

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. CXL.

An Act to enable the Judges of His Majesty's Courts of Record at *Westminster* to award Writs of *Habeas Corpus* for bringing Persons detained in Gaol before Courts Martial, and the several Commissioners therein mentioned. [11th *August* 1803.]

WHEREAS Writs of *Habeas Corpus* have been frequently awarded by the Judges of His Majesty's Courts of Record at *Westminster*, for bringing Persons detained in Custody under civil or criminal Process before Magistrates or Courts of Record, as well for Trial as for Examination touching Matters depending before such Magistrates or Courts respectively; but Doubts have arisen whether such Judges have Power to award Writs of *Habeas Corpus* for bringing Persons detained as aforesaid before Courts Martial, Commissioners of Bankrupt, Commissioners for auditing the Publick Accounts, or other Commissioners acting under Commission or Warrant from His Majesty: And whereas it is expedient to make Provision for bringing Prisoners before such Courts Martial or Commissioners for the Purposes herein-before mentioned; 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, from and after the passing of this Act, it shall be lawful for any Judge of His Majesty's Courts of King's Bench or Common Pleas respectively, or

Any Judge of the Courts at *Westminster* may award a

Writ of *Habeas Corpus* for bringing any Prisoner in any Gaol in *England* before a Court Martial, Commissioners of Bankrupt, *etc.*

or for any Baron of His Majesty's Court of Exchequer of the Degree of the Coif, at his Discretion, to award a Writ or Writs of *Habeas Corpus* for bringing any Prisoner or Prisoners detained in any Gaol or Prison in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, before any Court Martial, or before any Commissioners of Bankrupt, Commissioners for auditing the Publick Accounts, or other Commissioners acting by virtue or under the Authority of any Commission or Warrant from His Majesty, His Heirs or Successors, for Trial, or to be examined touching any Matter depending before such Courts Martial or Commissioners respectively; and the like Proceedings shall be had upon such Writ or Writs of *Habeas Corpus* so to be awarded as aforesaid, as by Law may now be had upon Writs of *Habeas Corpus* for bringing Persons detained in Gaol before Magistrates or Courts of Record for such Purposes as aforesaid; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

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