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H I G G I N S, Kevin,

Speeches on the Ratification by O'HIGGINS. Kevin.

'INDEPENDENT' 20-12-21.

BRITISH ULTIMATUM.

'TERRIBLE AND IMMEDIATE WAR.'

Mr. Kevin O'Higgins supported the motion for approval of the Treaty. The discussion should not centre round whether the plenipotentiaries signed the Treaty, because they were sent there to sign. The delegates were men who knew the present situation, and who knew the future prospects. These men were sent to London, and they have brought back a document which they believe represents

the utmost they could get, short of the resumption of war against fearful odds—a war which could be only one more test of endurance on the part of our people; a war in which there could be no question of military victory.

They signed that document, and they would have been false to their trust if they shirked their responsibility, and they were here to answer to An Dail and the country (applause). They could not produce this document otherwise than over their signatures and backed up by their recommendation, and they brought it back to An Dail for its consideration.

It was, of course, perfectly free for the Cabinet to refuse to endorse it, and the President and two of the Ministers recom-

mended its rejection. The Dail was as free to reject this Treaty as was the British Parliament. They knew what the English Government had done in the matter of releasing the prisoners, but that was done with the full knowledge that the Parliament of each nation had still the power to confirm or reject the Treaty.

It was not true, as had been contended in some quarters, that there would be an element of dishonour in rejecting the Treaty. The question was that they should have a due appreciation of the gravity of the position on which they had to take a decision, and to keep the discussion on relevant lines.

It was not a question whether the members of the Dail individually would have signed it, nor was it a question of their keen desire for better terms.

Let them not waste time in irrelevancies as to better terms; they would all wish for better terms, but what they had to decide was as to the value of what they had got.

Mr. Erskine Childers went to unnecessary lengths to explain how necessary it would be to get better terms. He did not tell us as an authority on the British army and navy how we could defeat that British army and sink the British navy and get these better terms (applause). A



Mr. Kevin O'Higgins.

sovereign independent Republic was our claim and fighting ground, and if the issue was to be decided by fighting they could not take less, but the fact that they were willing to negotiate showed they had something to negotiate about, something to give away and something to win in such matters as trade and defence.

These men were selected to negotiate, and in that fact there was a clear indication that what they would recommend should receive careful consideration. The negotiations developed and then rocks began to appear. The delegates were in close consultation with the Cabinet. It was advised that they should try and get Ireland the status of an external Associate with the British Empire.

EXTERNAL ASSOCIATION.

He (Mr. O'Higgins) heard that explained as like to the simile of the limpet and the rock. They were prepared to enter as close partners on the questions of trade and defence and to recommend to the Dail the recognition of the King or head of the Empire, and to vote a yearly sum for the Civil list. These recommendations were made many weeks before the Treaty had been signed. Finally, the external associate idea was rejected and Ireland was brought within the British Empire.

Mr. de Valera—Are Cabinet matters to be discussed here in public session? (hear, hear).

Mr. O'Higgins—I think the Irish people are entitled to hear them (applause).

CABINET PROCEEDINGS.

Continuing, Mr. O'Higgins said the two Ministers who stood for the rejection of the Treaty should be prepared to let it go out that they were prepared to take their stand not between those terms and a Republic, but on the narrower grounds as between what they were prepared to recommend to the Dail and these terms.

Mr. de Valera said he was ready that that should be done, but he protested against Cabinet matters being spoken of in public.

Mr. O'Higgins—Is document No. 2 a Cabinet matter?

Mr. de Valera said he had made a request that his document No. 2 should be considered confidential until he brought forward a proposal which would contain the matter he wished to put before the House. No responsible head of a Government would stand in his position for a moment after matters of that kind.

Mr. Griffith asked was there any objection to produce a document which had been discussed in secret session for 3 days. Were the Irish people not to be allowed to see it?

Mr. de Valera—If the House wishes to have a document which is not relevant to the issue. It was brought forward for a distinct purpose to remedy what I regard as a serious mistake for the nation.

Mr. Griffith said that documents that passed between the Irish representatives and the British Government were allowed to be seen, and this document which was submitted by the President as an alternative should be allowed to be seen.

Mr. M. Collins said with regard to refraining from publishing some of the communications that took place with the Irish representatives they did that because they had given their word.

The Speaker ruled that the proceedings of the Cabinet could only be discussed with the consent of the Cabinet. With regard to the document that the President put before him, it would not be fair to discuss it. It depended on members' sense of propriety. It was not a question of order, but purely and simply a question of the President's request regarding a document which was confidential.

THE ALTERNATIVE.

Mr. O'Higgins, continuing his speech, said he asked them to consider to what extent these matters affected the lives and fortunes of the plain people. They should consider the prospects which rejection of the Treaty opened up, and come to their decision with a view to their tremendous responsibility. With regard to the Treaty, he did not wish to be forced into a stronger advocacy of it than he felt.

He would not call it as Home Rule Bills had been called, a Magna Charta of Irish liberty or a final settlement of Ireland's claim, but it represented such a broad measure of liberty for the Irish people that they would not be entitled to reject it without good reason.

"The man who is against peace," said the English Premier, in presenting his ultimatum "may take now and for ever the responsibility for terrible and immediate war."

The Irish representatives held in their own hearts and consciences that they were not entitled to plunge the plain people of Ireland into terrible and immediate war. Ireland and England knew, and the world must know, the circumstances under which this treaty was presented for ratification, and the demand for the rejection of such a measure could not be made on principle in face of the alternative so unequivocally stated by the English Prime Minister.

INTERNAL CONTROL.

Neither honour nor principle could demand that they should plunge the people back into war under the circumstances. The treaty gave Ireland control over her internal affairs, and she would have a right to maintain an army to defend her shores.

There had been a great deal said about the Army there. Well, it could be seen that

when England was engaged in a war, Ireland need not send one man or contribute one penny.

The President had said that the soldiers of the Free State would be his Majesty's Army. He would ask, could his Majesty's Army send one battalion from Cork into a neighbouring county? If his Majesty acted in Ireland, he acted on the advice of his Irish Ministers (applause and some laughter).

It was true that by the provisions of the Treaty Ireland was included in the system of nations known as the British Empire, but the most objectionable aspect of it was the threat of force that had been used to get Ireland into the League.

The Deputy, continuing, said he trusted each member would vote as if he alone was to be held responsible for its ratification. They were there, and he wished to impress on them, as the representatives of their people and not as the representatives of any political party or opinion (hear, hear).

He acknowledged as great if not a greater ability to the 6,000 people who voted in 1918 as to the 13,000 people

WROTE A SERIES OF ARTICLES ON THE POLITICAL SITUATION FOR "THE FREE STATE," (VIDE 'FREEMAN'S', 25-3-22.)

who voted for him (hear, hear). The lives and the property of these people were as much at stake as those of anybody else, and in that case he could not regard himself as the nominee of any particular party.

It had been said that to ratify the Treaty would constitute an abandonment of principle. It had been said it would be a betrayal of the principles of those who died for Irish independence in the past. "I said here in the private sessions," he continued, "and I say it again now, that

principle is immortal, and if the principle of Ireland's nationhood could be vitally affected by the action of any representative body of Irishmen at any time it had died many deaths" (hear, hear).

The chiefs of the Irish clans swore allegiance to Henry VIII. Grattan's Parliament sat in allegiance to the King of England; since then they had sent Irishmen to Westminster, and yet when men realising that in this country there was always a manifesto for a revolution because the people's will could not be interpreted as it should be nobody ever suggested that these men had acted dishonourably because they gave allegiance to Henry VIII., or because those in later days gave allegiance to the English King (hear, hear).

THE VOICE OF THE DEAD.

There was in that assembly, he said, a little too much talk about what dead men would do in the present instance, but he asked were there not many there present who had carried their lives in their hands for the last few years and only for accidents they would not be there to speak that day (hear, hear). The men who had died had died for the welfare of the Irish people, and when he saw men like the Chief of Staff, the Adjutant General, and others supporting the Treaty he realised that if these men had lost their lives there would be people there getting up and saying if they were present at that assembly they would not support the Treaty (hear, hear).

