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**BRITISH FORCES AND IRISH FREEDOM:
ANGLO-IRISH DEFENCE RELATIONS 1922-1931**

by

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* Text refers to former title: The Rt. Hon Julian Amery, M.P.

INTRODUCTION

Anglo-Free State relations between the wars still awaits a comprehensive study ... This is in part a reflection of the larger failure of British historians to work on Anglo-Irish history ... the Right has been ill at ease dealing with Britain's greatest failure, whilst the Left has found tropical climes more suited for the cultivation of its moral superiority.¹

When R.F.Holland made this apposite comment, just over a decade ago, he may have been adding to the very problems he identified. Writing within the context of the 'Commonwealth Alliance', he was joining a distinguished list of British and Irish historians who have sought to filter inter-war Anglo-Free State relations through the mesh of Empire-Commonwealth development. Beginning with A. Berriedale Keith in the 1920s, this usage continued in either direct or indirect form (by way of particular institutions of Commonwealth) from the 1930s to the 1970s through the works of W.K. Hancock, Nicholas Mansergh and D.W. Harkness, and was still finding favour with Brendan Sexton's study of the Irish Governor-Generalship system in the late 1980s.² But herein a contradiction has developed: cumulative study of the unnatural origins and performance of the Free State as a Dominion has moved beyond questions of function to ask whether the Free State was in fact ever a Dominion at all.³ As such, there seems ever more need to step back from inter-Commonwealth study and refocus on the precise nature of the Free State's central relationship with Britain in this period.

It is of course acknowledged that outwith the established zones of internal Irish and Empire-Imperial study there is no home or forum for one of the most enduring quandaries of modern European history. Even if it is accepted that 'pure' Anglo-Irish history did not end in 1922, the weight of research based on the ten years prior, as against the ten years subsequent, suggests an easy acceptance, on both sides of the Irish Sea, and Atlantic, of the absolute value changes in that relationship. Studies covering the transition to independence, such as those of Joseph M. Curran and Sheila Lawlor⁴, have taken only tentative steps beyond 1922, and may indeed have epitomised an approach that subsequent Irish studies have done little to dispel; in the 1980s, major overviews by R.F. Foster and J.J. Lee have been notably reluctant to evaluate the quality of that new found freedom with continuing reference to Ireland's giant neighbour. Though Foster, and others, have noted that the main aim of the Free State in the 1920s was 'self-definition against Britain', the point is the extent to which Britain was willing to allow the same.⁵

There has then been little impetus for direct Anglo-Free State inter-war study, and although the tide has begun to turn since the mid-1980's, notably through the achievements of Paul Canning, Deidre McMahon and, shortly before his death, Nicholas Mansergh⁶, it is probable that we are still a long way short of being able to produce a comprehensive and coherent review of the period. Apart from the crucial Anglo/Irish-Anglo/Commonwealth dichotomy, there remains the political chasm dividing the Cosgrave years of the 1920s from those of de Valera's 1930s; indeed the overwhelming preoccupation with post-1931 confrontations has often, as in the case of McMahon's fine study, taken as its contrasting starting point the supposedly

compliant 'pro-Treaty' years of 1922-31. It is hard to bridge this gulf when the little direct work on these earlier years, mostly concentrating on the two fundamental issues of Boundary and financial settlement, has tended not to question this divide. Although Irish historians have turned an increasingly sympathetic eye on the internal politics and problems of these early years, the apathetic external image, in contrast to the later period, has been persistent.

Nowhere has this negativity been more apparent than on the, also vital, topic of defence relations. For a subject that has been given more than adequate attention in terms of the 1921 Treaty negotiations and the Treaty Ports issue of the 1930s, the period in between has had little intensive coverage. In this regard the negative response of W.K.Hancock in 1937, stating that Cosgrave did not bother to question British defence imperatives, was still being held some fifty years later by Paul Canning.⁷ Thus an enduring and important image has emerged of defence relations re-enforcing the above divide, an image that has had to stand for the lack of new research. This does not mean that the image is necessarily an entirely false one, but it does mean that many of the supposed novelties of the de Valera years have been built on largely unknown foundations.

The Treaty Ports issue is also vital to this thesis, but then so are other defence related matters which had an impact specific to the 1920s. In other words, the human and political context of how both countries, but the Irish government in particular, coped with the immediate legacy of centuries of armed occupation, with the recent 1916-21 conflict, and with the smaller scale continuity of British occupation, was bound to cast

old shadows over a new relationship. But how big were these shadows? It was on the basis of placing some detailed flesh on the skeleton of known (and unknown) policies and events that this thesis took shape. Frustrations and resentments could take necessarily quieter forms than those which characterised the 1930s, and in the end be no less significant.

If the first objective is then to make solid the continuity of defence affairs, it is appropriate to begin with a brief evaluation of the Treaty defence negotiations before taking a close look at British operations in the South in 1922 - the year when a reluctant Cosgrave was to inherit a situation where British forces were close to the development of civil war. Despite our growing knowledge of Britain's part in the progress of that war, there is still a general perception that its forces became peripheral to events after the Truce of July 1921, and that its Army was, and had been, the only British Service involved in the struggle against armed republicanism. This is simply not the case, and it is to be wondered whether the proper absorption of Irish historians with the internal dynamics of the period, together with the authoritative quality of Charles Townshend's history of the 1919-21 British campaign, have not produced inhibitions to wider inquiry.⁸ In any event, as the Admiralty was to play a central part in later defence relations it seems right to introduce, for the first time, the Royal Navy's important role in the events of 1922. The point here is to establish that the actions and perceptions of both Services were to have repercussions for later attitudes.

After these chapters, the following two aim to look at the cumulative legacy of British involvement and how both countries adjusted to the many unresolved questions thrown up by the Treaty and the unplanned contingencies of 1922. Retaining the theme that neither country could escape the past, nor trust to the future, chapter six returns to the physical and political impact made by the continuing presence of British forces in and around the three Treaty Ports, and along and across the Border. The final two chapters explore how all these factors helped determine the conditions for, and consequences of, one of the most damaging episodes of the later 1920s - the complete failure of the joint coastal defence review scheduled for December 1926. In all, the cumulative emphasis on the politics of defence may illustrate what it was to be a small aspiring country that had little choice but to accept Britain's version of what was an inevitably close relationship, and to endure what Britain claimed as the benign strategic necessity of continued occupation.

As such, this study may also be taken as an example of the contentious subject of British inter-war Imperialism, and of the 'imperial mind'; a collective condition of unthinking superiority, often described if not so named.⁹ Given the traditional tensions between the two countries, it follows that this study will challenge the sometimes awkward acceptance that the Free State did enjoy full Dominion status and practice, excepting the matter of defence: defence is not an abstract or marginal issue; it lies at the core of any aspiring country's identity and perception of freedom. By the same token this challenge is extended to the alternative idea that, having been granted disguised republican discretions, the Free State was tied to Imperial demands in name only.¹⁰ Looking at the 1920s, at a time when the Empire did not have

constitutional definition, the question of status, as posed by defence relations, will, in final discussion, be traced back to where this thesis begins - at the nature of the Treaty itself. This is especially relevant if it can be shown, in a way that Ireland's disjointed and disputed Commonwealth participation history cannot, that there was a direct bond of dissent and 'external association' grievance linking the Cosgrave and de Valera years.

While this is far from being a comprehensive review of the inter-war period, nor yet a complete review of the neglected Cosgrave years, it does go to the heart of Anglo-Free State relations and may help towards making such a comprehensive study a feasible proposition. It is not suggested that the inter-Commonwealth perspective can be dispensed with, only that we need first to find out far more about that unique and basic association. It has been a stimulating challenge to try to view this, where possible, through Irish eyes, but it is hoped that a balanced and empathic view of conflicting Imperial concerns has also been achieved; the one is so often reflected in the other.

Finally, the conscious omissions in this study have to be declared. It is fully realised that while there was a general cross-party unity on Irish policy in Britain, the views of Sinn Fein, Fianna Fail and other republican bodies would offer a different slant to this largely inter-governmental study. It may be significant that little organised republican comment on British defence measures has been found for this period, but the point has anyway been to discover just how far the Cosgrave governments did abandon their earlier roots. Even then it has been difficult to trace archive defence

material specific to the 1929-31 period, a situation which can be explained partly in terms of the terminal events of the crucial 1924-28 period (detailed here), and partly in terms of the known lack of defence initiatives by the Labour and National governments of 1929-31.

And yet, while these might be seen as self-evident omissions, that of the Ulster dimension certainly needs explanation, if not excuse. On one level the Free State could hardly ignore the position of the North, and it is hoped that some new and intriguing insights into cross-Border defence relations have been touched on. On another level, however, an emphatic point is that a re-emergent nation could have more than enough British related defence problems to contend with in the South, without continuous reference to a distinct Northern situation it could do little, directly, to affect. Contentious though the politics may have been, the Free State was an entity in itself. It is quite certain that Northern Ireland archives could shed further light on several aspects of this thesis, but that is for future study and consideration; in the interim enough challenges are contained in this study of a much neglected period and topic.

CHAPTER 1 : BACKGROUND - DEFENCE AND THE TREATY

As in the case of the Dominions in 1914, our peril will be her danger,
our fears will be her anxieties, our victories will be her joy.

Lloyd George on the Treaty - House
of Commons, 14th December 1921.¹

The London negotiations which led to the signing of the December 1921 Treaty (more properly the Articles of Agreement for a Treaty) between 'Great Britain and Ireland' formed one of the great political dramas of the twentieth century. The subject of defence, however, though looked at in some detail, has been held by most historians to have played only a minor part in that two month drama. In comparison with passions aroused by the abstract concepts of the Crown and 'essential unity' of Ireland, it has even been held that the Irish conceded Britain's strategic wants 'without much argument' or real concern²; a reflection, no doubt, on the Irish having to pay heed to Britain's early warning that this question was beyond negotiation³. According to Lord Longford's (then Frank Pakenham) classic account of the talks, this particular issue was so basic and one-sided that within a couple of weeks of their arrival in London the Irish delegates had surrendered the argument; by the end of October: 'Britain had won on Defence'.⁴ In all, it seems that little had changed from the position of July 1921, when London had first informed Sinn Fein of its basic proposals for peace negotiations; these had included (beside the implied removal of all armed troops from the South - at that time amounting to over 50,000 men) the Admiralty's continuing control of all coastal and naval defence.⁵

But within this framework of events lies a more intricate story, and one which illustrates, as perhaps no other Treaty topic could, just how far the Irish were forced to march between expectation and achievement. No matter how self-evident it might seem that Britain's defence proposals did not imply deliberate subjection and exclusion from Dominion practice, the fact remains that the Irish delegates arrived in London knowing that if they accepted them they would lose even the pretence of a desired 'external association'.⁶ According to Nicholas Mansergh, it was telling that at the beginning of the talks the Irish were arguing generally within the scope of British proposals, rather than their own counter-points, and that by time they had formulated coherent 'external association' responses the British could claim that it was too late to backtrack. Arguably, however, defence was the one vital exception to this rule, vital in the sense that the force of Irish visions on neutrality contained its own clarity, and may have forewarned the British side of what to expect of later discussions.⁷

That the Irish should claim that an international and/or Commonwealth guarantee of neutrality or 'integrity' would meet British requirements, and preclude the need for bases and coastal control, did indeed indicate that what was being sought was a 'republic within the Empire' - to Britain a totally unacceptable concept.⁸ But to Irish eyes, and particularly to those of the much maligned Erskine Childers, there was much to defend in this stance: if, as he believed, simple geographic distance and historical sentiment would make it difficult for Britain to respect Dominion independence, then it was logical to assume that the granting of harbours and coastal waters would epitomise and enlarge the problem. Nor was it the case that the

supposedly 'fanatical' Childers held only the tentative support of his more moderate colleagues; to begin with he was more than ably supported on the question of neutrality by Arthur Griffith and Michael Collins, and the sequence of events in London suggests that it was only the agreement to remove defence matters to a sub-conference committee that prevented an early breakdown on principle. In this committee it was notable that Collins supported Childers to the extent that Churchill and Lord Beatty were soon forced to direct talks back to the main conference; by mid-October Churchill believed that the *joint* Irish stance comprised a direct rejection of Imperial defence interests.⁹

This position could not, of course, last. Britain's dominance in negotiation could not be denied, particularly when her demands had domestic and international credibility and Ireland's own wider security was at stake. And yet the received idea of Irish indifference probably stems more from the speed of their about-turn than the position finally agreed. It is true that in less than two weeks the Irish moved from a position of almost total obstruction to one of almost complete capitulation, but in the interim they did offer some coherent and consistent resistance. By the end of October they had prepared a fallback solution, by which the British could have 'under licence' from the Irish government all coastal facilities 'agreed to be necessary', this pending the Free State's ability to take responsibility for the same. It seems that Childers supported this compromise, and in essence it did still protect the principle of external association by claiming, at least, ultimate control over British naval and military activities. It also provided a realistic framework for further negotiation, in that it observed Dominion practice and answered Britain's technical demands.¹⁰

The essential point, however, was that this offer could not meet Britain's political demands, and in the final days of October the full weight of Imperial divide-and-rule experience was brought to bear on defence.¹¹ As in other areas of the talks, the breakthrough came when Griffith was consulted in private (in this instance by Lloyd George himself), and where Griffith led the other principal and moderate, Collins, soon followed. It was during this period that Childers began to despair that the two senior men were conceding unconditional control, a defiance that then left him isolated and which has produced little subsequent sympathy from historians.¹² But a question that has never been raised of this time is the extent to which the other delegates, and even de Valera himself, ever fully appreciated Britain's clinical separation of coastal defence from coast defences - the one to be covered by Article 6 of the proposed Treaty, the other by Article 7 (see Appendix 1). Even as late as the 3rd December, when the full Dail Cabinet met to consider its final position, it was thought that the latter could also be brought within a comprehensive five year transfer, instead of the simple ten year 'review' of the former that was actually on offer. As the only military and strategic expert on the Irish side, Childers must have known that this was a forlorn task and that the damage was already done.¹³

And so it proved: on their return to London, for what was to be the final session of talks, the Irish team did attempt to rescue some partial claim to sovereignty from the defence measures, but in the event Britain would grant only details. It was significant that Collins, in private session with Lloyd George, indicated that agreement could be reached if Britain conceded that *all* coastal defence would be transferred in the stated ten years. The latter dismissed this, although it is again far from clear that Collins

accepted that the proposed Articles 6 and 7 were not just sub-divisions of a negotiable whole. His official report on this private discussion notes that he moved on to insist on a definition of 'care and maintenance parties' (to be retained at named harbour defences), but Collins does not specify that with this the two had moved to a separate subject entirely. Nevertheless, the urgency with which Lloyd George pursued Collins's demand for tighter definitions suggests that the British side still feared that their counterparts might rebel on both Articles.¹⁴

Indeed, given the intensity of the 5th December, when so many last minute dramas were played out over the status of the North and the Oath of Allegiance, the time devoted to re-arguing defence issues was both remarkable and telling. According to the Irish records, both sides 'argued at great length' over Irish concerns (which were strangely prophetic) that as the terms stood the promised coastal defence review 'might never be held if the British did not wish to consider the subject.' At this the two sides 'went over all the arguments again', with Churchill expressing the blunt opinion that the Irish would never be allowed a navy. All this referred to Article 6, but once again the key question is whether, in the heat of argument, the British made clear, or the Irish understood, that Article 7 did not overlap. It seems not: the Irish records state that when the British finally conceded a five year review (instead of ten), Churchill refused to extend this to the facilities required in wartime; in other words, it was believed that in accepting this amended coastal review date the named peacetime defences in the first part of Article 7 might be included.¹⁵

That final argument did range over both Articles, and British peacetime requirements, is known; Churchill and Lord Beatty had never tried to explain, at least to the satisfaction of Childers and Collins, why the Admiralty needed to hold both Queenstown and Berehaven in the south west, but a last plea that the former be removed from the Treaty list was refused.¹⁶ Irish objection was rational, given that Haulbowline naval dockyard at Queenstown had already been declared redundant, but perhaps the real point is that too much emphasis can be placed on the strategic objectivity of British defence demands. It would not have been lost on either side that Queenstown formed the impressive gateway to the South's second city, and that it was the first sighting that many international visitors and tourists beheld of Ireland. As such, it might have been that the real argument revolved around whether it was to remain a prestige symbol of Empire, or an equally imposing symbol of Irish independence.¹⁷

In all, by the time the Irish delegates had signed the Treaty, in the early hours of 6th December, the defence arrangements must have been a bitter, if not in themselves politically fatal, pill to swallow. From a starting point where it was thought that a guaranteed neutrality was feasible, it ended with Britain retaining, in large measure, the status quo. Ranged against some of the most skilled and experienced political tacticians in modern Imperial history, the outcome was never really in doubt; Birkenhead had long warned the Irish side that his country would not concede that an independent Ireland could escape an Imperial war, and the Treaty had to reflect this concern.¹⁸ In the circumstances, it is interesting that some recent historians, notably Paul Canning, should hold that Irish indifference led to better terms being

overlooked.¹⁹ This implies a level of British flexibility and Irish resignation that is hard to detect, either before, during, or after the negotiations. During the Dail Treaty debates in December 1921, even the most ardent pro-Treaty supporters doubted the defence terms, as was made plain when Kevin O'Higgins was attacked by Childers: the former could only beseech Childers to remember that even he, as a military expert, had been unable to advise on how to 'break' the British military might that bound them. Interestingly, whereas the Pro-Treaty camp alone accepted, albeit reluctantly, the potential longer-term benefits of the general agreement, on defence there appears to have been an embarrassed consensus that the argument with Britain had been merely deferred. Childers, with his extreme 'logical correctitude', alone refused to believe that this was the case, but it remained to be seen whether the man who best understood the imperial mind was in fact correct.²⁰

.....

In Britain generally, the signing of the Treaty was greeted with a relief bordering on euphoria; it was seen that Lloyd George, the 'Welsh Wizard', had pulled off his greatest feat so far - peace with country still loyal to Crown and Empire, and with the essential security of Britain and Northern Ireland preserved. Only Whitehall knew what a frenetic thing it had been at the last, and that 'peace' had been obtained only by an ultimatum of immediate war. In these circumstances, it was not surprising that a show of good faith was urgently required, and when General Macready, G.O.C. in C. Ireland, returned to London on the 6th December he found the subject of troop withdrawals already under discussion.²¹ Churchill, in particular, wanted

all the troops home 'as quickly as convenient', noting: 'We should even make a parade of this, and in particular remove all troops from Dublin at the earliest'²². Doubtless it was going to be quite a show, and, even as these words were written, moves were afoot to give them effect; by mid-January the battalions were leaving the South as fast as transport and home reception depots could be arranged.²³

But there was something missing in the daily press reports on troop departures; instead of pomp and celebration there was more a sense of haste and tribulation. By the beginning of February there were those in London who, having trusted the celebration of settlement, began to ask why the rush of returning troops were being greeted 'without one word of recognition of their services'.²⁴ It was telling that such a question could be asked at a time when the political news from Dublin could no longer be disguised, but the reality was that display was a provocative luxury when the Treaty had, almost from the moment of signing, threatened to split Sinn Fein and the I.R.A. down the middle. It was perhaps implicit in London's reactions, and in Churchill's above words, that a rapid troop evacuation might be the best way to 'buy' complete acceptance of the Treaty in Dublin, but by the beginning of February it was clear that the gamble had failed. There was as yet no indication that the military truce of July 1921 was about to be broken, and yet by the same token the hopeless division of both the Dail and Dail Cabinet promised a political fragmentation that made further troop withdrawals a liability.²⁵

That liability was only furthered by the associated post-Treaty violence that had erupted in Belfast and on the Border. With pressure being applied by the Irish

Unionist Alliance, Bonar Law and the Chief of the Imperial General Staff (C.I.G.S.), Sir Henry Wilson, it seemed that the situation in the North was beginning to dictate a mood that evacuation had gone too far too soon. But serious though this situation was, it can be argued that concern for the North was to be a deciding factor only insofar as it reflected on the loyalty and stability of the newly formed Provisional Government; the Treaty was all, and its fate lay in Dublin, not Belfast. If removing the troops could not buy trust and stability, then they would have to stay put and help enforce the Treaty.²⁶

Thus by the beginning of February the basic tenet of the Treaty's defence terms was being undermined by force of circumstance. There was already enough evidence to suggest that while the Treaty might define the future relationship between Britain and Ireland, it would not necessarily define the future of Ireland itself; in other words, and despite possible British delusions to the contrary, the much disputed articles and clauses could not in themselves create a Dominion. This was especially so when a vital element of the Treaty - defence - had set out to preclude that status and obscure one of the first expressions of sovereignty that any newly independent country seeks. The coming months and years were going to test whether this was a tenable position.

CHAPTER 2 : THE BRITISH ARMY IN THE SOUTH - 1922

1. Macroom and the Road to Dublin.

Then what are our troops in the 26 counties for? Are they there at the request of Mr Collins? If so will the Government say so? Will Mr. Collins say so? If they are not, why are they there?

Field-Marshal Sir Henry Wilson:
Commons debate, May 1922.¹

When troop withdrawals from the South were suspended, in mid-February, the 'sole' reason, as given by Churchill, was the deteriorating situation on the Border.² Certainly there was merit to this claim, although by this time no amount of specific justification was going to hide the fact that the real problem was the Imperial government's all too eager faith in the Treaty itself. Only days before the suspension was announced, Lord Cecil had led a commanding Commons attack against the received idea that the newly nominated Provisional Government in Dublin had been invested with true authority; he appreciated that the increasing strife was making the Provisional Government's position 'almost intolerable', but the point was made that it was 'in law, nothing but a series of private individuals who were carrying out perfectly unsanctioned acts.' The game was up: forced into helpless agreement with this argument, Churchill had then to demonstrate that he still accepted full Imperial responsibility for the South. It seemed that until the Irish Free State (Agreement) Act was ratified the troops were going to have to stay, regardless of the situation in the North. Furthermore, events were to show that Churchill was under no illusion that

this might be just a temporary halt.³

The actual level of trust that the Imperial government still placed in its own creation can be judged by the Provisional Government's complaint that it was not notified of the evacuation halt until '24 hours after it was a fait accompli.' British Army G.H.Q. in Dublin was left in no doubt that the Irish believed the suspension to be 'the biggest blow struck at their prestige', and yet it was notable that Michael Collins, much to London's surprise, did not make an official protest.⁴ There was, however, good reason to be cautious: the pro-Treaty Dublin establishment had become alarmed at the pace of the evacuation, and the political imperative for the British to go was creating added social and economic distress in many areas. In mid-January, for example, a petition had been received which detailed the future plight of an estimated 3,000 people in the area of the Curragh (garrisoned since 1855) whose livelihoods were dependent upon the garrison.⁵

It seemed, however, that the good people of the Curragh were due a reprieve. The timing of the evacuation suspension had also to take account of the disposition of General Macready's (G.O.C.in C.) forces in the South: when announced, Stage 1 of the two part evacuation plan - withdrawal from outlying areas to the main military centres of Cork, the Curragh and Dublin - was nearing completion, and consolidation would present few problems. That consolidation at these three strategic centres was the immediate object, was made clear at a meeting of the Provisional Government of Ireland Committee (P.G.I.- Cabinet Sub-Committee) at the end of February, when Churchill overruled General Macready's appeal that the planned Easter target for

complete withdrawal be kept on line. It was agreed that any further movement would depend on Michael Collins's personal assurances in interview with Churchill.⁶

This meeting was not about to take place, even though it was to become obvious that the more Collins lost control of events, the more he would have to identify with Churchill's own doubts. In the early spring of 1922 it was the pivotal importance of Limerick that threatened to lock pro and anti-Treaty forces in immediate civil war, and when Macready pulled out his remaining 'two weak battalions' from there, at the end of March, he was to incur the wrath of both men for destabilising the position. It was no secret that Macready and the War Office resented the open ended nature of the suspension order, but the ability of politicians to bend their own directives now threatened a serious row. Indeed, had Churchill not refrained from sending a prepared letter to Macready, in which he noted that 'the wish of the Provisional Government to delay the evacuation of Limerick should have been brought to the notice of the Cabinet before it was decisively over-ruled', then a confrontation may have been inevitable.⁷

Apart from having nothing to gain by undermining Macready's position, the reason why Churchill had to tread carefully can be understood in terms of the resources actually available to the former. There were only 15 battalions left in the South - 4 based at the Curragh, 6 at Dublin and 5 at Cork - and of these several, since the Truce of July 1921, had been reduced to less than 50 per cent of establishment strength because of detachments to other theatres of Empire security. In short, Macready could afford to consolidate, but otherwise had no room to manoeuvre.⁸

Since the evacuation suspension, the concern for Northern Ireland's security had seen General Cameron (G.O.C.- Northern Ireland) increase his forces from 13 to 16 battalions (and shortly to a total of 23), but while Macready retained a nominal policy control over these forces, they were of little immediate benefit to his predicament in the South.⁹ The essential point, however, was that in extricating the last two isolated battalions from Limerick, Stage 1 of the overall withdrawal plan was at last complete, as per the standing P.G.I. Committee directive, and a coherent and defensible deployment attained.

As such, when on the 4th April Macready confronted Collins and General Eoin O'Duffy, then Deputy Chief of Staff, with the news that British troops were likely to stay put, he could do so with relative confidence. Already alarmed at the number of evacuated barracks in the hands of anti-Treaty forces, British suspicions could only have been strengthened as Collins again took a defensive posture, admitting that he did not yet have the capacity to take over the Cork barracks; it was noted, in particular, that the evacuation of the main Cork barrack at Ballincollig might have to wait until after the promised general election.¹⁰ But unknown to Collins, events in London were about to overtake even his own concerns: dating also from early April was the first meeting of the newly formed Irish Sub-Committee of the C.I.D., whose task was to detail economic and military contingencies should Collins falter and a Republic be declared. The central theme was to occupy and secure the principal ports of the South and create an economic stranglehold, and in this regard Dublin and Cork would have held priority.¹¹ Clearly then, the short term coherence of staying put in Cork, the Curragh and Dublin, was being enhanced by a middle to, perhaps, long

term strategic aim.

Everything was pointing in one direction, and it was with an air of finality that Churchill, on the 17th April, advised Alfred 'Andy' Cope, the British Assistant Under-Secretary in Dublin: 'We shall certainly not be able to withdraw our troops from their present positions until we know that the Irish people are going to stand by the Treaty'.¹² As late as the 10th May, Austen Chamberlain, as Leader of the House (and acting P.M.), was claiming it was 'desirable' that troops should stay in Cork and Dublin, and the informed Sir Henry Wilson was baiting the government front bench to admit the strategic reasons for holding these ports.¹³ And yet, within a week of Chamberlain's remark, the British had cleared out of Cork, were packing up at the Curragh, and beginning to concentrate all remaining troops behind the 'Pale' in Dublin; the articulate planning of many weeks had been overturned in just a few days.

Previously, the cause and significance of this sudden policy change has been subsumed within an understanding that the direction of troop withdrawals was somehow progressive and inevitable, given that the British were genuinely looking for the opportunity to leave. But as has been seen, there was nothing inevitable about the decision to quit Cork, and no strategic logic had been applied to the securing of Dublin alone. Nor was it the case that by mid-May London was placing more trust in the endeavour of the Provisional Government; on the contrary, at the time when Churchill gave the order to leave Cork he had just been given advance warning that the Irish 'Unity' talks in Dublin might result in a Collins-de Valera election pact.

There was then never more reason to stay put and await events.¹⁴

To pinpoint a single factor in any major political decision, especially in the circumstances of Ireland in 1922, is probably unwise, and yet the evidence that a single incident led directly to what was a crucial and far-reaching decision is overwhelming. This neglected incident occurred on the 27th April when three British officers and their military driver were 'kidnapped' (and later executed) by anti-Treaty I.R.A. forces near the village of Macroom in west Cork. The loss of four men, albeit that it was the worst set-back since the Anglo-Irish War, did not, in itself, account for the strength of the storm that followed. Rather, it was the timing and particular circumstances of the incident that was to send shockwaves through government, parliament and even the British military.¹⁵

News of the kidnappings seeped into the public domain, it was not announced. After two weeks, when the lack of further news indicated that the fate of the victims could be guessed at, the storm which finally broke in the Commons led to an adjournment debate and a division on the government's Irish policy.¹⁶ Central to the attack on the government was the self-evident fact that small detachments of British soldiers were still touring around the 'wilds' of Ireland, this when parliament had been given the solemn understanding that all remaining troops were secure in the main military centres. This led, inexorably, to questions about the government's real intentions in the South, and to the purpose of retaining the troops. In defence of the adjournment debate, Chamberlain, as acting Prime Minister, had little room to manoeuvre; to have admitted the scale of the government's own pessimism would, at this point, have

fatally undermined the Treaty's, (and with it the government's) credibility. All he could do was to press the point that the passions which the incident had aroused could lead to 'blunders of statecraft and policy that might prejudice all issues which lie between Ireland and this country'. As for the need for troops to stay in Cork and Dublin, Chamberlain would venture only his 'personal' view that 'those positions should not be wholly left, and that we should still have some British troops in that part of Ireland'. He assured the House that British troops were not put in danger, and that at the time of this particular incident the officers in question had not been on duty, nor been in uniform, and had simply been visiting friends.¹⁷

The government easily survived the division, and its cause was no doubt served by the description of the dead officers as the purely innocent victims of a random attack. The truth, however, was somewhat different: the only reason why the men had not been in uniform was because they were plain clothes Intelligence officers, and as such were always on duty. If a subsequent press campaign by a parent is to be believed, at the time of their disappearance the officers 'were acting under imperative orders which left them no discretion.'¹⁸

Abiding with this knowledge, Chamberlain was simply not prepared to tolerate the possibility that this I.R.A. attack was fortuitous. The day after his mauling in the adjournment debate, he wrote to Churchill with a warning that it was now an open secret that the officers had been in 'out of bounds' territory: 'This seems to me', he continued, 'very much like the laxity which permitted of the Dublin officers sleeping unprotected in scattered hotels and led up to the murders which so profoundly

shocked us.' In other words, the spectre of 'Bloody Sunday' (November 1920), when Michael Collins's 'Squad' had gunned down 14 British Intelligence officers, was again let loose. Chamberlain had had enough, and in case Churchill still wished to pursue the present strategy he made the latter aware that it was not just the House that was 'particularly' nervous about the continuing occupation of Cork. The letter continued: 'I think you should know how strong was the feeling on this subject, all the more so as you will find that Cavan [the C.I.G.S.] fully shares it.'¹⁹

A problem for Churchill, and, for that matter, General Macready, was that neither man was in a position to dismiss Chamberlain's analogy with 'Bloody Sunday'. We do not know what, if anything, British Intelligence was up to in west Cork, but what is certain is that having successfully regrouped, British forces were making safe for a long haul. This much is confirmed in Macready's own memoir, and it is possibly telling that he should recall the, concurrent, republican seizure of a club in Dublin, where one of the British officers held was the 'Director of the now defunct Military Intelligence Department, but who was working hard to prepare it for rebirth should hostilities recommence.'²⁰ Tim Pat Coogan, the most recent of Collins's biographers, may well be correct in suggesting that if there was a hidden motive behind the series of Dublin raids on establishment premises in April, then it was simply 'sectarian', and yet the irony was that without reliable intelligence the British were left guessing.²¹ The very thought that the I.R.A. was once again a step ahead of Intelligence was a chilling one, the more so because a purge would have been in the likely interests of both pro and anti-Treaty camps; the British, after all, would not have discriminated had hostilities resumed. In short, in the same way that the British

suspected Collins's current and direct involvement in the joint I.R.A. 'Offensive' in the North,²² they could not ignore the possibility of his interest in the Macroom affair. This is not mere conjecture: more than two years later, in the Summer of 1924, Churchill recalled his fears concerning Macroom and its aftermath in a letter to his friend and former Colonial Office confidant, Lionel Curtis. Even with this lapse in time, Churchill was still needing reassurance that Collins was not personally involved, and that his, Churchill's, decision not to take action over the incident had been for the best. Curtis gave what comfort he could, and suggested that Collins's only crime was that 'his own hands were so red with blood that he could not bring himself to take the murder of British soldiers very seriously'.²³

What evidence there is suggests that Collins was indeed more concerned for the consequences of British occupation as a whole, rather than in any particular part. Insofar as the British were welcome at all, he seems to have been entirely consistent in his handling of the Cork occupation; his apparent indifference over the Macroom killings may have stemmed from the fact that he had warned Macready that he could not offer protection if British forces stayed put.²⁴ Internal documents show that in the wake of Macroom the Provisional Government's general concern was for the safety of British troops if, and when, the current Irish Army truce talks broke down; Collins's chief Liaison/Evacuation Officer, Emmet Dalton, wrote to the Minister of Defence, General Mulcahy, on the 10th May, worried that the republicans were about to issue an ultimatum to the British 'to leave the country in seventy two hours.' Dalton wanted to know if it would be possible 'to prolong the truce negotiations until the 19th inst, by which time I believe I could have the British cleared out of the

Curragh, Cork and part of Dublin.’ Writing this on the same day that Chamberlain was trying to defend these occupations in the Commons, Dalton must have known that British resolve had been dented; he believed that he now had agreement that troops would clear the Curragh on the 16th May, and that he could get Cork evacuated on any date he cared to nominate.²⁵

Dalton’s forecast proved uncannily accurate, and one suspects that Lord Cavan and Macready had already taken matters in hand by the time Chamberlain wrote the above letter to Churchill on the 11th. Given that Chamberlain’s deep mistrust of Irish intentions was well known, it may not have been the case, as he reported to Churchill, that his hand was being forced by the Army. Cavan’s warning that any reinforcements for Dublin would have to come from Cork, because he was ‘afraid’ of a home rebellion against Irish service, should perhaps be seen as a ploy rather than a threat. Chamberlain would have been a willing ally, and he no doubt used this warning to see off, finally, Churchill’s determination to hold Cork. Throughout April, Cavan and Macready had warned Cabinet that it might take 100,000 men to hold down the main occupied centres, should fighting resume, and the aftermath of Macroom now provided the means to defeat Churchill’s grand plan.²⁶

The fear that British forces might face concerted attack, once the Irish Army truce broke, was real enough, and yet did Churchill suspect that his obligatory decision to quit Cork (taken on the 12th May) would also lead to his having to fight to retain Dublin? If the fear of imminent embroilment meant that it was unwise to stay in Cork, then by the same token it would be no safer to stay in Dublin; this, at least,

appears to have been the logic employed by some senior officials, namely Tom Jones and Lionel Curtis, prior to the Cabinet meeting of 16th May. It is significant that the objective training of the Civil Service lent no intrinsic worth to the retention of Dublin alone; either there was a viable strategic policy or there was not, and in this regard, as will be seen, these officials shared the same basic values as the military.²⁷

The irony of course was that Churchill too had appreciated these values prior to the politics of Macroom, but at the said Cabinet meeting on the 16th he countered Chamberlain's doubts by exchanging old values for new. It was not difficult to impress on political colleagues the fact that Dublin was intrinsically unique, and that the likelihood of a Republic being declared there was now far more important than happenings elsewhere in the provinces. The psychology Churchill used to embellish this point was impressive; for the first time since the Treaty negotiations he was again promoting Dublin as the 'English Capital of Ireland', arguing: 'If Ireland fell into a state of anarchy we should have to re-establish a pale again around Dublin prior to reconquest.'²⁸ Symbolism won the day, though it should not be thought that Churchill was completely taken in by his own eloquence; it will be seen in the next chapter, concerning the Royal Navy, that he had no intention of abandoning Cork and the Treaty Port defences to their fate. In the meantime, however, it was going to be left to General Macready to translate the symbolism of the 'pale' into something not only workable, but endurable.

2. Back Behind the Pale.

As regards Dublin, the situation was almost normal, except that firing took place every night.

Report of General Macready to the
P.G.I. Committee : August 1922.²⁹

If, in the 'retreat' to Dublin, it can be said that Churchill had been forced to turn necessity into a virtue, then it was a virtue little appreciated by the military. Macready and Sir Henry Wilson, the former C.I.G.S., had already agreed that 'to lock up a small force in Dublin would be fatal', and as late as July 1922 Macready was still arguing that his forces did in fact, 'tie the hands' of the General Staff should it be necessary to re-occupy Ireland.³⁰ Allowing for the fact that the War Office was plying its own propaganda, in order to be rid of Irish service, there was still method in this argument, and the Army did not welcome having to police the overt politics of what Churchill referred to as a 'watching brief'.³¹

Of prime concern was the quality, rather than the quantity, of troops available to Macready. He was to retain at least 13 battalions - some 10,000 men (see Appendix 3) - but more to the point he had continually to struggle in order to keep '5,500 fighting men'. To make up the leeway in battalion strengths, recruit training had already been reduced from 20 to 12 weeks, and the War Office had admitted that this would 'affect the efficiency of the individual and the battalion as a whole for some time to come.'³² The War Office was also wont to take large detachments of Macready's most seasoned troops for other Empire emergencies, replacing them with

completely raw recruits, this despite having learnt from experience that Irish service required up to six months' special training.³³ Nevertheless, risks were no doubt thought affordable given the low-key operational duties involved; even internal War Office documents attested to the well publicised notion that British forces were kept within a strategic 'Protected Zone' of barracks around the western arc of Dublin, a 'well defined enceinte', as Macready himself was later to express it.³⁴

The reality, however, was somewhat different - as an exasperated Provisional Government was to find out. It was of course impossible to hide away 10,000 men, and any map of Dublin will demonstrate the practical difficulties faced by Macready. The western arc of key barracks needed provisioning from the eastern docks, and therefore control, and constant patrol, of the main thoroughfares across the city was essential. This, together with the strategic need to protect outlying areas, such as the aerodrome and small R.A.F. unit at Collinstown, meant that Dublin itself was the real 'Protected Zone'.³⁵

This much was to become obvious. Churchill never found it necessary, for public consumption, to define the term 'watching brief'- it was understood that its meaning would become all too clear should the Provisional Government falter and a coup be attempted - but he did find it necessary to explain it to the military. It is of interest that Macready had to press for an acceptable military interpretation of 'watching brief', and of further note that he was allowed to assume that the Army's role was to "'continue the motion" they had been practising since the truce of July 1921'. In other words, there was little new thinking involved, despite the pressure to bring a

Free State into being. Having been denied the right to hold both Dublin and Cork, and thereby keep a psychological grip on *all* Ireland, Churchill was not going to deny British forces the necessary freedom of the 'English Capital'. Anyone in Dublin, pro or anti-Treaty, who witnessed the traditional June parading of the entire British garrison in Phoenix Park (in celebration of the King's Birthday), might have been forgiven for thinking that the imperial mind had not truly grasped the changes since July 1921.³⁶

The effect of the British Army's presence, and attitudes, on the Provisional Government is central here, but in turn it is first necessary to show the consequences, to the British Army itself, of Churchill's designs. The difference, on the ground, between July 1921 and the late spring of 1922, was that in Dublin the disciplined and even popular 'Tommy' was now the only front line British target for I.R.A. aggression. It does not seem that this point was ever properly evaluated; as late as November, Macready was insisting that his Army's losses stemmed from it being an 'Aunt Sally', caught in the middle of someone else's war. Thus, although his troops were trained for major actions, they were hardly prepared for the level of guerilla warfare that would be directed towards them following the National Army's first assault of the Four Courts on the 28th June and the beginning of civil war.³⁷

The British government had become increasingly agitated with the Provisional Government's tolerance of the I.R.A.'s symbolic occupation of the Courts, and following the assassination of Sir Henry Wilson it was only a last-minute hesitation by Macready that prevented a British assault plan going ahead.³⁸ In the event, at the

height of the shelling on the 29th, little attention was given to the I.R.A. Executive's last proclamation from within the Courts. If the British were not going to provide the means of once again uniting the I.R.A., then Rory O'Connor could at least identify them as a priority target. The proclamation began: 'Citizens defend your Republic. The enemy is the old enemy ENGLAND', and went on to berate Churchill as the instigator of the Four Courts attack.³⁹ Bombast aside, the message to republican forces in Dublin was clear: the truce of July 1921 was formally ended.

Though much is now known of the attack on the Courts, at least in terms of the intense political pressure applied by London, and of the high level of material assistance given, little has been recorded of general British activities during these critical few days.⁴⁰ In this regard, the frequent British Army G.H.Q. 'situation reports' are illuminating: on the 28th, the first day of the attack, no British casualties or related incidents were reported, and the only note of caution was that 'officers living out are also being brought into the Protected Zone to which all troops are at present confined.' Whether this was meant simply to reassure a nervous London is not known, but as has already been stated, the spatial demands of British security, outwith the immediate need to supply the attacking National forces, meant that this report had only partial validity.⁴¹

On the 29th, however, British forces did come under fire, and it became clear that there was a sudden and general escalation of the fighting in Dublin: Macready was later to record that even his personal entourage came under sniper attack on this date.⁴² The first British casualties were noted on the morning of the 30th, and by

3 p.m. it was evident that British G.H.Q. was losing track of the number of serious incidents involving British forces. This later report recorded the surrender of the Four Courts, and merely added: 'British escorts and parties proceeding on duty in different parts of the city have been fired on. During the day 9 British soldiers wounded.' It should be stressed that this statistic was negligible in comparison to the losses sustained by National and republican forces on this day, and yet the point is that although the British had but a supporting role (there is no evidence of independent offensive action against fixed republican positions), for a brief spell they suffered an attrition rate as high as at any time during the 1919-21 campaign. Moreover, later G.H.Q. reports indicate that these casualties occurred not in the confusion of the Four Courts area, but in attacks on military and mail convoys between Kingstown and Dublin, and from the North Wall quays via the North Circular Road. In short, the attacks on British units were specific, and unrelated to the movement of National forces.⁴³

The general escalation of attacks on British and National forces also came as a surprise to a Dublin correspondent of *The Times*, who remarked: 'During the course of the day the rebels have extended the scope of their activities in a remarkably enterprising ... manner', and further noted 'the development of guerilla street warfare on lines similar to that directed at the British forces in the days before the Treaty.' A day later, the same correspondent observed the problems being caused by the ubiquity and prominence of the British presence:

the rolling by of an *obviously* [his italics] British motor lorry occasionally excites the comment of the passers-by. The anti-Treaty party, it is plain, are trying to exploit this circumstance ... The plain fact is that these lorries are merely engaged in the carriage of mails and supplies.⁴⁴

It proved difficult for British observers to accept that the veracity, or otherwise, of this last comment might be of complete irrelevance to republican forces and sympathisers. Indeed, the British Army itself spent a deal of time, between June and December, trying to account for its rising incident and casualty rate, and G.H.Q. reports were not above trying to explain some attacks in terms of mistaken identity (for National forces).⁴⁵ Army Intelligence, or what remained of it, also struggled with the problem, and by October it had decided on the following:

Several cases have occurred of attacks on British Troops [sic] in the City. There is no evidence of the rebels having specially prepared an ambush for our troops, but take the opportunity of firing on the first hostile target that presented itself whether P.G. or British.⁴⁶

But only a month earlier, Intelligence had reported that the republicans had acknowledged their 'operations' against British forces, and had concluded: 'This is likely to have the effect of encouraging their men to attack British Troops.'⁴⁷ In fact, there was more than enough evidence to confirm that the British were both a general and specific target, and Macready himself knew of this: at the same time as he was complaining to London of his Army being an 'Aunt Sally', he was also noting that the need to hold Collinstown aerodrome - a purely British security concern - had led to a 'constant assault' on his patrols.⁴⁸

Unlike the British, even the establishment Irish press found little problem in identifying that British forces, whether they liked it or not, were integral to the Dublin fighting. On one occasion the *Irish Times* not only separated the details of overnight attacks on National and British forces, but went as far as to explain that the reason for an attack at a certain private property was because it was owned by the War Office and housed British units. This same bomb and gun attack was listed in British Army situation reports, as was a similar event during the evacuations of mid-December, but the overall picture given by them is one of random anarchy rather than method.⁴⁹

Clearly, the accepted term 'Dublin Fighting', as applied to the National forces operations against fixed republican positions, is somewhat misleading. There was a constant guerilla campaign, before and after the surrender of fixed positions in July, and British evidence alone can point to the sheer tenacity of that resistance.⁵⁰ Perhaps one reason why the extent of that resistance has never been fully acknowledged, is because the British themselves refused to admit the consequences of it. That the British government may have deceived, in order to flatter the politics of its position, can be demonstrated, and again it was the Irish press that proved unhelpful to its wishes. When British troops finally pulled out, in December, the *Irish Times* reported the first departure in some detail, noting that 'about 65 wounded British soldiers were removed', of whom thirty were stretcher cases.⁵¹ The point here is not the morbidity of this statistic, but rather the politics of it: the numbers involved would not have been a surprise to the informed in Dublin, but they would have been to the uninformed in London. Officially, at least, these casualties simply

did not exist. When, in the Commons, a junior War Office minister was challenged over the report, he denied that there were any casualties, this despite the fact that Army reports do confirm that the first shipments conveyed both sick and wounded.⁵²

It should also be noted that the Dublin press proved to be unerringly accurate in every other detail of the final evacuation plan, so much so, that British officials became alarmed for their own security. In the end it was thought that shipping companies were probably responsible for the embarrassing leaks.⁵³

It was not the case that the post-October Bonar Law government was less forthcoming than its predecessor. Reflecting expectations that the cost to the British Army of the 'watching brief' would be minimal, ministers had tended to hold to unavoidable statements concerning actual fatalities. Put simply, Churchill stood to be hoisted with his own petard: his 'watching brief' in Dublin had been accepted with such reluctance by his peers that it was then politically impossible to post casualty lists that bore any comparison to the 'official' policing campaign of 1919-21.⁵⁴ Few needed reminding that, in contrast to 1919-21, the constitutional certainties that had sustained British forces were now suspect, and that as a result the Army might be in No-Mans-Land. To have claimed that the Army was still supporting the civil authority would have raised the unwanted question as to who, or what, constituted the civil authority in the twenty six counties at any given period in 1922. It could hardly be said that the troops were there at the invitation of the Provisional Government, and besides, as the historian John McColgan has demonstrated, the Irish Free State (Agreement) Act conferred only qualified administrative power.⁵⁵ That General Macready was a representative of the sovereign Imperial power is not in doubt, yet the rump of his

Army in Dublin could best be described as a tactical, rather than strategic, safeguard with no secure operational function. Thus, the British government was served in its purpose by no longer having to digest the official weekly 'Statistics of Outrages', which up to 1922 had marked the cost of policy.⁵⁶

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The actual relationship between the British Army in Dublin and the Provisional Government reflects almost every ambiguity that has so far been discussed. From late spring that relationship was bound to take on an unreal quality. On the one hand, Collins needed the security of British forces, and even on his own, optimistic, assessment, June would have been the earliest feasible date for a total evacuation; on the other, retention of British troops was politically unacceptable, and could only hinder his priority search for an understanding with his anti-Treaty opponents. Collins's awareness of what Churchill and Macready might intend, should he disown the Treaty, was matched only by Macready's constant suspicion that British supplied arms might suddenly be turned against him by a united enemy.

To help smooth the way, Andy Cope, using his close contacts with the Dublin government, attempted to set some ground rules for the continuing occupation. In late April he requested whether, in order to avoid 'unfortunate incidents' between National and British troops, the Provisional Government could issue an order that the former must not 'stop or interfere in any way' with British forces. The British believed that this measure was essential while the Civic Guard was not yet

operational, and suggested that an incident report, submitted to the nearest British military unit, would be enough to cover any situation.⁵⁷ The convoluted way in which Cope approached the subject suggests that he knew it to be delicate, and indeed it seems that while Collins was alive his government had no intention of complying with the request. Significantly, it was not until the very end of August, when Macready intervened personally, that the Irish Home Affairs department finally acceded to British pressure. The issue, of course, was not a minor one, and went to the heart of 'civil authority' jurisdiction.⁵⁸

By the late spring of 1922, Collins and Macready were well versed in mutual brinkmanship, an ability which, in part, had been honed on the former's refusal to take action against the republican occupations in Dublin. While events subsequent to Sir Henry Wilson's assassination, in June, are now well known, it may be little realised that Macready had been threatening action against the Four Courts since the day after the occupation began. On the 15th April he had sent Collins a 'personal' warning that the essential British communication route along the Quays had been compromised, and that action had to be taken: 'If not', he continued, 'I should be obliged to take drastic action against such garrison in order to protect the men for whom I am responsible.'⁵⁹

Even at this early juncture, it is not clear that Collins had the right to assume that the British would hold off. In response, however, all Collins did was to issue an internal instruction (probably never forwarded) stating: 'If his men [Macready's] are attacked they should reply to the fire and leave it at that.'⁶⁰ Nevertheless, Macready was

back in early May, this time noting the increasing number of hijacked British Service vehicles that had subsequently been spotted within the Four Courts. Turning the screw, he asked if Collins would object 'to my taking steps to recover them, which I am quite prepared to do. Of course if resistance is offered there may be trouble'. Again Collins appears to have been personally unmoved, but this time the pressure was enough to send two of his senior military colleagues, Richard Mulcahy and Emmet Dalton, into urgent consultation with Macready and Collins's own Finance Department; this on the basis that the only alternative to themselves or Macready taking 'politically inadvisable' action would be to discuss compensation.⁶¹

In the event, just a month after Collins had been forced to launch an assault against the Courts, he was presented with the almost bizarre reality of a bill for over £7,000, this being the value of the 30 War Office vehicles which the British claimed to have been destroyed in the offensive.⁶² In this case, one is left to ponder to whom the War Office might have sent this bill had the British assault, planned for the 25th June, not been cancelled at the last minute. Either way, the continuing debate as to why Collins suddenly relented, and decided to attack, should not lose sight of the cumulative psychological pressure that Macready had applied.

The War Office and Macready did not believe in rationing this form of pressure. In May, with the situation in Dublin daily deteriorating, the British made it quite clear that they would also hold the Provisional Government entirely responsible for the safety of British officers.⁶³ Evidently this attitude helped demarcate the political position of the British Army, as non-involved observers, but it hardly acknowledged

the established fact that the British were at perfect liberty to protect themselves; Churchill had repeatedly assured the Commons that troops could, and would, return fire at will, and - as was seen over the Four Courts scare - this edict had the Provisional Government's blessing.⁶⁴

But if, during most of the May-June period, it was convenient for the British Army to assert that it was the victim of common lawlessness, then it is difficult to see how it could hold this line after the start of the civil war and the serious Dublin fighting. That it intended to do so was made plain to the Provisional Government, and yet for most of July and August Macready tended to keep a personal distance, content to keep Collins regularly informed on the number and nature of attacks on British troops, and resisting added comment. Where comment was made, however, it was intended for a purpose: singling out a determined ambush on a troop transport, Macready noted that a passer-by had been hit during the full-scale exchange of fire which followed the attack. The British Army, he insisted, would not 'assume any financial responsibility' for those caught in British cross-fire. In turn, the Irish decided that they too could not be held responsible in such cases.⁶⁵

But within days of Collins's death, it was notable that British G.H.Q. returned to the attack on the supposed obligations of the Provisional Government. In a broadside to William Cosgrave, the new acting Chairman, Macready made reference to the recent killing of a British officer and blamed the Irish for not using 'the machinery of an organised government now at your disposal'. In highlighting the *rising* number of attacks on British troops, Macready came to his main point, leaving Cosgrave with

the blunt reminder that ‘...in none of those cases has any one been apprehended.’⁶⁶ In truth, the timing of this barrage had probably more to do with Macready’s general despondency, rather than in any conviction that firm law-and-order was possible during a sustained guerilla war; at the beginning of September, British Intelligence in Dublin had noted that National troops faced an enemy ‘which day by day becomes more effective.’⁶⁷ It is known that with Collins’s death coming so shortly after that of Arthur Griffith, few on the British side believed that the pro-Treaty Irish would have the stamina, or will, to pursue the civil war to a conclusion. As such, little could be lost by Macready exerting immediate pressure on the unknown and inexperienced Cosgrave.⁶⁸

Unknown to Macready, this new attack hit home: whereas Collins had known the British military only too well, and had, on occasion, learnt to call their bluff, Cosgrave could yet see only the power behind the warning. Writing to his own Army Chief, Mulcahy, he commented:

I don’t know anything about Macready but am certain he is totting up all these cases and may some day say he will have to take action on his own. This would I believe be not countenanced by Churchill but once action was taken might involve difficult if not serious consequences.⁶⁹

What Cosgrave could possibly do about the situation was not made known, but in any case Mulcahy made it clear in his reply that Cosgrave should stand firm, arguing:

There is nothing that we can do, more than we are doing to help these people, and I think they ought clearly to understand this. They ought to clearly understand that while circumstances here are as they are attacks like these are likely to be made, and if they wish to help us they will keep out of places where they feel there is any danger of such attacks.⁷⁰

Quite clearly, Mulcahy was giving vent to several months of frustration in this reply; the high profile of British troops in Dublin, in total contrast to the received idea, was, on this evidence, simply helping to fuel the guerilla war and widen the gulf in understanding. As if to echo Mulcahy's thoughts, the Dublin Metropolitan Police (or what remained of it) was also quick to deflate British pressure: in response to an attack on British troops on O'Connell Bridge, in mid-September, it could point only to the realities of war, in that 'shots are now of such frequent occurrence that unless actual injury is caused people take no notice and do not report such to [the] police.'⁷¹

Rather than insisting that normality was simply a matter of effort, the British Army might have assisted the Provisional Government more by learning from its own past experience in Ireland. In particular, this government was not served by the British inability to guard its own intelligence, and the fact that at some time in 1922 republican agents infiltrated British Army G.H.Q. Stolen Intelligence reports were used as propaganda against the Provisional Government, and when Cosgrave managed finally to retrieve a batch of these reports, covering the August-September period, the makings of a diplomatic row were at hand.⁷² The truth or not, Cosgrave did not want to read that the British too believed his government had ordered assassinations, in reprisal for Collins's death, and did not want to read that the British Army thought of him as not a 'sufficiently strong man to carry through the programme.'⁷³

Enclosing copies, Cosgrave wrote directly to Churchill:

The thing is an affront and a challenge in almost every line ... If the British Government is to be represented in Ireland by people like this and if reports by them are to be animated by a spirit such as exemplified in this document, then one must indeed feel very little hope of reconciliation between the nations.⁷⁴

When Cosgrave wrote this he had been in power for only a month, and although London may have believed he would not stay the course, they should have noted that he was going to be no fawn to Imperial interests. Churchill's reply was hardly calculated to improve relations; in time honoured political fashion he apologised for his Army having been caught out, but not for the deed itself. Nor did Churchill comment on a related charge that the British Army was still using titles such as 'Commanding Dublin District', when, by implication, these were the rightful reserve of National forces.⁷⁵ Had Churchill actually read these Intelligence copies, he would have found that for the most part they were hardly worth the compiling; the Army had been reduced to relying on second hand gossip and speculation, most of which could have been gleaned direct from the Dublin press. The point, however, is that regardless of the level that Intelligence was working at, the I.R.A. was determined to stay one step ahead, and could only benefit from these frictions.

But behind the force of Cosgrave's attack on Churchill can be detected the support of colleagues who were equally aggrieved at the actions of the British Army. Mulcahy, as seen, had to deal with the day-to-day consequences of its endeavour, but it fell to Hugh Kennedy, Legal Adviser to the Provisional Government (and soon to

be Attorney General in the Free State), to handle the finer points of the continuing occupation. As if the general tensions in Dublin that September were not high enough, Kennedy had to read an alarmist report in the *Irish Independent* that the British were landing fresh troops at the docks. He wrote to Cosgrave, explaining in forceful terms the results of an earlier London meeting, at which he attended. He concluded:

I need hardly say how serious the effect of this may be. It is in my opinion a breach of the arrangements come to with Mr. Collins and Mr. Griffith. I understood that there was a distinct arrangement that evacuation would proceed as far as possible ... but that on no account should fresh troops be sent to Ireland ... Yet now, apparently, without any by-your-leave, fresh troops appear to be landing in Dublin. Is this because Mr. Collins is gone? It certainly has all the appearance of a hostile act and may be fruitful of great trouble.⁷⁶

Such comment spoke volumes for the level of trust and communication on both sides, but if the Irish feared that *additional* troops were being landed they were almost certainly mistaken. What had probably been witnessed was the landing of recruits in direct replacement of experienced troops; it was earlier mentioned that the War Office, under pressure of other Empire emergencies, was wanting to do this, and it seems that Macready's fight to avert a War Office plan - to take 2,000 such men between September and December - had been lost.⁷⁷ The pressures, moreover, on troop placements in the South had all been one way, and it was not until the end of September that Churchill finally vetoed contingency plans to mobilise one or two Divisions in Ireland in response to the growing Chanak crisis in the Mediterranean.⁷⁸

On a more prosaic level, there was simply no room in Dublin for additional British troops, and the attempts to accommodate those already there was creating more than enough friction. Since handing over Portobello and Wellington barracks in early Summer, six British battalions had had to be put under canvas in Phoenix Park, and the highly visible presence of this encampment was proving to be a thorn in the Provisional Government's side. The fear that the British intended to make this a permanent feature was real; in August, Collins had extracted a promise from Churchill that not more than one battalion of this encampment would be placed in proper hutments.⁷⁹ This might seem a trivial point, and yet this encampment was becoming as much a symbol of Irish determination to be rid of the British Army, as it was of Churchill's to stay put.

Churchill was well aware that Macready faced the prospect of having almost half his Army under canvas that winter, and when Worthington Evans, the Secretary for War, tried to intercede, Churchill told him bluntly that in this instance, and until such time as the Treaty was fulfilled, there would be no option but 'to keep the men in discomfort'.⁸⁰ The response of British G.H.Q. in Dublin was hardly calculated to ease the problem: arguing, somewhat incredibly, that the War Office had no spare hutting in England, the Irish were asked to send huts from the vacated Curragh and given a heavy reminder that they had only 'custody' of this camp. Perhaps not surprisingly, Mulcahy gave a point blank refusal to this 'request'.⁸¹ As far as the War Office was concerned, the real issue here was probably the cost of quartering all Irish based troops over winter; in July this had been estimated as being anything up to £540,000.⁸²

In any event, by October, Phoenix Park had become a focus for friction between British G.H.Q. and the National Army. Following an incident in the Park, involving a National Army patrol, the British requested that all such night actions in the area be stopped in order to avoid clashes with necessary British patrols. At this, Dan Hogan, Acting G.O.C. National Army Eastern Command, rejoined: 'I must say that it is necessary for us to have occasional patrols in the Park, while I cannot see any necessity for the British to have out Patrols seeing they are never interfered with in any way by the Irregulars.' This last point was somewhat spurious as Hogan would have been well aware that sniping attacks within the very heart of British defences were not unknown. And yet on a point of principle it was made clear that Irish forces were not going to be excluded from any part of their own city. This row went as far as Cosgrave, but apart from agreeing to reduce the number of patrols, he appears to have supported his Army on the essentials.⁸³ A hidden issue here may have been the British insistence on their patrols maintaining the right to stop-and-search the public; when they did finally evacuate there was some press celebration at the ending of this 'humiliation'.⁸⁴

By the end of October, then, relations between the British Army and the Provisional Government had reached a dangerous stalemate. Macready appears to have given up hope that attacks on his troops might be prevented, and instead was content to send Cosgrave a list of ten such recent incidents, with the terse remark: 'You will note that these outrages are on the increase.'⁸⁵ In truth, apart from more concerted republican attacks against fixed British positions, it is difficult to detect any real 'increase' in attacks between June and October; from British reports there appears to have been

a consistent level of attrition consonant with the high profile that the British continued to maintain.⁸⁶

Meanwhile, Macready's more general (and often justified) criticisms of the competence of the National Army, in pursuance of the wider civil war, have to be tempered by the observations of Andy Cope. It is well known that Cope was often considered too eager to take the Irish side, and that he was no friend of Macready or the War Office, and yet one particular episode at this time was to demonstrate his concern that War Office attitudes were tripping over into sheer bloody-mindedness. Fearing that the latter was, to cover its own doubts, quoting prohibitive prices for badly needed armoured cars, Cope went straight to Masterton-Smith, as Permanent Under-Secretary to the Colonial Office, and appealed for sanity, arguing: 'We are simply hanging them up and not giving them full facilities for smashing up the rebellion if we make trouble over a few cars'. Intervention at this level worked, and the Irish got their cars at market value.⁸⁷ This case only went to illustrate that to some extent the Provisional Government and its army were prisoners to the War Office, and that the financial credit being given on arms did not extend to the heavy equipment necessary to help shorten the war. Once again, the fear of treachery that lay behind most of the War Office's actions, may have been prolonging the British Army's frustrations in Dublin.

3. The Leaving.

The position of the garrison in Dublin is and has been for some months invidious.

General Macready to the War office:
November 1922.⁸⁸

What might have happened to the British garrison in Dublin, had Lloyd George's coalition government not fallen in mid-October, must remain a matter of speculation. The formal establishing of the Irish Free State may have run more smoothly, and certainly there would have been fewer technical complications in ratifying the Constitution,⁸⁹ and yet there is no evidence that Churchill was considering a total evacuation in recognition of these occasions. On the contrary, at the end of September, Churchill had spoken with an air of finality when informing the military that on 'political grounds' he would refuse any further weakening of the Irish garrisons. At best, it seems that the coming of the Free State would have witnessed only a piecemeal withdrawal, dependent on the Irish political/military situation continuing to improve.⁹⁰

But it is hardly speculation to judge that Macready and the War Office would try to seize the opportunity to be free of Churchill's grip. On the very day of the British general election, the 4th November, Macready forwarded a memorandum to the War Office, which, although ostensibly addressed to his peers, was clearly intended for a wider audience. Macready reiterated his thoughts on the Dublin garrison serving no useful tactical or strategic function, and went as far as to say that only 'commercial

circles' stood to be impressed by British security; at 'any moment' Irish treachery could result 'in loss of life to the troops without any compensating advantage.' The only solution, he argued, was a total evacuation as soon as the Free State was established, and in case a piecemeal answer was sought he wanted it known that 'I should be unable to accept further responsibility for the safety of British troops or stores'. Macready then pressed the legal position of the troops should evacuation not take place. Convinced that any Free State judiciary would be full of former I.R.A. men seeking revenge, he noted: 'It is my full intention to resist any effort to hail an officer or soldier before an Irish court on any serious charge, by force of arms if necessary'. To this end, Macready insisted that the relevant sections of the 1920 Restoration of Order in Ireland Act (R.O.I.A.) be maintained.⁹¹

That this memorandum was crafted to be alarming is not in doubt, but the problem it presented for any incoming minister was to judge whether it was a thinly veiled ultimatum. Not surprisingly, the War Office began to play up Macready's fears the moment Devonshire took over from Churchill at the Colonial Office. On the assumption that the troops would be staying for 'some little time' after December, the War Office assailed Devonshire on the urgent need for Cabinet directions, this because of the possibility that the Free State might table legislation (feasible under the new Constitution) to counter the R.O.I.A., itself maintainable only by virtue of the flimsy 'catch-all' Article 73 of that same Constitution (see Appendix 2). While it was appreciated that the new Free State might be too dependent on Britain to risk hostile legislation, the War Office insisted that if Irish goodwill was to be their only protection then new Cabinet instructions should be issued to the military. Devonshire

was also acquainted with Macready's warning on resisting arrests with force, and with the War Office opinion that it was '...difficult not to sympathise with him.'⁹²

While the above concerns were, no doubt, genuinely held, it is difficult not to conclude that their premeditated object was to coerce Bonar Law's government to quit Dublin immediately. That decision was taken a few days later, on the 22nd November, and the Cabinet's reasoning bears all the hallmarks of a desire not to confront obstacles that could as easily be avoided. There seems to have been little Cabinet contradiction to the General Staff's verdict that the original aims of occupation - viz: 1) to have a footing in the capital in case of a republican coup, 2) to give 'moral' support to the Provisional Government, and 3) to facilitate a total re-occupation if necessary - were 'no longer urgent or have been fulfilled to best purpose.'⁹³ As the original, and later, decisions to stay in Dublin had been based on Churchill's *political* insistence, rather than on military needs or advice, then it seems that the General Staff's purpose in this was to provide a tactful means to a desired end.

It is true that by November there was greater optimism in Westminster and Whitehall, as evidenced by the Provisional Government's willingness to execute republican leaders, but even if only a fraction of Macready's fears for the future had substance then there were few grounds for real confidence. It was certainly the case that Lord Derby, the new Secretary for War, shared the Army's unease; his desire to quit Dublin appears to have been based more on concerns for the Army's morale and the prospect of further republican attacks, than on any perception that objectives had been

achieved.⁹⁴ In any event, the Cabinet decided that the Army would leave 'as unostentatiously as possible', and that Cosgrave be informed confidentially. This was all a far cry from the position of almost a year before, when the British had fooled themselves into believing that the Irish would learn to love the Treaty, and when Churchill had wanted to 'make a parade' of the British departure. This time round, Cosgrave agreed to keep all arrangements 'strictly confidential', and was all too quick to note that the evacuation was 'very satisfactory' to his government.⁹⁵

It will be seen in the following chapters that British politicians and officials were only too aware that the physical removal of the troops left many technical and legal matters unresolved, and that in some ways the problems of Anglo-Irish defence relations might actually intensify. While the British Army had continued to occupy the main Irish centres there had been a certain pattern of consistency, and yet as they fell back, throughout 1922, patent anomalies (at least to Irish eyes) began to emerge. One such had already surfaced in August, during the National Army's sea landing operations at Cork.⁹⁶ Collins had not wanted his forces compromised by the presence of the Treaty Port garrison at Queenstown, and had almost begged Churchill to hand over one or more of the British forts in order to bolster his, and his government's, prestige. Churchill chose to be obtuse, suggesting that the artillery at the forts 'was of no practical use to the Irish as it pointed in the wrong direction', but when pressed to consider the 'moral' component he appears to have been only too keen to pass Collins's envoy, Timothy Healy, on to Lloyd George personally.⁹⁷ The point here is that Churchill probably took some satisfaction from this situation: if the British had still held Cork, as he personally had wished, then it would have been futile for

Collins to have even imagined this request. As it was, these bastions of Imperial defence, comprising a few hundred men of the Royal Garrison Artillery, now looked rather isolated and vulnerable, and in the future were going to provide a constant reminder to the Irish that evacuation would never be total, or that freedom under the Treaty would ever be complete.⁹⁸ The May evacuation of the infantry from Cork had begun this process, and though Churchill made the most of holding Dublin alone, the psychological strength of the British military position had already begun to disintegrate.

General Macready would have needed no reminding of this, and the position of his garrison in Dublin was, and is, probably without parallel in modern British military history - it truly was 'invidious'. On one level, Macready's task was carried out effectively; he did manage, in a word, to intimidate both the Provisional Government and its republican opponents without the use of overt force, and to have managed this in the face of violent republican aggression, and Churchill's occasional impetuosity, required great bearing and discipline. On another level, however, Macready's task was entirely counter-productive, insofar as the British were still there and seen to be not only presiding over the civil war deaths of Irishmen, but to be integral to the structure of that war. The fact that Andy Cope, as late as October, was still exhorting Churchill to recharge the propaganda war and to proclaim that 'in this struggle the British Army has stood apart and completely inactive', went only to demonstrate that many people, and not necessarily avid republicans, still believed the British Army to have blood on its hands.⁹⁹

It has been seen that the lack of offensive action did not mean that the British garrison had either 'stood back', or been 'completely inactive', and that even in its more private dealings with the Provisional Government it did not exactly exude concessions. The intimidating attempts to discipline the Provisional Government into accepting responsibility for both British Service property and personnel were without credible foundation, but then it has also been seen that British incident and casualty statistics had to be the fault of the Provisional Government, if only because it was politically unacceptable for the British government to admit full constitutional liability for the Dublin garrison. This form of escapism had filtered down through the Army itself, to the point where even situation reports debated the hope that attacks were the result of mistaken identity. When, moreover, retaliation was not an option, any measure that might help to deny the extent of republican provocation was useful to morale.

