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Just another cog in the Revolution machine?

An examination of the Dáil Éireann Courts of county Offaly, 1920-1922

Steven T.M. Egan

This essay, which is based on research for a B.A. (History) at Queen's University Belfast in 2016, sets out to examine two elements of Irish history which have been neglected in academia; the Dáil Éireann courts and County Offaly. In their own right, both the Dáil courts and County Offaly have been excluded from mainstream analyses of the Irish revolutionary period and have been pushed into the side notes of history. In addressing this, the first topic objective will be to bring together the academic literature surrounding the Dáil courts in order to form a comprehensive national picture of the development of the courts and their impact on the Irish revolution. The progressive development of the Dáil courts will be tracked from the small, voluntary meetings designed to counter the rise of land agitation in the rural west of Ireland, through to the legal system which directly challenged British criminal and civil legal sovereignty in Ireland. In the second chapter, the relevant background of County Offaly is explored. Courts are inherently socially-based constructions used to settle disputes and thus an understanding of the salient social issues of the time period is essential. The plantation experiment of the 1550s fundamentally provided the basis for the social and political landscape that existed in Offaly in the early 1920s. Politically, Offaly may be regarded as an exceptional case, given the significant Unionist pockets located throughout the county. The third chapter brings elements from the previous two chapters together in examination of the Offaly Dáil courts. Original Dáil court scripts, R.I.C. records, B.M.H. witness statements and newspapers have all been utilised to create the first Dáil Éireann courts map of locations in County Offaly. The types of cases heard and users of the court are key topics of discussion. In bringing this essay to a close, Offaly is also placed into the national context. In a comparison between two other local Dáil court assessments, the Dáil courts of Offaly will be compared to those located in County Longford and County Clare.

Dáil Éireann Courts, 1916-1923

The Irish revolution is no doubt a convoluted and multifaceted machine; the parameters of this revolution are currently the topic of intense scholarly debate during the current 'decade

of centenaries'. Peter Hart has grappled with the complexity of 'defining the Revolution', loosely concluding that the dates 1916-1923 generally prevail as the dominant narrative.[1] However, there is no clear consensus between Irish historians. Ronan Fanning challenges Hart's perspective on Ulster Unionists, suggesting that the starting point for the revolution could be placed back as far as 1910.[2] At the opposite end of the spectrum, Jason Knirck places the ending of the revolution with the withdrawal of British forces in January 1922, whereas Marie Coleman draws the line in 1923, thus including the Civil War. Whilst the discussion over the exact parameters of the revolution is a scintillating debate, the years of focus (namely 1920-1922) in this article fall within the mainstream remit of the Irish revolution, if one accepts Hart's judgement.

In order to further examine the Dáil Éireann courts, it is essential to have a thorough understanding as to their precise origins. As Mary Kotsonouris shows, the foundational concept of the Dáil courts originated from the earlier writings and speeches of Arthur Griffith.[3] Griffith advocated as far back as 1905 at the National Convention, that a self-governing Ireland would require the creation of independent courts, although he gave little indication as to the minutiae of running this hypothetical administration.[4] However, not even Griffith could have foreseen the radical change in the Irish political sphere which was to take place in the next fifteen years.

Whilst civil war over the question of home rule was narrowly averted in 1914 by the breakout of the First World War, the political discourse of Irish history was revolutionised by the events closer to home. On the 24 April 1916, members of the Irish Volunteers, the Irish Citizen Army and Cumann na mBan, led by seven members of the Military Council of the I.R.B. proclaimed a free Irish republic, and sized positions across central Dublin. By the 29 April, the Easter Rising as it came to be known, was over and the republic extinguished. The insurrection in itself was not the transformative act; but it was the subsequent British response that followed, that would set Ireland on the path to independence. The execution of the leaders of the Rising paved the way for the rise of Irish Republicanism to politically supersede the Home Rule movement. At the 1918 General Election, the Republican party Sinn Féin, took 73 out of 105 Irish M.P.s (although controversially many seats were uncontested). These Sinn Féin M.P.s seceded from the Westminster parliament to become T.D.s in the newly established Dáil Éireann.

By 21 January 1919, Dáil Éireann, the parliament of the Irish Republic which had been proclaimed in 1916, asserted its independence from the British Empire and the union which Ireland had been incorporated into in 1800. At this point, necessity rather than Griffith's vision gave rise to the precursor arbitration courts (established to deal with rising agrarian strife predominantly in the west of Ireland) via decree on the 19 August 1919, with a view to establish these courts across the remainder of the country.

However, because the arbitration courts acted on a voluntary basis, they did not technically

1 Peter Hart, 'Definition: defining the Irish revolution' in Joost Augusteijn (ed.), *The Irish revolution, 1913-1923* (Basingstoke, 2002), pp. 17-32.
2 Ronan Fanning, *Fatal Path: British Government and Irish Revolution, 1910-1922* (London, 2013), p.2.
3 Mary Kotsonouris, *Retreat from revolution: The Dáil courts, 1920-24* (Dublin, 1993), p.11.
4 Ibid., p.11.

legally challenge the British court system. The Dáil Courts, which were a sizable upgrade from the arbitration courts, went further by directly affronting British law in Ireland. Dáil Éireann forcibly proclaimed the sovereign right to the judicial system of Ireland by decree on 29 June 1920. This act brought the two legal systems (Dáil and Crown courts) into open and direct conflict with one another. Both claimed legal sovereignty over all of Ireland. Ironically, the two sets of courts shared a common aim – to quell the social unrest which had begun to spread as the conflict spiralled out of control and end the decline of law and order. Despite the chaos of the War of Independence, the Dáil Courts gradually established themselves across Ireland, with varying degrees of success.[5]

The structure of the Dáil courts (Appendix 1) was a hierarchical model, loosely based on the British equivalent at the time. The parish courts were the lowest strata of the Dáil court system. The parish courts, named for their jurisdiction boundaries being shared with their local Roman Catholic parishes, presided over the smallest and low value cases, up to a maximum value of £10.[6] The district courts were the next tier, corresponding along electoral constituency lines and dealt with appeals from the Parish level, along with cases of up to £100 and of a more serious nature. Appeals from the district courts were heard by the circuit court three times per year. Finally the summit of the Dáil court system was the Supreme Court, located in Dublin. To add to the confusion of the period, the Dáil Éireann courts are frequently referred to by a variety of titles depending on the bearer's affiliation or knowledge on the courts. Such alternative titles used in reference to this subject include the Dáil Courts, republican courts or Sinn Féin courts.[7] The nomenclature of the courts will be explained further later in this text.

Though these courts are relatively fleeting in their existence, their contribution nevertheless became very much the public face of the fledgling Irish Republic, and played a legitimising role for the Dáil Éireann by making themselves appear as clear alternative to the established government of Ireland at the time. David Fitzpatrick speculates that 'it may be that one five shilling decree for trespass in a remote western parish was worth a dozen declarations of independence.'[8] Despite being consigned by many Irish historians to a few pages or footnotes, there are a number of specialised pieces of secondary literature exclusively on the Dáil Courts. Mary Kotsonouris has written two main texts focusing on the history of the courts from the national perspective: *Retreat from Revolution: The Dáil Courts, 1920-24* and *The Winding up of the Dáil Courts, 1922-1925.*[9]

Whilst Kotsonouris has presented a largely idealistic (but nonetheless valuable) account of the Dáil Courts, she examines the courts purely on a national level. Similarly, David Foxton's work on both the Dáil and Crown courts also focuses on an all-Ireland scale.[10] Whilst both of these authors provide an important analysis of the Dáil courts in their own right, their

5 Ibid., p.35.
6 Ibid., p.31.
7 Kotsonouris, *Retreat from Revolution*, p.12; Heather Laird, *Subversive law in Ireland, 1879-1920: From 'unwritten law' to the Dáil courts* (Dublin, 2005), p.123; *Irish Independent*, 31 January 1922.
8 Fitzpatrick, David, *Politics and Irish Life, 1913-1921* (Dublin, 1977), p.184.
9 Kotsonouris, *Retreat from revolution.* See also Mary Kotsonouris, *The winding up of the Dáil courts, 1922-1925: an obvious duty* (Bodwin, 2004).
10 David Foxton, *Revolutionary lawyers: Sinn Fein and crown courts in Ireland and Britain, 1916-1923* (Dublin, 2008), pp.5-13.

work is restricted given its inherent catch-all mentality. Localised examinations are just as rare – there are two standout works of note; Marie Coleman's assessment of the Longford Dáil courts[11] and David Fitzpatrick's examination of the Clare courts.[12] These examinations will be the backbone of the comparative aspects with the Offaly courts discussed below.

Offaly, or King's County following the Tudor Plantations of the 1550s, is generally considered to have played a small role in the Irish War of Independence and often is overlooked in national accounts of this period of Irish history. In the War of Independence, Paul Hughes describes Offaly as an anomaly, in terms of the failure to translate the general support for Sinn Féin and of Irish republicanism into actual military operations in the county.[13] This essay will analyse who used the courts by linking the court records to the 1911 Census. Furthermore, an examination on the rulings of the court and their aftermath will be included. Finally, an assessment of comparative success within Offaly, and with Counties Longford and Clare will link together all these aspects together. Primarily, the records of the Dáil Éireann (Winding up) Commission in the National Archives in Dublin hold the extremely valuable surviving copies of the court record logs with details of individual cases. Naturally, these are the best records for indicating the locations of the courts. Within the National Archives, three core record books survive; two detail the Parish court of Killaderry (with the local town being named Daingean or Philipstown located in Northern Offaly) and the other containing both the records for the Parish court of Shinrone and the District court of Southern Offaly (see Appendix 2 and 3). Whilst the physical Dáil court documents that remain are few, they reveal the locations of the court, the cases heard and individual citizens' details. Fortunately, these surviving texts cover two of the largest towns in the county (Killaderry parish covers Daingean and rural Tullamore and the South Offaly District court covers Birr and the surrounding towns). These locations equally reveal some structural practicalities of the courts, such as the merging of parishes for Dáil court purposes. The Bureau of Military History contains a wide range of valuable witness statements. Naturally, in using these sources, one must be aware of the inherent bias contained within the statements of those who ran and protected the Dáil court system. Furthermore, local and national newspapers (for example the *Midland Tribune*) reported on both Dáil and Crown court operations and offer an alternative insight. Finally the R.I.C. County Inspectors' reports also contain vast amounts of British intelligence, (with an expected anti-Dáil court sentiment) including their reconnaissance of Dáil Court activities. With this range of primary sources, an extensive amount of first hand evidence can be unearthed and applied to this topic.

Dáil Courts: Evolution, Philosophy and Ideology

The Dáil courts are undoubtedly a convoluted and multifaceted section of Irish legal and political history. The courts' national rise and operation which challenged the British Crown courts inherently places them within the wider republican movement of the time. In this

11 Marie Coleman, *County Longford and the Irish Revolution, 1910 - 1923* (Dublin, 2006), pp 101-111.
12 Fitzpatrick, *Politics and Irish Life,* pp 174-184.
13 Paul M. Hughes, 'The role of King's County (Offaly) in the Irish revolution, 1913-1921' (M.A. thesis, Maynooth, 2005), p.62.

light, the Dáil courts presence is undoubtedly revolutionary. The courts established what Foxton describes as 'two competing concepts of legality'[14] in Ireland. In essence, what Foxton describes here, are the two rival court systems, each holding their own legality as supreme, whilst rejecting the other's legitimacy. The aim of this section is to recognise and trace the emergence of the Dáil courts, but also to dig deeper and examine the conservative ideological basis on which the courts were founded. By utilising the subject specialised literature of Kotsonouris and Foxton, amongst other established scholars who have written to some degree about the courts, the fundamentals established here shall serve as the basis on which the Offaly Dáil courts will be examined. Before coming specifically to the Offaly question at the heart of this essay, it is also worthwhile to establish the national picture of both judicial systems present in revolutionary Ireland (Dáil and Crown courts) and to highlight perceived trends, to determine if the Offaly Dáil court experience was typical of the rest of Ireland.

