

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 619

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BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

DOCUMENT NO. W.S. 619

Witness

Sean M. O'Duffy,
50 Casimir Road,
Kenilworth Park,
Dublin.

Identity.

Organiser of the Republican Courts 1919.

Subject.

The Republican Courts 1919-1922.

Conditions, if any, Stipulated by Witness.

Nil

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50 Casimir Road, Kenilworth Park,
Dublin.

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BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRE MILEATA 1913-21

NO. W.S. 619

STATEMENT BY SEÁN M. O'DUFFY,

50, Casimir Road, Kenilworth Pk., Dublin.

Organisation of Republican Courts.

About November 1919 the Republican Courts commenced to function. At the time it was customary for me to visit the house and shop of John Keyes', Thomas Street. It was regarded as a 'friendly' house, and during one of these visits I was asked to take up the position of Registrar of the Courts for the South City of Dublin. I consented and attended many meetings with legally appointed Justices. These meetings were held at various times and places, but usually at night. Mr. John Baird, a coal merchant of Mercer Street was a most active member as was Mrs. Hannah Sheehy-Skeffington. Mr. Pat Cosgrave, uncle of Mr. William Cosgrave, was also most active. In fact he was one who never failed to attend a meeting despite the activities of the British military authorities. Courts were held in various places, but particularly at 41 Parnell Square. In the calling of justices, plaintiffs, defendants, witnesses etc. we ran a very great risk of being captured. This was especially so in the case of defendants who were often hostile. However, we did succeed in carrying on and often when calling a sitting of the Court for 41 Parnell Square we transferred same to a few doors down at 46. All classes of offenders were brought before the Courts, and dairymen who had put too much water in their milk before delivery to the people were fined substantial sums. The most notable and numerous cases were those in connection with "Process for Civil Bill". Criminals were often apprehended and taught a salutary lesson.

In many cases they were deported. During this period I maintained my membership of 'A' Coy 1st Battalion I.R.A., and naturally most of those actively engaged in Court work were members also.

The Minister for Home Affairs had his office in Molesworth Street and later in Henry Street. On one occasion I attended at the offices of the Chief of the Republican Police in Henry Street and filled up circulars calling a meeting of Justices for Pembroke Road. On that afternoon I was to call to ensure that such notices would be delivered by the officers concerned. I happened to be delayed in Thomas Street and went to Henry Street when, to my surprise, I saw an excited crowd round the street and I saw that a raid was in progress. The circulars were captured and our officers taken prisoners. Some days after I attended at Pembroke Road and saw the place surrounded by military. The raid was on the premises for which the Justices were called, but naturally there was no one present, as all were notified that the notices of the meeting were taken in the Henry Street raid.

Later we procured offices at Eustace Street where the work was carried on up to the Truce.

It was, of course, of first importance that secrecy should be maintained throughout, and public announcements in regard to sittings of Courts were not made. This was especially so just before the Truce. It was nothing unusual for people to ask with the greatest caution - "Where were the Sinn Féin Courts". Shortly after the offices were procured in Eustace Street it was found necessary to get larger ones, and with that object in

view we called at the house of Messrs. Cahill, opticians, Wellington Quay. Here two large rooms were secured for the ostensible purpose of carrying on a business as Electrical Engineers. This office became the H.Q. of the Republican Courts, and after the Truce it was no longer necessary to keep the fact secret.

During the Truce negotiations and subsequently, every effort was made to strengthen the court organisation in the city and country so that they would be placed on a proper footing in the event of the war being resumed. (See instructions as sent to officials by Minister for Home Affairs attached.)

On the 8th September 1921, I was appointed full time organiser and representative of the Minister for Home Affairs and detailed to organise the Courts in South County Dublin, East and West Wicklow, North and South Wexford, Kildare, Carlow, Laoighis and Kilkenny. In all the above counties parish and district Courts were established on the basis of representation as laid down, i.e.,

- (1) T.D.
- (2) All public representatives, e.g., County Rural District Councillors, Urban District Councillors, etc.
- (3) One representative from each Cumann Sinn Féin.
- (4) One representative from each Coy. I.R.A.
- (5) One representative from each Branch Cumann na mBan.
- (6) One representative from each Trade Union Branch.
- (7) One clergyman of each denomination from each parish.

