

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 708

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COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

DOCUMENT NO. W.S. 708

Witness

The Hon. Conor A. Maguire,
"Ashurst",
Mount Merrion Ave.,
Blackrock,
Dublin.

Identity.

Chief Justice at date of statement.

Legal Adviser, Ministry for Home Affairs,
Dail Eireann, 1920 - ;

Judge of the Republican Courts, 1920;

Subject.

His work in connection with the
Republican Courts, 1920-1921.

Conditions, if any, Stipulated by Witness.

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The Story of his work in connection with the
Republican Courts in 1920-'21

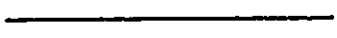
by

The Hon. Conor A. Maguire, The Chief Justice,
'Ashurst', Mount Merrion Avenue, Blackrock,
Co. Dublin.

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The possibility of striking at the British Court system in the country had often been talked of in Sinn Féin circles. One after another, the government services had been taken over. It was not, however, till the Spring of 1920 that an attempt was made to challenge the elaborate machinery of the law. The Dáil Cabinet in Dublin seem to have felt that success was doubtful and for a long time, although they watched with interest, held back formal approval of steps which were taken in the country. We in South Mayo realised that it would be difficult to persuade litigants to abandon the existing civil courts as a forum for the adjustment of civil cases unless an alternative was provided. Eventually, approval was given from Dublin to the setting up of arbitration courts. There were two reasons for this. One was that, as parties making use of the tribunals to be set up signed a form of submission to arbitration, it would be difficult for the British Government to put forward a plausible ground for interfering with the sittings. Success was immediate and surprising. Many litigants who had begun proceedings in the Courts were readily persuaded to withdraw and submit the dispute to arbitration. Arbitrators were chosen by the Sinn Féin Clubs to deal with the smaller type of case. These Courts later became the Parish Courts. The Comhairle Ceanntair, however, chose the personnel for cases which, in the ordinary way, would have come before the County Court. At a very early stage a system of District Courts was devised for the whole of the county of Mayo. At what stage they became known as District Courts I do not clearly remember. A feature of these Courts which aided largely in making them successful in Mayo was that we were able to secure that a solicitor always presided. We were fortunate in Mayo in having as leading men in the Sinn Féin organisation a solicitor in each area. Patrick J. Rutledge came from Ballina to preside

over the Courts in South Mayo, while I went to either East or West Mayo to preside there. Thomas Campbell, lately Circuit Court Registrar in Wicklow, also presided over Courts outside his own area. I believe, despite claims made for other areas, that we in Mayo were the first who successfully established :
Sinn Fein Courts.

After a very short time, the list of cases for disposal at these Courts became formidable, while business in the Petty Sessions and County Courts dwindled almost to vanishing point. Solicitors, even those who had no sympathy with Sinn Fein, found it necessary, if they were to retain their business, to practise in the Courts. When in the Spring of 1920, land agitation suddenly became active and widespread, our Courts were rather unexpectedly resorted to for the purpose of considering claims between landlords and tenants and also between owners and "landless" men. The Courts thus quietly assumed a jurisdiction for which there was no counterpart in the British system. Land agitation became active at this time because of the sudden rise in values of land due to the boom in prices for all sorts of farm produce. The Courts, although they had no machinery at their command for dividing land, managed to settle many disputes by inducing owners to make satisfactory arrangements in many cases and postponing others till the successful establishment of a Land Department by Dáil Éireann. The fact that Sinn Fein set its face against the use of violence for the settlement of disputes and that the Courts gave a fair hearing to everybody quickly won respect for the Courts, even from those who looked upon them as usurping the functions of the English Court.

A photograph, probably unique, of a Court over which the writer presided at Westport in Co. Mayo, shows how formal the proceedings were. The venue was the Town Hall. I am sitting

in the middle of a table. Beside me is Eamon Moane, late T.D. for East Mayo. I do not remember the name of my other colleague. It shows a number of solicitors. Amongst these I remember are Mr. J.C. Garvey and Mr. John Kelly. Notable are the I.R.A. police who wear their caps as a symbol of their office.

Looking back, it is not easy to understand how we were allowed so easily to "get away with it" in those critical months when we were steadily establishing the Courts and gradually undermining the British system. The Courts were carried out with a quiet dignity and great seriousness. There was not much ceremony. It was quickly evident, however, that Sinn Fein was determined to see that everybody who accepted their jurisdiction was given a patient hearing and a fair deal.

