ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 420

ROINN COSANTA.

BUREAU OF MILITARY HISTORY, 1913–21.

**STATEMENT BY WITNESS**

**DOCUMENT NO. W.S. 420**

**Witness**

Judge Charles Wyse-Power,
81 Wellington Road,

Dublin.

**Identity**

Member of Irish Volunteers Dublin, 1913 - .
Courier to Limerick Holy Week 1916;
Counsel for defence of I.V. prisoners 1913-1919.

**Subject**

(a) Association with national events 1913-1919;

(b) Easter Week, 1916, - General.

(c) Legal defence of I.V. prisoners 1913-1919.

**Conditions, if any, stipulated by Witness**

Nil

File No. S.1532.....

Form B.S.M. 2.

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STATEMENT OF CIRCUIT JUDGE CHARLES WYSE POWER,

81 Wellington Road, Dublin.

I was called to the Bar in November 1913. I had studied in Trinity College, Dublin, having obtained a sizarship there. I was secretary of the Gaelic Society of the College which I had helped to found, and after I had taken my degree I continued to be interested in it. The Society was to hold a meeting in commemoration of Thomas Davis in the Autumn of 1914, and I invited Padraig Pearse among others to speak at it and he consented. The Provost of the College, Mahaffy, however, who was strongly pro-British, on hearing of this, informed me that he would not allow the meeting as the "man called Pearse" who was on the list of speakers did not stand for the interests of the British Empire, which Trinity College represented. That did not prevent us from holding the meeting. We hired the Antient Concert Rooms in Brunswick St. and we had a very successful meeting at which Yeats and Tom Kettle, as well as Pearse, spoke.

I was enrolled as a Volunteer in November 1913 and took part in the drilling. Not very long after, however, I was told by Sean McDermott and Tom Clarke that I would be more use to them as a lawyer than as an active Volunteer. Subsequently I was requested by them to defend members of the organisation who were arrested on charges of sedition, etc., such as Sean Hegarty, Denis McCullough, Herbert Moore Pim, Liam Mellows and Ernest Blythe. It was found difficult and considered inadvisable to entrust such cases to other lawyers who for the most part were reluctant to undertake the defence of these Volunteers. At this stage, Tim Healy was the only one of the seniors who was prepared to defend such cases. He was, I remember, Senior Counsel in the case of Sean Hegarty against whom the charges were very serious from the Court's point of

view, as there were quantities of ammunition, gelignite and other war material, as well as stacks of leaflets of the most violent nature, as the authorities put it, such as "If the Germans come to Wexford they will be received as friends", found in the house at Enniscorthy, where he was arrested. Before the trial at Green St. we held a couple of conferences to discuss the lines on which the defence was to be conducted and Sean McDermott was present. Tim Healy did not know who Sean was and he asked me about him after the first conference. I told him he was an officer of the organisation to which Hegarty belonged. Tim understood at once that I meant the I.R.B. and he was considerably taken aback. He asked me: "Do you mean to say they intend to come out again with the guns?". I said I thought so.

At the next conference he affected not to know anything about Sean. In the course of the conference, however, Sean said: "Mr. Healy, do you remember a certain oath you took at Newcastle-on-Tyne on the ..... 1879?" mentioning a date on which Tim Healy was enrolled in the I.R.B. in England Tim Healy then realised the seriousness of the situation in Ireland, but that realisation did not take from his courage in accepting the brief for the defence. From that on he was always with his ability and counsel at the disposal of the new movement. He made a magnificent defence of Hegarty, who was tried three times, but in each case the Dublin jury disagreed. The Crown then dropped the proceedings. I may as well add that Tim returned the fee that was sent to him.

The next move by the British military was to serve notice under D.O.R.A. on four prominent Volunteers - Denis McCullough, Herbert Moore Pim, Ernest Blythe and Liam Mellows to leave their homes and places of business and live in certain prescribed areas. McCullough was ordered to live in Limavady or somewhere. They, of course, refused to obey

and were arrested and tried for their refusal. The three North of Ireland men were tried before a Resident Magistrate to answer their refusal to obey the order. Again they had difficulty in getting senior counsel to lead me. All refused except Henry Hanna, a dyed-in-the-wool Unionist, whose view was that it was the duty of a member of the Bar to defend anybody charged with an offence, if asked to do so. Of course there was no defence in law, but, in spite of that, Hanna made a very good speech on the basis that D.O.R.A. was purely a military defence measure and was never intended, when the House of Commons passed it, to dictate to an Irishman as to where he was to live in his own country. The R.M. had obviously no option but to impose a prison sentence and each of the three got three months. Liam Mellows was tried in Dublin on the same charge and with the same result. He was defended by John O'Byrne. These trials took place during the Oireachtas of the Gaelic League in Dundalk which changed the policy of the League and led to Dr. Hyde's surrender of its Presidency.

