

ORIGINAL

PART VIII

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRE MILEATA 1913-21

No. W.S. 1,770

ROINN



COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 1770.

Witness

Commissioner Kevin R. O'Sheil, B.L.,
21, Ailesbury Drive,
Dublin.

Identity.

Judicial Commissioner, Dáil Éireann Land Courts,
1920-1922;
Commissioner, Irish Land Commission, 1923 to date.

Subject.

National Activities, and Dáil Éireann Land Courts,
1900-1921.

Conditions, if any, Stipulated by Witness.

Nil.

File No S. 909.

Form B.S.M. 2

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 1,770

1,051.

later, on October 11th, the indefatigable and highly conscientious Sennett again writes up to H.Q. warning that if "Mealy and Kelly are not settled soon there will be a repetition of the Keegan and Fannin case" which is now pending trial, for greivous bodily injury, for the District Court". On November 22nd, 1920, I gave my judgment in this case. It ran as follows: -

"DÁIL ÉIREANN

DEPARTMENT OF AGRICULTURE.

Co. Roscommon Session

July, 1920.

Bernard Kelly, Kilglass, Rahara,

v.

Thomas Mealy, Curroghlinaveen, Rahara.

JUDGMENT.

This Court Hereby Orders:

- (1) That the land in dispute, containing 48 acres, 1 p.m., be divided into two equal moieties containing 24 acres, 1 p.m., each, of which one moiety shall be the 24 acres on which Bernard Kelly now resides;
- (2) That the said Bernard Kelly retains the moiety which he has held prior to the July session of this court, and that the defendant, Thomas Mealy, be given up full

possession and enjoyment of the other moiety;

- (3) That a Court Valuer mark out the division line on the said lands along which a fit and proper fence shall be erected to the satisfaction of the said Court Valuer;
- (4) That one half of the fence specified by the said Court Valuer shall be erected and kept in repair at the cost and expense of the said Bernard Kelly, and one half thereof at the cost and expense of the said Thomas Mealy;
- (5) Both parties in this dispute are each to abide their own costs".

5. Erritt Claimants v. Erritt Lessees.
Frenchpark.

The lands in question contained 150 acres, 1 p.m., and formed portion of the de Freyne Estate. Some 40 years prior to these proceedings (about 1880 or so), de Freyne evicted wholesale about 12 or 14 tenants and incorporated the lands that constituted their holdings into his demesne at Erritt. In that year, 1920, a number of small holders, with holdings averaging about R.V. £4, surrounded the demesne lands and were occupied by the former de Freyne tenants and their children, including the said evicted tenants. Lord de Freyne's father had let the Erritt lands to his uncle, who went to England to

reside, and he, in turn, let the entire area on the eleven months' system, continuously, year by year.

Sometime prior to the 1920 proceedings, some 36 tenants adjoining the Erritt lands approached de Freyne with a view to getting him to sell those long-let lands to them; but he declined to do so. Canon Geraghty, P.P.,

Loughglynn, interested himself very much on the tenants' side in that project. In reply to a letter of the Canon to Lord de Freyne asking him to sell the said lands to the said parties, the latter wrote on January 30th, 1919:

"I do not kind who buys Erritt. Whoever gives most for it will get it". After that, Staunton, Solicitor, communicated with the C.D.B. with a view to purchasing the lands for his clients, the aforesaid tenants.

The C.D.B. communicated with de Freyne, but got no reply.

On March 3rd, 1919, Staunton wrote de Freyne saying that his clients, the tenants, were prepared to buy the lands for cash, and pointed out that they were all ready and willing to buy and "were all tenants on your estate".

De Freyne did not reply. On March 18, 1919, some tenants entered in on the lands of Erritt and took possession of them. At the subsequent Petty Sessions Court proceedings, Staunton attended on behalf of the

defendants and stated the facts, including de Freyne's promise to sell. Also, he pointed out that the eleven months' parties were aiding de Freyne in what he considered to be the unfair treatment of his clients. The magistrates of the Petty Sessions Court were, seemingly, sympathetic, for they adjourned their decision with a view to allowing de Freyne time to carry out his promise to sell. According to Staunton, the majority of the grazing tenants admitted that justice was on the side of his clients, and intimated their willingness to relinquish them, but two of them, Maloney (a former game-keeper of de Freyne) and Raftery, would not agree, and things remained as they were for some time.

The next thing that transpired was that de Freyne, in May, 1920, made, behind the backs of Staunton's clients and in violation of his promise to sell, twenty-one year leases to all the said grazing tenants. Then there was further trouble. There was great public resentment against the new lessees, resulting in further summonses for intimidation being issued against Staunton's clients. A day or two before those summonses were heard in the Petty Sessions Court, Raftery went to Dublin and got a

Protection Order from the Dáil preventing further interference with him pending the hearing of his case in the Dáil Court. But, curiously enough, when Raftery was in Dublin invoking the Dáil tribunals, his wife appeared at the Petty Sessions Court and gave evidence for the police prosecution against Staunton's clients for intimidation. A real case of having it both ways!

Staunton's clients signed forms of arbitration consenting to their claims being heard before a Dáil Court; but the lessees declined to sign any such forms.

The decision in this case was given on November 11th, 1920, and was as follows: -

"DÁIL ÉIREANN"

DEPARTMENT OF AGRICULTURE

LAND COURT

CO. ROSCOMMON SESSIONS.

Erritt Tenants v. Erritt Claimants.

This Court Hereby Orders:

- (1) That the said Erritt tenants continue in peaceable possession and use of the disputed lands of Erritt, containing 150 acres, 1 p.m., up to and until March 31st next ensuing;

(2) That a Court Valuer ascertain, through an inquiry,

- (a) the persons most worthy of retaining all these holdings, as amongst the Erritt tenants (if any), and the persons (if any) most worthy as amongst the Erritt Claimants of acquiring new holdings on any part of the said disputed lands;
- (b) the area of land each person so found is entitled to receive; or the manner in which the said lands are to be held by the persons that may be so selected therefor;
- (c) the fair and proper purchase price to be paid for the entire area of the disputed lands which may be alienated as the result of the said Court Valuer's inquiry.

(3) That in the event of the said Court Valuer's inquiry resulting in a complete, or any change, either in the personnel of the present holders, or the extent of their present holdings, then,

- (a) not later than the 31st day of March next ensuing, the said persons so selected as the result of the said inquiry shall pay unto all or any of the Erritt tenants as may be directed, the fair and proper purchase price in fair and proper proportions;
- (b) the persons so selected as the result of the said inquiry shall raise all the monies necessary for carrying out the settlement so arrived at;
- (c) in consideration and on receipt of the said purchase money (but not later than March 31st next) the said parties amongst the Erritt Tenants, or all of them, as shall be so directed as the result of the said inquiry, shall make over and convey unto the said selected parties all their rights, interests and title in the said disputed lands, or alienated parts thereof as the case may be;
- (d) possession of the said disputed lands, or alienated parts thereof, as the case may be, shall be granted to the said selected parties when the said fair and proper purchase price has been fully paid to the parties, in the proportions as directed.

(4) That in the event of the Court Valuer's inquiry resulting in no change, either in the personnel

of the present holders, or the extent of their present holdings, or in any other way, then the present holders, called the Erritt tenants, shall be confirmed in their present possession and ownership of the said disputed lands.

(5) Both parties to this dispute, each to abide their own costs in these proceedings.

6. The Creggs Land Committee v. { Thomas Maloney
 John Corian } { (and a host of
 Austin Collins } { other dispossessed
 Patrick Kilby } { owners).
 Michael Murray. } {

This was the most unique and remarkable case that came before me in my Dáil Court work. The "claimants" were mostly from a stratum very different from that they usually belonged to. Generally claimants were drawn from the needy, small farmer class, possessing sub-subsistence holdings and having genuine claims to additional land somewhere. In this case they were mainly not genuine farmers at all, but mainly (certainly the leaders) merchants and traders, albeit small ones, in the village of Creggs, just over the Co. Galway border from the Co. Roscommon. The treasurer of that famous, and, for a time, exceedingly affluent committee, one Patrick Kilby, was the proprietor of the village pub. I should explain that Creggs had a peculiar and particular history and

tradition of its own. Creggs was the last place Parnell addressed a meeting shortly before his death in October, 1891. The Creggonians, consequently, were and had always been staunch Parnellites. They were, however, in latter years, equally staunch supporters of the Irish Parliamentary Party and the United Irish League, largely because of their loyalty to John Redmond, whom they regarded as the "Chief's" legitimate successor. They were, therefore, far from being Sinn Féiners and had no sympathy at all with that movement. And, of course, they did not care for what was then generally termed the "Sinn Féin Courts", particularly when those courts were not likely to sanction their actions. I could never understand the violent and far-reaching wave of agrarianism that those Creggonians organised and directed. They, certainly the leaders of that local movement, were not poor or needy men by any manner of means, albeit they had numbers of such in the "army" of supporters and backers whom they used in their wide-flung work of land acquisition, who, no doubt, were looking to them for ultimate shares-out if and when their vast ill-gotten estates came to be divided.

The Creggs Land Committee, composed, as I have said, of respectable and by no means indigent citizens, built up for itself an immense landed "property", comprising at its height anything up to 4,000 acres, by the simple process of driving their neighbours' cattle off their owners' lands, seizing those lands and using them for their own, or other cattle, as they thought fit. That, no doubt, was what happened in all cases of agrarianism; but, what made the Creggs case different was the type of ring-leaders and the wide extent of their operations - as far out as 12 miles from their centre.

