ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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C A P. XLIV.

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.*

[15th *October* 1831.]

WHEREAS by an Act passed in the Parliament of *Ireland*, in the Fifteenth and Sixteenth Years of the Reign of His late 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,* certain Offences therein mentioned are made punishable with Death: And whereas it is expedient to mitigate the Severity of said Act, and to make certain Amendments therein: 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 so much of said recited Act passed in the Fifteenth and Sixteenth Years of the Reign of His late Majesty King *George* the Third as enacts that if any Person or Persons rising or assembling in manner therein-before mentioned, or in any other Manner whatsoever, should, either by Day or by Night, wilfully or maliciously shoot

15 & 16 G. 3. (I.)

Recited Act in part repealed.

shoot

shoot at, maim, or disfigure any Person or Persons in any Dwelling House or other Place, or should knowingly send any Letter, with or without any fictitious Name or Names thereto subscribed, demanding any Money, Fire-arms, Ammunition, or other Thing or Things, or threatening to injure the Persons or Property of any of His Majesty's Subjects; or if any Person or Persons should, by Gift, Promise, or Threats, procure any of His Majesty's Subjects to join in any of the aforesaid Offences, or should unlawfully compel, or by Force, Threats, or Menaces attempt to compel, any of His Majesty's Subjects to quit his, her, or their Habitation, Farm, Possession, Place of Abode, or lawful Employment, all and every Person and Persons so offending, being thereof lawfully convicted, should be adjudged guilty of Felony, and suffer Death; and also so much of said Act as enacts that if any Person or Persons should, at any Time after Sunset and before Sunrise, or before the Hour of Six in the Forenoon though the Sun should be arisen, maliciously assault, or in any Manner whatsoever maliciously injure, the Habitation, Property, Goods, or Chattels of any other Person or Persons, or should forcibly and maliciously break into his, her, or their House, Barn, or Outhouse, or should maliciously cause any Door to be opened by Threats or Menaces, or should forcibly take or carry away any Horse, Gelding, Mare, or Mule, or any Gun, Sword, or other offensive Weapon, or any Money or Goods or Chattels, without the Consent of the Owner, or should cause the same or any of the same to be delivered to them by Threats or Menaces, all and every Person or Persons so offending, being thereof lawfully convicted, should be adjudged guilty of Felony, and suffer Death; and so much of said Act as enacts that all and every Person or Persons who should, from and after the First Day of *March* One thousand seven hundred and seventy-six, assist, abet, or succour any Person or Persons to commit any of the Offences therein aforesaid, or should wilfully or knowingly conceal any Person or Persons who had committed any of the Offences aforesaid (for which Sentence of Death as in Cases of Felony might be awarded), every Person or Persons so aiding, assisting, abetting, succouring, or concealing such Person or Persons should, on being thereof lawfully convicted, be adjudged guilty of Felony, and suffer Death; and so much of said Act as enacts that it should be lawful for any Justice of the Peace or others therein mentioned, from Time to Time, as well by Night as by Day, to search for, seize, and carry away, or cause to be searched for, seized, and carried away, all Arms and Ammunition whatsoever belonging to or being in the Custody or Possession of any Papist or reputed Papist, not duly licensed to keep and carry the same, or in the Hands or Possession of any Person or Persons in Trust for them or any of them, and for that Purpose to enter into any Dwelling House, Out-house, Office, Field, or other Place belonging to such Papist or reputed Papist, and into the Dwelling House, Outhouse, Office, Field, or other Place belonging to any other Person whatsoever, where he or they should have reasonable Cause to suspect any such Arms or Ammunition should be concealed, and such Arms and Ammunition so taken and seized should by the Person or Persons so seizing and taking the same be preserved for the Use of His Majesty, His Heirs and Successors, to be disposed of as He or They should think fit, unless it should appear that the same