ALLEGIANCE TO IRELAND.

Dealing with the oath of allegiance, Mr. O'Higgins said some called it an oath of allegiance, but he did not know what it was. He only spoke of it in a negative way, and said it was not an oath of allegiance, for

their first allegiance was to the Constitution of the Irish Free State.

They swore faith to the King of England, but faith was a thing that could exist between equals; there was mutuality about it. It was not absolute or unconditional, and he held that once they had sworn allegiance to the Irish Free State, anything that followed on was not absolute, but conditional on their constitution being respected, conditional on the terms of the Treaty.

He drew attention to the second clause, in which were the words of which Mr. Childers took stock of. These words, setting out the position of the Irish Free State in relation to the Imperial Parliament, and constitutional usage the same as the Dominion of Canada, meant much more than the interpretation put on them by Mr. Childers. The words meant that they neutralised and nullified the word "law"; they were put into the clause with that purpose, and they were the safeguards their Constitutional experts advised.

In other words, these meant that the power of the Crown in Ireland would be no greater than in Canada.

They would be represented in the League of Nations, and if they considered that the Treaty had been infringed, or their rights infringed, then they would stand solely on their allegiance to the Free State and nothing else (applause).

THE CHANCES OF WAR.

They had responsibilities to all the nation, and not merely to a particular political party within it. If he thought that in resuming war

they had a decent outside chance of securing the fullness of their rights, his responsibility to people other than Republicans in Ireland might not deter him,

but he was not prepared to sacrifice posterity for the sake of handing on a tradition to posterity.

He asked for a frank facing of political realities, a frank admission of the fact that, in view of all existing circumstances, they had got as near the attainment of their ideal as was possible. He did the English people the justice of believing that they would have endorsed a more far-reaching measure. What remained might be won by agreement, and by peaceful political evolution.

It was in that spirit that he stood for the ratification of the Treaty and that he asked them to endorse it. He asked them to say that those who went to London had acquitted themselves as well and as worthily as the army did against shock troops of the British army. Both they and the army had fallen somewhat short of the ideal for which they strove against fearful odds, but he asked them to say that they had attained something which could be honourably accepted, and that the happiness and welfare of the men, women and children of Ireland must, after all, take precedence to political creeds and theories.

On that basis, and because of the alternative and all it meant to the people, he asked for their acceptance and their allegiance to the Constitution of Saorstát Na hEireann.

'INDEPENDENT' 27-12-21.

CONTROVERSIAL APPEALS

To the Editor "Irish Independent."

Sir—When on the 22nd inst. the adjournment of Dail Eireann to 3rd prox. was agreed to, it was further agreed that controversial appeals to the public would not be indulged in, either by the Teachtaí supporting or by those opposing the Treaty with Britain. It seems to me that the letter from Erskine Childers, T.D., published in your issue of the 24th inst., constitutes a breach of this agreement. I do not propose to follow the bad example, but I would suggest to Mr. Childers that, as he has broken the principle of the understanding, further effusions from him will merely affect the degree of such breach.

He might, therefore, spend the recess endeavouring to prove to your readers that a Free State externally (and compulsorily) associated with the British Empire for such "matters of common concern" as "defence, peace and war, political treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth" is a sovereign independent Republic.

It may add to the intellectual pleasure he will derive from the problem if he assumes that the Free State in question "recognises his Britannic Majesty as Head of the Association," and as outward and visible sign of such recognition contributes a yearly sum to his Britannic Majesty's personal income.

KEVIN O'HIGGINS, T.D.

FREE STATE MEETING COLLEGE GREEN.

'IRISH TIMES' 6-3-22.

Mr. Kevin O'Higgins, Minister for Economics, described himself as "one of the eight national apostates of the City Hall, who have been doing their best for the Irish nation while wild men scream through the keyholes." Having spoken of the advantages which would accrue under the Treaty, he said that people were trying to talk about the issue in connection with the elections as the existing Republic versus the Free State. During the past two years the "existing Republic" had existed very much in a couple of back rooms in Dublin. He argued that no Treaty was ever final, and said that if they held that it was they were claiming the right to tie the hands of the men of to-morrow.

speech at TRALEE on 23. 4. 22.
'IRISH INDEPENDENT' 25. 4. 22.

NEARER THE REPUBLIC.

Mr. K. O'Higgins, T.D., said the Free State was a nearer thing to the Republic than the Republic that existed before July 1921. The Treaty had to be considered in the light of existing circumstances. If their plenipotentiaries had refused to sign it they would have done a high-handed and tyrannical thing. They had no right to refuse to sign it unless they could give to the Irish people reasonable guarantees that they were going to get better.

SPEECH AT PRO-TREATY
MEETING, ENNIS, 30-4-22.

'IRISH TIMES' 1-5-22.

Mr. Kevin O'Higgins, Minister for Economics, said that the Irish nation was bigger than either a Republic or a Free State. Mr. Collins went to London as the representative of the people, and his job was, as Mr. de Valera said last July, when he interpreted the oath, to do his best for the nation in any circumstances that might arise. Mr. Collins had done his best, and the nation appreciated that fact, and would stand by him. The way that led to the Republic was to lift up their bleeding nation and heal her wounds, and then go forward to the fulfilment of their destiny. The way that led from the Republic was to set brother against brother. The Republic never would be got by wading through Irish blood.

"Irish Times" 18-5-22.
2nd Failure to Agree.

Mr. Higgins said that to his mind it was a promising thing to find men in the Army who showed that they realised at least that no section or minority of the nation had a right to say to the people what they should or should not do under a certain set of circumstances. That was why he wanted these reports—particularly the officers—placed on the records, to show that there were men who, even with their strong views, were big enough to come there, and shame the little men, who wanted to sink the Irish nation and save faces.

"Freeman's Journal"
20-5-22.

A SACRED RIGHT

Bitter Speech By Treaty Opponent

Mr. Kevin O'Higgins said that there was a constitutional way of settling these difficulties. Would that Mr. de Valera had not gone to Killarney and told excitable young men and women that if they continued, as he hoped, to go forward to their objective, it would be necessary to wade through Irish blood, including that of some members of the Government.

Mr. de Valera—I beg once more to deny that here as an absolute misrepresentation.

Mr. O'Higgins—I have generally found my memory reliable—

Mr. de Valera (warmly)—I think these misrepresentations should cease. Since this controversy started misrepresentations and misquotations of the kind have been brought forward without proof or anything to substantiate them.

Mr. O'Higgins again said that he had found his memory reliable, but if he misquoted he would be prepared to withdraw.

Mr. de Valera—At the time the statement was made I denied it in the Press as a misrepresentation. It was a misrepresentation, and I deny it now, and I think it ought to end it.

Mr. O'Higgins said that he was willing to accept the denial.

Mr. de Valera—I denied it in the "Independent" that I made the statement, and the proof of it is that thousands of people who listened to me knew it to be a lie.

"WE WILL ACCEPT."

Mr. O'Higgins—We are going to afford you a constitutional way of settling the differences.

Mr. de Valera—All right. Do it, and we will accept it.

Continuing, Mr. O'Higgins said that if there was civil war in the country it would not be for the Treaty, but for the vital, fundamental right of the people of Ireland to decide any issue that arose. That right was sacred and worth defending by those who had a mandate to defend it. It was well said by a bishop lately that the man who killed without a constitutional, democratic mandate from his people was a murdered; and the man who took the goods of his neighbour without such a mandate was a thief.

Lately in Ireland they had had a crude and localised application of the dictum, "The country is yours for the taking; take it," and they had people going about with revolvers, stealing money and taking motor cars because, forsooth, the country was theirs for the taking.

They were going to settle these difficulties in a constitutional way. Their people were presented with a set of circumstances that neither his side nor the opposition side were capable of altering. In those circumstances the people were entitled to declare their will, and they were going to get an opportunity of doing so.

"Irish Times"
14-6-22

RIALTAS SEALADACH NA hEIREANN.

FOGRA OIFIGIUIL.

CEAPTHA SAN ARM.

Micheál O Coileáin chun bheith mar Ard-Taoiseach i gCeannas an Ghnáith-Airm.