Having thus illicitly acquired, by such means that were nothing short of pure outlawry, a great territory, and having swept it clear of the rightful owners' stock, they proceeded to let it out at the highest prevailing rents - and grazing rents were then at their record maximum. They had not the slightest difficulty in securing grazing "clients", amongst them being numbers of the unfortunate owners whom they had dispossessed, who, to maintain the cattle they had invested their money in, had no alternative but to get the permission of their expropriators to take them back on their own lands at the

very substantial grazing rents those expropriators demanded. The committee, despite its bandit-like actions, adopted a kind of business-like routine in its transaction, that was designed, no doubt, to cast an atmosphere of respectability and disinterested altruism over their operations. For instance, they had properly drafted and well printed "Seasonal Grazing Letting" Forms, with the title "Creggs Land Committee" at the top -

"Austin Collins, President.
Patrick Kilby, Treasurer.
John Corian, Secretary".

The form informed all and sundry that Mr. A.B. of C.D. had rented for the eleven months beginning..... and ending..... "our lands of" for such and such a rent. The result of the "conquests" and activities of that highly industrious committee was that its members waxed prosperous and rich, as they might well do with a fine, dry income of from £5,000 to £6,000 a year at their command, and that unencumbered by any charges such as income tax, super-tax or rent. With such an income, in those days, when a £1 contained 20 real shillings, the four or five top men could afford to be generous; and they were, not alone to their employees but also to themselves.

Their sons got good jobs as herds, "fence repairers", managers etc., on the estates at weekly salaries from £3 to £5 - really fabulous salaries for that time, and for the work they were supposed to be doing. As for the sovereign committee of "Commissars", they did themselves handsome. They gave themselves several delectable outings from time to time. And why not? Men with their large "landed" responsibilities were surely in need of and entitled to some relaxation. For example, it was their practice to patronise, "in globo", Galway during the Race Week. They always put up at a good hotel when there for the Races, and dined and wined well, the wine, need I say, being invariably the finest champagne, and plenty of it, too. And why not? What need was there to stint themselves?

In my judicial wanderings I had heard, of course, much about the doings of that famous committee in its salubrious, policeless region, and was always on the look-out for its appearance before me. But because of the cuteness and cunning of its President, cases listed before me kept getting adjourned and postponed, on some pretext or another, at the instance of the committee's astute lawyers. Now and again only an odd small case, involving

the committee, would be argued before me. It was extremely difficult to penetrate the defence of the wily leaders of that famous committee. They were, of course, out for delay and all the procrastination they could succeed in getting, for they were well aware of the fundamental weakness, not to say, impossibility of their position. They were out to make hay whilst the sun shone on them, knowing full well that the day was not too far off when it could cease to do so. They played a very clever game, never even hinting at the possibility of their ignoring the Dáil Court and its orders. Far from it; they kept protesting their loyalty to the Dáil and its institutions, declaring that in acquiring the land they had acquired, they were acting wholly altruistically, not for themselves at all, but for the benefit of the poor, down-trodden agricultural slaves, to whose alleviation they had nobly dedicated themselves. Another point that they made much of was that their committee was run on sound, business principles, with a secretary and a treasurer, and with books and accounts kept with meticulous care. Those books, they declared, were there for anyone to inspect; not a penny would be found to have not been accounted for. Collins was a highly accomplished twister who could, and

did, wriggle himself and his accomplices out of all kinds of tight corners; or nearly did, for he and they were caught at last.

"President" Austin Collins possessed an innocent, childlike countenance that masked a singularly subtle and convolvulistic mind; that, and his general demeanour and manner conveyed the impression of a disarmingly simple and honest man, by no means well off, but, nevertheless, only anxious to do the best he could for his neighbours who were even less well off than himself. Giving way always with graceful magnanimity when cornered on small issues, he kept slipping through my hands for a long time on the great ones. The Creggs Land Committee certainly had a fine run for its ill-gotten money before it was finally dealt with. Having gathered a great deal of information about the "doings" of the famous committee, I eventually had its major cases listed for a hearing at an unknown venue in the district, for it was the February of 1921 and the terror was in full spate all over the county. In the next chapter I record that somewhat adventurous trip. Suffice it here to say that the court arrangements broke down and I had to return to Dublin without having heard the cases I set out to hear. Later in the year, at the

end of June, just coming up to the Truce, I again went forth, this time to Creggs. If I remember correctly, I stayed at Tuam and motored to Creggs next morning. Tuam was a safer place than Roscommon for me to spend the night in, as I was not so well known there, although Roscommon would have been somewhat nearer. I had with me the District Registrar, one Eamon Casey, a tough Clareman who had been transferred shortly before that from the Clare to the Tuam I.R.A. The court was held in a local hall; and practically all the cases listed involved, in one way or another, the Creggs Committee. Though the proceedings were strictly "sub rosa", the little hall was crowded with men. Gazing down on them I perceived in their midst the bland, innocent countenance of the "President", reflecting a perfectly stainless conscience!. Seán Ó hUadhaigh, Solicitor, Dublin, represented most of the dispossessed owners, and Louis E. O'Dea, I think, appeared for the committee. That time I heard about half the cases on my list, and returned to Dublin, saying I would be back inside a fortnight to complete the list. Inside a fortnight I did return. Conditions were much pleasanter than as the Truce, which had been proclaimed on

July 11th, was in operation, and one had no longer any need to resort to furtive and clandestine methods.

Having heard the remainder of the cases, I made an interlocation order which very much surprised the committee and which they certainly did not anticipate or like. I ordered all the books, papers, accounts, etc., of the committee to be produced to me next morning in court. Next morning, when I inquired, no books or papers were forthcoming, the excuse given being that the Treasurer Mr. Patrick Kilby, had not the time to collect them. I thereupon made another order appointing the Registrar receiver for the property in the committee's hands, and directing him to attend that evening in the hall where the books were to be delivered into his hands by Mr. Kilby. At this highly unpopular decision there was much shuffling of feet and murmuring as those present left the court.

Next morning, when I was at breakfast, in walked Mr. Casey, a broad smile on his face, and under his arm a large brown paper parcel containing the books and papers. And he had by no means an easy job in getting them. He told me that when he reached the hall at 8 p.m. the previous night he found it crowded with men, including, of course, the leaders. The atmosphere was definitely hostile; there

was much shuffling of feet and an undercurrent of giggling and sarcastic comment. The bold Casey ignored all that, and sitting at the table at the head of the room he read out my order appointing him Receiver and directing them to hand over to him their books and papers. Having read the order he said, "Now, Mr. Kilby, I'll take the books and papers from you, if you please". Kilby remained silent, with a grin on his face; no books were forthcoming and clearly no attempt was being made to procure them. Casey, a very quick-tempered man, told me that after two or three such demands, with no result, he felt his temper beginning to leave him. So, after a final demand, equally futile, he rose from his chair and made for the door, to the accompaniment of great ironic laughter, jeers and cat-calls. They were sure Casey was away empty, and they had won. But they were soon disabused of their mistake. When Casey got to the door he slammed it tight, put his back against it and, drawing a large revolver from his pocket, pointed it at them, saying: "Any man that tries to get out of this hall until I get those books and papers I'll shoot dead". And he told me he was in such a rage at the time that he certainly would have done so. However, nothing

so drastic was called for. The jeering and the cat-calls stopped instantaneously and silence reigned supreme.

"You could hear a pin drop", Casey told me. Eventually Kilby asked permission to go to his house in the village, collect the papers and bring them to him. Casey let Kilby out for this purpose, who presently came back with the documents, whereupon Casey left in his car for Tuam, in dead silence.

The next direction I gave Casey was to get printed and posted up all over the district small posters announcing that the Dáil Land Court had made an order appointing him Receiver of the lands then in the occupation of the body known as the Cregg Land Committee, and calling upon all those who paid rents to the said committee to pay the said rents to him. A similar notice appeared in all the local papers. In due course the Creggs Land Committee was wound up and its ill-gotten lands restored to their rightful owners. It was certainly the most unusual case that I was called upon to determine.

7. The Hanley Case.

Mr. Hanley of Carnaglough had taken the season's grass on one of the farms in the Ballintubber area. It was advertised in the press, and there was no objection to

him from any quarter. He paid half the money and signed a bond. Without a word of warning, his cattle were driven. He put them back, but there was another drive, so extensive that it took him a week to collect his scattered cattle and restore them to the fields he had taken. They were again driven and were so hacked and lame that he feared they would all perish. He finally had to leave them all pent up in a little paddock, up to their shoulders in muck and dirt. There was also the shameful treatment meted out to Hanley when he was stripped naked and whipped through the streets of Creggs on a fair day there.

B. - SOME OFFALY AND LAOIS CASES.

1. Mulrennan v. Kelly and others.

In this case there were no less than 25 claimants laying claim to the lands of Croghan Hill and Ballybeg, comprising about 200 Irish acres. In a letter dated December 18, 1922, to Kevin O'Higgins, T.D., the claimants recite (and their recitation gives the history of the case) "that the lands of Croghan Hill being let in grazing, we approached the landlord with a view to purchase same for division amongst ourselves, and had the matter practically completed when the plaintiff, Mulrennan - who actually was

the herd - bought it from the landlord behind our backs. We, thereupon, removed the crops when the time came for doing so, and then the plaintiff issued a writ, the subject of this matter, claiming damages and an injunction against us before Lord Justice Powell. We did not defend the proceedings but brought the case into the Land Arbitration Courts at Tullamore, and the plaintiff signed a form to abide by the result of the said court in October, 1920. The judgment given by Mr. Kevin O'Shiel, B.L., was that all further proceedings in the High Court be stayed. He also ordered that the lands were to be divided among the applicants, including the plaintiff, by two land valuers who were to be sent down by Dáil Éireann. The plaintiff is still in possession of the land and went on with the undefended proceedings in the High Court and marked judgment against us for £936 and £200 costs. We are informed and believe that we are about to be seized on and request your intervention". As can be seen, that was a singularly awkward case for the Provisional Government. What happened was that the claimants accepted the Dáil Court, but, Mulrennan, the recent purchaser of the land, did not. Mulrennan took proceedings, at the height of the

trouble, in the British High Court for damages against the claimants. They, on the advice of the Sinn Féin Clubs, ignored those proceedings and entered no defence. Time went on; the Black and Tan terror of the winter of 1920-21 raged and no action was taken in any court, British or Dáil, to determine that particular issue, Mulrennan remaining out of possession of his lands, and the claimants, or their nominees, occupying them. Things went on in this fashion until 1922, when the Free State Government had restored order in the country and restored the authority of the old British Courts which they had taken over. Mulrennan then proceeded to have his order for damages and costs carried out. There was consternation in the neighbourhood. The twenty-five farmers concerned were terrified to put out their cattle even on their own lands for fear of the sheriff and his men pouncing upon them, seizing them and selling them to realise the terms of the judgment. That particular case had to be dealt with by special legislation in the new Land Act. There was an old history attached to that case. There had been agitation for the Croghan Hill lands for many years, and the leader of the claimants, indeed the chief instigator of the agitation, was Mulrennan, the owner's herd.