After a short time, however, there arose a case which was to put the whole system to a searching test. Near Kilmaine in South Mayo two landowners, each occupying holdings of land of roughly fifty to sixty acres. The estate of which these holdings formed part was under the control of the Chancery Court in Dublin. On the same estate were a number of tenants whose holdings were small and uneconomic. An agitation in which the well-recognised forms of boycott, threat and intimidation were used was started by the small holders. Their objective was to compel a division of the two larger holdings amongst them. I was engaged as solicitor for the claimants. My clients readily agreed that the dispute should be submitted to the Sinn Fein District Court. The two tenants of the larger holdings were requested to agree to this course. They refused. Things looked bad when the local Parish Priest, the Rev. Martin Healy, paid me a visit. He explained that the two men against whom the agitation was directed were unwilling to submit to the arbitration of a local tribunal. He stated, however, that if Arthur Griffith would send down arbitrators from Dublin they would submit the case to them. I thought this proposal reasonable. Coming to

Dublin I put the problem before Arthur Griffith. During the discussion it was evident that Griffith was afraid that the tribunal would not be able to enforce a decision unfavourable to the agitators. I stated that I believed that the I.R.A. would be able to enforce such a decision. It was a gamble upon which the future of the Courts in the west, and perhaps elsewhere, depended. Arthur Griffith eventually agreed to do as suggested. Those he sent were Kevin O'Shiel - now Mr. Commissioner O'Shiel - and the late Art O'Connor - subsequently Minister for Lands in the Republican Government. The venue chosen was the Town Hall, Ballinrobe. The Court was to sit in public. Naturally public interest was aroused and, when the arbitrators sat, the Hall was packed. At the last moment there was a hitch which seemed likely to make the proceedings futile. The solicitor who had been acting for the two large holders decided that he would not represent them in Court. The situation was saved at the last moment when Father Healy announced that he would plead the case. It was an exciting day. The proceedings were watched from a distance by members of the R.I.C. who did not, however, interfere. The hearing went on in due solemnity and was fully reported in the newspapers. One leading newspaper referred to the proceedings and described our activities as "a monstrous usurpation of the administration of justice". Judgment was given in favour of the two owners who had been attacked. My clients, despite my advice, refused to accept the decision. The I.R.A. police, however, under the orders of Commandant Thomas Maguire, seized the sons of some of the most defiant and at night took them away to an unknown destination, which was in fact an island on Lough Corrib. After a week's imprisonment, they promised obedience and, on promises being given that no further agitation would take place in the locality, they were allowed to go home. Thenceforward, the Courts were firmly established. Their success made it possible successfully to boycott the County Courts and later the Assizes at Castlebar. Warnings were issued that no party was to attend these Courts. The boycott of the Assizes was

spectacularly effective. In order to see that litigants would not attend, the roads were patrolled by the I.R.A. All persons going in the direction of Castlebar from any part of the county were closely questioned and were only allowed to proceed on giving satisfactory assurances that they were not going to the Courts. When the Judges sat they found that their lists collapsed. Practically no business came before them. This was July 1920.

About this time I was asked by ~~some~~ to take Mr. John Steele, a wellknown correspondent of the 'Chicago Tribune' then in London, to see a Sinn Féin Court at work. With him I motored from Dublin by devious ways down to Ballinasloe where I had been informed a Court was to be held. When we got to Ballinasloe we found that the Court was being held in the Town Hall. It was a most impressive sitting and was carried out with grave formality. Draped in front of the dais on which the Court sat was a silken scroll on which was inscribed "Uí Máine" (Hy-Many) to signify that it was a Court in that historic area. The Court lasted all day. Steele described the Court in an article which appeared on an important page of the 'Sunday Times'. He obviously was greatly impressed by the way the proceedings were conducted.

In the Autumn of 1920, the British authorities here decided to prevent the Courts from sitting. Raids and arrests took place. The Courts were driven underground. The blow had been too long delayed to be effective. The Courts were established so firmly that, although their activities were necessarily restricted, they continued to function..

My own first experience of a secret sitting outside Dublin was at Mullingar. Kevin O'Shiel had come there to preside. I was then engaged as solicitor on a number of cases. The first sitting was in the Co. Council Chambers. There were a number of cases for hearing and all the prominent local solicitors were

engaged. We had only just begun when word was brought that the building was being surrounded by military. I looked out and saw that this was so. Soldiers fully armed and armoured cars were everywhere around. Fearing trouble and confusion, a Co. Council official suggested that solicitors who wished to avoid papers being seized should secrete them in the Council pigeonholes. This was hurriedly done. Suddenly the door at the end of the hall swung open. A young officer appeared, brandishing a revolver. "What's going on here?", he demanded. "This", said Kevin O'Shiel, "is a Court of the Irish Republic. Who are you?" "You had better get out of this quickly or you will be removed by force" came the bullying reply. Turning to us, Kevin O'Shiel said quite calmly: "Gentlemen, we must yield to superior force. It can now be judged who wishes to establish law and order".

With that, we all moved out. Later, we gathered in the Greville Arms Hotel, when it was arranged that the Court would go to outside areas and deal with the cases locally. For several days Kevin O'Shiel moved about the county and succeeded in disposing of all the business without again being interrupted. One of the cases to come before him involved lands owned by a very wellknown landlord, Mr. Gradwell, who had agreed to submit to the jurisdiction of the Courts. Hearing of the action taken in Mullingar, he changed his mind. When the case was called and it was announced that Mr. Gradwell was not coming, Kevin O'Shiel promptly fined him £50 for contempt of Court which surprisingly was subsequently paid.

