

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILITÉIR 1913-21
NO. W.S. 462

ROINN  COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

DOCUMENT NO. W.S. 462.....

Witness
Sean O Broin,
Government Buildings,
Upper Merrion Street,
Dublin.

Identity
Secretary,
Department of Agriculture.

Subject

Civil Servants and the British
Oath of Allegiance, 1918.

Conditions, if any, stipulated by Witness

Nil

File No. S.1023.....

Form B.S.M. 2.

ORIGINAL

W.S. 462

Telegrams: "Resources, Dublin."
Telephone: 61521.

DEPARTMENT OF AGRICULTURE
DUBLIN.

(Address any reply to the Secretary
and quote the following number: -)



AN ROINN TALMHAÍOCHTA

BAILE ÁTHA CLIATH.

No. Establ219.

19th December, 1950.

Secretary,
Bureau of Military History (1913/21).

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILÉATA 1913-21
No. <u>W.S. 462</u>

With reference to the inquiries of your Bureau about the Oath of Allegiance which Civil Servants were required to take in 1918, I have to state that extreme pressure of work in this Department has for some time past hindered the search for information to enable replies to be made to your letters. I am now in a position to reply as follows:-

The requirement as regards the Oath was prescribed in Regulation 45 E E of the Defence of the Realm Regulations and was embodied in an Order in Council made on the 2nd August, 1918 (Statutory Rules and Orders, 1918, No. 997).

The Regulation appears to have been designed as a security measure in consequence of suggestions that had for some time previously been in circulation in London that persons in civil administrative positions, of pro-German sympathies or with German affiliations, were impeding the successful prosecution of the war. The matter had been raised in the House of Commons on the 22nd July, 1918, when the member for Glasgow and Aberdeen Universities, Sir Henry Craik, asked whether the Government were prepared to require an Oath of Allegiance from every person who entered the Civil Service of the Crown, and had been answered in the affirmative by the Chancellor of the Exchequer, Mr. Bonar Law. Sir Henry Craik appears to have taken a particular interest in this matter, as he again inquired in the House of Commons on the 21st October, 1918, why the Oath which had been instituted for Civil Servants was not required of persons temporarily employed in Government Departments. Mr. Bonar Law in his reply stated that the Government had decided to apply the Oath to established Civil Servants in Government offices, and it was not considered desirable further to extend it.

The specific direction to Departments was contained in a circular letter from the Treasury, London, dated the 9th September, 1918, signed by Sir Thomas Heath, Secretary of the Treasury. The circular was issued to all Government Departments in the then United Kingdom, including the Irish Departments. A copy of this circular is enclosed, for your information.

It will be observed that the circular applied to every person who was, on the 2nd August, 1918, serving in an established capacity in the Civil Service and every person who, after the 2nd August, was admitted to the Civil Service in an established capacity. It did not, for example, apply

to whole-time members of the staff of the Department of Agriculture and Technical Instruction who were paid, not from the Vote, but from the Department's Special Funds. The Regulation in the absence of further legislation was envisaged as a war-time measure. It was also provided that for any person who had previously taken an Oath of Allegiance a declaration by him that he had done so was deemed sufficient. In practice, this applied to persons who had taken the Oath on joining the British forces, on being appointed a Magistrate (J.P.), etc.

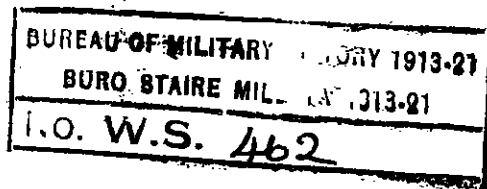
A subsequent circular from the Treasury, dated the 29th October, 1918, stated that Regulation 45 E E of the Defence of the Realm Regulations had been amended so as to provide that the Oath of Allegiance would be required only of persons who were clerical or administrative officers serving in an established capacity in the Civil Service. A copy of this circular is also enclosed.

Pursuant to the provisions of Regulation No. 45 E E, a direction, dated the 21st August, 1918, was made by Sir James Campbell (afterwards Lord Glenavy) Lord Chancellor of Ireland, as to the persons by whom the Oath might be administered in Ireland. A copy of this direction is also enclosed, for your information.

It has not been possible to trace any record in this Department as to the action taken in regard to the officers of the then Department of Agriculture and Technical Instruction for Ireland who refused to take the Oath, beyond the mere record of the officers' suspension from duty and subsequent dismissal.

Seán Ó Donn.

Secretary.



