

ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. CII.

An Act for the more effectually preventing the adminiſtering and taking of unlawful Oaths in *Ireland*; and for the Protection of Magiſtrates and Witneſſes in Criminal Caſes. [20th *June* 1810.]

WHEREAS divers wicked and evil-diſpoſed Perſons have from Time to Time attempted to ſeduce ſeveral of His Majeſty's Subjects in *Ireland* from their Duty and Allegiance to His Majeſty, and to aſſociate them under the pretended Obligations 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 at any Time after the paſſing of this Act ſhall adminiſter or cauſe to be adminiſtered, tender or cauſe to be tendered, or be preſent aiding and aſſiſting at the adminiſtering or tendering, or who ſhall by Threats, Promiſes, Perſuaſions, or other undue Means, cauſe, procure, or induce to be taken by any Perſon or Perſons in *Ireland*, upon a Book or otherwiſe, any Oath or Engagement importing to bind the Perſon or Perſons taking the ſame to be of any Aſſociation, Brotherhood, Committee, Society, or Confederacy whatſoever, in reality formed or to be formed for ſeditious Purpoſes, or to diſturb the public Peace, or to injure the Perſons or Property of any Perſon or Perſons whatſoever, or to compel any Perſon or Perſons whatſoever to do or omit or refuſe to do any Act or Acts whatſoever, under whatever Name, Deſcription, or Pretence ſuch Aſſociation, Brotherhood, Committee, Society, or Confederacy ſhall aſſume or pretend to be formed or conſtituted, or any Oath or Engagement importing to bind the Perſon taking the ſame to obey the Orders or Rules or Commands of any Committee or other Body of Men not lawfully

Penalty on Perſons adminiſtering or taking Oaths for ſeditious Purpoſes.

fully conſtituted, or of any Captain, Leader, or Commander (not appointed by or under the Authority of His Majeſty, His Heirs and Succeſſors) or to aſſemble at the Deſire and Command of any ſuch Captain, Leader, Commander, or Committee, or of any Perſon or Perſons not having lawful Authority, or not to inform or give Evidence againſt any Brother, Aſſociate, Confederate, or other Perſon, or not to reveal or diſcover his or her having taken any illegal Oath, or not to reveal or diſcover any illegal Act done or to be done, or not to diſcover any illegal Oath or Engagement which may be adminiſtered or tendered to him or her, or the Import thereof, whether ſuch Oath ſhall be afterwards ſo adminiſtered or tendered or not, or whether he or ſhe ſhall take ſuch Oath or enter into ſuch Engagement or not, being by due courſe of Law convicted thereof, ſhall be adjudged guilty of Felony and be tranſported for Life; and every Perſon who ſhall take, in *Ireland*, any ſuch Oath or Engagement, importing ſo to bind him or her as aforeſaid, and being by due courſe of Law thereof convicted, ſhall be adjudged guilty of Felony, and be tranſported for Seven Years.

Neceſſity ſhall not juſtify Offenders, unleſs they give Information to a Juſtice in Time and Manner herein-mentioned.

II. Provided always, That any Perſon or Perſons who may have been compelled by inevitable Neceſſity to commit any of the Offences aforeſaid, upon Proof of ſuch inevitable Neceſſity, ſhall be excuſed and juſtified, provided that no ſuch inevitable Neceſſity ſhall juſtify or excuſe any ſuch Perſon or Perſons, unleſs he, ſhe, or they ſhall within Ten Days, if not prevented by actual Force or Sickneſs, and then within Seven Days after ſuch actual Force or Sickneſs ſhall ceaſe to diſable him, her, or them from giving Information of the ſame, diſcloſe to One of His Majeſty's Juſtices of the Peace in the County in which he, ſhe, or they ſhall then be, by Information on Oath, the Whole of what he, ſhe, or they know touching the compelling him, her, or them to commit any ſuch Offence, and of the Perſon or Perſons by whom he, ſhe, or they were compelled to commit ſuch Offence, and who were preſent at the Time ſuch Offence was committed, and of the Place where the ſame was committed: Provided however, that no Perſon ſhall be ſo excluded from the Defence of inevitable Neceſſity, who ſhall be tried for the ſaid Offence within the ſaid Period of Ten Days from the Commiſſion of ſuch Offence, or of Seven Days from the Time when ſuch Force or Sickneſs ſhall ceaſe as aforeſaid.

Aiders and Abettors deemed Principals.

III. And be it further enacted, That all Perſons preſent, aiding and aſſiſting at the adminiſtering or tendering of any ſuch Oath or Engagement, and all Perſons cauſing any ſuch Oath or Engagement to be adminiſtered or tendered, though not preſent, ſhall be deemed principal Offenders, and tried as ſuch, though the Perſon or Perſons who actually adminiſtered or tendered ſuch Oath or Engagement ſhall not have been tried or convicted.

Purport of Oath ſufficient in Indictment.

IV. And be it further enacted, That it ſhall not be neceſſary in any Indictment to be found againſt any Perſon for adminiſtering, tendering, or taking ſuch Oath or Engagement, to ſet out the Words of ſuch Oath or Engagement, and that it ſhall be ſufficient to ſet forth therein the Purport or Object of ſuch Oath or Engagement.