Early in December 1915, there was an aonach, I think in the Abbey Theatre. I had just come back from Westport where I had been asked by John McBride to defend a number of young Volunteers who had been charged with interfering with a recruiting meeting. They were tried by the Resident Magistrate, Milling, who was the man whose speech at the recruiting meeting they were charged with interrupting; of course, in the circumstances they were convicted. On my return I went to the aonach, met John McBride and told him the result of the trial at Westport. O'Rahilly was there and spoke to me. He wanted some help urgently in shifting arms and ammunition as he expected a raid on his house. I went with him in his car to his home in Herbert Park. The stuff was taken out of the house in suit cases and put into the car We dumped part of it in the house of a Mr. Cox in Sandymount

and the remainder was brought to the Misses Young's house in Templeogue.

I was one of the links between Sean McDermott and the Limerick Volunteers in Holy Week 1916. Early in that week, I think on Tuesday, I came home to 21 Henry St. and suddenly I found Sean standing beside me. I can't say whether he was attending a meeting at the house or whether he had come in from somewhere else. He told me he wanted me to go to Limerick by the 6 o'clock train that evening with a dispatch for John Daly. He handed me an envelope which he said contained £50 in bank notes. I don't know what else was in the envelope. He also gave me a verbal message. He told me if there was any danger of my being searched on the journey I was to get rid of the envelope and its contents through the window, but I was to keep the message in my head. The verbal message was: "The wireless stuff will be landed in Cahirciveen". This must have been a code of course, as no wireless could be landed at Cahirciveen.

At Kingsbridge I saw Brighid Foley who obviously was carrying a dispatch too, as she seemed nervous. I signed to her not to talk to me and I got into a second class carriage; I thought that a safer way of travelling. I arrived in Limerick round about 10 o'clock. The Dalys lived in one of the streets leading from the station - I can't now remember the name of it. When I reached it I saw a couple of R.I.C. men patrolling it, so I walked indifferently past them to O'Connell St. and into Cruise's Hotel. I dawdled over a bottle of stout and returned about 11 o'clock to find that the R.I.C. had gone. I knocked at the door and saw Miss Madge Daly. I told her I had a message from Sean McDermott. She brought me in and shortly after Sean Ó Murthuile and Sean Fitzgibbon came downstairs. I gave the envelope and verbal message to Sean Ó Murthuile and they went upstairs again.

I spent the next couple of hours talking to John Daly whose mind was perfectly alert. We discussed the characters of the different leaders of the movement and I remember John Daly wondered how many of them were what he called "cardboard Fenians" and how many genuine fighters. About 1 o'clock the two upstairs came back accompanied by Colivet - I don't know whether he had come in in the meantime, or whether he had been there all the time. Ó Murthuile said "You'll have to go back by the first train in the morning, bring Colivet and put him in touch with Sean McDermott. I slept at Daly's that night.

On the following morning I returned to Dublin. Colivet and I had decided not to travel together at least until we had passed Limerick Junction, as I was known on that line, having travelled it several times on circuit. We travelled the last part of the journey together, but Colivet did not tell me what was bringing him to Dublin or why he wanted to see McDermott. At Kingsbridge we separated again. I took an outside car, Colivet took another and followed me at some distance. I stopped at the office of "Irish Freedom" in D'Olier St. and the other car stopped too. Sean McDermott was not in the office and I was directed to an address in Amiens St. I drove to it, still followed by Colivet in his car and, having made sure that McDermott was there, I parted with Colivet who went into the house. I feel fairly sure it was Tuesday I went to Limerick and that I returned on Wednesday, as I have a distinct recollection of not going to Mass on Holy Thursday and that I could have done. Colivet would be able to confirm that, or Brighid Foley or Madge Daly.

In August or September 1917, when I was in Tralee in connection with the trial of those charged as being concerned in the "Ballybunion shooting" I discussed this mission of mine to Limerick with Austin Stack and Frank Fahy, and Austin

said: "I wish I had got that message in time, it would have made such a difference". There must have been a breakdown somewhere in the communications. I can't tell you what day Sean Fitzgibbon travelled to Limerick or whether he visited Tralee. I would not be surprised to hear that he travelled to Limerick on Tuesday.

