



BILLE UM CHIONTAI TREASUNTA AGUS CIONNTAI
CEANNAIRCEACHA, 1925.
TREASONABLE AND SEDITIOUS OFFENCES BILL, 1925.

Mar do tugadh isteach.

As introduced.

ARRANGEMENT OF SECTIONS.

Section.

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SAORSTÁT EIREANN.

BILLE UM CHIONTAI TREASUNTA AGUS CIONNTAI CEANNAIRCEACHA, 1925.

TREASONABLE AND SEDITIOUS OFFENCES BILL, 1925.

BILL

5

entitled

AN ACT TO DECLARE DIVERS ACTS OF A TREASONABLE
OR SEDITIOUS NATURE OR OTHERWISE INJURIOUS
TO THE STATE TO BE OFFENCES AND TO MAKE PRO-
VISION FOR THE PUNISHMENT THEREOF AND FOR 10
OTHER MATTERS CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
EIREANN AS FOLLOWS:—

Certain acts to
be treason.

1.—(1) Every person who commits in Saorstát Eireann any
of the following Acts, that is to say:— 15

(a) levies war against Saorstát Eireann, or

(b) assists, encourages, harbours or comforts, any state or
person engaged in levying war against Saorstát
Eireann, or

(c) conspires with any person (other than his or her wife 20
or husband) or incites any person to levy war against
Saorstát Eireann, or

(d) attempts or takes part or is concerned in an attempt to
overthrow by force of arms or other violent means the
Government of Saorstát Eireann as established by or 25
under the Constitution, or

(e) assists, encourages, harbours, or comforts any person en-
gaged or taking part or concerned in any such
attempt, or

(f) conspires with any person (other than his or her wife or 30
husband) or incites any person to make or to take part
or be concerned in any such attempt,

shall be guilty of treason and shall be liable on conviction thereof
to suffer death.

(2) Every person who, being a citizen of or ordinarily resident 35
in Saorstát Eireann, commits outside Saorstát Eireann any of the
acts mentioned in the foregoing sub-section (other than levying
war against Saorstát Eireann) shall be guilty of treason and
shall be liable on conviction thereof to suffer death.

(3) Every person charged under this section with treason shall 40
and may be indicted, arraigned, and tried in the same manner
and according to the same course and order of trial in every
respect and upon the like evidence as if such person stood
charged with murder, and if such person is found guilty of
treason he shall be convicted and sentenced in the same manner 45
as if he had been found guilty of murder.

Misprision of
treason.

2.—Every person who, knowing that any act the commission
of which would by virtue of this Act be treason, is intended or
proposed to be, or is being, or has been committed, does not
forthwith disclose the same together with all particulars thereof 50
known to him to a Justice of the District Court, or an officer of
the Dublin Metropolitan Police or the Gárda Síochána, or other
person lawfully engaged on duties relating to the preservation 55

of peace and order shall be guilty of the felony of misprision of treason and shall be liable on conviction thereof to suffer penal servitude for any term not exceeding ten years or imprisonment with or without hard labour for any term not exceeding two
5 years.

3.—Every person who commits any of the following acts, that
is to say:—

Certain offences
against the
State.

- (a) attempts or takes part or is concerned in an attempt by
10 force of arms or other violent means to overawe or
intimidate in any way either the Governor-General or
the Executive Council or any member thereof or any
other minister duly appointed under and in accordance
15 with the Constitution, or the Oireachtas or either
House thereof, or any lawful court or any judge of
any such court with a view to influencing their or his
actions, or
- (b) assists, encourages, harbours or protects any person en-
gaged or taking part or concerned in any such attempt
as aforesaid, or
- 20 (c) conspires with any person (other than his or her wife
or husband) or incites any person to make or to take
part or be concerned in any such attempt, or
- (d) sets up or holds or purports to set up or hold any court
25 of justice or court-martial (not being a court or court-
martial duly established and maintained according
to law) or assists or takes part in or is present at the
proceedings of any such pretended court or court-
martial, or
- 30 (e) incites any member of a military or police force law-
fully maintained by the Government of Saorstát
Eireann to mutiny, or to desert from such force, or
to refuse to obey orders given to him by a superior
officer, or to absent himself from or to refuse, neglect,
35 or omit to perform any of his duties, or to commit any
other act in dereliction of his duty, or
- (f) incites any person in the civil service (other than a
police force) of the Government of Saorstát Eireann
to refuse, neglect, or omit to perform his duty or to
commit any other act in dereliction of his duty.
- 40 shall be guilty of felony and on conviction thereof shall be liable
to a fine not exceeding five hundred pounds or, at the discretion
of the court, to suffer penal servitude for any term not exceeding
twenty years of imprisonment with or without hard labour for
any term not exceeding two years or to both such fine and such
45 penal servitude or imprisonment.