Having stirred up the countryside and made things difficult for his landlord, and inculcated in him a desire to sell and get out, Mulrennan went behind his crowd and bought the land. That circumstance engendered much bitterness and personal spleen against Mulrennan, whom the locals regarded as a renegade.

2. Marcella Minnock v. Patrick Rabbitt.

Lands of Ballyare.

This was a curious case. There had been an auction of these lands in 1899 which had proved abortive because of interference. That auction was followed by a second auction where, because of interference, Rabbitt got the lands extremely cheaply, and far below their real value.

I ordered Rabbitt to pay £10 compensation to Mrs. Minnock, on which he was to be left in undisturbed and peaceable possession of the lands.

3. James Egan & Another v. Margaret Doorly.
Bullock Island and M Island.

I heard this case in Birr, I think, and gave judgment on June 24th, 1921.

The lands, the subject matter of the proceedings, were two islands in the River Shannon, namely,

Bullock Island	-	50 a. 0 r. 22 p.
M Island	-	<u>12 a. 3 r. 22 p.</u>
		63 a. 0 r. 4 p.

held by Miss Doorly under a lease of December 7th, 1897, at a rent of £47 - 10 - 0 p. a. The issue in this case really was one of price, as Miss Doorly was prepared to sell if she got the price she was looking for.

My judgement was that the lands be sold by Margaret Doorly to the claimants for the sum of £1,700; that on payment of half that sum, viz. £850, the claimants could take up possession of the lands but were to pay Margaret Doorly at the rate of 6% p. a. on the balance of the purchase money from the day they entered into possession until the "sale was completed in every respect and particular".

An appeal was lodged from my judgement fixing the price at £1,700. That appeal was heard by my colleague, Conor Maguire, who increased my price to £2,500. I should add that my price (as, I think, was the price on appeal) was estimated by our Valuation Department, as I, certainly, had no particular qualification for the valuing of land or the estimating of land prices.

4. William Hayes v. Lambe and others.

The history of this case was that in 1907 the lands of Derrysallagh, comprising some 90 Irish acres, were the subject of an agitation, and a man called Corcoran, who

held them on the eleven months' system, was compelled to give them up. Between 1907 and May, 1913, when the lands were taken by the present plaintiff, Hayes, negotiations were pending with the Estates Commissioners for the sale of the Lyster Estate, on which the lands were situate; and one of the conditions of the tenants was that the untenanted land on the estate should be acquired and divided up amongst the tenants with small holdings. The untenanted land at that time consisted of Derrysallagh and Cappagh. The landlord agreed to sell at 22 years purchase and divided Derrysallagh and Cappagh, but the tenants would not give 22 years purchase. When the negotiations broke down on that point, the landlord put stock of his own on the lands; and tried to let them, but in vain. They were "tainted lands", wanted by the local small tenants. In May, 1913, the present occupier, Hayes, took over the lands and constructed a tin hut on them. Subsequently, in 1917, he erected a dwelling-house and out-offices at a cost of £1,000. All this made him extremely unpopular with the local tenants, who contended that that untenanted land, being in the Lyster Estate, they were entitled to have acquired and allotted amongst them, and that his action in stepping in and taking the lands shut the tenants

off from getting what they considered their rights thereon.

The evidence before me was that, in that particular locality, there were several much larger holdings than Hayes's, and that these holdings were all let out in long term lettings for years without let or hindrance from any quarter. Hayes submitted that having regard to all the circumstances, he had a perfect right to execute, as he did, a lease of 99 years for the lands. And that lease was a judicial one, so found. Hayes's lawyer told the court that his client was a Protestant on excellent terms with his neighbours. There never had been anyone evicted off the lands, which were untenanted until Hayes took them. Indeed, until the spring of 1920, when some people came forward demanding 40 Irish acres of them from him, there never had been any trouble.

I heard this case in Birr on September 9th, 1920, and gave judgment on November 13th, 1920. My judgment ran as follows: -

"DÁIL ÉIREANN

LAND COURT

LAOIS AND OSSORY SESSION

JUDGMENT.

Whereas William Hayes holds 90 acres, 1 p.m., of the lands of Derrysallagh under a lease for 99 years as

And Whereas the said William Hayes is a farmer with a family and has no other means of livelihood;

And Whereas it is not the policy of these Republican Courts to break up the moderate sized farms, particularly when there are large ranches as yet untouched;

And Whereas it has been shown that the claimants are mostly uneconomic holders and landless men;

Now This Court Hereby Orders: -

- (1) That the said William Hayes is entitled to the peaceable and undisturbed possession and use of the said lands;
- (2) That the said claimants have established their claim to more land but not to the disputed land;
- (3) That all parties abide their own costs in this matter.

(Signed) CAOIMHIGHIN Ó SIADHAIL

President of the Court".

My judgment was highly unpopular in the locality, and on June 27th, 1921, the O/C of 'K' Company, 1st Battalion, Ossory I.R.A., wrote a letter to Stack, Minister for Home Affairs, about it. With the letter was enclosed what was headed "A Sketch of the Land Dispute of Borris-in-Ossory" which stated that that dispute "has aroused a lot of ill-feeling in the neighbourhood for the past couple of years". "The

Sketch", which was undated, was signed anonymously "The Tenants". Having referred to the prior negotiations with the landlord for sale through the Estate Commissioners, and their breakdown, "The Sketch" points out that, since then, the lands were practically boycotted; and that Hayes "has since been approached by the clergy to give up the lands with a view to dividing them, and agreed to give up 30 acres. It was then put to your court (sic!) and the decision come to was not in their favour. The net result, therefore, of submitting to your court (which was done without the consent of the clergy) is that the 30 acres would now be divided as both Mr. Lister and Mr. Hayes were perfectly agreeable..... The tenants cannot see any reason for your decision against them, especially as the landlord is willing, and under the circumstances they ask you to re-submit the matter to the Hon. member of the court with a view to their altering their decision".

Stack, Minister for Home Affairs, passed on that statement to the Dáil Land Settlement Court, whose Chief Registrar replied, on July 8th, 1921, to the aforesaid O/C I.R.A. as follows: -

"I beg to inform you, for the information of all parties concerned, that a court of the Land Settlement Commission cannot, under any consideration, reconsider its promulgated judgment. In this respect our courts are strictly bound like the British, French, and American, or any other judiciary. If a party in a cause is aggrieved at a judgment of a Divisional Court, he can appeal to a higher tribunal. This particular case was heard by a Court of First Instance in September, 1920 (judgment was given in November, 1920), and though there was a right of appeal, no appeal or complaint was sent to this Department in the meantime. For your exclusive information, I may add that I have shown the documents to the Commissioner who heard the case, and he states that the alleged history dealing with the lands is worthless as a legal document because it is neither signed, witnessed, nor dated".

E. SOME CO. TIPPERARY CASES.

1. The Carden Case.

By agreement dated October 30th, 1920, Sir John Carden, Bart., sold some 1,232 acres of his lands to John Egan and Others for £50,000. William Meagher, Solicitor, Templemore, was Secretary and Solicitor of the Purchasing Committee, to which post he was appointed on February 23rd, 1921. That Purchasing Committee was appointed under two orders of the Dáil Land Settlement Courts. William

Meagher, in his affidavit, averred that the Land Court, under the supervision of the Minister of Agriculture, divided up this land between small holders, landless men and labourers in the Town and District of Templemore. The allottees went into possession in April, 1921, and were in occupation at the time Meagher ceased to act as solicitor for the said committee. Complaints then ensued that none of the beneficiaries had paid up his portion of the purchase money as each had covenanted to do, which meant, if these portions were not forthcoming from the said beneficiaries, that the members of the Purchasing Committee would be financially ruined. An affidavit to this effect was sworn on February 12th, 1921, and on February 17th, 1921, I held a sitting in Dublin under the Emergency Division of our system. The court opened at 1.40 p.m. Evidence was given by Very Rev. Daniel Kiely, P.P., Templemore, representing the committee to which he had been appointed by the Minister of Agriculture on November 1st, 1920; by William Meagher, Solicitor, John Egan, Chairman, Templemore Urban District Council, representing the original purchasers; W. McGrath, representing the townspeople of Templemore; Michael Cahill representing local labourers; Jack Lily, representing

local small holders, and S. Duggan, representing the Irish Volunteers.

William Meagher, on behalf of the complainants, said it was an application by Notice of Motion in the Emergency Division for an order that the purchasers of the Carden Estate be at liberty to proceed with the distribution of the estate pending final judgment. His committee was working with the townspeople's committee, which included James Shelly, Chairman of the Dáil Éireann Loan Bond Committee. When the land had been purchased by the Meagher Committee (seemingly somewhat surreptitiously), and when, at William Meagher's request, the Minister of Agriculture promised to send down an inspector, "matters then became public", and whilst they were waiting for an inspector, Father Kiely, at the request of some tenants, called a public meeting for October 9th, 1920, to discuss the case. According to Meagher, the five men who got up that public meeting were the largest tenants on the estate. A resolution was passed at that meeting asking Meagher and his clients and committee to hand over to them all correspondence and deeds in

the matter of the Carden Estate. The sale was to be completed before February 1st, 1921. A deposit of £5,000 was paid out of their own moneys, and the liability of £45,000, together with interest and all costs, was "still on their shoulders". And Meagher declared that they were being pressed for the whole purchase money. He thought it a most unfair suggestion of Father Kiely in his affidavit that "someone had informed the Crown Forces that that meeting was being held", and he (Mr. Meagher) begged to take the strongest exception to that insinuation and could assure the court that the original Committee Purchasers, his clients and associates, had received far more attention from the forces of the Government than had Father Kiely or any of his friends. He himself (Mr. Meagher) had been searched many times. No later than the previous night was he held up and searched thoroughly and was in great danger, as he was carrying important letters down for the Minister of Agriculture. One of the members of the Purchasers' Committee, Thomas Maher, had been arrested, tried and sentenced to imprisonment.