On Good Friday I went for a walk towards the mountains with Seamus O'Sullivan, Arthur Griffith and Michael Noyk; I am not sure whether Jack Morrow was with us. Mickael Noyk reminded me recently that when we were parting that evening with Arthur Griffith at Harcourt St.Station, Griffith said: "Well, boys, we may not meet for some time". The inference was plain, that he was aware something out of the ordinary was about to happen.

On Holy Saturday evening about 8 o'clock, I was in the Ship Bar in Abbey St. and Sean McDermott was there. Mick Crowe, who was an auditor in the G.S. Rlys. and had come back that day from Tralee where he had been on business told us about the events of Good Friday there. He said that on Saturday morning, hearing the tramp of men marching on the street, he looked out of his window at the hotel and saw a tired looking man with a beard being brought by police in the direction of the railway station. He had been told by the railway people that the man was Casement.

Sean McDermott suggested to me that it was essential to discover (a) who the prisoner was and (b) where the British had brought him. The old military prison in Arbour Hill had always been the place where dangerous political prisoners had been held by the British from the time of Wolfe Tone, and either Michael Noyk or myself suggested that Casement might probably be there. Michael and I had frequently been there during the previous 18 months to see political prisoners and

willing to accept gifts. Following Sean's instructions the two of us went to Arbour Hill early on Sunday morning. We had a notional prisoner in our mind and we asked could we interview him. Unfortunately, our sergeant-major was not available and from the look of the Arbour Hill garrison, there was nothing we could do and we were plainly unwelcome. We came away/and some time during the day we reported our failure to Sean - I can't now remember where.

At about 4 or 5 o'clock that day I saw Patrick Pearse cycling along Abbey St. from the direction of Liberty Hall. He stopped at the Hibernian Bank and put a large brief envelope into the letter box. He cycled away again. This bank was, of course, occupied by the Volunteers the following day and I often wondered afterwards what that envelope contained. Did it contain Pearse's instructions to the manager, or a warning? At that time the managers lived over the banks.

That evening about 8 o'clock I went to the Keating Branch at 18 North Frederick St., as I did usually on Sunday nights. When I walked in I found the place a sort of an armed camp instead of a ceili hall. On the half turn of the stairs Gearoid O'Sullivan, Diarmuid O'Hegarty and Fionan Lynch were oiling their rifles and their automatics. When I went to the first floor I found Piaras Beasley in the course of wrapping himself in a rug insisting that he meant to have a good night's sleep on the floor before the war started the following say. I can't recollect who said to me - I am inclined to think it would be Sean McDermott - "Hold on, you may be wanted upstairs". I think Mick Foley was there. Later on I was called to the room upstairs and there were Padraig and Willie Pearse, Sean McDermott and Miss Perolz. I can't remember who else was there. I was told that Miss Perolz had certain instructions that would keep her out all

night and I was asked would I go with her to the various places where she had to deliver her messages. It was impressed on me that all the messages had to get away by the first train in the morning. I got an independent message to give to my sister, Nancy, and was directed to make certain that Miss Perolz's messages would be delivered and herself departed by the Cork mail in time to ensure Nancy's departure by the first train for Borris-in-Ossory.

Miss Perolz's first visit was to Liberty Hall where, I believe, she saw James Connolly. Liberty Hall was full of armed men, some on guard and some of them asleep on the floor beside their rifles. It was then about midnight and there was some difficulty in getting in, but Miss Perolz gave a password which obtained our admittance. After a short while we set out again on our journey. We next visited Miss Elizabeth O'Farrell in Lr. Mount St. We knocked her up and she and another girl came down and Miss Perolz gave her the messages she had for them. Then we went to Mrs. McGarry's house in Fitzwilliam St. or Square and delivered the message that was to be taken to Limerick, which I believe was duly taken. By this time it must have been 4 o'clock.

The only messages now outstanding were those of Miss Perolz and my sister, Nancy, and as Miss Perolz had to collect her things, I walked back with her to her home in Nth. Great Georges St. She prepared for the journey to Cork and we had some tea. I then walked with her as far as the Gresham and put her on an outside car for the early Cork mail.

I then went home and gave the outstanding message to Nancy who was to take a dispatch to Borris-in-Ossory. I regarded my night's work as done and went to bed.