The Evolution of the Precursor Arbitration Courts

As Plato reminds us, "necessity is the mother of invention". This principle holds true for the motivations behind the creation of the Dáil Éireann courts. Kotsonouris states that land agitation (specifically in County Clare) was where the origins of the arbitration courts can be traced to. The civil unrest and land agitation in early-1919 threatened 'the renewed pride in national identity and hope of independence'.[15] Consequently, the local leadership and the Irish Volunteers took steps to establish themselves as the mediators for the localised crisis, which had already begun to spread across the rural west of Ireland. These unofficial mediation courts – (with due emphasis that these are not official arbitration or Dáil courts) became informally known at the time as "Sinn Féin courts" due to the prominent role played by Sinn Féin members, who often played leading roles in the establishment of these courts. This informal 'Sinn Féin court' title transcends beyond the period, even permeating some modern academic literature such as in the title of David Foxton's 2008 *Revolutionary Lawyers, Sinn Féin and Crown Courts*[16] where it is used to generalise all the non-Crown courts operating in the period. For this essay however, the term "Sinn Féin court" shall be avoided, due to its over-generalised nature and ambiguity to which specific types of courts are being discussed.

On 18 June 1919, Decree No. 8 of Session No. 4 of Dáil Éireann formally established the arbitration courts.[17] As the name implies, the arbitration courts focused on voluntary land dispute resolution. This decree also formally incorporated and built upon the foundations already laid in Clare's mediation courts, but called for expansion of the courts on a national scale. Ireland, going back as far as the time of Daniel O'Connell in the 1840s, had a long established tradition of land agitation, especially in the Land War years[18] (1870s-1890s) – but the rise of the arbitration courts highlights an interesting and perhaps unexpected

14 David Foxton, *Revolutionary Lawyers*, p.13.
15 Mary Kotsonouris, *Retreat from Revolution*, p.11.
16 David Foxton, *Revolutionary Lawyers.*
17 ibid. p.188.
18 W.N. Osborough, *Studies in Irish Legal History* (Bodmin, 1999), p.271.

dynamic. The arbitration courts (as first true precursor to the Dáil courts) were established to prevent land agitation. In doing so, their objective was to maintain the current land system, which could be addressed in full after independence had been won. For an organisation that on the face of it would seem revolutionary, this highlights the complex underlying political nature of the Dáil courts given how a republican façade concealed an inner conservatism at the core of both its objectives and ideology.

Ideology of the Dáil Courts

The aforementioned conservative ideology of the Dáil courts is worthy of further examination. In Marie Coleman's examination of the Longford Dáil courts, it is noted that the judges 'tended to favour property owners; trespassers were ordered to pay damages, compensation was awarded in cases of damage to property and land and, mutual maintenance of rights of way was advocated'.[19] This conservatism originated in the arbitration court system, which later transcended into the Dáil court philosophy throughout Ireland wherever they operated – including Offaly. This conservative ideology was visibly ingrained across the entire spectrum of case types and judgements with the Dáil courts heard during their time in operation.

Naturally of course, one can argue that there were justifiable reasons behind instilling conservative ideals in the Dáil courts. Ireland, already in the grip of an escalating conflict, did not need to add widespread land agitation to an extensive list of social and political issues which already plagued the nation – especially whilst the re-proclaimed republic of 1916 struggled to survive. In fact, Griffith believed that the land agitation had the potential to destroy the unified nationalist front and end any prospect of republican success.[20] To avert this, the arbitration courts were established quickly to give and enforce conservative judgements to prevent the potential fracturing of the republican movement, whilst simultaneously retaining the support from 'small farmers and landless labourers' who otherwise might have withdrawn their support for Irish republicanism.[21]

One could consider the timing of the creation of the arbitration courts as lucky. In fact, whilst the arbitration courts were establishing themselves nationwide in 1919, Coleman notes how the British authorities 'adopted a tolerant approach…which was…another factor in their early success'.[22] Ultimately, the arbitration courts were left initially unchallenged because the courts were carrying out a role which the forces of the Crown were increasingly unable to provide as both the land agitation crisis and conflict with the I.R.A. escalated out of control– and to that end, they shared a common goal. In this light, both the military War of Independence and the non-violent, political revolution inherently were interdependent upon one another. This brings the Dáil courts to the very centre of the Irish revolution.

The Dáil courts went further than conservatively soothing land agitation; by attempting to

19 Coleman, *County Longford*, p.110.
20 Fergus Campbell, *Land and Revolution: Nationalist politics in the west of Ireland, 1891-1921,* (King's Lynn, 2005), pp 254-255.
21 Ibid. p.255.
22 Coleman, *The Irish Revolution, 1916-1923,* (Oxton, 2014), p.60.

achieve social sedition of widespread crime and disorder via reinstalling and maintaining justice. As the Crown courts crumbled along with the decline of the R.I.C., law and order deteriorated across Ireland. As a result, there was a clear demand for a more powerful court system than the arbitration courts. As a consequence, the Dáil courts were established and could offer criminal and civil justice. The fall of the Crown courts offered a golden opportunity to the republican movement; the chance to present Dáil Éireann as a credible and legitimate alternative to British rule in Ireland by successfully filling the void left by the Crown courts with Dáil courts. In the process of establishing these courts, law and order could be restored. Amicable relations with the people of Ireland were a key objective on the Dáil court agenda[23] which was a dynamic which inherently shaped the ideology and interpretation of case rulings.

Part of this dynamic became a sensitivity to be seen as "fair". The testimony to the Dáil courts in this regard can be examined not just by a case-by-case basis, but also by looking at the social demographic groups and communities accessing and using the Dáil courts. As both Foxton and Coleman argue – the ultimate testimony to the success of the Dáil courts, was the willingness of the elements of society who were diametrically opposed to republicanism, who still engaged with the Dáil courts – most prominently Unionists.[24] This move to appeal to all sections of political opinions perplexed the British establishment and significantly boosted the image and credibility of Dáil Éireann in the eyes of its opponents.[25] Primary evidence also supports Foxton and Coleman's claims; the Lord Mayor of Cork Terence MacSwiney (who incidentally was arrested whilst presiding over a district Dáil court in Cork in August 1920[26]) noted in his correspondence that Unionists were 'quite willing to submit cases to such courts if guaranteed a fair hearing'.[27]

Naturally, this can be exaggerated out of proportion. One must not forget that in the absence of Crown courts and the R.I.C. to enforce order, that in most of Ireland (excluding the north-east) Unionists typically were outnumbered and geographically isolated in pockets. It would not be unreasonable prospect, considering the intimidation campaign of the I.R.A., for those people to feel political and social pressure to conform to the usurping Dáil system and simply hope for a fair outcome. Perhaps to some, receiving justice at the Dáil courts was better than no justice at all. The decline of the Crown courts may have left ordinary people with no choice but use the Dáil courts to pursue justice, but would have used the Crown courts if they were available. In truth, such a dynamic is extremely difficult to definitively prove, but nonetheless is an interesting point of discussion - especially for Offaly. As previously mentioned, County Offaly was a plantation experiment which inherently changed both the political and religious landscapes. As a result, the descendant population of those planted naturally tended to hold more favourable view towards the union.

The conservative ideology of the Dáil courts however is not omnipotent in its structural workings. In a time period where women were only beginning to obtain basic and fundamental rights, the Dáil Éireann courts can be viewed as progressive, notably in their

23 Kotsonouris, *Retreat from Revolution,* p.35.
24 Foxton, *Revolutionary Lawyers,* p.191; Coleman, *County Longford,* p.107.
25 Francis Costello, 'The Republican Courts and the Decline of British rule in Ireland' (Dublin, 1990), p.46.
26 Kotsonouris, *Retreat from Revolution,* p.41.
27 Foxton, *Revolutionary Lawyers,* p.191.

stance towards women. Whilst it is true that the Sex Disqualification (Removal) Act of 1919 was retained on the Irish Statute books after the creation of the Irish Free State, the first Irish female judge of the Irish constitutional courts, Eileen Kennedy, was not appointed until 1963 owing to institutionalised sexism.[28] In stark contrast, under the Dáil courts, Foxton notes how it was not considered uncommon for women to serve as justices across Ireland[29] - although there are no exact figures to endorse Foxton's statement, this is an area deserving of significant research in the future. The role of women judges is emphasised in one of the few Dáil court portrayals in the film *The Wind that Shakes the Barley* in which the court is presided over by three female judges.[30] Once again, this reveals how multifaceted the Dáil courts ideology was under the surface. Despite an outward conservatism in their judgements, the Dáil courts simultaneously facilitated and promoted women's' rights, which was perceived as progressively liberal at this time.

Dáil Courts Establishment

The Dáil courts were officially established by Decree No. 5 Session No. 1 on 29 June 1920; with criminal as well as civil jurisdiction, in doing so forcefully asserted their sovereign right over the judicial system of Ireland. [31] The arbitration courts had always been voluntary (and thus technically permissible by a loophole in British law), but these new Dáil courts could compel citizens to attend court, by arresting them if necessary. In terms of the battle for judicial sovereignty, the Dáil courts now were in direct and open conflict with the Crown courts. In their creation, the Dáil courts maintained the conservative tendencies of the arbitration courts – a strategy which had proven effective in usurping the Crown courts already.

The new court powers spurred on the development of Dáil courts across the island of Ireland. During their entire period of operation (1920-1923[32]), only County Antrim and Belfast city (split between Antrim and County Down) never had Dáil court sessions[33] - whereas the majority of both arbitration and Dáil courts had been mainly established in the land-agitated west. Longford did not suffer land agitation to the same extent as other counties, and Coleman explains that the 1920 Dáil court establishment wave in Longford can be attributed to the 'general spread' of the courts in 1920[34] and subsequent success as being down to 'the neutralisation of the R.I.C.'.[35] For Offaly however it is unclear exactly when arbitration and Dáil courts were first established, although they certainly were in full operation by 1921.[36] The extended powers offered a renewed relevance to wider Ireland, and no doubt served to propagate the spread of the Dáil courts.

As the War of Independence progressed, British forces had become increasingly powerless

28 Kotsonouris, *Retreat from Revolution*, p.132.
29 Foxton, *Revolutionary Lawyers*, p.190.
30 Ken Loach, *The Wind that Shakes the Barley* (2006).
31 David Foxton, *Revolutionary Lawyers*, pp.188-189.
32 The Dáil courts officially operated from 1920 to 1923 when the Winding-Up Act was passed. Cases continued to be heard however until 1925.
33 Foxton, *Revolutionary lawyers*, p.189.
34 Coleman, *County Longford*, p.102
35 Ibid., p.104.
36 N.A.I., DÉCC 15/126-128.

restore order and to gain the upper hand in the legal dichotomy. Foxton examines the Crown court's decline in depth; by the July of 1920, 47 individuals had been convicted for political offenses in all of Ireland that year, 76 were awaiting trial but willing juries could not be summoned nor trusted to even consider a conviction charge even in the face of overwhelming evidence, and yet the R.I.C. had reported 5,599 indictable offenses until that point in 1920.[37] Correspondence from Dublin Castle reported that the Dáil courts were 'doing more harm to the prestige of the (British) government than assassinations'[38] which displays the how seriously the British administration regarded the Dáil court threat.