Father Kiely, on his part, emphatically repudiated that any allegation in his affidavit referred to Mr. Meagher and his friends. He said his statement was intended merely to emphasise the near impossibility of holding meetings of any sort in the Co. Tipperary.

Mr. Meagher denied emphatically Father Keily's allegation that the purchasers took proceedings against trespassers in the foreign courts.

They had not prosecuted anyone for trespass; under the terms of the sale, such prosecutions, if called for, were to be undertaken by Sir John Carden.

At this stage I asked Mr. Meagher: "I take it you would be satisfied with an increased representation on the committee, and also that the interests of Mr. Dwyer's clients should be considered?" And he replied, "Yes, that really is the whole question".

Father Keily then opened his case. He declared that the whole case against him could be reduced to two points, viz. (1) that he did not regularly call meetings of the committee, and (2) that, owing to

neglect on his part, those people had been damnified by (a) timber having been stolen to the value of £1,000, and (b) hindered in floating a loan of £20,000".

I then said: "You are anxious for peace: any sort of an adjustment that would bring peace, you are anxious for. That is the position, I take it?

My decision will be one in which I shall take into consideration the various facts and grievances.

I shall probably arrive at a decision in which no party to this dispute shall get everything, and each side will get something". And Father Keily said:

"Whatever the decision will be, and I can speak for those who are acting with me, we will work it".

I gave my decision some little while subsequent to that hearing. It took the following form: -

"SAORSTÁT NA hÉIREANN

DEPARTMENT OF AGRICULTURE

LAND SETTLEMENT COMMISSION COURT

EMERGENCY DIVISION.

ORDER

Whereas the matter at issue in re the lands of Sir John Carden, Bart., were tried at the Co.

Tipperary Session (1920) of this Court;

And Whereas by a judgement of November 11th, 1920, a Committee was appointed and a power was vested in the Minister of Agriculture to dissolve such committee at his discretion;

And Whereas by order of December 14th, 1920, the said Minister of Agriculture, by virtue of the said power vested in him by the said judgment, dissolved the said committee and appointed certain persons to form a new committee;

And Whereas the matter came before this court on February 10, 1921,

Now This Court Hereby Orders: -

- (1) That all committees, groups of persons and sections of persons, acting or purporting to act in connection with the said estate, are hereby dissolved;
- (2) That a new committee be formed for the purpose of carrying out the provisions of the said judgment in the manner hereinafter described;
- (3) That this said new committee, and it alone, be legally entitled to be known as the "Carden Estate Advisory Committee";
- (4) That the said new committee be formed in the following manner: -
 - (a) The Rev. David Kiely, P.P., to be Chairman,
 - (b) The clients of the said William Meagher, Solicitor, to appoint 5 members from amongst themselves to act thereon,

- (c) The client of the said William Dwyer, Solicitor, to appoint 5 members from amongst themselves to act thereon;
- (d) The clients of the said Rev. David Kiely to appoint 5 members to act thereon.
- (5) The new committee, composed in accordance with the terms of Clause (4) of this Order, to be formed within 10 days of this Order, and the first meeting to take place within 20 days of this Order;
- (6) All members of the said new committee to abide equally their part of the finance now borne by the said William Meagher and his clients".

Finally, the new committee was to carry out the provisions of the said judgment of November 10, 1920, "fittingly and properly in every respect and particular; but every one of their acts and decisions, other than acts and decisions unanimously agreed on, were to be ratified by the Minister of Agriculture before being given effect to.

That was the beginning and the end of my connection with that particular estate under the Dáil Land Settlement Commission Court. But it was by no means the end of those proceedings. They dragged on, one way or another, for years, and were finally dealt

with by Judge Wylie under the powers of the tribunal appointed under the "Dáil Éireann Courts (Winding Up) Act, 1923-25". The last order of that tribunal in this matter was dated February 18th, 1927, and dealt wholly with liability of the 44 beneficiaries or co-purchasers of the Carden lands, as to their share in the purchase money of £50,000.

G. SOME. CO. WESTMEATH CASES.

1. Scally v. Weldon.

I decided this case on July 24th, 1920, at Mullingar. It was hardly a land claim at all; more of a loan matter under common law. The decision, which took a curious form, explains it, I think, sufficiently clearly. I suggested to the parties that they should come to some agreement and that that agreement could be made a rule of court. After an adjournment for that purpose, the following undertaking was made by Patrick Weldon and handed up: -

"I, Patrick Weldon, do hereby undertake and agree that if at any time within ten years from the 1st day of August, 1920, James Scally

of Grange, refunds to me the sum of £1,000 which I paid to him for the lands of Grange, the subject-matter of Folio 2290 of the Land Registry of the Co. Westmeath, I will reconvey the said lands to the said James Scally, his executors, administrators or assignees. I am to have the use and benefit of the said lands in the meantime, and, if they are not claimed within the said period of 10 years, they will become my absolute property.

Dated this 24th day of July, 1920.

Signed: PATRICK WELDON.

Witnesses: J.E. Wallace, Solicitor.
Nicholas Crosbie.

This Agreement is hereby made a Decree of this Court,

KEVIN R. O'SHIEL

President, Land Court. "

2. The Gradwell Case.

I have already described this case and the action taken; so I do no more here than record it.

H. SOME COUNTY CLARE CASES.

1. The Hardy Case.

Lands of Walterstown, Crusheen, comprising

140 acres, 1 p.m.

These lands were in the Hardy family for many years. On April 8th, 1920, without any warning whatsoever, Godfrey Hardy was accosted by a gang of armed and masked men who, with threats, demanded that the whole place be given up to them within a fortnight. In fear and dread of the consequences, Godfrey Hardy's trustees made an offer to sell 40 acres, which was refused, the agitators stating that they must have "the whole place or nothing". Godfrey Hardy and his sons had no title whatever to any other lands; and had, in fact, no other means of livelihood other than those Walterstown lands. Godfrey Hardy was suddenly set upon when out alone, walking along the road, by a gang of from 15 to 20 men with blackened faces. They beat him and kicked him and demanded that he go down on his knees and swear to give up his land to them. This he courageously declined to do, telling them that he

didn't own the lands but only had a life estate in them. He was thereupon tripped up, blindfolded, his hands and legs bound and revolvers pointed against his side and back. They again demanded that he would agree to surrender the lands to them within a fortnight.

Hearing the row, his sister, Miss Violet Hardy, ran to his rescue, and shots were fired at her. The Hardy's workmen were intimidated, their houses being fired into. Cunneen, their chief workman, was terrified out of his employment with them, but the local priests organised a collection for him. Boycott notices were posted up all over their lands, and along the roads leading to them.

Mr. Hardy, in the hearing of the case before me at Ennis, emphasised that the attack was made on them without any notice or warning whatsoever, much less any suggestion of negotiation. He seemed particularly to resent that, seeing that he and his family lived for years past on excellent friendly terms with all their neighbours, though they were not members of the dominant Catholic Church. He could not understand why hostile action of so aggressive a character should have been taken against them without any attempt at a preliminary friendly approach. He did not think that he, or his

family, deserved such treatment at the hands of neighbours whom they had never wronged. Their little farm was purely a residential, agricultural holding, and was all they possessed.

My order, made at Ennis on July 7th, 1920,

declared: -

- "(1) That the said Godfrey and the said Violet Hardy are entitled to full, peaceful and undisturbed permission and enjoyment of the said farm of Walterstown, Crusheen;
- (2) That if there be any further interference with the citizen rights and liberties of the said Godfrey and Violet Hardy, it will be decreed to be an offence against the Decree passed by the Dáil on June 29th, 1920, and offenders will be dealt with in a prompt and summary manner".

I may mention that, while I was hearing this and other cases in Ennis, "His Majesty's High Court of Assize" was sitting in the Courthouse there, and was having a very easy time indeed. Few cases were proceeding before it, and it rose early and departed therefrom. As for me, I was kept busy until well on into the night.

2. The Rineen Ranch.

There was another Clare case of a very singular

character. Unfortunately, I have forgotten the names of the parties. It concerned, if I am right, the big grazing ranch of Rineen. About 20 or 30 years before I came on the scene, there was violent agitation by the locals for the acquisition and division of that ranch. Eventually the landlord sold the ranch surreptitiously, behind the backs of the agitators, to a certain man for, doubtless, a satisfactory price. That was bad enough, in all conscience, but one can imagine the feelings of the agitators when it subsequently became known that the purchaser was one of themselves, and not only that, he was their leader!

He was certainly a man of extraordinary obstinacy and determination, for, despite the most intense boycotting and enmity he held their lands for 20 or 30 years. He lived in a shack that he had erected on the lands, and beside that shack was erected a police hut, where three or four R.I.C. men were stationed to guard him. For 30 years no neighbours had spoken a word to that man. For 30 years, wherever he went, to Church, to fairs, to markets, the three R.I.C. men, with loaded carbines, accompanied him on a side-car. He was often fired at, and often wounded; but, despite all that, budged not one

inch up to the time of my court sitting in Ennis. He came into my court, who induced him, I do not know. But, though he came into my court and got Republican police protection, he did not dispense with his R.I.C. guard, who escorted him to my court, waited for him there and, after the hearing, escorted him home. My decree in this case was that the lands be acquired by a committee representing the local claimants; that the purchase money be estimated by a Court Valuer, and that, on its payment to the owner, the committee take the lands over for division, every successful allottee repaying to the committee his share of the purchase money for his allotment. I never heard how that case worked out, but I am almost sure the tough, old owner found himself ultimately in secure possession of the lands, the claimants having, as in so many cases, failed to raise the purchase money. This case illustrates the fierce and almost irrational passion for land and the indomitable clinging to it. From another angle, it gives an interesting insight into the fury and intensity of the land fever. As a man once said to me, not without some element of truth, "They'd sell their mothers for land". Does that intense passion for land exist to-day (1959)?

