
HUGH KENNEDY PAPERS

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INTRODUCTION

The Kennedy papers

The papers of Hugh Kennedy were deposited in University College Dublin by his widow, Clare Kennedy. His neice, Mary Semple, a former Deputy Librarian in the College, was instrumental in locating a number of ancillary deposits over the years. Researchers owe a great debt to both Mrs Kennedy and Miss Semple for the completeness of this collection. Without any doubt, the Kennedy papers rank as one of the most important private paper collections for the history of the infant years of the modern Irish state. In view of Kennedy's central role as Law Officer to the Provisional Government and as Attorney General between 1922 and 1924, his papers provide unique insight into the transfer of services to the Irish government, the elaboration of a constitution and the development of the new executive, legislature and judiciary.

The comprehensive nature of this outstanding collection is due in no small way to Kennedy's own awareness of the importance of his papers. He was consistent in preserving both drafts and final copies of letters and memoranda. He had additional copies typed of particularly important documents, often annotated 'le me fein' in his hand, perhaps with a view to publication and research work in his later years. Alas his premature death prevented his personal exploitation of this important source.

Kennedy had a meticulous approach to his papers. On 9 June 1924, when departing from the Office of Attorney General, he wrote three letters. One of these (P4/1203), was to William T. Cosgrave accompanying correspondence of George Gavan Duffys concerning 'the unpleasantness that arose in relation to representatives in Germany', which he requested him to place among the state papers. The other two letters (P4/1215-6), addressed to the Secretary of the Executive Council, accompanied boxes of Executive Council memoranda and Colonial Office despatches respectively, which he felt should be returned to his custody. He also made a conscious decision to deposit his judgments

and notes as Chief Justice in the Public Record Office (P4/94). This deposit is unavailable at the moment but details of its content are contained in an appendix to this list (p. 429). Unlike many others, Kennedy never weeded or manipulated his papers as items which could be interpreted as being critical of him prove. For this reason the collection is all the more valuable.

Arrangement of the collection

The arrangement of the papers constituted one of the more time consuming aspects of their processing. Most of Kennedy's papers were never filed, therefore documents of related content were often in scattered locations. Where files existed, they were kept intact. Fortunately, most of his committee papers - Constitution Committee, Judiciary Committee and Second House of the Oireachtas Committee - were filed which probably accounts for their completeness.

The papers were divided into eight main sections. The first of these, **A Family and personal**, contains items relating to Kennedy's family background and of a personal nature. **B Early years and education**, and **C Early legal career**, are short sections but provide a logical and important chronological progression to **D Public Office** which is the most extensive section. Public Office is divided into twelve sub-sections, **DA Anglo-Irish negotiations and the transfer of power and services**, **DB Provisional Government and the Constitution**, **DC Provisional Government and Executive Council policy - the North East and Compensation**, **DD Executive Council, Irish Free State**, **DE Dail Eireann**, **DF Courts, judiciary and judicial reorganisation**, **DG Chief Justice**, **DH State seals**, **DJ National heritage, art and theatre**, **DK American Bar Association / Canadian Bar Association**, **DL Cumann na nGaedheal**. The last four sections, E - H, are consolidated sections in that they contain items which span Kennedy's lifetime. **E Correspondence**, contains letters which have not been integrated in Section D, or in any other section. Section **F** contains items relating to Kennedy's publications, research work, papers and commentaries. Section **G** deals with organisations, societies and social occasions, and finally, section **H**, contains printed matter not integrated elsewhere in the collection.

Section **D, Public Office**, is the core of the collection containing Kennedy's papers as Legal Adviser to the Provisional Government, Law Officer to the Provisional Government, Attorney General and Chief Justice. **DA, Anglo-Irish negotiations**, deals principally with matters leading up to the passage of the Irish Free State (Agreement) Act which was passed on 31 March 1922 giving the Treaty the force of law, regularising the Provisional Government and enabling the British to transfer government functions by orders in council. **DB Provisional Government and the Constitution**, covers the regularisation of the Provisional Government with its own exchequer and executive, the drafting and passage of the Constitution bill and conferences with the British Government about its provisions. **DC** consolidates Provisional Government and Executive Council policy on two issues, the **North East** and the question of **compensation**. This arrangement serves to underline the continuity of policy on two very contentious matters. To have fragmented the material would not have served the researcher.

DD covers the **Executive Council of the Irish Free State** established after acceptance of the Constitution and containing material relating to the formation of the Executive, the Ministers and Secretaries Act, 1924, and the functioning of various ministries and offices. It also contains a section dealing with the Dail Eireann funds litigation and a section detailing the application and admission of the Irish Free State to the League of Nations. **DE Dail Eireann**, covers issues relating to the operation of the legislature and its various procedures including procedure for the first election under the Irish Free State (Agreement) Act, 1922. The contentious issue of the oath of allegiance is documented in this section.

DF Courts, judiciary and judicial reorganisation, is comprehensive in its coverage of the proceedings of the Judiciary Committee, the passage of the Courts of Justice Act, the deliberations of the Rule-Making Authority, the design of judicial robes and the provision of court accommodation including arrangements for the reopening of the courts in the Four Courts. **DG** contains papers relating to Kennedy's position as **Chief Justice** consisting mainly of correspondence,

including correspondence with the President of the Executive Council, amendments to the Constitution, the Governor General crisis, the International Commission under the Treaty of Conciliation between Roumania and the United States, and the Second House Commission.

Kennedy's devotion to matters of artistic and cultural importance lasted through his public career. For this reason, sections **DH State seals** and **DJ National heritage, art and theatre**, are significant. **DK American Bar Association / Canadian Bar Association** covers Kennedy's membership of these two prestigious organisations and his addresses to them in 1928. The final sub-section, **DL**, is a short one which contains papers relating to his brief period as an elected representative of **Cumann na nGaedheal**.

Descriptive practice

Descriptions may appear generally extensive in this list. The reason for this arises from the quality of the collection and the need to ensure that interesting features are not overlooked by researchers. Relatively little material is routine. File titles have been given where subject matter arrangement level headings are not employed. As a matter of policy, the names of months and personal names are automatically translated into English, except where an individual was consistently known by the Irish version of his name.

Cross references have been employed to facilitate comprehensive use of the collection. Inevitably in a collection of this size ghost entries appear (- reference numbers for which no actual documents exist). Abbreviations have been avoided and on the few occasions on which they appear, they can be easily interpreted from their context. Finally, the use of square brackets denotes information which is not contained in the document but which is provided by the archivist.

Biographical summary of Kennedy's life

Hugh Kennedy was born on the 11 July 1879 in Dublin, the eldest son of a surgeon, Hugh Boyle Kennedy, LRCS, CPI Dublin, and Mary

K. Nihill Kennedy. In September 1911 he married Clare Murphy, daughter of a merchant, John Murphy, of Dublin and Liverpool (P4/3).

Kennedy was privately educated until he entered University College Dublin where he received a BĀ in Classics (1899) and a BL (1903) (P4/122-3) awarded by the Royal University of Ireland. At UCD he founded and edited the student magazine, **St Stephens** (P4/119-121), was secretary, auditor and a debating medallist of the Literary and Historical Debating Society (P4/113-7) and secretary of the Catholic Graduates and Undergraduates Association (P4/118).

A gold medallist of the Kings Inns Debating Society, Kennedy became a member of the Irish Bar in 1902. His papers contain the first brief he held for his master, Richard A. Macnamara (P4/137). He later practised on the Munster circuit. Kennedy was called to the Inner Bar in 1920 and was elected a Bencher of Kings Inns in 1922 (P4/157-8).

Although the foundation of his early political interests is open to speculation, Kennedy was honorary secretary of the Central Branch of the Gaelic League (P4/127-8). He attended the Treaty negotiations in London as Legal Adviser to the Provisional Government and was subsequently involved in the ensuing arrangements to transfer services to it (P4/173-217). From February 1922 to February 1923, Kennedy was Law Officer to the Provisional Government, a member of the committee appointed to draft the Constitution and party to the subsequent negotiations with the British government (P4/352-67).

Kennedy's appointment as Attorney General was approved on 7 December 1922 although he took up the post on 1 March 1923. As Attorney General of the period, Kennedy was in a unique position to exercise wide-ranging functions. He was involved in establishing the executive machinery of the Irish Free State (P4/526-816), in drafting suitable legislative provisions for its operation and in finding solutions or compromises to many central problems, notably the North Eastern situation and the establishment of government and parliament there (P4/377-436), and compensation (P4/437-82).

Kennedy was a member of the committee appointed by the government to organise the judiciary of the Irish Free State (P4/1083-1105) and was later a member of the Rule-Making-Authority convened under section 36 of the Courts of Justice Act (P4/1150-62). In September 1923, Kennedy was among the members of the first delegation from the Irish Free State to the League of Nations when the Free State was admitted at the Fourth Assembly. On that occasion he became a member of the Committee of Jurists on Draft Treaty of Mutual Guarantee (P4/851-935).

On 25 October 1923, Kennedy was elected to Dail Eireann as TD for Dublin City South but resigned his seat when appointed Chief Justice in June 1924 (P4/1388-90, 1399-1404). As Chief Justice he continued his involvement in the development of the new judicial system. He was a central figure in the Governor General crisis in 1932 when he refused to assume the duties of that office on a permanent basis after the resignation of James McNeill (P4/1258-62).

In his later years Kennedy was a joint commissioner of the International Commission under the Treaty of Conciliation between Roumania and the United States in 1931 (P4/1263-5) and chairman of the Second House of the Oireachtas Committee appointed by Eamon de Valera in 1936 (P4/1266-96).

Kennedy was a member of the Royal Irish Academy, Fellow and Vice-President of the Royal Society of Antiquaries of Ireland, Vice-President of the Statistical and Social Inquiry Society of Ireland and a Governor of the National Gallery of Ireland. An honorary member of the American Bar Association and of the Canadian Bar Association, he addressed both their conferences in 1928 (P4/1358-77). He was also a member of the Royal Zoological Society of Ireland, Irish Texts Society, Dublin Drama League, Friends of Irish Art Collections and of the Classical Association of Ireland.

Joint author of **The Law of town tenants in Ireland**, Kennedy was also author of articles on the Constitution, on judicial reorganisation and provided prefaces for many legal text books, notably for Leo Kohn's **The Constitution of the Irish Free State** (1932) (P4/1677-1701).

He died suddenly at the age of 57 in the autumn of 1936.

Research potential of the papers

The papers contain little relating to Kennedy's early education which was private until he entered University College Dublin. One letter he received when he was fourteen refers to his 'taste for classics and literature' (P4/96). His university career is better documented. He apparently quarelled with James Joyce about the latter's views on religion and literature and rejected, as editor of **St Stephens**, an essay by Joyce which was critical of the works of George Moore and W.B. Yeats. Material relating to **St Stephens** (P4/119-121) is routine and gives little indication of his opinion of Joyce. His opinion of the religious views of Yeats, and of the literary attributes of Synge, is recorded, but without enthusiasm (P4/131).

His period as secretary, and later as auditor of the Literary and Historical Debating Society is documented by letters received (P4/113-116) although in a relatively predictable manner. Greater evidence of the mind of Kennedy in the early 1900s is supplied by a file on the Catholic Graduates and Undergraduates Association (P4/118). This and other items indicate a strict view of Catholic morality, and more than a little related hostility towards Trinity College Dublin (P4/1236). There are other interesting indications of his views on religious practices (P4/41, 1063) and of his attitude to the churches (P4/319, 349).

His early legal career is not documented in great detail, his correspondence, notes and opinions for this period being fairly sketchy. Letters on various issues from former colleagues give some indication of his standing in the legal community (for example, P4/1672). One theme which does recur throughout his legal material is his concern with the problem of lunatics (P4/148, 1157, 1175, 1222, 1247, 1783).

Equally his entrance into politics is not completely clarified by his papers. Kennedy's arrival at the Treaty negotiations as Legal Adviser appears sudden but his progress thereafter was meteoric. One draft letter, possibly to Michael Collins, refers to the 'ultimate goal of independence which I have kept before me since I led a republican party at University College Dublin twenty four years ago' (P4/387). There is no evidence that he pursued his goal in an aggressive manner by bearing arms in the struggle

for independence although he does appear to have been belligerent about the playing of the British anthem at conferrings in UCD, at least verbally.

Apart from his membership of the Gaelic League (P4/127-8), and references to the original principles of Sinn Fein (P4/13) and to a pamphlet on its policy (P4/1806), his early political activities are rather obscure. Even letters he received from Francis Sheehy Skeffington (P4/103-8) and Willie Pearse (P4/112) do not provide any clarification. Kennedy's election as a TD and his membership of Cumann na nGaedheal are sketchily covered (P4/1378-1415). His period as an elected public representative lasted less than one year and culminated in an unhappy controversy about his election agent's overdraft (P4/1412-3). Kennedy's decision to stand in October 1923 was made at the recurring request of William T. Cosgrave (P4/1388-90) and conflicts with views expressed less than three months earlier (P4/1104).

The section of the papers dealing with Anglo-Irish negotiations (P4/173-217) is important in relation to the transfer of power and services to the Provisional Government. It contains nothing on the actual Treaty negotiations and only one item contains a comment possibly on the Treaty debates (P4/199).

Provisional Government and Executive Council policy on the North Eastern counties is well documented by one section (P4/377-436). It, and items in other sections, indicate the overwhelming obsession that existed among Southern politicians and officials with the Northern parliament, the mistrust with which they regarded the intentions of British politicians in relation to the North East (P4/237), and their preoccupation as much with their own interests, as with those of the minority there (P4/566, 632, 805, 854). If anything, the establishment of a parliament and government in Northern Ireland appears to have been considered a greater threat than that posed by the Irregulars who were committed to the destruction of the Provisional and Free State governments. The views of Lord Londonderry provide an interesting balance and unique insight into the Unionist viewpoint (P4/293, 380-3).

The destruction caused by the Civil War and government efforts to defeat the Irregulars feature in a number of sections, notably Kennedy's correspondence with Cosgrave as President of the Executive Council (P4/542-51) and in Irish Free State Army and Defence matters (P4/652-80). Kennedy's personal animosity towards the republican viewpoint is particularly vividly expressed in his comments about Cumann na mBan (P4/548). His personal concern about the destruction of the Four Courts by the Irregulars, the loss of the Public Record Office and efforts to salvage or replace its content, is evident in a number of items (principally P4/283-5). The Dail Eireann funds case in which the Free State, as plaintiff, sought a judgment acknowledging it as the owner of the Sinn Fein funds, is covered by a self-contained section (P4/817-37).

Kennedy's papers as a member of the Constitution Committee are very complete. Apart from committee working papers, they include his own notes on the draft constitution and letters with personal comments on Darrell Figgis by James Douglas (P4/315) and Kennedy (P4/317). Other items include the Roman Catholic hierarchy's view of article 8 of the Constitution (P4/349), letters from Kennedy on the relation between the terms of the Treaty and the Constitution (P4/350-1), and British government criticism of and reaction to the draft constitution (P4/352-67, 1252). In later sections of the papers other documents appear on the Constitution with reference to the implications of various articles (P4/838-42), their interpretation (P4/843-6), and details of amendments to the Constitution in later years when Kennedy was Chief Justice (P4/1249-50). Naturally the papers also contain some of Kennedy's published thoughts on the subject (P4/1680-5).

The section dealing with the Executive Council and the establishment of Irish Free State ministries is extensive. The most completely documented issues include the Ministers and Secretaries Act, 1924 (P4/529-41); the organisation and role of the defence forces including the Defence Forces (Temporary Provisions) bill (P4/664-75); finance matters including salaries and pensions; protection of patents, foreshore and mining rights; the Land Commission, land purchase and related financial liability; the Fisheries bill, 1923; and the functions and position of the Commissioners of Charitable Donations and Bequests (P4/813-6). The policy of the Irish Free State in applying for admission to the League of Nations is fully documented (P4/851-935).

The Dail Eireann section affords interesting insight into the operation of the legislature. Standing orders, finance bill, private bill and divorce bill procedures, and procedure for the first election under the Irish Free State (Agreement) Act are all well documented. This section also contains notes and memoranda by Kennedy on the oath of allegiance (P4/1005-13) and correspondence dealing with efforts to establish a parliamentary library (P4/1014-16). The Second House of the Oireachtas Commission, established by de Valera and chaired by Kennedy, is documented in the collection by a very complete and extensive series of working papers (P4/1266-96).

While Kennedy's papers are a valuable source for the history of the foundation of the executive and legislature of the Irish Free State, they form quite a unique collection for the insight which they provide into the reorganisation of the courts and the judiciary. Kennedy, was, of course, a member of the Judiciary Committee and a member of the Rule-Making Authority convened under the Courts of Justice Act, 1924. As in the case of the other committees on which he sat, his papers for the Judiciary Committee are very complete. They are enhanced by comments and memoranda from members of the judiciary, from the legal profession and legal bodies, and from the public on the report of the Committee, the Courts of Justice bill, and the deliberations of the Rule-Making Authority. In this context the letters of District Justice Louis P. Walsh are particularly noteworthy (P4/1100-5, 1119-29).

This section contains other interesting source material. The controversy over the design of the judicial robes is documented. Kennedy favoured Brehon style robes and he, and other members of the judiciary including Walsh and Francis J. Biggar, disliked wigs. His opinion of wigs even provoked comment in **The Morning Post** (P4/14). There is extensive correspondence with Charles Shannon, RÅ, and W.B. Yeats in this section about the design of the robes, and a series of paintings by Kitty McCormack of the Dun Emer Guild (P4/1163-9).

Other court issues covered by the papers include the use of Irish in courts, about which Kennedy corresponded with the secretary of the Gaelic League (P4/1170, 1173), and the question of the oath in court about which he corresponded with the Chief Rabbi,

Dr Isaac Herzog (P4/1196, 1237). On both these controversies Kennedy appears to have expounded sound views.

There is little evidence in the papers to elucidate the reasons why Kennedy resigned as Attorney General. There is no doubt that he enjoyed this position both socially and intellectually, and departed from it with reluctance, albeit to preside over an entirely new Irish judicial system. Under his administration the work of the Attorney General's office was carried out meticulously, perhaps too meticulously for his critics.

Kennedy's papers as Chief Justice are not as extensive as those for the period when he was Attorney General. They are nonetheless interesting. He continued to be consulted by Cosgrave when he became Chief Justice (P4/1203-13) and drafted a statement for him on the death of Kevin O'Higgins. His papers also contain correspondence with de Valera at the time of the Governor General crisis in 1932 (P4/1258-62), and correspondence with P.J. Rutledge, Minister for Justice, about the Courts of Justice bill, 1934 (P4/1224-6). As noted his papers as chairman of the Second House Commission in 1936 are very complete. In this context the deposit of his judgments and related notes as Chief Justice in the Public Record Office must be noted as an additional source for this period.

The emphasis which Kennedy placed on national heritage is indicated by the inclusion in the collection of two sections, state seals, which is concerned with their design, and national heritage, art and theatre. The choice of a design for the seals is particularly well documented by correspondence between Kennedy, the designer, A. McGoogan of the National Museum, W.T. Cosgrave and others between 1922 and 1926 (P4/1300-05). There are some pertinent observations on this subject particularly Constantine P. Curran's anticipation of future overseas obsession with ancestry (P4/1306).

The controversy over the Lane bequest is not documented in detail but those letters on the subject which do exist (including one from W.B. Yeats) are useful (P4/1331-3). Other areas which concerned Kennedy included the problem of treasure trove and shortcomings in related legal procedures (P4/1343), the subvention of the Gate

Theatre (about which he corresponded with Hilton Edwards) (P4/1346-7), and the siting of Oliver Sheppard's statue of Cuchullain which afforded Kennedy the opportunity to air his reservations about the 'exhibits in mid-O'Connell Street' (P4/1350). One can only speculate as to what his reaction to the monumental addition for the millenium might have been !

One of Kennedy's ambitions (regrettably a victim of his relatively early demise) was the production of a major treatise on the Irish Free State constitution. The careful preservation of his papers has been referred to already in this context. His intention is also substantiated by the number of occasions on which he referred to copyright control over articles he published (P4/1678, 1681) least this should impinge on the later publication of a treatise. Arising from his visit to the American and Canadian Bar Associations, he produced two papers on the subject of the Constitution - 'Character and sources of the Constitution of the Irish Free State' (P4/1370-1) and 'The association of Canada with the Constitution of the Irish Free State' (P4/1372). The former was subsequently published in the **American Law Journal** (P4/1683). His other important contribution to studies of the Constitution took the form of extensive advice to Dr Leo Kohn for his **Verfassung des Irischen Freistaats** (1928) (P4/1695) - a work he valued greatly - and the provision of a preface for its English edition (P4/1696). The second area where his writing is significant is in the context of the judicial reorganisation to which he was party and his subsequent publication of articles on this subject for the **Law Journal** (P4/1689-91).

The correspondence section, E, merits close consultation. It contains relatively informal letters which would not integrate with section D including letters from Michael Corrigan, William T. Cosgrave, George Gavan Duffy, Alice Stopford Green, Crompton Llewelyn Davies, Lionel Curtis, Sir Francis Greer, E.J. Phelan, John A. Costello and Thomas Bodkin among others (P4/1417-95). Possibly the most interesting items in this section are the uniquely exuberant and unguarded letters of Hazel, Lady Lavery (P4/1429-37) and the highly colourful and dramatic accounts of Africa by Hal Blackhall (P4/1459-61).

Other sections in the correspondence cast insight into the problems of victims of the Civil War—from the Anglo-Irish landowners attempting to survive in a hostile environment and in the face of unfair land legislation, to its more political and criminal element (P4/1496-1522). The Earl of Granard's letters are numerous (P4/1496). Letters also raise legislative and national issues with Kennedy, usually as a friend and colleague, rather than in an official capacity. There are interesting ideas for the reconstruction of Dublin (P4/1529) and some explicit observations on moneylending (P4/1538) and on tenants' rights (P4/1547). Part of the correspondence (P4/1552-99) deals with compensation claim difficulties, people seeking positions or jobs and facing hardship. It includes extensive correspondence with Captain the Hon. J.M. French, J. Clerc Sheridan of South Africa and Dr Conn Murphy. Interesting comments are made in the letters of Morgan P. Jagers about Australian reaction to the new Irish state (P4/1554-7). The remaining sections of correspondence are fairly routine but contain at least one good example of the petulant Kennedy tone (in a letter to Kevin O'Higgins) (P4/1604).

Apart from their obvious value as a source for the foundation years of the Irish Free State, its constitutional development and the establishment of its executive, legislature and judiciary, another facet of the papers worth considering is the relationship which Kennedy enjoyed with William T. Cosgrave. As no collection of Cosgrave's papers is readily available to researchers, Kennedy's papers assume an important role as an Ersatz source for the first President of the Executive Council. Kennedy appears as friend, confidant and adviser to Cosgrave from his appointment as Acting Chairman of the Provisional Government until the end of his Presidency of the Executive Council. In this context he drafted many letters and statements for Cosgrave on a variety of issues: the appointment of the Duke of Devonshire as Secretary of State for the Colonies (P4/183), condemnation of the Irregulars (P4/254, 545), homage to Arthur Griffith and Michael Collins (P4/294), convening of the Boundary Commission (P4/413), the problems and achievements of the Irish Free State (P4/546), registration of the Anglo-Irish Treaty at the League of Nations (P4/879) and the death of Kevin O'Higgins (P4/1212).

Kennedy corresponded with Cosgrave on an equally wide variety of subjects including the draft constitution (P4/317), the terms of reference of the Compensation Commission (P4/449), the Defence Forces (Temporary Provisions) bill (P4/671), finance bill procedure in the Senate (P4/986), procedure for the opening of the Oireachtas by the Governor General (P4/1036-7), the design of judicial robes (P4/1167-8) and medical council and registration (P4/1208). Less formal letters also exist (P4/1420-7). Thus the papers of Kennedy contain insight into the mind of Cosgrave, particularly through the latter's letters to Kennedy whom he occasionally and affectionately addressed as 'the Brehon' or 'A cara dhil'.

Although the number of letters from Michael Collins in the collection are relatively few in comparison with those of Cosgrave, they are, nevertheless, indicative of his uncompromising views and robust style of expression on the North East and the British Government (P4/237, 259, 377). In this context the letters of Lord Londonderry are particularly useful (P4/293, 381-2). The papers also contain a memorandum by Collins on army reorganisation (P4/250).

It would be impossible to do any more than mention other politicians, officials and members of the judiciary whose work and expressions of opinion are also served by the collection. These include John A. Costello, Kevin O'Shiel, Arthur V. Matheson, Michael Mac White, E.J. Phelan, Louis P. Walsh, James C. Meredith, Gerald Horan, Arthur C. Meredith, Henry Hanna, James Douglas, Lord Glenavy, Darrell Figgis, Patrick Hogan, Kevin O'Higgins, J.P. Walshe, Gordon Campbell, Henry Friel, Joseph Brennan among many others.

One aspect of the collection worthy of consideration is the relationship which Kennedy, and other Irish officials, had with British politicians and civil servants. Kennedy was capable of taking a strong stance with his British counterparts on many issues and left them in little doubt as to his views. His letters to the Secretary of State for the Colonies, Winston Churchill, on the subject of the Ulster month, the Local Government (Northern Ireland) bill, and the Compensation (Ireland) Commission constitute such examples (P4/178, 180, 456). Mark Sturgis, Secretary of the Provisional Government Committee of the Cabinet, also received a strongly worded

volley from Kennedy when he inquired about the progress of the Compensation Commission (P4/444). The views which Kennedy expressed to Conor A. Maguire, Attorney General, are resonant with rage at Lord Hewart's criticism of the draft constitution fourteen years after he expressed those views (P4/352, 363, 1252). If Kennedy's comments to Cosgrave on British justice and the Treasury were hardly complimentary (P4/449), he was also capable of acknowledging fair play where it existed (P4/516), and of expressing admiration for individuals who impressed him (P4/1211).

Kennedy's relationship with other officials was obviously good and their communications of positive effect. In particular Francis N. Greer of the Irish Office (who addressed Kennedy as A Chara) and Sir Frederick Liddell of the Office of Parliamentary Counsel could correspond with Kennedy without any acrimonious exchange. He was not the only Irish official who expressed his feelings with vigour. M.J. Ryan, Compensation (Ireland) Commission, with an indictment of the Treasury (P4/460), D. O hEigeartaigh on British government policy and the protection of Catholics in the North East (P4/179), and Michael Mac White on British attitudes at the League of Nations (P4/887), are all explicit in their views.

Kennedy's relations with Irish civil servants were also revealing as shown in a letter from Joseph Brennan, Secretary, Ministry of Finance, complaining about changes made by Kennedy in the wording of a bill (P4/738). Kevin O'Higgins felt it necessary to intervene in Kennedy's relations with the Secretary of the Ministry of Home Affairs, Henry Friel (P4/760). Nevertheless, comments about individuals, if not always complimentary, are often amusing and delightfully unguarded as demonstrated by those of Kennedy and Louis P. Walsh about Lord Glenavy (P4/1125-7), or those of Thomas Bodkin on C.J. Gregg and the Board of the Commissioners of Charitable Donations and Bequests (P4/815). It is some indication of Kennedy's personality that his view of de Valera did not hinder his ability to communicate with him when he became President of the Executive Council.

Areas which now command research scrutiny such as economic policy, industrial relations or womens' issues, not constituting matters of central concern in the early years of the Irish Free State, are not served well by the collection, with the possible exception of womens' issues. Some items of note in this respect include the comments of the Irish Women Citizens Association on the Criminal Law (Amendment) Act, 1885 (P4/770), observations of Louie Bennett, Secretary, Irish Women Workers Union on the judicial system (P4/1091), and a memorandum from the Joint Committee of Womens Societies and Social Workers concerning the tendency in legislation in the Irish Free State to take from women their position of equality under the Constitution (P4/1273).

On a personal level, Kennedy's papers indicate many aspects of his personality. While his diaries consist mainly of agendas and aide-memoire, the series contains one detailed but incomplete diary for 1929 (P4/41). It is vivid of his opinions on art, wine, religion and on a host of other matters. His personal accounts, although fragmented, are often amusing such as his correspondence with the District Manager of the Post Office concerning the quality of his telephone service (P4/49), and often indicative of a fastidious mind such as the records of his four cows (P4/53). While there is evidence of frequent and sometimes impatient pleading with him to expedite both his legal and official commitments, his drafting of documents demonstrates meticulous consideration of detail. His reply on the subject of delays to an irate Cosgrave conveys his decision to generate speed by being 'less accessible and agreeable to all and sundry' (P4/588). Unlike most mortals, Kennedy made no attempt to expurgate references from his papers which were personal.

As a collection the Kennedy papers are undoubtedly a unique source. Their research value is further enhanced by Kennedy's skillful prose. In this respect his letters rival those of Timothy Michael Healy. His ideas are always expressed with impact, sometimes acerbic, occasionally satirical, frequently passionate, but always with style. His neat calligraphy presents few problems of interpretation to the researcher.

A.C. Holland

31 August 1989

CHRONOLOGY

- 1879** Kennedy born in Dublin on 11 July
- 1899** Secretary of the Literary and Historical Debating Society at University College Dublin
 Conferred with BĀ degree by Royal University
 Member of Gaelic League
- 1900** Auditor of the Literary and Historical Debating Society
- 1901** Editor of **St Stephens**
 Member of the Catholic Graduates and Undergraduates Association
 Member of the Celtic Association
- 1902** Called to the Bar
 Held first brief for Richard A. Macnamara
- 1903** Conferred with BL degree by Royal University
 Member of the National Theatre Society
- 1911** Married Clare Murphy
- 1917** Member of the Ancient Order of Hibernians
- 1920** Called to the Inner Bar
- 1921** Attended the Anglo-Irish Treaty negotiations as Legal Adviser
- 1922** Member of the Constitution Committee (Jan -)
 Appointed Law Officer to the Provisional Government
 Attended Conference on Ireland arising out of the Irish Free State (Agreement) Act 1922 and the Provisional Government (Transfer of functions) Order 1922 in Feb/April
 Elected Bencher of Kings Inns
 Attended Conference on Ireland arising out of the Constitution discussions and creation of the post of Governor General in May/June
 Appointed Attorney General on 7 Dec
- 1923** Member of the Judiciary Committee (Jan-)
 Took up post of Attorney General on 1 March
 Member of the first Irish Free State delegation to the League of Nations and member of the Committee of Jurists on Draft Treaty of Mutual Guarantee in Sept
 Elected TD for Dublin city south on 25 Oct

- 1924** Member of the Rule-Making Authority convened under the Courts of Justice Act 1924 (April-)
Warrant of appointment as Chief Justice signed by the Governor General on 5 June
Sworn in as Chief Justice on 11 June
Resigned seat as TD
- 1928** Attended and addressed meetings of the American Bar Association and Canadian Bar Association
- 1931** Member of the International Commission under the Treaty of Conciliation between Roumania and the United States
- 1932** Governor General crisis
- 1936** Chairman of the Second House of the Oireachtas Commission
Died

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A FAMILY AND PERSONAL

I KENNEDY FAMILY [1851] - 1911

- 1 [1851] Certified copy of part of the 1851 census return for the townland of Kilclooneybeg in Inniskeel; Boyleagh, county Donegal giving details of the Kenedy (sic) family.
- 2 Handbill issued by the Rotunda Ward Ratepayers' Association announcing its candidates for the Corporation election which include Hugh B. Kennedy.
- 3 July-Sept 1911 Cuttings from The Irish Times and Irish Society and Social Revival announcing the marriage of Hugh Kennedy and Clare Murphy. 2 items.

II FAMILY AND RELATED LETTERS 1903 - 24

- 4 Five letters to Hugh Kennedy from Philip A. Kennedy (architect) in Melbourne, Australia, mainly containing family news, references to his health and inquiries about Kennedy's career.
- 4 23 Sept 1903 Includes comment on the visit of the King to Dublin. 'I was delighted to see ... that there was nothing of a disloyal character ... your countrymen and women covered themselves in glory.' 4 pp
- 5 2 Oct 1903 Includes reference with passion and contempt to some acquaintance - 'that black guard Clarke of Frederick St.' who wrote him another 'cringing howling' letter ... 'to think that my poor father RIP suffered the indignity of prison for countrymen of his calibre. It makes me squirm and hunger for only one hit under his belt ...' 4 pp
- 6 25 Nov 1903 Includes references to Australian newspapers and to his acquisition of an 'oxydonor' to help his lameness and to the unfortunate consequences of experimenting its use on the family cat. 3 pp

- 7 16 Dec 1903 Includes more references to Clarke whom he shocked 'with some Australian slang' and to the King's visit to Dublin. 3 pp
- 8 11 May 1904 Includes discussion of Australian politicians. 1 p
- 9 11 July 1922 Postcard of the Four Courts sent to Kennedy by his mother and father wishing him a happy birthday.
- 10 25 May 1923 Letter from George Lynch (solicitor), Carrick on Shannon, county Leitrim, to Kennedy sympathising with him on the death of his father. 1 p
- 11 12 [July] 1923 Letter from Mrs M.K. Kennedy (Kennedy's mother) to Clare Kennedy (Kennedy's wife) recording her hope that 'he may find a minute for his poor mother one day soon'. 1 p
- 12 4 Aug 1923 Copy personal letter from Kennedy to Hugh Kennedy of Parnell St., Dublin, thanking him for his subscription to the Cumann na nGaedheal election fund. 'I have sometimes wondered whether my work has had any reactions on you ...' 1 p
- 13 24 Sept 1923 Copy letter from Kennedy to his mother expressing his concern at the pressure being brought to bear by the Sinn Fein party on the filling of the office of state solicitor in Clare. He describes one of the party's original principles as 'the eradication of the horrible system of jobbery' which had constituted a 'feature of the late Irish Parliamentary Party'. He concludes by referring to the government's efforts to create machinery which will save 'people like me from continual persecution by the friends of those who are seeking offices of profit'. 1 p
- 14 1923 Letter to Kennedy from his sister, Mary, enclosing an article from The Morning Post describing Kennedy as the "Fat Boy of Peckham" and referring to his reservations about the use of wigs. 'This frightful monstrosity, declares our legal Beau Brunnell, will have to go' and noting the comment of a Dublin lawyer "'...we are used to swelled heads in Ireland ... but the trouble with Kennedy is that he is swelled up all over"'. Kennedy's sister suggests that 'a dip in the Liffey might alter [the author's] tune'. 2 items.

- 25 7 Dec 1925 Letter to Kennedy from Henry Friel, Secretary, Department of Justice, requesting evidence of the date of Kennedy's birth for the Minister of Justice under section 12 of the Courts of Justice Act (1924) 1 p
- 26 [1924] MS and typescript draft by Kennedy of his curriculum vitae and typescript copy of his entry for a biographical directory. 16 pp
- 27 [1925] MS notes by Kennedy outlining brief biographical points and noting errata possibly in an entry in a biographical directory. 2 items
- 28 [1928] MS list by Kennedy of the societies and bodies of which he was a member 1 p
- 29 1931 Proof copies of the text of entries for Kennedy in Thoms Official Directory (1931) The Catholic Who's Who and Year Book (1931) and Who's Who. 3 items.
- ii Diaries, Agendas, Aide-memoire 1919 - 29
- 30 1919 Pocket diary with brief details of legal business transacted, letters written, accounts, notes, petty cash expenditure and social engagements.
- 31 Feb-April 1922 Notes by Kennedy recording appointments, meeting attendance, names of individuals with whom discussions were had and details of petty cash expenditure. Meetings noted include the Constitution Committee. 23 pp
- 32 Jan-Feb 1923 Notes by Kennedy mainly recording letters and memoranda to be written, fees received, the names of those to be recommended for appointment as county state solicitors, questions to be raised with colleagues, notes on the Shaw Commission, legislative matters, works to be consulted, Irish legal terms. 40 pp
- 33 [1922-] Diary and agenda details by Kennedy March - April 1923 mainly noting points about legislation under preparation and meetings attended.
- 34 May 1923 Notes by Kennedy recording cheques cashed, references to [Austin] Stack, draft constitution, Irish terms. c. 25 pp

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- 35 Aug 1923-
March 1924 Notes by Kennedy listing letters to be written and points to be made, matters to be settled, discussed or referred to various individuals, engagements. 27 pp
- 36 23 April 1923 Notes by Kennedy recording points about which [Sir Francis] Greer and [Sir Frederick] Liddell should be consulted and other notes made on a visit to London c. 8 pp
- 37 April-June 1924 Notes by Kennedy on Dail Eireann matters, legislation, Dail reports, letters to be written. 20 pp
- 38 June 1924 Notes by Kennedy mainly agendas for meetings with members of the Judiciary arising out of his appointment as Chief Justice, letters to be written on this occasion, court affairs and related matters. c. 18 pp
- 39 1924 - 5 Notes by Kennedy of letters to be written and points to be made, cases for judgment, financial notes, occasional engagements.
- 40 Aug-Oct 1925 Notebook containing an incomplete daily diary detailing social engagements, letters written, visitors to Newstead and reading of papers, periodicals and books including Ulysses; activities mentioned such as studying Irish, gardening and playing tennis. Precise times are often noted. Domestic accounts occasionally recorded - 'Sent pony load of cabbage to market for sale - realised 8s/3d'. Newspaper cuttings included from time to time mainly news summaries from The Irish Times and legal notices. 45 pp
- 41 Feb 1928;
Feb, Nov-Dec 1929 Detailed but fragmented MS diary by Kennedy of daily events, contacts, social occasions, court sittings and legal work containing personal opinions and comments, often recounting conversations with friends and legal associates. 27 Feb 1928 comments on John Mac Cormack becoming a papal count and records the remarks of Monseigneur Curran about his elevation of the status of the Irish Catholic in the USA from the 'stage Irish Catholic type'; refers to the régime of Mussolini in Italy; describes Leo Kohn's work on the Irish Constitution - 'vast read[ing], intense compress[ion], German meticulousness'. 28 Feb 1928 comments on members of the Judiciary including Henry Hanna, FitzGerald Kenney and 'the funny fellow Flynn'. Feb 1929 discusses a painting by Ruisdael purchased by the National Gallery which the governors liked but he found 'heavy [and] gloomy'. Notes in relation to a performance of Beethoven's 3rd symphony that it 'released floods of memory of murdered leaders [and] tramps to

41 cont.

Glasnevin [and] that sense of despair for irreparable loss which has swept over one in these few years of sullied freedom'.

See also
P4/1063

5 Nov 1929 refers to an attack on him in The Catholic Pictorial because the opening of the courts was not marked by a 'Red Mass'. Discusses the culprit in question and lists the reasons he would refuse to attend such a Mass in judicial robes including 'I object to tak[in]g part in anything in the nature of a circus'.

6 Nov 1929 notes a meeting of the Committee of Polite Literature of the Royal Irish Academy - 'I arrived a few minutes late [and] found it over'.

See also
P4/137

9 Nov 1929 comments on the death of R. A. Macnamara - 'After my father I owe most of my success in life to [him]'.

11 Nov 1929 notes 'M D. called on me to ask my assist[an]ce in gett[in]g Master Macnamara's post. I was rude [and] told him that his request was ghoulish [and] offended my sense of decency'.

13 Nov 1929 refers to a press report of his toast at the annual dinner of the Chartered Accountants of Ireland - 'After dinner speak[in]g is to me nothing but ashes in the mouth (to say noth[in]g of pain in the tummy)'.

14 Nov 1929 comments 'Veuve Cliq[uot] 1921 (worth noting) ... Cliquot 1920 which I had a few nights ago is a bad wine'.

17 Nov 1929 refers to a case involving a Protestant barrister and a Protestant judge and comments on the question of religious affiliation with particular reference to Catholic attitudes to Protestant social ascendancy. ... 'there are many Catholics of the elder generat[io]n into whose souls the iron has so entered that they cannot believe the facts and still offer homage to the broken idol of their social aspirations. There are maggots in a corpse'.

18 Nov 1929 mentions the death of T P. O'Connor, MP, whom he saw in the lobby of the House of Commons and recalls that on that occasion, O'Connor turned down a request from [Alfred] Cope to meet Kennedy, saying, "No, no, he might insult me". Refers to the attitude of members of the Irish Parliamentary Party to those associated with Sinn Fein and discusses O'Connor as an orator and journalist - 'Characteristic I fear of Connaught slaves'.

20 Nov 1929 comments further on The Catholic Pictorial and the 'evil of gutter Catholic journalism nagg[in]g ineffectively [at] our Protestant fellow-countrymen'.

24 Nov 1929 refers to the death of Georges Clemenceau - 'His fame or notoriety was ... largely founded on his cynicism [and] oddities plus his inveterate hatred of Germany'.

27 Nov 1929 complains about the quality of press reporting of court matters. Also comments on the work of Mainie Jellett. The works 'are capable of pleas[in]g the senses but emptied of mean[in]g save decorative gratificat[io]n, there is noth[in]g more to them'.

29 Nov 1929 refers to the trials of a judge on social occasions arising out of avoiding people at the Peamount Sanatorium dance who wished to talk business to him. ... 'part of the punishment one takes for the considerable stipend'.

10 Dec 1929 refers to Hanna's 'persistent interrupt[io]n of Counsel'.

11 Dec 1929 comments 'J.A. [Costello] ... has done wonderful work'.

12 Dec 1929 describes Harry Clarks's drawings as 'infused with a diseased mentality ... a mortal sin of craftsmanship ... the bathos of mere obscenity'.

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41 cont.

25 Dec 1929 'Clare [and] I dined together alone but we celebrated with a bottle of Bollinger from the cellar.'

28 Dec 1929 recounts a discussion with Ernest Blythe about W.E. Wylie's position in relation to the Land Commission. 'That he should sit only once a week [and] disport himself for the rest of the week [at] horse [and] cattle shows, hunts [and] races, is a quite intolerable situation.'

29 Dec 1929 analyses Remarque's All quiet on the Western front and describes it as a '"belly and bowels story" story of the Great War'.

27 pp

iii Tax 1922 - 35

- 42 April-July 1922 Letter to Kennedy from W. Radcliffe, Office of H.M. Inspector of Taxes, concerning his tax return and circular from the Minister of Finance noting that the Department of Inland Revenue was functioning with the approval of the Provisional Government and that existing stationery stocks would be used in the interests of economy. 2 items.
- 43 1924-5 Routine correspondence between Kennedy and W.D. Carey, Office of the Revenue Commissioners, mainly on the subject of super tax liability. 4 items.
- 44 1926 Newspaper cutting concerning payment of super tax by persons in receipt of an income in excess of £2,000.
- 45 July-Oct 1927 Routine correspondence between Kennedy and T.J. Hogan, Assessor of Income Tax, Office of the Revenue Commissioners, concerning his annual tax assessment. 4 items.
- 46 30 May 1935 Letter to Kennedy from Martin F. Mahony concerning assessment of his residence, Newstead, for tax purposes and referring to the former practice by which tax was allowed on the rent paid for it to the Masonic Boys School. 2 pp

iv Accounts 1915 - 32

- 47 1915-29 Details of Post Office savings bank account. 1 p
- 48 1919-21;1923 Details of Munster and Leinster Bank account noting deposit of fees and interest accrued. 3 pp

- 57 14 June 1923 Copy letter from Kennedy to C.H. Moran, The Crescent Hotel, Llandudno, forwarding rent for his residence, 43 Waterloo Road, and thanking him for the opportunity of purchasing it and the adjoining house but declining because of pressure of work. 1 p
- 58 28 Nov-
20 Dec 1923 Letter from John T. Doyle (solicitor) to Kennedy informing him that Mount Anville [House], former residence of Chief Baron Palles, was for sale and copy reply from Kennedy noting it was held on a very short lease at a very high rent and that 'an extravagant and ridiculous price' was being asked for it. 2 pp
- 59 8 Nov 1926 Copy letter from Kennedy to Martin F. Mahony enclosing his half yearly rent for his residence, Newstead, and noting the work he had done on the property. 1 p

vi Personal attacks 1923 - 6

- 60 31 Jan 1923 Copy letter from Kennedy to the Director of the Civic Guard requesting that the guard on duty at his house take up position earlier in the evenings - 'particularly these evenings of an extensive campaign of destruction.' 1 p
- 61 28 Aug 1923 Copy letter from Kennedy to Eoin O'Duffy, Chief Commissioner, Civic Guards, thanking him for the 'two boys' guarding his house who had proved excellent. 1 p
See also
P4/1574
- 62 10 Nov 1923 Copy letter from Kennedy to Col. J. O'Reilly ADC to the President, Executive Council, thanking him for his advice about 'my unwelcome visitor.' 1 p
- 63 6-7 Feb 1923 Letters from C. Twomey, Land Registry, W.G. Wakely, Incorporated Law Society of Ireland and James Lynch (solicitor), to Kennedy sympathising with him on an attack on his house. Lynch notes 'It is hard to understand the mentality of men who think ... they are doing patriotic actions by wrecking the homes of those who are working for the improvement of our country ...'; related notes of acknowledgment. 4 items.
- 64 22 Feb - 8 March 1923 Letter from John Peart (solicitor) to Kennedy enclosing a copy of Kennedy's claim for damage to his residence under the Criminal Injuries Act and copy letter from Kennedy in which he corrects some points about the submission. 2 items.
- 65 14 Feb 1927 Letter to Kennedy from J.J. McElligott, Department of Finance, thanking him for the return of a payment made under the Damage to Property (Compensation) (Amendment) Act, 1926. 1 p

P4/

- 66 22 Feb 1923 Letter to Kennedy from Fr. W. Stanislaus, St. Teresa's, Clarendon Street, forwarding from a penitent the names of two people who were to be assassinated. The names were those of Kennedy and John O'Byrne, BL. 2 pp

vii Cards, cartoons, passes 1910 - 36

- 67 Visiting cards received by Kennedy including the card of Francis Sheehy-Skeffington. 4 items.
- 68 [1925] Visiting card of Kennedy as Chief Justice.
- 69 [1924] Christmas card of the Chief Justice and Mrs Kennedy consisting of a pen and ink drawing by George Monks depicting a monk writing a manuscript against the background of Dublin Castle, the Birmingham Tower (with tricolour) and the Church of the Holy Trinity.
- 70 [1910] Postcards taken mainly by the Lawrence Studio with views of Great Denmark Street, Gardiners Place, Gardiner Street, Temple Street and the Four Courts. 5 items.
- 71 1922-3 Cartoons from The Leader and Ireland's Eye, one of which depicts Kennedy as an old woman; lists of cryptic quotations including 'let me have men about me that are fat' (William T. Cosgrave). 4 items.
- 72 27 July 1923 Covering note from J. Collins, London, to Kennedy enclosing the profile view of a bust in which Kennedy was interested. 1 p
- 73 Three pen and ink head and shoulder cartoon drawings by John Burke of 'Charles', 'Stephen' and 'Mike'. 3 items.
- 74 Jan. 1936 Photographic copy of a portrait [subject unknown] signed by John Burke [artist ?]
- 75 1925 Publicity flyer for Blakes Paintings and Drawings by Darrell Figgis; stylised pen and ink drawings of heads in a vacuum with a cat, goat and sweeping brush in the foreground.

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- 76 11 Nov 1922 Pass to admit visitor to the Colonial Office on Armistice Day with entrance instructions. 2 items.
- 77 29-30 Nov 1922 Letter to Kennedy from Lionel Curtis, Colonial Office, describing efforts to obtain a gallery ticket for Mrs Kennedy for the House of Lords and enclosing a ticket admitting Kennedy to the House of Lords; ticket admitting Kennedy 'of the Irish Office' to the House of Commons. 4 items.
- 78 28 Nov 1922 Card issued by the Speaker's secretary admitting Kennedy to the Distinguished Strangers' Gallery in the House of Commons and sent for him to Sir Frederick Liddell. 3 items.
- 79 Feb 1923 Pass issued by Colm Ó Murchadha, Clerk of the Dail, admitting Kennedy to Leinster House.

viii Newspaper cuttings, printed, photographs 1922 - 35

- 80 1922-4 Newspaper cuttings relating to Kennedy's career. 4 items.
- 81 1925 Newspaper cuttings of general interest but mainly of paintings, particularly of portraits. Includes a cutting reporting on a garden party by the Kennedys at Newstead and one concerning a letter from Senator James Douglas to the Archbishop of Cashel on divorce. 14 items.
- 82 1928 Newspaper cuttings, mainly photographic, relating to Kennedy's attendance at meetings and dinners including Feis Ceoil, Royal Hibernian Academy, Chartered Accountants, law student debating societies and on musical and art matters. 9 items.
- 83 Newspaper cuttings, mainly photographic, on social matters including an article, with photographs, on Newstead. 3 items.
- 84 1929-35 Newspaper cuttings mainly about Kennedy's career. 13 items.
- 85 21 Sept 1922 Photograph of three ladies walking purposefully in a park with a note saying 'To Ducks from Chucks'.
- 86 [1923] Photograph of Kennedy and his wife [possibly accompanied by William T. Cosgrave] arriving at [Croke Park or the Royal Dublin Society grounds]. The gentlemen are wearing

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- 86 cont. morning suits.
- 87 [9 Aug 1923] Photograph of members of the Executive Council and their wives at a dinner including William T. Cosgrave, Kevin O'Higgins, Richard Mulcahy, Ernest Blythe and Eoin Mac Neill. A portrait of Michael Collins, backed by a draped tricolour, hangs in the background.
- 88 3 July 1924 Note from P. Brennan enclosing a photograph of Kennedy possibly taken at a military display on 22 June 1924.
- 89 [1924] Half length photograph of Kennedy in judicial robes standing in the law courts.
- 90 [1924] Circular shaped head and shoulders photograph of Kennedy in judicial robes.
- 91 [1924] Note, signed by five journalists, requesting Kennedy's presence for a photocall as Chief Justice with some court officials. 1p
- 92 1899-1935 Printed items including programmes for concerts and recitals by the Army School of Music and Dublin Philharmonic Society, among others; an auction catalogue for Sewell, Son and Simpsons 'Horse Repository' (1899); poem entitled 'Saluation', annotated by Kennedy : 'said to be by Geo[rge] Russell (AE)', (Oct 1916); Lemon and Co., A Retrospect (1847-1919). 9 items.

ix Testamentary [1934] - 1937

- 93 [1934] MS draft by Kennedy of his last will and testament. It includes token bequests of snuff boxes to Marquis Mac Swiney, WTC [William T. Cosgrave], MAC [Michael A. Corrigan], JAC [John A. Costello] and John Burke. 20 pp
- 94 20 July 1937 Copy of letter from James F. Morrissey, Assistant Deputy Keeper of Records, Public Record Office, to M.E. Doyle, Private Secretary to the Chief Justice, acknowledging the temporary deposit in the Public Record Office by the executors of Kennedy's will, of a collection of court note books, draft judgments and related items. Includes a list of the items deposited. 2 items.

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95

April-May 1937

Two letters to Mrs Kennedy from J.F. D'Alton, St. Patrick's College, Maynooth, county Kildare, concerning a list of Kennedy's books which he was submitting to the College librarian and noting that the latter was anxious to acquire the Celtische Zeitschrift. Sympathises with her on her intended departure from Newstead. Typescript catalogue of the library of Hugh Kennedy.

B EARLY YEARS AND EDUCATION

I LETTERS

i Early letters 1893 - 9

- 96 25 Jan 1893 Letter to 'Mr Hugh B. Kennedy Junior' from William G. Mulville noting his 'taste for classics and literature'. Lists points about poetry and Latin translation and encloses related notes. 3 items.
- 97 10 May 1899 Letter to Kennedy from Torlogh O'Brien arranging for him to meet the Lord Chief Justice. 3 pp
- 98 [1899] Letter to Kennedy from Professor [Edouard] Cadic telling him he had written a 'strong' letter to Hawtrey Benson recommending Kennedy 'for membership in the Club'. 2 pp
- ii Florence Bayley Sherman (1876 -) 1901
- 99 31 Dec 1901 Letter to Kennedy from Florence Bayley Sherman at the Gresham Hotel, Dublin, suggesting that if he called to meet Father Anderson, he would lend him [John Boyle] O'Reilly's poems and a biography of his life. Arranges to meet Kennedy. 3 pp
- 100 21 Jan 1902 Letter to Kennedy from Mrs Sherman enclosing two letters which she received from John Boyle O'Reilly. Notes that the others in her possession are too personal to give away and regrets that those enclosed have not got better autographs. Refers to a visit to Trinity College with Kennedy. 3 pp
- Two MS letters to Mrs Sherman from John Boyle O'Reilly, The Pilot editorial rooms, mainly concerning arrangements to meet her and acknowledging her gift of Cambrensis Civessus.
- 101 23 April. [1876] Includes comment that he would be unable to meet her on Good Friday because of fasting and that 'no waiter in Boston (except those in Youngs) would serve me with lunch'. Contains explanatory MS note by Mrs Sherman on the

P4/

101 cont.

envelope to say that the waiters at Youngs 'are negroes - therefore not troubled about Good Friday'. 2 pp

102

20 Oct [1876]

2 pp

iii Francis Sheehy Skeffington 1904 - 6

Six letters from Francis Sheehy Skeffington to Kennedy mainly concerning grinds, the fees they intended charging and College matters. Occasional references to College politics.

103

5 June 1904

Includes his wish to decline a grind in civil history and suggests they 'sublet this portion to Merriman or Dick Sheehy. Merriman has prestige, but is not a very good teacher of history. Sheehy has no prestige, but is a good history-grinder.' 1p

104

21 June 1904

Includes comment that the 'report of my resignation of the Registrarship is correct.' 2 pp

105

7 July 1904

Includes reference to his wife's (Hanna Sheehy Skeffington) better MA degree in English and to her great experience of teaching but notes 'I suppose the notion of a women teacher would frighten away all the male pupils ! ' 2 pp

106

18 Feb 1906

1p

107

22 Dec 1906

Includes comment that 'the attempt to keep me out of the Presidency has not failed, - at least not yet.'

108

31 Dec 1906

Includes note - 'I must meet that attack straightforwardly.' 2 pp

iv Thomas M. Kettle [1904] - 7

Three notes from Thomas M. Kettle to Kennedy of thanks, arranging a meeting and referring to '"The Bill"'. 1p

109

[Jan 1904]

110

7 May 1907

111

19 July 1907

v William Pearse 1911

- 112 21 Aug 1911 Letter from William Pearse to Kennedy concerning the interest of his sister in marble cutting, offering to give her some lessons in the art and to take a cast of a statue for Kennedy for two guineas. 2 pp

II UNIVERSITY COLLEGE DUBLINi Literary and Historical Debating Society : secretary and auditor 1899 - 1902

- 113 Oct 1899-
March 1900 Letters received by Kennedy as secretary of the Society mainly in reply to invitations to speak at debates and attend meetings. Correspondents include An Craoibhinn Aoibhinn (Douglas Hyde), Edward Dowden, Patrick O'Donnell (Bishop of Raphoe), Matthias Mc Donnell Bodkin, KC, Bernard Edward Barnaby Fitzpatrick, 2nd Baron Castletown of Upper Ossory, Timothy M. Healy, MP, John Redmond, MP, J.G. Swift Mac Neill, MP and P.J. Lennox. 19 items.
- 114 Oct - Nov 1900 Letters received by Kennedy as auditor of the Society in reply to invitations to attend his inaugural address on 'The Irish University Question'. Replies included from John Redmond, MP, C. Hempill, KC, W.J.M. Starkie (College of National Education) and J.G. Swift Mac Neill, MP. Printed copy of the inaugural address. 6 items
- 115 1900 - 01 Printed programmes for the session 1900/01, invitations to the inaugural address of Kennedy as auditor and notices for inter-society debates with the Solicitors' Apprentices Debating Society. 8 items.
- 116 1900 MS list by Kennedy of the patrons and officers of the Society. The committee members include 'Thomas Kettle (BA Class)' and 'James Joyce (1st Arts Class)'. 1p
- 117 21 May 1902 Letter to Kennedy from James Moles, correspondence secretary of the [Law Students ?] Debating Society with MS draft reply by Kennedy concerning the Irish forms of names and their use. 'Do not however take this - a mere expression of assent to what is customary [and] expedient - as an expression of opinion on the desirability or otherwise of having ballot papers in any particular language.' 2 items

ii Catholic Graduates and Undergraduates Association:
secretary and member 1901 - 6

- 118 1901 - 6 File relating to Catholic matters and to the Association including a leaflet outlining its aims which were mainly concerned with Catholic opinion and university education; MS committee notes and draft notes by Kennedy including letters to the Archbishop of Dublin defending the work of the Association, condemning the work of some of its members who interfered 'in an entirely unjustifiable manner in the business dealings of some of our co-religionists' and informing him of his resignation as its secretary, giving as a reason, the committee's refusal to invite the Archbishop to meet a deputation from the Association (17 Jan 1904); draft letter to 'Mr Martin' outlining the foundation and history of the 'ill-fated' Association and describing the need for this type of body such as ascertaining 'the conditions of employment for Catholics, and if cases of boycott of Catholics came under notice to make them matters of public knowledge' (6 Aug 1904); letters to Michael Dawson (solicitor) concerning a petition on the university question to a Trinity College commission from which Kennedy withdraws his name because he disagrees with some of its implications (July 1906); letter to Kennedy from Archbishop's House inviting Kennedy to meet the Archbishop arising out of a statement by Kennedy 'that law students are compelled to attend a course of law lectures in Trinity College' (6 May 1901) and statement by Catholic law students to the Royal Commission on University Education on this subject; leaflet on The need for Catholic Defence concerning bigotry in the employment of Catholics (1905). 20 items

iii St Stephen's - a record of university life :
editor 1901 - 2

- 119 June - Oct 1901 File relating to St Stephen's including handbills, notes by Kennedy; letter from the editor of TCD congratulating him on 'so excellent an addition to University Journalism'; letter of congratulation from Professor [Edouard] Cadic; page from one issue of St Stephen's containing a letter of protest and related cartoon at Kennedy's 'anglicisation'. 'He has bought a dog ... He has the audacity to perambulate Grafton Street with this West-British appendage. It is said ... he promises to make atonement by donning a kilt.' 7 items.
- 120 [June] 1901 Galley proofs of the first number of the paper with articles by Patrick Pearse and An Craoibhinn Aoibhinn (Douglas Hyde). 7 sheets

- 121 6 May 1902 Account from Sealy, Bryers and Walker for printing St Stephen's (June-Oct 1901). 1p

iv Examinations, degrees, conferrings 1899 - 1903

- 122 1899;1903 Printed programmes for the conferring of degrees by the Royal University in Oct 1899 and Oct 1903. 2 items
- 123 1899;1903 Degree of Bachelor of Arts and Degree of Bachelor of Laws of the Royal University conferred on Kennedy in Oct 1899 and Oct 1903. 2 items
- 124 1899-1903 Circular letters from the Royal University of Ireland informing Kennedy he had passed various examinations including his BA and LLB examinations with conferring details and copies of occasional examination papers. Includes lists of Victoria prize winners in King's Inns examinations with MS annotations by Kennedy noting the universities in which they obtained their primary degrees and a statistical analysis of their religion (1901). 13 items

III PHILANTHROPIC AND POLITICAL 1897 - 1905

- 125 1897-8 Notebook with details of funds collected by Kennedy from the staff and students of UCD 'in aid of the famine stricken in winter of 97-98' and sent to the Lord Mayor of Dublin, Daniel Tallon.
- 126 Nov 1905 Material relating to a protest by students at the playing of the English anthem at conferrings in UCD in Oct 1905. Includes a MS draft reply by Thomas J. Madden to the secretaries of the Royal University of Ireland in reply to a summons to appear before the Standing Committee of the Senate 'on a charge of riotous [and] disorderly behaviour'. He describes the charges as 'impertinent', 'illegal' and as 'a scandalous attempt at intimidation'; copy petition by graduates and undergraduates endorsing the action of those who protested at the 'inefficient Government of which that air is a symbol'; MS notes by Kennedy raising questions about the right of the RUI to 'hold court'. 3 items.

IV ORGANISATIONS AND SOCIETIES

i Gaelic League 1899-1908

- 127 1899-03 Kennedy's membership cards for the Dublin Central Branch of Connradh na Gaedhilge (Gaelic League) and related items including rules, a ballot paper for the committee election (1902-3), programme of classes and a ticket for the Oireachtas (1899). 6 items
- 128 1907-8 Letters to Kennedy from Art P. Mac an Bhaird and C.Ó Monachain, Dublin Central Branch, Gaelic League, concerning a series of lectures on Irish history 'followed by a Ceilidh' which it was organising and Kennedy's lectures in the series; programme for its classes and lecture series. 5 items

ii Celtic Association 1901

- 129 30 Oct 1901 Letter to Kennedy from E.E. Fournier inviting him to an 'at home' given by Lady Gregory to which she asked him to bring some 'typical 20th century Gaels'. 'Mr Yeats will talk to us on Irish Art and there will be quite a galaxy.' 1p
- 130 [Nov 1901] Covering letter to Kennedy in Irish from Fournier returning 2s/6d which he had borrowed. 1p

iii The Irish National Theatre Society 1903

- 131 Oct 1903 Programme for the Irish National Theatre Society's first performance and MS notes by Kennedy on the occasion which he describes as the 'first of a series of monthly "attempts" by the literary coterie "led" by W.B. Yeats'. Discusses the performances of 'The King's Threshold' and 'Kathleen M. Houlihan' by Yeats. Analyses 'In the shadow of the Glen' which he notes was by 'a fellow named Synge a Protestant [and] Socialist' and comments on it adversely. 'Some representatives of Liffey Street Socialism near me shouted "Liberty" when I hissed.' In conclusion refers to Yeats who in a speech 'expounded some nonsense intended to convey that Religion is only second or third or nowhere after Literature'. 3 items.

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V NOTES AND NEWSPAPER CUTTINGS 1900 - 3

- 132 c.1900-3 MS notes by Kennedy, possibly for debates, and notes in relation to a lecture delivered to the Central Branch of the Gaelic League in April 1903 on the history of Ireland from the Treaty of Limerick to the Volunteers (1691-1782). 10 pp
- 133 Nov 1900 Newspaper cuttings mainly about Kennedy's inaugural speech at the Literary and Historical Debating Society on 'The Irish University Question'.

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C EARLY LEGAL CAREER

I CORRESPONDENCE

i Legal colleagues concerning briefs
and cases 1922-3

134 June 1922- Oct 1923 Routine correspondence between Kennedy and various firms of solicitors including Corrigan and Corrigan, E. and G. Stapleton, Henry B. O'Hanlon, Arthur O'Hagan and Son and James J. Lynch concerning cases and briefs he was handling on their behalf. Letters frequently urge attention and action from Kennedy. Cases noted include the Metropole licence for its reopening in 1922, and Croker v Croker from which Kennedy withdrew as counsel. 'I find ... that the Counsel with whom I was to collaborate, unable to throw a veil of decency over his personal hostility to me or perhaps to the government with which I am associated, has so acted in breach of the traditions of our profession and in violation of the recognised canons of that profession as to make it impossible for me to make any useful contribution ...' (28 May 1923); correspondence with C.P. Curran concerning a habeas corpus order for Frank Purcell, a Transport Workers Union official. 28 items

ii Purchases of legal publications 1911 - 22

135 1911-22 Statements, accounts and letters to Kennedy from Edward Ponsoby Ltd (book-sellers) concerning publications purchased by Kennedy, mainly law reports and reference works and for occasional binding. Includes details of the printing costs and sales of the Town Tenants Act. 37 items

136 1918 Letters from Kennedy to Sweet and Maxwell and to Butterworths concerning the availability of legal publications. 3 items

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II BRIEFS, OPINIONS, NOTES 1902 - 24

-
- 137 1902 Condon's estate. First brief held by Kennedy for Richard Macnamara (solicitor) and covering letter from Joseph M. Farrell of the firm to Kennedy. Envelope marked 'To be kept. C[lare] K[ennedy]'. 3 items
- See also
P4/41
- 138 [1906-] 1913 University College hostel, Hatch Hall, valuation appeal. MS notes by Kennedy, extracts from reports of related cases, deed of trust and newspaper cuttings. c 20 items
- 139 May 1914 Stephen Geraty, deceased. Map of part of Greystones, county Wicklow, indicating the property held by Geraty from Francis La Touche.
- 140 (1915-) 1917 Edward Canon d'Alton v Fr John Gibbons in the matter of the estate of Canon Gibbons, PP. Material relating to a dispute over the interpretation of Canon Gibbons bequest of money to be expended on his spiritual interests. Includes memoranda and letters from Dr J. Kinane, St. Patrick's College, Maynooth, county Kildare on the theological interpretation of spiritual interests and a MS draft affidavit on his behalf by Kennedy and related notes. c 11 items
- 141 April 1917 Julia Shelley v the Mater Misericordiae Nursing Home. Brief.
- 142 [1906-] 1921 D.J. Farrell (former secretary of the Dublin Distress Committee) case for a retiring pension under the provisions of the Local Government (Ireland) Act, 1919. MS notes by Kennedy, copy letters and opinions. 29 pp
- 143 Kenmare case. MS draft by Kennedy of statement concerning his examination of papers connected with the Kenmare case and giving the opinion that there was not sufficient evidence to enter into criminal proceedings against 'certain officers'. 1p

- P4/
- 144 Oct 1921 Copy of the Leitrim (Collection of Rates 1921-22) Act (1921) with notes by Michael Corrigan suggesting change in nomenclature from act to decree. 8 pp
- 145 1921 Compensation claims under Criminal and Malicious Injuries Acts. Correspondence with John B. Lynch (solicitor), Ennis, county Clare, MS notes by Kennedy and opinions with reference to Ennis Agricultural Show Grounds, borough rate collection and the position of county councils. 62 pp
- 146 [Dec 1921] Conn Murphy v the Attorney General for Ireland and others, a case concerning the 'allocation' (or transfer) to Northern Ireland of civil servants under the Government of Ireland Act 1920. MS notes by Kennedy and notes on judgment of the Master of the Rolls. 12 pp
- 147 Nov 1921-
See also May 1924
P4/160 Habeas corpus cases including Egan v Macready and Higgins v Macready. MS notes by Kennedy, often from law reports dealing with habeas corpus cases. Includes letter to Kennedy from J.J. Egan thanking him for his help during his trial in 1921 and asking to see him and Kennedy's copy reply assenting with pleasure. 19 pp
- 148 28 Nov 1921 MS notes by Kennedy concerning the maintenance of lunatics in District Asylums. 1p
- 149 [1922-3] [Connolly v the Minister for Finance]. Copy legal opinion concerning the case of timber merchants who had claimed compensation for 175 trees which had been purchased from the demesne of Lord de Freyne at Erritt, county Roscommon, and which had been unsuitably felled. 2 pp
- 150 12 Jan 1922 Department of Local Government and county hospital estimates. Brief for Kennedy from Corrigan and Corrigan. 2 pp
- 151 17 March 1923 John McGrath and Stephen Lanagan (deportees). MS letter from James Mc Neill to Kennedy enclosing an opinion on the legality of their arrest and deportation to Ireland from England. 5 pp

III FEES 1915 - 23

- 152 Jan 1915 Details of legal work undertaken on a number of cases and with different firms. 2pp
- 153 1920 Detailed accounts of Kennedy's professional legal expenses and income including expenses involved in taking silk, expenses incurred in the circuit court and office expenses such as car hire, scrivenry, clerical and rent; summary of fees received and notes of tax paid and the year's profit. 11 pp
- 154 1921 Letters and notes concerning Kennedy's legal fees with details of cases, expenses and briefs prepared. 8 pp
- 155 15 Dec 1923 Account of professional fees received from Arthus Cox and Co. with details of work undertaken. 1p
- 156 Feb-July 1923 Correspondence between Kennedy, George Crowley (solicitor) and John Peart (solicitor) concerning payment of Kennedy's fees. 7 items

IV KING'S COUNSEL AND BENCHER KING'S INNS
1920 - 2

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- 157 1920;1922 Newspaper cuttings noting the election of Kennedy as a bencher of King's Inns (1922) and his call to the Inner Bar as King's Counsel (1920); receipted bill for the purchase of his silk and morning gowns. 4 items
- 158 April-May 1922 Letter to Kennedy from Judge W.H. Dodd requesting Kennedy to accept proposal of his name as a bencher of King's Inns and letter from Kennedy to Michael Collins, Chairman, Provisional Government, seeking approval, with Collins' endorsement of Kennedy's decision to accept election. 3 items

V NEWSPAPER CUTTINGS AND REPORTS 1865 - 1925

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- 159 1913;1916-7;1920 Newspaper cuttings, mainly from The Freemans Journal and The Irish Times, reporting on law cases, largely those in which Kennedy featured. 35 items
- 160 1921 Newspaper cuttings relating to death sentences passed by military court and applications for writs of habeas corpus, mainly cases in which Kennedy acted for the plaintiff including the cases of Patrick Higgins and John Joseph Egan. 24 items
See also
P4/147
- 161 1921 Newspaper cuttings relating to cases in which Kennedy acted. 5 items
- 162 1865-1925 Record by Kennedy of various cases in which he was interested and extracts from relevant reports. 14 pp

VI POLITICAL 1911 - 21

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- 163 5 Jan 1911 Menu for a dinner which included Reform, Veto and Hibernian sauces, and bearing the legend 'we fight for freedom', signed by Kennedy, Dudley-White, George H. Brett, Albert E. Wood, Thomas P. Wall, T.F. Maloney, P.D. Fleming, T.S. McCann and sixteen others, and held at 35 Fitzwilliam Place (residence of T.F. Maloney).
- 164 10 Nov 1919 Printed copy of letter from William J. Walsh, Archbishop of Dublin, to Cardinal O'Connell (USA), informing him of his contribution to the Irish National Fund inaugurated by Dail Eireann, requesting him to make this fact known in America and condemning the existence of military rule in Ireland and censorship of the press. Contains shorthand notes [by Kennedy ?] on the reverse. 1p

- 165 [1919-] 1921 Circular copies of motion by Cathal Brugha proposing an alteration in the provisional constitution of Dail Eireann (1919), the provisional constitution of Dail Eireann (1919) and ministerial motions. 3 items
- 166 1920 Typescript copies of Dail Eireann decrees dealing with external affairs, income tax, economic matters and other affairs. 9 pp
- 167 29 March 1921 Printed letter addressed to Lloyd George (Prime Minister) from the Clerk of Crown and Peace, Carlow, describing events surrounding his attack by members of Sinn Fein. 3 pp
- 168 19 Nov 1921 Circular copy of the order for the academic procession on the occasion of the visit to University College Dublin of the Chancellor.

VII ORGANISATIONS AND SOCIETIES

i Town Tenants League 1906

- 169 1906 Copy of the Town Tenants (Ireland) Bill and Kennedy's membership card for the Town Tenants League. 2 items.

ii Classical Association of Ireland 1908

- 170 Jan 1908 Handbill announcing a meeting in the Royal Dublin Society to constitute an association called the Classical Association of Ireland with a printed list of members. 2 items.

iii Dublin Industrial Development Association 1908

- 171 Aug 1908 Kennedy's membership certificate for the Dublin Industrial Development Association.

D PUBLIC OFFICE

DA ANGLO-IRISH NEGOTIATIONS AND THE TRANSFER OF
POWER AND SERVICES

I CORRESPONDENCE

i Prime Minister Dec 1921-June 1922

- 173 13 Dec 1921 Anglo-Irish Treaty. Circular copy of letter from D. Lloyd George, Prime Minister, to Arthur Griffith, President of the Dail, clarifying points not specifically covered by the Anglo-Irish Treaty including the appointment of the Governor General, the status of the Irish Free State and Ireland's liability for a share of war pensions and public debt. Notes that the establishment of a second chamber in the legislature is at the discretion of the Irish people. 1p
- 174 22 June 1922 Irregulars. Copy of confidential letter from Lloyd George to Michael Collins, Chairman, Provisional Government, strongly urging action against the Irregulars 'in open rebellion in the heart of Dublin in possession of the Courts of Justice' and noting that reticence in so doing would be in 'defiance of the principles of the Treaty as incompatible with its faithful execution'. 1p

ii Assistant Under Secretary
Aug-Oct 1922

- 175 31 July - 23 Aug 1922 Ulster King of Arms: transfer of records. Copy of minute by Alfred W. Cope, Assistant Under Secretary, stating that the only records in the Office of the Ulster King of Arms related to heraldic and genealogical affairs, records of the Vice Regal Court and Order of St Patrick, 'none of which relate to any of the powers and services transferred to the Provisional Government by Order in Council'. He points out that 'Ulster ... is not engaged in the administration of any public office ...'