I was aroused from my sleep by the noise of firing all around our house in Henry St. I dressed and went along by the

metal bridge to the house of a friend who lived near South Circular Road. On my right was the battle of the Castle and the City Hall and at Kelly's corner the Volunteers were defending Davy's publichouse against the British troops in Portobello. On that evening - Monday - my friend and myself walked down O'Connell St. as far as the G.P.O. to see what was happening. We stood on the pavement opposite the building and I shall not forget the strange atmosphere of that evening. There were no trams, horses, motor cars or traffic of any kind. There was a hush over the street and the Dublin people were standing looking at the flag and wondering what the whole thing was all about. Not a shot was to be heard and the only physical facts of what had happened that day was a dead horse about 20 yards on the north side of the Pillar. This horse had been ridden by one of the Lancers. I was struck by the complete stillness. I saw 16-20 extremely tired men each carrying a rifle and led by Domhnall Ó Buachalla coming down Upr. O'Connell St. They wheeled right at the Pillar and entered the G.P.O.

We were joined by Sir Simon Maddock, a well-known Free-mason and Unionist. I said: "What do you think of this, Sam?" He said: "Charlie, you have caught us on the wrong hip this time". I said: "What do you think is going to be the end of it?". He said: "It is a brave thing to have done and brave men always win".

On the Tuesday I met Frank Sheehy Skeffington outside the College of Surgeons coming up from the direction of Grafton St. He carried a little cane in his hand and told me he was organising a citizens' committee to stop the looting which had begun. That was the last time I saw him. It was, I think, on the following day I was told he had been executed without trial by the British military.

During the week after the surrender my friend and I decided to go out to Bray by train from Harcourt St. Having bought our tickets and taken our seats a G-man called, I think Ryan, recognised me and hailed me out of the train. My friend, realising what might happen, went to the bookstall and bought the Morning Post which he handed to me with a wink. I was brought into a room in the station but no incriminating documents were found on me except the Morning Post. My friend, as I heard afterwards, at once went on a hack to the Castle, saw the then Attorney General, Sir James H.M. Campbell, afterwards Lord Glenavy. My friend complained to him of the arrest of a barrister who, he said, had done nothing except defend political prisoners. I was marched out of the station with a corporals' guard and I gathered I was being brought to the R.D.S. The guard, not knowing the city, lost their way and in the middle of Fitzwilliam St. they halted and asked where was the R.D.S. I told them the direct way which was via Leeson St. Bridge. I was brought into the Main Hall of the R.D.S. and as I passed in I saw some wellknown Volunteers huddled together in a small hut. I was left alone for a long time under the guard of one soldier. Eventually I was conducted to a room in the Pembroke Town Hall where I was interviewed by an officer with red tabs. I knew at once I was in the presence of an intelligence officer. He examined the pass which I had obtained a few days previously from the Castle and which established my identity and my address. He told me that what was against me was that I had given a false address and that my correct address should have been given as 21 Henry/ Street The address I had given was that of my friend with whom I had been staying during Easter Week. I pointed out to him that ~~I~~ had I given 21 Henry St. it would have been a false address, because that house no longer existed.

being made against me, I realised that my friend's visit to the Castle had resulted in curbing further inquiries. The officer asked me would I undertake to report to the R.D.S. each morning at 10 o'clock. I asked him for a laissez-passer because the bridges were still held by the military. After some discussion he agreed to give it to me.

I reported as directed for 4 or 5 days, each day to a different officer. Not one of them knew why I was reporting or who I was. On the Sunday I reported and found to my satisfaction that the officer in charge was an Irishman called Hutchinson. He told me that he knew my friend with whom he had played cricket and said "For goodness sake, don't come near this place again". I said: "What about my parole which I regard as a word of honour?". He said: "In these days, to hell with words of honour". I walked out.

The executed men were not permitted to have Counsel because they were tried by what was called Field General Courtmartial. After the last of the leaders had been executed, persons charged before courtmartial were for the first time permitted to have the assistance of solicitors and counsel.

About three weeks before the Rising there had been a clash in Tullamore between the Volunteers and the R.I.C. to the great annoyance of Tom Clarke and Sean McDermott. As a result of a police attack on them some of the Volunteers lost their tempers and fired on the police. They were arrested and brought before the R.M. Callan and I was instructed to go to Tullamore, knowing that they would be returned for tri and to ensure that in the proceedings before the R.M. nothing should be disclosed that would give the R.I.C. any more information than they had. These men were remanded in custody for the next assizes. The next thing their

instead of by a jury. Of course Easter Week intervened. My leading counsel was Tim Healy.