Risteárd O Maolchatha chun bheith mar Ard-Taoiseach agus mar Cheann Fuirinne.

Eoin O Dubhthaigh, Ard-Taoiseach, chun bheith i gCeannas na Roinne Thiar Theas.

Fionán O Loingsigh, Ard-Taoiseach Ionaid, chun bheith mar Leas-Cheannphort ar an Roinn Thiar Theas.

Caoimhghin O hUigin, Ceannphort, chun bheith mar Chongantóir don Ard-Chongantóir.

Seosamh Mag Craith, Maor-Thaoiseach, chun bheith mar Stiúrthóir Feasa ar Fhuirinn na hArd-Oifige.

Diarmuid O hEigceartuigh, Taoiseach, chun bheith mar Stiúrthóir Timthreachtá.

Baile Atha Cliath, an 12adh lá so d'Iúil, 1922.

MICHEÁL Mac DONNCHADHA, Gníomh-Rúnaí don Rialtas Sealadach (Acting Secretary to the Provisional Government).

RIALTAS SEALADACH NA hEIREANN.
(IRISH PROVISIONAL GOVERNMENT.)

OFFICIAL NOTICE.

ARMY APPOINTMENTS.

Michael Collins to be General-Commanding-in-Chief.

Richard Mulcahy to be General, Chief of Staff.

Eoin O'Duffy, General, to Command of South-Western Division.

Finian Lynch, Lieutenant-General, to be Vice-Commandant of South-Western Division.

Kevin O'Higgins, Colonel-Commandant, to be Assistant Adjutant-General.

Joseph McGrath, Major-General, to be Director of Intelligence on the General Staff.

Diarmuid O'Hegarty, Colonel-Commandant-General, to be Director of Organisation.

Dublin, this 12th day of July, 1922.

MICHEÁL Mac DONNCHADHA, Gníomh-Rúnaí don Rialtas Sealadach (Acting Secretary to the Provisional Government).

DATED AUGUST 4th. 1922.

"PITILESS TYRANTS."

We do not wish to comment on the following facts. We state them, believing that all who read them, will realise that the Irish People are to-day faced with a tyranny as bloody and as merciless as that which men like Harry BOLAND and Cathal BRUGHA fought for 3 years & defeated.

On 1.8.22. Mrs. BOLAND sent the following letter to Colm MURPHY, the Governor of Mountjoy Gaol:-

"Sir.

My son Harry is dangerously ill, his life may be only a matter of a few hours or less. He is calling constantly for his brother GERALD. I will be grateful to you if you will parole my son GERALD in order that he may see his brother before he dies."

(Sd.) Kate BOLAND.

Miss Kathleen BOLAND brought this letter to Mountjoy. Gov. MURPHY pleaded that he had no power & sent her to the Adjt-Gen. F.S.Forces, at Portobello. There he saw Kevin O'HIGGINS, member of the Provisional Govt. who joined the Army for the first time last month & is now Assist. Adjt-Gen. He said to her "No paroles are to be given & paroles have been refused in just as distressing cases." He added that if Gerald BOLAND would comply with his Government's Orders, namely, sign an undertaking tantamount to treason to the Republic, he could go to the bedside of his dying brother, but not otherwise.

Let these facts stand as proof Britain's pitiless hand in what is now happening in Ireland."

ON 9.9.22.

'FREEMAN'S JOURNAL'
12-9-'22.

'IRISH INDEPENDENT'
14-9-'22.

THE REALITIES

Constitution In Accordance With The Treaty

Mr. Kevin O'Higgins (Minister for Home Affairs) said he wanted to get rid of humbug and down to realities. The principal reality with which that Parliament was faced was the object for which it came into being, the establishment of a State with a Constitution in accordance with the Treaty signed last December. And another reality they had to face was that basic principles of government were now challenged, and unless those principles were vindicated there could be no democratic state in Ireland. He was surprised that the leaders of the Labour Party should show so little appreciation of the principles of democracy.

He believed in the free constitutional expression of the people's will and the carrying into execution of that will. Having referred to the demands made for information by a previous speaker, Mr. O'Higgins said that the President's statement covered all matters of importance. The chief thing for that Parliament was to decide whether or not it was to be the ruling voice in the nation, deciding all matters of national policy, great and small.

Until they had the principle of representative government established and acknowledged they could not get on with their Parliament (hear, hear), and the principle of representative government was now being greatly challenged in this country.

Mr. Johnson—You would not let it express itself.

Mr. O'Higgins (continuing) said the last Dail approved of that particular Treaty, knowing that in so doing it was voicing the opinion of the people. It was not quite sound to say that because the people of Ireland were not confronted with an absolutely free choice, it was not their will but their fear. That was a clever epigram used to deceive the people.

The representatives of the people came to a certain decision, and such an election as it was possible to hold, endorsed that decision, but certain armed men within the nation said: "Not so, this course is wrong, because it does not meet with our approval," and they were now in arms against the people and the people's Government, and until the issue was decided there could be no democratic State set up here. That had been fully dealt with in the President's statement—whether this Parliament was to be a talking shop, whether its writ was to run, or to be the ruler in the country, or cease to exist. The issue must be decided one way or the other, and the chief and primary duty of the country is to decide whether it was going to give its full support to the Government in deciding that issue.

SIMPLE STATEMENT

The Prisoners And Their Right Of Trial

In regard to the prisoners and the right of trial Mr. O'Higgins said that any man who signed a simple statement to the effect that he recognised the supremacy of the Parliament elected by the Irish people and would not interfere with the person or property of his neighbours—that man's case was immediately considered, and in the earlier days the men who signed the form were automatically released. But men who signed the form were found in arms again against the Government and interfering with the property of the people. One of the shocks they received was in connection with one of these forms.

Three men from Dublin were arrested at Athenry and sent to Galway Gaol. One of them signed the form and then wrote a letter to a friend in Dublin. He quoted the letter, because it was typical of a class. In that letter he expected immediate release and asked for arms, which he said he hoped to use when released. There were a few bank managers and a railway clerk he had something to say to (laughter). He was smuggling the letter out by a warder, he added. In that document, the speaker declared, they had embodied the moral disintegration that was proceeding apace in this country, and if they did not face the facts then there would be no democratic state in this country, and the Irish nation would go down in chaos, anarchy and futility.

THE BIG THINGS

Let them face the big things, and do the duty they were sent to do. The question was: "Whether the people would rule in Ireland or whether a clique of neurotics and pseudo-intellectuals would rule by force of the revolver. They expected more sympathetic appreciation of the difficulties confronting the Government and the tremendous responsibilities on their shoulders in taking the step decided on—the gravest step perhaps undertaken in the history of the country.

They believed if they had not taken that step that Parliament would never have met. They anticipated by a few hours conditions which would have brought back the British, horse, foot and artillery in hostile relations to this country. They had acted, in the words of one since dead, to do the best for the Irish nation in any circumstances that might arise. He submitted it was neither fair nor decent that they should be left, like Mahomet's coffin, suspended in mid-air without repudiation or approval of what they had done. They wanted to function as the first native administration in a century and a half. They wanted this Government to be a real Government, responsible to all the people and answerable there in Parliament to the people's representatives.

THE PEOPLE'S WILL

Concluding, Mr. O'Higgins said what they were fighting for now was to put the people of Ireland in the saddle, to put into their hands the administration of their own affairs and the power of making or changing their own laws. They were, they claimed, representing the sovereignty of the people's will, and they expected strong support from that party which, above all, claimed to be democratic. He believed the people who sent the Labour representatives there to that Parliament had a sound sense and a true instinct of nationality. The men that sent them proved it in the conflict with the British, and he knew that the people who sent them would not wish mere cavilling or captious criticism of a Government that was honestly trying to establish the sovereignty of the people's will (applause).