Taking measures to restore their authority, the Restoration of Order Act in Ireland (R.O.I.A.) was passed through Westminster in August 1920, aiming to suppress the newly empowered Dáil courts (amongst other objectives) through a renewed military campaign. At this stage of the conflict, the I.R.A. typically formed 'Flying Columns' which became 'ironically...the most effective armed response' against the British forces.[39] However, the firmly established Dáil court network generally remained resilient in the face of this crackdown, despite being driven underground across much of Ireland, typically where the I.R.A. were weaker and unable to protect and carry out the will of the courts.[40]

Historiography of the Dáil courts and Primary Sources

The Truce-to-Civil War period (11 July 1921 to 28 June 1922) allowed the Dáil courts to re-emerge on an openly national scale after the end of the military crackdown against their operation. This period also brings up an interesting historiographical debate, with interpretational differences between when the Dáil courts reach their "golden age". Justice Cahir Davitt, who had personally presided over a number of Dáil courts, argued that 1920 was 'the year' of the Dáil courts, given that in late 1920, the most 'damage' was done in the battle between Crown and Dáil courts for judicial supremacy.[41] However, Kotsonouris advocates the post-Truce period was the high point, given that the courts were at their most active and almost operating freely in the open for the first time, much to the personal irritation of the British Prime Minister, David Lloyd George.[42] Even in the Truce-to-Civil War timeframe, the Dáil courts remained challenged to some extent, albeit without the fear of direct military or police assaults. Dáil court sittings were monitored by what remained of the R.I.C. throughout Ireland[43], and occasionally shut down for being 'political gatherings' (which would violate the terms of the Truce[44]).

Importantly for historians however, after the Truce the Dáil courts began to consistently maintain records of cases on paper and solicitors attending also kept records too. These records form the backbone of the primary source material for the examination of the Dáil courts at the local level. Until the Truce, it was unsafe to do so – 'it would have been

37 Foxton, *Revolutionary Lawyers,* p.173.
38 Kotsonouris, *Retreat from Revolution,* p.23.
39 Francis Costello, *The Irish Revolution and its Aftermath, 1916-1923,* (Dublin, 2003), p.83.
40 Foxton, *Revolutionary Lawyers,* p.196.
41 Statement by Cahir Davitt, Bureau of Military History (1913-21) witness statements (N.A.I., WS993), p25.
42 Kotsonouris, *Retreat from Revolution,* pp.51-53; Mary Kotsonouris, *'Tis all lies Your Worship': Tales from the District Court,* (Dublin, 2011), p.8.
43 C.I. Monthly Reports, 1919-1921 (CO.904/108-153).
44 Kotsonouris, *Retreat from Revolution,* p.52.

dangerous for the solicitor and for the people for whom he acted as well as officials of the courts'.[45] Consequently, the majority of the few Dáil court studies that exist, place a greater emphasis upon this period and this study shall be no exception. But before examining the Offaly courts in depth, it is imperative to have a solid understanding of 1921 Offaly socially, politically and geographically.

The Faithful County: Faithful to whom? 1881-1921

Offaly, (called King's County where appropriate) has a complex historical narrative. As previously alluded to, the recognisable county of Offaly began to emerge as a result of the first experimental plantations in Ireland, which commenced in the 1550s.[46] This process shaped the social and political dynamic of this county in the long term. Towns such as Birr were revolutionised as a result; even the name was changed to Parsonstown in 1620 in honour of Sir Laurence Parsons' family – who were local planted gentry.[47] The basic outline of this context is pivotal to truly understand and examine the social and political context in which the Dáil courts later operated in. Offaly historians are extremely fortunate in that a plethora of primary evidence survives. Perhaps, one of the best possible starting points to examine would be *Offaly: one hundred years ago.* This directory offers a comprehensive social, political and legal snapshot of Offaly in 1890. Michael Byrne (a prominent Offaly local historian and solicitor) describes John Wright's directory as the first of its kind and one that has been 'never surpassed'.[48] Whilst much of the 1881 census data has since been lost, Wright provides the Offaly statistics which can be compared with the 1911 census reports. Where in 1881 the total population of Offaly stood at 72,852 [49] the 1911 census registered only 56,832 [50] – a staggering 27% population decline in thirty years. Following this trend, it would not be unreasonable to presume upon another slight population fall in Offaly, especially in the context of the First World War casualties and the subsequent Spanish flu outbreaks.[51] Other, long-term factors such as the lingering after effects of the Great Famine (such as migration to join relatives outside of Ireland), and lack of employment opportunities within Offaly may also have had a role in this decline – especially in regards to land and agriculture. The notable rise of land agitation in the early 1900s[52] is significant for this essay, as this would certainly give an indication for a potential requirement for the arbitration courts years later to resolve this issue.

The land question is typically one of great importance in nineteenth and twentieth century Ireland, and Offaly is no exception; it is no historical secret that Offaly had a severe and long neglected land question. Mary Daly utilises the 1911 census data to reveal the extent to which the land and farming industry had been misshapen – 'there was one farm worker

45 Marie Coleman, *County Longford,* p.56.
46 Dunlop, R, 'The plantation of Leix and Offaly' in *The English Historical Review,* vi, no. 21 (1891), p.61.
47 John Wright, *Offaly: one hundred years ago,* (a reprint of *King's County directory* of 1890), intro. Michael Byrne (Tullamore, 1989), p.6
48 ibid. p.v.
49 ibid, p.56.
50 N.A.I.,1911 Census.
51 John Dorny, 'Ireland and the Great Flu Epidemic 1918', (2013).
52 Michael Byrne, Legal Offaly: *The county court house Tullamore and the legal profession in County Offaly from the 1820s to the present day* (Tullamore, 2008), pp 63-66.

for every six farmers in Offaly in 1911'.[53] The agricultural wage fell well short of provincial and national averages[54] which may indicate a lack of demand for workers or an inability to pay for the labourers' services. Hughes notes how land agitation and cattle drives were common place by 1913 in both halves of Offaly[55] which presents a glimpse into the local land agitation directly and the methods that were applied. Beyond farming, the Offaly economy was malnourished and underdeveloped; save for the growing industry town of Clara. The town itself had economically benefited greatly from the First World War, given the mass manufacturing of jute products by the war-opposing yet business-minded Quaker Goodbody family.[56] Yet following the war, there was little in the way of new industrial employment opportunities for the younger generation, a problem further exacerbated by a post-war economic depression.[57] This amalgamation of social factors added to the declining population rate, which was the embodiment of wider economic and social issues impacting upon Offaly's economic and political development.

Offaly Political Scene

Given the plight of the working class of Offaly, it can be no surprise that socialist politics appealed to the general population. The urban workers in Tullamore mobilised themselves to form one of two trade union councils in all of Ireland in 1917.[58] Daly continues that even after the creation of Dáil Éireann, 'anybody who was not familiar with Irish history in that period would conclude from reading the local newspapers that the future of Irish politics lay with Labour'.[59] The influence of Labour in Offaly was boosted through their campaign and parade in 1919 in the hope to improve impoverished social housing, specifically in urban parts of the county.[60] However this boom in support failed to translate into electoral success at the 1920 local council elections.

In fact, the political history of Offaly may have been very different, if the Labour party had not elected to step back in 1918. With the astronomical rise of Sinn Féin in Irish politics nationally, and coupled with Labour's willingness to step aside as to not split the vote for Westminster elections, Offaly held the Tullamore M.P. Constituency by-election in April, 1918[61] and the Offaly General Election[62] in December 1918; both of which returned Sinn Féin's Dr. Patrick McCartan unopposed.[63]

53 Mary Daly, 'From King's County to Offaly: Dáil Éireann and local government during the years of the Irish revolution' in William Nolan and Timothy P. O'Neill (eds.), *Offaly: history and society - interdisciplinary essays on the history of an Irish county* (Dublin, 1998), p.837.
54 ibid. p.837.
55 Paul Hughes, 'The Role of King's County', pp 10-12.
56 David B. Quinn., 'Clara: a midland industrial town 1900-1923' in William Nolan and Timothy P. O'Neill (eds.), *Offaly: history and society* (Dublin, 1998), pp799-827.
57 ibid. p.824.
58 Mary Daly, 'From King's County to Offaly' in William Nolan and Timothy P. O'Neill (eds.), *Offaly: history and society*, p.837.
59 ibid. p.837.
60 ibid. pp 836-837.
61 Butte Independent, 25 May 1918.
62 Offaly before the 1918 General Election was two M.P. constituencies (Tullamore and Birr). It was merged as part of the redrawing of constituency lines in late 1918.
63 Butte Independent, 25 May 1918; Michael Laffan, *The Resurrection of Ireland* (Cambridge, 1999), p.167

The true extent of political success of Sinn Féin has always been questioned in these uncontested elections because of the number of uncontested seats. Michael Laffan has argued that overall Sinn Féin support was actually greater nationally than the election results suggest, given that the 25 uncontested seats were not included within the voting percentage totals[64] but this gives little indication about support at the local level. Captain Michael McCoy of the Westmeath I.R.A. noted in his bureau statement how the Mullingar volunteers came down as assist in rallying Sinn Féin support in Tullamore before the by-election which had been perceived to be wavering away from Sinn Féin.[65] McCoy perceived the intervention of the Mullingar Volunteers as vital in dissuading the I.P.P. from contesting the seat at the General Election.[66] This gives an indication that Offaly, at least in 1918, was not swept up in Sinn Féin euphoria as the perception of an uncontested seat suggested it might have been.

The two sets of local elections results in 1920, (especially for the Urban District Council [U.D.C.] election in January 1920), offer an insight into the true reality of the local voter feelings. It is especially important that both sets of local elections in 1920 were run under a Proportional Representation (P.R.) electoral system which proportionally allocated seats based on voting percentages. Thus, the results of these elections have the potential to be far more indicative of political feeling than the Westminsterial 'First Past the Post' elections, but one must also bear in mind that local elections are susceptible to misleading results given that only the most politically engaged would turn out to vote. Tullamore returned 6 'Ratepayers', 5 Sinn Fein candidates, 3 Labour and 1 Independent Labour[67] – which represented a disappointing result from a Sinn Féin perspective not achieving a majority. But the Birr result would prove a sizable blow; with 7 Unionists being returned along with 9 old Nationalists (mainly I.P.P.), with Sinn Féin gaining only 3 seats and Labour 2 representatives.[68] The U.D.C. elections provide evidence in early 1920, the Offaly public (especially in Birr, Southern Offaly) were not overwhelmingly supportive of Sinn Féin. This places Peter Hart's assertation that Offaly was a prime example of a county with rapid Sinn Féin membership growth[69] under a degree of scrutiny.

In contrast, the second set of local elections were held in June 1920 for the County and Rural Councils were a great success for Sinn Féin in Offaly. Out of 21 seats on the county council, Sinn Féin secured 19 (Labour secured the two other seats) as well as consolidating their control of the Tullamore Board of Guardians.[70] Whilst Daly attributes this renewed success to successful Sinn Féin campaigning and increased republican sympathies[71] the campaign of intimidation of voters and candidates no doubt contributed to the scale of Sinn Féin's victory.[72] This sudden change is epitomised in Birr, where the both Rural District

64 Michael Laffan, *The Resurrection of Ireland*, pp 166-168.
65 Statement by Michael McCoy, Bureau of Military History (1913-21) witness statements (N.A.I., WS 1610), p.8.
66 ibid. pp 8-9.
67 Mary Daly, 'From King's County to Offaly' in William Nolan and Timothy P. O'Neill (eds.), *Offaly: history and society*, p.838.
68 ibid. p.838.
69 Peter Hart, 'The geography of revolution in Ireland 1917-1923' in *Past & Present*, no. 155 (1997), p.167.
70 Freeman's Journal, 14 June 1920.
71 Mary Daly, 'From King's County to Offaly' in William Nolan and Timothy P. O'Neill (eds.), *Offaly: history and society*, p.828.
72 ibid. pp 827-829

Council chairmen's' seats went to Sinn Féin in June 1920[73] despite their poor performance at the U.D.C. earlier in the year. However, Daly's analysis does not openly acknowledge some key external factors (such as the decline of the I.P.P.) which may have boosted Sinn Féin electoral support.

All the local elections in 1920 can be pieced together to build a geopolitical image of Offaly; Tullamore consistently elected Sinn Féin candidates in their elections which would indicate a solid base of support. However, around Birr was more divided between constitutional nationalism, unionism and Sinn Féin's republicanism, especially in early 1920. This distinction is intriguing as it roughly divides Offaly down the historical plantation lines, which also characterise the major religious lines of the county.