The active spirit in Westmeath who had arranged, amongst other things, for my going there was Joe Kennedy, who has represented a constituency in the county in Dáil Éireann for many years.

An amusing incident took place at the close of one sitting of Kevin O'Shiel's court in an out-of-the-way deserted mansion

on the edge of a bog. Michael Maguire, who was Chief of the I.R.A. police, presided at a Courtmartial on a prisoner who had been held for some days. We were present when this individual was brought forward. He was a young man who looked to be frightened out of his wits. The charge against him was that he had pretended to be an I.R.A. policeman and in that capacity had ordered all the publichouses in Multyfarnham to close one evening about three hours before closing time. He pleaded guilty and received a sharp lecture from Michael Maguire, who fined him £1 and let him go. I well remember the look of relief on the prisoner's face as he left. We then had an unexpected treat in the form of a recital of Gilbert and Sullivan songs by Michael Maguire who had a very fine tenor voice.

About this time I also attended as a solicitor a Court in North Clare. My recollection is that it was held at Kilfenora.

About the month of August 1920 the Cabinet decided that an attempt should be made to set up a fully organised judicial system. Austin Stack, Minister for Home Affairs, selected a group of lawyers to whom he committed the task of preparing Rules of Court. I was invited to meet him in his office in Dublin. He told me of this purpose and asked me to help some time in the Summer of 1920. My first task was to interview Tim Healy with a request that he should become one of the Judges. I went down to Glenaulin to see him. He expressed his sympathetic interest in the plan which I unfolded to him, but he said that the work was for younger men. Later, I joined a group which met, amongst other places, in Buswell's Hotel, where we worked out the rules which later were adopted as Rules of Court. There were present James Creed Meredith, K.C., Arthur Clery, Diarmuid Crowley and Hector Hughes. The rules were framed and printed. The Courts started to function under them towards the Autumn of the year. I was fortunately able to present to the National Library the copy of these rules which were in use in Austin Stack's office. I was asked by Austin Stack to act as one of the

Circuit Judges. I explained to him that I thought I would be more useful in the Land Courts which were also being organised at the same time. The Rules of the Dail Settlement Land Commission were duly drawn up. The main work of drafting this was done by Seosaimh Ó Broin, who is now Registrar of Titles. He became the first Registrar of our Land Courts. On our staff also was Gearoid McCann, subsequently Clerk of the Dáil. He it was who recorded the meeting of the First Dáil in January 1919.

My first sitting as Land Settlement Commissioner was in the town of Loughrea in Co. Galway. It had been arranged that Kevin O'Shiel should hold the Courts there. He, however, was unable to go. The fact that he was expected was largely responsible for my escape from arrest on this occasion. I arrived by train at Loughrea Station. Acting on instructions I went to the Railway Hotel. I then sent word to Patrick Hogan who was then practising as a solicitor in the town and who was mainly responsible for requesting a sitting of the Court in the area. He was not a supporter of Sinn Féin,^{but,} as he explained, realised that the land agitation which was particularly troublesome in Galway could only be controlled by our Courts. When he arrived promptly at my hotel he told me that I was in imminent danger of arrest. The local Registrar of the Courts had sent his notices through the post and he had reason to believe that it was the intention of the R.I.C. to prevent the Court being held. He, accordingly, advised that I should go with him to safe lodgings which he procured. There we held a conference to decide on a line of action. The notices sent out had intimated that the Court would be held in the Town Hall. I decided that we would hold the Court in a big room in my lodgings. Next morning we got a shock to find that British troops in large numbers had come into the town during the night. It was obviously going to be very difficult

to carry on; we decided, however, to make the effort. We sent the Registrar to the Town Hall with instructions that he was to move about as if he was expecting somebody to arrive. Meanwhile, the solicitors and parties to the cases were informed of the venue decided upon. Almost all of the cases involved claims against wellknown landowners nearly all of whom had no sympathy with Sinn Féin. It would not have surprised me if, in view of the show of force, they and their solicitors had failed to appear. Not one, however, stayed away and I had a very busy day. If my recollection serves me right, one of the cases before me related to lands the property of Lady Gregory. The ruse we had adopted proved highly successful. Police attention was concentrated on the movements of the Registrar. At midday the military seized the Town Hall and were blissfully unaware that the Court was being carried on not 200 yards away. After dark that evening we stole quietly out to the mansion of Count John O'Kelly, brother of Count Gerald O'Kelly; later our Minister in Paris and Lisbon. I completed the remaining cases the following morning. I then composed my judgments and made up my orders. Patrick Hogan saw that they were typed for me by some of his staff. I posted the originals to a covering address in Dublin and sent duplicates to the solicitors of all the parties. I slipped out of the town that evening and made my way to Ennis where my next sitting was to be.

The assistance which Patrick Hogan gave me was to prove unfortunate for him. The R.I.C. discovered the way in which they had been tricked. They raided his office and, finding documents relating to the Court, promptly arrested him. He was sent to Ballykinlar Camp. Later, as is known, he became a member of Dáil Éireann where he made his mark as a brilliant debater. He later became Minister for Agriculture. His untimely death was lamented by members of all parties.

