ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXXIII.

An Act for more effectually preventing the adminiſtering or taking of unlawful Oaths. [19th *July* 1797.]

WHEREAS divers wicked and evil-diſpoſed Perſons have of late attempted to ſeduce Perſons ſerving in His Majeſty's Forces by Sea and Land, and others of His Majeſty's Subjects, from their Duty and Allegiance to His Majeſty, and to incite them to Acts of Mutiny and ſedition, and have endeavoured to give Effect to their wicked and traiterous Proceedings, by impoſing upon the Perſons whom they have attempted to ſeduce the pretended Obligation of Oaths unlawfully adminiſtered: 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 any Perſon or Perſons who ſhall, in any Manner or Form whatſoever, adminiſter, or cauſe to be adminiſtered, or be aiding or aſſiſting at, or preſent at and conſenting to, the adminiſtering or taking of any Oath or Engagement, purporting or intended to bind the Perſon taking the ſame to engage in any mutinous or ſeditious Purpoſe; or to diſturb the publick Peace; or to be of any Aſſociation, Society, or Confederacy, formed for any ſuch Purpoſe; or to obey the Orders or Commands of any Committee or Body of Men not lawfully conſtituted; or of any Leader or Commander, or other Perſon not having Authority by Law for that Purpoſe; or not to inform or give Evidence againſt any Aſſociate, Confederate, or other Perſon; or not to reveal or diſcover any unlawful Combination or Confederacy; or not to reveal or diſcover any illegal Act done or to be done; or not to reveal or diſcover any illegal Oath or Engagement which may have been adminiſtered or tendered to or taken by ſuch Perſon or Perſons, or to or by any other Perſon or Perſons, or the Import of any ſuch Oath or Engagement; ſhall, on Conviction thereof by due Courſe of Law, be adjudged guilty of Felony, and may be tranſported for any Term of Years not exceeding Seven Years; and every Perſon who ſhall take any ſuch Oath or Engagement, not being compelled thereto, ſhall, on Conviction thereof by due Courſe of Law, be adjudged guilty of Felony, and may be tranſported for any Term of Years not exceeding Seven Years.

Preamble.

Perſons adminiſtering unlawful Oaths, or taking them voluntarily, to be guilty of Felony.

II. Provided always, and be it further enacted, That Compulſion ſhall not juſtify or excuſe any Perſon taking ſuch Oath or Engagement, unleſs he or ſhe ſhall, within Four Days after the taking thereof, if not prevented

Perſons compelled to take ſuch Oaths, not juſtified,

unleſs they declare the ſame within Four Days.

by actual Force or Sickneſs, and then within Four Days after the Hindrance produced by ſuch Force or Sickneſs ſhall ceaſe, declare the ſame, together with the Whole of what he or ſhe ſhall know touching the ſame, and the Perſon or Perſons by whom, and in whoſe Preſence, and when and where, ſuch Oath or Engagement was adminiſtered or taken, by Information on Oath before One of His Majeſty's Juſtices of the Peace, or One of His Majeſty's Principal Secretaries of State, or His Majeſty's Privy Council; or, in caſe the Perſon taking ſuch Oath or Engagement ſhall be in actual Service in His Majeſty's Forces by Sea or Land, then by ſuch Information on Oath as aforeſaid, or by Information to his Commanding Officer.

Perſons aiding, &c. at taking ſuch Oath, or cauſing them to be adminiſtered, though not preſent, to be deemed Principals.

III. And be it further enacted, That Perſons aiding and aſſiſting at, or preſent at and conſenting to, the adminiſtering or taking of any ſuch Oath or Engagement as aforeſaid, and Perſons cauſing any ſuch Oath or Engagement to be adminiſtered or taken, though not preſent at the adminiſtering or taking thereof, ſhall be deemed principal Offenders, and ſhall be tried as ſuch, although the Perſons or Perſon who actually adminiſtered ſuch Oath or Engagement, if any ſuch there ſhall be, ſhall not have been tried or convicted.

In Indictments it ſhall be ſufficient to ſet forth the Purport of ſuch Oaths.

IV. And be it further enacted, That it ſhall not be neceſſary, in any Indictment againſt any Perſon or Perſons adminiſtering, or cauſing to be adminiſtered or taken, or taking any ſuch Oath or Engagement as aforeſaid, or aiding or aſſiſting at, or preſent at and conſenting to, the adminiſtering or taking thereof, to ſet forth the Words of ſuch Oath or Engagement; and that it ſhall be ſufficient to ſet forth the Purport of ſuch Oath or Engagement, or ſome material Part thereof.

Engagements in the Nature of an Oath, to be deemed One, &c.

V. Provided always, and be it further enacted, That any Engagement or Obligation whatſoever, in the Nature of an Oath, ſhall be deemed an Oath within the Intent and Meaning of this Act, in whatever Form or Manner the ſame ſhall be adminiſtered or taken; and whether the ſame ſhall be actually adminiſtered by any Perſon or Perſons to any other Perſon or Perſons, or taken by any Perſon or Perſons without any Adminiſtration thereof by any other Perſon or Perſons.

Where Offences may be proſecuted.

VI. Provided alſo, and be it further enacted by the Authority aforeſaid, That any Offence committed againſt this Act on the High Seas, or out of this Realm, or within that Part of *Great Britain* called *England*, ſhall and may be proſecuted, tried, and determined, before any Court of Oyer and Terminer or Gaol Delivery, for any County in that Part of *Great Britain* called *England*, in ſuch Manner and Form as if ſuch Offence had been therein committed; and if committed in that Part of *Great Britain* called *Scotland*, ſhall and may be proſecuted, tried, and determined, either before the Juſticiary Court at *Edinburgh*, or in any of the Circuit Courts in that Part of the United Kingdom.

Perſons tried under this Act, not to be tried again for the ſame Offence; but if not ſo tried, may be tried as for High Treaſon, &c.

VII. Provided alſo, and it is hereby declared, That any Perſon who ſhall be tried, and acquitted or convicted of any Offence againſt this Act, ſhall not be liable to be indicted, proſecuted, or tried again, for the ſame Offence or Fact, as High Treaſon, or Miſpriſion of High Treaſon; and that nothing in this Act contained ſhall be conſtrued to extend to prevent any Perſon guilty of any Offence againſt this Act, and who ſhall not be tried for the ſame as an Offence againſt this Act, from being tried for the ſame as High Treaſon, or Miſpriſion of High Treaſon, in ſuch Manner as if this Act had not been made.

FINIS.