



Treason Felony Act 1847

1848 CHAPTER 12

An Act for the better Security of the Crown and Government of the United Kingdom. [22d April 1848]

WHEREAS by an Act of the Parliament of *Great Britain* passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Safety and Preservation of His Majesty s Person and Government against treasonable and seditious Practices and Attempts*, it was among other things enacted, that if any Person or Persons whatsoever, after the Day of the passing of that Act, during the natural Life of His said Majesty, and until the End of the next Session of Parliament after the Demise of the Crown, should, within the Realm or without, compass, imagine, invent, devise, or intend Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of His said Majesty, His Heirs or Successors, or to deprive or depose Him or Them from the Style, Honour, or Kingly Name of the Imperial Crown of this Realm or of any other of His said Majesty's Dominions or Countries, or to levy War against His said Majesty, His Heirs and Successors, within this Realm, in order, by Force or Constraint, to compel Him or Them to change His or Their Measures or Counsels, or in order to put any Force or Constraint upon or to intimidate or overawe both Houses or either House of Parliament, or to move or stir any Foreigner or Stranger with Force to invade this Realm or any other of His said Majesty's Dominions or Countries under the Obeisance of His said Majesty, His Heirs and Successors, and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, should express, utter, or declare, by publishing any Printing or Writing, or by any overt Act or Deed, being legally convicted thereof, upon the Oaths of Two lawful and credible Witnesses, upon Trial, or otherwise convicted or attainted by due Course of Law, then every such Person or Persons so as aforesaid offending should be deemed, declared, and adjudged to be a Traitor and Traitors, and should suffer Pains of Death, and also lose and forfeit as in Cases of High Treason: And whereas by an Act of Parliament passed in the Fifty-seventh Year of the same Reign, intituled *An Act to make perpetual certain Parts of an Act of the Thirty-sixth Year of His present Majesty, for the Safety and Preservation of His Majesty's Person and Government against treasonable and seditious Practices and Attempts, and for the Safety and Preservation of the Person of His Royal Highness the Prince Regent against treasonable Practices and Attempts*, all the herein-before recited Provisions of the said Act of the Thirty-sixth Year of His said Majesty's Reign which relate to the Heirs and Successors of His said Majesty, the Sovereigns of these Realms, were made perpetual: And whereas Doubts are entertained whether the Provisions so made perpetual were by the last-recited Act extended to *Ireland*: And whereas it is expedient

Status: This is the original version (as it was originally enacted).

to repeal all such of the Provisions made perpetual by the last-recited Act as do not relate to Offences against the Person of the Sovereign, and to enact other Provisions instead thereof applicable to all Parts of the United Kingdom, and to extend to *Ireland* such of the Provisions of the said Acts as are not hereby repealed:

Be it therefore enacted by the Queen'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,

After passing of this Act, Provisions of 36 G. 3. c. 7. and 57 G. 3. c. 6. repealed, except as to Offences against the Person of the Sovereign.

That from and after the passing of this Act the Provisions of the said Act of the Thirty-sixth Year of the Reign of King *George* the Third, made perpetual by the said Act of the Fifty-seventh Year of the same Reign, and all the Provisions of the last-mentioned Act in relation thereto, save such of the same respectively as relate to the compassing, imagining, inventing, devising, or intending Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of the Heirs and Successors of His said Majesty King *George* the Third, and the expressing, uttering, or declaring of such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall be and the same are hereby repealed.

II So much of 36 G.3 c.7, made perpetual by 57 G.3 c.6, as is not repealed, extended to Ireland.

And be it declared and enacted, That such of the said recited Provisions made perpetual by the said Act of the Fifty-seventh Year of the Reign of King *George* the Third as are not hereby repealed shall extend to and be in force in that Part of the United Kingdom called *Ireland*.

III Offences declared Felonies by this Act to be punishable by Transportation or Imprisonment.