Clare when I visited it was one of the hottest spots in Ireland. The I.R.A. were very active. I listened to first-hand

accounts from members of the I.R.A. of some of their exploits. It was but a short time before that they had carried out the spectacular feat of disarming a group of British soldiers who were marching down one of the streets of the town. The group of soldiers, twelve in number, had been in the habit of taking the same route day after day. The I.R.A. studied their formation and movements. In preparation for the coup, a similar number of the I.R.A. carrying dummy rifles reproduced the formation and movements of the marching men on a stretch of country road. Those selected for the attack practised disarming their comrades. The operation had to be perfectly timed so as to prevent any soldier from giving the alarm by discharging his rifle. As will be recollected, success was complete. Unarmed men simultaneously jumped on the unsuspecting soldiers, pinned each of them to the ground and disarmed him. Without a shot being fired, the raiders got away with twelve precious rifles.

Strangely enough, I found less difficulty in holding a Court in Ennis than in areas where the I.R.A. were inactive. I stayed in Carmody's hotel which was visited each night I was there by active I.R.A. men. As a precaution, however, I held my sittings in a different place each day. One was the Workhouse, another the Mental Hospital. The third was the Co. Council offices.

As in Loughrea, the leading solicitors in the town took part in the proceedings. One of the cases which I tried there subsequently became the subject of proceedings in the High Court in the year 1922. It will be found under the title of *R. (Kelly & Ors.) v Maguire and O'Shiel*. The following extract from the report gives particulars of one of my orders and will serve as an example of the type of order made in cases where I considered that the applicants had made out a case for having land divided amongst them:-

"The applicants are, or represent themselves to be, landless men, or holders of uneconomic holdings, and on the 12th November 1920, they claimed in the Dáil Éireann Land Court to be entitled to additional land to bring their holdings up to the standard of an economic holding and, after a hearing before Mr. Conor Maguire, he ordered that John Hynes and five other persons, who were alleged to be in possession of uneconomic holdings, should have allotted to them out of the lands of the prosecutors so much land as would bring the holdings in the possession of each of them to a total value of £11, and he further ordered that James Keane and ten other persons, who belonged to what is termed in the order the non-occupying agricultural class, should also be allotted out of the lands of the prosecutors, so much land as would provide each of them with a holding to the value of £11 and, in order to provide this land, the entire holding of Daniel Brohan was taken away from him and the compensation fixed at £200; and out of the lands in the occupation of Mortimer Kelly, land to the value of £17.15s.; and out of the lands in the occupation of Patrick Kelly, land to the value of £75; and out of the lands of John Murphy, land to the value of £5.10.0. The prosecutors (other than Brohan) were, however, to get, on possession being given and certain requirements as to fences carried out, a sum calculated at seven times the annual apportioned rent of the said lands. The order further provided for the appointment of a Valuer, who should settle the boundaries of the lands to be allotted to the claimants, and apportion the present rent over the lands so allotted."

The Order concluded with the words: "Given at Ennis
 "this 12th day of November in the 5th year of the Irish
 "Republic, 1920, A.D."

The above extract is from 1923 2.I.R. p.59.

From Ennis I returned to Dublin. As the winter of 1920 approached, things became more difficult for the Courts as well as for the I.R.A. Nevertheless we carried on. I do not know very much about the Civil Courts at this period, but on occasions I was called upon to sit on appeals. One such sitting was held in South William Street where James Creed Meredith, Arthur Clery and myself heard a number of cases.

Amongst members of the Bar who appeared before us were Tim Healy and John O'Byrne, now Mr. Justice O'Byrne.

I sat also in the offices of the Dublin County Council in Parnell Square.

I had a somewhat alarming experience in Templemore, Co. Tipperary, in November 1920. I had gone to Cork to be present at the funeral of Terence MacSwiney and came from there to Templemore. A short time previously the Town Hall had been burnt by the Black and Tans, when one of their number perished in the flames. It was a gaunt, smouldering ruin when I reached the town. The atmosphere was still tense. It was believed by our people that the Court could not safely be held. I was determined, however, if possible, to dispose of a case relating to the Carden Estate which was a cause of great trouble and which I had come down specially to dispose of. In the hotel we were engaged in laying our plans the night before the Court. Outside there was the silence of a town under curfew. Suddenly there was a knock at the door. All lights went out. The proprietor crept down the hallway and in a hoarse whisper asked who was there. An answering whisper revealed the local sergeant of the R.I.C. who had come along to inform the proprietor that there was a lorry load of Black and Tans on its way to the town. Warning that all lights should be extinguished, he slipped away to the barracks. Naturally the suggestion was adopted and we escaped attention. Next day we held our Court in the hotel without interference.