P4/

- 175 cont. - Covering letter from Domhnall Ó Suilleabhain to Kennedy requesting him to inform Cope if there had been agreement between the governments on the transfer of records from the Ulster King of Arms.
- Letter from Kennedy to Ó Suilleabhain informing him that Cope 'is wholly misinformed as to the arrangement come to at the London conference', urging the Minister of Home Affairs to ensure the records are protected and not removed from Ireland, explaining the nature of the discussion between the two governments on the matter and concluding that it was not relevant to the 'transfer or non-transfer of functions. This was a definite and specific agreement, and no attempt to alter the decision can be countenanced.' 3 items
- 176 5 - 25 Aug 1922 Royal Irish Constabulary: disbandment.
Letter from Cope to Kennedy requesting his approval of a notice for the Gazette concerning disbandment of the RIC and enclosing two typescript copies of the notice disbanding the force under the Constabulary (Ireland) Act, 1922. One copy contains a pencilled annotation by Kennedy - 'Blythe approves'. 3 items.
- 177 19 Oct 1922 Land Commission: transfer of functions.
Copy of letter from Cope to Kennedy conveying to him the decision of the British government to agree to the transfer of Land Commission functions 'without prejudice to any financial question arising between the two Governments'. 1p
- iii Secretary of State for the Colonies
and Colonial Office
[1921-Dec 1922]
- 178 [1921] Diseases of animals acts. Copy letter
See also from Kennedy to Winston Churchill,
P4/388 Secretary of State for the Colonies,
in relation to the administration of the diseases of animals acts in Northern Ireland. Suggests that if the North remained in the Irish Free State, these functions would be administered by the Irish government and accuses Churchill of anticipating the Ulster month with its constitutional implications. 3 pp
- 179 18 May 1922 Civil war refugee liability. Copy
letter from D. Ó hEigeartaigh, Secretary to the Provisional Government, in reply to a letter from the Colonial Office concerning financial liability for persons driven from their homes by the civil war in Ireland and seeking sanctuary in Britain. Outlines the Provisional Government's

P4/

179 cont.

policy. Suggests that the British Government should take steps to protect Catholics living in areas in the North East where they were in a minority and refers to the organised campaign of violence against them. 2 pp

180

9 Aug 1922

See also
P4/387-8

Northern Ireland: elections. Copy letter with MS amendments by Kennedy to Churchill in which he objects to the Local Government (Northern Ireland) Bill passed by the Northern parliament to repeal the Local Government (Ireland) Act of 1919. He stresses the responsibility of the British government in a matter which the North regards as a domestic issue but which he interprets as a political one. The gerrymandering effects of the new legislation are described, particularly in relation to counties Tyrone and Fermanagh, which will be painted 'with a deep Orange tint in anticipation of the operation of the "Ulster Month" and the Boundary Commission'. 7 pp

181

11 Sept 1922

Northern Ireland: elections. Letter from Cope to William T. Cosgrave, Acting Chairman, Provisional Government, enclosing the text of a telegram from Churchill to Cosgrave. - Text of telegram from Churchill replying to a letter from Michael Collins. Churchill indicates that the Local Government (Northern Ireland) Bill could not be vetoed because such legislation was within the powers delegated to the parliament of Northern Ireland. He also had Sir James Craig's assurance that the measure would in no way 'prejudice the boundary question' and that Craig's intention was to hold elections eventually for county councils and rural district councils under the proportional representation system. 2 items

182

Local Government (Northern Ireland) Bill, 1922 6 pp

183

26 Oct 1922

Appointment of Devonshire. Letter from N.G. Loughnane to Cosgrave enclosing a telegram message from the Duke of Devonshire. The latter assures Cosgrave of his 'sincere desire to maintain ... friendly relations' on assuming charge of the Colonial Office. - Draft reply from Cosgrave with MS amendments by Kennedy expressing 'mutual cooperation in carrying into full execution the Treaty settlement' and ... 'the hope based on that Settlement of peace between our respective countries'. 3 items

184

[Dec 1922]

Envelope addresssed by Cosgrave to Kennedy containing the draft text of two telegrams to the Duke of Devonshire, one by Timothy M. Healy and the other by Cosgrave, urging the cabinet, and in particular the Prime Minister, to take precautions until after 6 December [1922]. Cosgrave describes Healy as being under some 'bar' influence and suggests sending the text of his own telegram if Kennedy approves it. 3 items

P4/

iv Irish Office March-Nov 1922

- 185 March 1922 Provisional Government: transfer of power. Letter from Francis N. Greer, Irish Office, to Kennedy noting publication of the Order in Council transferring power to the Provisional Government to discharge departmental functions under the Irish Free State (Agreement) Act, 1922, with list of departments of the Provisional Government, copy of the draft order in council and galley proof with annotations and amendments by Kennedy. 4 items.
- 186 11 April 1922 Provisional Government (Companies, Societies) Order. Letter from Greer to Kennedy enclosing the draft Provisional Government (Companies, Societies) Order under the Irish Free State (Agreement) Act, 1922, with MS amendments by Sir Frederick Liddell (Office of the Parliamentary Counsel). 2 items
- 187 May 1922 Unemployment insurance order. Letter from Greer to Kennedy concerning a draft Order in Council applying the Unemployment Insurance Act, 1922, to Ireland and an agreement between the two governments adapting earlier insurance acts. - Typescript note sent to Kennedy stating 'Mr Collins would like to know what you are doing about the Insurance thing'. 2 items
- 188 10 Aug 1922 Imperial statutes and self-governing dominions. Copy of letter from Greer to Kennedy enclosing a memorandum outlining the nature of imperial statutes which are applicable to self-governing dominions. Includes a list of acts which might prove relevant to the Irish Free State with details of their implications. 2 items
- 189 20 Nov 1922 Land Commission files. Covering note from Greer to Kennedy which originally accompanied Land Commission files sent to Kennedy. 1 p
- 190 [1922] Charitable institutions. Draft telegram from Kennedy to Greer describing the dilemma caused by the investment by charitable institutions of their securities in Great Britain to avail of income tax exemption and raising the question as to how exemption might be continued. 1p

P4/

- 191 [1922] Representation and elections. Memorandum
[from the Irish Office ?] concerning
the Representation of the People (no 2)
Bill, 1922, and clarifying the reasons why it could not be applied
to Ireland.
- Representation of the People (no 2) Bill, 1922. 2 items

v Office of the Parliamentary Counsel to
the Treasury Aug-Nov 1922

- 192 9 Aug 1922 Health insurance order. Letter to
Kennedy from Sir Frederick Liddell,
Office of the Parliamentary Counsel
to the Treasury, concerning a proposed order in council resulting
from the Transfer of Functions Order, to separate the Irish system
of health insurance from the system which had previously existed
for the whole of the United Kingdom. Liddell deals with an
objection lodged by the Provisional Government to such an order
in council and outlines in detail why such an order is necessary
to protect the rights and liabilities of the insurance societies
and the members of societies affected by the change of
administration. 3 pp
- 193 Oct-Nov 1922 Patents, trademarks and designs. Letter
See also to Kennedy from Liddell enclosing a
P4/263,486,778 memorandum on patents, trademarks and
1544 designs, noting the difficulty of establishing a patent office in
Dublin and suggesting that the Patent Office in London act as an
agent for the Irish government until a suitable policy had been
formulated.
- Copy of memorandum by W. Temple Franks, Comptroller General of
Patents, Designs and Trademarks, entitled 'The Free State of
Ireland and industrial property legislation'. Refers to the
existing legal basis for the registration of trademarks, patents
and designs and to the amendments necessary in view of the
establishment of the Irish Free State. Also notes the position
of the IFS under the Copyright Act, 1911. 2 items

vi Home Office [Aug-Nov] 1922

- 194 [Aug 1922] Murder of Sir Henry Wilson. MS and
typescript drafts by Kennedy of letter
to [Edward] Shortt, PC, Secretary of
State for Home Affairs, seeking a reprieve of the death sentences
passed on Reginald Dunn and Joseph O'Sullivan for the murder of
Sir Henry Wilson. 'The execution of these sentences is felt by
the Provisional Government to be something well calculated to

P4/

- 194 cont. disaffect those who have shown a will
to peace in the North notwithstanding
terrible provocation and will in all
probability help the intolerable aggravations of the present
situation in the North Eastern counties ...' 2 items
- 195 Nov 1922 Note and text of telephone message to
Kennedy requesting him to be in Sir
John Anderson's room on the following
day for a discussion with Greer and A.P. Waterfield (Treasury)
about the staffing of the High Court. 2 items

II MEETINGS AND CONFERENCE

i Anglo-Irish Treaty negotiations Oct 1921

- 196 7 Oct 1921 Photostat copies of official letter
of appointment, in Irish and English,
by Eamon de Valera, President of the
Dail, of the five plenipotentiaries to negotiate the Treaty. 2 items

ii Conference on Ireland Feb-April 1922

- 197 Feb-April 1922 Passage of the Irish Free State (Agreement)
Act, 1922, and Provisional Government
(Transfer of Functions) Order, 1922. Draft
clauses and statements with MS notes and amendments by Kennedy and
Liddell. Includes report of the Provisional Government of Ireland
Committee of the Cabinet, three memoranda on the Ulster month with
specific reference to the date from which it should run and occasional
letters. Includes copy letter from Kennedy to Collins outlining the
substance of a meeting with the Attorney General for England on
the subject of the Ulster month and the procedure for lending the
Treaty the force of law. 72 pp
- 198 [8] Feb 1922 MS notes by Kennedy referring to
Churchill, [Sir Hamar] Greenwood,
Liddell and Lionel Curtis, Secretary,
Provisional Government of Ireland Committee of the Cabinet,
and points concerning transfer of executive power.
- MS draft telegrams to Dublin mainly explaining a delay in his
return home. 18 pp

P4/

- 199 Feb 1922 MS diary and notes by Kennedy concerning meetings, appointments and the conference. He notes - 'They made the mistake in December of separating ratification from approval'. Includes four sheets with comments by Kennedy, Collins and others, circulated at the conference, such as 'You can stand him lunch today', 'The Civil Servants were objecting to the Transfer machinery', 'Get K[ennedy] to butt in on this' and 'Its lucky that the Attorney has not a temperature'. 8 pp
- 200 [Feb - March 1922] Notebook with MS notes by Kennedy and observations on transfer dates for the Irish Land Commission, exchequer arrangements under the Provisional Government, land purchase, compensation, coast guard stations, the National Stud, Haulbowline and alkali works, and on other matters to be discussed with the Provisional Government.
- 201 March 1922 MS notes by Kennedy with newspaper cuttings and messages received in London. Includes text of telegram from Cope to Anderson concerning functions presently being carried out by the Resident Magistrates and Royal Irish Constabulary; lists of points to be considered by the Provisional Government; MS draft letter by Kennedy for the Chairman of the Provisional Government and of the Irish delegation reaffirming arrangements for the people of the 'NE corner of Ireland' under article 12 of the Treaty and denying any ambiguity in article 11; MS note from Collins to 'Mr O'Kennedy' seeking his opinion on a matter to be discussed with Churchill. 37 items

iii Cabinet Committee on Irish Affairs and
Technical Sub-Committee Aug-Dec 1922

- 202 [1922] Typescript copy of message from Curtis to Loughnane seeking the wording of an amendment about the Council of Ireland for a meeting of the Cabinet. 1p
- 203 Aug-Nov 1922 Copy of letter from Curtis to the Secretary to the Provisional Government noting that at the direction of Churchill, the Provisional Government of Ireland Committee of the Cabinet would be known as the Cabinet Committee on Irish Affairs in the future; notes by Kennedy at a meeting of the committee with

P4/

- 203 cont. reference to a Treasury scheme for the provision of housing for ex-service men. 2 items.
- 204 9 Nov 1922 Circular copy of minutes of meeting between the Committee on Irish Affairs Technical Sub-Committee and representatives of the Provisional Government. Matters discussed include land purchase, civil service staff, aspects of compensation and the indemnity bill, double income tax, land stock, railway charges, supply and surrender of arms, Royal Hospital in Kilmainham, national health insurance, transfer of register of government stocks, Shaw Commission awards and the Irish Land (Provision for Sailors and Soldiers) Act, 1919. 8 pp
- 205 1 Dec 1922 Circular copy of minutes of meeting between the Technical Sub-Committee and Kennedy concerning the formal procedure necessary to establish the government of the Irish Free State. 3 pp
- III ESTABLISHMENT OF THE OFFICE OF
GOVERNOR GENERAL June-Dec 1922
-
- 206 2 June-5 Dec 1922 Communications mainly from the Colonial Office and the Irish Office to Kennedy including printed copies of letters patent constituting the Office of Governor General of the Union of South Africa and copies of his instructions and commission;
- copy message from Greer to Loughane enclosing draft letters patent and instructions for the Governor General of the Irish Free State.
- Text, in different stages, of the oaths to be administered to the Governor General. 43 pp
- 207 27 July 1922 Aide memoire for a Conference on Ireland meeting (10 June) noting in particular that practice in relation to the salary of the Governor General of the Irish Free State would follow that of Australia. 2 pp
- See also
P4/717

- 208 [1922] Copy memorandum outlining the provisions in dominion constitutions for the salaries of governor generals with details of their salary and expense allowances. 4 pp
- 209 2-4 Dec 1922 Text of telegrams between Cosgrave, Timothy M. Healy, Kennedy and the Colonial Office concerning the text of the draft instructions to the Governor General and emphasising the need for no alteration to their wording. 3 items
See also
P4/522
- 210 5 Dec 1922 Typescript copies of the oath of allegiance and oath of office to be administered by the Lord Chief Justice to Timothy M. Healy, Governor General of the Irish Free State, as transmitted by telegram from Mark Sturgis, Colonial Office, to Kennedy.
- Typescript copy of text of letters patent appointing Healy Governor General on 6 Dec. 3 items

See also
P4/1746-73

IV AGREEMENTS [1921 -]1923

- 211 [Dec 1921] Articles of agreement for a Treaty between Great Britain and Ireland. Paragraphs spliced, mounted onto individual pages and numbered by Kennedy.
- 212 [Dec 1921] Articles of agreement for a Treaty between Great Britain and Ireland. Kennedy's copy with some MS underlining.
- 213 Nov 1922 Articles of agreement for a Treaty between Great Britain and Ireland. Annotated by Kennedy to make the printed text 'conform' with the duplicate original text held by the Irish government.
- 214 1 April 1922 Copy typescript agreement appointing 1 April as the day on which designated functions in the Provisional Government (Transfer of Functions) Order, 1922, would be transferred to the Provisional Government and noting those institutions whose functions were exempt. MS annotation by Kennedy to say the agreement was signed by 'Mr Collins [and] Mr Churchill'. 1p

P4/

- 215 [1922] Heads of working arrangements for implementing the Treaty as settled between the British and Irish Ministers.
Earlier printed version with MS annotations by Kennedy.
- 216 [1922] W.T. Cosgrave's copy of 215 above marked confidential by him.
- 217 12 Feb 1923 Financial agreements between the British government and the Irish Free State government.

P4/

DB THE PROVISIONAL GOVERNMENT AND
THE CONSTITUTION

I THE PROVISIONAL GOVERNMENT

i Establishment April 1922

218 1 April 1922 Proof copy with MS amendments by Kennedy of an order in council of 31 March establishing the machinery of the Provisional Government. 10 pp

ii Meetings

a Kennedy's notes June-Aug 1922

219 June-Aug 1922 Brief MS notes made by Kennedy at Provisional Government meetings including notes of arrangements for the funeral of Michael Collins. 20 pp
See also
P4/293

b Extracts from minutes and related circulars July-Oct 1922

Typescript circular extracts from minutes of meetings of the Provisional Government.

220 18 July-30 Aug 1922 55 pp

221 31 Aug-20 Oct 1922 48 pp

iii Appointment of Chairman and allocation of ministries March-Sept 1922

222 March 1922 Typescript copy of public notice no.6 concerning the constitution by the Provisional Government of a number of ministries with a list of relevant functions assigned to each.
- Covering note from M. Mac Donnchadh, Acting Secretary, Provisional Government, concerning omissions from the list. 2 items

- 223 31 March 1922 Two typescript versions of public notice no. 6 detailing the ministries and their incumbents with MS amendments by Kennedy. 2 items
- 224 4-8 Sept 1922 Copy of letter from Kennedy to Mac Donnchadh, Secretary, Provisional Government, concerning a draft resolution of the Government appointing ministers to act in the place of those engaged in active military service and enclosing copy of the draft resolution.
- Reply from Mac Donnchadh to Kennedy noting the absence from the meeting at which the resolution was drafted of some members of the Government and the necessity of obtaining their agreement with the resolution. 3 items
- 225 4-7 Sept 1922 Copy of letter from Kennedy to Mac Donnchadh concerning draft resolutions of the Provisional Government appointing William T. Cosgrave Chairman of the Government and naming and appointing other ministers in the Government. Encloses copy of the draft resolutions.
- Reply from Mac Donnchadh describing the procedure necessary before members of the Government can be appointed. 3 items
- iv Orders, decrees, notices, proclamations
 and passes June-Sept 1922
- 226 June-July 1922 Newspaper cuttings of notices, decrees and proclamations. 14 pp
- 227 1922 MS and typescript drafts by Kennedy of the common form of decree by the Provisional Government and the common form of a resolution of the Government leading to a decree. 8 pp
- 228 1922 Typescript drafts with occasional MS amendments by Kennedy and Arthur V. Matheson, Parliamentary Draftsman, of the Provisional Government (proof of official documents) Decree, the Provisional Government (unemployment insurance) Decree and the County scheme (temporary provisions) Decree. 20 pp
- 229 1922 Typescript and printed copies of Provisional Government decrees, nos. 4 to 8, relating to unemployment insurance and imports with covering letter from Mac Donnchadh; typescript drafts of the Provisional orders Decree and Ministerial powers (declaration) Decree; list of Dail Eireann ministerial motions (29 Aug 1921) with notice of Ministerial powers (declaration) Decree underlined. 23 pp

P4/

- 230 1922 Typescript drafts and printed copies of Provisional Government proclamations proroguing and summoning the 'parliament of Ireland' with MS amendments by Kennedy and Matheson. 8 pp
- 231 1922 Draft MS and typescript notices, forms and letters by Kennedy concerning claims for damage to property arising from military action, establishment of a military prison, release of prisoners, exile, individuals on bond, the abuse of visiting privileges and the abuse of the white flag. 9 pp
- 232 1922 Typescript drafts with occasional MS amendments by Kennedy of Provisional Government orders relating to the Safeguarding of industries Order, and fixing dates for the election of members of the Provisional Parliament. 10 pp
- 233 4 July 1922 Copies of passes issued to the French consul, his attaché and vice consul, to travel freely in Dublin and throughout Ireland with the authorisation of the Chairman, Provisional Government and the Minister for Defence. 3 items

II CHAIRMAN, MINISTRIES, OFFICES

i Chairman Jan-Oct 1922

- 234 30 Jan 1922 Letter to Kennedy from Eamon Duggan summoning him to a meeting with Michael Collins in City Hall. 1p
- 235 21 Feb 1922 Pensions. Letter to Kennedy from G. McCann, Office of the Chairman, Provisional Government, acknowledging a memorandum by Kennedy on the subject of pensions and noting that the Chairman would consider it 'when things get more settled'. 1p
- 236 21 May 1922 Formation of the Irish Free State Parliament and the North East. Copy letter from Kennedy to Michael Collins, Chairman, Provisional Government, emphasising that under the Treaty, the Provisional Government was the only government with authority until the parliament and government of the Irish Free State had been established, which would occur once the Constitution had been adopted by the Provisional Parliament which was shortly to be elected. Notes that a 'coalition Provisional Government consisting

P4/

- 236 cont. of pro-and anti-Treaty members would be impossible and would be a violation of the terms of the Treaty' and analyses the position of the Northern Parliament. 11 pp
- 237 10-11 June 1922 British Government stock register. Copy of letter from H.S. Guinness, Governor, Bank of Ireland, to Collins as Chairman of the Provisional Government and Minister of Finance, informing him that the Treasury had requested the transfer to London and Belfast of the Register of British Government Stocks which had been maintained by the Bank of Ireland in Dublin. Forwarded to A [Arthur Griffith ?] with covering letter by Collins suggesting he consult Kennedy on the matter. Exclaims angrily, 'This is a typical instance of how they load the dice against us ... It shows ... the vital necessity of settling with them at once and finally ... it is another of these moved calculated to strengthen enormously the position of the N.E.' 2 items
- 238 15 Aug 1922 Parliamentary library. Copy memorandum by Kennedy for Collins suggesting that the nucleus of the library in Dublin Castle form the basis of a parliamentary library and that a librarian be appointed with MS aide-memoire. 2 items.
See also
P4/1014-16
- 239 16 Aug 1922 Cork city: civilian distress. Note to Kennedy enclosing, at the the request of the Acting Chairman, Provisional Government, a copy letter from J. Lysaght and Daniel Kelly to the 'Chief of Inspection', describing the situation in Cork city which they regard as extremely acute. They note that poverty was rampant, communications had broken down and that parish committees had been formed. The writers report that the £5,000 allocated for relief there would ease conditions for about five weeks. 2 items
- 240 18 Aug 1922 Letter from William T. Cosgrave, Acting Chairman, Provisional Government, to Kennedy, asking him to meet Tom Jones (Cabinet Office) in relation to the questions of proportional representation and prisoners. 1p
- 241 22 Aug 1922 Parliamentary agenda. Circular copy letter from Mac Donnchadh to Kennedy noting the Commander in Chief's request for an agenda for the forthcoming Dail session and that the Acting Chairman wished the matter discussed at the government's meeting that evening. 1p

- 242 31 Aug 1922 Parliamentary agenda. Circular letter from Cosgrave to members of the Provisional Government seeking advice about 'the statements to be made when Parliament meets' lp
- 243 15 Sept 1922 British troop landing. Copy confidential letter from Kennedy to Cosgrave outraged at the landing 'without any by-your-leave' of British troops in Dublin which he feels is at variance with arrangements made with the British Government. 'Is this because Mr Collins is gone ?' lp
- 244 20-1 Sept 1922 Public service funds. Copy of letter from Joseph Brennan, Ministry of Finance, to Cosgrave, concerning procedures to enable funds to be provided for the public services when the temporary regulations for the making of Exchequer issues ceased;
- Copy of letter to Brennan from T. Chadwick, Treasury, clarifying points about the procedure and the necessary legislation. 2 items
- 245 27-9 Sept 1922 Irregulars and peace. MS draft and copy of letter from E.P. Culverwell, Registrar, Trinity College Dublin, to Cosgrave, outlining a suggestion which might form the basis of peace. The basis would take the form of an undertaking by the Provisional Government that if the Treaty was violated by the King's veto being used in domestic legislation against the advice of his Irish ministers, then the Provisional Government would resist such action by force if necessary. He describes the King's veto as the 'chief objection' made to him by Eamon de Valera and Erskine Childers in relation to surrendering their arms.
- MS draft and copy of memorandum by Culverwell describing the background to his proposal and de Valera's preoccupation with the oath and the clauses in the Treaty and the Constitution governing the relationship between the Crown and the Irish Free State, his fear that the constitutional usage of Canada would not be followed and that the King would use his veto against Irish legislation. Concludes that the Republicans would accept the Treaty if the IFS could guarantee that the veto would not be used and that the British Government would not object to a declaration which would simply reinforce the terms of the Treaty.
- Confidential MS letter from Culverwell to Kennedy describing a conversation with [Thomas ?] Johnston who doubted that the Provisional Government would adopt the suggestion outlined by Culverwell in his letter to Cosgrave.
- MS letter from Culverwell to Kennedy clarifying points about his suggestion which he denies is an 'offer' by the Government. 'It is only a suggestion that each side should on its part do a certain thing - on their side, a surrender; on yours, a binding statement which w[oul]d make their surrender easier ...'

P4/

245 cont.

Mentions in a postscript that Johnston had suggested obtaining a declaration from the Government by asking a question in the Dail but he feels that 'the labour members should not be allowed to get the credit of it'.

- Copy of letter from Culverwell to de Valera asking the Irregulars to relinquish their military opposition to the Treaty. He discusses the various points about which the Irregulars were concerned. Postscript notes that the suggestion was his own and in conclusion he compares opposition to possible British interference with the veto with the 'untold moral injury to many of the rank and file on either side' by many of the instances of the war. 7 items

246

[1922]

Copy covering letter from [Kennedy ?] to McGann enclosing two letters 'drafted without any clear idea as to the

Chairman's mi[nd]'. One letter, to Culverwell, 'is intended to soothe without giving anything away'; the second letter, to Mrs [Alice Stopford ?] Green, concerns an individual who could be useful 'is we should have to invoke the dominion people in support of our status' but the writer feels that the Chairman hardly 'wants him in the Finance Department'. Refers to 'another leak' in the Constitution Committee. 1p

See also
P4/314, 345

247

21 Oct 1922

Circular letter to members of the Provisional Government stating that Mass would be celebrated for its members in the Council Chamber at the direction of the President (of the Executive Council). 1p

ii Commander in Chief, Army, National Defence Feb-Aug 1922

248

1922

Photograph of members of the Irish Army marching past Butt Bridge led by the Commander in Chief, Michael Collins, and by the Chief of Staff, Richard Mulcahy.

249

[1922]

Censorship. Typescript draft and copy memorandum outlining censorship procedures, matters requiring censorship, relevant staff and the method of operation. 2 pp

P4/

- 250 [1922] Army reorganisation. MS memorandum by [Michael Collins, Commander in Chief], concerning the importance of the military position of Sligo in relation to any future army reorganisation and commenting on local Irregular activity and on the quality of existing staff in the Sligo garrison. Notes 'DRINK is a treacherous enemy of the Government in the West' and concludes with a comment on the commercial importance of Sligo. 'Its importance to the "Bolshies" has not been lost sight of ...' 3 pp
- 251 July-Aug 1922 Irregulars and banks. Correspondence between Collins, Cosgrave, Acting Minister for Finance, and Kennedy concerning the procedure for the withdrawal of signing authority from bank officials in Cork to prevent Irregular access to bank funds, with draft and printed notices issued by the Bank of Ireland for those concerned, and a list of branches raided between February and June 1922.
- Confidential copy memorandum by [Joseph Brennan, Ministry of Finance] detailing Irregular transactions at the Bank of Ireland and National Land Bank, Cork, between July and August 1922. He describes the recovery of some of the money and assesses government liability in the matter at about £28,700.
- Copy letter from Major General G.E. Dalton, General Officer Commanding, Southern Command, to a bank manager in Cork, requesting particulars of current and deposit accounts to assist in the investigation of public funds seized by the Irregulars.
- MS notes by Kennedy concerning the legal position of stolen monies in the custody of banks. Includes references to appropriate legislation and law cases. 21 pp
- 252 May 1922 Army discipline. Letters on army discipline including letter from Richard Mulcahy, Minister for National Defence, to Kennedy, seeking his opinion on draft army regulations in relation to discipline and noting the role of military courts in the context of disciplinary cases. 2 items
- 253 July-Aug 1922 Habeas corpus. Copy application for a writ of habeas corpus for George Oliver Plunkett and related affidavit of George Noble, Count Plunkett; MS draft letter from Kennedy to Cosgrave, Acting Chairman, Provisional Government, analysing the basis on which action might be taken against M. Comyn, senior counsel acting on behalf of Plunkett, and D. Crowley, the judge in the affair, and the nature of the republican courts or 'unlawful assemblies'.
- Galley proof of proposed article for the Freeman's Journal on the republican courts and the Plunkett habeas corpus writ. Submitted to the censor, Army Headquarters and marked 'file - not passed'. 12 pp
- See also P4/1067-1070

P4/

- 254 July-Aug 1922 Denouncement of the Irregulars. Printed circular letter from Cosgrave to the people of Ireland condemning the campaign of economic destruction and sabotage on which the Irregulars had embarked and urging the people to do their utmost to help counteract its effect and restore the country to a better commercial and economic state.
-Letter from Collins to Cosgrave enclosing copies of a memorandum denouncing the Irregulars which he suggests could be issued as an official statement; copy memorandum by Collins with MS annotation by Kennedy decrying the Irregulars who 'followed in the footsteps of our former enemy by adopting the weapon of assassination'.
- MS draft by Kennedy of speech [For the Chairman or Acting Chairman, Provisional Government] condemning the Irregulars and the civil war. (Incomplete). 6 pp
- 255 July 1922 Prohibitions on imports. Copy letter from the Minister of Defence to oil companies informing them of the prohibition on the import of 'motor spirit' and lubricating oils through any port other than Dublin; draft notice issued by the Adjutant General's Office prohibiting the import of motor car parts, sheet metal, iron plates and wirelesses through ports other than Dublin.
- Copy of letter from Kennedy to Collins arising out of a meeting with representatives of the Irish Motor and Cycle Wholesale Association and Dunlop Rubber Co. and noting their reservations about the prohibition of imports. 5 pp
- 256 22-23 July 1922 Deportees. Copy letter from Collins to Major General Joseph McGrath, Director of Intelligence, concerning the release of the sons of Sir William Taylor, who were to be deported under guarantee of their not returning to Ireland. Contains note by McGrath endorsing the instructions of the Commander in Chief and suggesting the guarantee formula is drafted by the Minister of Home Affairs. 1p
- 257 July-Aug 1922 Army commissions. Letter marked urgent from Collins and copy reply from Kennedy concerning the granting of army commissions and the procedure used in the British Army with copy of relevant form and draft by Kennedy of a form granting commission to officers in the Irish Army. 10 pp
- 258 1-10 Aug 1922 Judge Advocate General. Note for Cosgrave stating Kennedy's approval of [Cahir] Davitt for the position of Judge Advocate General, endorsed by Cosgrave; copy letter from Kennedy to Collins informing him that Davitt was willing to

- 258 cont. take the position. 2 items
- 259 July-Aug 1922 Jonesborough shooting. Letter from Mac Donnchadh, to Kennedy, enclosing copies of a letter concerning the shooting of two girls at Jonesborough. Reminds him he is to draft a letter to Churchill on the subject. Encloses copy of letter from General Macready to the Acting Chairman, Provisional Government, describing circumstances under which two girls were shot by British soldiers after curfew inside the border of Northern Ireland. Also contains copy of note by Collins expressing dissatisfaction at Macready's explanation and urging despatch of a letter to Churchill. Complains about a similar incident involving 'Craig's Specials' and concludes 'we have yet to fight the British in the North-East'; Letter from Collins to the Acting Chairman, Provisional Government, containing the statement of Peter Hughes, Dundalk, county Louth, about the incident at Jonesborough which describes circumstances at variance with those noted by Macready. 6 pp
- See also P4/860 iii External Affairs Aug 1922
- 260 17 Aug 1922 Covering letter from J.P. Walshe, Secretary, Dail Department of Foreign Affairs, to Kennedy, enclosing extracts from ministers' speeches on dominion and foreign relations. 1p
- iv Finance May-Sept 1922
- 261 May-Sept 1922 National Schools Teachers Pensions. Memorandum by Kevin O'Shiel, Assistant Legal Adviser, in relation to a inquiry by Joseph Brennan, Ministry of Finance, concerning the transfer of functions from the Lord Lieutenant in relation to the payment of national school teachers pensions. Includes notes by John A. Costello, Assistant Legal Adviser, from relevant legislation and notes on the procedure and position of pensions prior to the passage of the Irish Free State (Agreement) Act, 1922, with copy reply from Kennedy to Brennan. 3 items
- 262 5 July 1922 Bank holidays. Letters and minutes between Brennan and Kennedy concerning a government order to declare a bank holiday at the request of the Governor, Bank of Ireland, and the difficulty of so doing in view of the existing military situation. Includes drafts of the order and MS notes by Kennedy. 14 pp

v Economic Affairs April-Nov 1922

- 263 April-Nov 1922 Patents, trademarks, copyright. Letters to Kennedy from Diarmaid Fawcett, Secretary, Ministry of Economic Affairs, seeking advice, with urgency, about the establishment of a registry of patents, trademarks and copyright in Ireland and the necessary legal basis for such an office; letters to Kennedy from A.F. Blood, KC, describing the legal position, noting that this was a reserved function under the Government of Ireland Act and fearing an anomalous position of the high courts in this area; letter from a London patent agent noting the anxiety of one of his clients, Steinway and Sons, piano manufacturers, and copy reply from Kennedy stating that registration arrangements would be made after the passage of the Constitution of the Irish Free State; copies of relevant legislation, statutory rules and orders and report of a conference at the Patent Office, London (June 1922). 12 items
- See also
193, 486, 778
- 264 10 May 1922 Incorporation. Letter from Fawcett to Kennedy concerning an application for regulations about the incorporation of a society under the Companies Act, 1908, and requesting his advice. 1p
- 265 22 May 1922 Profiteering. Letter from Fawcett to Kennedy drawing his attention to the reading of a report on profiteering in food commodities at the next meeting of the Provisional Government. 1p
- 266 June 1922 Ship ownership transfer. Letter marked strictly confidential from Fawcett to Kennedy enclosing the text of a Provisional Government resolution and decree restricting the transfer of Irish ships to 'persons not qualified to own them'. 3 items
- 267 July-Aug 1922 Railways and military emergencies. Correspondence between Fawcett and Kennedy concerning the Great Southern and Western Railway Company, its agreement with the National Union of Railwaymen about the 'guaranteed week' and the Government's undertaking in relation to this; conditions under which the Provisional Government could take control of the railways and the applicability of the Regulation of the Forces Act, 1871, and the conclusion that this could only be done in a military emergency. 7 items

P4/

- 268 July 1922 Irish trade representative, Berlin.
Copy of letter from Charles Bewley in Berlin, circulated by Ernest Blythe to Dail ministries, in which Bewley draws attention to the pro-Irregular attitude of Chartres, Irish trade representative in Berlin. Includes copies of Irisches Bulletin (in translation), a 'government' leaflet published by Chartres. 4 items
- 269 Aug 1922 Dublin-Cork steamer service. Circular copy letters from Fawcett to members of the Provisional Government concerning the possibility of having a daily steamer service between Dublin and Cork which 'would be of very considerable help to the Government in the present emergency'. Includes details of the financial provisions, a government guarantee against loss and reference to the use which could be made of the service. 2 items
- vi Home Affairs Jan-April 1922
- 270 18 Jan 1922 Judges. Copy letter from Kennedy to Eamon Duggan, Minister for Home Affairs, concerning the position of judges in Ireland who had previously acted under British authority. 2 pp
- 271 13 March 1922 Wireless stations. MS draft and copy of letter from Kennedy to [Duggan] concerning the question of wireless stations arising from a letter of J.J. Breen. Kennedy concludes that control of these should be in the hands of the Irish government and that under the Treaty, the British government's interest in these was limited to the Admiralty and to matters affecting its defence by sea. 2 items
- 272 20 April 1922 Emigration and passports. MS letter from Duggan to Kennedy seeking his advice with a view to giving an answer in the Dail on the possible conflict of interest between his obligation to carry out the Dail Eireann decree against emigration and his Provisional Government function in issuing passports. 1p

vii Agriculture Feb 1922 - Dec 1923

- 273 Feb 1922 County name changes. Copy of memorandum by Kennedy for Patrick Hogan, Minister for Agriculture, describing the administrative inappropriateness of changing county names to the old Irish district names and including a list of local administrative bodies which had done so. 3 pp
- 274 May 1922 Import of Canadian cattle. Letter from the Law Office to the Minister for Agriculture enclosing a newspaper cutting from The Times about the import to Britain of Canadian cattle. 2 items
- 275 Feb 1922 - Dec 1923 War Department property in Ireland. Letters from Hogan to Kennedy about War Department property in Ireland and enclosing copy of a letter from General G.F.N. Macready on the subject. Hogan inquires about the possible transfer of such lands to the Irish Free State and refers in particular to the barracks at Ballinrobe, county Mayo; Copy of letter from Macready to [the Chairman, Provisional Government] informing him of points noted by the Chief Lands Officer to be considered in drafting legislation for the transfer of War Department property to the Provisional Government
- Typescript copy statement concerning the sale of lands in Ireland held by the Secretary of State for War and the holding of the sale proceeds in trust until agreement was reached between the British Government and the Executive Council. 4 items

viii Postmaster General July-Sept 1922

- 276 July 1922 Letters from J.J. Walsh, Postmaster General, to Kennedy, concerning the wish of the Acting Chairman to be able to contact members of the Provisional Government and to convene meetings at short notice, and seeking appropriate information about their whereabouts. 2 items
- 277 Sept 1922 Tailteann Games. Copy correspondence between George McGrath, Accountant General, and Walsh, Committee of the Tailteann Games, seeking funds to cover the account for the Games, with details of the amounts drawn on the account and McGrath's query about the extent of expenditure in view of the postponement of the Games. 4 pp

P4/

ix Labour March 1922

- 278 31 March 1922 Unemployment insurance. Text of telegram from Joseph McGrath, Minister for Labour, to Kennedy, concerning a bill for unemployment insurance in the British Parliament, and the necessity of including in it, provision for the transfer of power to the Provisional Government, should it wish to adopt the scheme. 1p

x Chief State Solicitor June-Aug 1922

- 279 10 June 1922 Margaret Ward. Telegram to Kennedy in London from [Michael A. Corrigan], Chief State Solicitor, requesting directions in the case of Margaret Ward with MS draft reply by Kennedy. 2 items
- 280 5 Aug 1922 Gormanstown Army Detention Camp. Copy of letter from Kennedy to [Corrigan] concerning the take over of cottages at Gormanstown Detention Camp, county Meath, by the Army. Suggests that occupiers could be evicted if notices to quit were not observed. Notes that such a course would not be strictly legal but that the Dail could sanction 'all these acts subsequently'. 1p

xi Commission of Inquiry into Civic Guard Discipline July 1922

- 281 July 1922 Terms of reference. MS draft by Kennedy and typescript copy terms of reference for a Provisional Government Commission consisting of Kevin O'Shiel, Assistant Legal Adviser and Michael McAuliffe, Ministry of Labour, to inquire into alleged breaches of discipline and acts of insubordination in the civic guards. 2 items

xii Law Officer's Department July 1922

- 282 28 July 1922 Estimates. Copy memorandum by Kennedy correcting comments by the Treasury on estimates for the salaries of members of the Department for the year 1922/3. Emphasises the extent of his own functions as Law Officer, noting that he pays

P4/

282 cont.

himself for clerical assistance with his work. Draws attention to positions for which allowance should be made in the estimates including that of the parliamentary draftsman.

7 pp

III THE CIVIL WAR AND THE DESTRUCTION OF
THE FOUR COURTS [May -]Sept 1922

283

June-July 1922

Destruction of the Public Record Office. Communications between C.P. Curran, Clerk of Court, and Kennedy concerning access to the Four Courts and the state of the Public Record Office after the explosion and fire. Includes MS draft report and typescript copy by Curran on the Public Record Office, noting the location of and describing some of the documents which had survived the explosion (6 pp); Note by Kennedy recording that both the Society of Antiquaries and Curran had warned Rory O'Connor about 'the historical importance and irreplaceable character' of the records in the PRO and referring to cellars to which the documents could have been moved. Kennedy suggests O'Connor should be interrogated about the latter point.

14 pp

284

July-Aug 1922

Destruction of the Public Record Office and the return of documents. Typescript copy permit to view the ruins of the Four Courts, authorised by Diarmuid Ó hEigeartaigh, Secretary to the Provisional Government, with MS list by Kennedy of the conditions under which it should be issued.

- Correspondence between Herbert Wood, Deputy Keeper of Public Records, and Kennedy concerning reception arrangements for those returning documents scattered in the explosion and the drafting of a related public notice.
- MS note from Kevin O'Higgins in the Office of the Adjutant General, Portobello Barracks, to Kennedy, enclosing scraps of paper which were found in the Four Courts. 'One would gather from one of the remnants that there (sic) were dry cods one hundred and one years ago - et nunc et semper.'
- Typescript copy of the Provisional Government notice urging the return by the public of documents scattered in the explosion, irrespective of their condition.
- Printed handbill condemning Irregular destruction of the Four Courts 'with all its historic documents'.

11 pp

P4/

- 285 July 1922 Destruction of the Public Record Office and Four Courts. Copy of memorandum by Kennedy for Collins noting visits to the Four Courts to inspect damage by various officials including Curran and J.P. Morrissey, Deputy Keeper of Public Records, with recommendations for the salvage of records in the King's Bench offices and Public Record Office.
- Copy letter from Kennedy to Collins concerning the urgent necessity of accommodating staff formerly located in the Four Courts. Refers in particular to the Accountant General and to the task facing his office in 'reconstructing his books'. 2 items
- See also
P4/1073
- 286 July-Aug 1922 Registry of Titles and Registry of Deeds. MS letter to Kennedy, acting on behalf of Duggan, from T.F. Malony, Lord Chief Justice, informing him of the Army's intention to occupy the premises formerly occupied by the Registry of Titles and the Registry of Deeds. Notes that the work of the former would have to be abandoned unless alternative premises were obtained; copy reply from Kennedy to Malony about the Army occupation of the offices in question. Refers to sheriffs' expenses for juries, accommodation for staff from the Courts and the form of writs and orders. Notes in relation to the latter point that the term 'Southern Ireland' was offensive and that 'Rialtas Sealadach na hEireann' might be used until the Government could consider an alternative, something which was not feasible on account of the 'big business in hand'.
- MS note from Curran to Kennedy concerning the removal of the Lord Chief Justice's books from the Four Courts, the need for a permit and the removal of a safe to Portobello Barracks.
- MS letter from D.L. Glover, Registry of Deeds, to Kennedy thanking him for arranging the transfer of books and papers to Henrietta Street. He hopefully adds that Kennedy will remember him 'when you are arranging accommodation for the different staffs. It is very difficult to work here'. 5 pp
- See also
P4/1174
- 287 July 1922 Public Record Office. Correspondence between Kennedy, James J. Healy, Secretary, Office of Public Works and Michael J. McEnery, Deputy Keeper of Public Records, concerning the removal of his personal library from the Public Record Office. 3 items
- 288 14 Aug 1922 Land Registry. Letter from Healy to Kennedy noting that Chaloner Smith was engaged in salvage operations in the Land Registry and that 'a very considerable portion of the valuable maps are intact, including the whole of the county Dublin maps of which there are no copies'. Notes that the Law Library appears to have been 'totally destroyed'. 1p

P4/

- 289 [May] 1922 MS note concerning the possession by Irregulars under Denis Sullivan of the house of H.D. Conner, Ballineen, county Cork.
- 290 12 Sept 1922 MS letter from S.G. Gallagher in Bray, county Wicklow, to Kennedy, commenting on Irregular damage to bridges at Carnew, describing roads at Tinahely being blocked with trees and noting that his notice board warning about the damaged bridge had been 'chucked in the river'. 4 pp
- 291 25 Sept 1922 Letter from James Douglas to Kennedy enclosing a collection of Republican handbills and statement. 5 items
- See also
P4/1803
- 292 July-Aug 1922 Typescript copies of letters written by Aodh de Blacam to C.O'Shannon, The voice of labour, and to Mrs Sheehy Skeffington among others, giving vent to his republican sympathies. 14 pp

IV DEATHS OF ARTHUR GRIFFITH AND
 MICHAEL COLLINS Aug-Nov 1922

See also
P4/1927-8

- 293 15 Aug - 5 Sept 1922 Material relating to the deaths of Arthur Griffith and Michael Collins mainly draft texts of telegrams with lists of those to be informed, letters of condolence, samples of government letter of acknowledgment. Includes note informing Kennedy that Collins had just been killed; telegram from John Lavery expressing his wish to paint Collins' funeral; copy draft message by the Government for publication in the morning papers announcing the death of Collins - 'the greatest and bravest of our countrymen has been snatched from us at the moment when victory smiled through the clouds'; MS letter from Charles [?] at Wyngard Park, Stockton on Tees (Londonderry family seat), to [?] (addressee erased), commenting on M[ichael] C[ollins]. ...'I knew it was unfair to raise hopes which I could not fulfill, in the way he desired so much: and that is why I had to be more uncompromising than I actually was.' 22 pp
- See also
P4/219,
380-3,990

P4/

- 294 [late 1922] MS draft by Kennedy of speech [possibly for William T. Cosgrave, President, Executive Council], paying homage to Arthur Griffith and Michael Collins and commenting briefly on the divisions in contemporary Ireland. 3 pp
- 295 20 Nov 1922 Letter from James O'Connor (solicitor) to Kennedy informing him that a bill had been received for printing Eire Óg and suggesting that Sean Milroy assume ownership of the paper from Griffith's widow; Copy of letter from Patrick Mahon (printer) to O'Connor with details of the printing costs of Eire Óg. 2 items
- 296 1922 Half length photograph of Arthur Griffith and Michael Collins seated together.
- 297 1922 Photographs of Michael Collins, one leaning on the rail of a platform addressing a meeting and the second enlarged head and shoulders from 296 above.
- 298 Aug 1922 Copybook containing brief MS diary by Kennedy of events from 12 to 25 Aug 1922 with related expenses. Includes unrelated drafts of official letters.

See also
P4/838-850,
1249-52

V THE CONSTITUTION

i Constitution Committee

a Terms of reference Jan 1922

- 299 [24 Jan 1922] Copy of minutes of the first meeting of the committee formed to draft a constitution for the Irish Free State held at the Mansion House on 24 Jan 1922. Attendance includes Arthur Griffith and Michael Collins. Procedure and terms of reference were discussed. 4 pp

P4/

b Kennedy's notes and Committee working papers [1921-] Sept 1922

- 300 1922 Brief MS notes by Kennedy dealing with the formation of the Constitution Committee and list of names of individuals relevant to its deliberations. [Possibly used in connection with his address to the American Bar Association. See also P4/]. 5 pp
- 301 [Dec 1921-]1922 Memoranda by Kennedy on various implications of the Treaty including the role of the Provisional Government, 'Northern Ireland' and related constitutional implications. [Possibly used in the course of drafting the constitution] 11 pp
- 302 1921-2 MS notes by Kennedy based on the text of the Treaty. [Possibly used in the course of drafting the constitution and clarifying its scope] 10 pp
- 303 [1922] MS draft by Kennedy of a reply to a question concerning the applicability of the Irish Free State constitution to the whole of Ireland. Concludes that the constitution would not require alteration whatever decision was made by the Northern Ireland parliament about joining the Irish Free State or opting out of it. 2 pp
- 304 [1922] MS notes, mainly by Kennedy, many vague, on the constitution, including list of those articles which relate directly to the King and to the Governor General. 6 pp
- 305 [1922] Copybook containing MS notes by Kennedy outlining briefly some articles for the draft constitution and related notes including notes possibly on draft 'C'.
- 306 [1922] Typescript copy of list of sections and articles in the draft constitution with summaries of some articles in section II and annotations and notes, mainly by Kennedy. 9 pp

P4/

- 307 [Sept 1922] Typescript notes, possibly made by James Douglas [for James McNeill ?] listing positive points about the executive as outlined in draft 'B' and negative points about the outline in Alfred O'Rahilly's draft 'A', which is described as 'the English system without saying so'. 4 pp
- 308 1922 Select working papers, mainly memoranda, and various draft articles of the constitution with annotations by Kennedy. Includes memorandum on Ireland as a sovereign state and the right of Great Britain to demand the insertion of any clauses in the constitution; memoranda analysing and commenting on various aspects of the constitution; memorandum by Kennedy on the executive. 49 pp
- 309 16 March 1922 Copy letter from Darrell Figgis, Chairman, Constitution Committee, to Kennedy, enclosing a copy of the text of the constitution of Poland. 2 items
- 310 6 April 1922 Circular letter from R.J.P. Mortished, Secretary, Constitution Committee, to Kennedy, enclosing copies of the texts of the constitutions of Greece (1827) and of the Swiss Confederation. 3 items
- 311 [1922] Circular copy of list of books available to committee members for consultation and list of documents circulated. 6 pp
- c Correspondence
- ca Committee members March-Oct 1922
- 312 Feb-April 1922 Letter from A[lfred] O'R[ahilly] to Michael Tierney enclosing a letter from H. Duncan Hall, author of The British Commonwealth of Nations, a book 'used extensively by our side in London [and] also read by the members of the Constitutional Committee', which he describes as 'anti-imperialist' and suggests he be invited to write on the Treaty and Irish sovereignty. 6 pp

P4/

- 313 Feb-April 1922 Letters to Kennedy, mainly from Figgis and Mortished, about meetings, drafts and submissions. Includes copy letter from Figgis to O'Rahilly concerned about his departure from a meeting of the committee, his attitude to the drafting of the constitution and noting his intention to submit a 'minority report'; letter from Figgis to Kennedy commenting on documents 31 and 32. 13 items.
- 314 April-Sept 1922 Letters to Kennedy, mainly from Figgis and Mortished. Figgis emphasises, among other matters, that members of the committee were not to write or express opinions about the constitution until after its publication and refers to the need for 'loyal cooperation'; Mortished suggests that Figgis be relieved of responsibility to ensure 'satisfactory settlement' of the committee's affairs: 'Desperate men need desperate remedies'; inquiry from Mortished about the English translation of 'fideicommiss'. 9 items
- 315 March-Oct 1922 Correspondence, mainly between Kennedy, James Douglas and the Secretary, Provisional Government, arising out of the drafting of the constitution. Includes letters about the proposed publication by Figgis of a book on constitutions of the known world with scathing comments by Douglas on the text including 'the drafts badly need pruning of Figgisian phrases - for instance in Swiss draft I find a reference to "Sovereign local prejudice" whatever that is' (14 Aug 1922); letters about O'Rahilly's proposal to publish his draft of the constitution - 'if the Provisional Government do not give me a guarantee that they will not withhold this information from the Constituent Assembly, I intend to publish it myself' (2 Sept 1922); copy of letter from Douglas to The Irish Independent denouncing Figgis' published objections to the draft constitution (26 June 1922); letters from Douglas concerning Labour Party objections to article 49 (Sept 1922); correspondence in relation to Douglas' memorandum on the executive including copy letter from Kennedy to the Minister for Home Affairs noting that their concept of the executive is analogous to the Swiss (20 Sept 1922); copy letter from Kennedy to Douglas noting that their scheme is being attacked in the Dail 'including the most dishonest attacks of Darrel Figgis' (26 Sept 1922); copy of memorandum by Douglas on the position of the imperial conference in relation to the constitution of the Irish Free State (9 pp). 35 items
- See also
P4/246.345

P4/

- 316 May 1922 Correspondence between Kennedy and Padraig Ó Tuathail, Dail clerk, concerning the circulation of committee documents and the procedure for the reading of the constitution bill in the Dail. Includes acerbic letter of objection from Kennedy to Ó Tuathail because he did not receive committee papers with MS annotation of explanation by Figgis and letter of apology from Ó Tuathail. 4 items

cb Acting Chairman and Chairman,
Provisional Government Aug 1922-Jan 1923

- 317 Aug 1922-Jan 1923 Correspondence between Kennedy and William T. Cosgrave, Acting Chairman and Chairman, Provisional Government, concerning the drafting of the constitution. Includes letter from Cosgrave criticising the plan by Figgis to publish a book of constitutions including the Irish constitution. He feels this would prevent members of the Dail discussing the new constitution 'on a high level' and observes that it will be published without an introduction 'which must necessarily be coloured by the Acting Chairman of the Constitution Committee bearing in mind his opposition to the draft on which the Government worked' (20 Aug 1922); reply from Kennedy urging the publication of a companion volume. 'The Government could relieve itself of responsibility for the statements by publishing the volume as an explanatory work of introduction to the study of the different Constitutions prepared at the Government's request by the Deputy Chairman and the Secretaries of the Constitution Committee' (22 Aug 1922); other letters commenting on Figgis and his work including one by Kennedy noting 'He puts up a pseudo-literary, semi journalistic screed - largely in bad English' (16 Jan 1923); copy letter, marked strictly confidential, from Kennedy, referring to documents he was sending the Chairman containing notes on meetings in London concerning the draft constitution and headings of agreements reached concerning the constitution between southern unionists, Arthur Griffith, Kevin O'Higgins and Kennedy (5 Sept 1922); copy letter from Kennedy declining the services of Michael F. Doyle and J. Clerc Sheridan in matters relating to the constitution. 9 items
- See also
P4/343

cc Other letters June 1922

- 318 June 1922 Letters to Kennedy about the constitution including ones from Captain R.J. Boyd (Wicklow) and J.J. Nunan (Reparation Commission, Vienna), congratulating

P4/

318 cont. him on its text with copy replies
from Kennedy. 6 items

319 [1922] MS draft letter from Kennedy
[possibly to the press], arising
out of the deliberations of the
Constitution Committee in which he strongly advocates that
under the Constitution and by agreement with the Churches,
no minister of any religion should be allowed to sit in
either house of the Oireachtas. 1p

d The Constitution Bill

da Draft stage Jan-March 1922

Documents 1 - 58, excluding
23, 28 (see P4/323), 39 (see
P4/325), 56 and 57, circulated
to members of the Constitution Committee and consisting
of memoranda and opinions on the structure of the
legislature, the form of the executive, capital punishment,
representation, citizenship, election, finance, economic
provisions, population and on other national constitutions.
Includes a list of documents 1 - 50, often noting author.

320 1922 Documents 1 - 29

321 1922 Documents 30 - 58

323 1922 Document no. 28, a complete
text of the draft constitution
with deletions, amendments and
annotations by Kennedy. 19 pp

324 1922 Schedule showing rearrangement
of articles in document no. 39
from the earlier draft constitution.
1p

325 1922 Document no. 39 containing complete
text of the draft constitution with
amendments and annotation by Kennedy
including two alternative sections, 'A' and 'B', on the
executive.

P4/

- | | | | |
|---|------------|--|-------|
| 326 | 1922 | Copy of draft constitution 'A' with amendments and annotations by Kennedy. | |
| 327 | 1922 | Copy of draft constitution 'B' with amendments and annotations by Kennedy. | |
| 328 | 1922 | Copy of draft constitution 'C' marked 'Private not yet ready for committee' by O'Rahilly. | |
| | | Final typescript and carbon copy of the draft constitution ('B'). | 96 pp |
| 329 | 1922 | | |
| 330 | 1922 | | |
| | | Signed circular copies of drafts 'A' (Darrell Figgis, James McNeill, John O'Byrne), 'B' (James G. Douglas, C.J. France, Hugh Kennedy) and 'C' (James Murnaghan, Alfred O'Rahilly), with annotations on 'B' by Kennedy. | |
| 331 | 1922 | 'A' | |
| 332 | 1922 | 'B' | |
| 333 | 1922 | 'C' | |
| 334 | 1922 | Copy of the draft constitution with circular and typescript articles annotated by Kennedy. | |
| 335 | 1922 | Copy typescript text of the introductory paragraphs to the Constitution of the Irish Free State Bill, 1922. | 2 pp |
| db <u>Submissions to the Government</u>
Feb-April 1922 | | | |
| 336 | March 1922 | Copy of draft letter from Figgis to Collins outlining the differences between drafts 'A', 'B' and 'C' of the constitution with MS amendments by Kennedy. | 5 pp |

P4/

- 337 7 March 1922 Circular (signed) and typescript copies of covering letter from Figgis to Collins, submitting drafts 'A', 'B' and 'C' of the constitution. Outlines some of the difficulties involved in their compilation and notes the main features in which they differ. Acknowledges those who had helped the committee with its work and includes a list of Irish translations of relevant terms; circular copy (signed) of letter in Irish. 23 pp
- 338 1922 Copies of the three draft constitutions, 'A', 'B' and 'C', submitted by the committee to the Government.
- 339 Feb-April 1922 Official memoranda and other documents submitted to the Government in relation to drafts 'A', 'B' and 'C' of the constitution. Includes statements by the signatories of each of the three drafts. The report on 'C', by Murnaghan and O'Rahilly, was written 'under great difficulties as both ... are ill in bed'; memoranda by Eoin Mac Neill, Patrick Hogan, William T. Cosgrave, George O'Brien, Lord Midleton and Timothy M. Healy and comments by Figgis on the O'Brien criticism.
- dc Amendment stage, parliamentary questions and public opinion May 1922-Jan 1923
- 340 1922 Circular copies of amendments to the draft constitution mainly at the committee stage in the Dail detailing the articles in question and the suggested change. 41 pp
- 341 1922 Amendments to the draft constitution (articles 1-25) at the committee stage including circular copies of proposed amendments by Figgis, George Gavan Duffy, Cathal O'Shannon, Thomas Johnson, William O'Brien, among others, with MS and typescript assessments of the amendments by Kennedy (on articles 1-14) and a list of those accepted by the Government. c 50 pp
- 342 1922 Printed copy of the draft constitution containing MS notes, often extensive, by Kennedy on the articles (from

- 342 cont. 46 to 71), which consist of comments and views on amendments where they were suggested.
- 343 May-Sept 1922 Memoranda and letters concerning the draft constitution including suggestions and comments by J. Clerc Sheridan (former Commissioner for Revenue, Union of South Africa), A. Berriedale Keith (University of Edinburgh) and memoranda by Kennedy on the legislative powers of the provisional parliament and on the formation of the Senate.
- See also
P4/317
- 344 1922 MS notes by Kennedy, possibly made during Dail debates on the draft constitution and the related committee stages, with comments on Figgis, Douglas, Gavan Duffy, Cosgrave and Griffith. 10 pp
- 345 1922 Typescript list of points [by Kennedy ?] in opposition to a [proposal?] by Figgis in the Dail about [the draft constitution ?] with reference to its referral to a committee. Kennedy implies that Figgis might know 'something of the anonymous critics' of the constitution bill who had received press coverage. 2 pp
- See also
P4/243,
314
- 346 1922 Copy draft reply to a question raised in the Dail concerning military committees of inquiry and the extent to which they could be considered as military tribunals under article 70 of the constitution. 2 pp
- 347 1922 Memorandum by [A. Cox] dealing with the right of the Irish Free State to enact a constitution and the jurisdiction of the British Parliament in approving the text and passing appropriate legislation particularly with reference to the terms of the Treaty. 9 pp
- 348 July 1922 Letter from Gavan Duffy to Kennedy enclosing a memorandum by Douglas on a conversation with Henri Bourassa, Director of Le Devoir (a Canadian newspaper), in the course of which they discussed the draft constitution and Ireland's relations with Canada. 7 pp

P4/

- 349 Sept 1922 Original and typescript copy of memorandum 'handed to me [Kennedy] by Bishop of Dromore after Confer[en]ce with Bishops at Maynooth' concerning article 8 of the constitution and the statement - 'the free profession and practice of religion are inviolable rights of the citizen'. The author of the memorandum considers the article too wide. 'Does the Constitution propose to allow for instance, Mormonism with plurality of wives ? Or ritual murder ?' Stresses the need for qualification - 'dummodo haec toleratia non sit periculosa bono spirituali fidelium' (Tanqueray). 2 items
- 350 22 Sept 1922 Copy confidential letter from Kennedy to the Minister for Home Affairs enclosing a draft letter for him to Thomas Johnston noting the provisions in the draft constitution which 'it is essential to preserve in order to preserve the Treaty position' and outlining the constitutional relationship between the Irish Free State and Great Britain; circular copy of Kennedy's draft letter. 3 items
- 351 19 Sept 1922 Copy letter sent by Kennedy to Gerald Fitzgibbon, KC, TD, outlining the articles in the constitution representing the 'final bargain with the British and which cannot be scrapped', also sent to W. Thrift, TD, Sir James Craig and A.E. Alton, with copy letters from Kennedy to each recipient. 5 items
- 351a 1922 - Jan [1923] Printed copies of the constitution bill amended in committee, the bill in its final form and circular copy of an amendment by Eamon Duggan, Minister for Home Affairs, to the bill at its final reading with covering notes by Colm Ó Murchadha, Clerk of the Dail, and G. McGann, Secretary to the President of the Executive Council. 6 items

P4/

See also
P4/363, 1252

- ii Negotiations with the British Government
- a Correspondence and communications [May -] Nov 1922
- 352 [May] 1922 Memorandum discussing points arising out of criticism by the British Government of the draft constitution with reference to interpretation of the Treaty and the constitutional status of Ireland. 4 pp
- 353 1-2 June 1922 Letter from D. Lloyd George, Prime Minister, to Arthur Griffith, President, Dail Eireann, concerning the draft Irish constitution, expressing alarm at its content which he feels is inconsistent with the terms of the Treaty and raising specific points; draft reply with amendments by Kennedy replying to the points raised by Lloyd George and outlining the policy and stance of the Constitution Committee. 10 pp
- 354 [June 1922] MS draft letter by Kennedy [to Winston Churchill] acknowledging complimentary remarks made by Churchill to the Prime Minister about Kennedy's 'small contribution to the great work in process of achievement between our countries, the happy progress of which so largely rests in your hands'.
- Newspaper cutting of Churchill and Lord Birkenhead. 3 items
- 355 Nov 1922 Communications, mainly telegrams and correspondence, between N.G. Loughnane (Colonial Office) at Vice Regal Lodge, L.B. Freeston (Colonial Office), Sir John Anderson (Home Office), Lionel Curtis (Provisional Government of Ireland Committee), Mark Sturgis (Colonial Office), Sir Francis Greer (Irish Office) and Kennedy, mainly in relation to the wording and interpretation of the Constitution Bill and the Consequential Provisions Bill. Reference is made in particular to interpretation of wording in the Constitution Bill as it affected the ownership of property formerly held by the British Government in the Free State territory with copy of letter from Curtis suggesting either inclusion of a section in the constitution expressly defining interpretation of article 11 or an agreement between the two governments acknowledging an acceptable interpretation. Includes points raised by Sir James Craig about the Council of Ireland in the Consequential Provisions Bill. Other matters include suggestions for the division of records in the Registry of Deeds between Northern Ireland and the Irish Free State and

P4/

355 cont.

payment of tax in the existing financial year. Includes memorandum by C.J. Gregg (Ministry for Finance) on the administration of compensation claims under article 10 of the Treaty and a letter from William T. Cosgrave, (Chairman, Provisional Government) to Bonar Law (Prime Minister), strongly objecting to any attempt by the British Government to seek amendments to the constitution [not sent ?] 26 items

b Conference on Ireland May-June 1922

- 356 June 1922 Copy text of the constitution marked 'Secret - This document is the property of the Irish Provisional Govern~~men~~t' by Kennedy with his working notes indicating clauses on which agreement was made and amendments suggested. 37 pp
- 357 June 1922 Copies of the text of various articles from the constitution in different stages of change with MS amendments by Kennedy. 20 pp
- 358 June 1922 Copy memorandum noting fifteen points about the Senate, its functions and nominations. 2 pp
- 359 June 1922 Copy memorandum entitled 'Amendments suggested to meet Southern Unionists' position' noting points about the Senate with particular reference to nominations. 1p
- 360 7 June 1922 Text of statement by the Provisional Government to accompany publication of the proposed structure of the constitution noting that some 'differences of opinion' had arisen between the British and Irish about some of its provisions. 1p
- 361 June 1922 MS notes by Kennedy used in drafting the memorandum entitled 'Notes on the British amendments to the Constitution'. 6 pp

P4/

- 362 June 1922 Typescript and copy memorandum
entitled 'Notes on the British
amendments to the Constitution'
with MS amendments to the text and annotations by Kennedy.
Text of both copies identical except for the section on
article 39a - 'a new British article'. 2 items
- 363 11 June 1922 Copy of secret letter from
Kennedy to Michael Collins,
Chairman, Provisional Government,
enclosing a copy of the draft constitution indicating changes
as a result of his discussions with Lord Hewart - 'My meetings
with Lord Hewart are strictly confidential owing to his
position'. Comments in detail on the various amendments,
why they were requested by the British and on the extent to
which they were acceptable; copy text of the constitution
with MS amendments by Kennedy and relevant deletions indicated
(31 pp). 2 items
- See also
P4/352, 1252
- 364 25 May-14 June 1922 MS notes made by Kennedy at the
conference on Ireland with
reference to the draft constitution
and to the formation of the Free State parliament. Includes
outline diary of the visit of the Irish delegation with
reference to meetings and meals and circular copy memorandum
by Lord Midleton concerning representation of the 'minority
in the South of Ireland' in the Senate which he describes
as a 'travesty'. 38 pp
- 365 June 1922 Loose notes made at meetings and
drafts of and comments on some
of the articles and their
amendment. Includes MS note in Collins' hand asking Kennedy
about the 'system of nomination' in Canada and Australia. 7 pp
- 366 13 June 1922 Typescript and circular copy of
conclusions of a meeting in the
Colonial Office between British
and Irish representatives noting agreements about the Senate;
copies of the relevant clauses amended by Kennedy. 14 pp
- 367 19-24 June 1922 Letter from T.P. Quentin Hill to
Kennedy enclosing minutes of
conference on Ireland meetings
of 10 and 15 June at which the draft constitution was
discussed with copy reply from Kennedy suggesting some
amendments in the wording; circular copy of the minutes. 6 items

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iii Printed copies 1922

- 368 1922 Typescript introduction to the Bill to enact a Constitution for Saorstát Éireann for implementing the Treaty ... no.1, 1922, noting the schedules but without details. 2 pp
- 369 Printed copy of An act to enact a Constitution for the Irish Free State and for implementing the Treaty between Great Britain and Ireland with MS amendments.
- 370 Galley proof of the draft Constitution of the Irish Free State with covering note indicating it should be returned to the publishers. 2 items
- 371 21 June 1922 Preliminary printed copy of the draft Constitution of the Irish Free State with note from Mortished to Kennedy asking him to check suggested typographical alterations and additional note to Kennedy from Mortished wondering if there was 'any esoteric significance in the fact that the Northern Premier's residence is Cá-bín Hill'. 3 items
- 372 Working printed copies of articles 1-79 from the draft Constitution of the Irish Free State (not annotated).

iv Press cuttings and announcements
April-Dec 1922

- 373 Circular copy of the draft Constitution of the Irish Free State, annotated by Kennedy 'as handed to the press'.
- 374 4 April 1922 Newspaper cuttings of article in The Daily News by James Douglas analysing the principles upon which the constitution would have to be framed to be acceptable to the Irish nation. 3 pp

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- 375 1922 Newspaper cuttings relating to the passage of the Bill to enact a Constitution for the Irish Free State and to the content of the constitution.
- 376 [6 Dec 1922] Extracts from Iris Oifigiuil containing the text of the royal proclamation recognising the Constitution of the Irish Free State. 3 items

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DC PROVISIONAL GOVERNMENT AND EXECUTIVE
COUNCIL POLICY

I THE NORTH EAST

i Relations between the North East
and the Provisional Government May-Aug 1922

- 377 4-5 May 1922 Copies of minute from Michael Collins, Chairman, Provisional Government, to Fionan Lynch, Minister for Education, Provisional Government and to Eamon Duggan, Minister for Home Affairs, asking them to have 'experts' prepare memoranda on the powers of the Northern parliament under the Government of Ireland Act (1920) and on a scheme for 'non-cooperation in every possible way with the Northern Parliament. And in addition, a scheme towards making it impossible for them to carry on'. Suggests approaching Kennedy on the subject. Forwarded to Kennedy by Lynch with the suggestion that T.J. Morrissey would be a possible author and by Duggan seeking ideas. 3 items
- 378 [1922] Copy extract from a lengthy memorandum by Kennedy concerning the hypothetical position of members elected to the Northern parliament sitting in Dail Eireann. Kennedy outlines the constitutional position of the Northern parliament and the sovereignty of Dail Eireann to which elections are about to take place. He points out that in the event of the Northern parliament voting to become part of the Irish Free State, that it would be a violation of the Treaty to transfer members elected to 'Sir James Craig's inferior body' to Dail Eireann, but that it would be valid for those representatives of the North East in Westminster to sit as equals in the Dail. 5 pp

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- 379 16 May 1922 Copy of letter from Collins to Duggan asking him if there were any points to be raised at the London conference arising out of his department's relationship with the Northern Ireland government. Forwarded by Duggan to Kennedy to see if he could think of any problems from a legal viewpoint. 1p
- 380 [July/Aug 1922] Lengthy MS minute by William T. Cosgrave [Acting Chairman, Provisional Government], concerning a meeting with 'L.D.' [Londonderry?], an acquaintance of Carsons and Craigs, and his proposals for a formula by which the North and South might be brought together. These included 'Northern party to get full representation in the Dail and Senate in principle subject to the constitution and then he spoke of uniting the Judiciary'. He also suggested that the Duke of Abercorn should be governor general and described the composition of a temporary 'legal Council' to rule the country for five years. 1p
- See also P4/381-3
- 381 5 Aug 1922 Copy of letter [possible written by Charles Stewart Henry Vane-Tempest-Stewart, 7th Marquess of Londonderry] from Mountstewart, Newtownards, county Down [Londonderry seat], to [a member of the Provisional Government] concerning the fallacy of establishing a government in Southern Ireland. Criticises Michael Collins' inability to deal with the Civil War, rejects any suggestion that the position of the Roman Catholics in the North should be used to justify establishing a new state and describing the impracticalities of the latter - 'a tiny island, speaking a language which no one understands, self-centred, proud and unduly sensitive'. 3 pp
- See also P4/293
- 382 7 Aug 1922 Copy of letter from [Londonderry] dealing mainly with the shortcomings, ambiguities, deficiencies of Collins. Describes him as similar to the 'average Labour leader' and suggests 'As an Imperial statesman of the General Botha type, there may be some chance of success'. Concludes by noting that if he does not accept partition, his attitude will 'simply drive ... the Six Counties into irreconcilable opposition'. 3 pp
- 383 22 Aug 1922 Copy of letter from [Londonderry] denying that he will visit Dublin or go to A[rthur] G[riffith's] funeral because he resents 'the flouting and insulting of everything British, and the government in the hands of people who for generations have atrophied the quality of

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383 cont.

governing, by being so lazy or so stupid as not to capture the machinery by merit and not by murder'. Points out to the person to whom he is writing that he had once supported de Valera. 1p

ii Roman Catholic teachers and the Northern educational service Nov 1922-June 1923

- 384 6 Nov 1922 Letter from Joseph Brennan, Ministry for Finance, to Kennedy, asking about the constitutional feasibility of the Provisional Government defraying the cost of educational services in the six counties. 1p
- 385 Nov 1922-June 1923 Memoranda and letters for the Executive Council, mainly from Proinnsias Ó Dubhtaigh, Assistant Secretary, Department of Education, concerning cessation of payment of the salaries of Roman Catholic teachers by the Free State government, the consequences for the teachers including their penalisation, and the problem of superannuation contributions for the period Feb/Oct 1922. 20 pp
- 386 Dec 1922-Feb 1923 Memoranda and letters for the Executive Council, mainly from Ó Dubhtaigh and Brennan, concerning the allocation of payments for schools in Northern Ireland, particularly with reference to intermediate schools, and related policy, and copy letter to the Ministry of Finance in Belfast in relation to settlement of the matter. Includes copy letter from Eoin Mac Neill, Minister for Education, urging quick clarification of general policy in relations with the Northern government. 22 pp

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iii North East Boundary Bureaua. Policy communications between the Director
and the Executive Council May 1922-Dec 1923

- 387 May-Aug 1922 Copy policy memoranda and letters for the Executive Council concerning the North East including memorandum by Ernest Blythe on policy with reference to both Irish unity and partition, memorandum on the payment of Catholic teachers and transfer of the education service in the North East to the Northern government, report on the North East situation by Captain E.L. Macnaghten, memorandum on proportional representation in Northern Ireland and MS draft letter [to Collins ?] by Kennedy concerning the relative status of the Provisional Government and the Northern parliament in relation to the Treaty. He hoped his memorandum would assist 'the ultimate goal of independence which I have kept before me since I led a republican party at University College twenty four years ago'. Includes draft of letter for Collins to Winston Churchill, Secretary of State for the Colonies, concerning the Local Government (Northern Ireland) Bill. c 21 items
- See also P4/180-2
- 388 (July-) Sept-Oct 1922 Copy letters and memoranda mainly from Kevin O'Shiel for members of the Executive Council on the organisation of the North East Boundary Bureau, its staffing, procedures at the Boundary Commission and on 'urgent' problems in the North Eastern counties. Includes copy correspondence between Churchill, Collins, Sir Hamar Greenwood and Patrick Hogan, Minister for Agriculture, concerning Free State objections to the administration of Diseases of Animals Acts in Northern Ireland and copy correspondence concerning the Local Government (Northern Ireland) Bill and the Free State contention that the bill was outside the powers of the Northern parliament, inconsistent with the Treaty and anticipated the results of the Boundary Commission. c 34 items
- See also P4/178
- 389 Oct-Dec 1922 Copy letters and memoranda mainly from Kevin O'Shiel for members of the Executive Council including two memoranda on the North East and the British elections, memorandum on Free State objectives and procedures with reference to the Boundary Commission particularly in view of the imminent start of the Ulster month, and further memorandum on procedure at the Boundary Commission. Includes further report by Macnaghten on

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389 cont.

the Northern situation with a view
'to investigating certain incidents
and to establishing friendly relations'
with Unionists and Protestants, and two short memoranda by
J. Mac Veagh on voting issues in Tyrone-Fermanagh and on the
Irish vote in Britain. Includes letter (not despatched ?) from
Kennedy to Alfred Cope, Assistant Under Secretary, protesting
against the proposal of Sir Hamar Greenwood to open an office
in Belfast for Council of Ireland matters. 84 pp

390

Jan-April 1923

Copy letters and memoranda mainly from
Kevin O'Shiel for members of the
Executive Council including memorandum
on the problem of proceeding with the boundary issue in view of
the domestic atmosphere, memorandum on the development of
Burtonport, county Donegal, memorandum on the three main objections
in Ulster to North Eastern unity with Ireland, two memoranda on the
holding of the Boundary Commission, when this should happen and
when it would be advantageous from the Free State viewpoint, and
two memoranda on Monseigneur Luzio's campaign for a settlement
with the Irregulars and on Lord Glenavy's letter to Sir
James Craig in the context of the North Eastern situation. Includes
memoranda by B.C. Waller on procedure of the Boundary Commission
and on European precedents for the NEBB; report by Joseph
Johnston, Adviser to the NEBB on Regional Economics, on Derry;
reports by Hugh McCartan on Pettigo, Derry and Belfast and on
South and East county Down and Newry; report by Macnaghten on
the situation in Pettigo, county Donegal, since the Free State
troops took over from the British military forces, noting the
good relations being engendered among Unionists in the area -
'... if all the towns along the border were in as peaceful and
harmonious a condition as Pettigo ... it would probably be
universally said as it has been said by an erstwhile Orangeman ...
"we desire more and not less Free State administration" '. 134 pp

391

May-July 1923

Copy letters and memoranda mainly
from Kevin O'Shiel for members of the
Executive Council including two
memoranda on Free State North Eastern policy and the Boundary
Commission, report on political prisoners on the SS Argenta
and in Larne workhouse, and report on his visit to England
with a view to assessing and influencing British attitudes to
the Free State boundary case. Includes report on boundary lines by
Johnston, George Ruth and E.M. Stephens; report by Johnston
on commercial implications in the Swanlinbar and Clones area;
report by McCartan on twelfth of July celebrations in Clones,
county Monaghan. Includes draft of letter from William Cosgrave,
President, Executive Council, originally to Bonar Law and
amended slightly for Stanley Baldwin, Prime Minister, informing
him that the Free State would shortly make a formal request for
the Boundary Commission to proceed and copy of despatch from
T.M. Healy, Governor General, to the Duke of Devonshire, Secretary

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- 391 cont. of State for the Colonies, informing him that Eoin Mac Neill was the Free State representative on the Commission. 99 pp
- 392 Sept-Dec 1923 **Letters** mainly from Kevin O'Shiel for members of the Executive Council including a report by McCartan on conditions in Belfast and Derry; newspaper extracts circulated by the Director of Publicity, NEBB; circular letters concerning the possibility of the Post Office being transferred to the Northern government although a 'reserved' **service**; copies of correspondence between Sir James Craig and D. Lloyd George arising out of the Treaty negotiations and concerning the position of Northern Ireland (Nov-Dec 1921). 36 pp
- 393 Feb-July 1923 Copy letters and memoranda mainly from Kevin O'Shiel for members of the Executive Council with reference to fiscal, customs and excise matters. Includes two memoranda by Johnston and C.J. Flynn on customs and excise duty and by the former on fiscal independence as an instrument of Irish unity and on customs difficulties in Bundoran, county Donegal. c 15 items
- b Publicity Department 1922-4
- North East Boundary Bureau pamphlets (394-404).
- 394 [Nov 1922] Pamphlet A North East Ulster: the truth about the Boundary question.
- 395 Nov 1922 Pamphlet B If 'Ulster' contracts out: the economic case against partition.
- 396 Jan 1923 Pamphlet C North East Ulster: the boundary position at a glance
- 397 Dec 1922 Pamphlet D Reaction in North East Ulster: how the Belfast government treats its Free State minority
- 398 Jan 1923 Pamphlet E The land frontier: its effects on agriculture and rural trading.

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- 399 Nov 1922 Leaflet no 1 The truth about the Ulster boundaries
- 400 Nov 1922 Leaflet no 2 England ! Honour your bond
- 401 Nov 1922 Leaflet no 3 England ! Honour your bond (Different text)
- 402 Nov 1922 Leaflet no 4 British electors ! Uphold the Treaty !
- 403 Leaflet no 5 Diagram showing population percentages in favour of the Irish Free State in the North-Eastern counties
- 404 Jan 1923 Leaflet no 6 Diagram showing total votes cast in the North-Eastern counties in the 1918 general election in favour of an all-Ireland parliament
- 405 Circular statements issued by the North East Boundary Bureau (405-8)
- 405 'Then and now: how the withdrawal of British occupation has affected Mr de Valera's demands' 3 pp
- 406 'North East Ulster: the truth about the Boundary question - the Treaty' 5 pp
- 407 26 Sept 1923 'Effect of a fiscal barrier on neighbouring border market towns' 4 pp
- 408 June 1924 'Ireland as it is', circular extract of an article from The Round Table 4 pp
- 409 The Weekly Bulletin issued by the North East Boundary Bureau, copies of 1-18, 21-2, 28, 31, 35-43.
- 410 Jan 1923 Map of Ulster showing poor law unions with alternative shading to denote population distribution 'in favour' of the Free State and Belfast governments respectively, by 'Seoirse Rudha'.