4.—(1) Every person who commits any of the following acts,
that is to say:—

Certain other
offences
against the
State.

- (a) falsely represents himself or holds himself out as being
50 or styles himself as the President or the Vice-Presi-
dent or a lawfully appointed Minister or other officer
of State of Saorstát Eireann, or
- (b) acts or purports to act as, or styles himself or allows
55 himself to be styled or addressed as, or represents
himself to be, or holds himself out as being the presi-
dent or vice-president, or a minister or other officer
of a pretended government purporting to be estab-
lished in Saorstát Eireann otherwise than under and
by virtue of the Constitution, or
- 60 (c) acts or purports to act, or styles, represents or holds
himself out as a member of a pretended military,

police, or civil service purporting to be established in Saorstát Eireann otherwise than under and in accordance with the Constitution or as a member of the military, police, or civil service of a pretended government purporting to be established in Saorstát Eireann otherwise than under and by virtue of the Constitution, or

(d) is knowingly employed in, by, or under any such government or any such military, police, or civil service as aforesaid, or

(e) not being a member of any military or police force lawfully maintained by the Government of Saorstát Eireann acts or purports to act as a policeman, or purports to perform any of the functions of the police, shall be guilty of a misdemeanour and on conviction thereof shall be liable to a fine not exceeding five hundred pounds or, at the discretion of the court, to suffer penal servitude for any term not exceeding five years or imprisonment with or without hard labour for any term not exceeding two years, or to both such fine and such penal servitude or imprisonment.

Seditious libel and seditious conspiracy:

5.—(1) Any person who commits any of the following acts shall be guilty of the misdemeanour of seditious libel, that is to say:—

(a) declares or publishes by speech or writing that the Constitution is not the lawful Constitution of Saorstát Eireann, or

(b) declares or publishes by speech or writing that the executive council, or the president, or the vice-president, or a Minister duly appointed under and in accordance with the Constitution is not the lawful executive council, president, vice-president, or minister (as the case may be) of Saorstát Eireann, or

(c) declares or publishes by speech or writing that the Oireachtas is not the lawful legislature of Saorstát Eireann, or that the Oireachtas has not power to make valid laws for Saorstát Eireann, or

(d) declares or publishes by speech or writing that any lawfully established court duly functioning under and in accordance with the Constitution is not a valid and lawful court,

(e) utters or publishes any speech or writing with a seditious intention as defined by this section.

(2) Any person who agrees with any person (not being his or her wife or husband) to do any act for the furtherance of a seditious intention common to both such persons shall be guilty of the misdemeanour of seditious conspiracy.

(3) In this section the expression "seditious intention" means an intention to do any of the following things, that is to say:—

(a) to bring into hatred or contempt or to excite disaffection against the Constitution, or the Oireachtas or either House thereof, or any lawful court, or

(b) to incite any person to attempt to bring about or effect (otherwise than in accordance with law) the alteration of the Constitution or of the law established by or under the Constitution, or the repeal or alteration of any Statute, or

(c) to raise, promote, or foment discontent or disaffection amongst the citizens of Saorstát Eireann or feelings

of ill-will or hostility between different classes of such citizens, or

(d) to incite any person to commit any crime in breach of the peace.

5 (4) Any person who commits the misdemeanour of seditious libel or the misdemeanour of seditious conspiracy shall be liable on conviction thereof to a fine not exceeding five hundred pounds or, at the discretion of the court, to imprisonment with or without hard labour for any term not exceeding two years or to both
10 such fine and such imprisonment.

6.—Every person who as elector, candidate, or member takes part in any election to or any proceedings of any assembly or body (other than the Oireachtas or either House thereof) which claims, purports, proposes, or attempts to take upon itself, or
15 does take upon itself, or wilfully permits to be attributed to it all or any of the powers and functions of the Oireachtas or of either House thereof shall be guilty of a misdemeanour and shall be liable on conviction thereof to a fine not exceeding five hundred pounds or, at the discretion of the Court, to imprisonment with or without hard labour for any term not exceeding
20 two years or to both such fine and such imprisonment.