Bloody Sunday, 1920, was a day of terror for all of us who were engaged in underground activities. I was staying in 47 Lower Leeson Street. I learned afterwards that two Dublin Castle agents were staying in the same house and that a group of I.R.A. men had unsuccessfully sought them there that morning. Returning in the evening, I found a crowd watching while McGilligan's house, 32 Lower Leeson Street, was being raided. I sought safe quarters in Dun Laoghaire.

I was due to travel on the following day to hold a Court in Ferbane in Offaly. As will be remembered, all trains were stopped leaving Dublin on that Monday. I went down by an early train on Tuesday to Birr, the nearest station. On the way to Birr, I found myself in the same compartment with the Head Constable of the R.I.C. I guessed who he was but, fortunately, he did not suspect me. My disguise was simple - a sports suit and a bag of golf clubs. As it was late when I got to Birr I got in touch with the local Registrar there and asked him to 'phone Ferbane and inform those in charge of arrangements that the Court would have to be adjourned. There was a list of cases awaiting disposal in Birr. These were to come on the next day. In the afternoon a messenger arrived from Ferbane who told me that at midday an angry group of R.I.C. men had raided the hall in which my Court was to have been held, looking for 'the man from Dublin'. Needless to say, I was relieved to have thus luckily escaped capture as tempers were very hot as a result of the happenings in Dublin the previous Sunday. This news made me apprehensive as to what would happen in Birr, for it looked as if things were going to be difficult for us. We abandoned our plan to hold the Court in a hall. Mr. William Barry, however, with considerable courage, placed his office in Birr at my disposal and, in a very tense atmosphere we got through the work of the Court. Next day I moved out to a big house at Shinrone on the borders of Offaly and Tipperary. The rumour had got around that the police knew of the proposed sitting and we were all very 'jumpy'. Luckily, however, we got through the business safely.

The months of October, November and December 1920, were the most depressing part of this exciting period. The Cabinet seemed a bit worried about the loosening of discipline. I was at this time Chairman of the Mayo County Council, a position to which I had been elected in the Spring of the year. The Council had pledged allegiance to the Republic and acknowledged Dáil Éireann as the lawful Government immediately after its election. In the autumn I was asked by Mr. Cosgrave, who was acting Minister for Local Government, to go to Mayo and obtain a reaffirmation of the Council's allegiance. With a view to avoiding arrest, I went down by devious ways reaching Castlebar on the morning of the meeting. I slipped into the Presbytery while waiting for the meeting and was hospitably received by Father Geoffrey Prendergast, who was one of the curates.

I managed to get through the meeting, obtaining the necessary resolution, and got back safely to Dublin.

During these Winter months enemy activity was slowing down many of our activities. Court work was naturally affected. The holding of Courts entailed a good deal of organisation. Firstly, there had to be litigants not alone prepared to stay away from the British Courts but ready to take the increasing risks of going before the Dáil Courts. The Cabinet thought that there was some slackening in the work. I remember being present at a meeting where it was decided that the Judges should go out on circuit as much as possible. We in the Land Court never had much difficulty in getting work to do because of the fact that agrarian disputes did not lend themselves to settlement easily and landowners found that however much they disliked Sinn Féin they were aware that land agitation was frowned on as an exhibition of selfishness in a time of national struggle. They also found our Courts just and fearless. The difficulties of arranging and successfully holding sittings grew. One of our Judges gave it as his opinion that it was too dangerous to try to carry on. He remarked: "C'est magnifique, mais ce n'est pas la guerre". Shortly afterwards he appeared to be justified when Diarmuid Crowley was

arrested in the town of Ballina. His arrest made us all more cautious and by good luck and good arrangements no other judges or judicial commissioners were captured.

About this time I learned that the R.I.C. were watching for me in Dublin. I was told that a note about me, seen in a western barracks, gave a description and wound up by adding: "last seen in O'Connell Street, Dublin, dressed as a priest". This was quite untrue. I had not at any time adopted this disguise. It was, to my mind, odd that down to the time of Bloody Sunday most of those working in the Government offices managed to move about pretty freely, despite the vigilance of the so-called authorities.

We had our office over a shop in Talbot Street, a few yards from the Pillar. For a long time Austin Stack had his office in a house in Henry St. There were many offices in the same building. I do not remember where Michael Collins had his Finance Office at the time. Possibly I did not know. Seosamh McGrath, known as the Bann ar Siubhal - or Walking Bank, regularly called to pay the salaries of the staffs. If I remember aright, he carried on with immunity till the truce.

Each office had its staff of loyal workers. The girls were splendid and carried on fearlessly right through to the end. I remember on the day the Custom House was attacked I had witnessed its burning from O'Connell Bridge. I went along to our office. The office boy came in later and informed us that he had been through the battle. He was quite calm and gave us a vivid picture of his experiences.

Up to Bloody Sunday, Michael Collins, Gearoid O'Sullivan, Rory O'Connor and others came regularly to the Wicklow Hotel for a midday dinner. The proprietor and waiters all knew them. We - Art O'Connor, Kevin O'Shiel and myself - went there regularly also. The only precaution we took was not to go through Grafton Street. Our reason for this was that we were warned that the C.I.D. acted

on the intelligent theory that sooner or later everyone they wanted would appear in Grafton St. We had learned this and took steps to avoid the region of danger.