The Provisional Government, under both Collins and Cosgrave, had tolerated the British Army's intimidation only to the extent that little could be done to prevent it. Preoccupied with the condition of their own country, the Irish leaders had somehow managed to walk the tightrope between fearful respect and contempt. With this in mind, it is hoped that this chapter can add some hard edges to the accepted view, as typified by John McColgan, that the British government and its officials maintained a 'kid-glove attitude' towards the Provisional Government. While this conclusion may be justified in terms of pure administrative/policy history, it very much needs to be balanced against the fact that the British had 10,000 armed troops sitting on the Provisional Government's shoulder.¹⁰⁰ Of course it was the case that Macready too

showed a marked restraint, as part of an overall policy, but the point remains that at the sharp end of Imperialist policy relations were rough and often tough, and did little to better any future understanding between the two countries.

Even as the last British battalions marched to the North Quays, and home, between 14-17th of December, relations remained acrimonious. On the face it, some of the departures were splendid occasions, marked by bands and cheering crowds, but behind the scenes the details of the final handover, to the now Free State government, did not go smoothly. Having at last gained access to the remaining British barracks, it seems the Irish were in no mood for formal handover ceremonies, and the National Army was either deliberately late, or missing, at the appointed hours for transfer. Realising what was happening, the British decided they would not disrupt their own timetable, even at the cost of leaving barracks, and in particular, the Magazine Fort at Phoenix Park, temporarily abandoned.¹⁰¹ The British Dublin command had also to explain to the War Office that in order to preserve a semblance of harmony the departing troops would not, as planned, have their flanks protected by their own armoured car columns. Finding this idea provocative, the Irish Army command had insisted that Free State troops would perform this service.¹⁰²

Even at the last there was no meeting of minds, nor mutual understanding that a new relationship had come into existence. As Macready sailed, for the last time, from the capital of the now Free State he left behind a divided country at war - a country that had been at war when he first took command some three years previously. It may have been a different war, but had the continued presence of the Imperial Army helped bring about a different country?

CHAPTER 3 : THE ROYAL NAVY AND THE CIVIL WAR

1: Ahead Full Steam

Ships are occasionally fired on with rifle fire. One's orders are to reply heavily with every available gun, but as in these cases the sniper is probably behind a bush and the only apparent target is a cottage, some children and cows, it is a little hard.

Situation Report. Commander,
H.M.Destroyer *Vanity*, August 1922.¹

By 1922 the mighty Royal Navy had been hobbled to the extent that even its more arduous domestic duties threatened embarrassment. From taking 25 per cent of total government expenditure before 1914, and still being allocated £56 millions in 1918-19, the Navy was, by 1922, reduced to an allocation of around 6 per cent, or just £6 millions.² In terms of its continuing global commitment, Ireland was just a minor irritant that the Admiralty could well have done without, and yet its role there, before and during the civil war, provides a good illustration of a greater malaise. At the same time, that role gives an important insight into the breadth and complexity of British forces' involvement in the events of 1922, an involvement which has previously been described largely in terms of Irish military conflict and British military withdrawal.

The Admiralty appears to have taken the signing of the December 1921 Treaty, and the promise of peace, at face value, and saw the opportunity of reducing its resources and expenditure in Irish waters to a minimum. Its immediate aims were clearly set

out in a memorandum, 'Points of Naval Interest for Settlement with the Temporary Provisional Government', which was put before the Provisional Government of Ireland Cabinet Sub-Committee (P.G.I.) at the end of January 1922.³ Subject to purchase negotiations, the Admiralty confirmed that it wanted rid of its principal dockyard at Haulbowline (near Queenstown - for locations see Appendix 7), of all its coastguard stations, and was even prepared to be flexible on the future holding arrangements for the War Signal and W/T stations that were subject to Treaty obligations (Treaty Annex, Para 2 - see Appendix 1). But more importantly for the subject of this chapter, the Admiralty did not at this point see a future need for permanent naval forces in Irish waters; it was suggested that 'ultimately' these would be reduced to two Fishery Protection vessels, for which no special facilities would be required. Provided that such arrangements did not preclude H.M. Ships from visiting Irish Ports, and strategic safeguards for Berehaven continued to be met, the Admiralty made it quite clear that it did not want to be troubled with Ireland in the future. Equally clearly, the other Treaty Ports of Queenstown and Lough Swilly had already been relegated to an afterthought. Subject to Irish guarantees on Signal and W/T stations, the Technical Sub-Committee of the P.G.I. Committee approved these measures in March 1922.⁴

To a certain extent, the wishes of the Admiralty and the P.G.I. Committee were forced by the political realities of the hoped-for peace. It would no longer be either necessary or advisable to try and keep the two Flag Officer commands in Southern Ireland, and early in 1922 it seems that a decision had already been made to bring all Irish water operations under the eventual command of C.in C. Devonport. As such,

the C.in C. Western Approaches command at Buncrana (Lough Swilly) would be the first to go, followed by the C.O. Kingstown (Dun Laoghaire) command under Rear Admiral Fox. Indeed, it appears that the Buncrana post had been redundant since 1918, and the Admiralty remarked, when notifying of immediate termination in May 1922, on the 'virtual reduction' of the command to a sloop and shore establishment.⁵ The corollary to all these changes was that there was no longer a place for the standard Irish Patrol of three destroyers, usually based at Queenstown and Berehaven, and it is far from clear that the Admiralty intended to continue to support the Royal Garrison Artillery (at the Treaty Ports) in any capacity other than occasional provisioning. The projected loss of dockyard facilities caused little concern as it was intended to upgrade Pembroke Dock and use it as a permanent destroyer base.⁶ Thus the stage was set for the War Office to bear practically all the costs of maintaining Imperial defences in the coming Free State, a factor which was to prove a bone of contention between it and the Admiralty throughout the 1920s and beyond.⁷

The best laid Admiralty plans were soon, however, to be badly shaken. The Royal Navy was about to experience the same preparations for the renewal of war that General Macready had had to contemplate since troop evacuation had been halted in February. Confirmation that the Navy would once again have to enforce a rigorous gun-running patrol came at the end of March when the supply vessel *Upnor* was intercepted off Cork by the anti-Treaty I.R.A., with the loss of large quantities of arms and ammunition. The apparent ease with which this operation was carried out gave rise, then and since, to the suspicion that diehard elements within the Navy 'allowed' it to happen, in the hope that both the Provisional Government and the

Treaty would fall. But whatever the speculation (and no substantial evidence has been found to support it), the above account of the serious and consistent plans to reduce costs, and take advantage of the Treaty, may help to show that at senior level, at least, the Admiralty had neither the time nor inclination for conspiracies. The episode did nothing, however, to further the Provisional Government's faith in the integrity of British forces.⁸

After this incident, the spotlight was very much on the Navy to prove itself, and an indication of its effort, and of the general deterioration of the Irish settlement, can be gained from the following statistics: at the beginning of April the total of H.M. Ships in Irish waters (apart from the standard Irish Patrol of 3 destroyers) was 1 sloop, 6 trawlers and 2 drifters; in total these comprised what C.in C. Devonport referred to, for want of an operational term, as the 'local Defence Organisation'. By the end of April, however, C.in C. Western Approaches was requesting, as a minimum 'for protective services', 2 destroyers at both Queenstown and Kingstown, 1 destroyer and 2 armed launches at Carlingford Lough and single destroyers at Buncrana (Lough Swilly) and Berehaven. It was understood that 5 destroyers of the 1st Flotilla, Atlantic Fleet, were already on their way to Ireland, and the C.in C. made it known that their arrival might be none to soon, believing that 'in view of what looks like the beginnings of a Pogrom against the Protestants in the South, it may become necessary to send Ships to evacuate Protestant Loyalists from Southern sea ports'.⁹ What evidence there was to support this particular comment was not made clear,¹⁰ although there was plenty of evidence to suggest that the Admiralty was taking the general situation more than seriously; by July, a month after the civil war began, the total

number of ships on Irish station comprised: 2 light cruisers (plus 1 reserve), 11 destroyers and 9 minesweepers and auxiliary vessels (see Appendix 4).¹¹

Obviously, such statistics cannot provide more than snapshots of naval deployments in a situation which, the Admiralty was to admit, 'changes from day to day, even at times hourly'.¹² Even so, and allowing for flotilla rotations, the last does represent the maximum number of ships that would be provided in the post-Treaty era, and at that it will be shown to be a commitment that was barely adequate to the demands placed upon it. From May onwards, with the final British troop withdrawal to Dublin, it would be the Royal Navy alone that had the task of providing an immediate lifeline to that garrison, and to those at the Treaty Port defences, as well as providing support for what were often ill-prepared advances by National troops in the republican held areas of the west and south-west. In a war where the main anti-Treaty tactic was the dislocation of communication routes and systems, seaborne intervention and intelligence would be a major factor. So much indeed was this factor a part of British calculations, that for nearly three years, from 1921 to the beginning of 1924, the government would insist on a destroyer being on permanent standby at Birkenhead Dock in order to ferry its instructions (via plane from London to Army Western Command, Chester) in case of total communication breakdown.¹³

But in the period immediately preceding the civil war, the Navy had yet a more urgent task: with the increased availability of ships, a priority was the evacuation of vulnerable coastguard personnel and stores from around the Southern Irish coast. In the north and west, from Connemara to Sligo and beyond, the evacuations went

smoothly, with the commander of H.M.S. *Warwick* reporting that the local attitude to the Navy 'was all that could be desired.' The same was not true, however, in the south and south-east: stealth was needed to evacuate Carnsore W/T station (Co. Wexford), as the commander of H.M.S. *Watchman* noted that the nearby coastguard buildings 'were occupied by 15 I.R.A. and preparations were made to land all available armed men, and guns were cleared away ready for use.'¹⁴ But if the Admiralty was willing to encourage such escapades in known hostile areas, it was doubtfully as sanguine over similar reports from Buncrana, the principal coastguard and naval depot on the shores of Lough Swilly. When H.M.S. *Dauntless* arrived there, in late May, the fact that there were National troops stationed nearby, waiting to take transfer possession, seems to have made less impression than a rumour of a pre-emptive attack by republican forces from Donegal, and the knowledge that the few coastguards had only revolvers to protect a large depot with no landward defences. Agreeing, reluctantly, with the local C.O. that in the event of a sudden attack *Dauntless* would have to shell the station and its barracks, her commander reported that an immediate transfer to National forces was needed in order to prevent the Navy becoming embroiled.¹⁵

In fact, there is no evidence that such a republican strike was even planned,¹⁶ yet the naval situation reports in this May-June period clearly illustrate the growing unease and chaos that was the prelude to civil war. Indeed, had I.R.A. intelligence but known it, there was a far more valuable and tempting target in Lough Swilly than the Buncrana naval depot. Throughout the summer months of 1922 the salvage vessel *Racer* was engaged in retrieving large amounts of gold bullion from the wreck of a

former warship; so sensitive was the government to the worsening political situation that *Racer* had orders that no gold was to be landed in Irish territory, North or South, and instead had to be taken to waiting escorts at Stranraer. As if naval patrols were not hard pressed enough, *Racer* had also to be given permanent destroyer protection.¹⁷

Notably absent from naval reports in the Lough Swilly area was any mention of contact with, or the pre-war preparations of, the British garrison at Dunree and Lenan forts, both at the remote northern end of the Lough. Unlike Buncrana, these bases were protected on the landward side by ditches and wire, but Lenan was overlooked by a high hill and was vulnerable to attack. Of the other Treaty Port areas, the Berehaven forces and those at Spike Island (Queenstown-Cobh) had natural protection, but those forts on either side of the entrance to Cork Harbour, Camden, Templebreedy and Carlisle, presented tempting landward targets (again, for locations see Appendix 7).¹⁸ When, at the beginning of June, S.N.O. Queenstown¹⁹ received reports from Dublin of a planned I.R.A. attack at 'one of the forts at Queenstown', he was alarmed enough to request that a cruiser supplement the destroyers already on station; his particular worry was Templebreedy fort, which had only barbed wire protection on its landward side. The cruiser *Danae* duly arrived, and was to remain in 'a thorough state of defence at all times', with her commander reporting that ammunition was ready at all six inch guns.²⁰ These ships were not play acting: on the night of 8th June it seems that most of the people of Queenstown were awoken from their beds when *Danae* fired across the bows of a steamer that had refused to stop and be searched.²¹

Such action might seem heavy handed, until it is realised that once a vessel was allowed to dock, or proceed up-river to Cork, it entered republican territory - the self-declared 'Republic of Munster'. Since April and the previously mentioned Macroom killings, the British government had been well aware that the Provisional Government's hold on this area was practically non-existent, and it gave one cruiser's captain little pleasure to report that at Queenstown itself 'A republican general lives in Admiralty House over which fly the republican colours.'²² As such, the Navy and the surrounding garrison had to become increasingly self contained; the cruiser *Dunedin* had to arrive with £5,000 in cash, as the Queenstown branch of the Bank of Ireland could not keep large deposits 'on account of gunmen.' When the cruiser *Danae* left Queenstown, at the beginning of the civil war, it was noted that the situation on shore was 'very bad' and had been too dangerous to allow any shore leave in the previous fortnight. This sense of isolation was only added to by the suspicion of Provisional Government treachery; S.N.O. Queenstown directed that all written naval reports should go by ship to Belfast as he believed such mail was 'liable to be censored by the Free State Authorities.'²³

There was some irony in this general position. While the situation on shore descended into chaos during May and June, the Royal Navy could only look on, a prisoner of its own element. Churchill's 'Sentinel Towers', conceived and maintained to protect these same sea approaches, were now vulnerable to real and perceived enemies which were at their backs. While the attentions of most historians of this period have focused on the centrality of Dublin, and the crucial operations against the Four Courts occupation, none has considered the position of the British government,

or the fate of the Treaty, had just one of these coast defences been successfully overrun.

At the time, however, the Admiralty and War Office had to be only too sensitive to this possibility: Appendix 5 shows the co-ordinated 'Defence Orders' for Queenstown in the case of attack, and it will be seen that in the first instance the plan of battle relied heavily on naval units coming to the assistance of the shore forts, an operation which would have demanded accurate co-ordination and communication between the military and Navy. Had such an attack taken place it would have been a severe test of the traditional British belief, alone among the European powers, that coastal defence positions were best directed by the military rather than co-ordinated naval forces.²⁴ Again, the irony was that no one had foreseen, given the planning for conventional big power war, that the Navy might have to range in to protect the Army, rather than Army guns ranging out to assist the Navy. During much of this May-June period the destroyer *Watchman* was anchored in the Outer Roads of Cork Harbour with that sole duty.²⁵

The only British insurance was the overwhelming firepower that the Navy could direct on any coastal position, and the knowledge that ships were invulnerable to the small calibre weapons available to anti-Treaty forces.²⁶ Nevertheless, and despite the fact that both the British and Provisional Governments consistently overrated the organisational ability of the republican war effort, it was surprising that so little public and official attention was drawn to the role of the Navy at this crucial time. Considering that at the onset of civil war there were almost daily parliamentary

questions on the fate of the British Army in Dublin and on the Border, one has to search hard for any official reference to the Navy. Nor, it seems, were such questions encouraged: when Viscount Curzon alone expressed concern for naval detachments, after the British Army 'retreat' from Cork, he was advised to direct his questions to the Admiralty itself.²⁷ It was of course possible for both the governments concerned to suppress unhelpful scare stories or wider enquiry; the *Morning Post*, for example, took a dim view when in August one of its correspondents was refused entry to Southern Ireland by military censors.²⁸

The suggestion here is that to an extent the British government wanted to play down the contingency role of the Navy, and thus further the notion that events were solely in the control of the Provisional Government; this role would have to expand in direct proportion to the diminished ability of the British Army to affect matters outwith the area of Dublin.²⁹ General Macready and Rear Admiral Fox, C.O. Kingstown, were in a poor position to second guess events in the south and west of the country, and much of this responsibility was to fall on a mere Captain - Hugh Somerville R.N., S.N.O. Queenstown. Senior rank though this was, it barely acknowledged the diversity and truly onerous burden of his coming duties, comprising as they did the direction of all southern fort defences (otherwise under War Office control through Western Command, Chester), day-to-day direction of all H.M. ships in Southern Irish waters, and liaison with front line National forces so as to co-ordinate Irish military - Royal Navy strategy.

This position was not arrived at by accident. When Vice Admiral Gaunt, C. in C. Western Approaches, was informed of his imminent withdrawal, he was also notified that henceforth Captain Somerville would share command and liaison duty with Vice Admiral Fox. On paper this appeared credible, but when it is considered that all evidence points to the Kingstown post being largely ceremonial, then it is plain that in reality executive command had passed to a junior rank; a sleight of hand that was going to take some explaining to the informed hierarchy of the Navy.³⁰ As has been mentioned, under normal circumstances the duties of the Buncrana Flag station would have passed directly to the area responsibility of C.in C. Devonport, and yet he was informed only that this 'general arrangement' had been postponed because of the 'exceptional situation' that had arisen over the delayed transfer of Haulbowline dockyard.³¹ This curious reasoning may have bought a temporary silence from Flag Officers, but as the Irish crisis lurched into full civil war it became evident that neither he nor, more importantly, Admiral Sir John de Robeck, C. in C. Atlantic Fleet - whose ships were bearing the brunt of Irish patrols - was prepared to accept the irregular command structure that the Admiralty was imposing. By the end of August it seems that the Admiralty was forced to explain to de Robeck the politics as well as logistics of its decision, and in so doing the scope of its contingency planning was revealed:

It was found quite impracticable for any Authority who was not in close touch with the Colonial Office to give any orders, and the only authority who could do this was the Admiralty. The situation is of a peculiar nature and changes from day to day, even at times hourly, and the only people who can deal with it are those on the spot ...

you will realise, therefore, that only the Admiralty could give instructions to these S.N.O.'s. [Queenstown and Belfast]. Frequent requests are received from the Colonial Office (Irish Committee) and the Northern Government, and you may be aware that a Committee

sits once or twice a week at which C.N.S. [Chief of Naval Staff] and C.I.G.S. are present and the actions on decisions arrived at can only be issued from the Admiralty.

The C.I.G.S specially asked that the S.N.O.'s should be given discretion to act at once, if necessary, without referring to the Admiralty: this they have done with the approval and support of the Admiralty in all cases.³²

In this same disclosure de Robeck was advised of what he probably already knew, in that C.in C. Devonport had spoken previously to the First Sea Lord and informed him that in this situation he was not prepared to take 'any responsibility in connection with Irish matters'. But what was good for one Flag Officer was good for another: isolated with the bulk of the Atlantic Fleet at Invergorden, de Robeck was deeply unimpressed with this Admiralty strategy. He now knew for certain that the Navy's contingency role in Ireland was planned to be anything but peripheral, and if things went wrong then someone, and it would not be the humble S.N.O., might have to pick up the pieces. In reply to the Admiralty he made it known that he too wanted no responsibility for ships, or their actions, in Irish waters, and pointed out that the task of the commanders of these same ships 'is one of more than ordinary difficulty.' Somewhat predictably, his offered solution was that there had to be a Flag Officer on board a cruiser in order to give effective command and boost morale.³³ This, of course, was exactly the type of profile the government was trying to avoid.

It has been suggested before that in comparison with the blundering inattentions of the British government during the 1916-21 period, the Irish policy of 1922 was conducted with a general prescience and firmness that bordered on the remarkable. It has been seen that this was not always the case with Army movements, but

nowhere was this new understanding better displayed than in naval operations. For the Admiralty of 1922, a break with tradition and ranking protocol was no easy matter, yet it was the very seriousness of the situation, and the increased significance of the Navy's role in Ireland, that dictated an acceptance of change. It was not just a question of communication and flexibility: a sea based admiral with his 'Fleet' would have given a weight and political profile to naval actions which was simply unacceptable, not least to a nervous Provisional Government. The beauty of the planned arrangement was that the British government could enhance the illusion of paternal non-involvement in Provisional Government affairs, and also make the Navy, apart from its expected role of gun-running prevention, almost 'invisible' to outside scrutiny. While the Irish, both Treaty and anti-Treaty, had to make sudden and reluctant preparations for war beyond Dublin, the British were already in place and waiting.

British warships in the war zone were well aware of the S.N.O.'s authority, 'under whose orders come the patrols extending along the south and west coast ... as far north as Lough Swilly', and of their 'principal duties'. These were:

1. To stop importation of arms - by stopping and searching fishing boats and shadowing suspicious vessels.
2. To prevent transport of armed Republicans by water.
3. Assist Free State Troops in any way they will accept help, Searchlight or Bombardment.
4. Protection of residents and private or public property from outrage.
5. Transport of G.P.O. mails (all railways being out of action).³⁴

Apart from the assertive use of 'Bombardment', this list holds few surprises, and was obviously intended to allow for discretion. The question it raises, however, is to what extent the Dublin government and its National Army was going to be involved in its implementation? It was not, in fact, until February 1923, towards the close of the war, that Richard Mulcahy, as C.in C. National forces, first approached External Affairs on the subject of naval contact in order 'to have a definite routine established by which such communications would be transmitted in an agreed and expeditious way.' The timing of this request is important, as it coincided almost exactly with his having to inform the Irish Army Council (Mulcahy was also the defence minister) that his government was not prepared to legislate for 'extended powers' for the Royal Navy, and also with the Admiralty's formal notification of S.N.O. Queenstown's final withdrawal in March. The implication here is that previously Mulcahy had enjoyed direct and satisfactory, if informal, contact with the Navy without having first to go through British military G.H.Q. It would seem that officially, at least, that contact had to be with Vice Admiral Fox, as it was not until December 1922, on the eve of Fox's departure, that the Provisional Government was informed that the S.N.O. would be assuming command.³⁵

The question of involvement and protocol in Dublin is not of minor interest. On the one hand no evidence has been found that would confirm Irish Army - Royal Navy communication at any level in the capital itself, but on the other, there is much evidence of direct, and at times intimate, contact between National Army commanders in the field and naval H.Q. at Queenstown. In short, it may well have been that Dublin simply did not want to acknowledge, for obvious reasons, the extent of that

association.

In the south and west that association was indeed considerable. Instances were numerous, and often related to Britain's wider security interests, a factor which led to what can be described as a 'war within a war' in the Valencia area. From the start Churchill had taken a personal interest in the fate of the vital W/T station at Valencia, the island of which was under republican control until August, when Commandant Tom O'Connor, after taking Kenmare by a sea landing, sent a detachment of National troops to hold Valencia and the land approach at Cahirciveen. Evidence that Churchill pressured Michael Collins into ordering this dangerous manoeuvre is circumstantial, but what is certain is that this detachment could not have held out without assistance from the Navy.³⁶ At the beginning of September, petrol and ammunition had to be supplied by warship to the C.O. at Valencia after his 'urgent request' for help to S.N.O. Queenstown. These British supplies were needed: between 22-24th of the same month Cahirciveen came under heavy night attack, and this time the destroyer *Seawolf* gave star shell and searchlight protection as well as providing machine-guns and further ammunition - assistance that rendered 'satisfactory results'.³⁷ After another night attack on the 7th October, which saw H.M.S. *Vivacious* intervene with star shells and small arms supplies, the S.N.O. informed the Admiralty that a warship would be kept permanently on watch in Valencia harbour until National troop reinforcements arrived. The local commandant's reported remark, that these services 'have been of the greatest assistance, and have considerably stiffened the morale of the troops', was probably something of an understatement.³⁸

A similar story was repeated at Bantry at the end of August when National forces came under heavy attack and the destroyer *Vanity* had to assist with ammunition and searchlights; *Vanity* actually made ready to bombard republican positions, although her captain understood that he could open fire only 'at the urgent request of the F.S. Commandant.'³⁹ Here was a dilemma that was common to several naval situation reports: front line commandants often wanted, and needed, naval assistance, but at what point did they dare risk surrendering *their* war to the British? It was perhaps the actions of ex-British officers, as in the example of General W.R.E. Murphy's planned drive to clear the Dingle peninsular, that best typified this quandary. Knowing the risks involved in this operation, Murphy sent a staff officer on board the destroyer *Wryneck*, moored at Tralee, to discuss naval co-operation; this he wanted, and yet it was made quite clear 'that for "political reasons", the assistance of H.M.Ships cannot be OFFICIALLY requested, but that he will be very glad if any H.M.Ships are in the vicinity at the time.' As a compromise measure, Murphy was given a radio code so as to inform when this late October drive was to commence; it was planned that destroyers would be stationed on each side of the peninsula to help in emergency and carry communications.⁴⁰

In this context, when all normal communication channels had been disrupted, the Navy had often to be the eyes and ears of isolated National forces, this despite the fact that it was a two-way process, with field commandants passing intelligence on republican movements to the S.N.O. whenever possible.⁴¹ In September, after the I.R.A. had retreated from fixed positions, S.N.O. Queenstown had to inform the Admiralty that the ordinary difficulties of civil war were being intensified 'by

apparent entire lack of communication and intelligence service.' Valencia W/T station had been ordered to pass urgent messages through any British warship as '...all other communication is by motor boat or bicycle, both of which stand every chance of being stopped by rebel fire.' As such, much needed patrol ships were sometimes reduced to static duty, as when a sloop was forced to remain at Castletownbere, at the direct request of National forces, to act as a W/T guard ship for forces operating in the Skibbereen area of west Cork.⁴²

When all else failed, the Navy had also to provide a ferry and landing service: at one point, during a clearing operation in west Cork, a destroyer had to be called in to lift troops from Bantry to Whiddy Island, some five miles distant.⁴³ Indeed, it seems that the Navy kept a close, if not actually overseeing, eye on most landing operations, particularly the major sea landings on the south coast. This could lead to friction: one of the repercussions of Churchill's refusal to hand over any of the Queenstown forts (discussed in the previous chapter), was that Michael Collins became silent on the details for a Cork landing. British military G.H.Q. in Dublin had to cipher the War Office that General Dalton, of Eastern Command, and formerly the Chief Liaison Officer, had 'hinted that Collins would give no plan for occupation of Cork via Queenstown if loan of fort was refused. Shortage of mechanical transport was reason for their objection to land at Kinsale or elsewhere in the vicinity of harbour.'⁴⁴ Evidently the British were none too pleased at the thought of a direct assault via *their* port, but in this event their interest in the landing would have become sharper still.

Although both Michael Hopkinson's and Calton Younger's histories of the civil war acknowledge that General Dalton made contact with the Navy, we are led to believe, at least from Younger's account (based on Dalton's own recollections), that the Navy was taken by surprise when he sailed into Cork Harbour with two ferry loads of troops on the night of 7th August. Given the general level of co-operation in this war zone, it is difficult to appreciate that Dalton undertook one of the most daring ventures of the whole war without proper consultation, and yet the point is that this was a Dublin planned operation and Collins was plainly humiliated by the unmoving British presence in Cork. Once arrived at Queenstown, Dalton did take landing advice from the S.N.O., but here there does seem to have been a prior intention to surprise and confuse the British as well as the republicans. Already, Britain's defence rights under the Treaty were presenting both countries with problems.⁴⁵

But any co-operation, willing or otherwise, was not going to deceive republican forces. By their every action the republicans demonstrated who they believed was ultimately responsible for the war, and in the coastal regions of the war zone the Royal Navy was met with a hostility that complemented the British Army's treatment in Dublin. Indeed, a captured republican document was alleged to have contained instructions that 'Enemy boats approaching the coasts are to be fired on by us as soon as they come within range.'⁴⁶ Direct, if hopelessly one sided, confrontations between shore based units and inlet patrolling ships were a frequent feature of the war in its early months; between August and November notable sniping incidents were reported off Kells and Dingle Bay in Kerry, and off Youghal to the east of Cork. Such attacks were invariably silenced by heavy return fire.⁴⁷

The most serious of these reported attacks occurred in the Kenmare River in July when the minesweeper *Badminton* became involved in what can only be described as a running battle. Her captain reported 'several hundred rounds' being fired at the ship, with a total of 63 rifle bullet scars on the hull and superstructure; one rating was wounded. The engagement finally ended off Lackeen with *Badminton* largely destroying the republican held coastguard station with 4 inch and 12 pounder shellfire. Even the Admiralty appears to have queried this perhaps over enthusiastic response, and the captain was called to account for his actions.⁴⁸ Deciding that the risks in this part of the country were becoming too great, the S.N.O. actually ordered a cessation of inlet patrols and port visits, only to have General Macready, in one of his rare interventions into naval affairs, overrule the order. Macready insisted that the 'moral effect' of such patrols outweighed the risks, although, once again, there is no evidence that the Provisional Government had been consulted on either decision.⁴⁹ In any event, when *Badminton* withdrew from the Kenmare River, her destroyer relief was told to try and avoid further encounters.⁵⁰

A notable feature of such naval engagements was that the Admiralty did not attempt to shield the details from Colonial Office eyes, even though it must have been known that senior administrators might take a jaundiced view of the scale of naval involvement. With Churchill being allowed by Lloyd George to run the show as he saw fit, his lesser officials could only watch and await events: the newly arrived Mark Antrobus, whom Tom Jones records as being the 'nucleus' of the reshaped Colonial Office, and heir apparent to all Irish Office functions,⁵¹ was not amused by the turn of events; at one point, after reviewing reports of naval actions, he exclaimed that

'we can't do anything with these very scrappy reports on the fringes of things.'⁵² Many of these situation reports were indeed 'scrappy', betraying the nervous energy of naval officers who often believed they were anywhere but on the 'fringes of things', but then again Antrobus would have known that the Navy was indeed involved in a war, and that the peace process would have to wait its turn.

That this war involvement did not, on occasions, escalate out of control in the vicinity of the Treaty Ports was as much a matter of good fortune as it was fine judgement. The vulnerability of some of the British forts has already been stressed, but at Berehaven it was the garrison's mainland landing point at Castletownbere which was the weak link. At the end of August, after a British shore party in the town had received several casualties in an ambush, the destroyer *Vanity* arrived to find that the British C.O. at Berehaven was planning a shore raid to 'round up' known I.R.A. gunmen. The Navy intervened, and *Vanity*'s commander reported the situation with the warning: 'I don't think it would be a success and it seems to be entirely against our policy in Ireland and very liable to give offence to the Free Staters.'⁵³ True though these words may have been, in reality the standing orders forbidding armed British landing parties were meant to be broken in situations where a British garrison felt compromised. In October, H.M.S. *Leamington* was instrumental in laying a trap for republican forces during an anticipated night attack; after a pre-arranged signal from shore to ship, she landed an armed party of marines, with apparently successful results.⁵⁴ Here, as so often with naval actions in 1922, there was again a fine line between defensive and offensive action, between merely supporting the Provisional Government and fighting their war for them.

The same could be said for Queenstown, although here British interests extended over large areas of land and difficult waterways, where attempts to pin down the I.R.A. proved elusive; the earlier mentioned eve of war plans against a full attack (Appendix 5), gave way, in the event, to purely reactive measures against hit-and-run tactics. Too often the Navy was left chasing shadows, as in July when the S.N.O. received firm intelligence that the republicans were planning to block the channel below Queenstown; the cruiser *Danae* immediately sent an armed party of marines up river only to find that the deed had been done and the channel blocked just below Cork itself.⁵⁵ The Admiralty had later to advise Lloyds Shipping Report that because of risk of sniping between Cork and Queenstown it was 'not advisable' for any vessel to try and clear Cork.⁵⁶ Only a relative peace ensued from General Dalton's clearance of Cork in early August, and the Navy could do nothing to prevent the kind of ambush which left four British soldiers badly wounded after a military launch was surprised on routine duty between Camden and Carlisle forts.⁵⁷ The full assault for which the Navy had planned never came, but even as the attrition continued into November the priorities were still in place; when H.M.S *Dragon* arrived at Queenstown that winter she reported that a 'squared chart has been obtained and all calculations made ready for supporting the military by gun fire'.⁵⁸ Perhaps the republicans' greatest failure was the inability to make this happen, to expose the depth of the continuing British presence in Ireland, and the reliance that both the British and a reluctant Provisional Government had placed on the Royal Navy.

2. Full Astern

[Churchill] said that the first point was that it was vital ... to gather together a sufficient force to hold the water line ... He hoped that later the Secretary of State for War would state how the British part of this force could be obtained.

Cabinet minute on Chanak crisis,
September 1922.⁵⁹

The reason for the recall ... is given as the improving conditions in Southern Ireland.

The Times, on the withdrawal of
destroyers from Irish waters.
October 1922.⁶⁰

The Admiralty's balancing act in the early months of the civil war, already complicated by the political in-fighting over the Irish naval command, was continually at risk from two other factors. The first was that no matter how many already scarce ships were dispatched to Ireland there would always be pressure for more, particularly when the Northern Ireland government was demanding naval protection. As early as May the Admiralty was calculating that it would have to remove a destroyer based at Carlingford Lough if it was to meet the patrol demands of the South, and it was hoped that the Northern government might even buy and crew its own armed launches to augment the defence of Carlingford.⁶¹ This idea came to nothing, and under the indirect pressure of Major-General Solly Flood, the Northern Ireland chief of security forces, the C.I.D. Sub-Committee on Ireland agreed to meet at the beginning of June to consider 'Naval Measures for the Defence of the Waterline Boundary of Ulster'. At this meeting Solly Flood requested naval protection on all principal waters subject to I.R.A. incursions. Clearly this was going

to be impossible, and the Admiralty had to insist that on inland waters there were anyway technical reasons - such as ships' draughts - that prevented compliance.⁶² Notwithstanding this pressure, the Admiralty had also to console its own S.N.O. at Belfast, who wanted it known that 'the presence of a cruiser at Bangor and a T.B.D. [Torpedo Boat Destroyer] at Belfast had a good moral effect.' No doubt they did, but by July the Admiralty had to advise him that it was not possible to provide any extra protection for Belfast docks, and that if extra were needed the Northern government would have to provide.⁶³

The second factor was potentially far more embarrassing, and was one that no amount of ships seemed likely to remedy. There was no question that the Navy was providing more than just helpful assistance to the Provisional Government, but this was, in effect, its 'hidden' role, and one that could not be advertised for fear of embarrassing Dublin and aiding republican propaganda. However, in its accountable role, of being seen to blockade and intercept republican shipments, the Navy's patrols were an abject and expensive failure. When, in July, Churchill wanted statistics on naval operations, he was informed that up to that date there had been a total of seventy six interceptions, of which ten had been sizeable vessels and the rest fishing boats. The only 'success' had been in early June when the S.S. *Seattle Spirit* had been stopped and ammunition found, and even then the Admiralty was convinced that the circumstances of the find made it an isolated case.⁶⁴

The Admiralty had no intention of disguising the situation, informing the Colonial Office that 'although the patrols in Irish Waters have been most vigilant and painstaking, their activities have not been successful in intercepting Coasting Vessels who [sic], it is understood, are now considered by the Free State Government to be the chief offenders in gun-running'.⁶⁵ For obvious reasons the British Army Council was also alive to the Navy's failure: by September it was advising the P.G.I. Committee that although it acknowledged the Navy's task as 'both difficult and arduous', there was 'little doubt' that gun-running still continued, and that therefore every effort had to be made by Customs and Excise, and Scotland Yard, to stop gun-running at source - in British ports.⁶⁶ Easily said, but there were those who still had their doubts. As an internal Admiralty minute argued: 'Little is being done by Customs Officials to stop arms going in to Ireland, in fact, it has been suggested that the Customs Officials at Ayr are assisting the I.R.A.'.⁶⁷

At point here was the virtual collapse of reliable British intelligence since its zenith in early 1921, a factor that was literally proving costly to the Admiralty in terms of damages for the wrongful arrest and detention of shipping. A crisis of confidence came in late August when intelligence sources pinpointed a steamer, the *Wicklow Head*, which had just left Hamburg for Ireland. Enough was enough: the Admiralty advised the Colonial Office that this time it was not prepared to arrest the ship unless the Provisional Government agreed to meet any demurrage charges.⁶⁸ Lionel Curtis, as head of Irish affairs at the Colonial Office, shared this scepticism and took the problem direct to his old friend, and political chief, Churchill, warning him that although he [Curtis] had arranged for the Irish to accept responsibility for the arrest,

there could be embarrassment all round, especially as the *Morning Post* had got wind of the story. Curtis's lambasting of the intelligence procedure is informative:

Hitherto all this kind of intelligence work has centred on Dublin. Henceforth there are to be three organisations, one here, one in Belfast and one in Dublin. The London and Dublin departments have already got at cross purposes ... I now find there is no liaison between the Intelligence service here and in Belfast, and I have written Sir Wyndham Childs [Asst Commissioner, Metropolitan Police] to suggest that the first communication to be made by the police in Belfast [re *Wicklow Head*] should have been made without a moment's delay to him. The different Intelligence Services ought not to develop into water-tight departments. They must learn to keep in touch with one another.⁶⁹

Curtis was also concerned about possible representations to the German government 'who have committed a breach of the Versailles Treaty in allowing the stuff to be shipped.'⁷⁰ In the event, however, his, and the Admiralty's deeper qualms, proved well founded and nothing but general cargo was found when the *Wicklow Head* was searched. But Curtis had at least done his job well: when the ship's owners presented an immediate claim for damages, it was a simple matter for the Admiralty to disclaim liability and direct the company to what, until then, had been just an interested bystander - the Provisional Government.⁷¹

Nevertheless, by late summer the Admiralty had far greater concerns than the attempted outwitting of either the I.R.A. or Provisional Government. Indeed, its candid approach to patrol failures may have been designed to support its constant claim that the Navy was no longer in a position to waste ships for what one official referred to as 'barren results'.⁷² The pressure for ships of the Atlantic Fleet to

resume 'proper duties' led to the Chief of Naval Staff requesting the withdrawal of the Irish patrols as early as the beginning of August, and yet although Churchill agreed only in principle that the patrols might be 'somewhat reduced', it would not be long before the Admiralty produced an overwhelming reason for immediate reductions.⁷³ The catalyst was the developing international crisis in the eastern Mediterranean: put simply, Admiral Brock, C.in C. Mediterranean, did not have enough ships to cover the emergency, with the result that battleships, cruisers and a destroyer flotilla had to be taken from an Atlantic Fleet already depleted by its Irish commitments.⁷⁴

It is interesting that in the light of the Chanak crisis Churchill was willing to assemble a Cabinet Sub-Committee to discuss further troop withdrawals from Dublin, yet had declined to allow the P.G.I. Committee to arbitrate on naval withdrawals. Instead, he opted to delay any firm decision in the hope that an inter-departmental solution might be found.⁷⁵ His dilemma was indeed acute: while the Admiralty's arguments were now irresistible, this was not the time, at the height of the civil war, to send signals to the republicans, or, for that matter, to a faint-hearted Provisional Government, that the Royal Navy was in retreat. Moreover, it was Ireland and not the far away neutral zones of the Dardenelles that still dominated the domestic news, and the reaction of his Unionist colleagues to naval withdrawals would be predictable. Nor was Churchill going to receive comfort from his mentor Lionel Curtis, who was busy shaping a long term Colonial Office 'view' of the Chanak crisis. After the Admiralty had tried to lobby him, explaining the predicament, Curtis pulled no punches in giving his verdict to Churchill:

In considering this subject, it is very necessary to keep in mind that in withholding from the Irish Free State any right to organise Naval Forces of their own for five years at any rate, Great Britain specifically undertook to discharge these functions.

Reminding Churchill of the contents of Article 6 of the Treaty, and of the scheduled conference in 1926, which would determine Ireland's own share of coastal defence, he continued:

It is of vital importance to our position at that Conference that we shall be able to show that these naval functions have been adequately discharged by the British Navy ...

To neglect any precautions which might have the effect of cutting off the rebels from their supplies is likely to prove a very expensive policy in the long run, and will prejudice our position when the time comes for Ireland to claim the right to a Navy of her own.⁷⁶

These were not words that Churchill wanted to read, despite the fact that Curtis was espousing principles that would be held dear by Colonial Office officials in the coming years. On this occasion Churchill would have, in part, to reject the advice on grounds of expediency, rather than conviction, and yet he was determined that if reductions had to be made they would be done on the quiet and not exposed in a forum. As such, it seems that Curtis was given the personal task of reaching a compromise with the Admiralty, with the result that an agreement for the immediate withdrawal of 2 cruisers, 2 destroyers and 4 minesweepers, was greeted by Churchill with a scribbled annotation: 'I agree. Keep all movements secret, so that they are not missed.'⁷⁷ But once the Admiralty had been given this green light, in mid September, it seems that the cuts went deeper still; indeed, the proposed strength of

the Patrol, as from October, makes for an interesting comparison with that on station at the end of July (see Appendix 4). Within three months, there was, all told, an effective reduction by half of cruisers and destroyers, from 14 ships to 7, and this was not to include the withdrawal of virtually all minesweepers and trawlers which would anyway have had to have been withdrawn from winter service on the Atlantic coast.⁷⁸

There was, of course, no way in which withdrawals on this scale could be kept 'secret', and in its attempt to conform and disguise what was happening, the Admiralty was in danger of turning a serious and delicate situation into farce; one can only imagine the reaction of S.N.O. Queenstown and ships' captains to the Admiralty order that 'by shifting their anchorage frequently the deterrent effect on gun-runners will be much the same as if the patrols were still in place.'⁷⁹ With the *Morning Post* to the fore, the press published the 'secret' on the 5th October, at which point Churchill appears to have decided on tough tactics to avoid a row: a Colonial Office press release of the same day simply denied the recall of ships and claimed they were 'remaining on duty as previously.' This release was carried by the press the following day without question, although as both *The Times* and *Manchester Guardian* had taken the line that recalls indicated an improved situation in Ireland, it is not quite clear what their readers were supposed to make of the subsequent denial.⁸⁰

But if it was one matter to dupe the press, it was quite another to try and dupe the Provisional Government. There is some evidence that the Colonial Office was willing to bring Sir James Craig into consultation on withdrawals, but the same does not exist for Collins's successor, Cosgrave, who, it seems, was denied information even on an informal basis: in October, Cope was instructed to tell him nothing without London's approval.⁸¹ Again, the absence of material confirming intra-Dublin communication on naval matters in this period becomes crucial. It is quite possible that in this instance Churchill felt able to exploit Irish sensitivity, knowing full well that neither Cosgrave nor his Army chief, Mulcahy, could afford to comment.

It was perhaps fortunate for Churchill that the forced recall of ships coincided with a general collapse in the republican position. Together, these points would account for a marked fall in recorded incidents involving the Navy during the autumn and winter months of the civil war, as would the effect of winter sea conditions. But incidents there still were, and one of them was to expose the fragility of the British position on the eve of the final troop exodus from Dublin. It should not be forgotten that General Macready, as G.O.C. in C., was responsible for the actions of *all* British forces in the Irish theatre, and in theory, at least, with Admiral Fox along-side, it was possible for him to continually oversee the extent and effect of naval operations. In practice, however, this cannot be demonstrated (Fox's executive authority has already been questioned), and apart from the one, earlier mentioned, policy intervention, and a couple of, largely uninformative, comments in his memoir, Macready does not appear to have concerned himself with naval matters.⁸²

What then is to be made of an extraordinary letter that he wrote in mid-November, at a time when he was under considerable strain, in which he unburdened himself to J. Masterton-Smith, Permanent Under-Secretary at the Colonial Office? This 'personal' letter was spurred by a further flare up of I.R.A. activity at Kenmare in October, during which H.M.S. *Vansittart* was fired on and one rating wounded. It seems that at the request of a local National Army commandant, *Vansittart* sought permission of S.N.O. Queenstown for a bombardment of the town, and he, in turn, contacted Dublin for clarification. Macready did see and overrule this request, and at the same time passed instruction to both S.N.O.s, through Admiral Fox, that:

the Navy should adhere to the Army policy, viz., that if attacked in any way, immediate return should be made, but on no account should after reprisals take place.

By implication Macready had not previously issued such instructions, but this much was given only as background information to Masterton-Smith. The letter continued:

Loughnane rang me ... and tells me that he got a wire from the Colonial Office to go and see Cosgrave, and he [Cosgrave] was quite ignorant of the fact that the Navy has for a very long time been working, I will not say under me, for that might hurt the susceptibility of the Senior Service, but has been working in very close conjunction under my advice. Any other policy would lead to considerable friction over here ...

What I want to put to you is this, that if the Colonial Office wire these things direct to Loughnane where Naval or Military action is concerned, without my being informed, there is sure to be unnecessary trouble. As a matter of fact Loughnane will in future, I think, let me know, as he was quite ignorant of the fact before that I had anything to do with the Navy. It is just the ignorance of some people in Whitehall of the way in which we manage to keep the peace here and the system of working, which leads to occasional trouble, and perhaps

you will make it clear that whenever the Army or Navy are concerned
I should be informed at the same time as Loughnane ...⁸³

The question here is whether Loughnane, the newly appointed replacement for Cope in Dublin, had merely upset the system, or, more importantly, had inadvertently exposed it. The style of the letter gives every indication that Macready was writing not to complain or inform, but rather to try to ensure his reputation in posterity - this shortly before the final withdrawal and his personal retirement from Army life. It was somewhat typical that Cosgrave might be kept in ignorance of Macready's close supervision of the Navy, but it is strange indeed that no one else in Dublin or the Colonial Office appears to have been aware of it. In other words, had it not been for Loughnane's arrival and an extraordinary request from the S.N.O., would Macready himself have been aware of it? A last chance to re-invent the liaison system the way he would have wanted it, rather than the way it actually was, may have proved irresistible.

It has been intimated throughout this chapter that not only was the Navy's role during the civil war intended to compensate for the restricted ability of Macready's army, but that, stemming from Churchill, there was a conscious desire to play down the full extent of that role. Despite Macready's protestations to the contrary, the evidence suggests that Churchill wanted to work directly through the Admiralty to the S.N.O. - the only man on the spot - and in this manner keep contending generals and admirals, and even his own Cabinet committees, from confusing and highlighting the issue. It was a risky strategy, dictated by peculiar circumstances, and it is not clear that Churchill, or, to a lesser extent, his post-October successor, Devonshire, would have

had a ready answer had there been a serious reversal to ship or shore defence. But from a British viewpoint, and that of a humbled Provisional Government, the strategy obviously worked. The bulk of the evidence may be one-sided and fragmentary, and yet there can be no mistaking that the material and physical assistance of the Navy and its marines in the critical early months of the civil war had a marked effect on its course and duration. While previous histories of this war have, quite properly, concentrated on the internal strife - an internecine fight for ideological and political control - there has perhaps been too much acceptance, based purely on the defensive role of remaining British troops, of Britain being just a concerned and distant spectator to the wider fighting. The point is that outside Dublin, and particularly in Munster, it was the Royal Navy that made many of the National troops' advances possible, a feat that had little to do with the known task of gun-running interceptions.

And what of the legacy of this close involvement? By the time that the Free State came into existence, in December 1922, both countries had been denied the relatively clean-break from British forces involvement that the Treaty had promised. It has been seen that, at first, the Admiralty had had no intention to bother with Ireland, and yet as a result of the distrust engendered by internal fragmentation, there was going to be an ever-watching Irish Patrol, of no less than three destroyers, for the foreseeable future.⁸⁴ Similarly, this chapter, and the previous, has highlighted the newly perceived vulnerability of Britain's fixed defence interests once its troops had, all too suddenly, left the south and west. In other words, little had happened in 1922 to allow Britain to let down its guard and communicate openly, or to allow the Irish to feel free from oppressive scrutiny and occupation; much had happened to remind

the Free State government of its forced indebtedness and impotence, and this was bound to cause resentments in the future. Given that, to paraphrase R.F. Foster, the Free State's pre-occupation in the 1920s was self-definition against Britain,⁸⁵ the question remained as to whether defence relations could start afresh. How both countries coped with the legacy of 1922 and the recent past, and with the hopes for the future, is the subject of the following chapters.

CHAPTER 4 : THE CASUALTIES OF WAR

1: The Dead and Deserted

I am sure you will leave nothing undone to give him a proper burial.
It is unfair to have his remains in such a place as his are in a swamp.
He is surely somebody's boy.

Extract from a Cork farmer's
letter on the discovery of the
remains of an unknown British
soldier on his land.
September 1924.¹

Between 1916 and the beginning of 1924, almost 5,000 serving British soldiers simply 'disappeared' while on duty in Ireland. Their names were known, but not their fate. Obviously the vast majority would have been deserters, with possibly up to a third having Irish family connections, but hidden within this total was a gruesome reminder of the tactics of unorthodox warfare, tactics which no official statistics, on either side, could countenance. Only after the bulk of British forces had left the Free State, at the end of 1922, could it be hinted that an unknown number of British soldiers had been encouraged to 'desert' in order to build up local intelligence networks, and that in response the I.R.A. had executed many of these men, often killing 'genuine' deserters by mistake.² This was not, however, British confession for its own sake; the object was to impress on the Free State Government that it too had a moral responsibility to assist the British Army Council in setting their records straight. The Irish would indeed assist the British, but in the process there would be constant and painful reminders, throughout the Cosgrave years, of the differences that had, and

still did, separate the two countries.

Some events did not of course await the official departure of British troops. Almost within days of the Treaty being signed it seems that Cope was coming under Castle pressure to exploit his good relations with the new Provisional Government and bring some method to the search for the missing. Having given a sample list of men reported missing pre-Truce (including R.I.C. members), Cope followed up with a personal plea to Diarmuid O'Hegarty, Secretary to the Provisional Government, telling him: 'We are getting a good deal of pressure from various sources and it seems to me pretty hard lines on parents, wives etc. of these missing men to be kept in anxiety for so long.'³ But with the best will in the world, the Provisional Government would not be capable of providing the concert of resources that would be necessary for such an unending and difficult task. After consulting the Adjutant General, the best that O'Hegarty could offer was to contact Cope 'from time to time' as and when information became available.⁴ In the early part of 1922, however, it could not have been envisaged that the Provisional Government would soon be overwhelmed by another war, and that in consequence the total of British dead and missing, though far smaller than Irish losses, would inexorably rise once more.

For obvious reasons the British do not appear to have resumed serious inquiry until the close of the civil war, by which time it is clear that the War Office had gained active, if not official, agreement that the Irish would hand over to the British any deserters located, and that Dublin would proceed with an Indemnity/Amnesty Bill (reciprocating the Royal Proclamation of January 1922), that would protect all British

personnel from liability for pre-Truce actions.⁵ As a result, the Irish archives indicate that the Department of Defence was inundated with individual and collective cases of missing men, passed on by the Colonial Office on behalf of the War Office. Little collation appears to have been involved, the War Office simply providing details as and when individual regiments and units might respond.⁶ These same archives also suggest that on the Irish side there was little or no political/military resentment over this extra burden, and the investigating body - the 2nd Bureau, General Staff at Dublin G.H.Q. - appears to have worked diligently at the task until it handed over responsibility for the dwindling number of cases to the Civic Guard in 1926.⁷ As might be expected, results often depended on the quality of information the British could provide, and on the degree of contact the missing men may have had with Irish forces. In one particular pre-Truce case, where the British seemed unusually concerned for the fate of four Royal Marines, the Irish were, by 1924, able to notify that they were probable deserters, as no record existed of their being 'apprehended or ... molested' by Irish forces. Such distinction was important, both to the militaries and the families involved.⁸ In many cases the task was simpler - British recalcitrants had often joined the Irish National forces in 1922, and these records were to hand.

This last point leads directly to the politics which had to infuse even this most sympathetic of subjects. The lack of Irish frustration at the costs and time involved in investigations can in small part be explained by the willingness of the British not to press for quick results (at the beginning of 1924 the Colonial Office requested only a résumé of progress every three months)⁹, and in larger part by the somewhat

unexpected British understanding of the Irish commitment to deserters who had given service either to the I.R.A. or to later National forces. At a formal meeting in London in October 1923, a seemingly amicable agreement was reached between Mulcahy, as Minister for Defence, and the Lords Derby and Devonshire, on the procedure in such cases. Henceforth, the Irish authorities would not be required:

to apprehend and return deserters from the British Army who deserted at any date prior to the 1st November 1923, and gave service in the Irish Forces, whether pre-Truce or in the present National Forces.

With some satisfaction the Department of Defence was also able to inform the Executive Council that as a result of the agreement it was 'not proposed to take any action against such British Army deserters as have already been arrested and whose cases come within the terms of the agreement'. In return, it was also agreed that the Free State government would make 'every effort' to apprehend and arrest deserters (outwith the above clauses) who sought refuge in the Free State.¹⁰

In practice the British had little choice but to allow some who would otherwise be termed defectors and traitors to go free, but there was also method behind this agreement. A workable retrieval system was necessary in order to enhance military discipline on the mainland; as things stood, the Free State might provide an all too convenient sanctuary for future, as well as past, Service miscreants. Neither, it seems, was the timing of the agreement a matter of chance: it was probably no coincidence that within days a court case involving a confessed deserter, arrested in Dublin and escorted to Belfast, began to make news. The man was apparently freed

after a K.C. had made nonsense of British pretensions to continued military jurisdiction in the Free State. The precedent thus set caused alarm at the Colonial Office; the case was brought to the personal attention of Devonshire, and it was suggested that the legal department would have to take serious note of the implications. The War Office seems to have been content that with the benefit of the agreement they could literally soldier on, but this confidence made little impression on the Colonial Office, with Antrobus noting: 'I have all along been afraid that this would happen. The procedure by which a number of deserters have been apprehended with the goodwill and assurance of the F.S. Govt has ... no real legal basis.' He suggested that legislation in both countries was the only solution.¹¹

Nevertheless, the 'goodwill and assurance' of the Free State in the arrest and returning of deserters does appear to have held good until 1926, when the legal implications began to come too close to home. The turning point came when an arrested deserter had to be released before he could be handed over to a British military escort party from Northern Ireland. The soldier's father had applied for a writ of Habeas Corpus, and the Department of Defence was advised that there was no defence to the writ in law.¹² Perhaps too, Cosgrave had grown weary of giving reciprocal support to Britain following the final, and hard won, release of all Nationalist political prisoners in Northern Ireland, and by 1926 he may have been sensitive to the political capital that de Valera and constitutional republicanism might gain if the issue was publicised. Whatever the reasons, and they were probably as much political as legal, co-operation with the British military ceased suddenly and permanently, much to the chagrin of the War Office.¹³

Interestingly, the British backlash did not, and indeed could not, come through formal dispatch channels. With no legal sanctions to assist them, the War Office protested through James McNeill, the High Commissioner in London, and if his immediate report to the Department of External Affairs was correct, then it seems that the War Office was preparing to retaliate in kind. According to McNeill, if the Irish did not resume the return of deserters then, he was informed 'that any other practice would possibly lead to complications such as the stopping of allowances to ex-British soldiers in the Saorstát.'¹⁴ It can be safely assumed that the then Dominions Office, especially with Leo Amery in charge, would not have tolerated any vendetta on these lines, but in the event the Irish did not rise to the bait, and they did not change their mind. The War Office did try once more, in 1929, to resurrect the 1923 agreement, though this time it advised that the position was merely 'undesirable'. As if to show that both the War Office and Dominions Office still harboured vain hopes of a model Dominion, the Irish government was further advised that if its present laws could not cope it should enact a new law, as per Section 657 of Canada's Criminal Code, which dealt specifically with forces desertions.¹⁵ The advice was ignored: the period of co-operation had been one thing, but there had never been even the slightest hint that the Free State would indulge in the politics of legislation to assist the British military.

.....

While the position on deserters was reaching a perhaps predictable stalemate, the related issue of the missing and the dead continued. Overall the subject was handled with extreme sensitivity on both sides, though it soon became clear that even the dead

could not escape from politics. Indeed, it was somewhat surprising that the 1923 deserter agreement had operated at all considering that the two countries remained in dispute until 1925 over compensation for British forces killed and injured post-Truce (that is, those not covered by the mutual indemnity provisions for pre-July 1921 actions). By early 1923 the British had submitted an initial sixty three such cases to the Free State, together with the relevant decree awards, and although the Department of Finance began processing the compensations it was soon apparent that, on vetting, the Department of Defence was urging a refusal of responsibility in certain of the cases.¹⁶ The British might well have been advised to scrutinise their lists more closely: in one case Defence pointed to evidence that the auxiliary officer involved had been injured only after he had made 'a violent and unprovoked assault' in a public place.¹⁷ As a result of such disputed submissions, it was perhaps inevitable that the Free State would respond with its own claims for post-Truce compensations, at which point Leo Amery intervened personally to cut short a threatened diplomatic row. His suggested compromise, in March 1925, of an agreement 'under which each Government should assume the liability for payment of such compensation ...' was quickly accepted by the Irish government. This did not, however, result in a simple extension of the pre-Truce indemnities, but rather a more judicious pruning of cases deemed suitable for submission.¹⁸

But when it came to honouring the dead, not only of the recent conflict, but also of wars where their soldiers had fought side by side, the British began to feel the full force of Irish independence. It was in July 1923 that Loughnane, who replaced Cope in Dublin, first approached Mulcahy to inquire if the Free State would consider

accepting responsibility for the future care of war graves, a precedent for which had been set by the Union of South Africa. In the interim, Loughnane suggested that the Imperial War Graves Commission might be entrusted to take on the task. The subtlety of this approach suggests that the British were well aware that they might insult Irish sensitivities on this subject, and Mulcahy's reply tended to confirm it: the Free State would indeed make every effort to give the British dead, and those being returned to Britain for burial, full military honours, but it was notable that all reference to the War Graves Commission was studiously avoided.¹⁹ The hint was not taken, however, and London tried a different tack in 1924, this time suggesting that the Free State might wish to appoint a representative to the Commission and participate in its general expenses. The Executive Council rejected this and instead voted to take 'entire charge' of military graves.²⁰

Taking 'entire charge' also meant having to relive certain incidents of the recent past which the governments of both countries might have preferred to forget. As previously mentioned, the storm over the Macroom killings of April 1922 came close to derailing the Treaty,²¹ but with the discovery of the remains of at least two of the soldiers, in the summer of 1923, the anger and scandal which had affected both countries threatened to erupt once more. Before Dublin could confirm the finds, and even before London had been informed, a Unionist M.P. was somehow able to taunt the government front bench with precise information on the whereabouts of the burials.²² In the same way that the full story of the original incident may never be known, then neither may the story of the later recovery of the bodies. If a local Cork Civil Guard report was accurate, and all the bodies had been quicklimed when hastily

buried, then it is probably as well that both governments appear to have suppressed official information and comment.²³ It was probably with this in mind, and knowing that there would be wide press coverage, that it was not until December that the bodies were escorted back to England with full military honours provided by the Free State. Officially, the original incident too could now be laid to rest: Devonshire passed on to Dublin a letter of gratitude from a grieving parent, and the Army Council's 'cordial appreciation' for the assistance given by the Department of Defence.²⁴ But such was the disgust of some diehards that even then they refused to let go: almost two years after the original incident a self-styled 'Vigilans' was writing to *The Times* demanding a full public inquiry.²⁵

If the Macroom incident came back to haunt both governments, then so too, in the most tragic of circumstances, did the notorious Kilmichael 'Ambush' of November 1920, which had left three I.R.A. men and seventeen British auxiliaries dead.²⁶ The discovery in 1925 of the body of an auxiliary officer, who was executed after the ambush, was to become a minor *cause célèbre* in both countries, and was to renew old bitternesses in the Cork heartland of republicanism. In brief, the controversy revolved around the refusal by frantic parents to accept that the remains found were those of their son, a stance which was to lead to over eighteen months of increasingly exasperated correspondence between the two governments, a situation not helped by details being published in the press of both countries during 1926.²⁷ Old angers, never far from the surface, erupted once more at a committee meeting of the Cork Board of Health in November 1926, when it was proposed to re-intern the officer in consecrated ground at the Council's own expense. While the Chairman insisted that

they had a duty to treat everyone with respect, a fellow committee member offered the rebuke that he 'objected to any expense being incurred out of public money considering that the bodies of their comrades, which were burned with lime, were lying in Cork jail'.²⁸ This outburst has to be set not only against the memory of British reprisals after the Kilmichael ambush,²⁹ but also against the pathetic and continuing requests by Cork families to the Department of Justice for the re-internment of Volunteers executed by the British between 1916-1921. In having to refuse these requests, how were the Executive Council and the Cork authorities supposed to explain that the British had been all too efficient in ensuring that not even the individual remains of potential Irish martyrs would be allowed to survive?³⁰ It was the memory of quicklime, as much as the gun, that still overshadowed relations during the later 1920s.

2. Prisoners

The moral effect that the Irish are volunteering to fight against England will be great.

A German Military Attache, on the formation of the Irish Brigade. 1914³¹

To the British, Lance-Corporal James Dowling remained one of the most despicable of traitors ever to shame the uniform of His Majesty's Services; to the Irish Nationalists he became a symbol of the struggle for independence, a patriot who remained imprisoned for his political beliefs. The fate of James Dowling was to

prove a thorn in the side of Anglo-Irish relations from the moment of independence, and the manner of his final release in 1924 possibly marks one of the most intriguing, and revealing, episodes of high politics during the Cosgrave years. Moreover, and as befitted Dowling's endeavours, some of the intrigue appears to have been played out in the military sphere.

In brief, the Dowling story began after his capture by the Germans in the 1st World War. As a P.o.W he joined Roger Casement's Irish Brigade, and according to the British was a leading recruiter for its cause. In 1918 he was landed by German submarine off the Galway coast in order to, as F.S.L. Lyons puts it, 'discover whether there were any prospects for a rising', but was soon arrested by the British as part of the so-called 'German Plot'.³² According to a later British document, he was saved from Roger Casement's fate only on the suggestion of the then Director of Naval Intelligence, Sir Reginald Hall, that he be reprieved in return for the disclosure of all his accrued intelligence information.³³ As such, after the British Amnesty Proclamation of 1922, Dowling and the Connaught Rangers ringleaders of the 1920 Indian Army mutiny became the only Irish 'political' prisoners that the British (as opposed to the Northern Ireland government) refused to release.³⁴

Despite, however, the public stance of the British government, in that Courts Martial rulings were outside the general amnesty, it was certain that Dowling would become a political pawn; it is now known that his release, and those of the Rangers, was tied up with the promised progress of the reciprocal Irish Indemnity/Amnesty Bill which Cosgrave introduced to the Dail in December 1922. The Rangers were promptly

released, and by July 1923 it seems that Devonshire had promised Dowling's early freedom in return for the said Bill, which had actually been passed in February.³⁵ According to one historian of this period, this event 'marked the formal and legal end of British military involvement in Saorstát Éireann', a view which this thesis might challenge as premature both in whole and, in the case of Dowling, in part.³⁶

In high politics, promises, by themselves, are worth little, and the contents of a July 1923 memorandum, passed between Lionel Curtis and his Permanent Under-Secretary, Masterton Smith, make it clear that there was still extreme political opposition to the Colonial Office view on Dowling's release. Curtis wanted it known that the British position was 'not good', and that they could expect no easing of Irish pressure on this issue. Of particular concern was the unanimity of support for his release, not least among 'loyalists' in both Dail and Senate, a factor which Curtis believed posed a threat to Britain at the League of Nations and at Imperial Conferences. More directly, and considering what was to follow, it was significant that Curtis also believed that the British stance threatened 'to estrange the British and Free State armies'. Further, he held that a stand on principle could not be justified, pointing out that the 1922 Royal Amnesty was granted in respect of *all* offences prior to the Truce of July 1921, and that Dowling's motive 'was clearly political'. It was noted that Cosgrave expected a Cabinet decision on the issue, and not just a departmental judgement, and to this end Curtis urged approval of a Free State proposal for a 'Committee of Judges' to review the case and help facilitate the release. In other words, in order to get Dowling free the Free State was willing to connive in a face-saving device that might help a largely hostile Tory Cabinet to

accept the unacceptable.³⁷

But this Colonial Office pressure appears to have got nowhere. When Mulcahy arrived in London for discussions, in November 1923, he was informed by Lord Derby, the Secretary for War, that Dowling would not be released, this despite an official decision being delayed by the fall of the Baldwin government.³⁸ But Mulcahy was not going to be put off by a general election; back in Dublin, Loughnane was informed that protest would be resumed the moment a new Secretary of State was appointed.³⁹ This raises the question of just how belligerent the Executive Council and, in particular, Mulcahy, on behalf of the Army, was prepared to become in order to secure a principle.

Soon after the general election the Colonial Office prepared a draft advisory note for the incoming Prime Minister, giving a history of the Dowling case and the advice that Derby had 'kindly refused' a formal rejection of Irish claims pending a new P.M. taking office.⁴⁰ At this point it may have been known that Baldwin had no intention of upsetting the diehards and that he had already been approached and given a verdict that a new Conservative government would 'not act in the present circumstances'.⁴¹ Nevertheless, the Colonial Office draft still pushed for Dowling's release, noting that Baldwin had personally been in favour, on grounds of 'general policy', and that there was now 'imperative need' of an agreement. This 'imperative' was explained, and in so doing Curtis's earlier 1923 warning of military estrangement began to have context. The new Prime Minister (soon to be MacDonald) was given a warning that urgent C.I.D. defence arrangements with the Free State were under direct threat

because of the Dowling issue. Heading the list was the 'absolutely vital' need of the Admiralty to have agreed control of Irish cable and wireless stations in time of war, and it was stressed that its requirements 'are such as no other Dominion has been asked to concede, and will be extremely difficult for the Government of the Free State to concede'. To leave no room for doubt, this same draft concluded that even if Mulcahy were to give his approval on C.I.D. requirements, he would likely be vetoed by his Dublin colleagues 'unless the atmosphere has been previously cleared on this last outstanding grievance.' - i.e. Dowling.

Unfortunately for the British government, this was not the 'last outstanding' defence related issue that caused grievance, and Curtis may have understated the web of obstruction that Mulcahy was weaving around this perceived intransigence. Another issue on which the British position was 'not good', and which the MacDonald government was also to inherit, was the continuing occupation of the small Border fort at Belleek in Donegal, first taken over during the Border troubles of Spring 1922.⁴² In September 1923, Mulcahy had given a clear signal to the War Office that unless British troops quit Belleek he would obstruct a planned command change at the Lough Swilly defences, itself a sensitive issue in that it required an extension of Northern Ireland District Command into Free State territory. Currently, all the Southern Treaty Port defences came under Western Command at Chester, and the Free State took the view that as Belleek was already under Northern command, a further extension at Swilly would be provocative.⁴³

There was then enough reason, on behalf of the C.I.D., Admiralty and War Office, why the incoming Labour government should act quickly on these key, and probably related, problems. In truth, however, there were no early indications that it intended to do so, and though there was some agitation in the party on the question of prominent Northern political internees, the new Colonial Secretary, J.H.Thomas, must have known that even this stance was likely to cause parliamentary friction.⁴⁴ Baldwin certainly feared that this would be the case; in the wake of the general election, he had written to Craig to plea for the release of Cahir Healy, the Northern Nationalist M.P. for Fermanagh and Tyrone (a figure also dear to Southern hearts), explaining that the issue was bound to be raised in the next Parliament 'on divisive terms', and that 'Labour will go to town on it.' Craig had already spurned Baldwin's earlier overtures on political prisoners, much to the pique of the Colonial Office, and the former would have known that his position was solid so long as Baldwin was unable to move his own party on James Dowling's release.⁴⁵

Once Labour was in office, however, there was simply no time to concentrate on what appeared to be incidental problems. Thomas's first, and urgent, priority was to find a format within which the long promised Boundary Commission (for which Cosgrave had kept constant pressure on London) could operate, and to this end he brought Craig and Cosgrave together in London at the beginning of February.⁴⁶ This vital meeting did not go well, and either because of, or in spite of, the threatened deadlock, it seems that Thomas decided that he had to take action where it was at least possible. While it is accepted that policy itself may have begun to 'drift' at this point, it has been seen, not least in terms of Britain's own defence interests, that the

position was far too volatile to allow any drift in executive attention.⁴⁷ The first inkling of movement came on the 8th February when the Press Association hinted that the question of political prisoners 'may shortly be settled'; confirmation of Dowling's release came the following week, though only the republican organ *Sinn Fein* seems to have heralded the event, and at approximately the same time, if not simultaneously, Cahir Healy was also freed by Craig.⁴⁸

In this same week, and spurred on by his own officials, Thomas also turned his attention to the situation at Belleek. Curtis advised that the British had to pull out, and that a formal request for such could be expected from Cosgrave 'very soon'. He added that the government 'could hardly refuse to comply', as there was no longer a military justification for the retention of British troops; it was known that G.O.C. Northern Ireland concurred: 'indeed', Curtis argued, 'there is reason to believe that he would be glad to withdraw the platoon.' It was suggested that on Mulcahy's expected return to London, in late February/early March, he should be informed of British intentions, but that in the meantime both Sir Stephen Tallents, the Imperial Secretary to Northern Ireland, and G.O.C. General Cameron, should see Craig and explain the predicament. The whole tone of this missive suggests that Curtis knew Thomas to be receptive, and it was a measure of the new urgency being injected into matters that the approach to Craig was urged despite the acknowledgement that it could prove counter-productive. With Craig being difficult over the Boundary Commission, there were obvious doubts about raising the problem of the Border post; the Northern government wanted Belleek held as a matter of continuing security.⁴⁹

There is no doubting that the Labour government, daunted by the Craig-Cosgrave meeting, and the defence warnings of the Colonial Office, did try to better relations with the Free State, this even at the cost of temporarily aggravating relations with the North. But the irony in this process was that the man who had done so much to goad the British into action over Dowling and Belleek, Mulcahy, received no personal benefit. He was not to make his planned return visit to London: by February his position was being threatened by a growing rebellion within the 'Old' I.R.A. factions of the Irish Army, and in March this mutiny would force him into a 'scapegoat' resignation. There is no evidence that British decisions were directly affected by this threatened revolt, or vice versa, yet by the same token the previous stonewalling of the Bonar Law and Baldwin governments had hardly assisted matters; Mulcahy had been attempting to thin out and professionalise the old I.R.A. elements in the Army, and it did not help if these erstwhile supporters believed, falsely, that he was aiding Britain on these defence related issues.⁵⁰ In truth, his careful tit-for-tat obstructions smacked of political sophistication: during this episode, one Colonial Office official paid him the unintended compliment of being 'disingenuous'.⁵¹

Nevertheless, defence relations did improve after Thomas had instigated change. Belleek was not finally evacuated until August, but there seem to have been no further objections to the Lough Swilly command change, and a more tolerant line was taken on the wartime use of W/T stations. By June, Hankey, as Secretary to the C.I.D., had put forward new proposals for control of these stations, and agreement was later confirmed 'in principle' by the Executive Council.⁵²

3. Reservists

[H.M.Government] will now have to depend for the machinery of calling them up, and for enforcing the law against any recalcitrants, upon the goodwill and co-operation of your ministers.