I doubt it.

THE TERROR AND THE DAIL COURTS(October, 1920 - July, 1921)

I have described how the Dail Government and its institutions - in particular its Courts, - were permitted a period of peace, or, rather tolerance, for the first part of the year 1920. During the months of May, June, July, August, and, indeed, September, in certain parts of the country, the Dail Courts operated without interference from the British Authorities.

As I have said, that toleration appeared to have been designed, to have been a resolved on line of policy.

The Castle people, as I figured it, concluded, and not without reason, that if they held their hands and let the republican Courts function, the result would be chaos, in which the entire Sinn Fein and Republican movement would be embedded. Sinn Feinism and Republicanism would consume themselves in the ensuing anarchy and "decent, law-abiding people" of all religions and politics, bereft of their substance and in constant danger of their lives, would soon be hollering for the return of British order and British Law.

It was, of course, a gamble; but it was quite a worth-while gamble. As I have pointed out our Court structure was largely illusionary, little more than a façade with a seeming strength behind it. Had there been anything like considerable defiance of it, particularly of our Court Orders, as might well have been the case, our pretence at running a Judiciary, with all its penal and coercive powers, would have been a farce; all, everything would have collapsed in ridicule, - that most dangerously corrosive of all elements on the Irish character.

But the Dail Courts, to the surprise of everyone, were an extraordinary success. They were able to make orders, and to make orders that were extremely unpopular, directed with equal impartiality, as much against the Dail's most faithful supporters as against its enemies and to have most of these orders carried out. In the particular line with which I was concerned, - that of agrarian disputes, where the feelings between the contenders have always been traditionally passionate and bitter, I, and my colleagues could have been given away to the enemy time

and time again, by bitterly disappointed litigants; but we never were. It was really phenomenal that, with so little real power, or should I say, material power behind us, we succeeded so well, of course we had moral power behind us in full tide - the will of the people; that, in conjunction with their traditional distaste of selling anything in the nature of a patriotic organism to "th' auld enemy." The Dail Courts were such a sweeping success that the Castle people behoved themselves to change their tactics. They saw these Courts functioning openly over the greater part of the country with a public acceptance and an efficiency that they never imagined possible. Furthermore, they saw their own Courts withering. They beheld their Judges, - High Court and County Court, - touring the country with their panoply of attendants, with their escorts of military and police, sitting in Courthouses that were deserted save for a small sprinkling of unemployed Barristers and Solicitors, where only raison d'être seemed to be to declare that the cases, as called, were "settled" or "withdrawn"; - which meant, of course, that they had been transferred to the "illegal Jurisdiction", probably sitting to a crowded

audience in a very modest structure, a few streets away.

The Judges of the King, presiding in those great empty courts, waxed indignant and angry at Sinn Fein's "unprecedented insult to the Crown"; and that was about all they could do. They could not compel litigants to come into their Courts, and accept their adjudications; nor could they prevent them from submitting their cause to the Arbitration Courts of the Dail.

The whole development was maddening to the Castle people.

Their quite intelligible trial at a toleration of the Sinn Fein Courts proved a complete failure from their point of view. Far from resulting in the fiasco that they so confidentially hoped for and expected, these rival Courts were growing, day by day, in power and prestige whilst the Crown Courts, as I have said, were withering, - indeed vanishing as effective organisms in the Irish body politic.

Accordingly, in the late Summer the word went forth that the "Sinn Fein Courts" were to be vigorously suppressed, and all connected with them arrested, gaoled or interned.

I have described the suppression of my Land Court in Mullingar. I think that that was the first Court suppressed by the British authorities; - certainly the first Court

functioning under warrant of Dail Eireann to be so suppressed. It was mildly done, and none of us was arrested or even searched. Indeed, had a search taken place I fear Mr. Maguire's Policemen, with their revolvers, would certainly have been in for it.

The new Anti-Dail Courts policy took some time to hot up, and speaking for myself, for about a month or so after the Mullingar incident I was able to hold Courts in the open in Tullamore, Maryboro' and Birr. Actually, in Birr I did get warning that my hotel would be raided, and I was transferred, late at night by the I.R.A. in a car to the parochial house of a friendly priest (was he the P.P. of Mountmellick?). Right enough my hotel in Birr was raided that night but, of course, without result. The local I.R.A. had, seemingly, excellent information of the enemy's movements. From September onwards things grew worse and worse, and presently there was no prospect or hope at all of holding open Courts. The Castle soon demonstrated that it was very much in earnest about suppressing the courts. Thenceforward we read, every day, in the press, of the steady and ruthless suppression

of the popular Courts, sometimes Judges as well as litigants being shot down.

As the Summer of 1920 glided into the Autumn, and Autumn into Winter, the Terror waxed fiercer and fiercer. The British Authorities and their Castle agents decided that the time had come to strike back against the Dail, and to strike back ruthlessly with a mailed and bloody fist. In this regard the first thing they had to attend to was the reorganisation of the R.I.C. which the I.R.A. had largely paralysed. The stream of Irish recruits to that famous gens d'armerie had dried up. Sinn Fein had seen to that, had seen to it that no Irishman worthy of the name would ever again don the dark green uniform of the Royal Irish Constabulary.

Seeing that there were no recruits forthcoming from Ireland to that body, recruits had to be procured elsewhere. Advertisements appeared in the English and Scottish papers, calling for recruits to the R.I.C. and offering tempting conditions and terms. Soon, in answer to those advertisements, a curious ill-assorted medley streamed across the Irish Sea from Britian to be "Royal Irish Constables".

These individuals were mainly ex-soldiers of a very poor type, largely low-class adventurers, not a few with gaol records, but recently discharged from the British Army. The stock of R.I.C. uniforms was so scarce that these newcomers had to be clothed in whatever kind of uniform, or part uniform, that might be available. Accordingly, you would see a posse of these new "policemen" mauling by, with very unpolice like rifles slung across their shoulders and revolvers in their belts, none of whom was wholly garbed in the proper regulation R.I.C. uniform. One half of the posse might have dark green R.I.C. tunics and khaki trousers, whilst the other half might have khaki tunics and dark-green constabulary trousers. Again, some would sport the dark constabulary kape and some the British khaki Army cap. The first contingent of those weird "policemen" was sent down to Co. Tipperary, which, at that time, was practically controlled by the I.R.A. They happened to be stationed in the country of the famous Fox Hunt known as the "Black-and-Tans". Immediately, because of their party-hued raiment, the locals christened them the "Black-and-Tans." And that name stuck to them and spread out

from Co. Tipperary all over the country, to designate those official brigands (for they were nothing else) and in due course passed into the English language in permanent form.

These Black-and-Tans, comprised as they were of a very low-grade type of British Army and gaol rift-raft, did not shine at all in their encounters with the I.R.A. And so it became clear to the British Authorities, that darning up the vacancies in the R.I.C. with that particular class of material, must would not do. Something more was required; some better type of protagonist, with higher morale and keener fighting qualities to measure themselves against the very formidable I.R.A. guerilla fighters. Hence it was that, on the advice of Churchill and Sir Henry Wilson, a new corps was founded, and a corps that, unquestionably had fighting qualities and morale as high as the I.R.A. itself. That new corps was recruited entirely from ex-British Officers with a good fighting record in the service. They would, perhaps, correspond today with the officer element in a Commando regiment: - certainly not to be despised. Nor, indeed, were they. The Auxiliary Division of the R.I.C. - to

give it its official name - wore dark-green, well-cut uniforms and snappy dark green "Tam-o-Shanters" with long dark-ribboned streamers flying out from them, which ensemble gave them a formidably efficient if reckless and rather dare-devil appearance, thereby differentiating them from the old, legitimate Royal Irish Constables whom they were supposed to reinforce. The "Auxies", as they were known as, were as tough, reckless and brave a crowd of men that could be collected in any country. They numbered about 1,500 and were organised in 15 companies. They were despatched to these districts where the I.R.A. were dominant and active and required tough, determined and vigorous handling. Sometimes they were posted in R.I.C. barracks with the remnant of the old R.I.C. But they never got on well with these "allies" of theirs; and there were more than one instance where the rival group of allies turned their guns on each other. But mainly they were quartered by themselves in houses requisitioned for their accommodation. The Crown's new policy of attack, inaugurated in September, 1920, expanded and intensified during the ensuing months of that Winter, followed into the Spring and Summer of 1921.