The year 1921 was a difficult year. The pressure on the I.R.A. and on all our underground organisations was gradually increased, but the number of Courts we were able to hold gradually grew less and less. I remember going to Co. Limerick. This was one of the areas in which the death penalty for carrying arms was imposed. After a difficult journey, I made my way to Knocklong and by direction walked some distance out to the house of Father Humphries. Here I had some difficulty in establishing my identity. I found to my disappointment that there was no business for me, but I had the interesting experience of being present at a Court held by Cahir Davitt, now President of the High Court. The atmosphere was very tense as the British military and police were very active in the area.

I also recall, although I cannot place the date, a journey I made to Borris-in-Ossory. I travelled to Carlow where I stayed the night, going by early morning train to Borris. The Court was to be held in the house of Seamus Lennon, T.D. for the area. I was met at the appointed place and was about to drive away from the hotel yard in a pony and trap when suddenly the town filled with military. We feared that if we stopped it would arouse suspicion. We drove along and to our surprise we were allowed to go through without question. The explanation of the presence of the overwhelming force was the arrest of Dr. Dundon. We got safely to our destination. Armed guards were posted all day, but we got through without interruption.

I held a Court in the Longford area before the Truce. The building where I sat was a disused schoolhouse. After the Court I was taken to see a parade of the local company of the I.R.A. It was a ragged group with an extraordinary variety of equipment. I much regret that I have not a photograph of these brave fellows

who, despite their poor dress and equipment, looked extremely formidable and efficient.

During all this time our headquarters in Talbot St. were lucky enough to escape detection. On the staff besides Seosamh Ó Broin, already mentioned, was Miss Devaney, now Mrs. Liam Ó'Doherty. Later, we were joined by Leon ÓBroin, who was a very young man who interested Art O'Connor, our deputy chief, because of his interest in and knowledge of Irish. On the staff as practical land valuers were Martin Heavey and M.J. Quinn.

THE COURTS SUBSEQUENT TO THE TRUCE.

Just as the Truce of the 11th July 1921, was approaching I had arranged to hold a sitting in a disused and derelict mansion outside Ballinasloe, Co. Galway. Despite the coming of the Truce and the absence of any necessity for secrecy, it was decided to carry out the arrangement made. Before going there I was able to go to the Galway Races. This was the first big occasion in the west when expression could be given to the feeling of relief at the suspension of hostilities. Everybody was in the best of spirits and we who had been under cover for so long were lionised when we appeared in public. Up to this there had been coldness in many circles towards Sinn Féin and only those who genuinely believed in the cause kept up their hearts through the trying months since July of 1920. The Truce gave proof that Sinn Féin had adopted the proper technique. Throughout the country the surge of popular support became evident in the rush to join the organisation. In one short month the I.R.A., which was but a thin line, found itself embarrassed by the flood of enthusiastic recruits.

I held my Court at Laurencetown in the early days of August, but unfortunately, as a result of the cold bleak weather and exposed site, I got a severe attack of piles which put me out of action for quite a time.

Shortly afterwards I was required by Home Affairs to preside over a Civil Circuit Court in Kilkenny. It had been arranged to coincide with the sitting of the County Court. It was a tremendous change to find our Court crowded with spectators and amusing to have members of the R.I.C. appear from time to time to inform solicitors that their cases were coming on before County Court Judges, D.J. O'Brien, who was the County Court Judge. He had very little business to do. In accordance with the new spirit brought about by the Truce he sent me an invitation to dine with him that night. I, perhaps, churlishly, declined - I did so because I felt that the time had not come for friendly relations with representatives of the British regime.

Our court continued to carry on during the uneasy period of the Truce. I frequently acted as a Civil Judge and on one or two occasions sat as a member of the Supreme Court with James Creed Meredith and Arthur Clery.

Things, however, became very unhappy after the Treaty was signed and the Provisional Government came into being. It will be remembered that an attempt was made to carry on the two Governments side by side. Arthur Griffith actually became President of the Republic, while at the same time he took over and was carrying on the government through the machinery transferred in pursuance of the Treaty. The anomaly of having the same set of Ministers carry out two rival governments could not last ~~and eventually~~ and eventually there was the clash, which came with the attack on the Four Courts on the 28th June 1922, I was to have gone to Dungarvan for a Court on the following day; as all train services were interrupted this was impossible. When the fighting in Dublin died down I received a demand that I should furnish a diary of my movements during the period from the 28th June to the 10th July. A similar request was made to all the members of the staff.

