been so taken as aforesaid, free of all Charge and Expence, and without the Payment of any Fees whatever; and in every Case in which final Judgment shall be entered upon the Verdict so found against the Person or Persons charged with having composed, printed, or published such Libel, then all Copies so seized shall be disposed of as the Court in which such Judgment shall be given shall order and direct.

Court of Justiciary in Scotland to make Order for seizing Copies of Libels, &c.

III. Provided always, and be it enacted, That in *Scotland*, in every Case in which any Person or Persons shall be found guilty before the Court of Justiciary, of composing, printing, or publishing any blasphemous or seditious Libel, or where Sentence of Fugitation shall have been pronounced against any Person or Persons, in consequence of their failing to appear to answer to any Indictment charging them with having composed, printed, or published any such Libel, then and in either of such Cases, it shall and may be lawful for the said Court to make an Order for the Seizure, carrying away, and detaining in safe Custody, all Copies of the Libel in the Possession of any such Person or Persons, or in the Possession of any other Person or Persons named in such Order, for his or their Use, Evidence upon Oath having been previously given to the Satisfaction of such Court or Judge, that a Copy or Copies of the said Libel is or are in the Possession of such other Person for the Use of the Person against whom such Verdict or Judgment shall have been had as aforesaid; and every such Order so made shall and may be carried into Effect, in such and the same Manner as any Order made by the Court of Justiciary, or any Circuit Court of Justiciary, may be carried into Effect according to the Law and Practice of *Scotland*: Provided always, that in the Event of any Person or Persons being reponed against any such Sentence of Fugitation, and being thereafter acquitted, all Copies so seized shall be forthwith returned to the Person or Persons from whom the same shall have been so taken as aforesaid; and in all other Cases, the Copies so seized shall be disposed of in such Manner as the said Court may direct.

Punishment of Persons convicted of Second Offence.

IV. And be it further enacted, That if any Person shall, after the passing of this Act, be legally convicted of having after the passing of this Act composed, printed, or published any blasphemous Libel or any such seditious Libel as aforesaid, and shall, after being so convicted, offend a Second Time, and be thereof legally convicted before any Commission

mission of Oyer and Terminer or Gaol Delivery, or in His Majesty's Court of King's Bench, such Person may, on such Second Conviction, be adjudged, at the Discretion of the Court, either to suffer such Punishment as may now by Law be inflicted in Cases of high Misdemeanors, or to be banished from the United Kingdom, and all other Parts of His Majesty's Dominions, for such Term of Years as the Court in which such Conviction shall take place shall order.

Persons not departing within Thirty Days after Sentence of Banishment, may be conveyed out of His Majesty's Dominions.

V. And be it further enacted, That in case any Person so sentenced and ordered to be banished as aforesaid, shall not depart from this United Kingdom within Thirty Days after the pronouncing of such Sentence and Order as aforesaid, for the Purpose of going into such Banishment as aforesaid, it shall and may be lawful to and for His Majesty to convey such Person to such Parts out of the Dominions of His said Majesty, as His Majesty by and with the Advice of His Privy Council shall direct.

Persons banished found at large within His Majesty's Dominions to suffer Transportation.

VI. And be it further enacted, That if any Offender who shall be so ordered by any such Court as aforesaid to be banished in Manner aforesaid, shall after the End of Forty Days from the Time such Sentence and Order hath been pronounced, be at large within any Part of the United Kingdom, or any other Part of His Majesty's Dominions, without some lawful Cause, before the Expiration of the Term for which such Offender shall have been so ordered to be banished as aforesaid, every such Offender being so at large as aforesaid, ing thereof lawfully convicted, shall be transported to such Place as s[illegible]l be appointed by His Majesty for any Term not exceeding Fourteen Years; and such Offender may be tried, either before any Justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, for the County, City, Liberty, Borough, or Place where such Offender shall be apprehended and taken, or where he or she was sentenced to Banishment; and the Clerk of Assize, Clerk of the Peace, or other Clerk or Officer of the Court having the Custody of the Records where such Order of Banishment shall have been made, shall, when thereunto required on His Majesty's Behalf, make out and give a Certificate in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of every Indictment and Conviction of such Offender, and of the Order for his or her Banishment, to the Justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such Offender shall be indicted, for which Certificate Six Shillings and Eight-pence and no more shall be paid, and which Certificate shall be sufficient Proof of the Conviction and Order for Banishment of any such Offender.

Certificate to be given of Conviction of former Libel.

VII. And be it further enacted, That the Clerk of Assize, Clerk of the Peace, or other Clerk or Officer of the Court having the Custody of the Records where any Offender shall have been convicted of having composed, printed, or published any blasphemous or seditious Libel, shall, upon Request of the Prosecutor on His Majesty's Behalf, make out and give a Certificate in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of every Indictment and Conviction of such Offender, to the Justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such Offender or Offenders shall be indicted for any Second Offence of composing, printing, or publishing any blasphemous or seditious Libel, for which Certificate Six Shillings and Eight-pence and no more shall be paid, and which Certificate shall be sufficient Proof of the Conviction of such Offender.

VIII. And

Limitation of Actions.

VIII. And be it further enacted, That any Action and Suit which shall be brought or commenced against any Justice or Justices of the Peace, Constable, Peace Officer, or other Person or Persons, within that Part of *Great Britain* called *England*, or in *Ireland*, for any thing done or acted in pursuance of this Act, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and the Venue in every such Action or Suit shall be laid in the proper County where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, or the Venue shall be laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Actions after Appearance, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases.

General Issue may be pleaded.

Double Costs.

Limitation of Actions, &c. in Scotland.

IX. And be it further enacted, That every Action and Suit which shall be brought or commenced against any Person or Persons in *Scotland*, for any thing done or acted in pursuance of this Act, shall in like Manner be commenced within Six Calendar Months after the Fact committed, and not afterwards, and shall be brought in the Court of Session in *Scotland*; and the Defender or Defenders may plead that the Matter complained of was done in pursuance of this Act, and may give this Act and the special Matter in Evidence; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, then the same shall be dismissed; and in such Case, or if the Defender or Defenders shall be assoilzied, or the Pursuer or Pursuers shall suffer the Action or Suit to fall asleep, or a Decision shall be pronounced against the Pursuer or Pursuers upon the Relevancy, the Defender or Defenders shall have Double Costs, which he or they shall and may receive in such and the same Manner as any Defender can by Law recover Costs or Expences in other Cases.

Double Costs.

Not to alter the Law of Scotland in respect to Punishment for Libels.

X. Provided always, and be it further enacted, That nothing in this Act contained shall be held or considered as in any respect altering the Law or Practice of *Scotland* regarding the Punishment of Persons convicted of composing, printing, publishing, or circulating any blasphemous or seditious Libel.

Act may be repealed or altered this Session.

XI. And be it further enacted, That this Act may be repealed in the Whole or in any Part thereof, or in any Manner altered or amended, during the present Session of Parliament.

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