PRISONERS' RIGHTS

QUESTION BY MR. GAVAN DUFFY

Mr. Gavan Duffy asked the Minister for Home Affairs, at the meeting of Parliament yesterday, whether and in what conditions political prisoners were allowed to see their solicitors and if visits by solicitors to clients in prison were not allowed; under what authority he claimed to be acting; and (b) whether he was aware that Dr. Bastable, of Glasgow, was arrested on the 8th inst. and imprisoned in Wellington Barracks and by whose authority and on what charge he was arrested and whether the application of his solicitor to see him would be acceded to.

Mr. Kevin O'Higgins replied that the use of the word "political" prisoner was scarcely accurate in this connection, and the prisoners referred to would be more properly described as "military prisoners," consisting, as they did, of men who had taken up arms against the Government, or who had assisted such persons.

CONCESSIONS.

The question of concessions that could be extended to them was one concerning which the Government was bound to give very grave consideration to the views of their military advisers. Members of the Government had prison experience, and

the Minister of Defence had admitted to him, rather reluctantly, that he himself visited Mr. Robert Barton in prison with a solicitor, and handed him a hacksaw. He might just as easily have handed him a bomb.

The military authority had released prisoners who had signed an undertaking not to take up arms against the Government, but because of the number of cases in which this undertaking was broken, it had been found necessary to make the holes of the sieve somewhat smaller. In view of the danger of allowing access to these prisoners it was felt that there was no particular hardship in prisoners writing to their solicitors. He had no information as to the arrest of Dr. Bastable. The question might be addressed to the Minister of Defence.

ARRESTED ON SUSPICION.

Mr. Gavan Duffy said he was very reluctant to attack his former colleague, but was it the considered policy to deny the right of political prisoners, properly so called, to see their solicitor? Some of these prisoners were arrested on suspicion.

Mr. O'Higgins—The considered policy of the Ministry was, I think, sufficiently explained. Persons who are in military custody must not be allowed facilities of communication with the outside public, because to allow them those facilities is contrary to the advice of the Government's military advisers.

Mr. Johnson (Labour)—Is there any time limit to that detention?

No reply was given.

CONSTITUTION EXPLAINED

MAJORITY MUST BE GENEROUS TO MINORITY.

THE MINISTRY OF TWELVE.

EFFORT TO BREAK AWAY FROM PARTY SYSTEM.

A lucid explanation of the draft Constitution was given by the Minister of Home Affairs in the Provisional Parliament yesterday.

With regard to the provisions that safeguard the interests of minorities, he pointed out that the Government was bound in honour to put them into effect. Southern Unionists, he said, were part and parcel of the nation, and it behoved the majority to act generously towards them.

It has been assumed that the proposal to form an executive of twelve Ministers, eight of whom shall not be members of Parliament, had its origin in a desire to smooth the path of some of Mr. de Valera's party to office; but Mr. O'Higgins says that this is not the case.

The object of the proposal, it seems, is to "get away" from the party system, under which the defeat of the Government involves the retirement of Ministers who are experts in departmental work.

There was a long discussion on an amendment which Mr. Thomas Johnson moved to the preamble of the Constitution Bill. He urged that the freedom which Ireland had gained was simply the freedom that the Turks gave to certain vilayets, and, apparently, the object of the amendment was to make it clear that Ireland had the right to annul the Treaty, and the limitations which it imposes, at any time.

MINISTER'S SPEECH.

COURAGE OF SIGNATORIES OF TREATY.

Mr. O'Higgins (Minister for Home Affairs) in moving the second reading of the Constitution, said that the first article—viz., "The Irish Free State is a co-equal member of the community of nations forming the British Commonwealth of Nations"—epitomised the fruits of the struggle which some would call a five years' struggle and some a seven centuries' struggle. Epitomised in that article they had also the extent to which an island nation of four millions, without a navy, had failed to secure its war aims from a nation of forty millions, with the greatest navy in the world.

There were occasions in the lives of individuals when it took courage of a higher order to face facts than to face machine guns. Five Irishmen were faced with such a situation last December. The men who were sent to London to represent the Irish nation had done big and brave things for the nation. Two of them were now dead, and he wanted to record the personal view that they never did a bigger or braver thing for the Irish nation than when they signed the Treaty, which gave rise to the Constitution that they had now to consider. That Constitution must be read in the light of the Treaty, and the Treaty must be read in the light of the conditions that prevailed at the time when it was signed. The Constitution reflected the weakness and imperfections of the Treaty, just as in the Treaty there were clauses reflecting the weakness and imperfections of their fighting position at the time when the Treaty was signed.

If one ventured a guess at the thoughts uppermost in the minds of the signatories, one could not express it better than in the words, "We do not negotiate to save faces." He took it that they negotiated to save the Irish nation. The Treaty was approved by Dail Eireann and by the people who sent them there to give effect to it, and to mould from its eighteen clauses the best, broadest, and most democratic Constitution which it was possible to secure.

At this stage an elderly woman, who was stated to be Mrs. Despard, protested from the public gallery against the treatment of prisoners. The suddenness of the incident took the House by surprise and the lady protested without interruption. The Speaker, however, ordered her removal, and, as two attendants approached her, she declared that she knew that she was breaking the rules of the House, but she did so because the Press was censored. "I do not like to do this," she said, "but I feel it my duty." She then left the House, escorted by attendants.

Mrs. Gonne MacBride, who sat beside Mrs. Despard, was requested to leave, but she had to be forcibly ejected, as she grasped the front rail and refused to go.

The incident having closed, the Speaker expressed the hope that in future these people would not be admitted to the precincts of the House.

NO MIRACLE EXPECTED.

Mr. O'Higgins, resuming his statement, declared that the people did not expect them to extract from the Treaty something which it did not contain. The people did not expect them to eliminate from the Constitution phases of the Treaty which undoubtedly did not appeal to the sentiments of the vast majority. He thought that the people realised that blundering attempts at that form of miracle-working would only result in upsetting a settlement which was not lightly won. This was not a republican Constitution. Perhaps he would not be wrong in saying that it was as much, and as little, a republican Constitution as was the British Constitution. It contained the insignia and the symbols of monarchical institutions, but the real power was in the hands of the people. Anyone who studied the grim constitutional struggle between the British Parliament and the British Crown knew well that Parliament won, and that it saved the face of the monarch while depriving him of any real power. England had been called a republic with a monarch. The position in England to-day was that the humblest member in Westminster wielded a more real authority than the British King, whose majesty was the majesty of the people.

In Ireland, under the Constitution, all real power was in the hands of the people acting through their Parliament. As an example he took Article 24, in which it was stated that the Parliament was to be summoned and dissolved by the representative of the Crown, but Dail Eireann fixed the date of the reassembling of Parliament and the date of the session. Again, Article 50 declared that the executive authority of the Irish Free State was vested in the Government and was to be exercisable in accordance with the constitutional usage of Canada. Article 51 showed that Dail Eireann appointed the President who appointed the Ministers, and all through the Constitution there was that clash between law and fact which was also in the Constitution of Canada.

These, of course, were some of the penalties that they paid for their inability to achieve all the things they wrote on their battle standards. They must be set against the smallness of their prospects of achieving more. It was in that light that deputies had to face the situation last December in casting their vote on the Treaty, and it was in that light that deputies had to face it now. As regards the oath to be taken by members, it would be noticed from reference to the Constitutions of Canada, Australia, and South Africa that the oath prescribed in the Treaty and Constitution of the Free State was much more innocuous than the full-blooded oath of allegiance taken in those three Dominions. In the last stage of the negotiations there was considerable trouble over the oath, which eventually was arranged in its present form as being the least objectionable to Irish sentiment while maintaining English sentiment.

They were now asked to believe that all the trouble was about an oath which was to be purely optional. That, to his mind, was not a serious argument. It showed an irresponsible outlook, which should be no part of the policy of those responsible for the government of the country. In Article 2 the British insisted on the law as it was in Canada. Equally in that article Ireland was entitled to have the law qualified as it was in Canada by constitutional usage.

There were certain aspects of the Treaty which were pushed so hard by the representatives of the Provisional Government that they could not take the responsibility of further pushing those particular points, and if the Dail persisted in that course they could not agree to accept the responsibility for directing the affairs of the country. They did not take up that attitude in a spirit of defiance, but from the strong conviction that that particular line would not bring good results, and might react disastrously on the fortunes of the country. In Committee those matters would be dealt with in detail.