Religion and politics in Offaly

Given that the census scheduled for 1921 was never carried out, historians must once again return to the 1911 census to get a sense of religious diversity within the county. Offaly's religious diversity is obvious to see when examining the 1911 census data; but equally the regional variation of this diversity is also fundamentally clear. Predominantly, the southern parts of the county held a higher percentage of Protestants than Northern Offaly – but there are extremely few cases of areas in which Protestants held a majority.[74] For example, Birr's population (encompassing both urban and rural districts) stood at 5,292 - of which 883 were Protestant (or 16.7 per cent).[75] This is an extremely significant proportion of the town's population, especially when compared to Daingean (at the time known as Phillipstown) where only 2.2 per cent of the population was Protestant.[76] Questions over religion and political affiliation are essential when discussing which groups of people were bringing cases to the Dáil courts.

In the events that transpired in both Irelands in the remainder of the twentieth century, religion and politics in Ireland are two factors which are often integrated and ignorantly over-generalised. The general perception of Catholic-Nationalist and Protestant-Unionist can often be the case, but this should be carefully examined on a case-by-case basis and never taken for granted to be true; especially in the case of Offaly. As is often forgotten by nationalist historians, the cause of Irish freedom was not religiously exclusive to Catholics – and indeed never has been. In his work investigating the Coolacrease killings (in July 1921), Paddy Heaney notes how Walter Mitchell (a Protestant from Rahan) was a prominent I.R.A. leader in Offaly No. 2 Brigade and indeed how this was by no means an isolated case in Offaly[77] (although Protestant I.R.A. membership was dwarfed by Catholic

73 *Freeman's Journal*, 16 June 1920.
74 N.A.I., 1911 Census.
75 Calculated using the N.A.I., 1911 Census data. Whilst this essay recognises the religious differences between Protestant groups, for the statistics element of this data, the Church of Ireland, Church of Scotland, Church of England, Methodist, Presbyterian and other protestant-sect figures have been merged.
76 ibid.
77 Paddy Heaney, Pat Muldowney and Philip O'Connor, *Coolacrease: The True Story of the Pearson executions - an incident in the Irish War of independence* (Cork, 2008), p.20.

membership[78]). Catholic-Unionists were also present throughout Ireland;[79] although no cases in Offaly stand out.

Predominantly however, Offaly's Protestants were politically unionists although usually outvoted by old nationalists or republicans, especially after the widening of the electoral franchise in 1918. The extent of Unionism's appeal is highlighted already in the proportional Birr U.D.C. elections in 1920. However, with little chance of democratically changing the direction of Ireland, some turned to counter-revolutionary methods. One such notable example of Protestant-Unionists during the period were the Pearsons of Coolacrease. The Pearson family, the victims of one of the War of Independence's most infamous sectarian atrocities, present an interesting and academically underdeveloped subfield in that, they allegedly (as civilians) opposed the I.R.A campaign - by assaulting an I.R.A. roadblock and acted as spies for the R.I.C.[80] Whilst such cases were rare, this serves to justify the political distribution within Offaly covers the complete spectrum of political opinion.

The propagation of Protestant-Unionist sentiment in Offaly espouses from the growth of the Orange and Unionist movements in Offaly - arguably the most prominent and well organised outside of the north-east of Ulster. The King's County Orange Institution's records highlight Orange Lodges right across the county with the foremost example being located in Parsonstown/Birr.[81] John Wright, the editor of the *King's County Chronicle* and author of the Offaly directory, founded the Birr Orange lodge in 1881[82] which maintained a strong regular attendance. For Unionists of the time, as Hart describes it they 'were caught in an acute dilemma...with the escalation of war came political polarisation and a harsh division between 'us' and 'them' – 'Protestants and Catholics, British and Irish, Nationalist and Unionist'.[83] Consequently, many unionists remained quiet in their political beliefs during the revolution, for fears of reprisals on their families, property or themselves.

The picture of Offaly generated lays out a clear platform which forms the background for the Dáil court analysis. The majority of the county was Catholic, although parts of the county contained significant pockets of Protestants. Whilst not always the case, this could also be seen as indicator of divided political support; with Northern Offaly having greater tendencies towards Sinn Féin's republicanism, whilst Southern Offaly was less politically stable, and shifted within political groupings. Amongst all this lay festering social issues – especially over land – which would likely lead into the formation of arbitration courts of 1919 and later the transition to the Dáil Éireann courts.

The Dáil Éireann courts of Offaly

Up to now, the Offaly Dáil courts themselves have not yet been examined. The Offaly courts operated on every level – from countywide parish courts, all the way to an Offaly

78 Peter Hart, 'The Protestant experience of revolution in Southern Ireland' in Graham Walker and Richard English (eds), *Unionism in modern Ireland: new perspectives on politics and culture* (Basingstoke, 1996), p.85.
79 ibid. p.86.
80 Paddy Heaney et al., *Coolacrease: The True Story*, p.23.
81 John Wright, *Offaly: one hundred years ago*, p.337.
82 ibid. p.337.
83 Peter Hart, 'The Protestant experience' in Graham Walker and Richard English (eds), *Unionism in Modern Ireland*, p.89.

land auction case being heard Supreme Court in Dublin.[84] This section will map out the locations of the various Offaly Dáil courts (Appendix 2). The original court records from the Truce-to-Civil War period will be examined, specifically looking at who brought cases to the Dáil courts, the types of cases and the nature of the rulings handed down by the court. Throughout, the Offaly courts will be compared with the work of Coleman on the county Longford Dáil courts and with Fitzpatrick's analysis of the county Clare Dáil courts given the similar natures of their work.

Of course, like many historical events, the complete picture of the Offaly Dáil court operations may never truly be completely accounted for, given that some records have been lost. Over the course of time and through warfare in this case, many of the original documents from the Offaly Dáil courts have vanished or destroyed. In the burning of the Tullamore court house in May 1922, in the precursor to the start of the civil war in Offaly many court records were lost.[85] In that fire, it is very likely that some Dáil court records were destroyed, especially since the North Offaly District court had been held in the Tullamore courthouse since March 1922, after the British army vacated it.[86] Further, the parish court records of Killaderry were also likely housed in the Tullamore courthouse given that the transcripts bear significant scorch marks. Other records were never returned following the Civil War and Winding-Up commission for various reasons, for example as a political protest against the Dáil court's closure. As a result, the findings and analysis of this essay must be based upon the surviving evidence which exists through various primary sources, but also recognises the inherent limitations of the conclusions which can be drawn which are, regrettably, unavoidable.

The whereabouts of the Offaly Dáil courts

Given the geopolitical split of County Offaly (as outlined below) one might expect vast differences in the number of courts between north and south of the county. In reality, the Dáil courts were spread reasonably evenly across Offaly, which perhaps indicates their popularity and success. The numbers of sittings appear to have been dictated by the demand upon the courts; for example, the Killaderry parish court sat twice in October 1921 due to the increased demand for hearings. At a minimum, the Killaderry parish court sat once every month.[87] In contrast, the only records for the Shinrone parish court come from August 1921 and May 1922. It may be that more complete records were kept in a different log which has since been lost. The South Offaly District court sat generally once per month[88] also which would indicate that the Shinrone parish courts (and others in the general area) were functioning regularly too, and that the complete Shinrone parish records do not survive.

Theoretically speaking, as Justice Cahir Davitt recalled in his BMH statement, 'there was to be a Parish court for each parish area'.[89] At a cursory glance of the surviving Offaly court

84 *Sunday Independent*, 19 February 1922.
85 Michael Byrne, *Legal Offaly*, pp 41-43.
86 *Freeman's Journal*, 24 March 1922.
87 N.A.I., DÉCC 15/126-127.
88 N.A.I., DÉCC 15/128.
89 Statement by Cahir Davitt, (N.A.I., WS993), pp 32-33.

records, they indicate that this standard was not met or even required. Within both sets of Parish court texts, there is significant evidence that parishes were grouped together under a single parish court. For example, in the few case records that survive from the Shinrone parish court, Edward Jackson (of Fortwilliam, Aghancon, Offaly) brought William Lalor (of Roscrea, Tipperary[90]) before the court over unpaid rates to the Dáil on 2 June 1922.[91] Whilst the matter was resolved before the case was heard in the courtroom (the original document indicating that the settlement occurred just before the sitting of the court), neither plaintiff nor defendant resided within the Parish of Shinrone – or even within a neighbouring parish.[92] Likewise, in Killaderry, cases were brought from as far afield as the Castlejordan parish.[93] Whilst the district court was supposed to serve just Southern Offaly, the court strangely enough served more people from Northern Tipperary than from Offaly. This serves to demonstrate that the structural plan of the Dáil courts on the ground functioned differently than officially planned, but that the system adapted as necessary, thus demonstrating the flexibility of the Dáil courts system.

Beyond the Dáil court records themselves, the local and national press periodically reported on with Offaly Dáil court cases – which often gave reference to their general location. In Coleman's work on the Longford Dáil courts, she notes that the local newspapers even as early as 1920 gave 'detailed reports of (Dáil court) activities'.[94] Press coverage in Offaly appears to have followed a similar path, with the Unionist sympathising publication, the *Midland Tribune* providing some level of Dáil court coverage in 1920. In particular, the *Midland Tribune* of 2 October 1920 is particularly valuable; the article notes how the R.I.C. and British Army antagonised the operation of the Thomastown 'arbitration court'[95] in Southern Offaly.[96] Fortunately, the paper also listed a description of those in attendance, which included three Catholic clergy members, along with six prominent local solicitors mostly from Birr/Parsonstown.[97] Given that a Parish Dáil court judgement panel was three judges maximum – of which a maximum of one clergyman could serve at any one time and two others (none even requiring legal qualifications), it is indicative that the solicitor's attendance was to represent their clients at court – which serves as considerable evidence of both local and legal professionals' support and a testimony to how successful the Offaly Dáil courts were, even as early as 1920.

The last major primary source base of Offaly Dáil court locations can be examined in the C.I. weekly and monthly reports which reported Dáil court activity. Whilst these records give us practically no information as to the nature of the court proceedings, the vast majority of these recorded cases fill in geographical blanks of the Dáil court operation map where no original records remain (See Appendix 2). The most commonly reported court locations form a small strip in central Offaly, just north of Birr. In the period from 7 September to 31

90 Roscrea is both a town and parish area on the Offaly/Tipperary border. Generally speaking today, Roscrea town is considered as a Tipperary town although the R.C. parish remains split between the counties.
91 N.A.I., DÉCC 15/128.
92 N.A.I., DÉCC 15/126-128.
93 Ibid.
94 Marie Coleman, *County Longford*, p.103.
95 The arbitration court label was often used in the press to disguise the nature of the dealings of the court, although this guise proved futile during the crackdown following the introduction of R.O.I.A.
96 *Midland Tribune*, 2 October 1920.
97 Ibid.

October 1921, the R.I.C note 12 different towns (sometimes in multiple locations within the town) were used to hold Dáil courts across Offaly in this small window.[98] These reports were obtained usually within 24 hours of the court sitting, via local informants passing information to the R.I.C and by R.I.C officers on surveillance roles. This is especially fortunate given that without these R.I.C. records, many of these Dáil court locations in small rural locations may have been completely untraceable or forgotten.

Equally, the close concentration of courts north of Birr can be perceived as a gauge of public opinion within that specific area. Firstly, the fact that the R.I.C. was still capable of surveillance by late 1921 and appeared to have an active network of local informants in these areas indicates that the I.R.A campaign had not neutralised the R.I.C. as effectively as in Longford or West Clare for example where at this time courts were freely operating.[99] Yet also, the R.I.C. was increasingly powerless to do anything to prevent the open operation of the Dáil courts in these areas – especially as the Truce removed the British Army from assisting in raids. Kotsonourius has noted that courts were sometimes shut down in other parts of Ireland as 'political gatherings' which were prohibited between the Truce and the signing of the Treaty.[100] District Inspector Fox attempted this in November 1921 in the Tullamore workhouse but failed, arriving just after the court's conclusion[101] which highlights the accuracy of some R.I.C. reports but the problem of obtaining them in time to disrupt the Dáil court's proceedings.