were forcibly taken and carried away from some of His Majesty's Subjects in manner therein-before mentioned, in which Case such Arms and Ammunition should be delivered to the Person or Persons from whom the same were so forcibly taken; and in case any such Justice or Justices of the Peace, or other Chief Magistrate as aforesaid, after such Search made, should have Cause to suspect that any Arms or Ammunition remained concealed and not seized as aforesaid, he and they was and were thereby required to cause such Person and Persons whom he or they should suspect to have concealed the same to be brought before him and them, and to be examined upon Oath concerning the same; and so much of said Act as enacts that every such Person or Persons who, upon Demand or Search made for such Arms or Ammunition as aforesaid, should refuse to deliver up the same, and also to declare and manifest to the Justice or Justices of the Peace, Mayors, Sheriffs, or other Chief Magistrates, what Arms or Ammunition he, she, or they, or any other to his, her, or their Knowledge, or with his, her, or their Privity, had, or should hinder or disturb the Delivery thereof to the said Justices as therein; and every Person and Persons who should refuse to make Discovery, upon his or their Oath, to be administered by such Justice or Justices of the Peace or other Chief Magistrates aforesaid, concerning the Premises aforesaid, on being summoned as therein mentioned, should, without reasonable Cause, neglect or refuse to appear to be examined as therein, every Person or Persons so offending, being thereof lawfully convicted, should be punished by Fine, Imprisonment, Pillory, or Whipping; and so much of said Act as enacts that every Person or Persons who should by Force or Violence break open any Gaol or Prison with Intent to rescue and enlarge him, her, or themselves, or any other Prisoner or Prisoners therein confined on account of any Offence, though the same be not capital, all and every Person or Persons found guilty thereof should suffer Death, and may be tried before the Trial or Attainder of the Person or Persons so enlarged; and so much of said recited Act as enacts, that every Person who shall rescue any Person committed by a Justice of the Peace for Treason, Felony, or any of the Offences therein punishable with Death, from a Constable or any Person legally authorized for that Purpose, before the Person or Persons so committed should be lodged in Gaol, being found guilty thereof, should suffer Death; shall be and the same, save and except as to Offences committed before the passing of this Act, is and are hereby repealed.

Any Person who shall compel or menace any one to quit his Farm or Employment, or shall assault or break into any Habitation, or injure Property, or carry away Horses, &c.,

II. And be it further enacted, That if any Person or Persons, rising or assembling in the Manner mentioned in the said recited Act of the Fifteenth and Sixteenth Years of His late Majesty King *George* the Third, or in any other Manner whatsoever, shall unlawfully compel, or by Force, Threats, or Menaces attempt to compel, any of His Majesty's Subjects to quit his, her, or their Dwelling House, Habitation, Farm, Possession, Place of Abode, Service, or lawful Employment, or shall maliciously assault or injure the Dwelling House, Place of Abode, or Habitation of any other Person or Persons, or shall break into his, her, or their House, Habitation, Barn, or Outhouse, or cause any Door to be opened by Threats or Menaces, or shall maliciously injure the Land, Goods or Chattels, or Property,

shall be liable to Transportation or Imprisonment.

Property, Real or Personal, of any other Person or Persons; or take or carry away any Horse, Gelding, Mare, or Mule, or any Gun, Sword, or other Weapon, or any Money or Goods or Chattels whatsoever, without the Consent of the Owner, or shall cause the same or any of the same to be delivered to him or them by Threats or Menaces; or shall in any Manner whatsoever maliciously dig up, turn up, pull up, cut down, prostrate, level, demolish, or injure the Lands or Crops growing or severed, or the Walls, Paling, Hedges, or other Fences, or the Cattle, Goods, or Chattels, of any other Person or Persons; all and every Person and Persons so offending, being thereof lawfully convicted, shall be liable to be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned with or without hard Labour for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment.

Sending threatening Notices or Letters, &c. Transportation or Imprisonment.

III. And be it enacted, That if any Person or Persons shall knowingly print, write, post, publish, circulate, send, or deliver, or cause or procure to be printed, written, posted, published, circulated, sent, or delivered, any Notice, Letter, or Message exciting or tending to excite any Riot, tumultuous or unlawful Meeting or Assembly, or unlawful Combination or Confederacy, or threatening any Violence, Injury, or Damage, upon any Condition or in any Event, or otherwise, to the Person, or Property, Real or Personal, of any Person whatever, or demanding any Money, Arms, Weapons or Weapon, Ammunition, or other Matter or Thing whatsoever, or directing or requiring any Person to do or not to do any Act, or to quit the Service or Employment of any Person, or to set or to give out any Land, every Person so offending shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment.

Breaking Gaol, Transportation or Imprisonment.

IV. And be it enacted, That from and after the passing of this Act, every Person or Persons who shall by Force or Violence break open any Gaol, Prison, or Bridewell, with an Intention to rescue and enlarge him, her, or themselves, or any other Prisoner or Prisoners therein confined on account of any Offence, though the same be not Capital, all and every Person or Persons who shall commit such Offence, and shall be found guilty thereof, shall be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment, and shall and may be tried before the Trial of the Person or Persons so enlarged, any Law or Statute to the contrary in anywise notwithstanding.

Rescuing Prisoners.

V. And be it enacted, That every Person who shall rescue any Person committed by a Justice of the Peace, on a Mittimus, for

for Treason, Felony, or any of the Offences herein-before mentioned, punishable with Transportation, from a Constable or any Person legally authorized for that Purpose, before the Person or Persons so committed shall be lodged in Gaol, shall, on being found guilty thereof, be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment. Transportation or Imprisonment.