PLEDGES TO MINORITY.

In addition to those matters affecting the future relations with Britain, there were certain things which were points of honour, and which had to do with the fears of people who were known in the past as Southern Unionists.

Those fears might be unfounded—deputies might think that there was very little substance in them—but of their reality and existence there could be no doubt. After all, at the start of a new chapter in the history of the country, they should go even a little beyond the line in meeting these people who, having what they regarded as their shield swept suddenly away, found themselves at the mercy of their own countrymen. He thought that it was true statesmanship that dictated to the late President to make very considerable concessions along that line. It was indeed, truer statesmanship than what took place in the South, even after making every allowance for the terrible provocation given elsewhere.

They were not now political parties. They had quite definitely taken a step towards evolving complete nationhood. Those who were known as Southern Unionists were part and parcel of the nation, and the majority who had so much power now in their hands would do well to make a generous gesture and show these people that they were not regarded as aliens or enemies, but that they were regarded as part and parcel of the nation.

Mrs. Sheehy-Skeffington (in the strangers' gallery)—Are you part and parcel of the nation, and, if you are, what are you doing for—

The interruption caused some little excitement, and the Speaker ordered the attendants to remove Mrs. Sheehy-Skeffington from the precincts of the House.

Mrs. Skeffington, as she was being removed by the attendants, said—I am very glad to leave the premises. The country will remember you all yet.

Mr. D. McCarthy asked who was responsible for having obtained admission for these disorderly visitors.

Mr. Johnson said that he had given one a ticket of admission on the distinct understanding that there should be no demonstration.

Mr. Desmond Fitzgerald—I am responsible for another.

Alderman Byrne also admitted having given a ticket.

Another woman in the strangers' gallery—I am very glad that there are three plucky men in the House.

The Speaker—Remove that lady.

This interrupter was also conducted from the premises.

FIRST SENATE.

Mr. O'Higgins then continued his statement. There was, he said, an agreement covering the question of representation in the first Senate. It would consist of 60 members, of whom two would be representatives of the National University, two representatives of Dublin University, and two representatives of Queen's University, Belfast—in the event of the six counties coming under the Dail. The electorate of the Senate would be persons who were thirty years of age and upwards.

There had been a suggestion that there should be a property qualification for the electors of the Senate, but the Council refused to concede anything of the kind. If there was any purpose at all in a Second Chamber it was that it should exercise a kind of check on hasty legislation, and therefore it was agreed that no elector should be under thirty years of age.

The period between the first presentation of a bill to the Senate and the date on which it should be passed would be 270 days, or nine months. That was a compromise between the period of twelve months, which some persons thought should be the period, and six months, which others thought should be the period. Power was given to three-fifths of the members to require a referendum, and there was provision for joint debates between the members of both chambers, but not for a joint vote.

Half the membership of the first Senate would be nominated, and the other half would be elected by the Dail. It was laid down that the nomination should be made on the basis of providing representation for people who were not likely to be elected. That was a big thing that was given to those timid people who saw a reversal of all those conditions which they regarded as their particular sheet anchor.

GOOD-WILL NEEDED.

He believed that the Dail would take a broad view of this matter, and would realise that, if they were to go ahead and develop their affairs within their own borders, they must have the good-will and co-operation of all sections of the community. If they erred in this matter, it was better to err on the side of an over-generous advance than to slight the people who, he hoped, would come round to what was the general view of the nation.

Coming to the Executive Council, which, he said, was a difficult portion of the Constitution, he told the House that the clauses which provided for the system of Government would not be strictly limited to party lines.

"Article 50 of the Constitution," he said, "provides that there shall be a Council to aid and advise the Government of the Irish Free State, to be styled the Executive Council. That Council shall be responsible to the Chamber (the Dail), and shall consist of not more than twelve Ministers, of whom four shall be members of the Chamber, and a number, not exceeding eight, chosen from all citizens eligible for election to the Chamber, who shall not be members of Parliament during their term of office, and who, if at the time of their appointment they are members of Parliament, shall, by virtue of appointment, vacate their seats, provided that the Chamber may from time to time, on the motion of the President of the Executive Council, determine that a particular Minister or Ministers, not exceeding three, may be members of Parliament in addition to the four members referred to."

That would mean that, if this particular line was adopted, there would be as many as eight members of the Ministry who would not be members of the Dail, and that, at least, there would be four. In a country under the proportional representation system of election there was a good deal to be said for that proposal. There would be some members of the Government who would not go out of office in the event of the Government being defeated. Some persons might say: "These are men that we cannot get at"; but that would not be right; for these particular outside Ministers would be as amenable to the Dail as any other members of the Ministry.

It might happen that a particular Minister might not be in harmony on certain points with the rest of the Ministry. That Minister might be well qualified to be the head of a department, and his difference of view ought to be no obstacle to his remaining at his post. The House that appointed such a Minister could remove him, and he would not be beyond the control of Parliament.

THE REASON.

One criticism that had been made of this particular Executive was that it was devised to meet a particular set of conditions existing in the country, and to enable the anti-Treaty people to have a share in the administration of the country. If that criticism were well founded, it would be a serious one; for the Constitution of a country, which would last for a considerable time, should not be drawn up with stress laid upon the conditions which existed at the time of its drafting.

As a matter of fact, that particular form of Executive was devised with the very real de-

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AN ESSENTIAL PART Mr. O'Higgins On Crown And Constitution

LETTER TO MR. JOHNSON

Mr. Kevin O'Higgins, Minister for Home Affairs, sends for publication the following letter which he has addressed to Mr. Thomas Johnson, T.D.:-

A Chara—With reference to the question addressed unexpectedly to us by your party last evening, which, owing to our not having been informed of it beforehand, we were not in a position to answer with precision, I believe it well to state now the reply with more definiteness.

The British position is founded upon Clause 2 of the Treaty, which you will remember is in the following terms:-

"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."

Their claim is that it is the constitutional usage and practice to express certain matters in the name of the Crown, which is, as it were, the common language for certain purposes of the Dominions, as also of England; that is to say, of all the partners in the Commonwealth.

Thus they claim and insist that Parliament must be summoned and dissolved in the name of the Crown, that the King must be a member of the Legislature (in the constitutional British sense), that Ministers must be appointed in the name of the Crown, that judges must be appointed in the name of the Crown, that legislation must be assented to in the name of the Crown, that every money vote must be at the request of the Government of the day, presented in a message from the Crown or its representative.

You will be, of course, aware of the precise constitutional value of this form of proceeding.

The appointment of the Governor-General is a necessary sequel to Clauses 2 and 3 of the Treaty. The preliminary clause, as has already been explained, is insisted upon, and such insistence is largely attributable to the atmosphere of doubt with regard to Irish good faith in giving effect to the Treaty, created by the circumstances of the time.

Several other clauses are agreed texts after discussion, and I think it will be found that these agreed texts are in no case to the disadvantage of Ireland.

ESSENTIAL TO PRESERVE.

To sum up, therefore, the provisions of the draft Constitution, which it is essential to preserve in order to preserve the Treaty position, are as follows:-

1. The preliminary clause.
2. Articles 1 and 2 are the agreed statement of the position arrived at as a result of the London Conference.
3. Article 5—the form in which this is expressed confining the limitation so as not to apply it to honours given for work done by Irishmen abroad is insisted upon by the British Government.
4. Article 8—In so far as it reproduces Clause 16 of the Treaty verbatim.
5. Article 12—In so far as it provides that the King shall be a member of the legislature.
6. Article 17—Providing that the Treaty oath shall be imposed upon every member of the legislature.
7. Article 24—In so far as it provides that Parliament shall be summoned and dissolved by the Governor-General in the name of the King.
8. Article 36—In so far as it provides that there cannot be a money vote unless recommended by a message from the representative of the Crown.
9. Article 40—As to the King's assent to Bills.
10. Article 41—As to the official text of the Act. This is copied from section 67 of the South African Act.
11. Articles 48 and 49 are agreed texts.
12. Article 50—In so far as it provides that the Executive Authority is vested in the King, and in so far as it provides that the appointment of Ministers is to be made by the representative of the Crown.