On the day before that fixed for the courtmartial, and this must have been one of the first courtsmartial at which counsel were allowed to appear for a person charged, I went to Richmond Barracks where the prisoners were held. I saw Mr. Wylie and told him that my leading Counsel, Mr. Healy, would not be available until the following week. He at once accommodated me and explained the position to the President of the Court, General Blackadder, who agreed to adjourn the trial.

On my way out of the court-room I saw Eoin MacNeill standing in a small adjoining room waiting to be brought in to his courtmartial. I took the opportunity of speaking to him. He gave me a personal message of consolation for his wife. I also saw Brigadier General Joseph Byrne who afterwards became head of the R.I.C.

The prisoners were tried the next week. Tim Healy defended. We made the point that they were wrongfully before the court, for, if they had committed any offence, it had been committed some weeks before the proclamation of martial law. The general courtmartial appeared to think very little of this point and the men were duly convicted subject to the usual confirmation by the General Officer Commanding. Tim Healy must have taken the matter into his own hands and used political pressure in England, for the next thing we heard was that the G.O.C. refused to confirm the conviction. It was Brigadier General Joseph Byrne who telephoned the information to me with obvious pleasure. This was the first check the military received. This was the only trial arising out of 1916 with which I was concerned.

The next flare-up that occurred was the Roscommon

election in Feb. 1917 with which , however, I had no connection. Then followed the Longford election in which I took an active part. My role was generally to watch the legal position of the candidate as he was still serving his sentence of penal servitude in lieu of the death sentence which had been passed on him in 1916 and it was feared that there was a possibility that the Redmondites might raise the point that he was a felon and therefore incapable of being a candidate for election. The point was not raised and I remained on until the polling day and I was privileged to be present at the count. The first declared result announced that the Redmondite had been elected by a majority of thirteen. The votes had been counted in bundles of fifty placed on each side of the table. When this was announced the Redmondites inside and outside the courthouse physically danced for joy. Looking out of the window I saw Arthur Griffith and our supporters looking very glum on the other side of the street. Joe McGrath told me to go out and reassure them. He had rapidly calculated that the united votes for both candidates were fifty short of the total votes cast. The fifty votes were found immediately and they were McGuinness's, thus altering a minority of thirteen against McGuinness to a majority of thirty seven for him.

The effect of this election might be gauged from the comment of the Manchester Guardian of the following morning: "The Sinn Fein victory is the equivalent of a serious British defeat in the field".

The next matter of importance that I remember was the release of what the British called the "convicted" prisoners in June 1917. In the interval, a proposal for a settlement of what was known as the Irish question had been put forward by the British Premier. It involved an agreement to some

in Ireland, including a remarkable document signed by all the Irish hierarchy and three Protestant bishops. Mr. Redmond, who was shaken by the result of the South Longford election, said he would "always be ready to meet my Irish opponents and English friends in conference". Then followed the famous Convention in July 1917.

What I believe to have been a result of the South Longford election was Mr. Lloyd George's proposed summoning of what is now known as his famous Irish Convention. For the first time, the words "Sinn Feiner" were used in a complimentary way in the British House of Commons, for Mr. Lloyd George said: "I hope every Irishman, including my friends, the Sinn Feiners, will attend the Convention". Mr. Arthur Griffith, who was the only responsible leader at large at the time, said in his newspaper that no Sinn Feiner who even knew the meaning of the word "Sinn Fein" would have anything to do with this Convention.

The prisoners in the English Convict jails were released on June 17th. About that time, there was a vacancy for a seat in the British House of Commons. It had been caused by the death, on active service in France, of Major W.A.Redmond, brother of Mr. John E. Redmond, the leader of the Irish party. All the arrangements for Mr. Lloyd George's Convention had, by that time, been made but, to the surprise of the British Government, Sinn Fein proposed to challenge the seat in East Clare, and their nominee was Mr. Eamon de Valera. His opponent was Mr. Patrick Lynch, K.C. One of the strong cards in Sinn Fein's hands was that Mr. Lynch was a Crown Prosecutor. The whole feeling in Dublin and the cities, as exemplified by the then newspapers, such as, the Cork Examiner, the Freeman and the Irish Times was: "Who is this young man, de Valera?" and, in addition, "Is is not a scandal that a gallant officer's place - one who has laid down his life in France - should not

be taken, as it is in England, by an agreed nominee?". The announcement of the result of the poll on the 11th July 1917, went through Ireland like wildfire, for Mr. de Valera had polled at least three to one.

Immediately after the election of Mr. de Valera, all nationalist Ireland lost interest in the proceedings of the Irish Convention, which was sitting in Dublin and which was still ploughing its heavy way to a solution that had been killed by the Clare election.