British appeal to Ireland on the position of reservists. August 1923⁵³

When the bulk of British forces left Ireland in 1922, there remained a number of awkward personnel problems that had no obvious solution, and for which no provision had been made in the Treaty. One such was the position of a small, but significant, number of Irish reservists. An agreement to cease recruiting and disband the Southern Irish regiments of the regular Army had been reached,⁵⁴ but this particular question remained open and was to have intriguing implications. Reservists had been recruited, and were retained, under the various Reserve Forces Acts from 1882 to 1907, and unless the Dail chose to repeal this commitment they would remain as subject to Imperial law as any mainland counterpart, and be liable for permanent service in an emergency, annual training and normal punishment for desertion.⁵⁵

The obvious problem that independence would raise had not been lost on the War Office, and within days of the Treaty being signed it had put the question of what was to be done with reservists to the newly formed Provisional Government of Ireland Committee (P.G.I.).⁵⁶ In response, the Technical Sub-Committee of the P.G.I. put forward its views for possible Cabinet consideration in March 1922, outlining the difficulty and 'wasteful' effort of trying to retain reservists when the British authorities would soon have no actual power to prosecute those who did not respond

to the call. It is notable, moreover, that even at this early stage the Technical Committee had begun to ponder a singular dilemma that would arise when Ireland became a Dominion proper. It was noted that as a matter of practicality it was present policy to discharge any reservist who left Britain for the Dominions, the implication being that while in geographic terms the Irish reservists would still be close at hand, they could hardly be treated any differently.⁵⁷ Decision was deferred for three months pending negotiations, but it seems that it was not until November that the Viceregal Lodge first made informal contact with Mulcahy, and then only on behalf of the Admiralty. If this tentative approach suggested that London was expecting stiff opposition, then they were in for a surprise: the Colonial Office was informed that the coming Free State government 'would certainly recognise' the priority of the Imperial government in the event of any naval mobilisation. More to the point, the Colonial Office was invited to take up the whole question on a formal basis with Dublin.⁵⁸

This subject was to bring a unique twist to defence relations in the 1920s, being the one area where the Provisional and Free State governments gave active, if qualified, support, and where it was the British departments that began to delay and see intractable problems. At least, that is, the Colonial Office and War Office saw problems: the Admiralty appears to have believed that all would be business as usual, and it was on this subject, in December 1922, that an irritated Colonial Office official noted: 'The Adm like some other Depts has not yet grasped that the F.S. is now a Dominion.'⁵⁹ The War Office, however, was only too aware of this fact, and its Permanent Under-Secretary, H.J.Creedy, let it be known that there was little point

in having men liable for military service if the only way to ensure this was through a total dependence on the Free State. He wanted the entire question held over unless the Imperial Parliament intended to legislate. The clear intimation was that the War Office was willing to discharge all its Free State reservists rather than risk a future humiliation at the hands of a so-called Dominion.⁶⁰

It should be noted that the question of numbers and finance did not really enter these existing, or future, calculations. There were some 2,300 Army reservists, whose total training costs (to be paid by Britain) were £40,000 per annum, and less than 100 members of the Royal Fleet Reserve.⁶¹ To Loughnane, who replaced Andy Cope in Dublin, the question was about finding an avenue which promised to lead to co-operation and future partnership, and he grew frustrated when he heard of the War Office's doubts. In February 1923 he suggested that it would be 'very unfortunate indeed' if reservists were discharged, and urged the Colonial Office to press 'strongly' in order to prevent the War Office drifting.⁶²

But the question did drift, and it was not until August that the Colonial Office made a formal approach. Possibly because of the encouraging signals already received, the inquiry was notably open and disarming, and it confessed that future progress would be totally dependent upon the 'goodwill and co-operation' of Free State ministers. On the British side the immediate problem was seen as procedural, and it was requested that the Irish might like to duplicate, for the benefit of naval reservists, the management system previously operated by the Irish Boards of Trade and Customs and Excise.⁶³ But, having received all the right signals, and having calmed their own

fears, it was now that the British were embarrassed by a wall of Irish silence. In November a reminder commented on the 'considerable inconvenience' being caused by the lack of a reply, and by May 1924 the continuing silence produced the remark that it was 'unnecessary ... to dwell at length upon the embarrassment occasioned to the Admiralty and War Office by the absence of any understanding on the subject'.⁶⁴ In fact, there was little need to inquire of the reasons for this silence; the growing rebellion within the Free State's own Army had become all consuming, and as previously mentioned, the court case involving a confessed British deserter, in October 1923, began to highlight the legal and political minefield that the Attorney General's office and the Department of Defence might enter once commitment had been given in this related area.⁶⁵ There was every reason why the former would need time to appraise the Free State's apparently fragile legal responsibility, under Article 73 of the Constitution (see Appendix 2), and to assess the politics of promoting the more binding legislation which the Colonial Office was keen to advise upon.⁶⁶ As in the case of deserters, there was a difference between seeing the British point of view and actually legislating for it.

In this instance, however, there was every indication that, within the existing framework, the Irish government wanted to continue an agreement without first extracting major concessions, a position evidenced by the support given at an Executive Council meeting in November 1923, and by the formal reply which was finally elicited in May 1924. The Free State would be prepared to duplicate the necessary administrative machinery, and would be prepared to arrest and hand over recalcitrants to the relevant British authorities. In return, all that was asked was that

any reservist be given the option, by notice, of resigning, and that naval reservists would be allowed to be 'absorbed' within any Irish Coastal Defence Force that might result from the scheduled Article 6 conference in 1926.⁶⁷ In all, this has to be seen as a reasonable, if calculated, reply, despite the added advice that new legislation to cover these points was not being contemplated.

This reply was almost guaranteed to have at least two contrasting responses in London, neither of which directly addressed the possibility that it might be based on proper self interest and a completely independent future. The Colonial Office was almost bound to seize on the positive aspects of Irish goodwill, as an aid to Dominion development and harmony, and the Admiralty was equally bound to stand aghast at the implications for its own strategic control. For the remainder of 1924, however, little happened excepting that the War Office, for its part, wanted it known that it had taken heart from the Irish proposals; despite lingering reservations, the Army Council noted 'with much satisfaction the willingness ... to assist them'. There was of course no suggestion that the Army reserve should one day be absorbed within the Free State Army.⁶⁸

But if the War Office attitude was no longer a problem, it seems that until Leo Amery took charge, the Colonial Office fought shy of provoking an Admiralty reaction. When this came, at the beginning of 1925, it was much as expected: the Colonial Office was advised that the idea of the Irish absorbing naval reservists after five years 'would give rise to considerable administrative difficulties', and that it would be better to let the small numbers involved 'die out, and to postpone the

question of resuscitating it [the naval reserve] until the question of the coast defence of the I.F.S. has been settled.' On the other hand, the Admiralty accepted that its view might be 'undesirable' given that it was by no means certain that the Free State would want its own naval force after 1926.⁶⁹ In short, the Admiralty wanted it both ways: if, as it desired, the Irish could be prevented from claiming a naval force, then reservists would still be of use, but otherwise it wanted the whole matter dropped. The Admiralty had in fact to apply considerable ingenuity in order to keep these options open; when it appeared that the Colonial Office might actually agree that a Royal Naval Reserve was untenable, claiming that natural wastage would anyway eliminate the problem by 1926, the Admiralty responded by claiming that this was not the case, as it was still enrolling men in the Free State 'under the ordinary regulations.'⁷⁰ Presumably this meant through mainland agencies, but the Colonial Office did not appear to query this claim.

But perhaps the Admiralty's biggest problem was going to be Leo Amery himself, and the vigour with which he began to tackle this problem during 1925. Indeed, the question of reservists gives an important insight into Amery's early thoughts about the Free State in general. Having spent the earlier part of the year trying to persuade people like Tim Healy and J. Keating, the ex-Nationalist M.P., to ignore reports about 'one regarded with suspicion as a notorious "die hard"', Amery needed something that was likely to produce quick and tangible evidence of mutual goodwill.⁷¹ As such, he began to elevate the reservist question well beyond its immediate level of political/military importance, and was, by June 1925, canvassing for an inter-departmental conference to discuss the 'whole question.'⁷² To assist this,

the Colonial Office distributed a review of the existing position together with its own observations on future progress. It is a revealing document, seemingly bearing Amery's personal and idealistic stamp, and sections of its summary warrant quotation:

The Free State Government has displayed good will and readiness to co-operate in a matter in which it would not have been surprising to find them very reluctant to help; it would be a pity to rebuff them by dropping the whole scheme as suggested by the Admiralty. Moreover, the reason given by the Admiralty for this proposal is that [the] number of reservists ... has now become so small: but it is to be noted that the offer of the Free State includes the enrolment of reservists, and there would appear to be no reason why the coast population of the Irish Free State should not continue to afford in the future, as it has in the past, a good recruiting field for the Royal Naval Reserve. The proposal that the Free State Government should co-operate in the enlistment of recruits for the Royal Naval Reserve is, of course, bound up with the condition that the whole...should be transferable to the Free State Naval Force if and when such a force is set up. The Admiralty object ... to this condition on the ground that it would give rise to considerable administrative difficulties. But apart from the fact that it does not seem very probable that the Free State will be ready in 192[6] to set up a naval force of their own, it is possible that the difficulties foreseen by the Admiralty could be overcome, and that it would be advantageous to His Majesty's Government to fall in with this condition. If and when the Free State does set up a naval force of its own, it is very desirable that it should be in the same relation to the British Navy as naval forces of the other self-governing Dominions; and this object is far more likely to be obtained if there is a flourishing local Royal Naval Reserve organisation ... It is suggested that when the time comes for the Naval Conference for which provision is made in Article 6 of the Treaty, the Free State Government should be encouraged to proceed on the lines suggested above. If His Majesty's Government succeed, they will then be in a far better position to approach the question of bringing the Free State Army into line with the local forces maintained in other Dominions - and this object will also be assisted if the Free State are already actively co-operating in connection with the Army and Air Force Reserve.⁷³

Progressive though Amery may have been, three immediate points stand out from this projection of the imperial mind: firstly, the Colonial Office appears to have read more altruistic goodwill into the Free State's attitude than the latter's official correspondence would allow for. Secondly, the reservist issue was clearly being magnified as a means to a greater end - a unified system of Dominion local defences. Again, and as will be demonstrated in a later chapter dealing with the preparations for the 1926 Treaty conference, there is no evidence that the Free State was thinking along these lines. Lastly, and perhaps as far as the future was concerned, most importantly, there was enough in this document to cause serious alarm to the Admiralty and its diehard sympathisers. By this date the Admiralty had already witnessed the 'surrender' of the Navy's control of Revenue and Fishery Protection in Irish waters, and now it seemed that Amery would be willing to pre-judge the outcome of the scheduled 1926 Conference and assume that there would be a Free State Coastal Defence Force in the near future.⁷⁴ Where would it all end?

Amery did get his inter-departmental conference, in September 1925, although it seems that the price paid for declaring his department's hand was that little or no headway was made.⁷⁵ Some nine months later, in June and July 1926, the then Dominions Office had to remind the Admiralty that it had still not received the detailed requirements (the War Office had long since co-operated) that would be necessary in order to draft a formal reply, now some *two* years overdue, to the Free State government.⁷⁶ But all this Dominion Office effort was leading nowhere: the Admiralty did not really have to defend its own doubts when other departments, principally the Treasury, had begun to produce their own. At the same time as the

Dominions Office was pressing the Admiralty for a reply, the Treasury was going over the Irish proposals and finding them far too vague on the question of accountability and allowable resignation. The Admiralty was informed by the latter that if 'you have no right to call up a man in the event of mobilisation, you lose the benefit for which you pay his reserve pension. If this is intended, ought we not to claim a contribution from the Free State towards his reserve pension?'.⁷⁷ In comparison to the broader vision that Amery had been trying for, this might be seen as nit-picking, and yet from the viewpoint of the Exchequer it was more than fair comment. Indeed, in so doing the Treasury had raised another core question which both the Dominions Office and Free State had so far evaded. The Irish may have offered few objections to a reserve force, paid for by Britain, and from which they might gain tangible and future benefit, but would they still be as interested if asked to pledge legal and financial commitment to this aspect of Imperial defence? The experience so far, as in the case of deserters, suggested that the political goodwill of the Free State extended only so far as its own interests were served, and certainly no further than could be accommodated through the status quo.

The vital point, however, was that there was not enough collective will even to try to test Irish resolve on this issue. The Dominions Office did manage a perfunctory reply to Dublin later in 1926, requesting, among other things, that the Royal Naval Reserve be excluded from any agreement,⁷⁸ but in essence the issue was already dead and had anyway (as will be detailed in later chapters) been overtaken at this date by the direction of the Free State's internal defence policy, and by the wider planning considerations for the coming Article 6 Conference in December.⁷⁹ As regards this

last point, the significance of the Dominions Office's failure to have achieved any coherent understanding at the above 1925 inter-departmental conference cannot be underestimated. Here had been the early chance to set the agenda for future C.I.D. discussions on Ireland, and its failure spoke volumes for the chances of agreement if, and when, the bi-lateral Coastal Defence Conference actually began.

4. The Tommy and the Tar

I am informed that there is no law or Regulation in force in the Irish Free State forbidding the wearing of uniform by members of His Majesty's forces.

Sir Laming Worthington-Evans,
Secretary of State for War,
speaking in the Commons, June 1925.⁸⁰

While the nature of the 1919-21 campaign may have resulted in some of the worst lapses of discipline in modern British military history, it was certainly not the case that the Southern Irish generally came to despise the regular British Army. On the contrary, and somewhat to their cost, the political and military commanders of a still poorly trained Free State Army were often in awe of the traditional methods for instilling discipline and *esprit de corps*, particularly among junior officers.⁸¹ But while the Imperial model remained convenient, and in many ways enviable - to the point of sending men to officer training schools in Britain - it equally did not follow that the British Service uniform was a politically acceptable sight on Free State soil.⁸²

A distinction has, of course, to be made here between the British forces who were retained, per force, at the defended Treaty Ports of Cobh (Queenstown), Berehaven and Lough Swilly, and those on official or private visits unconnected with Treaty obligations. The presence of the former did create its own problems and resentments, and these are discussed in a latter chapter, but outwith these coastal areas, where the British uniform remained a common sight, it could be expected that the Irish government would be wary of the British trying to extend their rights of Empire. As earlier indicated, the fact that it had taken until August 1924 finally to get the British to quit Belleek, was not likely to endear Dublin to the belief that London truly respected its independence.

But to a certain extent the situation which arose after 1922 had been connived at by the British siege mentality which had developed during the protracted 'retreat' to, and then from, Dublin in that year. In order to cut further embarrassing losses, the War Office had ordered General Macready, as early as August 1922, to restrict Service leave in Ireland to those cases 'where hardship would follow' if it was not granted, and then only on the 'distinct understanding that the recipient proceeds at his own risk and in plain clothes.'⁸³ It must be remembered that this was at a time when the British Army, despite the nominal civil authority of the Provisional Government, still held military sovereignty, and when Macready, through Churchill, held more direct power than any person in Ireland, North or South. Even so, the problem went beyond trying to lessen the exposure of Macready's own battalions; earlier in May there had been public disquiet over the vulnerability of men from the disbanded Irish regiments and the R.I.C. having to return and face anti-Treaty forces in their home

towns and villages. And as if to turn the screw, the former C.I.G.S., Sir Henry Wilson, had taken pleasure in trying to ridicule Churchill with reference to off-duty soldiers having to go about unarmed because it was 'not safe'.⁸⁴ The consequence of this determination not to provoke incidents, with either uniform or arms, had started to become institutionalised by September 1922, when Cope had officially to rebuke the Provisional Government for allowing a National Army soldier to be seen armed and in uniform in London; to ensure a degree of fairness, Cope promised that, in future, security forces in Northern Ireland would not be allowed to cross the Border in uniform. In return, the Provisional Government promised to reciprocate on its Border crossings.⁸⁵

This caution held in the years that followed. It was notable that Britain did not appear to object when the Executive Council declined an invitation from the Legion of Irish Ex-Servicemen for the Governor General to attend the 1924 Armistice celebrations in Dublin. The invitation also extended to the President, but it was judged that 'the time was not ripe for the Government to publicly associate itself [sic] with functions of this nature', and thought 'somewhat anomalous' that the Governor General, Tim Healy, should accept such an invitation. The same doubts held for the 1925 Armistice Day celebrations.⁸⁶ Indeed, any occasion that might tend to highlight the British Service uniform, or to honour Ireland's past association with British military endeavours, was bound to cause political embarrassment. That the Colonial Office, if not the War Office or Admiralty, recognised this problem was made apparent early in 1924, when it thought better than to make a formal approach to Cosgrave on a subject close to the War Office's heart; the distinguished record of the

recently disbanded Royal Dublin Fusiliers was a matter of pride to the War Office, and it very much wanted the Colours of the outstanding battalions to be placed with others of the regiment in St. Patrick's Cathedral in Dublin. The problem here was not with the placement itself, but with the escort ceremony which would have to occasion the deposit, and this, moreover, in the centre of the capital. Loughnane first made a personal approach to Cosgrave, only to be told that the question had 'better be postponed for a few months', but in the event it was not until April 1925 that another attempt was risked - equally without success. Cosgrave did take personal note of the position, and later turned a blind eye to smaller, and less conspicuous, Colour ceremonies in the provinces, yet it had been made clear that this was a tolerance that had set limits.⁸⁷

It was, however, to be an incident in far away Bundoran, near Sligo, which finally brought these underlying tensions to a head. The incident, in May 1925, concerned a young recruit of the Enniskillen Fusiliers, based at Omagh in Northern Ireland, who, on returning to his home town was detained by the Civic Guard and made to exchange his uniform for civilian dress; on leaving Bundoran the same evening, he was escorted to the train by the Guard and given back his tunic. The subsequent question which excited both the Unionist press and the Commons, was whether he had been detained simply for his own safety - because by showing off his new uniform he had attracted a 'rowdy element in the crowd'⁸⁸ - or whether he had actually been arrested for wearing the uniform of His Majesty's Forces. An outraged correspondent of the *Morning Post* was in little doubt, insisting that the soldier had been told that he had committed an offence by entering the Free State in uniform, and

that the incident had exposed 'the extent to which the British uniform is hated in the Free State.'⁸⁹

This was of course just the type of nuisance incident which was guaranteed to cause maximum, if short lived, embarrassment to ministers of both countries. Even so, the manner in which the basic principle involved was handled was revealing. Knowing that Unionist MPs had tabled Commons questions on the 'arrest', the Colonial Office contacted Diarmuid O'Hegarty and immediately affirmed that the soldier had broken the unwritten code which had been established since 1922. But in confirming that the War Office would stand by this agreement, it was then hinted that the British government might be in trouble for admitting to it; to prevent this, it was suggested that Irish ministers might like to offer some soothing words.⁹⁰ Cosgrave was not, however, likely to fall into this tender trap and rush a reply. Although there was no suggestion from the Irish side that the soldier had been arrested, it is difficult to imagine a response which might not have compromised his government at some later date. The simple reality was that the wearer of a British uniform was not welcome and was still at some risk, and all informed agencies had accepted this, together with the fact that the R.O.I.A. regulations of 1920, though technically still in force at this date, could no longer be invoked in the South.⁹¹

British embarrassment only increased when the Northern government became indirectly involved, via an (apparently) hostile report on the incident by G.O.C. General Cameron, a copy of which was forwarded to Dublin. Cameron had obviously to be implicated, but his relationship with the Northern government was,

to say the least, ambiguous, and when O'Hegarty was notified that London had given certain assurances to him, the wider implications would have been evident. London was, nevertheless, still on the defensive; while Cosgrave, through O'Hegarty, was again being pressed by the Colonial Office to lend support, the latter was also apologising that 'such harmless incidents' should be the subject of political excitement. Cosgrave did not, however, respond, and maintained a 'wait and see' attitude.⁹²

In the Commons the Conservative front bench had an uncomfortable time stalling questions from indignant Unionist MPs, and a week's notice was requested because of the 'seriousness' of the matter. When, in due course, these same questions were repeated, Worthington-Evans, the Secretary for War, had little option but to admit at least a half-truth about the state of Anglo-Irish military relations. He insisted that the incident had been 'greatly misrepresented', and that the soldier had not been arrested, but for the first time was forced to concede that 'it is still considered advisable by the British military authorities in Ireland that soldiers should not wear their uniform while on leave in the Irish Free State.' It was perhaps as well that he did not mention Irish political sensitivities, as despite having to accept the security advice, some MPs were not overly impressed with the government's passive stance. Colonel Gretton summed up their contempt when he asked: 'Is there any other part of the British Empire where the War Office consider it inadvisable for British soldiers to wear the King's uniform?' The reply was in the negative.⁹³

To what extent these Commons scenes proved a formative experience to the British establishment is debatable. The British uniform was one of the most potent symbols of Empire, and yet a Conservative government had, in effect, been prepared to disown it, and this within the 'British' Isles. But there may have been other, hidden, reasons for this reticence, reasons that would only unfold within the next few months of 1925.⁹⁴ As the following chapters will illustrate, the British government was more vulnerable under the Treaty defence provisions than it had supposed, and the Free State had greater ambitions to contain British forces than were demonstrated in one particular incident, fortuitous prelude though it may have been. Meantime, it has been seen, on the subjects of deserters and reservists, that even active co-operation had defined, self-interested, limits, and that outwith the coastal areas under Treaty obligations, the British uniform was received with a reluctance that already spoke of alienation. The Free State may have been retained *within* the Empire, but the lesson was that it was never going to be *of* the Empire.

CHAPTER 5 : THE SPOILS OF WAR

1. Hibernia Rules The Waves?

[The Admiralty] were not informed of this contemplation and are apprehensive that the risks of misunderstanding and friction thus introduced have not been realised.

Admiralty to Cabinet on the wording of Article 6 of Treaty. 8-12-1921.¹

Whatever the fortune and status of Service personnel in the Free State might be, there were also many other (post-Treaty) technical issues to be resolved, issues which affected the War Office and Admiralty just as much, and which were as equally relevant to Irish ambition. The ink had not had time to dry on the Treaty before the Admiralty attempted to warn the Cabinet on the consequences of the 'essential principle' of absolute responsibility in coastal defence having been diluted in political negotiation. It was argued that no definition of the term 'Fishery or Revenue Protection Vessel' had been struck, and that as the future Free State would be authorised to construct and maintain such vessels as necessary, under Article 6 of the Treaty, there would be problems in handing over this right to 'an inexperienced service'. Noting previous encounters with the French fishing fleets, it was stressed that 'extreme bitterness' could be generated between nations over difficulties with Fishery Protection.²

It is of interest that the Admiralty immediately noted Article 6 as an enabling provision, and did not try to interpret it in a literal or obtuse sense; that is, that the Free State could actually *operate* a coastal protection, and not just *prepare* for the same pending the outcome of the scheduled Coastal Defence conference five years hence. Central to this observation was the position of British shipping in presumed Irish territorial waters, and the extent to which Admiralty control had been retained in these same waters. But throughout most of 1922 such questions seemed of little import to British ministers; the Provisional Government had only limited, internal, authority, and it has previously been seen that the Navy's control of these waters in 1922 was absolute. MPs did ponder the fate of British shipping after the start of the civil war, yet Churchill would only hint at the existence of separate territorial waters, answering that all powers and duties of the Imperial government had been transferred 'except as modified by Articles 6,7 and 9 of the Treaty' (see Appendix 1). This, as the Admiralty had been only too quick to point out, still left much room for interpretation.³

In the event, a practical examination of these quandaries came sooner than even the Admiralty could have anticipated. By October 1922, and well before the British decision to quit Dublin had been taken, Cosgrave had begun to consult Loughnane on the availability of converted trawlers for coastal patrols and gun-running prevention. Loughnane advised London that Cosgrave was aware that this brought into question Article 6, and that such trawlers could not 'reasonably be seen' as Revenue or Fishery Protection vessels. Nevertheless, Loughnane took the Irish part and stressed the urgency of the request and the belief that the Provisional Government wanted only

to co-operate with the British against gun-running; that the Irish would have the advantage of local knowledge was also seen as a plus.⁴ Although London would have noted that such vessels would be useful to a somewhat desperate 'war government', it could have been expected, at this time, that there would have been political reservations; this request may not have ranked in significance with the Provisional Government's earlier decision to join the League of Nations, but it was the first physical and external expression of a new found independence that held a potential challenge to Britain. In this case, it was surprising that Devonshire, the incoming Conservative Colonial Secretary, should, in November, disregard the offer of making this an extraordinary departure, and agree in principle that the request was in accordance with Article 6 'since the regulation of the importation of arms is a Custom duty.' Provided they were classed as Revenue vessels, and it was understood that they could operate only 'in addition' to H.M. ships in Irish waters, then the British would have no objections. In order, however, to curtail Irish ambitions, it was also stressed that H.M. ships 'would not be withdrawn', and that such vessels 'must take no action against foreign ships outside British or Irish territorial waters.'⁵

But perhaps active British approval was not so surprising: the previously mentioned '*Wicklow Head*' debacle, and the Navy's forlorn experience in gun-running prevention generally, was matched only by the embarrassment of having to withdraw so many ships from the Irish Patrol to serve in the Mediterranean at the time of the Chanak crisis.⁶ At the turn of 1923, there were still five Patrol destroyers operating along the west coast, from Galway, Shannon and Berehaven, but given the continuing anxiety over illicit arms imports, this no longer comprised a substantial presence.⁷

Perhaps too, London was flattered by the promise of co-operation and the potential financial rewards to be had from selling surplus ships to a captive market. By February 1923 the Free State had indeed purchased 12 armed trawlers, for an initial cash payment of £87,000, and though this in itself was a small sum, in terms of Imperial defence sales, a precedent for further such orders had been set. Such outlay was not of course a small matter for the, technically bankrupt, Free State, and the manner in which the Executive Council expedited these purchases told of its determination to bring the civil war to a rapid conclusion. Unfortunately for the Admiralty, however, it seems that the wish for a completely independent war capability, around the coast and inlets of the war zones, outweighed any thought of future co-operation. There is no evidence that these trawlers worked in tandem with Navy gun-running patrols at any time in 1923, and it will be seen, in a later chapter dealing with the planning for the Article 6 conference, that almost no consideration was given to the possibility of this fleet forming the nucleus of a Free State Naval Service.⁸

Co-operation or not, to the Admiralty the mere fact of such dealings with Dublin tended to reinforce its doubts. In December 1922 it sought clarification from the P.G.I. Technical Committee (I.T.C.) as to the extent and legality of its powers now that the Free State was formally in place. While the Admiralty understood only too clearly that it was still responsible for the defence of Ireland by sea, the point was made that it was only 'presumably' responsible 'for the maintenance of order within Irish waters, excepting whatever rights the Irish claimed on Revenue and Fishery Protection'. The principal question, however, concerned the future legal rights of the

Royal Navy to stop and search vessels in Irish waters, and the fact that previous authority for this had rested with the Restoration of Order in Ireland Act (R.O.I.A) of 1920. The Admiralty cited Article 73 of the Free State Constitution in the hope that these Regulations 'would remain in force until ... specifically repealed or amended', and was concerned not to fall foul of the Irish government should any modifications be made.⁹ An examination of Article 73 (see Appendix 2) shows that the position was far from clear; as all existing laws were subject to their being consistent with the Constitution as a whole, then nothing could be taken for granted.

It was a measure of just how little attention had been paid to the legal specifics of defence and Irish independence, that the I.T.C. was in no position to give the Admiralty clear answers to its pointed questions. Succeeding only in fudging the issue, it was explained that the R.O.I.A. had been '...in the nature of emergency legislation for special conditions which no longer existed and that consequently it must be assumed that the Regulations were no longer applicable'. Pushing the problem back to the Admiralty, the I.T.C. asked if there were any other existing powers by which the Navy could operate.¹⁰ The Free State had been in formal existence for nearly two months when the Admiralty replied that on the basis of the R.O.I.A. 'having lapsed' it considered that there were no legal/constitutional powers to support the Navy's current stop-and-search operations in Irish waters.¹¹

During the Home Rule emergency of 1913-14 the Navy had operated under a Customs Act proclamation which had subsequently been revoked, and the Admiralty was now advised that it had no valid search powers under the existing Firearms Act. On a technicality, power of search was still held within the actual limits of any Irish port, but it was pointed out that this was of little value since Free State Customs could themselves handle this area. In these circumstances, the Admiralty wanted the British government to secure agreement with Dublin on future naval operations 'anywhere' within Irish territorial waters, advising that in the meantime the Navy would be prepared only to shadow and inform Dublin of suspected gun-running vessels pending an undertaking by the same 'to indemnify the Admiralty against any action for damages'. Otherwise, the Admiralty continued to assume that the 'ordinary' powers of maintaining general order in these waters were in place and needed no modifications.¹²

For its part, the Colonial Office appeared to be in no particular rush to deal with the Admiralty's protestations; Antrobus advised that as the republican threat was receding he was not sure of the need for any urgency in the matter.¹³ This was probably a case of grasping at any useful excuse, and it is almost certain that Devonshire and the I.T.C. would have concurred. The Admiralty had raised questions that simply had no immediate answer, chief among them being the current status of the R.O.I.A. - the same problem which had confronted General Macready when he had given his 'ultimatum' some two months earlier.¹⁴ From their inception these Regulations had been fraught with constitutional and practical difficulties for enforcement, and now their status was further eroded by the supposed temporary nature of their original

need.¹⁵ It was small wonder, however, that the government intended to sit on the problem: until the Treaty was totally secured it would have been foolhardy to advertise the weaknesses of the Act by attempting amendments, especially when its authority was still relevant to the North. Indeed, it was to be another two years before its suspension was even considered, during which time the government studiously avoided any confrontation with Dublin on this issue.¹⁶

To an extent the British government, in the immediate post-Treaty era, could afford some complacency in matters of detail. If need be, and as Churchill had already intimated, it could always insist on a catch-all interpretation of Articles 6, 7 and 9, and rely on the fact that the primacy of the Treaty was written into the Free State Constitution. But theoretical comforts in London were a far cry from the practical difficulties still faced by the Navy (and Army) in Ireland. The Free State had already demonstrated that although it remained preoccupied with the ravages of civil war, it could still find time to keep a wary eye on Royal Navy operations; what had been taken for granted prior to December 1922, with little heed paid to Irish external concerns, was now no longer possible. Indeed, the Free State was only three weeks old when Loughnane had to warn the Colonial Office that the Executive Council was more than curious about an incident involving the detention of an American steamer, boarded by a destroyer as it headed for Castletownbere in Bantry Bay. The Irish government and Customs had been told nothing of the incident, having to learn of it from a report in the *Irish Times*, and it now wanted to know the full facts of the case.¹⁷ This sensitivity was more than understandable given that Dublin had been made responsible for damages in cases of wrongful arrest, and it was probably this

incident, or similar, that prompted the above declaration of new procedures by the Admiralty.

But the making of its own rules did not signify that the Admiralty understood Irish ambition, and the former was to receive another rude awakening when, in direct negotiations, it tried to belittle Irish belief in the worth of separate territorial waters. The very idea of this was of course anathema to the Admiralty, but in fairness it had been given little firm direction by the government, and was not, it seems, a party to the 'Revenue' trawler agreement which had created an important precedent under Article 6. Realising that Fishery Protection was too important to be left to chance, it was the Admiralty that in February 1923 made the running, asking the Dublin government for a formal meeting in order to clarify the situation. The Irish concurred, but when the meeting convened it soon became clear that they had no intention of entering into any negotiations which might reverse the gains already made. The Attorney General, Kennedy, and the then minister of Fisheries, Fionan Lynch, straightaway thanked the five Admiralty representatives for their needless concern; after prior consultation with their own Defence Minister they were able to report that they could provide all the necessary protection for their own Fisheries. If, however, this was gamesmanship, then it was a somewhat risky game to play; responding in kind, the Admiralty team insisted that this was not necessary as the Navy already had two gunboats, based at Fleetwood and Pembroke, for this very purpose. In resisting this offer, the crucial point of the meeting then began to emerge. When asked what the position of British trawlers would be in Free State waters, Kennedy replied that this was a complex area needing further discussion, but

that for the present it could be taken that the British were excluded by virtue of the Free State's claimed territorial waters.¹⁸ With an armed trawler fleet soon to be in service, Kennedy could probably afford to be assertive, but in truth he was beginning to stretch a point here. Unknown to the Admiralty, he had received an internal legal report which, while noting that Free State jurisdiction was 'beyond question', had concluded that British subjects probably retained the right to fish within a three mile limit.¹⁹

It was a testimony to British hesitancy on this subject that the Admiralty went into this meeting without the mediating experience of a minister or senior official, and it can only be suspected that there was some forewarning of the course it was likely to take. But given its course, what followed was somewhat predictable and was to prove that the age of British gunboat diplomacy had not yet passed. In May 1923, the Colonial Office, acting seemingly as a simple conduit for Admiralty intentions, informed Dublin that it had learnt of their wish for 'active' advice on Fishery Protection and was therefore enclosing a programme of imminent 'visits' by the gunboats *Doon* and *Cherwell* to various Free State ports and waters.²⁰

The Irish were not amused. In language that was barely controlled, Lynch advised the Executive Council that at the earlier London meeting it had been made 'perfectly plain' that British help was not required, adding that it had been obvious that the Irish representatives 'were only being polite' in suggesting that sometime assistance, on invitation, could be envisaged. He concluded:

it would be very unfortunate for the Government, from the political point of view, if British gun-boats made a practice of visiting our ports at this early stage of our career. In fact, I am not clear whether such visits, except on special invitation ... are not breaches of the Treaty.²¹

The Executive Council would have needed little reminding that this matter touched on the Treaty defence provisions and their interpretation. With the gunboats having already arrived there was little time to dwell on the situation, but with no little diplomatic skill, an answer was found. The Colonial Office was informed that there appeared to have been an unfortunate 'misunderstanding' at the London meeting and that, as no such visits had been invited, there had been no time in which to prepare a reception for H.M. ships. It was requested, therefore, that the Admiralty might like to cancel the last part of the visit should it 'require the vessels in question for duty elsewhere'. It seems that the Colonial Office, if not the Admiralty, was only too keen to accept this face-saving formula, because the reply accepted that in future a 'formal' invitation to Irish waters would first be awaited. No such invitation was to come, but in the event it was not until July 1924 that the Admiralty bowed to the inevitable and reduced its Irish Sea protection schedules;²² it may not have been a coincidence that by this date the republican threat had been exhausted and that, in consequence, the intelligence that such vessels gathered was no longer essential.²³ By this date too, the Irish had begun to confirm their new status with a 'Trawling in Prohibited Areas Act', and the fact that they were then liaising with the Colonial Office, over the enforcement of this legislation, suggests that peace, of a kind, had been restored on this issue.²⁴

The wider picture would suggest that the Admiralty had good and selfish reasons to defer to such Colonial Office peace overtures. To continue to antagonise Dublin on the subject of territorial waters was to prejudice Britain's essential interest in the strategic use of Free State coastal facilities, and much of the fine print of the Treaty Annex still awaited bi-lateral resolution. It was not until December 1923 that the Admiralty managed to arrange a meeting with Mulcahy to discuss these issues, and there was every indication that the 13-point agenda (see Appendix 6) would lead to protracted negotiations; as the previous chapter has indicated, this was at a time when Mulcahy and his Executive Council colleagues were offering difficult obstructions on various other defence matters. To an extent, the Free State was, by definition, already committed to fulfil the requirements of the Treaty Annex, but when Cosgrave perused the agenda for this December meeting he could only blanch at the implications of Admiralty and War Office on-shore establishments in wartime. He advised Kennedy, the Attorney General:

The landing of British agents, soldiers etc. & the provision of offices for same ought if at all possible be avoided.

The Crux appears to me in 1.3.5 & 7 [of the agenda] for accommodation on shore. With tactful officers and officials this is bad enough - but with those not inclined to be tactful there are many dangerous complications...

Cosgrave had to admit that many of the agenda points were legitimate and 'reasonable', yet he wanted Kennedy to liaise with Defence so as to find possible grounds for refusals.²⁵ In short, if the small peacetime garrisons at the Treaty Ports were barely tolerable, then the thought of these same areas being flooded with British

forces in times of emergency was simply unacceptable. Perhaps not surprisingly, no evidence has been found to confirm that the planned meeting took place and it is known that even the Admiralty's principal emergency requirements had only been resolved 'in principle' by the time of the scheduled 1926 Coastal Defence conference. In December 1925, Dublin tried to insist on full transfer control of the W/T Stations at Valencia and Malin Head.²⁶

But in 1923 it was not just the theory of British 'in charge' rights at the Treaty Ports that was being challenged. There was no doubting that the Irish had gained full Customs and Excise powers over their own ports and waters, but what was the position at Cobh (Queenstown), Berehaven and Lough Swilly? By the beginning of 1923 the War Office was complaining that Dublin had not, as yet, granted import duty exemption to the garrisoned troops. It seems that the former believed this to have been an oversight, but Antrobus, at the Colonial Office, sensed trouble and tried to explain that the position of British forces in the Free State was far from clear; there were no permanent garrisons in any other Dominion, and as such this had to be treated as a 'peculiar problem' which, by implication, would require tactful negotiation - the Irish, after all, had not exactly invited British forces to stay.²⁷

Be that as it may, the War Office was growing impatient and insisted that as there was a 'general rule' of exemption for troops stationed in the Dominions, Devonshire himself should approach the Free State for confirmation.²⁸ This was done, but in claiming exemption on the grounds of 'long established practice', London only managed to advertise that there were no legal or constitutional grounds for such a

right. It appears that Dublin was well aware of this, and that there was a political determination to spike the British guns on this matter. Ostensibly, the request became stuck in the log-jam of paperwork at the Attorney General's Office, but by December 1923 the Finance Office was sending 'very urgent' reminders to the same, pointing out that the British request had remained unanswered for seven months and that it was not 'to our credit that we have so long delayed in sending a reply.' Meanwhile, the Royal Navy could not avoid being caught up in the attrition: there had been a minor confrontation at Cobh when crew supplies for one of the permanent Patrol destroyers, H.M.S. *Seawolf*, had been impounded after its captain refused to pay Irish duty. Constant British pressure finally brought results, but not before the situation had been reduced to something of a farce, with a full diplomatic dispatch being used to decide the fate of sixty two bags of sugar bound for the Spike Island Royal Army Service Corps. Irish principle was eventually satisfied, and exemption officially granted, only in August 1925:²⁹ it may not have been a coincidence that in the same month the British volunteered a 'Landing' agreement (detailed in the following chapter) which restricted the entry and movement of British forces in the Free State.³⁰

Yet diagnostic though these early, and coastal related, technical skirmishes may have been, there remained many unanswered questions as to the Free State's intentions and abilities to enforce territorial claims. Until the scheduled Coastal Defence review of 1926 actually took place, it was most certainly going to be the case that Dublin could not win any permanent defence solutions; indeed, the *de facto* existence of separate territorial waters could only threaten to complicate matters, especially as the Treaty had not envisaged the legal ramifications of such divisions. If the struggle for such

principles could descend to the level of disputing the fate of bags of sugar, then the outlook did not seem promising.

2. Britannia Rules The Shores?

... but if we are not up and doing, and if our Government is not able to speak with a strong, determined voice, it is quite conceivable that England may pull the wool over our eyes and may let us in for several millions a year.

Ernest Blythe, Finance Minister,
speaking on settlement counter-claims,
October 1923.³¹

The comparatively rapid withdrawal of British forces to Dublin, by the late Spring of 1922, created more than just operational problems for the Dublin and London governments. Describing the withdrawals, it is all too easy to talk of the 'surrendering', or the 'handing over' of barracks and other properties as being the end of British commitment, once National forces had taken area responsibility. In most cases, however, this was only the beginning of a different form of commitment, and one which threatened administrative and financial embarrassment to the Provisional Government and its Free State successors. In reality, all that was 'handed over' was bricks and mortar or the 'enjoyment' of land; ownership and title deeds were to remain with the War Office, or, as in large part with Admiralty property, with local landowners from whom it had been rented, and to whom the Irish government would be committed to continue payments regardless of need.

At issue were considerable areas of land: the War Office owned some 7,000 acres at the Kilworth and Moorepark artillery ranges, and a further 6,000 acres at the Glen Imaal range, the latter having over sixty existing tenants. Including numerous smaller rifle ranges, and the drilling and exercise grounds adjacent to many barracks, the total of War Office land in Southern Ireland amounted to 22,428 acres, attracting rents of between £7,000-£9,000 a year.³² In contrast, outwith its own property at Cobh (Queenstown), the Admiralty held only 113 sites around the coastline, mostly coastguard stations and houses, for which the yearly rents totalled less than £650.³³

The British did not, however, wait for a civil war to begin before they sought solid assurances on Service property from the Provisional Government. Indeed, the Treaty itself had not even been ratified by the Imperial parliament when in February, General Macreedy sought, and apparently gained, definite promises on transfers from Collins - this at a time when it was known that British troop evacuations were being postponed. Few details of this meeting have been found, although it was to have important consequences and would later be held by the British to have formed the basis for all future Irish commitments for the 'safe custody' of Imperial property.³⁴ As G.O.C. in C. Ireland, Macreedy would have held the authority to negotiate an agreement on behalf of the Admiralty as well as the War office, but it seems that after he had broken the ice in February, the former then attempted, at the cost of no little confusion, to press its own dialogues and agreements with Collins through C. in C. Western Approaches at Buncrana.³⁵

The Admiralty should perhaps have delayed its own rapid evacuation timetables until a viable structure of communication and command had been established with the Provisional Government. The C. in C. failed, repeatedly, to elicit any response from Collins until the end of April, and was then confounded to learn from him that all property transfers had been delayed 'for the present'. The Admiralty in London was immediately informed of the C. in C.'s indignation at having been told nothing of this delay. Assuming (wrongly) that this was now a matter of policy, the latter insisted that no such delay instructions had been received from London, and that he was finding it 'equally difficult to obtain any information from the authorities at Dublin Castle'. His embarrassment at this silence would have been acute, because while waiting for Collins to respond, several local station transfers had already been completed in the Queenstown area, and preparations for evacuation or transfer, at a local agreement level, were, seemingly, well advanced elsewhere.³⁶ But the C. in C. was to receive little relief from either London or Dublin in the near future. The Admiralty went through the motions of requesting of the P.G.I. Committee that Collins should be 'pressed to proceed' with the official transfer of naval property, but there is no indication that this was considered to be anything of a priority.³⁷

The priorities were indeed elsewhere, as evidenced by the urgency of Macready's February meeting on military property. That there was to be subsequent confusion in Dublin, as to exactly what Collins had agreed to, was perhaps not surprising, but then Collins's performance has to be set against the chaotic backdrop of 1922. In comparison to British holistic thinking, his only concern had been to take over as much Service property as he could manage at any given time, and as such Macready

had been in a strong bargaining position. As previously illustrated, Collins's foolhardy attempt to get hold of at least one of the Port defences at Queenstown, during the sea-landings of August, suggested that he had little time for British sensitivities as to the future security and legal status of existing property.³⁸

These momentary attentions of the Provisional Government were entirely consistent with the extreme pressures it was under, both from republicans and the British, but while the overall attention of the British government and its officials was anything but fleeting, it was still the case that its Service departments were jealously guarding their own interests. Naval transfers may generally have been given a low priority, but when it came to property actually owned by the Admiralty there were to be no allowances made for Collins's waverings. Having already decided that the Navy's principal dockyard at Haulbowline (Queenstown) was redundant, the Admiralty was later to state that Collins, by 'express wish', and to prevent imminent closure, had agreed to take full responsibility for the yard as from 1st April 1922, pending the formulation of policy for the same.³⁹ With a bi-lateral financial conference due early in 1923, the Treasury took up the Admiralty's claim in December 1922, informing the Colonial Office that no monies had yet been received from the Irish government in respect of Haulbowline. The Admiralty had made no financial provision for the dockyard in its 1922-3 estimates, and the Treasury insisted that current maintenance, paid from 'Navy balances', was 'obviously a most irregular arrangement'. As such, the Colonial Office was requested to demand £50,000 'at once' from the now Free State government as an interim payment. By the time the British had prepared an agenda for the coming financial conference the debt had been itemised at £25,000 per

quarter, and the decision taken that the Free State should pay an initial £75,000 up to the end of December; the dockyard (valued at some £12 millions) would then be closed if formal agreement on a Free State takeover could not be reached.⁴⁰

This specific debt should be set against the fact that the fledgling Free State was technically bankrupt. Civil war damage, to date, was estimated at £30 millions, and it was known that no overseas loan could be raised before its debts to Britain had been fixed. Tom Jones records that at the beginning of 1923 the Irish had less than £650,000 'in their chest', and although Bonar Law was telling the Treasury to be 'helpful' with guarantees, Tory diehards could not help but smell blood.⁴¹ Haulbowline was not the largest Irish debt to be faced at the February financial conference, but it certainly threatened to be one of the most intractable. Joseph Brennan, Secretary to the Finance Department, could only admit that the dockyard problem was '...very unsatisfactory as we appear to be under a considerable but vague liability.'⁴² It is not known in what form Collins gave his original commitment, but the alleged fact of it was now coming home to roost. But what exactly was Dublin paying for? Irish records indicate that during the Treaty negotiations, of December 1921, British ministers had given assurances that dockyard transfers would not be subject to 'compensation' payments.⁴³ To make matters worse, the Admiralty was also to lodge a claim for civil war damage to its other properties at Queenstown: the destruction of Admiralty House and the adjoining Secretary's House was estimated at £125,000, and again it was held that both properties had been 'handed over to the Provisional Government for safe custody' in May 1922.⁴⁴

The reality of course was that such compound debts did not result in immediate demands for payment. The 1923-6 financial settlements between Britain and the Free State were of a nature so complex and contingent (at one time Collins had insisted that Irish over-taxation for the whole of the 19th century should enter the calculations) that the details of the February 1923 agreement were merged with later agreements and set-offs and finally resolved through the December 1925 agreement and the Ultimate Financial Settlement of March 1926. By this time, as the historian Ronan Fanning has observed, the settlements had become more a matter of high politics than of high finance.⁴⁵ Equally to the point, however, there was no suggestion that the Free State tried to escape from the legally obscure commitments on Admiralty debts that Collins had apparently given; to place the Admiralty commitment in a wider defence context, it should be noted that the more publicised debt to Britain for all munitions supplied to the end of 1922 was no more than £250,000.⁴⁶

In 1922, and in the absence of a coherent maritime policy, the forecast as to whether Haulbowline might be a liability or an economic lifeline could not have been made, and yet the yard, and all the coastguard properties, were taken on as a mark of independence, this despite the inheritance of basic problems, such as who was to run them and how. When the S.N.O. Queenstown post was finally withdrawn by the Admiralty, in March 1923, together with the King's Harbour Master, Queenstown, the Defence Department complained that it had been told nothing of these arrangements and did not welcome sole responsibility for the same; it was remarked that the Department for Industry and Commerce should also be involved in the future running of these posts.⁴⁷ Similarly, there was some controversy as to which

Department would be responsible for the leasing arrangements and payments on the various coastguard properties. Fearing that it was being burdened with all the Admiralty inheritances, Defence took this problem direct to Cosgrave and argued that the Office of Public Works and the Department of Finance should take over.⁴⁸

Behind such official misgivings was the knowledge of public criticism, especially in the case of Haulbowline, that a small State had bitten off more than it could chew. By the end of 1923 there were cries that the State could not afford the upkeep of the dockyard, and that it should be sold off, but when later it seemed that the defence contractors Armstrong-Whitworth would move in, the republican press was outraged. *Sinn Fein* opined that in 'England's' next war 'the town of Cobh, and incidently Cork, will turn into an Inferno', and stated that Britain would make the naval yard a 'controlled establishment'.⁴⁹ Alarmist though such reports were meant to be, the Cosgrave administrations, by virtue of the ambiguous meaning of Article 49 of the Constitution (which noted only the right to decline 'active' participation in an Imperial war - see Appendix 2), could not afford to ignore a core truth. Haulbowline was to have a chequered history up to the 2nd World War, but it was always to remain in Irish hands: when, in 1924, the Admiralty needed to buy back some coal stock at the complex, the sale was agreed only after Dublin was satisfied that this was not part of a more general encroachment.⁵⁰

.....

On the purely military side of matters, and notwithstanding the February meeting of Macready and Collins and the temporary halt of transfers in April, there was no real movement by the War Office to put property transfers on a formal agenda until the end of September 1922. By this time the civil war was in full progress, and all barracks and Army bases outside Dublin had, in theory at least, been handed over to Provisional Government forces for safe keeping. At a formal meeting at the offices of the Treasury Remembrancer at Dublin Castle, attended by the British military, Andy Cope and A.P. Waterfield (the Dublin Treasury representative), pressure was exerted on the Irish Finance representatives to accept formal and immediate financial responsibility for all War Office property as from 1st October 1922.⁵¹ Certainly it was the case that the British wanted to leave, but this urgency could have had little to do with the final evacuation of British troops, the sudden decision for which was at least six weeks away. Suspecting that they knew the real reason for the urgency, the Irish decided to resist the proposals until certain principles had been established. T.K. Bewley, himself on loan to the Finance Department from the Treasury, led the rebuff a few days later when he informed Waterfield:

I do not see how in present conditions we can agree to maintain the properties in good condition. They are, after all, liable to destruction at any moment, and this agreement would in practice mean that we guarantee to rebuild any barrack, etc., destroyed by irregulars whether required or not for the future Irish Army.⁵²

In fairness the British proposals may in part have been prompted by the desire to tidy affairs while there was still Treasury capacity in Dublin, but even so, the trained ability of public servants to 'go native' must have been regretted, because Bewley's

rebuff did not stop at this. The entire legal ambience of British designs proved politically objectionable to the Irish, and Bewley was no doubt following instructions when he dissented to the Provisional Government and its successors being termed simply as 'agents to the War Department'. He added that these words '...really add nothing since the actual procedure is the same whether the Provisional Government are owners or agents, and might be read as compromising the Irish claim.' Moreover, the usage in the proposals of the term 'with the consent of the War Office', to cover any future disposals, was seen as equally damaging. In short, the conditions were humiliating, and to advertise that the British Army was leaving in body only, was to hold this and future Irish governments to political ransom.⁵³

In truth it cannot be said that officials went out of their way, in 1922 or later, to cause humiliations for the Southern Irish, but when the law coincided with property rights there was going to be no compromise. Neatly sidestepping the issue of civil war barrack damage altogether, Waterfield's reply insisted that the use of 'agents' to describe the Irish government was a legal necessity as it would not be the holder of the original documents 'which we cannot of course part with pending the settlement of the general question.' (this meaning an overall financial settlement, re Article 5 of the Treaty). The Provisional Government could have copies of the titles, but Waterfield went on to add that there would be no changes to phrasing because 'the Provisional Government cannot sell without providing title; *ergo*, the War Office must in fact be asked to consent and to part with the deeds on representations from the Provisional Government that a sale is desired'.⁵⁴ It should be added that, for its part, the War Office had led and supported the Treasury view: its submission to the

September Dublin meeting had suggested that 'the Provisional Government, who are in occupation of these lands for safe custody, should take over the management; pay the outgoings, and collect the revenues as agent and Trustee for the War Department.'⁵⁵

Regardless of the protests that had been made through Bewley, there was little that the Irish government could do: it had wanted the barracks and lands as its own, and now had them, or at least the benefit of them. Accordingly, Cosgrave (at this time Minister of Finance as well as Chairman of the Provisional Government) and Devonshire, the new Colonial Secretary, signed a formal agreement in November 1922, which in essence confirmed that all the remaining properties of British departments were transferred to the coming Free State complete with all 'assets and liabilities', but without prejudice to an ultimate financial settlement. As the British had wanted at the earlier September meeting, the effective date of the transfers was taken as 1st October. Unfortunately, no copy of the actual agreement has been traced,⁵⁶ but it is known that even as it was being signed there were those on the British side who were worried, both about its legal and constitutional validity, and possible Irish reactions to their new found domain.

It seems that it was the Treasury, rather than the War or Colonial Offices, that had the wit to test the British proposals against the Articles of the Treaty and the agreed Free State Constitution, only to find that far from being a safeguard, the Constitution might actually negate War Office titles to land. As a result, less than two weeks before the agreement was signed, Waterfield (then back with the Treasury in

London), with the full approval of his chief, Sir John Anderson, wrote to Cosgrave seeking personal assurances on the interpretations of Articles 11 and 80 of the Constitution. Even a brief inspection of these Articles (see Appendix 2) shows that in any case of disputed title the British were indeed on a sticky wicket as regards the comprehensive wording of the former, and for this reason the Treasury wanted assurance that interpretation would be made only 'with direct reference to Article 80.'. Getting into even deeper water, it was then admitted that this Article was also 'open to interpretation', and that therefore a 'special arrangement' would be needed whereby Cosgrave 'expressly' accepted British interpretation and undertook not to oppose it 'if the question should be raised in the courts.' To ensure that there was no confusion as to what was at issue, Waterfield concluded with the point that the class of property to be particularly excluded from Article 11 meaning was that owned by the War Department, Admiralty and Air Force.⁵⁷

As no record has been found that Cosgrave gave this personal undertaking, it can only be assumed, given that an agreement was actually signed, that London was satisfied to some degree. It was a measure, however, of the confusion that overtook British officials, in their haste to tidy loose ends before the Free State was formally in place, that the Treasury had presented Cosgrave with an important letter in which the Articles of the Treaty were confused with those of the Constitution - the meaning might be clear, but it was not impressive that the War Office had to point out this error.⁵⁸ It is interesting, moreover, that when a copy of the letter was passed to the Colonial Office it came with a reminder, commenting: 'as you know, it was decided not to raise, at Cabinet Committee, the question of introducing into the Free State

Constitution a clause dealing with this point.⁵⁹ In this case, either Churchill had at some earlier point dismissed the problem as being too contentious for inclusion, or, it was a covert admission that officials had simply failed to do their homework and were then, at the eleventh hour, trying to avoid having to explain the scale of the potential problem to the new Conservative leaders.

At the War Office, H.J. Creedy, the Permanent Under-Secretary liaising with the Treasury, was unhappy with whole situation. He pointed out to the Colonial Office that as far as the Treasury was concerned only further legislation could secure Article 11 of the Constitution, but that if the only viable alternative was to get Cosgrave's personal endorsement, then it would have to be 'cast iron'. The War Office was not just plagued with technical doubts: the level of its distrust of the South, and of their intentions, can be gauged from Creedy's observation that 'A malevolent landlord can find many ways of making a tenancy impossible or unduly costly'.⁶⁰ To believe, however, that at any time in the foreseeable future a Dublin government would have the inclination to try to compromise the British on this issue was somewhat unrealistic. With the civil war and its aftermath to consider, there was probably more trepidation on the Irish side as to the disturbance of the landlord status quo than on the British. Bubbling beneath the surface of the war was the ever present land-hunger question, and the British withdrawal in 1922 had tended only to aggravate the problem; with the evacuation of Army held property in Limerick, in March, had come land trouble which the Provisional Government 'chose' not to get involved in, and even after the war there was trouble in the Mullingar area over the allocation of ranch land under the domestic Ex-British Soldiers and Sailors Act.⁶¹ The British

legacy was problematic enough without trying to add to it.

If there was to be intimidation on the property question, then it would be supplied by London. There was clearly a difference between land held in title and that which had been only leased or requisitioned in recent years (mostly Admiralty properties), yet at an informal bi-lateral meeting, in June 1923, the Irish side soon found that there would be no release from the latter, largely untenanted, property which they did not need but were forced to keep up. Choosing not to dwell on the November agreement, the British side dismissed the question, arguing that it was Collins who had accepted responsibility, and that then, as now, the administrative problems in trying to disentangle these particular sites were prohibitive. What else was said at this meeting is not known,⁶² but the lack of reference to the November agreement was clearly not an oversight, because it was from this time that the British chose to renegotiate the property question, in its entirety, without recall to the same.

Ostensibly, a Treasury memorandum which helped initiate this process contains little that the British had not already achieved through the September 1922 meeting in Dublin and the later formal agreement with Cosgrave, the point that Service property had been transferred only 'for safe custody' was again central. But this time there was one vital difference: heading the British proposals on formal transfer was the passage: '...with the exception of those reserved by the British Government under the Annex to the Treaty.'. In other words, in all previous negotiations London had simply overlooked, or, more likely, taken for granted, the most vital of all remaining British interests in the South - The Treaty Ports. On top of the scares that Article 11

of the Constitution had already caused, it was now seen that if the Irish chose to be awkward they could also lay title claim to the defences at the Ports. Deciding to ignore whatever assurances Cosgrave may (or may not) have given, the British now insisted that the basis for negotiations was the original agreement between Collins and General Macready of February 1922.⁶³ The benefit to London of Collins's eagerness to see the British go was still very much at hand.

It is unlikely that through 1921-2 the British had taken a calculated, softly-softly, approach on property titles in order to avoid provocation. If this were the case then Articles 11 and 80 would have been so worded as to avoid future traps. The fact, moreover, that these alarms were genuine, this time over the fate of the Treaty Ports, can be demonstrated. It seems that for the first time since the Treaty the Colonial Office was now having to define, in order to assist the above Treasury renegotiations, the legalities of Britain's continued occupation of the Ports. But the advice of Whiskard, the Colonial Office's former Irish Office specialist, was not about to make happy reading for officials more used to precise information. While admitting that there were problems, it was held that there was still an overriding safeguard in the provisions of the Treaty and the particular phrase '...to remain in charge of British care and maintenance parties.' As such, it could be taken that the Ports were protected from the snares of Article 11 of the subordinate Constitution, and were still the property of the British government which 'should presumably continue to assume all liabilities and to collect all assets arising from them'. On the other hand, Whiskard admitted that the wording of the Treaty Annex could be taken to mean that the government had only 'easement' over these properties, in which case it was

suggested that they should be handled 'as with any other War Department Property.'⁶⁴

This was a critical admission: not only was the Colonial Office, as early as 1923, prepared to risk a neutral stance on what was otherwise seen as an absolute interest, but it also acknowledged, with the word 'easement', that the true ownership of *all* Service property might now rest with the Free State. Indeed, as far as the Ports were concerned there was a *prima facie* case that the relevant Article 7 of the Treaty recognised this last point, in that it begins: 'The Government of the Irish Free State shall afford to His Majesty's Imperial Forces...'. This, of course, raises the probability that when the Treaty was first mooted there had been no intention, or perceived need, to retain property titles, and the same appears to have applied to the making of the Constitution, despite its turbulent history in 1922. At what point then did the British realise that all their defence provisions had depended on the Irish learning to love their new status, and that this was never going to happen? Certainly this was the case in the latter half of 1923, because Whiskard now pushed the Treasury to ignore his own doubts, and on behalf of the War Office and Admiralty, whose confidences he had, secure the matter before the government lost the Ports by default.⁶⁵

The lack of corresponding Irish material on this subject means that there is no clear picture as to what transpired. It seems that the renegotiations either stalled or did not proceed, because by November 1923 the Treasury was re-examining the previous November agreement, in order, probably, to see if anything could be done with it.⁶⁶ At the same time there was more than a suggestion that Treasury was willing to give

up trying to solve the riddle of Article 11. The Colonial Office was advised that it remained an outstanding question as to its 'true construction' regarding lands on which defence works were retained, and the right to these defences in peacetime. Widening the concern, the Treasury added that the decision as to whether the Free State or Britain should hold the originals of War Department title deeds was also an outstanding question. The Treasury had clearly taken the Colonial Office's own doubts to heart, and again this was a startling admission. This sudden lack of confidence, in total contrast to the bullish attitudes of late 1922, may explain why the Treasury now tried to persuade the Colonial Office to take over all these unresolved questions.⁶⁷ This was an administrative recognition of the latter's prerogative in all Dominion matters, but at the same time it was tantamount to an admission that, at least in the short term, there was no solution to the property dilemma.

It is probable that Britain's cumulative problems with property transfers were not so much the result of inadequate Constitutional provisions as they were of the hardening of attitudes towards a neighbour still deemed 'hostile'. This could be put down to a general and predictable cooling of relations after Bonar Law and the Conservatives came to power in November 1922, but it is at this point that the two parts of this chapter may start to coincide. Inherent distrust may have meant that a conscious decision to pass original title to Service property had never been taken; despite the wordings of both Treaty and Constitution, it had been made clear at the September 1922 meeting that the War Office, at least, harboured no such ideas. But to what extent were politicians and officials shaken by the early determination of the Free State to claim an independent presence in its own waters, and to bring to account

British military and naval coastal operations? That the Admiralty was unable to digest this unpleasant reality was no reason for others to ignore the possible implications; direct pressure could be applied when it was thought that only inland property was vulnerable to an Article 11 dispute, but the stakes were raised when the Treaty Ports were also deemed threatened. By the end of 1923 there was much to be said for simply holding on to partial agreements and letting sleeping dogs lie - at least until the coastal defence situation had to be reviewed at the end of 1926. At that, it will be seen that sidestepping the problem was not going to make it go away.

Given this scenario, it was hardly surprising that the British did not want to make an issue of defence property when consideration was given to the Ultimate Financial Settlement of March 1926. Amongst the British claims that the Treasury was willing to waive, in return for other commitments, was 'claim to a proportion of the value of property belonging to British Government Departments', which was estimated at approximately £5,000,000. It is obviously misleading to judge this estimate outwith the politics and finance of the overall Settlement, but it is intriguing that this was one item that Joseph Brennan does not appear to have challenged.⁶⁸ It may indeed have been considered generous: in comparison with the £3¼ millions per annum being paid by the Free State in compensation to mainly absentee landlords, under land purchase schemes, this one-off settlement may have been a bargain, particularly if Haulbowline was included. On the other hand, if rentable value is any guide to calculation then perhaps it was not such a bargain. As the vast majority of the property in question would have been War Department land with, as was seen earlier, a maximum 1922 tenanted valuation of only £9,000 per annum, then the British may not have been

stinting themselves, especially if the Free State's financial commitment as agent and upkeeper is added to the equation. In respect of the land purchase schemes, Cosgrave had already complained to London that no other example could be found of a country paying such large sums for its own land.⁶⁹

And there were, moreover, two major ironies in consideration of this settlement and earlier British fears. The first, was that up to this date there was every indication that the Irish government had acted as an impeccable landlord and had taken the earlier transfer agreements as read. During the 1925 Dail debate on Army Estimates some mystery had been expressed as to the meaning of an item entitled simply: 'Military lands surrendered, £1,200.' In answer, Hughes, the Defence Minister, explained: 'We took over a good deal of land from the British, and there was a condition that such land had to be reinstated or surrendered. We have still a good deal of land that we took over, but these [particular] lands have been surrendered, and we had to re-condition them when giving them back.'⁷⁰ This was hardly the sentiment or language of a Ministry seeking to exploit British fears over Article 11 of the Constitution. This statement also gives a good indication as to what probably happened to the majority of defence land through time. In piecemeal fashion, it would either have been surrendered back to the War Office for sale, or, as per the September and November 1922 agreements, been sold off with the permission of the British government. No record has been found of British legislation or Orders in Council passing remaining titles to the Free State, and this includes search of the 1938 period when the Treaty Ports were finally handed back.⁷¹

This point leads directly to the second irony, and the fact that the one item that £5,000,000 and the 'Ultimate' Settlement did not settle was the transfer of original title deeds. It has been intimated that Britain would have to weigh this anomaly when it came to discussing the many aspects of the scheduled review of 1926 (see chapters 7 and 8), but in the meantime it had the dilemma which, in itself, was enough to prevent the subject being exposed to the Ultimate Settlement. If title deeds were transferred, then so too might title to the Treaty Ports, and what price then for Britain's 'in charge' rights at Churchill's much vaunted 'Sentinel Towers'? This chapter has concentrated on the early, mostly technical and legalistic, skirmishes with the Free State that gave rise to such severe doubts, but what of the equally important day-to-day situation on the ground and around the coasts? It has been seen that Dublin's objections were as yet being centred on the continuing physical presence of British military and naval units, rather than on the pros and cons of abstract property rights, and in the following chapter the consequences for this have also to be examined.

CHAPTER 6 : THE TREATY PORTS - SENTINELS OR SYMBOLS?

1. The Cobh Outrage and Aftermath

If Ireland had been a recognised Republic, what would have been the result? There would have been a bombardment within 24-hours.

Ernest Blythe, Finance Minister,
talking of the Cobh outrage - 1925.¹

At the beginning of 1924, the first Labour government would not have welcomed the prospects for the coming year of Anglo-Irish relations. It inherited a growing impasse on the Article 12 provisions for a Boundary Commission, and this threatened to dominate, if not overwhelm, the already fragile relations between Dublin and London.² Even so, Ramsay MacDonald could not have expected that his personal baptism in Irish crisis would come as early as March and stem from the defence provisions of the Treaty rather than those on the Border. With so much concentration on the technical and legal aspects of defence, this was not the time for either British or Irish officials to lose sight of the physical impact of the continuing British occupation of the Treaty Ports; Mulcahy's drive to create a leaner and more professional post civil war army was causing deep resentments within the 'Old' Army structure and the 'Independent' I.R.A., and it was not just staunch republicans who believed that Cosgrave's governments were beginning to betray Collins's ideals and become Anglo-centric, not least in the pattern of Army organisation.³ With hindsight, it might be seen as inevitable that there would be some form of violent backlash against remaining British forces as the Army 'mutiny' reached its crisis point

during the early weeks of March.

