



HEADLINES FROM HISTORY

Whose law and whose order?



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In earlier articles, we discussed the retreat of the Royal Irish Constabulary (RIC) from large areas of Westmeath, particularly during the first half of 1920.

As British authority declined, republican alternatives emerged to take its place. Among the most prominent of these alternatives was the Dáil Éireann courts, an initiative which gained much support from civilians and the legal profession in Athlone and Moate.

Rival governments

In January 1919, Dáil Éireann created a system of government departments as a means to establish a republican counter-state that would replace British rule in Ireland. This republican counter-state faced immense challenges, especially after Dublin Castle, the centre of British rule, declared the Dáil an illegal organisation later in 1919. Another impediment for republicans was that Sinn Féin was then not in a majority in any major council and most of those councils refused to transfer their allegiance from Dublin Castle to Dáil Éireann.

In 1919, Westmeath County Council was controlled by the Irish Parliamentary Party and the council was reluctant to support the Dáil. Also, the council was openly critical of the violence carried out by the Irish Republican Army (IRA), passing a resolution to that effect late in 1919. Yet, as can be seen in contemporary newspapers, the council became increasingly antagonistic towards Dublin Castle and the British government during 1919 and 1920. This process replicated the general contraction of so-called 'moderates' and 'extremists' in response to the coercion policy

of Dublin Castle. The public's attitude was demonstrated in the urban and rural local government elections of January and June 1920 during which Sinn Féin and its Labour allies led the polls.

Following those 1920 elections, most of the newly-constituted local authorities gave their support to the Dáil, as did the council in Westmeath which passed a resolution 'pledging its allegiance to Dáil Éireann, and undertaking to give effect to its decrees'. Over the following weeks the council made a series of decisions that demonstrated its new attitude, such as an order forbidding any officer of the council from giving information to the income tax authorities and the issuing of proposals that all legal work in the county should be carried out under the auspices of Dáil Éireann.

The people's courts

In Westmeath, daily life for the population presented a new reality: the police were increasingly confined to barracks and the offices of local government were no longer supportive of Dublin Castle. Another pillar in Dáil Éireann's counter-state was the court system. Arbitration courts had periodically existed in many counties before the War of Independence and a Dáil committee in 1919 concluded that a standardised system of arbitration courts should be established in every county, since the existing arbitration courts were independent of Dáil authority. Despite the committee's recommendations, it would be mid-1920 before the Dáil took control of the system.

According to the Westmeath Independent, the first local court 'under the auspices of Sinn Féin' was held in Moate on 3 June 1920. Large crowds flocked to the town to watch the proceedings, while local IRA volunteers kept a watch for the Crown forces. Neither the RIC nor the British army made any attempt to stop the Moate court from going ahead, although a few days later the police disrupted a session of the



A stamp released by An Post in September 2020 to commemorate the Dáil Éireann Courts. The Dáil courts were active in both Moate and Athlone.

Dáil courts in Athlone.

Nevertheless, the Dáil courts continued to function in Athlone and its hinterland. Local people of 'good-standing', acted as judges, while solicitors followed the clients and their fees over to the new court system which was given full coverage in the local media. The Westmeath Independent was particularly supportive and predicted that what it called 'the people's courts' were 'likely to play a very big part in the future administrative life of this country'.

The IRA in Westmeath played a supporting role in the court system, acting as a police force which replaced the RIC, especially in rural areas. They also maintained what could be described as detention centres, usually abandoned houses in rural areas, where they held those charged with crimes, often theft, until their case was heard before a Dáil court. Such prisons were located at Clonown, Drumraney, Ballynacargy, Castlepollard and elsewhere in the county, as

well as in Summerhill, County Roscommon. Patrick Lennon, a Summerhill-based IRA officer, described how those prisoners who were convicted 'were made to work on the farms or bogs until their charges were disposed [off]'.

A new authority

During this period, the courts handled a wide variety of cases, including land disputes, and they established themselves as an integral part of the civil and commercial life of towns and villages throughout Westmeath. According to Seamus O'Meara, a leading IRA officer in the county,

the judges in the new Athlone court were 'Sean Hurley, Stephen McCrann and Pat Macken.' Patrick Lennon, a Summerhill-based IRA officer, stated that 'Mr. Tully and Mr. W. Shine, who were local farmers, acted as judges at the local courts' in areas of Roscommon not far from Athlone. Other sources listed solicitors who practised at the local Dáil courts, including P.V.

Murtagh and Denis Hannon of Athlone, Joseph Dixon of Roscommon, James Rogers of Tullamore, Gerald Maguire of Claremorris, Esmonde Power of Castlereagh, and John Wallace, Joseph Shaw and John Macken of Mullingar.

At this time, the struggle for Ireland's future was being fought on many fronts. In Westmeath, the British army and the RIC would largely succeed in constraining the activities of the IRA but in the competition between rival systems of law and order, it was republicans and Dáil Éireann who were on the advance. Not only was the Dáil court system gaining support but the Dublin castle court system was being undermined by the refusal of civilians to appear as jurors. In autumn 1920, the Irish Times warned the British government of the significance of these developments, claiming that: 'The most serious feature of the current unrest in Ireland is the gradual suppression of British Authority by Republican Authority in all the matters

that concern the general government of Ireland.'

The courts system was most active during the summer and autumn of 1920 before its work was disrupted by raids and arrests carried out by the Crown forces. In August 1920, the British government introduced the Restoration of Order in Ireland Act which, along with the continuing militarisation of the RIC, marked an intensification of the War of Independence. Soon after, in September 1920, the police and military raided the courthouse in Athlone along with two other sites in the town, arresting over forty people, including judges and solicitors. Such raids forced the courts into sitting at night or in rural areas, although working under such constrictions often proved unsustainable and many courts stopped functioning. The Dáil courts remerged in July 1921 after the truce between the IRA and the British Crown forces and they sat regularly in Moate and Athlone from then until the beginning of the Civil War.