VI. And be it further enacted, That all and every Person and Persons who shall assist, abet, or succour any Person or Persons to commit any of the Offences mentioned in this Act, for which Sentence of Transportation may be awarded, or shall knowingly excite, encourage, or promote, or shall solicit, ask, or require, any Person or Persons whatsoever, or shall endeavour to compel or induce any Person or Persons, to join in the Commission of any Offence mentioned in this Act, for which Sentence of Transportation may be awarded, shall be liable to be transported beyond the Seas for the Term of Seven Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment. Persons abetting or encouraging others to commit any Offence punishable by Transportation to be transported or imprisoned.

VII. And be it enacted, That it shall and may be lawful for the Court, if such Court shall so think fit, after sentencing any Person to be transported or imprisoned as aforesaid, immediately on such Sentence to order and cause such Person so sentenced to be transmitted out of the County, County of a City, or County of a Town wherein the Conviction shall take place, to any of His Majesty's Gaols, Prisons, or Hulks, or other Places of Confinement, in any Part of *Great Britain* or *Ireland*, there to remain till he or they shall be transported, or to be imprisoned therein, according to the Adjudication of the Court. Court may order Persons convicted to be removed out of the County.

VIII. And whereas Doubts have arisen whether the Courts of Oyer and Terminer or Gaol Delivery, or the Courts of Quarter Sessions, and other Courts having Jurisdiction in Criminal Cases, in *Ireland*, have Power to fine Persons who refuse or decline to obey the Summonses of such Court to attend as Witnesses; be it declared and enacted, That it shall and may be lawful for every Court in *Ireland* having by Law Jurisdiction over Criminal Offences, upon Proof being made of the Service, either personally or at the Residence of the Person or Persons required to attend, of any Summons to appear and give Evidence in such Court touching any Offence, to impose upon the Person so served, in case of his or her disobeying such Summons, such Fine or Fines as the Court shall in its Discretion think proper, and to direct that the same shall be levied and raised in manner herein-after mentioned. Court may fine Witnesses who do not attend.

IX. And be it enacted, That it shall and may be lawful to and for the Judge, Assistant Barrister, or Recorder presiding at any Court of Court may order Fine to be immediately levied.

of Assize, Gaol Delivery, Sessions, or other Court as aforesaid, immediately on any Recognizance being estreated, or any Juror or Witness fined, to forthwith order the Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer of such Court, to issue his Warrant to the Sheriff or Sheriffs of any County or County of a Town or County of a City, commanding him or them forthwith to levy the Amount for which such Recognizance shall be estreated or Fine imposed on the Body and Goods of the Person or Persons against whom such Warrant shall issue, as is usual in the Recovery of forfeited Recognizances; and that the Sum so to be levied shall, after deducting thereout the Sum of Sixpence *per* Pound, and no more, on the Money actually levied and received by such Sheriff or Sheriffs, be forthwith paid to the Treasurer or other Officer of the Infirmary of the County, County of a City, Town, or Place wherein such Court shall be held, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, County of a City, Town, or Place, and in case there shall be no such Infirmary, then to the Treasurer or other proper Officer of such other public Charity within such County, City, Town, or Place, as such Court shall by its Order for that Purpose direct; and every such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer of such Court shall keep an Account, in a Book to be provided for that Purpose, of the Amount of every such forfeited Recognizance and Fine, specifying the Place and Time and Order whereby such Recognizance was forfeited or Fine imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Fine was imposed, and shall, within Fourteen Days next after such Recognizance shall be forfeited or Fine imposed, transmit an Abstract from said Book to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any public Charity within such County, City, Town, or Place where there shall not be such Infirmary; and that every such Book shall at all seasonable Times be open to the Inspection of such Treasurer or other Officer, for the Purpose of ascertaining what Sums of Money may be due and payable under this Act; and that such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer shall, at each Spring and Summer Assizes in every Year, post and affix on the Door of the Court House or Place in which the Assizes shall be holden, a true Copy of so much of such Book as contains all the Recognizances or Fines forfeited and imposed since the first Day of the preceding Assizes, to be then and there kept, posted, and affixed during the whole of such Assizes, and shall, within Fourteen Days after the Conclusion of such Assizes, cause a true Abstract to be inserted in some one public Newspaper published or circulated within such County, City, or Town; and if any Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer shall omit or neglect to keep such Account as aforesaid, or to post or publish the same in manner required by this Act, or if any such Account or Abstract shall in any Particular be untrue or deficient, or if any Sheriff or Sheriffs shall neglect or omit to pay over to such Treasurer or other proper Officer the Amount levied by him or them within Ten Days after he shall levy the same, every such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer, or Sheriff or Sheriffs, shall for every such Offence, Neglect, or Omission,

forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

Commencement and Extent of Act.

X. And be it enacted, That this Act shall commence and take effect immediately on the passing thereof; and that it shall extend only to that Part of the United Kingdom called *Ireland*.

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