13. Article 55—In so far as it imposes the oath on Ministers.

14. Article 58—As regards the appointment and salary of the Governor-General.

15. Article 65—The proviso at the end, the intention of which is to preserve only the prerogative right of appeal to the King in Council and not the wider appeal existing in Canada. It is intended to give us the South African position.

16. Article 67—In so far as it provides that judges are to be appointed by the representatives of the Crown.

17. Article 77—In so far as it provides that the oath must be taken by members before this Dail can become the first Dail of the Free State.

18. Article 79—As regards the proclamation of the adoption of the Constitution.

SOUTH AFRICAN POSITION.

With reference to the proviso at the end of Article 65, it will be observed that this gives not the general appeal in all cases such as exists in Canada, but preserves only the minimum, namely, such right of appeal as is the prerogative of the Crown, which was also insisted upon in South Africa.

The clause gives us the South African position, that is to say, no appeals from ordinary litigation, but only appeals in such matters as upon petition to the Crown it may be decided should be allowed for some special reason. The special reasons contemplated are such as arise from the litigation in question affecting the other members of the Commonwealth.—Mise le meas.

CAOIMHGIN O HUIGIN.

Ministry of Home Affairs, Dublin,
22nd September, 1922.

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Article 12 was the principal source of discussion when Dail Eireann resumed its deliberations on the Committee Stage of the Constitution Bill yesterday.

After Labour amendments, proposing new clauses relating to economic and social matters, had been rejected, Mr. Kevin O'Higgins moved that Article 12 should stand part of the Bill. It reads:-

ARTICLE 12.—"A Legislature is hereby created, to be known as the Parliament [Oireachtas] of the Irish Free State [Saorstát Eireann]. It shall consist of the King and two Houses: the Chamber of Deputies [Dail Eireann] and the Senate [Seanad Eireann]. The power of making laws for the peace, order and good government of the Irish Free State [Saorstát Eireann] is vested in the Parliament [Oireachtas]."

In proposing the motion, the Minister read Articles 1 and 2 of the Treaty, and said on these Articles this clause of the Constitution hung. There was an amendment in the name of Deputy Duffy, which, in the opinion of the Government, was equivalent to an invitation to the House to proclaim a republic. He trusted the House would give that amendment the consideration it deserved.

DOMINION PRECEDENT

The proposal was to leave out the King. Unfortunately, they considered that within the terms of the Treaty it was not possible to leave out the King.

He would like to know on what the amendment was based—whether it was on the law of Canada, or on the practice or on the constitutional usage of Canada. He would ask them to turn to Article 17 of the Canada Act—

"There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons"; and to the first Article of the Australian Constitution—

"The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate and House of Representatives"; and to Article 19 of the South African Constitution—

"The legislative power of the Union shall be vested in the Parliament of the Union, hereinafter called Parliament, which shall consist of the King, a Senate and a House of Assembly."

GRAVE RESPONSIBILITY

Minister's Words To Mover Of The Amendment

Proceeding, Mr. O'Higgins said if what the British signatories and the Irish signatories really intended was that Ireland should have whatever position was desired by the left wing in any of the Dominions, he had no doubt they would have seen to it that the draughtsman set that out. The draughtsman did not set out anything of the kind, and they who had the duty of working out an interpretation of the Treaty could only take it that they were bound to work out a Constitution which would be within the limits of these 1st and 2nd Articles of the Treaty, and they could not see still less how they could maintain across the table to British representatives that there was anything in either of these two Articles which would enable them to leave out the King, as Deputy Duffy desired.

THE SECURE MINORITY

It was not a particularly pleasant position to be placed in to have to stand over an Article such as this Article 12 of the Constitution. It was a very safe position for one who felt that he had a comfortable minority to take up; a very safe position for one who had not at least primary responsibility to the country for what might befall.

He ventured to say that since last December this country had more heroes to the square mile than any other country in the world. They had Robert Emmets going about talking about the knock-kneed Government that was going to accept the King.

"We propose," the Minister went on, "to accept the King because we had a mandate to accept the Treaty;" because within the Treaty they should launch the Constitution with the King in it. They proposed to do that, not because of any predilection for the gentleman, or because of a dislike of Republicanism, nor because of any deep fear of consequences to themselves, but simply because they took a very serious view of the responsibilities of the Irish people, and having a very high opinion of their prospects of not getting any better.

POSITION IN CANADA

The King was part and parcel in all Dominions mentioned in Article I. of the Treaty, and neither in law or constitutional practice or usage did Canada leave out the King.

It might be that in one of these Dominions, or all of them, a left wing was struggling for particular things to be attained in the future, but that position was not the position in Ireland. Now, every member in that House should cast his vote on every occasion as if that vote was the deciding factor in whatever question was before the House. It was in that spirit they had to vote last December when deciding on the Treaty, which gave rise to this Constitution. If Deputy Gavan Duffy carried his amendment, no doubt he would be the head of the Ministry which would win for Ireland the Constitution which would leave out the King. He would wish him luck, and promise him any help that he could give him in the task, but he was not sanguine of his success. He moved that the Article stand as part of the Bill.

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BLEEDING TO DEATH AN INJUNCTION AGAINST CRIME

Mr. Kevin O'Higgins, Minister for Home Affairs, said perhaps it was proper that a Minister who, if conditions were normal, would be solely responsible for order in the country should speak on the motion. His object in speaking to it was to stress the fact that they had not in the Civil Government at the moment the power or the machinery to deal adequately with the situation with which they were confronted, and they had not at their disposal tribunals necessary to deal adequately with the crimes which were so abundant throughout the country. Had they the ordered civil machinery of an old-established government at their disposal the army might be sparked the task, which was not pleasant.

He asked the Deputies to believe that that particular motion did not spring from any blood-lust on the part of President Cosgrave or General Mulcahy, but was from the whole Government, and from the urgency of the situation in which they found themselves faced.

The Dail was the highest court in the land, and they came to the Court to ask for an injunction—a very definite injunction—against certain acts, and they asked for a very definite penalty in the event of a breach of the injunction.

The acts for which they asked the injunction were acts which were making steadily and rapidly for national death.

HUMAN v. NATIONAL LIFE.

There had been talk there, with much of which he agreed, of the gravity of taking human life. He did not think any of them held human life cheap, but when and if the situation arose in any country where they must balance human life against the life of the nation, then it presented a very different problem, and the Government at least had seriously considered that such a situation had come to pass in Ireland. They considered they were presented with the spectacle that the country was bleeding to death, that they were staring straight for anarchy and chaos, and if there was going to be a check to that that they should take measures very much stronger than they had taken up to the present.

The nation's life was menaced, menaced politically, economically and morally. It was menaced politically because vital things, fundamental things were challenged, and if the day came when the majority will could not be asserted there, if the day came when the majority would bow to an armed minority, then the country would have ceased to be a nation, and would have become instead a rabble dictated to by guns perhaps. Economically the life of the country was menaced; all those present knew it, and there should be a time-limit. It could not go on indefinitely, and to a large extent the task of the Government was a task against time.

Last December they were told there were 130,000 people out of employment up and down through the country. He did not know to what figure the unemployment had since swelled, but he did know that the ties that bound society, the ties which bound the ordered fabric of the State, were strained to a breaking point, and he knew and believed that the able Englishman who was leading the opposition to the Government has as his definite objective the complete breakdown of the social and economic fabric, and that the nation should go down in chaos, futility, anarchy. That man's programme was a negative one, a purely destructive one, and it would be a victory for him if he prevented the Government coming into existence under the terms of the Treaty signed in London last Dec. His programme was not a constructive one, and so he kept on steadily, callously, and ghoulishly in his career to strike at the heart of the nation, and strike deadly blows at its economic life.

Mr. Davin (Labour)—To whom do you refer?

