

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CIV.

An Act to render more effectual an Act, paſſed in the Thirty-ſeventh Year of His preſent Majeſty, for preventing the adminiſtering or taking Unlawful Oaths. [9th *July* 1812.]

WHEREAS an Act paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for more effectually preventing the adminiſtering or taking of Unlawful Oaths:* And whereas it is expedient that more effectual Proviſions ſhould be made as to certain Oaths; 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 every Perſon who ſhall in any Manner or Form whatſoever, adminiſter or cauſe to be adminiſtered, or be aiding or aſſiſting at the adminiſtering of any Oath or Engagement, purporting or intending to bind the Perſon taking the ſame to commit any Treaſon or Murder, or any Felony, puniſhable by Law with Death, ſhall, on Conviction thereof by due Courſe of Law, be adjudged guilty of Felony, and ſuffer Death as a Felon without Benefit of Clergy; 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 ſhall be tranſported as a Felon for the Term of his natural Life, or for ſuch Term of Years as the Court before which the ſaid Offender or Offenders ſhall be tried ſhall adjudge.

37 G. 3. c. 123.

Puniſhing the adminiſtering and taking of Unlawful Oaths.

Perſons compelled to take ſuch Oaths, not juſtified, unleſs they declare the ſame within 14 Days.

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 Fourteen Days after the taking thereof, if not prevented by actual Force or Sickneſs, and then within Fourteen 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 confeſſing, before being charged, indemnified.

III. Provided alſo, and be it further enacted, That every Perſon who before he ſhall be charged with any Offence under the ſaid recited Act or this Act, in taking any Oath or Engagement deſcribed in the ſaid recited Act or this Act, ſhall, within Three Months after the paſſing of this Act, appear before ſome Juſtice of the Peace or Magiſtrate, and declare the ſame, and the Oath or Engagement ſo taken, and when and where the ſame was taken, and in what Manner, and who ſhall at the ſame Time take before ſuch Juſtice of the Peace or Magiſtrate, the Oath of Allegiance to His Majeſty, ſhall be and is hereby indemnified againſt any Proſecution for any Offence under the ſaid recited Act or this Act; and no Confeſſion ſo made by any ſuch Perſon ſhall be given in Evidence againſt the Perſon making the ſame in any Court or in any Caſe whatever.

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

IV. And be it further enacted, That Perſons aiding and aſſiſting at the adminiſtering of any ſuch Oath or Engagement as aforeſaid, and Perſons cauſing any ſuch Oath or Engagement to be adminiſtered, though not preſent at the adminiſtering thereof, ſhall be deemed Principal Offenders, and ſhall be tried as ſuch, and on Conviction thereof by due Courſe of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as Felons, without Benefit of Clergy, 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.

V. 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.

Engagement in the Nature of an Oath to be deemed one, &c.

VI. Provided always, and be it further enacted, That any Engagement or Obligation whatſoever, in the Nature of an Oath, purporting or intending to bind the Perſon taking the ſame to commit any Treaſon or Murder, or any Felony puniſhable by Law with Death, 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 other Perſon or Perſons without any Adminiſtration thereof by any other Perſon or Perſons.

Where Offences may be proſecuted.

VII. Provided alſo, and be it further enacted, 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.

VIII. 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 prohibit 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.

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