



Habeas Corpus Act (Ireland) 1781 (I)

1781 CHAPTER 11 21 and 22 Geo 3

- II Writs of H. C. how marked. Person imprisoned during vacation, may complain to lord chancellor &c. who on view of copy of warrant of commitment and oath that such copy was denied to prisoner, and request in writing subscribed by 2 witnesses present at delivery thereof, grant a H. C. to sheriff and returnable immediately, and on service thereof, sheriff &c. shall bring such prisoner up, and said lord chancellor shall discharge said prisoner, taking security for his appearance at K. B. assizes, &c. and certify said writ, and return recognizance to court where appearance to be.**

And to the end that no sheriff, gaoler, or other officer may pretend ignorance of the import of any such writ, all such writs shall be marked in this manner by the statute of the twenty second year of the reign of King George the third, and shall be signed by the person that awards the same; and if any person or persons shall be or stand committed or detained as aforesaid for any crime, unless for [^{F1}any arrestable offence or] treason, plainly expressed in the warrant of commitment in the vacation time and out of term, it shall and may be lawful to and for the person or persons so committed or detained, (other than persons convict or in execution by legal process) or any one in his or their behalf, to appeal or complain to the lord chancellor, . . . ^{F2}, or any one of his Majesty's justices, either of the one bench or the other, or the barons of the Exchequer; and the said lord chancellor, . . . ^{F2}, justices, or barons, or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, and hereby authorized and required, upon request made in writing by such person or persons, or any one on his, her, or their behalf attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an habeas corpus under the seal of such court whereof he shall then be one of the judges, to be directed to the officer or officers in whose custody the party so committed or detained shall be returnable immediately before the said lord chancellor, . . . ^{F2}, or such justice, baron, or any other justice or baron of any of the said courts, and upon service thereof as aforesaid, the officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, in whose custody the party is so committed or detained, shall, within the times respectively before limited, bring such prisoner or prisoners before the said lord chancellor . . . ^{F2}, or such justices, barons, or one of them before whom

Changes to legislation: There are currently no known outstanding effects for the Habeas Corpus Act (Ireland) 1781 (I), Section II. (See end of Document for details)

the said writ is made returnable; and in case of his absence before any other of them, with the return of such writ, and the true causes of the commitment and detainer, and thereupon within two days after the party shall be brought before them, the said lord chancellor . . . ^{F2}, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance [^{F3}in the Crown Court], and then shall certify the said writ, with the return thereof, and the said recognizance or recognizances, into the said court where such appearance is to be made, unless it shall appear unto the said lord chancellor . . . ^{F2}, justice or justices, baron or barons, that the party so committed is detained upon a legal process, order, or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for which by law the prisoner is not bailable.

Textual Amendments

- F1** Words substituted by [Criminal Law Act \(Northern Ireland\) 1967 \(c. 18\)](#), **Sch. 1 para. 3**
- F2** Words repealed by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), **Sch. Pt. I**
- F3** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), **Sch. 5 Pt. II**

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