Informations of Perſons who ſhall lodge Exami-

V. And whereas it has happened that Perſons who have given Information againſt Perſons accuſed of Crimes in *Ireland*, have been murdered before Trial of Perſons accuſed, in order to prevent their giving Evidence,

and

and to effect the Acquittal of the Accuſed; be it declared and enacted, That if any Perſon who hath given or ſhall give Information or Examination upon Oath againſt any Perſon or Perſons for any Offence againſt the Laws, hath been or ſhall, before the Trial or Trials of the Perſon or Perſons reſpectively againſt whom ſuch Information or Examination hath been or ſhall be given, be murdered or violently put to Death, or ſo maimed or forcibly carried away and ſecreted as not to be able to give Evidence on the Trial of the Perſon or Perſons againſt whom ſuch Information or Examination was given, the Information or Examination of ſuch Perſon ſo taken on Oath ſhall be admitted in all Courts of Juſtice in *Ireland* as Evidence on the Trial or Trials of the Perſon or Perſons reſpectively againſt whom ſuch Information or Examination was given: Provided always, that the Information or Examination of a Witneſs ſecreted ſhall not be Evidence, unleſs it ſhall be found, on a collateral Iſſue, to be put to the Jury trying the Priſoner), that the Perſon ſo ſecreted was ſecreted by the Perſon then on Trial, or by ſome Perſon or Perſons acting for him or her, or in his or her Favour.

nations, and ſhall be murdered or maimed, or kept by force from Trials, ſhall be admitted as Evidence.

VI. And be it further enacted, That if it ſhall appear that any Perſon having given Information or Evidence againſt any Perſon or Perſons charged with any Offence againſt the public Peace, ſhall have been murdered or maimed previous to the Trial of the Perſon or Perſons accuſed by ſuch Information or Evidence, or of any of them, or on account of any ſuch Evidence given, or that any Magiſtrate or other Peace Officer ſhall be murdered or maimed on account of his Exertions as ſuch Magiſtrate or Peace Officer to bring Diſturbers of the public Peace to Juſtice, it ſhall and may be lawful to and for the Grand Jury of the County, County of a Town, or County of a City within which ſuch Murder or maiming ſhall have been committed reſpectively, to preſent ſuch Sum or Sums of Money as they ſhall think juſt and reaſonable, to be paid to the perſonal Repreſentative of ſuch Witneſs, Magiſtrate, or Peace Officer who ſhall be murdered, or to ſuch Witneſs, Magiſtrate, or Peace Officer who ſhall be maimed, having Regard to the Rank, Degree, Situation, and Circumſtances of ſuch Witneſs, Magiſtrate, or Peace Officer, to be raiſed on the County at large, Barony, Half Barony, or Pariſh in which ſuch Murder or maiming ſhall reſpectively have been perpetrated, at the Diſcretion of ſuch Grand Jury.

Where a Witneſs, Magiſtrate, &c. ſhall be maimed or murdered on account of Evidence, or of Exertion uſed, Grand Jury may preſent a Sum for ſuch Perſon, or their Repreſentative.

VII. And be it further enacted, That it ſhall and may be lawful for any Juſtice of the Peace in *Ireland* to arreſt and bring before him, or cauſe to be arreſted or brought before him, any Stranger ſojourning or wandering, and to examine him or her on Oath reſpecting his or her Place of Abode, the Place from whence he or ſhe came, his or her Manner of Livelihood, and his or her Object or Motive for remaining or coming into the County, City or Town in which he or ſhe ſhall be found, and unleſs he or ſhe ſhall anſwer to the Satisfaction of ſuch Magiſtrate, or produce ſufficient Security for his or her good Behaviour, ſuch Magiſtrate ſhall commit him or her to Gaol or the Houſe of Correction, there to remain until he or ſhe ſhall find ſuch Security as aforeſaid, or until he or ſhe ſhall be diſcharged by ſuch Magiſtrate: Provided always, that ſuch Magiſtrate ſhall without Delay, after ſuch Committal, tranſmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, a true and faithful Report of ſuch Committal, and the Grounds and Reaſons thereof, the Amount of Bail required, with the Examination of the Priſoner, and the Reaſons alledged

Magiſtrates may arreſt Strangers, and examine them on Oath, and tranſmit Report to Lord Lieutenant.

by him why he or ſhe ſhould not be committed, which ſuch Magiſtrate is required to take down in Writing, in order that ſuch Perſon may be detained or diſcharged as to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being may ſeem right.

Magiſtrates may act in adjacent Counties, &c.

VIII. And be it further enacted, That it ſhall and may be lawful to and for all Magiſtrates of the adjacent Counties at large reſpectively, to execute this Act within the ſeveral Counties of Cities or Counties of Towns in *Ireland*, except the County of the City of *Dublin*; and in like Manner, that the ſeveral Magiſtrates of ſuch Counties of Cities and Counties of Towns ſhall have like Powers to execute this Act in the adjacent Counties at large.

Powers of this Act extended to all Magiſtrates.

IX. And be it further enacted, That all the Powers and Authorities given to, and all Duties required from Magiſtrates of Counties at large, under and by this Act, ſhall be and are hereby given to and required from all Magiſtrates of Counties of Towns, or Counties of Cities in *Ireland*.

Limitation of Actions.

X. And be it further enacted, That if any Action, Suit, Plaint or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for what he or they ſhall do in purſuance and execution of this Act, the ſame ſhall be commenced within Six Months after the Offence committed, and ſhall be brought or laid within the County where the Act was committed; and ſuch Perſon ſo ſued may plead the General Iſſue of Not Guilty, and upon Iſſue joined, may give this Act and the ſpecial Matter in Evidence; and if the Plaintiff or Proſecutor ſhall become nonſuit, or forbear Proſecution or ſuffer a Diſcontinuance, or if a Verdict or Judgement on Demurrer ſhall paſs againſt him, the Defendant ſhall recover Treble Coſts.

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