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iv The Boundary Commissiona Colonial Office communications [1922-]1924

- 411 [July 1922] MS draft letter by Kennedy to the Secretary of State for the Colonies in which he discusses the appointment of an arbitrator by the British government to the Boundary Commission with reference to article 12 of the Treaty. Hope is expressed that the person nominated would be acceptable to the Provisional Government - 'a man of outstanding impartiality and independence of judgment'. 3 pp
- 412 March-June 1924 Copies of despatches from J.H. Thomas, Secretary of State for the Colonies, to T.M. Healy, Governor General, mainly concerning Boundary conference arrangements and the appointment of a chairman for the Boundary Commission with occasional draft replies and related items. 35 pp
- See also
P4/546
- b Correspondence with the President, Executive Council and settlement policy [1922-]Oct 1925
- 413 [Dec 1922] Draft letter by Kennedy to William T. Cosgrave, President, Executive Council and draft letter by Kennedy for Cosgrave to A. Bonar Law, Prime Minister, informing him that as the Northern parliament had opted out of the Free State in accordance with article 12 of the Treaty, the Free State government would shortly be requesting that the work of the Boundary Commission should commence. 3 pp
- 414 9 May 1924 MS draft letter from Kennedy to Cosgrave commenting on the Boundary Commission particularly with reference to interpretation of its terms of reference. Draws attention to the anomaly that the one government which refused to be a party to the Commission, was the one in doubt about its terms. Advises caution in case there should be any impression of a Free State aspiration to any particular area. 4 pp

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- 415 5 July 1924 MS letter from Cosgrave to Kennedy concerning a despatch on the subject of the Boundary Commission noting that he thinks 'the rectificationist theory will be put into some practice' and observing that the Northern government 'will take in the most unfriendly spirit any direction from the Privy Council at variance with their Boundary policy'. Seeks a meeting with Kennedy and the Attorney General. 2 pp
See P4/416
- 416 31 July 1924 Copy of Privy Council opinion by Lord Dunedin, Lord Blanesburgh, Laurence Jenkins, P. Duff and Adrian Knox, in relation to the formation of the Boundary Commission in the light of possible refusal by the Northern government to appoint a Commissioner and the steps which the Crown might take under those circumstances with MS notes by Kennedy. 13 pp
- 417 20-4 Aug 1924 MS letter to Kennedy from Cosgrave returning to him a draft press statement (26pp) and its covering letter written by Kennedy. Kennedy describes himself as 'run down - tonsillitis - too many parties !' Cosgrave comments on the statement as being 'of incalculable benefit [and] earn[ing] great praise which it deserved'; MS text of press statement by Kennedy arising out of comments in the British press about the Irish Free State's attitude to the Boundary Commission and its terms of reference. Describes the historical inappropriateness of partition and its evolution. Deals with the Treaty, the Northern Irish government and the British government in this context. Justifies the position and attitude of the Free State government in relation to Northern Ireland. 3 items
- 418 17 Sept 1924 Strictly confidential copy letter from Kennedy to Cosgrave arising out of a reference in the English press to a Boundary conference. Kennedy emphasises the futility of such a conference unless the Northern minority which has been 'gerrymandered into disfranchised silence' is represented. He feels that neither the British government nor the Labour opposition would be able to find this unreasonable. 2 pp
- 419 30 Sept 1924 MS letter to Kennedy from Cosgrave seeking his opinion, in strictist confidence, on a proposal in relation to the boundary with Northern Ireland and the question of an all-Ireland legislature. Comments: 'The general line - ultimate unity is good. It can come in many ways. It may come eventually if we have good government down here but good government is a lot to ask from a relatively poor country [and] from a people
See also
P4/420-2

P4/

- 419 cont. so long [detached ?] from any respect for order'. 1p
- 420 Sept 1924 Copy typescript memorandum by Kennedy for Cosgrave on the proposal. Stresses the need for the Free State government to preempt a British proposal on Northern Ireland with one of its own and stresses what its nature should be. Criticises the type of all-Ireland parliament suggested in the proposal on which he is commenting because it would reduce the status of the Oireachtas and raise the status of the Northern Ireland parliament. Discusses the type of policy they should enunciate in relation to the parliament of Northern Ireland. Emphasises that its recognition would have to be subject to the restoration of democratic franchise to the minority there. Lists the guarantees the people of Northern Ireland would require if an all-Ireland parliament existed and describes its composition. Includes a comment on Feetham - 'a non-entity and a hack, though not necessarily consciously dishonest'. 10 pp
- 421 Sept 1924 MS notes by Kennedy for his memorandum on the proposal concerning the suggestion of an alternative and acceptable method for the Northern Ireland government to exercise legislative powers in areas of mutual concern to the Free State without detracting from the sovereignty of the Free State parliament. 4 pp
- 422 [Sept 1924] MS notes by Kennedy for his memorandum on the proposal recording the need to make offers to Northern Ireland which would be regarded by the English as 'reasonable [and] moderate'. 2 pp
- 423 [Sept 1924] MS notes by Kennedy bitterly decrying Northern Ireland - 'the pseudo-province', the evil of partition and the machinations by Northern and British politicians [possibly with reference to the boundary question] 5 pp
- 424 June-Oct 1925 Correspondence between Cosgrave, Kennedy and Paul Banim, Secretary to the President, Executive Council, concerning Free State territorial jurisdiction, a possible attempt by the Northern government to claim the whole of Lough Foyle and the power of the Boundary Commission to appropriate Free State territory. Includes MS memorandum by Kevin O'Shiel and lengthy opinion by Kennedy with MS draft. 59 pp

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c Boundary Commission Conference 1924

- 425 [1924] Copy memorandum concerning the holding of a conference to precede the Boundary Commission, the purpose of which would be for procedural reasons but which would not preempt any of the options open to the Commission. 2 pp
- 426 [1924] Copy memorandum concerning the Boundary conference, the boundary settlement, the views of Sir James Craig and of his administration. 6 pp
- 427 Jan 1924 Letters and memoranda in connection with the conference with members of the British government to discuss questions arising out of article 12 of the Treaty. Includes memoranda by Cosgrave, O'Shiel and J.J. McElligott, Department of Finance on fiscal matters and on Northern Ireland. 45 pp
- Reference files prepared by the North East Boundary Bureau for members of the Irish delegation at the Boundary Conference (428-32)
- 428 'The Ulster question 1912 to 1921': historical sketch with extracts from relevant speeches and documents (Index) c.120 pp
- 429 'Collins - Craig agreement, 21 Jan 1922': related statements and copy correspondence. 30 pp
- 430 'Boundary Commission': extracts from speeches mainly by Unionists and British politicians, 1921-2. 25 pp
- 431 'Disabilities of Northern minority': letters, statements and reports on internees, oaths of allegiance, pogroms and their consequences, police attitudes and acts of aggression. c 120 pp
- 432 Case for a possible basis of unity between Northern and Southern Ireland, mainly with reference to economic and fiscal matters. 29 pp

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- 433 1924 MS notes made by Kennedy on the boundary question, possible during a meeting in the Colonial Office between J.H.T[homas], Secretary of State for the Colonies, Sir J[ames] C[raig] and Cosgrave. 3 pp

v Printed and Reference 1922-4

- 434 Nov 1922 Copy typescript extracts from newspapers mainly concerning political issues in North East Ireland. 9 pp
- 435 Offprint of 'The problem of partitioned Ireland', by Kevin O' Shiel, from Studies (Dec 1923).
- 436 1924 Newspaper cuttings relating to Northern Ireland mainly with reference to the Boundary Conference, Boundary Commission and related debates. 12 items

P4/

II COMPENSATION

i Provisional Government advance compensation claims April 1922

- 437 18 April [1922] Copy memorandum by J[oseph] B[rennan],
Ministry of Finance, concerning advance
compensation payments by the Government
for reconstruction work in anticipation of the awards of the
commission on compensation. Describes the way in which the
Government should discharge the payments and identify suitable
applicants. Notes its relation to the White Cross Reconstruction
Commission. 4 pp
- 438 27 April 1922 Letter from Brennan to Kennedy
enclosing copy of a Provisional
Government notice about compensation
claims; copy of draft notice announcing the Government's decision
to 'make preliminary payments by way of loan' in anticipation of
the compensation commission awards particularly where the interests
of 'industry, trade or employment' were involved and detailing
application procedures. Contains MS amendments by Kennedy.
2 items

ii Compensation (Ireland) Commission

- a Terms of reference, operation and martial
law March 1922-May 1924
- 439 Copy typescript terms of reference
for the Compensation (Ireland)
Commission outlining its procedure
and powers. 2 pp
- 440 1923 Terms of reference of the Property
Compensation Commission set up by
agreement between the British Government
and the Irish Provisional Government
2 pp

P4/

- 441 18 March 1922 Copy letter from Kennedy to Eamon Duggan, Minister for Home Affairs, enclosing his amended draft terms of reference for the compensation commission. Comments on these and on the interpretation of different types of claim. Notes points made in various memoranda on the subject notably by the Minister for Local Government. 7 pp
- 442 18-25 May 1922 Letter from Kennedy to Michael Collins, Chairman, Provisional Government, enclosing a printed copy of the terms of reference of the property compensation commission and noting that it was not the definitive text. Contains note recorded on behalf of Collins asking Kennedy to raise the matter when in London. 2 items
- 443 2 May-21 June 1922 Letters and memoranda mainly from Michael Corrigan, Chief State Solicitor, and Diarmaid Fawcett, Secretary, Ministry of Economic Affairs, to Kennedy concerning the terms of reference and early proceedings of the Commission. Includes copy of minutes by Fawcett of a meeting with James C. Dowdall, Commissioner, Norman Macpherson, secretary to Lord Shaw of Dunfermline, and Kennedy concerning the Dublin sittings, noting the refusal of Rory O'Connor to allow the Commission sit in the Four Courts and the wish of the Provisional Government to have the claim of the Cleeves Cooperative Condensed Milk Factory, Mallow, county Cork, heard at the beginning of the hearings (10 May 1922); copy of letter from Dowdall to Kevin O'Higgins, Minister for Economic Affairs, concerning the Commission's terms of reference as desired by its Chairman, Lord Shaw of Dunfermline, noting that Shaw had sent for Sir Francis Greer and 'dictated to him his view'. Also refers to 'another matter I won't put on paper, but must see you [and] Mr Kennedy' (11 May 1922); copy of text of telegram from Greer, Irish Office, to Alfred W. Cope, Assistant Under Secretary, concerning the terms of reference of the Commission and the scope of its activities (2 May 1922). c 21 items
- 444 8 Aug 1922 Strongly worded draft letter by Kennedy [for the Provisional Government] to Mark Sturgis, Secretary, Provisional Government of Ireland Committee of the Cabinet, arising out of his query about the work of the Compensation (Ireland) Commission. Refers first of all to the demanding task facing the Provisional Government in 'clearing up the aftermath of demoralisation and social disintegration which are the fruits of the late system of government imposed on this country'. Describes the work carried out by the Commission. Turns to the question of compensation for damage arising out of the Irish Army's operation against the Irregulars about which Sturgis had

See also
P4/456

P4/

449 cont.

'One begins to wonder what has become of the once notable traditions of what is called "British justice".

They do not seem to have descended to the British Treasury.' Concludes by outlining the purpose of the War Compensation Court.

- Copy of correspondence between Whiskard, Terry and Crutchley concerning the Commission's terms of reference and the question of martial law with related proclamations (1920-4). 14 pp

450

29 May-6 June 1924

Copy of despatch from Thomas to Healy concerning the proposed extension of the Commission's

terms of reference which he examines with reference to points made in an accompanying memorandum. 'I regret ... that it would be impossible for His Majesty's Government to participate in any such extension or to concur in conveying to the Compensation Commission such an interpretation of their Terms of Reference as the Free State Government appear to desire. Such an interpretation would in effect involve an extension of liability which in the negotiations of 1922 the British representatives expressly declined to accept.' He suggests leaving the terms of reference to the judgment of the Commissioners and refers to a method by which payment of the British government's liability under the Indemnity Act could be discharged favourably (6 June); minutes of a conference between British and Free State representatives concerning the Commission and its work with particular reference to the procedure for dealing with claims considered by the British government to be beyond its terms of reference (29 May). 18 pp

451

[1922 ?]

Copy of report by Cope to [Lionel] Curtis, Colonial Office, concerning a scheme for the administration of compensation claims which he had discussed with Brennan and A.P. Waterfield, Treasury. 4 pp

b Apportionment of liability
May 1922-May 1924

452

3 May 1922

Letter from Kennedy to O'Higgins enclosing copy of a draft agreement between the British and Irish governments on apportionment of compensation liability and noting the difficulty of interpreting motivation for acts committed; copy of draft agreement noting that the proportion of the total sums to be reimbursed by the British government should be recommended by the Commission according to the

P4/

- 452 cont. 'nature of the political motive which ... inspired the malicious act'. 2 items
- 453 May 1922 Covering letter from Cope to Kennedy enclosing a copy of a draft additional agreement concerning the distribution of compensation payments and note informing Kennedy that he had wired his amendments to Greer. 2 items
- 454 22 June-22 July 1922 Letters and memoranda mainly from Corrigan and Fawcett to Kennedy concerning the Commission with reference to definition of responsibility for damage and apportionment of liability. Includes copy of functions of the Property Losses Commission (June 1916); copy of instructions to the Commission concerning apportionment of liability; copy of confidential report by B/[rennan] on a conference at the Treasury concerning the liability of insurance companies for compensation to damaged property. 8 items
- 455 20 May 1924 Copy of despatch from Thomas to Healy enclosing a pay order in settlement of the British government's share of payments in cases settled in the period Jan/March 1924 in which liability was divided between the two governments. 2 pp
- c Appointment of Commissioners and
and related staff matters [May 1922-]Jan 1924
- 456 [May/June 1922] MS draft and typescript copy of letter by Kennedy to Winston Churchill, Secretary of State for the Colonies, raising objections to an announcement that the Compensation Commission had been appointed under warrant from the Lord Lieutenant and pointing out the inaccuracy of the statement due to the fact that the Commission derived its authority from an agreement between two governments. A strongly worded complaint is also made about the visit by Shaw's secretary, Macpherson, to the Four Courts and to the latter's discussion with O'Connor about the possibility of the building being used for the sittings of the Commission, without any sanction from the Provisional Government. 2 pp

P4/

- 457 8 May 1922 Letter from Cope to Kennedy concerning the pending announcement in the House of Commons by the Prime Minister, of the names of the Commissioners appointed to 'examine into the awards under the Criminal and Malicious Injuries (Ireland) Act', and including the text of his announcement. 1p
- 458 8 May 1922 Compensation (Ireland) Commission warrant of appointment and related printed extract from Iris Oifigiuil. 2 items
- 459 [1922] MS drafts by Kennedy of a letter appointing William E. Wylie chairman of the Commission and of its terms of reference. 2 items
- 460 8 Dec 1922 MS personal letter from M.J. Ryan, Compensation (Ireland) Commission, to Kennedy concerning the resignation of Macpherson as secretary and the fact that he tendered his resignation to the Treasury but not to either the Commission or to the Minister for Finance. Mentions that the Commissioners had informally approved the appointment of Ryan and Terry as joint secretaries. Describes evidence indicating that the Treasury hoped that Terry alone would be made secretary. Continues with a lengthy condemnation of Treasury attitude to the Commission in general and of Waterfield in particular. Cites another instance in which the Treasury made decisions about the Commission without any reference to either C.J. Gregg, Ministry for Finance or to the Provisional Government. ... 'his [Waterfield] attitude was a continual source of annoyance to the Commission, particularly in the matter of staff, and his high handed action on one occasion created considerable friction ... Gregg there and then informed Mr Waterfield that he was treating the Provisional Government like a Department in Whitehall ... It is most inconvenient and humiliating for the members of the Commission to have to approach Mr Waterfield ... almost cap in hand, for sanction for the employment of a Junior Clerk or Telephone boy.' Seeks means by which petty expenditure could be organised without the 'delay and irritation caused by Mr Waterfield's ... pettifogging objections...' 5 pp
- 461 7 Feb 1923 MS note for Kennedy conveying a telephone message from N.G. Loughnane, Colonial Office at Vice Regal Lodge, seeking confirmation for Lionel Curtis that the appointment of Sir Alexander Wood-Renton to the Commission was in order. 1p

P4/

462 [Feb 1923] MS draft By Kennedy and typescript copy of warrant by the Governor General appointing Sir Alexander Wood Renton chairman of the Compensation (Ireland) Commission to succeed Lord Shaw of Dunfermline. 2 items

463 9 Jan 1924 Letter from Ryan to Kennedy concerning the difficulties faced by Dan Carey in the administration of his legal duties as under-sheriff in Cork and in relation to the work of the Compensation (Ireland) Commission. 2 pp

d Cases and claims Aug 1922-May 1924

464 Aug-Oct 1922 Minute from Corrigan to Kennedy enclosing documents concerning awards made in compensation claims before the Commission; copy of letter from Corrigan to [William O'Brien], Secretary, Ministry of Finance, noting that certain awards were extremely restricted and observing that 'members of the solicitors' profession and the public generally will lose all confidence in that Commission' and suggests an immediate conference to discuss its procedures; copies of correspondence between the Commission and firms of solicitors concerning a number of cases with details of claims submitted and awards granted. 14 pp

465 May-June 1924 Letter from Ryan to Kennedy enclosing copy of a telegram from Dowdall noting that the Ó Maille case had been decided and urging that the 'big question' be raised by the Irish High Commissioner.
 - Letter from J.J. McElligott, Ministry for Finance to Kennedy enclosing a report from the Commission on the Ó Maille claims as a result of which it was seeking new instructions from the British and Irish governments; report detailing evidence given before the Commission by Henry Hanna, KC, concerning the Commission's terms of reference and the question of martial law.
 - Copy of the transcript of the hearing by the Commission of the case of the O Mailles, Maam, county Galway. 5 items

P4/

iii Post Truce compensationThe Damage to Property (Compensation) ActCriminal and malicious injuries claimsa Procedural and inquiries Aug 1922-April 1924

- 466 Jan-Aug 1922 Copy letter from Kennedy to [William O'Brien], Secretary, Ministry of Finance, concerning compensation in cases not subject to the provisions of the Compensation (Ireland) Commission (5 Aug); draft bill 'barring claims and invalidating decrees' under criminal and malicious injuries acts 'in respect of damage sustained' between 21 Jan 1919 and 11 July 1921; related draft notices and forms. 7 items
- 467 [Oct 1922] Typescript and circular copies, one signed by Ernest Blythe, Minister for Local Government, of a draft resolution and the Provisional Government (Criminal Injuries) decree, 1922, restricting the application of certain powers under the Criminal Injuries (Ireland) Act, 1920. 4 items
- 468 Sept-Oct 1922 Correspondence, memoranda and printed matter relating to procedures for dealing with compensation claims for post Truce damage to property. Includes copy of draft scheme of compensation outlining suitable modifications to the machinery of the county courts and the criminal injuries acts for the administration of the scheme; typescript copy of letter from J[oseph] B[rennan], Ministry for Finance, to William T. Cosgrave, Minister for Finance, describing post Truce damage to property compensation as the 'most serious financial problem which faces the Government. Decisions on points of procedure and detail apparently of slight consequence may, owing to the magnitude of the losses sustained, easily have financial results which are to be measured in hundreds of thousands of pounds, if not millions.' Indicates a procedure which would involve nomination by the Minister for Finance of a solicitor in each county to contest claims (2 Oct). 26 pp

P4/

- 469 July 1922[-Sept 1923] Letters from Richard Mulcahy, Minister for Defence, to Kennedy concerning claims for compensation and requesting information about procedures with drafts of letters suitable for use in reply to claims arising out of the Government's military operations and the commandeering of goods, both by the Army and by the Irregulars; letters requesting procedural instructions, mainly for solicitors, and draft replies including note from Cosgrave to Kennedy concerning the claim of The Freemans Journal; copy of parliamentary question from Alfred Byrne, TD, asking the Minister for Finance when the compensation claims of Dublin residents would be heard and if the 'Government propose to take steps to speed up the rebuilding of O'Connell St'.
- 16 pp
- 470 [1921-]July 1922- April 1924 Compensation and procedural inquiries to Kennedy, mainly from members of the legal professions in relation to the Damage to Property (Compensation) Act, 1923, often expressing frustration and confusion about compensation matters. Includes copies of correspondence between the Admiralty Office in London and Michael Comyn, KC, seeking compensation for the loss of the firm Shamrock Fertilizers as a result of coastguard action in dismantling a motor tug (1921-2); letter from T. Barker, Secretary, Irish Claims Compensation Association, enclosing his association's criticism of the Damage to Property (Compensation) bill. The memorandum refers to the 'malignity' of the bill from the 'loyalist' viewpoint. 'As is well known the chief sufferers from the injuries committed to persons and property in Ireland were the loyalists there. They suffered solely by reason of their loyalty to and friendship for the United Kingdom and the British Empire.' The act is interpreted as an attempt to make loyalist compensation claims virtually impossible. 'The principle of the Bill from the point of view of the Irish Loyalist is therefore so utterly unsound and malicious that no amendments ... would tend to rectify it.'; Letter from Justice Daniel F. Colahan to Kennedy asking him to investigate the compensation claim of Cornelius Sullivan whose son was killed by an Army car. Compensation of £10 was awarded and Colahan feels that 'the loss is only aggravated by the offer which has been made'. Copy reply from Kennedy assuring Colahan that the matter would be investigated but emphasising that 'the principle of compensation, which has to be rigorously applied in this country owing to the enormous burden thrown upon our Exchequer, has been the principle of compensation for actual loss sustained'.
- 52 pp
- 471 [1922] Copy of a memorandum concerning a proposal for the inspection of salvaged stocks prior to their sale by owners and the selling of building materials from damaged buildings by owners to balance compensation claims.
- 1p

P4/

472

MS notes by Kennedy on the question of compensation for members of the Dublin Metropolitan Police under article 10 of the Treaty.

2 pp

b Advance compensation claims
June-July 1923

473

20 June 1923

Copy of despatch from Devonshire to Healy detailing advances made for the payment of certain compensation claims and awards.

5 pp

474

June-July 1923

Letter from McElligott to Kennedy concerning legal assignments in compensation cases. Encloses copy letter to Crutchley doubting the possibility of the Irish government deducting advances made by the British government from their payments made under the provisions of the Damage to Property (Compensation) Act without proper legal assignments; copy of letter from Crutchley inquiring about the procedure for advances paid on post Truce compensation claims; copy of the Damage to Property (Compensation) Act.

4 items

c Forms and notices 1922

475

[Sept 1922]

Typescript copies of draft public notice concerning compensation for damage to property since 11 July 1921.

2 items

476

[1922]

Claim form for loss sustained through destruction of or damage to buildings or other property in the course of military operations of the Army on or after 27 June 1922 and for damage to or destruction of property since 11 July 1921.

2 items

P4/

iv War Compensation Court July 1922-May 1924

- 477 6 July 1922 Letter from Greer to Kennedy informing him that Irish compensation cases would normally be heard in the War Compensation Court and details briefly its procedure, location and members. 2 pp
- 478 25 July 1922 Letter from Greer to Kennedy noting his request for sittings of the War Compensation Court in Dublin and commenting on British objections to the reopening of compensation cases. 1p
- 479 6 June 1923 Letter from McElligott to Kennedy concerning proposals for the establishment of a War Compensation Court and raising points in connection with its functions and jurisdiction. 2 pp
- 480 [March-]April 1924 Letters relating to a draft despatch from Brennan concerning the subject of the War Compensation Court and Kennedy's disassociation with his proposals. Includes copy of letter from Brennan to M. Mac Donnchadha, Secretary, Executive Council, stating that the despatch in question was not the Attorney General's responsibility and mentioning that an earlier letter to him on that subject had yielded no response; copy of draft reply by Brennan to a despatch from the Colonial Office expressing reservations about and raising objections to a proposal to extend the functions of the Compensation (Ireland) Commission. 7 pp
- 481 10 April 1924 Letter from Mac Donnchadha to M. McGann, Office of the President, Executive Council, seeking action in 'the position created by the conflicting attitudes adopted by the Ministry of Finance and the Attorney General' arising out of the Colonial Office despatch on the War Compensation Court. 1p

P4/

482 23 May 1924 Copy of despatch from Thomas to Healy outlining the background to British proposals for the establishment of a War Compensation Court and commenting on the observations made by the Irish government in its despatch. The changes sought by the Irish government would bring claims within the scope of the Commission which the British government had already declined to allow. He proposes an alternative administration of the Indemnity Act, 1920, by the Compensation (Ireland) Commission with suitable modifications. 7 pp

v Committee on Compensation Awards

Aug-Sept 1925

483 5 Aug-3 Sept 1925 Copy letter from Kennedy to Cosgrave enclosing copy of his letter to the Governor General declining to attend a dinner in view of the attendance by the British Secretary of State for Dominion Affairs. Kennedy objects to the Committee on Compensation Awards established by the British government to examine awards made by Free State courts under the criminal injuries acts which the Committee considers inequitable. Kennedy describes this as an 'affront', 'an attempt to invade the independence of our Judges', 'unconstitutional' and 'a hostile action'. He presses the Free State government to deal with the matter; MS draft of Kennedy's letter to the Governor General; Copy letter from Kennedy to Cosgrave acknowledging his letter about the Committee in which Cosgrave conveys the Government's reply on the matter. The Free State government refused to associate directly or indirectly with the Committee but would supply 'informally' information on individual cases 'for the purpose of showing that there was no reasonable ground for complaint'. 9 pp

DD THE IRISH FREE STATE AND THE
EXECUTIVE COUNCIL

I BRITISH GOVERNMENT, IRISH HIGH
COMMISSIONER, GOVERNOR GENERAL

i Cabinet Office March-May 1923

484 29 March-2 May 1923 Deportees. Letter to Kennedy from Tom Jones, Cabinet Office, enclosing a letter he received from Arthur Greenwood, MP, whom he describes as an 'excellent friend of the Free State' and whom he is putting in touch with Kennedy; letter from Greenwood to Jones telling him that he and J.W. Muir intended visiting Ireland and hoped to see William T. Cosgrave and the 'Dail Minister responsible for the deportees'. 'I'm not going in any spirit of capitious criticism but merely to be helpful. As you know there is a good deal of dissatisfaction over here amongst the Irish. I've had as many as 250 letters [and] cards a day about it.' Requests Jones for a 'testimonial ... as being a reasonable person ... it might ease our position in Dublin'.
- Correspondence between Greenwood and Kennedy mainly concerning the number of deportees including reference by Greenwood to the 'consternation' caused by the Art O'Brien case. 5 pp

ii Colonial Office Jan 1923-March 1924

485 Jan 1923 Railways liability. Copy of despatch from Duke of Devonshire, Secretary of State for the Colonies, to T.M. Healy, Governor General, forwarded to Kennedy at the request of the President, Executive Council, concerning the liability of the Free State government for a sum of £1,500,000 to the Irish railways companies under the Irish Railway Agreement Act, 1921. The despatch describes the liability, the second moiety of the total sum, as a 'direct war obligation' and part of the functions of the administration of railways in Ireland. Devonshire expresses surprise that the Irish government is contesting this sum on 'equitable rather than on legal grounds'. The British government offers to provide the sum in question under certain conditions. 6 pp

P4/

- 486 Jan 1923-Feb 1924 Patents and trademarks. Note from the Office of the President to Kennedy conveying a message from Mark Sturgis, Colonial Office to N.G. Loughnane, Colonial Office at Vice Regal Lodge, inquiring if machinery had been established in the IFS for the registration of patents and trademarks; copy reply from Kennedy noting that owing to heavy commitments in legislation a bill, although under consideration, had not been fully drafted.
- Copy of despatch from J.H. Thomas, Secretary of State for the Colonies containing details of relevant legislation in the Dominions on the subject. 5 pp
- See also
P4/193,
263,778
- 487 Feb 1923-May 1924 Practice of Irish solicitors in England. Correspondence relating to the position of Irish solicitors who wished to practice in Britain including letter from Francis N. Greer, Office of the Parliamentary Counsel, to Kennedy concerning the draft Solicitors Amendment Bill, 1923. Refers to a clause concerning reciprocal arrangements for the admission of IFS solicitors to practice in England and Scotland and details the legislative conditions under which reciprocity could operate. Points out that the clause in question would not enable solicitors to practice in the British Dominions; letter from Loughnane to Kennedy suggesting a formal application by the Free State government for an order in council to be made applying the Colonial Solicitors Act 1900 to the IFS. 'Irish solicitors in London ... are anxious for the order to be made at once and complain that the delay is involving them in financial hardship'; circular letter from Kevin O'Higgins, Minister for Home Affairs, detailing the background to the circumstances under which Irish solicitors could practice in England with reference to the Solicitors (Ireland) Act, 1898 and Solicitors Amendment Act, 1923 and referring to the necessary order in council which would be made by the British government at the request of the Executive Council. Also includes memoranda, one concerning the necessary legal provisions, the possibility of these provisions proving incompatible with the dominion status of the IFS, and the opposition of the English Law Society to the admission of solicitors trained in Ireland (21 April 1924).
- extensive correspondence between W.G. Wakely, Secretary, Incorporated Law Society, and Kennedy, concerning the possibility of obtaining an order in council under the Colonial Solicitors Act, 1900, the ensuing delays and the objections of the English and Scottish law societies; copies of letters from Wakely to the Minister for Home Affairs and to the Governor General. 20 pp

P4/

- 488 March-April 1923 Irish Free State (Consequential Provisions) Act, 1922 and Irish Free State (Adaptation of Enactments) Order
See also P4/505 1922. Correspondence relating to the act and order including letters to Kennedy from the Office of the Secretary to the Executive Council; observations from Gordon Campbell, Secretary, Department of Industry and Commerce noting that a deputation from the Chamber of Commerce and the Port and Docks Board had pointed out that the proposed increase in port dues on ships and cargo from the IFS in British ports would be counterproductive to Free State ships competing for trade with those from Northern Ireland; details of amendments suggested by the Ministers for Finance, Agriculture, Fisheries and Industry and Commerce and notes from the Minister for Defence on the Act. The Minister for Industry and Commerce stresses the importance to the 'status' of the IFS 'not to attempt to derive any powers or rights from British laws or orders in council made since the ... establishment of the Saorstat'; Copy letter from Kennedy to James McNeill, Irish High Commissioner in London commenting on some of the orders in council to be made under the Act and stressing the anxiety of merchants and ship owners about the possible alteration in their status thus rendering them liable for heavier port dues in Britain and in Northern Ireland; copy of despatch from the Colonial Office containing orders in council including the IFS (Adaptation of Enactments) Order, 1923, Land Purchase (Northern Ireland) Order, 1923, Government of Ireland (Resealing of Probates) Order, 1923, Government of Ireland (Registration of Deeds in Northern Ireland) Order, 1923. 34 pp
- 489 May-June 1923 Londonderry and Lough Swilly Railway Company. Material relating to the Company and to its efforts to seek parliamentary powers to increase capital expenditure. Includes copies of extracts from newspapers, printed copy of the relevant bill, notes, memoranda and extract from the Report of the Select Committee on the petition for the bill by the Londonderry and Lough Swilly Railway; copy of message to Loughnane seeking Free State opinion on the bill and its implications. 9 pp
- 490 (1920-) July 1923-
 May 1924 (-1925) Petitions of rights. Correspondence Between Kennedy and Loughnane concerning petitions of rights and despatches from Devonshire and Thomas to Healy on petitions of rights to the King in relation to matters arising in the area of IFS jurisdiction. Includes details of relevant petitions, a memorandum on petitions in the self-governing dominions and extracts from legislation in the Dominions relating to the rights of subjects to sue the Crown in matters of contract and tort. Despatches accompanied by covering notes from the Office of the Secretary to the

P4/

490 cont.

Executive Council stressing the urgency of the matter in question.
 - Letter from J.J. McElligott, Ministry for Finance and related notes on the petition of right of the Great Southern and Western Railway Company against the British government. 40 pp

491

Nov 1923

Self-governing dominions. Note from the Ministry of External Affairs on the constitutional position of Newfoundland and copies of a telegram from L.B. Freeston, Secretary, Cabinet Committee on Irish Affairs to Loughnane, defining the status of Newfoundland as a self-governing dominion. 4 items

492

5 Dec 1923

See also
P4/1204

King's Counsel. Text of message from Freeston to Loughnane describing practice for the appointment of King's Counsel in the dominions and including the text of the usual notice issued by a governor general when an appointment is made. 1p

493

Dec 1923

Ports and intelligence. Letter from Loughnane to Richard Mulcahy, Minister for Defence enclosing an agenda for a conference at the Admiralty; agenda headings include admiralty establishments on shore in time of war, war signal stations, the organisation of coast watching service and collection of intelligence.
 - Letter from William T. Cosgrave, President, Executive Council, to Kennedy discussing the port facilities sought by the British government. 'With tactful officers [and] officials this is bad enough - but with those not inclined to be tactful there are many dangerous complications inevitable.' 5 pp

494

March-May 1924

Maintenance Orders (Facilities for Enforcement Act), 1920 and Administration of Justice Act, II, 1920. Despatches from Thomas to Healy referring to the extension of part II of the Administration of Justice Act to certain countries by orders in council with relevant details. Also notes that the delay of the IFS government in dealing with the necessary legislation meant 'that those persons who desire to avail themselves of the facilities ... under the Acts of 1920, have been debarred from the exercise of rights to which they would appear to have an undoubted moral claim'; copy of reply by Healy referring to a delay in the passage of the Courts of Justice Bill. 17 pp

P4/

- 495 April-May 1924 Minister plenipotentiary, USA. Despatch from Thomas to Healy concerning the request of the IFS government to be represented in Washington by a minister plenipotentiary. Thomas replies that in view of a constitutional precedent established with the Canadian government, the British government would be willing to approach the US government about Irish representation there. Encloses a copy of the text of a telegram sent to the other self-governing dominions on the subject, the draft credentials to be issued to the Canadian minister by the King and a statement made in the House of Commons concerning the arrangement made with the Canadian government.
- Note from Cosgrave to Kennedy requesting his advice about the appointment and enclosing a letter he received from Robert E. Ireton (former Counsellor to the Interallied Commission, Koblenz) raising points about the extent to which Ireland could be regarded as a sovereign state, the Treaty and the the Constitution. 9 pp
- 496 24 April 1924 Loss of nationality by naturalisation. Despatch from Thomas to Healy concerning laws relating to the loss of nationality by naturalisation abroad. Includes copies of correspondence between the Colonial Office and the High Commissioner, Union of South Africa, and copies of a note and memorandum about relevant legislation in other countries. 10 pp
- 497 28 April 1924 Crown estates. Copy despatch from Thomas to Healy concerning revenue from crown estates with reference to the transfer of escheated estates to the IFS and arrangements in relation to quit rents. 3 pp

iii Office of the Parliamentary Counsel to the
Treasury Jan-Nov 1923

- 498 (Feb 1922-) Jan 1923 Indemnity bill. Letter from Kennedy to Cosgrave seeking views on the recommendations proposed by Frederick Liddell, Office of the Parliamentary Counsel, on the draft Indemnity bill. Liddell suggests extension of the period covered by the amnesty from the date of its proclamation by Michael Collins, to the date when the bill was passed. Agreement to this effect is signed by six members of the Executive Council; copy
See also
P4/569, 656

P4/

498 cont.

of the proclamation by the Chairman, Provisional Government, in which a general amnesty is extended to those who committed acts of hostility, both British and Irish (10 Feb 1922).
 - Copy letter from Kennedy to Liddell drawing his attention to some of the provisions of the Indemnity Bill as passed by the Dail and Liddell's reply approving the provisions which do not bar compensation claims under the Indemnity Act, 1920. 4 pp

499

Jan-Feb 1923

See also
 P4/773, 1208

Medical and Dental Boards. Letter from Liddell to Kennedy seeking information on the intention of the Irish government in relation to the establishment of statutory medical and dental boards; copy reply from Kennedy noting that the matter was receiving attention. 2 pp

500

March 1923

Land Commission (Northern Ireland). MS draft of letter from Kennedy to Francis Greer, Office of the Parliamentary Counsel, concerning an amendment to the proposed order in council establishing a Land Commission for Northern Ireland. Refers to some 'unofficial conversations' which took place on the subject between Sir John Anderson and Judge W.E. Wylie. Notes the Government's intention of setting up a Board of Commissioners to carry on the work of the Land Commission and of the Congested Districts Board until suitable legislation is passed; MS copy of telegram from Kennedy to Greer expressing the Government's approval of the amendments to the order in council which accommodate the suggestions of Wylie. 3 pp

501

March-Nov 1923

See also
 P4/795

Chapel Royal: Sub-Dean's annuity. Correspondence of Kennedy, Greer and Dr Hugh J. Lawlor, former Sub-Dean at the Chapel Royal, concerning the latter's claim for an annuity. Includes personal letter from Kennedy to Greer seeking his opinion about Lawlor's claim. Emphasises that the Dean and staff should be allowed to retain their titles and stipends and considers the matter one for the Treasury; reply from Greer regretting that he could only advise about 'their moral claim' if asked to do so by the Treasury. 'You will ... appreciate my difficulty as an officer of the Treasury' and further letter from Kennedy apologising for causing him embarrassment ... 'my idea in writing was to see if the position could be clarified in their interests'; copy of letter from Lawlor to the Land Commission Church Property Branch claiming an annuity under the Irish Church Act, 1869. 14 pp

P4/

- 502 May-June 1923 Irish Sailors and Soldiers Land Trust. Correspondence between Greer and Kennedy concerning the provisions and passage of the Irish sailors and soldiers land bill. Greer notes the difficulties of ensuring its suitability so that the Treasury could certify its provisions as sufficient under the Consequential Provisions Act and so that the Dail would find it acceptable. The bill's 'attractive' feature would be the 'expenditure of ... British money in the Free State in providing cottages and allotments'. Greer also points out that his draft is based on its Northern counterpart; typescript draft of the bill with MS amendments by Greer. 9 pp

iv Office of the Irish High Commissioner
Jan 1923-June 1924

- 503 (1921-) Jan-March 1923 Duties of the Irish High Commissioner. Material relating to the discharge of duties by the Irish High Commissioner including letter from Patrick McGilligan, Secretary, Office of the High Commissioner, London, to [J.P. Walshe], Secretary, Department of External Affairs, referring to a point raised by Mark Sturgis, Colonial Office, and to a subsequent conversation with Lionel Curtis, on the subject of the discharge of duties by the High Commissioner and the use of Irish passports; memorandum on the conversation by McGilligan; copy of letter from James McNeill to Sturgis listing the principal duties of the High Commissioner; typescript extracts, mainly from legislation, concerning the duties of the Newfoundland, Australian and Canadian High Commissioners. 7 items
- 504 March 1923 Colleges of Science in Agricultural Research. Letter from McGilligan to Walshe enclosing copy of a letter for the Minister for Agriculture referring to his inquiries about the practice in England and in the colonies in relation to colleges of research in agricultural science with bibliographical information. 2 items
- 505 24 March 1923 Port dues. Copy of telegram message from the Minister of External Affairs to the Irish High Commissioner with MS draft of the message by Kennedy, concerning a meeting with the representative of the British and Irish Steampacket Company about port and other dues. Notes that the designation of Irish
- See also P4/488

P4/

- 505 cont. shipping as 'coastwise' would be preserved by order in council. 2 pp
- 506 28 March 1923 Postal delays. Letter from McGilligan to Kennedy concerning the apparent 'extraordinary delay ... in postal arrangements in Dublin' and suggesting the Postmaster General is notified. 1p
- 507 22-27 Feb 1923 Privy Council Appeals. Letter from the Office of the President, Executive Council to Kennedy, enclosing copies of a letter and memorandum from Moya Llewelyn Davies dealing with her husband's experiences in Australia with appeals to the Privy Council which she feels is of relevance to the Free State. 4 pp
- 508 June 1923 Privy Council Appeals. Letter from Walshe to Kennedy enclosing copy of a letter from McNeill to Desmond FitzGerald, Minister of External Affairs, drawing his attention to a Privy Council case. Includes comments made by A.W. Cope, Assistant Under Secretary, about the Boundary Commission and mentions his anxiety that 'the people on either side of the border should not, however provoked, play into the hands of Carson'. Mc Neill concludes by describing a meeting between Sir Hamar Greenwood and himself in a London club. 'I was civil and he was attentive.' 2 pp
- 509 4 July 1923 Privy Council Appeals. Text of message from Curtis to Loughnane for Kennedy concerning arrangements for the hearing of Irish appeals in the Privy Council. 1p
- 510 5-24 July 1923 Privy Council Appeals. Correspondence between Kennedy and Crompton Llewelyn Davies of Coward, Hawksley Sons and Chance (solicitors), London, concerning Irish appeals in Privy Council. Contains legal instructions about procedure and representation. Kennedy urges that the opinion of the Irish government on appeals must be heard before any of the cases are decided. Cases in question are McKenna v Hull, Follum v The Freeman's Journal, Fernstrom v The Freeman's Journal and Bowman v Healy and Fuge. Includes copies of letters from the firm to Michael A. Corrigan, Chief State Solicitor. 26 pp

P4/

- 511 11-19 July 1923 Privy Council Appeals. Letter from McGilligan to Kennedy concerning instructions for the High Commissioner in relation to the Irish appeals and copy reply from Kennedy noting that 'Mr Davies is looking after the thing in a satisfactory manner'. 2 items
- 512 July 1923 Privy Council Appeals. Typescript copies by Coward, Hawskey and Chance of observations on Irish appeals and extracts from the petitions for special leave to appeal in some of the cases. 6 items
- 513 July 1923 Privy Council Appeals. Letter from Corrigan to Kennedy enclosing copies of communications from Coward, Hawskey and Chance and extracts from petitions. 4 items
- 514 July 1923 Privy Council Appeals. Typescript extract from the notes of Cherer and Company of proceedings in the Privy Council, notably petition for special leave to appeal from the Court of Appeal in some of the cases and the observations of Viscount Haldane. 3 pp
- 515 July 1923 Privy Council Appeals. Typescript extract from the notes of Cherer and Company of proceedings in the Privy Council, petitions for appeal with reference to general observations on Irish appeals by Kennedy, Henry Hanna, KC and Viscount Haldane. 15 pp
- 516 30 July 1923 Privy Council Appeals. Copy of and copy letter from Kennedy to William T. Cosgrave, President, Executive Council, concerning a copy of a verbatim transcript of Lord Haldane's statement at the Privy Council expressing relief that the position of the IFS as a dominion had been established. 'the polemical inference to be drawn is that when Childers examined the Canadian position ... he asserted that we would never get the benefit of it by reason of our proximity to England. ... if they had been ... dishonestly minded, the British side could have eaten into our rights very substantially.' 2 items
- 517 [July 1923] Privy Council Appeals. MS notes [by ?] on the subject of the nature of Privy Council appeals with some MS additions by Kennedy. 12 pp
- See also P4/514-5,
1209

P4/

- 518 March-May 1924 Charters and letters patent. Correspondence between Kennedy and McNeill concerning practice relating to the issue of charters and letters patent in the dominions with copy of a letter from Lionel Curtis to McNeill clarifying various points. Also includes comments on a meeting of the British and Canadian Bar Associations in England at which American bar members would be the only 'visitors and guests'. 9 pp
- 519 (July 1911-)May-June 1924 Victorian Order of Nurses. Letters and copies of charters and other items relating to the Victorian Order of Nurses in Canada, mainly letters from Sean Murphy, Private Secretary, Irish High Commissioner, to Lucien Pacaud, Secretary, Office of the High Commissioner for Canada, concerning the charters. 9 pp
- 520 [1925 ?] Dominions Office. MS letter from McNeill to Kennedy concerning a letter from the Dominions Office and seeking advice with the reply, 'It is unpleasant to have oral conumdrums proposed for prompt solution ...' 2 pp
- v Governor General
Dec 1922-April 1924
- 521 28-31 Dec 1922 Bank holiday. Copy letter [from Kennedy] to the President, Executive Council, enclosing a draft proclamation by the Governor General declaring 1 January a bank holiday; draft order and proclamation by Kennedy for the Governor General making 1 January a bank holiday on the advice of the Executive Council with copy typescript text of the order and proclamation; MS notes by Kennedy with reference to public holidays as distinct from bank and Church holidays. 10 pp
- 522 30 Dec 1922 Governor General's patent of appointment.
See also P4/209 Covering letter from Healy to Kennedy enclosing copies of the patent appointing him Governor General and his instructions. Emphasises that the latter are not for publication. 1p
P4/209

- 523 July 1923 Insurance and reconstruction costs.
Letter from the Office of the Secretary,
Executive Council to Kennedy enclosing
copy of a letter from Lord Dunraven to Healy; letter from Dunraven
to Healy concerning a motion before the Senate about insurance
companies repudiating their liabilities in the IFS. Dunraven
suggests that reference in the motion to companies ignoring
decisions of Free State courts and the ensuing consequences,
could conceivably constitute a breach of the Treaty by
'ousting the jurisdiction of the Privy Council'. The letter
deals mainly with a proposed fund based on the contributions by
the Irish at home and abroad to help reconstruction costs in
the IFS. 4 pp
- 524 Dec 1923 Irish peers. Letter from Eamon
Duggan to Kennedy concerning the
representations made by Count de la
Poer to the Governor General to have his title, Earl of Baltinglass,
revived and a seventeenth century bill of attainder by which the
title was forfeited, annulled; enclosed MS note from Healy noting
that the King can revive any peerage annulled by attainder by any
writing under his sign manual, provided the Committee of Privileges
of the House of Lords has decided that the petitioner has proved
his claim to the peerage.
- Memorandum by Kennedy with MS amendments discussing de la
Poer's claim and concluding 'The position as regards the Irish
representative peers in the House of Lords under the Act of
Union is a very delicate and thorny subject, which it would be
far from wise to raise at the present juncture ... ' 5 pp
- 525 April 1924 District Court judges. Copy text of
authorisation by the Governor General,
on the advice of the Executive Council,
placing a charge on central funds for the salaries and pensions of
District Court judges and of a Dail resolution for the use of
Oireachtas funds to pay District Court justices pending
establishment of the courts of justice. 2 items

P4/

II THE EXECUTIVE COUNCIL

i Formation of the Executive Dec 1922[-1923]

- 526 7 Dec 1922 Circular copy from Colm Ó Murchadha, Clerk of the Dail, of list of nominations for the committee to appoint ministers who are not members of the Executive Council. 1p
- 527 [-1923] List of alternative Irish forms for the titles of members of the Executive Council. 2 pp
- 528 [-1923] Copy memorandum with MS amendments by Kennedy on the formation of the Executive Council, its membership, other government ministries and their respective relationships with Dail Eireann. Outlines the responsibilities of ministers, refers to the possible creation of all-party advisory committees and notes the jurisdiction of the President of the Executive Council. 5 pp

ii Ministers and Secretaries Act, 1924

See also
P4/1883-4

Nov 1922-May 1924

- 529 Nov 1922-May 1924 Preparation of the Ministers and Secretaries Bill including notices of conferences and meetings of the Executive Council to consider the Bill particularly in relation to the committee stage; extracts from Executive Council minutes of meetings noting relevant points; copy of a memorandum by John T. Drennan (Secretary, Irish Land Commission) on the work of the Congested Districts Board (3pp) and copy letter from Drennan to Patrick Hogan (Minister for Agriculture) mainly concerning the Land Registry (2pp); copy list of amendments to the bill (9pp); copy memorandum clarifying points about the

P4/

- 529 cont. bill such as use of the term 'Minister of Justice' instead of 'Home Affairs' and the role of the Attorney General (3pp); printed sectionalised copy of the bill; MS notes and points by Kennedy including note outlining the nomenclature used in the British civil service to signify administrative divisions distinguishing between 'department' under the Irish Free State Constitution and the British 'ministry'. 37 pp
- 530 [1924] MS note by William T. Cosgrave, President, Executive Council, inquiring about salaries relation to the Bill and related note by Kennedy recording details of a number of salaries. 2 pp
- 531 11-12 Feb 1923 Letter, marked personal, from Richard Mulcahy, Minister for Defence, to Kennedy enclosing a memorandum on an amendment to the bill; circular copy of an amendment by Darrell Figgis to the bill with reference to the Defence Council; copy of memorandum by Major General Cahir Davitt (Judge Advocate General) in which he describes the amendment as a 'misconception' and notes that under the Defence Forces (Temporary Provisions) Act, 1923, the functions of the Defence Council would be purely advisory. 3 items
- 532 18 Oct 1923 Copy of letter with MS amendments by Kennedy to Joseph Brennan, Secretary, Ministry of Finance, concerning a conference on the draft bill and noting resulting amendments to its text. 4 pp
- 533 Dec 1923 Letter from Diarmuid Ó hEigeartaigh, Secretary, Executive Council, to Kennedy enclosing a letter from George Atkinson in which he suggests an amendment to the bill to include among the services of the Department of Education, responsibility for the Metropolitan School of Art. Includes a memorandum detailing the history and potential of the School. 3 items
- 534 Jan 1924 Memorandum by Gordon Campbell, Secretary, Ministry of Industry and Commerce on the bill detailing 'certain points of difficulty affecting the administration of its functions by this Department'. Points are raised in relation to existing legislation such as the Provisions of Electricity Supply Act, 1919, Factory and Workshops Acts, Mines and Quarries Acts, 1873-1920 and Workmens Compensation Acts with reference to the clear assignment of related services to the Ministry of Industry and Commerce. He notes 'It is regretted that all these points were not brought forward at an earlier stage but the Ministry did not have any

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- 534 cont. opportunity of studying the Bill in all its effects until it had made considerable progreee in the Dail';
Memorandum by [H.W.?] summarising the points in Campbell's memorandum and clarifying the issues raised in relation to the scope of the Bill. 4 pp
- 535 14 Feb 1924 Copy of memorandum from Brennan noting amendments to and points about the bill arising out of a discussion with Kennedy. 2 pp
See also P4/532
- 536 28 May 1924 Note from Ó hEigeartaigh to Kennedy enclosing a memorandum outlining the function of the Department of the President of the Executive Council under the Act with reference to records and archives. Dwells on its role in administering 'all communications with the British Government' and raises the question of separating the State Paper Office from the Public Record Office and of the former's administration. 2 items
- 537 3 July 1923 MS draft of the bill by 'An Cinneideach' (Kennedy). 48 pp
- 538 6 July 1923 Typescript draft of the bill with MS amendments by Kennedy. 46 pp
- 539 [1923] Typescript draft of the bill. 26 pp
- 540 [1923] MS and typescript draft schedule and sections for the bill with notes by Kennedy. 14 pp
- 541 Reference copies of the Irish Free State Constitution Act, 1922 and the Ministries of Northern Ireland Act, 1921.

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iii President of the Executive Councila Correspondence and statementsaa Irregulars Sept 1922-May 1924

- 542 28 Sept 1922 Copy letter from [Kevin O'Shiel], Assistant Legal Adviser, to the President, urging that an amnesty be granted in view of the stern legislation about to be passed by the Dail. He suggests a procedure by which the government could grant an amnesty without affecting the provisions of their bill, thereby reducing public criticism of its content. Without an amnesty, 'the effect of this Decree might be to drive back into the ranks of the Irregulars large numbers of the luke-warm and timid who are only too anxious to seize every possible opportunity of escaping from their unpleasant committments'(sic).
3 pp
- 543 29 Sept 1922 Circular letter from Joseph O'Reilly requesting advice for the President on measures to be taken against the Irregulars and their supporters and on gathering information about their means.
1p
- 544 Nov-Dec 1922 Letters and memoranda relating to Irregular soldiers in the West of Ireland and to efforts to obtain their acceptance of the Treaty. Includes copy of memorandum detailing conditions under which republican soldiers in Galway, Mayo and Sligo would accept the Treaty and give allegiance to the Free State government; copy of memorandum by Eoin Mac Neill on a conversation with Canon O'Kennedy and his brother relating to proposals made by the Irregulars including the appointment of an arbitration commission, recruitment into the army and civic guard, and the recognition of rank; copy of memorandum by Cosgrave outlining the reasons why the Government could not accept the Irregular proposals. 10 pp
- 545 30 Dec 1922 Typescript draft reply to an open letter in the press [by Kennedy for the President of the Executive Council ?] justifying the political stance of the Government. 'We have challenged the gun as a decisive factor in Irish politics when so used by a minority.'
1p

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- 546 [Jan 1923] Typescript draft of [speech for the President ?] with amendments by Kennedy concerning the problems and achievements of the Irish Free State. Comments on the civil war and emphasises the advent of justice and greater stability in the Irish Free State. Also discusses the nature and 'folly' of partition and the potential of the Boundary Commission which 'is not a perfect cure for the ailment; but, under the circumstances, and in view of Sir James Craig's very definitely non-possumus attitude, I cannot see an alternative'. Concludes with hopeful remarks on 'all parts of Ireland cooperating as one in government and social and economic construction'.
11 pp
- See also
P4/411-36
- 547 16 Feb 1923 Typescript draft of letter with MS amendments by Kennedy for the President in which he denounces the Irregulars and their 'shameless and most cruel deception' of their followers in relation to the amnesty offered by the Free State government. He urges specific repetition of the Free State terms to make their conditions clear to Irregular followers particularly with reference to their refusal to negotiate with the republican leaders.
3 pp
- 548 MS draft by Kennedy and typescript copy of statement describing republican opposition to the Treaty by [Cumann na mBan ?]. The Treaty, described as a 'just and fair compromise' was opposed in Ireland by 'Diehards [who] are women whose extacies at their extremest (sic) can find no outlet so satisfying as destruction ... Weak men in their atmosphere seek peace in concurrence with their frenzy and even children are exalted by having thrust into their little hands revolvers instead of feeding bottles'.
2 items
- 549 (March 1923-)
March 1924 Note to Kennedy from the President's Office requesting a draft reply for the President to the Army Committee about an issue raised in the Daily Bulletin. Encloses two copies of the Daily Bulletin, 20 and 23 March 1923, containing a St. Patrick Day's address by Eamon de Valera and a statement concerning the supply of war munitions to the Irish government from British arsenals; MS draft statement by Kennedy commenting on the authenticity and content of the two items by de Valera and Frank Aiken. Describes de Valera's 'verbose but empty pretentions labelled "principles" with which we have become painfully familiar through many months' and analyses conditions under which de Valera would negotiate cessation of hostilities, particularly points of constitutionality and the oath of allegiance.
6 pp

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- 550 (April-May 1923-) 1924 Circular copy of statements and letter concerning the attempt by Senator Andrew Jackson and Senator James Douglas to obtain a Truce with details of de Valera's terms of settlement, Cosgrave's comments on them and details of the Free State peace requirements. 8 pp
- 551 Jan 1924 Letters from Paul Banim, Secretary to the President, and from Sean Lester, Director of Publicity, Department of External Affairs, on the subject of Irregular propoganda. Includes memorandum describing and quoting from articles in Sinn Fein. Authors to whom reference is made include Moirin Chevasse and Leopold H. Kearney; memorandum by Banim summarising the content of an article by 'Cu Uladh' in Sinn Fein in which he criticises the Government's local authority reform; complaints about other publications including Eire, 12 Jan 1924; letter from Duggan to Cosgrave drawing his attention to an article in the Catholic Bulletin at the request of the Governor General. Healy is anxious legal action should be taken against the publishers of the Catholic Bulletin and of Eire. '... he seems to think that Irregular propoganda is not dealt with as it should be, and that the action suggested by him would have the effect of making it extremely difficult for the Irregulars to get libellous statements published.' 10 pp
- See also P4/1875
- ab Procedural and advisory Feb 1922-May 1924
- 552 28 Sept 1922 MS and typescript draft of a letter by Kennedy for the President to Lord McDonnell, KC, in which McDonnell's offer of his services to the Government is acknowledged but declined. 3 pp
- 553 29 Dec 1922 Copy letter from Kennedy to Cosgrave concerning banking arrangements for the Free State government and examining the proposal that its banking business might occasionally be handled by bankers other than by the official government bankers. 4 pp
- 554 28 Feb 1922-
21 Jan 1923 Letter from Kennedy to Cosgrave enclosing a report by J.C. Hutson, Chief Officer Pembroke Fire Department, concerning fire prevention and protection mainly in military barracks with MS note by Cosgrave observing that 'fire insurance might reasonably [and] profitably be taken over by the State'. 6 pp

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- 555 (Nov 1922-) Jan 1923 Copy letter from Kennedy to Cosgrave discussing the proposed amalgamation of the Office of the Ulster King of Arms with the Public Record Office. He describes the respective functions of Thomas Sadleir who had carried out most of the genealogical research there in recent years with those of Sir Nevile Wilkinson, Ulster King of Arms, 'who spent most of his time constructing [a] doll's house'. Encloses copy of a letter from Sadleir to Kennedy concerning the proposed amalgamation. 'So many documents here more or less replace those destroyed at the Four Courts that a fusion with the Record Office would be a great help to the officials there'; copy of a memorandum by Sadleir in which, after consultation with Herbert Wood, he details the duties of the existing officials in the Office of Arms and suggests adjustments to their status and salaries to effect economies. Increases in fees are also recommended; copy of a notice by Wilkinson to which a list of research, registration and sketching fees is annexed. 4 items
- 556 Dec 1922-
March 1923 Letter from O'Reilly to Kennedy enclosing papers relating to the proposal of F.C. Flanagan and J.F. Barr to establish a pari-mutuel or totaliser betting system at the Curragh Race Course, county Kildare. Includes memorandum detailing development of the negotiations with the Minister of Industry and Commerce and the Turf Club by Flanagan and Barr. ... 'the desire of some of the members of the Turf Club is that they should obtain the necessary Government sanction and make their own arrangements for operating, thus eliminating the Syndicate, who pioneered the Scheme ...'; copies of correspondence between Joseph McGrath, Minister of Industry and Commerce and Hayes and Sons (solicitors) concerning Government approval including comment by McGrath that the Government would approve any scheme 'which tended towards the improvement of breeding and horse racing in Ireland'; copy of letter from Hayes and Sons to Barr informing him of Turf Club approval provided an agreement gave them requisite control to ensure that the enterprise was 'run in a business-like way'; draft of an agreement between the stewards of the Irish Turf Club and the Syndicate concerning operation of the totaliser system and memoranda on the articles of association and the operation of the pari-mutuel machines. 25 pp
- 557 12 March 1923 Letter from Kennedy to Cosgrave suggesting the appointment of McAuliffe as arbitrator in the case of Byrne v O'Keefe with note of Cosgrave's approval; copy of letter from Lorcan G. Sherlock (solicitor) requesting an arbitrator in the case which was abandoned because the defendant had refused to recognise the republican court from which the plaintiff obtained a prohibition order. 2 items

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- 558 March-April 1923 Letter from Kennedy to Cosgrave outlining the history and position of the Irish army, its control in relation to civil government, emphasising the need to retain the office of the Commander in Chief within the Executive Council and the desirability of establishing a defence council; MS notes by Kennedy concerning the organisation and foundation of the army, the functions of war and army councils and the role of the Executive Council in relation to policy about military action. 21 pp
- 559 May-June 1923 Letter from [Paul Banim] to Kennedy requesting his opinion on a draft letter by the President to Louise O'Reilly, Kevin Barry Council of the American Association for Recognition of the Irish Republic; draft letter to Louise O'Reilly in which Cosgrave scathingly rejects her description of him as the 'agent of the British Government' and also her use of the expression 'President' in relation to Eamon de Valera, emphasising his rejection as President by Dail Eireann in January 1922; letter from O'Reilly to Cosgrave appealing to him to accept the 'terms offered by President Eamon de Valera as a solution of the present unhappy conditions in Ireland' and enclosing a resolution of her Council; copy of resolution adopted by the Kevin Barry Council in support of a republic in Ireland and free elections. 4 items
- 560 Sept 1923-April 1924 Copy letter from Kennedy to the President, Executive Council, enclosing his confidential opinion on a case in which Jessie and Florence McCarthy, Kenmare, county Kerry, accused officers of the Free State Army of beating them and greasing their hair; critical opinion of their evidence by Kennedy urging that no army proceedings be initiated. He describes the McCarthys as representative of the 'Catholic bourgeoisie which existed in Irish country towns and villages under the British régime'; MS and typescript draft of a letter by Kennedy for the President to the chairman of the Army Inquiry Committee. The letter refuses the request of the Committee for a copy of the opinion given by the Attorney General to the Executive Council about the case, details its collective responsibility and emphasises the necessity for its immunity from publishing the advice it uses in reaching decisions; copy of a second draft letter by Kennedy for the President to the Army Inquiry Committee. 20 pp
- 561 Nov 1923-June 1924 Letters relating to a meeting with members of the Board of Trinity College to discuss procedure for the appointment of Visitors including letter from [Cosgrave] to Lord Glenavy and forwarded to Kennedy concerning the signing by the Lord Chief Justice of an ordinance by the Board for the appointment of a Visitor. 4 pp

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- 562 Dec 1923-Jan 1924 Letter to Kennedy from Banim inquiring about the necessity of preparing an order extending functions under the Public Health Acts Amendment Act (1890) to the Minister of Home Affairs and enclosing a minute from E.P. McCarron, Secretary, Ministry of Local Government on the subject. 2 items
- 563 Jan 1924 Copy private letter from Kennedy to Cosgrave suggesting that the Government should express sympathy with the French Government for the loss of the 'Dixmude' and her crew of fifty and noting the appropriate procedure; copy letter from Kennedy to Richard Mulcahy, Minister for Defence, on the same subject. [One letter incorrectly dated 1923.] 2 pp
- 564 15 Jan 1924 Letter from Banim to Kennedy seeking his views for the President about the purchase of insulin by the Government. 1p
- 565 20 Feb 1924 Letter from Banim to Kennedy requesting his views for the President arising out of a query by the Law Agent to Dublin Corporation about the appropriate minister to exercise the functions of the Chief Secretary under section 5 of the Borough Funds (Ireland) Act, 1888. 1p
- 566 Feb-April 1924 Note from Cosgrave to Kennedy requesting his opinion about a query raised by Sir Nevile Wilkinson concerning a coat of arms for the Northern Ireland government; letter from Wilkinson to the President stating that he had been approached by the government of Northern Ireland to supply it with a coat of arms for use on seals and medals. He suggests urging them to use the arms of the province of Ulster provided this had the approval of the Free State government. 'This would serve to remind them that they are still linked by tradition with Ireland as a whole, and when the reunion occurs, ... the arms of Ulster will be reunited with those of the three Southern Provinces, without alteration'; related letters on the matter. 4 items
- 567 1 March 1924 Covering copy letter from Kennedy to the President enclosing his opinion for the Board of Works on 'the power to use the Phoenix Park in the way proposed'. 1p
- See also
P4/838

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- 568 March 1924 Note to Kennedy from the President's Office requesting his opinion on a communication from [Patrick ?] Hogan about Justice W.E. Wylie; MS draft and copy reply, marked private, from Kennedy to the President, disagreeing with Hogan's opinion which he finds 'quite wrong'. He describes the Court of Appeal as the 'ultimate interpreter of the Constitution' and lists the essential qualifications for candidates for its Bench. 3 items
- 569 (Dec 1922-) May 1924 Correspondence between Kennedy and Cosgrave concerning cases under the Indemnity Act including letter to Kennedy from Cosgrave as Minister for Defence informing him that the Governor General would exercise the prerogative of clemency on sentences passed by military tribunals before the Indemnity Act 1923, outlining the rules judges should follow in making recommendations to the Minister for Home Affairs and noting the reductions to be made in relevant prison sentences. Encloses a copy of the proclamation by the Army Council appointing a committee of officers to investigate arms charges (7 Dec 1922).
5 pp
- See also
498, 656
- 570 7 May 1924 Covering copy letter from Kennedy to Cosgrave enclosing a handbook for the Tailteann Games. Notes that it should be emphasised that although the Government is helping to finance the Games, it has no responsibility for the handbook in question and cites examples of its inaccuracies. 1p
- ac Anglo-Irish Oct 1922-March 1924
- 571 19 Oct 1922 Note to Cosgrave informing him that A.W. Cope had phoned to announce the defeat of A. Chamberlain and the resignation of his government. 1p
- 572 Nov 1922 Letter from Cosgrave to Kennedy listing points for discussion at a meeting of the Cabinet Committee on Irish Affairs. Matters include the murder of Lieutenant Genocchio and three other officers at Macroom, county Cork; copy of letter from Cosgrave to Mulcahy in which he suggests, on the advice of Lionel Curtis, that the cases of Genocchio and the three other officers be submitted to the Compensation (Ireland) Commission but should not be the subject of an inquiry. 1p

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- 573 Nov 1922 Letters concerning the Registry of Deeds including a statement approved by Cosgrave noting that no differentiation was being made there for searches concerning Northern Ireland or the Irish Free State and a further statement endorsing the division of documents in the Land Registry. Includes letter from George Martin (solicitor), Belfast, to Kevin O'Higgins, urging the Free State to oppose any attempt to establish a Registry of Deeds in Belfast. 4 pp
- 574 19 Jan 1923 Letter from Banim to Kennedy attempting to trace a letter on the subject of the transfer of files from the Ministry of Transport in London. 1p
- 575 [May 1923] MS draft by Kennedy and copy text of message from Cosgrave to A. Bonar Law regretting his resignation as prime minister through ill-health and noting his 'scrupulous desire to fulfill to the letter the Treaty between our nations'. 2 pp
- 576 27 June 1923 MS and typescript drafts of letter by Kennedy for Cosgrave to Stanley Baldwin, Prime Minister, condemning a speech by Ronald McNeill, MP, which 'breathes ... ill-will and deliberate blindness to historic facts', inquiring if this speech, by a Cabinet minister, 'represents the attitude and policy of the present British Cabinet towards the Free State' and noting that there exists 'a vary malignant conspiracy to create once again a state of hostility between two countries'. 7 pp
- 577 July 1923-Feb 1924 Correspondence concerning the question of recovery of costs in the case of Egan v Macready, Strickland, Cameron and the King, including letter from Banim, marked urgent, to Kennedy conveying the President's opinion that costs should not be recovered from the British government. 'In giving way in this we may be able to secure a greater accommodation when the positions are reversed'; related letters from the Minister for Defence and affidavits by General G.F.N. Macready and Colonel J.E.S. Brind. 12 pp
- 578 27 Oct 1923 Note from Banim to Kennedy requesting his views for the President in reply to points raised by the Hearst Press about British repeal of the Restoration of Order Act. 2 pp

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- 579 24 March 1924 Copy personal letter from Kennedy to the President urging an expression of condemnation at the murder of British nationals in Cobh, county Cork. He feels this is expected in the English papers. 1p
- 580 MS text by Kennedy, in London, of urgent telegram to Cosgrave requesting a copy of his letter to the Colonial Office about 'grant[ing] honours to people in Ireland'.

ad Work of the Attorney General's Office

[1922-] May 1924

- 581 [1922] Note from Cosgrave stressing urgency in furnishing amendments to the Adaptation of Enactments Bill. 1p
- 582 [15 Jan 1923] MS note from Cosgrave to Kennedy suggesting he get assistance with his work. 1p
- 583 [1923] MS note from [Cosgrave] to Kennedy listing four bills delayed in either his office or by the parliamentary draftsman and noting that the question of their getting assistants had been raised. The 'Finance Ministry is [also] delaying Bills'. 1p
- 584 [1923] MS note from Cosgrave to Kennedy noting that Joseph McGrath had complained that papers relevant to a Board of Works contract with Wolfhill Collieries could not be extricated from Kennedy's room. 1p
- 585 [July 1923 ?] Letter, marked urgent, from Cosgrave to Kennedy listing bills which would shortly pass uncontended through the Dail and indicating others in which points of contention would arise. Postscript reads 'Congrats on result of your efforts in London.' 2 pp

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- 586 14 Dec 1923 Letter from Banim to Kennedy seeking a reply to a Colonial Office despatch on the subject of exemption from customs duties of supplies imported to the Free State for the use of British forces. 1p
- 587 Feb 1924 Letter from Banim to Kennedy urgently requesting action, at the wish of the President, on the Maintenance Orders (Facilities for Enforcement) Act, 1920 and part two of the Administration of Justice Act, 1920. 'The Despatch was received from the Colonial Office on 12th February 1923 and they have since issued fifteen reminders asking for reply.' Contains Kennedy's draft reply in shorthand; copy reply from Kennedy assuring Banim that the legislation is in draft form but that the matter has been complicated by the interest of the Minister of Home Affairs in 'allied subjects'. 2 pp
- 588 April-May 1924 Irate letter from Cosgrave to Kennedy regarding the delay of his office in dealing with despatches some of which he regards as important. He is concerned because 'many of these appear to have lain in your office for over a year without attention' and notes that in one case seventeen reminders were sent to Kennedy. He suggests that something is seriously wrong in the administration of his office. Attaches a schedule of despatches from the Colonial Office which have been 'unduly delayed'; MS draft and typescript copy of Kennedy's reply to Cosgrave marked 'personal' in which he details the procedure he has had to employ in dealing with many of the despatches. He describes decisions made in his office as 'a matter of a personal ruling by me, and not the mere initialling of a Civil Service file' and concludes that to improve future performance he shall be less 'accessible and agreeable to all and sundry'. 19 pp

b Other speeches and statements

March-Nov 1923

- 589 4-5 March 1923 Copy letter from Kennedy to Cosgrave concerning his St Patrick Days message, describing one prepared by the Publicity Department as 'poor stuff' and enclosing his alternative; MS draft and typescript copy by Kennedy of a message by the President on St. Patrick's Day for the Hearst Press. Expresses hope for the new state ... 'These the gleaming strands of history rudely torn from us, these the golden threads

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- 589 cont. which today we should resolve to gather up with loving hands and weave anew into the same pattern in the looms of our new made state.' 5 pp
- 590 29 March 1923 Letter from Cosgrave to Kennedy conveying the text of a proposed reply by the Governor General to an address from the President and Fellows of the Royal College of Physicians with MS amendments by Kennedy. 1p
- 591 [Oct 1923] Press statement by Kennedy for the President concerning the Prevention of Electoral Abuses Act and government policy in preventing disorderly behaviour at political meetings. 1p
- 592 Copy reply to a parliamentary question by Cosgrave denying that any enactment in the Irish Free State imposed penalties or disabilities on an individual on account of his religion. 7 pp
- 593 Oct-Nov 1923 Printed circular statements by Cosgrave urging the integration of demobilised soldiers into commercial and civilian life and by Joseph McGrath seeking information on the number of places employers might offer to demobilised men with related form. 3 items
- iv Office of the President, Executive Council
and Office of the Executive Council
Sept 1922-March 1924
- 594 15 Sept 1922-12 March 1923 Circular letter to Kennedy from Colonel Joseph O'Reilly, ADC to the President, about arrangements for the use of state cars. 'There are only two cars available' ... and receipt for the hire of a car by Kennedy for attendance at Arthur Griffith's funeral. 2 pp

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- 595 5 Nov 1923 Copy letter from Kennedy to O'Reilly concerning a man against whom charges were dismissed, whom Kennedy disliked and who claimed he had been deported from Canada and given £10 by Collins 'for patriotic services rendered'. 1p
- 596 29 Jan 1923 Circular letter from M. Mac Donnchadha, Acting Secretary, Executive Council, detailing the procedure for the introduction of a final bill into the Dail and for its circulation both to members of the Executive Council and to the government's legal advisers. 1p
- 597 5 Feb 1923 Letter from Kennedy to Mac Donnchadha, Secretary, Executive Council, complaining that he had omitted to send him notice of a meeting of the Committee to Review State Services and apologetic reply from Mac Donnchadha. 2 pp
- 598 8 June 1923 Circular letter from [Paul Banim], Secretary of the President, Executive Council, informing its members that busts of Arthur Griffith and Michael Collins were ready for viewing. 1p
- 599 20 Aug 1923 Copy letter from Kennedy to the Secretary, Executive Council, concerning the procedure by which and form in which bills passed by the Oireachtas are presented to the King. 3 pp
- 600 1 March 1924 Letter from Mac Donnchadha to Kennedy informing him that in compliance with his wishes, copies of all acts and bills introduced in Parliament, in addition to copies of bills in various stages of amendment, would be sent to him directly from the Stationery Office in London. 1p
- 601 24-25 March 1924 Sample of commemorative 10/- stamp for Collins and Griffith circulated to members of the Executive Council with copy of a covering letter from P. McMenamin, Postmaster General's Office. 3 items

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III LAW OFFICE AND OFFICE OF THE
ATTORNEY GENERAL

i Functions of the Attorney
General [1923]

- 606 [1923] MS notes by [John A. Costello ?]
outlining the functions and powers
of the Attoreny General. 2 pp
- 607 Typed extracts from Anson, Law of
the Constitution, part II, Brice,
The American Commonwealth and Wharton,
Law Lexicon, with reference to the functions and position of the
Law Officer and the Attorney General. 4 pp
- ii Preparation of legislation, procedural and
legal matters
- a Law Officer and Attorney General
Oct 1922-May 1924
- 608 [1922-3] Hague and Geneva conventions. Copy
typescript extract from the British
Military Law Manual (1914) concerning
the treatment of prisoners under the Hague and Geneva conventions.
2 pp
- 609 23 Feb 1923 Imperial preference rates. MS notes by
See also Kennedy on imperial preference rates
P4/939 with reference to the constitutional
position of Northern Ireland and the dominion status of the
Irish Free State. 6 pp

P4/

- 610 [1923] Series of MS notes by Kennedy dealing mainly with the cessation of hostilities, legal cases, Irregular supporters and peace conditions. 5 pp
- 611 [1923] Hunger strike. MS draft letter by Kennedy to the press arising out of a proposed announcement of a hunger strike in which he describes the hunger strike of prisoners lawfully held as 'a criminal conspiracy to defeat the law'. 1p
- 612 [1923] Life assurance: soldiers killed in action. MS and typescript draft letter from Kennedy to insurance companies concerning the standard clause prohibiting payment of life assurance policies on those killed in action while serving in the army. He suggests that companies waive this clause as was the practice during the first world war for those serving in the allied armies. 3 pp
- 613 [1923-]April 1924 Enforcement of law (occasional powers) bill. Typescript copy of draft of the Enforcement of law bill with MS amendments by Kennedy; copy of letter from James E. O'Donnell, Londonderry, to John White, TD, suggesting an amendment to the bill which would facilitate the renewal of decrees and avoid expense and delays; copy letter from Kennedy to White thanking him for O'Donnell's letter and noting that such provision had been made in the Dail Eireann Courts (Winding-up) Act. 14 pp
- See also
P4/1071
- 614 [1923] Civil authorities special powers bill. Incomplete draft of a civil authorities special powers bill with copious MS amendments by Kennedy. 3 pp
- 615 [1923] Recovery of tax. Two typescript extracts from the Finance (no 3) bill, 1915, and the Land and Income Taxation Act, 1910 (of Tasmania) concerning recovery of unpaid tax by revenue commissioners through the employer of the debtor. 2 pp

P4/

- 616 [1923] Statutory rules and orders. MS notes by Kennedy listing the passage of statutory rules and orders relating to Ireland and noting their subsequent publication in the B[ritish] Gaz[ette], 1921-2. 4 pp
- 617 [1923] Court and civil service appointments. MS drafts by Kennedy of two circular letters in response to applications for appointments in the courts and government and outlining the appropriate procedures. 2 pp
- 618 11 May 1924 Dublin Metropolitan Police Bill. MS notes by Kennedy on the scope of and procedure for a draft bill on Dublin Metropolitan Police. 1p
- 619 [1923] Typescript list of people under headings such as banking, industry, agriculture, labour, clergy, universities and government departments. 1p
- 620 [1924] Bills in progress. MS note by Kennedy listing the titles of bills intended for passage in the Dail during 1924 and noting the various stages of their progress. 4 pp
- 621 [1921?-]1922-3 Diverse MS notes by Kennedy dealing with court cases, legislation and other matters varying from railways to the export of arms to China. 32 pp
- 622 1922-4 Collection of letters, telegrams and messages, mainly routine, covering matters such as the celebration of daily Mass in Government Buildings, purchase of books and the removal of a bookcase from the Law Office. 16 items

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b Assistant Legal Adviser (John A. Costello)

Sept 1922-Feb 1923

- 623 2 Sept 1922 Electricity supply rights. Copy opinion by John A. Costello, Assistant Legal Adviser, concerning the transfer of their electricity supply rights by the Blackrock Urban District Council to a private firm. 7 pp
- 624 Oct 1922 Exhumation. Copy of memorandum by Costello on exhumation and on the legal provisions by which it was possible in Ireland. 2 pp
- 625 Oct 1922 Court stockbroker. Memorandum by [Costello] concerning the arrangements in Britain for the appointment of the court stockbroker, his appointment in Ireland in the light of the Government of Ireland Act, 1920, and the Transfer of Functions Order, and the respective claims of the Chief Justice and the Minister of Home Affairs to make such an appointment; related minute requesting the memorandum. 3 pp
- 626 24 Oct 1922 Commissions of inquiry. Copy of memorandum by Costello on royal, statutory and departmental commissions of inquiry and on The Tribunals of Enquiry (Evidence) Act, 1921. 5 pp
- 627 Oct 1922-Jan 1923 Escheated property. Copy memorandum by [Costello] concerning the legal position regarding escheated property in the dominions; copy of letter from M.A. Corrigan, Chief State Solicitor, to Kennedy, describing the circumstances under which escheat takes place; MS extracts by Kennedy from legal text books on crown lands and quit rent; forms used in the Chief Secretary's Office relating to legal proceedings in cases of escheat. 19 pp
- See also
P4/645
- 628 [1922-3] Flag of truce and war crimes. MS notes by [Costello ?] concerning the legal significance of the flag of truce and the definition of war crimes. 3 pp

P4/

- 629 [6 Feb 1923] Extradition. Copy of memorandum by Costello on the extradition of fugitive offenders in member states of the British Commonwealth. Describes procedures under the Fugitive Offenders Act, 1881 and examines the application of relevant legislation to the Free State. 13 pp
- 630 27 Feb 1923 Theatre patents or licences. Memorandum by Costello describing the existing legal basis for issuing theatre licences or patents in Dublin, Cork and Belfast and in other parts of Ireland. Notes in particular the procedure in Dublin for obtaining a licence where the provisions of the existing legislation did not apply to 'entertainments for the benefit of the lying-in-hospital' or to 'feats of horsemanship'. 4 pp
- 631 28 Feb 1923 Fishing and Irish territorial waters. Copy of memorandum by Costello describing legislative provision controlling fishing in Irish territorial waters and the legal implications of the establishment of the Irish Free State on fishing by British fishermen in these waters. 10 pp
- c Assistant Legal Adviser (Kevin O'Sheil)
March-June 1923
- 632 March-June 1923 Manchester Guardian Reconstruction Supplement on Ireland. Correspondence mainly between Kennedy and Kevin O'Sheil, Assistant Legal Adviser, concerning the Manchester Guardian's reconstruction number on Ireland. Includes copy of letter from A.P. Wadsworth, Manchester Guardian, to O'Sheil concerning the title to be given the supplement. Wadsworth argues that a general title will mean that industries in Northern Ireland can be included in the supplement but that a title incorporating the name of the Irish Free State would exclude Northern Ireland from participation and result in a loss of advertisement revenue; letter from O'Sheil to Kennedy in which he notes that there is no possibility of 'North-Eastern stuff' overshadowing Free State 'exhibits' and suggests including an occasional short article on the North 'by way of sweetening the pill'; circular letters from O'Sheil for members of the

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632 cont.