And be it enacted, That if any Person whatsoever after the passing of this Act shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our most Gracious Lady the Queen, Her Heirs or Successors, from the Style, Honour, or Royal Name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's Dominions and Countries, or to levy War against Her Majesty, Her Heirs or Successors, within any Part of the United Kingdom, in order by Force or Constraint to compel Her or Them to change Her or Their Measures or Counsels, or in order to put any Force or Constraint upon or in order to intimidate or overawe both Houses or either House of Parliament, or to move or stir any Foreigner or Stranger with Force to invade the United Kingdom or any other Her Majesty's Dominions or Countries under the Obeisance of Her Majesty, Her Heirs or Successors, and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall express, utter, or declare, by publishing any Printing or Writing, or by open and advised Speaking, or by any overt Act or Deed, every Person so offending shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his or her natural Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Two Years, with or without hard Labour, as the Court shall direct.

IV Time within which Prosecution shall be commenced, Warrant issued, &c.

Provided always, and be it enacted, That no Person shall be prosecuted for any Felony by virtue of this Act in respect of such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised Speaking only, unless Information of such Compassings, Imaginations, Inventions, Devices, and Intentions, and of the Words by which the same were expressed, uttered, or declared, shall be given upon Oath to One or more Justice or Justices of the Peace, or to any Sheriff or Steward, or Sheriff Substitute or Steward Substitute, in *Scotland*, within Six Days after such Words shall have been spoken, and unless a Warrant for the Apprehension of the Person by whom such Words shall have been spoken shall be issued within Ten Days next after such Information shall have been given as aforesaid, and unless such Warrant shall be issued within Two Years next after the passing of this Act; and that no Person shall be convicted of any such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised Speaking as aforesaid, except upon his own Confession in open Court, or unless the Words so spoken shall be proved by Two credible Witnesses.

V In Indictments more than One overt Act may be charged.

And be it enacted, That it shall be lawful, in any Indictment for any Felony under this Act, to charge against the Offender any Number of the Matters, Acts, or Deeds by which such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, or any of them, shall have been expressed, uttered, or declared.

VI Nothing herein to affect Provisions of 25 Edw.3 c.2.

Provided always, and be it enacted, That nothing herein contained shall lessen the Force of or in any Manner affect anything enacted by the Statute passed in the Twenty-fifth Year of King *Edward* the Third, *A Declaration which Offences shall be adjudged Treason*.

VII Indictments for Felony under this Act valid, though the Facts may amount to Treason.

Provided also, and be it enacted, That if the Facts or Matters alleged in an Indictment for any Felony under this Act shall amount in Law to Treason, such Indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the Facts or Matters proved on the Trial of any Person indicted for any Felony under this Act shall amount in Law to Treason, such Person shall not by reason thereof be entitled to be acquitted of such Felony; but no Person tried for such Felony shall be afterwards prosecuted for Treason upon the same Facts.

VIII As to the Punishment of Accessaries before and after the Fact.

And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree and every Accessary before the Fact shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessary after the Fact to any such Felony shall on Conviction be liable to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Status: This is the original version (as it was originally enacted).

IX Felonies under this Act in Scotland not bailable, except as provided by 5 & 6 W.4 c.73. Trial to take place in Terms of Act of Scottish Parliament of 1701.

Provided always, and be it enacted, That no Person committed for Trial in *Scotland* for any Offence under this Act shall be entitled to insist on Liberation on Bail, unless with Consent of the public Prosecutor, or by Warrant of the High Court or Circuit Court of Justiciary, in such and the like Manner and to the same Effect as is provided by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases*; but the Trial of any Person so committed, and whether liberated on Bail or not, shall in all Cases be proceeded with and brought to a Conclusion under the like Certification and Conditions as if Intimation to fix a Diet for Trial had been made to the public Prosecutor in Terms of an Act passed in the Scottish Parliament in the Year One thousand seven hundred and one, intituled *An Act for preventing wrongous Imprisonment, and against undue Delays in Trials*.

X No Costs allowed in Prosecutions under this Act.

And be it enacted, That it shall not be lawful for any Court before which any Person shall be prosecuted or tried for any Felony under this Act to order Payment to the Prosecutor or the Witnesses of any Costs which shall be incurred in preferring or prosecuting any such Indictment.

XI Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.