Assembly pretending to parliamentary functions.

7.—(1) It shall not be lawful for any meeting or assembly of more than twenty persons to be held or take place during or within one hour before or after any sitting of either House of
25 the Oireachtas in any public place within one quarter of a mile of the place at which such sitting of such House is held.

Meetings in vicinity of meeting of Oireachtas.

(2) Every person who convenes, holds, takes part in, or is present at any meeting or assembly held or taking place in contravention of this section, and also every person who prints, posts,
30 publishes, or distributes any handbills, advertisements, or other notices convening or announcing the holding of any such meeting or assembly shall be guilty of a misdemeanour and shall be liable on conviction thereof to a fine not exceeding one hundred pounds or at the discretion of the court, to imprisonment with or without
35 hard labour for any term not exceeding twelve months or to both such fine and such imprisonment.

8.—(1) Save as authorised by an Executive Minister under this section, and subject to the exceptions hereinafter mentioned, it shall not be lawful for any assembly of persons to practise or
40 to train or drill themselves in or be trained or drilled in the use of arms or the performance of military exercises, evolutions, or manoeuvres, nor for any persons to meet together or assemble for the purpose of so practising or training or drilling or being trained or drilled.

Unauthorised military exercises prohibited.

45 (2) An executive minister may at his discretion by order, subject to such limitations, qualifications and conditions as he shall think fit to impose and shall express in the order, authorise any organisation, association, or other body of persons corporate or unincorporate to meet together and do such one or more of the
50 following things as shall be specified in this order, that is to say, to practice or train or drill themselves in or be trained or drilled in the use of arms or the performance of military exercises, evolutions, or manoeuvres.

55 (3) If any person is present at or takes part in or gives instruction to or trains or drills an assembly of persons who without or otherwise than in accordance with an authorisation granted by an Executive Minister under this section practise, or train or drill themselves in, or are trained or drilled in the use of arms or the performance of any military exercise, evolution, or manoeuvre or who without or otherwise than in accordance with such authorisation have assembled or met together for the purpose of so practising, or training or drilling or being
60 trained or drilled, such person shall be guilty of felony and on

conviction thereof shall be liable to a fine not exceeding five hundred pounds or, at the discretion of the court, to suffer penal servitude for any term not exceeding seven years or imprisonment with or without hard labour for any term not exceeding two years or both such fine and such penal servitude or imprisonment. 5

(4) This section shall not apply to any assembly of members of any military or police force lawfully maintained by the Government of Saorstát Eireann. 5

(5) In any prosecution under this section the burden of proof that any act was authorised under this section shall lie on the person prosecuted. 10

Secret societies in army or police.

9.—(1) Every person who shall—

(a) form, organise, promote, or maintain any secret society amongst or consisting of or including members of any military or police force lawfully maintained by the Government of Saorstát Eireann, or 15

(b) attempt to form, organise, promote, or maintain any such secret society, or

(c) take part, assist, or be concerned in any way in the formation, organisation, promotion, management, or maintenance of any such society, or 20

(d) induce, solicit, or assist any member of a military or police force lawfully maintained by the Government of Saorstát Eireann to join any secret society whatsoever, 25

shall be guilty of a misdemeanour and shall be liable on conviction thereof to suffer penal servitude for any term not exceeding five years or imprisonment with or without hard labour for any term not exceeding two years. 30

(2) In this section the expression "secret society" means an association, society, or other body the members of which are required by the regulations thereof to take or enter into, or do in fact take or enter into, an oath or other engagement not to disclose the proceedings or some part of the proceedings of the association, society or body. 35

Administering unlawful oaths.