Given the significant time delay in reporting the sitting of Dáil court cases during the Truce to Civil War period, it is highly probable that the R.I.C. were unwilling or unable to intervene but not blind to the Dáil court's operation. However, by the Truce, in a historical irony, the R.I.C and the Dáil courts shared a common goal of maintaining law and order which the Dáil courts had established in Offaly.[102] Thus, allowing the Dáil courts to function simply was in the R.I.C.'s best interest. Tactically the R.I.C were taking advantage of the interlude; should the wider conflict have broken out again the locations in the CO.904 documents would have certainly been on the R.I.C. radar for Dáil court suppression, but were never needed.

The presence of a localised informant network is also significant. As mentioned earlier, religion in Ireland is often (though not exclusively) an indicator of political affiliation. It is notable that in the areas in and around Birr which were highlighted being home to a greater-than-average percentage of Protestants,[103] that the R.I.C. was able to produce reasonably detailed surveillance records. In one account dated 20 October 1921, G. Ross (C.I. Divisional Commissioner's Office) reported of a Dáil court that was held in Birr in which numerous cases regarding debt were heard – furthermore noting that 'Mr Loughery', who was a local solicitor, was giving a professional attendance.[104] (Incidentally, Mr Loughery notably was one of the six solicitors in attendance at the 2 October 1920 *Midland Tribune*

98 C.I. Weekly Reports, 'King's' (CO.904/153).
99 Marie Coleman, *County Longford,* p.108; Fitzpatrick, Politics and Irish Life, p.184.
100 Mary Kotsonouris, *Retreat from Revolution*, p.52.
101 *Freeman's Journal,* 25 November 1921.
102 Statement by Joseph Connolly, Bureau of Military History (1913-21) witness statements (N.A.I., WS 1599), p.3.
103 N.A.I., 1911 Census.
104 C.I. Monthly Report (CO.904/153).

report suggesting a career based in the courts[105]). Nonetheless, whilst the correlation of a larger number of Protestants, who in turn would be more likely to be unionist and thus empathise with the plight of the R.I.C fighting against a republican insurrection, there is no firm evidence to definitively link the two factors together on a greater scale. Whilst the Pearsons of Coolacrease were both Protestant and alleged R.I.C. informants,[106] there is no solid proof that this was a common theme in the Offaly-Protestant community.

The Cases of the Dáil Courts of Offaly

The cases heard by the Dáil courts offer an insight into what the social experience for ordinary citizens was like within revolutionary Offaly. This is an area which has been neglected, even in local academia. With the War of Independence raging, law and order began to break down, especially in rural areas without a constant R.I.C. garrison. The military campaign of the I.R.A. in Offaly has been explored in Paul Hughes's master's thesis, in which he concludes that inadequate leadership, lack of firearms and unsuited topography for guerrilla warfare significantly hindered the local I.R.A's campaign.[107] As a result, Hughes judges the Offaly I.R.A. to have been mostly ineffective in suppressing the R.I.C., which in turn, could have repercussions for the operation of the Dáil courts across the county.

Hughes's conclusions seem justified when examined along with the R.I.C.'s own account of the local I.R.A activity in Offaly. According to the surviving R.I.C. papers, two police officers were killed by the I.R.A. in the county during the entire year of 1920.[108] These officers were Sergeant Denis P. McGuire, who was wounded in the head whilst assisting with a raid in Ferbane on 21 September, 1920, dying of his injuries the next day, and Sergeant Henry Cronin, who was shot outside his Tullamore home on 31 October, 1920 and who also died the day after.[109] Richard Abbott also notes a third Offaly police casualty, Constable Harry Biggs on October 22, 1920, but Biggs' death is inexplicably absent in the official R.I.C. reports.[110]

With three police fatalities during 1920, the Offaly R.I.C. body count ranks above the median-average county on an all-Ireland basis, but yet is comparatively dwarfed by the extensive casualty lists in Co. Cork (43), Co. Tipperary (21) and Co. Dublin (12) over the same time period.[111] Whilst it appears that the Offaly I.R.A. may have been reluctant (or perhaps unable) to engage in a large number of firefights with guns and bullets, there remains a large number of other reported outrages committed. Other recorded cases included firefights of a different kind, as both Geashill and Clara R.I.C. barracks were both

105 *Midland Tribune*, 2 October 1920.
106 Paddy Heaney et al., *Coolacrease: The true story*, p.23.
107 Hughes, 'The Role of King's County', pp 59-61.
108 'Weekly Summaries of outrages against the Police' (CO.904/148-150). See CO.904/148-9 for weekly reports relating to 1920.
109 Richard Abbott, *Police casualties in Ireland, 1919-21* (Cork, 2000), p.123, p.140.
110 Biggs, a Londoner and veteran of the First World War, was most likely a member of the R.I.C.'s Special Reserve, better known as the 'Black and Tans' having joined the R.I.C. only two weeks prior to his death. He was killed whilst driving a convoy through northern Offaly, which was ambushed at Parkwood, Clara near the Offaly/Westmeath border. It remains unclear why Bigg's death is not recorded in CO.904/149. Abbott's source relating to Biggs is also unclear. See Abbott, Police casualties in Ireland, 1919-21, p.135.
111 Calculated using figures stated in Abbott's *Police casualties in Ireland, 1919-21'.*

periodically attacked with fire. Furthermore, in Tullamore, the local I.R.A. ordered a total boycott of the R.I.C., leaving their officers and their families unable to obtain anything without commandeering it.[112] Whilst Hughes' remarks about the ineffectiveness of the Offaly I.R.A. may be correct with regards to guerrilla warfare, it is not to say that they were ineffective in other regards.

When examining these reports as a whole, it is notable that the vast majority of these events occur in the northern half of the county. In short, there appears to be distinct and tangible difference between the experience of the northern half of Offaly and the southern half during the War of Independence. Indeed, it should be noted that all three of the R.I.C. fatalities in Offaly occurred in the north of the county. In addition, the majority of non-fatal attacks and other assaults also occurred in the northern half of the county.[113] There is a likely explanation for this difference between the two halves of the county; I.R.A. activity was restricted in Southern Offaly due to the 1,600 strong British Army garrison in Crinkle barracks, along with presence of the fortified R.I.C. garrison in Birr.[114] Comparatively, north of the county had far less resistance to face whilst carrying out their campaigns – a freedom which only increased after successful attacks on R.I.C. officers and institutions. Indeed, in the south of Offaly, the mere presence of such large garrisons may have been enough to dissuade I.R.A. operations in the area. Given that the R.I.C.'s ability to maintain control had declined to some extent in Northern Offaly, one would therefore naturally expect to find a continuation of this trend in the patterns of the Dáil courts, with a greater number of cases brought before the Dáil courts compared to the south of the county.

The Northern Offaly Dáil court records themselves would appear to live up to this expectation. Only the Parish court of Killaderry records survive in the National Archives, which makes cross referencing near impossible in a like-for-like case study given that Coleman examines the District courts, rather than the parish and Fitzpatrick fails to examine individual parish courts, choosing instead to examine the countywide parish courts. Nonetheless, the Offaly archives give a direct account of each case heard between 28 September 1921 and 3 April 1922. Within this time frame, 62 separate cases were brought forward in 9 sittings of the court.[115] Whilst records for more cases than this were heard, they fall beyond the scope of the Truce to Civil War period and thus have been discounted from the totals.

The most common type of case heard at the Killaderry parish court involved the late or non-payment of 'rates' - a basic form of taxation levied from citizens to the Government to pay for public services. The people of Offaly, like the rest of Ireland, faced an unusual predicament where two different governments (Westminster and Dáil Éireann) both claimed the legal sovereignty over the country – and both equally claimed the right to levy taxes from the people. The non-payment of rates became a prevalent issue following the two sets local elections in 1920. With Sinn Féin holding 29 out of 33 county councils, the rates collected were retained by Sinn Féin controlled councils for the use of both the local council and Dáil Éireann.[116] This also happened to coincide with the height of the conflict

112 'Weekly Summaries of outrages against the Police' (CO.904/148-150).
113 Weekly Summaries of outrages against the Police' (CO.904/148-150) and C.I. Monthly Reports (CO.904/153).
114 Statement by Patrick Riordan, Bureau of Military History (1913-21) witness statements (N.A.I., WS1688), p.6.
115 N.A.I., DÉCC 15/126-127.
116 Michael Hopkinson, *The Irish War of Independence* (Dublin, 2002), p.67.

which presided over the general breakdown of law and order, and thus many citizens opted to not to pay and hope to save the money for themselves.

In this regard, the Dáil courts are a testimony to Dáil Éireann's ability to establish themselves as a credible alternative to the British administration. Whilst personal stories are exceptionally difficult to trace, the Killaderry court offers one personal story of note. John C. Gowing, originally of Killeen, served as a rate collector for the Offaly County Council government in 1911[117] but in 1921 continued to serve as a local rate collector for Council after it came under Sinn Féin control.[118] With this decade of experience, Gowing brought 18 separate cases before the Killaderry parish court aiming to force the payment of rates; of which eight were compelled to pay the owed rates and court costs, seven cases were settled before the court decided and the final three were given verdicts of no jurisdiction because they exceeded the Parish court financial power of £10 and were referred to the district court.[119] In every Gowing case in which the court ordered a payment, the full amount owed was paid by the prescribed date of the court. This sent a clear message towards those not paying rates; that Dáil Éireann had enough control and power in this part of Offaly to enforce their rulings. This proved effective as 14 of the 18 cases were heard in a single sitting of the court on 12 October 1921, with the last rates related case being heard 16 November 1921.[120]

Similarly in Southern Offaly, rates proved to be the most common type of case heard, although proportionally to a lesser extent. Whilst only five cases of the Shinrone parish court survive, two were regarding rates (the other three were unspecified). Further, at the District Court for South Offaly, 8 out of 26 cases revolved around rates. Given that this was the most common case heard in the Dáil courts right across Offaly, at every court in which records survive, this once again this reiterates that the non-payment of rates is a particularly prominent issue for Offaly. Rates were also a common case type heard in West Clare, although only the second most frequent type of case that was heard at their courts.[121] In Longford, Coleman groups all debt related cases together (most likely including rates) which were actually a very low level issue until a spike in April-May 1921.[122] Generally therefore, rates were an issue in the existing county based Dáil court studies, but the extent to which very much depended on the local area in question. Of these case studies, Offaly's rate question is no doubt the most prevalent.

More broadly, of the original Dáil court records that remain from both parish and district court levels, just over half of all cases involved various incidents of debt (51.6 per cent).[123] The forms in which these debts took varied. Beyond rates, other common examples included non-payment for goods purchased on credit or back payments on such items. Two such examples in the District court of South Offaly were brought forward by Benn and Wellwood Ltd., a local merchant firm based in Roscrea. Both the Gunnell family and

117 N.A.I., 1911 Census.
118 N.A.I., DÉCC 15/126-127.
119 See Appendix 3, Table 1; N.A.I., 15/DÉCC 126-127.
120 ibid.
121 Fitzpatrick, *Politics and Irish Life*, p.181.
122 Coleman, *County Longford*, p.225.
123 N.A.I., DÉCC 15/126-128.

John Tierney (in two separate cases) had obtained materials to build properties, but failed to maintain repayments, in total building up debts of £46, 8 shillings and 9 pence and £39, 5 Shillings and 10 pence respectively.[124] The presiding judges ordered for full repayments in both cases, although in instalments of between £1-2 per month, rather than a lump sum. However, unlike in Northern Offaly where the rates judgements were honoured by the defendants, neither decree was ever paid in Southern Offaly. This fundamentally draws another distinctive line between the two halves of Offaly; in the north, the Dáil courts had the I.R.A. to perform their 'duty at the courts...enforcing their decrees where necessary'[125] – in the south of Offaly, the Dáil courts control (and by extension, Dáil Éireann itself) had significantly less control.