16 Eanáir 1950

S.1023

Sean Uas. Ó Broin,
Rúnaí,
Roinn Talmhaíochta.

BUREAU OF MILITARY HISTORY 1913-21
BURO. STAIRE MILEATA 1913-21

No. W.S. 462

Dear Séan,

The enclosed leaflet will serve as an introduction to what I am going to say.

You will remember that in 1918 an order was issued by the British Government that Civil Servants should be required to take an Oath of Allegiance to the British Crown, and that, as a result of their refusal to do so, a number of them were dismissed. Those who were dismissed from the Department of Agriculture included, in addition to myself, Diarmuid O'Hegarty and Seán O'Callaghan.

I wonder if there are still in the Department records dealing with this matter.

We are anxious to get all the basic facts for historic record, including :-

- (a) a reference to the Statute under which this condition was imposed, if such were the case;
- (b) a copy of, or a reference to, the relevant Order in Council;
- (c) any other relevant documents, including the instructions to the Secretary and the official report on the administration of the Oath in the Department.

With best wishes.

Yours sincerely,

(M. McDunphy)

DIRECTOR.

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BUREAU STAIRS MILEATA 1913-21

NO. W.S. 462

of an order of the
London (30847/18.)

is to be referred to
of or between of an order
Treasury Chambers, S.W. 1, and
9th September 1918.

SIR,

I AM directed by the Lords-Commissioners of His Majesty's Treasury to draw your attention to the additional Regulation 45 EE under the Defence of the Realm Act, which was approved by the Order in Council of the 2nd August 1918.

2. This Regulation (which in the absence of further legislation operates only during the continuance of the war) requires that every person who is, on the 2nd August 1918, serving in an established capacity in His Majesty's Civil Service shall, before the 1st of November 1918, or before such later date as may in any special case be allowed by the Head Officer of the Department to which he belongs, and every person who, after the 2nd August 1918, is admitted to serve in such an established capacity, shall within one month after he is so admitted, take the Oath of Allegiance in the usual form: provided (1) that a person who has in any capacity whatsoever previously taken the Oath of Allegiance and makes a declaration of that fact in such manner as the Treasury direct shall not be required to take the Oath again, and (2) that an affirmation may be substituted for the Oath in the case of persons permitted by law to make a solemn affirmation instead of taking an oath.

3. The usual form of the Oath of Allegiance in England and Ireland is:—

“I swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and Successors, according to law”;

and in Scotland—

“I, _____, do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and Successors, according to law, so help me God”:

but any person in England or Ireland, if he so prefers, may take the Oath in the latter form.

The usual method of administering the Oath in England and Ireland is prescribed by section 2 of the Oaths Act, 1909, but the method usual before 1909 (i.e. kissing the Book), or the method customary in Scotland, may be adopted, if preferred, by the person taking the Oath. In Scotland, a person takes an oath by holding up his right hand and repeating the words of the oath clause by clause after the person administering the oath.

By section 1 of the Oaths Act, 1888, any person objecting to be sworn, and stating as a ground of such objection that he has no religious belief or that the taking of an oath is against his religious belief, is entitled to make an Affirmation of Allegiance instead of taking the Oath of Allegiance, and in the subsequent paragraphs of this Circular references to oaths include references to affirmations.

The form of Affirmation is as follows, viz. :—

“I, _____, do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and Successors, according to law.”

4. As regards persons who have previously taken the Oath of Allegiance, My Lords are pleased to direct that the following declaration shall be sufficient, viz. :—

“I, _____, hereby declare that I have already taken the Oath of Allegiance (or made an Affirmation of Allegiance) on the occasion (state occasion on which the Oath was taken, e.g., on the occasion of my being enlisted as a soldier of His Majesty's Forces).”

5. In accordance with subsection 2 of the Regulation, the Lord Chancellor in England, the Lord Advocate in Scotland, and the Lord Chancellor in Ireland, have directed that the Oath may be administered in England and Scotland by any Justice of the Peace, and in Ireland by any Resident Magistrate, or, in all parts of the United Kingdom, by the permanent Head of the Department to which the person required to take the Oath belongs or by such other superior officers of the Department as he may designate for the purpose, such permanent Head or other officers being themselves officers serving in an established capacity in His Majesty's Civil Service who have taken the Oath.

The Lord Chancellor of Ireland has further directed that should a question arise as to the person who is to be deemed to be Head of a Department within the meaning of his Order, it should be referred to him for decision.

