ANNO QUARTO

# GEORGII IV. REGIS.

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## C A P. LXXXVII.

**An Act to amend and render more effectual the Provisions of an Act, made in the Fiftieth Year of His late Majesty's Reign, for preventing the administering and taking unlawful Oaths in *Ireland*. [18th *July* 1823.]**

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering or taking of unlawful Oaths in* Ireland, *and for Protection of Magistrates and Witnesses*; and it is expedient that so much of the Provisions of the said Act as relates to such unlawful Oaths should be rendered more effectual: 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 Expiration of Fourteen Days next after the passing of this Act, any and every Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy whatsoever, now established, or hereafter to be established in *Ireland*, of the Nature herein-after described, shall be and be deemed and taken to be, and is hereby declared to be an unlawful Combination and Confederacy; that is to say, any and every Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, the Members whereof shall, according

50G.3.c.102.

Societies deemed unlawful, the Members of which are required to take Oaths declared unlawful by 50G.3.c.102.



to

to the Rules thereof, or to any Provision or Agreement for that Purpose, be required or admitted or permitted to take any Oath or Engagement which shall be an unlawful Oath or Engagement within the Intent and Meaning of the said recited Act of the Fiftieth Year of His late Majesty's Reign, or to take any Oath not required or authorized by Law; and any and every Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, the Members whereof or any of them shall take, or in any Manner bind themselves by any such Oath or Engagement upon becoming or in consequence of being Members of such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy; and any and every Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, the Members whereof shall take, subscribe, or assent to any Test or Declaration not required by Law; and any and every Society, Association, Brotherhood, Lodge, Club, or Confederacy, of which the Names of the Members, or any of them, shall be kept secret from the Society at large, or which shall have any Committee or Select Body chosen or appointed in such Manner that the Members constituting the same may not be known by the Society at large to be Members of such Committee or Select Body, or which shall have any President, Treasurer, Secretary, Delegate, or other Officer, chosen or appointed in such Manner that the Election or Appointment of such Persons to such Offices may not be known to the Society at large, or of which the Names of all the Members, and of all Committees or Select Bodies of Members, and of all Presidents, Treasurers, Secretaries, Delegates, and other Officers, shall not be entered in a Book or Books to be kept for that Purpose, and to be open to the Inspection of all the Members of such Society; and all such Societies, Associations, Brotherhoods, Committees, Lodges, Clubs, and Confederacies as aforesaid, are hereby declared to be unlawful Combinations and Confederacies; and every Person who, at any Time after the Expiration of Fourteen Days next after the passing of this Act, shall become a Member of any such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy as aforesaid, or who, being a Member of any such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, at the Time of the passing of this Act, shall afterwards act as a Member thereof; and every Person who, after the Expiration of Fourteen Days next after the passing of this Act, shall directly or indirectly maintain Correspondence or Intercourse with any such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, or with any Division, Branch, Lodge, Committee, or other select Body, President, Treasurer, Secretary, Delegate, or other Officer or Member thereof as such, or who shall by Contribution of Money, or otherwise, aid, abet, or support any such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, or any Member or Officer thereof as such, shall be deemed guilty of an unlawful Combination and Confederacy.

Societies having Members whose Names are kept secret, or not known to the Associations at large:

Names of Members whereof shall not be entered:

All present Members acting, and all future Members, declared guilty of unlawful Combination.

Not to extend to Declarations of Societies, if

II. Provided always nevertheless, and be it enacted, That nothing herein contained shall extend to any Declaration to be taken, subscribed, or assented to by the Members of any Society, in case the

the Form of such Declaration shall have been first approved and subscribed by Two or more of His Majesty's Justices of the Peace for the County, County of a City, County of a Town, or Place, where such Society shall ordinarily assemble, and shall have been registered with the Clerk of the Peace, or his Deputy, for such County, County of a City, County of a Town, or Place; for which there shall be paid a Fee of One Shilling and no more; but that such Approbation of the Justices as aforesaid shall remain valid and effectual no longer than until the next General Session for such County, County of a City, County of a Town or Place, unless the same shall, on Application made by the Parties concerned, be confirmed by the major Part of the Justices present at such General Session; and if the same shall not be then and there so confirmed, the Provisions of this Act shall from thenceforth extend to such Declaration, and to all Societies or Persons subscribing the same, in so far as may relate to all Acts which may be done by them or any of them subsequent to the holding of such General Session.

approved by Two Justices, and registered with Clerk of the Peace.

III. And be it further enacted, That every Person who, at any Time after the Expiration of Fourteen Days next after the passing of this Act, shall, in breach of any of the Provisions thereof, be guilty of any such unlawful Combination and Confederacy as in this Act is described, shall and may be proceeded against for such Offence in a summary Way, either before any Two Justices of the Peace for the County, County of a City, or County of a Town, or Place, where such Person shall happen to be, or by Indictment, to be preferred in the County, County of a City, or County of a Town, or Place, in *Ireland*, wherein such Offence shall be committed; and every Person being convicted of any such Offence, on the Oath of One or more credible Witness or Witnesses, by such Justices as aforesaid, shall be by them committed to the Common Gaol or House of Correction for such County, County of a City, or County of a Town, or Place, there to remain without Bail or Mainprize for the Term of Three Calendar Months, or shall be by such Justices adjudged to forfeit and pay the Sum of Twenty Pounds, *British* Currency, as to such Justices shall seem meet; and in case such Sum of Money shall not be forthwith paid into the Hands of such Justices, they shall, by Warrant under their Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and for want of sufficient Distress shall commit such Offender to the Common Gaol or House of Correction of such County, County of a City, or County of a Town or Place as aforesaid, for any Time not exceeding Three Calendar Months; and every Person convicted of any such Offence upon Indictment by due Course of Law, shall and may be transported for the Term of Seven Years, in the Manner provided by Law for Transportation of Offenders, or shall and may be sentenced to Imprisonment with hard Labour, and shall be imprisoned for any Time not exceeding Two Years, as the Court before whom such Offender shall be tried shall think fit; and every such Offender who shall be ordered

Offenders may be proceeded against before Two Justices.