The remaining bulk of the cases which the courts heard are difficult to group together given their multifarious nature and typically low rates of occurrence (see Appendix 3, Tables 1-3). Given that the District court heard appeals from the Parish court, the cases heard tend to be similar; few cases went directly to the District court. These assorted cases ranged from property possession, various trespass related charges, breaches of contract and even cases of physical assault. In Longford, Coleman defines these case types as 'mundane' which typically reflected the rural nature of Longford[126] – and a direct comparison can be drawn at the Offaly courts. The Galway Dáil courts also appear to have heard similar types of cases as both Offaly and Longford, albeit in far greater numbers – although significantly more research of the Galway Dáil courts is required.[127] Fitzpatrick's case study of Clare also exemplifies the differences within divided counties; the parish courts of East Clare heard 104 cases from September 1921 to February 1922, but West Clare heard 334 in the same time period.[128]

Given Offaly's noted history of agrarian unrest in 1913[129], it is intriguing that very few land related cases records remain (although these would be heard at the continuation arbitration courts). A notable example might be in a Thomas Phelan who was evicted from his land tenancy for malicious damage.[130] One such explanation is revealed by James Reilly, a captain in the Westmeath I.R.A., but had frequent movements in Northern Offaly, who recalled that land disputes were 'settled on the spot' and did not require a courtroom.[131] Given that not enough evidence survives in regards to land cases in Offaly, Coleman's argument on the Dáil courts' reputation for conservatism where land was concerned,[132] cannot be explored further here. Ultimately more research is required of the Dáil courts on a county by county basis in order to definitively define the typical Dáil court experience, but in the few county-based Dáil court analyses conducted so far, there is plenty of evidence that the types of cases heard were of similar natures in all the examined counties.

124 N.A.I., DÉCC 15/128.
125 Statement by James Reilly, Bureau of Military History (1913-21) witness statements (N.A.I., WS1593), p.7.
126 Coleman, County Longford, p.110.
127 For the Dáil court records of Co. Galway, see N.A.I., DÉCC 15/148-170.
128 Fitzpatrick, *Politics and Irish Life*, p.184.
129 Hughes, 'The Role of King's County', p.8.
130 N.A.I., DÉCC 15/128.
131 Statement by James Reilly (N.A.I., WS 1593), p.7.
132 Coleman, *County Longford*, p.110.

The people of the Dáil courts

Whilst a great deal has already been said on the matter of demographics in relation to the location of the courts, it is also worth utilising the known information to examine the backgrounds of those bringing cases to the Dáil courts. Given that there was a tendency for people to remain in their local area, the 1911 Census has been used as a cross-reference to track individuals, and specifically their religious affiliations. For the most part, the recordings at the court have provided the necessary details to accurately track the majority of both plaintiffs and defendants of the Offaly courts.

With no official system to log records of cases, it was left to the clerk of each court's discretion as to what and what not to record. Whilst in the Killaderry Parish court, the clerk adopted a methodological approach, taking both the defendants' and plaintiffs' names, occupations and resident townsland in every case, in Shinrone, the clerk rarely took note of their occupations and occasionally of the resident townsland – making it much more difficult to trace the users of the court accurately in the census. In cases where it has been challenging or impossible to accurately distinguish (within reason) the correct individual, (such as the description of a 'Miss Evans' in the District court of South Offaly), those results have been highlighted but excluded from the percentage total calculations. Their inclusion within the statistics skews the stated data which can give significant false impressions. (For clarification, please see Appendix 4, Tables 1-6).

Despite being an experimental plantation county, Offaly remained mainly Catholic – and thus it should not be a surprise that the majority of cases across all the Offaly Dáil courts, it was mainly Catholics bringing cases to the Dáil courts. In fact, 76 per cent of the total plaintiff numbers were Catholic.[133] With the exception of one Jewish plaintiff[134] (the only non-Catholic and non-Protestant case in the Offaly courts), 21 per cent of plaintiffs were Protestant.[135] Given that Protestants made up 12-16 per cent of Offaly's population[136] proportionally, it is clear that Offaly-Protestants were more likely than their Catholic counterparts to bring forward cases to the Dáil courts.

Equally Protestants were far less likely to be brought to court. Only 5 per cent of defendants were Protestant with the remaining 95 per cent Catholic. This raises an interesting point that the courts were not used to target the inequality between the poorer Catholics and wealthy Protestants in Offaly, perhaps due to the reputation of conservative judgements – an element to be examined further in the nature of the courts' rulings. In terms of wider academia, it would be an interesting investigation to compare religious affiliation within the Offaly Crown courts of the period and then compare the two court systems, but this falls beyond the scope of this essay.

The motivations behind bringing someone to court are difficult to definitively state, given that the motivation of an individual is hard to prove at the best of times, even in modern law. Speculations can be derived from the information at hand though. In the

133 Calculated using N.A.I. 15/126-128 and N.A.I. 1911 Census records.
134 Isador Yodaiken is not located on the 1911 Census, but every person in Ireland in 1911 with this surname is Jewish. It is therefore considered a reasonable assumption that Isador was Jewish, but this is not certain.
135 Calculated using N.A.I., 15/126-128 and N.A.I. 1911 Census records.
136 Calculated using N.A.I.1911 Census.

Offaly examples, both census records and Dáil court records endorse that all the protestant plaintiffs are businesspeople or traders. At the District court of South Offaly, Charles Cooke of Cloughjordan and Benn and Wellwood Ltd. of Roscrea both bring their cases forwards regarding goods sold on credit, but the defendants had not kept up repayments.[137] In the lowest value protestant-plaintiff case, Mrs E. Brady (Dublin) and Ms Fanny Collins of Daingean indicated they were property owners seeking the payment of rent from several residents at their properties at the Killaderry parish.[138] With all these cases being worth a reasonably significant amount of money (between 5 shillings and £46, 8 shillings and 9 pence), it is likely that the plaintiffs simply wanted payment and with the decline of the British petty courts, the Dáil courts were simply a tool to obtaining their own personal justice and finances back. Whether or not those Protestant plaintiffs intended to, as Coleman notes, 'those who resorted to the Dáil courts...played a central role in the achievement of Irish independence'.[139]

Decline of the Offaly Crown Courts

Another assertation of the academic literature already published on the national Dáil courts is the perception of the relative success of the Dáil courts came in conjunction with the decline of the Crown courts.[140] In Offaly, the decline of the Crown courts was particularly noticeable – especially in Tullamore because the British Army had occupied the courthouse in February 1921 rendering it unable to operate as a civilian court until June 1921.[141] In fact, the year 1921 could be described as the *annus horribilis* of the Offaly Crown courts. The condition of the courts had gotten to the point in which the R.I.C and the infamous 'Black and Tans' were visiting homes in Cadamstown, commanding jurors to attend the local Assize courts in May 1921.[142] Even worse, despite the best efforts of the Crown forces in pressing people to attend, only 'four out of thirty seven Grand Jurors who had been summoned attended in July 1921'[143] which effectively meant the court could not function.

However, the Crown courts did continue to function to some extent in Offaly. The local and national newspapers provide an insight into the petty sessions. For example, as late as 21 November 1921 the Tullamore Petty session issued fines to locals based who violated lighting regulations.[144] Further, the *Nenagh Guardian* and *Kildare Observer* published Offaly Crown court information such as juror summonses and court proceedings but never at great depth.[145] Despite the Crown courts struggling condition, martial law was never enforced upon Offaly (which would have removed the need for jurors), since martial law was reserved for the most rebellious counties.[146] Whilst Foxton has asserted the role of

137 N.A.I., DÉCC 15/128.
138 N.A.I., DÉCC 15/126-127.
139 Coleman, *County Longford*, p.111.
140 Foxton, *Revolutionary Lawyers*, p.192.
141 Byrne, *Legal Offaly*, pp 223-224.
142 Statement by Michael Cordial, Bureau of Military History (1913-21) witness statements (N.A.I., WS 1712), p.3.
143 Foxton, *Revolutionary Lawyers*, p.180.
144 *Freeman's Journal*, 21 November 1921.
145 Nenagh Guardian 27 May 1922; *Kildare Observer*, 15 October 1921, 22 October 1921.
146 Foxton, *Revolutionary Lawyers*, p.225.

I.R.A. intimidation as to why jurors chose not to attend,[147] Joseph Connolly recalled that the people actively embraced the Dáil courts and the I.R. police as they had restored law and order during the turbulent times.[148] Perhaps also a contributing factor in their decision to go to the Dáil courts was their reputation for fair and conservative judgements.

Nature of the Judgements

Historians of the period often assert that the Dáil courts had a reputation for conservative judgements. Coleman and Fitzpatrick both have asserted this notion in their respective works on the Dáil courts of Longford and Clare.[149] In many ways, this dichotomy at the heart of the Dáil courts epitomises their nature. The Dáil courts existed in an inherent contradiction; whilst the Dáil courts were revolutionary in their aims to usurp the Crown courts, their ideology was innately conservative.[150]

Offaly continues in the trend already identified by Coleman and Fitzpatrick. In her analysis, Coleman notes how in Longford 'the judgments certainly tended to favour property owners'.[151] For the case of Offaly, this definition can actually be expanded to favouring the wider 'establishment'. In the Killaderry parish court, the Daingean Coursing Club brought John Moloney (aged 14) and George Drenan (aged 21 and incorrectly identified as Charles Dronnin in the *Freeman's Journal*[152]) to court over poaching a rabbit on their premises. The court handed down a harsh fine of £2 and 15 shillings to be paid over three months. Other notable examples include The Munster and Leinster Bank (based in Cloughjordan, Tipperary) which brought John and Anne Kavanagh to court over debts totalling £14, 12 shillings and 3 pence. Once again, the court ordered the full repayment in swift instalments.

The Dáil courts however did not blindly accept the word of the plaintiff. In fact, by following a unique mixture of British law, revived idealistic interpretations of Brehon law and invoking common sense, the Dáil courts entrenched their conservative reputation even further. When Thomas Phelan accused Joseph Murphy of threatening and abusing language at the District court of South Offaly, the presiding judges quickly dismissed the case due to lack of sufficient evidence to prove Mr Murphy's guilt.[153] In a Killaderry joinder case between Catherine Murrin and Mary Murphy – both suing each other for abusive language – once again the presiding judges threw the case out over lack of evidence.[154]

In total, very few cases were dismissed; just 9 out of the 93 cases from the original Dáil court scripts making it an unusual outcome of the court. More commonly, the court was adjourned to allow for the collection and presentation of evidence at the next sitting where a definitive outcome would be given. If one removes the number of adjourned cases (assuming that the case would return of which there is not always a record of, but mostly they did) and

147 Ibid., p.173.
148 Statement by Joseph Connolly (N.A.I., WS 1599), p.3.
149 Coleman, *County Longford*, p.110; Fitzpatrick, *Politics and Irish Life*, pp 182-184.
150 Foxton, *Revolutionary Lawyers*, p.187.
151 Coleman, *County Longford*, p.110.
152 *Freeman's Journal*, 24 October 1921.
153 N.A.I., DÉCC 15/128.
154 N.A.I., DÉCC 15/126-127.

the number of settled cases across all the Offaly courts and case types, 57 per cent of final judgements resulted in the court ordering the defendant to pay compensation (occasionally with an additional small fine) as well as the costs of the court.[155] As already discussed, these orders were not always followed, especially in the District court of South Offaly cases.