10.—(1) Every person who shall administer or cause to be administered or take part in, be present at, or consent to the administering or taking in any form or manner of any oath, declaration, or engagement purporting or intended to bind the person taking the same to do all or any of the following things, that is to say:— 40

(a) to commit or to plan, contrive, promote, assist, or conceal the commission of any crime or any breach of the peace or any other unlawful act, or 45

(b) to join or become a member of or associated with any organisation, association, or other body having for its object or one of its objects the commission of any crime, or breach of the peace, or other unlawful act, or

(c) to abstain from disclosing or giving information of the existence or formation or proposed or intended formation of any such organisation, association, or other body as aforesaid or from informing or giving evidence against any member of or person concerned in the formation of any such organisation, association, or other body, or 50 55

(d) to obey the orders of any committee, council or body of men not lawfully constituted or of any leader or commander or other person not having authority by law for that purpose, or 60

(e) to abstain from disclosing or giving information of the

commission or intended or proposed commission of any crime, breach of the peace, or other unlawful act or from informing or giving evidence against the person who committed such an act,

5 shall be guilty of a misdemeanour and shall be liable on conviction thereof to suffer imprisonment with or without hard labour for any term not exceeding two years.

(2) Every person who shall take any such oath as is mentioned in the foregoing sub-section shall be guilty of a misdemeanour and be liable on conviction thereof to suffer imprisonment with or without hard labour for any term not exceeding two years unless he shall show—

(a) that he was compelled by force or duress to take such oath, and

15 (b) that within four days after the taking of such oath if not prevented by actual force or sickness, or where so prevented then within four days after the cesser of the hindrance caused by such force or sickness, he declared to a Justice of the District Court or to an officer of the Dublin Metropolitan Police or the Gárda Síochána the fact of his having taken such oath and all the circumstances connected therewith and the names and descriptions of all persons concerned in the administering of such oath so far as such circumstances, names, and descriptions were known to him.

11.—(1) Where a Justice of the District Court is satisfied on the information on oath of an officer of the Dublin Metropolitan Police or the Gárda Síochána not below the rank of chief superintendent that there is reasonable ground for suspecting that there are treasonable or seditious documents in any specified building, land, premises, or other place, such Justice may issue to such officer such search warrant as is mentioned in this section.

Search warrant in respect of treasonable or seditious documents.

(2) A search warrant issued by a Justice of the District Court under this section shall be expressed and shall operate to authorise a named officer of the Dublin Metropolitan Police or the Gárda Síochána not below the rank of superintendent, accompanied by such other members of the Dublin Metropolitan Police or the Gárda Síochána (as the case may require) as such officer shall think proper, at any time within forty-eight hours after the issue of the search warrant, and if needs be by force, to enter and search the specified building, land, premises, or other place aforesaid (which place shall be also specified in the warrant) for treasonable or seditious documents and to seize and remove all documents found on such search which appear to such officer to be treasonable or seditious.

(3) The officer conducting the search of a place under such search warrant as aforesaid may demand the name and address of any person found in such place during such search and (without prejudice to any other power of arrest vested in him by law or by virtue of any lawful warrant) may arrest without warrant any such person who refuses to give his name or his address to such officer or gives a name or address which such officer knows or suspects to be false or misleading.

(4) In this section the expression " treasonable or seditious document " includes any document which relates, directly or indirectly, to the commission of any act which is by this Act declared to be treason or to be a felony or a misdemeanour and any document which is a seditious libel.

12.—This Act may be cited as the **Treasonable and Seditious Offences Act, 1925.** Short title.

BILLE UM CHIONTAI TREASUNTA
AGUS CIONTAI CEANNAIRCEACHA,
1925.

TREASONABLE AND SEDITIOUS
OFFENCES BILL, 1925.

BILLE

(mar do tugadh isteach)

dá ngairmtear

Acht chun a fhaisnéis gur ciontaí gníomh-
artha áirithe de shaghas tréasúnta no
ceannairceach no díobhálach don Stát ar
aon tslí eile agus chun socrú dhéanamh
chun pionóisí do bheith ag gabháil leo agus
i geóir rudaí eile a baineas leis na nithe
sin.

An tAire Dlí agus Cirt do thug isteach.

*Do hórduíodh, ag Dáil Eireann, do chlóbhuála,
11adh Feabhra, 1925.*

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FOILLSITHE AG OIFIG AN TSOLATHAIR.

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[Raol Glan.]

BILL

(as introduced)

entitled

An Act to declare divers acts of a treasonable
or seditious nature or otherwise injurious
to the State to be offences and to make
provision for the punishment thereof and
for other matters connected therewith.

Introduced by the Minister for Justice.

*Ordered, by Dáil Eireann, to be printed,
11th February, 1925.*

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