Executive Council with details of content; confidential letter from O'Shiel to the President suggesting he send a personal letter of thanks to Charles P. Scott, editor of the Manchester Guardian. Scott, he feels, deserves special thanks for his production of supplements dealing with the resources of Ireland and its economic and commercial possibilities at terms which were very favourable to the Irish government. He points out that the cost of publication had barely been recouped by the Manchester Guardian and that the Irish government was benefitting from international exposure. Encloses draft letter of thanks for the President to Scott; letter from O'Shiel to Kennedy thanking him for the tribute he paid to the Manchester Guardian but regretting that the Government had made no official recognition of its work; correspondence between O'Shiel and Kennedy concerning despatch of issues to Morgan Jaqueurs in Australia. O'Shiel remarks on the favourable reaction he found in London to the Irish administration 'in marked contrast to the note of doubt and gloom and thinly concealed contempt which was the prevailing note during my last visit'. Cope had attributed this reaction to the Manchester Guardian supplements. O'Sheil praises Scott as 'one of our very best friends in Great Britain' and refers to his courage in printing the supplements although the majority of the Guardian's directors were loathe to do so (28 June 1923). 14 pp

633

23 March 1923

Legal costs. MS draft by Kennedy of letter to O'Shiel concerning costs in the case Beatty and Robinson v Father Coyle, PP, describing the libel and slander actions involved and estimating the extent of the Government's costs.

2 pp

d Parliamentary draftsman

Oct 1922-May 1924

634

26 Oct 1922

Statutory rules and orders. Typescript memorandum concerning the form of statutory rules and orders 'prepared by A.V. Matheson in consultation with H.K.'

3 pp

635

Dec 1922-Oct 1923

Rules Publication bill. Correspondence between Kennedy and A.V. Matheson, Parliamentary draftsman, concerning the Rules Publication bill with appropriate drafts of the bill and noting the inapplicability of provisions in the Rules Publication Act, 1893 to the Irish Free State; MS notes by Matheson.

27 pp

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- 636 22 March 1923 Double Taxation (Relief) bill.
Memorandum by [Matheson] defining
'tax' for an amendment to the Double
Taxation (Relief) bill. 1p
- 637 23 March 1923 Adaptation of Enactments order. Copy
of letter from Matheson to Kennedy
containing his observations on the
proposed orders in council under the IFS (Consequential
Provisions) Act, 1922 (the IFS Adaptation of Enactments) order,
1922). Concludes that the order would not alter the force of
law within the Free State nor would it affect the operation of
any statute passed by Parliament before 1922. Includes an analysis
of the effect in the Free State of certain sections in a number
of existing British acts. 21 pp
- 638 28 April 1923 Increase of Rent and Mortgage Interest
(Restriction) Act, 1923. Covering letter
from Matheson to Kennedy with a draft
of the Increase of Rent bill prepared with the assistance of
J. Creed Meredith, KC. Notes that it is compatible with the
recommendations of the report of the Increase of Rent Committee;
list of cross references between the draft bill and the increase
of Rent and Mortgage (Restrictions) Act, 1920. 4 pp
- 639 18 June 1923 Superannuation and Pensions bill.
Copy letter from Kennedy to Matheson
principally concerning the use of the
term 'Dail Eireann' in the superannuation bill and supplying a
suitable definition in this context. Procedural comment is made
on its passage in relation to the Land Law (Commission) bill;
MS draft with amendments by Kennedy of points for inclusion in
the letter. 3 pp
- 640 14 Sept 1923 Office of the parliamentary drafts-
man. Copy of memorandum by Matheson
for Kennedy describing the pressure
of work in his office and urgently requesting an increase in
staff. Details the minimum number of positions necessary to
ensure 'the work of this office could be carried on with
reasonable efficiency ... [and] in a manner which would not
bring discredit on the Free State'. 3 pp

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- 641 24 Sept 1923 Reciprocal Enforcement of Judgments and Orders bill. Copy of letter from Matheson to Kennedy outlining the main sections in the Reciprocal Enforcement of Orders bill. 1p
- 642 27 May 1924 Railways bill. Copy letter from Kennedy to Matheson requesting two amendments to the Railways bill. One amendment relates to the use and implications of the terms 'officers', 'servants' and 'shopmen'. The second amendment relates to the inclusion of a provision in the bill for statutory sanction of a pension scheme. 2 pp
- e Chief State Solicitor
Nov 1922-Dec 1923
- 643 Nov-Dec 1922 Exchange of telegrams between Kennedy and Michael A. Corrigan, Chief State Solicitor, concerning adjournment in a court case to allow Kennedy the opportunity of attending the court in London. He pleads for the 'same consideration as Court would formerly have given to British Law Officers'. 4 items
- 644 3 Jan 1923 Ministry of Industry and Commerce. Confidential letter from Corrigan to Kennedy informing him that the Ministry of Finance had given Gordon Campbell, Secretary, Ministry of Industry and Commerce, sanction to appoint a solicitor to advise his ministry. 1p
- 645 Jan 1923 Escheated estates. Copy of memorandum by Corrigan dealing with escheated estates including their definition, circumstances under which escheat takes place and legal procedure. Includes copies of appropriate warrants of reference and renunciation by the Lord Lieutenant and the Attorney General. 4 items
- See also
P4/627

P4/

- 646 30 Jan 1923 Aliens. Typescript report from Corrigan with MS amendments by Parnell Gale (solicitor) concerning the establishment of regulations relating to aliens, noting the acts under which they might be made and the procedure for obtaining the necessary order in council. 6 pp
- 647 16 March 1923- Jurors. Memorandum by Corrigan
25 March 1924 concerning the summoning of jurors by the sheriff, by coroners and by elisors.
- Copy of statement by [Corrigan ?] concerning the objection to procedure and subsequent retirement of a juror, J. Gallagher, during a court case and his subsequent complaint to the Minister of Home Affairs. ... 'his demeanour throughout suggested that he wanted to ventilate an imaginary grievance, and utilise his position as a juror for that purpose.' 2 items
- [648]
- 649 27 July 1923 MS letter from Corrigan to Kennedy enclosing a money draft from the Accountant General and noting the desirability of appointing peace commissioners in certain positions; copy letter of thanks from Kennedy to Edward Walsh, Accountant General, Law Courts. 3 pp
- 650 29 Nov 1923 Goose clubs. Copy letter from Kennedy to Corrigan seeking information about the organisation of goose clubs. He had been approached by a political organisation which required funds. 1p
- 651 17-29 Dec 1923 Workmens Compensation Act. Correspondence between Kennedy, Henry Hanna, KC and Corrigan concerning the case of Michael Bolger, an Irish seaman seeking compensation under the Workmens Compensation Act for an injury sustained when employed and the efforts of the ship owners to prohibit hearing of the case on the grounds that the Act did not apply. Includes copy letter from Kennedy to Thomas Johnson, TD, describing the case and suggesting a meeting with representatives of the Shipping Federation and the Seamens and Firemens Union to discuss its implications; copy letter to William Hewat, representative of the Shipping Federation in Ireland also outlining the problem. 17 pp

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IV MINISTRIES AND OFFICES

i Army/Defence [Oct]1922 - March 1924

- 652 [October] 1922 Army Emergency Powers. Draft order, with MS amendments by Kennedy, made by the Army Council under the Army emergency powers resolution of the Dail in relation to murder and to other offences against the state and detailing the punishments for those convicted of such crimes by a military court. 3 pp
- 653 23 Nov 1922 Mary McSwiney. Copy of telegram message from General Emmet Dalton to William, T. Cosgrave, President, Executive Council, concerning a request from Mrs Powell that 'Mary Mac Swiney be released for Michael's sake'. Dalton notes that he does not 'associate' himself with the request.
- 654 11 Dec 1922 Army personnel voting in Northern Ireland. Letter from the Office of the Adjutant General to Kennedy informing him that the Army did not accept liability for expenses incurred by Army personnel voting in Northern Ireland. 1 p
- 655 22-30 March 1923 Ballyseedy massacre. Covering note from Captain Risteard Ó hEigeartaigh, Secretary, Minister for Defence, returning a copy of the Daily Bulletin; Daily Bulletin, 22 March [1923], containing the statement of Stephen Fuller, sole survivor of the Ballyseedy massacre. 2 items
- 656 April 1923-March 1924 Indemnity Bill and reciprocal legislation. Passage of the Indemnity bill including printed copy of the bill and MS notes by Kennedy of suitable headings and sections; letter from Diarmuid Ó hEigeartaigh, Secretary, Executive Council, to Kennedy forwarding copy of a confidential letter from W. Blunden, Assistant Secretary, Department of Defence. Blunden inquires if the British Government had passed any indemnity
- See also
P4/498, 569

P4/

656 cont.

act endorsing its undertaking to grant an amnesty to the IRA involved in military action before 11 July 1921 and requests information on the legal position of such IRA members in the Free State (11 Jan 1924); letter to Kennedy from C.B. O'Connor, Secretary, Ministry for Defence, noting that the passage of the Indemnity Act in the Free State had not been reciprocated by similar legislation in England and that in consequence, members of the IRA were not protected from civil or criminal proceedings for acts perpetrated by them against the British prior to the Truce. Seeks Kennedy's opinion about the desirability of a relevant British indemnity act and encloses a copy of a Dail question and reply on the subject of mutual undertakings of amnesty and indemnity (28 Nov 1923) and a list of cases in which proceedings had been made against members of the IRA for acts carried out before the Truce.

11 pp

657

23 April 1923

Women hunger strikers. Circular copy letter from Richard Mulcahy, Minister of Defence, enclosing details about six women prisoners on hunger strike in Kilmainham: Mrs O'Callaghan, Annie O'Neill, Kitty Costello, Nellie O'Ryan, Mary McSwiney and Maud Gonne McBride. Details include brief biographical sketch, connection with Irregulars and the republican movement and circumstances of arrest.

7 pp

658

June 1923

Nora Connolly O'Brien. Copy of writ and return for habeas corpus proceedings in the case of Nora Connolly O'Brien; letter from Mulcahy to Kennedy enclosing copy of a captured Irregular document consisting of a letter from Sean Hyde, Officer Commanding Western Command, IRA, concerning use of the truce period. Mulcahy suggests use of information in the document for a statement on the Connolly O'Brien case; MS notes by Kennedy.

7 pp

659

May-June 1923

Extradition. Note from Mulcahy to Kennedy requesting information about the procedure to be used in securing the extradition from England of people for whom a warrant had been issued by the civil authorities in Ireland; correspondence between Mulcahy and Major General S. Hogan, Director of Intelligence, and Diarmuid Ó hEigeartaigh, concerning arrest, trial and issuing of warrant procedure.

7 pp

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- 660 Public Safety (Emergency Powers) Act, 1923. Typescript copy of writ of habeas corpus under the Public Safety Act and related forms. 3 pp
- 661 27 June 1923 Ernie O'Malley. Copy of captured Irregular document found on Ernie O'Malley consisting of a letter from F[rank] A[iken], Chief of Staff, IRA, on Irregular reorganisation. 1 p
- 662 29 October 1923 Treason. Confidential and personal memorandum from Mulcahy to Kennedy emphasising the need for legislation to counteract the Irregulars and the need to consider how charges for treason could be made. 1 p
- 663 Jan-Feb 1924 Eamon de Valera. Correspondence mainly between Kennedy and Michael Comyn, KC, concerning permission to see de Valera. Kennedy informs him that he could see him if de Valera requested the interview and that he would have to enter into an undertaking to discuss 'business' only. 5 pp
- 664 1923-4 Structure of the defence forces: Inspector General and General Officer Commanding. MS note and draft memoranda by Kennedy mainly on the functions of the Inspector General and General Officer Commanding the defence forces in the Irish Free State. Includes notes by Kennedy showing the structure of the defence forces and noting 'all forces for Def[en]ce only. No a[gr]ess[io]n in this picture'. 8 pp
- 665 Oct 1922-Dec 1923 Army Council. Letters from M. Mac Donnachadha to Mulcahy and Kennedy concerning the appointment of the Army Council and publication of the appropriate official notice; MS notes by Kennedy mainly from the Report of the War Office (Reconstitution) Committee on the functions of the army and defence councils among other matters and printed copies of related orders concerning the duties and functions of army councils. 20 pp

P4/

- 666 April 1923 Structure of the defence forces: Judge Advocate General. Minutes of meeting in the Law Office on 10 April 1923 between the Minister of Defence, members of the Army and Kennedy, noting **recommendations** concerning the position of the Judge Advocate General in the reorganisation of the Army. 3 pp
- 667 June 1923 Army Pensions Bill. Drafts of the Army Pensions Bill; copy of letter from Mulcahy inquiring if the dependents of two of the Connaught Rangers, killed in the mutiny at Solon in India would be covered by the Army Pensions Bill and note in his hand saying 'What about Gavan Duffy for Pensions Board'; MS explanatory note by Kennedy on the expression 'military service'. 19 pp
- 668 Feb-June 1923 [Defence Forces (temporary provisions) Bill]. Copy of letter from Arthur V. Matheson, Parliamentary Draftsman, to Kennedy concerning draft of the Defence Forces Bill and commenting on various aspects including court martials and enlistment, noting sections based on the British Army Act and commenting on the necessity of a second act to deal with other matters including the army constitution; copy of notes detailing amendments to the Bill made at an Army conference. 11 pp
- 669 29 June 1923 [Defence Forces (temporary provisions) Bill]. Letter from Mulcahy to Kennedy seeking the speedy printing of the draft Defence Forces Bill and Reserve Bill, emphasising the need for the former to be interleaved and to contain margins with 'an additional two inches for notes'. 1p
- 670 Feb-June 1923 Defence Forces (temporary provisions) Bill. Letter from Colonel G.F. McCarthy, Office of the Judge Advocate General, to Matheson enclosing a report, annotated by Matheson, on the proposed Defence Forces Bill, commenting on its provisions and noting those based on the British Army Act; typescript copy of memorandum on the scope of the Bill with amendments by [Colonel George Hodnett ?]; typescript draft of the Bill with amendments by [Hodnett ?]; information concerning the maintenance of lunatic soldiers. 89 pp

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- 671 28-30 July 1923 Defence Forces (temporary provisions) Bill. Memorandum from the Ministry of Finance concerning the financial implications of some of the clauses of the draft Defence Forces Bill; copy letters from Kennedy to [Cosgrave], Minister of Finance, commenting seriatim on the observations made in the memorandum and disagreeing with some of the provisions sought by the Ministry of Finance. 6 pp
- 672 Defence Forces (temporary provisions) Bill. Typescript copy of amendments to the Bill. 2 pp
- 673 24 March 1924 Defence Forces (temporary provisions) Act. Memoranda with MS amendments by [Kevin O'Shiel, Assistant Legal Adviser] concerning the implications of the Defence Forces (temporary provisions) Act, 1923 and referring to the Defence Forces (temporary provisions) Act, 1923 (continuance and amendment) Act, 1924. 5 pp
- 674 [1923] Army and peace time. MS notes by Kennedy on the maintenance of a standing army in time of peace. 1p
- 675 March 1924 Secretary, Ministry of Defence. Copy of memorandum by Mulcahy outlining the responsibilities of the Secretary of the Ministry of Defence and noting that 'the present work of the Secretary consists almost entirely of dealing with matters that properly belong to some military departments'; copy of defence order detailing the duties of the Secretary. 8 pp
- 676 1923 Newspaper cuttings relating to army reorganisation, army notices and proclamations. 6 items
- 677 20 Feb 1923 Lunatic soldiers. Copy circular extract to members of the Army Council from a letter from D.L. Kelly, Inspector of Lunatics, in which he details British Army procedure for the 'disposal of lunatic soldiers' including copy of a medical certificate placing a soldier in the district lunatic asylum. 2 pp

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- 678 24-7 Nov 1923 British Army documents. Note from General Sean McMahon, Chief of Staff, to Kennedy enclosing extracts from some British Army documents which had been 'dug ... up from the basement here at Parkgate'; typescript extracts of army orders 41 and 45, 1904 concerning appointments to the army council and abolition of the office of commander in chief; copy letter of acknowledgement from Kennedy. 4 pp
- 679 31 Dec 1923 Letter from O'Connor to Kennedy returning with thanks, Parliamentary Papers 1904. 1p
- 680 14 Jan-28 Feb 1924 Munster and Leinster Bank v Dalton. Letter from Risteard Ó hEigeartaigh to Kennedy concerning a departmental debt arising out of the case of the Munster and Leinster Bank v Dalton; correspondence between Kennedy and John Maxwell (solicitor) concerning the debt. Kennedy informs him that the debt will be paid off by the end of January. 3 pp

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ii External Affairs Nov 1922-May 1924

- 682 23 Nov-29 Dec 1922 Anglo-Spanish Treaty. Letter from J.P. Walshe, Secretary, Ministry of External Affairs, to Kennedy, concerning the Anglo-Spanish Treaty and defining the term 'United Kingdom' in the light of the Anglo-Irish Treaty; copy letter of acknowledgement. 2 pp
- 683 March 1923 Diplomatic representation of Canada in Washington. Letter from Walshe to Kennedy enclosing copy of a letter from Professor T.A. Smiddy in Washington; copy of letter from Smiddy to Desmond Fitzgerald, Minister of External Affairs, describing conversations with Canadian politicians on the subject of Canada's possible diplomatic representation in Washington. Includes reference to the proposed amendment to the Canadian constitution based on a clause in the Irish Free State constitution concerning non-participation in military action involving Britain. 5 pp

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- 684 4 April 1923 Note from O. Grattan Esmonde, Ministry of External Affairs, drawing his attention to the 'intolerable phraseology' in an enclosure to a despatch for the Colonial Office. 1p
- 685 June 1923 Thirteenth centenary of St Columban in Bobbio. Memorandum outlining the celebrations to mark the thirteenth centenary of St Columban in Bobbio, the invitation to the Irish delegation to the League of Nations to attend and details of the importance of the occasion with related letters. 3 items
- See also
P4/930
- 686 11 Oct 1923 Pedigree dogs. Letter from Walshe to Kennedy discussing the admission of pedigree Irish dogs to the United States, informing him that the matter was being handled by Smiddy in Washington and that it would be necessary to have the Irish Stud Book accepted by the authorities there. 1p
- See also
P4/782
- 687 (May 1922-) 19 Dec 1923 International conventions. Letter from Walshe to Kennedy enclosing copy of a letter from Lionel Curtis, Secretary, Provisional Government of Ireland Committee of the Cabinet, detailing the position of international conventions negotiated before the establishment of the Free State. 2 pp
- 688 Jan 1924 Flags and arms legislation. Letters from Walshe to Kennedy outlining procedures in the dominions for legalising flags and arms and enclosing copy of a draft act to establish and design the arms and flags of the Irish Free State; printed matter and typescript extracts from official gazettes describing the flags and arms of various dominions; copy of the New Zealand Ensign Act; copy of letter from the Office of the Irish High Commissioner in London seeking information about the present state of decisions concerning the flag, seal and arms of the Irish Free State. 18 pp
- 689 (March 1923-) March 1924 Merchant shipping. Minute by W[alshe] for Kennedy seeking his opinion on the Free State position arising out of an order in council under the Merchant Shipping Act, 1894, and pending Free State adoption of the merchant shipping acts; summary of a memorandum on imperial merchant shipping acts by F[rancis] G[reer] and on the extent

- P4/
- 689 cont. to which their provisions could be adopted by the Free State as a self-governing dominion. 14 pp
- 690 (2-)23 April 1924 Lausanne Treaty. Letter to Kennedy from Walshe enclosing a copy of the Canadian House of Commons debates containing a speech by W.L. Mackenzie King, Canadian Prime Minister, on the Lausanne Treaty and two related newspaper cuttings. Suggests that the Irish Free State should adopt the Mackenzie King approach. 3 items
- 691 May-June 1924 Ratification of conventions. Letter from Sean Ó Murchadha, Assistant Secretary, Ministry of External Affairs to Kennedy, enclosing draft forms of ratification of conventions by the Executive Council and referring to the procedure for ratification of labour conventions; typescript copy of draft ratification of convention concerning the right of association of agricultural workers and copy of draft ratification of convention concerning workmen's compensation in agriculture; letter from Walshe to Kennedy requesting a meeting and noting the recommendation that formal ratification of the two labour conventions should be received in Geneva before the pending meeting of the International Labour Conference. 4 pp
- 692 [1923] Monseigneur Luzio. Draft statement for the Minister of External Affairs, concerning the visit to Ireland of Monseigneur Luzio, claiming to be an envoy of the Vatican in seeking peace in Ireland. Statement describes his activities including meetings with the 'armed minority' and concludes that he had acted with 'great indiscretion and with grave discourtesy towards the Government'. 3 pp
- 693 [Aug 1923] Irish Free State passport application form.

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iii Publicity Department, External
Affairs May 1923-May 1924

- 694 12 May 1923 Fox News Cabinet film. Note from Sean Lester, Director of Publicity, to Kennedy informing him that Fox News would be filming the President of the Executive Council and its members and requesting his attendance on the occasion. 1p
- 695 14 May-22 Dec 1923 Archbishop Mannix. Copy letter from Kennedy to Lester, enclosing copy of a letter from M.P. Jaqueurs of Melbourne; copy of letter from Jaqueurs to Kennedy discussing an article he wrote on elections in the Free State for the local Tribune and commenting on the anti Free State and republican views of Archbishop Mannix. He describes Mannix as having led his people 'into a log hole and can neither extricate them nor himself'. 5 pp
 See also P4/1554-7
- 696 29 May 1923 Freemans Journal supplement. Memorandum by [Lester] for Desmond FitzGerald, Minister of External Affairs, and forwarded to Kennedy for his information, encouraging government support for a special supplement being produced by the Freemans Journal. ...'it will constitute an extremely useful record of the work and achievements of the Government in laying the foundations of the Free State'. He encourages insertion of government advertisements, cooperation in supplying names of government contractors and availability of information from government departments. 1p
- 697 18 July-10 Aug 1923 Photographic portrait. Circular letter from Lester to Kennedy requesting to have him photographed for publicity reasons; letter from Arthur H. Davis (photographic artist) to Kennedy telling him he was preparing prints of 'your Goodself in the Hat' for Lester and copy reply from Kennedy referring to the 'wonderfully good portrait'. 3 pp

P4/

- 698 [16] Oct 1923 Viaduct, Mallow, county Cork.
Copy of memorandum detailing the publicity arrangements for the visit by the President to Mallow, county Cork, for the reopening of the viaduct there. It notes that 'pictures will be shown throughout Great Britain in the Gaumont and Pathé News Gazettes and possibly then American editions will show a short section'. 1p
- 699 29 Nov 1923 Publicity department, Northern Ireland government. Circular copy notice from Lester concerning W.H. Bretherton, formerly of The Irish Times and author of anti-Irish articles in The Morning Post, and suggestions that he would join the Publicity department of the government of Northern Ireland after the general election in England. Lester concludes 'Mr Bretherton's gifts might be more an embarrassment than an acquisition to any official or semi-official department'. 1p
- 700 23 Feb 1924 Irish cases in England. Letter from Lester to Kennedy with information from an English telegraph agency concerning cases of Irish interest in England; copy letter from Kennedy to the Minister of External Affairs requesting him to obtain further details about one of the cases and copy letter from Kennedy to Lester explaining the origin of the cases. 3 items
- 701 29 Feb 1924 Economic and fiscal affairs in the Irish Free State. Series of typescript extracts by the Publicity Department from British and Irish publications dealing with economic and fiscal affairs in the Free State and prepared for Ministry of Industry and Commerce, London, at the request of an 'English financial group who propose to reopen a large industrial concern ...' 8 pp
- 702 27 Feb-1March 1924 Hindu journalist. Letter from Lester to Kennedy asking him to meet St Nihal Singh, a Hindu journalist who is writing about Ireland. He stresses the publicity value of his work; copy reply from Kennedy. 2 items
- See also
P4/1658

P4/

- 703 1924 Publicity Department press cuttings: select cuttings from British and Irish papers including three articles by Dr W.H. Kennedy, University of Toronto, on the ' "practice and constitutional usage" taken over by the Irish Free State from the Dominion of Canada', Irish Independent (7-9 Feb 1924). 7 pp
- 704 March 1923-March 1924 Publicity Department press cuttings: constitutional and courts including the Courts of Justice Bill. 10 pp
- 705 9 May 1924 Publicity Department press cuttings: 'Ulster territorial integrity' and article 12 of the Anglo-Irish Treaty, Morning Post. 2 pp
- 706 2 Jan 1924 Circular copy of extract from the Daily Newsheet issued by the Irregular noting that cessation of hostilities did not infer acceptance of the Free State constitution and stating that passive resistance to its government would continue. 1p
- 707 Circular copy statement from the Publicity Department quoting extracts from articles in the New Statesman and Nation mainly concerning the dominion status of the Irish Free State. 2 pp

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iv Finance Nov 1922-June 1924

- 708 18 Nov 1922 Retirement of judges. Letter from Cornelius J. Gregg, Ministry of Finance to Kennedy, discussing the wording in legislation relating to the retirement of judges. Gregg suggests amendments which might result in less pressure being put on the Irish Government to pay compensation. 'If we can get the British Government to pay the whole compensation so much the better.' 1p
- 709 Nov 1922-Jan 1924 Law library. Correspondence between Gregg, Joseph Brennan, Secretary, Ministry of Finance and Kennedy concerning the possibility of providing credit of £1,000 for the Bar Council with which to purchase books for the Law Library, Kennedy's surprise at the delay in providing the sum and Gregg's reaction to the implication that he had promised the sum. Gregg states that no promise had been made to give the Council £1,000, merely that the proposal would be considered. He suggests Kennedy had overstated the position when he refers to the expenditure being made on the strength of Gregg's 'personal statement'.
- Letter from W[illiam] Corrigan and J[ames] A. Murnaghan to Kennedy seeking his help to obtain a grant to help purchase the Matheson and other collections of books in an attempt to replace the Law Library destroyed in the Four Courts. 7 pp
- 710 1 Dec 1922 Custodians of central funds. Copy of letter from Brennan to [William T. Cosgrave], Minister of Finance, and forwarded to Kennedy, concerning the respective positions of the Governor General and Executive Council as custodians of central funds and the constitutionality of the situation. 3 pp
- 711 15 Dec 1922 Continuance of expiring laws. Copy of a circular letter from William O'Brien, Secretary, Ministry of Finance, enclosing a circular memorandum and draft bill by the Parliamentary Draftsman on the continuation of expiring laws with supportive schedules. 24 pp
- 712 [1923] Irish lights service. Copy of letter from Kennedy to Brennan, emphasising, that in his opinion, the powers of supervision and control of the Irish Lights

P4/

712 cont.

Service was a function that had been transferred to the Irish Free State government and denies any Board of Trade jurisdiction. Suggests that adoption of the British proposal on its administration should be a temporary one pending settlement and urges that 'the constitutional position should be in no way impaired or whittled down even at the cost of some financial loss'.

2 pp

713

March 1923-April 1924

Pensions (Increase) Act, 1920,
Superannuation and Pensions Bill, 1923.
Memoranda by T.J. O'Connell, TD,

General Secretary, Irish National Teachers Organisation, concerning the existing pension situation, the shortcomings of the Pensions (Increase) Act, 1920 and the need for alternative legislation; correspondence between O'Connell and Kennedy including letter from O'Connell to Kennedy seeking his help to obtain a more 'liberal' interpretation of the Superannuation and Pensions Act, 1923 to ensure that if pensioners died between April 1922 and the passage of the act, their heirs would obtain some benefit. O'Connell feels the existing interpretation of the act is at variance with the wishes of Michael Collins, and letter from O'Connell to Kennedy concerning application of the act to teachers who taught in the Free State but who reside in Northern Ireland; copy letters from Kennedy to [Ernest Blythe] Minister of Finance detailing the points raised by O'Connell and commenting on them, and to [Arthur V. Matheson] Parliamentary Draftsman, referring to the statutory rules for transferred national school teachers, advising that they be made retrospective to 1 February 1922 and placing his ruling in a constitutional context.

21 pp

714

6 March 1923

Financial control in the Irish
Free State. Circular copy of

memorandum by Brennan, distributed to ministers by order of the President, concerning the nature of and procedure relating to financial control in the Free State. with special reference to the role played by the Minister of Finance. Stresses the need for an improvement to the existing situation by 'strict compliance' with the procedure he outlines.

3 pp

715

9-24 March 1923

Provisional Collection of Taxes Act,
1913, British Finance Acts, 1922.

Letter from Gregg to Kennedy raising points in relation to the Provisional Collection of Taxes Act, 1913 and the British Finance Acts, 1922; acerbic letter from Matheson with copy of letter from Gregg to Kennedy, commenting on the points raised by Gregg and noting most had been dealt

P4/

- 715 cont. with already; minute from Gregg to Kennedy reminding the Parliamentary Draftsman to draft an order adapting the Committee on Ways and Means under the Provisional Collection of Taxes Act, 1913. 7 pp
- 716 19 March 1923 Destruction of woods. MS draft covering letter with amendments by Kennedy to the Minister of Finance for a minute from the Minister of Fisheries concerning re-instatement provisions for looted or destroyed woods and related amendment. 1p
- 717 20 March-18 April 1923 Governor General's Salary and Establishment Act, 1923. Draft bill with MS amendments by Kennedy making provision for the salary of the Governor General and the maintenance of his official residence with MS draft of letter by Kennedy to Brennan stressing the desirability of the bill; memorandum by Kennedy for Brennan noting the need to have the salary of the Governor General 'specially fastened on the Central Fund' and referring to the legal aspects of the matter; note from J.J. McElligott, Ministry of Finance,, to Kennedy seeking details about the appointment and powers of the Governor General. 'Did he have one of these long screeds on his appointment such as the Lord Lieutenant had?'; copy reply from Kennedy to McElligott describing the relevant documents. 11 pp
- 718 23-24 March 1923 State solicitors. MS draft with amendments and copy letter from Kennedy to Gregg concerning the appointment of local state solicitors and the salary of the Chief State Solicitor. 2 pp
- 719 26 March 1923 Court Establishment Officer. Memorandum by Gregg describing the need for the appointment of an Establishment Officer in the courts, emphasising future recruitment of staff to the courts by civil service methods and suggesting the appointment of Gerald Horan as the Establishment Officer; covering letter from Gregg to Kennedy. 3 pp
- 720 9 [Feb/March] 1923 Double Taxation (Relief) Bill, 1923. MS draft letter from Kennedy to Cosgrave (Minister of Finance) concerning examination of the draft Double Taxation (Relief) Bill. 1p

717
See also
 P4/207-8

P4/

- 721 April 1923 Adaptation of Taxing Statutes.
Memoranda from the Office of
Revenue Commissioners concerning
policy pending the adaptation of taxing acts particularly
with reference to British possessions and the law and
procedures relating to the recovery of Crown debts; related
letter and minute from W.D. Carey, Secretary, Office of the
Revenue Commissioners, Bartholomew Collins, Office of the
Revenue Commissioners and Gregg. 8 pp
- 722 14 July 1923 Admiralty oil tanks. Letter from
Brennan to Kennedy requesting his
opinion about the use of oil tanks
maintained by the Admiralty at Haulbowline, Rathmullen and
Berehaven with reference to the terms of the Treaty. 1p
- 723 (Jan-Sept-) Oct 1923 Revenue bonds and recovery of
taxes. Letter from Leon Mac
Amhlaibh, Secretary, Minister of
Finance, seeking his opinion on a memorandum on revenue bonds
and the recovery of taxes; memorandum by R. Martin, solicitor,
Office of the Revenue Commissioners, concerning the recovery
of taxes, duties and bonds and the constitutional problems in
so doing. Incorporates copies of related correspondence of the
Commissioners. 17 pp
- 724 9 Nov 1923 Salaries of District Justices. Copy
of letter from Kennedy to the
Secretary, Ministry of Finance,
concerning the procedure for deciding on the salaries of
district justices and objecting to efforts by the Minister of
Finance to obtain responsibility for fixing the amount they
would be paid. ...'the pollution of justice by Castle inter-
ference will be opposed tooth and nail and indeed I, personally,
will not stand for anything of the kind'. 3 pp
- 725 16 (-22) Nov 1923 National loan. Letter from
Ernest Blythe, Minister of Finance,
to Kennedy, asking him to be present at
a meeting with business men which he is having to secure their
views about the national loan and to learn the extent to which
the Government 'can hope to receive the cooperation for this
purpose of the commercial interests of the country'; circular
letter to public representatives from Blythe outlining the
advantages of supporting the national loan and urging each one
to encourage holders of substantial funds in his constituency
to invest in it; copy circular letter from Blythe suggesting
that ministers make a minimum subscription of £500 to the

P4/

- 725 cont. national loan. He notes that members of the Cumann na nGaedheal party will possibly be subscribing £200 each. 3 pp
- 726 (July 1921-) Jan 1924 Inland lakes. Letters from McElligott to Kennedy enclosing copies of correspondence between George Burnett, Quit Rent Office, and the solicitors of the estate of Margaret E. Kirwin, concerning a dispute about the title of the State to the bed and soil of an inland lake, Lough Corrib, and copy of a letter from Burnett seeking advice on the sale of land abutting on inland lakes and the preservation of State rights. 12 pp
- 727 28 Nov 1923 Dublin Metropolitan Police pay reduction. Copy letter from Kennedy to the Minister of Finance in which he discusses the proposed reduction in pay of the Dublin Metropolitan Police, the basis on which the reduction would operate under the Treaty and the relevant legislative provision. 3 pp
- 728 5 Dec 1923 Estate Duty Grant Order, 1923. Letter from Brennan to Kennedy requesting an amendment to the Estate Duty Grant Order, 1923, with reference to payment from the central fund. 1p
- 729 Civil Service Commission. Letter from Gregg to Kennedy concerning the Government's proposal to establish a civil service commission similar to the British model. He outlines the legal basis for the operation of the commission, suggesting a bill entitled 'Public Service Bill' and inclusion of many of the provisions of the relevant 1910 and 1920 orders in council. 2 pp
- 730 3-14 Jan 1924 Court criers expenses. Correspondence between Kennedy and McElligott concerning expenses of court criers including letter from Kennedy strongly recommending their case and describing the exigencies of their work and employment; letter from Kennedy to Judge W.H. Brown, county court judge for Cavan, noting the nature of the settlement and pointing out its temporary character 'to avoid hardship to the criers pending the reconstitution of the courts'. 7 pp

P4/

- 731 (Dec 1917-) 9 Jan 1924 Foreshore: mines and minerals.
Letter from McElligott to Kennedy
enclosing copies of correspondence
from the Quit Rent Office and the Land Registry arising out
of discussion on the form of entry in registers in the Land
Registry for sales to tenants of lands which had originally
formed part of the foreshore vested in the Crown and noting
the need for clear indication of State title to minerals. 5 pp
- See also
p4/781, 784
- 732 4-22 Jan 1924 Foreign registered companies and
tax liability. Letter from Sir
 James Dunn, London, to T.M. Healy,
 Governor General, informing him that companies incorporated
 under Belgian law but transacting business abroad were only
 liable to a tax of four percent and suggesting a similar
 arrangement for foreigners registering companies in Dublin.
 Encloses copy of an extract from a letter to him on the
 subject; copy letter from Kennedy to the Minister of Finance
 enclosing copies of the relevant parts of the letters and
 letter of acknowledgment from Mac Amhlaibh informing him
 that the Minister was bringing the information to the attention
 of the Revenue Commissioners. 6 pp
- 733 5 Feb 1924 British companies and registers of
Irish shareholders. Letter, marked
 urgent, from Gregg to Kennedy
 concerning the possibility of getting British companies
 trading in the Free State to open registers for Irish share-
 holders. Notes the importance of such registers for assessing
 death and stamp duties and details the necessity of adapting
 the Company (Consolidation) Act, 1908 to provide a legal
 basis for the opening of the registers. 1p
- 734 8 Feb 1924 Gold and silver export. Letter
 from McElligott to Kennedy requesting
 his interpretation of the Adaptation
 of Enactments Act, 1922 in relation to a proclamation of 7
 February 1921. A ruling is sought about the position of the
 Free State in exporting gold and silver to Great Britain
 and Northern Ireland with or without a licence as a result
 of the use of the expression 'United Kingdom' in the
 proclamation. 1p
- 735 3 March 1924 Departmental staff return. Letter
 from Mac Amhlaibh to Kennedy
 enclosing a copy of Return of staff
in Government departments. 2 items

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- 736 7 March 1924 Investigation of civil servants suspected of complicity with Irregulars.
Circular letter from Gregg to ministers concerning the appointment and functions of a committee to investigate cases of civil servants and other public officials arrested or interned on suspicion of complicity with the Irregulars. Details the procedure to be used by ministers in cooperation with the work of the investigating committee. 2 pp
- 737 7-10 March 1924 Repayment for meals. Circular letter from McElligott to Kennedy requesting repayment due on meals supplied out of public funds to government officials during June and July 1922 when they had remained on duty in government buildings; copy reply from Kennedy enclosing payment but expressing his intention of examining his account and where necessary, making a counterclaim. 2 pp
- 738 2-20 May 1924 Railways Bill, 1924. Copy of letter from Brennan to Kennedy raising objections to changes made by Kennedy in the wording of the Railways Bill and also noting that as a 'matter of taste', split infinitives should be avoided; MS draft letter with amendments by Kennedy to the Minister of Finance concerning the proposed insertion of a clause in the Bill and objecting to the terminology suggested.
- Letter from P.J. Tuohy of the Dublin Branch of the National Foremen's Association (Engineering and Allied Trades) suggesting points for consideration in the bill with copy letter of acknowledgment by Kennedy and copy letter to the Minister of Industry and Commerce drawing his attention to Tuohy's letter. 12 pp
- 739 16 May 1924 Governor General, the Oireachtas and State funds. Letters to Kennedy from Brennan describing the circumstances in which the Governor General on the advice of the Executive Council and under article 37 of the Constitution, might recommend the appropriation of State funds and seeking advice on the relevant wording. Also discusses use of the expression 'out of moneys provided by the Oireachtas' and the respective implications of 'provision' as opposed to 'appropriation'. 4 pp

- P4/
- 740 19 May 1924 Electricity Supply Bills. Letter, marked urgent, from McElligott to Kennedy requesting amendments to Electricity Supply bills to include a saving clause protective of State property. Encloses a copy of the Crown saving clause used in private bills in Britain; typescript copy extract from a private bill incorporating a saving clause to protect Crown property. 2 items
- 741 7 Feb-22 May 1924 Land Commission stock and annuities; Civil, RIC and other pensions and salaries. Letter from Mac Amhlaibh to Kennedy enclosing memoranda mainly prepared by the Office of Revenue Commissioners; copy of memorandum by Collins concerning the legal position of the Land Commission annuities particularly with reference to the Transfer of Functions Order (1922) and the administration of the land purchase and guarantee funds; copy of related memorandum by [Sean] Fitzgerald, Office of the Accountant General, detailing receipts and disbursements of the British Government's land stock account; copy of memorandum concerning payment of pensions to judges, public officials and members of the RIC; copy of related memorandum by Fitzgerald summarising tax in respect of civil and RIC pensions and salaries of loaned staff. 22 pp
- 742 May 1924 Canvassing. Circular letter to all ministers from Gregg enclosing a notice by the Civil Service Commissioners on the use of influence on behalf of candidates for public appointments. 2 items
- 743 27 May 1924 Standing Counsel to the Commissioners of Inland Revenue. Copy letters from Kennedy to William O'Brien, Chairman, Commissioners of Inland Revenue, and to the Minister of Finance, informing them of the nomination of John A. Costello as Standing Counsel to the Commissioners of Inland Revenue. Outlines the duties of the Standing Counsel. 3 pp
- 744 29 Jan-June 1924 Publication of Dail Eireann statutes. Correspondence between Kennedy and A.D. Codling, Ministry of Finance, concerning publication of Dail statutes and decrees, discussing the content of the volumes with particular reference to the First and Second Dail, the Provisional Government and the Constitution including British statutes dealing with the Constitution. 2 pp

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- 745 [1923] Stockbrokers licences. Memorandum describing statutes concerning the issuing of licences to stockbrokers and the implications of these for the Minister of Finance. 3 pp
- 746 [1924] Savings Certificates Regulations. Typescript copy of the Savings Certificates Regulations, 1923, issued by the Minister of Finance under the Central Fund Act, [1924]. 18 pp
- 747 19 May [1924] Health Insurance Act, 1924. Printed copy of the act forwarded to Kennedy from the Minister of Finance. 3 pp
- 748 19 May [1924] Reciprocal enforcement of judgments and orders Bill, 1924. Printed copy of the bill forwarded to Kennedy from the Minister of Finance. 7 pp
- v Revenue Commissioners Dec 1922-Oct 1923
- 749 27 Dec 1922 Public service funds. MS note (in Irish) from Sean Fitzgerald, Accountant General's Office, Office of the Revenue Commissioners, to Kennedy enclosing typescript copy of order by the Executive Council to William T. Cosgrave, Minister of Finance, concerning the release of funds for the public service and typescript list of ministries and offices with the sum allocated to each for the financial year ending March 1923. 4 pp
- 750 5 April [1923] Selection of counsel. Letter, marked personal, from Richard Martin, Solicitor of Inland Revenue, to Kennedy asking his advice about the counsels to whom he should send briefs for opinion in an income tax case in the High Court. 1p

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- 751 (1922-) April 1924-
Jan 1924 Excisable liquors. Letter from C.J. Flynn, Office of the Revenue Commissioners to Kennedy describing the complex situation in which 'excisable liquors' are sold in the House of Commons, apparently without licence; copy of memorandum describing the legal basis for the sale of excisable liquor in the House of Commons and examining its validity; printed circular copy of Treaty regulating the traffic of liquor between Britain, the dominions and the United States; typescript circular copy of Supreme Court of the United States ruling and dissenting opinion on appeals by foreign and domestic registered shipping companies. 4 items
- 752 29-30 Oct 1923 Mint report. Letter from A.S. Roberts, Director of Stamping, Office of the Revenue Commissioners, to Kennedy, enclosing a copy of the Mint report with copy letter of acknowledgment from Kennedy. 2 pp
- 753 15-16 Oct 1923 Selection of counsel. Letter from Martin to Kennedy asking him for suggestions for counsel in the case of J.B. Evans v W.F. Phillipps, Inspector of Taxes with copy reply from Kennedy suggesting S.L. Brown, KC and Timothy Sullivan, KC. 2 pp
- vi Home Affairs Dec 1922-May 1924
- 754 29 Dec 1922 Quarter sessions. Circular letter from Henry Friel, Secretary, Ministry of Home Affairs to Sir George Fottrell, Clerk of the Peace, enclosing a specimen form of precept for the holding of quarter sessions in the Free State and three specimens of those it is replacing. 1p
- 755 March 1923 Witnesses expenses. Covering note from the Office of the Clerk of Crown and Peace with two blank specimen cheques for witnesses expenses. 3 items

P4/

- 756 28 Feb; 28 April 1923 Civic Guard station distribution. Circular copies of lists of Civic Guard stations by county, issued by the Ministry of Home Affairs. 6 pp
- 757 14-28 March 1923 Kathleen Brady case. Letters mainly from Lynch and Deering (solicitors) to Kennedy, to the Adjutant General and to the Minister of Home Affairs, relating to the arrest of Kathleen Brady and confiscation of deposit receipts for £4,000, which, it is claimed, were intended for the Prisoners' Dependent Fund. Includes personal letter from Thomas Coyne, Secretary to the Minister of Home Affairs to the President, Executive Council, containing note from Cosgrave that the receipts should not be released without positive proof that the money belongs to the Prisoners' Dependent Fund; copy letter from Lynch and Deering to the Adjutant General claiming that a deposit receipt for £1,500 had been taken by the police in a raid on the Brady home in Belfast. Lynch suggests that if the raid was made at the request of the Free State Government, could he ensure that the deposit receipt was returned because the sum concerned had no relation to the £4,000 belonging to the Prisoners' Dependent Fund. 11 pp
- 758 19 March 1923 Censorship of films. MS draft of covering letter by Kennedy with amendments to the Minister of Home Affairs with draft of a bill on the censorship of films and noting other ministries to which the draft should be forwarded. 1p
- 759 23 April-28 June 1923 Civic Guard Bill, 1923. Letters, mainly from Arthur V. Matheson, Parliamentary Draftsman, to Kennedy mainly concerning preparation of the Civic Guard Bill, noting points arising from the instructions of Friel, provisions in the Constabulary Act, 1836 and other acts relevant to the 'proper administration of the Civic Guard' and revision of the draft; MS notes by Kennedy concerning proposals emanating from the Ministry of Home Affairs particularly with reference to central control of the force and noting the system of organisation of the Royal Irish Constabulary; MS draft letter from Kennedy to Kevin O'Higgins, Minister of Home Affairs, detailing points about the Bill, particularly concerning the role of the Executive Council in appointing the commissioner, his deputies and officers. 19 pp

P4/

- 760 31 May-1 June 1923 Relations with Friel. Copy personal letter from Kennedy to O'Higgins commenting about alleged 'bad relations' between him and Friel which he describes simply as 'vigorous argument' about differences of opinion and resents that it should be interpreted in any other way. 'This is of the cancerous poison pervading the veins of this country'; letter of reply from O'Higgins admitting to having possibly 'overstated' his case but emphasising the need for definition of the functions of the offices of the Attorney General and Home Affairs, particularly with reference to the parliamentary draftsman who 'does not seem to be easily and directly accessible to the Executive heads of Departments' and this leads to 'friction'; draft reply from Kennedy in which he outlines the functions of the parliamentary draftsman and notes the relationship between the Chief State Solicitor, state solicitors and the Attorney General. (One letter misdated 1 July 1922). 6 pp
- 761 4 June 1923 Police matters. Copy of letter from Kennedy to the Secretary, Ministry of Home Affairs, describing at length the origins of the Office of Chief Commissioner of the Dublin Metropolitan Police, provisions in the Dublin Police Act, 1833 and in other laws, and the need for legislation to provide for the future appointment and constitution of a similar office. 5 pp
- 762 21 Sept 1923 Dail Court Commissioners. Personal letter from Coyne apologising that Kennedy's opinion, expressed in confidence on the salaries of the Dail Court commissioners, had been communicated to one of them. 1p
- 763 Nov 1923-May 1924 Reciprocal Enforcement of Judgments and Orders Bill. Correspondence between Kennedy and Friel concerning the need for a Reciprocal Enforcement of Judgments and Orders Bill. Includes typescript extracts from the statutes dealing with the execution in Ireland of warrants issued in Britain and circular copy of the Bill for the Executive Council with memorandum by Friel on its provisions. 34 pp
- 764 [Nov 1923] State solicitors. Pencilled note to Kennedy from a number of journalists asking him to release a list of state solicitors, forwarded to the Minister of Home Affairs by Kennedy requesting his authority to do so and affirmed by O'Higgins. 1p

P4/

- 765 29 Nov-31 Dec 1923 Journalists' sweepstake. Copy letter from Kennedy to the Minister; of Home Affairs informing him that a deputation of Dublin journalists had requested him to approach the Minister about the possibility of their holding a sweepstake to raise funds for the establishment of a club for Irish journalists. Kennedy writes in favour of the club and describes the method by which the sweepstake would be organised; MS note of points by Kennedy; letter from Friel to Kennedy regretting that the idea could not be entertained; copy letter from Kennedy to Cornelius Lehane informing him of the decision and letter of acknowledgment from Lehane to Kennedy, 7 pp
- 766 12 Dec 1923 Enforcement of Law (occasional powers) Act, 1923. Typescript copy of letter from Friel to Kennedy requesting that the bill for the re-enactment of the Enforcement of Law (occasional powers) Act be drafted and describing modifications and additions sought by the Minister of Home Affairs. 3 pp
- 767 20 Dec 1923 Public Safety Act. Typescript copy of letter from Friel to Kennedy requesting that a bill be prepared to continue the provisions of the Public Safety Act and describing modifications. 2 pp
- 768 [1923] Undersheriffs. Two typescript copies of a declaration of office to be taken by undersheriffs by order of the Minister of Home Affairs. 2 items
- 769 [1923] Police protection. Typescript statement concerning application for police protection by 'Mr Berry' of Howth on account of a hostile crowd at an [election meeting]. 1p
- 770 11-14 Jan 1924 Criminal Law (amendment) Act, 1885. Letter from members of the Irish Women Citizens' Association to Kennedy asking him to bring certain amendments to the Criminal Law (amendment) Act, 1885 to the attention of the Government.

P4/

770 cont.

They express particular anxiety about charges of indecent assault on children under eighteen. ...'it is unjust to hold young persons entirely responsible for their own moral conduct until they have passed out of the chaotic stages of adolescence and the period of curiosity'; copy letter of acknowledgment from Kennedy to I. Dodd of the Association and copy letter from Kennedy to the Minister of Home Affairs enclosing copy of the letter from the Association and explaining the circumstances under which he asked the women to formulate their proposals.

4 pp

771

Feb 1923-Jan 1924

Coroners Qualification Bill and appointment of coroners. Memorandum from Michael A. Corrigan, Chief State Solicitor, to the Minister of Home Affairs describing the appointment of coroners, the holding of inquests and the relevant legal provision; letter from John J. Horgan (solicitor) to Kennedy enclosing a copy letter from him to O'Higgins concerning the proposed Coroners Qualification Bill and pointing out the desirability of abolishing the practice of juries viewing corpses which he regards as 'repulsive' and as a 'relic of the dark ages' particularly in view of the reliability of medical evidence. He also points out aspects of the Juries Act, 1918 which permit a coroners jury to be dispensed with on occasion. Includes copy of an extract from the act; letter of acknowledgment from Kennedy.

7 pp

772

22 Jan 1924

Release on licence. Copy of letter from Kennedy to the Minister of Home Affairs discussing procedure for validating a release on licence with copy of the appropriate warrant.

2 items

773

18-26 Jan 1924

See also
P4/ 797-8

Dental Board. Letter from J.P. Clare, Secretary to the Minister of Home Affairs inquiring about the registration of dentists in the Free State and enclosing copy of a letter from W. Holohan to the Minister concerning his registration as a dentist with the Dental Board of the United Kingdom; copy of letter from Kennedy to O'Higgins briefly describing the legal position of dentists in the Free State and noting the necessity of establishing an Irish dental board.

10 pp

774

20 Feb 1924

Jurors and witnesses. Letter from Friel to Kennedy thanking him for a communication and informing him that twenty copies of the Douay Testament had been acquired by the Clerk of Crown and Peace for the use of jurors and witnesses in Green Street courthouse.

1p

P4/

- 775 12 April 1924 District Justices. Copy letter from Kennedy to the Minister of Home Affairs criticising the tendency among some district justices to canvass for jobs for friends, complaining about one in particular, and drawing attention to the fact that he had even engaged in newspaper correspondence on another matter. He urges O'Higgins to communicate with district justices about the undesirability of such activities. 2 pp
- 776 6-12 May 1924 Roger Casement. Letter from O'Higgins to Kennedy concerning proposed publication of an article [by the former English public executioner] on Roger Casement. Senator James Douglas had suggested suppression of the newspaper concerned unless the article was withdrawn and O'Higgins solicits Kennedy's views; copy of letter from Kennedy to O'Higgins informing that the newspaper could not be suppressed but suggesting that the matter be taken up with the British Government. 'It seems to me that they ought to have some control over the publication by their retired civil servants of matters of information collected by them in the course of their employment.' 2 pp

vii Civic Guard March 1923

- 777 14 March 1923 Civic Guard Cadets. Letter from Eoin O'Duffy, Commissioner, Garda Siochana, to Kennedy thanking him for drawing his attention to an error in an advertisement for cadets in the Guards and enclosing a printed copy of particulars for the posts. 5 pp

P4/

viii Industry/Commerce Feb 1923-June 1924

- 778 24 March-12 May 1923 Patents, Trademarks and Designs.
See also Letter from Pr[oinnsias] Ó D[ubhtaigh],
P4/193, 263, 486 Secretary, Ministry of Education, to
Kennedy, enclosing copy of a letter from Dr Hugh Ryan, Professor
of Chemistry at University College Dublin, concerning the
discovery by a research student, James Drumm, of a method of
'converting naturally occurring organic substances ... into
dyes' and his position with regard to the patenting of the
discovery.
- Letter from Gordon Campbell, Secretary, Ministry of Industry
and Commerce to Kennedy concerning the need for legislation
on patents, trademarks and designs. Suggests simplification
of the British procedure with regard to patent registration and
inclusion of a clause to enable the Minister to reject trademarks
and designs of an Irish character for goods not 'produced or
manufactured substantially in Ireland'. Notes the difficulties
which may arise with patents issued by the British Patent Office.
- Memorandum with MS amendments by Senator [William] Barrington,
[Institute of Civil Engineers], about the establishment of a
patent office, emphasising the need for strictness in its
investigation procedures, its value to the state in terms of
revenue and suggesting a lengthier period of patent validity
than is the practice in Britain. 9 pp
- 779 5-6 May 1924 Registration of Business Names.
Letter to Kennedy from Richard
Mulcahy, TD, referring to malpractice
in the registration of business names and quoting from a
letter he received on the subject. His correspondent complains
about 'adventurers, especially Jews, ... opening up business
under Irish names, ... hiding their identity...'; copy letter
of acknowledgment from Kennedy and copy letter from Kennedy
to Patrick McGilligan, Minister of Industry and Commerce,
pointing out his department's responsibility in the
enforcement of the Registration of Business Names Act. 3 pp
- 780 Feb-May 1924 Industrial and Commercial Property
(Protection) Bill. Letters and
observations with text of the
Industrial and Commercial Property Bill circulated by Campbell
to the Executive Council. Includes examination of the
applicability of the Copyright Act, 1911 and reports by the
Irish Federation of Arts and the Irish Playwrights Association
on the subject of copyright. 16 items

P4/

- 781 April 1923-Jan 1924 Foreshore: Leases and Licences.
See also Letters to Kennedy from Campbell
P4/731, 784 seeking advice about the form
of wording to be used in leases and licences in respect of
foreshore and about related regulations and provisions under
article 11 of the Constitution. Includes sample Board of Trade
leases. 6 items
- 782 9 Oct-23 Nov 1923 Irish Kennel Club. Letters from
See also Campbell to Kennedy concerning
P4/686 non-recognition of the Irish Kennel
Club in America and informing him that the matter should be
referred to the Minister of External Affairs. 2 pp
- 783 Nov 1923-June 1924 Insurance. Copies of letters
sent to Kennedy from the Ministry
of Industry and Commerce concerning
the Hibernian Fire and General Insurance Company and the
position of its policy holders arising out of the Government
of Ireland Act, 1920. 6 pp
- 784 17 Feb; 18 Dec 1923 Foreshore. Minute from M. Deegan,
See also Ministry of Industry and Commerce,
P4/731, 781 to Kennedy, requesting his opinion
in a case in which tenants had paid a landlord for the right
to gather seaweed although the foreshore belonged to the Crown.
- Letter from Campbell to Kennedy in relation to the procedure
for publishing prohibitory orders preventing the removal of
sand and shingle from the foreshore. Notes that the
Adaptation of Enactments Act, 1922, did not provide an
alternative publication to the London Gazette. 2 pp
- 785 March-May 1924 Mining licences and leases. Letters
from Campbell to Kennedy seeking
advice about the procedure to be
followed in granting licences and leases for the mining of
minerals and base metals. 2 pp

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ix Agriculture Dec 1922-April 1924

786

Dec 1922-June 1923

Land Commission; transfer of services,
land purchase and related financial
liability. Letters from Patrick Hogan,

Minister of Agriculture, to Kennedy concerning the Land Commission and related matters. Includes memorandum on the Land Bill, 1920, detailing its purpose with reference to compulsory purchase, the role of the Congested Districts Board and the Estate Commissioners and the present effects of the Bill (Dec 1922); memorandum concerning pending sales by the Commission and the Congested Districts Board with particular reference to the difficulties of financing the sales and the role of the Treasury in the sales to date; memorandum on land seizure which notes 'landlords on their part are in the mood to take very moderate terms ... land purchase must be completed by law and not by force' (Dec 1922); memorandum concerning excess and bonus Commission stock in which Hogan notes conclusions reached at a meeting of the Cabinet Committee on Irish Affairs. Emphasises the need to contend that the 'Transfer Order does not impose any liability on us in this connection' and refers to the transfer of the administration of Land Commission services (Jan 1923); typescript copy and MS draft reply from Kennedy to Hogan detailing the position of the Provisional Government under the Transfer of Functions Order with reference to capital liability. Concludes that 'Land Stock liability is part of the Public Debt of the United Kingdom to be apportioned under Article 5 of the Treaty'. Details the position of the Commission under the Irish Free State (Consequential Provisions) Act, 1922 [Jan 1923]; copies of correspondence between A.P. Waterfield and Hogan concerning the administration of land purchase services, financial implications and quit rents (March 1923); copy of a memorandum by John T. Drennan, Secretary, Land Commission, concerning the sale of the estate of R.A. Studdert and the difficulties involved because of the refusal by tenants to accept liability for payment of a drainage maintenance rate and related correspondence (June 1923); memorandum concerning the 'guarantee fund' created under the Purchase of Land (Ireland) Act, 1891 and the Ireland Development Act, 1903 with related analysis in view of the transfer of Land Commission functions.

44 pp

787

6 Feb 1923

Land Acts 1903, 1909. Typescript
copy extracts from statements made
in the House of Commons on the

1903 and 1909 Land Acts, forwarded to Kennedy by the Secretary to the Minister of Agriculture.

3 items

P4/

- 788 April 1923-April 1924 Land Bill, 1923. Letters mainly
 See also from Hogan to Kennedy concerning
 P4/1496, 1506 the Land Bill. Includes circular
 copy of letter from Hogan to the President, Executive Council
 describing the difficulty of passing an equitable land bill
 given the state of agrarianism in the country. Suggests priorities
 in legislation. 'In the meantime no Land Bill which would be
 even fair as between the tenants and the landless men - not to
 speak of the landlords - could be introduced ' (7 April 1923);
 memorandum by Hogan describing an inconclusive meeting of the
 Land Purchase and Arrears Conference with details of the demands
 made by the tenants and landlords and their respective financial
 implications. He concludes that the Land Bill should give
 'better terms to the tenants than the 1920 bill' while expressing
 the hope that it would also give 'what relief [we can] to the
 landlords, especially to the poorer landlords' (17 April 1923);
 MS letter from Gerald Horan to Kennedy suggesting that the Bill
 include a clause to transfer the power and authority vested in
 the Land Judge to the Land Commission; letter and memorandum
 from James Rogers (solicitor) to Kennedy on the Land Bill
 with reference to the functions and procedures of the Land
 Commission; letter from Lord Dunraven to Kennedy requesting
 clarification of fishing rights under the Bill and related letter
 from Hogan to Kennedy arising out of his inquiry. 24 pp
- 789 27 April 1924 Note, marked personal, from Hogan
 to Kennedy expressing astonishment
 that some bills were still with
 the Ministry of Finance. 1p
- 790 [1923] Tenant interest and annuity rates.
 MS notes of calculations by Hogan
 on tenant interest and annuity rates.
 1p

P4/

x Land Commission July 1923

- 791 3-9 July 1923 Temporary examiners. Letter from Judge William E. Wylie, Judicial Commissioner, Irish Land Commission, to Kennedy seeking his opinion about individuals suitable for positions as temporary examiners in the Commission with MS note by Kennedy of additional names; copy reply, marked confidential, from Kennedy commenting on the names suggested. 3 pp

xi Fisheries May 1923-May 1924

- 792 Jan-May 1924 Fisheries Bill, 1923. Material relating to the Fisheries Bill including MS notes, some by Kennedy; newspaper cutting relating to the question of penalties; letter from John J. Steann to Kennedy and summary and analysis of relevant points in statutes referred to by Lord Glenavy in relation to the Bill; memorandum for the Parliamentary Draftsman detailing legislation already enacted relevant to the proposed Bill and other points requiring enactment particularly with reference to fish protection during the closed season and the use of explosives in fishing; letter from Frank V. Gordon (solicitor) to Kennedy enclosing a list of books on fishery laws belonging to C.W.R. Brady, forwarded by Kennedy to the Minister of Fisheries. 19 pp
- 793 25 May 1923 Land Law (Commission) Bill, 1923. Memorandum by Fionan Lynch, Minister of Fisheries, to Kennedy concerning the inadequacy of the draft Land Law (Commission) Bill with reference to the transfer of fishery functions from the Congested Districts Board to the Minister of Fisheries. 2 pp

P4/

xii Local Government March 1923-May 1924

- 794 19 March 1923 Electoral Bill, 1923. MS draft covering letter with amendments by Kennedy to the Minister of Local Government with amendments to be proposed by James Douglas in the Senate to the Electoral Bill. 1p
- 795 18 July-12 Aug 1923 Chapel Royal, Dublin Castle. Letter from W. Gilligan, Secretary to the Minister of Local Government, enquiring about the Chapel Royal in Dublin Castle and copy reply from Kennedy commenting on its past use, noting that it was never a Roman Catholic chapel and hoping that it might continue to be used as a church; correspondence between H.J. Lawlor, DD, and Kennedy concerning the Chapel Royal. Lawlor notes that Judge Samuels had seen the Governor General and put Kennedy's views about its use to him. The Governor General had agreed with the views. Lawlor hoped that it might be possible to resume services there in October but Kennedy doubted that this would be possible until after the election. 6 pp
- 796 [1923] Health Insurance Acts. Circular copy of memorandum on procedure in connection with disputes, arbitration and appeals under the National Health Insurance Acts, 1911 and 1913. Includes National Health insurance medical certificate. 9 pp
- 797 March-May 1924 Dentists Bill, 1924. Correspondence between Kennedy and John Cusack, Solicitor to the Irish Dental Association, concerning a proposed Dentists Bill and correspondence between Kennedy and James A. Burke, Ministry of Local Government, concerning the draft of the Bill. Kennedy urges the establishment of the dental profession in Ireland as a separate body from the English practitioners. Includes typescript draft of the Act. 32 pp
- See also
P4/501
- See also
P4/773,798

P4/

- 798 May 1924 Medical and Dental Professions.
See also Material relating to the dental and
P4/499, 773, medical professions including
797, 1208 typescript report of a committee representing the Royal
 Colleges of Surgeons and Physicians, the universities and
 Apothecaries Hall, in which the existing licensing institutions
 are discussed, the possible establishment of a medical council
 and register considered and the conclusion is reached that the
 present system of medical and dental registration should be
 unaltered [May 1924]; copy of memorandum detailing the functions
 and construction of the General Medical Council and the Dental
 Board with particular reference to Irish practitioners; letter,
 marked personal, from Sir William de Courcy Wheeler, President,
 Royal College of Surgeons, to Kennedy offering to assist the
 Government in an advisory capacity with reference to control
 of medical education and copy reply from Kennedy noting that
 the pressure created by existing bills before the legislature
 precluded any immediate action in that area; final four pages
 on memorandum by Kennedy on reciprocity between Britain and
 the Irish Free State with reference to the education and
 registration of members of the medical profession, touching
 on the medical schools and hospitals in Dublin, the proposed
 Irish Medical Council and Irish representation on the British
 Medical Council; MS draft of memorandum. c.30 pp

xiii Postmaster General March 1923-Feb 1924

- 799 16 March-23 July 1923 Appointment of Counsel. Persistant
 letters from J. Cahalan, Assistant
 Secretary, General Post Office, to
Kennedy requesting him to consider the appointment of counsel
of the Post Office with copy reply from Kennedy nominating
John A. Costello for the position. 5 pp
- 800 16 March 1923 Irish Free State (Consequential
 Provisions) Act, 1922, Irish Free
 State (Adaptation of Enactments)
Order, 1922. Copy of letter from J. Booth, Secretary, General
Post Office to Kennedy with observations on four sections of
the Adaptation of Enactments Order. 3 pp

P4/

- 801 June 1923-Feb 1924 Cables at Waterville, county Kerry.
Correspondence relating to the
application of the Commercial Cable
Company to lay cables at Waterville, county Kerry and to its
referral to the Executive Council. Includes copies of
correspondence between the Western Union Telegraph Company,
General Post Office and the Secretary, Office of the Executive
Council (27 Aug-2 Oct 1923); copy of memorandum concerning the
position of cables in county Kerry in 1922 for which licences
were held by the Commercial Cable Company and Western Union
Telegraph Company respectively (30 July 1923); copy memorandum
by Gordon Campbell, Secretary, Ministry of Industry and
Commerce stating that licences to lay cables foreshore could
not be granted without a number of difficulties being resolved
(2 Oct 1923); letter from Diarmuid Ó hEigeartaigh, Secretary,
Executive Council to Kennedy referring to confusion in the
matter of granting permission to the Commercial Cable Company,
the conflict in evidence over the issuing of provisional
licences and suggesting means by which the situation could
be formalised (5 Dec 1923); correspondence between Kennedy and
J.J. Walsh, Postmaster General (July 1923). 44 pp
- 802 Nov 1923 Broadcasting service. Printed
circular letter from Walsh
analysing the establishment,
funding and operation of a broadcasting service by the
Post Office. 3 pp
- 803 Nov 1923 Ships wireless licences. Copy
of a letter from Booth detailing
the need to grant wireless licences
to about thirty five ships registered in the Irish Free State,
forwarded to Kennedy by Ó hEigeartaigh. Includes copy of the
licence issued for British registered ships with required
changes in terminology noted. 3 items

P4/

xiv Office of Public Works May 1924

- 804 15-17 May 1924 State symbol. Covering letter from [James J. Healy], Secretary, Office of Public Works, to Kennedy enclosing four coloured prints of the proposed design for a state symbol for government buildings; copy letter of acknowledgment from Kennedy's secretary stating his colour preference and asking if the design should be submitted by him for government sanction. 2 pp

xv Land Registry March 1923-Jan 1924

- 805 12-24 March 1923 Transfer of records to Northern Ireland. Correspondence between Kennedy and W.E. Glover, Registrar of Titles, Land Registry, including copy of letter from Glover anxiously inquiring about the possible transfer of records relating to the six north eastern counties to Northern Ireland and noting that their retention 'imposes considerable extra work on our Secretariat in replying to letters from indignant Solicitors in the North'; MS draft of letter from Kennedy to Kevin O'Higgins, Minister of Home Affairs, concerning the procedure for the transfer of the records and emphasising that nothing is being transferred from the Registry of Deeds. Encloses MS draft of order for O'Higgins authorising Glover to transfer the relevant records and requesting he obtain a receipt for them and MS draft of letter for O'Higgins to T.M. Healy, Governor General informing him about the matter and requesting he advise the Secretary of State for the Colonies accordingly. Notes that the British Government had undertaken to return records relating to lands restored to the Irish Free State by the Boundary Commission. 5 pp
- 806 31 Dec 1923-8 Jan 1924 Registration of Title. Correspondence between Kennedy and Glover including letter from Glover offering to send Kennedy some suggestions for revising the existing system of land registration in view of the Judiciary Bill and noting with satisfaction that the Land Registry had been assigned to the Ministry of Justice under the Ministers and Secretaries Bill; letter from Glover detailing the 'important deficiencies' in the system of registration of title and suggesting suitable remedies for a 'properly organised cadastral system'. 16 pp

P4/

xvi Valuation Office July 1923

- 807 6-9 July 1923 Valuation Acts. Covering letter from A.M. Fullerton, Office of the Commissioner of Valuation, to Kennedy enclosing a summary of valuation acts and copy letter of thanks from Kennedy. 2 pp

xvii Stationery Office June-Oct 1923

- 808 20-23 June 1923 Publication of statutes. Letter from John Houlihan, Controller, Stationery Office, to Kennedy, thanking him for a letter concerning the difficulty of obtaining copies of statutes. He outlines the procedure the Office employs in relation to Dail Eireann and its marketing process. He also refers to the availability of specific statutes and the draft constitution; copy reply from Kennedy reiterating points of importance about publishing statutes and emphasising the importance of the availability of the Constitution ... 'in order to put an end to the dishonest polemics of the so-called Republicans'. 4 pp
- See also
P4/1231
- 809 30 Oct 1923 Copy letter from Kennedy to Houlihan acknowledging a memorandum by 'Pulling' and thanking him for his congratulations [on Kennedy's election victory]. 1p

xviii Office of Arms Nov 1922

- 810 22-25 Nov 1922 Irish Flag. Copy letter from Kennedy to Thomas Ulick Sadleir, Registrar, Office of Arms, requesting a memorandum on the Irish flag and on the possibility of having a paying genealogical office in the Public Record Office; copy of covering letter from Sadleir with copy of memorandum discussing alternative designs for the Irish flag, actively promoting the Irish harp emblem and noting that the tricolour might 'be objected to as retaining the orange for Ulster'. 4 pp

P4/

- 811 27 Nov 1922 Functions of the Office of Arms and its relation to the Public Record Office. Original and copy of letter from Sadleir to Kennedy enclosing list of the functions of the officials in the Office of Arms, copy of letter from Sir Neville Wilkinson, Ulster King of Arms, with scale of fees payable for work undertaken by the Office and memorandum outlining a scheme for making the Office a branch of the Public Record Office. 10 pp

xix Clerk of Crown and Hanaper
Dec 1922

- 812 5-6 Dec 1922 Great Seal of Ireland. Letter from Gerard Horan, Clerk of Crown and Hanaper, to Kennedy informing him that he had handed over the Great Seal of Ireland to the 'Imperial Representative' at Viceregal Lodge but was retaining the 'former' Great Seal; copy letter from Kennedy endorsing his actions and mentioning that his future position as an 'officer of our show' was under consideration. 2 pp

xx Commissioners of Charitable Donations and Bequests May 1923-May 1924

- 813 7 May 1923 Royal Hibernian Military School. Private and formal covering letters from Thomas Bodkin, Secretary, Commissioners of Charitable Donations and Bequests for Ireland, to Kennedy, enclosing copy of memorandum by the Master of the Rolls on the administration of the Royal Hibernian Military School. Bodkin requests Kennedy to keep his name in mind if an institution is created to deal with the administration of art institutions; memorandum outlines the status of the governors and their powers under the letters patent by which they were constituted with particular reference to property, land and funds and suggesting the institution of a proceeding of quo warranto or scire facias by the Crown or the Irish Free State to have the ruling body of the School dissolved. Includes schedule of funds and properties in which the School had a share. [Additional copy made by Kennedy]. 24 pp

P4/

- 814 29-31 July 1924 Functions of the Commissioners.
Copy letter from Kennedy to Professor W.E. Thrift, TD, in which he advises him about changes in the operations of the Commissioners and the introduction of a suitable private bill with their consent; letter from Thrift to Kennedy thanking him for his advice which he was forwarding to Robert Miller, Bishop of Cashel, Emly, Waterford and Lismore. 3 pp
- 815 25-26 Feb 1924 Change of location and importance of Commissioners records. Letter from Bodkin to Kennedy concerning the transfer of the Commissioners to new premises. Relates a conversation he had with the Master of the Rolls who 'had been urging Dr Gregg to come on the Board and save the poor Protestants from the possible machinations of Papists like myself'. Encloses copy of letter to Ernest Blythe, Minister of Finance, objecting to the proposed transfer of the Commissioners to a different location on account of the danger to their large collection of records. He emphasises the irreplaceable character of many of their records, noting that they hold 'records of all Wills proved in Ireland containing charitable bequests since the year 1807, which records have become by the destruction of the Four Courts, unique'. Also encloses memorandum on the history, work and staffing of the Charity Commissioners of England and Wales. 3 pp
- 816 29 May 1924 Functions and future of the Commissioners. Letter, marked private, from Bodkin to Kennedy noting the departure of the Master of the Rolls as a member of the Board of Commissioners and the deaths of other Board members. Encloses a memorandum, marked private and personal, on the Commissioners with reference to statutory powers, functions, staffing, workload, administration, the role of the Commissioners, the administration of charities in Northern Ireland, England and Wales, and making suggestions for the future of the Commissioners of Charitable Donations and Bequests in Ireland. c.13 pp

P4/

V DAIL EIREANN FUNDS

i Correspondencea Accountant General, Department of Finance, Counsel for the Irish Free State and the Attorney General.
(1919-)May 1922-May 1924

- 817 (July 1919-)4-5 Sept 1922 Letter from George McGrath, Accountant General, Dail Eireann. Department of Finance, to Kennedy, enclosing copy of circular letter from William T. Cosgrave, Ministry of Finance, emphasising the necessity of having trustees appointed to administer the Dail Eireann funds in America to give 'the whole business ... the appearance of normal administration' and noting that the 'American banks will probably support those who are seeking to hold the money in America if we make any move to take [it] up ... just at present'; typescript copy of deed appointing Eamon de Valera, Michael Fogarty, Bishop of Killaloe, and James O'Mara as trustees of the Dail Eireann funds. 7 pp
- 818 (1919-) Dec [1923]- May 1924 Correspondence between Kennedy and James O'Connor, Counsel for the Irish Free State, mainly concerning interview arrangements for Ernest W. Proud (solicitor) with de Valera and Austin Stack, Proud's objection to so doing in the presence of an Army officer and Kennedy's agreement to accommodate him provided he only transacted business relating to the case. Includes copy of power of attorney by de Valera appointing Stephen O'Mara of New York as his attorney to deal with bonds in his name drawn on the US Treasury; printed application form to the Ministry of Finance, Government of the Irish Republic, for registered certificates in the 1919-20 issue. 10 pp
- 819 May 1922-Jan 1924 Correspondence of Kennedy with O'Connor and McGrath concerning matters arising out of the Dublin Commission. Includes copies of the text of cablegrams to Professor T.C. Smiddy; discussions with John Finerty, counsel for de Valera and Stephen O'Mara, mainly concerning settlements and repayment of bonds; memorandum by Kennedy outlining the history and development of Dail Eireann. 64 pp

P4/

b Other correspondents
Dec 1923-June 1924

- 820 Dec 1923-Jan 1924 Letter from S. Ó Dálaigh, Honorary Secretary, Sinn Fein, to Eamon Duggan, enclosing copy of a resolution passed by the Ard Comhairle of Sinn Fein demanding 'monies in the hands of former Treasurers of Sinn Fein' for the discharge of debts and voting the balance for 'Released Prisoners and their Dependents'; letter from Duggan to Kennedy seeking his opinion on the letter he had drafted in reply to the resolution. Duggan points out that as the Ard Comhairle and Standing Committee had no legal existence, it was not possible to grant their request. Assures them that although Sinn Fein had ceased to exist, the treasurers would be vigilant about the funds. 4 pp
- 821 3 Jan 1924 Copy letter from Kennedy to [Sean Lester], Director of Publicity, Ministry of External Affairs, concerning publicity relating to the hearings in Dublin and suggesting action to prevent the case being 'used as a means of Irregular propaganda'. 1p
- 822 31 May-2June 1924 Copy text of telegram from Smiddy noting the New York Supreme Court decision in relation to de Valera and Stephen O'Mara. 1p

ii New York Supreme Court Proceedings

Aug 1922 - [1927]

- 823 Aug 1922 Printed transcript of proceedings in the New York Supreme Court in the case of the Irish Free State and Provisional Government of Ireland v Guaranty Safe Deposit Company et al consisting of summons and complaint, affidavits and order for injunction. 29 pp
- 824 [May 1927] Two typescript copies of the judgment of the New York Supreme Court in the case of the Irish Free State v Guaranty Safe Deposit Company noting that the defendents and all other subscribers to loans raised in the United States were entitled to receive funds in proportion to their subscriptions. 31 pp

P4/

iii Dublin Commissiona Proceedings May 1923-Feb 1924

- 825 May-June 1923 Typescript copy of verbatim transcript of examination of Gilbert Edward Ward (confidential secretary to the trustees in America), Diarmuid Ó hEigeartaigh, Colm Ó Murchadha, Sean Brown (former secretary to Arthur Griffith), Gerald Horan and Michael Mac Donnchadha. c 150 pp
- 826 2-8 June 1923 Typescript copy of verbatim transcript of examination of William T. Cosgrave, Michael Fogarty, Bishop of Killaloe, and related proceedings. c 200 pp
- 827 (May 1923-) Jan-Feb 1924 Typescript copy of verbatim transcript of examination of Eamon Duggan, Ó hEigeartaigh, George Mc Grath, Fogarty, Ó Murchadha, Horan and related statements and evidence. c 150 pp
- 828 13 Feb 1924 Printed and typescript copies of verbatim transcript of examination of Hugh Kennedy, certified by Charles M. Hathaway, US Consul in Dublin, with some minor MS amendments by Kennedy. c 100 pp
- 829 14 Feb 1924 Typescript copy of verbatim transcript of examination of Kennedy. c 50 pp

b Plaintiffs Exhibits (1919-) June 1923

- 830 June 1923 Copies of plaintiffs exhibits 9-30 for the Commission and copies of exhibits 31-41, mainly typescript extracts from Dail Eireann proceedings for the period 1 April 1919 to October 1922, with covering letter from O'Connor to Kennedy. c 62 pp

P4/

c Reference information for Counsel
and for the Plaintiffs ... [1919-1924]

- 831 [1919] Typescript copy of the prospectus for the first issue of bond certificates of the Republic of Ireland for subscription in the United States. 7 pp
- 832 [1 July 1919] Typescript copy of the articles of trust between de Valera, Fogarty and James O'Mara as trustees of the funds. 5 pp
- 833 [April 1919-Jan 1922] Typescript copy of extracts from the proceedings of the First and Second Dails and from other Dail meetings. 46 pp
- 834 [1919-] 24 April 1923 Typescript copies of decrees issued by Dail Eireann in the period 1919/21 in connections with the US loan and covering letter from O Murchadha to Me Grath 7 pp
- 835 [1921;1922] Typescript copies of original and amended Dail Eireann constitution (1921), standing order and of the Act to enact a constitution for the Irish Free State. 11 pp
- 836 [Dec 1921-Sept 1922] Copies of correspondence, instructions, cablegrams and other documents relating to the funds, the injunction in America, the legal proceedings in New York including communications with Smiddy and the Finance Office in New York from Michael Collins, Minister of Finance. [File indexed] c 32 pp
- 837 1920[-1924] Copies of the Government of Ireland Act, 1920, the Irish Free State (Agreement) Act, 1922, the Provisional Government (Transfer of Functions) Order, 1922, the Irish Free State Constitution Act, 1922, with related MS notes by Kennedy, among others. c 20 items.