The backlash came on the 21st March as a British shore leave party from Spike Island was disembarking at Cobh. Four members of the Cork No.1 Brigade, I.R.A., disguised in Free State officers' uniforms, drew up in a car and proceeded to machine-gun the party which was trapped at the pierhead. Of the 24 casualties only one soldier died, but many were severely wounded including three civilians and two women. For good measure, the same I.R.A. men then drove further along the harbour and strafed the Patrol destroyer *Scythe*, at anchor close in-shore, before speeding off - this a distinct echo from the republicans' 'private' war with the Royal Navy in 1922. The circumstances suggested that the whole operation, which lasted only minutes, had been carefully planned and was not just an opportunist encounter. It remains inconclusive as to who ordered the attack, or whether Republican G.H.Q. was directly involved.⁴

It should be stressed that the shock at this attack was as genuinely wide spread in the Free State as it was in Britain. Under some internal pressure, Cosgrave actually went as far as to call it 'an outrage unparalleled in our history', and even the arch Cork republican Mary MacSwiney, not known in the past for lamenting British dead, sent joint telegrams to 'disassociate' herself and the 'loyal citizens of the Irish Republic in East Cork and Cork City' from such a deed.⁵ Nor were the public declarations of mutual abhorrence and sympathy between Cosgrave and Ramsay MacDonald just a cosmetic exercise: MacDonald sent a personal letter to the former, which, allowing for the condescension, probably expressed the warmest sentiments that were to flow

between any leaders of the two countries in the post-Treaty era. The letter concluded: 'You have had heavy burdens and your worries have been enough after distribution upon a score of shoulders to give each sufficient for a human being to bear. How well you have done your work!'.⁶

Despite the fact that the Colonial Secretary, J.H. Thomas, had to take a more business like approach with Cosgrave, warning of the possible consequences for British public opinion should another attack occur, the official British tone of accepting this a cruel 'accident', with the Free State as the real and innocent victim, could have been expected. There is no evidence that the I.R.A.'s attempt to implicate the Free State government and its Army had caused serious doubt at any level of the British government, or within the ranks of senior Conservatives, and in the Commons Thomas was emphatic that the motive could 'only have been to bring about the downfall of the Free State Government, by embroiling it with this country'.⁷ With the Treaty still in the balance over more profound issues, Britain was not about to over react to such crass intimidation. Indeed, the experience could have had cathartic value, leading to a new understanding of the burdens that British defence requirements had imposed on a government that was still trying to create an 'independent' Ireland. Instead, however, the incident led, within days, to new tensions and recriminations between the two governments, and it was these factors, and not the immediate and mutual sympathies, that were going to have lasting currency.

The cause of the tension was a second incident at Cobh, which occurred as a direct result of the first and only a few hours later; neither government, for good reason, was to make the details of it public. Although it has been recorded that there was no form of British reprisal for the Cobh outrage, it is possible that a localised one was attempted.⁸ On the same evening as the main shooting, an armed party of British soldiers returned to Cobh from Spike Island, a journey which resulted in further shooting and the wounding of the officer in charge of the shore party. Within the week, a military Inquiry under Lt.Col.Heywood, C.O. South Irish Coast Defences, had concluded that the second shore party had been fired upon from more than one direction by 'person or persons unknown'.⁹ Unfortunately, however, for the British authorities, there appear to have been many witnesses in this populated area who would claim that the only shots fired later that evening had come from the British soldiers themselves. A local reporter noted that they had 'fired a few rounds, whether merely to clear the streets is uncertain', and also noted that many people had 'rushed into the Town Hall and turned out the lights in anticipation of reprisals'.¹⁰ The fear of reprisal may have been real indeed: it had been a frequent, if not always sanctioned, weapon during the Anglo-Irish war, and it had been less than four years since the centre of Cork City had been fired in suspicious circumstances. In the event, General Eoin O'Duffy's confidential report on the later incident was to conclude, with Cosgrave's backing, that the shooting could not have occurred as the British Inquiry had stated, and that the officer 'was wounded by fire from his own party.'¹¹

It seems that the combined incidents had been serious enough for Eoin O'Duffy, who was about to take supreme control of the Free State Army, to be sent direct to Cork, and for the experienced Lionel Curtis to be dispatched from London to Dublin. Curtis evidently had lengthy discussions with Ernest Blythe, the Minister for Finance, and the person who would be responsible for expediting compensation claims, and it is clear that much time was taken up with the implications of the second incident, and with the unease that Irish ministers felt for the actions of the British military authorities.¹² If this should seem out of proportion with the magnitude of the primary incident, then the politics, if not the principle, should be considered from Cosgrave's viewpoint. Apart from apprehending the culprits and accepting full responsibility for compensation, there was little the Free State could do to cover its humiliation at the I.R.A.'s resurgence. As it was, the government's competence stood to be pilloried by British public opinion, but if the British version of the second incident was allowed to stand and be exploited then much worse could follow; in the wake of the main attack the index quotation for the National Loan had fallen from 99 to below 85, and further publicity would not exactly be welcome.¹³ A single incident could pass as a tragedy, but put together, the resulting and entirely false image of anarchy stalking the streets of Ireland was one that could not be tolerated.

The British government's considered response to its counterpart's questions was clinical in intent. Curtis informed James McNeill in London that while it was acknowledged that Irish ministers found themselves 'unable to believe' the British version of events, the British official Inquiry at Spike Island had clearly indicated 'that a second attack did in fact take place.' He added that the reason why the second

attack had 'never been mentioned publicly over here' was because the Colonial Secretary did not have the details of the Inquiry when he had reported to the House (on 24th March). In case the message was not clear, Curtis continued: 'You will realise what an awkward situation might arise if we had to make further announcements now in view of representations regarding this particular case which might be made by your Government.' Curtis further insisted that Ernest Blythe had agreed with him that there no point in re-opening the matter in view of the small award that would be made in the wounded officer's favour.¹⁴

The only resort left to Cosgrave was logic: the Department of Finance was instructed to add the officer to the official compensation list, 'as had the previous outrage not occurred the necessity for Captain Neville's landing ... would [have been] obviated.'¹⁵ Clearly, Cosgrave and his ministers believed that a second outrage, this time against their own people, had taken place. In this case they would probably not have been amused to learn what Curtis himself had learnt at approximately the same time as he had been replying to McNeill. Seemingly on his own initiative, Curtis had written to Loughnane, in Dublin, asking him to get to the facts of the case. In reply, he was informed that Heywood had told one of his own officers 'that he believed the wounding ... was accidental. Further that Capt. Neville's automatic revolver jammed and that he was holding an enquiry into the whole affair.' There is no record of this second Inquiry having taken place.¹⁶

Considering that during 1924 Britain needed every co-operation possible from the Free State over the Boundary issue, it appeared to be self defeating to take such a stonewall line on the 'second' outrage, especially when the Free State thought it to be no small matter, either in politics or principle. But the question arises as to what extent J.H. Thomas, or, for that matter, Cosgrave, was actually in control of events. That British Service chiefs might well, for their own reasons, wish to cover the traces of both incidents as quickly as possible, became apparent soon after Thomas had given his statement to the House on the 24th March. While defending the Free State, Thomas tried to emphasise the attack as a singular aberration by saying that there had been no previous trouble, and that British forces had had only the best relations with the people of Queenstown (Cobh). At this, Sir W. Davison, from the opposite back bench, responded with several detailed, and seemingly informed, questions of the Colonial Secretary. Was he aware, it was asked, that this was not the first time that H.M.S. *Scythe* had been fired upon, and that her guns were kept ready to repulse further attacks? Further, was he aware 'that the leave on shore of British men had for some time been cancelled or suspended owing to the danger of these men being murdered if they came ashore, and that it was only renewed on the occasion when this very terrible occurrence took place?' Thomas replied that he was not aware of these things and that on the advice of the Admiralty and War Office he could not 'conceive such a position'. Davison was unmoved, and asked that the facts be re-checked with the Admiralty.¹⁷

Thomas had clearly been caught cold by this Commons encounter, as one of his department officials was immediately detailed to get explanations from the Admiralty. The latter's reply, the day after Davison's allegations, was a study in vagueness: H.M. ships had not been fired upon 'so far as is known' since the 'trouble leading up to the Constitution of the Free State ceased'. All shore leave restrictions in Ireland had been removed 'some time last year', and the Admiralty thought it only 'unlikely' that new local restrictions had been imposed.¹⁸ What this reply made obvious was that even if Thomas had wished to get to the truth of the matter it would not be easy. It is inconceivable that Davison's detailed knowledge could have been without substance, and the indications were that either the South Irish Coast Command was keeping information from the Admiralty, or, more likely, the latter was playing shy with the government. This would make sense: by 1924 the Admiralty was already sensitive to criticism of the upkeep costs of the Ports, not least from the War Office, and the last thing it wanted was further adverse publicity for its own policies.¹⁹ In this case, the Cobh incidents had been an embarrassment in more ways than one: in the following month both the Admiralty and the War Office had to prepare precautionary statistics on the Ports for ministers who might previously have been oblivious to such matters.²⁰

The Admiralty need not have been unduly worried. Ramsay MacDonald, like Bonar Law before him, had no great taste for the southern Irish or their problems, and the subject of the Free State was rarely, if ever, brought to Cabinet. Much as he loathed Lloyd George, he shared with him, and his successors, a preference for delegating complete responsibility for the Free State to the Colonial Secretary.²¹ But in turn,

and as seen previously, Thomas too had received a harsh introduction to Irish affairs, and the questions he faced in the House on the Cobh issue were unlikely to quicken his enthusiasm for looking closely at the inherent contradictions they raised.²² When asked if there was no protection for garrison soldiers other than that provided by the Free State, he chose, wisely, to rebuke any idea of Free State complicity rather than to interpret the question as meaning that British troops might be needed to protect British troops at a British military garrison - that way lay madness.²³ Parliamentary pressure for the government to act on the outrage, or at least to force Dublin into draconian measures if the culprits were not caught, persisted for several months. On the Unionist back benches there was a genuine fear of Free State complicity in the episode, and at least one derisory comment was made on the need for a new Cromwell. Support for the Treaty and the Free State had reached a new low, but Thomas defended both against all comers and at one point provoked anger amongst Unionist members by suggesting that it was proving equally difficult to track down murderers in Northern Ireland.²⁴

Amid the expected maulings in Parliament there were, however, some astute observations which probably came close to exposing the government's contingency planning in the event of a Border crisis. Less than two weeks after the Cobh tragedy the government had to face several questions on the retention of the Restoration of Order in Ireland Act (R.O.I.A.), and of the Talbot Committee, appointed in July 1923, to review its provisions. The government was tight lipped on the subject, and did not seem greatly perturbed that the deliberations of this Committee had apparently stalled. But several members were concerned, wanting to know if and when this Act

would be dropped; the emphasis was on the discarding of an embarrassing legacy of British rule, and it was implicit that Britain might be inviting a repeat of the Cobh outrage while it still retained this instrument of 'war'.²⁵

But if the situation was difficult for Thomas, it was far worse for Cosgrave. On the very day of the Cobh incidents he had been given the official approval of the Governor General to extend his powers and take on the Minister of Defence post from the resigning Mulcahy. This may have gained time in which to resolve the internal Army crisis, but it was going to have little effect on his government's low prestige in the wake of the tragedy. The Executive Council's offer of a £10,000 reward for the capture of the assailants was without precedent and genuinely reflected its repugnance, and yet it would have been known to the Council, if not yet the British government, that it was probably a hopeless gesture. Only three weeks prior to the incidents the Executive Council had had to consider a Home Affairs report on the 'lawless conditions' which still prevailed in eight districts of the south and west, including East and West Cork, and serious thought was given to arming the Civic Guard and increasing its strength by 1,000 men in these areas.²⁶ This fact may lend credence to the suspicion that there had been serious, if less fatal, conflict between the Cork I.R.A. and the British garrisons before the 21st March. Even then, the situation was to remain difficult: a 1925 press report of a sniping incident at Templebreedy Fort, on the southern point of Cork harbour, suggests that the situation was still not secure a year after the Cobh tragedy.²⁷

The tragedy itself did not tip the balance in favour of arming the Civic Guard, and in the event O'Duffy's confidential report to Cosgrave on the primary incident confirmed that this would have made little practical difference to the problems facing the Dublin government. There was what he termed a 'conspiracy of silence', based on fear, in the remote republican heartland of the Cork I.R.A - a silence which made the tracking of the culprits almost impossible. It was not a question of competence or determination: O'Duffy did have an intelligence system in this 'hostile' area, which had proved reliable, and yet it was one thing to learn within days the names of the wanted men, and quite another to apprehend them, despite large-scale searches.²⁸ Under intense pressure, there were token arrests (and subsequent releases) made later in the year, although by this time it may have been known that at least three of the actual assailants had been smuggled to America with the aid of Republican G.H.Q.²⁹ The release of supposed suspects only increased the attacks made on the Free State government by the right-wing British press, and in December 1924 the Executive Council, in desperation, actually discussed taking libel proceedings against the *Morning Post*.³⁰ Instead, it was decided to send the Vice-President, O'Higgins, to London to acquaint the Prime Minister personally with a truth too sensitive to commit to paper. But if part of that truth involved the confession that unrestricted British access around Cobh and Berehaven only added to the republicans' propaganda in these stronghold areas, then there is no evidence that it was immediately listened to.³¹

If Britain was not going to play into the I.R.A.'s hands by retaliating for the outrage, then it was equally not going to make life easier for Cosgrave. In the hours and days

after the attack, the only concession was not to overstate any emergency measures which might escalate the tension. When G.O.C. Northern Ireland ciphered the War Office that he was preparing for armoured car escorts across Free State territory (on the Londonderry - Lough Swilly route), he was signalled that no such action should be taken pending further instruction. The measure was implemented, but only after Loughnane had been instructed to explain to the Executive Council that it was for 'purely defensive' purposes.³² For its part, the Admiralty ensured that all three destroyers of the Irish Patrol were on station: H.M.S. *Sesame* was dispatched to Berehaven in order that *Seawolf* could augment *Scythe*, still at berth at Cobh. Two days after the attack *Seawolf* signalled that the situation was again 'normal'.³³ All shore leave for troops and naval ratings was suspended at the three Ports, although as J.H. Thomas informed Cosgrave, the reality was that this could only be enforced 'for a few days', and the Free State would otherwise be held entirely responsible for the 'safety of our troops'. Moreover, Thomas wanted to be informed of the precautions Cosgrave intended to take.³⁴

What exactly was Cosgrave supposed to do? The attack had only served to highlight the contradiction between British 'in charge' rights around and within the defended areas of the Ports, and the ultimate responsibility the Free State now had for its 'own' territory. The reality, of course, was that these were Free State territories in theory only, and the fact that the Admiralty and War Office had, over the centuries, expanded or contracted their operations at will, without reference to secure limits, simply added to problem that Thomas had now forced upon Cosgrave's attention. O'Duffy's initial suggestion on security - that nothing much could be done in the

short term unless British shore leave forces took to civilian dress - was frank though hardly helpful; it would probably not have been a good idea to advise Thomas that His Majesty's Imperial Forces should start to hide themselves.³⁵

For the longer term, however, O'Duffy had to take the obvious first step of negotiating security with British commanders at Spike Island and Lough Swilly. It was agreed that 1) a Free State military post be established at Cobh, and that guards be posted in the vicinity of the naval pier when British uniformed parties were on evening shore leave, 2) at Berehaven, Free State military posts and piquets be established to cover pier landings from Bere Island. In return for these taxes on already limited Free State resources, O'Duffy reached an agreement that the 'fully armed' British escorts travelling within the 26 Counties between Londonderry and Lough Swilly would be withdrawn, and that in this same area, the British escorts conveying cash from Buncrana to Dunree Fort would be replaced by Free State troops. On the face of it, these last points only increased the Free State's burden, yet despite the probability that the British authorities regarded them as small concessions, it would soon become clear that the Irish Army and government believed they had struck a worthwhile bargain on the whole question of British movements between North and South.³⁶

.....

It was a small beginning, and yet these negotiations with the British had started a process that would eventually lead to the complete handover of all three Ports, and the final withdrawal of British forces, some 14 years into the future. The Irish had previously won the right to their own Fishery Protection and Revenue/gun-running patrols, but now, and for the first time since the Treaty, they were actively involved in the British military management of the Ports - the defences and their garrisons were no longer immutable problems over which they had no control. It could have been no coincidence that the concessions O'Duffy had gained were immediately incorporated in a separate, yet parallel, Report (No 3) on the internal Army crisis. In this document he recommended to the Executive Council that 'consent be not given to any agreement whereby bodies of armed British troops acting as escorts or otherwise be empowered to operate within the territory of the Soarstat.'³⁷ In short, O'Duffy wanted to press home and widen the advantage he believed he had gained, and did not want the government to let it slip by default. It would not have been lost on the Council that, in large part, O'Duffy's reasoning would have taken in the morale of his Army, and that of an unarmed police force, when faced with such blatant intimidation. The wider point, apart from the British being there at all, was that this would be an important step in reducing the gun mentality within sections of their own society.

The Executive Council decided to defer any decision pending other forthcoming reports on Army security; it was still too soon after the Cobh tragedy to try and force a tentative and localised agreement into a general issue.³⁸ And yet, it is not clear that O'Duffy was ready, or willing, to let the matter rest, or that the Council did not

consider the best way to give this recommendation effect. The official Army reports would have contributed to Kevin O'Higgins's concurrent and more general appraisal of internal security, and to his concern that the recent ad hoc Public Safety Acts were due to lapse within the year. The two men who had gained most from the internal power struggles over the Army crisis had been O'Higgins and his right-wing ally and 'devout admirer', O'Duffy, and in this case the fruit of the former's security deliberations - The Treasonable and Seditious Offences Bill (which he introduced in February 1925) - would have involved their close co-operation.³⁹ Was it then a coincidence that as a direct result of this Act becoming law, in April 1925, the British government would formally recognise all the points that O'Duffy had fought for the previous April?

It should be emphasised that the purpose of this Bill was not to please the British, but to try and stabilise the authority of government in the Free State. As O'Higgins put it, the Bill was needed to 'equip the Executive with sufficient powers to deal with offences directly against the State and provide suitable punishment for such offences.'⁴⁰ Republicans saw it differently: to them it was simply 'The Murder Bill', the purpose of which was to finally crush the alternative vision of a 'Free' Ireland.⁴¹ Its passage through the Dail was bitterly contested, even without Sinn Fein participation, and the Labour opposition echoed the popular belief that it would do more harm than good by exposing the open wounds of Irish polity.⁴² Such was the furore that few of those involved would have had time to look over their shoulder at London, but the point is that it could not have escaped O'Higgins, or his President, that the British government would be watching the progress of the Bill with extreme

interest. The prospect of de Valera and Sinn Fein being forced back into constitutional politics was not one to be overlooked, and despite the seeming lack of press interest on the mainland, the new Conservative government was hardly going to be displeased with O'Higgins's efforts.

Even so, this does not really explain why London should suddenly wish to formalise previously informal agreements on the movements of British forces. If certain clauses in the Treason Act (i.e. those dealing with unauthorised military exercises and assemblies) were used against the British, then obviously it would cause embarrassment, but the idea that this, or any future Irish government, would choose such a direct form of confrontation was hardly credible. At this date it would have been internationally respected that no Free State law could subvert the Articles of the Treaty, and London could have insisted, rightly, that the Act had only a domestic validity that in no way obstructed British military needs. Nor could it be argued that this point had become an issue in the Dail; indeed, no reference to external considerations has been found in the Dail debates of the Bill.⁴³ Nevertheless, by the Summer of 1925 the Colonial Office had prepared and delivered a detailed Admiralty order for the Executive Council's attention - its main section read:

No armed party should be landed for drill or other purposes in the Irish Free State nor should drill be carried out by unarmed parties in the territory of the Irish Free State without the prior permission of the responsible authority.

By the Treasonable Offences Act 1925 (Irish Free State) the responsible authority for this purpose is the Government of the Irish Free State. Any proposed landing should be notified beforehand to the Government at Dublin through the Admiralty.

The order, though equally relevant to the War Office, went on to specify, however, that these new regulations did not apply to the actual Treaty garrisons which still held the 'authority to maintain troops'. Subject to the Irish government's attention, it was intended that this order be issued to the Fleet 'forthwith'.⁴⁴

Far from being surprised at receiving this notification, the President's Office and the Attorney General examined it with a thoroughness that suggests that it was not only expected, but that it was also essential to a pre-arranged agreement. London was left in no doubt of the principles involved when it was informed that the word 'troops', in the final part of the order, was unacceptable, and that the term 'care and maintenance parties', as per the Treaty, should instead be inserted. More to the point, it was to be almost six months before the Attorney General was finally satisfied that the word 'landed', in the first part of the order, did cover *all* land passage, and in particular, passage between Northern Ireland and the Free State over the land frontier.⁴⁵ It is inconceivable that this conclusion had not been the result of some more hard bargaining with London, and there is some evidence to suggest that even then the Admiralty and War Office had been reluctant to concede officially the implications of these new restrictions: the Admiralty was to advise the C.I.D., in August 1926, that in general war conditions the landing of armed forces in the Free State would be complicated by the fact that under the Treasonable Offences Act 'such landings would only be allowed within the actual defences of Queenstown, Berehaven and Lough Swilly.' So too the War Office had to advise the C.I.D., in October of the same year, that it was restricted to essential movements, facilities for the training of troops on Free State territory not being accorded.⁴⁶

In just over a year the Free State had progressed from a localised agreement of convenience to a formal understanding on the limits of British military operations, a limit that in theory was pegged to the literal (and therefore inoperable?) requirements of the Treaty. It is reasonable to assume that this process was tightly connected, and that central to it was the successful implementation of the Treasonable Offences Act. That Britain was not the object of this Act, and did not have to comply with it, only strengthens the suspicion that at some point a begrudged 'reward' factor entered British calculations. It is possible that there was active collusion over an Act that London wanted just as much as O'Higgins, but then it is more than probable that the Irish government simply made it known, in strong terms, that it expected the initial 1924 agreements and the spirit of the Treason Act to be fully respected. Deliberate obstructions, such as the previously mentioned enforcement of Customs duties, told their own story, and were anyway making the daily operations of garrisons intolerable.⁴⁷ In the wider context and climate of 1925, Britain might well have wished to make down payments of good will in view of the coming Boundary Commission, Financial Settlement and Coastal Defence negotiations, and in this respect the unprecedented visit of Leo Amery to Dublin, in early August 1925, takes on added significance.⁴⁸ Whatever the associations, the Free State was slowly, and cautiously, closing the net on both the British government's, and its military's, free transit attitudes.

2. Conditions and Contingencies

Rightly or wrongly, the Free State has been made a Dominion and the Free State forces are as much part of the forces of the Empire as the British Army, however absurd that may seem.

Extract, War Office study report
on Port defences - July 1925.⁴⁹

No matter how much good faith both sides placed in the above Landing agreement, it could do little more than paper over the divides which British occupation was causing. On the surface a new, post Cobh tragedy, sensitivity was already in place: the Colonial Office had, for the first time, begun to supply the Irish with timetables for the routine relief of Heavy Battery Units, and it was noted, in view of the Free State Army's protection responsibilities, that these reliefs would in future be transferred directly by ship and not overland to-and-from Cobh.⁵⁰ Indeed, the Admiralty had become so sensitive to incidents in the area of Cobh, that when a destroyer almost shelled a fishing boat the accident was given full dispatch status before Dublin was even aware of it.⁵¹

At a deeper level, however, the tensions which were to be so vividly illustrated in the, previously mentioned, Bundoran 'arrest' case,⁵² were being played out with mundane routine in the Port areas where the British uniform remained a common sight. Following the March 1924 incidents, the British O.C. at Spike Island appears to have gone out of his way to seek the assistance and advice of his counterpart at Irish Southern Command, Cork, particularly after receiving an anonymous warning that his troops were again being targeted by gunmen. The British C.O. explained that

it was proving impossible to keep troops penned within the defended areas, and that a 'certain amount of trouble' was being caused thereby, but it was not exactly made clear what was wanted of the Irish Army.⁵³ If, as the Southern Command and Dublin G.H.Q. took it, the British wanted their drunks and absentees to be rounded up for their own safety, then they were going to be disappointed. This new found attempt at camaraderie, as the Irish correspondence on this subject was to demonstrate, was entirely misplaced. Maintaining its overview of the situation, the Irish Army intended to leave all misdemeanours to the Civic Guard, avoiding any risk of direct involvement, or possible confrontation, with British forces. The British were on their own and properly expected to keep within their own bases.⁵⁴

If the War Office needed reminding of what the ground situation was actually like at these outposts of Empire, then a study tour by two mid-ranking officers, in July 1925, certainly provided a refresher. Their 'Report on a visit to the British Garrisons in Ireland' (for details of mid-1920s manpower and organisation see Appendix 4) is of interest for its almost naive immediacy, and though their seniors in London frowned on such direct style, the grim details of the report could hardly be ignored.⁵⁵ On the technical front, the report confirmed that for the most part the defences and communication systems at all three Ports were adequate neither for seaward warfare, nor (and seen to be of more immediate import) landward defence against possible snipers and republican attack. The 'futility' of the Berehaven defences, guarding the Admiralty's most prized Irish harbour, was cited especially: 'The lay-out of the batteries gives one the impression of an inheritance of the best part of a century old.'⁵⁶

It is, nonetheless, on the subject of personnel problems and relations with the Free State that the report is at its most revealing. The uncertain future of the Irish command, together with yearly reliefs and the remote isolation of many of the forts, only exacerbated the uneasy relations between troops and local populace. At Berehaven the reporters could sympathise with many of the reasons for low morale, noting the 'undercurrent of suspicion' created by the 'mountainy' men of the district. In the more cosmopolitan atmosphere of Cobh, where the dances for other ranks were 'embarrassingly popular with the native female element', relations were obviously better and compliments were paid to the discipline, appearance and effect of the Free State troops and Civic Guard. But even here, after almost four years of independence, the underlying position was still tense; the most the report could offer was that 'The British and Free State troops, if not exactly friendly, at least do not go out of their way to cause trouble.'⁵⁷

Rounding on the implications for the above, the report reached the notable conclusion that what was happening on the ground was important to the future of the Free State within the Empire. There had to be a reason why relations were seemingly incapable of mending themselves, and to this end it was strongly urged that an order of Western Command (Chester), restricting fraternisation between British and Free State forces, be immediately rescinded. This suggestion caused some alarm at the War Office before it was realised that no such order had ever existed; in other words, and assuming the reporters had not been deliberately misled, since independence an apocryphal explanation had arisen to help both British and Irish forces cope with the politics of their mutually detested situation.⁵⁸

Commission was established, then political compromise was always possible. The 1921 spectre of 'armed conquest', with upwards of 100,000 troops, had given way to the 1924 position of either total blockade or international non-recognition should the Free State collapse over the Boundary issue and a Republic be declared. This, at least, was the Colonial Office 'view', and at that there was departmental in-fighting to secure one or other of the options.⁶²

Whatever the choice, it is clear that there was mandarin unanimity with the basic military requirements, and these included the need to secure all the Treaty Ports, plus the cable stations at Valencia and Waterville. In the event of such a crisis the General Staff and C.I.G.S. agreed that Queenstown (Cobh) garrison would be boosted by 'at least' one infantry Brigade, plus units of tanks and armour, and Berehaven by one additional battalion. Presumably Lough Swilly would have been automatically secured by way of the 2-3 Divisions needed to secure the Border and isolate Donegal, or else by the five British battalions already stationed nearby in Northern Ireland.⁶³

What credence these contingency options actually had is open to debate, but perhaps Paul Canning oversimplifies the case in presuming that non-recognition would have been the 'likely' policy.⁶⁴ Although both the Colonial Office and the Cabinet Secretary, Hankey, seemed determined that the 1924 Boundary situation was dangerous enough to warrant an inter-departmental Inquiry, to finalise planning, the point is that Thomas and MacDonald seemed just as determined to have 'no further steps' taken, and to prevent themselves being hemmed in by advisers.⁶⁵ Their reluctance was understandable: if conquest was now out of the question, then the two

policy alternatives both retained alarmingly war-like elements, especially after the Colonial Office had finished qualifying the General Staff's basic needs. Indeed, Lionel Curtis realised that his preferred option of blockade could 'only be maintained under conditions which are avowedly and professedly those of war.'⁶⁶ Whiskard prepared several objections to the blockade theory, one of which concerned the safety of 'loyalists' and the possible need for the Admiralty to provide ships at suitable points for their evacuation; he thought that troops would be needed to hold inland refugee concentration points because 'a massacre of loyalists (and such a thing is not impossible in Ireland) is a contingency to guard against'.⁶⁷

The fact that there was little in the climate of 1924 that could justify such dire reasoning, becomes the more revealing when Whiskard's motive is considered: if he did not personally adhere to this idea, then it is evident that he was prepared to play on the prejudices of Cabinet members who might just believe it. For good measure, Whiskard tried to overcome the military observation - that any option would involve a serious depletion of the Home Expeditionary Force - by arguing for the equivalent of a new Auxiliary or Black and Tan force.⁶⁸ Given such ideas, it is small wonder that Thomas refused to allow others to pre-empt an emergency; this was, in the meantime, supposed to be a Dominion, and almost any political expediency was preferable to the options on offer. It is questionable that the Cobh outrage, by itself, could have intensified such ideas, but it is less doubtful that the existing right to occupy Free State territory fuelled ideas of physical intervention. The Ports, particularly the southern ones, may have been seen by some as potential bridgeheads rather than as points to be isolated, but either way the imperial mind continued to see

Somewhat embarrassed for the implied conduct of his own men, G.O.C. in C. Chester at first denied that relations were fragile, before noting: 'But it is a serious matter to require officers to open friendly relations with certain Free State officers who are suspected of being concerned in some atrocious murders.' Further to this human and enduring response, it was quite clear that the G.O.C. had no intention of allowing the ground situation to be made any worse than need be; a report recommendation that South Ireland Coast Defence should have an organised Intelligence system (rather than relying on informal leave visits to the War Office), met with the retort that such a system would endanger the troops and cause all round 'bad feeling and hostility'.⁵⁹ The War Office confirmed this opinion, but the report, as a whole, made depressing reading for the Director of Military Operations and Intelligence, who ventured that it only re-enforced the view that 'if Ireland is hostile, the Irish Coast Defences are useless to us.'⁶⁰ From bitter experience, the War Office was never going to be convinced that the Free State could be made into an Imperial partner, or be fully accepted as one.

.....

The above study report came at a time when Whitehall, as evidenced by the Landing agreement, was coming to terms with at least some of the implications for continuing occupation. But there was a deal of strategic policy baggage to be very slowly unpacked before the practical, if self-interested, advice of the War Office was ever to be heeded.⁶¹ What relaxation there was from London stemmed largely from the gradual easing of the Boundary Commission crisis throughout 1925; once the

them as fixed and permanent British possessions.

3. Fighting a Losing Battle

... the presence of British Troops in those forts and a British Destroyer in Cork Harbour is seriously damaging our prestige in the eyes of Americans and other travellers ...

Chief of Staff to Minister of Defence,
January 1927.⁶⁹

If the Free State was in any doubt that the Treaty Ports, especially Cobh, were still internationally regarded as 'British', then there was plenty to remind them. When the former Minister of Defence, Richard Mulcahy, returned from an American trip at the end of 1925, United States Lines gave him the option of only two landing cards at Cobh - 'British' or 'Alien'. It was more in sorrow than in anger that this veteran of the 1919-21 conflict reported the insult to his government.⁷⁰ It was Mulcahy's old department that had to bear the brunt of the continuing displays of Imperial rule, and it was the Irish Army that had to observe, at close quarter during the enforced shadowing patrols, the respect that foreign countries still paid to the rituals of that rule. Fort Camden, in Cork harbour, was still the official British Flag Station in Ireland, and it was traditional for foreign war ships entering the harbour to be saluted by salvo from Camden and for them to return the salute to the Union Jack: 'King's Regulations for the Army', and 'King's Regulations and Admiralty Instructions', had evidently not been affected by such passing matters as the Treaty and independence.⁷¹

Matters first came to a head in the Summer of 1925, when the American battleship U.S.S. *Pittsburgh* was due to make a high-level goodwill visit to Cobh. At External Affairs, Desmond Fitzgerald was determined to make this a showcase for Free State - U.S. relations by having an independent flag and gun-salute for the visiting admiral, but all this scheme led to was embarrassed diplomatic tussles in Washington, London and Dublin. The main problem was over the international recognition of the Tricolour: the Americans were sympathetic, to the point of secretly suggesting that Fitzgerald try and cajole the British, but Washington could do nothing without London's approval, and there the Admiralty was being less than co-operative. In the end, it seems that the situation was saved by the personal intervention of Amery, who suggested the simultaneous dipping of the Tricolour and a Union Jack, 'however small' it might be.⁷²

In London this may have seemed a passing and somewhat theatrical incident, though neither External Affairs nor Defence seemed inclined to let it go. In any event, by the following Summer the British O.C. at Spike Island was disconcerted enough to raise the whole question of the saluting practice with Southern Command at Devonport, with the result that the War Office, if not the Admiralty, was willing to come to a mutual understanding after consultation with the Irish government. Again, the Irish appeared to be making piecemeal and peaceful progress towards gaining further control in their own territory, and in this instance it seems they had the disguised blessing of the War Office and the continuing attention, at least, of the United States government; the U.S. Consul at Cobh questioned the protocol of the subject with G.O.C. Southern Command at the end of 1926, and in turn the Irish

External Affairs Department was consulted on this development.⁷³

But all this manoeuvring came to nothing. As often happens, a specific issue can become absorbed within the wider politic, and in this case External Affairs and Defence had to await the outcome of the Imperial Conference of 1926, and the scheduled Coastal Defence review, 'in the hope' that these would transform the entire question of future British occupation.⁷⁴ As the following chapters will show, however, this was not to be. Little of consequence to defence was raised at the Imperial Conference, and a preliminary technical conference, in the Spring of 1927, ended in a complete breakdown with London as to any full Coastal Defence review. As far as the Cobh situation mattered, and it had mattered to the Irish ever since the Treaty negotiations of December 1921, it was back to square one.⁷⁵ But if External Affairs now appeared hesitant, the particular saluting issue clearly remained something of an emblem to the Free State Army, and the case history of the Flag Station was put back to the Executive Council in June 1927. The Defence submission argued that it was 'a very undesirable position from the points of view of national dignity and international courtesy.' It was desired that salutes should be replied to by Soarstat forces:

and not by a detachment of foreign troops stationed on the Coast as a temporary arrangement. Acquiescence in the British returning the salutes would not promote recognition by foreign States of the country's independence. In regard to the flag it is further essential that salutes should be exchanged in mutual compliment to the Tricolour...

The Executive Council was requested to press for the abandonment of a British Flag Station, in order that its Free State replacement could be organised at Dun Laoghaire (formerly Kingstown) harbour, near the capital.⁷⁶ But in view of the disastrous technical conference a few months earlier, and with it the virtual end of hope for a full Coastal Defence review, this was probably not the best time for Defence to push for a solution; indeed it is difficult to see how Cosgrave could have pursued it in the resultant frosty atmosphere of defence relations with Britain. With the agreement of the Defence Minister, Hughes, who was almost certainly a messenger rather than the architect of the Army's grievance, it was decided that the proposal be 'temporarily withdrawn'.⁷⁷

This decision no doubt reflected the faint hope that Britain might be forced to re-open coast/coastal defence negotiations in order to retain minimum goodwill. That relations at Cobh were allowed to worsen was later to become obvious: by 1929, C.in C. Devonport, reacting to reports from his ships' captains, had had enough of the Free State's 'lack of courtesy and the ignoring of traditional ceremonies and customs', and requested the Admiralty to remove the entire Irish Flotilla in protest.⁷⁸

As will be seen in the final chapter, the Dominions Office and the Admiralty had indeed become somewhat unnerved by the breakdown of negotiations, and by early 1928 Amery was attempting to harness a growing Service wish to compromise on British occupation. Mentioning Irish attachment to Cobh, Amery attempted to gain C.I.D. approval for the complete handover of these defences, only to have the subject dismissed out of hand by Churchill.⁷⁹

Again, Amery's attempt to get a partial settlement may have been related to his doubts concerning a current, and unilateral, review by the Irish Defence Department of its security commitments at the British bases, the first since the 1924 agreements. The reason given for the review was the 'steadying political situation' within the country, although it could not have escaped attention that with the collapse of any comprehensive settlement with Britain, it was certainly time to take stock of a liability which had no end in sight.⁸⁰ The review findings were interesting in that they could be read as a political assessment as much they could a purely military one. The Army may have tried to push the politics of British 'in-charge' rights too far in mid-1927, but now, in early 1928, could be detected a new unity of purpose between Defence and the Executive Council: that purpose was not to retreat, but to reaffirm the Free State's presence and its vested interest in the future of its own territory.

The review proposals for Cobh illustrate this point exactly. It was straightaway recognised that there was no longer any likelihood of a 'wanton' attack by the I.R.A. on British forces, and therefore the 24-hour military guard at Haulbowline could be replaced by an upgraded police complement. It was noted, however, that the military was still protecting shore-leave parties, and that the presence of Irish Army patrols tended for 'more settled conditions and relations between the civilian population and the British Forces'. While no armed attack on British Forces was anticipated, the point was further stretched by noting that 'a street row might easily develop into a show of violence against British parties on leave', in which case it was felt that the British would object to the withdrawal of this protection. It was also stressed that with the Union Jack to be seen all around the harbour, on forts, destroyers and various

other ships and launches, the Irish uniform and flag simply had to stay, if only to prevent foreigners and tourists from believing that Cobh was a British garrison town.⁸¹

It seems that this was exactly the form of expression that Cosgrave and External Affairs wanted to hear, as Defence was reminded that the whole situation had now come under policy direction and that affordable Irish troop evacuations were not to be pre-empted. Cosgrave went on to advise Defence that the Free State had a 'clear interest' at Cobh, and that of all the British garrisons, 'Cobh is the most important from our point of view'. This was in March 1928, and as such it is difficult to escape the conclusion that these reactions were intended to spite the C.I.D.'s very recent rejection of Amery's compromise proposal.⁸²

The review proposals on Berehaven were also to be accepted, although here there was still a clear concern for the internal military situation and the sheer remoteness of the base. The Garda Chief Superintendent of West Cork did not want National troops evacuated, and made it known that there were still many arms dumps in the locality and that 'Irregulars' were still a 'menace to the State'. The British military was relatively secure on Bere Island, only visiting Castletownbere on shore leave twice weekly, but it was considered that it was still too much of a risk, in the short term, to evacuate when the next nearest Irish military post was a hundred miles distant by road. By the same token, it was recommended that the post at the Waterville cable station be retained, even though the situation had been 'quiet' enough for the corresponding post at Valencia to have been already withdrawn some weeks earlier.⁸³

It is likely that the government had to react with a unique, and somewhat ironic, sensitivity when dealing with Berehaven; as early as 1924 local commercial interests had been vociferous about 'the disappearance of the English fleet', and the resultant economic distress, and this pressure was to gain apace until in 1931 the 'Berehaven Improvement Committee' was able to make the return of the Fleet an issue in the national press.⁸⁴ No doubt to the government's relief, there appears to have been no such organised commercial sympathy for the British at Cobh or in the Lough Swilly area. Indeed, when in 1929 one of the three Patrol destroyers was removed from Cobh, the Navy was surprised at the, first time, interest shown by the local press.⁸⁵

But the most surprising element in the Defence review was the recommendation, and the apparent political acceptance, that the post at Buncrana (for the Lough Swilly forts) be evacuated forthwith. The President's Office made it known that although 'British troops in uniform are constantly in the vicinity of Buncrana ... It is not so important to "show the flag" in Buncrana as in Cobh', and it was suggested that on this basis the Executive Council would probably approve the withdrawal.⁸⁶ There is no doubt that since the Boundary settlement of late 1925, and the collapse of coastal defence talks, the Council found it uncomfortable to dwell on the permanency of arrangements in this area. And yet, by the same token, it can be demonstrated that this 'retreat' from Lough Swilly was neither the result of complacency over the general improvement in internal security, nor a simple case of concentrating resources and attention at Cobh and Berehaven.

At Buncrana in August 1927, a single, and seemingly minor shooting incident, involving an armed British troop transport, was to expose just how much the Free State still questioned British transit across its territory, and just how indifferent the British could be, both to those concerns and to the formal agreements that O'Duffy, O'Higgins and the Executive Council thought they had gained in 1924-5. The details of the incident are here immaterial, but the politics which sprang from it are not. Through the Garda, the Justice Department became immediately involved, informing the President that the incident might have 'serious consequences' for future relations, particularly as the department was of the view that 'this armed party had no right to be there at all'. It was suggested that the case be put straight to the Executive Council in order that a full dispatch, requesting an immediate investigation and report, might be sent to London.⁸⁷ It was small wonder that there was some agitation over the incident: no one wanted to be left holding the tatters of supposed agreements that marked the only visible progress on British forces occupation since 1922.

But Cosgrave had to see the situation differently, not least because the government's confidence had been shaken all round by the assassination of the Vice-President, Kevin O'Higgins, only a month earlier. With the one man that the British really trusted now gone, and with the hasty introduction of another Public Safety Act, this was hardly the time to remind the British that they had agreed to restrict their defence operations to unarmed essential movements.⁸⁸ In confidence, Cosgrave advised External Affairs that he wished the matter to be broached with the then Dominions Office 'in a more or less informal manner', and through the offices of the High

Commissioner in London. Evidently under pressure from his own ministers, he admitted that the incident should be dealt with by dispatch, and yet he felt that 'in view of the Cobh occurrence and any danger of recurrence it is considered that the informal method of approach would be better in this case.'⁸⁹ Was it as much the memory of London's clinical response to the stand made over the 'second' Cobh incident that prompted this reaction? But that the Irish again felt that they had right on their side, over an incident where it was held that British troops had again started firing for no licit reason, was evident from the instructions given to McNeill in London: he was advised that Cosgrave regarded the matter as 'very serious', and that he was to stress to the Dominions Office 'the necessity of an immediate investigation.'⁹⁰

Although Amery complied, the general background to the incident was going to reveal few surprises in London. That British forces had been deliberately ignoring the letter of the Treaty, and the spirit of later agreements, was known at the highest level: Worthington Evans had himself informed a sub-committee of the C.I.D. in 1926 that although 'in theory' troops were confined to the adjacent areas of the several forts, 'Actually, this restriction is not adhered to and passage of troops takes place continually between the various posts at each defended port.'⁹¹ He might have added that this still meant progress at will between Northern Ireland and the South, and that this was by no means restricted to 'essential' journeys: another minor incident involving British troops, in 1929, was to show that there had been continuous traffic, for purely recreational purposes, between Londonderry and Lough Swilly, and that the local Garda was hard pressed to counter the community friction that this was

causing.⁹² None of this, however, was to surface in the War Office's investigation of the Buncrana incident; adhering strictly to the details of the incident itself, McNeill was duly advised that the War Office was satisfied that the shooting was accidental and that it considered the matter closed.⁹³

In fact, the War Office had not exactly helped matters by simply trusting to a report by G.O.C Northern Ireland, a copy of which McNeill forwarded to Dublin. Whichever way this report might be interpreted, it gave no indication that British transports had only recently been re-armed (in view of the Public Safety Act), or that the G.O.C. was aware of, or concerned for, past agreements.⁹⁴ External Affairs was satisfied neither with the report itself nor the War Office response, and McNeill, in one of his last acts before being appointed Governor General, suggested that the incident should be made the subject of a full dispatch. It was not to be: as External Affairs had finally to advise Cosgrave, the reality was that this 'would imply that we did not accept the War Office report'.⁹⁵ The level of impotence was the same, but this time there was going to be no repeat of the 1924 humiliation, and there was going to be no point in tempting fate and retaining Free State military posts in the area - not while the British continued to arm their transports and travel at will.

While the British command in Northern Ireland had their own security doubts, and while there was insistence on fully operational coast defences, it was going to be impossible to honour agreements in full and restrict the impact of the British presence to a level that an already hard-pressed Irish government thought tolerable. Important though it was, there was more to the question than armed British transports, and in

fairness the Irish were not seeking to find obstructions wherever possible; in order to facilitate essential traffic to Lough Swilly they had, for example, agreed to waive the need for British military drivers to have Free State licences.⁹⁶ No, the core problem was in getting the British to recognise that there were limits beyond which the need of strategic defence visibly undermined Irish independence, and actually fuelled republican unrest.

Again in relation to Lough Swilly, Patrick McGilligan, in one of his first forays with External Affairs, had typified this wider doubt when, in 1926, he balked at the first Dominions Office request for troop landing permits.⁹⁷ The permits were required in order that Royal Artillery troops could resurvey gun-sight datum points around the Donegal coast, but McGilligan believed there was more to the request than met the eye, and queried the 'prejudicial effect' that agreement might have on the Free State claim to secure territorial waters. He also warned his colleagues that 'misunderstanding' as to its object was possible, urging that if permission had to be given then public notices should be posted 'so as to obviate or lessen apprehension in Donegal'.⁹⁸

This last point, though valid, was very much clutching at straws, and there were, as the Attorney General realised, no sustainable grounds for refusal.⁹⁹ In this instance the British were in line with the Treaty and within the letter of the 1925 Landing agreement, and if there were hidden problems then there was nothing to be done with them. It is probable that Irish ministers were not even aware of the existence of these datum points, yet they would now have to accept that the Admiralty had produced

another legitimate reason for naval vessels to have unrestricted access to Irish waters. At a time (prior to the expected Coastal Defence review) when the Irish could have expected some easing of military rigour, in respect of the Free State assuming its own 'share' of responsibilities, this measure was also a sharp reminder of the Admiralty's planning for permanent occupation. For its part, the Dominions Office may also have had good reason, beyond that of showing initial respect to the 1925 agreement, to elevate a minor and technical matter to dispatch status. When the permits were granted, as they had to be, then a precedent would arise whereby future landing requests, for whatever reason, might become a mere formality. The question arises as to whether the Dominions Office and the Admiralty saw this as more of a political test case than as a technical and military necessity; the Irish Attorney General had finished his deliberations over the original Landing order only in February, and this first landing request had come less than two months later.¹⁰⁰ McGilligan may well have been correct in thinking that there was more to this seemingly trivial matter than met the eye.

In all, it can be argued that the imperial mind could see little difference between upholding the Treaty Ports as visible symbols of Empire, and maintaining them as essentials to defence. Fine dividing line though it was, the Irish had found it increasingly difficult to accept this situation, and even though hopes of resisting the impact of occupation had been partly met (as a direct result of the 1924 Cobh outrage), the politics and principles involved had proved incapable of piecemeal resolution. The only answer to both Irish and British suspicions was a comprehensive settlement that would cement future defence relations; this, and previous chapters,

have constructed a picture of how difficult, if not impossible, that task would be, but the wider political and military reasons why the review, which had been scheduled in the Treaty for this very purpose, was never to take place must now be examined in detail.

CHAPTER 7 : THE CONFERENCE THAT NEVER WAS (PART ONE).

1. Preparing The Way

The most urgent matter in the development of our Coastal Defence Scheme is the taking over of the Harbour Defences at Lough Swilly, Berehaven and Cobh. The taking over of these defences definitely puts us on the road to complete control of our Coastal Defence.

Lt. Gen. Peadar MacMahon, Chief of Staff,
to Executive Council - March 1926.¹

The one thing that could be said of the scheduled Coastal Defence Conference, due to be held in December 1926, was that there would be a definite attempt to see it convened. The problems of convention were as nothing compared to those that might arise if either, or both, countries chose to forget this Treaty commitment. Despite the general mellowing of relations by 1926, it was still the Treaty and its article numbers that dictated affairs, and if any major part of it was claimed to have been abrogated then the whole stood to be nullified. Thus, by numbers, the sections dealing with the Boundary and finance had been settled (if more by high politics than technical discussion), and now it was the turn of Article 6 - the last, but arguably not least, of the major points of settlement.

In almost every preceding chapter of this thesis, pointed reference has been made to the defence related areas which remained in dispute and/or needed settlement if a wider trust was to ensue. But whether, for example, it was London's fear of the legality of retaining defence property, or Dublin's fear of re-encroachment by the

British military, it was plain that any Conference was going to have to confront differing visions of Irish independence. This was not what the imperial mind had envisaged when the Treaty was signed in December 1921, although the crux, some five years later, was whether Britain could insist still on the purity of its defence concerns. As seen in the previous chapter, the summer of 1925, culminating in Leo Amery's extraordinary visit to Dublin, had witnessed some *quid pro quo* defence arrangements that can be said to have presaged the flexibility that would be necessary in any planning for the Conference. To hold the coming Conference to a strict Treaty agenda, after demonstrating that the basis for British occupation was negotiable, was to court disaster.

Yet to what extent, during the five intervening years had, firstly, the Free State specifically prepared for the 1926 Conference? It was hardly surprising that the Irish had many loyal citizens who were expert in naval matters (namely past and present members of the Royal Navy), and who were willing to advise on jumping the Treaty gun. Indeed, as early as July 1922 Army G.H.Q. had contacted one Louis Brady, Assistant Harbour Master, Dublin, and National Assessor to the High Court of Admiralty, regarding the organisation of a coastal naval force. Brady claimed to have made his first approach on this subject in August 1921, a month after the Truce, and saw himself assembling a fleet of ex-Royal Navy steam trawlers that might one day expand to include destroyers.² But there is no evidence that the then Provisional Government was looking seriously at this premature offer, if only because it was more concerned, at this stage, in examining the exact legal implications of Articles 6 and 7 of the Treaty.

By March 1922, Hugh Kennedy, then Legal Adviser to the Provisional Government, was already busy looking at the small print of the Treaty Annex. Seeking, primarily, to isolate the limitations of Britain's need of 'Imperial Defence', especially in the use of wireless stations, he nonetheless made a general legal observation that was to have great influence on Dublin's thinking in the years to come. He concluded:

But the last words of Article 7(b) indicate a further limitation on the Convention mentioned in the 'Annex'. These words, in my opinion, show that the Imperial Forces and Defence referred to in Article 7 are the same as mentioned in Article 6 of the Treaty, namely, the Imperial Forces undertaking the defence by sea of Great Britain and Ireland until the Irish Free State undertakes her own coastal defence³ [see Appendix 1]

Kennedy was certainly not confusing Articles 6 and 7, and yet it is evident that the legal mind saw a conjunction, one with the other. Put another way, the rather obvious connection that any lay person would have made between the development of coastal defence and Britain's retention of the Treaty Ports (plus others in emergency) did have foundation; this is exactly what the Admiralty had feared when in December 1921 it had challenged the actual wording of the Treaty defence clauses as being too obscure.⁴ As yet, Kennedy was providing only background information, though this serious deliberation, together with Collins's more cavalier approach to the Ports during the civil war, tended to confirm that Dublin saw the bitter disputes of the 1921 Treaty defence negotiations as 'unfinished business'. Kennedy doubtless saw a long legal road ahead, though Collins, as with his attitude to the Treaty in general, probably regarded the handing over of the Ports as inevitable, all part of the rapid march to complete freedom.

After Collins's death, however, his successors trod firmer ground, and at the beginning of 1923 had advanced Irish rights, under Article 6, to an active Revenue and Fishery Protection fleet of armed trawlers. Again, it was seen previously that the Admiralty had objected forcibly to this deployment, though the object here is to pursue what happened to this promising assertion of independence after the Admiralty had backed down.⁵ This had been the first chance to build on the concept of coastal defence, to devise strategies for the peacetime and emergency uses of armed vessels, and to impress on a sceptical Admiralty that the Free State had the wherewithal to handle naval matters. But within months of the (technically bankrupt) State paying out a substantial sum for twelve such trawlers, the Defence Department, to whom operational control had been given, was in trouble and asking for inter-departmental help. According to Defence there was no clear definition of the 'type of work necessary to be done by these vessels', nor of the number of vessels needed to do it; in a telling memorandum to the Executive Council, of September 1923, it was claimed: 'We would never have suggested purchasing twelve Trawlers and setting up a Naval establishment such as we now have if it were not for the necessity and special circumstances of controlling the coast and of despatching troops by water to the different parts of the coast.'⁶

Quite plainly, the trawler purchases had been pressed for in the light of existing problems, rather than future hopes. Perhaps it was inevitable that Free State Army would give priority to mopping up operations at the end of the civil war, although this raises the question of whether the government was in a position, at any time during 1923, to give adequate attention to an externally related issue, especially with a

general election in the offing. Assuming that these trawlers comprised, in themselves, a 'Naval establishment' (which they most certainly, as yet, did not) this same Defence memorandum then reached its main point:

The expenditure in the upkeep of the boats and in the keeping of the crews, and in the general administration of the marine service is likely to be very costly - it would be more satisfactory, and more administratively healthy to get rid of all those vessels, even if we had to start in two or three years' time to re-build the service.⁷

This was an alarming admission, with a clear inference that without adequate co-ordinating action by the government, the Army was prepared to lay up these trawlers, based at Dun Laoghaire and Haulbowline, and quietly forget about them. It seems that this may well have happened: an inter-departmental meeting (of Defence, Finance, Industry & Commerce and Fisheries) was arranged for early October, but if it was held there is no clue as to its outcome, and the fate of these vessels was never again referred to in later, more concentrated, planning for the 1926 Conference.⁸

There were, nevertheless, important mitigations to this sorry performance. Firstly, no matter how much Cosgrave may have wanted to dilute the Army's power, by consideration of a proper naval administration, he was not in a position, politically or financially, to do so, and throughout 1922-3 internal security was paramount. The Irish Armed Forces did not as such officially exist until the Defence Forces (Establishment) Order of October 1924. Secondly, the Army was no doubt sensitive to the fact that any coastal protection service was, at this date, a dangerous leap into

the unknown; in April 1923 Hugh Kennedy had bluffed the Admiralty when claiming secure territorial waters, knowing that there was no clear idea of how legally to enforce Revenue/Fishery infringement by British or foreign vessels.⁹ An inter-departmental committee was formed to clarify the subject, and in October 1923 an Irish submission to that year's Imperial Conference received a sympathetic, if non-committal, hearing. It seems that whereas the Admiralty continued to see a threat to its own interests, the Colonial Office saw little harm in recruiting an Irish stick to help beat off French and other continental Fishery violations in home waters.¹⁰ It has been seen that in 1924 the latter co-operated with the Free State over the Trawling in Prohibited Areas Act, though the Irish Attorney General still thought it better to instigate some test cases before progressing further.¹¹ On this matter the Irish certainly needed friends: the French, for one, refused to recognise Free State territorial waters, and the head of the French Fishery Patrol Service had even made a remonstrance visit to Dublin.¹²

It was a measure of how little legal consideration had been given to Article 6 of the Treaty, that neither London nor Dublin dared look too closely into the murk of territorial waters. And it was not just a question of foreign entanglement, as a concurrent 1923 court case in Northern Ireland was about to demonstrate. Publicity had been given to the prosecution of the owners of a pleasure boat, the S.S. *Greyhound*, over the illegal sale of alcohol when cruising Belfast Lough, this despite the intention of the company concerned to defend the action on the grounds that the Northern Ireland courts had no jurisdiction over coastal waters. In September 1923, however, the case was finally, and mysteriously, dropped.

The Free State Defence Department took a keen interest in this affair, and in its outcome. According to Commandant Whitmore of the Intelligence Branch, there was an excellent case for claiming that, under the Treaty, the coastal waters around the six counties did indeed come within the jurisdiction of the Free State. On legal advice, the same inter-departmental committee that was anyway discussing this topic decided not to pursue this line, though very shortly after it had submitted its final report, in June 1925, Whitmore approached the Director of Intelligence with further news of the *Greyhound* case. According to an un-named 'reliable source', the former Irish Attorney General, Sir Denis Henry, K.C., had advised Belfast that the Free State might well have technical claim to the waters in question, and had doubted if even the House of Lords could find in Northern Ireland's favour. This same source claimed that in order to avoid further embarrassment, Sir James Craig had then personally intervened in the case.¹³

Here was another acute, if not impossible, obstacle to the furtherance of coastal defence planning. The legalities of this case, though interesting, were bound to be commanded by politics; there was enough strife in the offing over a Boundary Commission delineation of the land Border without adding a further explosive dimension. In blunt terms, regardless of the Free State's justification to secure territorial waters, neither Craig nor Baldwin's government was going to allow this episode to conspire against Northern Ireland's status. On the contrary, this status was being enhanced in terms of naval, as well as military and para-military, determination: with the arrival of the Royal Naval Volunteer Reserve cruiser H.M.S. *Caroline*, at permanent base at Belfast, some sections of the Free State press saw fit

to note 'The first ship of the Ulster Navy'.¹⁴ As such, Cosgrave had to tread warily and it was hardly surprising that the final report of his inquiry committee should note that '...the position as it stands is altogether too indefinite for practical administrative purposes', and recommend that relations with Britain and other powers be submitted to further consideration by legal advisers.¹⁵ Thus after two years' internal deliberation the Free State's territorial claims were no further forward, and she would have to approach the detailed planning for the Coastal Defence Conference without even the basic points of reference having been clarified.

Allied to this dilemma, was the international friction likely to be caused by maritime use of the Tricolour, in defiance of London's wishes. As there was never a suggestion, in any Free State quarter, that the Irish would be willing to adopt a variation of the Ensign, in accordance with other Dominions, then any future coastal service stood to be humiliated by non-recognition.¹⁶ This trap of both detail and principle was real. To have asked London to consider an agreed framework of principles, prior to the Conference proper, would have been to prejudice the holding and possible outcome of the same, and yet to go to the Conference with such points outstanding would be to advertise the basic weaknesses of the Irish position. In terms of the now redundant armed trawler fleet, the Defence Department was as much a victim of these basic weaknesses as it was a possible obstacle to the development of a competent naval service.

The Army did not, however, seek a total abdication of responsibility for naval matters, and there were those in its senior ranks who had both the will and expertise to try again. Shortly after the spring 1924 'mutiny', the Adjutant General attempted to promote, internally, the coastal defence planning of one of his own G.H.Q. staff, a Captain James Johnston. Having had relevant service with the Royal Navy until 1919, Johnston had prepared a detailed memorandum on the 'Formation of a Coastal Marine Service', in which he calculated that the Free State could operate a light cruiser and a fleet of 'P' (Patrol) boats for a total outlay of just over £250,000 per annum. This figure was based on expected, low cost, donations of surplus Royal Navy vessels and, notwithstanding the above political impasse, coastal patrols covering 800 miles within a 3-mile territorial limit. The Adjutant General was so taken with the thoroughness of Johnston's calculations that he tried to impress on G.O.C. Army that 'this figure will provide us with not a "Comic Opera" Navy, composed of old trawlers and unseaworthy Motor Launches, but a highly efficient little fleet of modern up-to-date War Vessels.' Quite clearly, the armed trawler episode had left its mark.¹⁷

Though nothing came of this scheme, Johnston persevered with further plans during 1925 and, by mid 1926, had produced an even more elaborate scheme wherein the Free State's 'Naval Defence Force' needs were compared to those of other, more established, Dominions. Unfortunately, however, whereas his loyalty and expertise was not in doubt, his political acumen was somewhat suspect; in presuming the country's position in the event of another European war, Johnston went as far as to venture that the 'aspirations of the nation' would not allow total dependence on the

Imperial Navy without 'lending a hand either materially or by contribution', and he believed that an annual financial contribution towards the upkeep of the Royal Navy was an option. Making a primary issue of these points was not so much irrelevant as naive, and with almost every phrase Johnston betrayed a background, steeped in Empire tradition, that would not have endeared him either to his own General Staff or the Executive Council.¹⁸

Johnston is interesting precisely because he, and his schemes, did not become central to the Irish planning for the 1926 Conference, despite his evidently being one of the most technically qualified persons in this field.¹⁹ The question that he, and no doubt others of similar Navy experience, could not hope to press was the concept of coastal defence as an extension of a general defence policy and, in turn, of national identity. Indeed, it was for Peadar MacMahon, the Chief of Staff, to submit this exact question to the Executive Council in March 1926, as part of the first detailed considerations for the coming Conference; in so doing he was largely reiterating the views of the Defence Council which had first been submitted to the Executive Council in July 1925. The primary question remained thus:

The problem of our Defence, or part Defence, of our Coast by our own forces can only be considered in the light of the policy in regard to Defence in general which is being carried out, and the actual steps which can be profitably taken towards assumption of that responsibility are largely dependent on the extent to which we have progressed in the realization of our Defence Policy.²⁰

The answer to this question was for the Executive Council and not MacMahon, and it follows that it is important to examine the extent to which the Free State had achieved a coherent defence policy by early 1926. What is more, it is also important to examine how much of that policy may have been driven, or indeed thwarted, by the prospect of the scheduled 1926 Conference.

2. Ourselves Alone?

A nation which leaves its defence permanently to others, leaves the responsibility of that defence to others, by the very fact ceases to be a nation and becomes a Protectorate.

Deputy Esmonde, Dail speech - May 1925.²¹

Although the development of the Free State's defence policy has been analysed elsewhere, little attention has been given to the looming effect of Articles 6 & 7 of the Treaty.²² It said much for the core stability of the country that the Defence Council was able, as early as July 1925, to present a comprehensive set of proposals to the Executive Council, even if the transition from considerations of internal security to those of possible external aggression proved daunting. However, these proposals could not afford to ignore either the fact of the Treaty, or the Dail's concern as to its defence provisions. The Dail Army Estimate vote of May 1925 provided the first occasion when defence could be debated against a background of near normality; between 1922-4 the Defence Department had consumed almost 30 per cent of total government expenditure and here was a real chance to rationalise this

burden.²³

But how to rationalise? There was a minority argument in the Dail that saw no need for standing defence forces, given that Ireland's giant neighbour was committed to her protection, but as the influential voice of Deputy E. Esmonde explained, such ideas would break the 'spirit' of the Treaty and would reduce the country 'to a position of slavery and dependence.' There was condemnation that Defence was the only department without a stated policy objective, and Esmonde for one believed that it was essential that policy be announced 'with regard to Article 6 of the Treaty, and that he [Defence Minister P. Hughes] should orient his whole defence policy with the object of dealing with the situation which will be created when that Article comes to be fulfilled in 18 months' time.'²⁴ Behind such pressure was the, probably accurate, suspicion that the government was drifting towards an entirely insular defence policy, and it was noted that on the day previous to this Dail debate (13th May), Desmond Fitzgerald, the External Affairs Minister, had informed a conference of the League of Nations that the Free State was indeed seeking to reduce its Army to a size compatible with internal order only.²⁵ What is more, as the historian Ronan Fanning has indicated, the recent appointment of the nondescript Hughes as Defence Minister told of the wish to demote the sphere of Army operations and influence.²⁶

Interestingly, the Dail 'opposition', in the shape of Thomas Johnston, the Labour leader, seemed to accept that defence policy had to revolve around the coming Article 6 Conference, though, as Johnston argued, this did not mean that the country should 'embark upon a scheme of defence which will necessitate submarines, or men-of-war

ships, or mines in the sea, or chemical warfare and a great number of aeroplanes.’ In reply for the government, Hughes was non-committal, yet in confirming, for the first time, that policy would keep ‘that article of the Treaty in mind’, he had also to admit that the government had not as yet considered the matter and had no idea as to whether a ‘small scale’ coastal defence force was feasible.²⁷

That opportunity came, as mentioned, some two months later with the Defence Council submissions. The three basic policy options were (in brief): 1) the gradual assumption of entire internal and external defence needs; 2) forces as integral part of Imperial British forces, and 3) concentration only on internal order and abandonment of external matters to Britain. To what extent the phrasing of these supposedly equally weighted alternatives was engineered, to produce a politically necessary compromise around options 1 & 2, is a matter of conjecture,²⁸ but what is certain is that the policy schedule subsequently issued by the Executive Council, in November 1925, was designed to evade an early Article 6 commitment. With explicit reference to the coming Conference, the schedule concluded:

Until this review has taken place it is not practicable to take any special steps other than to ensure that if co-operation with British forces should become necessary at any time, the personnel of the Irish Army would be capable of efficient co-operative action ...²⁹

In theory, this document could/should have defined the likely extent to which the Irish would be willing to take a ‘share’ of coastal defence, but the fact that it most pointedly did not was to create a circular impasse. As seen, the Chief of Staff was later to state that coastal defence policy was dependent on the direction of an overall

defence policy, and yet from the end of 1925 it was clear that the settled direction of the latter would depend upon the Article 6 review a year hence.

It cannot, however, be argued that the only point in issuing this defence schedule was to placate internal criticisms. For the first time the principle, if not the mechanics, of Irish neutrality was enshrined, and as such the above defence impasse has itself to be seen in a wider political context. The key wording in the schedule stressed that an 'independent national force' should be capable of full co-operation on Saorstát soil 'whether against actual hostilities or against violation of neutrality on the part of a common enemy.'³⁰ In his recent and critical assessment of Ireland's historical commitment to the concept of neutrality, Trevor C. Salmon notes this as an 'oblique' reference, designed merely to 'keep that option open', and points to the contrasting emphasis placed on full co-operation with the British. But was this really an 'oblique' reference? For a supposed Dominion to have expressed this word in any mid-1920s context was almost inconceivable, and although the Free State had been granted existing Dominion practice, in that it could withdraw from 'active' participation in an Imperial war, this was a nicety that was far removed from the concept of neutrality. The Irish knew, and Salmon himself acknowledges, that the Imperial parliament had been assured that even the suggestion of 'passive' participation by the Irish had been ruled out by the Treaty defence provisions. In this context the Irish defence schedule can be said to have cleverly differentiated between the reality of British rights and the abhorrence of having to accept them.³¹

It is on the rocks of this last point that most comparative analyses of the Irish situation must eventually founder - whether they be in terms of 'other' Dominions, or, in the case of Trevor C. Salmon, the absolutes of Western neutrality definition as evolved by countries such as Sweden or Switzerland. None of these countries had, per force, the troops and bases of a great power within their territory, and none were deemed central to the 'Home' defence of an imperial power. In previous chapters it has been seen that from 1922 onwards Dublin had spent much time and energy in resisting the British in many defence related areas, and had forced an awareness that outwith the Treaty Ports and the Border their forces were unwelcome; by 1925 the British had agreed explicitly (Landing agreement) to curtail all unnecessary movements of forces. If, therefore, the defence schedule reference to neutrality can be accused of being 'oblique', then it was at least timely and consistent within the Free State's own unique terms of reference.

Unfortunately, the comparative lack of research on the Cosgrave years has allowed the stale perceptions of this period, as being atypical of the later struggles of de Valera and Fianna Fail, to continue. Salmon himself predicates his brief inquiry of this earlier period on the inherited idea that 'For the first ten years of the new state's life, policy making was in the hands of supporters and sympathizers with the Treaty.'³² Such simplistic predications on this period are no longer tenable, as Brendan Sexton's recent study of the Governor-Generalship system makes clear,³³ and of more relevance to this thesis is the astute observation of the historian Ronan Fanning - that in the wording of the 1925 defence policy 'the continuities with the realities of 1939-45 are striking'. In other words, in terms of defence and neutrality

de Valera's achievements had their foundations in the Cosgrave years.³⁴

Whereas from 1932 de Valera was to have the bolster of the Statute of Westminster, the daring of the Executive Council in 1925 was of a different order. Nevertheless, the ability to phrase the defence policy in terms that would not cause immediate alarm and protestation in London had to be guarded, and it was probably as well that the government rejected the additional Defence Council advice that 'friendly and intimate' defence relations should be established with the U.S.A., France and Germany.³⁵ But there could be little ambiguity as to the sentiment of neutrality and, as Fanning again makes clear, the Defence Council's proposals assumed the maintenance rather than the introduction of the concept.³⁶ Once, therefore, the Executive Council confirmed the establishment of an 'independent national force', the political framework within which preparations for the Coastal Defence Conference could take place had narrowed considerably - how was the Free State to 'share' its coastal responsibilities when there were now overriding preconditions?