I declined to comply with this request on the ground that as I held judicial office I was not responsible to the Executive. This was not accepted by Mr. Hogan who was the Minister in charge of Agriculture. He stopped my salary which was at the rate of £750 a year. I was then faced with the problem of whether I should go to the Bar or go back to resume my practice as a solicitor which had been in charge of my brother since I had left Claremorris in the Summer of 1920. I decided to go to the Bar. In order to do this it was necessary to be struck off the Roll of Solicitors for a period of a year. On the suggestion of Serjeant Hanna to whom I had gone for guidance I made an application to be allowed to sit for the modified examination notwithstanding my failure to be struck off the Roll of Solicitors for the requisite period. The Benchers agreed. Shortly before the meeting of the Bench at which the degree of Barrister-at-Law was to be conferred I had the surprising request from **Sir** Thomas Moloney, Lord Chief Justice, that he might have the honour of proposing me. I was puzzled but complimented and readily agreed.

SOME MEMORIES OF PEARSE.

My first recollection of seeing Padraig Pearse was in the early years of the century on the occasion of his visit to the Galway Feis. His was a remarkable personality and ^{or} striking _{of} appearance. The photographs, paintings and sculptured busts with which we are familiar give an excellent impression of him. He looked cold and austere and had a faraway look in his eyes. He gave one the impression nevertheless that he had an eager and inquiring mind. I well remember the intense interest with which he discussed with my father idiomatic modes of expression in Irish - one phrase which was closely examined and analysed was 'ag gabhail fhuinn' as a translation of 'singing'. Later I was to see Pearse on many occasions. I remember him at the Oireachtas and at the exciting meeting in U.C.D. in 1909

when the auditor of the Cumann Gaedhalach took as his subject 'go mba ceart go mbeadh gaedhilge éigeantach san ollscoil nua'. My brother George as secretary of the Cumann had to face the wrath of the President of the College, Dr. Delaney, who first of all indicated that he would not allow the meeting to take place. Having thought better of this, he surprised everybody by coming to the meeting. The atmosphere was electric when he rose to speak and, of course, spoke in English violently opposing the proposal that Irish be made compulsory. It was on this occasion that he made the scathing reference to Irish as "a language of the fairs and the markets" which was tossed about on the fierce waves of controversy which were then raging. Pearse was calm and dignified and forceful. The chief characteristic of his oratory was its burning sincerity.

During this period I provoked Pearse into a defence of the Abbey Theatre which caused somewhat of a sensation. I was an active member of a society which sought to bring together the students of all institutions in the city - the Students' National Literary Society. We met generally in the Gaelic League rooms at 25 Parnell Square. In addition to ordinary meetings of the members we often invited outstanding literary figures to give us lectures. We boldly asked W.B. Yeats thus to honour us. To our delight he agreed, promising a talk on the Irish Literary Renaissance. We asked other prominent literary men to join in the discussions which would follow. In accordance with our practice I was selected to propose the vote of thanks. In excited anticipation of speaking before a crowded and critical audience I read everything I could find by Yeats which touched on the subject of the promised talk. To my horror, our lecturer casually informed us that he had not been able to prepare a lecture on the lines he had promised.... Instead he talked about his early years in London. Despite my shock and the fact that I now had to speak ex tempore I listened as did we all to a fascinating account of the Rhymers Club - Beardsley, Ernest

Dawson, Lionel Johnson and the other figures of the 90's in London came before us. It was quite a thrill to hear him recite Lionel Johnson's poem to the statue of King Charles I in Whitehall. I was tempted to behave discourteously to our distinguished guest and in order to cover up my lack of ideas I attacked him as a decadent. This was then a common term of literary abuse. I had been reading Max Nordan's 'Degeneration' and Father William Barry's 'Heralds of Revolt'. In these books the work of Beaudelaire, Verlaine, Mallarmé, Ibsen and Strindberg, Beardsley and Dawson were lashed with fierce scorn as evidence of a diseased and dying civilisation. With the daring of youth I grouped our Abbey Theatre School with these writers. I criticised them as prophets of gloom and asked for something with more brightness and manly vigour. This provided a lively discussion. I cannot now clearly remember what was said, but I do remember Padraic Colum and Thomas McDonagh falling on me. Before telling the sequel I must mention an amusing incident which roused the audience during the lecture. Yeats in his soft voice had ~~misquoted~~ in translation of St. Augustine's famous lines "O, Beauty, too late have I loved thee;" etc. The inaccurate translation stirred one of our members, Mr. Charles McAuley, the distinguished surgeon, to stand up and rebuke the lecturer for his error. Blandly accepting the criticism Yeats rephrased the lines only to be told that he still was mistaken as to the meaning of St. Augustine's words. Mr. McAuley rolled out the whole poem in the original "Sero te Amair," etc. Yeats was considerably taken aback but went on with his talk.

In the hall unknown to me was Arthur Griffith. Next week the 'United Irishman' carried a front page account of the lecture. A large space was given to my attack. As a result a controversy developed in the paper. Apparently Yeats smarted a bit under the criticism. I heard him later at a meeting in Trinity College complaining of the way he was treated by students of the National University. I approached him later asking him to come to

University College to a meeting, but I was unsuccessful.