P4/

VI THE CONSTITUTION OF THE IRISH FREE STATE

See also
P4/299-376,
1249-52

i Implications of individual articles

1923-1924

- Working printed copies of articles 1-83 in the Constitution of the Irish Free State, with occasional MS notes by Kennedy, memoranda possibly made in examining the legal implications of the Constitution, copies of correspondence mainly relating to the drafting of documents and proclamations and copies of evidence in court cases. 838 covers articles 1-11, 839 covers articles 12-34, 840 covers articles 35-46, 841 covers articles 47-63 and 842 covers articles 64-83.
- 838 1923-4 Includes memorandum by [Edward Byrne, Archbishop of Dublin] on Catholic teaching on marriage- [March 1924] (article 8); memoranda by [John A. Costello, Assistant Legal Adviser] on sedition [20 Nov 1923] and public meetings [18 Dec 1923] (article 9); copies of earlier opinions of the Law Officer and of letters to the Chief Secretary concerning the history and use of the Phoenix Park (1898-1909) and copy of memorandum by Kennedy on the history and use of the Phoenix Park (1 March 1924) (article 11). c 150 pp
- See also
P4/567
- 839 1923-4 Includes copy of some of the evidence in the case of The King (O'Connell) v Military Governor, Hare Park Camp (article 12); draft proclamation for the Governor General to summons and dissolve the Oireachtas with related notes and letter (Aug 1923) (article 24); draft proclamation declaring a public holiday and related letter (Aug 1923) (article 28). c 100 pp
- 840 1923-4 Includes draft order of the Governor General and Dail 'money' resolution in relation to an amendment to the Courts of Justice Bill, 1924 and related letter from Joseph Brennan, Secretary, Ministry of Finance to Kennedy (Feb 1924).

P4/

- 841 1923-4 Includes copy of letter from Kennedy to the Governor General detailing the procedure for dealing with bills (Aug 1923) and copy of some of the evidence in the case of The King (O'Brien) v Military Governor, North Dublin Union Camp (article 47). c 50 pp
- 842 1923-4 Includes notes by Kennedy relating to articles relevant to courts mainly with reference to appeals (article 66); copy of judgment in the case of Cooney v Military Governor, Military Hospital, Curragh Camp (article 70) c 120 pp
- ii Interpretation Nov 1922-Feb 1924
- 843 Nov 1922-March 1923 Correspondence between Kennedy and Joseph Brennan, Secretary, Ministry of Finance, concerning the danger that article 11 might be construed in such a way to prevent the resale to tenant purchasers in fee simple of lands acquired by the Land Commission or the Congested Districts Board for resale. 3 pp
- 844 June-July 1923 Letter from Gordon Campbell, Secretary, Ministry of Industry and Commerce, to Kennedy concerning the effect of article 11 on a scheme to use the river Liffey for hydro electricity production. 8 pp
- 845 July -Aug 1923 Letter from [P. Goll], Law Department, Office of Public Works, to Kennedy, seeking guidance on the correct interpretation of article 11 with reference to land and premises held by the Office. 3 pp
- 846 [1923] Typescript copy of draft reply to a Dail question concerning article 70 and the jurisdiction of military tribunals. 2 pp

P4/

- 847 May 1923 Copy of explanatory memorandum by Kennedy describing the history of Ireland from 1800 to 1922 with reference to its constitutional evolution and concluding that 'there never was at any time ... any form of Republican Constitution ever considered'. Repudiates de Valera's use of the title 'President of the Republic' and notes 'Vanity has been his besetting sin even to the destruction of the country he claims as his'; MS notes by Kennedy concerning constitutional development in Ireland including a description of the first meeting of the Constitution Committee and of those who participated. 2 items
- See also P4/819
- 848 10 Nov 1923 Correspondence between Kennedy and Sean Lester, Director of Publicity, Ministry of External Affairs, including copy letter from Lester to Joseph O'Neill, Secretary, Ministry of Education, explaining the nature of a small books on the Constitution which was 'designed for elementary schools ... [and] for adult persons in backward districts'. He suggests that it should be read in schools and could not be regarded as merely political. Kennedy praises the book as 'a first step in civics' and refers to the plans of Alfred O'Rahilly to produce a similar though more advanced work. 3 pp
- 849 14 Jan 1924 Copy letter from Kennedy to Lester explaining that judicial interpretation of the Constitution rests with the High Court. 2 pp
- 850 5-8 Feb 1924 Confidential letter from Sean Ó Broin, Dail Eireann to Kennedy enclosing copy of a letter from Lord Glenavy to Michael Hayes, Ceann Comhairle, raising points about article 50 of the Constitution and the possible violation of the Constitution by legislation; copy of an 'unrevised' memorandum by Hayes analysing the points made by Lord Glenavy with reference to interpretation by the courts of article 50 and its affect on the Constitution. 6 pp

VII LEAGUE OF NATIONS

i Customs Conference of the Economic
and Financial Commission of the League

March-April 1923

- 851 March-April 1923 Copy letters from J.P. Walshe, Secretary and O. Grattan Esmonde, Ministry of External Affairs, to members of the Executive Council, concerning an international Customs Conference organised by the Economic and Financial Commission of the League and the possibility of Free State attendance. Details are given of the League's resolution convening the conference and the draft programme. Includes two copy letters from Michael Mac White, Irish representative at the League, with additional details including a note on British strategy about Irish participation. 10 pp

ii Preparation of the Application for
Admission by the Irish Free State.

(1919-) March-July 1923

- 852 20-23 April 1923 Letter from Senator James Douglas to Kennedy informing him that the Senate was out of order in a resolution concerning the proposed application by the Executive Council for membership of the League; copy reply, marked private, from Kennedy concerning the constitutional position of the Senate in making recommendations and discussing Ireland's application to the League. 3 pp
- 853 [April 1923 ?] Unsigned MS notice of motion by [William T. Cosgrave] proposing that the Government should give the earliest possible attention to the question of League membership. 1 p

P4/

- 854 14 March 1923 **Circular letter**, marked **secret**, from Kevin O'Shiel, Assistant Legal Adviser to members of the Executive Council on the subject of the Free State's application for membership of the League. Emphasises the value of membership in the context of the Boundary Commission, pending its findings. Advocates membership of the Imperial Conference too as another means of consolidating the Free State's position. Encloses a memorandum by B.C. Waller (North East Boundary Bureau) concerning admission procedures to the League particularly with reference to the registration of the Anglo-Irish Treaty. 4 pp
- 855 (1919-) 16-27 March 1923 Letter from O'Shiel to Kennedy enclosing a memorandum by Waller on the application procedure with samples of admission requests by Iceland, Latvia, Finland, Lithuania and Hungary. 15 pp
- 856 29 March 1923 Circular letter from O'Shiel to members of the Executive Council enclosing a memorandum by Waller on the League and noting some additional points about the financial commitment involved in joining and the implications of membership with reference to Northern affairs. The memorandum covers the structure, organisation and functions of the League, the position in the League of the British Commonwealth members and the reasons why Ireland should join. 28 pp
- 857 18 April 1923 Circular letter from O'Shiel to members of the Executive Council enclosing a supplementary note by Waller on the financial expenditure involved in membership of the League and referring to discussion by the Executive Council on his earlier memorandum. 3 pp
- 858 June-July 1923 Letters from Walshe to Kennedy dealing with aspects of Ireland's admission application including a request by the League for details of the composition of the Free State's military, naval and air forces, a list of diplomatic and constitutional documents which should accompany the application and a typescript draft of the letter of application. Includes copies of letters from Mac White with details and suggestions. 9 pp
- See also
P4/862,915

P4/

- 859 June-July 1923 Copy letters from Kennedy to Arthur V. Matheson, Parliamentary Draftsman, and to William T. Cosgrave, President, Executive Council, concerning the drafting of a bill to enable the Government to guarantee the requisites of membership and outlining some of its provisions with reference to the Covenant of the League and to the terms of the Treaty. 7 pp
- 860 June-Sept 1922 Correspondence and memoranda mainly concerning the advisability of Ireland's admission to the League, procedure and other matters of foreign policy. Includes memoranda by Mac White and by P.S. O'Hegarty on the League; correspondence with Irish representatives abroad including Charles Bewley in Berlin concerning reaction to Irish propaganda about the English. Includes copy letter from Kennedy to Ernest Blythe, Dail Minister of Trade and Commerce, noting 'I have been long satisfied from my own observation that England would enter into an early alliance with Germany and that both will live happily together, if not for ever after, at least for a long time'; typescript extracts from printed works concerning constitutional matters and dominion status; typescript extracts from statements and parliamentary debates on diplomatic representation and treaty-making powers in the dominions; letter from O'Shiel concerning extradition; MS notes by Kennedy. c 100 pp
- 861 July 1923 Copy of letter from Francis Hackett, forwarded to Kennedy by Douglas, in which Hackett expatiates on the work of the League and on the role the Irish Free State might play in it. 4 pp
- 862 April 1923 Circular copy of report of the League's sub-committee dealing with the request of the Free State for admission and report on the Free State of the Permanent Advisory Committee for military, naval and air questions. 3 pp
- See also
P4/858,915

P4/

- See also
P4/1871-2
- iii Admission of the Irish Free State
and attendance by its delegation at the Fourth
Assembly Aug-Sept 1923
- 863 1923 Diplomatic and constitutional texts submitted by the Irish Free State to the League of Nations on the occasion of its application for admission including the Constitution and the Irish Free State Agreement Act.
- 864 Aug 1923 Letter from E.J. Phelan, International Labour Office, Geneva, to Kennedy advising on the form of credentials to be used by the Free State at the League and giving samples. Includes Kennedy's credentials signed by Desmond FitzGerald, Minister of External Affairs, authorisation by Cosgrave for the negotiation of the Irish Free State admission to the League and list of factors to be considered in the admission of a new member (in French). 11 pp
- 865 Sept 1923 Notice of meetings and agendas including agenda for the meeting on 10 September at which the Free State request for admission was made. 3 pp
- 866 Sept 1923 MS and typescript texts of speeches by Cosgrave on the admission of Ireland with MS text by Kennedy of a reply [to a toast] with other copies (in Irish). 16 pp
- 867 18-22 Sept 1923 Letter from Walshe to Kennedy enclosing copy of draft convention by the League on arbitration clauses of contracting states with copy of covering letter from Marquis Mac Swiney Macshanaglass to FitzGerald. 4 pp
- 868 28-29 Aug 1923 List of documents issued to each delegate with details of financial arrangements, and protocol arrangements for the delegates arrival in Paris; copy of authorisation by Cosgrave to the President of the Fourth Assembly of the League listing the members of the Irish delegation. 4 items

P4/

- 869 Aug 1923 Timetable, travel instructions and advice for delegates including an outline (in French and English) of the speech to be made after Ireland's admission and information on the League's covenant, assembly procedure and agenda. 34 pp
- 870 29 Aug 1923 Copy of letter from Walshe for each delegate describing the proposed procedure for the reception of the President of the Executive Council in Calais en route to the League. 1p
- 871 Aug 1923 Irish Free State passport no. 4 issued to Kennedy on the occasion of his attendance at the League as a member of the first Irish delegation.
- 872 Sept 1923 Menus, some autographed, invitations and post cards collected during the visit to Geneva. Includes a postcard of Mussolini. 26 items
- 873 Sept 1923 Dinner invitations in Geneva, photograph of the Irish delegation including Kennedy, Cosgrave and Eoin Mac Neill, Minister of Education, and newspaper cuttings in which Cosgrave commented on his passage through France en route to Geneva. 8 items
- 874 Sept 1923 Travel tickets, timetable for the Rome Express and other items arising from the visit to Geneva including a coded telegram from Grattan Esmonde. 11 items
- 875 Sept 1923 Visiting cards of members of the Irish delegation including those of Marquis Mac Swiney Macshanaglass, Cosgrave, Mac Neill, FitzGerald, Grattan Esmonde and Kennedy. 6 items

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876 Sept 1923 Visiting cards received by Kennedy in Geneva from members of other delegations and from diplomatic representatives including the Norwegian, Persian, Liberian, Chilian, English, Spanish, Cuban, Costa Rican, Danish, Japanese, Canadian, Portugese, Italian, Chinese, Roumanian, Swedish, French, Polish, Greek, Bulgarian, Serbian, Croatian and Slovakian, Yugoslavian, Finish, Dutch, Venezuelan and Swiss delegates or representatives. 107 items

877 Sept 1923 Ink blotter and sheets of blank writing paper from various locations.

iv Proposed registration of the
Anglo-Irish Treaty May-Oct 1923

878 2 May 1923 MS note by Kennedy concerning the proposal to register the Treaty at the League. Notes that the question of registration is a matter for the British Government and for the League - '[and] we do not propose to invite a justified rebuff by mak[ing] represent[at]ions to the British Gov[ernmen]t on the m[at]ter. 1p

879 Sept-Oct 1923 Texts of Dail questions by Darrell Figgis asking the President of the Executive Council if the Treaty was to be registered at the League; note to Kennedy requesting him to draft a reply for the President and text of proposed response. Includes copy letter from [Walshe] outlining points about registration particularly with reference to Britain's attitude to the matter. He concludes that Figgis' question 'cannot be answered directly'; copies of correspondence between Walshe and Mac White and a League memorandum on the registration of treaties. 10 pp

[880]

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v Correspondencea Colonial Office (Feb 1922-)Aug 1923-Jan 1924

- 881 (Feb 1922-) Aug 1923 Copy despatch from the Duke of Devonshire, Secretary of State for the Colonies, to T.M. Healy, Governor General enclosing a Foreign Office memorandum and report of an interdepartmental committee dealing with proposals to amend article 16 of the League's covenant which concerns economic boycott of a covenant-breaking state. 3 items
- 882 10-23 Aug 1923 Letter from Lionel Curtis, Colonial Office to Cosgrave concerning a proposed meeting with dominion representatives to discuss amendments to article 10 of the League's covenant. Encloses, unofficially, a Foreign Office memorandum outlining Canadian and French opinions on the article which concerned the obligation of League members to assist any member state in which territorial integrity or political independence ~~was~~ under attack. 2 items
- 883 18 Jan 1924 Copy of despatch from Devonshire to Healy concerning acceptance of conventions and recommendations of the International Labour Conference and noting where this acceptance did not apply to the Free State. Encloses copies of seven conventions approved by members of the Privy Council. 7 pp

b Michael Mac White (Irish representative accredited to the League) March-Sept 1923

- 884 19 March 1923 Letter, marked personal, from Mac White to Kennedy referring to the status of national representatives at the League and other related matters. Encloses a printed copy of the Free State's National Health Insurance Act, 1923, as published in the legislative series of the International Labour Office. 2 items

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- 885 19 Sept 1923 Copy letter from Kennedy to Mac White concerning publication and distribution arrangements for a brochure dealing with Ireland's admission to the League. Asks him to check the text of the Irish part of the President's speech with Mac Neill. Inquires about the Committee of Jurists and asks if his place on it had been filled. 1p
- 886 21 Sept 1923 Letter from Mac White to Kennedy mainly concerning registration of the Treaty with the League and enclosing a copy of a League publication and related typescript extract on the subject of treaty registration. 2 items
- 887 28 Sept 1923 Letter from Mac White to Kennedy informing him about the work of various commissions at the League. 'Our independent attitude in all matters here has produced a good effect. Even our friends across the water have nothing to criticise unless it be the lack of enthusiasm we have shown towards them.' 1p

c E.J. Phelan (International Labour Office)
June 1923-May 1924

See also
P4/1484, 1817-9

- Letters from E.J. Phelan to Kennedy concerning the operation of the League, registration of the Treaty, constitutional aspects of the signing of treaties by the Irish Free State and its diplomatic representation, ratification by the Free State of existing conventions adopted by the International Labour Conference and problems created by British ratification of the Treaty of Versailles on behalf of the dominions. Also refers to meetings of the International Labour Office, other League organisations and the Imperial Conference. Occasional copy replies from Kennedy (889, 891, 893, 901).
- 888 19 June 1923 Includes description by Phelan of the functions of the six commissions appointed by the League through which the Assembly carries out most of its detailed work on constitutional matters, armaments, finance, humanitarianism and politics. 4 pp

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- 889 23 June 1923 1p
- 890 16 Sept [1923] Includes reference by Phelan to a letter to Mac Neill from a member of the British delegation offering to secure 'full powers' for him to sign the obscene publications convention and discussing the implications of this suggestion. Concludes by noting that he would 'always esteem it both a privilege [and] an honour to have worked with the architect of the Constitution'. 2 pp
- 891 21 Sept 1923 Includes analyses by Kennedy of the proposal that Mac Neill should sign the convention on behalf of the states within the Commonwealth and expressing caution about the desirability of the proposal. 3 pp
- 892 [21 Sept 1923] Includes memorandum by Phelan on the origin and work of the International Labour Office and printed copies of conventions and recommendations adopted by the International Labour Conference (1919-22). 4 items
- 893 24 Sept 1923 1p
- 894 1 Oct 1923 Includes apology by Phelan for the length of his letter but notes 'I remember that you are reputed to read even patent medicine wrappers'. 4 pp
- 895 3 Oct 1923 Includes note by translator on use of 'irlandais' instead of 'gaelique'. 1p
- 896 4 Oct 1923 1p
- 897 6 Oct [1923] 2 pp
- 898 26 Oct 1923 Includes copy League letter and related copy ratification by Britain of the amendment to article 393 of the Treaty of Versailles. 3 pp

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- 899 4 Nov [1923] Includes mention by Phelan of the success of the Irish delegation at various conferences and refers to the 'tragic death of Senator [Thomas] McPartlin'. 2 pp
- 900 8 Dec 1923 Includes copy of the enacting clause of a statute of the International Court of Justice. 1p
- 901 18 Dec 1923 2 pp
- 902 19 Dec 1923 3 pp
- 903 17 Jan [1924] 2 pp
- 904 30 May 1924 2 pp

d Kevin O'Shiel (Assistant Legal Adviser)
Sept 1923

Five notes from O'Shiel for Kennedy and Cosgrave during the visit of the Irish delegation to the Fourth Assembly mainly concerning meetings, appointments and matters for discussion.

- 905 [Sept 1923] Includes reference to the wording of a proposed resolution for the Imperial Conference and to its constitutional implications. 2 pp
- 906 [Sept 1923] Includes warning of a possible protest by Mrs Sheehy Skeffington at the League on account of the terms of Ireland's admission. 1p
- 907 [Sept 1923] 1p
- 908 [Sept 1923] 1p
- 909 [Sept 1923] Includes information 'gathered in conversation with [Lionel] C[urtis]' about proposals for the Imperial Conference which 'will be put forward with a view to prejudicing us in connection with the Boundary Commission'. 2 pp

P4/

910 20 Sept 1923 Letter to Kennedy from [O'Shiel] including points relating to treaty registration procedure and a description of the work of the Committee of Jurists at which he was holding a watching brief on Kennedy's behalf, discussing some implications of the Mutual Guarantee Treaty. Refers to the sudden death as a result of a chill of the secretary of the British delegation and notes the presence in the League of 'a nice young man called Antrobus'. 6 pp

See also
P4/927

e Marquis Mac Swiney Macshanaglass
(Irish representative accredited to the League)
Jan-May 1924

911 29 Jan 1924 Copy of letter from Marquis Mac Swiney to FitzGerald strongly urging Irish ratification of the Hague convention for the suppression of the illicit traffic in 'habit forming narcotic drugs'. Notes that Ireland had so far avoided this evil but warned that the Government could not afford 'to look on with apparent indifference to what is going on elsewhere'. 4 pp

912 25-30 May 1924 Cryptic telegram to Kennedy from Marquis Mac Swiney with draft MS reply by Kennedy with instructions to decline an offer. 2 items

vi Printed

a Covenants and Admission [1922-] 1923

913 [March 1922] Covenant of the League of Nations with occasional MS markings and underlinings by Kennedy. 20 pp

914 [1923] The League of Nations Society of Ireland, Text of the covenant signed by Ireland. 16 pp

915 6 Sept 1923 Report to the Assembly by the Sixth Committee about the admission of the Irish Free State with reference to Irish military, naval and air forces. 1p

See also
P4/858, 862

P4/

b Fourth Assembly 1923

916	4 Sept 1923	<u>Press opinions on the Fourth Assembly of the League of Nations,</u> no. 1
917	1923	<u>List of delegates and members of delegations</u> (provisional).
918	1923	<u>List of delegates and members of delegations</u> (revised). <u>Journal of the Fourth Assembly of the League</u>
919	7 Sept 1923	no 5
920	8 Sept 1923	no 6
921	8 Sept 1923	Supplement
922	13 Sept 1923	no 10
923	14 Sept 1923	no 11

c Reports and other papers 1923-1924

924	March-Aug 1923	<u>Financial</u> Papers dealing with the cost of living in Geneva, staff pensions, League budget and expenses and reports of the Financial Committee and of the Supervisory Commission. 14 items
925	15 Aug 1923	<u>Armaments.</u> Report of the Provisional Commission on the Reduction of Armaments. 66 pp
926	16 Aug 1923	<u>Slave traffic.</u> Reports of the Advisory Committee on Traffic in Women and Children. 12 pp

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- 927 Sept 1923 Treaty of Mutual Guarantee.
Memoranda dealing with the Treaty
of Mutual Guarantee and reply to
Kennedy from Dr Nisot regretting his necessity to return to
Ireland and his temporary absence from the Commission of
Jurists dealing with the Treaty (in French). 4 items
- See also
P4/910
- 928 Sept 1923 Russian refugees.Memoranda
circulated by the Comté national
russe concerning Russian refugees
in Paris and the repatriation of Russians to the Soviet Union. 3 items.
- 929 1924 Appeal on behalf of Catalonia
presented to the League of Nations. 27 pp

d Newspaper cuttings 1923-1924

- 930 Aug-Sept 1923 Newspaper cuttings including
picture of Cosgrave and his
ministers being greeted at the
Gare du Nord in Paris en route to Geneva and description
of their attendance at the thirteenth centenary celebrations
of St Columban in Bobbio, Italy. (In French and Italian). 2 items
- See also
P4/685
- 931 1923 Newspaper cuttings relating
to the League mainly concerning
the admission of the Irish Free State. 3 items
- 932 1924 Newspapers cuttings relating to
the League. 4 items

e Other publications (1921-) 1923

- 933 1923 'International Peace and the
League of Nations', an address to
the College Historical Society,
Trinity College Dublin, by the auditor, Mark Wilson. 40 pp

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- 934 21 Sept 1921 International Labour Office,
Official Bulletin, iv, 12.
- 935 1923 Book entitled Les gardiens de la
paix consisting of caricatures by
Derzo and Kelen of members of the
League, belonging to Marquis Mac Swiney and published in
Geneva.

c 65 pp

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VIII IMPERIAL CONFERENCE, Oct 1923

See also
P4/854, 909

i Halibut Treaty March [-Sept] 1923

936 [Sept] 1923 Copy of memorandum by [J.P. Walshe], Secretary, Ministry of External Affairs, concerning the procedure involved in the Halibut Treaty between the United States and Canada - 'the first [treaty] which was not signed by the British Ambassador' and detailing the implications of this for other dominions. He concludes - 'It is therefore of the utmost importance to give the strongest support to MacKenzie King ... It is the only item on the Agenda of the Political Conference which really matters. New Zealand and Australia will take the reactionary side.' 6 pp

937 March 1923 Typescript press extract concerning the Halibut Treaty entitled 'Canada signs alone - the Treaty innovation'.

ii Agenda, Memoranda, Reports Sept 1923

938 Sept 1923 Agenda and reception details for the opening day of the Conference at 10 Downing Street. 2 pp

939 Sept 1923 Copy of memorandum on imperial conferences with details of their history, development and the attitude of the dominions with particular reference to foreign affairs and imperial preference. 7 pp

See also
P4/609

940 13 Sept 1923 Circular letter, marked urgent, from M. Mac Donnchadha, Secretary, Executive Council, to Kennedy, enclosing copies of agendas for the Conference and for the Imperial Economic Conference and detailing the subjects for discussion. Special reference is made to the confidential nature of many of the memoranda being circulated. 4 pp

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941	27 Sept 1923	Circular covering letter from Mac Donnchadha to Kennedy with reports relevant to Conference meetings.	1p
942	29 Sept 1923	Circular covering letter from Mac Donnchadha to Kennedy enclosing the <u>Report of the Imperial Shipping Committee on the limitations of shipowners liability by clauses in bills of lading (1921).</u>	2 items

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DE DAIL EIREANN

I SECOND DAIL Aug 1922

- 943 8 Aug 1922 MS note from Arthur Griffith addressed to either 'Mr Cosgrave or Mr Kennedy' asking to have his name appended to any 'form the Government approves'. 1p

II PROVISIONAL PARLIAMENT

[April-] Sept 1922

- 944 [April] 1922 Memorandum outlining arrangements for elections to the Provisional Parliament with reference to dates and timing. 2 pp
- 945 13 July 1922 Copy of draft proclamation with MS amendments by Kennedy 'further proroguing the Meeting of the House of the Parliament to which the Provisional Government is to be responsible'. 1p
- 946 13 Sept 1922 Copy minute by Kennedy detailing the problem of assent to legislation passed by the Provisional Government before the appointment of a governor general. 1p

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III NATURE OF THE DAIL AND ITS WORK

Jan 1922 [- 1923]

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- 947 Jan-Feb 1922 MS notes by Kennedy dealing with constitutional and legislative matters under discussion including the structure of the Dail, bill procedure, finance bills, elections and the constitution. Includes a MS note noting that the adoption of the Free State constitution ended the authority of the British Government and Parliament in the Irish Free State. 28 pp
- 948 [June] 1922 Draft typescript letter from Kennedy [to William T. Cosgrave ?] discussing a constitutional point about the nature of the Dail and the extent to which government is republican or national. 2 pp
- 949 [1922/3] MS draft by Kennedy of an oration extolling peace and Dail Eireann, describing the principles of order to which parties should subscribe and referring to the implications of the oath; MS note by [Kevin O'Higgins] outlining the principles of order. 6 pp
- 950 Text of quotation by Lord Chalmers in Kennedy's hand referring to a bill going to committee 'like a nicely dressed young lady' and emerging as if 'chased by an angry bull [and] has struggled thro[ugh] a thickset hedge'. 1p

IV DAIL EIREANN

i Standing orders (1921-) Aug 1922-June 1923

- 951 2 Aug 1922 Circular copy of draft standing orders for the Dail by Darrell Figgis with covering letter. 24 pp
- 952 25 Sept 1922 Circular copy of amendments to draft standing orders made by various deputies. 5 pp
- 953 [1922-3] Copy typescript draft standing orders containing some amendments, notably altering the titles of Riaruidhe to Ceann Comhairle. 15 pp
- 954 9 June 1923 Memorandum by Diarmuid Ó hEigeartaigh, Secretary, Executive Council, detailing standing orders for the Dail with particular reference to the opening of sessions, the oath and conduct of business. 4 pp
- 955 Kennedy's copy of Dail Eireann Standing Orders (1922).
- 956 Parliament of Northern Ireland, Standing Orders relating to public business (1921)

ii Procedurea Committee on Procedure Sept 1922-Nov 1923

- 957 27-29 Sept 1922 Copy of letter from Colm Ó Murchadha, Clerk of the Dail [to the President] with reference to an amendment to Standing Orders dealing with the Committee on Procedure of Dail Eireann and the number and nomination of committee members with copy circular letter from Jospheh

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- 957 cont. O'Reilly, Office of the Chairman, Provisional Government, requesting ministerial opinion for the President on Ó Murchadha's letter. He indicates the President's willingness to allow the Dail to elect the Committee on Procedure and to 'chance' a government majority among its members; copy letter from Kennedy to O'Reilly strongly advising the retention of a ministerial majority on the committee. 'It might be a very serious thing to let the control of the business pass out of the Government's hands where it certainly should remain.' 3 pp
- 958 Sept-Nov 1922 Copy letters noting the formation of a Committee on Procedure to assist the Ceann Comhairle in preparing the Dail agenda under standing orders no. 11. 2 pp
- 959 11 May 1923 Second report of the Committee on Procedure. 10 pp
- 960 19 Nov 1923 Circular copy of points by the Committee on Procedure describing procedures and conduct to be followed in Dail Eireann. 3 pp
- 961 1922 Copy typescript extracts from the House of Commons Journal and from works on parliamentary practice describing various aspects of parliamentary and committee procedure including the expulsion of members. 10 pp
- b Finance bills, financial procedure
and Ministry of Finance Jan 1923-May 1924
- 962 [1922] Circular copy of memorandum on the proposed standing orders dealing with financial procedures in Dail Eireann. 5 pp
- 963 [1922] Circular copy of memorandum on the proposed standing orders dealing with financial procedure in Dail Eireann. 2 pp

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- 964 [1922] Pencilled note by [William T. Cosgrave] concerning the scope and legal standing of the Finance Committee. 1p
- 965 12 Jan-7 March 1923 Letter from Michael Hayes, Ceann Comhairle, to Kennedy enclosing printed copy of the report of the Committee on Procedure on finance bills procedure, standing orders regulating communications between the Dail and the Senate, copy of a letter from C.J. Gregg, Ministry of Finance, commenting on financial procedure and a copy of an earlier letter from Hayes to Kennedy requesting his opinion on one of Gregg's points on taxation. 18 pp
- 966 Jan-Feb 1923 Copies of letters from Gregg, mainly concerning standing orders regulating the functions of the Ministry of Finance in relation to bills and circular copy of draft orders outlining related procedures with covering letter from Hayes. 15 pp
- 967 27 May 1924 Circular letter from Joseph Brennan, Secretary, Ministry of Finance, concerning the Dail procedure for dealing with motions for grants, aids and other charges on public funds. 1p
- c Private bill procedure and private business
Jan 1923-April 1924
- 968 Jan-Oct 1923 Circular correspondence, mainly from Hayes and Kennedy, concerning drafting of standing orders and procedure for private bill legislation and business. Includes observations from various deputies, senators, legal organisations and ministries on the draft standing orders. 53 pp
- 969 9-15 March 1923 Two letters from Hayes to Kennedy concerning draft standing orders for private bills, expressing concern over the use of the term 'crown' in bills relating to public property and noting the difficulties of altering the term in view of British retention of Irish ports. 2 pp

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- 970 13 Feb 1924 Letter from S.C. Ryan [Clerk of the Joint Committee on Private Bill Procedure] to Kennedy enclosing details of the format for the presentation of private bills, a memorandum regarding the procedure, and slips of paper in appropriate colours for the cover and pages of such bills. 5 items
- 971 April 1924 Memorandum by Michael Christie, Private Bill Office, and covering letter outlining the enactments required in private bill procedure and indicating the modifications which might be suitable if introduced into appropriate British enactments; typescript working copy of the South African Powers and Privileges Parliament Act with covering letter from Hayes; printed copy of the bill to effect enactments for private bill procedure in Northern Ireland. 7 items

d Divorce bill procedure
Feb 1923-Feb 1924

- 972 9 March 1923 Letter from Hayes to Kennedy enclosing a copy letter to the Acting Secretary, Executive Council concerning standing orders for private bills with reference to divorce and a copy memorandum concerning the functions of the Select Committee on Divorce Bills with MS amendments by Hayes. 3 pp
- 973 12 Feb-23 Oct 1923 Letters mainly from Hayes and Christie relating to private bill procedure with specific reference to divorce. Includes copy memorandum on proceedings of the Select Committee on Divorce Bills and invitation from Lord Glenavy, Chairman of the Senate, inviting the President and Kennedy to attend a meeting of the Joint Committee on Private Bill Procedure. 5 items
- 974 9-15 Oct 1923 Confidential letters from E. Duggan, Office of the President, Executive Council, to Kennedy about standing orders in relation to divorce bills and enclosing a copy of a letter from Edward Byrne, Archbishop of Dublin. Byrne includes a copy of the bishops' decision on divorce which states ...'it would be altogether unworthy of an Irish legislative body to sanction the concession of divorce'. 4 pp

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- 975 22-25 Feb 1924 Letters to Kennedy from Christie concerning an invitation to attend an informal meeting of the Joint Committee on Private Bill Procedure to discuss divorce bill procedure and enclosing a memorandum on the suggested procedure for divorce bills. 3 pp

e Final bill passage and lapsed bills
Dec 1922-July 1923

- 976 20 Dec 1922 Copy letter [from Kennedy] concerning discussions he had with Hayes and Gerald Horan, Clerk of Crown and Hanaper, concerning procedures for the final passage of bills through the Oireachtas. Notes the manner in which the governor general should give his assent and the wording both for ordinary and finance bills. Also refers to practice in the other dominions. 3 pp
- 977 Dec 1922-Jan 1923 Correspondence between Horan, Cosgrave and Kennedy concerning procedure for the final passage of bills through the Oireachtas with MS notes by Kennedy. 14 pp
- 978 6-7 July 1923 Note from Joseph M. McBride, TD (South Mayo) to Kennedy inquiring about the procedure by which a lapsed bill could be renewed and describing such practice in the House of Commons; copy reply from Kennedy pointing out that a joint committee of the Dail and Senate was examining standing orders for private bill legislation and that he would bring McBride's information about lapsed bills to the attention of the committee. 2 pp

f Publication of statutes
Feb 1923

- 979 19-26 Feb 1923 Two letters from Hayes to Kennedy principally concerning the binding, indexing and publishing of statutes and enclosing a copy memorandum by Philip White on private bill procedure with particular reference to their printing and the examination of petitions for private bills with recommendations based on procedures used in the House of Assembly of South Africa. 5 pp

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iii Functions of the Speaker and
related offices Sept 1922-Jan 1924

- 980 11 Sept 1922 Letter from H[oran] to Kennedy enclosing a typescript copy of the warrant of the speaker, House of Commons for serving MPs. 2 items
- 981 25 Jan 1923 MS letter from Cosgrave to Kennedy requesting views on the British practice of placing the parliamentary draftsman under the Treasury; memorandum on the duties of parliamentary counsel to the Treasury with suggestions about the discharge of similar functions in the Irish government. 11 pp
- 982 11-14 Jan 1924 Note from Christie to Kennedy enclosing memoranda on the functions of the examiner and counsel to the speaker in Britain, the functions of the parliamentary draftsman in South Africa and the parliamentary counsel in Canada with copy letter of acknowledgment from the secretary to the Attorney General. 5 pp

V SEAMAD EIREANN

i Governor General's Proclamation

Dec 1922

- 983 6-13 Dec 1922 Letters from Horan to Kennedy concerning publication of the Governor General's proclamation constituting the Senate of Dail Eireann. Horan hopes 'His Ex' would not consider it 'high-handed' of him to have drafted the proclamation without his authority. Suggests the proclamation should have been in the name of the King but thinks only the Colonial Office might notice this error ...'if so the blame can rest on the slender shoulders of the signatory' Includes copy of Iris Oifigiuil containing the proclamation, typescript draft with MS amendments by Kennedy of the proclamation and related item. 5 items

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ii Standing orders Jan 1923

- 984 [Jan 1923] Printed copy of the Report of the Senate Committee on Standing Orders. 12 pp
- 985 25 Jan 1923 Printed copy of provisional standing orders adopted by the Senate for two months. 12 pp

iii Finance bill procedure June-Aug 1923

- 986 June-Aug 1923 Correspondence concerning finance bills and the Senate including copy of letter from Gregg to the President in which he states that the procedure of the Senate in amending the Finance Bill was not in accordance with the Constitution and pointing out the danger of an unconstitutional procedure being established. Contains copy of note from the President to Kennedy agreeing with Gregg and requesting his advice; copy of letter from Kennedy to Cosgrave concerning the amendment made in the Senate to the Finance Bill which he also regards as unconstitutional. He details the reasons for his opinion, the position of the Senate in relation to amendments and the procedure that should now be followed in the Dail with MS draft; letter from Senator Lord Glenavy to G. McGann, Office of the President and forwarded to Kennedy, thanking him for a copy of the Attorney General's opinion. He argues with Kennedy over use of the word 'pass' in relation to the reading of finance bills in the Senate. 'I have always endeavoured to prevent any friction between the two Houses and cannot imagine that any is likely to arise upon such a trivial issue ...'. 18 pp

iv Staff appointment and remuneration

Jan-April 1923

- 987 Jan-April 1923 Letters and memorandum mainly concerning the appointment and remuneration of Senate staff including MS letter from Lord Glenavy to Kennedy expressing anxiety about the appointment of staff to assist in the

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987 cont.

administration of the Senate. He refers in particular to the 'advisory counsel' whose functions he compares with the work of similar officials in the House of Lords; copy of letter from Glenavy to Cosgrave about his salary. 'I was at first disposed not to accept any payment ... I have however been urged to accept it, as otherwise I might seem to be trying for cheap popularity at the expense of others and by making a precedent render it difficult for anyone with small means to take my place;' minutes of meeting between Hayes and members of the Senate on staffing requirements. 14 pp

VI COMMUNICATIONS BETWEEN BOTH HOUSES OF
THE OIREACHTAS Dec 1922-March 1923

- 988 14 Dec 1922 - Circular copy of resolution of the Committee on Procedure concerning cooperation between the Dail and Senate.
- Circular copy of memorandum outlining various ways in which the Senate and Dail would work together and related procedures. 4 pp
- 989 27 Feb-7 March 1923 Correspondence between Hayes, Cosgrave, Senator James Douglas and McGann concerning a possible meeting between the Committee on Standing Orders of the Senate and the Committee on Procedure of the Dail to consider standing orders for communications between the two houses of the Oireachtas and Hayes' reservations on the subject. 4 pp

VII CORRESPONDENCE

i Ceann Comhairle Oct 1922-April 1924

- 990 11 Oct 1922-27 Jan 1923 Correspondence between Hayes, Kennedy and the Office of the President concerning provision for the widow and dependents of Arthur Griffith, and the introduction of an act to make the desired provisions. Includes MS draft by Kennedy of the Dail resolution concerning the settlement. 8 pp
- See also
P4/293-8

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- 991 [1922] Draft satirical letter from Kennedy to Hayes on discussion of bills in the Dail. ...'the anxious and laborious efforts of my department to give legislative form to Government proposals ... thrown into this arena quarry for whetted and watering teeth. Little Christian Bills trembling in the sand until, Sir, you dropped the gate and the lions pounced in committee. Most of this I was compelled to watch from the outer silence of the official gallery, smothering many a cry of pain ...' 3 pp
- 992 24 March 1923 MS draft with amendments and copy letter from Kennedy to Hayes clarifying and defining use of the term 'Anglo-Irish Treaty' and related terms in parliamentary bills. 2 pp
- 993 20 June 1923 Scrappy MS note from Hayes to Kennedy cryptically remarking 'why not go upstairs with their Lordships if you feel so disposed ?'
- 994 9 Jan 1924 Copy typescript extract from article in Eire , sent to Kennedy by Hayes, describing Kennedy's counter-argument in the Dail against the contention of Captain William Redmond, TD (Waterford National League) that George V was the commander in chief of the Free State army. It discusses the reaction of Cosgrave to Redmond. The latter was 'treated by Mr Cosgrave with a concentrated display of venom and vulgarity which could hardly be exceeded if the gallant Deputy were a mere Republican'. The article concludes by commenting on the role of the Ceann Comhairle in the debate which was described as being partisan - 'the result of political bias or mental obtuseness'. 3 pp
- 995 11 April 1924 - Note from Hayes to Kennedy informing him that he was obtaining the galley proof of his statements [in the Dail from the debate on the US liquor treaty with Great Britain]. Related items include MS and typescript notes by Kennedy analysing the debate with particular reference to definition of 'international' law. 8 pp
- 996 28 April 1924 Copy of letter from Hayes to the President anxiously requesting information on the Government's programme of legislation and its intentions about the summer

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996 cont.

recess. 'I write this note in a spirit of calm despair - many other similar notes and conversations with yourself having proved fruitless.' He appends a list of parliamentary work which he sees as 'unavoidable' and suggests means by which the programme could be speeded up. 3 pp

ii Clerk of the Dail

April 1923-May 1924

- 997 9 April 1923 Urgent letter from Ó Murchadha to Kennedy enclosing a copy of the draft proceedings of the Dail for 6 December 1922. Seeks his opinion about inclusion of a reference to the Governor General 'appointing' the President and members of the Executive Council, as technically, the Governor General's appointments did not constitute an act of the Dail. Ó Murchadha points out that 'nomination' by the Dail was only one part of the process leading to eventual 'appointment'. 2 items
- 998 29 May-5 June 1923 Copy of letter from Kennedy to Ó Murchadha suggesting that copies of bills and acts be deposited in the Law Library 'as was done under the old régime in the case of the British Library'; reply from Ó Murchadha agreeing to his suggestion. 2 pp
- 999 8-11 June 1923 Circular letter from Ó Murchadha to members of the Executive Council requesting ministers presenting bills to limit their first stage speeches to brief outlines of the content of the bill and to reserve lengthier comments until the second stage of the reading when members of the Dail would have read the text. Contains note from Cosgrave to Kennedy indicating that this procedure appeared to be in conflict with Kennedy's opinion. 1p
- 1000 31 Dec 1923 Copy letter from Kennedy to Ó Murchadha seeking his help with a request from the Earl of Granard for an Irish version of his name. 1p

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- 1001 30 April-17 May 1924 Copy letter from Kennedy to Ó Murchadha complaining that the Translation Department had used 'Priomh Aturnae' for both his office and that of the Chief State Solicitor. He also points out the undesirability of translating the official titles of old British acts into Irish, and regrets that the practice had been stopped of printing the 'arrangement of sections' in several Irish acts; reply from Ó Murchadha dealing with the points raised and making related suggestions; further letter from Kennedy to Ó Murchadha offering advice on the Irish translation of Chief State Solicitor and reiterating the value of 'arrangement of sections'. 4 pp

iii Deputy Chairman of the Senate

July 1923

- 1002 2 July 1923 Letter from Douglas to Kennedy detailing the reasons why he would not support the Public Safety (Emergency Powers) Bill. He praises the progress the Government had made in the area of law and order particularly with reference to the use of an unarmed police force. He feels the measures of the bill would 'run a very grave risk of weakening the whole position of the civil authority in the future' but encourages substitution of the civil authority 'acting strictly in the spirit of the Constitution'. He describes the Bill as a 'real blunder' and dislikes in particular, its introduction of flogging 'especially after our history and its extensive use in '98'. 4 pp

iv Routine

April 1923-Jan 1924

- 1003 25 April 1923 MS note from R. Corish (messenger ?) asking him to meet John [Elgee] of Wexford Harbour Board in connection with the promotion of a private bill for the Board. 1p
- 1004 26 Jan 1924 Letter from Pádraig Ó Tuathail, Clerk [of the Committee of Inquiry into Wireless Broadcasting] to Kennedy requesting him to attend a meeting of the Committee.

P4/

- 1010 [1922] Typescript copy of the oath of allegiance. 1p
- 1011 [Sept 1923] MS note from Cosgrave for Kennedy seeking his opinion on the exact nature of the oath of allegiance which he can give to members of the Dail. 'It is a vital question and on it depends the opinions of some who have conscientious scruples.' Refers to the opinions of J. Crowley and Arthur Clery in this regard. 1p
- See also P4/1012
- 1012 22 Sept 1923 Letter, marked personal and confidential, from Richard Mulcahy, Minister of Defence, to Kennedy enclosing a memorandum by Crowley which he describes as having been intended for 'some kind of public discussion before the opening of the Dail'; copy of memorandum by Crowley examining the legal implications of the oath, the consequences of failure to take it and concluding that the matter was essentially one for the Dail. 7 pp
- 1013 [22 Sept 1923] Two additional copies of the Crowley memorandum marked confidential by Mulcahy. 10 pp

See also
P4/238

IX PARLIAMENTARY LIBRARY
March-Oct 1923

- 1014 9 March-8 May 1923 Copy of letter from Kennedy to Cosgrave, President and Minister for Finance, with which he encloses a list of books suggested by Professor [Ernest H.] Alton, TD, as suitable for purchase for the parliamentary library; letters from McCann to Kennedy enclosing a letter from Sean Ghall [H. Egan Kenny], the Library, Dublin Castle, who advises that the books in question need not be purchased and seeking his opinion; copy of letter from Hayes who advises that the library in Dublin Castle be transferred to the Oireachtas to form the nucleus of a library there. He also suggests that files of local newspapers be deposited in the 'future Record Office or in the National Library'. 6 pp

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- 1015 11 Oct 1923 Letter from M. Mac Donnchadha, Assistant Secretary, Executive Council, to Kennedy, requesting information for the Ceann Comhairle on the custody of books in the library of Dublin Castle. 1p
- 1016 23-30 Oct 1923 Letter from Ó hEigeartaigh to Kennedy enclosing copy of a letter from Ó Murchadha suggesting the transfer of a set of Hansard Reports from the library in Dublin Castle to Leinster House. 2 pp
- X FIRST ELECTION UNDER THE IRISH FREE STATE
(AGREEMENT) ACT, 1922 AND OTHER ELECTIONS
-
- i Procedural Jan 1922-Jan 1923
- 1017 24-26 Jan 1922 Letters to Kennedy from Michael A. Corrigan (solicitor) mainly requesting his advice and views on reports for the Provisional Government on election procedure. Includes lengthy memorandum on elections under the Irish Free State (Agreement) Act, outlining procedure, the duties of registration officers, proportional representation, voting by post and by proxy and the counting of votes. 33 pp
- 1018 12 Sept 1922 Letters from Arthur V. Matheson, Parliamentary Draftsman, to Kennedy describing procedure in the House of Commons when a seat becomes vacant on the death of a member and noting the circumstances under which the parliament of the Provisional Government might expel a member. Concludes that the procedure would have to be similar to practice in the House of Commons; draft resolution for the election of a member of Parliament to fill a vacancy; MS and typescript copies of extracts from works on parliamentary procedure and from the Journal of the House of Commons mainly concerning the expulsion of members from the House. 24 pp
- 1019 23 Jan 1923 Copy letter from Kennedy to the President concerning deposits by parliamentary candidates and suggesting their entitlement to repayment before taking their seats. 1p

P4/

1020 MS notes by [?] on the [Public Registration Act] 1918 with reference to the qualifications of electors, registration and election organisation. 6 pp

ii Electoral Register 1922

1021 1922 Typescript resolution of Dail Eireann authorising the Provisional Government to draw up a register of the electorate with details of procedure and qualification; copy typescript draft of first two pages amended by Kennedy. 6 pp

iii Proportional Representation

Aug 1922-1923

1022 17 Aug 1922 Covering letter from Kennedy to John H. Humphreys, Secretary, The Proportional Representation Society, with a periodical containing an article on the June elections in Ireland leaflets on the proportional representation system. 1p

1023 22 Oct 1923 Letter from Kevin O'Shiel, Assistant Legal Adviser, to Kennedy exhorting him to ensure that voters would be aware of using figures and not an 'X' when voting in the proportional representation system. He wishes him luck in his election attempt, assures him of two votes in his house and offers the services of his 'little car' on polling day.

See also P4/1399-1406

1024 1923 Blank forms used in the counting of votes under the proportional representation system, and at polling booths concerning the identification of members of the electorate, proxy voting and voting by the illiterate. c 24 items

P4/

iv Prevention of Electoral Abuses Act and
Electoral Act, 1923

- 1025 [1923] Circular typescript draft of memorandum for the Executive Council on the Prevention of Electoral Abuses Bill with pencilled amendments concerning fines. 6 pp
- 1026 28 July 1923 -Typescript memorandum on former procedures for the appointment of special constables during elections and noting that under the Prevention of Electoral Abuses Act, power to arrest persons committing an act of impersonation was conferred on members of the Dublin Metropolitan Police and the Civic Guard.
-Letter from Horan to Kennedy noting points about election petitions and the possibility of having an order by the Minister of Local Government under the schedule to the Electoral Act, 1923. 5 pp

v Senate elections and nominations

Oct 1922-June 1923

- 1027 Oct 1922 Circular statements from [O' Murchadha] concerning the nomination of persons eligible for the Senate, receipt of nominations and printed copy of the Dail Eireann resolution on Senate nominations and voting. 3 items
- 1028 27 Nov 1922 Circular letters from O' Murchadha outlining procedures for nominations to the Senate. 2 pp
- 1029 Dec 1922 Circular copies of lists of nominations for election to the Senate prepared by the Clerk of the Dail. 20 pp

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XI MEETINGS

i Opening meetings of the parliamentary session and addresses by the Governor General

Sept 1922-Oct 1923

a December 1922

- 1034 1 Sept 1922 Copy of letter from Sean Milroy, TD, to Mac Donnchadha, Acting Secretary, Provisional Government, noting decisions made at a meeting of 'Pro-Treaty TDs', including the nomination of Cosgrave as their candidate for the post of President of the Dail. 1p
- 1035 6 Sept 1922 Copy letter from Hayes to Cosgrave with amendments by Kennedy containing the agenda and order of business for the first day of the new Dail. 2 pp
- 1036 Nov 1922 Circular letter from McGann enclosing circular copy of letter from Hayes to Cosgrave outlining the procedure for the first meeting of the Dail and raising related points, typescript copy of the same letter from Hayes to Cosgrave with MS annotations by Kennedy, circular memorandum by [Hayes ?] describing suggestions by the Committee on Procedure on his letter to Cosgrave and typescript programme for the first meeting of the Dail with MS amendments by Kennedy. 9 pp
- 1037 5 Dec 1922 Letter from Hayes to McGann referring to the business to be transacted during Dail sessions and enclosing a memorandum on the procedure for the opening of the Oireachtas by the Governor General. Contains note from Cosgrave to Kennedy in which he remarks on Hayes' proposals which he considers 'bald' and wonders if they contain 'sufficient courtesy'. 3 pp
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- 1038 [Dec 1922] Typescript copy speech by Cosgrave as 'the first man called to preside over the first Government which takes over the control of the destiny of our people'. Notes in relation to the Anglo-Irish Treaty that the British 'have stood by the letter and the spirit of that bargain with scrupulous and undeviating good faith'. 5 pp
- 1039 12 Dec 1922 Typescript copy of the speech by T.M. Healy, Governor General, to the Oireachtas on 12 December 1922. Contains MS note by Kennedy which reads 'Final draft prepared by [K] ... [and] actual text from which T.M. Healy read ...' 3 items

b October 1923

- 1040 28 Sept 1923 MS copy of minutes by Kennedy of a meeting concerning the opening session of the Oireachtas arising from Lord Glenavy's objection to the Senate being invited to attend the reading of the Governor General's speech in the Dail. 2 pp
- 1041 [Oct 1923] Copy typescript agenda for the first meeting of the Dail. 1p
- 1042 3 Oct 1923 Circular copy of speech by the Governor General to both houses of the Oireachtas outlining the proposed legislative programme for the Government. 13 pp
- 1043 [Oct 1923] Circular copy of motion for resolution of thanks to the Governor General's speech and related amendment regretting that the fishing industry did not feature in the Government's legislative programme. 1p

P4/

ii Circular copies of notices, motions,
reports, amendments and resolutions. 1922-4

- 1044 [Aug 1922] Typescript copy of resolution by Dail Eireann proposing an annuity for Mrs Maud Griffith, widow of Arthur Griffith, and their children. 3 pp
- 1045 1922-3 Routine copy decrees and resolutions including the Ministerial Powers (Declaration) Decree concerning the establishment of 'Administrative Committees' at county and county borough level, and resolution pledging support of the Dail for the Government and military authorities and proposing that 'well-founded' complaints by prisoners in military custody be investigated. 5 pp
- 1046 1922-3 Routine circular and copy material including report of the Committee on Salaries detailing payments and allowances suitable for ministers, the speaker, deputy speaker and Dail members, various committee functions and membership including a committee appointed to examine the existence of any **measures** restricting or regulating imports and exports relating to industry and agriculture in the Free State. 14 pp
- 1047 1922-4 Routine circular notices informing Kennedy of meetings of the Dail, amendments to various bills and agendas, with occasional notes from Hayes, and text of motions and of questions to be addressed to ministers. c 30 items
- 1048 1923-4 Routine circular copies of motions, replies to parliamentary questions, lists of names and addresses of deputies elected in August 1923, and amendments to bills. 15 items

P4/

DF COURTS, JUDICIARY AND JUDICIAL
REORGANISATION

I THE COURTS

i Accommodation May [1922-]Jan 1924

- 1049 11 May [1922] Letter from Thomas L. Shaughnessy, Recorder of Dublin, to Kennedy offering him use of the Recorder's Court until 2 June. 2 pp
- 1050 14 Sept [1922] Note from Patrick McGilligan for the Minister of Home Affairs, to Kennedy containing the text of a question by Gerald Fitzgibbon, KC, concerning accommodation for court sittings in Dublin and requesting information from the Minister of Home Affairs about the proposed arrangements; memorandum by Fitzgibbon listing the accommodation requirements of the courts. 2 pp
- 1051 Oct 1922-Oct 1923 Correspondence between Kennedy, Sir Philip Hanson, Office of Public Works, T.F. Molony, Lord Chief Justice and other Office of Public Works officials mainly concerning the allocation of areas in Dublin Castle for the use of the law courts, their layout and approval of plans. Includes comment by Hanson on the use of the Chief Secretary's 'old files' by the Chief State Solicitor. 25 pp
- 1052 20 Oct 1923-4 Jan 1924 Letter from B.W. Gilbert, Ministry of Finance to Kennedy enclosing copy of an extract from a report by the Commissioners of Public Works concerning the refurbishing of St Georges Hall in Dublin Castle as a jury court in view of the changes in the legal system resulting from the Courts of Justice Bill; copy reply from Kennedy noting that jury cases had hitherto been heard in the Thorne

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1052 cont. room, regretting that such a practice had been carried out in such a 'beautiful room' and noting the inevitable necessity of using St Georges Hall. 4 pp

ii Opening of the courts in Dublin Castle and inauguration of the Chief Justice

April 1923 June 1924

- 1053 April 1923 Press cuttings relating to the opening of the courts in Dublin Castle.
- 1054 June 1924 Inauguration and swearing in of Kennedy as Chief Justice in Dublin Castle on 11 June 1924, mainly press cuttings, MS copy of addresses by Kennedy, guest lists, table plans and some related letters including letter from W.R.E. Murphy, Dublin Metropolitan Police Commissioners Office, acknowledging Kennedy's thanks for the work of the DMP at the ceremony opening the courts. 28 pp
- 1055 June 1924 Preliminary MS and amended draft by Kennedy of his speech at the opening of the courts. [One draft is annotated by his wife, Clare Kennedy.] 2 items
- 1056 [June 1924] Final MS text by Kennedy of his speech at the opening of the courts describing the significance of the occasion and noting that until new rules and regulations were drawn up by the Rule-making Authority established under the Courts of Justice Act, the existing practices 'of the Courts which the Oireachtas has just brought to an end' would apply; MS draft of the first paragraphs of the speech in Irish. 2 items
- 1057 June 1924 MS draft and final MS text by Kennedy of opening remarks in Irish of his speech at the opening of the courts. 2 pp

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iii Reopening of the courts in the Four Courts

May-Oct 1931

- 1058 May-Oct 1931 Correspondence between Kennedy and James Fitzgerald Kenney, Minister for Justice concerning the reopening of the courts of justice in the restored Four Courts. Points covered include the nature and procedure for a ceremonial reopening, the nature of the robes to be worn by members of the judiciary, the accommodation of the Probate Office, the suitability of terms such as 'the Four Courts'. Includes typescript signed copy of the order made by Kennedy and Timothy Sullivan, President of the High Court transferring the business of the courts from Dublin Castle; private letter from the Minister for Justice to Kennedy outlining the reasons why a ceremonial reopening would be inappropriate and unwise, citing mainly danger of the courts being destroyed. 'The forces making for anarchy are stronger than men dream of ... A formal opening would be a direct incentive to the making of an attempt to wreck the building.' (16 Sept 1931). 40 pp
- 1059 Aug-Sept 1931 Correspondence between Kennedy, Fitzgerald Kenney and the Office of Public Works concerning the display of flags at the courts, both for general and ceremonial use. 7 pp
- 1060 July 1931 Correspondence between Kennedy and Hanson concerning the transfer of the various courts from Dublin Castle with particular reference to court sittings and judicial commitments. 6 items
- 1061 Sept-Nov 1931 Correspondence between Kennedy, Office of Public Works, Department of Posts and Telegraphs and the Registrar to the Chief Justice concerning routine matters of accommodation and the return of the Chief Justice's keys for Dublin Castle. 9 pp

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- 1062 May-Nov 1931 Correspondence between Kennedy, officials of the Office of Public works and Kitty MacCormack, Dun Emer Guild concerning the supply and design of a tapestry panel, featuring a harp, for the Supreme Court, the Chief Justice's Bench Chair and related fixtures. 19 pp
- 1063 Sept Oct 1931 Correspondence between Kennedy, Michael J. Lennon (Barrister at law), Joseph A. McCarthy (Barrister at law) and Edward Byrne; Archbishop of Dublin concerning the celebration of a votive Mass at the request of Catholic members of the Bar for the inauguration of the Michaelmas Term; copy letters to various judges informing them of the occasion and referring to arrangements for a church service for Church of Ireland Bar members and copy letter to Isaac Herzog, Chief Rabbi informing him of the services. Includes letters from Irish legations abroad and European consuls in Dublin describing national practice with reference to religious services and the courts. 75 pp
- 1064 Oct 1931 Text of speech by Kennedy at the opening of the 1931 Michaelmas Term in the courts with MS draft amendments, notes and press cuttings on the work of Hanson and the staff of the Office of Public Works in restoring and refurbishing the Four Courts. 22 pp
- 1065 Oct 1931 Newspaper cuttings from Irish daily papers featuring the reopening of the courts of justice in the Four Courts and the religious services marking the opening of the Michaelmas Term. 6 items
- 1066 Oct 1931 Printed copy of the 1931 calendar of Michaelmas sittings in the courts of justice. 2 items

1063
See also
P4/41

P4/

II SUSPENSION OF THE DAIL EIREANN COURTS,
 DAIL EIREANN COURTS (WINDING-UP) ACT, 1923 AND
 DAIL EIREANN COURTS (WINDING-UP) COMMISSION

July 1922 April 1925

- 1067 July-Sept 1922 Correspondence and memoranda dealing mainly with the suspension of the Dail courts and the reorganisation of the system of judicial administration. Includes correspondence about the difficulties created by the suspension of the Dail courts; memoranda by John A. Costello on justices of the peace and resident magistrates and material relating to the cessation of tenure of office of resident magistrates; memorandum by Ernest Blythe on local courts with reference to the abolition of parish courts and the development of petty session courts; correspondence with Thomas F Molony, Henry Hanna, Louis Walsh, James C. Meredith and Cahir Davitt; appointment of judges; memorandum by the Acting Registrar, Land Registry, on accommodation and staffing problems; compensation sum to Kings Inns library as a result of changes in copyright legislation; letters and memorandum on reorganisation of the legal system by Muiris Ó Lochlainn, Paul Vignoles, B.J. Goff and Meredith; press cuttings. c 150 pp
- 1068 [July 1921-] Aug 1922- April 1923 Correspondence and memoranda dealing with the suspension of the Dail courts, difficulties arising therefrom and proposals for the reorganisation of the judiciary. Includes report by Gerald Horan on staff and organisation in legal departments; report of the Committee on the Winding-Up of the Dail Courts; correspondence with Constantine P. Curran concerning revision of court forms; correspondence concerning arrangements for the use of premises in Dublin Castle as courts and related staffing issues; correspondence concerning the forms of oath; letters from Horan, Meredith, Sir George Fottrell, KCB and J. Clerc Sheridan on related matters. 49 pp

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- 1069 [1922] Typescript copy of report by Meredith, Seoirse Mac Niocaill, Assistant to the Minister of Home Affairs and P.S. Mac Eochach on suspension of the Dail courts. Covers the requisite legislation, registration of judgments and decrees and orders necessary for the appointment of district judicial commissioners in relation to appeal and pending cases and in relation to the execution of sentences. 10 pp
- 1070 1-21 Aug 1922 -Circular letter from Mac Niocaill to members of the Provisional Government seeking instructions as to whether salaries should be paid to judges Crowley, Meredith, Cleary and Davitt since the suspension of the Supreme Court.
- Copy letter from Kennedy to [William T. Cosgrave], Acting Chairman of the Provisional Government discussing possible action which could be taken against Crowley and Michael Comyn, KC, on account of their participation in 'Courts ... against the civil and military authorities of the Government'.
- MS note informing Kennedy that a reporter from the Irish Independent had called about the notice suspending sittings of the Republican Supreme Court and the reconstruction of the judiciary. 3 items
- 1071 July 1923-March 1924 Letters to Kennedy including letter from Arthur V. Matheson, Parliamentary Draftsman commenting on changes in the draft Dail Eireann Courts (Winding-up) Bill and on a related memorandum from the Ministry of Home Affairs. In relation to the latter he feels that some of the suggestions imply that the Dail courts were 'illegal tribunals' and notes the difficulty of finding suitable terminology for expressions such as 'British courts' and 'patriotic motives'; letter from S.A. Roche, Ministry of Home Affairs seeking clarification of a point arising from the Dail Eireann Courts (Winding-up) Act, 1923. 4 pp
- 1072 Nov 1923; 18-30 April 1925 Correspondence between Horan, H. Friel, Secretary, Department of Justice and the President of the High Court concerning the transfer of business from the Dail Eireann Courts (Winding-up) Commission to the High Court; note from P.S. McQuaid, Chairman, Dail Eireann Courts (Winding-up) Commission to Kennedy enclosing an impression of the Commission's seal. 8 pp
- See also
P4/253
- See also
P4/613

P4/

III SUPREME COURT OF JUDICATURE

April 1923 [-Feb] 1924

- 1073 7-12 April 1923 Private letters from E.J. Walsh, Accountant General, Supreme Court of Judicature, to Kennedy concerning the necessity of reconstructing a set of ledgers for his office from the records of the Bank of Ireland to substitute for those destroyed in the Four Courts in 1922. Includes copies of correspondence between E.R. Deverell, Accountant General, Bank of Ireland and Walsh concerning the facilities which the bank had provided for the staff of the Court of Judicature for the reconstruction of their records. Deverell emphasises that the records would not necessarily supply all the information contained in those destroyed. He warns that some incomplete information already used by the court had resulted in overdrawn accounts; memorandum by Walsh in which he suggests that the bank records might be 'taken over by the Accountant General of the Supreme Court or by the Public Record Office'. He proposes opening new Supreme Court ledgers and details their content and potential. 9 pp
- See also
P4/285
- 1074 12 Dec 1923-23 [-Feb] 1924 Private letter from J.J. McElligott, Ministry of Finance to Kennedy enclosing copy of a letter from H.L. Tivy, editor of Cork Constitution to T.M. Healy, Governor General, concerning funds held by the Supreme Court of Judicature from suitors in the court up to the year ended 30 September 1919. Tivy points out that the Free State was entitled to dormant funds amounting to about six million pounds which resulted from the operation of the Encumbered Estates and other land courts. He blames the 'imperfect system' of accounting as the reason why the money was left largely unclaimed; copy reply from Kennedy noting that funds held by existing courts would be transferred to the jurisdiction of those being set up under the Free State constitution. [One misdated letter]. 4 pp
- 1075 [1922] Memorandum outlining the conditions of employment and position of the three taxing masters of the Supreme Court of Judicature in Ireland. It concludes 'The Masters are desirous of continuing in office under the Irish Free State Government but naturally wish to have their

P4/

- 1075 cont. rights provided for and defined in the Act of Parliament to be passed providing for the status of Judges and Officers of the Supreme Court'. 3 pp
- 1076 [1923] -Typescript draft with amendments of a bill relating to the Supreme Court of Judicature, its securities, property and functions.
- Letters to Kennedy from Horan mainly outlining points about the Housekeeping and Scrivener areas of the Supreme Court. Suggests financial savings in both areas with reference to personnel and asks to be put in touch with an appropriate official in the Ministry of Finance for the purpose of introducing the saving measures. 4 pp
- 1077 [1923] Copy memorandum entitled 'Skeleton suggestions for legal reforms' outlining the work of the Supreme Court and the Central Criminal Court, their jurisdiction, the number of judges required and related matters. 6 pp

See also
P4/724, 775

IV DISTRICT COURTS AND
DISTRICT JUSTICES (TEMPORARY PROVISIONS) ACT, 1923

Aug 1922-Feb 1924

- 1078 2-9 Aug 1922 Correspondence between Kennedy and Joseph Gleeson (solicitor) concerning the functioning of parish and district courts. 3 pp
- 1079 5 June 1923 Letter from M. McCartie (solicitor) pointing out 'two very grave defects' in the powers given to Peace Commissioners under the District Justices (Temporary Provisions) Act with reference to bail bonds and the taking of recognizances for appeal. 2 pp

P4/

- 1080 21 Sept 1923 Letter from [P.J. Reddin], District Judge, county Westmeath, to Kennedy seeking his opinion about the handling of a case with reference to the District Justices Act. 1p
- 1081 8 Nov 1923 Letter from A.R. Chapman, Secretary, Dublin Mercantile Association, to William Hewat, TD, concerning the Courts of Justice Bill. Points out the lack of interpleader as regards district courts and the resulting adverse effect on a number of mercantile debt cases. Refers to other shortcomings and seeks an appointment for his Association with the Attorney General to convey the representative views of 'the greater part of the trading Community in Dublin and throughout the Provinces'. 2 pp
- 1082 1 Jan-19 Feb 1924 Copy of letter from Mark B. Cooper, KC, to Healy requesting his support for the insertion of a clause in the Courts of Justice Bill extending the retirement age of divisional justices for Dublin and commenting on the satisfactory nature of his own experience as one, with copy of covering letter from Healy to Kevin O'Higgins, Minister of Home Affairs noting the point raised by Cooper as 'well worthy of consideration and adoption' covering letter from J.P. Clare, Secretary, Minister of Home Affairs forwarding the letters to Kennedy.
- Letter from Cooper to Kennedy concerning the debate on the retirement age of district justices and drawing his attention to the special position of the three divisional justices for Dublin with copy reply from Kennedy. [One letter misdated] 5 pp

P4/

See also
P4/1067-68

V JUDICIARY COMMITTEE

i Terms of reference and membership

[1923]

- 1083 [1923] Draft of circular letter from William T. Cosgrave, President, Executive Council to members of the Judiciary Committee outlining the terms of reference for the Committee's work. 3 pp
- 1084 [1923] List of those who accepted the invitation of the Government to act on the Committee. 1p

ii Meetings and correspondence with the Committee secretary and members

Feb 1923-May 1924

- 1085 Feb-May 1923 Correspondence between Kennedy and Micheal Smidic, Secretary, Judiciary Committee, mainly about routine matters such as meeting arrangements, circulation of submissions and their acknowledgment. Includes copy minutes of proceedings of the Committee. 155 pp
- See also P4/1092,1095
- 1086 July 1923-Feb 1924 Letters from Smidic to Kennedy raising points about provisions in the Courts of Justice Bill for appeals pending from the county courts at the date of the commencement of the act and other matters. Includes copy of the original draft of Judge [William] Johnston's circuit

P4/

- 1086 cont. court scheme, list of proposed circuits with reference to counties and **population and** map showing distribution of each circuit with reference to population and county. Also includes extracts from the minutes and correspondence of the Committee concerning the robes of Bench and Bar, noting Kennedy's disapproval of the final draft report with regard to costume and Louis J. Walsh's opposition to the retention of the wig and gown. 8 pp
- 1087 [March 1923] Letter from Senator Lord Glenavy, Chairman of the Senate, to Kennedy explaining his absence from a meeting of the Committee and suggesting it discuss the future of the High Court in general terms. Notes the trend towards making district courts high courts and emphasises his misgivings about the likely results. ... 'it would practically destroy the dignity [and] traditions of the Bar and reduce it to a body of ... provincial practitioners'. 3 pp
- 1088 14 March-14 May 1924 Letters from Arthur C. Meredith, KC, to Kennedy inquiring about the payment of fees arising out of the Courts of Justice Bill. Expresses encouragement for Kennedy's work despite his opponents. 'I think you are quite right as to legal education and reform and I wish you good fortune.' Copy reply from Kennedy advising him to make an application for his fee to the Ministry of Finance which he describes as failing to take the 'initiative' in the matter of payments. 3 pp

iii Committee working papers

Oct 1922-May 1923

- 1089 Oct 1922-Jan 1923 Memoranda for members of the Committee by various members of the judiciary and legal profession with suggestions for the new system of administration of justice. Includes H.J. Marshall, Listowel, county Kerry, on the High Court, Supreme Court, county courts and petty sessions (memorandum 5), George McSwiney on High courts and county court system (memorandum 3), J.B. Hamil (solicitor), Dundalk, county Louth on local district and circuit courts (memorandum 4), A.F. Blood on the courts and judiciary of Australia and New Zealand (memorandum 2) and related notes on America, H. Hanna
- See also P4/1067, 1068

- P4/
1089 cont. on the Court of Session and Sheriff courts of Scotland (memorandum 1). 51 pp
- 1090 Feb-March 1923 Memoranda for members of the Committee by members of the judiciary and legal professions including copies of memoranda 1,2,4 and 5. Preliminary and further memoranda by James C. Meredith on the reconstruction of the judiciary (memoranda 6 and 7), memorandum by Lord Justice O'Connor on changes in Ireland's judicial system (memorandum 10), Divisional Justices Cooper and E.A. Collins on summary jurisdiction in Dublin (memorandum 11a) and memorandum by Cooper, Collins and E. Lupton on justices of Dublin district (memorandum 11b), memorandum by a sub-committee consisting of Johnston, H. Murphy and Louis J. Walsh on the county courts and memorandum on county courts by county court judges; schedule with map showing areas of operation of district justices appointed under section 6 of the Adaptation of Enactments Act, 1922; covering letters from Smidic . c 100 pp
- 1091 Feb-April 1923 Memoranda for members of the Committee by members of the judiciary and legal professions including copy of memorandum 3 on county court system and assizes, A.A. Dickie on a judicial system and draft of a suggested bill for the constitution of the Supreme Court, High Court, circuit courts and district justices courts (memorandum 12); report by Patrick Rooney (solicitor) on the establishment of courts and setting up of legal offices under the Free State Constitution; schedule of the existing limits of the jurisdiction and authority of justices of the peace; report by Henry Murphy on a suggested Irish judiciary; report of the Incorporated Law Society and of the General Council of Provincial Bar Associations on the establishment of courts and legal offices under the Constitution; copies of letters from individuals including Louie Bennett, Secretary, Irish Women Workers Union and Louis Walsh; James C. Meredith outlining a scheme of reconstruction for courts of local and limited jurisdiction; synopses of legal systems in Scotland, Australia, United States and New Zealand based on other reports; notes by the Recorder of Dublin with suggestions for legal reform; parliamentary reports. c 100 pp
- See P4/
1089
- 1092 Jan-May 1923 Memoranda and reports for members of the Committee by members of the legal professions and public with related correspondence. Includes report of the General Council of the Bar on judicial reform; letter from the Association of the Clerks of Crown and Peace;

P4/

1092 cont. memorandum by E. Walsh, Accountant General, on funds in court - Supreme Court of Judicature; Toronto Juvenile Court report; report by the National Executive of the Labour Party and Trade Union Congress on legal reform; letter from Dublin Citizens Association on the payment of jurors; memorandum by Cork Traders' Protection Association on legal procedure; memorandum on Taxing Masters of the Supreme Court of Judicature; 'further' memorandum on the judiciary by James C. Meredith, memorandum by Matthew Byrne (solicitor) on the new Irish judicial system; memorandum by the Irish Labour Party on judicial reform; letter from Louis Walsh about jurisdiction over parties from Northern Ireland coming to Donegal and which 'get drunk and commit other offences'; continuation of correspondence with Smidic [from P4/1085]. 105 pp

iv Kennedy's notes and press cuttings

Dec 1922-June 1923

1093 Dec 1922-June 1923 MS notes by Kennedy arising out of the deliberations of the Committee with press cuttings. 24 pp

1094 1923 Press cuttings relating to the work of the Committee and to the reorganisation of the judiciary.

v Committee's report

April-June 1923

1095 April-June 1923 Copies of draft and revised reports of the Committee with MS amendments by Kennedy and related correspondence and memoranda. Includes memoranda by C.J. Gregg, Ministry of Finance, concerning aspects of the costing of the new system and circular copy letter from Cosgrave to members of the Committee acknowledging their work; continuation of correspondence with Smidic [from P4/1092]. c 50 pp

1096 1923 Report of the Judiciary Committee.

P4/

vi Draft bill for court reorganisation

July 1923

- 1097 7 July 1923 Typescript bill for the reorganisation of the courts with covering note from Kennedy to Arthur C. Meredith.
See also P4/1088
- 1098 June-Aug 1923 Correspondence mainly between Kennedy and Arthur C. Meredith concerning aspects of the drafting of the bill and correspondence arising out of the work of the Committee, its report and the proposed bill. Includes covering letter from Constantine P. Curran, Clerk, Courts of Justice to Kennedy enclosing a 'screed of blatant egotism' showing the effect of the Committee's report on his work with reference to his possible promotion to Master of the Central Office and a memorandum on the appointment of receivers. 31 pp
- vii Correspondence on judicial reform
and on the Committee's report
Feb-Aug 1923
- 1099 8-9 Feb 1923 Communications with J.H.S. Russell, Secretary, General Council of the Bar of Ireland including circular copy of the private and confidential report of the Bar sub-committee on judicial reform. Expresses opposition to the establishment of district high courts for various reasons including 'the existence of Record and Writ Offices in such multiplicity [which] will make it practically impossible to make the present Searches'. Proposes the establishment of a court of appeal and emphasises the maintenance of standards by a high court on circuit; notice and agenda for a meeting of the General Council of the Bar. Agenda includes proposed appointment of a sub-committee to meet the Incorporated Law Society about evidence for the Commission on Changes in Judiciary. 9 pp

P4/

- 1100 10 Feb 1923 Letter from Louis J. Walsh, District Justice, in Letterkenny, county Donegal, encouraging creation of a 'model Judicial system' and describing Kennedy as a 'man of ... vision who is not afraid of innovations'. He feels a good legal system in the Free State would impress public opinion in the North and notes Northern approval at the Free State action in abolishing the 'old Benches of Magistrates'. 2 pp
- 1101 27 March 1923 Letter from Walsh commenting on legal education with particular reference to Irish which he considers necessary for the solicitors apprenticeship and Bar entrance examinations. Refers to the urgent need to appoint a notary public in Donegal and endorses the application of William Kelly (solicitor) for the position. 1p
- 1102 3 June 1923 Letter from Walsh to Kennedy mainly with reference to the proposed Bar costume and the publication of the report of the Committee. 3 pp
- 1103 11 June 1923 Letter from Walsh to Kennedy angrily noting a suggestion in the Freemans Journal that the report of the Judiciary Committee would not be published and emphasising the need for informed public opinion about the nature of the proposed judicial system. 1p
- 1104 10 July-18 Aug 1923 Letter, marked private, from Walsh to Kennedy congratulating him on the report of the Committee, extolling his choice of Committee member and offering to read the text of the bill. He encourages Kennedy to stand for election in Donegal. ...'the Donegal man is essentially practical and will recognise the value of having "a friend in Court" '. He details the method by which Kennedy could enlist the support of the clergy, business men and unionists; copy reply from Kennedy declining to stand for election and emphasising the policy of keeping the law removed from politics. 'I have myself constantly preached this doctrine and urged it from the beginning as the ideal to be aimed for. I could not therefore complain when it was decided that I should not stand for a Seat at the Election.' He refers to an obstruction at the reading of the bill which had necessitated its postponement until the new Dail assembled. 7 pp
- See also
P4/1388-90

P4/

1105 1 Aug 1923 Personal and private letter from Walsh to Kennedy extolling his decision to stand in Clare, noting the respect with which he is held even by diehards and hoping that the Irish language would secure a proper place in the new court system. Discusses Northern Ireland and the way in which it might be 'won'. 'Only lunatics could believe ... that by destroying our own resources and killing our own people we could weaken the Belfast Government ... the North Eastern problem could [not] be settled in a day or a week or a year by a formula or a bit of bounce or even a boycott.'