Thus when, as mentioned, Peadar MacMahon re-affirmed the Saorstát's defence considerations, in March 1926, he could state with confidence that:

There appear to be strong reasons why our Government should endeavour to secure that the Coastal Defence of its own territory should be its own responsibility. To logically exploit the Defence Policy ... it is necessary that we should be able to safeguard our shores without the presence within our territory of the armed forces of another Power ... While we hold our own Coastline it is not likely to become the theatre of operations of the violent and primary nature which would be likely to develop here were England maintaining extensive or vital forces and were she engaged with a powerful enemy.³⁷

The Chief of Staff believed that financial considerations also favoured this approach, reminding the government that in any coming emergency the British would probably install defence organisations 'far in excess of what is necessary and economical for the Defence of Ireland. That we will be asked to at least share in the Bill of Costs is certain, and that the extent of our liabilities would be a bone of contention is likely.'³⁸ Here there was no favour granted even to the defence of the British Isles *per se*, but while this could be interpreted as a cynical exploitation of the fact that Britain would have to defend, come what may, the seaward approaches to Ireland, it was also a logical adjunct to neutrality. What was not so logical, however, was MacMahon's bullish optimism on British attitudes to the Treaty Ports:

The taking over of these defences definitely puts us on the road to complete control of our Coastal Defence. It is presumed, but is probably a matter for legal consideration, that these defences will be handed over without charge by the British Government ... The garrison for these defences should be organised as soon as possible.³⁹

It was not just Cobh, Berehaven and Lough Swilly that came within this sweep: it was envisaged that the harbours of Dublin, Waterford and Sligo would also need defending as part of a combined land, naval and aerial coastal defence network. Given the existing internal military and economic situation of 1926, this might seem to be a compounding of arrogance, and yet the Army had few illusions about the future capacity to expand a coastal service into a sea-going naval force. In contrast to the earlier schemes of the said Capt. Johnston, it was seen that, at best, a small submarine force might eventually aid the efforts of light coastal craft, and it was understood that the latter would have to double as Revenue and Fishery Protection

vessels in peacetime. It is probable that such a programme, to be financed over several years, was feasible.⁴⁰

But all plans would have to revolve around the key issue of gaining control of the defences at the Treaty Ports, with the obvious implication that Articles 6 & 7 of the Treaty had to be judged as conjoined. Hugh Kennedy, as seen, had made a legal connection as early as 1922, and even the otherwise distrusted expert views of Capt. Johnston assumed that all coastal batteries would be linked through his 'Naval Defence Force.'⁴¹ If the Executive Council did indeed want to hold fire on the politics of this point, then this was the time, in early 1926, to give a clear signal to the Army chiefs. All the latter required at this stage was government approval 'on the general principles as outlined', but in the event the Executive Council queried only minor technical points and, in May, decided that decisions would be held over pending submission of full Establishment and Estimates tables. It was significant, however, that when the same were produced by the Minister of Defence in July, only five months before the scheduled bi-lateral Conference, his report was headed 'Coastal Defence - Articles 6 & 7 of the Treaty.' With politics now conspiring with technical need, it seemed that a possible collision course with Britain had been set.⁴²

3. Meanwhile in London ...

... the Admiralty must always retain control of the local naval defence of the Irish Free State so that they may be in a position to carry on whether the Irish Free State provides active assistance or not.

Admiralty to C.I.D. on war contingency -
August 1926.⁴³

In contrast to the intensity of preparations in Dublin, the initial approaches in London to the coming Conference appeared suitably imperious. The first meeting of the C.I.D. Sub-Committee, formed, under Amery's chairmanship, to co-ordinate a common Services policy, was held in July 1926 and it did not convene again, to any effect, until December - some weeks after the decision to postpone the Conference had been taken.

However, the lack of formal debate belied the amount of nervous 'Dublin-watching' that had actually taken place. As early as September 1925, Worthington-Evans, the War Secretary, had informed the C.I.D. of his concern for the coming review.⁴⁴ Not only was it seen that the defence of 'certain' Irish ports had to be 'open to debate and adjustment' (as part of the C.I.D.'s ongoing Joint Committee review of all home and abroad coastal defence - begun in March 1923),⁴⁵ but it was thought to have been made clear, as a result of the earlier mentioned Dail Army Estimate vote in May, that the Irish now viewed Articles 6 & 7 as 'interdependent'. While the General Staff maintained their wish, from a 'purely military' stance, to see all the Free State garrisons evacuated, they had also to recognise the Admiralty's insistence on the security of 'vital' Imperial communications. Therefore, Worthington-Evans required

of the C.I.D. an 'authoritative interpretation' of Articles 6 & 7 and from this a clear expression of government policy.⁴⁶ The Admiralty, of course, was not slow to echo this early alarm: a month later it too appealed to the C.I.D. for a clear definition of these Articles, reminding the same of the necessity of retaining all three Treaty Ports after the scheduled Conference.⁴⁷

It was plain that if Amery was to further his cherished ideal of Ireland, as a willing and welcomed Dominion, then he would have to respond quickly to these scares. But having already exposed and overplayed the Dominion Office's hand, in regard to the previously mentioned Naval Reserve question, it was equally clear that he would have to manoeuvre with caution.⁴⁸ Skirting around the implication of the Worthington-Evans missive, in that the Articles 6 & 7 question should first be reviewed by Law Officers, Amery provided the C.I.D. with transcripts of the May Dail debate and assured the Committee that there was nothing in them to suggest an aggressive attitude. Further, he managed to persuade members that the factual separation of the Articles was so 'beyond dispute' that the C.I.D. could, with confidence, discuss with the Irish the 'whole question of their naval, military and air defence.' With the support of Lord Birkenhead and Baldwin himself, Amery's views were carried at the next full meeting of the C.I.D. at the end of October. The Dominions Office had won round one.⁴⁹

It is important here to qualify what exactly Amery was trying to achieve. The historian Paul Canning, in his general policy survey of this period, is quite correct to emphasise that while Churchill and Maurice Hankey held influence over both the

Cabinet and the C.I.D., there was little scope for Irish sub-plots to develop into serious dialogue.⁵⁰ If only to protect his interests with the right-wing of the Conservative party, Churchill would strive to keep the Free State in its place and ensure that the Treaty continued to be the ultimate settlement of relations between the two countries; this together with Hankey's pure contempt for all Southern Irish matters was enough to scotch most initiatives, and it would take more than the latter-day conversion of Birkenhead and the ambivalence of Baldwin to assuage the Cabinet. If Chamberlain's Foreign Office suspicions of Ireland, and of Dominions Office motives in general, are added to this picture then it is a wonder that Amery managed any persuasion within the C.I.D.⁵¹

The point, however, is that Amery's motives should not be subject to over-abbreviation. Whereas Canning suggests that Amery's purpose was simply to expand the debate to Article 7, it can be argued, not least from the points raised in previous chapters of this thesis, that this was exactly the trap that Amery was trying to avoid.⁵² The difference is small but important: from the time he had taken charge at the Colonial/Dominions Office his main Irish objective had been to move away from the rigidity of the Treaty and its list of numbers in order to facilitate any discussion of mutual interest. Therein was his idealistic mission to bring a willing Free State into the arms of the Empire. It can also be argued, especially in relation to the actual train of thought in Dublin, that Amery was as much a victim of the collective imperial mind as any of his more hostile colleagues, and yet it was he who had brought things to the point where the holding of the scheduled Conference was at least feasible. But for his courting of leading Free State figures, and his

unprecedented 'bargaining' trip to Dublin in August 1925, defence relations might have festered beyond recall. It was, moreover, certain that if the two countries could negotiate only in terms of strict, Admiralty led, definitions and Treaty Articles (already dated by five years) then there was little chance of compromise.

Amery's chairmanship of the first meeting of the C.I.D. Sub-Committee, in July 1926, illustrated his real aims. While he comforted the representatives of all three Services with the certainty that Britain would not be 'obliged' to venture beyond the limitations of Article 6, he reaffirmed that the coming Conference would provide a chance to discuss the 'whole question' of mutual defence needs, and not just the Free State's share of coastal defence. As the Irish had been given general control of their own affairs, Amery believed that there was little to be gained 'by insisting on reservations on various matters of detail', and he reminded the Services that with the completion of the Boundary and financial settlements, defence matters were the last great obstacle to more settled Anglo-Irish relations.⁵³

But what Amery failed to convey was that these other major concerns had been 'settled' more by the dictates of high politics than technical discussion, and though he had full C.I.D. leave to take this stance, his sentiments were somewhat wasted on the, relatively junior, Service members of his Sub-Committee. Even so, if Amery had been given the task of testing the limits of Service flexibility then it did not take long to discover them; after some idle speculation on the Imperial status of any Irish coastal craft, Geoffrey Whiskard, Amery's Dominion Office colleague, put the point blank question: what line would the Services take if the Free State wanted to take

over the defences at the Treaty Ports? True to form, the Admiralty representative rejected the idea out of hand, and in this he had the reluctant support of the War Office member, who thought the idea 'premature'. It was notable that neither Amery nor Whiskard attempted to mollify this view, nor venture that in line with 'open' discussion the Free State was likely, and entitled, to raise this question.⁵⁴

This first meeting of the Sub-Committee was important in that it betrayed every paradox in both the political and military situation. No sooner had the Admiralty member reined in the discussion to the limits of Article 6, when the R.A.F. member opened it up again to Article 7 and beyond. In as many words it was pointed out that, in terms of new warfare technology and techniques, the existing defences at the Treaty Ports were largely obsolete, and that soon extra land would be needed for aerodrome and sea-plane bases. To this the War Office added that it too would require extra land for the placement of new armaments. As no one had a clear idea of how far existing territorial land rights might extend at the Ports, Amery's suggestion of taking this up with the Irish probably lacked confidence. Towards the end of this meeting it had become clear that instead of discussing the *retraction* of British forces and influence (even allowing for strict Article 6 limits), the topic had changed to one of Imperial *expansion*. The Services were, of course, agreed that Free State forces could be allowed no share or participation in this new aggrandisement. Coming down to earth, however, the meeting ended with another, politically necessary, contradiction: it was agreed that the coming Conference would have to be confined to Article 6 debate unless the Irish proved 'friendly'. In one exploratory meeting, the British had gone full circle.⁵⁵

Despite the fact that Amery had given no sign of being able to break this circle, the invited post-meeting comments to the full C.I.D. were to show that the Admiralty was more alarmed than ever. In August, the Admiralty again pointed to the inherent contradiction between British rights under Article 7 of the Treaty and Irish rights to 'passive' war participation under Article 49 of the Constitution. Reminding the C.I.D. that the Free State was the only Dominion likely to take advantage of this constitutional exactness, the Admiralty insisted that even local naval defence would 'always' have to be under its direct control, regardless of the interpretation of 'share' in Article 6.⁵⁶

But having tried to undermine the very point of the Conference, the Admiralty too found that it could not ignore its potential significance, nor its own wider interests. Forgetting the aborted 1923 overtures,⁵⁷ the C.I.D. was advised that 'someday' Britain would have to provide the Free State government with a list of the likely demands to be made under Article 7 in any emergency. The coming Conference, it was suggested, presented a 'good opportunity' to raise this matter, especially as Britain's ability to land armed forces in the Free State had been compromised by the Irish Treasonable Offences Act of 1925 (and the corresponding Landing agreement). In wartime, the Admiralty saw that Bantry and Berehaven would have to be designated Special Defence Areas, and the Free State would be expected to draw up a Defence of the Realm Act to cover this; in the meantime the Irish would have to earmark office and living quarters for the large increase in British personnel that would be expected in an emergency. In short, and despite its dogmatic rhetoric, the Admiralty too needed an open Conference where all aspects of mutual defence could

be raised. But implicit here was an understanding that there would be no room for a two-way dialogue - for the Irish to be considered 'friendly' they would have to do as they were told; as the Admiralty, in this instance, concluded: 'it is considered quite sound in principle to depart from policy pursued in other Dominions.' How Amery and the Dominions Office was supposed to cope with this 'principle' was not made clear.⁵⁸

In contrast to the Admiralty, the War Office's first independent response to the coming Conference, and to the July Sub-Committee meeting, was overladen with practical and existing difficulties.⁵⁹ It had, all along, felt obliged to spell out the financial burden of upholding the Admiralty's demands, and perhaps one reason why Baldwin and Birkenhead had supported Amery's aims was because both men had been present at the C.I.D. meeting in October 1925 when Worthington-Evans and Lord Cavan (C.I.G.S.) had noted that £150,000 was needed to upgrade garrison accommodation, on top of the £126,000 per annum needed to upkeep Irish heavy batteries. Cavan had suggested that drastic savings could be made if 'care and maintenance parties' (as per the Treaty) were deployed instead of the 'full garrison' actually in place,⁶⁰ but when the Chiefs of Staff reported on the possibility of reductions, in June 1926, they could find little justification for this. Their main, and predictable, objection was that the defences had to be guarded against 'marauding bands or ill-disposed individuals', and that while conditions had improved, the possibility of attack had not been 'completely removed'.⁶¹

But did, by 1926, the outside chance of further attack really justify this reasoning? The anomaly of Ireland does become striking when placed within the context of the 'radical economies', as the R.A.F. termed it, that marked most Service funding in the 1920s, and which became the more severe in the post-Locarno period. In terms of 'Home' defence, the Treaty Ports were now the only coastal defences with anything like full establishment, and even the vital naval ports of Rosyth and Pembroke were being reduced to true 'care and maintenance' status; indeed, the slow pace of the C.I.D.'s Joint Committee review of all Imperial coastal defence, which after some three years was 'very far from complete', may have been influenced by this known lack of resource.⁶² In this case, one has to question the purely political, as well the military, motives that allowed for the already archaic Irish bases to be maintained at a unique level. This did not help the Services to focus on the wider realities when considering the coming Conference: it was, for example, somewhat premature for the R.A.F. to make elaborate plans for aerodromes and sea-bases in the Free State when the government's air commitment, for 52 Home Defence squadrons by 1928, had already been deferred to a 1936, at the earliest, completion date. Part of that wider reality was that after the Locarno Pact of 1925 there was no conceivable threat from a foreign power in home waters.⁶³

And yet, recent history and geo-politics did make the Irish situation unique,⁶⁴ and when it came to the crunch Amery had to protect some of his colleagues from their own naivety. This was made plain at the end of July 1926 when the C.I.D. met to confirm the Joint Committee, and Chiefs of Staff, recommendation that, at least, the 'obsolete and badly sited' forts at the western end of Bere Island could be evacuated

forthwith. Amery alone questioned the advisability of this, stating that a clear understanding of principle had first to be sought with the Free State, and that the December Conference would provide the best opportunity to discuss this matter. His point was that the validity of the Treaty Annex stood to be compromised, and in so doing British forces might, in future need, be deprived of re-occupying evacuated territory. A frustrated Worthington-Evans believed that 'rather heavy weather was being made over a very small matter', and a bemused Lord Balfour thought that use of the phrase 'temporary withdrawal' would solve the problem. No doubt senior members of the C.I.D could afford to be indifferent to the possibility of sending confusing signals to Dublin, but Amery, with personal responsibility for the coming Conference, could not. Nevertheless, his warning was heeded and the evacuation was approved only in principle, pending adjustments agreed between Amery and Worthington-Evans.⁶⁵

The problem for Amery was that this particular objectivity might not have furthered his overall negotiating position. The irony was that though he had lulled the C.I.D. into accepting the obvious, in that Article 6 debate must inexorably draw in all mutual defence matters, he had also heightened an awareness of potential Irish hostility. Worthington-Evans had rounded on Amery to the effect that if relations were that bad then it did not matter what the War Office intended, and the impression may have been given that serious talks with Irish were therefore pointless.⁶⁶ In any event, the differences between the two men were settled in the Dominion Office's favour by the beginning of September. Beset with costing problems, and the archaic state of both armament and accommodation at the Treaty ports, Worthington-Evans' only

stipulation was that it was 'highly undesirable that conditions in these defences should be allowed to continue as they are.' He agreed to await the outcome of the December Conference, and agreed also that any prior withdrawals might be interpreted as a 'technical surrender of our Treaty rights'.⁶⁷

At every level the stakes for the December Conference were being raised, yet the wider Amery was allowed to cast the net, the more difficult certain questions became. Only at a subordinate level had the Dominions Office posed the question of Irish rights and requirements, and Amery too had hidden behind the Treaty when need arose. But what real protection did this offer? It has previously been seen that, in 1922-3, both the Colonial Office and Treasury had despaired of equating Britain's defence rights and titles, under the Treaty, with the Free State's latent ability to exploit its Constitution,⁶⁸ and this unease did not change over time. By October 1926 the Law Officers had concluded that, at the Treaty Ports, Britain's only rights were to remain 'in charge', otherwise the lands 'would appear to have passed to the Irish Free State subject to these limited rights.' As only legislation or agreement could rectify this, and the politics was known to be sensitive, the Law Officers believed that it was 'probably better to let sleeping dogs lie.'⁶⁹ But someone was going to have to wake these dogs, and soon - the possibility of the Imperial government going into a 'blind' Conference and being humiliated could not be tolerated. It is in this context that the scheduled Imperial Conference of 1926 took on great significance: here was the one chance, only weeks before their bi-lateral undertaking was due, for informal meetings and understandings to be arranged. But was either country in a position to take that chance?

CHAPTER 8 : THE CONFERENCE THAT NEVER WAS (PART TWO).**1. A Trial Run**

The conduct of inter-Imperial relations is very largely a personal affair and depends in no small measure on personal conduct and mutual understanding.

Address by Leo Amery to the Imperial
Conference - October 1926.¹

The Imperial Conference of 1926, held in London between October 19th and November 23rd, has been covered extensively by Irish and Commonwealth historians. It has, quite properly, been seen as a milestone in the constitutional development of the Commonwealth, the Balfour Report providing the foundation for the Statute of Westminster in 1931. Indeed, so dominant were the constitutional issues of 1926 that subsequent commentators have tended to neglect the contribution and approach that the Free State made to other areas of debate, thus possibly inhibiting the emergence of a more rounded picture of Irish-Commonwealth relations.

In 1969, David Harkness, in his *The Restless Dominion*, gave the effective impression that the Free State was the subversive catalyst of constitutional change at the Imperial Conference, and though he failed to mention defence, it could be assumed that this general agitation was sufficient to preclude sensitive Anglo-Irish discussion on more specific issues. Beginning, however, with Hyam and Martin in 1975, there has been a steady denial of the supposed disruptive influence of the Irish and it is now held that

they too, notwithstanding such minor constitutional disputes as 'O'Higgins Comma', succumbed to the general sense of co-operation that was believed, especially by the British, to have overtaken the Conference. Certainly the British viewed the two principal Free State representatives, Kevin O'Higgins and Desmond Fitzgerald, as the acceptable face of Irish independence, and Leo Amery gave no indication that he was concerned about their attitude.² It may have been rather fanciful for Dominions Office officials to later claim that de Valera himself might have submitted to the 'curious spirit of reunion', as the historian R.F. Holland terms it, that permeated Conference proceedings, but if Maurice Hankey also believed that the Irish behaved 'decently' then there is little doubt that they were trying to co-operate.³

But it can be argued that the differing viewpoints concerning O'Higgins and Fitzgerald, as to whether they led or followed the senior Dominions on constitutional matters, actually tell us more about the Free State's growing confidence to communicate with the wider world, than of its qualitative, and central, relationship with Britain - as part of the Empire. Britain could afford to be generous on the question of semantics, if, as the historian John Darwin argues, she was supremely confident that the 'substance' of her Imperial hold was unchanging. The news, for example, of 'O'Higgins Comma' was greeted in both Westminster and Dublin with indifferent silence.⁴

While such cumulative and principled advances were far from insignificant, of more import to this thesis was the readiness of Britain and Ireland, in an informal give-and-take atmosphere, to make progress on the subject of the coming defence

review. That the Dominion Office had hopes for this was made plain at the, previously mentioned, first meeting of the C.I.D. Sub-Committee in July 1926: Geoffrey Whiskard had ventured that the problems with Article 7 of the Treaty might be discussed jointly with the representatives at the Imperial Conference, an idea that Amery approved of providing the Irish were 'friendly'. No doubt the thinking here was that if the Irish probed the contradiction between Britain's continuing military and naval occupation of the Treaty Ports and the otherwise agreed Imperial policy of Dominion self-reliance in coastal defence, then the senior Dominion leaders might be able to persuade them to accept that Britain's home defence was the bulwark of all Empire security.⁵

But in fact, by July, Amery was in a position to know that the Imperial Conference was highly unlikely to provide a bridge across this particular stretch of troubled water. The problem lay with the C.I.D. Sub-Committee that had been convened in March to consider all the defence aspects of the Conference: with Hankey in the Chair (he was the principal co-ordinator for the whole Conference) and the Foreign Office in attendance, it soon became apparent that this Committee would take a negative approach, both to the uses of an Imperial gathering in general and to the participation of the Free State in particular. Indeed, it is significant that, rather than being a minor topic, low on the agenda for subsequent meetings, the position of the Free State loomed large in the opening debate of this Committee. Having agreed that it would be unwise, post Locarno, to raise the subject of 'passive' war participation by a Dominion, the Admiralty member soon noted that his department 'did not intend to raise any Irish questions at the Conference.' Perhaps trying to ensure that the

December review was not compromised, the Dominions Office member agreed with this line, arguing that it was better to consider any Irish questions 'purely ad hoc' and not at the Imperial Conference.⁶

While it is always problematic to interpret recorded minutes, it is difficult to escape the conclusion that the opening spell of this first meeting was designed, in part, to find ways of excluding subjects to which the Free State might react. Thus a suggestion that the C.I.D. Joint Committee might, at least, conclude its review of South African and Canadian port defences, in time for the Imperial Conference, was blocked by Hankey, and no answer was given to a Dominions Office query as to why Mediterranean port defences were being reviewed ahead of those of the Dominions, especially when the latter were seeking urgent advice. With this subject out of the way, there would obviously be little on the Imperial defence agenda to involve the Irish directly, and in the four subsequent meetings of this Committee no further reference was made to the Irish situation.⁷

And yet, although a particular aversion to Irish matters can be detected, it is quite clear that the ultimate purpose of this same Committee was to avoid as many areas of Empire defence controversy as possible and to decide upon what the Dominions should be allowed to know of Britain's wider international interests. Hence the Foreign Office, ever watchful of perceived Dominions Office indiscretions, vetoed a suggestion that a prepared overview memorandum on Empire defence policy might be distributed to the Dominions for pre-Conference comment; it was enough, insisted the Foreign Office, that a simple statement be read to the Conference and the

Dominions be kept informed 'from time to time' of events. While it is known that the Free State was often denied access to even routine material, it can be forgotten that the Foreign Office often treated the established family with deep suspicion.⁸

In all, there was nothing in the preparations for the Imperial Conference that could have aided Amery in his own Article 6 Sub-Committee deliberations. On the contrary, there appears to have been no cross-referencing of material or personnel, despite the C.I.D. Imperial Conference Sub-Committee having finished its task in May. More to the point, Amery's own officials were still tending to bow to the views of others on Ireland rather than argue their own C.I.D. remit, of October 1925, to pursue wider topics.

But the driving force, as always, behind any Imperial defence considerations was the Admiralty, and it had made plain that there were no new initiatives or recommendations to be placed before the Imperial Conference. Apart from an updated paper on 'Empire Naval Policy and Co-operation', originally prepared in 1921, the Admiralty offered only its 1923 Conference position and was preparing simply for a 'historical survey' in 1926.⁹ On Ireland, both the Imperial Conference Sub-Committee and the Dominions Office may have been forewarned of the Admiralty's damning views regarding the subject being raised at the Imperial Conference: in an undated internal paper entitled 'Imperial Conference 1926: Naval problems to be raised at - Preliminary information', the Free State was relegated to a back section under the sub-heading 'Miscellaneous British Possessions' along with the Falkland Islands, Newfoundland and Zanzibar, among others. It was

acknowledged that the Free State was entitled to Revenue/Fishery Protection vessels, but nothing else, and no mention was made of likely changes pending the coming bi-lateral Conference.¹⁰ Nor, for that matter, could either the Dominions Office or Dublin expect innovation from the War Office at the Imperial Conference. Lord Cavan, the C.I.G.S. until 1926, was later to admit his unwilling ignorance of Dominion defence matters, and of the personalities and politics involved; he had resented his being denied a learning tour of the Empire by the Labour government of 1924. Although his successor, Sir George Milne, tried to inject some bite into the 1930 Imperial Conference, there appears to have been very little impetus from the military in 1926.¹¹

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Had the British known, they need not have worried that the Irish government was preparing a contingency programme of defence matters to be raised at the Imperial Conference. Indeed, none of the Conference questions being posed within the Defence Department appear to have found their way to the Executive Council for debate, the only recorded item concerning the same being the principled rejection of London's offer to act as cost bearing hosts to Dominion representatives.¹² But as early as August, the Chief of Staff, Peadar MacMahon, had advised the Minister of Defence that the question of the Free State's full naval defence, if not coastal defence, might well be raised at the Imperial Conference within the context of Dominion financial contributions to the upkeep of the Royal Navy. Based on nothing more than past, and public, statements by Earl Jellicoe, MacMahon postulated that the Free State

would be asked to contribute £1-3s per head annually, on the same basis as mainland subjects. Not only did MacMahon see nothing wrong in principle with this, but for the first time the Army paid due recognition to the specialist services - charts, coastal pilots etc.- provided still by the Admiralty, Lloyds and the Board of Trade, which were beyond the capacity of the Free State to duplicate pending the long term establishment of an Irish Admiralty.¹³

But although MacMahon further acknowledged that the British would 'strenuously combat' any idea of an independent Free State naval force, and agreed that the south and west coasts of Ireland remained 'of first class strategic importance navally', he was also quick to warn his Minister not to rely on expert British advice at the forthcoming Conferences. Such experts, argued MacMahon, were 'steeped in the traditions and outlooks of the British Navy' and would advise on developments useful only to Britain. The tenor, moreover, of the Army's advice had not changed since its, previously mentioned, earlier submission in March: there was still an underlying assumption that the British would make moves to hand back the Treaty Ports, and reference was made to the 'obnoxious clauses [Articles 6 & 7] on this subject in the Treaty.'¹⁴

Nevertheless, the Army's overriding concern for the Imperial Conference centred on a subject that overshadowed all discussions on Articles 6 & 7 - the Geneva Disarmament Conference, due to be held in March/April 1927. There was good reason to make this a priority, because it seems that London had circulated Geneva discussion documents, apropos the Imperial Conference, to all Dominions, with the

implication of vital decisions having to be made. In the event no such debate took place at the Imperial Conference, not least because the Admiralty and War Office could not themselves agree on a common stance,¹⁵ but in the meantime the Irish Defence Department paid an attention that reflected both the country's dedicated membership of the League of Nations and its intended independent representation at the Geneva Conference.¹⁶ In an undated memorandum entitled 'Imperial Conference 1926: Reduction and Limitation of Armaments: Allocation of Quotas to the Several Parts of the British Empire', Defence spelt out the fragility of the Free State's position; it is of interest that there seemed to be a common understanding that the government wanted no mutual defence discussions with Britain at the Imperial Conference, regardless of this stance being 'probably inadvisable', but Defence had to indicate the implications of an Empire Quota system:

This question is one of very considerable and even urgent importance to the Saorstat ... It is ... necessary to point out that our position with relation to Great Britain and the Six Counties, in addition to the Defence Reservations in the Treaty, complicate this like every other question bearing on our defence, and make it possible for Britain to urge rather strong reasons why an exception must be made of the Saorstat and the same status not accorded to her as the Dominions.¹⁷

In essence, Defence recognised that there might be international, and especially European, pressure for the Free State to be included within the Metropolitan Forces of Great Britain and Northern Ireland, and was concerned that a 'very important' precedent for the treating of the British Commonwealth as a single unit had been established at the Washington Conference of 1921. With the probable exception of New Zealand, it was thought that the Dominions would object to a single quota and

support the assumed Irish position, in that any indication of agreement would be 'out of keeping with all National Policy'. But when, and to what extent, did the Free State dare taunt Britain with the increasingly transparent neutrality of its defence policy? Defence knew that the British Service departments could not agree on quotas and suspected that it would require a 'special effort ... to bring about a real appreciation of our position on the Continent'; in this case there was good reason not to antagonise Britain at the Imperial Conference.¹⁸

Despite its own reservations, however, Defence was concerned that the government would allow the situation to drift, arguing that a firm defence policy line was going to be needed at the Imperial Conference, irrespective of the position taken at Geneva. As defence policy was becoming increasingly based on external contingencies it was believed that there was a need for 'closer co-operation' between Defence and External Affairs. In expression there was certainly something of a *cri de coeur* here, and more than a hint that Defence felt that it was being sidelined and denied valuable information on general policy and international developments.¹⁹ Here again was evidence of Cosgrave's determination to demote the influence of the Army; in short, it seems that Defence had little or no idea of what might be said on its behalf at the Imperial Conference.

In the event, what actually transpired at Conference was possibly beyond the Army's worst imaginings. It will be seen that something of a mystery surrounds O'Higgins's open statements on Imperial defence (Desmond Fitzgerald seems to have made no personal contribution), but a far greater enigma surrounds his private discussions in

London. The day after his celebrated meeting with Lord Carson, on 22nd November, O'Higgins met Amery to discuss the various concessions that the former *believed* the Free State would be willing to make in order to achieve a united Ireland. To quote O'Higgins's biographer, De Vere White: 'He also asked for a guarantee for Ireland's defence in return for which Ireland would undertake to make a definite military force available for imperial emergencies.' Was this a case of O'Higgins making policy on the hoof, in search of his desired Kingdom of Ireland, or did he have secret Executive Council blessing to explore this line?²⁰ If the latter, then was it the case that the government had cold feet at the thought of the looming bi-lateral defence review in December, and was trying to find a way out of confrontation? Whichever way it is viewed, O'Higgins was confounding the agreed and official defence policy of the Saorstát.

Perhaps not surprisingly, Amery made no mention of this defence discussion in his diaries, though he did refer to O'Higgins's suggestion that Lord Londonderry might be acceptable as the first Viceroy of a united Ireland.²¹ De Vere White writes that, in pursuance of O'Higgins's defence offer, Lord Londonderry was 'rumoured' to have made a secret visit to Dublin in the Summer of 1927; if so, and if O'Higgins continued to try and undermine both the defence policy and the Defence Department, then the latter was not exactly widening an understanding with republican sympathisers or enhancing his life expectancy.²²

There are two interesting and related postscripts to O'Higgins's private adventures at the Imperial Conference. Amery went as far as to submit a paper on the subject to Cabinet in mid-December, but whether through caution or lack of time it was not discussed. But at the Foreign Office, Chamberlain was plainly furious that O'Higgins's ramblings had been allowed to proceed so far: aiming a broadside at Amery, he wanted the Cabinet to be informed that everything in O'Higgins's proposals ran 'directly counter to all that was said and done at the Imperial Conference.', and he insisted that, in the case of O'Higgins gaining the wrong impression, both Dublin and Belfast should be notified that the British government would not countenance the idea of a Dual Monarchy. To this, Amery retorted that O'Higgins had been left 'under no possible doubt' that his suggestions ran counter to the agreed principles of the Imperial Conference, emphasising that even Tim Healy, the Irish Governor-General, had believed the proposals to be 'fantastic'. But an insight into how anxious Amery was to find some common ground, can be found in his request to the Cabinet that the situation be kept under review lest Belfast (Sir James Craig had dismissed the matter out of hand) began to mellow to the concept of a Kingdom of Ireland.²³

To this scenario should be added the acute observation of the historian Nicholas Mansergh, who, while noting the vital question of the degree of Executive Council support for O'Higgins, goes on to accent the impossibility of his ambitions. The concept of a Dual Monarchy ran directly counter to the ruling notion of an indivisible Crown, and as such O'Higgins's idea 'belonged to Anglo-Irish not Irish Commonwealth constitutional concepts.'²⁴ Yet in turn, it follows that the man who

was taken to be the greatest apologist for the Treaty was actively, if not cynically, trying to undermine its very design, a point that had obviously not been lost on Chamberlain. Translating this to defence terms, how was Britain to approach the scheduled bi-lateral Conference when even the most amenable of the Irish might not accept that Articles 6 & 7 were also underpinned by the symbolism of an indivisible Crown? No matter how tempting O'Higgins's specific defence proposals (as noted by De Vere White) might have appeared, the Treaty itself embodied that indivisible symbolism. The pity was that this defence offer, if true, was somewhat ingenious - if Ireland was to dare to ask for the return of the Treaty Ports at the bi-lateral Conference then it made sense to offer something tangible in return. Unfortunately this can be only conjecture, though it is inconceivable that O'Higgins and Amery could have discussed such defence matters without reference to the Free State's likely position at that Conference.

With this background, the mystery of O'Higgins's, supposedly open, contribution to the defence agenda of the Imperial Conference begins to have context. It seems that he did make a brief statement to the other Dominion representatives, acknowledged by Baldwin, but it was not published or recorded in any known official document. The also brief remarks of the Prime Minister of Newfoundland are recorded, as are those of the Maharajah of Burdwan, but Irish thoughts are conspicuous by their singular absence. No mitigation appears to have been made with a view to the sensitive bi-lateral negotiations about to take place, and, indeed, no mention of these pending negotiations is referred to in the official record of the Imperial Conference.²⁵

This is all the more curious when the contents of other Dominion defence statements are examined. Hankey's preparatory Committee may have been able to prevent detailed discussion of coastal defence matters from arising, but it could not deter a subject which was of general and relevant interest to agreed Imperial strategy.²⁶ Even as a spectator, O'Higgins would have had ample time to reflect on the nature of British military occupation in his country, particularly when considering the statement of N.C. Havenga, the South African Minister of Finance. Havenga insinuated that Britain's largesse was often forced by circumstance rather than goodwill, reminding Conference that though Britain had formally surrendered the Cape Peninsula, including the Simonstown naval base, to South African authority in 1921, the Union had been given little option but to take over this responsibility soon after the start of the Great War. He noted also that it had been the intention of Britain to resume control after the War, although by then the Union had other ideas. Finally, and as if making a pointed reference to the Irish situation, he noted: 'The British Government handed over ... those defences, together with a large quantity of war material and stores, as well as the landed and other property'.²⁷

The point to be made here, is that Britain did have recent and relevant experience of negotiating such matters with a country with which it had made an uneasy peace and which retained many secessionist and nationalist instincts. The geo-politics was admittedly dissimilar, but here at least was a current standard whereby Britain leased what facilities it required while recognising the territorial sovereignty of a country that had limited resources for defence spending.²⁸

The Irish could have also taken heart from the lukewarm responses of Havenga and Prime Minister Mackenzie King of Canada to the likely costs of modern coastal defence planning. The 1923 Imperial Conference had agreed on the need to create and maintain a chain of Imperial air bases to help co-ordinate fixed defences, but both men now implied that any such investment would have to cater for domestic inland needs as a priority.²⁹ The irony was that the Free State Defence Department was probably the only Empire unit to have given serious and detailed thought to the aerial concept that Britain envisaged. In March 1926, Defence had submitted a plan to the Executive Council, based on six amphibious planes at each of five 'Aerial Units' (Dublin, Cork, Limerick, Galway and Sligo), involving initial outlay costs of £546,000. On top of this, O.C. Army Corps of Engineers had submitted a capital estimate, for the building of aerodromes, hangers etc., of some £250,000.³⁰ To what extent O'Higgins was aware of these estimates is unknown, but doubtless he would have been in sympathy with the prevailing mood at the Conference, in that the potential costs of such a specialised service were prohibitive. As such it is entirely possible that his supposed offer to Amery, of an Imperial force in return for naval protection, was intended to offset the otherwise crippling coastal defence costs that Britain might insist upon if the Treaty Ports were returned.

And yet, it is unlikely that Amery and O'Higgins could have discussed aerial defence spending in any detail, if at all. Had the latter attempted this, then Amery would have been obliged to inform him that the British Services were hostile to any Irish involvement, and to have warned that the subject was anyway related to Article 7, not 6. The Air Staff had already considered the feasibility of incorporating the existing

Irish Air force, totalling some 28 planes, in their own expansion plans for the Treaty Ports, and had concluded that none of these aircraft were suitable for repelling enemy bombing attacks or were of use in sea reconnaissance. Amery's C.I.D. Sub-Committee had also been notified that the Air Staff did not challenge the Admiralty and War Office view that they 'would be unwilling to rely on any air co-operation in connection with the close defences of Berehaven, Queenstown and Lough Swilly, save that afforded by our own air forces.'³¹ The Irish estimates had of course been based on the very opposite view of having no British involvement. Meanwhile, by 1926 the Ports were becoming of little strategic use to either country without localised air defence cover.

Thus the Imperial Conference ended in November with, it seems, more questions than answers. On what turned out to be a very low key Imperial defence agenda, the subjects for which the Irish Defence Department had prepared did not arise, and, even supposing they had, it is not clear that O'Higgins was committed to anything beyond his own 'fantastic' scheme. With the Admiralty again to the fore, it was anyway plain that Britain did not intend to raise or provoke any question that might compromise its position at the later bi-lateral Conference. Whatever the level and significance of the Irish contribution to the constitutional debate at the Imperial Conference, this was at least a subject that could be aired. But perhaps the real test of Irish Dominion status, and of the Anglo-Irish divide, was to be found in a subject that after five years was still not open to peer discussion or public record.

2. No Port in a Storm

Did the British Officer say 'You can have them' or 'You can have them at the price of maintaining them'? Not by a long chalk! He ruled the subject of the Ports out of order!

Minister Frank Aiken, deriding the efforts of 1927 - Election speech, May 1943.³²

The time consumed in preparation for the Imperial Conference provided, on both sides, the necessary reason for postponing the Coastal Defence Conference. Even before the Imperial Conference had formally closed, Amery and O'Higgins had agreed, in writing, to hold matters over for two or three months. In line, however, with the five year requirement of the Treaty, the Conference was opened in London on the 6th December, with High Commissioner James McNeill present, then immediately adjourned.³³

In consequence, when Amery convened the next meeting of his C.I.D. Sub-Committee, in mid-December, the change in atmosphere was palpable. In contrast to the contortions of the earlier July meeting, there was this time, with the usual exception of the Admiralty members, a more directed and relaxed approach. Ostensibly, there was little reason for this: Amery believed, from impressions gained at the Imperial Conference, that the Irish had 'definite proposals' in mind, and as this meeting progressed it became clear that Amery had knowledge that these 'proposals' were likely to revolve around the return of the Treaty Ports.³⁴ It is probably significant that it was from the time of this December meeting that the War Office, once it knew of the likely Irish agenda, first began to argue positively in support of

this course.³⁵

But from talking to O'Higgins and Fitzgerald, albeit in the vaguest of terms, it was also clear that the Dominions Office, at least, felt that it now had the measure of the situation. Thus when the Admiralty worried as to whether these Irish proposals would be 'immediate' or 'ultimate', Amery replied with confidence that, whatever their ultimate aims might be, the financial plight of the Free State made it impossible for the Irish to consider any radical step. Such was the overall mood of this December meeting that when an Admiralty member suggested that it might be wise to define and limit the term 'coastal defence', it was deemed not to be necessary as the Irish had no ambitions for a sea-going navy.³⁶ Whatever else O'Higgins may have achieved at the Imperial Conference, he certainly seemed to have left the impression that Irish coastal defence proposals would have little of substance or determination behind them. Yet the real key to this confidence lay in the knowledge that the Irish were seemingly waiting for London to dictate the next move; Amery confided to his diary, after this Sub-Committee meeting, that they had agreed on a 'fishing letter' and would 'postpone action until we knew the answer.'³⁷

That the Irish had allowed the ball to be placed so firmly in their own court was not difficult to account for. Apart from the long-term breakdown in communication between O'Higgins and Defence, and the already noted distance between Defence and External Affairs, the air of doubt and secrecy surrounding the Coastal Defence Conference extended through the Army itself. In mid-December, C.O. Artillery Corps wrote to the Chief of Staff, concerned for the current and unknown state of

negotiations. Interestingly, it was known at this level that the policy intention was to acquire and man the Treaty Ports, but the C.O.'s main concern was that the British had never intended these defences to be part of an integral coastal defence scheme, and that as such the Artillery Corps might be saddled with a system it could not operate.³⁸

MacMahon dismissed this caution, although by then he was himself having difficulty in keeping track of the technical and political demands of the situation.³⁹ In November he had sent a 'secret and personal' memorandum to O'Hegarty, Secretary to the Executive Council, in which he noted that while the concept of static defence might be outdated, it would be 'invaluable' to obtain the British General Staff's 'Standing Instructions' for the operation of the Treaty Ports defences - the point being to impress upon the British that in an emergency they would be 'able at very short notice to take measures for the protection of all such places.' It was realised, however, that as standing British orders probably included action against the Irish themselves, it might be 'undesirable and rather awkward' to make a direct approach, and he added that 'you may not think it advisable in view of our general relations with the Departments responsible for ... the British Fighting Services to ask them for any information or assistance.' Close to these doubts was the daunting figure of Maurice Hankey, and MacMahon conceded that as such he was uncertain that 'a suitable opportunity to casually raise the question will arise.' The reply to these concerns could have done little for the Chief of Staff's confidence: after informal consultations with Cosgrave and other ministers there was agreement that the situation was 'very awkward', but he was advised that if the chance came it would be taken,

‘perhaps, not exactly in a detailed form lest we might be giving too much indication of the channel in which we were thinking.’⁴⁰

Of the several dismal indicators in this correspondence, perhaps the most important was the defence policy trap that the Executive Council and the Army had laid for themselves. The agreed policy allowed, in an emergency, for the active co-operation with British forces in the Saorstát, yet MacMahon was still allowed to presume that Irish forces alone would control Port defences in wartime. The price of would-be neutrality was certainly high: here was probably the best bargaining counter the Irish had, but at what cost to the concept of an ‘independent national force’? Nevertheless, of more immediate concern was the dubious reasoning of ministers in wanting to keep their basic Conference position a secret: there was a difference between secrecy as a tactic and as a cover for pure, if understandable, vacillation.

That MacMahon suspected the latter was made obvious when, as expected, Amery’s ‘fishing’ dispatch arrived at the beginning of January, requesting ‘some general indications’ and pre-Conference papers on their required share of coastal defence.⁴¹ The Chief of Staff had to remind the Executive Council that though it was well understood that nothing should be given away prior to the assembly, the British dispatch ‘very definitely’ questioned this decision. As if to bolster wavering resolve, he added a further reminder on the ‘binding influence’ of any reply, arguing that regardless of any possible legal separation of Articles 6 & 7, it would in practice be impossible to discuss coastal defence measures without reference to both.⁴²

Almost a month after this (as yet unanswered) British inquiry, the Council finally arranged for an inter-departmental Committee (of Finance, External Affairs and Defence) to prepare for the Conference on the basis that the Free State 'would be prepared to take over and maintain' the Treaty Ports. It was notable that the government was intending a one-issue Conference position; there was no additional or fall-back measure as to a 'share' of coastal patrol, and neither could there be if the respective doctrines of limited finance and would-be neutrality were to hold.⁴³ But rather than steel a co-ordinated approach, this Committee appears to have been something of a chimera; despite the diligent work of the Defence Department, in continuing to firm-up costing and establishment tables for the takeover of the Ports, there is little evidence that it convened to any effect. Indeed, in March the Minister of Defence had to advise O.C. Army Air Corps, who was also aware of the need for 'strictest secrecy', that the Committee was 'not functioning'.⁴⁴

The one thing, however, that this Committee did probably achieve, a draft dispatch reply to London, was never sent. Undated, it cannot be known for how long the Executive pondered its careful wording and possible results, but its main section is worth recording:

While my Ministers wish to take over progressive control of the entire coastal defence of the Irish Free State, they realise that the nature and extent of the initial stages depend not only on financial, military and other considerations of a purely internal character, but also on considerations relating to the larger question of the general defence of these islands. It seems to them that the two questions are intimately connected and they do not think it possible to arrive at any practical conclusion without examining in common with His Majesty's Government ... all the aspects of the larger problem and arriving at a clear understanding of the precise relations between the two. My

Ministers therefore suggest that the March Conference should be devoted to conversations aiming at a complete understanding of the existing general position.⁴⁵

Had this draft been sent, then probably the C.I.D. and the Cabinet would have rejected its implicit message - but at a cost. The political consequences of rejection, not least to the Treaty, would have needed careful calculation, and Dublin might well have stolen a moral initiative. Instead, London was able to maintain the complete initiative with a proposal, in early February, inviting the Irish for preliminary and informal talks with Admiralty technical experts. Though it was emphasised that these talks would be 'unofficial and without prejudice' to the Conference proper, the relieved and almost delighted response can, with the benefit of hindsight, be seen to have been foolhardy.⁴⁶ While it may have been tempting for the Executive to believe that it could now test its position without prejudice, it had in fact accepted the direction and limitations that London desired.

But seen from Dublin's viewpoint, there may have been good reasons to suspect that London was preparing to offer considerably more than their carefully worded communications had so far suggested. To begin with, Sir Samuel Hoare, the Minister for Air, had sent Cosgrave a personal copy of a secret memorandum on 'The Air Arm in Coast Defence' in December, informing him that it might prove useful to his Conference planning. Much as Defence was desperate for British technical information, there is no suggestion that the President's Office had requested the same. The reason for its dispatch becomes the more unclear when considering that Amery's Sub-Committee had already dismissed the idea of Irish involvement in R.A.F. plans

for the Treaty Ports, and yet Cosgrave was surely entitled to see this as a veiled invitation to widen the scope of the Conference.⁴⁷

There was one subject, however, where this invitation seemed more blatant than veiled - the title deeds that Britain still held for all former and existing War Office property in the Free State. As seen in an earlier chapter, the holding of these had caused concern almost from the moment the Treaty had been signed, though it was only in 1926, when Britain first mooted its own Conference requirements, that a defence property settlement took on its own momentum. Unfortunately for Dublin, it seems that the main Service motivation for a settlement was the need to modernise and extend War Office and R.A.F. facilities at the Treaty Ports, and it was only when the Law Officers confirmed that agreement was needed to secure occupation rights that the need to strike a deal became urgent. Misguided reasoning had seemingly led to the belief that the Irish would agree to all Port demands, and to the retention of title, in return for the remainder of War Office deeds.⁴⁸

Adding pressure for a solution was the Treasury (thwarted in its attempted settlement of 1922-3) which, in turn, had been under renewed pressure from the Irish Finance Department for clarifications on the title deeds issue, this culminating in a pointed letter from MacNeill's London office as late as November 1926. The signs that the Irish would raise this question at the coming defence Conference, whether or not the British intended to, were plain to read.⁴⁹ By the end of January, the Treasury had received confirmation (after inter-departmental consultation) that title deeds could be handed over, subject to the retention of those relating to coastal property and the

non-prejudice to other Conference negotiations.⁵⁰

When, however, the Treasury relayed this message to Finance Secretary Joseph Brennan, it was doubtfully expressed in terms that no other relevant British department, and certainly not the Admiralty, would have sanctioned: the key wording noted that the deeds to coast defence sites would not be handed over pending 'general agreement between the two Governments on this subject (which as you know, is already the subject of negotiation)'.⁵¹ The whole point was that no matter how self-evident the connection might seem to the Treasury, or to the wider world, this was not the subject of current negotiations and would not be so until the Irish had first proved 'friendly'. This confusing signal was compounded by Dublin's understanding that the first batch of deeds would shortly be handed over to the High Commissioner, though in the event there is no evidence that this, or any later, transfer actually took place.⁵² It can only be guessed that when the Conference was again postponed, pending the results of the agreed technical discussions, the British commitment, to what the War Office, almost a year later, was referring to still as a 'complicated' issue, also waned.⁵³ In the meantime, there was no reason for Dublin to guess the real motives behind the transfer offer, and it could have been taken that this was a positive gesture of British sympathy and future intent.

But if Dublin believed that one further push might indeed secure an agreement on the Treaty Ports, then they were very much mistaken. By mid-February, after Amery had submitted his Sub-Committee's first interim report for C.I.D. approval, the Imperial position on future talks had been largely set and sealed. Churchill ensured,

and Amery tamely agreed, that there would be no margins for the Irish to explore: the full Conference would be restricted to Britain's future requirements under Article 7, and the prior technical discussions to a limited interpretation of Article 6. When Churchill warned that there could be no talk of removing the Treaty garrisons for 'at least' ten years, Amery was quick to confirm that the only proposals then awaited from Dublin 'were purely naval, in connection with minesweeping, coastal patrol, etc.'⁵⁴ Once the Irish had agreed to prior Admiralty talks, this format fell all too easily into place.

The Irish government, nevertheless, was not exactly being flexible or open-handed in its own interpretation of the Treaty, and London could not have been expected to read trouble into concurrent public statements by ministers. The combination of the government's silence on the defence talks at the recent Imperial Conference, and its equally mute response to the imminent coastal defence Conference, was creating a deep suspicion among the Dail opposition; a situation only made worse by Fitzgerald's belated attempt to quell the doubters. By stating that the government's only stance had been, and would be, to listen and learn, and that it was 'entirely desirable' to be kept informed of Imperial defence matters, he did little to allay the (mistaken) fear that the government was being drawn towards a unified Imperial defence system. It later took the combined efforts of Fitzgerald, Hughes and O'Higgins to deny this, and to deflect a proposition that Ireland's only real security lay in a declaration to the wider world that she would not be bound by any British policy or belligerent action. It was made known by Labour that the Treaty itself posed the greatest threat to Ireland's peace, and more than one Deputy thought that

Britain's rights under Article 7 were inconsistent with Ireland's signing of the Covenant of the League of Nations.⁵⁵

The occasion for this debate - the Defence Forces (Provisions) Bill - provided a stark contrast to that of two years previous. Then the concern had been that the government was trying to ignore external factors, but now it was thought to be too involved.⁵⁶ It was, moreover, significant that the currency of this later debate was almost entirely that of neutrality: not the vague concept of it, but the degree to which it could, and would, be applied. Fitzgerald and O'Higgins tried to remind Deputies that a declared neutrality was only as useful as an enemy would allow, and yet in the end the former was forced to qualify an earlier statement in which he had seemed to suggest that a 'general attack' on their shared islands would be taken as an attack on the Free State herself. Twisting himself into an ever tighter knot, Fitzgerald insisted that this would be the case only if Britain AND Ireland were attacked; if Britain alone suffered then the Dail would be consulted as to possible action.⁵⁷ Whichever way the government turned it could not escape (nor wished to) the mood of detachment, yet even under this pressure it would not risk declaring its already agreed policy for the taking over of the Treaty Ports.

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It is not intended here to dwell on the details of the preliminary technical conference (held in London on the 26th April), but rather to emphasize that it was a calamity waiting to happen, and to concentrate on the aftermath. Though neither side could have pretended that a mere 'technical' meeting would be without its political dangers, few could have been prepared for the almost brutal curtailment of debate, culminating in a Cabinet decision, next day, to refuse any inquiry concerning the Treaty Ports. It may have been crass for Diarmuid O'Hegarty to open the proceedings with a direct reference to the Ports, but the problem was that Cosgrave's final instructions to his negotiating team, of four days earlier, had allowed no leeway. There had been *genuine* belief that the British would at least discuss the military and financial aspects of manning these defences, and, at worst, it was thought that Britain might ask to stay at the Ports at Ireland's financial expense - a scenario which Cosgrave found unacceptable.⁵⁸

There was not the slightest hint in these instructions as to the position to be taken should London reject the entire subject; when the Admiralty team queried O'Hegarty's claim that Articles 6 & 7 were 'very closely connected and could hardly be dealt with separately', he could only wire Dublin for further instructions.⁵⁹ The same day reply allowed him to 'reserve' the Treaty Ports issue and continue the talks, on the basis that the Executive Council did not wish to restrict his action 'to do what may seem best on the spot.' In a further pathetic gesture, a copy of Hugh Kennedy's 1922 legal study (previously mentioned) was forwarded in the hope that 'It may help should you wish to argue a connection between VI and VII.'⁶⁰ But it was all too late: once the Admiralty team had headed for political cover there would be no way

back. The Irish had not been 'friendly'.

Much as it appeared that Amery had at last connived in setting a rigid Article 6 'trap', he seems to have been genuinely shaken by the terminal events of the 26th, and at the thought that his broader ambitions for Ireland might be in ruins. He immediately prepared a memorandum for the Cabinet in which he argued that information on the Ports should be given, without prejudice, noting that the only alternative was that the preliminary meeting 'would come to an immediate end', with the Irish again raising the question in full Conference at a future date.⁶¹ To his diary Amery lamented that the Cabinet was 'dead against' his idea, and that he had approached his colleagues 'a little half heartedly.'⁶²

More in the manner of a post-mortem than a rescue mission, Norman Archer, Assistant Secretary at the Dominions Office, visited O'Hegarty at his London hotel on the 26th & 27th, to talk over options and to relay the Cabinet's inevitable decision. According to Archer's version of these talks, O'Hegarty understood the Cabinet's view and realised there had been a 'genuine misunderstanding',⁶³ but this account did not exactly tally with O'Hegarty's own confidential reports to Cosgrave of the same dates. In these he claimed to have rounded on Archer as to the rejection of their 'very big and generous offer', and in somewhat embittered tones he noted that he and his party did not believe there had been a 'genuine' misunderstanding on the British part. He thought the Admiralty experts had been expecting something like his proposals and that 'their instructions were framed accordingly.' In the same vein, he continued:

I gathered that what was expected here was that we would be able to say we had £- to spend on coastal defence and they would advise us how to spend it. But as I said before, I think they had a shrewd idea of what we were going to say.⁶⁴

As has been seen, the British side may not have expected the Irish proposal in such an abrupt form, but they certainly knew it was coming. The trail may well have led back to O'Higgins's machinations at the Imperial Conference, but the truth was that this gambit did not take a deal of guessing - O'Hegarty and his team had literally been innocents abroad.⁶⁵ While he admitted to Cosgrave that he had only 'affected to be very surprised' at the Admiralty's tartness regarding a 6 & 7 link, O'Hegarty's astonishment at the turn of events was otherwise complete. Indeed, from his own account he admitted that Archer had had difficulty in persuading him that the subject was closed for good, and that it was not just being reserved for principals in full Conference.⁶⁶ But behind this reaction was the reality that both sides had come to the preliminary meeting with a prepared and fixed agenda, which neither could afford to adjust lest they compromised their position in full Conference. As a result, the chances of ever holding that Conference had been eroded before the preliminary session had even begun. But if London believed that a sharp rebuke was the best way to bring the Irish to heel, and to make them more pliable, then they too were greatly mistaken.

It is important, moreover, to note that this was not just a case of suspicious minds failing to meet, but rather of a continuing and fundamental clash of ideologies. Some of the events of these two days verged on the bizarre, as when the Irish, awaiting the Cabinet decision, agreed to a non-committal hearing of Admiralty minesweeping

proposals. Here was the chance, suggested the Admiralty, for the Irish to purchase a 'deluxe Twin Screw Sweeper' that was so imposing that it could be used for ceremonial occasions and as a yacht for the President. The Admiralty seemed quite proud of the fact that several of the eastern Indian states had bought such a vessel for just these reasons, though it is perhaps as well that Irish reactions to this example of the evergreen imperial mind are not recorded.⁶⁷

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After O'Hegarty's party returned home, on the 28th, there appeared to be a restrained effort, by both governments, to guard their respective interests. By giving the issue little advance publicity, the Irish government had avoided raising expectations at the cost of political or financial embarrassment, but it was still necessary to stop Fianna Fail gaining a propaganda march. There was a minor scare when the official responses, playing down the significance of preliminary meeting, were challenged by the *Cork Examiner*, quoting 'sources in connection with the British Government',⁶⁸ but by mid-May calm had returned and Amery had been informed that the Irish general election necessitated another indefinite postponement of the full Conference. Not surprisingly, Amery concurred, suggesting that it was best left for Dublin to resume contact.⁶⁹ That contact would never be made: the Executive Council did order a confidential report on the preliminary London meeting, but apart from further mention of British duplicity, its only firm recommendation upheld the consensus view that in any future talks Articles 6 & 7 had to be considered together.⁷⁰

With deadlock more than threatened, and with the Irish again engrossed in domestic matters, it was London that had first to count the cost of the failed talks. During the Summer of 1927, Amery's Sub-Committee wrestled with the problem of how to convince Dublin that Articles 6 & 7 were meant to be separate. There was little confidence in pressing the legal position, and it was thought that the Irish might respond to some straight talking on the strategic reasons for the retention of the Ports, even if this meant the divulgence of sensitive information. But the problem here was that in post-Locarno world of the late 1920s, and in the bruised atmosphere of the their failed talks with the Irish, even the Admiralty was beginning to find it difficult to come up with convincing strategic reasons why all three Ports should be retained.⁷¹

This much became apparent in November 1927 (after the two Irish elections of that year) when Amery's Committee twice deliberated on how best to get negotiations restarted. The central and recognised problem was that the Irish were unlikely to respond unless London agreed, at least in principle, to hand over the defences; but far from blocking ideas, it was the Admiralty that now paid the keenest attention to a compromise solution. It was indeed the Admiralty members who became edgy at the repeated use by others of the word 'essential', in relation to the Ports, with Capt. Egerton, Director of Plans, remarking that its use, even in connection with Berehaven, was an 'overstatement' and that there were viable alternatives - namely, Milford Haven. This astonishing admission was, moreover, not the end of it: discussion also ranged around 'giving up something' at each of the Ports, with the Admiralty venturing that it was willing to give up Lough Swilly altogether if this proved a more attractive idea to the Irish. It was decided that Swilly should 'be kept

up our sleeve', though there were concerns that any offer might be taken as a sign of weakness.⁷² Put simply, the Admiralty had reached the end of its tether: having tried, and failed, through the Summer of 1927, to persuade Dublin that goodwill fleet visits would aid reconciliation, it evidently believed that compromise was the only course left.⁷³

The point to be made here is that there is no evidence that the Admiralty was coming under increased joint Service or political pressure to change its position. The War Office had once again noted that it wanted out of the Free State, and that the Irish could not indefinitely be kept in a differing situation to other Dominions, but it had dropped (as a cost saving measure) its previously urgent need to improve the Port defences and offered no verdict on the Admiralty's new and radical suggestions.⁷⁴ As has been seen, the War Office had seemingly given up on the idea of using title deeds as a bait, and was weary of the whole subject.

As for political pressure to adjust, it was to become obvious that the very opposite was true: indeed by the time the Sub-Committee's final report had been submitted for C.I.D. scrutiny, in February 1928, any positive suggestion of affordable compromise had been removed, doubtless in order to give the more diehard members of the latter what they wanted, and expected, to read. With some timidity the report suggested that 'if any concession were possible with regard to any one of the ports, it is conceivable that the position [i.e. deadlock on full Conference] would be changed', but this was lost amongst the otherwise bullish rhetoric which again promoted Berehaven as the indispensable 'Scapa Flow' of the Western Approaches.⁷⁵

No doubt recalling the recent embarrassments of foreign naval visits to Queenstown (Cobh), Amery suggested at this C.I.D. meeting that this Port could be handed back as a goodwill gesture, but Churchill dismissed this with little or no regard for Irish (and by implication foreign and U.S.) sensibilities. There would be no compromise.⁷⁶

With this decision, the door to improving future relations with the Free State was finally slammed shut. On one level it seemed a self-defeating, perhaps even negligent decision; as there was no longer the will nor the means to re-conquer Ireland, and senior military figures had insisted that the Ports were 'useless' against Irish hostility, then there was a self-interested duty to make an easily affordable compromise offer. Even the Admiralty had come to this belated understanding, and the indications were, as evidenced previously, that Cosgrave would indeed have settled for the return of Cobh - the symbol of so much national prestige.⁷⁷

But then both countries were interested in symbols, and on another level the finality of the C.I.D.'s decision was inevitable if Britain was to maintain an Imperial grip on the Free State. A compromise was unacceptable in that it might have advertised that the Treaty had run its course, at a time when it was still impossible to contemplate alternatives. There was, moreover, no evidence that Cosgrave would have granted wider defence favours in return: this was likely to have been seen as an acceptable first stage in the complete removal of the British. The reality, in terms of mutual trust, was that in 1927-8 Cosgrave's Free State was no more a Dominion than de Valera's Eire would be in 1937-8; the crucial difference, as regards decisions, would be the international climate rather than the bi-lateral. As such, the fact that de

Valera's star was again in the ascendancy, after the 1927 general elections, probably had little cautionary effect on the C.I.D.'s 1928 decision. Cosgrave and Cumann na nGaedheal might have been viewed as the lesser evil, but perceived hostility was a matter of degree only. In the same way that in 1922 Churchill had been obliged to admit that the reasons for the Army's stay in Dublin were political, rather than military, so it was becoming increasingly the case with the Treaty Ports.

The immediate repercussions of this political intransigence could take unexpected form, and once again it fell to the Dominions Office, acting (as always) as both poacher and gamekeeper, to try to prevent others from undermining an already weakened stance on Articles 6 & 7. By the end of 1928, the War Office had relegated coast defence concerns to the extent that territorials were manning most mainland bases, and as such it sought approval from the C.I.D.'s Home Defence Sub-Committee for the application of this measure at Belfast (the fourth Treaty Port). The Dominions Office intervened to remind the Committee that approval might provide 'a handle' whereby the Free State could claim the right to raise a similar force to man the other Irish defences; the current claim that regular troops had to stay in the North for reasons of 'efficiency' would also suffer. Hankey, as Chairman, showed his usual distaste for the South by declaring that Reserves in the North 'would be just as much Imperial forces as troops raised in Sussex', and thought that it would be 'extremely difficult' for the Free State to object. Even so, the War Office was forced to note the 'political difficulties', and it was to be another year before the scheme was finally accepted, albeit reluctantly, by the Dominions Office.⁷⁸

Try as they might, the British could not separate the Treaty Ports from other defence issues, except when enforcing a Treaty that had been dictated almost ten years previous. By the end of the 1920s the anomalous position of the Free State Ports, both in terms of Home and Oversea Imperial defence, was very evident, and by the time de Valera returned to power in the Spring of 1932 it was, if anything, comparatively the more exaggerated. Although the Chiefs of Staff claimed, by force of ever increasing financial stringency, that expenditure at the Ports had been 'pared to the limit', this amounted to less than a quarter reduction in personnel from that in place in the mid-1920's, and the removal of one destroyer only (in 1929) from the three on Irish station.⁷⁹ This was a long way still from being a true 'care and maintenance' operation, and enough men and ships remained to enforce the political message that the Empire was prepared to defend its interests - not so much from attack across the seas, as from the Irish at its back.⁸⁰

Cosgrave too found that there was no escape from the debacle of April 1927. In the aftermath of the stalemate at the Geneva Disarmament Conference, and the controversy over international Belligerent Rights, questions were again being asked in Dublin of the 'postponed' coastal defence Conference; by the end of 1929 External Affairs and the President's Office were finding it increasingly difficult to come up with plausible excuses. Cosgrave made ministers aware that he would brook no debate on the issue, though the unofficial position (interestingly deleted in a reply to a written Dail question), was that the exchequer could not afford 'new commitments in this direction.'⁸¹ This reasoning had always been there, but it was a moot point as to the extent to which the economy was being used to cover a political dilemma.

Had the British deigned to discuss the Ports then a clearer picture of the Irish government's commitment and financial ability would have emerged, and yet the knowledge that this had always been viewed, not least by the Finance Department, as a cheaper option than maintaining a coastal navy should not detract from the fact that this was also the only option that was politically viable.⁸² Cosgrave did not take the meaning of his country's 'independent' defence policy lightly, even if the British had made him impotent to give it clear internal, or external, effect.

But the embarrassed wish to cover this web of reasoning with silence was, over the years, to cost Cosgrave dearly, and may even have contributed to his resignation of the Fine Gael leadership in 1943. During most of the 1920s, when peace and stability was all, the potential to conjure a public feeling of national assertion over the Ports issue was always limited, but when de Valera managed to exploit this factor to the full, in 1938, the former was soon called to account for his past 'failings'. His entirely fabricated defence (on behalf of the then Fine Gael party) was that he too had been offered the Ports, back in 1927, and only the crippling expense had prevented acceptance. Unfortunately for Cosgrave and his party, Fianna Fail ministers had perused (and no doubt learnt from) the official files and were able to refute his story.⁸³

To make matters worse, the same issue arose in the fetid atmosphere of the 1943 general election, when both parties, in part, played the defence and neutrality card in an attempt to spoil a Labour revival.⁸⁴ Once more Cosgrave claimed to have been offered the Ports in 1927, and once more Fianna Fail claimed that the triumph was

all theirs, and that, but for de Valera, Eire would have been dragged into the European war because of Imperial 'shooting rights' at all three Treaty Ports. The political damage incurred as Cosgrave faced the hustings accusations of acting 'in a fit of childish pique and jealousy', is hard to calculate, though it is certain that the damning (and accurate) claims that the British had simply dismissed him did nothing for his authority as party leader.⁸⁵ Nevertheless, by sticking to his fictional guns, Cosgrave's version of events did achieve a respectability, to the point that one of Ireland's most eminent historians has recently accepted the myth as fact.⁸⁶

The irony is, that the facts of 'The Conference That Never Was' can be interpreted to be far more flattering to Cosgrave and Cumann na nGaedheal than his own later accounts could allow. The constitutional and political situation in the 1920s was a far cry from that of the later 1930s; Cosgrave's 1927 stance on the Treaty Ports was comparatively the more audacious, even if the implications had not been fully thought through, and it has been seen that de Valera relied heavily on the achievements of earlier defence battles. Had Cumann na nGaedheal been more experienced as a political party, rather than as a party of stable government, it might have been able to exploit Imperial intransigence instead of merely succumbing to it.

But perhaps a last thought on the non-existent Conference should go to the man who, above all, ensured its demise - Winston Churchill. While he never became reconciled to the eventual loss of the Ports, or, for that matter, to the loss of Ireland from the Empire, it is interesting that he had in part to invent an Irish defence sympathy of the 1920s in order to give weight to his damning opinion of de Valera's actions in the

1930s and wartime 1940s.⁸⁷ But it has been seen throughout this thesis that in the crucial area of defence relations, as epitomised by the April 1927 stance, that supposed sympathy, on either side, was never there. The Dominions Office had tried to foster the same and failed, for the simple reason that the Free State never was, nor could be, a Dominion. The only thing that was there, as Churchill well knew, was a Treaty that he had helped to dictate.

DISCUSSION

Whatever else the Treaty achieved, its very existence has allowed many Irish and Commonwealth historians to explore value changes without continuing, central, reference to Anglo-Irish relations. By title and content this thesis has questioned this omission, and in so doing it has also questioned the positive, if often unwitting, judgements that these same historians have made for the Treaty itself. Further, this thesis has premised defence issues as central, and not separate, to an assessment of the Treaty, Dominion status and the bi-lateral relationship; defence, even in its starkest strategic form, can be no more divorced from prejudice and politics than are economic and social matters. Indeed, defence so often defines the realpolitik of a country's motives in external relations.

Beginning with the contentious nature of the Treaty defence negotiations, and the sheer complexity of the British involvement in the events of 1922, certain Irish defence concerns have been followed through to the later Cosgrave years, and by implication beyond. Whether assessing the new situation in terms of personnel or property, or in raking over the legacy of the 1916-21 conflict, Dublin could not escape the politics and on-ground consequences of Britain's defence requirements. If it was difficult to accept the existence of an invented Border and the pure symbolism of the Oath, then it was just as hard to accept the British uniform and Union Jack continuing to roam where they will, sail where they might, extract benefits as right, all on the 'detached' basis of strategic need. It can be argued that some of these practices were exaggerated by the concern to deny republican sympathy

or possible attack, but how often did strategic claim and anti-republican display disguise a blind belief in the visible continuity of Imperial rule? What, for example, was the flaunting of the Irish Flag Station at Cobh (note that London never accepted the changed names for Queenstown and Kingstown) supposed to signify?

Even from 1922, and certainly after the Cobh incidents of 1924, can be detected a consistent Irish approach to these problems: one which illustrates how a small aspiring nation, though still at odds as to a definition of freedom, could nonetheless move with a degree of common purpose around basic principles. The first objective was to surround and contain the level of British intrusion, and only when this had been achieved, post 1925, could attention turn to its complete removal. Much of this process was hesitant, some of it badly handled, but it was always there. Significantly, thoughts of accommodation with London, in terms of the Free State's own sea-defence interests, were contemplated only as an afterthought to this process of removal. A contradiction? Certainly, yet it can be argued that the development of neutrality, in deed and concept, was linked directly with the visible and potential effects of Treaty defence demands, on land and coastal waters, in the South - the problem with the North was largely irrelevant in this context. And much as it might seem that the Cosgrave administrations, especially the early ones, were pressured in this overall direction by the more overtly republican dictates of the Army and Defence Department, this was seldom the case. Of course the Army tried to browbeat, but neither before nor after the 1924 mutiny does the archive evidence suggest that government was held to ransom on its reactions to Britain. On the contrary, the degree of resignation in the senior Army ranks to democratic control

was remarkable in such a young and troubled country. By the same token it is difficult to detect, in its defence relations with Britain, the internal trend that Irish historians have noted for the later Cosgrave years: that is a more aggressive attitude to match the rise of Fianna Fail. Levels of suspicion about British defence designs were constant during this period.