Throughout the country, there were quite harmless celebrations of the Sinn Fein victory. In the seaside town of Ballybunion the people, and those from the country outside, decided to march peacefully through the town with a few torches and some tricolour flags. On their way, they had to pass the police barracks and, as they passed, five members of the R.I.C. without any warning or signal, opened fire upon the crowd with rifles. One man, Scanlon, was shot dead as he stood talking to a girl.

The matter appeared to be dealt with lightly in the newspapers. Evidently, the true facts came to Dublin, to Mr. Arthur Griffith, who came to me and asked me would I go down to Ballybunion specially with carte blanche, to find out what happened. I said: "I will want a solicitor". He said: "Try Hugh O'Brien Moran in Limerick". Hugh passed me on to his uncle, John Moran, in Listowel.

I went to Ballybunion with Mr. John Moran, who had appeared at the inquest. The jury had found a verdict of wilful murder against the police. The answer of the R.I.C. to this was to arrest eight of those who had taken part in the procession and charge them with unlawful assembly and rioting. They had all been remanded for eight days in Tralee.

the Peace to issue a warrant for the arrest of the policeman who had been named in the Coroner's Court as having fired the shot. Mr. Moran and I appeared formally before the Justice of the Peace, and he at once issued a warrant for the arrest of Constable Lyons. Mr. Moran and I walked over to the District Inspector (Molloy) in Listowel and handed him the warrant for execution. Despite all this, Constable Lyons was never brought before any court on the charge made in the warrant, at that time.

A week afterwards, the taking of the depositions began in Tralee against the eight men charged with riotous assembly and the Castle paid me the tribute of sending Mr. John P. Powell, K.C., to prosecute. The depositions were taken by Sir Albert Meldon. The second witness called for the prosecution was Constable Lyons. My first remark to him in cross-examination was: "You are, of course, a fugitive from justice?" Before he could answer, there were loud cheers in the gallery, republican flags were flown, and the next thing, a baton charge in the courthouse. After an interval, the court was resumed, and the men were ultimately sent for trial to the Cork Winter Assizes.

Some time before the Winter Assizes in Cork, Constable Lyons was brought to a Resident Magistrate and he was prosecuted by the Attorney General for murder. The trial took place in Listowel. The Castle had appointed a solicitor named Marshall to appear for him. The trial was, of course, a farce. Lyons was prosecuted by the same Attorney General who had prosecuted the eight men whose fate was still in the balance. A solicitor was instructed by the Castle to appear for them, but, of course, his instructions were to keep his mouth shut. Only a fragment of evidence was produced against the constable, leaving the R.M. with no option but to refuse informations. (It was during that week

that I had the walk and talk with Austin Stack and Frank Fahy, to which I referred in the earlier part of my statement).

The eight men were tried at the Cork Winter Assizes in December 1917, before the High Court Judge, Mr. Justice W.F. Kenny, and a special jury. Again, the Castle paid me the tribute of sending down Serjeant A.M. Sullivan, Mr. E.J. McElligott and Mr. James Riordan. We finished in a day. The special jury acquitted three; Serjeant Sullivan was forced to drop his case against one, and the jury disagreed as to the remaining four, who were remanded in custody. A few weeks afterwards, Mr. Moran got a communication from the Castle that they did not propose to have a second trial.

This Ballybunion episode was the first manifestation of real savagery by the police, and there is no doubt it was the East Clare election that brought this out in them.

A similar demonstration took place in Abbeydorney at about the same time, and ten people were charged with riotous assembly. They were convicted by two Resident Magistrates (Wing and Jones) and sentenced to three months' imprisonment and to enter into bail to be of good behaviour for three years. It was the first time that the British Government had re-invoked the old Crimes Act of 1887. I noticed that, under the Crimes Act, there is an appeal through the Resident Magistrate to the County Court Judge and I took advantage of it The appeal was heard by Judge Charles Drumgoole in Tralee. He never opened his mouth during the trial but, when the trial was over, he remarked: "I think the government and police are gravely mistaken in this matter. The Crimes act was never passed for the purpose of charging innocent people innocently celebrating the victory of the men in whom they politically believe". He reversed the whole thing and they went free. That finished prosecutions under the Crimes Act. They never tried it again.