On September 20 the Auxiliaries opened their offensive on the people by the sack of Balbriggan after a Black-and-Tan had been killed in that town as the result of a drunken brawl. That sacking was closely followed by similar sackings of several other towns and villages throughout the country; for example, places as far apart as Carrick-on-Shannon, Ennistymon, Tuam, Miltownmalbay, Kilmallock, Lahinch, &c &c. The columns of the daily press were packed ad nauseam with accounts of the violent and bloody doings of the Crown forces, particularly by the two newly formed legions of the Crown's irregular "police"; searches, arrests, raids, sackings of towns, murders and killings of civilians, hangings of captured I.R.A. men, wholesale suppressions of Courts, burnings of houses of Sinn Fein sympathisers as reprisals for the failure to inform the Authorities of ambushes, and the carrying round in their lorries of Sinn Feiners as hostages against attacks. On the other hand there were numerous and ever-increasing reports of the counter-action of the I.R.A. forces:- ambushes, attacks in and burnings of barracks, slaying of informers, detectives and intelligence men, burnings of income tax offices and Court-houses throughout the country, as also of the

houses of pro-British sympathisers in retaliation for the burning of Sinn Fein houses. That particular reprisal stopped the extension of that particular practice by the British as, of course, two or three big mansion or manor houses were infinitely more costly and irreparable than dozens of small houses and country cottages. Added impulse was given, about this time, to the attacks of the resistance movement by the creation of two new corps in the I.R.A. viz. Flying Columns and the Active Service Unit. The former (the conception of Dick McKee) were wholtime units established and operating in various parts of the country; the latter comprised 50 carefully picked men, operating in Dublin City and its environments. Both were wholtime timers paid weekly wages and withdrawn wholly from their usual avocation. The A.S.U. was largely the executive Unit of Collins' Counter-Intelligence men. Practically the only function left to the British Courts of Law was the hearing of claims for the malicious burnings of towns and houses and the awarding of compensation therefor, struck on the local rates. For example, the awards made in respect of the sacking

of Tuam amounted to £50,000 and for the sacking of Mallow £200,000; - huge sums for these days.

Early in September, 1920, Collins' men sent me word to make myself scarce as the Black and Tans were looking for me. This surprised me as it never occurred to me that my peaceful operations would drawn down on me their ire. The explanation was that they had come to the conclusion that I was the "Sinn Fein Judge" who sentenced their men to death, in absentia. Of course their conclusion was absurd, and was probably based on the circumstance that I had been the first judge to operate in the country under the warrant of Dáil Éireann; so I suppose they convinced themselves that I was the chief judicial factotum of the invisible Dail Government, for the sanctioning of some of its nefarious deeds. At any rate, in the interests of my health, I could not very well seek an interview with them, and explain to them their grave misconception of my functions. No tip from Collins' men could be safely ignored; and so I decided to act on it at once and betake myself to another habitat. At that time I had been residing with my brother, a medical student, in lodgings at "Muckross House", Whitworth Road, Drumcondra. The

house belonged to Mr. Dagg who lived there with his wife and grown family of 2 sons and 2 daughters. Another daughter was married and lived elsewhere in the city.

Mr. Dagg had been a Deputy Superintendent of the G.P.O. and had retired shortly after 1916. He was a tall, erect, thin wiry old man with an iron-gray beard and spent most of his days in retirement on Clontarf Golf Links, at which game he excelled. He was a good Church of Ireland man, a fairly prominent freemason, unquestionably conservative, and, I should say, Unionist in his outlook. He was a rather dominating assertive old man where his family was concerned and I rather think ruled, or at any rate, attempted to rule them from his wife down, with a firm hand. I have heard that he had been very much of a martinet with his staff when in the Service. However, as far as my brother and myself were concerned he was most courteous and kind, bringing us out, from time to time, to his Golf Club for a round of Golf and afterwards dispensing hospitality to us with a liberal hand. Indeed, he often went out of his way to shew us a kindness. For example, it was his wont once

a month to go out to dinner in the Masonic Lodge, Molesworth Street. He would return home between 11.30 and 12 o'clock, and shortly after the hall-door closed behind his admittance there would be a knock at the sitting-room used by my brother and myself, followed by his appearance, resplendent in full evening dress and masonic trappings and decorations. In absolute silence, without as much as bidding us the time of night, he would advance slowly towards us, somewhat unsteadily as he had certainly dined well, and present each of us with a superb double corina cigar. Bowing, he would withdraw in absolute silence. I don't know exactly how often that little ceremony happened; but it was one of the kindnesses that I remember of that original old character; for a bit of a character he certainly was and kept up his characterization to the end, departing from this world at the ripe age of 100. Mrs. Dagg, with whom alone we had our dealings, was a mild, kindly, soft-hearted, stoutish woman. She had no maid, but ran the establishment mainly with the assistance of a young and rather small daughter. To tell the truth, Mrs. Dagg was one of those poor ladies who was chronically hard up and seldom out of debt. often making requests to us for payments in advance to meet ever-pressing claims.

I have an idea that she ran up bills, unknown to her husband and was compelled to resort to moneylenders when the pressure from one quarter or another became critical. But whatever about that she treated my brother and myself with the greatest kindness and consideration, doing us well for what we paid her. When I got Collins' message to make myself scarce, my brother and myself had been nearly two years with the Daggs. Although I often had chats with Mr. Dagg and his wife I never broached politics for I guessed the Daggs were Unionists and I was loath to discuss my own activities.

I found it very difficult to tell Mrs. Dagg that I intended to leave her, but when, at last I did so, she appeared thunderstruck. What had she done? What was wrong? Tell her, tell her at once and it would be immediately remedied. I told her, vaguely and dishonestly some palpably bad excuse and the poor lady went off, weeping, saying that she did not know how she'd tell Mr. Dagg on his return from Clontarf in the evening. It was, of course, the loss of my few weekly pounds that Mrs. Dagg would chiefly feel by my departure. That evening my brother and I had just finished supper when Mr. Dagg strode into our room. "Mr. O'Shiel what

is this I hear? You are not serious, surely" &c &c.

Mr. Dagg had been a good friend to us and he was so genuinely distressed at the news of my leaving his home that I determined to make a clean breast of it and tell him the truth. I assured him, as I readily could, that my leaving his hospitable roof was in no way due to any remissness on the part of his wife or family, all of whom had been so consistently kind to me.

I furthermore assured him that had I my own wish I would gladly stay on with him; but circumstances were against me.

And then I told him all about my being active in the Sinn Fein movement up to my neck, and how unfair it would be for him and his family if, because of me, his house was subjected to raids and his family to indignity. To my great surprise he replied that he knew all about my connection with Sinn Fein and my Dail Court work but that my being in his house was no embarrassment at all to his family or himself. He was, he said a Unionist and a member of the Church of Ireland; but he had no use for "Those blackguards the Black-and-Tans." He also told me that his sons and his daughter Sophie, a good looking young girl who was studying music, were most sympathetic to Sinn Fein. Then he said to me - "Mr. O'Shiel, there's no safer house in this district for you than this house. Come here till I show you", - and grasping my arm

he pulled me into the hall. "Look at that," he said, pointing to a huge framed etching of King Edward VII in full regalia as Supreme Grand Master of the British Freemasons.

"Look at that! If they come here they wont dare touch or search anyone under my roof with that picture before them!" Then calling one of his sons he bade him show me how I could get out on to the roof and thence away, in the event of a raid. Of course, after all that there was nothing for me but to stay on. And stay on there I did for a further fortnight. By that time raids, followed by arrests, were every day and every night increasing occurrences all over that part of the North City.

When I left the Dags I went up to my old friend, Mrs. Fox of the "Hell Fire Club Tea Rooms" at Glencullen, where, from time to time I had put up before. It was an excellent place for anyone in those days who had occasion to "make himself scarce". To begin with the Foxes and all their retainers were strongly behind the movement, so that the atmosphere was absolutely sympathetic and favourable, and therefore safe. Again, because of the high situation of the house, near the crest of a hill on the side of an extremely steep road that no car then made could take on top gear,

it would be very easy to hear a raiding car, a mile away below, wending its way upwards, and there would be time to be warned and get out over the mountain's side at the back of the house. Again the Crown Forces did not particularly relish driving their lorries and armoured cars up steep hills with no near descent, as those were precisely the positions chosen by the I.R.A. for their ambushes.

Foxes had all these advantages but for a man with only his feet to manoeuvre in it was too far out. About that time I came acquainted with Lionel Smith-Gordon, and he invited me to come and stay with him and his wife in their house in Harcourt Terrace. They wanted me to be their guest but, of course, I would not hear of that though they pressed me very strongly; so I settled on terms as a Paying Guest that were certainly not onerous. Smith-Gordon was Managing-Director of the National Land Bank, the Bank that Collins had founded; his wife was a charming young American lady, daughter of one of the Senators from Florida in the then U.S. Senate. I was made very comfortable during my stay in that pleasant home. Harcourt Terrace was (& is) a highly respectable and rather secluded area, and was not troubled too much by raids and searches. Actually the Smith-Gordon's house was, if I

remember rightly, never raided; but a few doors away,

No. 2, the house of my good friends Ned & Lillian Stephens was frequently raided. And not without cause; as they often put up men "in their keeping".

From my exceedingly comfortable quarters in Harcourt Terrace I used to sally forth, in pretty fair security, to hold my courts in the country, or to spend the day in the Land Settlement Commissioners offices in Westmoreland Street.

In December things were becoming so bad, so many more raids, so many more beatings up of householders, so many cases of rifling and robbery that I told my kind host and hostess that really I should depart and not bring down on them a horde of unwelcome and undesirable guests in the small hours of the night. But they would not hear of it.

Smith-Gordan saying that he was in the movement every bit as much as I was myself. And so I remained with these kind friends until sometime before the Truce. Their kindness and deeply considerate treatment of me during that period I shall not easily forget. Residence in the pleasant home of the Smith-Gordans, softened considerably the asperities of life then for a fellow like myself. After a stealthy drive down into the country to hear a court in some remote spot, with the ever-present fear of being

raided and captured it was exceedingly pleasant to find myself safely back once more in the beautiful little home of the Smith-Gordan's where I was always sure of a warm welcome and congratulations on my successful return. Both Lionel and his good little wife were, as I have said, enthusiastically behind the outlawed Dail and its miserable underground government and that, of course, deepened very much the friendly feeling and understanding between us. Indeed, that was one of the wonderful compensations of those severe times: - the extraordinary sympathy and friendship, indeed, nearly affection, that knit all of those in the revolutionary movement as closely together as though they were brothers and sisters within the one family. Not only that; that wonderful sympathy that showed itself in so many extraordinary and most unexpected ways, and that I, personally, so often experienced, was not by any means confined to those within the movement. It was nearly as manifest amongst perfect strangers who had no connection with the movement in any way, often Unionists and former Diehards. Indeed, it was almost universal throughout the whole country. Almost the whole country was extremely sympathetic to the men and women working for the proscribed Dail, - even those who were not, nor would not be Sinn

Feiners; but if they were not Sinn Feiners they were the next best thing - detesters of the Black-and-Tans and their activities.