It is equally important to equate the significance of these defence concerns with perceptions in London. It has been seen that from the moment of signing there were misgivings, in several departments, that defence was the Achilles heel of the Treaty - the one factor that threatened humiliation, made a parody of alleged status, and which legally and practically threw doubt on the credibility of the Treaty as a whole. Defence exposed, as no other topic could, the impotence of the Colonial/Dominions Office, especially under the influence of Leo Amery, to pursue the 'idealist' view of Imperial unity against the moral pragmatism of Churchillian Imperialism. But the fact that the Dominions Office too had so often to hide behind the Treaty spoke of the fundamental sterility of relations and the utter implausibility of Amery's hopes. Above all others, Churchill realised that without the full rigour of the Treaty there was a void in which authority might become indistinguishable from the capricious use of naked power - anathema to the imperial mind. The Treaty Ports exemplified this crossover between objective strategic requirement and political will. By the mid-1920s the utility of the Ports was already in question, and Britain certainly did not need to hold all of them, but the reality was that they were as much symbols of Imperial authority as, say, the Oath of Allegiance, and they could not be compromised in part without threat to the Treaty as a whole. Strategic claim is, like

politics, the art of the possible (as 1938 was to prove), and it seems that historians have paid too much respect to the supposed objectivity of the situation in the 1920s.

The more light that is shed on the Cosgrave years, the more the continuity and calibre of the Anglo-Irish antagonism becomes apparent, and the more the Treaty itself is brought into focus. Whereas the conjoined Border and financial settlement was necessary in order to give the Free State basic definition, possible defence settlements, as both Dublin and London realised, pointed to the quality of that definition. That quality, on the evidence of this thesis, was not high, and as such two contrasting arguments concerning the Treaty and Dominion status can be compared with its findings. The first, centres on the idea that the Free State was a Dominion excepting the matter of defence - somehow a thing apart. This is the equivalent of arguing that post-1945 East-West relations were adequate excepting the small matter of the cold war and the nuclear arms race. Defence went to the heart of the Free State's identity, in that the projection of the Treaty limitations on sea and coastal matters affected, by stages, every level of internal defence policy, or the lack of it. Similarly, the mirror image of this argument, which claims that the 1922 Constitution, following the spirit of the Treaty, was 'essentially republican', appears somewhat hollow. This 1930s observation by the constitutional historian Leo Kohn still has currency, and though it can be queried simply on the basis that the primacy of Treaty overrode the Constitution, the evidence of this thesis would suggest that it was an odd form of republican licence that, in effect, gave London sanction over sensitive internal, let alone external, developments.¹ Defence could be treated as a separate entity only if all other things were equal; this was never the case with

Ireland, and the Treaty and the negotiations which preceded it testified to this.

The extent to which the image of the Cosgrave years has coloured an image of the Treaty itself is difficult to assess, yet for all the internal trauma that came in its wake, Irish historians have mostly viewed the Treaty in a positive light. The consensus view would seem to echo Nicholas Mansergh, in that it was a 'bold experiment', a challenge to both sides with futuristic ambitions.² How so? Criticism of this view must go deeper than to elaborate the fact that the Free State was an unnatural and unwilling Dominion, important though this point is, and must look more closely at the British side of the equation. Not only did Britain invoke a formula meant for the Canadian situation of the 1860s, but if the Imperial historian Max Beloff is correct then, even by 1921, there was more belief in the indefinite status quo than in any positive idea of Empire development.³ The Treaty was thus born in this post-war void, during a period when the Empire was having to be held to reason by the gun, and the evidence of this thesis, concerning senior British attitudes, would tend to confirm that the prime objective in the 1920s was to hold the line while bowing to the notion of change. Thus the benefit to Irish ambitions of the later constitutional definitions was largely accidental; progress toward 'freedom', however it might be defined, was not inherent in the Treaty. As late as 1930, some British politicians were insisting that Ireland be frozen at the 'safe' level of 1921 Dominion practice.⁴

In the summer of 1921 Lloyd George did not float Irish Dominion status as a radical measure to spite the diehards: rather that status was the product of their prior majority consent. The bitterness at the 'abandonment' of Southern Unionists was

amply compensated, not least in terms of the Treaty defence measures, which were explained to Parliament as being far more calculating than simple strategic need might dictate. In all, given that the inevitable extension beyond Home Rule was easily containable, within elastic constitutional formula, the question is as much about what Britain actually surrendered, as of the status gained by the Free State.

It is, then, suggested that the Treaty was more reactionary in character than is supposed, and that there was more to its origins and implementation than London's desire to hope for the best while preparing for the worst. Indeed, the Free State's 'best' might be irrelevant to the question: looking at Beloff's theories, seemingly supported by the historian Brian Bond, it is possible to place the evidence of this thesis in the wider context of Britain's shift from 'open' to 'concealed' Imperialism, the result of increasing economic and military weakness from the turn of the century - it seems that in 1921, Lloyd George tempted Egypt's Adli Pasha with the glories of Commonwealth membership in much the same way as he tempted the Irish Treaty delegates a few months later. Was it the same difference to the imperial mind - maintaining permanent, if disguised, strategic control at a less troublesome and costly distance?⁵

This argument places a question mark against Paul Canning's momentous idea of the Treaty, which notes it as the first visible example of Britain's post-war appeasement policy, and puts greater emphasis on theories such as those of John Darwin, who also believes that British Imperialism did not change in essentials during the inter-war period.⁶ Hyam and Martin do not explore this line in relation to the Free State,

though there may be a connection, in terms of the success of 'concealment', in their analysis that the Empire was not an Olympian association 'but a bundle of individual bilateral relationships between Britain and a host of weaker units.'⁷ If so, then far from being 'bold', the Treaty was a new extension to a well rehearsed routine, one which never threatened the stability of the other Dominions or Empire at large. Appearance over reality: a forced bi-lateral agreement masking as something more embracing and ambitious. It is telling that in their entirely sceptical evaluation of the Free State as a Dominion, Hyam and Martin note the Treaty as no more than a 'fresh shift' from the domestic to Imperial sphere, but then again this 'shift', either way, had been a constant feature of Anglo-Irish relations.⁸

As such, research of the post-Treaty period has invariably placed the Empire cart before the bi-lateral/domestic horse, as could be expected when the Treaty has so often been taken at face value and so little genuine Anglo-Irish study undertaken. The telling subject of this thesis would suggest that both countries were indeed circumspect as to the amount of 'shift' that had actually taken place. It has been seen that even the most ardent Treaty man, Kevin O'Higgins, could not help viewing Imperial defence in an Anglo-Irish context, and this same basic attitude was just as prevalent in the British departments and committees that poured scorn on Dominion Office propriety. The subject happened to be defence, but the attitude was often general. Given the above, it was entirely possible for Ireland to be interchangeable with, say, a recalcitrant Egypt or India in the one moment, and of bi-lateral imperative the next; the lasting, if sometimes unconscious, genius of the British imperial mind was in being able to identify the unique part within the whole.

Irish historians have long noted that the force of Irish nationalism rejected both domestic and Imperial domination, the one being part of the other, but arguably the tendency for them to demote Britain's direct influence in the internal affairs of the Free State after 1922 is as disturbing as it is understandable. The more so because this self-contemplation of the post-Treaty period has been harsh in the extreme, to the point where it might be assumed that modern Irish history is the product of a deep perversion in the Irish-Catholic soul for blood sacrifice and suffering. But rather than indulge J.J. Lee's damning criticism of 'native genius', and his unkind comparisons with contemporary Finnish and Hungarian nationalist efforts,⁹ it might be more rewarding to place the effects of Irish revolutionary nationalism in an extended twentieth century context of rebellion against imperialist powers in general and British Imperialism in particular. It may yet be seen that there was nothing extraordinary about Ireland other than that its dramas were comparatively early and 'white'; if anything was extraordinary then it was in the Imperial power's conjuring abilities, and not in the schisms endemic to revolutions.

The point here is not to re-examine old Irish wounds regarding the Treaty and the civil war, but to highlight that in any event the influences affecting self-determination were far more subtle and pervasive than historians of either the left or right have credited. Instead of the right's over-excitement at the internal struggle between democracy and the, supposedly, dark forces of dictatorship, there is a case for re-examining the factors that united Irish endeavours and which were eventually to produce a greater continuity and coherence to Irish resistance in the 1920s and 30s than has so far been acknowledged. In turn, the left might wish to note that when de

Valera finally declared Irish neutrality in 1939 it was the end of a process that began with the Treaty defence negotiations of 1921 and continued through Collins and Cosgrave - the 'unfinished business' being finally resolved. Perhaps the obvious discomfort of Irish and Imperial historians with the 'Dominion' years will soon pass, but in the meantime the 'restless' idea of the 1960s and 70s would no longer seem adequate, nor the idea that the trappings of any given status represent the truth of it. Given that the imperial mind of the early 1920s knew better than to try and define Dominion status, it now seems increasingly strange that Irish 'performance' should have been analysed, however sympathetically, on the basis of a document which was anyway signed at metaphorical gunpoint. In the final analysis, it is military forces that define and maintain empires, and in being forced to sign the Treaty, the South had then either to accept or oppose the continuing intrusion that represented the most potent symbol of British Imperialism. Sensing the awkwardness of this question, in terms of British intentions and the equity of Dominion status, liberal historians have long had to assume a level of early Free State acquiescence and/or indifference to defence matters that was never there. As such, the thought that Irish history continued to reflect the nature of the Imperial beast that confronted it, poses ever deeper questions.

Ireland by way of set-off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries. The foregoing provisions of this Article shall be reviewed at a conference of Representatives of the British and Irish Governments, to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

(b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other duties.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces, and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof. Provided that this agreement shall not apply to members of the Auxiliary Police Force or

ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND, DECEMBER 6, 1921

1. Ireland shall have the same Constitutional status in the community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order, and good government of Ireland, and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out, the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice, and Constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada, and in accordance with the practice observed in the making of such appointments.

4. The Oath to be taken by members of the Parliament of the Irish Free State shall be in the following form:—

I . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H.M. King George V, his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of War Pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claim on the part of

conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:—

- (a) Safeguards with regard to patronage in Northern Ireland;
- (b) Safeguards with regard to the collection of revenue in Northern Ireland;
- (c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland;
- (d) Safeguards for minorities in Northern Ireland;
- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State;
- (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively,

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and the Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or given any preference or impose any disability on account of the religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any

to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland, remain in full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of Parliament of Northern Ireland in favour of holding of such elections before the end of the said month.

12. If, before the expiration of the said month, an address is presented to His Majesty by both Houses of Parliament of Northern Ireland to that effect, the powers of the Parliament and the Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland, and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers

BELFAST LOUGH.

(c) Harbour defences to remain in charge of British care and maintenance parties.

LOUGH SWILLY.

(d) Harbour defences to remain in charge of British care and maintenance parties.

AVIATION.

(e) Facilities in the neighbourhood of the above ports for coastal defence by air.

OIL FUEL STORAGE.

(f) Haulbowline, Rathmullen—To be offered for sale to Commercial Companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such Provisional Government the powers and machinery requisite for the discharge of its duties provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by his Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland and if approved shall be ratified by the necessary legislation.

Signed

On behalf of the Irish Delegation:—

ART. O. GRIOBHTHA.
MICHAEL O. COILEAIN.
RJOBARD BARTUN.
E. S. O. DUGAIN.
SEORSA GABHAIN UI
DHUBHTHAIGH.

On behalf of the British Delegation:—

D. LLOYD GEORGE.
AUSTEN CHAMBERLAIN.
BIRKENHEAD.
WINSTON S. CHURCHILL.
L. WORTHINGTON EVANS.
HAMAR GREENWOOD.
GORDON HEWART.

6th December, 1921.

ANNEX

1. The following are the specific facilities required:—

DOCKYARD AT BERRHAVEN.

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

QUEENSTOWN.

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to

Source: Public General Statutes
1922 Geo.V. 12-13

SCHEDULE.

CONSTITUENT ACT.

DAIL EIREANN sitting as a Constituent Assembly in this Provisional Parliament, acknowledging that all lawful authority comes from God to the people and in the confidence that the National life and unity of Ireland shall thus be restored, hereby proclaims the establishment of The Irish Free State (otherwise called Saorstát Eireann) and in the exercise of undoubted right, decrees and enacts as follows:—

1. The Constitution set forth in the First Schedule hereto annexed shall be the Constitution of The Irish Free State (Saorstát Eireann).

2. The said Constitution shall be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Second Schedule hereto annexed (hereinafter referred to as "the Scheduled Treaty") which are hereby given the force of law, and if any provision of the said Constitution or of any amendment thereof or of any law made thereunder is in any respect repugnant to any of the provisions of the Scheduled Treaty, it shall, to the extent only of such repugnancy, be absolutely void and inoperative and the Parliament and the Executive Council of the Irish Free State (Saorstát Eireann) shall respectively pass such further legislation and do all such other things as may be necessary to implement the Scheduled Treaty.

3. This Act may be cited for all purposes as the Constitution of The Irish Free State (Saorstát Eireann) Act, 1922.

FIRST SCHEDULE ABOVE REFERRED TO.

CONSTITUTION OF THE IRISH FREE STATE. (SAORSTÁT EIREANN.)

Article 1.

The Irish Free State (otherwise hereinafter called or sometimes called Saorstát Eireann) is a co-equal member of the Community of Nations forming the British Commonwealth of Nations.

Article 2.

All powers of government and all authority legislative, executive, and judicial in Ireland, are derived from the people of

[13 GEO. 5.] *Irish Free State Constitution* [CH. I.]
Act, 1922. (Session 2.)

Ireland and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organisations established by or under, and in accord with, this Constitution.

Article 3.

Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) at the time of the coming into operation of this Constitution who was born in Ireland or either of whose parents was born in Ireland or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) for not less than seven years, is a citizen of the Irish Free State (Saorstát Eireann) and shall within the limits of the jurisdiction of the Irish Free State (Saorstát Eireann) enjoy the privileges and be subject to the obligations of such citizenship: Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State (Saorstát Eireann) shall be determined by law.

Article 4.

The National language of the Irish Free State (Saorstát Eireann) is the Irish language, but the English language shall be equally recognised as an official language. Nothing in this Article shall prevent special provisions being made by the Parliament of the Irish Free State (otherwise called and herein generally referred to as the "Oireachtas") for districts or areas in which only one language is in general use.

Article 5.

No title of honour in respect of any services rendered in or in relation to the Irish Free State (Saorstát Eireann) may be conferred on any citizen of the Irish Free State (Saorstát Eireann) except with the approval or upon the advice of the Executive Council of the State.

Article 6.

The liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such Court or judge without delay and to certify in writing as to the cause of the detention and such Court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law:

[CH. 1.] *Irish Free State Constitution* [13 GEO. 5.]
Act, 1922. (Session 2.)

Provided, however, that nothing in this Article contained shall be invoked to prohibit control or interfere with any act of the military forces of the Irish Free State (Saorstát Éireann) during the existence of a state of war or armed rebellion.

Article 7.

The dwelling of each citizen is inviolable and shall not be forcibly entered except in accordance with law.

Article 8.

Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen, and no law may be made either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects State aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

Article 9.

The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

Article 10.

All citizens of the Irish Free State (Saorstát Éireann) have the right to free elementary education.

Article 11.

All the lands and waters, mines and minerals, within the territory of the Irish Free State (Saorstát Éireann) hitherto vested in the State, or any department thereof, or held for the public use or benefit, and also all the natural resources of the same territory (including the air and all forms of potential energy), and also all royalties and franchises within that territory shall from and after the date of the coming into operation of this Constitution, belong to the Irish Free State (Saorstát Éireann), subject to any trusts, grants, leases or concessions then existing in respect thereof, or any valid private interest therein, and

[13 GRÖ. 5.] *Irish Free State Constitution* [CH. VI.]
Act, 1922. (Session 2.)

shall be controlled and administered by the Oireachtas, in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or licence to be worked or enjoyed under the authority and subject to the control of the Oireachtas: Provided that no such lease or licence may be made for a term exceeding ninety-nine years, beginning from the date thereof, and no such lease or licence may be renewable by the terms thereof.

Article 12.

A Legislature is hereby created to be known as the Oireachtas. It shall consist of the King and two Houses, the Chamber of Deputies (otherwise called and herein generally referred to as "Dáil Éireann") and the Senate (otherwise called and herein generally referred to as "Seanad Éireann"). The sole and exclusive power of making laws for the peace, order and good government of the Irish Free State (Saorstát Éireann) is vested in the Oireachtas.

Article 13.

The Oireachtas shall sit in or near the city of Dublin or in such other place as from time to time it may determine.

Article 14.

All citizens of the Irish Free State (Saorstát Éireann) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Dáil Éireann, and to take part in the Referendum and Initiative. All citizens of the Irish Free State (Saorstát Éireann) without distinction of sex who have reached the age of thirty years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Seanad Éireann. No voter may exercise more than one vote at an election to either House and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

Article 15.

Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of Dáil Éireann.

Article 16.

No person may be at the same time a member both of Dáil Éireann and of Seanad Éireann, and if any person who is already

[CH. 1.] *Irish Free State Constitution* [13 GEO. 5.]
Act, 1922. (Session 2.)

4. a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

Article 17.

The oath to be taken by members of the Oireachtas shall be in the following form :—

I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H.M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

Such oath shall be taken and subscribed by every member of the Oireachtas before taking his seat therein before the Representative of the Crown or some person authorised by him.

Article 18.

Every member of the Oireachtas shall, except in case of treason, felony, or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of either House, and shall not, in respect of any utterance in either House, be amenable to any action or proceeding in any Court other than the House itself.

Article 19.

All official reports and publications of the Oireachtas or of either House thereof shall be privileged and utterances made in either House wherever published shall be privileged.

Article 20.

Each House shall make its own Rules and Standing Orders, with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

Article 21.

Each House shall elect its own Chairman and Deputy Chairman and shall prescribe their powers, duties, remuneration, and terms of office.

Article 22.

All matters in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes

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of the members present other than the Chairman or presiding member, who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

Article 23.

The Oireachtas shall make provision for the payment of its members and may in addition provide them with free travelling facilities in any part of Ireland.

Article 24.

The Oireachtas shall hold at least one session each year. The Oireachtas shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid Dáil Eireann shall fix the date of re-assembly of the Oireachtas and the date of the conclusion of the session of each House: Provided that the sessions of Seanad Eireann shall not be concluded without its own consent.

Article 25.

Sittings of each House of the Oireachtas shall be public. In cases of special emergency either House may hold a private sitting with the assent of two-thirds of the members present.

Article 26.

Dáil Eireann shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the Oireachtas, but the total number of members of Dáil Eireann (exclusive of members for the Universities) shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population: Provided that the proportion between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as possible, be identical throughout the country. The members shall be elected upon principles of Proportional Representation. The Oireachtas shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of Dáil Eireann sitting when such revision is made.

Article 27.

Each University in the Irish Free State (Saorstát Eireann) which was in existence at the date of the coming into operation of this Constitution, shall be entitled to elect three representatives

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to Dáil Eireann upon a franchise and in a manner to be prescribed by law.

Article 28.

At a General Election for Dáil Eireann the polls (exclusive of those for members for the Universities) shall be held on the same day throughout the country, and that day shall be a day not later than thirty days after the date of the dissolution and shall be proclaimed a public holiday. Dáil Eireann shall meet within one month of such day, and shall unless earlier dissolved continue for four years from the date of its first meeting, and not longer. Dáil Eireann may not at any time be dissolved except on the advice of the Executive Council.

Article 29.

In case of death, resignation or disqualification of a member of Dáil Eireann, the vacancy shall be filled by election in manner to be determined by law.

Article 30.

Seanad Eireann shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

Article 31.

The number of members of Seanad Eireann shall be sixty. A citizen to be eligible for membership of Seanad Eireann must be a person eligible to become a member of Dáil Eireann, and must have reached the age of thirty-five years. Subject to any provision for the constitution of the first Seanad Eireann the term of office of a member of Seanad Eireann shall be twelve years.

Article 32.

One-fourth of the members of Seanad Eireann shall be elected every three years from a panel constituted as hereinafter mentioned at an election at which the area of the jurisdiction of the Irish Free State (Saorstát Eireann) shall form one electoral area, and the elections shall be held on principles of Proportional Representation.

Article 33.

Before each election of members of Seanad Eireann a panel shall be formed consisting of :—

- (a) Three times as many qualified persons as there are members to be elected, of whom two-thirds shall be nominated by Dáil Eireann voting according to principles of Proportional Representation and one-third shall be

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nominated by Seanad Eireann voting according to principles of Proportional Representation; and

(b) Such persons who have at any time been members of Seanad Eireann (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by Dáil Eireann and Seanad Eireann respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

Article 34.

In case of the death, resignation or disqualification of a member of the Seanad Eireann his place shall be filled by a vote of Seanad Eireann. Any member of Seanad Eireann so chosen shall retire from office at the conclusion of the three years period then running and the vacancy thus created shall be additional to the places to be filled under Article 32 of this Constitution. The term of office of the members chosen at the election after the first fifteen elected shall conclude at the end of the period or periods at which the member or members of Seanad Eireann, by whose death or withdrawal the vacancy or vacancies was or were originally created, would be due to retire: Provided that the sixteenth member shall be deemed to have filled the vacancy first created in order of time and so on.

Article 35.

Dáil Eireann shall in relation to the subject matter of Money Bills as hereinafter defined have legislative authority exclusive of Seanad Eireann.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation," "public money" and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

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The Chairman of Dáil Eireann shall certify any Bill which in his opinion is a Money Bill to be a Money Bill, but, if within three days after a Bill has been passed by Dáil Eireann, two fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the senior judge of the Supreme Court able and willing to act, and who, in the case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee on the question shall be final and conclusive.

Article 36.

Dáil Eireann shall as soon as possible after the commencement of each financial year consider the Estimates of receipts and expenditure of the Irish Free State (Saorstát Eireann) for that year, and, save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year.

Article 37.

Money shall not be appropriated by vote, resolution or law, unless the purpose of the appropriation has in the same session been recommended by a message from the Representative of the Crown acting on the advice of the Executive Council.

Article 38.

Every Bill initiated in and passed by Dáil Eireann shall be sent to Seanad Eireann and may, unless it be a Money Bill, be amended in Seanad Eireann and Dáil Eireann shall consider any such amendment; but a Bill passed by Dáil Eireann and considered by Seanad Eireann shall, not later than two hundred and seventy days after it shall have been first sent to Seanad Eireann, or such longer period as may be agreed upon by the two Houses, be deemed to be passed by both Houses in the form in which it was last passed by Dáil Eireann: Provided that every Money Bill shall be sent to Seanad Eireann for its recommendations and at a period not longer than twenty-one days after it shall have been sent to Seanad Eireann, it shall be returned to Dáil Eireann which may pass it, accepting or rejecting all or any of the recommendations of Seanad Eireann, and as so passed or if not returned within such period of twenty-one days shall be deemed to have been passed by both Houses. When a Bill other than a Money Bill has been sent to Seanad Eireann a Joint Sitting of the Members of both Houses may on a resolution passed by Seanad Eireann be convened for the purpose of debating, but not of voting upon, the proposals of the Bill or any amendment of the same.

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Article 39.

A Bill may be initiated in Seanad Eireann and if passed by Seanad Eireann shall be introduced into Dáil Eireann. If amended by Dáil Eireann the Bill shall be considered as a Bill initiated in Dáil Eireann. If rejected by Dáil Eireann it shall not be introduced again in the same session, but Dáil Eireann may reconsider it on its own motion.

Article 40.

A Bill passed by either House and accepted by the other House shall be deemed to be passed by both Houses.

Article 41.

So soon as any Bill shall have been passed or deemed to have been passed by both Houses, the Executive Council shall present the same to the Representative of the Crown for the signification by him, in the King's name, of the King's assent, and such Representative may withhold the King's assent or reserve the Bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall in the withholding of such assent to or the reservation of any Bill, act in accordance with the law, practice, and constitutional usage governing the like withholding of assent or reservation in the Dominion of Canada.

A Bill reserved for the signification of the King's Pleasure shall not have any force unless and until within one year from the day on which it was presented to the Representative of the Crown for the King's Assent, the Representative of the Crown signifies by speech or message to each of the Houses of the Oireachtas, or by proclamation, that it has received the Assent of the King in Council.

An entry of every such speech, message or proclamation shall be made in the Journal of each House and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of the Irish Free State (Saorstát Eireann).

Article 42.

As soon as may be after any law has received the King's assent, the clerk, or such officer as Dáil Eireann may appoint for the purpose, shall cause two fair copies of such law to be made, one being in the Irish language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as Dáil Eireann may determine), and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so deposited, that signed by the Representative of the Crown shall prevail.

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Article 43.

The Oireachtas shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

Article 44.

The Oireachtas may create subordinate legislatures with such powers as may be decided by law.

Article 45.

The Oireachtas may provide for the establishment of Functional or Vocational Councils representing branches of the social and economic life of the Nation. A law establishing any such Council shall determine its powers, rights and duties, and its relation to the government of the Irish Free State (Saorstát Éireann).

Article 46.

The Oireachtas has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Irish Free State (Saorstát Éireann) and every such force shall be subject to the control of the Oireachtas.

Article 47.

Any Bill passed or deemed to have been passed by both Houses may be suspended for a period of ninety days on the written demand of two-fifths of the members of Dáil Éireann or of a majority of the members of Seanad Éireann presented to the President of the Executive Council not later than seven days from the day on which such Bill shall have been so passed or deemed to have been passed. Such a Bill shall, in accordance with regulations to be made by the Oireachtas be submitted by Referendum to the decision of the people if demanded before the expiration of the ninety days either by a resolution of Seanad Éireann assented to by three-fifths of the members of Seanad Éireann, or by a petition signed by not less than one-twentieth of the voters then on the register of voters, and the decision of the people by a majority of the votes recorded on such Referendum shall be conclusive. These provisions shall not apply to Money Bills or to such Bills as shall be declared by both Houses to be necessary for the immediate preservation of the public peace, health or safety.

Article 48.

The Oireachtas may provide for the Initiation by the people of proposals for laws or constitutional amendments. Should the Oireachtas fail to make such provision within two years, it shall on the petition of not less than seventy-five thousand voters or

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the register, of whom not more than fifteen thousand shall be voters in any one constituency, either make such provisions or submit the question to the people for decision in accordance with the ordinary regulations governing the Referendum. Any legislation passed by the Oireachtas providing for such Initiation by the people shall provide (1) that such proposals may be initiated on a petition of fifty thousand voters on the register, (2) that if the Oireachtas rejects a proposal so initiated it shall be submitted to the people for decision in accordance with the ordinary regulations governing the Referendum; and (3) that if the Oireachtas enacts a proposal so initiated, such enactment shall be subject to the provisions respecting ordinary legislation or amendments of the Constitution as the case may be.

Article 49.

Save in the case of actual invasion, the Irish Free State (Saorstát Éireann) shall not be committed to active participation in any war without the assent of the Oireachtas.

Article 50.

Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the Oireachtas, but no such amendment, passed by both Houses of the Oireachtas, after the expiration of a period of eight years from the date of the coming into operation of this Constitution, shall become law, unless the same shall, after it has been passed or deemed to have been passed by the said two Houses of the Oireachtas, have been submitted to a Referendum of the people; and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded, shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation and as such shall be subject to the provisions of Article 47 hereof.

Article 51.

The Executive Authority of the Irish Free State (Saorstát Éireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of Canada, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Irish Free State (Saorstát Éireann) to be styled the Executive Council. The Executive Council shall be responsible to the Dáil Éireann, and shall consist of not more than seven nor less than five Ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council.

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Article 52.

Those Ministers who form the Executive Council shall all be members of Dáil Eireann and shall include the President of the Council, the Vice-President of the Council and the Minister in charge of the Department of Finance.

Article 53.

The President of the Council shall be appointed on the nomination of Dáil Eireann. He shall nominate a Vice-President of the Council, who shall act for all purposes in the place of the President, if the President shall die, resign, or be permanently incapacitated, until a new President of the Council shall have been elected. The Vice-President shall also act in the place of the President during his temporary absence. The other Ministers who are to hold office as members of the Executive Council shall be appointed on the nomination of the President, with the assent of Dáil Eireann, and he and the Ministers nominated by him shall retire from office should he cease to retain the support of a majority in Dáil Eireann, but the President and such Ministers shall continue to carry on their duties until their successors shall have been appointed: Provided, however, that the Oireachtas shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in Dáil Eireann.

Article 54.

The Executive Council shall be collectively responsible for all matters concerning the Departments of State administered by Members of the Executive Council. The Executive Council shall prepare Estimates of the receipts and expenditure of the Irish Free State (Saorstát Eireann) for each financial year, and shall present them to Dáil Eireann before the close of the previous financial year. The Executive Council shall meet and act as a collective authority.

Article 55.

Ministers who shall not be members of the Executive Council may be appointed by the Representative of the Crown and shall comply with the provisions of Article 17 of this Constitution. Every such Minister shall be nominated by Dáil Eireann on the recommendation of a Committee of Dáil Eireann chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann. Should a recommendation not be acceptable to Dáil Eireann, the Committee may continue to recommend names until one is found acceptable. The total number of Ministers, including the Ministers of the Executive Council, shall not exceed twelve.

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Article 56.

Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to Dáil Eireann alone for the administration of the Department or Departments of which he is the head: Provided that should arrangements for Functional or Vocational Councils be made by the Oireachtas these Ministers or any of them may, should the Oireachtas so decide, be members of, and be recommended to Dáil Eireann by, such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of Dáil Eireann existing at the time of his appointment, but he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by Dáil Eireann itself, and by them for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann, and the Committee has reported thereon.

Article 57.

Every Minister shall have the right to attend and be heard in Seanad Eireann.

Article 58.

The appointment of a member of Dáil Eireann to be a Minister shall not entail upon him any obligation to resign his seat or to submit himself for re-election.

Article 59.

Ministers shall receive such remuneration as may from time to time be prescribed by law, but the remuneration of any Minister shall not be diminished during his term of office.

Article 60.

The Representative of the Crown, who shall be styled the Governor-General of the Irish Free State (Saorstát Eireann) shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments. His salary shall be of the like amount as that now payable to the Governor-General of the Commonwealth of Australia and shall be charged on the public funds of the Irish Free State (Saorstát Eireann) and suitable provision shall be made out of those funds for the maintenance of his official residence and establishment.

Article 61.

All revenues of the Irish Free State (Saorstát Eireann) from whatever source arising, shall, subject to such exception as may be provided by law, form one fund, and shall be appropriated

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for the purposes of the Irish Free State (Saorstát Eireann) in the manner and subject to the charges and liabilities imposed by law.

Article 62.

Dáil Eireann shall appoint a Comptroller and Auditor-General to act on behalf of the Irish Free State (Saorstát Eireann). He shall control all disbursements and shall audit all accounts of moneys administered by or under the authority of the Oireachtas and shall report to Dáil Eireann at stated periods to be determined by law.

Article 63.

The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by Dáil Eireann and Seanad Eireann. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the Oireachtas nor shall he hold any other office or position of emolument.

Article 64.

The judicial power of the Irish Free State (Saorstát Eireann) shall be exercised and justice administered in the public Courts established by the Oireachtas by judges appointed in manner hereinafter provided. These Courts shall comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court. The Courts of First Instance shall include a High Court, invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal, and also Courts of local and limited jurisdiction with a right of appeal as determined by law.

Article 65.

The judicial power of the High Court shall extend to the question of the validity of any law having regard to the provisions of the Constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

Article 66.

The Supreme Court of the Irish Free State (Saorstát Eireann) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever:

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Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

Article 67.

The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among, the said Courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and the regulations made thereunder.

Article 68.

The judges of the Supreme Court and of the High Court and of all other Courts established in pursuance of this Constitution shall be appointed by the Representative of the Crown on the advice of the Executive Council. The judges of the Supreme Court and of the High Court shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both Dáil Eireann and Seanad Eireann. The age of retirement, and the remuneration and the pension of such judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance in office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

Article 69.

All judges shall be independent in the exercise of their functions, and subject only to the Constitution and the law. A judge shall not be eligible to sit in the Oireachtas, and shall not hold any other office or position of emolument.

Article 70.

No one shall be tried save in due course of law and extraordinary courts shall not be established, save only such Military Tribunals as may be authorised by law for dealing with military offenders against military law. The jurisdiction of Military Tribunals shall not be extended to or exercised over the civil population save in time of war, or armed rebellion, and for acts committed in time of war or armed rebellion, and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which all civil courts are open or capable of being held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

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Article 71.

A member of the armed forces of the Irish Free State (Saorstát Eireann) not on the active service shall not be tried by any Court Martial or other Military Tribunal for an offence cognisable by the Civil Courts, unless such offence shall have been brought expressly within the jurisdiction of Courts Martial or other Military Tribunal by any code of laws or regulations for the enforcement of military discipline which may be hereafter approved by the Oireachtas.

Article 72.

No person shall be tried on any criminal charge without a jury save in the case of charges in respect of minor offences triable by law before a Court of Summary Jurisdiction and in the case of charges for offences against military law triable by Court Martial or other Military Tribunal.

TRANSITORY PROVISIONS.

Article 73.

Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Irish Free State (Saorstát Eireann) at the date of the coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Oireachtas.

Article 74.

Nothing in this Constitution shall affect any liability to pay any tax or duty payable in respect of the financial year current at the date of the coming into operation of this Constitution or any preceding financial year, or in respect of any period ending on or before the last day of the said current financial year, or payable on any occasion happening within that or any preceding year, or the amount of such liability; and during the said current financial year all taxes and duties and arrears thereof shall continue to be assessed, levied and collected in like manner in all respects as immediately before this Constitution came into operation, subject to the like adjustments of the proceeds collected as were theretofore applicable; and for that purpose the Executive Council shall have the like powers and be subject to the like liabilities as the Provisional Government.

Goods transported during the said current financial year from or to the Irish Free State (Saorstát Eireann) to or from any part of Great Britain or the Isle of Man shall not, except so far as the Executive Council may otherwise direct, in respect

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of the forms to be used and the information to be furnished, be treated as goods exported or imported as the case may be.

For the purpose of this Article, the expression "financial year" means, as respects income tax (including super-tax), the year of assessment, and as respects other taxes and duties, the year ending on the thirty-first day of March.

Article 75.

Until Courts have been established for the Irish Free State (Saorstát Eireann) in accordance with this Constitution, the Supreme Court of Judicature, County Courts, Courts of Quarter Sessions and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such Court, holding office at the time when this Constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore; unless, in the case of a judge of the said Supreme Court or of a County Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said Courts so continued may be filled by appointment made in like manner as appointments to judgeships in the Courts established under this Constitution:

Provided that the provisions of Article 66 of this Constitution as to the decisions of the Supreme Court established under this Constitution shall apply to decisions of the Court of Appeal continued by this Article.

Article 76.

If any judge of the said Supreme Court of Judicature or of any of the said County Courts on the establishment of Courts under this Constitution, is not with his consent appointed to be a judge of any such Court, he shall, for the purpose of Article 10 of the Scheduled Treaty, be treated as if he had retired in consequence of the change of Government effected in pursuance of the said Treaty, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the British Government.

Article 77.

Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Irish Free State (Saorstát Eireann), and shall hold office by a tenure corresponding to his previous tenure.

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Article 78.

Every such existing officer who was transferred from the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of Article 10 of the Scheduled Treaty.

Article 79.

The transfer of the administration of any public service, the administration of which was not before the date of the coming into operation of this Constitution transferred to the Provisional Government, shall be deferred until the 31st day of March, 1923, or such earlier date as may, after one month's previous notice in the Official Gazette, be fixed by the Executive Council; and such of the officers engaged in the administration of those services at the date of transfer, as may be determined in the manner hereinafter appearing, shall be transferred to and become officers of the Irish Free State (Saorstát Eirrean); and Article 77 of this Constitution shall apply as if such officers were existing officers of the Provisional Government who had been transferred to that Government from the British Government. The officers to be so transferred in respect of any services shall be determined in like manner as if the administration of the services had before the coming into operation of the Constitution been transferred to the Provisional Government.

Article 80.

As respects departmental property, assets, rights and liabilities, the Government of the Irish Free State (Saorstát Eireann) shall be regarded as the successors of the Provisional Government, and, to the extent to which functions of any department of the British Government become functions of the Government of the Irish Free State (Saorstát Eireann), as the successors of such department of the British Government.

Article 81.

After the date on which this constitution comes into operation the House of the Parliament elected in pursuance of the Irish Free State (Agreement) Act, 1922 (being the constituent assembly for the settlement of this Constitution), may, for a period not exceeding one year from that date, but subject to compliance by the Members thereof with the provisions of Article 17 of this Constitution, exercise all the powers and authorities conferred on Dáil Eireann by this Constitution, and the first election for Dáil Eireann under Articles 26, 27 and 28 hereof shall take place as soon as possible after the expiration of such period.

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Act, 1922. (Session 2.)

Article 82.

Notwithstanding anything contained in Articles 14 and 33 hereof, the first Seanad Eireann shall be constituted immediately after the coming into operation of this Constitution in the manner following, that is to say :—

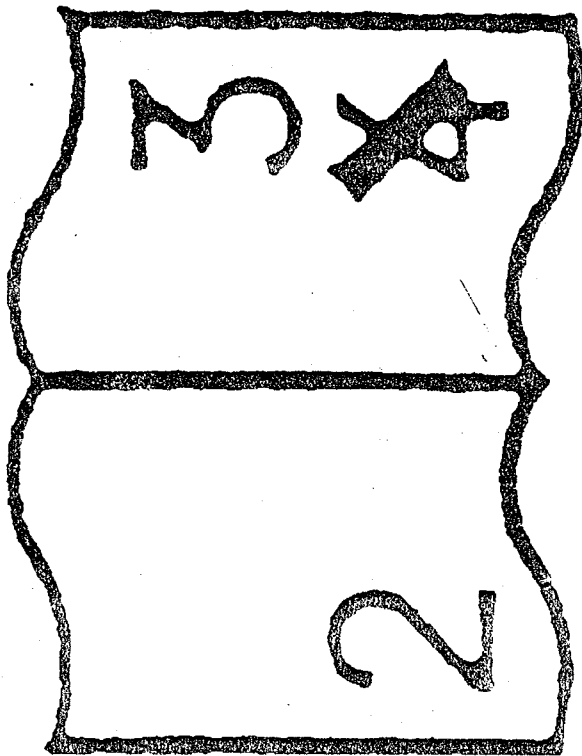
- (a) The first Seanad Eireann shall consist of sixty members, of whom thirty shall be elected and thirty shall be nominated.
- (b) The thirty nominated members of Seanad Eireann shall be nominated by the President of the Executive Council who shall, in making such nominations, have special regard to the providing of representation for groups or parties not then adequately represented in Dáil Eireann.
- (c) The thirty elected members of Seanad Eireann shall be elected by Dáil Eireann voting on principles of Proportional Representation.
- (d) Of the thirty nominated members, fifteen to be selected by lot, shall hold office for the full period of twelve years, the remaining fifteen shall hold office for the period of six years.
- (e) Of the thirty elected members the first fifteen elected shall hold office for the period of nine years, the remaining fifteen shall hold office for the period of three years.
- (f) At the termination of the period of office of any such members, members shall be elected in their place in manner provided by Article 32 of this Constitution.
- (g) Casual vacancies shall be filled in manner provided by Article 34 of this Constitution.

Article 83.

The passing and adoption of this Constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, nineteen hundred and twenty-two, by Proclamation of His Majesty, and this Constitution shall come into operation on the issue of such Proclamation.

PAGINATION ERROR

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APPENDIX 3British Army Battalions Serving in Southern Ireland Throughout 1922.

Battalion	Brigade & Division	Date of Evac.
1st Northants Rgt	14th (Ex 18th-6th Div)	15-12-22
1st Cameronians ..	.. (Ex 14th-5th ..)	9-11-22
1st Leicester ..	.. (Ex 13th-5th ..)	14-12-22
2nd Loyal ..	.. (Ex Kerry-6th ..)	15-12-22
2nd Royal Welch Fus	.. (Ex 18th-6th ..)	15-12-22
+ 1st Manchester Rgt	24th (Dub Dist-Ex 6th)	16-12-22
1st Lancs Fus	.. (..)	?17-12-22
1st Wilts Rgt	.. (..)	17-12-22
2nd Worcester ..	.. ( .. )	17-12-22
2nd Border ..	.. ( .. -Ex 5th)	17-12-22
1st Kings Own ..	25th (..)	14-12-22
2nd Kings Shrop L.I.	.. (.. -Ex 5th)	14-12-22
2nd Welch Rgt	.. (..)	14-12-22
2nd Royal Berks ..	.. ( .. )	14-12-22
* 2nd Hampshire ..	? (Ex 17th-6th Div)	?17-12-22
* 2nd Green Howards	? (Ex 18th-6th Div)	?17-12-22

Other Units.

14th Battery -	Royal Fus Artillery	16-12-22
16th .. -	.. .. ..	16-12-22
17th .. -	Royal Garrison Artillery	16-12-22
19th .. -	.. .. ..	16-12-22
5th Armoured Car Coy -	Tank Corps (To Belfast)	17-12-22

.....

Key : + The 1st Manchester had served in the South since at least June 1920, and was definitely in Dublin in the latter part of 1922. It was not, however, listed as serving in Ireland in March 1922.

* The only confirmation of these ex-Cork battalions serving in Dublin in 1922, comes from re-location lists subsequent to the main evacuation dates in December. Both were known to be serving in the South in March 1922.

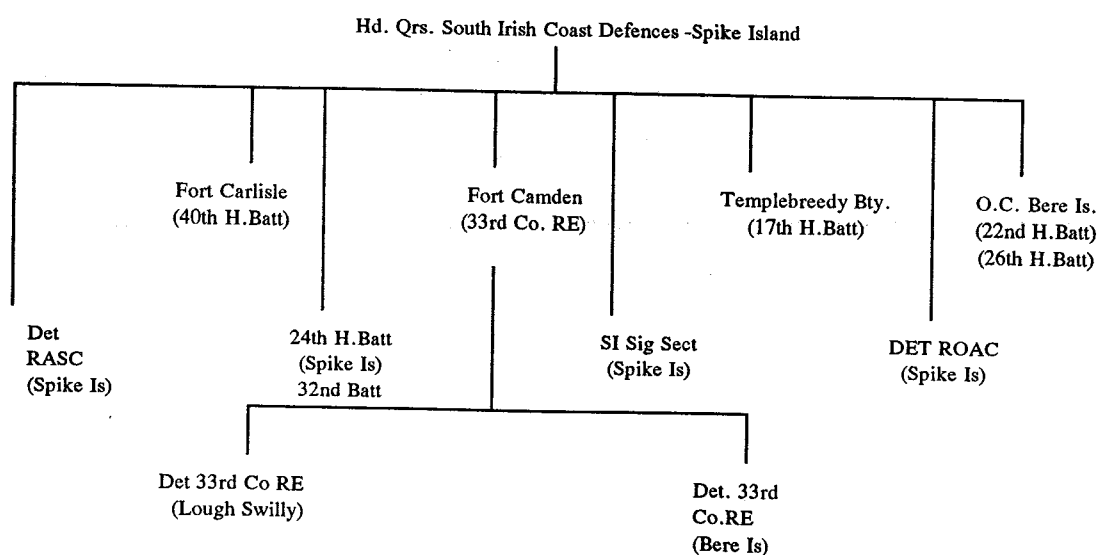
Sources : Infantry Battalion Lists C.O.739/11 P.R.O. Dublin District H.Q. War Diary for 1922. W.O. 35/92 P.R.O. Battalion evacuation and re-location lists: *The Times* of 15th, 16th, 18th and 27th of December 1922. All background locations taken from Townshend '*British Campaign*' pp 144 & 216-219.

APPENDIX 4**Admiralty List of Ships in Irish Waters - 25.7.1922.**

Atlantic Fleet Light Cruisers	.....	<i>Caledon, Carysfort.</i>
Reserve Light Cruiser	.....	<i>Cleopatra.</i>
Atlantic Fleet Destroyers	.....	<i>Wallace, Vancouver, Velox, Vortigern, Walker, Warwick, Watchman, Whirlwind.</i>
Irish Water Destroyers	.....	<i>Seawolf, Taurus, Tilbury.</i>
Auxiliary Patrol Minesweepers	.....	<i>Badminton, Burslem, Mistley Newark, Truro.</i>
Auxiliary Patrol Trawlers	.....	<i>Cherwell, Dee, Doon, Ettrick.</i>

British Troops Quartered in the Irish Free State - 24.4.1924.

Bere Island :-	Two Coast Batteries, plus R.E. and R.A.S.C. details. Total - 8 Officers, 211 Other Ranks.
Lough Swilly :-	One Coast Battery, plus R.E. details. Total - 12 Officers, 167 Other Ranks.
Cork Harbour :-	Four Coast Batteries, one Fortress Comp, R.E. and R.A.S.C. and medical details. Total - 39 Officers, 509 Other Ranks.

Organisation/Chain of Command of British Forces - July 1925.

Sources: - (from top)

ADM 1/8652/253 PRO. CO.739/26 PRO
WO. 32/5315 PRO.

Source:
ADMI/8632/173

Appendix 5

Enclosure No.1 to "DANAB's" Report of Proceedings dated 14th June 1922. No.D.751/52; to the R.A.C., 1st L.C.S.

C O P Y

H.049.

Haulbowline Defence Orders.

Sheet 4.

ORDERS FOR SHIP IN MAN-OF-WAR ANCHORAGE.

On Alarm being given ship raises steam, and heaves short or gets under weigh - as circumstances dictate.

If the attack is on Haulbowline, ship closes if tide is suitable, gets landing party ready, but awaits instructions from Tower before sending them ashore. If the tide is flooding, ship gets landing party ready and sends them at once to ship at No. 6 Buoy.

The landing party in any case will disembark at Colleen, and proceed to Cita/del by the path behind the Oil Tanks.

In all cases enough men are to be kept on board to man 2 guns, and searchlights.

It should be borne in mind that an attack on Haulbowline is likely to be a feint to draw off Naval assistance from Templebreedy or one of the other forts.

Should an attack develop on any of these, the ship is to close the attacked fort, get into signal touch, and open fire as directed by the fort, using fort's spotting corrections.

Spotting signals and squared chart will be provided as soon as received from the Military.

The Ports' alarm Signal is a Sound Rocket. The following signals have also been arranged :-

One Rocket - means "All men return to Barracks".

Three Red Lights)

Very or Rockets) "Post Attacked".

Four Sound Rockets. "Re-inforcements required".

The headquarters of the S.I.C.D. and 2 coast batteries will be at Spike Island, and out-forts (Camden, Carlisle, and Templebreedy) will be garrisoned by a detachment of not less than 60 men each. Defence schemes have been prepared for local defence by the garrison on the spot.

The military request that the guardship will throw searchlights on the area of attack, as this will materially assist the defenders.

The Military have Wireless (C.W. and Spark) in operation at Spike Island. Call Signs:- Spike Island -aCT.

Wave length:- 600 metres.

(sd) H.G.C. Somerville.
Senior Naval Officer,
Haulbowline. 6th June 1922.

IRISH FREE STATE

Questions for discussions with General Mulcahy.

1. Admiralty Establishments on shore in time of War.

Admiralty will need to establish offices at Irish Ports for officers appointed to give routes to Merchant Vessels and various other officers. Admiralty may also require to establish store depots, etc., for patrol craft.

2. Small Craft.

For Route giving Officers, Contraband Control, Examination/Service Patrol Craft, ~~HS~~ ^{Anti-submarine} Patrol and Minesweepers etc.

A considerable number of small craft will be required, and the arrangements for obtaining these vessels and by whom they will be manned should be discussed.

3. Organisation of Examination Services.

The Admiralty will need to establish in time of war an organisation to examine Merchant Vessels before they are allowed to enter defended ports. Details will require to be discussed with the Harbour Authorities in question.

4. War Signal Stations.

Present condition; Admiralty requirements, arrangements for maintenance, present condition for telegraph communications, arrangements for inspection in peace and installation of naval personnel in war.

5. Organisation of Coast-watching Service.

16. Collection of Intelligence.

In the United Kingdom arrangements are made whereby the Customs Officers forward reports in time of war to the Admiralty of movements of Merchant Vessels etc.

Suggest Irish Free State make similar arrangements in consultation with Admiralty.

7. Censorship.

Arrangements will be necessary in time of war for Irish/^{Free}State cables and W/T Stations to be included in the United Kingdom organisation for control of all cable and wireless communications.

8. Proposed Convention respecting cables and Wireless.
Clause 2 (a) of Annex to Treaty.

9. Proposed Convention as to Lights, buoys, beacons, etc.
Clause 2 of Annex to Treaty.

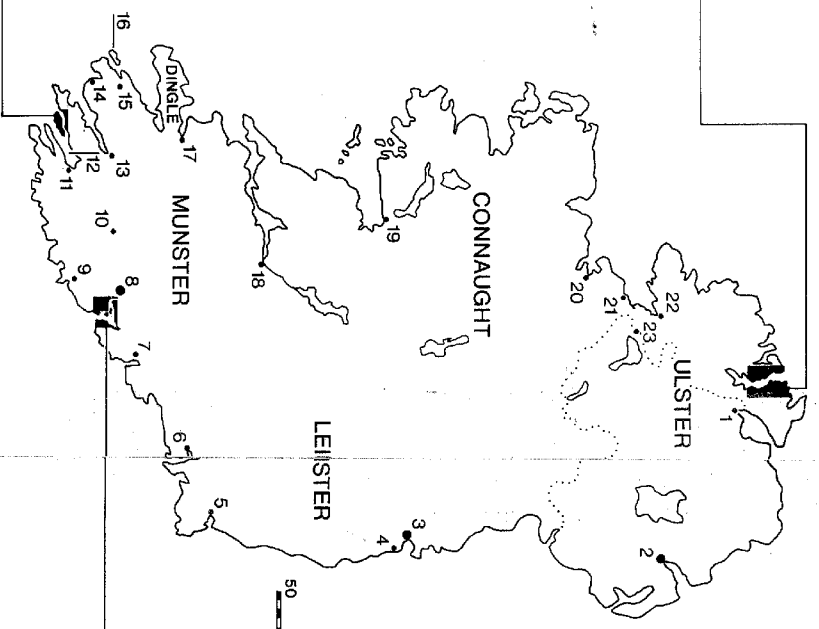
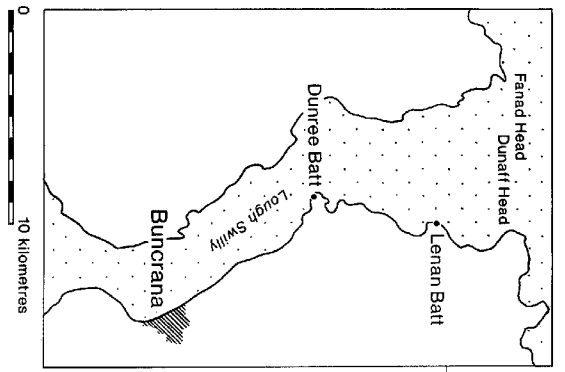
10. Whether Irish Free State Revenue Ships could be turned over to Imperial Navy in time of war.

11. Communication of information as to stocks of oil fuel etc. which would be available in time of war.

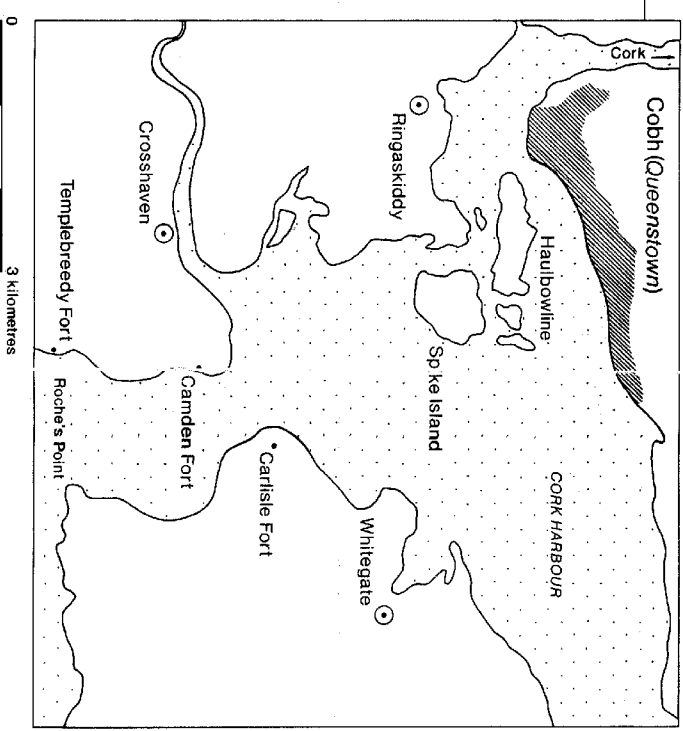
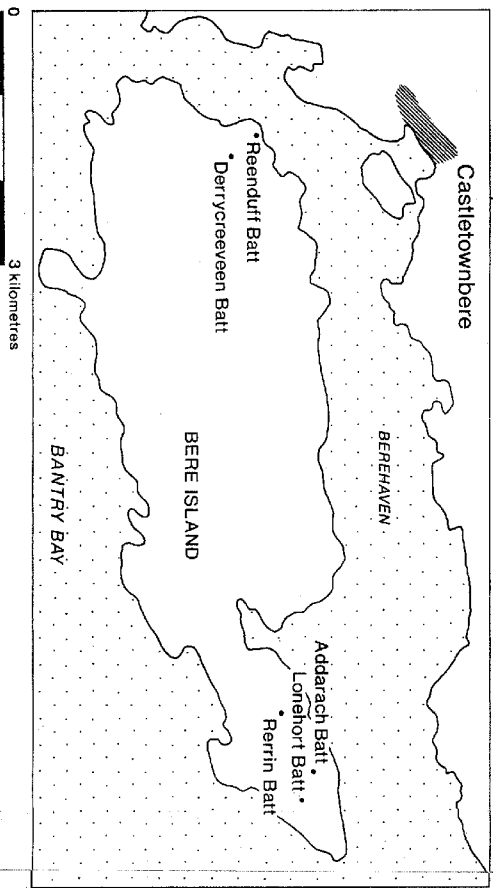
12. Contraband List.

Propose to ask Irish Free State in due course to accept the Government List as well as other Dominions

13. Accommodation on shore required for services (1), (3), (5) (7).



- 1 Londonderry/Derry
- 2 Belfast
- 3 Dublin
- 4 Dun Laoghaire (Kingstown)
- 5 Wexford
- 6 Waterford
- 7 Youghal
- 8 Cork
- 9 Kinsale
- 10 Macroom
- 11 Bantry
- 12 Bantry Bay
- 13 Kenmare
- 14 Waterville
- 15 Cahirciveen
- 16 Valencia Island
- 17 Tralee
- 18 Limerick
- 19 Galway
- 20 Sligo
- 21 Bundoran
- 22 Donegal
- 23 Belleek



Notes to Introduction

1. Holland, R.F., *Britain and the Commonwealth Alliance 1918-1939* (London, 1981), p.153.
2. Keith, A. Berriedale, *Responsible Government in the Dominions*, 2 vols. (Oxford, 1928); Hancock, W.K., *Survey of British Commonwealth Affairs*, vol.1. *Problems of Nationality 1918-36* (London, 1937); Mansergh, N., *Survey of British Commonwealth Affairs: Problems of External Policy 1931-1939* (London, 1952); Harkness, D.W., *The Restless Dominion: The Irish Free State and the British Commonwealth of Nations 1921-1931* (London, 1969); Harkness, D.W., 'Mr. de Valera's Dominion: Irish Relations with British and the Commonwealth, 1932-1938', *Journal of Commonwealth Political Studies*, 8, 3 (1970) pp.206-20; Sexton, B., *Ireland and the Crown 1922-1936: The Governor-Generalship of the Irish Free State* (Dublin, 1989).
3. See Hyam, R. and Martin, G., *Reappraisals in British Imperial History* (London, 1975), Chap.10, pp.201-223; Sexton, *Ireland and Crown*, pp.173-4.
4. Curran, J.M., *The Birth of the Irish Free State 1921-23* (Alabama, 1980); Lawlor, S.M., *Britain and Ireland 1914-23* (Dublin, 1983).
5. Foster, R.F., *Modern Ireland 1600-1972* (London, 1988) p.516; Lee, J.J., *Ireland 1912-1985: Politics and Society* (Cambridge, 1989).
6. Canning, P., *British Policy Towards Ireland 1921-1941* (Oxford, 1985); McMahon, D., *Republicans and Imperialists: Anglo-Irish Relations in the 1930s* (Yale, 1984); Mansergh, N., *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72* (Yale, 1991).
7. Hancock, *Survey*, vol.1, p.391 (1964 edn. - reprint of 1st edn.); Canning, *British Policy*, pp.176-7.
8. Townshend, C., *The British Campaign in Ireland 1919-21: The Development of Political and Military Policies* (Oxford, 1975). While there is an obvious coherence to the period covered, the almost definitive title of this work provokes the question: did the 'Campaign' (in its widest sense) actually end with the Truce of July 1921? There has been valuable research into Britain's general political-military involvement in Ireland in the post-1921 period, note; Lawlor, Sheila S., 'Civil-Military Relations in Ireland 1921-23' (M.A. thesis, University College, Dublin, 1976); Hopkinson, M., *Green Against Green: The Irish Civil War* (Dublin, 1988, paperback edn. cited in notes). What has tended to be lacking, however, is the further placement of British Forces' involvement in primary and distinct contexts; hence a possible reason why the Royal Navy's role during the revolutionary period has been largely ignored.

9. Mansergh, *Survey*, p.271, sums up this condition when noting that early Free State recalcitrance 'was generally attributed to temperamental eccentricities to which Irishmen were deemed to be peculiarly liable, or more rarely to deliberate malice'. Similarly, Thornton, A.P., *The Imperial Idea and Its Enemies: A Study in British Power* (New York, 1966), p.211, notes that, in reaction to the impact of nationalism: 'Englishmen of the best kind talked little of their superiority to others, they were content to assert that superiority in action.' It is not held that this condition was unique to British Imperialism.
10. This is necessarily to simplify the two main elements regarding status. Canning, *British Policy*, pp.176-77, notes the anomaly of defence to Dominion status, but has to imply that Irish indifference on this topic made the situation otherwise equitable. Kohn, L., *The Constitution of the Irish Free State* (London, 1932) p.83, is still often referred to in his judgement that the 1922 Constitution was 'essentially republican'. Sexton, *Ireland and Crown*, pp.173-4, uses Irish claims to sovereignty, granted in both the Treaty and Constitution, to doubt the validity of Dominion status.

Notes to Chapter 1: BACKGROUND - DEFENCE AND THE TREATY

1. *Parl. Deb. Commons*, vol.149 (2nd session), col.49 of 14 Dec. 1922.
2. See Canning, *British Policy*, p.176.
3. See Coogan, T.P., *Michael Collins* (London, 1990; paperback edn. (1991) cited in notes) p.241. At the beginning of the October London conference, Griffith sent warning to de Valera that the British viewed this question as 'vital to their lives'.
4. Pakenham, F. (Lord Longford), *Peace by Ordeal* (London, 1935; paperback edn. (1972) cited in notes) p.148.
5. See Hawkings, F.M.A., 'Defence and the role of Erskine Childers in the treaty negotiations of 1921', *Irish Historical Studies*, 22, 87(1981), pp. 255 and 265.
6. If Hawkings, 'Defence and Childers', p.253, is correct in his assessment of Childers' influence, then the importance of defence in the early formulation of external association ideas must have been considerable. Mansergh, *Unresolved Question*, p.179, notes that in the summer of 1921, Britain's defence demands would have provided Irish doubters with the clearest pointer that Ireland's proposed Dominion status could not equal that of Canada or Australia.
7. Mansergh, *Unresolved Question*, pp.178-180, notes that defence and neutrality were discussed in these early talks, though he possibly overlooks the point that the Irish (through Childers) saw their neutrality or 'integrity' as a key to an 'external' relationship with Britain. It was entirely consistent that Dublin should explore whether this precept of external association could be extracted from Dominion constitutional theory. As such, Mansergh's observation that external association was first introduced to the London talks by Collins on 21 October, has to be put in perspective.
8. See Pakenham, *Ordeal*, p.141; Mansergh, *Unresolved Question*, p.183; Curran, *Birth of Free State*, pp.86-87. It seems that it was Chamberlain, backed by Churchill, who finally, and forcibly, scotched further discussion on neutrality. At the plenary session of 21 October, Chamberlain commented that any form of neutrality would place Ireland outwith the Empire and form a rejection of the Crown.
9. See Hawkings, 'Defence and Childers', pp.260-262; Curran, *Birth of Free State*, pp.86-87.

10. Hawkings, 'Defence and Childers', p.265, gives proper attention to this reply memorandum of 29 October. Whereas, however, he concentrates on the importance of the phrase 'agreed to be necessary', perhaps that of 'under licence' was the most crucial and disturbing to British eyes. It is remarkable that, for the remainder of the London talks, there is no further recorded mention of title to the defence facilities required - as the later chapters of this thesis will demonstrate, this point was to become of increasing importance in the following years.
11. The British side was quite ready to mix the political with the technical when need arose. Pakenham, *Ordeal*, p.140, notes that Churchill, in particular, was against any reliance on Irish goodwill.
12. See Hawkings, 'Defence and Childers', pp. 265-6. The implication of Hawkings's evidence is that Lloyd George had to resort to this tactic in order to make headway on defence and deflect the Irish reply memorandum of 29 October. As such, the simplistic assertion (Pakenham, *Ordeal*, p.148) that by this time Britain had already 'won' on defence, is not borne out.
13. *Dail.Deb.*, Private Sess. of Second Dail. 1921-2, Reports of Debates, Append.12, 'Amendments by the Irish Representatives to the proposed Articles of Agreement, December 4th, 1921'. The defence amendments were more radical than had previously been supposed - Article 7 also incorporated the essence of Article 6. Was this a case of wilful disregard or genuine misinterpretation? Childers, under 'Views of Delegates' is recorded as noting that "... par.6 of Treaty would give Ireland no national status. Sec. 7(b) was important also as it meant that when England went to war she would bring Ireland with her". He, at least, saw a clear distinction between the Articles, but otherwise was just reiterating his basic objections.
14. Append.13 'Mr. Michael Collins' [sic] minute of his interview with Mr. Lloyd George at 10, Downing Street at 9.30 a.m. Monday, December 5th 1921; *Ibid.* Collins's notes suggest a fluidity of discussion that could well have enhanced a belief that Articles 6 and 7 overlapped.
15. Append.14 'Mr. Barton's notes of the two Sub-Conferences held on December 5th/6th, at 10 Downing Street'. *Ibid.*
16. *Ibid.*
17. Hawkings, 'Defence and Childers', pp.261-2, does not explore this symbolism, but notes that Churchill was caused embarrassment at having to hint at the unthinkable - war with the United States - in order to justify the strategic retention of all three Ports. Ferris, J.R., *The Evolution of British Strategic Policy, 1919-26* (London, 1989), p.41, notes that even in the early 1920s the only power with whom war was 'unthinkable' was the United States.

18. Pakenham, *Ordeal*, pp.122-3. Birkenhead had interjected this warning during the first session of talks on 11 October.
19. Canning, *British Policy*, p.176.
20. Younger, C., *Ireland's Civil War* (London, 1968; paperback edn. (1988) cited in notes) p.218. With this apt illustration, Younger signifies the sullenness (not quiet disinterest) surrounding Childers's attempts to pick at self-evident defence humiliations which neither camp could hope to alter within the next five years. Hawkings, 'Defence and Childers', pp.268-9, elaborates on Childers's performance at this time; the quoted phrase is his.
21. Macreedy, General Sir C.F.N., *Annals of an Active Life*, vol.2 (London, 1924), p.612.
22. Conclusions to 1st meeting of Provisional Government of Ireland Committee (P.G.I.), 21 Dec. 1921, CAB 21/246 PRO. Churchill refers to the 'whole' army in the South.
23. *The (London) Times*, 10 Jan. 1922, notes the first press release, authorised by Churchill the previous day, of imminent troop withdrawals. The first actual withdrawals are mentioned on 13 Jan. 1922, and thence there were regular *Times* listings of evacuations, up to and including 31 Jan. 1922.
24. *The (London) Times*, 9 Feb. 1922, quoting the Marquess of Lincolnshire.
25. London could have been under few illusions following the impossibly narrow Dail vote on 7 Jan. 1922, and de Valera's and his supporters' walk-out on 10 Jan.
26. While Lloyd George had even come under personal pressure from the Irish Unionist Alliance, to halt 'dangerous' troop withdrawals (Letter: 21 Dec. 1921, PRO CAB 21/246), there were, it seems, few alarms in senior British ranks regarding the situation in the North alone; this even after the notorious Clones incident of early February. Note, Canning, *British Policy*, pp.31-2, on Churchill's attitude. Also note Sir Henry Wilson's diary entry for 12 Feb. 1922 (Gilbert, M., *Winston Churchill*, Comp. vol.4, pt.3, (London, 1977), pp.1769-1771). Despite his protestations, Wilson notes that neither Cameron (G.O.C. Northern Ireland) nor Craig had requested more troops, and that 3 of Cameron's battalions were 'unused'.

Notes to Chapter 2 - THE BRITISH ARMY IN THE SOUTH - 1922

1. *Parl. Deb. Commons*, vol.153, col.2298 of 10 May 1922.
2. *Ibid.*, vol.150, col.808 of 14th Feb. 1922.
3. *Ibid.*, vol.150, cols. 561-2 of 10 Feb. 1922. That the legal/constitutional position had a direct bearing on further evacuations was made clear at the 15th meeting of the Provisional Government of Ireland Committee (P.G.I. - Cabinet Sub-Committee) on 23 Feb. 1922 (CAB 21/246 PRO); it was agreed that no further evacuations could be considered until the Treaty Bill had been ratified by Parliament (expected end of March/April at earliest).
4. Memorandum; Maj. Gen. Boyd, Comm. Dublin Dist. to Army H.Q. Ireland, 15 Feb. 1922. WO 35/182-1 PRO. Boyd relates an 'interview with an official of the Provisional Government'. The P.G.I. Committee took note of Dublin's silence when re-affirming the evacuation suspension; 14th meeting of P.G.I. Committee 20 Feb. 1922, CAB 21/246 PRO.
5. Petition: 'Condition of Unemployment that has arisen in the Curragh was consequent on the withdrawal of Troops from Curragh, Droichend, Nua and Kildare', dated 19 Jan. 1922; U.C.D. Arch, Mulcahy Papers, P7/B/102. For other examples on this theme, see Hopkinson, *Green against Green*, pp.89-90.
6. Conclusions to 15th meeting of P.G.I. Committee on 23 Feb. 1922. CAB 21/246 PRO. It was made quite clear that the Army in Ireland was opposed to the evacuation halt.
7. Memorandum; Macready to War Office, 21 Mar. 1922; with request for extract circulation to Churchill and Chamberlain. Draft letter reply (not sent) marked 'Private and Personal', Churchill to Macready, 22 Mar. 1922. CO 739/11.PRO.
8. Macready related the broad disposition of the Army in the South to the P.G.I. Committee on 23 Feb. 1922. CAB 21/246 PRO. There is, however, a minor disparity between these figures and those recorded by Sir Henry Wilson, diary entry for 12 Feb. 1922 (Gilbert, *Churchill*, comp. vol.4, pt.3, pp. 1769-1771). War Office list 'Infantry Battalions in Ireland (Other Ranks Only)', as of 1 Mar. 1922, notes the strength and detachment numbers for each (named) battalion in Ireland, CO 739/11 PRO. Churchill was finding it difficult to understand why Macready's battalions were so depleted; letter; Churchill to Worthington-Evans, 27 Feb. 1922. (Gilbert, *Churchill*, comp. vol.4, pt.3, p.1786). For the more general over-commitment predicament of the Imperial Army at this time, see Jeffery, K., *The British Army and The Crisis of Empire 1918-22* (Manchester, 1984), especially Chap.4.