3 pp

VI COURTS OF JUSTICE BILL, 1924

See also
P4/704

i Passage of the Bill in the Dail and Senate
Sept 1923-April 1924

1106 22 Sept 1923-24 March 1924 Letters mainly from Matheson to Kennedy with comments on the Courts of Justice Bill and suggestions for rewording and amendments; Senate amendment 22 with reference to substitution of 'district judges' for 'district justices' including copy letter from Matheson to [D.J. O'Sullivan] of the Senate Office discussing the incorrect wording of amendment 22 and consequent use of the expression 'district judges', the difficulties of reprinting the Bill and enclosing a list of amendments to sections for the approval of the Senate which were affected by the amendment; copy list of 'further amendments to give effect to the decision of the Seanad that the members of the District Court are to be styled "Judge" '. Also covers question of powers of peace commissioners including copy of letter from Kennedy to Patrick Hogan, Minister of Agriculture, noting that if peace commissioners exercised functions of a judicial nature, their appointment would require alteration and proposing the drafting of an amendment to frame their functions as 'administrativ letter from Hogan to Kennedy emphasising the necessity of ensuring that peace commissioners should be granted power to condemn unsound food rather than allocating this function to justices of the peace. Notes that such machinery 'would stop the practice of dealing in bad eggs which is neutralising to a very great extent the efforts which are being made to improve the Irish Egg industry'. Encloses a related amendment to the Bill.

20 pp

See also
P4/1114

P4/

- 1107 10 Dec 1923 Copy letter from Kennedy to Colm Ó Murchadha, Clerk of the Dail, in relation to the use of Irish titles in the Bill, with details of [Eoin] Mac Neill's suggestions for the Irish translations. 1p
- 1108 25 Jan [1924] MS letters from Lord Glenavy to Kennedy informing him that the Senate had unanimously agreed to invite him to participate in the different stages in the Courts of Justice Bill and noting that its passage in the Senate should be without difficulty. 2 pp
- 1109 3 April 1924 MS note from Kennedy to Michael Hayes, Ceann Comhairle, asking him to urge the Senate 'to get at the constructive work under the [Courts of Justice] Bill' before adjourning for Easter. Contains note of affirmation from Hayes. 1p
- 1110 [March-April 1924] Printed extracts of amendments passed in the Senate to the Bill with typescript and MS annotations [some in shorthand] by Kennedy, including notes on the defeat or acceptance of amendments. 61 pp

ii Proposals received and submitted by

Government ministries

Sept 1923-March 1924

- 1111 Sept 1923-Jan 1924 Covering letters from Thomas J. Coyne and J.P. Clare, secretaries, Minister of Home Affairs, and Henry Friel, Secretary, Ministry of Home Affairs, with suggestions received about the Bill. Includes memorandum by Padraig Ua Suilleabhain, Cork, dealing mainly with the district courts; copy of letter from Horan commenting unfavourably on the Government's amendment on existing court officials and suggesting, as an alternative, part of the Judicature Act, 1877; typescript extract from letter from Denis Bondren (solicitor) pronouncing the restriction on the right of appeal as dictated by the Bill as reactionary and unpopular; letter from District Justice George P. Cussen noting a possible omission of a section in the Bill which would affect district
- See also
P4/1148

P4/

- 1111 cont. justice pension rights. Includes letter from Friél to Kennedy urgently requesting an amendment to enable 'one Peace Commissioner to act where two Justices of the Peace were required'. 17 pp
- 1112 5-22 Oct 1923 Covering letter from J.B. O'Connor, Secretary, Ministry of Defence, to Kennedy enclosing copy of a letter from Cahir Davitt, Judge Advocate General to Richard Mulcahy, Minister of Defence noting that the Bill made no provision for the powers which had been conferred by the Defence Forces Act, 1923 on district justices and peace commissioners; letter from Davitt to Kennedy noting points in the Bill relating to the respective jurisdiction of the Court of Criminal Appeal, the High Court and the Supreme Court. 3 pp
- 1113 17 Dec 1923-9 Jan 1924 Covering letter from Leon Mac Amhlaibh, Secretary to Ernest Blythe, Minister of Finance, enclosing copy of a note from William O'Brien, Chairman, Office of the Revenue Commissioners with a memorandum for Kennedy by Bartholomew Collins, solicitor, Office of the Revenue Commissioners, detailing amendments to clauses in the Bill dealing with the collection of death duties, customs and excise offences, and appeals in income tax cases. 6 pp
- 1114 5 March 1924 Covering letter from E.P. McCarron, Secretary, Ministry of Local Government, to Kennedy endorsing an amendment to the Bill permitting peace commissioners to exercise the powers of a justice of the peace in the condemnation of unsound food.
See also P4/1106
- iii Proposals from members of the Judiciary,
legal professions and the public
Sept 1923-April 1924
- 1115 Sept 1923-1 March 1924 Letters to Kennedy from W.G. Wakely, Secretary, The Incorporated Law Society of Ireland and letter of acknowledgment from Kennedy. Wakely thanks Kennedy for receiving a Society delegation and suggests that two practising members of the solicitors profession should be

P4/

- 1115 cont. members of the Rule-Making-Authority. Requests clarification of a section in the Bill which either refers to the existing county court default procedure or to the existing procedure by which judgment by default can be obtained in the High Court. Seeks an amendment in relation to the Childrens Court, described as 'very necessary for the protection of parents and children'. Notes other points including the question of affidavits sworn outside of the Irish Free State. Includes typescript list of amendments to the Bill as proposed by the Society. 9 pp
- 1116 17 Nov 1923-2 Jan 1924 Correspondence between Mark B. Cooper, KC, Divisional Justice, Metropolitan Police Courts and Kennedy. Cooper points out omission of a reference to officers of the Metropolitan Police Courts in an amendment to the Bill. He also deals with his own position under the Bill and comments on the retirement age of High Court, circuit court and other judges. Copy reply from Kennedy notes that existing divisional magistrates re-appointed under the Bill would become district justices without loss of pension rights under previous statutes. 6 pp
- 1117 29 Oct 1923 Covering letter to Kennedy from Arthur Creed Meredith, KC, enclosing a MS draft of six amendments to the wording of the Bill; MS draft by Meredith of an amendment concerning the hearing of appeals. 6 pp
See also P4/1097,1098
- 1118 21 Sept-31 Dec 1923 Memorandum by Horan noting the need for a clause to preserve the rights of existing court officials in the new court system; letter from Horan to Kennedy noting that the Bill transferred all jurisdiction in lunacy to the Chief Justice but made no provision for appeals with copy reply from Kennedy. 4 pp
- 1119 24 Sept 1923 Letter from Louis J. Walsh, District Justice, to Kennedy concerning the Bill. Refers to Kennedy's positive influence on its conception and raises points in relation to circuit courts. 3 pp

- P4/
- 1120 6 Oct 1923 Letter from Walsh to Kennedy
noting points about giving
licensing jurisdiction to
district courts and commenting on various amendments to the
Bill which had been suggested. 2 pp
- 1121 10 Oct 1923 Letter from Walsh to Kennedy
congratulating him on an interview
about the Bill, urging its speedy
passage and stressing the need for the Lough Foyle question
to be settled by the new Supreme Court rather than by an
existing one. 2 pp
- 1122 9 Oct-1 Nov 1923 Personal letter from Walsh to
Kennedy concerning progress with
the passage of the Bill and
enclosing a letter from Francis J. Biggar on Bar costume.
Notes Brehon usage of robes in which colour denoted different
rank and the French practice of using caps instead of wigs. 2 items
- 1123 27 Oct-5 Nov [1923] Copy letter from Kennedy to
Walsh thanking him for a telegram
congratulating him on his election
victory. Notes the hostility of the Bar to any change in
costume. 'It is a funny thing that the Bar clings to the wig
with the greatest intensity, even to the extent of sending a
lot of money out of the country to replace those burnt in the
Four Courts.' 2 items
- 1124 8 Jan 1924 Covering letter in indecipherable
hand from Walsh to Kennedy
enclosing a copy of his book
Twilight Reveries and commenting on the 'almost perfect' Bill
favourably. 1p
- 1125 8-9 Feb 1924 Copy letter from Kennedy to
Walsh thanking him for his
book. Discusses the Bill with
reference to Lord Glenavy's comments. He describes as a
falsehood, one of his statements about the Judiciary Committee
and concludes that Glenavy would stop 'at absolutely nothing
to gain his own end. His advocacy is of the most thoroughly
dishonest and disreputable character'. To clarify this point,
Kennedy refers to Glenavy's handling of the Fisheries Bill.

P4/

- 1126 9 Feb 1924 Letter, marked private, from Walsh to Kennedy, congratulating him on the easy passage of the Bill through the Senate and its emergence, 'practically unscathed'. Details his opposition to an amendment reducing the jurisdiction of district courts. MS postscript reads 'Glenavy is a terrible old cod ! ' 2 pp
- 1127 11 Feb 1924 Letter from Walsh to Kennedy criticising Lord Glenavy's stance in the debate on the Bill, noting in particular, a 'misstatement about our Committee and robes'. Considers Glenavy anxious to win cheap popularity. ...'he would have ratted on the Bill only he could not for shame. Gogarty was very good on his seeking to kill his own child. Of course, this may not be a complete explanation. You never know when the Masonic "grip" is working'. Praises the Government, the President and Kennedy for their success during the Bill debates. 2 pp
- 1128 11 Feb 1924 Letter from Walsh to Kennedy discussing section 74 of the Bill and hoping he can be a member of the Rule-Making-Authority. Refers to the use of Irish in courts in the Irish-speaking districts. 3 pp
- 1129 4-22 April 1924 Letter from Walsh to Kennedy with more congratulations on the Bill. 'It is by far the biggest legal reform ever attempted in our history, and is the most successful effort that has been made since the Treaty to substitute for a British institution one worthy of the special genius of our race ...' He attributes this achievement to Kennedy's 'Irish instincts, breadth of view, freshness of outlook, and courage'; copy reply from Kennedy. 2 pp
- 1130 10 Oct-6 Dec 1923 Letters from Henry Hanna to Kennedy outlining advice he tendered on the Bill with reference to restricting trial by jury to criminal cases and provision for judges to control costs in every case. Also comments on the desirability of members of the Bar supporting its provisions. 4 pp

P4/

- 1131 [Oct 1923] Letter to Kennedy from Joseph M. McBride, TD, commenting on the need for defendents in simple land disputes to give evidence in court on their own behalf. 2 pp
- 1132 6 Oct 1923 Letter to Kennedy from A. Alfred Dickie raising points about appeals, mainly with reference to the High Court, on behalf of members of the Bar. 3 pp
- 1133 11 Oct-7 Dec 1923 Two letters to Kennedy from Hugh J. McCann commenting on the inadequacies of the stenography arrangements provided for by the Bill, emphasising the need for accurate verbatim accounts to avoid the miscarriage of justice and suggesting his own name as one of the chief court stenographers. 2 items
- 1134 2 Nov 1923 Letter to Kennedy from Judge Richard Rice, Kilworth, county Cork, suggesting an improvement to the old civil bill procedure by allowing judges to fix the sums payable to relations rather than disposing of family property and assets at auction.
- 1135 14 Nov 1923 Copy letter from S. Cochrane, Dublin, to Kennedy requesting him, as a constituent and small trader, to include in the Bill a clause which would facilitate the recovery of debts where a debtor repudiates liability. 2 pp
- 1136 20-22 Nov 1923 Letter from Patricia Hoey, Secretary, Women's Independent Association, to Kennedy requesting rearrangement of an appointment to meet him and copy reply from Kennedy. 2 pp
- 1137 18 Dec 1923 Copy covering letter from Kennedy to George Hill Smith, KC, in Belfast, with a copy of the Bill and drawing his attention to 'one very important change', namely sections 91 and 92. 1p

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- 1138 13-18 Feb 1924 Letter from Peter de Loughrey, TD, Lord Mayor of Kilkenny, to Kennedy informing him about a possible omission in the Bill allowing for the removal of coroners for misconduct; copy reply from Kennedy noting that the appointment and removal of coroners would not be covered by the provisions of the Bill and that the matter would be the subject of separate legislation. 2 pp
- 1139 11-12 March 1924 Letter from W.M. Calwell, Secretary, Dublin Chamber of Commerce, to Kennedy, enclosing a memorandum from the Chamber which points out omission in the Bill of a reference to the jurisdiction of district courts in the hearing of contract cases; copy reply from Kennedy acknowledging the omission but noting the existence of different considerations from those relating to circuit courts; typescript extract from Hall's International Law on forms of contract. 3 pp
- 1140 8-10 April 1924 Letter from Hector Hughes (barrister at law) to Kennedy seeking a copy of the Bill to facilitate work on a book which he is in process of writing; copy reply from Kennedy informing him that the Act is receiving the King's assent on that day and that a printed text would soon be available. He points out provision for different sections in the Act to become operative at different times. Consequently, the complete set of rules and forms might not be available for some months. Kennedy observes that procedure for the circuit courts 'will have to be laid down from the foundations up'. 4 pp
- 1141 [1923] Memorandum by Dudley White on the Bill with reference to points relating to circuit and district courts. 2 pp
- 1142 [1923] Copy of letter from John Wakely, Sligo, detailing the necessity for a short bill to allow poor rates to be sued for in county courts pending passage of the Act; typescript draft of a Poor Rate (Amendment) Act. 2 items

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iv Kennedy's notes and analyses

[1923-4]

- 1143 [Dec] 1923 MS notes by Kennedy summarising points made in correspondence and memoranda on the Courts of Justice Bill by Gerald Horan, William Carrigan, KC, District Justice William Meagher, District Justice Louis Walsh, Micheal Smidic, Dr J.P. Lavery, James Rogers (solicitor), Joseph McBride, TD, A. Alfred Dickie, KC, W.K. Wakely, Cahir Davitt, Richard Rice and the Minister of Home Affairs. 10 pp
- 1144 [1924] Printed copy of the amended Courts of Justice Bill, divided into sections, with typescript comments on the amendments, related explanations and MS annotations by Kennedy. Includes a minute rejecting points raised by Darrel Figgis. c 200 pp
- 1145 [1923] MS notes by Kennedy on the Bill and typescript copy of part of Section IV with MS amendments by [?]. 10 pp
- 1146 [1924] Pencilled notes by Kennedy [and ?] arising out of the appointment of a temporary Recorder until the Act abolished the office. 3 items
- 1147 [1923] Copy memorandum on the position of clerks of crown and peace and their assistants, with particular reference to Wexford, as a result of the Bill which was threatening their livelihood. [Author unidentified] 4 pp
- 1148 [1923] MS note drafting two amendments to the Bill reenacting some sections of the Judicature Act, 1877, and an amendment giving a plaintiff the right to have a case of tort retained in the High Court. [Author unidentified] 2 pp
- See also
P4/1111

P4/

1149 [1923] Memorandum detailing objections to the Bill with reference to the salaries, pension rights, retirement and promotion of district justices. [Author unidentified] 3 pp

VII RULES OF COURT AND THE
 RULE - MAKING AUTHORITY APPOINTED UNDER
 THE COURTS OF JUSTICE ACT, 1924
 Feb 1923-July 1926

Correspondence and memoranda relating to the drafting of rules of court by the Rule-Making Authority under the Courts of Justice Act with details of appropriate procedures in New Zealand, Canada, Australia and South Africa; matters such as commissioners for oaths, securities, particularly with reference to Dublin Ports and Docks Board, and collection of taxes; circular copies of draft rules and amendments with suggestions by Arthur C. Meredith and James B. Murnaghan; letters from the Department of Justice and Revenue Commissioners; comments by Arthur H.S.Orpen, H.J. Moloney, J.N. Price, William Wylie, James C. Meredith and James Murnaghan on letter by Kennedy to the Minister for Justice explaining the nature of the rules; galley copies with amendments and annotations by Kennedy and Gerald Horan; sample forms.

1150 Oct-Nov 1924 c 10 items

1151 Dec 1924-May 1925 58 pp

1152 1924-5 80 pp

1153 22 Feb 1923 Copy of statement by judges of the Supreme Court of Judicature endorsing the order of the Governor General 'making as provisional Rules the Rules of Court as hereinafter expressed ...'; copy of rule 10 authorising use of the words 'Saorstát Eireann' in place of Southern Ireland. 2 items

P4/

- 1154 28 Feb [1924] Memorandum on a discussion between representatives of the Provincial Solicitors Association and Kennedy concerning the representation of county solicitors on the Rule-Making Authority with specific reference to circuit and district courts. 5 pp
- 1155 16 22 April 1924 Letter to Kennedy from Lorcan G. Sherlock, Sub-Sheriff, Dublin city, hoping that the new rules would allow for the continuation of sheriff's inquiries and noting their value in the context of undefended cases of damage; copy letter of acknowledgment from Kennedy. 2 pp
- 1156 25 Aug 1924 Letter to Kennedy from Arthur C. Meredith asking to see him and noting the progress of drafting the court rules which he describes as the 'palimpsestic method'. Refers to the difficulty of obtaining a logical system 'with the existing personnel'; copy reply from Kennedy telling him of efforts 'to destroy the Courts Bill by means of the Rules' and also refers to the preparation of designs for the judicial robes. 2 pp
- 1157 16-17 Sept 1924 Letter to Kennedy from Meredith enclosing a copy of the draft rules for civil proceedings under the Courts of Justice Act, praising their simplicity and relevance, and noting rules and areas omitted from the draft; copy letter of acknowledgment from Kennedy commenting on the nature of rules for the jurisdiction of minors and lunatics, and noting the desirability to remove terms to which a stigma is attached such as 'lunacy'. 3 pp
- 1158 [1924] Copy memorandum from the Dublin Mercantile Association for the Rule-Making Authority commenting on the Courts of Justice Act with reference to procedures for judgments by default in circuit courts. 3 pp

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- 1159 July-Dec 1924 Circular copy of practice and procedure in the courts of justice drafted by the Rule-Making Authority under the Courts of Justice Act. Includes MS amendments and notes by Kennedy (1-45), circular copy of amendments (57-65) and revised circular copy of draft (68-85), copy minutes of meetings of the Authority from 15 July to 8 December 1924 (46-56) and circular copy of decisions reached by the Authority on 17 November 1924. 85 pp
- 1160 [~~1925~~] Proofs of the rules of court under the Courts of Justice Act and related court forms with minor MS amendments by Kennedy. 18 pp
- 1161 25 May 1925 Letter from Kevin O'Higgins, Minister for Justice, to Kennedy acknowledging the draft rules of court for the Supreme Court and High Court. Notes with interest Kennedy's information on the mode of addressing the Bench, and the robes of Bench and Bar. 1p
- 1162 8 July 1926 MS draft of letter from Kennedy to O'Higgins discussing points in the rules of court with reference to use of the term 'Gaelic', the mode of address, and the enforcement of rules. 2 pp

VIII DESIGN OF JUDICIAL ROBES

Oct 1923-Oct 1926

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- 1163 15-16 Oct 1923 Letter from T.G. Phillips to Kennedy notifying him of the availability of sketches of new gowns and copy reply from Kennedy. 2 pp

P4/

- 1164 10-13 Nov 1923 Copy letter from Kennedy to Francis J. Biggar, requesting his views about 'devising a distinctive garb for the Judiciary and the legal profession'. Points out that rank was probably indicated by colour in Brehon practice; unsigned letter from [Biggar] to Kennedy promising to research further the subject of Bar costume. 3 pp
- See also P4/1122
- 1165 June-Dec 1924 Correspondence mainly between Kennedy, William Butler Yeats and Charles Shannon, RA, on the subject of design for the robes with specific reference to materials, colour and style. Includes Kennedy's description of the 'dramatis personae' for whom the robes were needed and notes by Shannon on his preliminary designs. Suggestions also contained in letters from Biggar including 'there never was anything more monstrous and unhealthy than a full wig', Eoin Mac Neill and Louis Walsh. Letter from Cosgrave sanctions expenditure of a sum not exceeding £50 on obtaining the design. 52 pp
- 1166 Jan-March 1925 Correspondence between Kennedy and Shannon concerning the latter's sketches with extensive comments and suggestions by Kennedy, notes by Shannon on revised drawings and on a badge of office. Letter from Kennedy to Shannon informs him that the question of the robes had met with a 'prolonged controversy' and apologises for the delay in reaching decisions. 24 pp
- Correspondence between Kennedy, O'Higgins and Cosgrave concerning the delay in accepting designs for the robes and Kennedy's minority views on the decisions of the Rules Committee of the High Court on dress and address. Correspondence with Yeats about various stages in the acceptance of designs and with Shannon and Kitty MacCormack, Dun Emer Guild, about the acceptance of aspects of their designs. Correspondence with district justices George P. Cussen and Edward J. Little about their appearance in their new robes and with circuit court judges Cathal Ó Paor and Charles F. Doyle about circuit court robes. Also includes letters from Louis Walsh and Alice Stopford Green, press cuttings, and photograph of P.J. Reddin in his court robes.
- 1167 Jan 1925-March 1926 62 pp
- 1168 March-Oct 1926 52 pp

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- 1169 Aug 1925-March 1926 Letters to Kennedy from Kitty MacCormack on the subject of her designs for the judicial robes. Includes sketches in watercolour for robes for district justices, circuit court judges, Supreme Court judges, President of the High Court and Chief Justice, with samples of poplin in suitable shades, a sketch for a simpler style of judge's robe and notes on the sketches. 12 pp

IX LANGUAGE

 i Use of Irish

March 1923-March 1927

- 1170 March 1923-July 1924 MS draft and copy letter from Kennedy to Cosgrave concerning the objection of Frank Fahey, Secretary, Gaelic League, to the ruling by Chief Justice Moloney requiring that an affidavit in Irish be accompanied by a duplicate in English, the related question of the position of Irish as the national language of the Free State, and noting that 'provision will have to be made on the reconstruction of the Judiciary for equal recognition of the two languages ... to protect litigants against being deprived of their rights by playing on the National Language to the defeat of Justice'; two letters to Kennedy from Fahey urging the use of Irish in the courts, in particular by court personnel, and outlining the areas in which it should be used. Includes MS draft reply in Irish by Kennedy. 10 pp
- 1171 22 July 1924 Letters to Kennedy in Irish from Sean Ó hUadhaigh (solicitor) complaining about the difficulty of submitting documents in Irish in court with MS draft reply by Kennedy, and its Irish translation, expressing hope that the new court rules would allow for a recognised vocabulary of Irish terms. 8 pp
- 1172 24 March 1925 Letter to Kennedy from Richard Mulcahy, TD, enclosing a circular copy of a memorandum by a district court judge on the administration of law in Irish-speaking districts. The author maintains that the only court 'with any pretensions to being Irish' is the district court and suggests

P4/

- 1172 cont. the establishment of 'An Chuir
Ghaedhalach' outlining its
jurisdiction, personnel and
other matters of administration. Suggests that his scheme
would 'revolutionize the administration of the law in the
"Gaelthacht" '. 8 pp
- 1173 Feb-March 1927 Personal letter from Louis
Walsh with MS draft and typescript
copy reply from Kennedy on the
subject of a special Irish court. Walsh outlines the
difficulties faced by native Irish speakers in circuit
courts but Kennedy feels that a special court would
isolate Irish speakers, confirm the anglicisation of the
rest of Ireland, and create an unnecessary partition. As
a solution, Kennedy would hope to see bilingual members of the
legal profession. 5 pp
- ii Terminology
Feb 1923-Jan 1926
- 1174 8-17 Feb 1923 Copy letter from Kennedy to the
See also Lord Chief Justice complaining
P4/286 about the use of the expression
'Southern Ireland' in legal documents and requesting
substitution of 'Irish Free State'; reply from W.E. Wylie
to Kennedy noting that the judges had been summoned by the
Lord Chief Justice and that they found the language of
Kennedy's letter 'unwarranted and unhappy'; typescript
copy of Kennedy's reply to Wylie reiterating his point about
'Southern Ireland' which he describes as 'untrue ... and
offensive to the people of this country'. 3 pp
- 1175 July 1924 Typescript draft of order by
the Chief Justice substituting
the words 'person of unsound mind'
for 'lunatic' in court proceedings and in related court
documents. 2 pp

P4/

- 1176 2-7 Jan 1926 Personal letter from Albert D. Bolton to Kennedy arising out of a comment by Kennedy on Bolton's use of the prefix 'The Honourable' before Judge W.E. Wylie's name in Irish law reports. Bolton analyses his reasons for using this expression; copy reply from Kennedy attributing his reservations about the use of this title to the work of Professor Berriedale Keith and congratulating Bolton on his work in producing the reports.

5 pp

iii Irish court terms

[1924-] 1925

- 1177 [1924] MS drafts by Kennedy with typescript copies in Irish and English of the formula used in admitting members to practice at the inner Bar; typescript copies of formulae used in calling Lord Phillimore to the inner Bar (in English, 1883) and Francis Bacon (in Latin, 1604).
- 10 pp
- 1178 [1924] MS list by Kennedy of terms associated with the courts of Justice and their Irish equivalent.
- 1179 [1924] MS note containing the Irish version of the witnesses oath.
- 1180 5 June 1925 Letter from A. McHugh, Private Secretary to the Chief Justice, to Gerald Horan, KC, enclosing Irish and English versions of the warrant of appointment for commissioner for oaths, district court clerks and notaries public, with MS instructions and amendments by Kennedy.
- 7 pp

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XII CORRESPONDENCE AND MEMORANDA ON
OTHER ISSUES July 1922-Nov 1930

- 1183 [1925 ?] Typescript memorandum outlining the functions of a commissioner for oaths. 2 pp
- 1184 MS notes by Kennedy on the authority of the Lord Chancellor and the hearing of cases of title. 2 pp
- 1185 [1922] Typescript memorandum on the compulsory retirement of resident magistrates under the provisions of the Anglo-Irish Treaty and the Government of Ireland Act, 1920, with reference to pensions. Details the figures on which superannuation is to be calculated. 3 pp
- 1186 [1922] Brief MS note from the Chief State Solicitors Office on the appointment by the Crown of undersheriffs, their functions and salaries. Refers also to the role of the law officer in this respect under the Transfer of Functions Order, 1922. 2 pp
- 1187 14 July 1922 MS letter to Kennedy from James O'Connor, Lord Justice of Appeal, enclosing suggestions for a memorandum which Kennedy is formulating. 'They are not drastic.' 2 pp
- 1188 25 Oct 1922 Copy letter from Kennedy to M.J. Burke, KC, Recorder of Cork, acknowledging his satisfaction at a county court order made by the Law Officer's Department. 1p

P4/

- 1189 7 Jan 1923 Private MS letter from T.M. Healy, Governor General, to Kennedy, concerning substitutes appointed for circuit court judges under certain circumstances and noting that it might be inflexible to expect the judges to pay automatically. 1p
- 1190 2 Oct 1923-14 Jan 1924 Letters from Judge Lionel H. Rosenthal in Macroom, county Cork, to Kennedy with copy reply from Kennedy, mainly inquiring about compensation claim procedure and the hearing of criminal injury cases. Includes minute by the Macroom clerk of crown and peace concerning the application by the state solicitor for the West Riding to adjourn all criminal injury cases until the next session and emphasising that no government valuation had been made for the damages sustained by claimants during the delay in hearing their cases. 5 pp
- 1191 11 Oct 1923 Letter from James Henry to Kennedy detailing the nature of the session just ended in county Monaghan. Praises the assistance he received from the civic guards and describes the state solicitor as 'courteous, keen and efficient'. He concludes that there is no reticence in county Monaghan about taking 'advantage of the Courts' 5 pp
- 1192 3 Nov [1923] Letter from Major Bryan Cooper, Dalkey, county Dublin, to Kennedy, requesting an appointment to discuss the circuit courts; copy reply of agreement from Kennedy. 2 pp
- 1193 [17] Nov 1923-4 Jan 1924 MS letter from Judge William J. Johnston, KC, to Kennedy concerning difficulties of hearing appeals from criminal injury awards in view of the changing judicial system; copy reply from Kennedy outlining his proposals for these appeals which would 'wind up the remnants of British law'. 2 pp
- 1194 22 Dec 1923 Copy letter from Kennedy to George W. Shannon (barrister at law) stating that the Customs and Excise Adaptation Order was ready. 1p

P4/

- 1200 [1922] Sample High Court of Justice forms
overstamped with 'Saorstát Eireann'
[sent to Kennedy by Constantine
P. Curran]. c 30 items
- 1201 [1929] Sample High Court of Justice forms
relating to revenue matters. 4 items
- 1202 [1926] Specimen of form presented by
the Governor General to barristers
called to the Inner Bar.

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DG CHIEF JUSTICE

I CORRESPONDENCE

i Office of the President, Executive Council. June 1924-Jan 1930

- 1203 9 June 1924 George Gavan Duffy correspondence.
Strictly confidential copy
letter from Kennedy to William
T. Cosgrave, President, **Executive Council**, concerning
correspondence given to Kennedy by Gavan Duffy relating to
the 'unpleasantness that arose in relation to representatives
in Germany'. Kennedy notes he could not remove the correspondence
from the Attorney General's Office and was giving it to
Cosgrave 'as custodian of state papers', requesting him to
file it 'amongst secret papers'. 2 pp
- 1204 9-25 June 1924 King's Counsel. Copy letters
See also from Kennedy to Cosgrave concerning
P4/492 the creation of King's Counsel, noting
the existence of barristers who would previously **have** taken silk
under normal circumstances, and emphasising the necessity of
appointing KCs, or barristers of similar rank, to assist in
the distribution of legal business. Notes the alternative course
of action which could be taken if the Executive Council did
not advise the Governor General to create 'silks'. 4 pp
- 1205 19 Aug 1924 Letter to Kennedy from the
President's Office. 'The fortnight
has come round once again ! Mr
R.E. Ireton's letter from Paris.' 1p
- 1206 Aug 1924 Pope Pius XI letter. Correspondence
between Kennedy and Paul Banim,
Office of the President, concerning
a letter from Pope Pius XI, acknowledging Cosgrave's letter of
homage to the Pontiff from the Irish People. Includes complaint
by Kennedy that the original letter had been dirtied by
photographers; MS transcript by Kennedy of the Pope's letter
in translation.

P4/

- 1207 22 July 1925 John McCormack Banquet. Letter from Banim to Kennedy seeking his opinion for the President on the number and subject matter of toasts to be made at a banquet in honour of John McCormack. 2 pp
- 1208 7-9 Sept 1925 Medical Council and Registration. MS letter from Cosgrave to Kennedy concerning proposals for the establishment of an Irish medical council; copies of two memoranda dealing with alternative schemes for the Irish medical council and medical registration; minutes of a meeting between the President and a sub-committee concerning the establishment of registration procedures; MS draft and typescript copy of replies from Kennedy, and related memorandum, concerning the current position of the Irish medical profession under the Medical Act, 1886, the procedures involved in its applicability to the Irish Free State and the necessity for Irish legislation 'as a device for avoiding the objectionable feature of the Act'; MS letter from Cosgrave to 'The Brehon' referring to a conference on the subject of reciprocal arrangements between Britain and the Free State for the education and registration of the medical profession. 'McGilligan was of the greatest assistance. In fact he did all the work and got the results too.' Includes reference to a speech by Dr Mannix in which he advocated dominion settlement - 'What do you think of that', and to a letter from Senator Mac Laughlin concerning Inisowen and other Donegal areas - 'he is bordering on hysteria'. 31 pp
- 1209 (July 1923-) 11 Sept 1925 Privy Council Appeals. Letter (16 March 1926) to Kennedy from Banim, **Secretary to the President**, enclosing a copy verbatim account of Lord Haldane's statements in Privy Council with reference to Irish appeals (July 1923), and copy of letter from Kennedy to Cosgrave on the proceedings (30 July 1923); copy of text of letter by A. Berriedale Keith, University of Edinburgh, to the editor of The Manchester Guardian, concerning the Free State wish to limit appeals to the Privy Council (16 March 1926). 20 pp
- 1210 19 Nov 1925 Adaptation of Charters Bill. Copy letter from Kennedy to Cosgrave concerning the Adaptation of Charters Bill, describing, with reference to specific cases, the need to have the public represented on various councils and boards, and pointing out the error of giving any pledge that such vacancies need not be filled, or the necessary amendments in charters withheld, until the bodies in question acted. 8 pp
- See also
P4/499,798
- See also
P4/516

P4/

- 1211 29 June-4 July 1926 Lord Birkenhead and Anglo-Irish.
- Letter from Cosgrave to Kennedy seeking his help with the drafting of a reply to a letter from Lord Birkenhead. 'Reading over the Birkenhead letter and examining the reply [drafted by Diarmuid Ó hEigeartaigh, Secretary, Executive Council] the ability of the one and the weakness of the other strike me forcibly;' MS draft and copy **draft** reply by Kennedy to Lord Birkenhead responding to the latter's desire for re-unification of Ireland.
- MS note by Kennedy on the subject of 'B' whom he describes as 'one of the few Englishmen who allowed himself to understand us Irish'. Refers to the difficulties faced by the government in the summer of 1922 and notes that 'B' 'opened his capacious mind to a complete understand[ing] [and] grasped the situation with a determin[atio]n that nei[ther] petty-fogging lawyers nor malicious or stupid politicians sh[oul]d rob us of what our leaders had ... gained'. 16 pp
- 1212 July 1927 Death of Kevin O'Higgins. Copy of letter from 'The Brehon' [Kennedy] to Cosgrave enclosing a statement to be made by Cosgrave in the Dail about the death of O'Higgins with MS draft of the statement by Kennedy. 10 pp
- 1213 May 1929 Penal laws. Typescript copy of reply prepared by Kennedy for Cosgrave in response to a parliamentary question by P.S. Doyle, TD, about the introduction of legislation to repeal penal laws against Catholics. Details are given as to why such an enactment is unnecessary; related press cuttings. 9 pp
- 1214 18 Jan 1930 Letter from Banim to Kennedy's secretary requesting the return of papers with copy reply. 2 pp
- ii Secretary, Executive Council
June 1924
- 1215 9 June 1924 Copy covering letter from Kennedy to Diarmuid Ó hEigeartaigh, Secretary, Executive Council, returning a box of memoranda which had been circulated to him as a member of the Executive Council. 1p

P4/

1216 9 June 1924 Copy letter from Kennedy to O hEigeartaigh returning copies of all British despatches and secret despatches he had received as Attorney General. 1p

iii External Affairs

June 1926-Feb 1930

1217 7 June 1926 International Congress on Penal Law. Letter to Kennedy from J.P. Walshe, Secretary, Department of External Affairs, concerning an International Congress on penal law which was to take place in Brussels. Encloses a copy of a letter to the Attorney General from Walshe noting the Government's policy that the Free State should be represented at such congresses. 2 items

1218 20 Feb 1930 MS letter from Walshe to Kennedy warmly acknowledging a letter from Kennedy about the work of the Department. 'You know better perhaps than any other person living how very great were the difficulties and discouragement we had to meet with in our first attempts to build up a Department.' 1p

iv Home Affairs/Justice

June 1924-Jan 1926

1219 9 June 1924 Warrants of appointment. Copy letter from Kennedy to the Secretary [Ministry of Home Affairs] seeking delivery of the original warrant of his appointment as Chief Justice, the warrants of appointment of the other judges, and the form of declaration to which they should subscribe. 1p

- P4/
- 1220 18 Sept 1924 Declaration of judges. Letter to Kennedy from Henry Friel, Secretary, Ministry of Home Affairs, noting that notices relating to the declaration of judges would be sent to Iris Oifigiuil when the Irish translation had been prepared. 1p
- 1221 20 March 1925 Warrants of appointment. Letter from Thomas J. Coyne, Secretary, Minister of Home Affairs, enclosing copies of the Irish translation of the warrants of appointment for commissioners for oaths and notaries public with the English text. 7 items
- 1222 [1927] Office of Lunatics and Minors. Copy of letter from Kennedy to S.A. Roche [Department of Justice] discussing the staffing of the Office of Lunatics and Minors with reference to staff functions and grades. 'The office and the services given to the mentally afflicted who have property administered by it practically costs the State nothing ... they are entitled to get the best value possible for the money they are compelled to pay.' Describes the terminology of civil service grades as 'traps for unwary people like me'. (First page missing) 7 pp
- 1223 March 1932 Establishment matters. Copies of letters from Kennedy to the Minister for Justice concerning space for the sittings of tribunals in the courts; copy of letter from Kennedy's secretary to the Office of Public Works, expressing dissatisfaction at an advertisement stating that Mrs Lawlor of Naas had a 'public restaurant "within the precincts of the Four Courts"'. ... 'such an announcement ... is [not] calculated to add to the prestige of the public Courts of Justice'. 2 items
- 1224 18 Jan-19 Feb 1935 Courts of Justice Bill, 1934. Copy of letter from Kennedy to P.J. Rutledge, Minister for Justice, conveying points raised at a meeting of judges of the High Court and Supreme Court on the draft Courts of Justice Bill. Notes, with appreciation, the Minister's willingness 'to receive and consider suggestions or criticisms on various points with a view to amendments'. Deals mainly with provisions for the circuit courts and suggests a single rule-making

P4/

- 1224 cont. committee for both the High Court and the Supreme Court; typescript draft with MS amendments of a further letter from Kennedy to Ruttledge detailing other points made at a meeting of the judges, and noting points in response to a letter from the Minister, mainly in relation to the circuit courts and the number of judges required to function in the High Court and the Supreme Court. 38 pp
- 1225 22 Oct-10 Nov 1936 Courts of Justice Bill, 1934.
Correspondence between Kennedy and Ruttledge on the subject of the constitution of the court of criminal appeal under the Bill. Includes letter from Ruttledge outlining points made in the Dail about the court and draft lengthy reply from Kennedy conveying the views of the judges; letters to Kennedy from Judges James Murnaghan, William Johnston and Henry Hanna expressing satisfaction at the result of Kennedy's communication to the Minister; copy of the Bill. 10 items
- 1226 27 Jan; 6-10 Nov 1936 Courts of Justice Bill, 1934
Letters to Kennedy from Ruttledge on the subject of wigs and mode of address to judges. Anticipates difficulties if amendments were introduced on the subject of the wearing of wigs at the report stage of the Bill and suggests that the matter should be more appropriately dealt with by the rules of court; copy reply by Kennedy noting the difficulty of effecting quick change because of the views of some members of the Bar. 3 pp
- v Finance Jan 1928-Jan 1930
- 1227 8 Jan 1928 Office of Arms. Letter to Kennedy from Ernest Blythe, Minister for Finance, thanking Kennedy for a letter on the subject of the Office of Arms and 'the circumstances in which Sir Neville Wilkinson continues to work there occasionally'. 1p
- 1228 1-2 Jan 1930 Appointment of Chairman, Civil Service (Compensation) Board. Letter to Kennedy from Blythe requesting

P4/

1228 cont.

his permission to appoint Judge Cahir Davitt Chairman of the Civil Service (Compensation) Board under the Civil Service (Transferred Officers) Compensation Act, 1929, and noting that under the Courts of Justice Act, a deputy could be appointed in his place in the circuit court; copy reply from Kennedy and copy statement of consent to the appointment of Davitt.

3 items

vi Attorney General

April 1926-Dec 1934

- 1229 29 April-13 July 1926 Copy letters from Kennedy to John A. Costello, Attorney General, seeking an Irish translation for legal terms, and drawing his attention to what he felt was an unfair procedure. A guard produced, without notice, a statement about the movements of the plaintiff and presented it to the witness who was under examination. 2 pp
- 1230 3 Dec 1934 Letter from Conor A. Maguire, Attorney General, to Kennedy, enclosing copy of points of argument in relation to the invalidity of Free State legislation against appeals in Privy Council with reference to the Erne fishery case. 2 items

vii Ceann Comhairle

Oct 1931

1231
See also
P4/808

- Oct 1931 Stationery Office. Unsigned letter from Kennedy to the Ceann Comhairle complaining that he had been unable to obtain a copy of the Constitution (Amendment) Act in the Stationery Office five days after its enactment. Notes that he is no longer given a copy of each bill as it is passed and concludes by observing 'ignorantia iuris neminen excusat'. 3 pp

P4/

viii Members of the Senate

Dec 1925-Nov 1926

- 1232 12-17 Dec 1925 Privy Council appeals.
Letter from Senator James Douglas to Kennedy in which he expresses concern at the allowing of appeal by the Privy Council in relation to the Land Act, with covering note from his secretary. 2 pp
- 1233 8 Dec 1925 British rights in reserving bills and in refusing consent. Letter to Kennedy from Douglas drawing his attention to an article by Professor Berriedale Keith in The Times (16 June 1922). On the basis of the article, Douglas concludes that the Free State was in a strong position to decline to recognise any right by the British Government in reserving bills or in refusing assent. 2 pp
- 1234 20-23 Nov 1926 Copies of irate correspondence between Kennedy and Senator J.T. O'Farrell arising out of the latter's remarks in the Senate about upholding the law. O'Farrell comments resulted from remarks made by the Governor General, T.M. Healy, at a banquet given by the Dublin Chamber of Commerce. He regarded the remarks as unconstitutional and resented the applause of those present, including the Chief Justice. O'Farrell complains to Kennedy of his 'indiscriminate use of intemperate and irresponsible abusive statements' in a letter to him which he regards as 'more likely to bring the Law into contempt than anything else that may be said or done by other persons, whether inside or outside the Oireachtas'. 7 pp

ix Religious leaders

Nov 1925-Feb 1934

- 1235 Nov 1925 Irish language and Northern Ireland.
Letter from Robert Miller, DD, Bishop of Cashel and Emly, to Kennedy, concerning provision in the Treaty to ensure that the Irish language would not be imposed on the six counties without the will of its parliament. Dr Miller expresses concern about this in relation to his joint scheme of education with lengthy copy reply from Kennedy. 7 pp

P4/

- 1236 14 May 1928 Trinity College Dublin and Roman Catholic morality. Copy of letter from Edward J. Byrne, Archbishop of Dublin, to Kennedy, thanking him for a letter about TCD. Congratulates him on 'the thorough soundness of your views and the Catholic manner in which you put them into practice'. Notes that there is no change in the Church's attitude to the College and that 'it is still an institution to which a Catholic can go only at grave peril to his Faith ... How the authorities of any Catholic School can ... encourage their pupils to risk their soul's salvation in Trinity College is to me an absolutely insoluble puzzle'. 3 pp
- 1237 5-15 Feb 1934 Oaths. Correspondence between Kennedy and Dr Isaac Herzog, Chief Rabbi, concerning the administration of oaths. Includes a transcript of Kennedy's **statement before** the Joint Committee of the Dail and Senate on this subject in which he suggests abolition of the witness oath. Dr Herzog notes that Kennedy's ideas are similar to those of the ancient Jewish legal system. Includes memorandum by the Chief Rabbi dealing with the three types of oath which are based on three historic epochs: the Mosaic oath (or the 'oath of the Torah'), the oath of the Mishnah and the Rabbinic oath. Deals with their origin, nature and the method by which they were administered. 8 pp
- x Kennedy's secretary
1925
- 1239 13-21 May 1925 Letter from A.E.A. Napier, Private Secretary to the Lord Chancellor, to A. McHugh, Private Secretary to the Chief Justice, seeking a reply to a request for information on the position of affidavits sworn in the Free State in English courts, and on the issuing by English commissioners of oaths to deponents of affidavits for use in the Free State; copy reply from Miss McHugh noting that the draft rules of court to be published by the Rule-Making-Authority would contain hardly any changes in the existing practice. 4 pp

P4/

III STATEMENTS, REPORTS AND NOTES

[1924-]1930

- 1245 [May 1924] Copy statement concerning 'the Ex-Attorney General's intervention in the Debate on May 28th', arising out of misinterpretation by deputies Johnson and Davin of the Irish Free State (Consequential Provisions) Act, 1922, with reference to cross border railway traffic and to the Great Northern Railway in particular. The writer elaborates on the evolution and implications of the clause in the first schedule to the Act which deals with the Council of Ireland. He refutes criticism of the clause and of the Provisional Government in assenting to it, and denies that it deviates from the terms of the Treaty. 9 pp
- 1246 27 Feb 1928 Summary text of St Patrick's Day message from Kennedy for the Associated Press of America on the court system in Ireland. 'We are rapidly becoming uninteresting. Every department of our new Courts of Justice is working normally ...' 1p
- 1247 [1929] MS draft report by Kennedy analysing the work of the Chief Justice, Supreme Court, Court of Criminal Appeal, High Court, Circuit Court and District Court, and noting areas in which extra staff was required, areas in which the number of judges was inadequate, and where changes of jurisdiction and procedure should be made, particularly with reference to minors and lunatics. Also refers to the abolition of the witnesses oath, statutory retirement of judges and circuit appeals. 14 pp
- 1248 [1913-]Feb 1930 MS notes by Kennedy on the maintenance of minors; memorandum by John J. Webb, Assistant Registrar, on the wardship of minors with reference to the existing practice, their visitation and costs; copy of order by the Lord Chancellor under the Lunacy Regulation (Ireland) Act, 1871. 9 pp

P4/

IV THE CONSTITUTION

See also
P4/838-50,
299-376

[1925-] 1926 - 1936

- 1249 29 Jan-22 March 1926 Correspondence between the Committee of the Executive Council on amendments, Kennedy and members of the judiciary, concerning the working of the Constitution and the need for possible amendments. Includes MS minutes by Kennedy of a meeting of judges to consider suggested amendments and draft letters from Kennedy to Michael Hayes, Ceann Comhairle, outlining the difficulties created by the Constitution as seen by the judges. 34 pp
- 1250 [1932] Typescript list of amendments to the Constitution passed between 1925 and 1931. 6 pp
- 1251 Dec 1933 Typescript extracts from The Irish Times reporting conflicting speeches of Lord Hailsham and William T. Cosgrave on the right of appeal to the Privy Council, the Treaty, and on Ireland's constitutional relations with Britain. 9 pp
- 1252 10-11 June 1936 Strictly confidential letter from Kennedy to Conor A. Maguire, Attorney General, enclosing his circular copy of a memorandum he wrote arising out of the British Government's criticism of the draft constitution by the Cabinet's Law Officers. He describes the latter as 'persons without breadth of vision' and the Chief Justice, Lord Hewart, as 'infested with the same ideas ... inspired as I imagine, by L[ionel] Curtis'. He stresses the confidentiality of the document which was returned by Maguire with a copy. 18 pp
- See also
P4/352, 363

P4/

V THE GOVERNOR GENERAL

See also
P4/1931i Retirement of Timothy Michael Healy
Jan 1928

1253 7-9 Jan 1928 Invitation to and menu for a dinner in honour of T.M. Healy on the occasion of his retirement as Governor General; MS notes by Kennedy for a speech supporting the toast to the Governor General; press cuttings reporting the occasion. 3 items

1254 28-30 Jan 1928 Press cuttings relating to a dinner in honour of Healy given by the Benchers of King's Inns and their presentation to him, with typescript press release and circular. 4 items

See also
P4/1931ii Installation of James McNeill
Jan Feb 1928

1255 25-28 Jan 1928 Copy letter from Kennedy to Ernest Blythe, Minister for Finance, expressing alarm that details for the procedure of swearing in the new Governor General had not been finalised with reply from Blythe. 3 pp

1256 23-30 Jan 1928 Material relating to the installation of James Mc Neill as Governor General mainly ceremonial and procedural details; Irish translation of Kennedy's statement in Leinster House when the oath of allegiance would be taken.

P4/

1257 1 Feb 1928 Two menus for a dinner in honour
of the Governor General and Mrs
McNeill, autographed by Mrs McNeill.

iii Governor General crisis and the
installation of Domhnall Ua Buchalla

Oct-Nov 1932

1258 6-12 Oct 1932 Copy letter from Kennedy to
Eamon de Valera, President, Executive
Council, expressing alarm that the
duties of the Governor General might be imposed on the Chief
Justice or on a panel of judges. Encloses a memorandum
suggesting possible alternatives to that office, outlining
the role of the Governor General, denying it had any quasi-
regal connotations and describing his role simply as 'an
agent or attorney of the King'. Suggests a substitute office
with that title and abolition of the title, Governor General.
Includes draft of memorandum with MS amendments by Kennedy;
letter of acknowledgment from de Valera noting his ideas with
satisfaction. 20 pp

1259 1 Nov 1932 Copy letter from Kennedy to de Valera,
with amended preliminary and final
drafts, dealing with the proposal
to vest the duties and functions of the office of the Governor
General in the Chief Justice and the constitutional objections to
that arrangement. Continues by discussing the temporary
performance of those duties and functions by the Chief Justice
during the vacancy of the Governor General's office. It 'would
damage the prestige of my Office and of the Courts in this
Country, and I say quite definitely that I am not in any
circumstances prepared to comply with those provisions ...'
Agrees, reluctantly, to discharge the functions of the Governor
General's office only on a temporary basis. Includes MS note
by Kennedy and MS draft of declaration by the Supreme Court
authorising him to assume the powers of the Governor General. 37 pp

P4/

- 1260 14-28 Nov 1932 Draft letters by Kennedy to Domhnall Ua Buachalla, noting he had read his commission appointing him Governor General in the Supreme Court, with list of the members of the court who were present, and to Sean T. O'Kelly, Vice-President of the Executive Council, informing him of Ua Buachalla's appointment and that he had taken the oath of allegiance. Includes copies of the letters patent appointing the Governor General and of his instructions (1922), copy of the King's commission appointing Ua Buachalla and of his oath of office. 20 pp
- 1261 28 Nov 1932 Invitation, with MS draft by Kennedy, inviting members of the Supreme Court to be present at the reading of the commission appointing Ua Buachalla Governor General of the Irish Free State; copy letters to Ua Buachalla, O'Kelly, and to the Secretary, Department of External Affairs, informing them of the reading of the commission and the appointment of the Governor General. 8 pp
- 1262 4 Oct-14 Nov 1932 Press cuttings from English and Irish newspapers dealing with the resignation of James McNeill as Governor General, de Valera's plans to abolish the office, and the proposed appointment of the Chief Justice to fulfill the Governor General's functions for an indefinite period of time. 25 pp
- VI INTERNATIONAL COMMISSION UNDER THE
TREATY OF CONCILIATION BETWEEN ROUMANIA AND
THE UNITED STATES OF AMERICA
- Sept 1930-June 1931
-
- 1263 Sept 1930-June 1931 Correspondence between Kennedy, P. McGilligan and J.P. Walshe (Ministry of External Affairs), T.A. Smiddy (Washington), J.W. Dulanty (London), the State Department (Washington), Legation of the United States in Dublin, the Roumanian Chargé d'Affaires in London, and the Ministry of Foreign Affairs in Bucarest, concerning Kennedy's appointment

P4/

- 1263 cont. as Joint Commissioner of the International Commission provided for by the Treaty of Conciliation between the Kingdom of Roumania and the USA, signed in Washington on 21 March 1929, with diplomatic details of the acceptance procedure and related protocol matters. 46 pp
- 1264 Sept 1930 May 1931 Letters of congratulation to Kennedy from friends and associates including Diarmuid Fawsitt, Kevin O'Shiel and John A. Costello. The latter also describes Ireland's standing at the League of Nations and his attendance at the Imperial Conference; related press cuttings. 8 items
- 1265 1930 1931 Newspaper cuttings relating to Kennedy's acceptance of the invitation to serve as a Joint Commissioner on the International Commission, including one sent to him by the Roumanian Consul.

VII SECOND HOUSE COMMISSION

- i Membership and terms of reference June 1936
- 1266 June 1936 Typescript list of names of the Second House [of the Oireachtas] Commission and its terms of reference. 2 items
- ii Meetings and attendance
June-July 1936
- 1267 [17 June 1936] Typescript agenda for the first meeting of the Commission with MS annotations by Kennedy. 1p

P4/

- 1268 17 June 1936 Printed copy of verbatim transcript of the first meeting of the Commission. 14 pp
- 1269 24 June-31 July 1936 Abstracts from verbatim transcript of meetings 2 ~ 14 of the Commission, mainly noting comments, points raised, suggestions and agreement, with MS amendments. Discussions covered functions and powers of the second house (2nd meeting), its constitution (meetings 3 to 7), resolutions (meetings 8 to 10), report (11th meeting), constitution of the second house (12th meeting), resolutions and proposals (meetings 13 to 14). Some indexing by speaker. 115 pp
- 1270 1936 Typescript list of members of the Commission recording each member's attendance at a total of 22 meetings, noting reason for absence and receipt of apology. 2 pp
- iii Working papers and memoranda
- July-Sept 1936
- 1271 July-Sept 1936 Circular copies of confidential memoranda by various Commission members including Frank Mac Dermot, Professor William Magennis, Conor A. Maguire (Vice-Chairman), R.J.P. Mortished (submitted by Magennis), John Moynihan, Robert Rowlette, Professor Michael Tierney, and Richard Wilson, on the purpose and structure of a second house. 52 pp
- 1272 July-Sept 1936 Circular copies of confidential memoranda by various members of the Commission including Samuel L. Brown, KC, Mrs Concannon, TD, Joseph Connolly, George Gavan Duffy, Dr Robert P. Farnan, John J. Hearne, Thomas Johnson, and Eamon Lynch, on the purpose and structure of the second house. 56 pp
- 1273 28 July 1936 Memorandum submitted to the Commission by the Joint Committee of Women's Societies and Social Workers, mainly concerning the tendency in legislation in the Free State to take from women their position of equality under the Constitution, and noting areas of concern, particularly in relation to civil service appointments. 2 pp

P4/

iv Reference papers (1922-) 1936

- 1274 1936 Typescript and circular copies of a list of public bills presented and passed in the Senate from 1922 to 1936. 6 pp
- 1275 1936 Typescript and circular copies of a list of private bills and provisional order confirmation bills presented in the Senate from 1922 to 1936. 6 pp
- 1276 1936 Typescript and circular copies of a list of recommendations on money bills made by the Senate from 1922 to 1936 with details of their acceptance or rejection 18 pp
- 1277 1936 Circular copy of statistical return of the number of orders, rules and regulations presented to each house of the Oireachtas from 1927 to 1935. 3 pp

v Correspondence June-Oct 1936

- 1278 June; Sept 1936 Letter to Kennedy from Eamon de Valera, President, Executive Council, concerning the appointment of the Commission and listing its membership; draft and copy letter from Kennedy to de Valera chiefly concerning the work of the Commission, its reports, and acknowledging, in particular, the work of its secretary, John Malone. 7 pp
- 1279 June-Sept 1936 Letters to Kennedy, and to his private secretary, Miss E. Doyle, from Malone, mainly circulars informing him of meetings, covering letters for minutes, resolutions and memoranda; letters to Malone from Miss Doyle conveying Kennedy's instructions. Includes memorandum by Malone on the consolidation of statutes (14 Sept 1936) and relevant printed matter. c 40 items

P4/

- 1280 July-Oct 1936 Correspondence between Kennedy and members of the Commission, mainly apologies for non-attendance at meetings. Includes letters from Helena Concannon welcoming inclusion in the majority report of points dealing with women and the Irish language (29 Sept), and Frank Mac Dermot on the power of the second house in relation to suspending the passage of legislation (16 July). 12 pp
- 1281 Oct 1936 Copy letters from Kennedy to Francis Fahy, Ceann Comhairle, and to Colm Ó Murchadha, Clerk of the Dail, acknowledging their assistance to the members of the Commission with its work and reply from Ó Murchadha. 5 pp
- 1282 June 1936 Letter of acknowledgment from Kennedy to P.J. Connolly, SJ, for an issue of Studies containing an article by D.A. Binchy on 'The problem of the Senate'. 2 items
- vi Report July-Oct 1936
- a Stage One
- 1283 [1936] Three versions of draft resolutions, one MS draft by Kennedy, one circular copy by Malone, and one typescript copy, the latter two amended by Kennedy. 20 pp
- 1284 [1936] MS draft by Kennedy of a memorandum dealing with the role of the second house, particularly with reference to the passage of bills. [Possibly related to P4/1285] (pp7,12-27). 17 pp
- 1285 [1936] MS draft by Kennedy of 'Tentative Proposals', and copies, one with MS amendments, mainly concerning membership of the second house. 18 pp

P4/

- 1286 July-Sept 1936 Circular copies of resolutions and proposals by individual Commission members. 10 pp
- 1287 [1936] Circular copy of a list of resolutions to which the members of the Commission agreed with details of the individual who **proposed** each resolution. 8 pp
- 1288 [1936] Typescript summary of points raised by individual members of the Commission with reference to the constitution of the second house under the headings of number of members, mode of selection and electorate, and period of office. 4 pp

b Stage Two

- 1289 [1936] Circular copies of amendments to the draft or skeleton report by members of the Commission, mainly by Thomas Johnson. 12 pp
- 1290 [1936] Typescript draft by Kennedy of a confidential 'skeleton' report with MS amendments and circular copies, one further amended. 45 pp

c Majority report

- 1291 Sept 1936 Circular copy of the majority report of the Commission. 13 pp
- 1292 26 Sept 1936 Circular copy of the draft revised confidential majority report of the Commission to the President, Executive Council. 19 pp

P4/

d Additional report by the Chairman

- 1293 [1936] MS draft, and typescript amended drafts by Kennedy with circular copy of the 'additional report' by Kennedy as Chairman of the Commission to the President, Executive Council. 5 items

e Minority report

- 1294 [1936] Circular copies of a draft minority report to the President, Executive Council, by D.A. Binchy, A.O'Rahilly, M. Tierney, R. Wilson and J. Moynihan. 16 pp
- 1295 [1936] Circular copy of the minority report to the President, Executive Council, by D.A. Binchy, J. Keane, F. Mac Dermot, J. Moynihan, A. O'Rahilly, M. Tierney, and R. Wilson. 14 pp

f Press disclosure

- 1296 8 Oct 1936 Newspaper cutting from The Times reporting premature disclosure of the reports of the Second House Commission in The Irish Press.

P4/

VIII KING'S INNS AND THE INCORPORATED
LAW SOCIETY 1927-1931

- 1297 June-Aug 1927 Letter from W.G. Wakely, Secretary,
Incorporated Law Society of
Ireland, to Kennedy, informing him
that the Council of the Society had made new regulations under
the Solicitors (Ireland) Act, 1898, in relation to the education
of apprentices and outlining their substance, with copy reply
from Kennedy suggesting amendments. 6 pp
- 1298 July 1931 Copy of the rules of the Honorable
Society of King's Inns on the
admission of students into the
Society and to the degree of barrister at law with MS
amendments and revisions by Kennedy. 61 pp
- 1299 1930 The Honorable Society of King's Inns,
Amended rules with regard to the
admission of students 10 pp

P4/

DH STATE SEALS

I CORRESPONDENCE AND NOTES Nov 1922-April 1928

Correspondence between Kennedy, A.S. Roberts (Director of Stamping, Revenue Commissioners), Robert A. Johnson (Deputy Master and Controller, Royal Mint), C.J. Gregg and H.P. Boland (Ministry of Finance), A. McGoogan (Art Department, National Museum), W.T. Cosgrave (President Executive Council), and with officials of the Revenue Commissioners and Office of Public Works concerning the design and manufacture of state seals. Details search for a design symbolic of the Irish nation for the Great Seal; selection of the thirteenth century Brian Boru harp for the focal point of the Great Seal and the panels on the base of the Ardagh Chalice for its surround; variations for ministerial and office seals, court seals, monograms for government writing paper, embossing stamps and a plaque for display in the Courts of Justice; making of impressions, engravings and casts in London; requests for publication and display of the Great Seal; views of Arthur V. Matheson (Parliamentary draftsman), George Sigerson and Thomas U. Sadlier (Office of Arms) on heraldic implications and interpretation including a note on the history of the arms of Ireland by Sadlier (25 Nov 1922).

1300

Nov 1922-Aug 1923

Includes circular letter from M. Mac Donnchadh (Office of the Executive Council) to Kennedy detailing the design of the state seal used by the Provisional Government and suggesting modifications for its adoption by the Free State government. Describes the arms of the four provinces contained on the seal and notes 'If considered desirable to symbolise in the design the present partition of Ulster, this could be done by leaving the Arms incomplete and broken at the corner.' Sample of seal attached.

- P4/
- 1301 Dec 1923-June 1924
- 1302 July-Sept 1924
Includes copy letter from Kennedy to Wilson, Hartnell and Co. expressing alarm about their publication of a picture of the harp similar to its representation on state seals and expressing even greater horror because he had seen it 'described as the trade mark of the Guinness Company' (31 July 1924).
- 1303 Oct-Nov 1924
- 1304 Dec 1924-July 1925
- 1305 Sept 1925-May 1926
- 1306 1923 Letter to Kennedy from Constantine P. Curran with notes on the Brian Boru harp, its suitability as a national device but cautioning less heraldry be abandoned in the seal design - 'remember that there are twenty million snobs in America anxious to exchange dollars for coats of arms'; MS notes with typescript copy by Curran listing references in authoritative works to the Brian Boru harp and noting comments by Bunting, Petrie and O'Curry on it.
 3 items
- 1307 [1923-6] Typescript copy of notes by George Coffey on the origin and decoration of the Ardagh Chalice.
 4 pp
- 1308 30 Nov 1926 Two copy letters from Kennedy to George Atkinson (Metropolitan School of Art) and to A. Le Brocquy arising out of the latter's inquiry about the Great Seal of the Free State. Outlines the background to the choice of design and refers Le Brocquy to the Executive Council for permission to copy a particular photograph of the Brian Boru harp used by the Government.
 2 items
- 1309 24-26 April 1928 Letter to Kennedy from T.P. Le Fanu, Bray, noting an error in a paper read by Herbert Wood in the Royal Irish Academy with reference to the use of the Irish Privy Seal; MS notes by Kennedy with draft and copy reply stressing the importance of Wood's research and commenting on the Seal's use.
 4 items

P4/

II McGOOGAN DESIGN 1923-4

i Seals and devices

1310 1924 MS list by A. McGoogan of the seals and devices which he designed in 1923/4. 1p

ii Great Seal

1311 1923 Photograph of pen and ink drawing of the design of the Great Seal with insertion of the monogram 'SE' as a possible basis for an office seal.

1312 [1923] Photographs of variations on the Great Seal design mainly of plaque type. 10 items

1313 1923 Photographs of pen and ink drawings of sample preliminary designs for the Great Seal by McGoogan, some signed. 6 items.

1314 1923 Photographs of pen and ink drawings, some signed, with slight variations in proportions, of the selected design for the Great Seal by McGoogan, some with insertion of the words 'Saorstát Éireann'. 21 items.

iii Ministerial / Judicial

1315 1 May 1924 Photostat copy of design by McGoogan of emblem for the Ministry of Industry and Commerce featuring a schooner, mounted on writing paper. 2 items.

1316 22 May 1924 Photostat copies of the seal for the Ministry of Industry and Commerce. 2 items.

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- 1317 [1924] Photographs of the seal of the Chief Justice.
- 1318 [Aug 1924] Rough drawing of the seal for the High Court with changes noted by Kennedy.
- 1319 [1924] Embossed seal of the High Court and Court of Justice seal impressions receipting various sums of money.

iv Samples and dies

- 1320 [1924] Samples of wafers to be used in ministerial seals in wax and paper. 2 items.
- 1321 29 Sept 1923 Lead die for impressed seals for the courts - 'The [first] impress[io]n - in lead'.
- 1322 [1924] A state seal of the Irish Free State embossed in gold on green leather.
- 1323 24 Nov 1925 Four sample monograms for use on government writing paper. 4 items.

III PHOTOGRAPHS AND DRAWINGS OFDESIGN SOURCES 1923-4

- 1324 24 Aug 1923 Photographs of the Brian Boru harp in Trinity College Dublin, one with strings added, of the engraving of Maclise's 'Origin of the harp' and of drawings of the Brian Boru harp by McGoogan. 5 items.
- 1325 1924 Photographs of the Tara Brooch and Ardagh Chalice, one showing the base of the latter used in designing the surround of a seal. 6 items.

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- 1326 [1924] Pencil sketches of Cormac's Chapel, one incorporating a possible seal design. 2 items.
- 1327 [1924] Photographs of the Great Seal of Charles the second and embossed Great Seal of George the fifth. 3 items.

IV OTHER DESIGNS SUBMITTED

1923

- 1328 13 Jan 1923 Mounted photograph of design submitted to the Executive Council for ministerial seals by Waller of Suffolk Street, Dublin, embodying a celtic harp theme.
- 1329 [1923] Three pen and ink sketches and five photostat copies of designs submitted for the Great Seal By Mabel McConnell, Lincoln Place, Dublin. 8 items.

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DJ NATIONAL HERITAGE, ART AND

THEATRE

I LANE BEQUEST AND NATIONAL

GALLERY 1923-6

- 1330 6-10 Nov 1923 MS. letter from Senator W.B. Yeats to Kennedy seeking an appointment to discuss formation of an art committee to which the Government had agreed in principle; copy reply from Kennedy. 2 items.
- 1331 15-22 Nov 1923 Letter from Yeats to Kennedy concerning the Lane pictures and the composition of the art committee to advise the government on official design. Notes that Charles Shannon and Sir John Lavery had agreed to act on it but would be opposed to enlargement of the committee because it 'would lessen their authority ... Having got them to consent to act at all is ... a great point gained. I think the publication of their names as art advisors to the Irish Government would be to its honour in the public mind'. Encloses letter from E. March (Secretary to the Duke of Devonshire) informing him that the Cabinet was presently unable to deal with the Lane pictures but assuring him 'no possible alternative Gov[ernmen]t is at all likely to be less well disposed'; copy letter from Kennedy to Yeats telling him he would raise the points he made with the President. 3 items.
- 1332 28 Nov-11 Dec 1923 Copy letter, marked strictly confidential, from Kennedy to the President relating his conversation with Yeats about the composition of the art committee and its scope, and discussing some of its proposed members. Kennedy suggests having 'a committee of honorary art advisers by prescribing certain conditions. They would certainly have to follow tracks laid down for them'. He also refers to the Lane pictures and suggests 'a permanent loan is really a solution of the matter, which enables the British Authorities to get out of the difficulty without any humiliation'; letter from Paul Banim (Secretary to the President) informing him that

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- 1332 cont. the President felt no action should be taken on the matters raised in his letter until 'conditions are more stable in Great Britain'. 2 items.
- 1333 [May 1925] MS. letter from William T. Cosgrave, President, Executive Council, to Kennedy concerning Kennedy's appointment by Eoin Mac Neill as a governor of the National Gallery and the resulting complication in view of other candidates for nomination. Refers to the Cabinet committee appointed to examine the Lane bequest the majority of which decided that Lane 'really intended to make a legal bequest to Dublin'. 4 pp
- 1334 26 May 1925 MS. letter from Cosgrave to Kennedy referring to the report of the Cabinet committee on the Lane bequest which desired 'to offend nobody, and were indifferent inconsequence as to whether they pleased anybody'. Feels that if Dublin had a suitable gallery, the National Gallery in London would be willing to give the pictures on perpetual loan. 'As it is they have an excellent excuse for not acting on the report.' 2 pp
- 1335 2 Sept 1925 MS. letter from Cosgrave to Kennedy regretting that 'the matter I wrote you about was held in abeyance' and assuming Mac Neill had left for the conference. 1p
- 1336 1926 Newspaper cuttings relating to the National Gallery and to the Sir Hugh Lane bequest.

II ARCHIVES, ANTIQUITIES, TREASURE

TROVE 1923-32

1337

Continental archives
 Memorandum by [George H. Berkeley]
 concerning a scheme to publish
 calendars of documents relating
 to the Irish abroad in continental archives. He proposes

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- 1337 cont. the Marquis Mac Sweeney
Macshanaglass for the work
which would be carried out
under the auspices of 'a Commission for historical
research'. He lists the chief centres where relevant
documents would be found. [First page missing] 7 pp
- 1338 7-14 Nov 1922 Lord Chancellor's mace. Covering
letter from Patrick McGilligan
Secretary, Minister of Home Affairs,
to Kennedy enclosing letters from Sir John Ross, PC (former
Lord Chancellor), to the Minister of Home Affairs, requesting
permission, as custodian of the Lord Chancellor's mace, to
have it repaired at Wests of Grafton Street, Dublin. 'I
do not like the sittings to begin without the chief
symbol of legal authority being in court as always
before'; MS. letter from Sir John to Kennedy requesting
the Irish government to give him the mace so it could
be repaired 'preparatory to its sale for the benefit
of the suffering Irish Barristers'. 4 items.
- 1339 1922 Lord Chancellor's mace. Newspaper
cuttings relating to the mace.
- 1340 5-8 March 1923 Royal Hospital Kilmainham pike
chest. Letter from G. McGann,
Office of the President, Executive
Council, to Kennedy seeking his advice for the President
on a newspaper report concerning the alleged transfer
of the pike chest from the Royal Hospital to Whitehall;
copy reply from Kennedy to the President noting that
the matter had arisen before but should be reopened
through the Colonial Office emphasising that the
British 'frankly recognised that they were not to touch
historical things on this side ...' 2 items
- 1341 15 Oct 1924 Dublin Castle records and
antiquities. Confidential
letters from Kennedy to
Cosgrave and to Ernest Blythe, Minister of Finance,
on the subject of records and antiquities in Dublin
Castle which he feels require protection. Notes that
Americans had been negotiating secretly for their purchase.
Refers to the Office of the Ulster King of Arms and objects
to the fact that Sir Neville Wilkinson had been there.
2 items.

P4/

- 1342 11 Aug 1924 Chief Justice's chain of office.
Letter from Gerald Horan to Kennedy concerning the official chain of the Chief Justice with details of its acquisition and origin and noting it to be in the possession of the Lord Chief Justice, T.F. Molony, with the deed of trust. 3 pp
- 1343 30 Jan-19 Feb 1929 Treasure trove. Correspondence between Kennedy, Eoin O'Duffy (Commissioner of the Garda Siochana), John A. Costello (Attorney General), Dr Adolf Mahr (Keeper of Irish Antiquities, National Museum) and the Secretary, Royal Irish Academy, concerning procedures for dealing with treasure trove and objects of antiquarian and archaeological interest, and the examination of the situation by the Attorney General arising out of a request of the Committee of Polite Literature and Antiquities of the Royal Irish Academy. Correspondence notes loopholes in the existing procedures for dealing with these and the ensuing dangers. Includes references for Costello from Kennedy on articles and files on the subject (13 Feb 1929) and copy letter from Mahr detailing the deficiencies of the situation and citing two specific cases (2 Feb 1929). Kennedy notes in a letter to Costello that 'dealers and Americans are constantly on the watch ready to snap up these things, buying for a small sum from ignorant country people what may be priceless in a national antiquarian collection' and refers to a find of coins, stated to date from the reign of Edward the first, which had not yet reached the Academy.
- 1344 March 1931-Jan 1932 Poitin stills. Correspondence between Kennedy, Mahr and O'Duffy concerning the acquisition of poitin stills for the National Museum and for the museum of the Royal Irish Academy. With reference to a still from Dinish island O'Duffy notes, 'I hope the members of the Academy will find it interesting as an exhibit. It has given good service in the past, and under proper conditions would still produce spirit as potent as anything manufactured in more pretentious articles'. O'Duffy also notes 'it appears a splendid specimen has recently been seized in Donegal'. 12 items.
- 1345 27 April-10 Oct 1931 Public Record Office. Letter to Kennedy from O'Duffy enclosing a map and deed relating to Tipperary which he received from an American acquaintance with copy letter from Kennedy to Charles J. McGarry, Assistant Keeper of Records, Public Record Office, explaining their origin; letter of acknowledgment from McGarry noting 'since 1922 we are anxious to get anything of that nature'. 3 items.

III THEATRE 1929-34

- 1346 14 Nov 1929 Gate Theatre. Letter to Kennedy from S. Hughes, Secretary, Dublin Gate Theatre Studio, concerning the issue of shares in an effort to raise funds. Notes that although a judge cannot hold shares, this problem can be avoided by his wife purchasing them. 1p
- 1347 June 1930 Gate Theatre. Correspondence between Kennedy and Hilton Edwards, Director of the Gate Theatre, concerning an application by the Gate for a grant from the Carnegie Trust Committee to help with the theatre's development. Includes copy of the Director's submission to the Trust outlining the work of the Gate and copy of Kennedy's letter to the Trust in support of their application detailing the contribution of the theatre to drama and creativity. 5 items.
- 1348 Feb 1934 Theatre Royal. Letter to Kennedy from Col. S.W. Carty concerning the preservation of the Theatre Royal with details of a deputation to the Lord Mayor and copy reply from Kennedy outlining the organisations which might support the project. 2 items.

IV STATUES AND MEMORIALS

1934-6

- 1349 March-May 1924 Bar war memorial. Correspondence between Kennedy and J.H.S. Russell, barrister at law, concerning the erection of a memorial in Dublin Castle by the Bar to its members who fell in the Great War and related copy letters from Kennedy to the President and to the Ministry of Finance. Copy letter from Kennedy to the President refers to the death of Bar members at Gallipoli and emphasises that they 'were not confined to any particular political or religious section'. Letters include description of the memorial, details of its inscription and the approval of the Executive Council. 10 items.

P4/

- 1350 23 Jan-21 Feb 1934 Cuchullain statue. Correspondence between Kennedy and John Burke, solicitor, concerning the purchase and siting of Oliver Sheppard's statue of Cuchullain as a memorial to the men of 1916. Burke refers to the support for its purchase from many with artistic associations including Thomas Bodkin, Jack Yeats, George Atkinson, Sean O'Sullivan and W.H. Orpen. Notes that Pearse had written of Sheppard's genius as a sculptor in An Claidheamh Soluis. Kennedy dwells at length on the suitability of the site and on the related question of the size of the cast of Sheppard's statue. 'I have a horror of most of the exhibits in mid-O'Connell Street and ... in my view, apart from the doubtful character of some of the statues, there ought to be no statues in O'Connell Street at all. My dream always has been to make the great Central avenue of the Phoenix Park an avenue of memorials of those worthy of being placed there.' Expresses delight at Sheppard's design which makes 'a definite break away from trousered statues of eminently Victorian respectability'. He also refers in one letter to his 'inconvenient medieval restrictions' (30 Jan 1934). 6 items.
- 1351 May 1935 Cuchullain statue. Letter from Sheppard to Kennedy enclosing a photograph of a portrait of Cuchullain - a judge - and noting Kennedy's interest in the work. 2 items.
- 1352 18 Nov 1936 Thomas Kettle bust. Letter from Laurence J. Kettle to Kennedy concerning the memorial bust of Tom Kettle, outlining an earlier Board of Works objection to its erection in St. Stephen's Green because of the wording in the inscription and suggesting that it should remain in the National Gallery. 4 pp

P4/

DK AMERICAN BAR ASSOCIATION /

CANADIAN BAR ASSOCIATION

I VISIT TO DUBLIN BY ABA / CBA 1923-5

- 1353 Dec 1923 Letter to Kennedy from R.J. Kelly enclosing a page from the American Bar Association (ABA) journal noting the intended meeting of the Association in London and suggesting the delegates be invited to visit Ireland. 2 items.
- 1354 Jan-March 1924 Letter from Henry Hanna to Kennedy suggesting he extend the invitation to the ABA delegates in the name of the Bar Council, mentions a possible programme for the visit and details the membership of a committee to make the arrangements. The latter would include 'another junior as Hon[orary] Sec[retary] to do the donkey work ...' He urges tact in seeking the cooperation of the Northern Bench and Bar; correspondence between Kennedy and John H.S. Russell, Secretary, Bar Council of Ireland, concerning the invitation and the formation of the committee. Kennedy notes that a statement had been made in the London Times about the invitation. 6 items.
- 1355 April 1924 Telegrams and letters between James McNeill, Irish High Commissioner, in London, and Kennedy, concerning the proposed visit and the grievance of E.H. Coleman, Secretary of the Canadian Bar Association (CBA) because an invitation was apparently being extended by the Irish Bar only to the ABA; Kennedy's assurance that no official invitations had been extended and that inquiries would be made about inviting members of the CBA. Includes copy letter from Kennedy detailing the situation about the invitations which had been complicated by the contact between T.F. Molony, Lord Chief Justice, and the English Bar about the visit. Kennedy points out that as the Benchers were in a more lucrative position as far as entertainment was concerned, the Bar Council

P4/

- 1355 cont. would allow the Lord Chief Justice to take the initial action. He also notes that the recent passage of the Courts of Justice Act would terminate the existing courts and judicial offices and that there would probably be a different Chief Justice appointed in the coming months. 4 items.
- 1356 April-March 1924 Correspondence between Molony and Kennedy concerning the proposed visit to Britain by the ABA and CBA, the latter being described by Kennedy as 'joint hosts with the English Bar' rather than visitors. Includes copy of memorandum by Molony on the subject of the visit, describing his related conversation with Thomas Kemp, Secretary of the ABA, and referring to the entertainment which the Benchers proposed providing. 4 items.
- 1357 30 July 1924 Menu for the dinner given by the Benchers of King's Inns for members of the ABA and CBA with related table plan, programme of music by the Garda Band and MS. list of speech headings by Kennedy. 7 items.