It was after this that I was invited by the Gaelic League to come to a meeting at the headquarters where Yeats gave a lecture on the Abbey Theatre. Nothing daunted by my previous experiences I repeated my views about the gloom which pervaded the Abbey plays, in particular those of Synge. It was this which roused Pearse to defend the Abbey. 'Is gniomh é' he cried. The burden of his speech was that it is something done of which Ireland should be proud. It was so convincing that I never subsequently attacked either Yeats or the Abbey Theatre.

Signed: *Conchubhar A. Maguidhir*
Conchubhar A. Maguidhir

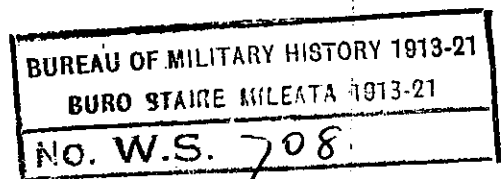
Date: *30 June 1952*

30 June 1952.

Witness:

M.F. Ryan Comd't.

M.F. Ryan, Comd't.



Subscribed by The Hon. Conor Maguire, The Chief
Justice - 'Ashurst', Mount Merrion Avenue,
Blackrock, Co. Dublin.

I was married in February 1921. Travelling under an assumed name we got safely to London. After some days there it was suggested to us that we should step across to France. An immediate difficulty presented itself in that we would need passports. We decided to take a chance. On making our application at the ordinary office where it was seen that we were Irish we were told that it was necessary to apply at the Irish office. Fearing that it might arouse suspicion if we did do so we went straight across to the building in which it was housed. On entering we got a terrific shock to see familiar figures in the form of 'auxiliaries' lolling about in strategic positions ready to defend the place against attack. Fearing that to draw back would excite suspicion we went ahead and eventually found ourselves face to face with the officer in charge of such matters. We told him that having come to London on our honeymoon we thought it would be a grand idea to go to France. I gave him my false name and an address in Great Brunswick St. (now Pearse St.) which was in fact my solicitor town agent's office. There was a danger that he would get on the 'phone to the Dublin Police station and discover our duplicity but his soft heart was touched by our story and to our delight he gave his sanction to our getting a passport. When we reached Paris we immediately got in touch with Sean T. O'Kelly, who was the Republican Minister there. With him at the time was the late President of the High Court, George Gavan Duffy. We had many pleasant evenings with him in the Grand Hotel which was their headquarters. We gave them the inside news from Dublin and they in turn had many interesting things to tell of the progress of our attempts to attract world attention to happenings in Ireland.

In the same hotel was the Egyptian delegation representing, if I remember rightly, the government in exile of Zazlul Pasha. They treated our representatives with the greatest deference and respect. I have heard Sean T. give a vivid description of the elaborate ceremonial with which he was greeted in the suite which was occupied by the Egyptian representative and his numerous retinue. Incidentally he told us that the Egyptians were anxious to have from Ireland some experienced I.R.A. men who would train them in the art of street fighting. He indicated by name a few whom he knew who would be reliable and suitable if they could be spared. One name I remember was that of Teeling who had escaped from Kilmainham while awaiting execution for his part in the Bloody Sunday killings. When I got back to Dublin I met by appointment Richard Mulcahy, Chief of Staff of the I.R.A. in 32 Lower Leeson St. and told him of this request. The Egyptians, I informed him, would take charge of his men the moment they reached France.. To my surprise, he received the proposition coldly saying: "We cannot spare any men at the moment". "What about Teeling?" I asked. "He cannot be of much use with the sentence of death hanging over him". He laughed, saying: "Would you be surprised to know that he was down in front of the Castle gates yesterday". I admit that I was considerably astonished to hear this. The proposal never came to anything.

Signed: *Conchubhar A. Maghuidhr*
(Conchubhar A. Maghuidhr)

Date:

30 June 1952

30 June 1952.

Witness:

M. F. Ryan Comd't.

(M.F. Ryan) Comd't.

Subscribed by the Hon. Conor Maguire, The Chief
Justice - 'Ashurst', Mount Merrion Avenue,
Blackrock, Co. Dublin.

It must have been in 1912 that Sir Edward Carson and Bonar Law came to Dublin to address a Unionist meeting. They stayed at Iveagh House on the day of the meeting. I and the other students came from our lectures just when the two visitors were about to set out for the meeting. On the steps of Iveagh House a suffragette group which included Mrs. Sheehy Skeffington threw leaflets, while police gently but firmly kept them from getting close to the two statesmen. Joseph Plunkett asked me to stand while he steadied on my back a copy of the Irish Review which contained an article on the Irish Volunteers by Eoin MacNeill. Having written the words 'with the compliments of the Editor of the Irish Review' he walked over to the open carriage in which the two visitors were seated and handed Sir Edward the copy of the magazine. I could see Sir Edward pore over it as the carriage moved off.

Signed: *Conchubhar A. Maguidhir*
(Conchubhar A. Maguidhir)

Date: *30 June 1952*
30 June 1952.

Witness: *M. F. Ryan Comd't.*
(M.F. Ryan) Comd't.