9. See Lawlor, S.M., 'Civil-Military Relations in Ireland, 1921-23'. M.A. thesis (University College, Dublin, 1978), pp.73-4.
10. *Ibid.*, pp.80-81. Also document 'Notes from Meeting at H.Q. of Prov. Govnt., Technical Schools, 4 April 1922', CO 739/11 PRO.
11. A succinct appraisal of this short-lived (April-June 1922) Committee, chaired by Churchill, is given by Curran, *Birth of Free State*, p.294 and Append.4, p.333. Note that in early April, Churchill was trying to impress on Cabinet colleagues the likelihood of a Republic being declared outside Dublin; see Gilbert, *Churchill*, comp. vol.4, pt.3, pp.1846-50.
12. Telegram; Churchill to Cope, 17 Apr. 1922; Gilbert, *Churchill*, comp. vol.4, pt.3, pp.1863-4.
13. *Parl. Deb. Commons*, vol. 153, cols. 2299 and 2309 of 10 May 1922.
14. Churchill informed Chamberlain on 13 May 1922 that he was following up Cope's warning of 'an agreed election' (Gilbert, *Churchill*, comp. vol. 4, pt.3, p.1890). Therefore, this information must have been at hand, and discussed, during the previous day's meeting of Churchill, Macreedy and Cope, at which the decision to quit Cork was initially taken (Lawlor, 'Civil-Military Relations', p.83). Though noted as 'important', it seems this meeting covered more ground than is related by Tom Jones (Jones, T. *Whitehall Diary*, vol.3: *Ireland 1918-25*, ed. Middlemas, K. (London, 1971) pp.199-200). Coogan notes that Churchill warned Collins in writing against concluding a pact five days before it was announced (on 20 May): Coogan, *Collins*, p.323.
15. There was certainly informed awareness of the general dangers that the evacuation suspension presented. Between Jan.-May 1922, 10 British officers and soldiers (probably inclusive of Macroom) had been killed in various incidents in Ireland (Lawlor, 'Civil-Military Relations', note to p.84). *The (London) Times* of 22 Feb. 1922 noted the unease in Parliament following the killing of two British soldiers near Dublin.
16. The significance of this debate can be judged by the point that no earlier record has been found of an Irish incident forcing an adjournment and division (as opposed to specific legislation). The next such occasion was to be after the killing of Sir Henry Wilson in June 1922. It is not clear whether an actual embargo was placed on news reportage between 27 Apr. and 10 May 1922, the latter being the first day on which Macroom was raised in the Commons; *Parl. Deb. Commons*, vol.153, cols. 2195-2198 and 2294-2336 of 10 May 1922.

17. *Ibid.*, the particular references and quotes taken from the adjournment debate are in cols. 2307, 2309-10 and 2318 of 10 May 1922. In the absence of Lloyd George at the Genoa Peace Conference, Austen Chamberlain was acting P.M. throughout this May period (see also note 18).
18. *The (London) Times*, 19 Jun. 1922; the press campaign was primarily aimed at securing recognition of the active duty service of these Intelligence officers. Churchill fended further Commons questions on the subject in June (*Parl. Deb. Commons*, vol. 155, cols. 1016-7 of 20 Jun. 1922), but following further exposure by the *Morning Post*, 17 Jul. 1922, Chamberlain made a personal statement to the House, in which he apologised for having misled the House during the adjournment debate in May (see note 17); *Parl. Deb. Commons*, vol. 155, cols. 2081-84 of 19 Jul. 1922. The *Irish Times*, 21 Jun. 1922, had also taken up the story.
19. Letter; Chamberlain to Churchill, 11 May 1922; Gilbert, *Churchill*, comp. vol.4, pt.3, pp.1888-9.
20. Macready, *Annals*, vol.2, p.638 (see also note 21).
21. Coogan, *Collins*, pp.315-6, notes the particular series of raids in Dublin that April (that of note 20 being the Kildare St. Club), only as part of the increasing conflict in the country at large. He argues that 'the first shots of the civil war were fired in April'.
22. See Hopkinson, *Green against Green*, pp.83-86, for the most authoritative account of the April-June joint IRA offensive.
23. Letter; Curtis to Churchill, 19 Aug. 1924, Bodleian Library, Lionel George Curtis, MS, Curtis 89. The original letter to Curtis is missing, but Curtis reviews the points that Churchill has made. The immediacy of style suggests that Curtis replied within days of Churchill writing. In the Spring/Summer of 1922, Curtis had been Asst. Under Secretary at the Colonial Office, with day-to-day responsibility for Southern Irish Affairs.
24. Macready, *Annals*, vol.2, p.641. Collins's lack of public statement on the Macroom incident hid his concern for his government's image: in July 1922 he wrote to his Defence Minister, Mulcahy: 'Personally, I don't see that there is any use in the local units hiding it... It appears to me that if we could recover their bodies and hand them over to the British it would put us in a better position...'; memorandum, Collins to Minister of Defence, 11 Jul. 1922. D/T S.3827 NA.
25. Memorandum; Comdt. Dalton to Minister of Defence, 10 May 1922, UCD Arch, Mulcahy Papers, P7/B/102. The Irish Army unity talks, held under a negotiated truce, had begun on 4 May and were still operative (just) in mid-May. See Hopkinson, *Green against Green*, p.95.

26. Letter; Chamberlain to Churchill, 11 May 1922; Gilbert, *Churchill*, Comp. vol.4, pt.3, pp.1888-9. On troop numbers, see Canning, *British Policy*, p.36. Cavan's 'rebellion' warning certainly needs a firmer context than has so far been provided by historians; for example, see Jeffery, *British Army*, p.94.
27. See Jones, *Diary*, vol.3, pp.199-200. Jones is even more clipped than usual in handling the critical 12-16 May period. From the extract of his own letter to Chamberlain, of 13 May, it seems that expectation of a total evacuation decision was very high at this point. His further mention of Churchill's mental state on the 15 May suggests that this was the most disorientated phase of policy during the whole of 1922.
28. *Ibid.*, p.201. Also, Cabinet Minutes for 16 May 1922; Gilbert, *Churchill*, comp. vol.4, pt.3, pp.1891-94.
29. Conclusions to 25th meeting of P.G.I. Committee on 1 Aug. 1922; CAB 21/246 PRO.
30. Macready, *Annals*, vol.2, p.644; conclusions to 23rd meeting of P.G.I. Committee of 14 July 1922. CAB 21/246 PRO. Although, in comparing these sources, it seems that Macready was apt to swing between thinking his Dublin Force either too large or too small to be effective, there was military logic to his differing arguments; see following text and notes 31-33.
31. The Army versus politics acrimony between Macready and Churchill, evident throughout the former's *Annals* account of 1922, continued into the late 1920s. Churchill felt genuinely intimidated by Macready's memoir, and believed that his own writings of events might be compromised. His confidant, Curtis, dismissed these worries; letter (draft) Curtis to Churchill 18 Dec. 1928; letters; Churchill to Curtis 18 Dec. and 27 Dec. 1928. Bodleian Library, Lionel George Curtis MS, Curtis 90.
32. Macready, *Annals*, vol.2, p.660; memorandum, War Office to Colonial Official (with battalion list appendix), for attention of Sect. of State, 21 Mar. 1922. CO 739/11 PRO. Jolted by the evacuation halt of February 1922, the War Office was forced to review its policy of depleting Irish based battalions for service elsewhere. In March 1922 a hasty revision of standard battalion complement, based on 727 Other Ranks, was introduced; reduced recruit training time was implemented in order to achieve this target. Thus Macready's valid concern for the actual number of trained 'fighting men'. Some contemporaneous press reports of there being 15,000 troops in Dublin (*Morning Post*, 3 Jun. 1922) could not have been accurate, given the actual number of battalions in the South at any given time during 1922 - see Appendix 3. Even 10,000 may be a rounded up figure.

33. Conclusions to 23rd meeting of P.G.I. Committee on 14 Jul. 1922, CAB 21/246 PRO; Townshend, *British Campaign*, p.182 and 186.
34. British Army G.H.Q., Situation report 28 Jun. 1922; CO 739/11 PRO; Macready, *Annals*, vol.2, p.620. Note, however, that the only time a Situation report referred to the 'Protected Zone' was during the critical phase of the assault on the Four Courts. That Macready, ostensibly, vetoed the planned British assault on the Courts because too many officers lived outside the 'zone', suggests that it was never a rigid concept. See following text and notes 35 and 39.
35. The main barracks in question were: Royal, Richmond and Island Bridge, all around the eastern edge of Phoenix Park. Collinstown, to the north of Dublin, seems to have been the only operational air base available to the British by this date; it was not handed over to the Provisional Government until 9 Nov. 1922. The planned handover of Baldonnell aerodrome, to the S.W. of Dublin, was cancelled on 3 May 1922, but seems to have gone ahead sometime before October; (memorandum; dated 3 May 1922, WO 35/182-1 PRO; Dublin Dist. General Staff War Diary for 1922, WO 35/92 PRO). For a brief history of R.A.F. activity in this period, see McCarthy, P.J., 'The R.A.F. and Ireland 1920-22', *Irish Sword*, 17, 68 (1989) pp.174-189.
36. Macready, *Annals*, vol.2, pp.649 and 660-1.
37. Memorandum; Macready to War Office: 'Personal notes in regard to the present position and future of Troops in Southern Ireland', 4. Nov. 1922. CO 739/11 PRO. It is probably significant that British Army G.H.Q. Situation report No. 426 of 29 Jun. 1922 was entirely concerned with the 'war' declaration against British forces, issued by the I.R.A. Executive the same day., *Ibid.* (See also text to note 39).
38. See Hopkinson, *Green against Green*, Chap.15; Lawlor, 'Civil-Military Relations', pp.95-97; Lawlor, *Britain and Ireland*, pp.191-194.
39. British Army G.H.Q. Situation report No. 426 of 29 Jun. 1922, CO 739/11 PRO.
40. See note 38.
41. British Army G.H.Q. Situation report No. 418 of 28 Jun. 1922, CO 739/11 PRO.
42. *Ibid.*, Report No. 425 of 29 Jun. 1922; Macready, *Annals*, vol.2, p.658.
43. British Army G.H.Q. Situation reports; unnumbered of 10.00 hrs. of 30 Jun. 1922, No. 430 of 15.00 hrs. of 30 Jun. 1922, and Nos. 433-4 of 1 July 1922; CO 739/11 PRO.

44. *The (London) Times*, 30 Jun. 1922 and 1 Jul. 1922.
45. British Army G.H.Q. Situation reports, No. 599 of 20 Nov. 1922, and unnumbered of 7 Oct. 1922, CO 739/11 PRO. A problem was the sheer range and variety of assaults experienced, some of which related to theft of Army equipment rather than direct attack on personnel; file CO 55629, CO 739/11 PRO illustrates.
46. Dublin District Intelligence Summary, No. 181 for w/e 7 Oct. 1922, D/T S.1784 NA.
47. Summary for w/e 9 Sept. 1922. *Ibid.*
48. Memorandum; Macready to War Office, 'Personal notes in regard to present position and future of Troops in Southern Ireland', 4 Nov. 1922, CO 739/11 PRO.
49. *Irish Times*, 18 Oct. 1922. British Army G.H.Q. Situation reports Nos. 571 of 18 Oct. 1922, and 619 of 13 Dec. 1922 confirm attacks on officers' billets, CO 739/11 PRO.
50. While the June-July period in Dublin was distinctive - as evidenced by Hopkinson, *Green against Green*, Chap.16 - no existing account of the civil war dwells on the continuity and tenacity of the guerilla campaign in the capital. By definition, neither does any existing account equate this campaign with the British presence. By October, General Macready was complaining to the Provisional Government that attacks on his forces were actually *increasing*; memorandum, Macready to Chairman, Provisional Government, 23 Oct. 1922; Military Arch. A.06877. NA.
51. *Irish Times*, 4 Dec. 1922.
52. *Parl. Deb. Commons*, vol.159, col.1983 of 7 Dec. 1922. Allowing for the disruption involved, it may not be significant that the General Staff, Dublin Dist. evacuation diary for December 1922 omits the early shipment noted by the *Irish Times* (see note 51); the first evacuation entry being of 'sick and wounded' on 10 Dec. The term may have general Army usage, but the point is its probable accuracy in these instances.
53. Memorandum; Donnelly (Vice Regal Lodge) to Sturgis, 30 Nov. 1922. CO 906/22 PRO. The *Irish Times*, 30 Nov., 4 Dec. and 6 Dec. 1922, the *Irish Independent* of 6 Dec. 1922 and the *Freeman's Journal*, 7 Dec. 1922, all carried evacuation details of the coming days.

54. The Commons' reporting style for the Dublin occupation had been set as early as May, when Viscount Curzon drew an admission of two recent deaths of British soldiers from Worthington-Evans, the War Secretary. With Churchill present, the government deflected further questioning on whether it was giving the full casualty lists 'or merely the killed'; *Parl. Deb. Commons*, vol.154, col.1886 of 30 May 1922. With concern for British troops at a high level during the assault on the Four Courts at the end of June, the House was informed of only 2 early casualties (see text to note 43); *Parl. Deb. Commons*, vol.155, col.2553 of 30 Jun. 1922. Macready, *Annals*, vol.2, p.666, notes only 18 deaths of officers and men between July 1921-December 1922, but does not mention other casualties.
55. McColgan, J., *British Policy and Irish Administration 1920-22* (London, 1983) pp.99-104.
56. With the transition from Irish Office to Colonial Office responsibility in 1922, the reporting apparatus which availed Townshend, *British Campaign*, p.214, to collate 'Irish Office Statistics of Outrages', no longer functioned. British Army G.H.Q. produced no regular equivalent, other than general situation reports, to the War Office.
57. Memorandum; Cope to Sect., Provisional Government, 30 Apr. 1922. D/T S.1157. NA.
58. Memorandum; Macready to Chairman, Provisional Government, 1 Sept. 1922. D/T S.1613. NA. Macready requested Cosgrave's personal attention on a specific case of arrestment. This followed renewed pressure by British Army G.H.Q. on 28 Aug. 1922, and an initial direction by the Sect., Provisional Government to the Minister of Home Affairs on 31 Aug. 1922 (memoranda; D/T S.1157. NA) to agree to British terms. There is no record of an Irish reply, or British pursuance, between the date of Cope's original request and Collins's death on 22 Aug. 1922.
59. Letter; Macready to Collins, 15 April 1922. D/T S.2984. N.A.
60. Typed and unsigned minute from Provisional Government offices. *Ibid.* The style and wording could only have been Collins's; all other communications in this section of file S.2984 are Collins-Macready related.
61. Memorandum; Macready to Collins, 4 May 1922; minute (probably in Mulcahy's hand) from Defence Dept., 6 May 1922; memorandum, Mulcahy to Collins 6 May 1922; minute from Mulcahy, 6 May 1922. *Ibid.*
62. Memorandum; Q.M. General, British G.H.Q. to Chairman, Provisional Government, 3 Aug. 1922. *Ibid.* A further bill for the loss of 7 Navy and R.A.F. vehicles was pending.

63. Memorandum; Adj.Gen. British G.H.Q. to Chairman, Provisional Government, 20 May 1922. *Ibid.* Following an armed incident, G.H.Q. demanded to know the measures that Collins intended 'for the protection of officers of the British Army at present stationed in Dublin'. The point of the communication was quite clear.
64. There could be no confusion on this point: Churchill assured the Commons in February 1922 that the Army had had orders 'for some time past' to 'fire without hesitation if assailed', and similar assurance was given to the House in June 1922; *Parl. Deb. Commons*, vol.150, col.1728 of 21 Feb. 1922, and vol.155, col.2553 of 30 Jun. 1922. The Army in Dublin did not need coaxing; a Dublin correspondent of *The (London) Times*, 1 Jul. 1922, noted a particular Army response: 'The lorry was promptly halted, and a single soldier, quietly jumping down, gave the building a burst of machine gun fire, and coolly clambered back into the lorry'.
65. Letter; Macready to Chairman, Provisional Government, 11 Aug. 1922; memoranda; Acting Chairman to C. in C. (Collins) 17 Aug. 1922, Law Officer's Dept. to Sect., Provisional Government, 2 Jan. 1923, D/T S.1613. NA. It was likely that Macready saw little point in confronting Collins or his government at the height of the July-August civil war fighting, especially as Collins had assumed the post of C. in C. Army in July (as part of the Council), relinquishing his day-to-day governmental responsibilities.
66. Letter; Macready to Chairman, Provisional Government, 2 Sept. 1922. *Ibid.*
67. Dublin Dist. H.Q., Intelligence Summary for w/e 2 Sept. 1922. D/T S.1784. NA.
68. While the London reaction to Collins's death was anxious (see Canning, *British Policy*, p.48), so was that of the Army in Dublin. Dublin District H.Q., Intelligence Summary for w/e 26 Aug. 1922, noted that there were more indications of the Irish being disheartened 'to a dangerous degree', than there were of 'drastic action' being taken. D/T S.1784. NA.
69. Memorandum; Cosgrave to C. in C. Army (Mulcahy), 3 Sept. 1922. Military Arch; A 06877. NA.
70. Memorandum; Mulcahy to Cosgrave, 5 Sept. 1922. *Ibid.*
71. Memorandum; Supt. Store St. D.M.P. to Chief Commissioner, D.M.P., 23 Sept. 1922. D/T S.1613. NA.

72. It appears that the Provisional Government was first made aware of the stolen British documents through quotes made in the *Republican War Bulletin* of 17 Sept. 1922. It was believed that an agent of Ernie O'Malley (I.R.A. Army Executive) had obtained them direct from British Army G.H.Q., though file minutes do not reveal how the Provisional Government retrieved the same. Sept. dated minutes, D/T S.1784. NA.
73. Dublin Dist. H.Q., Intelligence Summary for w/e 2 Sept. 1922. D/T S.1784 NA. The item on reprisal read: 'Several leading Republicans have been murdered under revolting circumstances, probably as a reprisal for Collins, although the P.G. endeavour to put the blame on the Republicans themselves'.
74. Letter; Cosgrave to Churchill, 29 Sept. 1922. *Ibid.*
75. Letters; Churchill to Cosgrave 30 Sept. 1922 and Oct. (undated). *Ibid.* Churchill referred only to documents and passages which were 'capable of such misuse'.
76. Memorandum; Kennedy to Cosgrave, 15 Sept. 1922. U.C.D. Arch; Kennedy Papers P4/243. The article in question appeared on the same date. Kennedy does not refer to the date or occasion of the earlier London meeting.
77. Macready strongly opposed the recruit substitution plan, put forward at 23rd meeting of the P.G.I. Committee on 14 July 1922. CAB 21/246 PRO. Appendix 3 of this thesis illustrates that the movements of two battalions only cannot be accounted for during the greater part of 1922, but there is no evidence to link them to this episode.
78. Minutes of meeting at the Colonial Office, 26 Sept. 1922. *Ibid.* Present; Churchill (Chair), Lord Cavan and two Lt. Generals. The mobilisation plans involved forces stationed in both the North and South.
79. Letters; Collins to Churchill, 25 Jul. 1922; Churchill to Collins 4 Aug. 1922. CO 739/11 PRO. Churchill assured Collins that the British military wanted to leave, but that H.M.G. '...cannot at the present stage exclude the possibility of certain eventualities'.
80. Letter; Churchill to Worthington-Evans, 7 Jul. 1922. *Ibid.*
81. Memoranda; Q.M. General, British G.H.Q. to Chairman, Provisional Government, 22 Aug. 1922; Mulcahy to Acting Chairman, Provisional Government, 5 Sept. 1922. D/T. S.2993. NA.
82. Memorandum; War Office to Sect. of State at Colonial Office, 6 Jul. 1922. CO 739/11 PRO.

83. Memoranda; Col. Maxwell-Scott, British Army G.H.Q. to (no designation) 3 Oct. 1922; D. Hogan Comdt. Gen. to Chief of Staff, 17 Oct. 1922; C. in C. Army to President, 27 Oct. 1922. Military Arch; A.7226. NA. See also note 86.
84. *Freeman's Journal*, 6 Dec. 1922. Photograph and caption.
85. Memoranda with appendices; Col. Brind, British G.H.Q. to Chairman, Provisional Government, 7 Oct. 1922; Macready to Chairman, Provisional Government, 23 Oct. 1922. Military Arch. A.O6877. NA.
86. Within one week in October there were three separate rifle and bomb attacks at Arbour Hill Barracks - still occupied by the British. Macready's concern may have reflected that attacks were becoming more daring rather than more frequent. At the beginning of November, even the heavily guarded Magazine Fort in Phoenix Park was 'ambushed'. British Army G.H.Q., Situation reports for 19, 25 and 26 Oct. 1922. CO 739/11 PRO.
87. Telegrams; Cope to Masterton-Smith, 19 Oct. 1922; Curtis to Cope, 21 Oct. 1922. Curtis admitted that false valuations had been given.
88. Memorandum; Macready to War Office, 'Personal notes in regard to present position and future of Troops in Southern Ireland', 4 Nov. 1922. CO 739/11 PRO. The quoted sentence formed the opening paragraph. See also text to note 91.
89. The Treaty wording dictated that both the Treaty and Constitution Bills had to be ratified within one year of 6 Dec. 1921. For the problems created by the fall of the coalition government, see Blake, R. *The Unknown Prime Minister*. (London, 1955), pp.475-6, and Jones, *Diary*, vol.3, pp.216-7.
90. Minutes of meeting at the Colonial Office, 26 Sept. 1922; present; Churchill (Chair), Lord Cavan and two Lt. Generals. CAB 21/246 PRO.
91. Memorandum; Macready to War Office, 'Personal notes in regard to present position and future of Troops in Southern Ireland', 4 Nov. 1922. CO 739/11 PRO. Macready requested a copy be sent to the Colonial Office.
92. Memorandum; War Office to Devonshire, 17 Nov. 1922 (signature illegible). *Ibid.*
93. Conclusions to Cabinet Conference, 22 Nov. 1922 (with reference to War Office memorandum of 21 Nov. 1922). CAB 21/246 PRO.
94. See Canning, *British Policy*, p.76.

95. Letters; (draft) Devonshire (?) to Cosgrave, 27 Nov. 1922, Cosgrave to Devonshire, 29 Nov. 1922. CO 739/11 PRO. Conclusions to Cabinet Conference, 22 Nov. 1922; Churchill quote from conclusions to first meeting of P.G.I. Committee, 21 Dec. 1921. CAB 21/246 PRO.
96. For further details, see Chapter 3, text to notes 44-45.
97. Memoranda; British Army G.H.Q. to Macready, 1 Aug. 1922; Churchill to Cope, 3 Aug. 1922; letter; Churchill to Collins, 4 Aug. 1922 (in reply to letter, Collins to Churchill, 25 Jul. 1922). CO 739/11 PRO.
98. For details of the naval defence measures necessitated by the Army evacuation of Cork, see Chapter 3, text to notes 17-25.
99. Telegram; Cope to Masterton-Smith, 14 Oct. 1922. CO 906/22 PRO. The telegram was in response to Lionel Curtis's request for material that might be used by Churchill in a major forthcoming speech. The tone of Cope's reply was defensive and propaganda orientated; he went as far as to suggest that Churchill should stress that the Four Courts attack, of some months earlier, had not been the result of 'any instigations, exhortations or threats' by the British government. Cope evidently perceived British culpability to be a serious public relations problem.
100. McColgan, *Policy and Administration*, p.104.
101. Memorandum; C.O. Dublin Dist. to British G.H.Q. Ireland, 12 Dec. 1922. WO 35/92 PRO.
102. Memorandum; General Staff, Dublin Dist. to 'all groups', 13 Dec. 1922. *Ibid.*

Notes to Chapter 3: THE ROYAL NAVY AND THE CIVIL WAR

1. Report of Proceedings; *Vanity* to Admiralty, 31 Aug. 1922. ADM 1/8632/173 PRO.
2. See Kennedy, P., *The Rise and Fall of British Naval Mastery* (London, 1986, paperback ed. (1991) cited in notes) pp.316-323; Mowat, C.L., *Britain Between the Wars 1918-1940*. (Cambridge, 1955, paperback ed. (1984) cited in notes) p.131. The statistics used are collated from their given figures.
3. Memorandum; Admiralty to Sect., P.G.I. Committee, 21 Jan. 1922. CAB 21/245 PRO. The Admiralty reference to '...Temporary Provisional Government' was, at this date, technically correct. For the administrative explanation, see McColgan, *Policy and Administration*, p.92.
4. Conclusions to meeting of Technical Sub-Committee of the P.G.I. Cabinet Committee, 14 Mar. 1922. CAB 21/245 PRO.
5. Cipher telegram; Admiralty to C. in C. Western Approaches, 20 May 1922. A same day memorandum, Admiralty to C. in C. Devonport, notes that the 'general agreement' of the Irish command transfer to his post was being postponed. ADM 1/8652/253 PRO.
6. Memorandum; C. in C. Plymouth [Devonport] to Sect., Admiralty, 9 Apr. 1922; plus enclosure, same date, 'Use of Pembroke Dock as a Destroyer Base for Irish Waters - Facilities available'. *Ibid.*
7. Although the internal friction between the Admiralty and War Office is not directly relevant to this thesis, and is anyway broadly covered by Canning, *British Policy*, Chap.9, some further implications are discussed in Chaps. 7 and 8 of this thesis.
8. See also Coogan, *Collins*, pp.314-5; Hopkinson, *Green Against Green*, pp.73-4; Lawlor, 'Civil-Military Relations', p.79. Both Coogan and Lawlor take the complicity theory seriously, while Hopkinson notes the same without comment.
9. Memoranda; C. in C. Plymouth [Devonport] to Admiralty, 9 Apr. 1922; C. in C. Western Approaches to Admiralty, 'Situation in Irish Waters', 29 Apr. 1922. ADM 1/8652/253 PRO.
10. It is understood that Hart, Peter, 'The Irish Republican Army and its Enemies, Violence and Community in Co. Cork 1917-23', Ph.D. thesis (Trinity College, Dublin, 1993) provides evidence that such comment was not fanciful. It should be noted, however, that Royal Navy contact visits with 'Loyalist' landowners were not uncommon, in terms of welfare and evacuation contingency (Situation report, S.N.O. Haulbowline to Admiralty, 16 Nov.

1922. CO 739/3 PRO), and it was implicit that Intelligence was being passed, one to the other. Such contact was a direct provocation to I.R.A. units; the most serious (known) conflict between warship and shore-based I.R.A. (see text to note 48, this Chapter), seems to have occurred after just such a shore visit to Mjr. Hood at Dromore Castle, near Kenmare, in July. Report, Lt. Cmdr. Campbell at Queenstown to Admiralty, 30 Jul. 1922. CO 739/19 PRO.
11. Memorandum; 'Admiralty List of Ships in Irish Waters'. ADM 1/8652/253 PRO. See Appendix 4.
 12. Memorandum; Admiralty to C. in C. Atlantic Fleet, Admiral de Robeck, 29 Aug. 1922. *Ibid.*
 13. Memorandum; Admiralty to Under Sect., Colonial Office, 10 Jan. 1924 (refers to Admiralty Minute of 18 May 1921). CO 739/26 PRO.
 14. Report; Cmdr., *Warwick* to C. in C. Western Approaches, 9 May 1922; report of proceedings, *Watchman* to Admiralty, 27 May 1922. ADM 1/8632/173 PRO.
 15. Report of proceedings, *Dauntless* to Admiralty, 20 May and 7 Jun. 1922. *Ibid.* See also note 16.
 16. It would seem that the Donegal I.R.A. was too poorly organised and equipped to have even contemplated such action; see Hopkinson, *Green Against Green*, pp.161-2.
 17. The security and progress of this salvage operation was of constant concern to London; the following sources refer:- memorandum; S.N.O. Belfast to Admiralty, 4 Jul. 1922 (ADM 1/8652/253 PRO); report of proceedings, *Vancouver* to Admiralty, 9 Jul. 1922 (ADM 1/8632/173 PRO); memorandum; 'Memorandum on Various Questions Relating to Ireland', prob. Jan./Feb. 1923 (ADM 1/8652/253 PRO); memorandum; Admiralty to Curtis at Colonial Office, 16 Sept. 1922. CO 739/3 PRO.
 18. That the Swilly Forts were administered and supplied by road from Londonderry may have obviated some naval responsibility. The only contemporary and comprehensive guide to the defensive qualities of all Treaty Port defences is contained in a War Office report of 1925; WO 32/5315 PRO. See Chapter 6, text to note 55.
 19. Though the title 'S.N.O. Queenstown' was often used in naval and political communications, the technically correct title was still 'S.N.O. Haulbowline'. To ease location and area responsibility identification, the former is used throughout the text of this Chapter.

20. Report of proceedings; *Danae* to Admiralty, 14 Jun. 1922, ADM 1/8632/173 PRO.
21. *The (London) Times* reported this incident on 14 Jun. 1922, though report of proceedings, *Danae* to Admiralty, 14 Jun. 1922, indicates it took place almost a week earlier, on 8 Jun.. 1922. ADM 1/8632/173 PRO.
22. Report of proceedings; *Dunedin* to Admiralty, 20 Jun. 1922. *Ibid.*
23. Report of proceedings; *Dunedin* to Admiralty, 20 Jun.. 1922; *Danae* to Admiralty, 13 Jul. 1922; *Danae* to Admiralty, 14 Jun. 1922. *Ibid.* In the last of these reports, the S.N.O.'s directive on mail was repeated.
24. Though incidental here, comparative research into coast/coastal defence systems seems to be a neglected area. When compiling data for the forthcoming 1927 Geneva Disarmament Conference, the Irish Defence Dept. contrasted Britain (and the U.S.) with France, Germany and Italy, noting the difficulties this had already presented to the Conference 'Budgetary Experts Report'. (Military Arch; File 21, Report 'Geneva Naval Disarmament Conference 1927 - Bearing of Possible Decisions on Saorstad Defence Policy'. Section 3. Box 2/CDA3. NA). Articles 6 and 7 of the Treaty had to take account of Britain's separation of command duties, though it should be noted that at this time of strain, S.N.O. Queenstown was directing shore defences as well as naval units. (See text to notes 30-32, this Chapter).
25. Report of proceedings; *Watchman* to Admiralty, period 21 May to 3 Jun. 1922, ADM 1/8632/173 PRO.
26. There were ingenious attempts by the I.R.A. to secure heavy weapons, not least from the Royal Navy itself. *The (London) Times*, 22 Apr. 1922, noted the, nearly successful, seizure of a 3-pounder gun from a gunship at Kingstown.
27. *Parl. Deb. Commons*, vol.153, cols.2300-1, of 10 May 1922; vol.154, col.210 of 16 May 1922.
28. *Morning Post*, 15 Aug. 1922. See also note 29.
29. There was, of course, a fine distinction between the physical difficulties of press reporting from the Irish provinces - between May and August 1922 few, if any, reports appear to have originated from outside Dublin - and both governments taking advantage of the situation.
30. Cipher telegram; Admiralty to C. in C. Western Approaches, 20 May 1922. ADM 1/8652/253 PRO. At issue here is the executive status of Fox during the civil war period. He seems to have had neither sea nor shore establishment, and no record has been found, in either British or Irish

- archives, of communication to, or from, his office. Two Admiralty documents (minute; 25 Sept. 1922; Admiralty to Admiral de Robeck, 29 Aug. 1922. *Ibid*) mention his 'close contact' with the Viceroy, and 'liaison' with General Macready, but this was anyway a prerogative of rank.
31. Memorandum; Admiralty to C. in C. Devonport, 20 May 1922. *Ibid*. For the problems attached to the transfer of Haulbowline, see Chapter 5, text to notes 39-43.
 32. Memorandum; Admiralty to Admiral de Robeck, 29 Aug. 1922. *Ibid*. Note that the planning behind this memo was not traced in either the P.G.I. Committee (or its Technical Sub-Committee) Minutes (CAB 21/245 and 6), or in the minutes of the CID Sub-Committee on Ireland (CAB 16/42).
 33. Memorandum; Admiral de Robeck (at Invergordon) to Admiralty, 20 Sept. 1922. ADM 1/8652/253 PRO.
 34. The command structure and prescribed duties were repeated in report of proceedings, *Vanity* to Admiralty, 31 Aug. 1922. ADM 1/8632/173 PRO. No separate and specific Admiralty order to ships has been traced.
 35. Memoranda; Army C. in C. to Minister for External Affairs, 17 Feb. 1923; Army C. in C. to 'Each member of Army Council', 23 Feb. 1923. Military Arch; A.08295. NA. Dispatch; Devonshire to Governor General, 23 Feb. 1923. D/T. S.2039. NA. Note that these communications were largely concerned with establishing formal arrangements for Navy presence in Irish waters *after* the official founding of the Irish Free State in December 1922. That the civil war was still in progress may have been incidental.
 36. A draft letter (not sent), Churchill to Collins, July 1922, reminded the latter of his responsibility to Valencia, and that the cable station was in 'immediate danger'. It is possible that Churchill held back as a result of a naval report of 7 July 1922, notifying that installations had not been 'interfered with' by Republican forces; both CO 739/3 PRO. For the overall context of Comdt. O'Connors's operation, see Hopkinson, *Green Against Green*, p.166.
 37. Situation reports; S.N.O. Haulbowline to Admiralty, 12 Sept. 1922 and 28 Sept. 1922. CO 739/3 PRO.
 38. Situation report, S.N.O. Haulbowline to Admiralty, 18 Oct. 1922. *Ibid*.
 39. Situation report; S.N.O. Haulbowline to Admiralty, 1 Sept. 1922. *Ibid*.
 40. Report, Cmdr. of *Wryneck* 'on an interview with an officer on the staff of General Murphy, Commanding F.S. Forces at Tralee', dated 13 Oct. 1922. *Ibid*.

41. Cipher telegrams, S.N.O. Queenstown to Admiralty, 14 Sept. and 2 Oct. 1922. *Ibid.* These confirm that local commandants were passing intelligence through H.M. ships to the S.N.O. The latter gives passed information on General Lynch's (Republican C. in C.) 'advance from Tralee to Dublin'. Passed intelligence could also be local and specific; H.M.S. *Vendetta* was contacted in August by National forces at Mullamore, Sligo, when a boat was seen landing guns near Ballysaggart; telegram; Cmdr. of *Vendetta* to S.N.O. Queenstown, 31 Aug. 1922. ADM 1/8652/253 PRO.
42. Situation reports; S.N.O. Haulbowline to Admiralty, 1 Sept. 1922 and 19 Sept. 1922; CO 739/3 PRO.
43. Cipher telegram and following report; S.N.O. Queenstown to Admiralty, both 9 Dec. 1922. *Ibid.*
44. Cipher; British G.H.Q., Dublin to War Office, 2 Aug. 1922. CO 739/11 PRO. See also Chapter 2, text to notes 96-7.
45. See Hopkinson, *Green Against Green*, pp.163-4; Younger, *Civil War*, pp.408-10. Hopkinson appears to assume that the landing was redirected because of British objections, whereas all the evidence suggests a direct landing *in spite of* those objections.
46. Reported in *The (London) Times*, 28 Sept. 1922.
47. Situation report and cipher telegrams; S.N.O. Haulbowline to Admiralty, 28 Aug., 10 Sept. and 20 Nov. 1922. CO 739/3 PRO.
48. Cipher telegram; S.N.O. Queenstown to Admiralty (via Devonport), July (no date) 1922. CO 739/3 PRO. 'Report by Lt. Commander J.D. Campbell' [Cmdr. H.M.S. *Badminton*] to Admiralty, 30 Jul. 1922. CO 739/19 PRO.
49. Conclusions to 25th meeting of P.G.I. Committee on 1 Aug. 1922. CAB 21/245 PRO.
50. Cipher telegram; S.N.O. Queenstown to Admiralty (via Devonport), July (no date) 1922. CO 739/3 PRO.
51. Jones, *Diary*, vol.3, p.194.
52. Internal minute; Colonial Office, dated 20 Jul. 1922 and initialled M.E.A. CO 739/3 PRO.
53. Report of proceedings; *Vanity* to Admiralty, 31 Aug. 1922. ADM 1/8632/173 PRO. The initial ambush on British soldiers at Castletownbere was also reported in *The (London) Times*, 28 and 29 Aug. 1922.

54. Situation report; S.N.O. Haulbowline to Admiralty, 6 Oct. 1922. CO 739/3 PRO.
55. Report of proceedings; *Danae* to Admiralty, 13 Jul. 1922. ADM 1/8632/173 PRO.
56. Reported in *The (London) Times*, 10 Aug. 1922.
57. *Ibid.*, 1 Sept. 1922. No official record of this ambush has been traced.
58. Report of proceedings; *Dragon* to Admiralty, 24 Nov. 1922. ADM 1/8632/173 PRO.
59. See Gilbert, *Churchill*, Comp. vol.4, pt.3, p.1989 (Cabinet Minutes of 15 Sept. 1922).
60. *The (London) Times*, 22 Oct. 1922.
61. Memorandum; Admiralty to C. in C. Western Approaches [Buncrana], 15 May 1922. ADM 1/8652/253 PRO.
62. Admiralty briefing to CID Sub-Committee on Ireland, June 1922. ADM 1/8652/253 PRO. The N.I. government was fortunate to command this audience; this Sub-Committee (chaired by Churchill) met only eight times from April-June 1922, and was otherwise engaged in considering contingency situations should the Provisional Government falter. See also Curran, *Birth of Free State*, p.294.
63. Report of proceedings; *Dunedin* to Admiralty, 20 Jun. 1922. ADM 1/8632/173 PRO. *Dunedin* relayed the Belfast S.N.O.'s wishes, and passed a similar, urgent, message when on a return visit to Belfast in mid-July (Report of proceedings; 18 Jul. 1922. *Ibid.*). The S.N.O. Belfast was, however, aware that the N.I. government had been refused further protection, and had acknowledged this restriction; memorandum; S.N.O. Belfast to Admiralty, 4 Jul. 1922. ADM 1/8652/153 PRO.
64. Memorandum; Admiralty to Under Sect., Colonial Office, 31 Jul. 1922; Admiralty minute of D.o.D. (Director of Deployment?), 24 Jul. 1922. ADM 1/8652/253 PRO. No start date for this count is given, but from context it was likely to have been from the end of March/beginning of April. The Admiralty minute notes the only arms find as of that date.
65. Memorandum; Admiralty to Curtis, 16 Sept. 1922. CO 739/3 PRO.
66. Memorandum; Sect., Army Council to Sect., Cabinet Committee on Irish Affairs, 14 Sept. 1922. ADM 1/8652/253 PRO.

67. Admiralty minute (signature illegible), 14 Sept. 1922. *Ibid.* There is no obvious reason why Ayr should have been singled out. Since 1913, the Volunteers and the I.R.A.'s attempts at gun-running (and British attempts to thwart the same) had never centred on a Scottish connection. Rather, the London-Manchester-Liverpool connection had been prominent. See Coogan, *Collins*, p.64 and p.153.
68. Telegram; Curtis to Loughnane, Dublin, 31 Aug. 1922. CO 739/3 PRO. This file contains several case histories of demurrage claims. See also note 71.
69. Letter; Curtis to Sect. of State, 5 Sept. 1922. *Ibid.*
70. Telephone telegram copy; Curtis to Cope, Dublin, 4 Sept. 1922. *Ibid.*
71. Letters; Ulster Steamship Co. to Admiralty, 6 Sept. 1922; Admiralty to Ulster Steamship Co., 11 Sept. 1922. *Ibid.* The Colonial Office was nervous of press reaction to the leaked story; Cope, in Dublin, was sent a report in the *Manchester Guardian* (7 Sept. 1922), which claimed that 'general goods' only had been found. *The (London) Times*, 4 Sept. 1922, however, noted only the arrest of the ship in Cork Harbour.
72. Admiralty minute (signature illegible), 14 Sept. 1922. ADM 1/8652/253 PRO.
73. Telegram; Sturgis to Cope, Dublin 29 Jul. 1922. CO 739/3 PRO. Sturgis noted that the C.N.S. was to have a personal meeting with Churchill early the following week; from Sturgis's phrasing it seems that the C.N.S. intended to press for an *entire* withdrawal. The outcome of this meeting was given in a memorandum; Admiralty to Under Sect., of State at Colonial Office, 2 Aug. 1922. *Ibid.* Having received a withdrawal commitment from Churchill, it was noted that the latter would review the situation 'in ten days'.
74. The first indication that the Admiralty was targeting the Irish patrols for Mediterranean duty was given in a letter; Curtis to Sect. of State (Churchill), 13 Sept. 1922. CO 739/3 PRO. An Admiralty minute of 14 Sept. 1922 (as per note 72) also notes the urgent requirements of C. in C. Mediterranean. For the effects on the Atlantic Fleet, see Roskill, S., *Naval Policy Between the Wars, Volume One: The Period of Anglo-American Antagonism, 1919-1929* (London, 1968), pp.196-200.
75. For details of the extraordinary Sub-Committee meeting, on 26 Sept. 1922, see Chapter 2, note 78 (also Gilbert, *Churchill*, Comp. vol.4, pt.3, p.2032). The meeting was included in the Secretariat files for the P.G.I. Committee (CAB 21/246). It was, however, noted in early August that Churchill was 'unwilling' to assemble a P.G.I. Committee meeting with reference to naval withdrawals, wanting a less formal solution; Colonial Office minute (probably

- in Curtis's hand) of 3 Aug. 1922. CO 739/3 PRO.
76. Letter; Curtis to Sect. of State, 13 Sept. 1922. CO 739/3 PRO.
 77. Memoranda; Curtis to Sect. of State, 21 Sept. and 2 Oct. 1922. *Ibid.* Churchill annotated the earlier note in red ink. Curtis was explicit that the cruiser and destroyer withdrawals were 'in view of the critical situation in the East'.
 78. It is probable that Churchill had given tacit agreement to a staged withdrawal, beyond the immediate compromise figure (see note 77). Almost a week before Curtis had informed Churchill of the initial 'agreement', the Admiralty had informed Curtis of its planned patrol strength as of 1 Oct. 1922; memorandum; Admiralty to Curtis, 16 Sept. 1922. CO 739/3 PRO.
 79. Telegram; Admiralty to S.N.O. Haulbowline, 3 Oct. 1922. CO 739/3 PRO.
 80. *Ibid.*; on this issue, the Colonial Office was evidently keen to digest and keep press cuttings from both ends of the political spectrum; re the *Morning Post* and *Manchester Guardian* of 5-6 Oct. 1922. *The (London) Times* (same dates) added the retraction simply as a footnote to a general column on Ireland. Curtis was wont to keep Churchill personally informed of comments in the *Morning Post*.
 81. Lionel Curtis advised Churchill in mid-September that he (Curtis) had asked Sir John Chancellor (Sect., Standing Committee of the CID) to arrange a meeting on naval withdrawals, to which Craig might be invited (letter; Curtis to Sect. of State, 13 Sept. 1922. CO 739/3 PRO). There is, however, no evidence to suggest that Churchill was about to sanction such a meeting. As for the Provisional Government, Curtis's instructions to Cope were explicit; telegram, Curtis to Cope, 3 Oct. 1922. CO 906/22 PRO.
 82. See Macready, *Annals*, vol.2, p.627, and text to note 49.
 83. Letter 'personal'; Macready to J. Masterton-Smith, 15 Nov. 1922. CO 739/3 PRO. The context of this letter is problematic, despite the probability that Macready was trying to influence the Colonial Office following the fall of the coalition government. Masterton-Smith had not closely involved himself with Irish matters, and, as his formally correct reply indicated (letter; 21 Nov. 1922. *Ibid.*), he was not an intimate of Macready. Notably, the former placed both 'personal' letters in the official record.
 84. This was to be the case until 1929, when one ship only was removed.
 85. Foster, *Modern Ireland*, p.516.

Notes to Chapter 4 : THE CASUALTIES OF WAR

1. Letter; Mr. J. McCarthy of Ovens, Cork to O.C. British Forces, Spike Island, 18 Sept. 1924. D/T S.4113 NA. The letter was passed to the President's Office.
2. Dispatch; Thomas to Governor-General, 29 Feb. 1924. D/T S.3644 N.A. The dispatch refers to the total missing and specifically notes 'British soldiers', although it is possible that RIC figures are included. None of the many statistic tables in Townshend, *British Campaign*, refer to British or RIC missing. Dispatch; Devonshire to Governor-General, 27 Apr. 1923. D/T S.3024 NA, refers to the Campaign tactics adopted. The estimate of those missing having Irish connections, is a personal appraisal based on limited sampling of several 'Deserter' files, notably D/T S.3143 and D/T S.4684 NA.
3. Letter; Cope to O'Hegarty, 14 Feb. 1922. Cope had written two earlier notes to O'Hegarty on the same subject; 27 Jan. and 7 Feb. 1922. D/T S.3827 NA.
4. Memorandum; O'Hegarty to Cope, 16 Feb. 1922. *Ibid.*
5. London did maintain some enquiries during the Civil War; memoranda; Loughnane to Colonial Office, 16 Nov. 1922 and Whiskard to Loughnane, 18 Jun. 1923 (CO 739/23 PRO) refer. Dispatch; Devonshire to Governor-General, 28 Jun. 1923 (D/T S.3143 NA) is notable in that it assumes that deserters had been/would be handed over. Also note that an official deserter agreement of October 1923 (see text to note 10) was a qualified confirmation of existing practice. The Indemnity (British Military) Act 1923 (No. 2 of 1923), had become law at the end of February 1923, though there were concerns, in both the Dail and Defence Department, that the Proclamation issued from Dublin Castle on 12 Jan. 1922 was insufficient to protect former IRA members from prosecution (U.C.D. arch; Kennedy Papers; correspondence in P4/656 refers).
6. National Archive S. File indices suggest that individual files were kept for the majority of cases, even though Colonial Office notifications were often collective. Some of the more important group and general files inspected were: D/T S.3024; D/T S.3143; D/T S.3644; D/T S.4280; and D/T S.4684 NA.
7. Memorandum; Mjr. T. Killeen, Dept. Director 2nd Bureau, to J.B. Carr, 11 Feb. 1926. D/T S.3827 NA. By February 1926, the Bureau still had at least nine missing soldiers on its files.
8. Dispatches; Devonshire to Governor-General, 27 Apr. 1923; (draft) Governor-General to Colonial Secretary, Jan. (no date) 1924. D/T S.3024 NA.
9. Dispatch; Thomas to Governor-General, 29 Feb. 1924. D/T S.3644 NA.

10. Memorandum; O'Connor, Defence, to Sect., Executive Council, 2 Nov. 1923. D/T S.3644 NA. The London meeting was held on 19 Oct. 1923.
11. The court case was reported in the *Evening Telegraph* (Belfast) on 29 Oct. 1923, only ten days after the London deserter agreement (note 10). Loughnane, in Dublin, reported the situation to the Colonial Office (telegram; Loughnane to Freeston, 30 Oct. 1923), and Antrobus hand minuted the implications (file C.O. 52693) on 31 October 1923. All CO 739/19 PRO.
12. Memorandum; Sect., External Affairs to High Commissioner, London, 14 Oct. 1926. D/T S.3644 NA. It was noted that instructions had been passed to the Civic Guard, stopping all further arrests of suspected deserters. It was also noted that, prior to this particular case, 'a number of British deserters have been thus detained and no difficulty was encountered'.
13. The association between the Free State handing deserter 'prisoners' back to the British N.I. authorities, and the fate of its own detainees in the North, is an obvious one. Following the final release of British held detainees in Feb. 1924 (see note 48), Cosgrave brought intense pressure on London to assist with the release of Northern nationalist prisoners; pressure which involved Baldwin personally and which affected the financial settlement negotiations at the end of 1925. Cosgrave was not impressed with the urgency of British efforts, which succeeded only in mid-1926. Cambridge University Library; Baldwin Papers, vol.99, Whiskard to Waterhouse, 9 Jan. 1926, Baldwin to Craig 21 Jan. 1926, Craig to Baldwin 22 Jan. 1926; vol.101, Baldwin to Craig 19 Dec. 1923 and 14 Jan. 1924, Craig to Baldwin 27 Dec. 1923. See also Farrell, M., *Arming the Protestants: The Formation of the Ulster Special Constabulary and the Royal Ulster Constabulary, 1920-27* (London, 1983; paperback ed. (1983) cited in notes), pp.248-51.
14. Memorandum; McNeill to Sect., External Affairs, 1 Oct. 1926. D/T S.3644 NA. McNeill noted that the War Office believed that the October 1923 agreement had been 'broken' by the Free State.
15. Dispatch; Amery to Minister for External Affairs, 6 Feb. 1929. *Ibid.* (Note that from late 1927 communications went direct between London and Dominion departments).
16. Dispatches; Devonshire to Governor-General, 10 Jan., 12 Feb., 16 Feb. and 19 Mar. 1923; memorandum, Barnes (Defence) to Sect., Finance, 3 Apr. 1923. D/T S.2067 NA.
17. Memorandum; Barnes (Defence) to Sect., Finance, 3 Apr. 1923. *Ibid.*
18. Dispatches; Amery to Governor-General, 18 Mar. 1925, Governor-General to Amery, 14 Apr. 1925. *Ibid.*

19. Memoranda; Loughnane to Mulcahy, 27 Jul. 1923, Mulcahy to Loughnane, 12 Oct. 1923. D/T S.3827 NA.
20. Executive Council Minutes; G2/3, C2/112 of 26 Jun. 1924. NA.
21. See Chapter 2, text to notes 15-19.
22. *Parl. Deb. Commons*, Vol.165, col.1593 of 12 Jul. 1923. After this comment, Capt. Foxcroft M.P. notified the Colonial Office that the bodies had been reburied in a churchyard near Clonakilty. Loughnane was contacted and asked to investigate; memorandum Sturgis to Loughnane 27 Jul. 1923. D/T S.3827 NA.
23. Report; Macroom Civil Guard Stn., Cork, 12 Jul. 1923. D/T S.3827 NA. Interestingly, *The (London) Times* reported the finding of bodies only on 12 Dec. 1923, the day before the same were escorted back to England. See also note 24.
24. Dispatch; Devonshire to Governor-General, 1 Jan. 1924, plus letter enclosure from father of the late Lt. G.R. Dove. D/T S.3827 NA. The Escort and military funerals at Aldershot were given full coverage in *The (London) Times*, 13-14 Dec. 1923.
25. *The (London) Times*, 23 Jan. 1924.
26. See Barry, T., *Guerilla Days in Ireland* (Dublin, 1949), pp.34-36. Tom Barry was the IRA Column Leader who led the ambush attack. For the wider context, see Kee, R., *The Green Flag, Volume 3: Ourselves Alone* (London, 1972; paperback edn. (1989) cited in notes) pp.120-1.
27. The officer in question was the late Lt. C.J. Guthrie (Auxiliary Division Cadet). The correspondence, mainly between Whiskard, Colonial Office, and McDunphy, Asst. Sect., Dept. of the President, covered the period July 1925 to January 1927. Though the frustrations were mutual, the debilitating effect on general relations was evident; at one point Whiskard exclaimed that certain identification evidence 'might put an end to this interminable correspondence' (memorandum; 29 Dec. 1925). D/T S.3827 NA. *The Irish Independent*, 4 Nov. 1926 and *Daily Mail*, 15 Nov. 1926, both took up the more sensational aspects of the story.
28. This meeting of the Southern Committee of the County of Cork, Board of Health, was held on 3 Nov. 1926, and reported in the *Irish Independent*, 4 Nov. 1926.
29. The firing of Cork city centre, a few days later, may have been directly connected.

30. Executive Council Minutes; G2/4; C2/157 of 30 Dec. 1924; C2/200 of 15 Jun. 1925 and C2/206 of 13 Jul. 1925. NA.
31. Quoted in Hartley, S., *The Irish Question as a Problem in British Foreign Policy, 1914-18* (London, 1987), p.27.
32. See Lyons, F.S.L., *Ireland Since the Famine* (London, 1971; paperback edn. (1987) cited in notes), p.396. For the wider background to the Irish Brigade and the 'German Plot', see Hartley, *Irish Question*, pp.26-29 and 181-4.
33. A memorandum (draft) giving the history of the Dowling case, was prepared by the Colonial Office for the incoming Prime Minister, dated Jan. (no date) 1924. CO739/26 PRO. It seems that historians have not queried why Dowling's death sentence was commuted, though it may have been assumed that the general tensions of 1918 were reason enough.
34. For details of the 1920 mutiny, in part the result of news of British actions in Southern Ireland, see Kee, *Green Flag*, vol.3, p.104. A general distinction has to be made between British held detainees, and those held by, or at the behest of, the Belfast government, the last of whom were not released until 1926. See also note 13, this chapter.
35. See Lawlor, *Britain and Ireland*, p.215. Lawlor is correct in her assessments; letters and memoranda between Bonar Law and Lord Derby, and between Law and Cosgrave (period, 12-20 Dec. 1922), together with Colonial Office correspondence of Jan. 1923, note the early situation, especially in relation to the Rangers. House of Lords Library; Andrew Bonar Law Papers, 114/1/7, 114/1/10-12, and 114/1/14. Later Colonial Office correspondence (memorandum; Curtis to Masterton-Smith, 12 Jul. 1923) also alludes to the political manoeuvring. CO 739/23 PRO.
36. See Lawlor, *Britain and Ireland*, p.215. Although Lawlor only touches on events in 1923, her inference is that the release was settled, finally, by mid-1923. This is incorrect, though it seems that Lawlor is the only historian to have explored the significance of the Dowling issue beyond the 1918 context.
37. Memorandum; Curtis to Masterton-Smith, 12 Jul. 1923. CO 739/23 PRO. The emphasis here was on the need to mount pressure on government ministers, though, in turn, ministers had to note Lord Derby's earlier concern for Army discipline and morale should such releases be made. Letters; Derby to Bonar Law, 12 and 20 Dec. 1922; House of Lords Library; Andrew Bonar Law Papers, 114/1/7, 114/1/12.
38. This much was included in a draft history of the Dowling case, which the Colonial Office prepared for the incoming Prime Minister; dated Jan. 1924. CO 739/26 PRO.

39. Memorandum; Loughnane to Curtis, 10 Jan. 1924. *Ibid.*
40. As per note 38. *Ibid.* This was a confusing period for the Colonial Office administration; the draft reflected the political turmoil. In the event, Baldwin failed to hold office beyond 21 Jan. 1924, and MacDonald formed a government, with Liberal support, on 24 Jan. 1924.
41. Colonial Office minute, signed by Curtis, 5 Jan. 1924. *Ibid.* It notes the decision given by Baldwin to the (still) Colonial Secretary, the Duke of Devonshire.
42. For details of the Belleek situation, in May-June 1922, see Hopkinson, *Green Against Green*, p.86.
43. Memoranda; War Office to Under Sect., Colonial Office, 19 Sept. 1923; Whiskard to Loughnane, 24 Sept. 1923. It was clear that, at this date, the Colonial Office view was to support the War Office on this command change. A Colonial Office minute (file C.O. 5931) of February 1924 (unsigned) recounts the history of the Swilly command problem, and is specific that Mulcahy was heading the Irish refusal. CO 739/26 PRO.
44. For further reference to the party's concern on Northern prisoners, see Farrell, *Arming Protestants*, p.283. For a succinct account of the party's, and in particular MacDonald's and Thomas's, attitudes to the South, see Canning, *British Policy*, pp.87-100.
45. Cambridge University Library; Baldwin Papers, vol.101; Baldwin to Craig 19 Dec. 1923, Craig to Baldwin 27 Dec. 1923, Baldwin to Craig 14(?) Jan.1924 (re text quotes). Of interest is the contrast between Baldwin's constantly suppliant attitude to Craig, and that of the Colonial Office. A draft Colonial Office memorandum to Craig (unsigned), prepared in Baldwin's absence on 1 Jan. 1924 (typed in error, 1923), was forceful to the point of hostility on the North's position on prisoners. It was not sent. *Ibid.*
46. The meeting was held on 1-2 February 1924. See also Canning, *British Policy*, pp.89-90; Jones, *Diary*, vol.3, pp.225-6; Mansergh, *Unresolved Question*, pp.232-3.
47. See Canning, *British Policy*, p.90. He notes: 'The situation was allowed to drift through the Spring'. The self-evident intention here is to balance and qualify such 'big policy' studies.
48. The *Irish Times*, 8 Feb. 1924, gave brief details of the previous day's statement by the Press Association. The weekly *Sinn Fein*, 16 Feb. 1924, claimed that a campaign by the Republican Director of Propaganda had secured Dowling's release; its editorial noted: 'Dowling has been released immediately following this Republican effort. We congratulate him upon his

recovered liberty, and upon his magnificent resistance to Empire'. Farrell, M., *Northern Ireland: The Orange State* (London, 1975), p.99, confirms that Cahir Healy was released in February, but does not associate this with Dowling. No British archive material, on the actual process of release, has been traced; various cryptic minutes of Feb./Mar. 1924 (file C.O. 5526) give only a general indicator of events. CO 739/26 PRO.

49. Memorandum, plus covering minute; Curtis to Sect. of State, 12 Feb. 1924. CO 739/26 PRO. An unsigned Colonial Office minute of February 1924 (file C.O. 5931), probably in Curtis's hand, gives the expected date of Mulcahy's return visit. CO 739/23 PRO.
50. See Valiulis, M.G., *Almost a Rebellion: The Irish Army Mutiny of 1924* (Cork, 1985), for the most extensive appraisal of the mutiny. She does not, however, refer to external related matters. See also text to note 3, Chapter 6 of this thesis.
51. Colonial Office minute (unsigned and undated - though probably in Curtis's hand), February 1924. (C.O. file 5931). CO 739/23 PRO.
52. Executive Council Minutes; G2/4; C2/164 of 27 Jan. 1925. NA. The Council Secretary had met in interview with Sir Maurice Hankey, as Sect. of the CID, on 17 Jun. 1924. No further details are known, although the significance of this tentative agreement has to be set against the wider Admiralty claims on Irish facilities in wartime, none of which had been settled by the time Cosgrave left office in 1932. See text to notes 25-26, Chapter 5, and notes 57-58, Chapter 7. Also Appendix 6.
53. Dispatch; Devonshire to Governor-General, 4 Aug. 1923. ADM 1/8701/137 PRO.
54. Post-Treaty, the British government acted quickly on this matter. *The (London) Times*, 2 Jan., 4 Jan., 8 Feb., and 11 Feb., 1922, gave detailed information on the fate of Irish regiments and altered recruiting conditions.
55. The history, and current legal position, of reservists in Ireland, was detailed by the Free State's Attorney-General's office to the Dept. of Defence in a report of 19 Nov. 1923. DFA D.3238 NA.
56. A War Office memorandum of 21 Dec. 1921, which raised many different questions (including reservists) formed an appendix to the Conclusions of the 18th meeting of the P.G.I. Committee on 11 Aug. 1922. CAB 21/246 PRO.
57. Reports, re 'Transfer of responsibilities in Southern Ireland to the Government of the Irish Free State, other than those affecting Lands and Buildings', of Technical sub-Committee (of P.G.I. Committee) meetings of 6 Mar. and 14 Mar. 1922. CO 739/11 PRO.

58. Memorandum; Milnave (Viceregal Lodge) to Freeston, 25 Nov. 1922. CO 739/3 PRO.
59. Colonial Office minute (unsigned) of 18 Dec. 1922, headed 'Position of Naval Reservists'. *Ibid.*
60. Memorandum; Creedy to Under Sect., Colonial Office, 15 Jan. 1923. CO 739/23 PRO.
61. *Ibid.*, the same statistics were also noted in a dispatch; Devonshire to Governor-General, 4 Aug. 1923. ADM 1/8701/137 PRO. The Treasury was, however, to query certain matters - see text to notes 77-78.
62. Memorandum; Loughnane to Freeston, 5 Feb. 1923. CO 739/23 PRO.
63. Dispatch; Devonshire to Governor-General, 4 Aug. 1923. ADM 1/8701/137 PRO.
64. Dispatches; Devonshire to Governor-General, 27 Nov. 1923; Thomas to Governor-General, 2 May 1924. DFA D.3238 NA.
65. See text to notes 11 and 50.
66. The Free State had accepted that Article 73 had validity in this instance; internal legal advice submitted to Defence in November 1923 stated: 'under Article 73 of the Constitution the Naval Deserters Act 1847, and the Royal Naval Reserve (Volunteer) Act 1859 are in operation in the Saorstat'. (memorandum; 19 Nov. 1923. DFA D.3238 NA). The recent court case (see note 65) had, however, exposed problems which the Colonial Office had already anticipated; as early as August 1923 the latter had been keen to advise Dublin on new legislation; dispatch; Devonshire to Governor-General, 4 Aug. 1923. ADM 1/8701/137 PRO.
67. Executive Council Minutes; G2/3; C2/16 of 3 Nov. 1923, C2/66 of 15 Mar. 1924. NA. Dispatch; Governor-General to Thomas, 13 May 1924. DFA D.3238 NA. The Council took great care over the wording of a formal reply; the draft approved, in principle, in November, was further approved in March 1924, subject to vetting by the Attorney General. The Article 6 conference related to the Treaty (see Appendix 1).
68. Dispatch; Lambert (for Thomas) to Governor-General, 5 Sept. 1924. ADM 1/8701/137 PRO.
69. Memorandum; Admiralty to Under Sect., Colonial Office, 24 Jan. 1925. *Ibid.*
70. Colonial Office minute, signed (Tothill?), 15 Jul. 1925; memorandum; Admiralty to Batterbee, Dominions Office, 20 Oct. 1925. *Ibid.* The tone of

the Colonial Office minute suggest that there was support for the Admiralty view within the former. It was also noted that, during the 1st World War, three times the number of Irish reservists failed to report than elsewhere. The Admiralty reply, though some three months later, seems to have been in direct response to this supportive missive.

71. Leo Amery Diaries; original MS (Courtesy of Julian Amery M.P.), Volume for 1925, entries for 24 Jan. and 30 Jan. 1925. Amery felt that his meeting with Healy on the 24th did 'a good deal of good' for his own image. Similarly, after meeting Keating on the 30th, he noted that the latter had 'been putting the good word about in Ireland on my behalf and tells me that all I have done so far has created a very favourable impression'. The text quote is from the earlier meeting. Following the ambivalent attitudes of Devonshire and Thomas, Amery's determination to please was both extraordinary and significant. (Note; the published diaries contain no entries for these dates).
72. Memorandum; Under Sect., Colonial Office to Sect., Admiralty, 26 Jun. 1925. ADM 1/8701/137 PRO. This noted Amery's personal views regarding previous Admiralty correspondence.
73. The review, dated June 1925, is untitled excepting the general file title 'Reservists Resident in the Irish Free State'; it bears no signature, only the stamp 'Colonial Office'. *Ibid.*
74. The said unified coastal defence system, was in fact in line with agreements reached with the principal Dominions at the 1923 Imperial Conference. For further details of this, and of the Free State's preparations for the 1926 Treaty Conference, see Chapters 7 and 8 of this thesis. As to the Admiralty and Fishery Protection, see Chapter 5, text to notes 18-24.
75. Memorandum; Dominions Office to Robertson, Admiralty, 15 June 1926. ADM 1/8701/137 PRO. Though written some nine months later, this is the only found source confirming that the conference took place. It mentions that no action was taken due to the absence of certain Dominions Office and Treasury officials, but the intimation, given the time lapse, is that this excuse stood in place of any inter-departmental agreement on this issue.
76. Memoranda; Dominions Office to Robertson, Admiralty, 15 Jun. and 13 Jul. 1926. *Ibid.* The Free State's formal response had been given on 13 May 1924; no record of a holding reply by the Dominions Office has been traced.
77. Memorandum; Woodburn, Treasury to Robertson, Admiralty, 22 Jun. 1926. *Ibid.*
78. Dispatch; Amery to Governor-General, 17 Sept. 1926. DFA D.3238 NA. At approximately this time, an Admiralty minute noted: 'matter dropped'. (unsigned, prob. Sept. 1926). ADM 1/8701/137 PRO. See also note 79.

79. Roskill, *Naval Policy*, vol.1, p.112, gives the misleading impression of general Anglo-Irish co-operation in naval matters at this time, based on a single reference to naval reservists. He cites an Irish reply to the dispatch of 17 Sept. 1926 (see note 78), though this was not traced in either the cited ADM 1/8701/137 record, or the corresponding National Archive file (DFA D.3238). It is probable, seeing that Roskill refers to Amery as being First Lord of the Admiralty at the time, that he is actually referring to the formal 1924 reply to the Colonial Office. (See text to note 67). Given, as stated, that events had moved on, the time difference is significant.
80. *Parl. Deb. Commons*, vol.185, col.1276 of 23 Jun. 1925.
81. A study tour report by two British officers, in 1925, was revealing: ('Report on a visit to British Garrisons in Ireland' (Jun./Jul.1925) WO 32/5325 PRO). Though Anglo-Free State Army relations were seen as poor, the position at Cobh (Queenstown) was double-edged. Mjr-General Brennan, C.O. Southern Command, Cork, was said to be keen to study the British officer system at first hand, and was concerned for the 'standard of education and intelligence' of his own junior officers. The quest to enlist ex-British Servicemen had, however, caused grave frictions within existing structures in the 1923-4 period; see Lee, *Ireland*, p.101.
82. Though Canning, *British Policy*, p.182, uses the training of Irish officers in Britain as an example of co-operation, it should be noted that the Free State was equally as keen to learn from other military disciplines, particularly that of the U.S. There was, however, some concern for London's reaction to this non-dependency policy; Executive Council Minutes; G2/4; C2/214 of 17 Aug. 1925. NA.
83. Memorandum; War Office to G.O.C. in C., Ireland, 28 Aug. 1922. CO 739/11 PRO.
84. *Parl. Deb. Commons*, vol.154, cols.1884-5 of 30 May 1922, and col.2165 of 31 May 1922. British officers were always armed when on duty in Ireland, but not when on leave. This became official policy in February 1923; at the same time, War Office firearm permits were made available for Free State inspection. Dispatch, plus enclosures, Devonshire to Governor-General, 19 Feb. 1923. D/T S.2087 NA.
85. Memoranda; Cope to Sect., Provisional Government, 14 Sept. 1922; Sect., Provisional Government to Cope, 18 Sept. 1922. D/T S.1741 NA.
86. Executive Council Minutes; G2/4; C2/144 of 7 Nov. 1924, and C2/222 of 23 Oct. 1925. NA.
87. Letters and memoranda; Whiskard to O'Hegarty, 30 Apr. 1925; Sect., President's Office to Gen., the Rt. Hon. Sir Bryan Mahon, 25 Jun. 1925; Whiskard to O'Hegarty, 4 Aug. 1925; Batterbee, Dominions Office, to

O'Hegarty, 19 Oct. 1927. D/T S.4405 NA.

88. This argument was used by the War Secretary, Worthington-Evans, in the Commons. *Parl. Deb. Commons*, vol.185, col.1276 of 23 Jun. 1925.
89. *The Morning Post*, 4 Jun. 1925.
90. Memorandum; Whiskard to O'Hegarty, 11 Jun. 1925. D/T S.1741 NA.
91. Though there was no suggestion, by any post-1922 British Administration, that the ROIA still held force in the Free State, there was a notable reluctance to repeal the Act, especially as it helped maintain British military presence in the North. The Talbot Committee, warranted in July 1923, was remitted only to review the provisions of the Act, not the Act itself. See Chapter 5, note 16, and Chapter 6, note 25.
92. Memorandum; Whiskard to O'Hegarty, 17 Jun. 1925. D/T S.1741 NA. General Cameron's report was enclosed with this correspondence, and is referred to, though the same is now missing from the file. There is no evidence of any official Free State reply on this subject. To query General Cameron's position is fair comment; he was not simply an agent of the War Office, and his political subordination to the N.I. government was at times apparent; see Farrell, *Arming Protestants*, p.129.
93. *Parl. Deb. Commons*, vol.185, col.264 of 16 Jun.1925 and cols. 1275-6 of 23 Jun. 1925.
94. See Chapter 6, Section 1, of this thesis. The British government was about to sanction a Landing agreement (August 1925) with the Free State, which would affect the status of all British forces.