Well, from that pleasant, cultured home I would sally forth every morning, on my Dail business, generally into the Land Court Office in Westmoreland St. with occasional trips, about two or three times a month, down the country to hold a Land Court in some safe place either in an isolated country district or in a room in the back street of some town. During the dark, dismal days of that Winter of Terror (1920-'21) it was curious, harrowing experience to be abroad, travelling in Ireland. Even walking through the city to my Dail Land Court Office, could be a harrowing and trying enough ordeal. Apart from the military and "Tan" lorries you were apt to run into Igoe's Murder gang, 50 plain clothes R.I.C. from all parts of the South and West who moved along the pavements in packs and pounced upon identified victims. One morning going down Grafton Street I passed a British military lorry with Seán Ó hUadhaigh in it, as a hostage. We saw each other, and that was all! When I had occasion to go down to a country venue, a taxi called for me and brought me to the Station, either the Broadstone or Kingsbridge, where I caught the first train

in the morning for my destination. It was generally essential for me to travel early as the railway journey covered but part of my itinerary. When I reached the particular railway station that I was making for I would (save in the case of a town venue? generally have a pretty fair distance to go by road to reach the modest habitation that had been appointed for my Court Sitting. Getting there from the station was always an uncertainty; as often as not it would happen that arrangements would be so distorted and upset, nothing turning up to meet me or to direct me, neither vehicle or contact that, after hanging about for hours I had to abandon the attempt and make my way back, as best I could to Dublin. Thank God I always managed to do so. Indeed, God was very good to me.

During the four pre-Truce years I had been active in Sinn Fein and my Dail Land Court business I was never arrested, never prosecuted in Court for any brand of sedition or treason-felony, nor did I ever suffer imprisonment at the hands of the British. All that I suffered were numerous searchings. My immunity was, of course, luck and God's goodness; but my own contribution to it was that, in the words of Michael Collins I deliberately "made myself scarce". On a few occasions

during the more open period some photographers wanted to picture us in action, but I found some excuse for preventing them doing so. Again, I was always most careful to see to it that, during the period of violence, I carried no papers that could in any way identify me with the Dail.

When the Dail Government and all its departments went underground, it became necessary for me to adopt another name, as my own had got a great deal of publicity in the local papers in the South and West that always reported proceedings before me very fully. I decided on a name near to my own so I called myself "Seale" my reasoning being that if supposing someone asked me "Aren't you O'Shiel or Shiel?" I would explain that my name was not "Shiel" but "Seale" and forgive him his understandable error!

So my name from October 1920 to the Truce became "Seale - Robert E. Seale" It also became necessary to provide myself with some colourable excuse for roaming through the country when I should be questioned, as, in fact, I frequently was. And here my old friend Ned Stephens came to my rescue.

About a year or so before this time Ned had acquired the proprietary rights in a patent ointment called "Gitsol". The ointment was the invention of a Limerick chemist, a Mr. Robert Gitson; and it sold extensively at that time

z
in the neighbourhood of that city. It was of the "Zam Buk"
type of preparation, and claimed, with equal infallibility
to cure all the ills that that famous balm asserted vanished
at its touch. It so happened at this time that one of
Stephen's travellers had left him, so he appointed me in his
place, one of the firm's authentic travellers, giving me all
the necessary papers, credentials &c. and, what was best of
all, my predecessors books made up to date. Those books
showed the towns and villages he had visited, the people he
had called on and the business done. It thus clothed me in
very authentic colours. As a matter of fact I did call on a
number of chemists and booked a few orders; but I greatly
regret to say that the Irish public much preferred the rival
concoction of "Zam-Buck" despite the fact that it emanated
from the enemy country! When I was held up and searched by
police of various descriptions, which happened, often enough,
the production of my "Gibsol" credentials at once assured
them, and I was let go on my way without question.

My narrative of my experience and activities in those exciting
years, already too long, I fear, must now draw to its close.
But before I leave this particular aspect of the Courts I
should like to say a little more about the way these Courts
were carried on during those harrowing seven months from

November, 1920 to July 1921.

After four months of the Terror the then British Prime Minister, Lloyd George gave vent to this curious and dubious boast: "Six months ago, (i.e. August, 1920) the Irish Republican organisation had all the symbols and realities of a Government.....Sinn Fein Courts were held openly and attended by litigants, jurors and advocates, and their decisions were respected. Sinn Fein soldiers patrolled the towns....." "Sinn Fein controls, military and police have gone. Sinn Fein courts have disappeared into cellars...."

One could imagine the Chief of the Vandals rejoicing in similar terms where he had destroyed Roman law and order. True, the Dail Courts were "in cellars"; but they certainly were not gone. In the offices in Earl St. and Westmoreland St. Conor Maguire and myself carried on as Judicial Commissioners with Martin Heavey as Valuation Commissioner. For the purpose of going down the country, Conor adopted the disguise of an insurance agent, and Martin went forth as a Land Valuer, which happened to be his calling, replete with ordnance sheets and scale. We were luckier than numbers of the other Departments of the Dáil, for the enemy never discovered our offices.

We were also lucky in that we three Commissioners escaped arrest and imprisonment. Our excellent Chief Registrar, Joseph O'Byrne was not so lucky. He was captured and suffered a term of incarceration. Gearóid Magan, the very efficient Secretary of the Dail Land Settlement Commission and to whose ingenuity and precautions we largely owed our immunity, was also one of the lucky ones, escaping capture.

On a day in January, 1920, I set forth from the Smith-Gordan's to hold a clandestine court in the town of Sligo. It was a bitter, dark, wintery morning with an icy North Eastern blowing and plenty of rain and sleet. At the Broadstone Station there was the usual atmosphere of suspicions, fear and strain that I had become so familiar with, the particulars and peculiar atmosphere of the Terror, hanging, like a pall, over everything.

That was a grain-going age, the automobile being largely the reserve of the "better classes", and the station was pretty crowded with travelling public. There were also there in considerable numbers units of British military, and quite a large division of Black-and-Tans with whom were some Irish R.I.C. men. The contrast in

The English and Irish accents of those two "unitedly disparate" segments of the same force was at once striking and incongruous. And there was, of course, a goodly showing of the inevitable detective and intelligence men. The only element there that could be said to be nonchalant or at all natural were the railway men, the porters and the guards. And practically everyone of those were sworn-in I.R.A. men in one capacity or another. Curiously enough I recognised in the crowd some well-known Sinn Feiners who knew me well. Persons, like us, engaged on the delicate missions of Dail Eireann, had to be perpetually on guard, so as to avoid letting anything slip that would betray us, or any others of our type present, to the hoards of watchful eyes and ears that infested the premises. We dare not, for example, appear to recognise, much less to converse with a friend or colleague in the movement who might also be travelling. Hence, it was that I could not dare to recognise my friends, or they me. We instinctively got into different carriages. I had a pleasant and uneventful journey till the train reached Mullingar, where, to my horror, five fully armed Auxiliary Cadets got into my carriage. Their appearance in my carriage gave me a big shock as I was ~~something~~ sure they were going to arrest me; and, had I to be "taken into

custody" to use the official euphuism, I would have preferred that to have been done to me by some of the other divisions of the Crown Forces. I soon perceived, however, that they had little interest in me. They seemed tired and played out, as though they had been after a strenuous campaign, or a strenuous night, and not in good talking form. When the train had got under way again, one of them, a big, well-made fellow, said to a little fellow sitting opposite him. "Now John, where's the swag?" The little fellow, with great alacrity pulled out from under the seat a large sack from which he extricated a bottle of Scotch and a bottle of Irish Whiskey. Glasses were produced, the men helped themselves liberally to the "swag" which they obviously had in strong supply, and presently conversation amongst them began to run in a steady stream. I should say that I was the only traveller in the carriage when they entered it at Mullingar, two or three others having got out there. Their conversation dealt mainly with women of their acquaintance, what they thought of them and their prowess over them. But even that fascinating topic sagged as we trundled along. Presently one of them drew from his pocket the latest edition of the "Weekly Summary" (the Black-and-Tan

counterpart to the Dail's "Irish Bulletin") and began to read out bits there-from about the heroic doings of their "braves" in various parts of the country. Up to this they took little or no notice of myself who was reading quietly in a corner seat, but then I thought I saw them casting a few suspicious glances in my direction. I decided it would be healthier for me, seeing they had been drinking a good deal not to arouse their somewhat alcoholic suspicions by silence but, boldly, as a man with a guiltless conscience, to make contact with them.

I had been reading the English "New Statesman" and bending across to the big man opposite me I offered it to him.