Conclusion: Winding Up

With the outbreak of civil war, the environment in which the Dáil courts had operated completely changed – and even more radically so after the end of the conflict. Even today, Irish politics has yet to be truly reconciled. In the political fallout after the end of the conflict, the Dáil courts were one of many casualties. The creation of the Irish Free State brought about a rare and unprecedented opportunity; the chance to redesign their entire legal system, whilst drawing inspiration from the established courts of other nations along with utilising the Dáil court structure. Instead, the new Government opted for the winding up of the Dáil courts and the adoption of the old British style legal system. With a sustainable peace secured after a bitter civil war, the Dáil announced the Dáil Éireann Courts (Winding-up) Act on 8 August 1923.[156] In the mind of those now governing Ireland, the Dáil courts had served their purpose. Those who had set out to create, protect and operate the courts unsurprisingly felt betrayed, even though cases were still being heard by Dáil courts in 1925,[157] this period of Irish legal history was gradually closed.

There can be no denying that the Dáil courts had indeed served a number of valuable purposes. The Dáil courts were born from the land arbitration courts of western Ireland. The arbitration courts that would evolve into the Dáil courts quelled the agrarian unrest which had threatened to derail the entire Irish revolution. To restore order and maintain the peace over the land question, in the national interest, the courts would enforce conservative judgements to suppress the discontent until such a time where the Irish state could deal with the problem thoroughly. In this conservative ideology, the arbitration and Dáil courts were designed to be a stepping stone in achieving genuine social and legal change in Ireland at a later time. For the moment however, there were more urgent matters to focus upon first.

With the War of Independence in full swing by the summer of 1920, law and order had declined across much of Ireland. Dáil Éireann utilised the arbitration court structure, creating the Dáil courts, which were empowered and upgraded in their legal jurisdiction to restore order (where possible) into the daily lives of Irishmen and Irishwomen. The decline of law and order threatened the discourse of the Irish revolution too – and thus had to be addressed conservatively to save the revolution. Not only did this measure succeed in bringing a degree of order, the courts restored means to obtain justice. Beyond this, the courts demonstrated Dáil Éireann's ability to present itself as the alternative to British governance. It is perhaps these three achievements which are at the core of the Dáil court's contribution to Irish independence.

Of course, the aforementioned achievements above are the prevailing narrative of the

155 N.A.I., DÉCC 15/126-128.
156 Dáil Éireann Courts (Winding-up) Act, 1923.
157 Kotsonouris, *The winding up of the Dáil* courts, p.190.

national picture of the Dáil courts. As has been examined for the first time, county Offaly both exemplifies and defies these achievements within the same county. Offaly is certainly a county of two halves; with both having a very different experience of the revolutionary years. It can be said that Northern Offaly is the success story of the Dáil courts – from the surviving court records; it is clear that the Killaderry parish court was well attended with cases and heard cases regularly from right across the religious community. With a plethora of cases, ranging from non-payment of rates to the larceny of 13 cattle, the court provided justice to the Killaderry parish and further beyond, hearing occasional cases from Tullamore and further afield. Furthermore, the will and judgement of the Killaderry court was upheld staunchly – in every case, the will of the court was honoured.

If Northern Offaly was the success story, then Southern Offaly was the failure. Although the District court appears to have functioned with a degree of regularity, the application of justice was sorely lacking, especially in cases relating to debt. Localised issues appear to have been dealt with more effectively and harshly – such as in the case of Thomas Phelan where he was banished as part of his punishment.[158] There are a number of possible explanations behind the general ineffectiveness of the Southern Offaly District court; one such argument is to look at the social demographics of the people bringing cases and being brought to the court. The 1911 census highlights that the majority of those who brought cases to the district court were actually from Tipperary – and so attempting to implement payment by force would become a difficult inter-county related event. Whether or not this was a typical district court experience requires thorough research from a cross section of Irish counties. In comparison to the Killaderry parish court, most cases were from the local area and thus a degree of peer pressure to conform to the court out of fear of reprisals may well have played a part. The inability of the I.R.A. in Southern Offaly to enforce court rulings highlights the extent to which the Dáil courts relied upon them to police and implement the sentences handed down. Future research comparing the successes of parish courts to district courts would be an extremely interesting investigation, but in Offaly, not enough original court records survive for a standalone county investigation.

The question remains however, what caused the differences between North and South Offaly? One must remember that the Dáil courts did not operate within their own bubble – the wider conflict between the I.R.A. and the Crown forces between 1919 and 1921 fundamentally impacted upon the development and establishment of the Dáil courts. Coleman's stipulates that the 'neutralisation of the R.I.C.' was a significant step in the success of the Longford courts[159] and a comparative trend can be drawn in Offaly. In Northern Offaly where the greatest of the I.R.A. action occurred, the Dáil courts are far more successful compared to the south of the county. Whilst greater time and resources would no doubt be able to prove it definitively, there is certainly enough evidence thus far to make such a correlation between the decline in the strength of the R.I.C. in Northern Offaly and Dáil court success.

Another aspect is one of political affiliation within Offaly. As has been noted, religion and politics are often intrinsically intertwined in Irish history – and the 1920 U.D.C.

158 N.A.I., DÉCC 15/128.
159 Coleman, *County Longford*, p.104.

elections further highlight the division between the two halves of Offaly. The success of Unionist politicians in the Birr area is hardly surprising, especially given the established local Unionist and Orange tradition noted by Wright[160] and the disproportionally large percentage of protestants within Birr itself in 1911.[161] In comparison, the Tullamore area returned no Unionist candidates at the same elections. Whilst political opinion shifted within 1920 between the U.D.C. and county council elections, this serves to highlight that the astronomical political rise of Sinn Féin was not necessarily the case in all parts of what would become the Irish Free State. Considering the fundamental link between the Dáil courts and the wider republican movement, the larger numbers of unionists in Southern Offaly may well be another factor in explaining the comparative lack of success in that location.

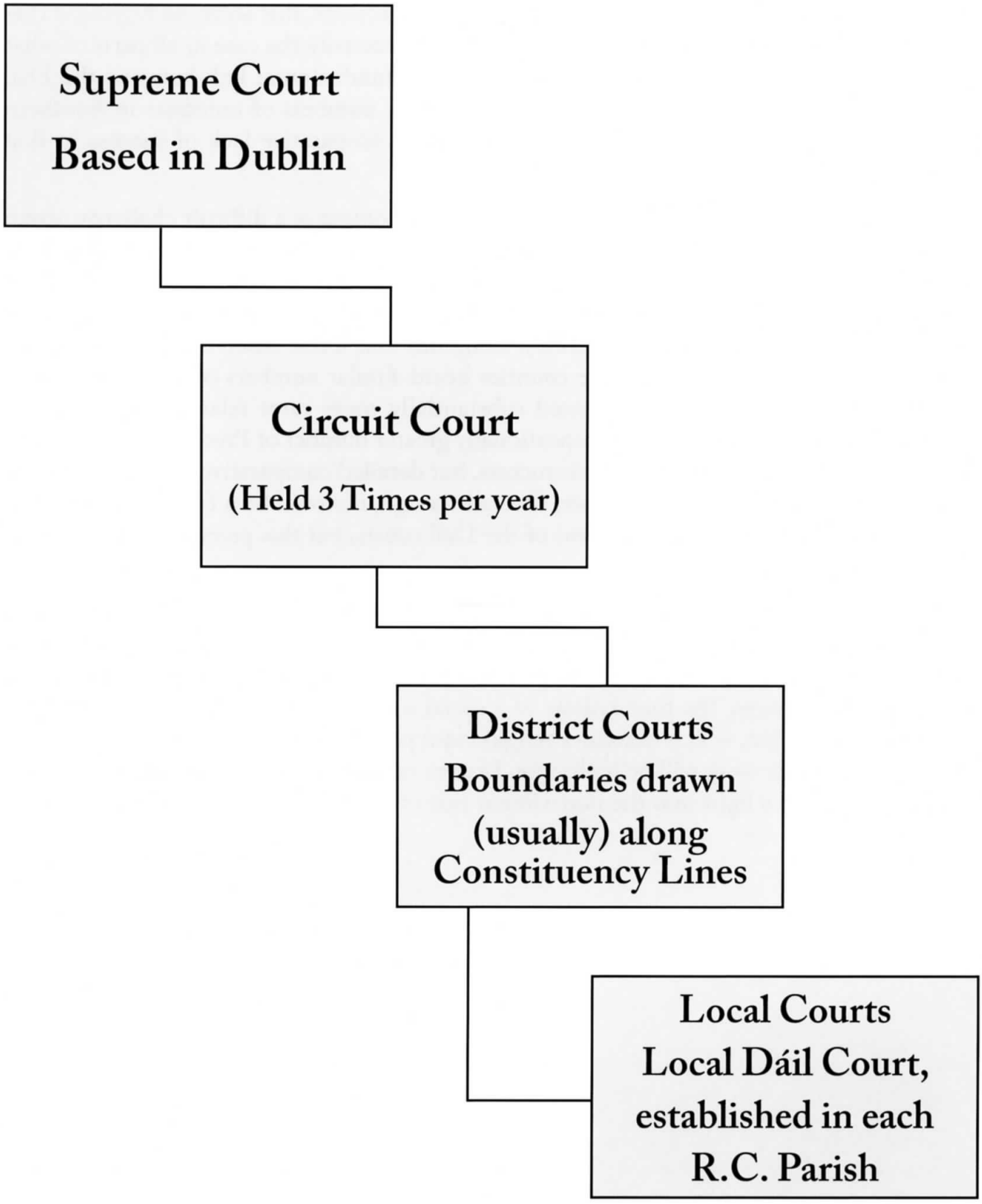
Attempting to place Offaly into the national context is a difficult challenge, given the lack of Dáil court analysis in the thirty counties in which they operated. Indeed, given the general neglect of both Offaly and the Dáil courts as topics in academia, there is much more to examine and reveal on the Dáil courts. Comparatively speaking, there are substantial similarities between Offaly, Longford and Clare based on the information available. The Dáil courts in all three counties heard similar numbers of cases and similar case types, although Offaly experienced substantially more rates related cases than the others. Offaly's courts also heard a proportionally greater number of Protestant cases, which may be considered a testimony to their success, but detailed comparative data has not been compiled for either Longford or Clare. Overall though, it would be a fair assessment that Offaly was a fairly typical case in terms of the Dáil courts, but this perception may change after greater research.

For the first time, the Dáil court records of Offaly have been scrutinised and integrated with periodical newspapers and R.I.C. records to create a map of the Dáil courts of Offaly. Further this essay has taken the first steps towards explaining the successes and failures of the Offaly Dáil courts. The foundations of a social snapshot for Offaly in the 1920-1922 period have been laid, which examines religion and political affiliations within the county. It is hoped that this work will be built upon later to explore the many remaining questions, and begin to shine a light into the non-violent side of the Irish revolution which has often been forgotten.

160 [John Wright], *Offaly: one hundred years ago*, p.337.
161 N.A.I., 1911 Census.