On the 6th March 1918, John Redmond died. At the subsequent by-election for the City of Waterford, Sinn Feim met with its first check. Sinn Fein had a strong candidate in Dr. V. White, who was very popular with the poor people to whom he was very kind, but the weight of the Waterford pig buyers in Ballybricken, who had supported John Redmond to a man at the time of the Parnell split, was decisive in electing his son, Captain Willie Redmond. The election was distinguished by the most disgraceful scenes. Every woman in Waterford who had her husband in the British army - and there were many - we called them "separation" women - was first made half-drunk each evening and then let loose on the streets with their aprons laden with stones. Everyone they thought was a Sinn Feiner was attacked, and the windows of every shopkeeper they thought was a Sinn Feiner were smashed. The police, as usual, stood by. They arrested two individuals out of the whole election, and they were both supporters of Dr. White. One of them was a solicitor's managing clerk, called Passau, and I cannot recollect the name of the other. The charge against the latter was that he wore a kilt and played in a pipers' band, and this was held to be a breach of the peace. The charge against Passau was that he had used firearms, but, when coming home from a meeting accompanied by Sean Milroy and others, they were attacked at a street corner by some of these women.

Passau was subsequently tried at the July Assizes at Waterford. In the interval, the German plot sweep had taken place, and Sean Milroy and others were them in prison in England. We applied to the British Home Office for the attendance of Sean Milroy and four or five officers whose names I forget, to attend as witnesses and, in all fairness to the British Home Office, the prisoners were all sent over to Waterford Jail at British Government expense. One

men we wanted was in Belfast Jail, but the Irish Government, that is, the Castle authorities, refused blankly to let us have him. However, the men from England had quite a pleasant holiday in Waterford Jail and met many of their friends. I was able to see them in the prison, and I am sure a lot of other people saw them too. We were rather afraid of the Waterford jury on account of the heat that had been engendered by the Waterford election, as it was likely that the vast majority of them would be Redmondites. Rather surprisingly, he was acquitted. I think the reason was that even these Redmond men had begun to be ashamed of the conduct of the police.

On the occasion of the murder by British troops of a young man, called Thomas Russell, in Carrigaholt, I remember being asked to go to the inquest for the next-of-kin, as I was engaged in appearing for a civilian member of the Cork Central Branch of Sinn Fein Club who had been brutally beaten by the police, I had to refuse. The Cork police had come out and entered the Sinn Fein Club, situated at the bottom of Patrick's Hill, while a meeting was in progress. There was no question of any of them being armed, but the police used their rifle butts on the people in the room and injured an accountant, called Brade, and broke his leg. I advised that an ordinary civil action should be brought against the policeman concerned for assault. The trial was fixed for the first week of April. The action was tried by the Recorder of Cork and a civil jury. The police were represented by the Crown Solicitor, Mr. Jasper Woulfe. He fell back on the wellknown trick of challenging the jurors, so that there would not be a juror left to try the case, but we managed to get the full complement. The Recorder took the matter entirely into his own hands and said to the Jury: "Gentlemen, here are grave charges against the police, but, when any one of

force, the Royal Irish Constabulary!". Just before I rose to address the jury, somebody showed me a copy of the Cork Examiner, conveying the information that the Manpower Act had been extended the previous night to Ireland. I took it as the text of my speech to the jury and said: "Despite what the learned Recorder has said, this means that great and wide and untrammeled powers are going to be given to the police for the future. You have the evidence of what they have done in this case before they got those powers, and you can imagine what is going to happen in the future". The jury, despite the Recorder, awarded the injured man £40 damages.

An old gentleman, called Sammy Young, aged about ninety-three, represented the Cavan constituency in Westminster. His death was daily expected by the Sinn Feiners, while the Parliamentary Party were doing their best to keep him alive, so as not to have to face another defeat. He died in the middle of the Mansion House Conference on conscription. There was a suggestion then that there should be no contest, but that the seat would be left with the Party, having regard to the sitting of the Mansion House Conference. Griffith answered that by saying: "Let's have a plebiscite instead of a contest". As the parties could not agree, yet another election took place. Arthur Griffith was elected by a vast majority of 1,200 votes. His opponent was a man called O'Hanlon. During May and June, I took part in canvassing and general organising for this election, but there was no real enthusiasm in it because it was a foregone conclusion.

At the general election in December 1918, I was presiding officer at the polling station in North King St. Dublin. I cannot, at the moment, remember who the Redmondite candidate was, except that he was beaten out of sight before midday had passed.

I was in Tipperary town on the 21st January 1919, the day of the Soloheadbeg shooting. I would say that the bulk of the shopkeepers and hotel-keepers in the town were anxious for protection from the military. At that time, Tipperary had an enormous military barracks. There was no sympathy whatsoever for the Volunteers. That was the beginning of direct action by the army of the I.R.A. For the next five or six months, all through Tipperary, was the hunt for Dan Breen and his companions, but their reply was the shooting of District Inspectors and police. South Tipperary was proclaimed a military area on the 24th January.