Notes to Chapter 5: THE SPOILS OF WAR

1. Memorandum; Sect., Admiralty to Sect., Cabinet, 8 Dec. 1921. CAB 21/245 PRO.
2. *Ibid.*, it was noted that the Admiralty's argument stemmed from communication with Cabinet in September/October 1921, regarding essential requirements of Treaty wording.
3. *Parl. Deb. Commons*, vol.156, cols. 826-7 of 10 Jul. 1922.
4. Telegram; Loughnane to Curtis, 30 Oct. 1922. CO 906/22 PRO.
5. Memorandum; Smith, Colonial Office (P.U.S.) to Sect., Provisional Government, 9 Nov. 1922. D/T S.1980 NA. Note that this was, probably, the first official acknowledgement of Irish territorial waters.
6. See Chapter 3, text to notes 68-71 in particular.
7. Cipher telegram; S.N.O. Haulbowline to Admiralty, 21 Dec. 1922. CO 739/3 PRO.
8. Dispatches and memoranda; various; file 'Purchase of Trawlers'. D/T S.1980 NA. For more detailed information on the fate of these trawlers, see Chapter 7, text to notes 8-10.
9. Memorandum; Admiralty to Under Sect., Colonial Office, 8 Dec. 1922. CO 739/3 PRO. This was passed direct to the I.T.C. on 15 Dec. 1922.
10. Extract, conclusions to meetings of the I.T.C. on 19-20 Dec. 1922. *Ibid.*
11. Memorandum; Admiralty to Under Sect., Colonial Office, 'Report on the Present Powers of the Royal Navy in Irish Waters', 11 Jan. 1923. CO 739/19 PRO.
12. *Ibid*; for the most comprehensive account of the Home Rule emergency, see Stewart, A.T.Q., *The Ulster Crisis: Resistance to Home Rule, 1912-14* (London, 1967; paperback edn. (1979) cited in notes).
13. Colonial Office minute, (C.O. file 4870), signed Antrobus, 17 Jan. 1923. CO 739/19 PRO.
14. See Chapter 2, text to footnotes 91-2.
15. For the initial problems with this Act, see Townshend, *British Campaign*, pp.103-5.

16. The R.O.I.A. retained two main benefits for government in the post-1922 period: firstly, its use in serving deportation orders on mainland subjects; secondly, even by the late 1920s the Army in N.I. still wanted it retained for its own security, and this was recognised (Notes of Home Office conference on 4 Feb. 1927 refer - WO 32/5308 PRO). Also, and despite public and private acknowledgement that it had lapsed in this regard, there was the possibility of its further use should a republican coup take place in the Free State. (See Chapter 6, text to notes 25 and 62-69). Under parliamentary pressure, the government set up an inquiry Committee in July 1923 (Talbot Committee) and its belated recommendations were given in August 1924 (Cmd. 2278). Possibly exceeding its remit, the Committee's central recommendation was the repeal of the entire Act, though no further action appears to have been taken. The Act was finally repealed by the Statute Law Revision Act, (Chapter 5) 1953.
17. Telegram; Loughnane to Sturgis, (prob.) 2 Jan. 1923. CO 906/22 PRO. The *Irish Times*, 2 Jan. 1923, reported the incident, and *The (London) Times*, 2 Jan. 1923, also gave brief details.
18. Dispatch; Devonshire to Governor-General, 5 Feb. 1923; notes of meeting, held in London on 12 Apr. 1923. DFA D.2008 NA. These appear to have been Irish, not joint, minutes; no Admiralty equivalent has been found in PRO records.
19. Memorandum; 'Illegal Trawling', Costello to Kennedy, 28 Feb. 1923. U.C.D. Arch; Kennedy Papers, P4/631. Costello was himself to become Attorney General in 1926.
20. Dispatch; Devonshire to Governor-General, 9 May 1923. DFA D.2008 NA.
21. Memorandum; Loingsigh (Lynch) to Sect., Executive Council, 15 May 1923. *Ibid.*
22. Dispatches; Governor-General to Devonshire, 9 Jun. 1923; Devonshire to Governor-General 30 Jun. 1923; Thomas to Governor-General, 21 Jul. 1924. *Ibid.*
23. In early 1923, Fishery Protection patrols were being urged to maintain contact with O.C. Destroyers, Irish Waters, on 'question of Irish unrest'; memoranda; Marrack, Admiralty 2 Feb. 1923, and 'Orders for Destroyers on the Irish Coast', 28 Mar. 1923. ADM 1/8652/253 PRO.
24. Executive Council Minutes; G2/3; C2/94 of 15 May 1924. NA.
25. Memorandum; Milnave, Vice Regal Lodge, to Mulcahy (with agenda enclosure) 4 Dec. 1923; letter; Cosgrave to Kennedy, 6 Dec. 1923. U.C.D. Arch; Kennedy Papers, P4/493 - 1 to 5. Mulcahy's meeting with the Admiralty, in London, was arranged for 10 December. It was expected to be

- 'a preliminary discussion on principles', with details to be worked out in subsequent correspondence.
26. Executive Council Minutes; G2/4; C2/164 of 27 Jan. 1925, C2/232 of 12 Dec. 1925. NA. Tentative agreement had been reached in a meeting with Hankey, as Chairman of the CID, on 17 Jun. 1924, though points related only to Irish actions and personnel in wartime.
 27. Colonial Office Minutes (file 21063) signed by Antrobus, 27 Apr. 1923. CO 739/23 PRO. The file originated from the War Office.
 28. Memorandum; War Office to Under Sect., Colonial Office, 26 Apr. 1923. *Ibid.*
 29. Dispatches; Devonshire to Governor-General, 11 May, 30 Jul., 7 Sept. and 8 Dec. 1923, Thomas to Governor-General, 2 Jun. 1924; memoranda; Dept. of Finance to Attorney General, 6 Dec. 1923 and Aug. 1925. D/T S.3049 NA.
 30. See Chapter 6, text to notes 40-47.
 31. Dublin by-election speech of 15 Oct. 1923, quoted in *The (London) Times*, 16 Oct. 1923.
 32. Memorandum; marked 'War Department', undated but probably early Sept. 1922. CO 739/11 PRO. It was prepared as background material for a bi-lateral meeting on 22 Sept. 1922 (see note 51). A precise rental figure is given, though General Macready had quoted a higher figure in correspondence with Collins; memorandum, Macready to Collins, 10 Feb. 1922. U.C.D. Arch; Kennedy Papers, P4/275 - 3 and 4.
 33. Details given in dispatches; Devonshire to Governor-General, 29 Jan. and 5 Feb. 1923; Governor-General to Devonshire, 5 Apr. 1923. D/T S.1972 NA.
 34. The only specific reference to this February agreement is contained in a memorandum; Treasury to Sect., Finance Dept., Dublin, of Sept. (no date) 1923 (CO 739/23 PRO), though Macready forwarded a preparatory memorandum; Macready to Collins 'W.O. Properties in Ireland - Transfer to Irish Free State' on 10 Feb. 1922. U.C.D. Arch; Kennedy Papers, P4/275 - 3 and 4. Macready would have been in constant communication with Collins during this period.
 35. Memorandum; C. in C. Western Approaches to Sect., Admiralty, 3 May 1922. CO 739/3 PRO. The C. in C. confirmed that he had been attempting personal contact with Collins since 20 March.
 36. *Ibid.*

37. Memorandum; Sect., Admiralty to Sect., P.G.I. Committee, 8 May 1922. CO 739/3 PRO.
38. See Chapter 2, text to notes 96-98, and Chapter 3, text to notes 44-45.
39. The Admiralty's decision on Haulbowline, and expectations of transfer had been confirmed to the P.G.I. Committee in January 1922; memorandum; Admiralty to Sect., P.G.I. Committee, 'Points of Naval Interest for Settlement with the Temporary Provisional Government', 21 Jan. 1922. CAB 21/245 PRO. The Admiralty's version of Collins's commitment is noted in a memorandum (extract), 'Agenda for Financial Conference', prob. Dec. 1922. CO 739/3 PRO.
40. Memoranda; Treasury to Whiskard, Colonial Office, 5 Dec. 1922; (extract) 'Agenda for Financial Conference', prob. Dec. 1922. CO 739/3 PRO. Little information on the overall valuation has been obtained; the valuation of £12m (for 1923) is given by Brunicardi, N., *Haulbowline, Spike and Rocky Islands* (Cork, 1982), p.29.
41. See Jones, *Diary*, vol.3, pp.219-20.
42. Quoted in Fanning, R., *The Irish Department of Finance 1922-58*, (Dublin, 1978), p.134. Also pp.127-8 refer.
43. *Dail Deb.*, Private Session of Second Dail 1921-2; Reports and Debates, Append.14 'Mr. Barton's notes of the two Sub-Conferences held on December 5th/6th, at 10 Downing Street.' Referring to 'Admiralty property and rights', Churchill apparently noted that transfer of dockyards did not imply a demand for compensation, to which Lord Birkenhead added that the Crown could not demand payment from Crown representatives, as such.
44. Memorandum; Sect., Admiralty to Sect., P.G.I. Committee, 3 Oct. 1922. CO 739/3 PRO.
45. See Fanning, *Department of Finance*, p.137 and 164, plus Chapter 4 in general.
46. *Ibid.*, p.126 and 169.
47. Memorandum; Sect., Defence Dept. to Sect., Executive Council, 12 Mar. 1923. D/T S.2039 NA.
48. Memorandum; Minister of Defence to President's Office, 21 Feb. 1923. D/T S.1972 NA.
49. *Sinn Fein*, 9 Feb. 1924.

50. Dispatches; Devonshire to Governor-General, 1 Jan. 1924; Governor-General to Devonshire, 24 Jan. 1924. D/T S.3508 NA. For a general 17th-20th history of Haulbowline and Cobh area, see Brunicardi, *Haulbowline*.
51. Memorandum; 'Notes of Conference held at the Offices of the Treasury Remembrancer', 22 Sept. 1922. CO 739/11 PRO. The Irish side comprised T.K. Bewley, Mr. Gorman and Mr. Cassidy. It was possibly significant that Cosgrave, also Minister of Finance at this time, did not attend.
52. Memorandum; Bewley to Waterfield, 26 Sept. 1922. *Ibid*.
53. *Ibid*. For an assessment of Bewley in Dublin, see Fanning, *Department of Finance*, p.43.
54. Memorandum, Waterfield to Bewley, 3 Oct. 1922. CO 739/11 PRO.
55. Memorandum; marked 'War Department', undated but probably early Sept. 1922. Prepared as briefing to the September meeting in Dublin. *Ibid*.
56. The main points of the signed agreement are reiterated in a Treasury memorandum of Oct./Nov. 1923 (F.5051/08), copied to the Colonial Office. It is also referred to in a memorandum; Creedy (War Office) to Under Sect., Colonial Office, 7 Feb. 1923, which notes 'misgivings' on Cosgrave's undertaking. CO 739/23 PRO.
57. Memoranda; Waterfield to Cosgrave, 16 Nov. 1922; Waterfield to Sturgis, 27 Nov. 1922. CO 739/11 PRO. Though Sir John Anderson became Permanent Under Secretary, Home Office, in 1922, it seems he retained some of the 'pro-consular' authority on Irish legal/financial matters achieved when he was Under Secretary at Dublin Castle from 1920. See Fanning, *Department of Finance*, pp.11-12.
58. Memorandum; Creedy to Curtis, 18 Nov. 1922. CO 739/11 PRO. Such basic errors were unusual, and telling of the War Office's sensitivity on this issue.
59. Memorandum; Waterfield to Sturgis, 27 Nov. 1922 (as per note 57). *Ibid*.
60. Memorandum; Creedy to Curtis, 18 Nov. 1922. *Ibid*.
61. Memorandum; Col. Evans, British G.H.Q. to Chairman, Provisional Government, 30 Mar. 1922. D/T S.2983 NA. The British had requested help for a threatened landlord, to no apparent avail. The Mullinger/Simonstown problems were reported in *The (London) Times* of 5 Dec. 1923. Land agitation surrounding the civil war is further covered by Hopkinson, *Green Against Green*, p.90-91 and p.222. The general consequences for the Free State government are succinctly expressed by Foster, *Modern Ireland*, p.513.

62. Memorandum; Treasury to Sect., Dept. of Finance. poss. Sept. 1923. CO 739/23 PRO. A reminder of the outcome of the June meeting was given as part of the renegotiations on property transfers (see text to following note 63). The British government clearly had no intention of amending the Defence of the Realm (Acquisition of Land) Acts of 1916 and 1920, under which much of the land was probably acquired.
63. *Ibid.*
64. Memorandum; Whiskard to Waterfield, 29 Sept. 1923. CO 739/23 PRO.
65. *Ibid.*
66. Treasure memorandum (F.5051/08), prob. Oct./Nov. 1923, copied to Colonial Office. *Ibid.*
67. Memorandum; Waterfield to Whiskard, 15 Nov. 1923. *Ibid.*
68. See Fanning, *Department of Finance*, pp.169-74.
69. See Gilbert, *Churchill*, vol.5, pt.1, pp.609-10 (Irish Boundary Commission: notes of Conference, 2 Dec. 1925). Cosgrave was responding to Churchill's concern for British obligations to the National Debt.
70. *Dail Deb.*, vol.6, col.1521 of 14 May 1925.
71. I am indebted to P.G. Davis, Deputy Librarian, House of Lords, for his specialist assistance in trying to trace legal/legislative reference to War Office property in the South after 1922: Letter; P.G. Davis to author, 9 Dec. 1991.

Notes to Chapter 6: THE TREATY PORTS - SENTINELS OR SYMBOLS?

1. *The (London) Times*, 17 Feb. 1925, reporting a speech on constitutional status made by Blythe the previous day.
2. The Boundary crisis has been extensively covered by historians and biographers of the period. For a textual guide to Irish perceptions, see Lee, *Ireland*, pp.141-150, and for British policy see Canning, *British Policy*, chapters 6-7. For the definitive account of the Boundary Commission's deliberations, see Hand, G.J., (ed.) *Report of the Irish Boundary Commission 1925* (Shannon, 1969).
3. In her comprehensive account of the Army crisis, Valiulis, *Rebellion*, is (persuasively) sympathetic of Mulcahy's actions. See also Lee, *Ireland*, p.101 on the wider misquoting.
4. Despite previous accounts of this incident (e.g. Bell, J., Bowyer, *The Secret Army: A History of the IRA, 1916-70* (London, 1970), p.47, the most revealing evidence on IRA planning is given by MacEivilly, M., 'Sean MacBride and the Republican motor launch *St. George*', *Irish Sword*, 16 (1984), p.51. It is evidenced that Republic G.H.Q. did authorise the attack, though one of General O'Duffy's confidential reports to Cosgrave, of 11 Apr. 1924 (D/T S.3693 NA), noted that the '1st Cork Brigade' did not recognise their G.H.Q. at this time. It would seem that the editorial comment of Middlemas (Jones, *Diary*, vol.3, p.226, note 1) on 'dissident Free State soldiers' being responsible, is inaccurate.
5. Kennedy, the Attorney General, suggested to Cosgrave that the British press would demand such a condemnation; note; Kennedy to Cosgrave, 24 Mar. 1924, U.C.D. Arch; Kennedy Papers, P4/579. MacSwiney and David Kent sent joint telegrams to several organs, including the *Cork Weekly Examiner* 29 Mar. 1924, (re quote). Their response was also noted in *The (London) Times*, 24 Mar. 1924.
6. Letter; MacDonald to Cosgrave, 26 Mar. 1924. D/T S.3693 NA.
7. Letter; Thomas to Cosgrave, 26 Mar. 1924, *Ibid*. Quote taken from Thomas's statement to the House on the incident; *Parl. Deb. Commons*, vol.171, col.943 of 24 Mar. 1924.
8. MacEivilly, 'Sean MacBride', p.51 (n) is specific that there was no retaliation.
9. Inquiry Report; signing officer, A.W.H. Heywood, Lt. Col. R.A., South Irish Coast Defences, 28 Mar. 1924. D/T S.3693 NA. This Inquiry was not extensive, consisting largely of shore party statements. It is not clear how, or when, the President's Office received a copy.

10. *Cork Weekly Examiner*, 29 Mar. 1924. Rather than suspect bias, it is notable that the reporting tone of the primary incident was, at local level, to understate events.
11. Memorandum; President's Office to Sect., Dept. of Finance, prob. 14 Jun. 1924. D/T S.3693 NA. O'Duffy's report was quoted or paraphrased, with explicit approval, for the information of Finance.
12. This much is known from a letter reply, Curtis to McNeill (undated, but between 28 March and beginning of June, 1924). *Ibid.* It is solely concerned with the second incident. See also note 14.
13. *The (London) Times*, 17 Feb. 1925, quoting a previous day speech by Ernest Blythe on the effects of the Cobh incident.
14. Letter, Curtis to McNeill (undated, but between 28 March and the beginning of June, 1924). D/T S.3693 NA. It is possibly significant that the letter is undated; if later than 2 April then Curtis would have had personal knowledge that the Inquiry evidence was probably fabricated. The thesis text allows for the necessary benefit of doubt (see text to note 16).
15. Memorandum; President's Office to Sect., Department of Finance, prob. 14 Jun. 1924. *Ibid.*
16. Memoranda; Curtis to Loughnane, 31 Mar. 1924; Loughnane to Curtis, 2 Apr. 1924. CO 739/26 PRO.
17. *Parl. Deb. Commons*, vol.171, cols.942-945 of 24 Mar. 1924.
18. Memorandum; Admiralty to Whiskard, Colonial Office, 25 Mar. 1924. CO 739/26 PRO. It is stated that this was in connection with Davison's questions.
19. See Canning, *British Policy*, pp.178-9.
20. Memoranda; War Office report on troops 'quartered' in the Free State, 24 Apr. 1924; Admiralty résumé of Treaty obligations and Fleet placements in Irish waters, undated, but prob. late March, 1924. CO 739/26 PRO.
21. See Canning, *British Policy*, pp.87-89. Canning encapsulates the overall negativity towards the South.
22. Though Thomas did display even-handedness on Ireland, in 1924 (see Chapter 4, text to note 50), there is little evidence that Dublin trusted in his jingoistic conservatism or his 'genuine sympathy for the Irish people' (Canning, *British Policy*, p.88). Lionel Curtis became upset that Thomas was 'under Craig's thumb', and that it was Craig who 'carries most weight in Whitehall'. (Jones, *Diary*, vol.3, p.231).

23. *Parl. Deb. Commons*, vol.171, col.945 of 24 Mar. 1924.
24. *Ibid.*, for the two given references (respectively) see vol.172, col.1113 of 15 Apr. 1924, and cols.892-894 of 12 May 1924. *The (London) Times* noted frequent Commons questions on the incident, covering the period March-October 1924, and to February 1925 in the Lords.
25. *Parl. Deb. Commons*, vol.171, cols.2427-8 of 3 Apr. 1924. The Talbot Committee did report in August 1924 (Cmd. 2278), though its main recommendation, of repeal of the Act, was not acted upon (see also Chapter 5, note 16).
26. Executive Council Minutes; G2/3; C2/55 of 26 Feb. 1924. NA.
27. *The (London) Times*, 23 Jan. 1925.
28. Memoranda; G.O.C. Army to President, 11 and 22 Apr. 1924. D/T S.3693 NA.
29. *The (London) Times*, 29 Oct. 1924, noted the arrest of seven men, though remarked that none were among the names being sought earlier in the year. MacEvilly, 'Sean MacBride', p.51, notes the names of the actual assailants and their fate.
30. Executive Council Minutes; G2/4; C2/148 of 1 Dec. 1924. NA. *The Morning Post*, 13 Nov. 1924, had accused the Free State government of incompetence and complicity over the Cobh tragedy, in regard to the release of suspects.
31. Fanning, R., *Independent Ireland* (Dublin, 1983), pp.85-6, notes the general sensitivity of the Free State government to the British presence, and the fact that there was no advantage, electoral or otherwise, in bringing this to public attention. de Valera was, seemingly, prepared to allow Cosgrave to stew over the Cobh question, without making recorded utterance.
32. Ciphers; G.O.C. N.I. Dist. (Cameron) to War Office, 22 Mar. 1924; War Office to G.O.C. N.I. Dist., 23 Mar. 1924; telegram, Whiskard to Loughnane, 24 Mar. 1924. CO 739/26 PRO.
33. Telegrams; Admiralty to C. in C. Devonport, 22 Mar. 1924; C. in C. Devonport to Admiralty, 23 Mar. 1924. *Ibid.*
34. Letter; Thomas to Cosgrave, 26 Mar. 1924. D/T S.3693 NA.
35. Memorandum; G.O.C. Army to President, 28 Mar. 1924. *Ibid.*
36. Memorandum; G.O.C. Army to President, 22 Apr. 1924. *Ibid.*

37. Executive Council Minutes; G2/3; C2/85 of 25 Apr. 1924. NA. The agenda item was solely concerned with this Section 'C' of O'Duffy's 'Report on the Army Situation' - No.3 of 21 Apr. 1924.
38. *Ibid.*
39. O'Higgins's concern for the lapsing of the 1923-4 Public Safety Acts, was stated in his First Reading introduction of the Bill (*Dail Deb.*, vol.10, cols.117-118 of 11 Feb. 1925). For O'Higgins's relationship with O'Duffy, see Lee, *Ireland*, p.104 (re quote), and White, T. De Vere, *Kevin O'Higgins* (London, 1948; paperback edn. (1986) cited in notes), p.232.
40. First Reading, introduction to Dail; *Dail Deb.*, vol.10, cols.117-118, of 11 Feb. 1925.
41. See Bell, *Secret Army*, p.49, and Macardle, D., *The Irish Republic: A Documented Chronicle* (London, 1937; paperback edn. (1968) cited in notes), p.804.
42. Dail Second Reading; *Dail Deb.*, vol.10, cols.283 and 293-4 of 18 Feb. 1925.
43. All five stages of the Bill (Feb.-Apr.1925) are contained in *Dail Deb.*, vol.10 (excepting Seanad return notification; vol.11); no reference to external (i.e. Britain and Northern Ireland) effects was found. *The (London) Times*, 16, 17 and 20 Feb. 1925, noted only the text of the Bill, and opposition and republican reactions.
44. Letter and enclosure order; Amery to Healy, 28 Aug. 1925. D/T S.4593 NA. An unresolved point, is that Amery refers only to Section 7 of the Act, whereas it would seem that Sections 4 and 8, dealing with pretended military and police actions and unauthorised military exercises and drill (respectively), were most relevant to the Admiralty order.
45. Dispatch; Governor-General to Amery, 23 Feb. 1926; memoranda; Attorney General's Office to President's Office, 29 Jan. and 12 Feb. 1926. *Ibid.*
46. Memoranda; Admiralty to Sect., CID 'Imperial Defence Requirements' (IT(26)-3), 24 Aug. 1926; Sect. of State for War to Sub-Committee, CID, 'Requirements of the Army Council under Article 7 of the Treaty', 14 Oct. 1926. CAB 16/70 PRO.
47. See Chapter 5, text to notes 27-29.
48. Contrary to the impression gained from the published diaries (Barnes, B. and Nicholson, D. (eds.), *The Leo Amery Diaries, Volume 1: 1896-1929* (London, 1980), p.417, Amery's original MS entry for 4 Aug. 1925 does indicate that the visit to Dublin (4-7 Aug.) had greater purpose than a trip to the Dublin

- Horse Show. He notes the political success of his relations with Cosgrave and O'Higgins, which were 'very useful in subsequent negotiations and paved the way for the success of the 1926 [Imperial] conference'. (Amery prepared these particular entries in 1949-50, from contemporary notes).
49. 'Report on a visit to British Garrisons in Ireland' (23 Jun. - 2 Jul. 1925). Quoted in Section: 'General-Queenstown and Bearhaven' [sic]. WO 32/5315 PRO.
 50. Dispatches and enclosures; Amery to Governor-General, 8 Nov. 1924, 27 Jun. and 21 Aug. 1925. D/T S.4141 NA.
 51. Dispatches; Thomas to Governor-General, 26 Sept. 1924; Governor-General to Thomas, 20 Oct. 1924. DFA D.4066 NA.
 52. See Chapter 4, text to notes 88-93.
 53. Memorandum; Adj., South Irish Coast Defences, to Cmdt. Scott, Southern Command, 1 Nov. 1924. Military Arch; RM8/E, Box 2/CDA 3. 'Coast Defence (Artillery)'. NA.
 54. Memoranda; G.O.C. Southern Command to C.O.G. Kilmainham, 7 Oct. 1924; Chief of Staff to G.O.C. Southern Command, 18 Jan. 1925; Adj., Southern Command to O.C. Spike Island, Oct. 1925 (no date). *Ibid.*
 55. 'Report on a visit to British Garrisons in Ireland', (23 Jun. - 2 Jul. 1925) WO 32/5315 PRO. The main body of the report was compiled by Lt. Col. Crerar, with assistance from Mjr. Grove-White.
 56. Report headings 'General Organisation' and 'Bearhaven [sic] Defences'. *Ibid.*
 57. Report headings 'Northern Ireland District' (Lough Swilly), 'Relations with the Irish Free State' (Berehaven), ditto (Queenstown). *Ibid.*
 58. Report heading 'General-Queenstown and Bearhaven [sic]'; file minute (79/Home/276) of D.M.O. & D., 11 Aug. 1925; memorandum; G.O.C. in C. Western Command to Under Sect., War Office, 20 Oct. 1925. *Ibid.*
 59. Memorandum; G.O.C. in C. Western Command to Under Sect., War Office, 20 Oct. 1925. *Ibid.*
 60. File minute (79/Home/276) of D.M.O & I., 6 Aug. 1925. *Ibid.*
 61. The point to emphasise is that it would take over ten years before British policy, in 1935-6, was finally to note the implications of such pragmatic warnings. See Canning, *British Policy*, p.184, and McMahon, *Imperialists*, pp.172-3.

62. What follows is an elucidation of the position as stated by Canning, *British Policy*, pp.91-2.
63. Memorandum; (by Curtis) 'An Appreciation of the Present Political Situation in Ireland', 9 May 1924; General Staff 'Note on the Colonial Office memorandum on Ireland', 11 Jun. 1924. The approval of the C.I.G.S. was noted in a memorandum, Stuart to Hankey, 13 Jun. 1924. CAB 21/281 PRO. Canning, *British Policy*, pp.91-2, cites only the logistical requirements for the North and Border. For the Northern Ireland British military views on the 1924 contingencies, see Farrell, M., *Arming Protestants*, pp.228-30.
64. Canning, *British Policy*, p.92.
65. Memorandum; Whiskard to Hankey, 9 Jul. 1924. CAB 21/281 PRO. Whiskard recounts Hankey's recent conversations with Thomas.
66. Memorandum; (by Curtis) 'An Appreciation of the Present Political Situation in Ireland', 9 May 1924. *Ibid.*
67. Memorandum; Whiskard to Hankey, 28 Jul. 1924. *Ibid.*
68. *Ibid.* It seems that Whiskard believed this to be a final assessment, and he requested distribution; though whether inter-departmental or to Cabinet was not made clear.
69. Memorandum; Chief of Staff to Minister for Defence 'Landing of Foreign Forces in Saorstát', 11 Jan. 1927. Military Arch; File 21, Box 2/CDA 3. NA.
70. Memorandum; Mulcahy to Sect., Dept. External Affairs, 9 Nov. 1925. DFA GR.745. NA.
71. The recent history of the Flag Station, and authorising instruments for saluting practice, was noted in a Defence Department memorandum, 27 Jun. 1927. D/T S.5474. NA.
72. Telegram; High Commissioner, London to Estero, Dublin [External Affairs], 24 Jul. 1925; letter, Fitzgerald to H.C. (High Commissioner), 29 Jul. 1925. U.C.D. Arch, Fitzgerald Papers, P80/952-2. Free State government material on this issue is otherwise contained in file D/T S.5474 NA. See also Chapter 7, note 16.
73. The recent history of the Flag Station was given in a Defence Department memorandum, 27 Jun. 1927. D/T S.5474. NA.
74. *Ibid.*

75. Both the Imperial Conference and later Technical Conference are reviewed in Chapter 8 of this thesis. For further reflections on defence and the Imperial Conference, see Roskill, *Naval Policy*, vol.1, pp.464-6; ; Roskill, S., *Hankey: Man of Secrets. Volume 1 1919-1931* (London, 1972) p.426; Amery, L.S., *My Political Life*, vol.2 (London, 1955) p.383; Mansergh, *External Policy*, pp.125-6.
76. A Defence Department memorandum, 27 Jun. 1927, giving a history of the Cobh Flag Station, and a report for further action, was forwarded to the Sect., Executive Council, the same day. D/T S.5474 NA.
77. A file minute by McDunphy (Asst. Sect. to President's Office), 28 Sept. 1927, notes this decision 'arrangement' between himself, Hughes and Mr. Cassidy of Defence. *Ibid.*
78. Memorandum; C. in C. Plymouth to Sect., Admiralty, 27 Jan. 1929. ADM 1/8737/100 PRO. By 'Irish Flotilla' the C. in C. meant the standard three destroyer Patrol.
79. See Chapter 8, text to note 76.
80. Defence Dept. memorandum, 25 Jan. 1928, distributed to all members of the Executive council, Council Secretariat and to the Attorney General. DFA EA.276 NA.
81. *Ibid.*
82. Memorandum; Asst. Sect., President's Office to Minister for Defence, 20 Mar. 1928. *Ibid.*
83. Memorandum; as per note 80. *Ibid.*
84. *Cork Weekly Examiner*, 2 Feb. 1924. Letter; R. Sullivan, Hon. Sect., Berehaven Improvement Committee, to D. Fitzgerald, Minister for External Affairs, 25 Mar. 1931. DFA GR.1598 NA. The *Irish Times*, 30 Mar., 2 Apr. 1931. The *Irish Times* initially supported the campaign, but then backtracked.
85. Official Diary, H.M.S. *Seawolf*, entry for w/e 12 Feb. 1929. ADM 1/8737/100 PRO. The entry referred to a report in the *Cork Examiner*, 11 Feb. 1929.
86. Memorandum; Asst. Sect., President's Office to Minister for Defence, 20 Mar. 1928. DFA EA.276 NA.
87. Memorandum; S.A. Roche, Dept. of Justice to President's Office, 27 Aug. 1927. DFA EA.268 NA.

88. The regard British politicians held for O'Higgins has been well documented; see Amery, *Political Life*, vol.2, pp.392-3; Harkness, *Restless Dominion*, p.87 and 114; Canning, *British Policy*, p.49 and 111.
89. Memorandum; President's Office to Sect., External Affairs, prob. between 27-30 Aug. 1927. DFA EA.268 NA.
90. Memorandum; Sect., External Affairs to High Commissioner, London, 30 Aug. 1927. *Ibid.*
91. Memorandum; Sect. of State for War to Sub-Committee of CID [Article 6 of Treaty Sub-Committee], 'Requirements of the Army Council under Article 7 of the Treaty', 14 Oct. 1926. CAB 16/70 PRO.
92. Garda reports, Letterkenny, 10 Oct. 1929, 21. Oct. and 24 Nov. 1930. Memoranda; Dept. of Justice to Sect., External Affairs, 24 Dec. 1930; High Commissioner, London to Sect., External Affairs, 24 Feb. 1931. DFA GR.1517 NA. The incident involved the armed hijacking of a bus taking Londonderry girls to a garrison dance at Lough Swilly. As a result of such incidents, the dances were soon suspended.
93. Memorandum; High Commissioner, London, to Sect., External Affairs, 15 Sept. 1927. DFA EA.268 NA.
94. Memorandum; G.O.C. Northern Ireland District to Under Sect., War Office, 10 Sept. 1927. *Ibid.*
95. Memorandum; Sect., External Affairs to Sect., President's Office, 13 Dec. 1927. *Ibid.*
96. Executive Council Minutes; G2/5; C2/268 of 1 Jun. 1926. NA.
97. Although, as Minister for Commerce and Industry, McGilligan may have had a direct interest in this subject, it seems that from 1926 he was gaining influence in External Affairs; he took on both posts officially in October 1927. For details of his broad-based career, see Harkness, D., 'Patrick McGilligan: Man of Commonwealth', *Journal of Imperial and Commonwealth History*, 8 (1979) 1.
98. Dispatch; Amery to Governor-General, 6 Apr. 1926; memorandum; McGilligan to Sect., External Affairs (?), 15 Apr. 1926. DFA GR.756 NA.
99. Minute; Sect., External Affairs, 21 Apr. 1926. *Ibid.* McGilligan withdrew his objections after consultation with the Attorney-General.
100. See text to note 45.

Notes to Chapter 7 : THE CONFERENCE THAT NEVER WAS (PART ONE)

1. 'Memorandum on the position in regard to the Coastal Defence of Ireland created by Article 6 of the Treaty of 1921', 31 Mar. 1926; signed Peadar MacMathghamna (MacMahon), Lt. Gen., Chief of Staff. D/T S.4978 NA.
2. Memorandum; Brady to Cmdt. Gen. Vize, 27 Jul. 1922. Military Arch; File 21, Box 2/CDA 3. NA. Brady was replying to a seemingly specific inquiry from Vize (missing), though the latter may only have been exploring an approach that Brady had made to the 'Minister of Economics' in January 1922 (on the subject of an Irish Free State Marine).
3. Memoranda; legal opinion of Kennedy, dated 13 Mar. 1922, enclosed with correspondence, Sect., External Affairs to O'Hegarty, London, 26 Apr. 1927. D/T S.4978 NA. See also Chapter 8, text to note 60.
4. See Chapter 5, text to notes 2-3.
5. See Chapter 5, text to notes 4-8, 18-22.
6. Memorandum; Dept. of Defence to Sect., Executive council, 25 Sept. 1923. D/T. S.1980 NA.
7. *Ibid.*
8. Memorandum; Sect., Executive Council to President, 5 Oct. 1923. *Ibid.*
9. See Chapter 5, text to notes 18-19.
10. Report summary, 26 Jun. 1925. Military Arch; File S/6/3, Box 2/CDA 3. NA. It is not clear when this 'Interdepartmental Committee on the Limitation of Territorial Waters' was formed, though it may have sprung from the meeting referred to in above text (note 8). Its remit was, in part, drawn from a resolution passed on 14 Oct. 1923 at the Imperial Conference, allowing Dominions to assess their claims on 'territorial inlets'. The Committee had submitted observations to the Conference without apparent dissent from London. No records of these matters has been traced in the Summary (and Appendices) of Proceedings of the 1923 Conference (Cmd. 1987-8).
11. Executive Council Minutes; G2/3; C2/94 of 15 May 1924. NA. (See also Chapter 5, text to note 24).
12. Report summary, 26 Jun. 1925. Military Arch; File S/6/3, Box 2/CDA£. NA. See note 10.

13. Memorandum; Whitmore to Director of Intelligence, 26 Jun. 1925. *Ibid.* Whitmore's style is authoritative, with no suggestion of vague hearsay; he was a member of the inter-departmental committee referred to in text to notes 10 and 12. The court case received publicity in the *Irish News*, 21 Sept. 1923, and *Belfast Newsletter* of Sept. 1923.
14. *Cork Weekly Examiner*, 16 Feb. 1924.
15. Report summary, 26 Jun. 1925. Military Arch; File S/6/3, Box 2/CDA 3. NA. See note 10.
16. The external display of the Tricolour was a sensitive subject throughout the 1920s (see also Chapter 6, text to note 72). The Executive Council first considered the maritime problem, without resolution, in March 1925 (Executive Council Minutes; G2/4; C2/171 of 4 Mar. 1925. NA). It became clear, at the first meeting of the CID Sub-Committee on Article 6, on 13 Jul. 1926, that Britain would insist on the use of the Ensign on Irish vessels (CAB 16/70 PRO). It seems the situation was resolved only after 1931, when Britain exempted the Dominions from the Colonial Laws Validity Act.
17. Memorandum; Adj. Gen. to G.O.C. Forces, 8 Jul. 1924. Military Arch; File R.M.8c, Box 2/CDA 3. NA. The Adjutant General pressed the point because he understood that the government was 'seriously considering' this subject.
18. Memoranda; Capt. J. Johnston to Adj. Gen., 22 May 1925. *Ibid.* 'Memorandum on the Establishment of a NAVAL DEFENCE FORCE', by Capt. J. Johnston, prob. Jul./Aug. 1926. File (no name or number), *Ibid.* See note 19.
19. Johnston's submissions appear of high technical and professional quality; he stated to have served as an R.N. Officer from 1903-19, and from 1910 achieved 'high administrative responsibility'. *Ibid.*
20. Memorandum; 'Memorandum on the position in regard to the Coastal Defence of Ireland created by Article 6 of the Treaty of 1921', signed by McMahon, 31 Mar. 1926. D/T S.4978 NA.
21. *Dail Deb.*, vol.11, col.1528 of 14 May 1925.
22. See Fanning, *Independent Ireland*, pp.67-70. Still useful for background detail to the Defence Council is Keith, *Responsible Government*, pp.997-8. See also note 29.
23. For detailed figures of Defence expenditure, 1922-3 to 1939-40, see Salmon, T.C., *Unneutral Ireland: An Ambivalent and Unique Security Policy* (Oxford, 1989), Table 4.3, p.112.

24. *Dail Deb.*, vol.11, cols.1527-8 of 14 May 1925.
25. *Ibid.*, cols. 1524-5.
26. Fanning, *Independent Ireland*, p.67.
27. *Dail Deb.*, Vol.11, cols.1542, 1563 and 1567 of 14 May 1925.
28. Fanning, *Independent Ireland*, pp.68-69, notes that the Defence Council was 'Inevitably sensitive' to any suggestion that it was trying to frame policy, but notes also that there was a phrasing bias towards a descending order of merit.
29. Schedule 1 of the defence policy is given in: Executive Council Minutes; G2/4; C2/225 of 13 Nov. 1925. NA. Though Fanning, *Independent Ireland*, pp.67-70, also quotes from this schedule, he omits all reference to Article 6 of the Treaty.
30. Schedule 1 is given in: Executive Council Minutes; G2/4; C2/225 of 13 Nov. 1925. NA. See also text to note 29.
31. See Salmon, *Unneutral Ireland*, p.93 and 96.
32. *Ibid.*, p.92.
33. Sexton, *Ireland and Crown*, Conclusion and especially p.174.
34. Fanning, *Independent Ireland*, p.69. It is earlier noted (p.68) of the 1925 policy 'we can see the embryo of what became defence policy in 1938-9'. The inference is clear.
35. *Ibid.*, p.70.
36. *Ibid.*, p.68.
37. Memorandum; 'Memorandum on the position in regard to the Coastal Defence of Ireland created by Article 6 of the Treaty of 1921', signed by McMahon, 31 Mar. 1926. D/T S.4978 NA.
38. *Ibid.*, under sub-heading 'Financial Considerations'.
39. *Ibid.*, under sub-heading 'The Problem of the Moment and the First Steps which should be taken'.
40. *Ibid.*, under sub-headings 'Means of Defence', and 'The Problem of the Moment and the First Steps which should be taken'. There was a stated assumption, throughout this document, that the existing Army structure would control and co-ordinate all coastal defence.

41. Memorandum; 'Memorandum on the Establishment of a NAVAL DEFENCE FORCE', by Capt. J. Johnston, prob. Jul./Aug. 1926. Military Arch; file (no name or number), Box 2/CDA 3. NA. See also notes 3 and 18.
42. Memoranda; Conclusion to 'Memorandum on the position in regard to the Coastal Defence of Ireland created by Article 6 of the Treaty of 1921', signed by MacMahon, 31 Mar. 1926; Sect., Executive Council to Sect., Dept. of Defence, 20 May 1926; 'Coastal Defence - Articles 6 & 7 of the Treaty', Minister of Defence to Sect., Executive Council, 7 Jul. 1926. D/T S.4978 NA. Executive Council Minutes also refer; G2/5; C2/262 of 13 May 1926. NA.
43. Memorandum; Admiralty to Sect., CID, 24 Aug. 1926. CAB 16/70 PRO.
44. Memorandum; 'Retention of Coast Defences in the Irish Free State', Sect. of State for War to Sect., CID, 22 Sept. 1925. *Ibid.* Other points relevant to this document are contained in file DF.10160 'Sub-Committee on Article 6 of the Treaty - File of papers circulated to Sub-Committee'. DO 117/30 PRO.
45. The CID 'Joint Committee of the Home and Oversea Defence Committee' (hereafter 'Joint Committee' in text) was approved on 8 Mar. 1923 (107th meeting of CID), subject to amendments made on 23 Jul. 1923 (175th meeting of CID). A brief history of its deliberations (to date) was given in CID Paper 'Summary of Defence Policy', p.14, Jan. 1926. DO 117/6. PRO.
46. Memorandum; 'Retention of Coast Defences in the Irish Free State', Sect. of State for War to Sect., CID, 11 Sept 1925. CAB 16/70 PRO. See also note 44.
47. Memorandum; 'Retention of Coast Defences in the Irish Free State', Admiralty to Sect., CID, 16 Oct. 1925. *Ibid.*
48. See Chapter 4, Section 3; 'Reservists'.
49. Memorandum and enclosures; Sect. of State for Dominions to Sect., CID, 23 Oct. 1925. CAB 16/70 PRO; Minutes to 204th meeting of CID on 29 Oct. 1925. CAB 2/4 PRO. A condensed and somewhat differing version of events is given by Canning, *British Policy*, p.179.
50. Canning, *British Policy*, pp.181-2.
51. Dispute between the D.O. and F.O. in this period is well documented. For general relations, see Garner, J., *The Commonwealth Office 1925-68* (London, 1978) p.42, and Canning, *British Policy*, p.83 and 112. That the D.O. felt slighted at not being consulted on foreign policy statements was made evident in a D.O. memorandum to Hankey of 5 Mar. 1926. DO 117/6 PRO. For a telling example of Chamberlain's mistrust of both Amery and Ireland, see Chapter 8, text to note 23.

52. Canning, *British Policy*, p.179.
53. Minutes of 1st meeting of CID Sub-Committee on the Irish Treaty Article 6, 13 Jul. 1926. CAB 16/70 PRO.
54. *Ibid.*
55. *Ibid.*
56. Memorandum; Admiralty to Sect., CID, 24 Aug. 1926. *Ibid.* This point, in particular, would tend to add weight to John Darwin's argument that the inter-war constitutional advances of the Dominions were largely illusory, given that their emotional and economic dependency (excepting the Free State) ensured that the 'substance' of the Imperial hold was unchanging; Darwin, J., 'Imperialism in Decline? Tendencies in British Imperial Policy Between the Wars'. *The Historical Journal*, 23,3 (1980), pp.657-79. See also Discussion Chapter, this thesis.
57. See Chapter 5, text to notes 25-26; also Appendix 6.
58. Memorandum; Admiralty to Sect., CID, 24 Aug. 1926. CAB16/70 PRO.
59. Memorandum; 'Requirements of the Army Council under Article 7 of the Irish Treaty', Sect. of State for War to Sect., CID, 14 Oct. 1926. *Ibid.*
60. Minutes of 204th meeting of the CID on 29 Oct. 1925. CAB 2/4 PRO.
61. Memorandum; 'Possibilities of Reduction in the South Irish Coast Defences', signed by Beatty, Milne and Trenchard, 22 Jun. 1926. DO 117/18 PRO.
62. Memorandum; 'Summary of Defence Policy', Jan. 1926 (CID Paper 640B), especially p.15. DO 117/6 PRO; report (proceedings and memoranda) CID 'Imperial Conference (Foreign Policy and Defence) Sub-Committee, 1926', no date but prob. mid-1926. CAB 32/44 PRO. The effects of the Locarno Pact imbued all immediate defence thinking, and were specifically mentioned in the last reference. The Admiralty, for one, had foreseen the consequences of Locarno; see Roskill, *Naval Policy*, vol.1, p.439. See also Ferris, J.R., *The Evolution of British Strategic Policy, 1919-26* (London, 1989), pp.154 and 176-8.
63. Memoranda; 'Summary of Defence Policy', Jan. 1926 (CID Paper 640B), p.17. DO 117/6 PRO. 'Air Policy in Relation to Imperial Defence', no date but prob. mid-1926. CAB 32/44 PRO.
64. As regards attitudes towards the Free State, Locarno was a double-edged sword for Britain's defence chiefs. While there was increased purpose to reduce commitment, the Admiralty noted with alarm that the Locarno

agreement confirmed the right of Dominions to a passive role in an Imperial war. Memorandum; 'Retention of Coast Defences in the Irish Free State', The Naval Staff to Sect., CID, 26 Oct. 1925. DO 117/30 PRO.

65. Memorandum; Sect., CID to Admiralty, 6 Aug. 1926 (with enclosure minutes of 216th meeting of the CID on 29 Jul. 1926, re 'Possibilities of Reduction in the South Irish Defences' (Paper 149-A)) ADM 1/8723/303 PRO.
66. *Ibid.*
67. Letters; Amery to Worthington-Evans, 3 Aug. 1926; Worthington-Evans to Amery 31 Aug. 1926. *Ibid.* It is significant that, in confidence, Amery tried to remind the War Secretary that 'as you know, it is quite possible that the Free State...may themselves wish to discuss...the continued occupation of Queenstown, Berehaven and Lough Swilly'. Amery mentioned only that continued occupation was desirable 'in some form', particularly at Berehaven.
68. See Chapter 5, text to notes 57-67.
69. Memorandum and enclosure; Under Sect., War Office to Sect., CID, 28 Oct. 1926. CAB 16/70 PRO.

Notes to Chapter 8 : THE CONFERENCE THAT NEVER WAS (PART TWO)

1. Statement by the Sect. of State for Dominion Affairs, on 'The Establishment of the Dominions Office'; Appendices to the Summary of Proceedings, Imperial Conference 1926. Cmd. 2769, p.33.
2. See Hyam, R. and Martin, G., *Reappraisals in British Imperial History* (London, 1975), chap.10, pp.201-223. Holland, *Alliance*, p.57 adds weight to this argument (see note 3 below). For Amery's thoughts on the Conference, see Barnes and Nicholson, *Amery Diaries*, vol.1, chap.13. 'O'Higgins Comma' related to the changing constitutional title of the King. Britain wished to retain the section '...of Great Britain *and* Ireland', while O'Higgins insisted upon '...of Great Britain, Ireland'. See Harkness, *Restless Dominion*, p.105.
3. Holland, *Alliance*, p.57. Roskill, *Hankey*, p.428.
4. Darwin, 'Tendencies in Imperial Policy', pp.657-79.
5. Minutes of 1st meeting of CID Sub-Committee on Article 6 of the Irish Treaty, 13 Jul. 1926. CAB 16/70 PRO.
6. Minutes of 1st meeting of CID Imperial Conference (Foreign Policy and Defence) Sub-Committee 1926, 26 Mar. 1926. CAB 32/44 PRO. For the Admiralty's doubts regarding the Dominions and the Locarno Pact, see Chapter 7, note 64.
7. *Ibid.* The four later (and far shorter) meetings were held between 16 Apr. - 20 May. 1926. For details of the 'Joint Committee', see Chapter 7, note 45.
8. Minutes of 2nd meeting, 16 Apr. 1926. *Ibid.*
9. Minutes of 1st meeting, 26 Mar. 1926. *Ibid.* Capt. Binney, Director of Plans, represented the Admiralty. See also Roskill, *Naval Policy*, vol.1, pp.464-5.
10. File; 'Imperial Conference 1926: Naval problems to be raised at - Preliminary Information'. ADM 1/8702/149 PRO. The recent naval developments of the senior Dominions, particularly Australia, are given.
11. Cavan MS, 1/3, 15(9-4). Churchill College, Cambridge. From chapter 'War Office 1922-26' of draft memoir. Cavan regarded the Labour government's decision as a 'grave mistake'. On Milne, see Holland, *Alliance*, p.120, and Roskill, *Hankey*, p.528.
12. Executive Council Minutes; G2/5; C2/268 of 1 Jun. 1926. NA.

13. Memorandum and enclosure; 'Coast Defence (Sea)', Chief of Staff to Minister of Defence, 12 Aug. 1926. D/T S.4978 NA. The limits of the Army's technical intelligence were such that MacMahon based his calculations on statements made by Jellicoe in 1918-19, reprinted in Brassey's Naval and Shipping Annual, 1926.
14. *Ibid.*
15. A question mark hangs over this subject. The Defence Department discussed Geneva (see text to, and note 17 below) with definite reference to recent memoranda (no details, not traced) obtained from the Admiralty, General Staff and Air Staff. These documents did refer to Quota discussion at the Imperial Conference, and it is known that, in the Spring of 1926, the British Services and the CID (through Hankey) expected this (Minutes of CID Imperial Conference (Foreign Policy and Defence) Sub-Committee, 1926 CAB 32/44 PRO). As such, Roskill's inference, in that Hankey was taken unawares by an October suggestion (by Cecil) that Geneva be discussed at the Imperial Conference, is somewhat misleading (Roskill, *Hankey*, p.434). More likely, this was a final appeal to, and rejection by, Hankey, following the continuing refusal of the War Office to consider the single Empire Quota system favoured by Hankey. Dublin was well aware of this split, as the document from the General Staff was explicit. The whole gives an insight into the British Services-CID in-fighting in the approach to Geneva.
16. References to the Free State's actual participation at Geneva are few, but see De Vere White, *O'Higgins*, pp.236-7.
17. Memorandum; 'Imperial Conference 1926: Reduction and Limitation of Armaments: Allocation of Quotas to the Several Parts of the British Empire', R.M. 66(f), undated. Military Arch; File 21, Box 2/CDA 3 NA. Quote taken from opening paragraph. Specific reference is made to recent Admiralty, General Staff and Air Staff memoranda (see note 15 above).
18. *Ibid.*, see also note 15 above.
19. *Ibid.*
20. De Vere White, *O'Higgins*, pp.225-6. White states that O'Higgins 'acting on impulse and without disclosing his plan to anyone', visited Carson. However, Mansergh, *Unresolved Question*, pp.269-271, notes this as one of the key questions of the Cosgrave years. See also note 24 below.
21. Barnes and Nicholson, *Amery Diaries*, vol.1, entry for 23 Nov. 1926, p.483. Amery gives no hint of advance knowledge.
22. De Vere White, *O'Higgins*, p.226. In this hagiography, White makes no mention of the defence tightrope that O'Higgins was walking. He does

mention, however, that in the month of his assassination, O'Higgins was still discussing his plans 'with ardour'.

23. Memoranda; 'Proposed Creation of a Kingdom of Ireland', Amery to Cabinet Sect., 13 Dec. 1926; Sect. State for Foreign Affairs to Cabinet Sect., 18 Dec. 1926; Amery to Cabinet Sect., 22 Dec. 1926. DO 117/51 PRO. The Cabinet did eventually consider the matter on 26 Jan. 1927; Baldwin cut short debate by noting that 'nothing was likely to be heard of this proposal'. Extract, Cabinet Minutes. *Ibid.*
24. Mansergh, *Unresolved Question*, pp.269-71.
25. Summary, and Appendices to the Summary of Proceedings, Imperial Conference, 1926. Cmds. 2768 and 9. Defence statements were read on 26 October and 15 November; O'Higgins is listed as having spoken (Cmd. 2768, Section 12, p.34), and was acknowledged by Baldwin (Cmd. 2769, Section 4, p.159). No other reference to this statement has been traced.
26. With no new initiatives on offer (see text to notes 9-11), debate centred on the advances made to the 1923 resolutions on the 'economic employment of air power', in relation to an 'adequate chain of air bases and refuelling stations'. *Ibid.*, Cmd. 2768, Section 12, pp.35-37. This particular continuity of Imperial Air policy, through 1923-6, is given little attention elsewhere; Ferris, *Strategic Policy*, pp.169-72, notes 1925 as a watershed year for general Air strategy.
27. Appendices to the Summary of Proceedings, Imperial Conference 1926. Cmd. 2769, Section 4, pp.186-89.
28. South Africa's total defence expenditure in 1925-6 was only £911,357 (*Ibid.*, Cmd. 2769, Section 4, p.180), in comparison to the Irish Free State's £2,596,000. (Salmon, *Unneutral Ireland*, p.112). For a more detailed account of the Cape transfer, see Hancock, *Survey*, vol.1, p.305(n).
29. Appendices to Summary of Proceedings, Imperial Conference 1926. Cmd. 2769. Defence statements by Canada and Union of S.A., pp.268-9 and 186-9 respectively.
30. Memoranda; Dept. of Defence 'Tables of Establishment for Aerial Forces', R.M.8, 31 Mar. 1926; D.C. Army Corp of Engineers to I/C Store Accountancy, Dept. of Defence, 28 May 1926. Military Arch; File R.M. 8/B, Box 2/CDA 3. NA.
31. Memorandum; Air staff to CID Sub-Committee on Article 6 of the Irish Treaty, 20 Aug. 1926. CAB 16/70 PRO.
32. Extract, general election campaign speech, at Dundalk, 31 May 1943. D/T S.4978. NA.

33. Letters; Amery to O'Higgins 20 Nov. 1926; O'Higgins to Amery, 23 Nov. 1926. *Ibid.* Amery proposed the delay, and O'Higgins willingly concurred, begging the same reason. It seems that the official opening of the Conference was attended only by Amery and MacNeill (Dispatch, Amery to Governor-General, 1 Dec. 1926. *Ibid.*).
34. Minutes of meeting of CID Sub-Committee on Article 6 of the Irish Treaty, on 16 Dec. 1926. CAB 16/70 PRO. A dissection of these 'definite proposals' was not given. However, the train of thought was evident in Whiskard's later reaction to a War Office submission on property; he suggested the item be held over until it was seen whether Dublin did propose to 'take over' the Ports.
35. *Ibid.* It seems that Canning, *British Policy*, p.180, misreads the political tempo of this meeting. By equating War Office support for the return of the Ports with pressure on the Admiralty to allow the Free State 'an increasing share of its coastal defences', he combines two issues which all British Departments held to be separate.
36. Minutes of meeting of CID Sub-Committee on Article 6 of the Irish Treaty, on 16 Dec. 1926. CAB 16/70 PRO.
37. Barnes and Nicholson, *Amery Diaries*, vol.1, entry for 16 Dec. 1926, p.486.
38. Memorandum; Mjr. P.A. Mulcahy, C.O. Artillery Corps to Chief of Staff, 9 Dec. 1926. Military Arch; File R.M.8/E, Box 2/CDA 3. NA.
39. Memorandum; Chief of Staff to O.C. Artillery Corps, 13 Jan. 1927. *Ibid.* The C.O.'s observations were seen as 'on the whole correct', though MacMahon insisted that takeover was necessary for 'the development of the Saorstat Defence Policy'.
40. Memoranda; MacMahon to O'Hegarty, 19 Nov. 1926; McDunphy to MacMahon, 23 Nov. 1926. D/T S.4978 NA. MacMahon was over-sensitive to the scale of British planning; it was not until the Irish Situation Committee was revived, in 1932, that a co-ordinated Port defence system arose (see Fisk, *Time of War*, p.9).
41. Dispatch; Amery to Governor-General, 1 Jan. 1927. D/T S.4978 NA. See also text to note 37.
42. Memorandum; 'Coast Defence-Dominions Office Despatch, 1st January 1927', signed Chief of Staff, Jan. 1927. *Ibid.*
43. Memorandum; Sect., Executive Council to Private Sects., Ministers of Finance, Defence and External Affairs, 25 Jan. 1927. *Ibid.* It was indicative that no account of this measure appears in the records of Council Minutes

(G2/5. NA). See also note 44 below.

44. Memorandum; Minister of Defence to O.C. Army Air Corps, 5 Mar. 1927. Military Arch; File R.M.8/B, Box 2/CDA 3. NA. Though the Minister referred to the 'Inter-departmental Committee', the Council's original directive (see note 43 above), described it as a 'Conference of Representatives'. The O.C. had earlier applied, in vain, to go on a fact-finding tour of British air bases.
45. Draft Dispatch, undated, in reply to dispatch of 1 Jan. 1927 (see note 41). D/T S.4978 NA. File sequence suggests a date between 4-8 February, but this is uncertain.
46. Letter; Whiskard to O'Hegarty, 4 Feb. 1927; memorandum, O'Hegarty to Whiskard, 8 Feb. 1927. *Ibid.* Whiskard's approach may have been informal, but his wording was not misleading.
47. Memorandum; Sect., Executive Council to Minister of Defence, 3 Dec. 1926. *Ibid.* Neither the document, nor Hoare's covering letter (both passed to Defence), were traced. This is the only known instance of unsolicited technical help, and the Dominions Office was seemingly unaware of the approach. This may be another example of British Service in-fighting for preference; for details of the R.A.F.'s assertive attitude to coastal defence control in this period, see Ferris, *Strategic Policy*, pp.169-171, and Roskill, *Hankey*, p.447.
48. Memoranda; Whiskard to Waterfield, Treasury, 22 Nov. 1926. DO 117/30 (also CAB 16/70) PRO. Whiskard is explicit on service reasoning for a property settlement. On legal advice see Chapter 7, text to note 69. On earlier title deed problems, see Chapter 5, notes 51-71.
49. Memoranda; Waterfield to Brennan (reply), 7 Feb., 1927; Whiskard to Waterfield, 22 Nov. 1926; L.F. Kiernan (Sect., to High Commissioner), to Whiskard, 15 Nov. 1926. DO 117/30 PRO. Joseph Brennan, Sect. to Finance Department, had re-opened this subject, direct with the Treasury, in July 1926; the British quandary was such that he had to wait 7 months for a reply.
50. Letter; Whiskard to Waterfield, 27 Jan. 1927. *Ibid.*
51. Letter; Waterfield to Brennan, 7 Feb. 1927. *Ibid.*
52. Letters; Waterfield to Brennan, 7 Feb. 1927; Brennan to Waterfield, 15 Feb. 1927. *Ibid.*
53. Minutes of meeting of CID Sub-Committee on Article 6 of the Irish Treaty, on 3 Nov. 1927. CAB 16/70 PRO. Col. Humphreys was reluctant to resurrect the title deeds issue, noting that the War Office had deferred its

modernisation programme for Port Defences.

54. Extract, Minutes of 220th meeting of CID on 15 Feb. 1927. ADM 1/8723/303 PRO (CAB 2/4 refers). The Sub-Committee's first Interim Report was signed by Amery on 25 Jan. 1927 (CAB 16/70 PRO). Other aspects of the full CID meeting are given by Canning, *British Policy*, p.180.
55. *Dail Deb.*, vol.18, Defence Forces (Temporary Provisions) Bill, cols. 397-400 of 8 Feb. 1927, and cols. 626-660 of 17 Feb.1927.
56. For the 1925 Dail debate, see Chapter 7, text to notes 23-25.
57. *Dail Deb.*, vol.18, cols. 634-654 of 17 Feb. 1927.
58. Memorandum; 'Coastal Defence - Preliminary Technical Discussion with Admiralty Representatives - Draft Instructions to Irish Representatives', signed by Cosgrave, 22 Apr. 1927. D/T S.4978 NA. Though titled 'Draft', the wording and format were approved by the Executive Council the same day. Executive Council Minutes: G2/5; C2/333 of 22 Apr. 1927. NA. Apart from O'Hegarty, the Irish side comprised; J.J. McElligott, Asst. Sect., Dept. of Finance; Lt.Gen. P. MacMahon (since March), Sect., Dept. of Defence; Lt.Gen. D. Hogan, Chief of Staff; Col. S. O'Higgins, Chief Staff Officer, Comdt. D. Bryan, General Staff.
59. Minutes of 'Meeting in Preparation of Full Conference', on 26 Apr. 1927. CAB 16/70 PRO. O'Hegarty's personal account of this meeting, given in a letter to Cosgrave, same date, broadly confirms these minutes. D/T S.4978 NA.
60. Memorandum and enclosure; Sect., External Affairs to O'Hegarty, 26 Apr. 1927. D/T S.4978 NA. Note that Cosgrave's instructions of 22 April (see note 58) expressly denied plenipotentiary or committal powers to O'Hegarty's team. For details of Kennedy's 1922 study, see Chapter 7, text to notes 3-4.
61. Memorandum; Amery to Sect., Cabinet, 26 Apr. 1927. CAB 16/70 PRO.
62. Leo Amery Diaries; original MS, volume for 1927, entry for 27 Apr. 1927.
63. Note; signed N.E. Archer, 29 April 1927. CAB 16/70 PRO. This formed Appendix D to Final Report of CID Sub-Committee on Article 6. The choice of Archer for this liaison was apt; he was Joint Secretary to the Sub-Committee.
64. Letters; O'Hegarty to Cosgrave, 26 and 27 Apr. 1927. D/T S.4978 NA. According to O'Hegarty's final report on the meeting (*Ibid.*, undated - see note 70), the Chairman, Admiral Pound, had confided that he had been 'actually prohibited' from discussing any question concerning the Treaty Ports.

65. For example, note Whiskard's attention to this possibility as early as July 1926 (Chapter 7, text to note 54).
66. Letter; O'Hegarty to Cosgrave, 27 Apr. 1927. D/T S.4978 NA. Extract; conclusions to Cabinet meeting of 27 Apr. 1927 (CAB 16/70 PRO - Cabinet 28 (27) CAB 23/55 PRO refers) record only that it was to be made clear to the Free State representatives that the Cabinet 'was not prepared to discuss the handing over of the ports..., and consequently there was no object in furnishing the information asked for'.
67. Memorandum; 'Proceedings of Sub-Committee appointed by Conference at Admiralty to examine details of suggested Mine-Sweeping Service', undated. D/T S.4978 NA. No Irish comments are recorded, and no corresponding account has been traced in British archives.
68. *Cork Examiner*, 29 Apr. 1927. Press coverage in both countries was minimal; *The (London) Times*, 27 Apr. 1927, attached no particular significance to the visit of Irish military personnel.
69. Dispatches; Fitzgerald to Amery, 21 May 1927; Amery to Fitzgerald, 17 Jun. 1927. D/T S.4978 NA.
70. Report (4 pages, untitled and undated, probably in O'Hegarty's hand). *Ibid.* See also note 64.
71. 'Draft Second Interim Report' of CID Sub-Committee on Article 6 of the Irish Treaty, no date but prob. May-Aug. 1927. DO 117/67 PRO. This report was meant to contain an assessment of the April meetings (memorandum; Archer to Mjr. G.N. Macready (Joint Sect. to Sub-Committee), 5 Aug. 1927. *Ibid.*), but it was a measure of the sensitivity involved that the idea of a second report to the CID was dropped completely, and is not referred to in the Cabinet Library record (CAB 16/70 PRO). The draft suggested that the Irish be told of the value of the Ports in any war with countries other than 'Germany, Russia or Scandinavia' (i.e. planning for war with the U.S.A. or France), but as the Sub-Committee could accept only Berehaven in this regard, and such a war was anyway incredible by this date, it is small wonder that this line was dropped.
72. Minutes to meetings of CID Sub-Committee on Article 6 of the Irish Treaty, on 3 Nov. and 15 Nov. 1927. CAB 16/70 PRO.
73. The Admiralty admitted the failure of this 'education equals co-operation' tactic (*Ibid.*), though it persevered with the idea of fleet visits, with little more success, through to 1931. See Fisk, *Time of War*, p.25; also Fanning, *Independent Ireland*, p.85.
74. Minutes to meetings of CID Sub-Committee on Article 6 of the Irish Treaty, on 3 Nov. and 15 Nov. 1927. CAB 16/70 PRO. See also note 53.

75. Final Report of CID Sub-Committee on Article 6 of the Irish Treaty, dated 19 Jan. 1928. *Ibid.*
76. See Canning, *British Policy*, p.181. This is a classic instance of the failure of general 'Big Policy' surveys to note the deeper context to important citations; in this case, Amery's sensitivity to the groundswell for compromise below Chiefs of Staff-CID level, and his concern for reactions in the Free State, given the recent history of Cobh.
77. For Cosgrave's attitude to the Cobh situation, see Chapter 6, text to notes 81-82. Note that, in Britain, if the economy and service funding was ever likely to force a compromise offer, then late 1927/early 1928 was a testing time. For the controversy on the 1928-9 naval estimates, see Roskill, *Naval Policy* vol.1, pp.555-6, and Barnes and Nicholson, *Amery Diaries*, vol.1, pp.536-7.
78. Minutes to 9th and 11th meeting of CID Home Defence Sub-Committee on 6 Nov. 1928 and 1 Nov. 1929, respectively. CAB 12/2 PRO.
79. See Fisk, *Time of War*, p.25 & n, and Appendix 4, this thesis. Fisk notes a complement of 728 officers and men in early 1932. In early 1924 the total was 946. See also note 80 below.
80. Though the C.I.G.S., Lord Cavan, had pressed for deep manning cuts in 1926, the continuing fear of republican attack (so stated), led the Chiefs of Staff to block such moves (see Chapter 7, text to notes 61-2). As such, Canning's assertion (*British Policy*, p.183) that manning at the Ports 'had been reduced to a minimum needed to maintain them', is somewhat misleading.
81. Memoranda; Sect., External Affairs to Department of President, 5 Dec. 1929; draft reply (probably edited by Cosgrave) to written question by Deputy Tom Mullins, Dec. 1929. D/T S.4978 NA.
82. The Dept. of Finance did not welcome a naval extension to the military budget, and was wary of any increased military expenditure in the takeover of Port Defences; memoranda; Doolin to C.B. O'Connor, Defence, 16 Apr. 1927; McElliot to O'Connor, 22 Feb. 1927. Military Arch; File 9786-2, Box 2/CDA 1 NA.
83. Defence Minister Frank Aiken recounted Cosgrave's 1938 position, and Fianna Fail's refutation of his story, during the 1943 election campaign (see text to, and note 85 below). Aiken cited *Dail Deb.*, vol.71, cols. 347-354 of 28 Apr.1 1938, in evidence. Fisk, *Time of War*, p.42 also notes the tenor of this Dail debate.

84. Though Lee, *Ireland*, p.242, plays down the electoral value of neutrality during the war, as being of cross-party consensus, the transcript of a 1943 election address by Frank Aiken suggests that Fianna Fail was keen to exploit Cosgrave's personal record on the Ports issue. D/T S.4978 NA. See also note 85 below.
85. Transcript of election address by Minister Frank Aiken, Dundalk, 31 May 1943. D/T S.4978 NA.
86. See Mansergh, *Unresolved Question*, pp.301-2.
87. See Fisk, *Time of War*, p25 and 546. Churchill's, and his supporters', later thoughts on the Ports issue are neatly summarised by Canning, *British Policy*, pp.219-20.

Notes to Discussion

1. Kohn, *Constitution*, p.83.
2. Mansergh, *Survey*, vol.2, p.271.
3. Beloff, M., *Imperial Sunset, Volume One: Britain's Liberal Empire 1897-1921* (London, 1969), pp.348-9.
4. See Hyam & Martin, *Reappraisals*, p.202.
5. See Beloff, *Liberal Empire*, pp.346-7. Bond, B., *British Military Policy between the Two World Wars* (Oxford, 1980) p.11, notes Beloff's theory in connection with the post-war moral basis for Imperial rule.
6. Canning, P., 'Yet Another Failure for Appeasement? The Case of the Irish Ports'. *International Hist. Review*, 55 (1981), p.372. Darwin, 'Imperialism in Decline', pp.657-79.
7. Hyam & Martin, *Reappraisals*, p.9.
8. *Ibid.*, p.202. Beloff, *Imperial Sunset, Volume Two: Dream of Commonwealth 1921-42* (London, 1989) p.28, notes the Treaty as only a 'temporary resolution'.
9. Lee, *Ireland*, p.68.

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Lionel George Curtis	-	Bodleian Library, Oxford
1st Earl Lloyd George	-	House of Lords Library
1st Lord Hankey	-	Churchill College, University of Cambridge
Andrew Bonar Law	-	House of Lords Library
1st Viscount Trenchard	-	Churchill College, University of Cambridge
Sir Laming Worthington-Evans	-	Bodleian Library, Oxford

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Ernest Blythe Papers	-	Archives Department, University College Dublin
Desmond Fitzgerald Papers	-	" " " " "
Hugh Kennedy Papers	-	" " " " "
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