This procedure was adopted in each parish and district and later Circuit Courts were formed and presided over by well known lawyers, such as, Judges Meredith, John O'Byrne, Diarmuid O'Crowley, Cahir Davitt, Wyse Power, Arthur Clery, Art O'Connor, etc. During the process of carrying out these courts, raids were made on

courthouses by police and military.

A notable instance of such interference took place in Borris-in-Ossory. The Court was duly called and when we arrived in the village it was learned that while the Justices attended, the Court was suppressed. We encountered the police and military in the street and protested against such interference. The officer in charge, when asked for his authority for acting in such manner, said that he was acting on behalf of His Majesty the King. We pointed out that an arrangement had been made whereby such Courts could be held, and the Minister for Home Affairs had decreed that all such would be held despite the interference. On the departure of the military we collected the Justices and litigants and adjourned to a house outside the town where the Court was held without further interference.

We continued our activities up to the break down of the Truce negotiations.

About April-June 1922 Circuit Courts were held in Wicklow and Tinahely, and later in such places as Enniscorthy, Wexford and other centres. Such Courts ^{were} had~~been~~ presided over by Circuit judges, and juries were duly summoned. Criminals were brought from the respective county jails, tried and duly sentenced for various offences.

On June 20th 1922, Mr. M.J. Lennon, B.L., took over the position as registrar and acted as such to Judge Meredith. I continued to act as organiser up to the 7th October 1922 when, in accordance with the decision of the then Minister to rescind the decree establishing district and parish courts, my services as court

organiser were dispensed with, and so ends my work in connection with the Republican Courts.

Signed: Sean M. O'Duffy
(Sean M. O'Duffy)

Date: 13 November 1951
13 November 1951.

Witness: M. F. Ryan Com'dt.
(M.F. Ryan, Com'dt.)

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

(Issued during the
Truce period).

D Á I L É I R E A N N.

To
ALL DISTRICT REGISTRARS.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILEATA 1913-21
No. W.S. 619

I wish to impress upon you the great opportunity at present afforded for thoroughly re-organising the Courts in your area and so perfecting your local machinery as to be capable of withstanding the most violent attempts that may be made by the enemy to render it ineffective.

Let me repeat what I have already said many times. The Courts are of the most vital importance and they must be kept going at all costs. Should hostilities be resumed between this country and England, the Courts, for reasons which it is yet premature to disclose, will be called upon to play a mighty part in the struggle and it may reasonably be anticipated that the enemy will redouble all previous efforts to destroy them. Therefore if you wish that the Courts in your area should be ready for the fight, you must be up and doing without a moment's delay. Otherwise your Courts will be hopelessly inefficient and shamefully inactive at a time when the Courts in other parts of the country will be bidding dauntless defiance at all efforts to suppress them. This is the golden hour. Therefore be prepared.

If you have not already done so, call a meeting at once of all your District Justices. Invite to the meeting the Brigade Police Officer who has received instructions from Headquarters to give you every assistance in his power. Let all vacancies in the position of Justices be filled. And remember that only brave and energetic men should be appointed - men who will function despite danger and difficulty-

and that every Justice who is not prepared to perform his duty at all costs should resign and make room for a better man. Discuss fully the arrangements to be made for a thorough re-organisation and for regular and frequent meetings of the Court. Establish good working relations between the Court and the Police. Make sure that the arrest of any Justice or Official or the capture of any Court Documents will not bring you to a standstill.

In the same way must the Parish Courts in your area be re-organised. Get into touch with every Parish Court in your area. See that a meeting of the Parish Justices is held in each Parish and all vacancies filled and arrangements made as in the case of the District Court. Arrange with the Brigade Police Officer that a Police Officer (either a Battalion or Company Police Officer) attends such meeting. It is an easy matter to keep Parish Courts going and there can be no excuse for any Parish which in the future is found wanting.

I am enclosing a copy of a Scheme recently drawn up and specially designed to increase the efficiency and organisation of the Courts. Study it most carefully and see that it is put into immediate operation.