The "New Statesman" was it? Darned if he'd waste his time on that thrash. That blasted paper was worse than the Shinnon stuff and did more harm. I decided on the role of a Liberal Home Ruler, all for a federated British Empire, and, of course, a detester of violence and rebellion "which gets you nowhere". (That, actually, was my boring refrain). Doing the "Home Rule stunt" on those fellows was obviously far better; more natural and less obvious than pretending to be a die-hard Unionist and a whole-hearted backer of theirs. In short I decided to bore them; and went on in a boring monotone, like an

unending tube of tooth-paste, telling them, ad nauseam about the terrific heal-all of Irish troubles Home Rule would be, praising Gladstone, and Asquith and regretting that Lloyd-George hadn't passed Home Rule long before that. I could see that I had more than succeeded in boring them; and they were not slow to shew me so, by impatient signs and stamps of the feet &c. Suddenly the big fellow said to the little fellow the custodian of the "Swag". "Hi there Johny: stick a glass of the swag down his bloody throat and for Christ's sake shut him up!" A very substantial glass was duly administered to me which pretended great diffidence in accepting as "I only partook of spirits when indisposed, or ill. Generally I partook of an occasional bottle of stout, or, perhaps a little sherry...." and so on. Nothing is more deadly than the uninteresting, mediocre man boring about his petty pedestrian doings. To stop me, one of them looking at me rather suspiciously inquired What was I and what did I do. This gave me the chance I was hoping for. Out came my little case of Gibson products, replete with suitable literature including long, authoritative testimonials from those on whom the

ointment worked miracles; and at once I became an ardent and enthusiastic advocate of the miraculous balm, presenting each one of them with a free sample, remarking that one never knew when it would come in useful! I also gave each of them my "business" card which I took the precaution to have printed. "Robert E. Seale - Agent for Gibsol Productions"

They left me at Carrick-on-Shannon and I never saw men so gladly quit a carriage for, when I like, I can be a prime bore. They left me rather gracelessly with hardly a "good-day" amongst. But if they were relieved at their escape from me the reader can imagine how much more I was at my escape from them! The train pulled into Sligo Station a little after mid-day, and collecting my packages I made my way through the town to the Imperial Hotel on the Mall. It was a bitter, harsh day, with a black sky and a violent wind and heavy rain and sleet. The streets were practically deserted and beyond an unusually big traffic of police lorries I saw nothing else to cause me alarm. We people, engaged on those kind of errands were, of course, always on the qui vive for trouble.

The Imperial Hotel is a great square 4 or 5 storey block of a house facing the Bridge under which the River

Garavogue flows from Lough Gill to the sea.

As I approached the short steps that led to the entrance porch I saw, to my dismay, two very military looking men, in mufti, of course, looking out of the large dining room window as though they were expecting somebody. Heavens! I said to myself, I'm in for it! They knew all about my Court and I'm going to be collared.

I was absolutely certain that these men were the County Inspectors and the District Inspectors of the R.I.C. and that they were there for my apprehension; which also explained the big police activity I noticed in the town. As I slowly walked up the steps I pondered should I not go into the trap? Should I not go elsewhere? I decided that it was too late to do anything but face it. Anyhow the two police officers, the "County" and the District Inspectors had seen me. So in I

walked determined, to the best of my ability, to brazen it out. My contact in the hotel was the boots. He happened to be standing in the hall as I came in and as there was nobody there I revealed myself to him in the pre-arranged manner. Immediately he was all smiles. I was expected. The Court would be held in the Mayor's Parlour in the Town Hall. The boots warned me to be careful about entering the Town Hall as nearby there was an R.I.C. barracks. I asked the boots who the two men were whom I noticed looking out of the window, but he couldn't tell me. They only arrived that morning. No, they were not the local police officers but they could well be there in some police capacity, as all sorts of strange individuals, official and semi-official were constantly coming to and going from the hotel.

After lunch whilst I ate at a table adjoining that at which the two strangers ate theirs, I made my way, alone, to the Town Hall. The Sligo Town Hall is an impressive structure in modern Italianate style, the only thing wrong about it being that it occupies an inconspicuous site in a small, back street. But just before you turn into this back street - is it Quay St.? - you observe, almost facing its entrance, the R.I.C. barracks of Wine

Street, Sligo town's second police barracks. As I made my way through the pelting rain and cold I observed, with relief, no sign of activity at the barracks, other than a few R.I.C. men at the door, like a few bees at the mouth of a hive. The main door of the Town Hall was open where I was at once met by the registrar and escorted into the Mayor's parlour, where the Mayor met me and gave me a glass of wine; then took his departure. The registrar thought that with luck, I'd get away soon and in safety as there were only two cases listed. As I was chatting with the registrar the door of the parlour opened and in came the litigants and their solicitors. My surprise can be imagined when I say that amongst them were the two men whom I had taken for R.I.C. officers - One of them was Mr. Lipsett, Solicitor, of Messrs. Lipsett & Ramage, Solicitors, Ballyshannon, Co. Donegal, and the other was his client Mr. John A. Barry, of Barrycourt, Ballyshannon. The case was a curious one with a long history, and was by no means a usual agrarian dispute.

It appeared that subsequent to proceedings to realise the amount of a Judgment mortgage against one Andrew McGowan, John Barry became owner of the lands of

/Moneylaghan,

Moneylaghan, situate in North Co.Sligo on December 11, 1911, going into possession immediately afterwards. During the ensuing years the former owner, the above-mentioned defendant obstructed his successor in every way possible, and notwithstanding that an injunction restraining him against doing so was obtained in 1912, the obstruction still continued until a few years previous to my Court, when MacGowan went one better, taking forceable possession of the lands. Having heard the case I made an order in favour of Barry, confirming him in possession of the lands and ordering McGowan to desist from interfering with him.

The second case was that of Skreen and Dromard Cooperative Society v. Kennedy, Carrowloughlin, Dromard.

This was really a matter of ^{the} purchase price of the Carrowloughlin lands, and I made an order appointing our Land Valuer Mr.Quinn to go down and value the lands. This he only did despite much Black and Tan interference and I fixed the price, on his estimate thereof at £1,623.

I was able to finish in good time and got safely back that night to the Smith Gardens. I should mention that Mr.Lipsett and his client, Mr.Barry were good, hundred per cent Protestants and Unionists with absolutely nothing in common with Sinn Fein or Dáil Éireann. "Verbum Sapienti!"

/With

With this account of my Sligo Court in the January of 1921 I shall close my personal reminiscences of the Dáil Land Courts. I had, of course, many more experiences during that period than I have recounted here. For example, there was my abortive trip to Dunamon, Co. Roscommon, to hold a court when I had with me Guy Moytin, the representative of the American Press, one of our first and most steadfast friends, an American editor of that grand Englishman, Hugh Martin. With him came his friend, a Canadian, called Fitzgerald, was it? He had some Irish name, but he was anything but pro-Dáil. Anyhow Guy guaranteed him and that was enough for me. We got to Dunamon Station but nobody, as per arrangement, was there to meet us. I did not know the individuals who were to contact us. Anyhow nobody turned up; and there were we, three far from country-looking individuals, alone on that little bare, windswept, country station platform. Alone, save for one solitary porter who appeared to be station-master and everything. Moystin, looked what he was, an unmistakable American. That was alright; he could pass well enough, as Americans are not exotics to Irish soil. But Fitzgerald! No! He was perfectly attired with a bowler hat, white silk scarf Blue Melton overcoat, furred Umbrella, and, to crown all:

white spats! He looked what he wanted to look, a typical Londoner; and as his short military moustache suggested an enemy commander-in-chief, is it any wonder, what try my best, even taking him to some extent into my confidence, that I could get n'ere a word from the porter!

However, he did vouchsafe us the time of the East bound train to Dublin, and so for some hours we hung about that dreary isolated empty area with not even a public house within Christian distance. Whilst we were there two lorryloads full of raucous drunken Black-and-Tans and their unfortunate prisoners roared by, each lorry decorated with the Union Jack and the Pirate's Skull and Cross-Bones; so my friends did see something after all! Eventually we all got safely back to Dublin, and I think our Canadian friend was relieved to see the last of us. Anyhow he left us on some pretext and Guy and I returned to some quieter hostelry where we had food and drink and pleasant talk.

Note of Correction: A good friend of mine who was deeply in the old movement and who was kind enough to read through these pages, has drawn my attention to a general observation of mine anent the Courts where somewhere I say, /or.

or appear to say, that all the judgments of these Dáil Courts were given with a strict regard to the great legal principle of "fiat Justicia"; or words to that effect. These papers, as must be obvious to the most casual reader, were written hurriedly, in fits and starts, over a period of nearly four years. Sometimes they were set aside for months, and resumed when the whole thread of sequence had left my head. Much of my manuscript has had little or no scrutiny. All that I was aiming at before it was too late, or before I got too old and lazy, was to put down my reminiscences of the period as fully and as accurately as possible for posterity. Therefore, whilst I hope and believe my memory has not let me down and that my facts, at all events, are sound. I would not necessarily apply the same view to all my obiter dicta, some of which were, by the nature of the circumstances under which I was working, hastily begotten. In this regard I except all the earlier part of this production, particularly that dealing with the Carson-Bonar Law conspiracy. My observations in that connection represent my considered judgment thereon, for what it may be worth.

With regard to the Dáil Courts, all Dáil Courts
/of

of whatever description, may I say that whilst undoubtedly orders were made and acts committed under them that could not and eventually, did not stand the scrutiny of a regular Court of Law, functioning in peace, that did not affect in any way the bona fides of the amateur judges. They were earnestly anxious to do justice and, as far as I know, in the majority of the cases that came to be dealt with by them, they succeeded. They did not, as they could not, so succeed in every instance; but their failure was one either of ignorance, inexperience of the terrific pressure of the revolutionary forces. I have explained, for example, the extremes we in the Land Courts had to go to, from time to time, to keep the people with us, or rather behind us, and to keep the insane agrarian outbreaks, a revolution within a revolution, in control; at least behind its banks.

As far as the Land Courts were concerned perhaps I had better end my account of them by quoting here from the last two paragraphs of my aforesaid article in the

"Manchester Guardian's" Ireland of May 10, 1923:-

"The Dáil Land Commission was, by its very raison d'être, an Emergency Commission. It sprang up at a moment when the national Sinn Féin movement, when the structure of

/society

society itself, was severly threatened. Its object was the protection and safeguarding of these fundamentals until peace and victory brought a more suitable opportunity and a more elaborate machine for dealing with the great problem in an enduring manner.....

.....Working at top pressure in a period of great strain and under the most unfavourable conditions imaginable, it is not urged for the Dáil Land Commission that it solved, or even approached the solution of, the great land question. But I think it can claim with justice to have checked the mad career of an agrarian revolution, the most serious that this country has ever experienced, thereby saving lives and property and warding off what might very well have proved a fatal blow to the supremacy of the National Government."

E N D

SIGNED: Kevin R. O'Shield

DATE: 25th March, 1959.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRS MILITARY 1913-21
No. W.S. 1,770

WITNESS W. Newman

Secretary,
Bureau of Military History,
1012/1021