The distinction between declaring an area to be a military area and declaring an area to be subject to martial law is that in a military area, which might be limited to a very small portion of a county, the civil court continues to function, but the military have the right to make such orders as they wish, as regards closing down houses or even proclaiming curfew or probably search, while martial law takes away from the civil courts all their functions.

On the 9th May 1919, I was present at the Mansion House to hear the Dail members receiving the American delegates (Messrs. Ryan, Walsh and Dunne). I think the meeting was fixed for about eight o'clock, and, at half-past seven, the Mansion House was raided. It was entirely a military raid. They found nobody, but they took their lorries to the other side of the road, opposite to the Mansion House. Just before the meeting started, very dramatically there appeared on the platform Michael Collins in full military uniform. After hearing the speeches of the American delegates, I walked out and down Dawson St. as I wanted to see what the military were doing. They were driving slowly away and, for the first time, I saw the military being stoned, as they drove slowly down the street, by the people. I had to

admire the officer in charge who kept his men well in hand, and they drove away.

It is my belief that, from that on, the real war against the R.I.C. began. As a result of the Soloheadbeg affair, the activities of the R.I.C. became more vigorous. It led to the arrest by the R.I.C. of Sean Hogan some months afterwards. A message was sent to the I.R.A. in Tipperary town that Hogan had been arrested and was being removed to Cork that night on the train. To my recollection it was by telegram which read: "The greyhound leaving Thurles for Cork this evening's train". The train was held up at Knocklong. Hogan was rescued, and two policemen were shot. The District Inspector in charge of the area was Mr. Hunt. After his release Hogan had told the Volunteers of the cruelties he had suffered while detained in Thurles Barracks. I had heard that Hogan had been promised complete immunity if he would tell the names of those who were with him. He refused and suffered grave ill-treatment while in the custody of D.I.Hunt. On the 23rd June, the Thurles Races were held, and, coming from the racecourse, there is a big bottleneck into the square at Thurles, and there District Inspector Hunt was shot and killed. His widow recovered, before the Civil Courts sometimes afterwards, the sum of £6,000-£7,000. At the Court allocating the compensation, I appeared for one of the local bodies resisting the claim. I remember Judge Moore, in the course of the trial, saying: "Where <u>is</u> Hogan?", and the R.I.C. were unable to give any answer at all.

In August 1919, I remember meeting Austin Stack at Baldoyle Races. He informed me that they had set up Republican courts. I asked who were to be the judges, and he replied: "Not you, because we are going to have a dreadful year, and keep yourself available to work for my men".

A Volunteer, called William Tanham, who was a prisoner in Mountjoy Jail, succeeded in making his escape, but was later captured. I defended him at Green St. Courthouse (in December 1919?), the trial Judge being Mr. Justice Gordon. Here again, the Castle introduced the Crimes Act of 1887, which entitled them to have a special jury from the County of Dublin. I was instructed by Mr. Michael Noyk. The only alternative left to me was to pour as much scorn as I could upon Mr. William C. Carrick, the prosecuting Counsel, for bringing a Nasmyth hammer to crack a nut. The Lord Mayor of Dublin had gone bail for Tanham. When Tanham was convicted, the Judge very kindly said: "I cannot understand wh all this weight of prosecution should be brought against this man. I have to impose some sentence, but, as it appears that he is already serving a sentence of six months' imprisonment, I direct that he serve one month's imprisonment to run with the six months that he will have to serve in any case".

An article was published in the Freeman's Journal, attacking the Chief Secretary, McPherson. (In fact, I now know it was written by my father). The Freeman's Journal was thereupon suppressed by order and the machinery taken away. Martin Fitzgerald, the proprietor, at once issued proceedings for an injunction against the military authority and for a declaration that his machinery should be handed back to him. My senior was Mr. S.M. Browne, K.C., Mr. R.G. Leonard, K.C., and Mr. Wylie and someone whose name I cannot recall appeared for the Crown. The case was tried by Mr. Justice Powell, whose name I have already mentioned as being a friend of mine. He was an honest judge, and we thought that he was coming round to our point of view when in came the news that an attempt had been made that afternoon on the life of Lord French, the Lord Lieutenant of Ireland.

We had no doubt that the directive in the Judge's mind was the attempted assassination of the Lord Lieutenant.

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