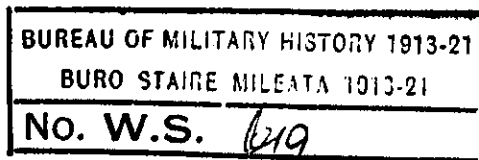
This may be the last effort you may be called upon to make. Ireland is fast approaching the final goal. It is the duty of all to strain every nerve in the last great rally of the Nation. Every man must be at his post. You have your work to perform. I look to you to see that it is well and bravely done.

I expect to receive a report from you when the enclosed Scheme is in working order. This report must set out the names of all District and Parish Justices, Sub-Registrars and Clerks and give a general idea of the steps

taken by you to get the Courts going in full swing. If I do not receive this report I can only assume that the Scheme has been a failure in your District and I must take other steps to provide Courts for the people in your area.

AIBISTIN DE STAIC.

Minister for Home Affairs.



1. Dáil Éireann has established four classes of Courts

- (1) Parish Courts
- (2) District Courts
- (3) Circuit Courts
- (4) A Supreme Court.

A Parish Court has been established in each Parish. It is composed of three Justices - of whom two form a quorum - and a Clerk appointed by the Justices. The Parish Court corresponds somewhat to the English Petty Sessions. It has power to hear all summonses of a minor nature such as, summonses for threatening language, trespass, assault, etc. upon the hearing of which the Court may impose a fine or bind to the Peace. It has power to hear cases of a Civil nature (Recovery of debts, etc.) up to a limit of £10. Any Party wishing to bring proceedings, approaches the Clerk, pays him the deposit, (either 3/6, 5/- or 10/-) according to the class of case) and gives him the necessary particulars for the issue of the summons. The Clerk issues the summons, the case comes before the Court and the Justices having heard both sides make their order. It is the duty of the Clerk to keep a Court Register in which he enters particulars of all cases including the Order of the Court. The Clerk then draws up a form called "Warrant of Execution" which includes the Court Order and hands this to the Police Officer for execution.

Just a word here about the Police Force. It is the duty of each Brigade Commandant to appoint a Police Force in his area. The Police Force is the executive arm of the Courts. It is their duty to assist the Courts by every means in their power, e.g. serving summonses, executing Court Orders, etc., and in a general way to do all they can to facilitate the Justices and Court officials. They must furnish a written report each month on all Orders and Decrees of the Court handed to them for examination.

2. A District Court has been established for each old Parliamentary Constituency. It is composed of Five Justices, three of whom form a quorum and a Registrar appointed by the Justices. This Court corresponds in many respects to the English Quarter Sessions. It has power to hear all Appeals from Parish Courts and all claims exceeding £10 up to £100. The deposit payable to the Court is 5% of the amount claimed. On payment of the necessary deposit the Registrar issues Civil Bills, brings the case before the Court, draws up the necessary Orders (usually "Decrees" or "Dismisses") and hands these to the Police for execution.

This gives you a brief outline of the Minor Courts, and of course you know how popular they became owing to their satisfactory and inexpensive method of administering justice.

All went well until the enemy organised his ruthless campaign against them and as this campaign has been partially successful, it is our duty now, to counteract his success by a "Big Push" to bring them to the wonderful state of efficiency to which they had arrived last Autumn.

Each man must make up his mind that the Courts in his constituency are going to be as good if not better than those in any other constituency.

HOW CAN YOU SET TO WORK?. First of all see that all vacancies in the positions of Justices, Clerks, etc., in your area be filled immediately. Justices were originally appointed by popular ballot in some places and in others by Conventions. Where Justices were appointed by ballot the persons now entitled to selection would be those who are next highest on the poll, after those actually selected. If no poll was taken the remaining Justices will be entitled to co-opt temporary substitutes. Justices who are not willing

to act must step aside and make room for those who are brave enough and energetic enough to perform their duties.

Call a meeting of the District Justices and a meeting in each Parish of the Parish Justices. Have all vacancies filled at these meetings. Explain to the Justices and Clerks the importance of their work and discuss fully the arrangements most suitable for the holding of Courts in each particular District.

Parish Courts will give you no trouble as it will be very easy to outwit the forces of the enemy in holding these. Parish Courts should meet regularly - at least once a fortnight - and even if no cases are listed, the Court MUST assemble to receive the Clerks Report and to discuss the position of their Court. It is only by such regular fixed sittings that the Courts can function properly, and they must therefore be insisted on. When the people know that the Courts are sitting regularly, they will in a short time submit all their disputes to them.