Mr. O'Higgins—I am referring to the Englishman, Erskine Childers. I trust the

Deputy did not think my words were capable of being applied to anybody else. Continuing, Mr. O'Higgins said 20 p.c. of the opposition to the Government was idealism; another 20 p.c. was crime, and between the two there was 60 p.c. of sheer futility. If the country failed to win out to democratic government that would be unfortunate; if it failed because of lack of clear thinking on the part of those who had the primary responsibility it would be criminal for

It would be shirking the responsibilities; it would be putting certain mawkish sentiments before the thing that the people looked to them to do, and they would not do that. Deputies should not let the softness of their hearts spread to their heads in answering the resolution. They should keep in mind the hammer blows that were being dealt at the social and economic life of the country, because up to the present they were striking them with a fair prospect of comparative immunity.

Continuing, Mr. O'Higgins said they should not encourage them in the belief that they could continue to do these things without immunity. They would be continued so long as these people continued in the belief that the penalty was only going to be internment under comfortable conditions. Certain things had been referred to there as acts of indiscipline. Deputy Johnson had remarked that in the setting up of this machinery they were taking steps likely to lead to an increase of such acts of indiscipline. He took issue on that.

They were taking steps that would ensure the disappearance of such acts of indiscipline. They were in such a position that they must carry more of the load than the ordinary citizen of the country. A murderous ambush had taken place in Leix in which three very gallant officers of the National army lost their lives. Concerning that they knew the common thought amongst the people from one end of the country to the other. He did not endorse that, but he knew that it was said: Why did they take prisoners when these 25 men surrendered to six after firing their murderous volleys at these 3 officers? There was no case of indiscipline there.

CONFIDENCE IN THE ARMY.

This country, he continued, could not indefinitely endure what it had been through in this black year since last December. It was in the knowledge of Deputies that the Government had duties and responsibilities out of all proportion to the machinery at its disposal. It was in their knowledge that the Government had at the moment only 1,500 police.

The civil tribunals were peculiarly placed at the moment. He did not think the Dail should have any misgivings in trusting the National Army who had not shown in the past few months any particular blood-lust. They had shown that they did not forget that some of those men pitted against them were to some extent, at any rate, men who fought with them in the past. The Army had shown all the time that they did not forget they were dealing with their own people. He did not think sufficient attention was paid to the safeguards in these proposals with regard to the proper trial and fair consideration of evidence. Mr. O'Higgins quoted the reference to the presence of a person of legal experience and knowledge in these courts.

NEED FOR ACTION.

Mr. O'Higgins, continuing, said this resolution could be taken as evidence of the fact that they put their responsibilities to the people of Ireland and the future generation before any personal feelings. He thought it was realised that no member of the Government would expound to his colleagues a project such as this for any other motive or any other belief than the belief that the national situation demanded action of this kind, and that in no other way could the national life be saved. It was in that conviction, and not from any bloodlust that they put this resolution to the House.

Each deputy must take his responsibility in accepting or rejecting it, and if they thought it right and necessary, and that the Government would not be able to save the national position without it he trusted they would have the manliness to vote for it, no matter what threats might be made to them outside in consequence of their having done so.

If men were allowed to go on as they had for the last 8 or 9 months in the belief that in the end of all there was a comfortable camp bed at Gormanstown he saw no prospect of these men coming back to a realisation of the position or to an appreciation of the fact that majority rule must prevail.

To-morrow they would be considering the question of the oath, and to him it seemed that any Deputy who took that oath was not acknowledging any Majesty or King, but rather that he was bowing his head to the will of the majority in that country. "There must be that bowing of the head," Mr. O'Higgins concluded, "if the country is to be saved; and if this country is not going to be saved, and if it is to go down a futile thing, then we of the Ministry are determined that that will not be through any fault of ours" (hears).

MACHINERY OF LAW.

PRESENT MAGISTRACY TO BE ABOLISHED.

SCORE OF PAID JUSTICES.

CIVIC GUARD SENT TO COUNTRY WITHOUT ARMS.

In the Provisional Parliament yesterday the Minister for Home Affairs explained the Government's plans for the re-establishment of civil administration in those parts of the country that are comparatively peaceful.

By the end of next week nearly 1,500 members of the Civic Guard will be on duty in various districts. The Guard is the successor of the Royal Irish Constabulary, but it is not a semi-military force. None of its members carries arms.

The present magistracy will be abolished. Some 24 or 27 stipendiary magistrates, drawn from both branches of the legal profession, will be appointed, and they will hold courts of summary jurisdiction on about twenty days in every month in their respective districts. There will be no interference with the County Court Judges.

Mr. O'Higgins made it clear that these are temporary measures. A Commission will be appointed to suggest the lines upon which the whole legal system shall be recast.

CIVIL ADMINISTRATION.

GOVERNMENT'S PROPOSALS.

The Minister for Home Affairs (Mr. O'Higgins) moved the following resolution:—

"That, in the opinion of this Dail, the Government should, whenever the military situation so permits, take immediate steps for the consolidation and re-establishment of Civil Administration, and should, to that end, rescind the Decree establishing District and Parish Courts, in so far as it has not already been rescinded."

He said that the motion had been put down with a view to enabling Deputies to debate the whole question of civil administration, and the steps that it was proposed to take to lay the foundations of that administration. Deputies would remember that they could not now take permanent and far-reaching steps—it was not the time for such steps, and the proposals which he would mention to the House were necessarily governed by the existing condition of affairs.

They were put forward with a view to saving the foundations of ordered society in this country, and, therefore, in that spirit and with that outlook he would ask Deputies to consider them. Most of them were familiar with the history of the Courts set up under Dail Eireann, and most of them realised, conceived, as they were, in a time of stress, that those Courts did the work that they had to do, and very largely achieved the objects for which they were established. But while they knew that, and while they claimed that these particular Courts to a very large extent justified their existence, they knew that they were not of the kind that could remain permanent structures in the administration of justice in this country.

ARBITRATION.

In June, 1919, Arbitration Courts were started, and a motion was carried in the Dail establishing these "National Arbitration Boards." In June, 1920, it was decided to start Courts of Justice and Equity, and it was decided to have, after a time, Courts having criminal jurisdiction. In the summer of 1920 these Courts were set up throughout the country until there were Parish Courts in almost every parish, and certainly there was no constituency without a District Court. In these Courts, just as in local government, the people took from the British Administration the control of their own affairs, and under the supervision and superintendence of the Dail Departments they left the enemy machines idle, with little or no grist coming to that particular mill.

In that respect the Dail Courts fulfilled the object for which they were set up, which was to exhibit to the world that the whole people were turning from alien administration to their own Courts, hastily set up by their Government in the heat of an armed terror.

They had arrived now at a stage when the entire administration of the country had passed into the hands of the people, and could be moulded by the representatives of the people, freely discussing and considering matters in an open Parliament, and it was not the opinion of those primarily responsible that that particular machinery was adequate for the needs of the time. He had, therefore, now to put certain proposals before the Dail.

STIPENDIARY MAGISTRATES.

"It is the intention of the Government," continued Mr. O'Higgins, "to appoint, with very little delay, salaried magistrates to sit each in his own area as a Court of Summary Jurisdiction, having only the jurisdiction of an ordinary justice in the past. These magistrates or district judges cannot be sent out until the Civic Guard are established throughout the country, but they will be sent out as quickly as possible on the heels of the police force, which must be their "executive machinery."

That proposal would involve the immediate withdrawal of the Commissions given in the past by the British and, with a specific object in view, by Dail Eireann. This was a temporary measure to meet a purely emergency situation, and it was a measure that was contemplated without prejudice to the report or findings of the Judicial Committee which would be set up to deal with the entire system of justice in the country.

That particular Committee would deal with the administration of justice from the highest to the lowest Courts, and it would have in view the providing for the people of a more convenient and more economic system of justice. It would have in view the removal of the rather glaring defects of the British system, which was cumbersome, expensive, and not at all suited either to the needs or the genius of this country.

There would be about 24, or 27 at the most, of these district judges appointed—these temporary salaried magistrates. It was thought that one of these should be stationed in a particular centre with about nine court centres around about him, and hold Courts on about 20 days in the month. At that rate 26 or 27 such magistrates would be sufficient to meet the requirements.

CIVIC GUARD.