II KENNEDY'S MEMBERSHIP OF THE

ABA / CBA 1925

- 1358 20 Feb-2 April 1925 Letter to Kennedy from Sir James Atkins, KC, President of the CBA acknowledging the hospitality received by members of the Association from the Irish Bar in Dublin and informing him of his election as an honorary member; copy letter of thanks and acceptance from Kennedy. 2 items.
- 1359 14-27 April 1925 Letter to Kennedy from William C. Coleman, Secretary of the ABA informing him of his election as an honorary member of the Association; copy letter of acceptance and acknowledgment from Kennedy emphasising the good relations which exist between members of the

P4/

1359 cont. ABA and the Irish Bar. 2 items.

1360 12 Feb AD 1925 Kennedy's certificate of
[sic] honorary membership of the
ABA.

See also
P4/1706

III MEETINGS OF THE ABA / CBA

1926-9

i Correspondence concerning Kennedy's invitation,
related arrangements and letters of thanks

- 1361 15 April 1926 Letter from Chester I. Long,
President of the ABA to
Professor Manley O. Hudson,
Harvard Law School informing him that the Committee
on Program would consider inviting the Chief Justice,
Hugh Kennedy, to address its annual meeting. 1p
- 1362 7 March 1927 Copy personal letter from
Kennedy to Charles M. Hathaway,
US Consul General, enclosing
biographical details of his life - 'at least as much of it
as I dare disclose'. 1p
- 1363 Feb-June 1928 Correspondence between Kennedy
and Silas H. Strawn, President
of the ABA, James FitzGerald-
Kenney, Minister for Justice, Michael F. Doyle, Philadelphia
Law Academy, T.A. Smiddy, IFA Legation in Washington,
J.E. Martin, President of the CBA, F.A. Sterling, U.S.
Legation in Dublin and James Mac Neill, Governor General,
concerning acceptance of and arrangements for Kennedy's
visit to meetings of the ABA and CBA, other invitations
and suggested visits. 18 items.

P4/

- 1364 April-Dec 1928 Correspondence and telegrams relating to Kennedy's visit mainly concerning travel arrangements and engagements to speak. Invitations issued by various organisations including the Knights of Columbus and various branches of The Canadian Club. Includes letters of thanks from Kennedy. 26 items.
- 1365 31 Dec 1929 MS. draft of letter by Kennedy to Andrew W. Sexton, Chicago thanking him for a copy of Time in which a remark of Kennedy's was published. 'A kind of cheap humour [at] the expense of American life has for long been a fashion in some of the press in these countries ... I was glad to have the opportunity of publicly refut[ing] these ideas.' Recalls his visit to the Sexton home with pleasure. 1p
- 1366 31 Dec 1929 MS. draft and copy letter from Kennedy to William H. Sexton, Chicago, thanking him for hospitality when he visited Chicago and for sending him a publication by Roscoe Pound on Common Law which he had not realised had grown from the 'original brochure ... into a large volume'. Comments favourably on American law schools. 2 items.
- ii S/S Sythia memorabilia
- 1367 July 1928 Two satin Irish flags used to decorate Kennedy's table on board the S/S Sythia on its voyage from Cobh to New York when attending the ABA and CBA meetings.
- 1368 July 1928 Sheets of music for the 'Soldiers Song' written and harmonised for the band on board the S/S Sythia. 3 items.
- 1369 11 July 1928 Menu for dinner on the S/S Sythia on the evening of Kennedy's birthday, signed by the Captain and by other guests.

P4/

iii Drafts of Kennedy's addresses
to the meetings.

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|-----------------------|---------------|---|----------|
| 1370 | 1928 | MS. draft with typescript copy, and subsequent typescript draft with MS. amendments by Kennedy of his address to the ABA on the character and sources of the Irish Free State constitution. | 3 items. |
| See also
P4/1682-4 | | | |
| 1371 | Aug-Sept 1928 | Offprint from the American Bar Association Journal of Kennedy's paper on the 'Character and sources of the Constitution of the Irish Free State'. | 23 pp |
| 1372 | 1928 | MS. draft and typescript copy with minor MS. amendments and notes by Kennedy of his address to the CBA on 'The association of Canada with the Constitution of the Irish Free State'. | 2 items. |

iv Photographs and press cuttings

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|------|---------------|---|----------|
| 1373 | Aug 1928 | Photographs of delegates and their wives at the meeting of the CBA in Regina, Saskatchewan, taken by the Capitol Studio, Regina. Kennedy is standing in the middle of the front row. | |
| 1374 | Sept/Oct 1928 | Mounted newspaper photograph and glass plate negative of Kennedy, Ramsay Mc Donald, MP, and W. Marks of Australia at Lake Louise during the CBA meeting. Both Kennedy and Mc Donald have their hands on their hips and are facing each other although looking in the direction of the camera. | 2 items. |

P4/

- 1375 1 Sept 1928 Album containing ten enlarged photographs, with captions, arising out of a visit to a Cree Indian camp in the Qu'Appelle Valley near Lebret Saskatchewan. The photographs show the Indians in their native dress including one of Father Murray 'A fine Roman Catholic priest who is dressed up for the occasion'. The album includes twelve snapshots with one of the Kennedys in front of a tepee. 22 items.
- 1376 1928 Newspaper cuttings relating to Kennedy's invitation to address the ABA and to his arrival in New York.
- 1377 July-Sept 1928 Newspaper cuttings, mainly Canadian, concerning Kennedy's visit to Canada to address the CBA.

P4/

DL CUMANN NA NGAEDHEAL

I PARTY MEETINGS, CONSTITUTION, POLICY

1923-32

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- | | | | |
|------|---------------------|--|-------|
| 1378 | | Circular copy of draft rules of the Cumann na nGaedheal party. | 1p |
| 1379 | [1923] | Cumann na nGaedheal; printed Party constitution and rules. | 7 pp |
| 1380 | [1924] | Circular list of amendments to the Party constitution and rules with related resolutions from various constituencies. | 15 pp |
| 1381 | April 1923-Jan 1924 | Routine circulars about meetings of the Party. | |
| 1382 | 7-27 Nov 1923 | Correspondence between Kennedy and James F. Dalton, importer, on political matters and on the Cumann na nGaedheal party in particular. Dalton comments at length on electioneering matters. Observes 'Cumann na nGaedheal, as an Organization, does not inspire the people and is only of interest to those who are actively connected with it' and advocates that the Party should be managed like 'any other Business Concern'. Comments favourably on the Minister of Finance's retrenchment policy particularly in banking and commercial circles. He encloses a letter he received from Donald Rose, European Traffic Manager of the Illinois Central Railway, who notes that the Irish government has 'a very difficult problem of National finance to solve, and they have undertaken to solve it with high courage'. Dalton also expatiates on a speech by Kennedy in the Dail, particularly his remarks about Darrell Figgis and Redmond. He describes Redmond's army record as a 'joke' ... 'on the eve of his | |

P4/

- 1382 cont. Regiment going into action he fell off a horse and broke his Arm (also his pledge)' and wonders how he was ever promoted; copy letter from Kennedy to Ernest Blythe, Minister of Finance, forwarding one of Dalton's letters to him and copy letter from T. Mac Amhlaibh, Secretary to the Minister of Finance, returning his letters. 7 items.
- 1383 19 Dec 1923 Letter from Eoin Mac Neill, Minister of Education, to Kennedy concerning the application by Frank Hickey for a position on the staff of the Party and expressing support for his application. 1p
- 1384 Feb-April 1924 Letters from members of the by-election committee appealing for funds to support James O'Mara and circular covering letter from the Office of the President, Executive Council, with copies of letters from W.P. Corrigan detailing, at the request of O'Mara, the balance of election funds after the election in Dublin south.
- 1385 [1924] Part of letter concerning an apparent division in the Party, denying that it really exists and urging the recipient of the letter to recognise that the differences are of a 'lesser order' and as such should not 'be allowed in any way to cut across the big national interests'. 2 pp
- 1386 25 Jan 1929 Programme for the annual reception by the Central Branch Cumann na nGaedheal in the Metropole with details of the dances - the foxtrot predominating, and music by the Rogers-May band.

II PUBLIC OPINION AND THE IRREGULARS

1923

- 1387 18/19 Oct 1923 Circular copy of letter to Margaret Collins O'Driscoll from Benedict O'Sullivan OP, which she distributed to all Cumann na nGaedheal deputies with

P4/

1387 cont.

the covering letter marked private and confidential. The letter contains a vituperative attack on the Irregulars and on the Government's handling of their suppression. The letter starts with an analysis of the intentions of 'that diabolical McSweeney (sic) women' which, he feels, are based on a 'tradition of habitual and fundamental contempt for authority'. He describes the attempts of the Government to deal with the Irregulars as ineffectual and notes 'De Valera and Stack still live while many of the obscure dupes who followed them fill traitors' graves'. The existence of republican sympathisers in the civil service, the relative press freedom enjoyed by the Irregulars and the release of hunger strikers are noted with anger. O'Sullivan urges the Government to deal with the situation by becoming imbued 'with the spirit of Fascism which briefly means Government by those naturally fit to rule, ... possessing superior intelligence, patriotism, enlightened common sense and prudence'... He suggests expurgating the public services, a campaign of 'intelligent' propaganda, the protection of younger people in schools, universities and seminaries from Irregular propaganda and the use of Achill Island as an Irregular compound. 'I should love ... to see Mary Mac having to milk the cow ... before sitting down to breakfast.'

6 pp

III CORRESPONDENCE WITH WILLIAM T. COSGRAVE

1922-3

- 1388 18 Aug 1922 'Personal' letter from Kennedy to Cosgrave noting with gratitude his suggestion that Kennedy should stand in Cavan and outlining briefly his past payment of funds to Sinn Fein and to the Eoin Mac Neill election fund 'as the question of membership of the party organisation might arise'. 1p
- See also
P4/1104
- 1389 [July/Aug 1923] Letter from Cosgrave to Kennedy in which he inquires about the possibility of Kennedy standing for election, expressing his desire to see him on the Executive Council and noting his friendship for him. He also concludes 'in your case I would ... much prefer you to become Pres[ident] of the Sup[reme] Court' ... 2 pp

P4/

- 1393 [Oct 1923] MS. draft by Kennedy of an election handbill detailing the Cumann na nGaedheal candidates in Dublin City North. 1p
- 1394 MS. note recording the state of the parties in the Limerick election with ten boxes to count. The writer speculates on a republican win. 1p
- 1395 [May 1923] MS. notes by Kennedy for a speech in Kilkenny during the 1923 election campaign in which he deals with the Constitution and the Courts of Justice Bill. 5 pp
- 1396 May 1923 Newspaper cuttings relating to the visit by Cosgrave to Kilkenny as part of the election campaign with photographs of Kennedy delivering his speech.
- 1397 2-3 July 1923 Copy letter from Kennedy to Commandant Joseph O'Reilly requesting a note of his expenses in connection with the Kilkenny election meeting; reply from O'Reilly informs him that expenses would be borne by the Party and assuring him that an opportunity would probably arise later to pay subscriptions to the Party ...'and when they come along for yours you can, if you like, ease your conscience by paying on the double'. 2 items.
- 1398 [1932] Fighting points for Cumann na nGaedheal speakers and workers: general election 1932. 160 pp
- ii By-election, Dublin city south, Oct 1923
1923-6
- a Speeches and publicity
- 1399 [Oct 1923] MS. draft election speech by Kennedy outlining the progress made by the government since the Anglo-Irish Treaty in terms of government, the Constitution, judicial matters, lands, fiscal matters, poverty, education and drawing attention to the devastation caused by the

P4/

- 1399 cont. Irregulars, the attempted appropriation of the Sinn Fein funds and making frequent references to the iniquities of de Valera. 13 pp
- MS. notes by Kennedy for two election speeches dealing with his opponent in Sinn Fein and with other members of the party, republicanism, constitution, sovereign state, local issues and political prisoners.
- 1400 [Oct 1923] 31 pp
- 1401 [Oct 1923] 15 pp
- 1402 Oct 1923 Copy of circular letter from Kennedy to the constituents in Dublin city south and printed election manifesto by Cosgrave. 2 items
- 1403 Oct 1923 Election poster, in Irish, and handbill for Kennedy with posters outlining voting procedures to the electorate. 5 items.
- 1404 {24 Oct 1923} MS. letter to Kennedy from Cosgrave on the eve of the election exhorting the people of Dublin south to return him with a majority. 'The Oireachtas is the people's Parliament. It members ought [to] be the cream of public representation.' 1p
- b Press cuttings
- 1405 17-22 Oct 1923 Newspapers cuttings from The Irish Independent, Freeman's Journal, The Irish Times reporting on the lead -up to the election and on related speeches including those of the Sinn Fein candidate, Michael O'Mullane, noting he described Kennedy as 'the Attorney General for the King [who] had never done a day's work for Ireland in his life' (The Irish Times, 22 Oct). Coverage also includes the Sinn Fein Ard Fheis and the hunger strike in Mountjoy. 6 items

P4/

1406 Oct 1923 Newspaper cuttings relating to the by-election in Dublin city south.

c Letters offering help and letters of congratulation

- 1407 13-22 Aug 1923 MS, private letter from Judge W.J. Johnston to Kennedy enclosing £10 for the election fund. As he does not approve of judges subscribing publicly, he asks for his subscription to be recorded anonymously. Contains note of acknowledgment by Kennedy; copy letter from Kennedy to Cosgrave forwarding Johnston's contribution and suggesting newspaper advertisements to advise people about where to send subscriptions and letter of acknowledgment from the Office of the President. 3 items.
- 1408 13-16 Oct 1923 MS letter from John S. Kelly, Irish Railway Workers Trade Union describing the area in which Kennedy is standing and its problems - 'where our so call (sic) Countess [and] her lady friends are concentrating their malicious warfare amongst thousands of half educat[ed ?] men and women voters'; copy letter of thanks from Kennedy. 2 items.
- 1409 19 Oct -10 Nov 1923 Letter from L. McNeive, Office of Assistant Legal Adviser, to Kennedy offering to assist with election work and mentioning his previous election experience in Cavan in 1918 when Arthur Griffith was returned; copy reply from Kennedy, marked personal, acknowledging his offer of help but suggesting that as a civil servant he should not be asked to assist. 2 items.
- 1410 23 Oct-5 Nov 1923 Letter and telegrams received by Kennedy on his election victory and others wishing him success from friends and associates including C.J. France, Sir John Lavery, J.A. Coyne, Louis J. Walsh and Constantine P. Curran with some copy letters of acknowledgment from Kennedy and a draft letter of thanks to those supporting his candidature. Includes letter from Michael Dawson (solicitor) recalling his mother's one time ambition for him to become a Resident Magistrate and letter from Seamus de Burca in Skibbereen noting with favour the government's economic policy but adding 'the old age

P4/

1410 cont.

pensioners ought to be spared'. Expresses disagreement with imminent hearing of compensation claims by Judge Rosenthal.

21 items.

d Admission of Kennedy to
Dail Eireann

1411

27 Oct 1923

Ticket issued by Colm O Murchadha, Clerk of the Dail, admitting Kennedy to the house as a TD.

e Election agent's overdraft

1412

April 1924-June 1926

Correspondence mainly between Kennedy and W.P. Corrigan including letters from George Lyons, Dublin city south constituency committee, and from S. Hayes and J.J. Walsh, Cumann na nGaedheal concerning an overdraft incurred by Corrigan as Kennedy's election agent in the 1923 by-election. Correspondence concerns refusal of the Coiste Gnotha to make any further contribution to the Dublin city south constituency to liquidate the overdraft because the constituency already received a 'proportionately greater' contribution than that of any other constituency and because it was felt that the overdraft was 'clearly Mr Kennedy's liability'. Irate letters from Kennedy outline his position, details of his own personal contribution to the election fund, resentment at not being provided with adequate accounts and his initial refusal to settle the account because he felt it unfair personally, and inappropriate for a member of the judiciary to contribute to the funds of any political party. Kennedy comments 'The election was ... conducted with the utmost extravagance by the agents of the Cumann na nGaedheal organisation, who kept the whole control ... of affairs in their own hands, as they were perhaps entitled to do, ... but not if they were to unload the liability on me'. He outlines the delicacy of his position as a member of the judiciary with his wish to help Corrigan in what he calls 'an honourable obligation', and ultimately discharges the overdraft (7 June 1926). Includes copy letter from Kennedy to Corrigan resigning his position as TD in Dublin city south when appointed Chief Justice (5 June 1924).

c 22 items.

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1413 19 Aug 1925 MS. letter from Cosgrave to Kennedy concerning the £800 overdraft and the necessity of Corrigan replying to the bank - he 'has had no satisfaction from our friends according to a letter he received some time ago'. 1p

iii Senate elections 1923

1413 Sept 1925 Blank ballot paper; Who's who in the Seanad election, 1925 with biographical details and photographs of the candidates; election handbill for Mrs Mary Mulcahy and Miss Kathleen Browne with biographical details and joint statement. 3 items.

V NEWSPAPER CUTTINGS

1414 1923 Newspaper cuttings relating to speeches by Cosgrave, the general election and the foundation of the Party.

1415 April 1923 Newspaper cuttings relating to the first Cumann na nGaedheal convention with reports of its policies and achievements.

E CORRESPONDENCE

I SEMI-OFFICIAL AND PERSONAL

- 1417 22 Dec 1921 Michael Corrigan (1921-4)
Covering letter to Kennedy
from Michael Corrigan (solicitor)
enclosing 'a slight token of our
appreciation and good wishes' which he felt would appeal on
account of its historic associations. lp
- 1418 [1922-4?] Note to Kennedy from Corrigan
proclaiming 'you are the man in
the gap ... our supporting local
talent' and other cryptic comments.
- 1419 1923-4 MS. draft by Kennedy of an
inscription, possibly for a gift for
Corrigan, 'For a reminder of hard work
done together for Eire' (11 June 1924), and for W.P. Corrigan.
'souvenir of our election' (Oct 1923).
- 1420 [1922] William T. Cosgrave (1922-31)
Note from William T. Cosgrave
(Minister of Finance) to Kennedy
concerning a [compensation] case
in which [Michael] Corrigan was acting as arbitrator. lp
- 1421 24 Dec 1923 MS. letter from Cosgrave to Kennedy
wishing him a happy Christmas,
urging him to have a short holiday and
acknowledging his 'great services to the state and to me'. lp
- 1422 [1924] MS. letter from Cosgrave to Kennedy
requesting his assistance with a
draft letter to their 'mutual friend
Joe'. Cosgrave fears that the matter might cause offence to
'Joe's friends ... Johnson [and] o[the]rs in the Dail ...
giving grounds for criticism of the latter generally ...' lp
- 1423 14 May 1924 Copy of letter from Kennedy to
Cosgrave returning a volume of

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- 1423 cont. Parliamentary Papers which Cosgrave had borrowed for him from the National Library. 1p
- 1424 22 July 1925 MS. letter 'in haste' from Cosgrave to Kennedy warning him that he had been able to prevent publication of a reference to Kennedy's attendance 'at a Masonic Garden Party ... in Clonskeagh'. 1p
- 1425 25 Nov 1927 Letter to Kennedy from Cosgrave telling him about a discussion he had with R.W. Craig, KC, to whom Kennedy had given a letter of introduction ... 'I believe he is taking away... favourable impressions of us'. 1p
- 1426 14 April 1928 MS. note from Cosgrave to Kennedy possibly enclosing some papers for discussion. 1p
- 1427 10 Jan 1931 MS letter from Cosgrave to Kennedy concerning [a presentation ?] which he feels should be carried out on behalf of the members of 'the new order of things'. Notes the generous nature of the contribution from the Garda 'due to the close touch of General O'Duffy' in comparison with the Army one. 2 pp
- 1428 30 June-1 July 1922 Sir John and Hazel, Lady Lavery (1922-3)
Copy text of a telegram from Sir John Lavery inquiring about the possibility of painting 'things in Dublin'; copy of text of reply from Kennedy informing him that nothing spectacular remained but that there was still 'street fighting and sniping with considerable danger to civilians'. 2 items
- Correspondence between Kennedy and Hazel, Lady Lavery, mainly discussing the Lavery plans to visit Ireland, their choice of hotel and her aversion to being a house guest. She refers with regret to the death of Sir Henry Wilson and how she and others had been called 'conspirators' and 'murderers' by English friends. She notes 'Winston was enchanted with your letter to him' (24 June). Includes letter of introduction to Kennedy for Senator Phelan of California - a friend of Shane Leslies. Comments on how American journalists bore her. 'I am

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an Irish Subject now, amn't I ...
 being married to a Free Stater so I
 can say what I like about Americans
 and it is a delicious relief to me ...' (8 Aug).

- 1429 24 June 1922
- 1430 25 June 1922
- 1431 [Aug] 1922
- 1432 8 Aug 1922
- 1433 Aug 1922 MS. text of telegram from Kennedy to Sir John noting he would be met at Kingstown (Dun Laoghaire) when arriving for Arthur Griffith's funeral and letter from Lady Lavery to Kennedy about dinner arrangements. 2 items.
- 1434 9 Oct 1922 Letter to Clare Kennedy from Lady Lavery in which she discusses various politicians at length. 'I read your letter to Winston. It cheered him very much ... one must not blame W. and the Government too severely ... Last night I dined with Sir James Berrie. He had been such a help with people here about Ireland ... he defended us all nobly with people like the Londonderrys and other mutual friends. He is writing something about Michael [Collins] which should be wonderful ... and Bernard Shaw has just sent me such a beautiful letter ... Katherine Tynan has written to me in regard to a petition to stop flogging in the North ... I am writing to Mr O'Higgins' secretary to find out the actual state of affairs ... tell Mr O'Higgins for me that I only expect a typewritten letter in reply to mine ... Lord Dunraven came to lunch today and waxed furious over the attitude of Lord Midleton and the "selfish Southern Unionists" - it was rather pathetic to see the poor old man almost weeping with rage because he had not been invited to the discussions with the Southern Unionists and you people on the 13th of June when the "SU" were so obdurate. Lord Donoughmore was the only one who was human or understanding Michael told me'. Refers to the possibility of wintering in America ... 'It means vast wealth for John' and describes Alice's (her daughter) attitude to her as a 'mingling of tenderness and stern condescension (sic) which is disconcerting to my old fashioned ideas of the relationship of Parent and Child !'. 6 pp
- 1435 [Jan-Feb 1923] Letter to Kennedy from Lady Lavery inviting him to tea and noting she had extended an invitation to other members of the Irish delegation including Cosgrave, Kevin O'Higgins, Ernest Blythe and Diarmuid O hEigeartaigh. Refers to her husband's impending visit to a nursing home. 2 pp

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- 1436 [Jan/Feb 1923] Letter to Kennedy from Lady Lavery regretting she had not seen him and noting she had written to the editor of The Times 'to tell him a few minor things about you people ... one of them being the heavy [and] cruel sacrifices that you have made to keep faith with England and the Treaty'. Refers to her husband entering a nursing home. 4 pp
- 1437 [8 Feb 1923] Letter to Kennedy from Lady Lavery enclosing part of a letter she received from Mrs Arthur Harten concerning the arrest of a British officer, Captain Frank Eustace, in Ireland. Eustace was rearrested having been acquitted by one court on virtually the same charge and it was felt that this was simply due to 'anti-British sentiment'. Expresses anger at this belief but wishes to antagonise no one because 'one must make friends everywhere for the sake of the Boundary Commission'. She refers to a visit from J.H. Thomas of the Colonial Office. 'He was tremendously friendly and quite likeable and magnetic but oh! he is very vain, but of course clever, he had asked to lunch with me in order to "talk about Ireland" but he did all the talking and it was mostly about himself ... and the wonderful things he was going to do on the Boundary affair' ... I saw Cope yesterday and he is "keeping his eye on Thomas" but hopes to get Ramsay to take a strong and active part and not leave it to Thomas to manage entirely. He treats it all too much like settling a strike.' Refers to her husband's operation - 'John has had a horrid time'. 2 items.
- 1438 10 Nov 1923 Copy letter from Kennedy to Sir John informing him that a bill had been drafted in Ireland for the legal dissolution of marriage. He notes that one of his acquaintances, although separated by law from her husband, could not remarry at present. 'There never has been divorce in Ireland, as it has always been objected to on religious grounds by the vast majority of the people.' 2 pp
- 1439 22 May 1922 George Gavan Duffy (1922-33)
Letter to Kennedy from George Gavan Duffy, Minister of Foreign Affairs, postponing getting in touch with Kennedy about a matter on which he needed his advice. 1p

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- 1440 22 Aug 1922 MS. letter from Gavan Duffy to Kennedy suggesting he refer the draft constitution to a special committee in the Dail, to avoid 'troublesome debates' and to facilitate its speedier passage. 2 pp
- 1441 8 July 1922 Letter to Kennedy from Gavan Duffy enclosing two letters from 'our Washington Envoy' concerning the Canadian representation in Washington. Annotated by Kennedy to record return of letters. 1p
- 1442 28 July 1922 Letter from Gavan Duffy to Kennedy enclosing a copy of the Yale Law Journal containing an article which he felt relevant to 'the contemplated proceedings against Art O'Brien'. 1p
- 1443 12-18 Aug 1923 Letter from Gavan Duffy to Kennedy briefly describing a raid on his house; copy reply from Kennedy noting he had seen the Minister of Home Affairs about the matter. 2 items
- 1444 6-8 Dec 1933 Letter to Kennedy from Gavan Duffy enclosing a cutting from The Manchester Guardian - 'Dicey the second is an unexpected ally!'; Copy letter of acknowledgment from Kennedy discussing the Guardian. Recalls how he used to annoy them in 1922 by referring to an Australian legal authority 'who was particularly down upon the PC' [Privy Council] and that they would use Professor Berriedale Keith in retaliation. 'He wrote many unpleasant things in his books about us, and made assertions which I used to suspect were inspired.' 2 items.
- 1445 19 July [1922] Alice Stopford Green (1922-8) Letter from Alice Stopford Green to Kennedy inviting him, at the suggestion of James Douglas, to dine at her home with J. Clerc Sheridan of South Africa; MS. draft of Kennedy's reply to the invitation. 2 items
- 1446 [1922] MS. letter from Mrs Green to Kennedy inviting him to a discussion with Douglas and Sheridan about an amendment to the Constitution. 3 pp

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- 1447 15 Aug 1922 Letter to Kennedy from [Mrs Green] thanking him for help in connection with an article on Arthur Griffith for Studies.
lp
- 1448 2-4 Aug 1923 Letter from Senator Green to Kennedy concerning Ireland's representation at the League of Nations. 'We need that our chief representative should be a man of weight and dignity - capable of setting out the claims and position of Ireland with authority, and of commanding respect by his position and scholarship.' She recommends Eoin Mac Neill for the position; copy reply from Kennedy noting 'such diverse people as Ismet Pasha, Mussolini and Dr Cuno have recently discussed out first international appearance ... I agree that it would never do for us to produce a bathos'.
2 items
- 1449 18 Nov [1923] MS. letter from Senator Green to Kennedy telling him that the situation in the Senate had become 'serious' and that 'we are in danger of losing out deputy chairman'.
2 pp
- 1450 23 June 1926 Letter to Kennedy from Senator Green complaining about a scheme to use heraldic designs on Irish coinage and noting that suggestions were likely to be made by 'The Royal Irish Academy, the ridiculous Society of Antiquaries, the yet more ridiculous Hibernian Academy'.
2 pp
- Two letters from Senator Green to Kennedy inviting him to meet Dr Lange of Norway, Secretary General of the Interparliamentary Union and winner of the 1921 Nobel peace prize (18 Nov), and Alec Wilson of the League of Nations (22 Nov).
- 1451 18 Nov 1928
- 1452 22 Nov 1928
- 1453 12 Feb 1922 Crompton Llewelyn Davies (1922-4)
Letter to Kennedy from Llewelyn Davies commenting on contemporary events. Notes with satisfaction the control Ireland would have over the framing of the constitution and the organisation of elections. Refers to the Ulster month and hopes for an all party constituent

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- 1453 cont. assembly - 'quod felix faustumque sit', 4 pp
- 1454 24 Oct-3 Nov 1922 MS letter from Llewelyn Davies to Kennedy hoping to call at his London hotel to see him; copy reply from Kennedy regretting not having been in touch but promising to do so on his next visit to London. 2 items.
- 1455 14 June 1924 Letter to Kennedy from Llewelyn Davies noting the opening of the courts and Kennedy's position as Chief Justice. Recalls his past association with Kennedy 'going back to the day when you came with Mick to my office' and describes the courts - 'Of human institutions they are the most majestic, [and] Courts established by the People have not only the sanction which commands respect but "noblesse" by which they are themselves "obliged" '. 2 pp
- 1456 10-22 Aug 1922 Lionel Curtis (1922-6)
Letter to Kennedy from Lionel Curtis enclosing a letter he received from a friend, 'the recognised authority on constitutional questions', seeking information about the Irish Free State constitution. Refers to the death of Michael Collins. 'You will miss his bright presence terribly and so shall we here; but he would be the first to tell you that the cause for which he stood was too big to depend on the shoulders of any one man. I think a good many of us would feel like this if Mr Lloyd George were cut off. Yet other people would ... fill the place, and England would go on. And so Ireland will go on ...'; letter to Curtis from Felix Frankfurter, Harvard Law School, asking for information on the evolution of article 64 of the Constitution which 'introduces the familiar American doctrine of judicial review' and which he describes as being of 'vital significance'. 2 items.
- 1457 18 July-29 Aug 1924 Letter from Curtis to Kennedy introducing Justice Hy B. Higgins of the High Court of Australia and subsequent correspondence about his visit to Dublin between Kennedy, Curtis and Higgins. Higgins expresses approval of Kennedy's interest in Australian practice in arbitration in labour disputes and sends Kennedy appropriate literature and references. Records a conversation he had with Ramsay Mac Donald about the system in England and union opinion of arbitration (13 Aug). Includes comment by Curtis on Kennedy's 'superhuman labours as Attorney General. I never could understand how any human being could carry the load you carried with a smile on your face' (19 Aug). 7 items.

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- 1458 7 Feb 1923-22 May 1926 Correspondence between Kennedy and Margaret E. Cleeve of the British Institute of International Affairs concerning books borrowed by Curtis from the library of the Institute; copy letter from Kennedy to Curtis about the books which had been lent to the Constitution Committee, noting that most had been traced and returned and assuring that missing volumes would be replaced by a London bookseller. 3 items
- 1459 23 May 1922 Hal Blackhall (1922-4)
MS. letter to Kennedy from Hal Blackhall giving Kennedy his London address because of the impending visit to London by representatives of the Provisional Government. Regrets that the Law Library in Dublin had fallen into the hands of the republicans and notes that contemporary legal opinions must be based on 'recollection aided by imagination'. 4 pp
- 1460 5 March 1922 Letter to Kennedy from Blackhall at the Nairobi Club in British East Africa, congratulating him on the position he had attained and noting 'the policy you have followed of not actively identifying yourself with any party ... is now about to bear fruit'. Tells him that 'Indian agitators' in Kenya had written to the Provisional Government for support which he hopes they would not get. Describes a visit to the Northern frontier - 'the country swarms with big game' - as an adviser to the military governor there. Describes a conflict between two tribes, the Turkana and the Samburn and the subsequent sentencing to death of five members of the Samburn. Refers to their indifference to the sentence. 'One man was dosing. On hearing his name ... he just opened his eyes heard himself sentenced to death, [and] then quietly closed his eyes again [and] continued his siesta.' Describes the reason for the tribal conflict and refers to the leader of the Turkana as a 'really fine specimen of the savage warrior statesman'. 8 pp
- 1461 9 Sept 1924 Copy letter from Kennedy to Blackhall, Crown Counsel in Kaduna, Northern Nigeria, acknowledging his good wishes on becoming Chief Justice. Refers to his interest in the work on which he had been engaged as Attorney General 'so that it was a very great wrench and disappointment to me when the Government bade me back to the Courts'. 2 pp

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- 1462 1 Dec 1922 R.J.P. Mortished (1922-4)
Letter from Ronald J.P. Mortished to Kennedy hoping that he could help him to persuade William E. Wylie to allow him retire from the 'service' without the customary six months notice and later MS. note from Mortished saying that this had been feasible. 2 items.
- 1463 25-26 Jan 1924 Personal letter from Mortished at the Irish Labour Party and Trade Union Congress to Kennedy in which he reiterates identification of the draftsman of the Transport and Communications bill as W.R. Southead, solicitor to the Railway Clerks Association. He comments with pleasure at the capability of a 'member of the inferior profession' in drafting an excellent bill; copy reply from Kennedy acknowledging the difference in the two professions but stating that 'inferiority and superiority in relation to the two professions is purely social and early Victorian' dating from before solicitors had become a 'highly reputable body'. 2 items.
- 1464 5 April 1922 Gerald Horan (1922)
Letter marked personal from Gerald Horan to Kennedy concerning his appointment as a temporary electoral officer. 1p
- 1465 [1922] Covering note from H[oran] to Kennedy with the 'Malta papers'. 1p
- 1466 6 July 1922 Note from Horan, in Wales, to Kennedy referring to his lost seal and directions about the appointment of the Governor General. 2 pp
- 1467 12 July 1922 J.J. Wakely (1922-3)
Letter to Kennedy from J.J. Wakely referring to books presented to the Bar Benevolent Society by Lady Kathleen Bushe and which he felt were not required by it. Asks Kennedy if the Government would be interested in their purchase; list of the books with estimated value by A.V. Matheson. 2 items.
- 1468 11 July 1923 Letter from Wakely to Kennedy thanking him for arranging the return of his 'gun [and] swords' and noting that he had been able to give decrees in all the Land Commission cases. 1p

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- 1469 31 March 1922 C.J. France (1922-3)
Letter to Kennedy from C.J. France, The American Committee for Relief in Ireland, requesting biographical details and photograph for use on his return to America in talks on the evolution of the Constitution. 2 pp
- 1470 14 June 1923 Letter from France, at the Shelbourne Hotel, to Kennedy inviting him to dine and copy reply from Kennedy declining due to pressure of work. 2 items.
- 1471 13 March 1922 A.W. Cope (1922)
Letter from A.W. Cope, Assistant Under Secretary, to Kennedy forwarding him books on loan from the Solicitor's Department, Dublin Castle. 1p
- 1472 15-20 Jan 1923 Sir Francis N. Greer (1923-4)
Letter from Sir Francis N. Greer to Kennedy seeking information about the position of Gerald Horan - 'Anderson also is concerned about him'; copy confidential reply from Kennedy noting his willingness to see Horan with a position in which he will not be a 'loser', and regretting that the major part of his salary came originally from his position as Clerk of Crown and Hanaper. Congratulates Greer on becoming a KCB and describes the great pressure of work involved in building up the 'new State'. 2 items.
- 1473 23 Jan-14 Feb 1923 Letter from Greer, Office of the Parliamentary Counsel, to Kennedy thanking him for his good wishes on becoming a KCB, regretting leaving the Irish Office and congratulating the Irish government on the 'speed and efficiency' with which the machinery of government was accomplished. Regrets the tenuous position of Horan. Marked private and confidential; copy letter from Kennedy assuring him that Horan is being paid and that he will probably secure a good position. 2 items.
- 1474 11 Feb-7 March 1924 Copy letter from Kennedy to Greer regretting that due to an attack of promaine poisoning he had been unable to visit Greer and [Sir Frederick] Liddell when in London; MS letter from Greer noting his recovery and referring to his 'vigorous speeches on the Courts of

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- 1474 cont. Justice and other Bills'. He continues ... 'It has been most interesting to watch the course of events in the Free State ... and to see how obstacles which seemed very formidable in prospect have been surmounted...'
2 items.
- 1475 6 March 1923 Tom Jones (1923)
MS. letter from Tom Jones, Committee of Imperial Defence, to Kennedy thanking him for a copy of his book for his 'not inconsiderable Irish collection'. 1p
- 1476 23 March 1923 Henry Hanna, KC (1923)
Letter from Henry Hanna to Kennedy thanking him for Kennedy's appreciation of his published [?] objection to a 'low-down' article and mentioning the endorsement of his sentiments by many 'of the Bar'. 1p
- 1477 8 Oct [1923] Constantine P. Curran (1923)
Letter from Constantine P. Curran to Kennedy concerning a letter by James O'Connor in the press criticising his use of quotations and quoting an extract from an 'American Taxation speech' for Kennedy to use in reply. 2 pp
- 1478 19-22 Sept 1923 Sean Murphy (1923)
Letter from Sean Murphy, Office of the Irish Representation in Paris, with copy reply from Kennedy acknowledging copies of Le Temps. Compliments him on the efficiency of his office and refers to his journey back from [the League of Nations in] Geneva. Notes that his wife was pleased with the tasteful nature of the souvenirs 'except as regards the pellerine, which I still am compelled to wear in secret'.
2 items.
- 1479 17 Sept 1923 M.J. Ryan (1923)
Post card from M.J. Ryan, Compensation (Ireland) Commission, on holiday in Lugano, Switzerland.
- 1480 11 Aug 1923 Eoin O'Duffy (1923-4)
Letter from Eoin O'Duffy, Commissioner of the Garda Siochana, to Kennedy noting that Kennedy had not forgotten 'our friend Mr Murphy'. 1p

- P4/
- 1481 12 July 1924 Text of Telegram from O'Duffy to Kennedy declining an invitation.
- 1482 25-29 Aug 1924 J.J. Walsh (1924)
Copy letter from Kennedy to J.J. Walsh, Minister of Posts and Telegraphs, acknowledging, as 'one of the doubting Thomases', the success of the Tailteann Games; letter of reply from Walsh expressing delight that the Irregulars had failed to succeed in raising opposition to the Games outside of Ireland. Notes Mrs Kennedy's valuable contribution in her own section. 2 items.
- 1483 18-24 Aug 1924 E.J. Phelan (1924-9)
Letter to Kennedy from E.J. Phelan, International Labour Office, Geneva; telling him of his impending visit to Dublin and expressing the hope that the Irish Free State delegation at the next Assembly [of the League of Nations] would be a strong one because of its importance - 'Macdonald, Herriot and Mussolini have expressed the intention of leading their respective Delegations'. Trusts that the Irish delegation will be lead by W.T. Cosgrave; copy reply from Kennedy making arrangements to see him. 2 items.
- 1484 14 Oct 1926 Personal letter to Kennedy from Phelan enclosing an offprint of an article he published in Studies.
See also P4/1817-18
Describes the present year in the League of Nations as satisfactory from the Irish point of view and advocates the formulation of a 'really intelligent and active League policy'. Refers to Desmond FitzGerald's successful chairmanship of the Second Commission and criticises South African policy of trying to secure a British declaration of Dominion independence. 2 pp
- 1485 18 Feb 1929 Copy letter from Kennedy to Phelan enclosing a copy of the American Bar Association Journal containing a copy of his address to the Association. Notes the departure from Geneva of the Irish representative at the League of Nations, Michael Mac White, and his replacement by Sean Lester - 'a thoroughly delightful man ... a Northerner ... and a non-Conformist'. 1p
- 1486 5 March 1929 Letter from Phelan to Kennedy noting his visit to the American and Canadian Bar Associations and the transfer of Mac White to Washington. Refers to the 'innumerable cordial personal relationships which he had

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- 1486 cont. succeeded in establishing during his stay here [and which were] 'a very considerable diplomatic asset'. 2 pp
- 1487 22 Jan 1924 James Hamilton Delargy (1924)
Copy letter from Kennedy to James Hamilton Delargy asking him to call to his home. Kennedy and John A. Costello wished to take grinds in Irish. 1p
- 1488 9-12 Sept 1924 Copy letter from Kennedy to Delargy complaining that books for which he had paid had not been delivered; letter of reply from Delargy expressing surprise and annoyance at the matter which he undertakes to sort out. Notes the richness of folklore in county Kerry. 2 items.
- 1489 4 Sept 1924 Denis J. Coffey (1924)
Letter to Kennedy from Denis J. Coffey, President, University College Dublin, thanking him for a letter on training for the legal profession and noting the importance of international law in the future. 1p
- 1490 9 April 1925 Patrick McGilligan (1925)
MS. letter from Patrick McGilligan, Minister for Industry and Commerce, to Kennedy thanking him for his letter about the debate in the Dail on the Shannon [electrification] scheme and noting 'people are disposed to carry over and set down to my credit what really belongs to the two measures I have been entrusted with'. Requests information on patents. 1p
- 1491 28-29 Dec 1927 Timothy Michael Healy (1927)
Letter from Timothy M. Healy, Governor General, to Kennedy inviting him to a farewell dinner; MS. copy of Kennedy's reply regretting his departure from the post of Governor General - 'you have been and are so vital and inseparable a part of the living history of our time and generation'. 2 items.

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II CIVIL AND POST-WAR ASSISTANCE

INCLUDING POLITICAL AND CRIMINAL PRISONERS

- 1496 April 1923-April 1924 Earl of Granard (1923-4)
 See also Correspondence between Kennedy and
 P4/788 the Earl of Granard of Castle Forbes,
 Newtownforbes, county Longford and
 Paris, mainly concerning the return of eleven vans of
 'valuables' to Castle Forbes after an attempt to blow it
 up. Related correspondence between Kennedy and the Commander
 in Chief, Free State Army, about the safety of his so doing
 and with the President and Ministry of Finance about customs
 clearance. Includes letter from Granard about the Land bill
 and the 'compulsory sale of all the property of Irish landowners'
 and its purchase at a price below its true value. 'All Ireland
 has gone completely bolshevik.' Seeks Kennedy's assurance
 that he does not 'wish to turn Lady Granard and I out of
 Ireland'. Related confidential reply from Kennedy assures
 him 'that the Government has done its utmost to strike a
 line of complete justice between land-owner and tenant and
 the state ...'; letter from Granard noting that government
 duty was being charged on his weekly laundry consignment
 from London; letter from Granard with postscript noting
 that he had been approached by the Farmers Union Party and
 wondered if it was anti-government; letter from Granard
 asking Kennedy for an Irish translation of his name;
 correspondence relating to Judge Morgan O'Brien of New
 York, described by Granard as having 'done an enormous
 amount for the Irish cause in America during the last
 40 years'. 24 items
- 1497 Dec 1923-Jan 1924 Captain Frank R. Eustace, MFH (1923-4)
 Correspondence between Kennedy and
 Shane Leslie, Monaghan and London,
 concerning the conviction of
 Captain Frank R. Eustace, for possession of stolen goods.
 Kennedy describes the need for stiff penalties to Leslie
 and notes 'looting and the possession of ill-gotten goods
 were not confined to people of the ordinary criminal class'
 and details the course of appeal open to him. Includes copy

P4/

1497 cont.

of letter from Eustace's girlfriend, Phyllis, to Lady Eustace, conveying the 'bad news of darling Frankie's arrest and trial' and detailing the circumstances under which he was arrested and the horrors and injustice of his trial. Includes letter of thanks from Leslie which welcomes the advent of justice in Ireland. 'As Winston says Ireland is once more the one bright spot.' Includes related correspondence with Kevin O'Higgins, Minister of Home Affairs, and newspaper cuttings. 7 items

1498

March-April 1922

Count Frederick von Stolberg (1922)
Letter from George Gavan Duffy, Department of Foreign Affairs, to Kennedy concerning Count Frederick von Stolberg, a former resident of county Meath, who had been interned during the war, then left for Germany but whose Irish property had been sequestrated by the British as alien property. He pleads for the government to facilitate the Count's return and includes an affidavit from his estate agent. 2 items.

1499

July 1922-April 1923

W.P.H. Lloyd-Vaughan (1922-3)
Letters relating to the protection of the estate of W.P.H. Lloyd-Vaughan, Roscrea, county Tipperary. Includes copy of letter from Lloyd-Vaughan to Frank Gordon (solicitor) describing the family's situation including loss of crops on 200 acres, purchase of hay from locals at great expense and the robbing of cattle. 'Since they set us on fire last year we have tried to get our arms back to defend ourselves but are kept without.' 3 items

1500

15 Aug [1922]

Judge Johnathan Pim [1922]
Letter of thanks from Johnathan Pim, King's Bench Division, High Court, to Kennedy. 'I see the constable every day at the corner of the street keeping watch.' Regrets the death of Arthur Griffith. 1p

1501

26-29 Oct 1922

J. Hampson (1922)
Letter from Anna O'Connell, Lansdowne Road, Dublin, to Kennedy enclosing a letter from J. Hampson, Scariff, county Clare, complaining that nothing had been done about his reports of abuse of his farmland by locals who grazed their livestock in his best fields while his cattle 'are put where they have nothing to eat or drink'. 2 items.

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- 1502 8 Nov 1922 Marcus W. Patterson and T.G. Studdart (1922)
Letters relating to permits for sporting ammunition by M.W. Patterson and T.G. Studdart.
Includes copy letter from Kennedy to Richard Mulcahy, Minister of Defence, noting that they had journeyed to Dublin to be told that an order had just been made prohibiting 'personal application'. 3 items.
- 1503 14 March 1923 Copy letter from Kennedy to the Minister of Home Affairs seeking the release of a stolen taxi for its owner for St. Patrick's Day. 1p
- 1504 15 March 1923 MS letter from J.M. Alpine to Kennedy thanking him for looking after the interests of Mr Connolly and noting he would be his legal and national sponsor. 1p
- 1505 4 May 1923 MS letter from A. FitzGerald-Kenny, St. Stephen's Green, Dublin, to Kennedy, telling him that two men, one wearing a 'labour badge', had eavesdropped on their conversation earlier that day. He also seeks help for his godson who who 'never meant originally to be an Irregular' and whose father's death left him in the hands of a mother who 'nags nags'. 2 pp
- 1506 24 June-4 July 1923 Christopher J. McGrane (1923)
Letters to Kennedy from Christopher J. McGrane, Ballyaven House, Lucan, county Dublin, anxiously inquiring about the position of his lands under the Land Act and noting that his lands 'are surrounded by small farms - who will try and compel the Land Commission to acquire them' and describing the taxes requested by the Government on the lands which had already been paid; letter of thanks from McGrane to Kennedy for removing 'all those terrible clouds'. 2 items.
- 1507 14 June 1923 John Doyle (1923)
Copy of letter to the Deputy Governor, Mountjoy Prison, Dublin from Judge J.H. Pigot, thanking him for his kindness to and sympathetic treatment of his former court crier, John Doyle, when imprisoned in Mountjoy. 1p

See also
P4/788

P4/

- 1508 18 June 1923 Tom O'Toole (1923)
Letter from Commandant R.J. Feely to Kennedy advising against the release of Tom O'Toole, Ballyglass, county Mayo, who had been detained 'until such time as he surrenders his arms'. 1p
- 1509 6 July-9 Aug 1923 Cornelius Little (1923)
Correspondence between Kennedy, Ernest W. Proud (solicitor) and Richard Mulcahy, Minister of Defence, concerning the request for the release of Cornelius Little, a former Inspector in the Land Commission and brother of Patrick Little, on grounds of poor health. Kennedy informs Mulcahy that Little 'is not improving mentally under the conditions of imprisonment' and that Proud has guaranteed that he would not assist in the Irregular hostilities if released. 7 pp
- 1510 21-25 July 1923 Correspondence between Kennedy and Terence Doyle (solicitor) concerning the departure of the garrison at Tullow, county Carlow. Doyle emphasises the necessity of keeping soldiers in the town to 'keep the rowdies in check' and inquires about the procedure by which farmers could redeem guns surrendered to the Minister of Defence. 2 items.
- 1511 14 Aug 1923 MS. letter from Edward S. Moffett, Palatine, county Carlow, to Kennedy informing him of an ambush by fifteen men at Castledermot who escaped when the army arrived. He suggests that either himself or Colonel Mac Neill were the targets of the ambush. 1p
- 1512 16 Oct-10 Dec 1923 Correspondence between Kennedy and the Ministry of Home Affairs concerning the possible release of three boys committed to Artane Industrial School for lighting a bonfire in a paper store. Includes a petition from the parents of the three children. 6 pp

P4/

- 1513 19 Oct 1923 Letter from C.P. O'Connor,
Secretary, Ministry of Defence,
to Kennedy informing him of the
release of a prisoner [?] Grogan on parole to see his
brother. Acknowledged by Kennedy and copy forwarded to
Eva Hackett, Womens' National Health Association. 2 pp
- 1514 Oct-Dec 1923 Edward Kavanagh, Richard Goddard
and Christopher Brown.
Correspondence between Kennedy
and the Secretary, Ministry of
Home Affairs, mainly concerning
the release of Edward Kavanagh from Artane Industrial
School, denial of the request on account of the boy's
home life and a further plea from Kennedy on account
of his mother's ill health and because the Irregulars
had been urging the family to put the matter in their
hands. Includes copy letter from Kennedy to Thomas
Johnson, TD, noting that the Ministry of Home Affairs
had eventually agreed to the release of Kavanagh but
not Brown and Goddard. He details some aspects of their
cases. 6 pp
- 1515 Oct-Nov 1923 Henry V. MacNamara (1923)
Correspondence between Kennedy
and Francis Gore-Hickman (solicitor),
Ennis, county Clare, about the
forcible occupation of the house of Henry V. MacNamara in
Ennistymon, county Clare and about an application by his
cousin and a friend to bring sporting cartridges into
Ireland. Related letters from Kennedy to the Ministry
of Home Affairs on both matters, describing the Gore-
Hickmans as 'one of the best known [families] in the
county Clare'. 9 pp
- 1516 Nov 1923 Maymie Lavery (1923)
Correspondence between Kennedy
and T.A. Higgins, Dublin, concerning
Higgins' niece, Maymie Lavery, on
hunger strike in North Dublin Union, her poor condition
and the possibility of a thirst strike and her eventual
release. Related correspondence between Kennedy and
the Ministry of Defence. Higgins thanks Kennedy and
notes ... 'your great patience with me on all occasions
won my highest admiration and respect'. 7 pp

P4/

- 1517 29 Nov-20 Dec 1923 Note from Rev John Hooke CC, to Kennedy and copy confidential reply mainly concerning the assistance Kennedy had given 'poor old White' in getting him released. Fr Hooke notes he had returned to Leitrim 'and there breathes fire and seeks whom he may devour ... episcopal meat preferred'. 2 items.
- 1518 7 Dec 1923 Card from Charles Ronayne, MD, Youghal, county Cork, to Kennedy thanking him for his efforts to recover his 'war relics' and refers to a medal awarded by the French Government for his services 'rendus sur les champs de bataille et dans les ambulances'.
- 1519 10 Dec 1923 John Devereux and Patrick Aylward (1923)
Copy letter from Kennedy to Kevin O'Higgins, Minister of Home Affairs, enclosing copies of two letters from M.J. Lennon, barrister at law, concerning death sentences passed on John Devereux and Patrick Aylward and the request to have them commuted. One murder is described as 'We had a little dispute, she threw a poker at me but missed; then I hit her twice with the hatchet'; copy letter of acknowledgment from Kennedy to Lennon pointing out that such matters are the concern of the Minister of Home Affairs. 5 pp
- 1520 24 Dec 1923-1 Jan 1924 John J. Martin (1923-4)
Letter from Mother Imelda, Loreto Convent, Bray, to Kennedy, enclosing a letter from Captain John J. Martin (Coastal Patrol) describing the dismantling of the engines of his ship by Board of Works representatives and his subsequent suspension from duty. Related letter from Kennedy to Richard Mulcahy, Minister of Defence and cryptic reply from Mulcahy noting 'in any case, the Coastal Patrol will be done away with'. 8 pp
- 1521 15-16 Feb 1924 MS. letter from L.J. Dalton, TD, to Kennedy concerning the licence of Colonel Ryan and copy reply from Kennedy informing him that he could not interfere with the exercise by district justices of their legal jurisdiction but suggesting a suitable course of action. 2 items.

P4/

1522 April-May 1924 Jeremiah Stapleton (1924)
Correspondence between Kennedy
and Ministry of Defence concerning
Jeremiah Stapleton, Kinsale, county
Cork, on whom a ten year sentence of penal servitude had
been served and his right to apply for review of his
sentence under the Indemnity Act, 1923. Includes related
review form under the Indemnity Act, notes of action
taken in the Ministry of Defence and Office of the President
and a letter from J. Walker Doherty (barrister at law),
describing Stapleton's family background. 5 pp

P4/

III IRISH FREE STATE LEGISLATION,

NATIONAL AND OTHER ISSUES

- 1523 2 May-16 Oct 1922 Copyright legislation.
Letter from J.M.Maxwell (solicitor),
Dublin, to Kennedy enclosing copy
of a letter from G. Herbert Thring,
The Incorporated Society of Authors, Playwrights and Composers,
requesting information about the position of the Irish Free
State under the Copyright Act, 1911 and earlier legislation;
copy reply from Kennedy noting that all existing legislation
would remain valid until altered by the Free State legislature.
3 items.
- 1524 25 Jan 1923 Increase of Rent and Mortgage
Interest (Restrictions) Act, 1923
and Rent bill, 1923
Confidential MS. letter from John
Muldoon, KC, to Kennedy concerning
the situation of tenants paying
both rent and rates. He draws his attention to the 'injustices'
which arose in Britain in this area and to a clause in the
Health bill which allegedly remedied the situation. 3 pp
- 1525 8 June 1923 MS. letter from Judge James Creed
Meredith to Kennedy commenting
with favour on the sessions in
Cork and noting two points about the Rent bill which had
provoked criticism due to its provisions being misunderstood.
Includes an extract from a leader in The Independent.
- 1526 1923 Typescript circular copy of the
Rent and Mortgage (Restrictions)
Act, 1923. 25 pp
- 1527 April-July 1923 Dingle Cooperative Society and the
Hibernian and Prudential Companies.
Letters from D.P. King (solicitor),
Tralee, county Kerry to Kennedy
concerning arbitration talks between the Cooperative Society
and insurance companies; copy reply from Kennedy noting that
the delay in arbitration was due to the destruction by
Irregulars of the relevant briefs and other documents in
the offices of Corrigan and Corrigan (solicitors). 2 items.

P4/

- 1528 10 May 1923 Finance Act, 1923
Letter from J.A. Macouchy, Raheny, county Dublin, to Kennedy drawing his attention to sections in the Finance bill and the refunding of British income tax on charities. 1p
- 1529 May 1923 Greater Dublin Reconstruction Movement and Local Government Act, 1924
Circular letter from Senator James Moran, Greater Dublin Reconstruction Movement, soliciting support for a proposal to appoint a greater Dublin commission. Encloses promotional leaflets, petition and list of registered supporters. Includes leaflet issued by the Reconstruction Movement with proposals for land reclamation and harbour revelopment schemes; printed sketch plan of Dublin issued by the Movement showing a 'new national cathedral', 'new City Hall' at the G.P.O., 'municipal art gallery' at the Four Courts, 'Parliament House and government offices' at an extension to the Royal Hospital at Kilmainham and a 'new G.P.O.' at the Custom House; invitation to view the plans and drawings outlining the proposals of the Reconstruction Movement. 7 items.
- 1530 24 May 1924 Letter from E.A. Aston, Honorary Secretary, Greater Dublin Reconstruction Movement, to Kennedy requesting his presence at a meeting of the committee and vice-presidents to consider a memorandum on the local government bill. Encloses typescript copy of proposed amendments to the local government bill. 2 items.
- 1531 10 May 1923 Jurors and Juries Amendment Act, 1924
Letter from Joseph McBride, TD to Kennedy urging speedy appointment of a sheriff in county Mayo to facilitate preparation of jurors lists and summonses for the coming quarter sessions. 1p
See also
P4/1181
- 1532 11 Dec 1923 Letter and typescript copy from Judge William H. Brown to Kennedy suggesting an economical and speedy approach to the drawing up of lists of jurors based on rate collectors lists in each county and outlining the necessary statutory provision. 2 items

P4/

- 1533 14 Jan-8 May 1924 Letter from Lorcan G. Sherlock, Sub-sheriff, city of Dublin, to Kennedy enclosing a memorandum with suggestions which will lead to 'efficient' jurors books, emphasising the necessity for such and further letter from Sherlock drawing Kennedy's attention to legislative provision which allows for country people to have their names retained in the city as jurors; copy letters from Kennedy to the Ministry of Home Affairs drawing attention to Sherlock's information, stressing its importance and encouraging further inquiries about sheriffs and jurors particularly by the Rule-Making Authority of the High and Circuit courts. 5 items.
- 1534 28 March 1924 Copy of letter from Richard J. Kelly, barrister at law, to Kennedy describing how the provisions of the Juries bill have deprived him of his former statutory position as Revising Barrister together with its salary. He requests continued payment of that emolument in compensation. 3 pp
- 1535 10-12 Nov 1923 Correspondence between Kennedy and William Hewat, TD, concerning a meeting with a deputation of traders as requested by the Dublin Mercantile Association. Kennedy notes that 'interpleader will be adequately provided for by the Bill' and regrets the burden recently placed on Dublin jurors which he sees as 'patriotism, namely, the establishment of the administration of justice beyond cavil'. Hewat refers to important issues being raised at a board meeting of the Tramway Company including 'a possible stoppage with labour in an aggressive mood'. 2 items.
- 1536 5-31 Dec 1923 Interpretation Act, 1923
Letter from C.J. Rutherford (solicitor) Bank of Ireland, to Kennedy, drawing his attention to wording about the Bank of Ireland in the Interpretation bill which he feels should be adjusted; copy letter of acknowledgment from Kennedy. 2 items.
- 1537 19 Dec 1923 Industrial development.
Circular letter from Nugent T. Everard, Bart, President, The Federation of Irish Industries, calling for immediate attention by the Government to the development of industry in Ireland, and analysing the effects of imports on the Irish economy and on employment. 2 pp

P4/

- 1538 22-28 Dec 1923 Moneylender legislation.
Letter to Kennedy from T.A. Higgins, Central Chambers, Dublin, suggesting the need for legislation to regulate the interest charged by money lenders and commenting on the 'horrors of [the] money lending system'. Continues by discussing the 'Italian problem'. Describes with anger the numbers coming to Ireland, making profits which are sent back to Italy and noting that in at least one case, not paying any income tax. 'The profits they make are enormous, and their outlay beyond rent, "little or nothing" so far as Ice Cream, fish [and] chips are concerned;' copy reply from Kennedy and copy letter from Kennedy to the Minister of Home Affairs enclosing a copy of Higgins' letter. 3 items.
- 1539 3 Jan 1924 Letter from Arthur C. Meredith, KC, to Kennedy returning a copy of a bill which is 'just what it ought to be in a time of transition' with obiter cogitata noted in its margin. 1p
- 1540 17 Jan 1924 Imports
Letter from Alexander Mitchell, Dublin, to Kennedy complaining about the effect of imports from Germany, Japan and France on the Irish market emphasising in particular the effect on his own firm which manufactures horn combs and rosary beads. ... '£60,000 is spent in Ireland every year on Rosary Beads, every penny of which goes to France and Germany.' Describes the need for trade protection and claims the Irish are becoming a nation of 'Dealers, Huxters and Pedlars'. 2 pp
- 1541 [1924] Two circular letters received by Kennedy from Pigott and Co. Ltd., detailing the high import duties on the import of musical instruments and the effect of such penalties on the music trade. 2 items.
- 1542 2 May 1924 Circular letter to Kennedy from J. Devine on behalf of Irish Importers, Wholesalers and Retailers, condemning duty imposed on tinned fruits and enclosing a letter to the Minister of Finance on the subject with comparative details of duty rates. 3 items.
- 1543 14 Jan 1924 Superannuation and Pensions Act, 1924
Letter, marked personal, from Thomas D. O'Connor, Ministry of Finance, to Kennedy, acknowledging his help in the pressurised circumstances created by the Superannuation and Pensions Act. 1p

P4/

- 1544 24 Jan-18 Feb 1924 Patents
 See also Letter from Henry B. O'Hanlon (solicitor)
 P4/193 Dublin to Kennedy concerning the
 anxiety of the Standard Development Co. of New York about
 patenting protection for their petroleum products in the
 Irish Free State. O'Hanlon wondered if existing legislation
 afforded protection in Ireland until domestic legislation
 was passed; copy reply from Kennedy assuring him that all
 patents registered under British law were protected in
 Ireland, mentioning the introduction of legislation in
 the Free State on patents, designs and trademarks and
 emphasising its recognition of former British registrations.
 2 items.
- 1546 March 1924 Civil service employment.
 Printed circular statement by the
 Civil Service Federation concerning
 proposed alterations by the Ministry of Finance in the
 regulations covering the employment of civil servants. Outlines
 objections to these with particular reference to increases
 in the working week and failure to restore conciliation
 machinery.
 4 pp
- 1547 April-May 1924 Town Tenants bill.
 Circular letter from Ja/me/s
 Forristal, Secretary, The Dublin
 and Provincial Retail Newsagents, Booksellers and Stationers
 Association, soliciting support for the Town Tenants bill.
 He details the plight of many of the Association's members
 who had taken on often derelict shops and made successful
 businesses but who were 'rewarded by having their rents
 doubled and in some cases trebled, and often by eviction'.
 He deplors the letting and sub-letting of shops and notes
 that as many as ten landlords can have interests in the
 same shop.
 - Circular letter from John Comroy drawing attention to
 what he sees as an omission in the Town Tenants bill. He
 feels it should be amended to protect leaseholders who
 have built up a business in premises on which the lease is
 expiring.
 2 items.
- 1548 24-25 April 1924 Intoxicating Liquor Act, 1924
 Letter to Kennedy from W.D. O'Connell,
 Honorary Secretary, The City and
 County of Cork Tied House and Retail Vintners Association
 urging a reduction in the 'war time' tax on beer and spirits
 particularly in view of unemployment. Encloses a circular
 from the Association outlining points in relation to the
 Intoxicating Liquor bill mainly about opening hours; copy
 letter of acknowledgment from Kennedy's secretary. 3 items.

P4/

- 1549 22 May 1924 Circular copy of memorandum
by Laurence J. Kettle, City
Electrical Engineer, outlining
the position of Dublin Corporation in relation to the
Corporation Liffey bill and in relation to private
companies including the Anna Liffey Power Development Co.
which had been established to investigate the potential
of the Liffey power supply. 2 pp
- 1550 2-7 Aug 1925 Solicitors Act, 1925
Letter to Kennedy from Charles
Gamble complaining about section
16 of the Solicitors Act which is 'so framed that to the
discredit of the profession candidates gain admission with
no education behind them but that of a National School,
[and] modified entrance examinations are then granted to
them under sec[tion] 17 thus reducing the test of any
literary education to a minimum'. Refers to the
'prevailing apathy' about such matters and urges an
'arts degree [as] a condition of admission'; copy reply
from Kennedy sympathising with his views and advocating
the maintenance of 'old high standards'. 2 items.
- 1551 22 Feb 1924 Clonmel hospital.
Circular copy of resolution by
the citizens of Clonmel protesting
against the proposal to remove the county hospital from
the town and appointing a deputation to communicate with
the Government on the matter. 1p

IV POSITIONS, JOBS, COMPENSATION

i Special requests

1552

April 1923-Nov 1924 Captain The Hon J.M. ffrench.
 Correspondence between Kennedy
 and Captain The Hon. J.M. ffrench
 in Italy mainly concerning the appointment of an Irish Free
 State representative to the Vatican, noting his suitability
 for the position and cautioning any contact with Monsignor
 Luzio. ffrench refers to his compensation case arising from
 the looting and burning of Castle ffrench. He notes how
 'expenses go on [and on] when one is married [and] has
 children they are extremely heavy no matter how careful one
 is' (27 Feb 1924). Includes letter of support from Alice
 Stopford Green (April 1923) and MS. letter from William
 T. Cosgrave to Kennedy enclosing a letter from Tom Casement
 about ffrench. He describes him as a staunch supporter of
 the Government who hid men on the run during the Black and
 Tan war. Casement suggests a Senate vacancy for ffrench
 otherwise he might leave Ireland and live in Italy (Oct-
 Nov 1924). c 11 items

1553

March 1922-June 1924 J. Clerc Sheridan
 Letter from Alice Stopford Green
 to Michael Collins introducing
 J. Clerc Sheridan, an Irishman living in South Africa who,
 according to Mrs Green, could be useful in advising on
 constitutional and financial matters with note for Kennedy
 on behalf of Collins asking him to draft a reply - 'he did
 not read through the whole letter himself' and draft reply;
 MS. letter to Kennedy from Sheridan in Rome describing his
 survey of European economic, monetary and trade conditions
 which had been commissioned by the South African government:
 'I feel it will be almost a miracle only to be won by patient
 effort and strong statesmanship (of which there is at present
 little evidence) if Europe is kept from going over the
 precipice ... Some countries can hardly be saved anyhow; Poland
 and Austria seem already at the verge'. Describes the
 Fascist movement in Italy. 'If you can imagine a human blend
 of Oliver Cromwell and Edward Carson tinged by a quality of
 Catholic ... puritanism, you will have Signor Mousellini.'
 Notes the 'excellent' spirit of the movement - 'just what you

P4/

1553 cont.

need in Ireland; the want of strong public spirit in Ireland used to irritate and disgust me'. Comments on matters in the Free State including the execution of Erskine Childers and on the lawless element which 'hitherto had its real character cloaked over by ... anti-British feeling ... eradication will not be simple or easy' (27 Dec 1922); letter to Kennedy from Sheridan in Cape Town congratulating him on his appointment as Chief Justice. Notes the acceptance by Judge Richard Feetham of the position of chairman of the Boundary Commission. 'He is absolutely imperturbable; the high explosives of even Irish politics wont trouble his calmness of temper; he has an instinctive sense of right and justice ... On the other hand he is typically English in bearing and manner; of New College he carries the Oxford style, but quite unconsciously ...' (12 June 1924). c 7 items

1554
See also
P4/695

Morgan P. Jaqueurs
14 May-26 June 1923 Copy letter from Kennedy to the Minister of External Affairs enclosing a letter from Morgan P. Jaqueurs, Melbourne, Australia, an old friend of the Kennedy family, and suggesting that publicity material be sent to him. He notes that Jaqueurs has been doing 'his utmost in our interests in the press' there; letter from Sean Lester, Director of Publicity, to Kennedy agreeing with his suggestion which he describes as 'very helpful as we have been cultivating Australia for the last two months'. Encloses letter from Jaqueurs to Mrs Kennedy in which he expresses hope of receiving further supplements to be published by The Manchester Guardian on Ireland. Describes his supportive work for the Free State government and notes that ninety percent of Australians are in favour of the Irish Free State. Refers to the failure of republican supporters in Australia including Archbishop Mannix who 'has led his people into a bog hole and can neither extricate them nor himself'. 3 items

1555

12 June-9 Sept 1924 Copy letter from Kennedy to William T. Cosgrave asking him to write a letter of acknowledgment to Jaqueurs, 'a leading Irish nationalist (Catholic) in Melbourne' for his publicity work in the Australian press representing the Free State viewpoint. Encloses copies of letters he received from Jaqueurs commenting on the view taken by individual papers and contributors on the Boundary question. Refers to the Catholic Press and to its editor, P.S. Cleary: 'He went home a "reb" but came back a strong "Free Stater"'. He immediately showed his sympathies for the Free State until pulled up by his Directors who are mostly priests and friendly to De (sic) Valera.' Dwells at length on the views of Dr Mannix and other contributors. Related

P4/

1555 cont.

copy letter from Kennedy to
Jaegers. 4 items

1556

16-25 May 1928

Letter to Kennedy from Paul Banim, Secretary to the President, Executive Council, concerning a suggestion by Matthew McDonald of the Celtic Club in Melbourne that Jaegers should receive some form of recognition for his services to the Irish Free State. Notes two suggestions for such recognition, namely membership of the Royal Irish Academy or the conferring of an honorary degree by University College Dublin; MS draft and copy confidential reply from Kennedy outlining his family's association with Jaegers in Australia and his work both for the Roman Catholic Church there in addition to his service to the Irish Free State. Analyses the two suggestions and describes the considerations under which membership of the RIA is granted and honorary degrees conferred by the National University of Ireland. Does not regard either suggestion as appropriate because of the relationship of the RIA and NUI with academic learning. 3 items.