District Courts may be more difficult to convene. To facilitate sittings the Minister for Home Affairs has given permission during the present crisis empowering One District Justice to hold a sitting of a District Court provided he is assisted by two or more Parish Justices. It is thus possible to hold five different sittings of the District Court in each District Court area at the same time. The District Justices should divide their District into four or five sub-districts. Each sub-district would comprise a small number of Parishes. One District Justice should be all - located to each sub-district. Each District Justice would thus be able to hold a sitting of the District Court in his own sub-district and as this area would be much smaller than the full District Court area the work could be done with greater despatch and with less risk of detection

by the enemy. The District Justices should appoint a sub-Registrar for each sub-District. Each Sub-Registrar would have to fulfil the duties of Registrar in his own sub-District but would be under the supervision and control of the District Registrar who should visit each sub-District regularly to see that everything is progressing smoothly. The District Court should also have regular fixed sittings at least ONCE A MONTH.

MONTHLY REPORTS: Each month each Parish Clerk MUST make a written report to the Sub-Registrar in his area giving a general account of the Court work in his particular Parish and giving (a) the following particulars of cases disposed of by the Parish Court: - (1) Names of litigants (2) Cause of action (3) Order of Court (4) Was Order of Court carried out? (5) Amount of Court monies on hands. (b) Particulars of cases which have gone from his Parish to enemy Courts and what steps were taken to prevent this happening.

SUB-REGISTRAR: - Each month each Sub-Registrar must make a similar report for his area to the Registrar giving (a) number of Parish Court cases (b) Number and particulars as above of District Court cases (c) Amount of Court monies on hands in his Court and in the Parish Court (d) Particulars of enemy Court cases.

REGISTRAR: Each month each Registrar must make a full written report to the Department of Home Affairs on similar lines for the whole Constituency giving (a) Number of Parish Court cases and District Court cases stating whether all Court Orders have been carried out (b) particulars of cases for hearing before the Circuit Court (c) Amount of Parish Court and District Court monies on hands (d) Number, etc. of enemy Court cases.

These reports are most essential and MUST be insisted on everywhere as it is of vital importance that Headquarters should know the condition of the Courts in every part of the Country so as to be in a position to place its finger on weak points in the Court machine and apply its energies to remedy them.

The names of all Justices, Clerks, Sub-Registrars and Registrars should be communicated to the Department of Home Affairs as soon as all appointments have been made. These should be forwarded by hand.

These are the broad outlines of the present scheme of Organisation. If information is required on any point or if circumstances or cases of peculiar difficulties present themselves the Minister for Home Affairs will give every assistance in his power. If you find that for any reason it is impossible to float this scheme in your constituency report the matter to Dublin setting out your difficulties and an Organiser will be sent to your District as speedily as possible to assist you.

3. A few words remain to be said about the Circuit Court. This Court is presided over by a Judge (who is in every case a qualified lawyer) sent periodically to the different parts of the country for the purpose of hearing appeals from District Courts and cases which are beyond the jurisdiction of the District Court. The District Registrar takes charge of these cases and collects the deposits. Deposits in Circuit Court cases must be sent to the Minister for Home Affairs. In Parish and District Court cases they are retained for the respective Courts, for the purpose of defraying expenses and NO CASE SHOULD BE ACCEPTED FOR HEARING UNTIL THE DEPOSIT IS PAID. When sufficient cases for the Circuit Court have accumulated the District Registrar should apply to the Minister for Home Affairs for a Circuit Judge

giving full particulars of all cases for hearing, namely (a) Names of litigants (b) Cause of Action (c) Amount claimed (d) Date and nature of Order appealed against (if any). He should remit with the application all the deposit money payable on these cases.

4. THE SUPREME COURT: Sits in Dublin - With its procedure you will not be troubled.

When Republican Courts have been established in accordance with the scheme above outlined and they are in a position to deal with all cases coming before them, attention must be turned to the enemy Courts. They must be rigorously boycotted. Public Notices by the O/Cs. of the Police should be published broadcast stating that any person who takes part in proceedings in an enemy Court either as Plaintiff, Defendant, Witness or otherwise unless with a special written permission of the Minister for Home Affairs will be deemed guilty of assisting the enemy in time of war and will be dealt with accordingly.