Persons convicted before Justices may be imprisoned for Three Months, or fined 20*l*.

If convicted on Indictment, Offenders may be transported for Seven Years, or imprisoned for Two

Years with hard Labour.

ordered to be transported or imprisoned shall be subject and liable to all Laws concerning Offenders ordered to be transported or imprisoned.

Justices may mitigate Punishment.

IV. Provided always, and be it enacted, That it shall be lawful for the Justices of the Peace, by or before whom any Person shall in pursuance of this Act be convicted of any unlawful Combination or Confederacy, and such Justices are hereby authorized and empowered (if they shall see Cause so to do) to mitigate and lessen the Punishment herein-before directed to be inflicted upon any Offender against this Act so convicted as aforesaid, so as such Punishment be not thereby reduced to less than One-third of the Punishment hereby directed to be inflicted as aforesaid, whether such Punishment shall be by Imprisonment or Fine.

Persons prosecuted, either before a Justice or indicted, not liable to other Prosecution.

V. Provided also, and be it enacted, That any Person who shall be prosecuted before any Justices of the Peace in a summary Way for any Offence against this Act, and shall be convicted or acquitted by such Justices, shall not afterwards be prosecuted, or be liable to be prosecuted, by Indictment or otherwise, for the same Offence; and so in like Manner any Person who shall be convicted or acquitted upon any Indictment, for any Offence against this Act, shall not afterwards be prosecuted, or be liable to be prosecuted, before any Justices of the Peace in a summary Way for the same Offence.

Offenders may be indicted as heretofore, if not prosecuted under this Act.

VI. Provided also, and be it enacted, That nothing in this Act contained shall extend to prevent any Prosecution by Indictment or otherwise, for any Thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the Offender shall have been prosecuted for such Offence under this Act, and convicted or acquitted of such Offence; and that no Person shall be prosecuted under this Act for having been before the passing of this Act a Member of any Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy hereby declared to be an unlawful Combination and Confederacy, if such Person shall not in any Manner have acted as a Member of such Society, Association, Brotherhood, Committee, Lodge, Club, or Confederacy, after Fourteen Days from the passing of this Act.

Persons shall not be prosecuted under this Act as Members of any Society unless they continue to act as Members.

Penalty on Persons permitting unlawful Meetings in their Houses.

VII. And be it further enacted, That if any Person shall knowingly permit any Meeting of any Society hereby declared to be an unlawful Combination or Confederacy, or of any Division, Branch, or Committee of such Society, to be held in his or her House or Apartment, such Person shall for the First Offence forfeit the Sum of Five Pounds, to be recovered in like Manner as any other Penalty under this Act; and shall, for any such Offence committed after the Date of his or her Conviction for such First Offence, be deemed guilty of an unlawful Combination and Confederacy in Breach of this Act.



VIII. And

VIII. And be it further enacted, That all pecuniary Penalties imposed by this Act shall be applied and disposed of in Manner following; that is to say, one Moiety thereof to the Informer, and the other Moiety thereof to His Majesty, His Heirs and Successors. Application of Penalties.

IX. And be it further enacted, That any Conviction by any Justices of the Peace for unlawful Combination and Confederacy in pursuance of this Act, shall and may be in the Form following; (that is to say,) Form of Conviction.

'M. to wit. } BE it remembered, That on this Day of in the Year of the Reign of A. B. of is duly convicted before us, A. B. and C. D. Two of His Majesty's Justices of the Peace for the County [City *or* Town] of in pursuance of an Act made in the Fourth Year of the Reign of King *George* the Fourth [*set forth the Title of this Act*]; for that the said A. B. after the passing of the said Act, to wit, on the Day of at did contrary to the said Act become a Member of [*or, as the Case may be*, act as a Member of, *or* maintain Correspondence or Intercourse with, *or* by Contribution of Money, or otherwise, abet or support] a Society [*describing the Society*], which Society is an unlawful Combination and Confederacy within the Intent and Meaning of the said Act: Wherefore we the said A. B. and C. D. do adjudge, that he the said A. B. do pay the Sum of Pounds [*or*, be imprisoned for the Space of ], as a Penalty for his Offence, in pursuance of the said Act. Given under our Hands and Seals, this Day of in the Year of our Lord and in the Year of the Reign of His Majesty.'

X. And be it further enacted, That every Action and Suit which shall be brought or commenced against any Justice or Justices of the Peace, Constable, Peace Officer, or other Person or Persons, for any Thing done or acted in pursuance of this Act, shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards; and the Venue in every such Action or Suit shall be laid in the proper County where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Suit or Action shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time limited for bringing the same, or the Venue shall be laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, which he or they shall and may recover in such and in the same Manner as any Defendant can by Law in other Cases. Limitation of Actions. General Issue. Double Costs.

Persons in Custody, or on Bail, at passing Act, still liable to Prosecution.

XI. Provided always, and be it enacted, That nothing herein contained shall extend to discharge any Person in Custody at the Time of the passing of this Act, or who, having been in Custody at any Time before the passing of this Act, shall have been discharged on Bail or Recognizance, from any Prosecution which might have been had against such Person if this Act had not been made.

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