1557

4 Feb 1931

Letter to Kennedy from Jaegers thanking him for hospitality from Kennedy to friends of his visiting Ireland. Notes in relation to their comment on the Imperial Conference that 'McGilligan was the most commanding personality at it'. Comments on contemporary Australian politics and notes that the entertainment of two labour ministers by de Valera was a 'sop to a certain high dignitary here and the "rebs" amongst both their constituencies'. Describes the position of labour party politics in Australia. 'Whilst the impudent but well-paid labor caucus is arrogating to itself ... the Australian public stands, helplessly, looking on and wondering what further calamity awaits them.' Refers to the contemporary economic climate. 'Merchant princes are already tottering whilst the trading community of lesser rank is already knocking at the door of the Insolvency Court.' Deals with the treatment of the Free State and republican issues in the Australian press and with his own efforts to present the Free State viewpoint. 4 pp

P4/

- 1561 11 Aug 1923-4 Jan 1924 Colonel Charles Fox.
MS. and typescript transcript of letter, marked confidential, from Colonel Charles Fox to Kennedy offering his services to the army or legislature. He comments 'I see that General Mulcahy is, very properly, resigning his military command and sticking to politics' and notes that the Free State had 'publicly acknowledged that it cannot ... train its own officers'. He addresses the letter to 'Hugh Nihil Kennedy'; letters from Richard Mulcahy, Minister of Defence, to Kennedy doubting the value of Fox's services and describing him as 'a little "over-engined" '; letter from S. Hayes, Secretary Cumann na nGaedheal, to Kennedy noting that if Fox wished to stand as a Cumann na nGaedheal candidate, he would have to be selected by a constituency committee; related correspondence between Kennedy and Fox. 5 items
- 1562 8 Nov-31 Dec 1923 Nurse M.M. Flynn.
Correspondence between Kennedy and Nurse M.M. Flynn concerning her application to work in the army nursing service. Includes copy letter from Kennedy to the Director of Medical Services, St. Brigan's Hospital inquiring about her chances and pointing out that she had given up a post in England 'to come over here and help; letter to Kennedy from the Director of Medical Services noting that 'my opinion of this lady does not coincide with the estimate of herself that she broadcasts'; letter from Nurse Flynn to Kennedy concluding 'I am reluctantly driven to the conclusion, like so many others who did very much more than I did in the old days, that we no longer count, our work is done and we are not wanted now'. 8 pp
- 1563 4 Jan-9 May 1924 Thomas D. O'Connor.
Copy letters from Kennedy to William T. Cosgrave, President, Executive Council, and to Cornelius J. Gregg, Ministry of Finance concerning Thomas D. O'Connor, formerly employed by Dail Eireann in connection with raising funds in America. Kennedy hopes that it would be possible for him to secure a similar type of position in the Free State government; reply from Gregg stating that on the basis of the evidence presented he could not regard O'Connor as having held office in the civil service of Dail Eireann with reference to the Superannuation and Pensions Act, 1923; letter to Kennedy from O'Connor informing him of his decision to take an examination with a view to obtaining a permanent position in the civil service. Notes that it might be a hindrance if the President was further troubled about his case. 5 pp

P4/

- 1564 Feb-Dec 1924 Dr Conn Murphy
 Correspondence between Kennedy and Dr Conn Murphy, Lecturer in the Theory of Education, Leinster College of Irish, concerning his dismissal from his post without pension or compensation. He claims to have been penalised by the Government as an example, purely from political motives. Murphy points out that a decision to withhold pension by the government could only apply to cases where incapacity or misconduct was alleged and that neither condition was applicable to him. Seeks Kennedy's advice and apologises for making a speech which was counter-productive to Kennedy's attempts to have his case reconsidered. Kennedy informs him that his statements that E. Duggan did not sign the Treaty and that his signature was pasted on were quite inaccurate and that the original copy of the Treaty had been handled by him in London. 7 items
- 1565 Feb 1925 Sean O Duinn Letters from Sean O Duinn, Rotterdam Office of the Ministry of Industry and Commerce describing his efforts to establish business contacts for the Irish Free State in Holland, noting a lack of cooperation from the Trade Department of the Ministry of Industry and Commerce, claiming that 'officials of the Dept. of External Affairs have untiringly endeavoured to mislead me' and ultimately had recourse 'to the finances of this office and to my salary in order to "roughhouse" me more effectively' and seeking Kennedy's advice. Includes copies of related letters from O Duinn to the Departments of Industry and Commerce and External Affairs. 10 pp

P4/

iii Job assistance, requests,
testimonials

- 1566 23 May 1923 Confidential letter from Dr F. Pavlasek, Czechoslovakian Legation, London, to Kennedy, requesting information on the social status and political standing of J.A. Weir Johnston who is under consideration for the position of Honorary Consul of the Czechoslovak Republic. 1p
- 1567 14 June 1923 Letter of thanks to Kennedy for a recommendation from A. Cuddy, Dublin District HQ, Irish Army. 1p
- 1568 13 July 1923 MS. letter from James Cuddy, Bray, to Kennedy thanking him for a letter of recommendation and hoping that he would 'head the poll'. 2 pp
- 1569 4 July 1923 Letter from Margaret Lynch, Dublin, to Kennedy introducing the bearer, her son, Fintan, and hoping Kennedy could 'do something' for him. 1p
- 1570 18 Oct 1923 MS. letter to Kennedy from Philip A. O'Connell White (barrister) in reply to a letter from Kennedy mainly commenting on the difficulties faced by his daughter who has a scant knowledge of Irish. 3 pp
- 1571 31 Oct-5 Nov 1923 Letter from M.J. Walsh to Kennedy about the possibility of being employed as a chemist in Ireland either in private enterprise or in a government agency. Notes he had been asked to go to Canada; copy reply from Kennedy asking to be reminded about his qualifications. 2 items
- 1572 2-28 Nov 1923 Letter from Richard Cullen, Dublin, to Kennedy telling him he had been unemployed for eight weeks since leaving the army and was seeking work because his widowed mother, sister and two brothers depended upon him. He describes himself as a 'Personating Agent' for Kennedy during the elections; copy letters from Kennedy agreeing to see him and to Daniel McCarthy, Attorney General's Office, asking him about Cullen. 'Does he deserve recognition?' 3 items

P4/

- 1573 3-27 Dec 1923 Letter from M.M. Dempsey, Merrion Square, Dublin, to Kennedy, hoping he might use his influence on behalf of an acquaintance in the appointment of a dental surgeon in Jervis Street Hospital; copy reply from Kennedy noting that he did not have 'a shred of influence' in the hospital. 2 items
- 1574 25 Jan 1924 Copy letter of recommendation by Kennedy to the Manager, John Player and Sons, on behalf of Hugh Farrell and Joseph Carroll, both of whom had been security guards at his residence during 1923. He urges their employment if the firm is seeking 'men of a specially trustworthy character'. 1p
See also
P4/61
- 1575 17 March 1924 Letter to Kennedy from Edward Carey telling him about the commercial and secretarial courses he was following on Kennedy's advice and requests him to fulfil his 'promise of a year ago'. 1p
- 1576 26 March 1924 Personal letter to Kennedy from A.H. Porter (stockbroker) thanking Kennedy for giving him assistance and advice. 2 pp
- 1577 11 Aug 1924 Copy testimonial by Kennedy for M.J. Ryan (barrister) 1p
- 1578 1 Sept 1926 Letter to Kennedy from Henry Murphy (Monaghan County Registrar), acknowledging the role he played in reinstating him to his position and in vindicating his 'reputation as an Irishman'. 2 pp

P4/

iv Civil Service, ArmyCommissions

- 1579 25 Feb 1922 Confidential letter from Ross Houston, BL, to Kennedy seeking the position of secretary to the Compensation Commission. 2 pp
- 1580 June 1922 Letter from T.W. Browne, Dungarven, county Waterford, to Kennedy concerning his son whom he describes as a 'personal friend of Collins' and anxious for a job in the 'air force'. Concludes with a comment on the district court atmosphere - 'every smoker smokes as he never smoked before ...'; copy reply from Kennedy to Browne suggesting his son joins the Volunteers. 2 items
- 1581 27 March 1923 Letter from C.T. Kennedy (solicitor) Skibbereen, county Cork, to Kennedy telling him he had just heard of 'some important positions in the Land Commission' becoming vacant and reminding him of his existence and experience of Land Commission work. 1p
- 1582 4 April 1923 Letter from Arthur E. Moran, Royal Dublin Society to Kennedy recommending a caterer called John Barror for the position of caterer at the Law Office. 3 pp
- 1583 16 April-13 May 1923 Letter from Sr F.A. Gaynor, The Mary Aikenhead Holiday Home for Girls to Kennedy hoping he could see her sister whose qualifications are 'considerable' and who had applied for a position in the civil service; copy reply from Kennedy agreeing to see her sister. A postscript reads 'I cannot even commence the melody in F now'; letter of thanks from Sr Gaynor suggesting a visit from the Kennedys and reminds him he will 'have to play the Melody in F'. 3 items
- 1584 14-20 June 1923 Letter from Peter McBrien, Dublin, to Kennedy seeking a post in the Free State government 'no matter how small'. He is presently living on the proceeds of his writing which is condemning him to 'hackworth'. He asks Kennedy 'who now thinks the worse of Clarendon for giving a post to Gay, or of Buckingham for giving one to Wycherley?'; copy letter from Kennedy telling him that appointments were under the jurisdiction of the Civil Service Commission and letter of thanks from McBrien. 3 items

P4/

- 1585 2 July 1923 Letter from Eamonn O Neill, Ministry of Finance to Kennedy telling him he had been transferred there and thanking him for his kindness; copy letter of acknowledgment from Kennedy suggesting he drop in to see him. 2 items
- 1586 16 Oct 1923 Personal letter to Kennedy from Thomas J. Coyne, Secretary to the Minister of Home Affairs concerning Sergeant Michael Brennan formerly of the R.I.C. and noting 'for reasons which you will appreciate it has not been found possible to accept any ex-Royal Irish Constabulary men in the Garda Siochana'. 1p
- 1587 17 Oct 1923 Letter of acknowledgment from the Ministry of Agriculture for information about Frederick C. Dennehy who was seeking a position in the Establishment Branch of the Irish Land Commission. 1p
- 1588 20 Oct 1923-7 Jan 1924 MS. letters from Henry J. Gillespie, Dean of Killaloe, to Kennedy requesting him to ascertain if the management of the post office in Lisdoonvarna could be transferred on her retirement from the present post mistress to her daughter; copy letter from Kennedy to the Postmaster General asking him to look into the matter and related correspondence. 5 pp
- 1589 11-31 Dec 1923 Letters from William G. Fallon telling Kennedy his appointment with the British Ministry of Pensions had been terminated and that he would go 'in search of a wig and gown, or a French toilet, and attend the Courts in an effort to pick up the elements of the business'; copy letter of acknowledgment from Kennedy informing him that future appointments would be made through the Civil Service Commission. 3 pp
- 1590 22 Oct 1922-4 Jan 1924 Letter from J.D. McCarthy (Clerk of Peace) Carlow, concerning the request of William G. Fallon to be considered for a position and copy reply from Kennedy expressing annoyance at Fallon's 'performance' in asking people to recommend him to Kennedy. 2 pp
- 1591 30 Oct 1923 Copy letter from Kennedy to Captain Byrne, Glasnevin, Dublin, for whom he is arranging an interview with the Minister for Defence. 1p

P4/

v Job protection and payments

- 1593 25 Sept-11 Oct 1922 Letter from William Ewart Doyle, Patent Agent, Dublin, to Kennedy requesting protection for the profession of patent agents in the Irish Free State and offering his services as 'Comptroller General of Patents, Designs and Trade Marks in the Irish Patent Office to be eventually established'; copy letter from Kennedy to Doyle assuring him that the points he raised would be considered in due course. 2 items
- 1594 Jan 1923-Jan 1924 Correspondence between Kennedy and Judge J.H. Pigot. KC, Limerick, concerning the position of Pigot's son, David, temporary county court registrar in Limerick and explaining he had acted in that capacity for three months without receiving any payment. Notes that the passage of the Courts of Justice Bill would regularise such appointments. Includes correspondence between Kennedy and the Ministry of Finance about the matter. 7 items
- 1595 31 Oct 1923 Letter from Patrick C. Walsh, Secretary, Ex-Protective Officers Association to Kennedy detailing the plight of disbanded officers in their unfruitful attempts to secure employment. Notes that they have also been deprived of the dole; copy reply from Kennedy with suggestions and noting the recent availability of work for woodworkers 'at good rates of pay'. 2 items
See also
P4/1726
- 1596 28 Nov 1923 MS. letter with transcript from Catherine Murphy, Dublin, to Kennedy telling him she had worked hard for his election and requesting his help to recover arrears owed from the Army on account of her Volunteer son. Describes the 'pitiable state' of her family circumstance; related copy letters from Kennedy to Mrs Murphy and to the Army Finance Officer. 4 items
- 1597 6 Nov 1923 MS. letter from J.W. Hynes to Kennedy complaining that the Postmaster General had deducted money from his salary for the payment of a substitute when he was 'not allowed to sit' at his sessions. 2 pp
- 1598 2-3 Jan 1924 Letter from Matthew O'Byrne (engineer) Dublin, to Kennedy complaining that he had carried out work for the government at Baldonnell aerodrome and that frequent submission of his bill had not yielded payment; copy letter of acknowledgment from Kennedy and copy letter from Kennedy to the Minister of Defence seeking an explanation. 3 pp

P4/

1599 May 1924 Circular letters from the Association of ex Officers and Men of the National Army in which they condemn the President for his reaction to their appeals about unemployment benefit and pension rights, and criticise the 'Deputies who have waded through the blood of ... 2,000 men into their present positions' for failing to secure passage of a pensions act; circular copy letter from the Office of the President detailing the government action which is being taken in their interest and in relation to their problems. 3 items

P4/

V LEGAL

i Appointment of judges and district
court issues

- 1600 4 Nov 1922 Letter from William Meagher to Kennedy thanking him for his appointment as a district justice. 1p
- 1601 6 Nov 1922 Letter from Cyril J. Beatty to Kennedy thanking him for his appointment as a district justice. 'The people seem very pleased at the establishment of the courts and are beginning to make use of them.' 1p
- 1602 March-April 1923 Personal letter from Thomas J. Coyne, Secretary to the Minister for Home Affairs suggesting he write 'a guarded letter' to Henry J. Connolly (solicitor), Clifden, county Galway, asking him to submit his name for inclusion on a panel of district justices. 'It might be pointed out that the members of the proposed panel who had given proof of their worth and capability while performing the office of Locum Tenens would ... be given preference in ... future appointments'; letter, marked private, from Connolly to Kennedy declining to submit his name. 2 items
- 1603 8 May 1923 Letter from Judge James Sealy to Kennedy asking him if he still wished temporary judges to appear without robes. Points out the incongruity in the matter because counsel had been appearing robed. 2 pp
- 1604 17-18 Jan 1924 MS. letter from Kevin O'Higgins, Minister of Home Affairs, marked personal, to Kennedy concerning complaints by solicitors about increases in district court fees and quoting a remark, allegedly made by Kennedy to Joseph Mac Bride, TD, that the fees had been fixed without consultation with the Attorney General. O'Higgins describes occasions on which Kennedy would have had the opportunity to object to the fees and describes his comments as 'inaccurate and calculated to create a false impression'; copy reply from Kennedy pointing out that he had 'quite enough to do looking after my own business without entertaining discussions on matters which are not within my province' and informing him that the question of fees was a matter between the departments of Finance and Home Affairs. 2 items

P4/

- 1605 18 Feb 1924 Letter from William Sears, TD, to Kennedy suggesting holiday arrangements which would render the appointment of substitute district justices unnecessary. 1p
- 1606 19-23 April 1924 Scrap MS. letter from Judge W.J. Johnston, KC, to Kennedy expressing regret at missing him when he called at Kennedy's office and wondering if his formal application for judgeship should be sent to the Minister of Home Affairs; copy reply from Kennedy advising him to apply as well to the Executive Council. 2 items
- 1607 29-30 April 1924 Letter to Kennedy from Commandant Eugene Sheehy of the Legal Office in Collins Barracks requesting Kennedy to recommend him for the position of circuit court judge and notes that his present position is not permanent and even if it were made permanent, the salary attached to it would be reduced; copy letter of acknowledgment from Kennedy informing him his name would be included on a list to be considered by the Executive Council. 2 items

P4/

ii Appointment of Chief State and
Crown solicitors

- 1608 26 June-11 July 1922 Letter from Henry F. Brennan (solicitor), Tullamore, county Offaly, to Kennedy noting his resignation as crown solicitor for Offaly but hoping to be reinstated by the Free State government; copy reply from Kennedy pointing out that no immediate appointments would be likely because the legal system required reorganisation.
2 items
- 1609 25 Oct 1922 Letter to Kennedy from J.F. D'Alton, St Patrick's College, Maynooth, county Kildare, canvassing on behalf of John Kelly of Westport, county Mayo for the position of state solicitor.
2 pp
- 1610 20 Sept-29 Nov 1923 Letters relating to the appointment of James Lynch (solicitor), Ennis, county Clare, as state solicitor for Clare including letters to Kennedy from Richard Mulcahy, Minister for Defence and from supporters of Lynch's appointment.
6 items
- 1611 24 Sept 1923 Letter from J.J. Daly (solicitor) to Kennedy concerning his application for the position of state solicitor for county Clare and raising points about the salary and conditions of employment. Notes names of other applicants.

P4/

iii Other court and legal
appointments

- 1612 26 Sept 1922 Letter from Charles J. Reddy (solicitor), Dublin, to Kennedy hoping for his support for the application of his brother for a vacant magistrateship and believing that Kennedy has 'a big voice in the matter'.
1p
- 1613 29 June 1922 Letter to Kennedy from George A. Brett informing him that he was an applicant for the chair of Real Property in King's Inns.
1p
- 1614 Sept-Oct 1922 Letter to Kennedy from Thomas Patton enclosing a testimonial from Judge J.G. Gibson and seeking a position in the courts.
1p
- 1615 7 April 1923-2 June 1924 Letters to Kennedy from Judge John Cusack seeking the urgent appointment of a registrar in county Kerry, describing delay in the operation of the sessions because the Clerk of Crown and Peace was ill and discussing the desirability of a directive from the Department of Home Affairs appointing a government stockbroker in Kerry.
5 items
- 1616 14 June-19 Dec 1923 Letters to Kennedy from Jimmy M. Seales (solicitor) hoping to see Kennedy and seeking a suitable position having been recently admitted to the Bar; related copy replies from Kennedy.
4 items
- 1617 20 Sept 1923 Letter from T.J. Hunt (solicitor), Ennis, county Clare, to Kennedy informing him that as he was getting old and had an adequate practice he wondered if Kennedy had 'any quiet easy job' he could do ... 'a District Judgeship is a very nice position ...'
1p
- 1618 13 Oct 1923 Letter from James Sealy to Kennedy asking to have a deputy appointed in his place because of his wife's serious illness.
2 pp

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- 1619 16-17 Oct 1923 Letters from John Ryan BL to Kennedy concerning his application for a position in the Land Court and copy letter from Kennedy's secretary.
3 pp
- 1620 27 June 1923-9 Jan 1924 Letters from Cornelius Twomey, Dundalk, county Louth, to Kennedy mainly seeking Kennedy's testimonial for a position as stenographer in the Louth circuit court and copy reply from Kennedy noting that no appointments would be made until the Courts of Justice Bill had been passed.
4 items
- 1621 17 Dec 1923-4 Jan 1924 Letter from P.J. Little (solicitor) to Kennedy explaining that his son had been offered a legal position in Hong Kong and hoping that an alternative one might exist in Ireland; copy reply from Kennedy noting that the Courts of Justice Bill had not been passed and that all appointments to the courts would be made by a civil service commission.
2 items
- 1622 18-20 Dec 1923 Letter from Michael Thomas to Kennedy seeking payment for expenses incurred when acting as Court Crier for special sessions on malicious injury claims in Tralee, county Kerry and copy reply from Kennedy noting that the matter was one for the county court judges and the Minister of Finance.
2 items
- 1623 15 Jan 1924 Letter from Judge William H. Brown to Kennedy noting with favour the temporary payment arrangements for court criers and requesting that a ruling should be sent to each state solicitor and clerk of peace.
2 pp
[Letter misdated 15 Jan 1923]
- 1624 25 April-8 May 1924 Letter from Ignatius Rice (Law Agent, Dublin Corporation) to Kennedy inquiring about the possibility of finding a legal position for Maurice J.L. McGowan. He emphasises that as a member of the Solicitors' Benevolent Association he had helped McGowan's mother in her 'hard struggle' to support her family; copy letters from Kennedy including letter to the Minister of Home affairs enclosing details about McGowan for his attention 'in case a suitable appointment arises'.
3 items

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iv Legal issues

- 1625 25-29 July 1922 Letter from Judge William E. Wylie to Kennedy denying any connection with a story being circulated and copy reply from Kennedy. 2 items
- 1626 24-30 Oct 1922 MS. letter from Joseph Reidy (barrister) in Killarney, county Kerry, mainly requesting him to read and post a letter for him to the Judge Advocate General; copy reply from Kennedy telling him that as the letter was already gummed, he had posted it unopened. 2 items
- 1627 2 Jan 1923 Copy of letter from James Andrews to the 'Chief Justice' concerning the filling of vacancies in the Committee of Benchers in Northern Ireland. 2 pp
- 1628 15 Aug 1923 MS. letter from Judge John Cusack in Paris to Kennedy regretting his inability to attend the Griffith Collins memorial. Notes that the boulevard press had scare headlines about de Valera's arrest in Ennis. '... so that even 83 francs to the £ does not obliterate all outside happenings !!!' 4 pp
- 1629 10-20 Dec 1923 Letter from John Peart (solicitor) to Kennedy seeking particulars for his claim for the loss of his wig and gown in the Four Courts and copy reply from Kennedy with details. 2 pp
- 1630 27 June 1924 MS. letter to Kennedy from James Geoghegan formally requesting to be called to the Inner Bar. 2 pp

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VI PHILANTHROPIC

- 1631 21 April-7 May 1923 Personal correspondence between Kennedy and John M. Fitzgerald, BL, Killiney relating to a subscription for the family of George McSweeney. Kennedy praises McSweeney's memorandum for the Judiciary Committee on the reconstruction of the courts. 3 items
- 1632 19-23 July 1923 Letter from Agnes Mac Neill to Kennedy seeking a subscription towards the purchase of medals presented in Croke Park to successful competitors and covering letter from Kennedy enclosing a cheque. 2 items
- 1633 21 Sept 1923-16 April 1924 Letter from James Lynch (solicitor) to Kennedy concerning provision for the widow and family of J.B. Lynch; letter from the Ministry of Finance to Kennedy replying to his inquiry about payment of his salary to Lynch's widow and letter of acknowledgment from Mrs Lynch thanking him for his help. 4 items
- 1634 13 Oct 1926 MS. draft letter from Kennedy to Raymond C. Canavan assuring him that he would do all 'to contribute to the alleviation of the prevailing distress and suffering'. 1p
- 1635 31 July 1928 Letter to Kennedy from Dr Aubert Merten OSB thanking him for his interest in the work he was doing in Connemara and enclosing a memorandum on 'The opening by the Benedictine monks of a popular training centre of arts and crafts in Connemara'. 3 pp

VII SOCIAL

- 1636 9 Feb 1922 MS. letter to Kennedy from R. Ambrose, Hampstead, inviting Kennedy and [Arthur] Griffith to a meal when in London. 2 pp

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- 1637 [July 1923] MS. invitation to a tennis match in Lissonfield House from Richard Mulcahy between the Army and the Treasury 'who had nerve enough to challenge'. 1p
- 1638 11 Jan 1924 Copy letter from Kennedy to the Commissioner of the Garda Siochana declining an invitation. 1p
- 1639 19 June [1924] Letter to Mrs Kennedy from Kathleen Johnston inviting her and 'the Chief Justice (I love writing it !)' to dinner. 1p

VIII INTRODUCTIONS AND

APPOINTMENTS

- 1640 27 Nov [1922] Note from Samuel Hoare MP introducing Kennedy to the Hon. William Ormsby Gore, MP.
- 1641 3-4 May 1923 MS. letter from William Vincent Corbet LDS, RCSI, to Kennedy asking for an interview and noting with regret the illness of his father; copy reply from Kennedy. 2 pp
- 1642 27 June-22 July 1923 MS. letter from Judge J.B. Powell to Kennedy thanking him for calling to see him and expressing regret that he had not come in. 'It was only Judge Pigot who was with me - gossiping !'; related letter about a meeting with Powell. 2 items
- 1643 16 Oct 1923 MS. letter from Henry Morgan-Byrne BL noting he would call on him. 1p
- 1644 12 Nov 1923 Letter from F.J. Geary, member of a deputation of the Irish Journalists' Association reminding him of his appointment to be interviewed by the 'Dublin Pressmen'. 1p

P4/

- 1645 22 Nov 1923-4 Jan 1924 Letter from Christopher Joyce, Dublin, to Kennedy requesting an interview and copy reply from Kennedy.
2 items
- 1646 9-10 April 1924 Letter from R.M. Hennessy, KC, to Kennedy asking him to admit W.J. Hanna of New South Wales to a meeting of the Dail and copy reply from Kennedy graciously assenting to the request.
2 items

IX ACKNOWLEDGMENTS AND COVERING

LETTERS

- 1647 March-Sept 1922 Letters to Kennedy from Joseph Reidy, Killarney, county Kerry, enclosing an American newspaper cutting. 'It is rather refreshing to read: "Barrister Kennedy", Prime Minister Lloyd George'; copy reply from Kennedy.
See also P4/1904
- 1648 22 Sept [1922] MS. letter from Henry Rooke, Dublin thanking him for a copy of a Dail paper. 1p
- 1649 [1922] Printed confidential report of the Sub-committee on Repartition of Austrian and Hungarian debts with covering note to Kennedy from Joseph J. Nunan, Reparation Commission. 2 items
- 1650 26 Oct 1922 Letter to Kennedy from Richard Gogarty in Argentina wishing him well, forwarding an Argentinian publication and noting he had to leave 'dear old dirty Dublin as their [sic] was only room for one Gogarty their [sic]'. 1p
- 1651 8 March 1923 Letter from Howard Kirk (lawyer), Philadelphia to Kennedy thanking him for copies of the Irish Free State constitution and describing it as 'the last word in free government'. 1p

- P4/
- 1652 30 May 1923 MS. letter to Kennedy from D. Plunket Barton, President, Gray's Inn, enclosing a copy of a work on the Canadian constitution and hoping Kennedy would visit Gray's Inn when next in London. 1p
- 1653 10 Aug 1923 MS. note from Albert D. Bolton, Bray, county Wicklow, thanking Kennedy for a copy of the Damage to Property (Amendment) Bill.
- 1654 12-16 Oct 1923 Letter from Darrell Figgis, TD, Anna Liffey Power Development Co. Ltd, enclosing a company publication for Kennedy and copy letter of acknowledgment from his secretary. 2 items
- 1655 4 Jan-8 Nov 1923 Covering letter from the Italian Consul in Dublin to Kennedy forwarding him copies of the as yet unratified commercial convention between Italy and Canada; copy of the text of the proposed convention. 2 items
- 1656 21-31 Dec 1923 Letter to Kennedy from S.S. O'Kelly (editor) Iris an Gharra enclosing a copy of his Social History of Ireland and copy letter of acknowledgment from Kennedy praising the content and style of the history. 3 pp
- 1657 6 May 1924 Copy letter from Kennedy to John D. Falconbridge acknowledging a copy of the proceedings of the Conference of Commissioners on Uniformity of Legislation in Canada. 1p
- 1658 18 Aug 1924 Copy letter from Kennedy to St. Nihal Singh thanking him for cuttings about the Irish Free State from an Indian paper and for a photograph. Arranges to meet him. 1p
See also
P4/702
- 1659 7-31 Dec 1925 Letter to Kennedy from A.B. Andrews enclosing a copy of the American Bar Association's Special Committee on Increase of Judicial Salaries report with copy letter of acknowledgment from Kennedy. 3 items
- 1660 3 Oct 1930 Letter to Kennedy from George E. Farrand, Los Angeles, enclosing an offprint of a pamphlet he published on The British Commonwealth of Nations (1930) and thanking him for his courtesy when they met in Dublin. 2 items

P4/

X OVERSEAS

- 1661 22 Nov 1923 Letter to Kennedy from Denis Johnston, Harvard Law School, outlining the Harvard method of teaching law by the case system and inquiring about the existence of papers dealing with the winding up of the Sinn Fein courts. 3 pp
- 1662 17-31 Dec 1923 Letter from Dr Manley Hudson, Harvard Law School to Kennedy concerning books he had sent him about case method and noting he had met Denis Johnston; copy letter from Kennedy to Mrs William Johnston enclosing a copy of Hudson's letter. 2 pp
- 1663 28 Aug 1924 Letter to Kennedy from Michael J. Curley, Archbishop of Baltimore on board SS Majestic discussing at length three orphaned McAvin children and their deceased mother and thanking Kennedy for his kindness to them. 3 pp
- 1664 7 Jan 1925 Letter from Kennedy to Eugene Emmett Montgomery, Kansas city thanking him for a Christmas card and wishing him well. 1p
- 1665 Aug-Oct 1925 Correspondence between Kennedy and Eldon R. James, Librarian, Harvard Law School concerning a request for a photographic portrait of Kennedy in judicial robes for the library. 3 items
- 1666 19 Oct 1925 Letter to Kennedy from Judge P. McGoorty, Chicago, thanking him for hospitality he received when in Dublin, regretting the treatment of General R. Mulcahy in New York and Washington and referring to his 'ringing address' in Washington and describing George Russell as 'one of the most interesting men I met'. 2 pp
- 1667 17 June 1926 Letter to Kennedy from D.R. Barry (barrister) Quebec, thanking him for a letter and information which he needed and referring to a firm of solicitors about which he had complained to Kennedy. 1p
- 1668 Oct-Nov 1928 Copy letter from Kennedy to Michael J. Jordan, Attorney, Boston, in reply to the latter's letter about the chain formerly worn by the Chief Justice under British legal administration in Ireland with acknowledgment from Jordan. 2 items

P4/

- 1669 14 Dec 1936 Letter to Kennedy from P. Mahadevayya, former Chief Justice in Bangalore, thanking Kennedy for a letter, describing his visit to Europe and noting that his health had improved and that he played golf in Bray. Invites Kennedy to visit Mysore State in India which he describes as 'fascinating and unlike any other part of India in many respects'. 2 pp

XI CONGRATULATIONS

- 1670 Feb-Dec 1922 Letters of congratulation to Kennedy mainly on his appointment as Law Officer to the Provisional Government. Includes letters from legal colleagues and some copy responses from Kennedy. 6 items
- 1671 Feb-Aug 1923 Letters of congratulation to Kennedy on his appointment as Attorney General. 4 items
- 1672 June-Nov 1924 Letters and telegrams to Kennedy congratulating him on becoming Chief Justice from friends and colleagues including letter from Thomas J. Deering and Marcus A. Lynch (solicitors) thanking him for the assistance which he rendered their firm when practicing as a barrister - 'you never failed us once' and wishing him well. 'We rejoiced at your successes, won on pure merit alone.' Copy letters of acknowledgment from Kennedy. 10 items

XII GAME

- 1673 Sept 1923 Letter from George Lynch (solicitor), Carrick on Shannon, county Leitrim, to Kennedy telling him he had posted him a brace of partridge; copy reply from Kennedy describing the partridge as 'delicious'. 2 items
- 1674 [1924] Printed authorisation from J.J.Healy; Secretary to the Commissioners of Public Works, for the bailiff of Phoenix Park to kill 'one fat Doe' and deliver it to the Attorney General. 1p

P4/

F PUBLICATIONS, RESEARCH,
COMMENTARIES

I LITERARY AND EARLY
COMPOSITIONS

- 1675 1898-1903 List by Kennedy of 'published' and 'miscellaneous composition' mainly The Leader also noting papers given to university societies and to the Gaelic League.
- 1676 6Nov 1899 Letter to Kennedy from Martin J. Pender of The Nation enclosing proofs of his paper on 'Irish genius in English Prose' and describing how it would be printed. 1p

II LEGAL AND CONSTITUTIONAL

i Constitutional

- 1677 Oct 1922 Select constitutions of the world, 'prepared for presentation to Dáil Eireann by order of the Irish Provisional Government'. [Incomplete: no preface] 95 pp
- 1678 Jan 1925-Aug 1927 Correspondence between Kennedy, J.B. Whelehan (Controller of the Stationery Office) and E. Blythe (Minister of Finance) concerning the proposed publication of a book prepared and edited by Kennedy of constitutional documents and which would be printed by the Stationery Office. Details of the necessity for the volume which Kennedy intended should be of particular assistance to lawyers and students. He intended that it would contain

P4/

1678 cont.

the Proclamation of 1916, the Anglo-Irish Treaty, appropriate orders in council and proclamations, the Constitution and relevant statutes of the Oireachtas and British Parliament.

Includes confidential memorandum by Kennedy on the content of the volume with details of the scope of each of its six sections (11 Jan 1926, 13 pp); copy letter from Kennedy to Whelehan in which he complains about the delay of the Department of Finance in making a decision about its publication - 'I am not ... content to have it pigeon-holed with everything else in Finance' (24 Feb 1926); copy letter to Whelehan on the subject of publication details including copyright. Notes that as he intended writing a treatise on the Constitution, he did not want to be 'hampered' by questions of copyright if he covered the same ground in his work on the Constitution and in the introduction to the volume of constitutional documents (2 Aug 1927). 14 items

1679

[1927]

MS. list by Kennedy of cases covered in the law reports (1922-27) in which questions concerning the Constitution were discussed with the names of the parties, the appropriate law report reference and the court in which or judge before whom the case was heard (3pp); MS. research notes by Kennedy noting additional points and comments about the cases and referring to reports in which there was nothing relevant to the Constitution (9pp). 2 items

ii The Irish Free State Constitution

1680

[1923-4]

MS. draft and typescript copy with amendments by Kennedy of a paper entitled 'The Constitution of the Irish Free State examined' with some related notes on the Constitution Committee and its first meeting. Deals mainly with an analysis of the Constitution as a 'free democratic constitution' with reference to four guiding lines followed by the Committee. 4 items

1681

31 Oct 1922-
13 March 1923

Letters to Kennedy from William G. FitzGerald, general editor of The Irish Nation seeking his support for the publication, detailing its scope and circulation, suggesting he contribute 'even a few rough notes ... [to] add to the dignity and weight of this work' and inquiring with increasing anxiety about the completion of Kennedy's article. Includes publicity leaflet, list of contributors and copy replies from Kennedy including letter assuring him that his contribution to the Manchester

P4/

- 1681 cont. Guardian Irish supplement in no way affected his article and inquiring about terms - 'there must be no question of copyrighting any stuff I do'.
10 items
- 1682 11 April 1928 Copy personal letter from Kennedy to William T. Cosgrave requesting a verbatim transcript of the first meeting of the Constitution Committee in connection with his address to the American Bar Association. 1p
See also P4/1370-2
- 1683 Aug-Sept 1928 Copy of the American Bar Association Journal containing Kennedy's address to the American Bar Association meeting in Seattle, Washington, July 1928, 'Character and sources of the Constitution of the Irish Free State' with MS. amendments by Kennedy, galley proof and a revised offprint with minor MS. amendments by Kennedy. 3 items
- 1684 2 Nov 1928 Letter to Kennedy from Senator James Douglas returning a copy of the American Law Journal containing a copy of his address to the American Bar Association. Describes the address as 'a clear and concise statement of events of the constitution position ... it also succeeds in conveying, with the minimum of controversy, the fact that the Treaty was a complete victory for national ideals'. 2 pp
- 1685 March 1932 Newscutting of 'The Constitution of the Irish Free State' by Kennedy published in The Manchester Guardian Commercial, 15 March 1932.

iii Great Seal

- 1686 Dec 1924 Copy of article by Kennedy on the Great Seal published in The Irish Sketch and Lady of the House describing its features, their historic implications and the choice of elements in its design; photostat copy of the Great Seal. 2 items

P4/

iv Justinian code

1687 25 May 1934 Letter to Kennedy from Philippus Maroto, Congressus Iuridicus Internationalis, inviting him to make a submission to his committee on the revision of the Justinian code. [In Latin]. 1p

v Judicial reorganisation

1688 26 July 1923 MS. letter to Kennedy from Crompton Llewelyn Davies with reference to a report by Kennedy and its possible inclusion in the Law Reports.
2 pp

1689 July-Dec 1923 Correspondence between Kennedy and Donald Carswell, editor, Law Journal concerning articles by Kennedy on judicial reorganisation in the Irish Free State. Includes MS. draft and amended typescript copy of the second article on the work of the Judiciary Committee and the Courts of Justice Bill; copy personal letter from Kennedy to Gordon Campbell, Ministry of Industry and Commerce, enclosing part of his first article which he hopes will 'enable an English reader to get a proper grasp of the effect of our reforms'. 11 items

See also
P4/1690-1

1690 Aug-Sept 1923 MS. draft, amended typescript copies of the articles on 'Judicial reorganisation in the Irish Free State' for the Law Journal dealing mainly with the need to change the English judicial system in Ireland, the success of the Dail courts, the steps taken by the Free State government to reconstruct a judicial system noting the relevant articles in the Constitution which provide for the new legal system and describing the members of the Judiciary Committee. 3 items

1691 Jan-April 1924 Correspondence mainly between Kennedy and Sean Lester, Director of Publicity, Ministry of External Affairs mainly concerning the appearance of Kennedy's articles on judicial reorganisation in the Irish Free State in the Law Journal and related letters particularly in relation to their distribution abroad. 6 items

P4/

- 1692 31 May 1929 Letter to Kennedy from Dr Julius Magnus, Juristische Wochenschrift, concerning the proposed publication of a Festschrift to mark the 50th anniversary of the founding of the Reichsgericht. Asks Kennedy to write an article for it on the Supreme Court of the Irish Free State and notes that the Festschrift edition would contain articles on similar courts in different countries of the world. Includes a list of the points he feels central to the article.

2 items

III PREFACES AND REVIEWS

- 1693 Feb 1925 MS. draft and typescript copy review by Kennedy of James M. Beck's The Constitution of the United States: yesterday, today and tomorrow with covering copy letter to James Henry. 7 pp
- See also
P4/1694
- 1694 Jan-Feb 1925 MS. draft and typescript copy interview and supplementary interview with Mrs Collis, USA Press Syndicate on Beck's The Constitution of the United States. 21 pp
- 1695 7 Feb 1927-
20 Oct 1929 Correspondence between Kennedy and Dr Leo Kohn concerning publication of the latter's work on the constitution (Die Verfassung des Irischen Freistaats, Tübingen, 1928); advice by Kennedy on the House of Commons debates on the Constitution Bill, law cases relevant to the Constitution and suitable studies on the subject; notes the difficulty of getting information on the Treaty negotiations; comments on the work 'I am certain that no one else, not an Irishman, has so subtle an understanding of the forces ... which have operated to produce us as we are today' (28 Feb 1928); correspondence also relates to Kohn's efforts to obtain a scholarship to allow him carry out his research, reference by Kennedy for Kohn at the request of Professor H.J. Kaski, London School of Economics and Political Science and Kohn's eventual successful acquisition of a Rockefeller Foundation grant (1928); correspondence concerning proposal for the endowment of a chair of international peace or law in University College Dublin (Oct 1929). c 40 items
- See also
P4/1696-7

P4/

- 1696 Aug 1932 Draft with MS. amendments by Kennedy and copy final draft of his forward to Kohn's, The Constitution of the Irish Free State. 2 items
- 1697 Copy typescript of Kohn's The Constitution of the Irish Free State, chapter I, parts 1-4 with MS. amendments. 65 pp
- 1698 Jan-Feb 1929 Letters from Judge Henry Hanna to Kennedy requesting and acknowledging Kennedy's forward to Hanna's [The Statute Law of the Irish Free State, 1922-29 (1929)] - 'a brilliant piece of writing' and copy reply from Kennedy. 3 items
- See also P4/1699
- 1699 Feb 1929 Draft with MS. amendments by Kennedy and copy final draft of his forward to Hanna's work. 2 items
- 1700 1932 Two typescript copies of the final versions of the forward by Kennedy to T.C. Kingsmill Moore and T.U. Odell, The Landlord and Tenant Act, 1931. 2 items
- 1701 [1935-6] Final typescript copy of forward by Kennedy to the first edition of Robert R. Sandes, Criminal practice, procedure and evidence in the Irish Free State.

IV OTHER COMMENTARIES, RESEARCH
AND PUBLICATION REQUESTS

- 1702 Printed leaflet entitled The House of Lords against Ireland: some reminders of their work of destruction and MS. notes by Kennedy briefly analysing the concept of Irish hatred of England, England as a democracy and concluding 'we are bound by the love of our own land ... to fight this irresponsible tyranny to the end'. 2 items

P4/

G ORGANISATIONS, SOCIETIES,
OCCASIONS

I MEMBERSHIP, MEMBERSHIP
AND PATRONAGE INVITATIONS

- 1709 1922-26 Circular letters to Kennedy from the Royal Society of Antiquaries of Ireland with details of its meetings including the summer excursion; subscription receipt. 3 items
- 1710 17 Dec 1923-4 Jan 1924 Letter from P. Herbert, Civil Service Cricket Club to Kennedy asking him to become one of its vice-patrons and copy letter from Kennedy declining observing that he was 'remote from any contact with the game'. 2 items
- 1711 1924-7 Letters relating to Kennedy's nomination for and election as a member of the Royal Irish Academy; subscription receipt. 4 items
- 1712 1924-35 Letters appointing Kennedy a member of the Royal Irish Academy, a member of the Council in the Section of Polite Literature and Antiquities and a Vice President and related items. 8 items
- 1713 Oct 1929-Jan 1930 Correspondence between Kennedy and A. Farrington, Resident Secretary, Royal Irish Academy, concerning a pension scheme for the staff of the RIA with reports (drafted by Kennedy) of the sub-committee on pensions and the draft scheme.

P4/

- 1714 1924-26 Correspondence between Kennedy and K.I. Toogood, Assistant Editor, Journal of the Society of Comparative Legislation, concerning Kennedy's membership of the Society and his submission of a summary of Irish Free State legislation for the journal; letter from Kennedy to the Secretary of the Société de Législation Comparée enclosing his membership fee and recording his preference to receive the Society's publications in French. 6 items
- 1715 1924 Copy letter from Kennedy to Constantine P. Curran, Secretary of the Friends of the National Collections of Ireland accepting an invitation to join the Society and praising its 'valuable work'; printed leaflet outlining the history and purpose of the Society and list of members. 3 items
- 1716 3 Sept 1924 Letter of acknowledgment to Kennedy from T.D. FitzGerald, joint Honorary Secretary of the Irish Texts Society on the occasion of Kennedy's joining and noting 'our Irish membership should be five times what it is'. 1p
- 1717 1924-5 Letters from Dermot O'Brien, President, United Arts Club, issuing a dinner invitation to the Kennedy's and asking Kennedy to become a patron of a nine arts fancy dress ball; printed leaflet for the Club urging membership in the form of a five verse poem with refrain beginning:
 'If you long for things artistic
 If you revel in the nebulous and mystic
 If your hair's too long
 If your tie's all wrong ...
 Join the Arts Club ' 3 items
- 1718 26-7 May 1925 Letter to Kennedy from Professor C.H. Oldham, President of the Statistical and Social Inquiry Society of Ireland concerning arrangements for a lecture by Kennedy to the Society on 'Arbitration in labour disputes' with copy reply by Kennedy outlining the background to his paper and noting the importance of the subject for the benefit of enlightened public opinion in Ireland. 2 items

P4/

- 1719 14-18 Dec 1925 Letter to Kennedy from John J. Hooper requesting Kennedy to become a vice-patron of University College Dublin's new law society, describing its objects and noting the names of its patrons and other vice-patrons; copy letter of acceptance from Kennedy and letter of acknowledgment from Hooper. 3 items
- 1720 1932-34 Letter and receipt from Lieut Col. S.W. Carty for Kennedy's subscription to the Dublin Philharmonic Society. Notes with regret the resignation of James Douglas as a Vice-President of the Society and asks Kennedy's advice about suitable people to approach in his place; typescript draft letter from Carty with MS. amendments by Kennedy to General Peadar Mac Mathghamhna, Secretary, Department of Defence, concerning the valuable voluntary assistance by members of the Army School of Music in the orchestra of the Dublin Philharmonic Society and expressing concern at the suggestion that permission for their participation in the orchestra might be withdrawn. 3 items

II SPEECHES AND ADDRESSES

- 1721 8-9 Nov 1922 Letter from Edward P. Cleary, Auditor, Solicitor's Apprentices Debating Society, to Kennedy inviting him to reply at the inaugural of the Society to his paper on 'Obedientia civium - urbis felicitas'; copy reply from Kennedy declining owing to the uncertainty of his movements. 2 items
- 1722 3-24 Jan 1924 Letter to Kennedy from F.J. Cawley, correspondence secretary of the Law Students Debating Society concerning an invitation to Kennedy to speak at its inaugural meeting in the Mansion House and copy reply from Kennedy regretting his inability to speak. 2 items

P4/

- 1723 24 May 1926 Letter to Kennedy from Lady Ishbel Aberdeen and Terhair asking Kennedy to speak at a public meeting organised by the Committee of Management of Peamount Sanatorium. 2 pp
- 1724 2 March 1927 Newspaper cutting and photograph from The Irish Times concerning the delivery of the Faraday lecture at the Institution of Electrical Engineers on the subject of electricity at which Kennedy was chairman. 2 items

III PHILANTHROPIC

- 1725 19 June 1922 Letter to Kennedy from D.S. Meacair, London, requesting Kennedy's assistance in the establishment of a Catholic Club in London and describing its potential value and merit. 'We have much to exchange in every branch of Catholic endeavour.' 1p
- 1726 16 Oct 1923 Letter from Patrick C. Walsh (Secretary) and B. Muldoon (Treasurer), Ex-Protective Officers Association thanking Kennedy for a contribution to their funds and for his interest in their 'welfare'. 1p
- See also
P4/1595
- 1727 15 March 1924 Letter to Kennedy from J. Breslin, Secretary, New Brass and Reed Band 'that played you to victory on Sunday' seeking a donation for the purchase of music stands and related circular. 2 items
- 1728 7 July 1928 Letter to Kennedy for ticket remittance on behalf of the committee organising a public reception from the citizens of Dublin for Baron G. von Hünefeld, Captain H. Köhl and Major J. Fitzmaurice on the occasion of their return to Ireland after the first successful westward Atlantic flight. 1p
- 1729 12 June 1929 Circular letter to Kennedy from the Devoy Funeral Committee giving details of John Devoy's funeral and requesting a financial contribution towards expenses. 1p

P4/

- 1730 1932 Request to Kennedy from the Central Catholic Library Association for a subscription to its funds; letter of acknowledgment and receipt for Kennedy's subscription to its restoration fund. 3 items
- 1731 20 Sept 1932 Letter and receipt from Sean Mac an Tuile acknowledging Kennedy's purchase of tickets for Scoil Eanna and 'for allowing the College of have full benefit of the draw as far as your tickets are concerned'. 2 items
- 1732 May-Aug 1932 Circular letter to Kennedy from the Irish Olympic Council concerning Ireland's participation in the Olympic Games in Los Angeles and circular letter from the Olympic Team Reception Committee concerning a banquet for the team with related receipt for Kennedy's contribution. 5 items

IV ANNIVERSARIES, COMMEMORATIONS
AND SOCIAL OCCASIONS

- 1733 1922-23 Letters mainly of invitation to Kennedy including letter from Thomas Callan Macardle concerning an invitation from the Companions of St Patrick to W.T. Cosgrave which the latter has conveyed to Kennedy on the advice of Lord Granard; letter from Dorothy Gladstone, Chairman of the League of Nations Union Hospitality Committee inviting Kennedy and his wife to a dinner in honour of the Dominion delegates to the Imperial Conference; invitation to luncheon from the British and Irish Steam Packet Co. aboard their new steamer 'Lady Louth' and subsequent letter cancelling the occasion owing to 'labour troubles' with their crews. 8 items
- 1734 1923-25 Letters mainly of invitation to Kennedy and invitation cards relating to the Wolfe Tone anniversary commemoration, Tailteann Games events, occasions in Gray's Inns. Includes letter inviting Kennedy to the Central Catholic Library to meet D.K. Chesterton. 10 items

P4/

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| 1735 | 1926-32 | Invitations, guest lists, programmes and related items from various occasions including dinners given by the Chief Justice, a dinner in honour of the Papal Nuncio, bicentenary celebrations of the Royal Dublin Society, the Eucharistic Congress. 20 items |
| 1736 | 25 Jan 1929 | Album containing photographs of a 'Publicity Ball, Dublin ...' showing guests in various stages of revellery and wearing fancy dress depicting manufacturers, institutions and commodities such as Paddy, Cross and Blackwell, Osram lights, Jury's Hotel, Dublin Opinion and Lemons. The photographs are copyrighted by the Photographic Photo Union, London. 12 items |
| 1737 | Feb 1923 | Cuttings and photographs relating to the first turn out of the civic guards. |
| 1738 | June 1929 | Cuttings, largely photographic, relating to the centenary celebrations for the passage of the Catholic Emancipation Act. |
| 1739 | July 1929 | Cuttings relating to the opening of the Shannon Electrification Scheme. |
| 1740 | July 1929 | Cuttings, mainly photographic, relating to the reopening of the General Post Office. |

P4/

H PRINTED / REFERENCE

I GOVERNMENT PUBLICATIONS

i Anglo-Irish war

- 1741 1916 Royal Commission on the rebellion in Ireland, Report of Commission (14 pp) and related cuttings of editorials from The Irish Times and The Freemans Journal on the report.
- 1742 1916 Royal Commission on the arrest and subsequent treatment of Mr Francis Sheehy Skeffington, Mr Thomas Dickson and Mr Patrick James McIntyre, Report of Commission (12 pp)
- 1743 [Aug 1920] Restoration of Order in Ireland Act, 1920
- 1744 15 Feb 1921 The Dublin Gazette, 21,876 containing regulations arising out of the Restoration of Order in Ireland Act (1920) and Restoration of Order in Ireland regulations (Nov 1920).
- 1745 1921 Documents relative to the Sinn Fein movement ('proving the intrigues between Sinn Fein and Germany') (60 pp)

ii Anglo-Irish negotiations, transfer of power and services, the Constitution

- 1746 Government of Ireland Act, 1920 (81 pp)
- 1747 [31 Jan 1922] (Resealing of probates) order, 1922 (3 pp)
- 1748 [31 Jan 1922] Adaptation of enactments (no 1) order, 1922 (4 pp)

P4/

- 1749 [31 Jan 1922] Adaptation of enactments (no 2) order, 1922 (6 pp)
- 1750 [31 Jan 1922] Adaptation of health insurance acts order, 1922 (8 pp)
- 1751 [31 Jan 1922] Adaptation of the taxing acts order, 1922 (13 pp)
- 1752 [3 March 1922] Adaptation of enactments (no 3) order, 1922 (16 pp)
- 1753 [3 March 1922] Companies, societies order, 1922 (9 pp)
- 1754 [3 March 1922] Adaptation of unemployment insurance acts order, 1922 (6 pp)
- 1755 1921 Articles of agreement for a Treaty between Great Britain and Ireland. 2 items
- 1756 Irish Free State (agreement) [Bill] 1922 [Earlier printed version]
- 1757 [31 March 1922] Irish Free State (agreement) Act, 1922 (9 pp)
- 1758 The Provisional Government (transfer of functions) order, 1922, statutory rules and orders, 1922, no 315 (12 pp) [Kennedy's copy]
- 1759 [1 April 1922] Provisional Government (transfer of functions) order, 1922 (12 pp) [Kennedy's copy]
- 1760 4 April 1922 The London Gazette, 32661, containing the text of the Provisional Government (transfer of functions) order, 1922.
- 1761 1922 Draft constitution of the Irish Free State to be submitted to the Provisional Parliament (21 pp)
- 1762 [Nov] 1922-
[Jan] 1923 An act to enact a constitution for the Irish Free State (Saorstát Éireann) and for implementing the Treaty between Great Britain and Ireland signed at London on the 6th day of December, 1921. [Five versions with minor differences of presentation]
- 1763 [1923] Constitution of the Irish Free State (34 pp)
- 1764 [1922] Irish Free State (consequential provisions) Bill (14 pp) [Copy of H. Friel, Secretary, Ministry of Home Affairs]. (14 pp)

P4/

- 1765 1923 The Irish Free State (consequential adaptation of enactments) order, 1923, statutory rules and orders, 1923, no 405. (7 pp)
- 1766 [1922] Memorandum on the conduct of the first election pursuant to the provisions of the Irish Free State (agreement) Act, 1922 [Kennedy's copy] (17 pp)
- 1767 1922 Terms of reference of the Property Compensation Commission set up by agreement between the British Government and the Irish Provisional Government (2 pp)
- 1768 1923 Heads of working arrangements for implementing the Treaty (10 pp)
- 1769 [1925] Text of Agreement amending and supplementing the articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (agreement) Act, 1922, and the Constitution of the Irish Free State (Saorstat Eireann) act, 1922. (1p)
- 1770 1926 Agreement between the British Government and the Government of the Irish Free State in respect of double income tax (4 pp)
- 1771 1924 Correspondence between the Government of the Irish Free State and His Majesty's Government relating to article 12 of the Treaty ... (20 pp)
- 1772 [1924] Correspondence between the Registrar of the Privy Council [Charles Neish] and His Excellency the Governor General of the Irish Free State [T.M. Healy] arising out of article 12 of the Treaty (4 pp)
- 1773 [1932] Text of notes exchanged between the Irish Free State Government and the British relating to the oath and land purchase annuities (8 pp)

iii Courts, Judiciary, Legal

- 1774 Amendment to the Manual of Military law, issued with Army order xiv, May 1919 (8 pp)

P4/

- 1775 Printed matter including Criminal Appeal Act (1907), Criminal Appeal (amendment) Act (1908), Accounts of the Supreme Court of Judicature (Ireland) (1921), Report of the Legal Reform Committee (1885), Report of the Vice-Regal Committee of Enquiry ... on clerks of the Crown and Peace ... in Ireland (1920)
- 1776 1921 Department of Home Affairs, Judiciary: rules and forms, parish and district courts, being the provisional constitution of 'the courts of justice of the Irish republic' (40 pp)
- 1777 [27 Sept 1921] Supreme Court of Judicature (Southern Ireland) order, 1921 (4 pp)
- 1778 1922 Army Council, Irish Army, General regulations as to the trial of civilians by military courts (15 pp)
- 1779 [Oct 1923] Statement showing gross cost of present judicial system.
- 1780 July 1923 Department of Justice, Handbook of District Courts. 1st edition. (57 pp)
- 1781 [May 1923] Report of the Judiciary Committee (26 pp)
- 1782 1923 District Justices (temporary provisions) Act, 1923 (17 pp)
- 1783 1928 Department of Justice, Administration of Justice: cooperation with Great Britain and other Dominions, printed proof forwarded to the Chief Justice with particular reference to lunacy matters (p.27-) (65 pp)
- 1784 1934 Law revision committee, Interim report (9 pp)
- 1785 1934 Law revision committee, Second interim report (8 pp)
- 1786 1934 Legal education committee, Report (17 pp)
- iv Oireachtas
- 1787 3 Oct 1923 Address of the Governor General to both houses of the Oireachtas of the Irish Free State (5 pp)

P4/

v Government reports and other
publications

- 1788 Aug 1922 Report of the Inter-departmental
Committee on the cost of living in Ireland.
(19 pp)
- 1789 Aug 1922 Ministry of Economic Affairs, Report
on the cost of living in Ireland (19 pp)
- 1790 Aug 1922 Report of Commission appointed by
Provisional Government on Irish railways.
(24 pp)
- 1791 1923 Report of Canals and Inland Waterways
Commission. Includes maps showing inland
navigation and railways, bog areas surveyed
for the Bog Commission (1810), location of important mineral
deposits, river catchment basins. (88 pp)
- 1792 1924 Return of staff in government departments.
(33 pp)
- 1793 1928 Hugh D. Butler and Charles M. Hathaway,
The Irish Free State: an economic survey
(86 pp)
- 1794 1923 Irish Free State, Documents submitted
to the Fourth Assembly of the League
of Nations.

vi Reference material

- 1795 Reference file containing Parliament
Act 1911, South Africa Act, 1909,
Commonwealth of Australia Constitution
Act, 1900, Union of Canada, Nova Scotia and New Brunswick
Act, 1867, Act for the Union of Great Britain and Ireland,
1800.
- 1796 [May 1907] Irish Council Bill
- 1797 [April 1912] Government of Ireland Bill (43 pp)
- 1798 1912 Government of Ireland Bill:outline
of financial provisions (8 pp)
- 1799 [Jan 1913] Government of Ireland Bill, as amended
in committee and on report (53 pp)

P4/

- 1800 Texts of acts including Government of Ireland Act, 1920, Anglo-Irish Treaty, the Provisional Government (transfer of functions) order, 1922, Constitution, 1922 (with annotations by Kennedy), Irish Free State (consequential provisions) Act, 1922, Constitution (amendments 20-22) Act, 1933, Constitution (removal of oath) Act, 1933, texts of three Dominion constitutions (Australia, Canada and South Africa).
- 1801 1934 Joint committee on Indian constitutional reform, Statement representing the minority recommendations ... of conservative members of the India Committee (52 pp)

II HANDBILLS/POSTCARDS

- 1802 [1922-4] Postcard with a map of Ireland and a cryptic slogan of 'Find Ulster', noting that no county in Ireland had a unionist majority if urban areas were excluded from the count.
- 1803 [1922-3] Handbills issued by the republicans supporting the Irregulars and condemning the government and the constitution. 7 items
See also P4/291
- 1804 Handbill entitled 'Save your face ! Alleged order from Oscar [Traynor] to Rory and Liam'.
- 1805 [1922-23] Brief pamphlets condemning Irregular attitudes and outlining the split between de Valera and Mary Mac Swiney and the extreme faction in Sinn Fein. 6 items

III PAMPHLETS

i Sinn Fein, Republican and Civil War

- 1806 [Aug 1906 ?] The Sinn Fein policy: pamphlet issued by Sinn Fein. Text annotated and described by Kennedy as 'ill-digested, inconsistent and badly presented'. (32 pp)

P4/

- 1807 1919 Hanna Sheehy Skeffington, Impressions of Sinn Fein in America: an account of eighteen months Irish propaganda in the United States (30 pp)
- 1808 1921 Æ [George Russell], The inner and the outer Ireland, reprinted from Pearson's Magazine (16 pp)
- 1809 Proinnsias O Gallchobhair, By what authority ? (16 pp)
- 1810 On proper shoulders, apportioning responsibility for attacking the Republican forces to England. (6 pp)
- 1811 [1922-23] Darrell Figgis, The duty of the hour, extract from The Sinn Fein catechism (4 pp)

ii Pro-Treaty and Irish
Free State

- 1812 [1923 ?] The Treaty fund, pamphlet issued to raise funds for the election expenses of candidates in the elections who had supported the Treaty. (4 pp)
- 1813 8 June 1923 Pamphlet dealing with the implications of fiscal autonomy in North East Ireland. (3 pp)
- 1814 [Sept 1923] The Irish minority speaks for itself: an appeal for fair play - a collection of letters to the editor, The Morning Post, from Lord Dunraven, Lieut Col. Sir William Hutcheson-Poe, General Sir Bryan Mahon and Lieut Col. C.H. Hoare.(12 pp)
- 1815 [Oct 1924] The Anglo-Irish Treaty and Mr de Valera's alternative, dealing with the implications of document no 2 for Ulster. (12 pp)

iii Other

- 1816 1934 A. Berriedale Keith, Certain legal and constitutional aspects of the Anglo-Irish dispute. (16 pp)

P4/

- 1817 March 1926 E.J. Phelan, 'Ireland and the
International Labour Organisation'
I Studies
- 1818 Sept 1926 II Studies
- See also
P4/1484
- 1819 [1931] E.J. Phelan, The British empire
and the world community, lecture of the
Geneva Institute of International
Relations (31 pp)

IV EXTRACTS FROM PÄRLIÄMENTÄRY

DEBÄTES

-
- 1820 Äug 1923;
Feb-May 1924 Circular schedules to ministers outlining
the subject of parliamentary debates
and questions in the Houses of Parliament,
noting the Ministry to which it was most relevant and its
location in the printed debates. c 50 pp

V AUTOGRÄPHED OFFPRINTS

-
- 1821 Felix E. Hackett, 'The photometry of
N-Rays', Sci Trans RDS, II, viii
(Sept 1904)
- 1822 J.J. Horgan, 'Ireland and the
Commonwealth', The Round Table, 97
(Dec 1934)
- 1823 1934 James G. Douglas, President de Valera
and the Senate, Senate speeches on
the Constitution (amendment) Bill
1933, 1934.

P4/

1824 Alfred O'Rahilly, 'The Constitution and the Senate', Studies (March 1936)

VI SERIALS, INDIVIDUAL NEWSPAPERS,
SUPPLEMENTS

- 1825 29 Dec 1906 The Peasant: a national weekly newspaper and review, including publication of correspondence between Michael Cardinal Logue and Liam P. Riain (W.P. Ryan), editor, Irish Peasant.
- 1826 4 May 1916 Dublin Evening Mail
- 1827 April 29, May 6, 13 1916 Weekly Irish Times, vol 44, no 2078
- 1828 7 Dec 1921 The Times, 'Irish peace section'
- 1829 20 April 1922 Poblacht na hEireann, supplement, commemorative issue dealing with the signatories of the 1916 proclamation.
- 1830 1, 16 July 1922 The Irish People, war special
Poblacht na hEireann, war news
- 1831 13, 11 July 1922
- 1832 17, 17 July 1922
- 1833 18, 19 July 1922
- 1834 19, 20 July 1922
- 1835 23, 25 July 1922
- 1836 26, 29 July 1922
- 1837 27, 31 July 1922
- 1838 28, 1 Aug 1922
- 1839 24 June 1922 Ar n-Eire: new Ireland, vol 1,5, including a commentary on the Irish Free State constitution (1p only).

P4/

- 1840 1, no 21 (war special 2) An Saorstát: the Free State, war specials
8 July 1922
- 1841 1, no 22 (war special 3)
13 July 1922
- 1842 1, no 23 (war special 4)
20 July 1922
- 1843 1, no 24 (war special 5)
29 July 1922
- 1844 1, no 25 (war special 6)
5 Aug 1922
- 1845 1, no 26 (war special 8)
19 Aug 1922
- 1846 no 3, (war series) An tOglach (published by the Irish Army)
5 July 1922
- 1847 vol iv, 8 (new series)
29 July 1922
- 1848 no 11, 9 Oct 1922 Daily Bulletin
- 1849 no 12, 10 Oct 1922
- 1850 no 13, 11 Oct 1922
- 1851 no 14, 12 Oct 1922
- 1852 no 15, 13 Oct 1922
- 1853 no 16, 14 Oct 1922
- 1854 24 June 1922 The Tablet, vol 139, no 4285, with
article on the Irish elections
- 1855 26 June 1922 Weekly Irish Bulletin (Belfast
atrocities), published by Dail Eireann
Publicity Department.

P4/

Dublin Doings

- 1856
- 1857
- 1858 [6 March 1923]
- 1859 [13 March 1923]
- 1860
- 1861 17 April 1923
- 1862 25 April 1923
- 1863 10 May 1923
- 1864 16 May 1923
- 1865 22 May 1923
- 1866 26 July 1923
- 1867 2 Aug 1923
- 1868 1 Nov 1923 Daily sheet, no 7, published by Sinn
Fein
- 1869 21 July 1923 The Gaelic American, xx, no 29, 'devoted
to the cause of Irish independence, Irish
literature and the interests of the Irish
race'.
- 1870 11 Sept 1923 La Suisse, containing a short report on the
results of the Irish elections.
- 1871 11 Sept 1923 Journal de Genève, containing reports on
the result of the general election and on
the admission of the Irish Free State to
the League of Nations.
- 1872 12 Sept 1923 Journal de Genève, containing an article on
Ireland's admission to the League of Nations.
- 1873 22 Oct 1923 The Freeman's Journal
- 1874 27 Oct 1923
- 1875 12 Jan 1924 Eire: the Irish nation, vol 1, 52.
See also
P4/551
- 1876 21 June 1924 The Leader, vol xlvi, no 20, containing
an article by Chanel on the Boundary
question.

P4/

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| 1877 | 1925 | Weekly Irish Times, supplement, calendar with portraits of judges in the Irish Free State and Northern Ireland courts. |
| 1878 | 13 Oct 1928 | The Freeman, II, no 10, containing a report on E. Blythe's speech at the League of Nations. |
| 1879 | [1930-5] | Printed circular on Breton nationalism and <u>Breiz Atao</u> , 223 (May 1935) |

VII NEWSPAPER CUTTINGS

i General interest

- | | | |
|------|----------------|--|
| 1880 | 1913-20 | Cuttings of general interest on political, literary and musical matters. |
| 1881 | 1921 | Cuttings of general interest on historical, fiscal, musical, literary and sporting matters and on political movements. |
| 1882 | 1922 | Cuttings of a general nature on historical, political, legal, fiscal and labour matters. |
| 1883 | March-Nov 1923 | Mounted cuttings on fiscal matters including the national loan, the courts, compensation, League of Nations, trade and tariffs, Imperial Conference, Ministers and Secretaries Bill. |
| 1884 | Dec 1923 | |
| 1885 | 1923 | Cuttings on general matters mainly historical and literary. |
| 1886 | 1923 | Cuttings on general matters including trade and industry, sweepstakes, the Irish Free State's first budget, banking and customs regulations. |
| 1887 | 1924 | Mounted cuttings on legal, fiscal and political matters. |

P4/		
1888	1924	Cuttings on political and labour matters including <u>The Irish Times</u> news summaries.
1889	1924	Cuttings of general interest, mainly historical.
1890	1924	Cuttings relating to economic development and the work of Lindsay Crawford, Irish trade representative in New York.
1891	1926	Cuttings of general interest mainly on historical matters.
1892	Oct 1926	Cuttings relating to the speeches by Desmond FitzGerald and Kevin O'Higgins at the Imperial Conference about the international status of the Irish Free State.
1893	1927	Cuttings of general interest including social matters.
1894	1928	Cuttings of general interest mainly historical including the dispute over the Darrell Figgis papers.
1895	1929	Cuttings of general interest including the Papal State, Henry Irving and historical matters.
1896	1929	Cuttings on general political matters including the League of Nations and the Kellog Pact.
1897	1929	Cuttings of general interest including private archives in Italy, plagues of wasps and art matters.
1898	1930	Cuttings of general interest including historical, economic and political matters, League of Nations, sweepstakes, Leo Whelan's portrait of Mrs Kennedy.
1899	1931	Cuttings of general interest including social and musical matters.
1900	1932	Cuttings of general interest including social matters, articles on 1916, Kevin O'Higgins and the first decade of the Irish Free State.

P4/

ii Political

1901	1933	Cuttings of political interest including article on 1916.
1902	1921	Cuttings of political interest including the Truce and de Valera's election as Chancellor of the National University.
1903	1922	Cuttings, including many photographic, concerning political issues including the Civil War, appointment of Michael Collins as Commander in Chief, the arrest of Erskine Childers, the destruction of the Four Courts (including the Public Record Office) and Irregular activities.
1904 See also P4/1647	1922	Cuttings, forwarded to Kennedy, with covering letter from Joseph Reidy, from Australian and American papers on the Civil War in Ireland including the executions and the death of Arthur Griffith.
1905	1923	Cuttings, including many photographic, concerning the Civil War and Irregular activities particularly with reference to the destruction of property including the home of Michael A. Corrigan (Chief State Solicitor), Sir Horace Plunkett and others including Kennedy's house in Waterloo Place.
1906	1923	Cuttings mainly concerning the Civil War, Irregular activities, arrest of Austin Stack, executions, de Valera's conditions for peace negotiations, Dail Eireann funds.
1907	Dec 1921	Cuttings relating to the Treaty negotiations and related issues from <u>The Manchester Guardian Weekly, The Times, The Leader, The Independent.</u>
1908	July-Dec 1921	Mounted cuttings from <u>The Times</u> mainly on martial law and the Anglo-Irish Treaty.
1909	1922	Cuttings relating to Northern Ireland, Anglo-Irish relations and conferences in London. Mounted cuttings on the Constitution and constitutional status of Ireland, on the London conference arising out of the Collins-de Valera agreement mainly from English newspapers.
1910	1922	
1911	1922	

P4/

1912	1923	Cuttings relating to Northern Ireland, Anglo-Irish relations particularly with reference to English politicians.
1913	1929	Cuttings on Irish history with reference to the Anglo-Irish war of independence, Michael Collins and Lord Birkenhead.
1914	1935	Cuttings of general interest including an analysis of Chartres role in the Treaty negotiations.
1915	1928	Cuttings mainly on legal and political matters including newspaper correspondence about the rights of civil servants under the Treaty.

iii Legal

1916	1921	Cuttings of general legal interest including the Landru case.
1917	1921	Cuttings relating to military courts and related cases.
1918	1922	Cuttings relating to court matters mainly the rescinding of the decree establishing republican courts.
1919	1923	Cuttings relating to the use of Irish in courts including the High Court decision not to accept an affidavit in Irish.
1920	1923	Cuttings relating to cases including the habeas corpus cases of Art O'Brien and Nora Connolly O'Brien.
1921	1923	Cuttings relating to the appointment of local state solicitors and peace commissioners.
1922	Sept 1923	Cuttings relating to the Foyle fishery case and the Belfast Lough steamship case arising out of the sale of alcohol on board on a Sunday.
1923	1924	Cuttings relating to court matters, <u>The Irish Times</u> biographical sketches of Irish judges and on Kennedy's appointment as Chief Justice.

P4/

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| 1924 | 1924 | Cuttings relating to the International Law Association. |
| 1925 | 1929 | Cuttings of general legal interest. |
| 1926 | 1932-35 | Mounted cuttings on legal matters including the Erne Fishery case, obituaries of Professor Arthur Clery. |

iv Cuttings relating to
individuals

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| 1927 | 1922 | Cuttings, mainly photographic, for Sir John Lavery from Durrants Press Cutting Agency mainly concerning his portrait of the dead Michael Collins. |
| 1928 | 1922 (-23) | Cuttings, mainly photographic, relating to the death of Arthur Griffith and the shooting of Michael Collins and their funerals. |
| 1929 | 1922 | Cuttings relating to the resignation of George Gavan Duffy as Minister of Foreign Affairs including a copy of one held by the Military Censor's Office from <u>The Independent</u> . |
| 1930 | Dec 1922 | Cuttings from <u>The Morning Post</u> relating to the appointment of T.M. Healy as Governor General of the Irish Free State. |
| 1931 | 1928 | Cuttings relating to the retirement of T.M. Healy as Governor General and the installation of James McNeill. |
| 1932 | 1929 | Obituaries of Alice Stopford Green and Austin Stack. |

PAPERS OF HUGH KENNEDY DEPOSITED IN THE NATIONAL ARCHIVES

Accession Number: 1/526

Provenance: Chief Justice Aodh Ua Cinnéidigh,
per Miss Dolan.

Description: Draft judgment of late Chief Justice
Ua Cinnéidigh

Date of Accession: 19 July 1937

Access: Open.

1/526

DRAFT JUDGMENTS OF THE LATE CHIEF JUSTICE - AODH UA CIMMÉIDIG
DEPOSITED WITH THE PUBLIC RECORD OFFICE. July 1937

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1924

Dempsey v Treacy.	June 1924
Connor v O'Brien.	December "
Guerin v Hefferan	"
Keelan v Garvey	"
Moses Stewart, a Bankrupt.	"
Fayne v Martin	"
In the Matter of Robert John Duddy & Agnes Muriel Duddy (Mirrors). (Conflict of Laws: Saorstát & N.I.)	

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1925

O'Callaghan v O'Sullivan.	March 1925
Cullen v Stanley & Ors - (Electoral Law (Libellous Statement))	March 1925
Howard v Bergin O'Connor & Co.	"
(R. Reid v M. Gormley	
(F.J. Reid v M. Gormley	"
(R. Reid v P. Gormley	"
Alexander v Circuit Judge, Co. Cork.	April 1925
Logan v O'Donnell	"
In re: An Arranging Debtor (s.35 of Act of 1857)	May 1925
Kennedy v Minster for Finance (Compensation)	July 1925
Mulligan v Corr.	"
O'Sullivan v Loughnan	October 1925
Nee v The Galway County Council	December 1925
Sullivan v Murray	" "
Horan v Kelly (Notes only for oral Judgment)	" "
Paul Bros v New Ross Harbour Commissioners.	"
Daly v Irish Transport & General Workers' Union (undated)	"

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1926

Keating v Mulcahy.	February 1926
Tyrrell v The Imperial Tobacco Co Ltd	"
Power v Dublin United Tramways Co ' 1896) Ltd.	"
O'Donoghue v Roche.	March
Loughrey v O'Doherty & Ors	"
Mc Donnell Colgan v McDonnell	"
Kenny v Cosgrave.	April "
De Groot An Arranging Debtor	May "
William Joseph Reade a Bankrupt	
Tracey v Dempsey	July "
O'Connell v Harrison	June "
R. (Dillon) v Minister for Local Govt.	July "
Will of John Parson Westroop.	" "

Ward v Devlin	July 1926
M.P.W. a p.u.m. decd.	June
Kavanagh v Whittle	July
Sammon v Byrne	"
R (Irish Union of Distributive Workers) v Rathmines U.D.C.	
R. (Moore) v O'Hanrahan (Notes & Extracts only)	
Whipp v Mackay	November 1926
Dollard (Printinghouse) Dublin Ltd v Brennan & Killeen Paper Mills Ltd	
Wing v O'Connell	December "
Lady Mowbray & Stourton v Sir E.C. Nugent & Mrs Banks.	(Unda')

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1927

Peter McLoughlin decd. McLoughlin v McLoughlin.	February '27
R. (Moore) v O'Hanrahan, 1926. (Original draftjgmt)	"
Tedcastle McCormick & Co. v Robertson.	March "
In re: A Debtors' Summons.	"
In the Matter of K. an Arranging Debtor	April "
Gallagher v Galway County Council.	May "
In re: H.C. a p.u.m.	"
Moore & Ors. v Attorney General	June "
Ulster Steamship Co Ltd. v Cork Harbour Commrs	July "
Kinlan v Ulster Bank Ltd,	"
Moore v Davy.	October "
Hayes (Insp. of Taxes) v Rd. J. Duggan	"
Workmens' Compensation Act. Delahunt v Moody	November "
Ellen Barry p.u.m.	December "
Royal Bank of Ireland v Smith	"

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1928

Northern Banking Co. v Carpenter.	March 1928
J.J.D. a p.u.m.	"
Bohane v Driscoll	"
Crowe v County Council of Tipperary (South Riding)	February
Estate of Francis Lynham.	"
Hamon v The Artificial Coal Co Ltd v Minister for Finance.	
Attorney General v Timothy Corcoran	
Same v Michael Donoghue	May
Walsh v Minister of Local Govt & Public Health.	June
In the Matter of J.G.M. an alleged p.u.m. decd	"
Munster & Leinster Bank Ltd. v Hollinshead & Ors	July
In the Matter of: Emily Matilda Corballis.	"
O'Dwyer v Cork Distillery Co.	October
Murray v Aire Airgid.	"
Denroche v Power	November
Appelbe v West Cork County Board of Health	"
In re: E. McD. a p.u.m.	"
Hogan Minors.	"
In the Matter of a Debtor Summons.	December
Warner v Minister for Industry & Commerce.	July 1928

1929 ♦

Estate of William Taylor.	January 1929
William Glover	"
Devoy v Hanlon	March
Perry v Statham Ltd	"
In the matter of M.J. an alleged p.u.m.	April
McMullen v Mulhall & Anr.	May
Kelly decd. Hickey v Kelly	June
O'Dwyer v Cork Distillers Co Ltd	"
Moore v Attorney General & Ors.	July
Bissett v Heiton & Co Ltd.	"
(Elizabeth Little v D.U.T.Co Ltd & Thos O'Brien trading as Excellence Bus Co	"
(Sheila Gunning v Same.	"
(Edward Flynn v Same	"
(Charles O'Rourke v Same	"
(Lily Murphy v Same	"
Kingston & Ors. v Layden & Any	December
Atty-Gen Informant. James Casey Defendant.	"
Sligo Corporation v Gilbride. Atty-Gen v Same.	

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1930

Earl of Iveagh v Revenue Commissioners	April '30
Moore & Ors v Attorney General & Ors (Judgment on Preliminary Objection)	April.
(Revd. William J. Mulcahy, decd (John Butler & Revd Wm. O'Grady v Revd Michael Meagher and Revd M. Slattery.	"
Mc Donagh v Mulholland.	"
(In the Matter of the Local Registration of Title (Ireland) Act 1891. And of Joseph Murray a Regd. (Owner of land. And of Patrick J. Mc Cormack, a Regd. owner of a judgment mortgage.	"
Moore & Ors v Attorney General	May
Barry decd. Mulhern & Ors v Clery & Ors	"
Bank of Ireland v Feeney.	June
Lynham v Butler (Notes only)	
Julian v Fottrell	July
Estate of Peter Gallagher decd. Hogg & Co. Ltd v Gallagher.	
Automatic Candle Co. v Kerr	Oct.
McGreene v Hibernian Taxi Company.	December

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Cunard S.S. v Herlihy.	March 1931.
Same v Revenue Commissioners.	
Town Tenants Act. O'Reilly v Leahy)	
Corway v Smith)	
P. Kennedy v London Express Newspaper Ltd	"
(Notes and Judgment)	
National Bank v Chr. Bernard Keegan.	"
John King v James Walsh.	April
McGreene v The Hibernian Taxi Co. (No. 2)	May
(Cork E.S. Company v Edmond George	
(Concannon and the British Thomson-	
(Houston Company Ltd	"
Hickey v The County Council of the County of	
(Tipperary (South Riding).	"
Feeney v W. & G.T. Pollezfen & Co. Ltd.	"
Minihane v Rapid Transit Company	"
Solicitors' (Ireland) Act 1898. Re-admission	
(of a Solicitor. Application	July
Quinn & Anr v Stokes.	"
(Brennan v Lockyer & Ors	
(Doyle v Same	"
(John Kavanagh v T.G. O'Sullivan D.J. and	
(In the Matter of: John Martin Kavanagh	
(and William Kavanagh Infants. (with notes)	"
Estate of T.J. O'Connell	
O (Connell & Ors v Sheehy & Ors	October.
Kenny v E.S. Board	December
Ryley v Taafe	"

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1932

Edghill v Cullen.	February 1932
Henry Houghton p.u.m. '	Do
Freeley v Greene. Owens v Greene	March
O'Connor & Ors. v Dwyer & Ors	May
Foley v Calvin	"
Mrs. Agnes D. Whitcroft & Ors. (Estate of)	"
Farrell v South East Lancashire Insurance Co. Ltd.	July.
John Talbot, a Minor	"
Dyas. a Minor.	"
Westby Minors.	"
Do.	"
(E.H. Bradley v The Justice of the District	
(Court for the Court Area of Bray	November
Mc Intosh Minors.	(undated)
Munster & Leinster Bank v O'Sullivan & Ors	

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Richard Graham v Minister for Ind. and Comm.	January.
Gallagher v E.S. Board	March
Revenue Commrs. v Bishop of Elphin.	"
Devery v Devery. (with notes)	April
O'Brien v Wallace	May
O'Connor v Sorahan.	June
David v The Superioress Mater Misericordiae Hospital.	May
Estate of Ellen Marie Gallwey.	
General Omnibus Co Ltd. v London General Insurance Co. Ltd.	June
(National Health Insurance Acts.	
(County Council of Limerick v The Irish Insurance Commrs & Ors.	July.
Michael Macnamara & Son v Owners of SS "Hatteras" (and Notes).	"
The State (Hunt) v Circuit Court Judge of Midland Circuit.	"

NOTES ONLY: Companies Act 1908. Rathmines Auto Service.

Do.	Estate of Charles Deane Acheson.	March
Do.	Finn v Kehoe	"
Do.	Sir J. Glynn v Jasper Tully.	
Do.	Gallagher v Gillespie	

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1934

Loose Court Notes taken during Hilary Term 1934.

Will of Jas. Fredk. D'Arcy.	
May D'Arcy and Edward Bernard Burke.	
Judgment and Notes.	January.
Workmen's Compensation Act 1906.	
Patrick Keegan and Julia Dawson. (with notes)	February.
Philadelphia Storage Battery Co. v Controller of Industrial & Commercial Property and N.V. Phillips Gloeilampenfabrieken.	
Industrial Property Acts 1927 and 1929, and In the Matter of Registrar in Register Trade Marks 'Philco' as Trade Mark of Plaintiffs.	"
Estate of James Doorly. (Incomplete)	"
O'Faghluatha v McClean (with Notes)	March
Philip Ryan v Elizabeth Clerkin (with Notes)	May
In re; Thomas Bannon decd. (with notes)	April
File of Court Notes only April and May 1934	
Larkin v Kelly	June
Kerry Co. Council v Commr of Valuation	July
Gore-Rickman v Alliance Assurance Co Ltd.	

(over)

1934.

Horan v Horan
James P. Conroy v Minister for Finance and Minister
of Defence.

In the Matter of the Application of Patrick Quinlan
and Ors. for relief by way of Habeas Corpus
and Prohibition AND
In the Matter of the Courts of Justice Act
1924, and of the Constitution of Saorstát
Eireann.

In the Matter of the Application of Jeremiah Ryan
and Ors. for Relief by way of Habeas Corpus
and Prohibition
AND
In the Matter of the Courts of Justice Act 1924
AND
In the Matter of the Constitution of Saorstát Eireann.

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1935

Earl of MountCharles - Tenant Edward Sweeney.	January '35
Jane Caulfield v Julia Kenny.	April
Donnelly & Anr v O'Neill	"
Irish Land Commission (Earl of Longford) v Matthew Farrell.	"

Workmen's Compensation Act 1906.
Kate Hutchinson & Ors Applicants,
Irish Electrical Construction Co. Respondents.

Reilly decd. Reilly & Anr v Reilly & Ors	May
Fry-Cadbury (Ireland) Ltd. v Synnott.	"
Cloghran Stud Farm Co. v A.E. Birch.	July
Phoenix Assurance Co. Ltd v Four Courts Hotel	"
In the Matter of the Will of Daniel Byrne 7/5/34	"

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1936

Butler v Commissioners of Public Works.	April
Pembroke v Seoirse o Pluinceid.	March
State (Hempenstall) v Judge Shannon & Anr.	"
McGovern v Robinson, Treacy and Robinson (and Notes)	July
Shipsey v British South American Steam Navigation Co.	
Michael Corrigan v Wm. J. Biddulph	
State (Bridie McKay) v Circuit Judge of Cork City and City and Local Registrar of Cork Local Bankruptcy Court, and In the Matter of the Courts of Justice Act 1924.	

State. (Wm. Mc Carthy) v Lennor & Ors and
In the Matter of the Courts of Justice Act (Notes)

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Supreme Court Note Books for years 1924, 1925, 1932, 1934 and 1935.

Court of Criminal Appeal, note Book for the year 1931/32.

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COURT OF CRIMINAL APPEAL. Draft Judgments, and Notes taken in Court. Years 1926 - 1936.

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Attorney-General v James Myles. July 1926
Bunclody Bank Robbery Appeal. "
Attorney-General v Henry Mc Cabe. December 1926

Attorney-General v Smith. (together with notes July 1927
(in other cases)

Do. v Horan
Do. v James McCann
Do. v James Cronin
Do. Do. Michael & John Sullivan August "
Do. v Ryan or Regan

Do. v Mary Cole May 1928

In the Matter of Michael Tangney (Notes) June
Attorney-General v Mary Linehan. Dec. "

Do. v Timothy Corcoran & M. Donoghue
Do. v Martin Joyce and Annie Walsh July 1929.
Do. v Morgan Gleeson - "

Various Notes taken in Court of Criminal Appeal for 1929
Do. Do. Do. 1930

State v Edward Kelly and Edward Gorman

State v Felix McMullen.

Attorney-General v David O'Shea July 1951.
Do. v William O'Sullivan May 1930
Do. v Jane O'Brien July 1932.

Notes taken in Trinity Term 1927.

Notes: 1931

Attorney-General v Cornelius O'Leary
Do. v Hannah O'Leary
Do. v Wm. Power July 1932
Do. v Leo O'Brien " 1935

Various loose Notes made from 1928-1936.

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