Appendix One

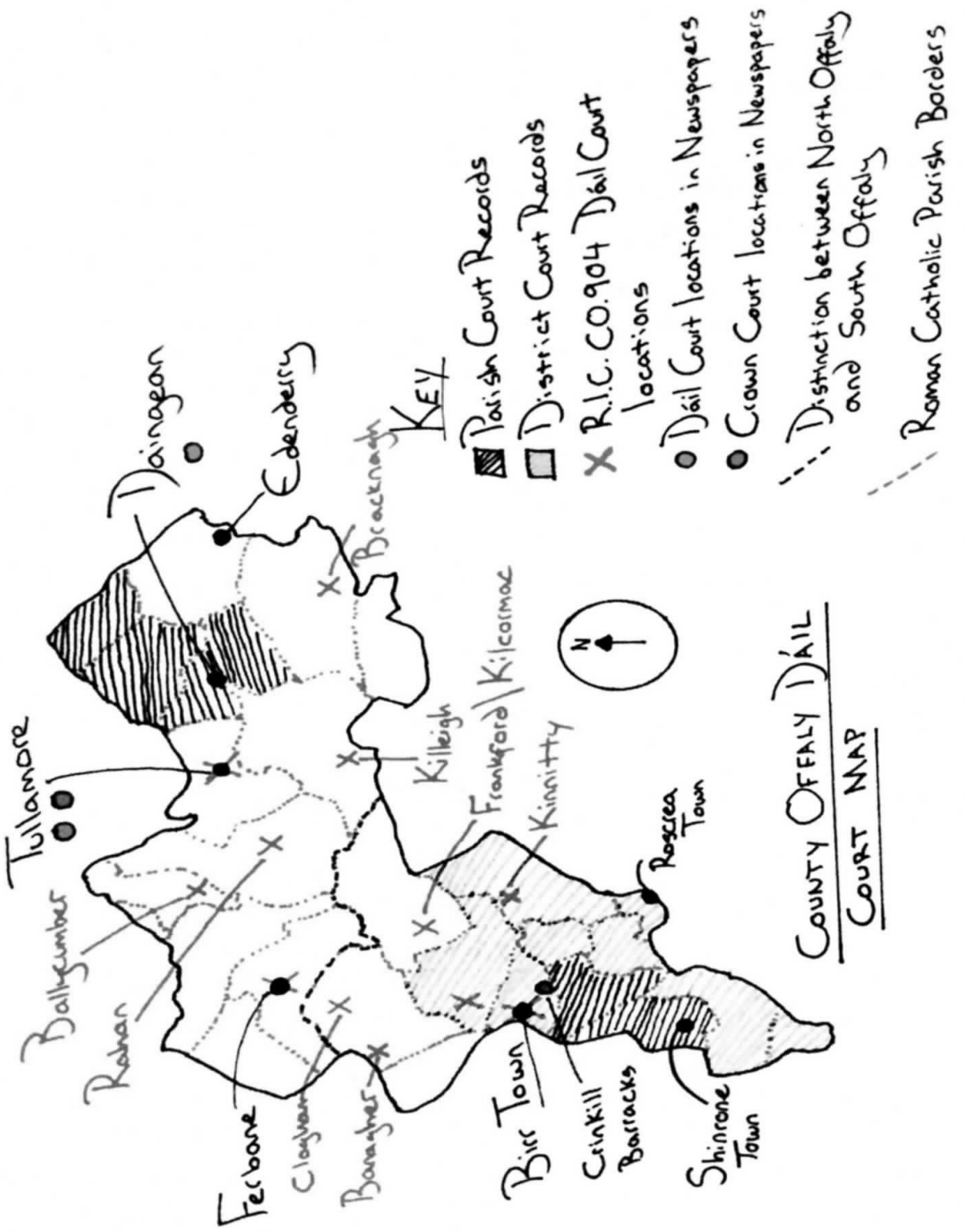
Hierarchical Diagram outlining basic Theoretical Dáil Éireann Court Structure[162]



162 Statement by Cahir Davitt, Bureau of Military History (1913-21) witness statements (N.A.I., WS993), pp 27-36.

Appendix 2

County Offaly Dáil Courts 1920-1922[163]



163 N.A.I. DÉCC 15/126-127; N.A.I. DÉCC 15/128; C.I. County Inspectors Reports (CO.904/148-153); N.A.I., B.M.H. Witness Statements; *Irish Independent* 23 June 1921; *Freeman's Journal* 6 October 1921, 24 October 1921, 21 November 1921, 25 November 1921, 24 March 1922; *Kildare Observer* 15 October 1921, 22 October 1921; *Sunday Independent* 19 February 1922; *Nenagh Guardian* 27 May 1922.

Appendix 3

Dáil court Cases and Judgements (Tables 1-3)

Appendix 3: Dáil Court Cases and Judgements

Table 1: The Court cases and Judgements of the Killaderry Parish Court, 1921-1922. Source N.A.I. DÉCC 15/126-127

Parish of Killaderry Dáil courts Court Case Types and Judgements								
		Rulings						
Case Type	Frequency	Forced Repayment	Settled	Adjourned	Dismissed	No Jurisdiction	No Appearance	Other Judgement
Rates Overdue	18	8	7	–	–	3	–	–
Possession of House	11	5	–	4	1	–	–	Decree for Possession issued: 1
Threatening and Abusive Language	5	–	–	3	2	–	–	–
Non–Payment of Shop Goods	3	1	–	1	1	–	–	–
Cattle Trespass on Land	3	1	1	1	–	–	–	–
Sheep Trespass on Land	2	1	–	1	–	–	–	–
Professional Attendance (Doctor)	2	–	–	1	–	–	1	–
Non–Payment of Account overdue	2	1	–	1	–	–	–	–
Assault and Abusive Language	2	2	–	–	–	–	–	–
Personal Trespass	1	–	–	–	1	–	–	–
Avoidance of Veterinary Bill	1	–	–	–	–	–	1	–
Illegal Possession of Boiler	1	–	–	–	–	–	1	–
Refusal to Pay Weekly Rent	1	–	–	–	1	–	–	–
Horses Trespass on Land	1	1	–	–	–	–	–	–
Advance Payment of Money	1	–	–	–	–	–	–	Request Granted in a Contract: 1

Case Type	Frequency	Rulings						
		Forced Repayment	Settled	Adjourned	Dismissed	No Jurisdiction	No Appearance	Other Judgement
Possession of 'Ground Yard Pest'	1	–	–	–	–	–	–	Decree for Possession issued: 1
Breach of Contract	1	–	–	–	–	1	–	–
Throwing Boiling Water onto Plaintiff's face	1	–	–	1	–	–	–	
Debt on Goods Received	1	–	–	–	–	1	–	–
Poaching on Private Land	1	1	–	–	–	–	–	–
Unpaid Wages and Car Fare Fee Dispute	1	–	–	–	1	–	–	–
Larceny of 13 Cattle 1	1	–	–	–	–	–	–	Held in custody, later released due to lack of evidence:
Placing Obstruction in Public Place		1	–	–	–	–	1	– –
Totals	**62**	**21**	**8**	**13**	**7**	**6**	**3**	**4**

Table 2: The Court cases and Judgements of the Shinrone Parish Court, 1921-1922. Source N.A.I. DÉCC 15/128

Parish of Killaderry Dáil courts Court Case Types and Judgements								
Case Type	Frequency	Rulings						
		Forced Repayment	Settled	Adjourned	Dismissed	No Jurisdiction	No Appearance	Other Judgement
Rates Unpaid	2	–	2	–	–	–	–	–
Unspecified Court Case	3	–	3	–	–	–	–	–
Totals	**5**	**0**	**5**	**0**	**0**	**0**	**0**	**0**

Table 3: The Court cases and Judgements of the South Offaly District Court, 1921-1922. Source: N.A.I. DÉCC 15/128

Parish of Killaderry Dáil courts Court Case Types and Judgements								
Case Type	**Frequency**	**Rulings**						
		Forced Repayment	**Settled**	**Adjourned**	**Dismissed**	**No Jurisdiction**	**No Appearance**	**Other Judgement**
Rates Unpaid	8	2	4	2	–	–	–	–
Debt on Purchase	5	3	1	1	–	–	–	–
Back payment on Goods Received	2	–	2	–	–	–	–	–
Farm Dispute	1	–	–	1	–	–	–	–
Wages Unpaid	1	–	–	–	1	–	–	–
Threatening and Abusive Language	1	–	–	–	1	–	–	–
Turkey Killed	1	1	–	–	–	–	–	–
Property Damage via Cropping	1	1	–	–	–	–	–	–
Private Property Damage	1	1*	–	–	–	–	–	Due to malicious intent, the tenant was also evicted
Dispute over sale of Cattle	1	1	–	–	–	–	–	–
Dishonest Cheque	1	–	1	–	–	–	–	–
Rent Overdue	1	1	–	–	–	–	–	–
Work unpaid plus additional legal fees	1	–	–	–	–	–	–	Appealed successfully:1
Unspecified Court Case	1	–	1	–	–	–	–	
Totals	**26**	**10**	**9**	**4**	**2**	**0**	**0**	**1**

Appendix 4:

Tables 1-6 examining Plaintiff/Defendant Religion with Dáil court usage

Table 1: Parish of Killaderry, Dáil Court Plaintiffs categorised by 1911 Census Stated Religious Beliefs
Source: N.A.I., DÉCC 15/126-127; N.A.I. 1911 Census of Ireland.

Parish of Killaderry, Dáil Court Plaintiffs categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Plaintiffs**	**Percentage Total**
Catholic	9	75.00%
Protestant	2	16.66%
Jewish	1*	8.33%
No Census Data/ Cannot Accurately Define	5**	-
Total Number of Different Plaintiffs with Known Religion	**12**	**100.00%**

* As indicated in-text footnote, Isador Yodiaken was not found in the Irish 1911 Census, but everyone in Ireland with that surname on the census was Jewish. Thus it is a reasonable assumption of his faith.

** Indicates that this figure has been excluded from the both 'Total' calculations.

Table 2: Parish of Killaderry, Dáil Court Defendants categorised by 1911 Census Stated Religious Beliefs
Source: N.A.I., DÉCC 15/126-127; N.A.I. 1911 Census of Ireland

Parish of Killaderry, Dáil Court Defendants categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Defendants**	**Percentage Total**
Catholic	40	95.24%
Protestant	2	4.76%
Jewish	0	0.00%
No Census Data/ Cannot Accurately Define	7*	-
Total Number of Different Defendants with Known Religion	**42**	**100.00%**

* Indicates that this figure has been excluded from the both 'Total' calculations.

Table 3: Parish of Shinrone, Dáil Court Plaintiffs categorised by 1911 Census Stated Religious Beliefs
Source: N.A.I., DÉCC 15/128; N.A.I. 1911 Census of Ireland

Parish of Shinrone, Dáil Court Plaintiffs categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Plaintiffs**	**Percentage Total**
Catholic	2	66.70%
Protestant	1	33.30%
Jewish	0	0.00%
No Census Data/ Cannot Accurately Define	0	-
Total Number of Different Plaintiffs with Known Religion	**3**	**100.00%**

* Indicates that this figure has been excluded from the both 'Total' calculations.

Table 4: Parish of Shinrone, Dáil Court Defendants categorised by 1911 Census Stated Religious Beliefs
Source: N.A.I., DÉCC 15/128; N.A.I. 1911 Census of Ireland

Parish of Shinrone, Dáil Court Defendants categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Defendants**	**Percentage Total**
Catholic	6	100.00%
Protestant	0	0.00%
Jewish	0	0.00%
No Census Data/ Cannot Accurately Define	1*	-
Total Number of Different Defendants with Known Religion	**6**	**100.00%**

* Indicates that this figure has been excluded from the both 'Total' calculations.

Table 5: District Court of South Offaly, Dáil Court Plaintiffs categorised by 1911 Census Stated Religious Beliefs Source: N.A.I., DÉCC 15/128; N.A.I. 1911 Census of Ireland

District Court of South Offaly, Dáil Court Plaintiffs categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Plaintiffs**	**Percentage Total**
Catholic	11	78.57%
Protestant	3	21.43%
Jewish	0	0.00%
No Census Data/ Cannot Accurately Define	2*	-
Total Number of Different Plaintiffs with Known Religion	**14**	**100.00%**

* Indicates that this figure has been excluded from the both 'Total' calculations.

Table 6: District Court of South Offaly, Dáil Court Defendants categorised by 1911 Census Stated Religious Beliefs Source: N.A.I., DÉCC 15/128; N.A.I. 1911 Census of Ireland

District Court of South Offaly, Dáil Court Defendants categorised by 1911 Census stated religious beliefs		
Religion	**No. of Different Defendants**	**Percentage Total**
Catholic	16	94.12%
Protestant	1	5.88%
Jewish	0	0.00%
No Census Data/ Cannot Accurately Define	3*	-
Total Number of Different Defendants with Known Religion	**17**	**100.00%**

* Indicates that this figure has been excluded from the both 'Total' calculations.