6. Under subsection 3 of the Regulation it will be necessary to keep a record in every Government Department of the persons by whom the Oath of Allegiance is taken under this Regulation and of the persons who are exempt from the requirements of the Regulation by reason of having previously taken the Oath, and the necessary steps should be taken to secure such a record.

7. Established officers who are serving in the Navy, Army and Air Force will not come within the terms of the Regulation while so serving, but they will be required to take the Oath, or to make a declaration that they have previously taken it, on resuming duty in their Department.

8. His Majesty's Government desire that it may be clearly understood that the requirement of an Oath of Allegiance implies no reflection on the loyalty of the Civil Service. They are confident that every officer will gladly fulfil this requirement; but in the event of any officer refusing, he should be dismissed from the Public Service.

I am,

Your obedient Servant,

T. L. HEATH.

COPY/

TREASURY CHAMBERS.

Whitehall,

London S.W.1.

The following number quoted.

29th October, 1918.

41054
18

Sir,

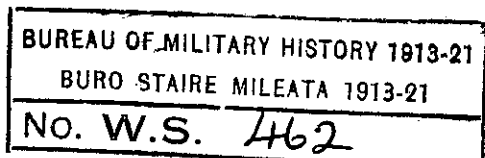
Adverting to Treasury Circular of the 9th ultimo (30847/18), I am directed by the Lords Commissioners of His Majesty's Treasury to inform you that Regulation 45 E.E. under the Defence of the Realm Act has been amended so as to provide that the Oath of Allegiance shall be required only of persons who are clerical or administrative officers serving in an established capacity in His Majesty's Civil Service or hereafter admitted as such during continuance of the War.

I am,

Sir,

Your obedient Servant,

T. L. HEATH.



DEFENCE OF THE REALM CONSOLIDATION ACT, 1914.

(As amended by subsequent enactments).

Defence of the Realm Regulation 45 E.E.

OATH OF ALLEGIANCE.

I, Sir James Henry Mussen Campbell, Bart., Lord Chancellor or Ireland, in pursuance of Regulation 45 E.E. of the Defence of the Realm Regulations and every other power enabling me in that behalf, hereby direct that the persons, or classes of persons, by whom the oath required by the said Regulation to be taken by the persons in that Regulation specified may be administered shall be, in Ireland, any Resident Magistrate or the Permanent Head of the Department to which the person required to take the oath belongs, or such other superior officers of the Department as he may designate for the purpose, such Permanent Head, or other superior officers being themselves officers serving in an established capacity in His Majesty's Civil Service who have taken such oath.

Should a question arise in any case as to the person who is to be deemed to be Head of a Department within the meaning of this Order, the same shall be referred to the Lord Chancellor for decision.

Dated this 21st day of August, 1918.

JAMES H. CAMPBELL

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BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
NO. W.S. 462

DEPARTMENT OF DEFENCE

BUREAU OF MILITARY HISTORY
1913—1921

The Bureau of Military History, 1913-21, was set up by the Minister for Defence on 1st January, 1947, with the following terms of reference:—

“To assemble and co-ordinate material to form the basis for the compilation of the history of the movement for Independence from the formation of the Irish Volunteers on 25th November, 1913, to the 11th July, 1921.”

The purpose of the Bureau is not to write the military history of the period; that is a task for future historians. Its function is merely to assemble and collate in an objective manner the material from which that history can be written; and to ensure that that material is as accurate and as comprehensive as possible. Part of that task is to collect and preserve what remains of original documents associated with the armed struggle for Independence.

The period with which the Bureau is concerned falls naturally into three phases.

PHASE 1. The events leading up to the Rising of Easter Week, 1916, including the creation of the five organisations which took part, namely:—

The Irish Volunteers
The Irish Citizen Army
Fianna Éireann
The Hibernian Rifles, and
Cumann na mBan.

the circumstances leading up to their formation, and all developments up to the

Rising, including organisation, training, appointments, personnel, finance, acquisition of arms, etc.

PHASE 2. The Rising itself, including the plans and preparations for it, contacts with other countries, mobilisations, the countermanding order and its effect, and events up to the close of the Rising, the surrender, trials, executions, imprisonments, events in prisons, releases, etc.

PHASE 3. Subsequent events up to the 11th July, 1921, including the reorganisation of the Irish Volunteers and associated bodies, the creation of the Irish Republican Army, and all military activities of that period, including attacks, ambushes, destruction of barracks, casualties, hospital treatment, trial and execution of spies, etc., the creation and operation of services such as active service units, intelligence, organisation, training, engineering, communications, purchase, capture and manufacture of arms and chemicals, administration, etc.

The military history of 1913-21 cannot be properly understood and assessed without a knowledge of other events which had an intimate bearing on the national resurgence of that period, and for that reason the Bureau is interested in every contributory fact or development, reaching back in many cases to at least the beginning of the century, including inter alia:—

(a) organisations such as the Irish Republican Brotherhood, Dungannon Clubs, Inghinidhe na hÉireann, Sinn Féin, etc.;

(b) the Buckingham Palace Conference of July, 1914, the Irish Convention of 1917, the creation of Dáil Éireann as the Parliament of Ireland, its Govern-

ment, its Ministries, its Courts, and its relation to the Irish Republican Army, Conscription, Commissions of Enquiry by the British Government and by independent bodies in Ireland and elsewhere into the destruction of property, shootings, etc., the White Cross, the Prisoners' Dependents' Fund, etc.

With such a wide range of historic activities, the Bureau needs the fullest co-operation from those who, by reason of their intimate knowledge, through personal contact or otherwise, of the events or personalities of the period, are in a position to give authoritative information on the many unrecorded aspects of the struggle.

Because of the circumstances of the time, and of the difficult conditions under which the military and other National organisations operated, the amount of documentary material was of necessity very restricted, and some of it, unfortunately, has since been lost through destruction, deterioration or other causes. The collection, recording and preservation of such original documents as now remain are, therefore, matters of great importance. No original document which related to the struggle should be destroyed or allowed to deteriorate, even if it appears to be of trivial or purely local interest. The Bureau will gladly accept any such original document presented to it, and will take steps for its safe custody and preservation for the Nation. If the donor wishes to have a copy or a photographic replica, the Bureau will be only too pleased to supply it.

In any case where a person having custody of original documents does not wish to part with them, the Bureau would appreciate information as to their nature and contents, and would like to have permission to have them copied by photographic or other processes. If the owner prefers that the contents of certain documents should not be disclosed even to the Bureau for a specified time, but intends ultimately to make them available

to the Nation, it would be appreciated if the Bureau could be given a general indication of their nature and contents and of the owner's intention regarding them, so that a record may be made of their existence and of their present and intended location.

It is realised, of course, that in many cases the available documents do not represent a complete picture of the events to which they relate, and for that reason much of the work of the Bureau will, of necessity, be concerned with the assembling of evidence, oral or written, from persons or bodies having first-hand information of any phase or aspect of the conflict, whether in Ireland or abroad. The Bureau will welcome communications in writing from those who feel that they can assist in this way, and would ask them to give an indication of the areas, periods or phases upon which they are in a position to give information.

All information entrusted to the Bureau, whether in the form of statements, letters or other documents, will be treated as strictly confidential, except where the donor himself expresses a wish to the contrary. This will not in any way affect the right of the donor himself to use the information in any way he wishes, whether by publication or otherwise. The Bureau, of course, will not undertake publication or enter into any arrangement for publication, but the Director will offer no objection to the use for that purpose by the donor of copies or photographic replicas of documents given to him by the Bureau.

Apart from statements of evidence prepared for the Bureau, original documents of prime importance include, inter alia :—

1. Original signed letters, notes, memoirs, etc., in manuscript and typescript, including captured correspondence; and similar documents or fragments thereof in manuscript, unsigned, but with evidence of authorship.

2. Operation and mobilisation orders, roll books, accounts, membership cards, etc., in relation to any of the various organisations.
3. Proclamations, deportation, prohibition and similar orders and other documents issued by the British Authorities generally or to individuals.
4. Orders and correspondence connected with them issued by the British Authorities to Local Government bodies.
5. Posters or notices issued or served by the British Army, the D.M.P., the R.I.C., the Auxiliaries or the Black-and-Tans.
6. British Army and Police publications, such as :—
 - (a) Hue and Cry.
 - (b) Weekly Summary 1920–21.
7. Irish official publications, such as :—

An tÓglach 1918–1921.
8. Prison and internment camp journals, magazines, diaries, etc.
9. Passes and permits issued by the British and Irish Authorities at various times, including Easter Week, 1916.

Of importance also are :—

- (a) Drill books and other instruction manuals and leaflets issued by the various organisations.
- (b) Pamphlets issued by various bodies in Ireland, U.S.A. and elsewhere, such as “The Friends of Irish Freedom,” etc.

In the process of collection by the Bureau, it is possible that spare copies may accumulate, and it is desirable, therefore, that donors should in every case indicate their wishes as to the disposal of any of their contributions which may not be required by the Bureau, whether by return, or otherwise.

September, 1948.