He thought that the Civic Guard was a matter on which members would be anxious to receive information. He had from the Chief Commissioner a report showing that during the last week the Civic Guards were sent out to the following places, and in the following numbers:—Limerick, 50; Bruff, 20; Ennis, 25; Galway, 26; Ballinasloe, 20; Monaghan, 25; Clones, 20; Cavan, 25; Roscrea, 20; Maryborough, 25; Kilkenny, 25; Nans, 25; Carlow, 25; Wicklow, 25; Mullingar, 25; Longford, 25; Athlone, 25; Granard, 20; Letterkenny, 25, and Buncrana, 25.

That accounted for about 500 men, and at the moment the effective strength of the Guard was 1,500 officers and men. In addition they were guarding 60 banks in Dublin and district, and there were comparatively small posts in Swords, Dundrum, Lucan, Foxrock, Kildare, Newbridge, Clonsilla, Rathdangan, Castledermot, and Portlinton. There was a further programme for next week, which would practically exhaust the present strength of the force, and it was proposed to proceed energetically with recruiting.

As to the Government's intentions as to what this force would be, he would like to speak briefly. These men had gone out through the country, absolutely unarmed, as a civil police force for the protection of the rights and property of all the people. They did not want to arm this force if it could possibly be avoided—they had been sent out unarmed. It was an experiment—an experiment which the Government, at least, felt bound to make. If that experiment failed, then the Government must consider the situation and deal with it as they thought best.

They had no desire to model this force on its predecessor, but neither could they agree to face a situation in which the men would be shot down defenceless.

UNHAPPY PAST.

He wished rather to speak of the future of this force rather than of the past. Its past had not been a particularly happy one, and it was not considered that any great good would come of delving back into that past and inquiring exactly whose fault it was that so and so happened. An inquiry was held. Certain officers, feeling that their names would be a reminder to the men of things that were better forgotten, had tendered their resignations, and these resignations had been accepted.

The force was starting a new chapter now under a new headship, and it gave him (Mr. O'Higgins) genuine satisfaction to report to that

Dail that the spirit of the force was excellent, and, while the standard of efficiency was not very high, he felt that there would be few reports against the conduct of the men. As to efficiency or experience, they would learn, just as their predecessors had to learn, and he felt that in these 1,500 men there was the beginning of a highly efficient and self-respecting force that would be a real protection to the life and property of the people.

Men had been sent into that force to make trouble and play upon the failings and the prejudices of the man. The material was there to their hands, and they used that material skilfully and with at least a certain measure of success, if not with all the success that was hoped for by the people who sent them in. That particular chapter had been rounded and that particular chapter was closed, and he would ask that in this discussion the facts should not be re-opened. No good could come of that, and they should turn their minds, just as the men had turned their minds, to the future and not to the past.

Reading the evidence at that inquiry, it was a very sad and a very human story. They dealt with the situation as they found it, and he was satisfied that that particular trouble was over, and well over; and, on the whole, what had happened had been a salutary lesson to the men themselves.

FOUNDATIONS OF NEW ORDER.

They were standing amid the ruins of one administration with the foundations of another scarcely set. That was the position, and he wanted the Deputies and the people of the country to understand that it was the position, and that the things they did now were emergency measures, and did not reflect in any way what the Government would like to do, and would do, in the form of permanent measures for the future administration of justice in the country.

Taking the situation as they found it, and starting at the lowest rung of the ladder—at these courts of summary jurisdiction—they felt that the selection of certain men in whom the people would have confidence, and the sending of these men out through the country, was at least a step towards holding the foundation together until the contemplated Judicial Committee was set up and reported, and on a more secure basis and in better times they could deal with the situation in a proper way.

The magistrates to be selected would be drawn from both branches of the legal professions, and not otherwise. It would be their business to administer the existing law strictly and impartially. No man would be sent to an area with which he himself had any particular ties or associations, and these magistrates would go out, as the Civic Guard went out, in the name of the whole people, and for the protection of the rights of the people.

For the present it was not proposed to interfere with the sittings of the ordinary County Courts—that step would only tend to make confusion worse confounded. There were only certain classes of cases with which they had jurisdiction to deal, and these cases were of urgent importance. These County Court Judges would go out at the usual time, and he trusted that the people would have sufficient good sense to make use of them.

It would be very unwise on the part of the Government to play the part of the bull in the china shop, and interfere with old institutions before they were ready with alternative schemes.

END TO PREJUDICE.

He trusted there would be an end to ignorant and prejudiced criticism about British Courts. They should try to grow out of that, and they should try to grow up as a nation. They should try to develop a capacity for looking facts in the face and admitting them. These were not British Courts. There were no British Courts in Ireland at present—there were no Courts in this country that were not Irish Courts, and the making of the laws was in the hands of the Irish people through their representatives, and if there was any particular law that the public thought should be repealed or altered they had the means at their disposal to repeal or alter that law.

When they were building they must build from the foundations. They should not build in a hasty, ill-considered way. The Committees that would be set up would consider and report to the Government on the defects of the old system. The Government would build sure and firm upon that report. But until that report was made, and until an alternative machinery could be set up, he appealed to the deputies and to the people outside for a little of that very uncommon quality called common-sense in considering this whole matter.

This country was at present undergoing a test, and within the next six months they should know whether or not this country was going to endure the test—whether it was going to use the opportunities that lay to its hand, or whether it was going to throw away its opportunities and allow the harvest of the last four years to perish ungarnered in the field.

Had that Dail been a unanimous Dail there would have been trouble, and grave trouble, for this transitional period. There would have been the trouble of two reactions—the reaction of the world was and the reaction from their own special conditions of the past four years. And one man, no doubt an honest man, no doubt a man who loved his country well, but not wisely, went and put his torch to the powder barrel.

That was the situation that they had to deal with, and if they did not deal with it there was imminent disaster for the land and for the people of the country. If such happened they could not blame any other country—they could only blame themselves.

CITIZENSHIP.

It did not matter how efficient the Civic Guard became, it did not matter how impartially the new magistrates might administer the law, there could be no progress without good citizenship. Patrick Pearse was right when he said, "Every man and woman in Ireland carried the Irish nation in his heart." And so far as any man or woman in Ireland departed from decent standards of citizenship the whole nation suffered and the whole nation was let down. (Applause.)

Armed men were standing in the path to-day and saying to the mass mind of the nation, "You must not take a certain course." That was a position which never had been conceded in any democratic council. It would not be conceded there. No small section of the people had a right to say, "You must go back to war with England and make, if necessary, a Thermopylae and go down to the last man." They could keep their high principles and their own political convictions, but some men must be allowed to work the Treaty settlement for the benefit of the Irish nation, and they must drop back into the position of constitutional opposition. But they had no right to kill the nation, and it would be killed if the principle of the majority will went under.

This was the people's own machinery, and the man who set his face against it was sinning against the people. They must develop that civic sense, that sense of responsibility, that it was not now as fine a thing as it used to be in the past to break the law, because the law now was the people's, and the Government and Parliament were those of the Irish people.

He was prepared to be told that it was a reactionary policy to send out paid magistrates with a limited jurisdiction. He would ask such critics to weigh well the circumstances and the extent to which the civic sense had been dissipated by the events of the last eight

MACHINERY OF LAW.

(Continued from Page 5, Column 2.)

or nine months. They had tapped public opinion so far as they could throughout the country, and the consensus of opinion favoured the course which they were about to take. He did not want deputies to think that these proposals foreshadowed the general trend of future administration.

The Minister for Local Government seconded the motion.

LABOUR'S VIEW.

Mr. Thomas Johnson said that he thought that the country generally would agree that there was need for the setting up of these courts, but if they were asked to go back to the position that the work of all the Dail Courts was to be cancelled entirely it would be a very retrograde step, and would be disastrous. If mistakes had been made they should recognise that they had been made in good faith.

He hoped that the Judicial Committee would be appointed after reference to the Dail, and that any changes in the system of administration would be done by the act of the Dail. He was glad to know that the Ministry, and the men of the Civic Guard were willing to face the risk—undoubtedly a real risk, and they were brave men to face it—of sending into the country an unarmed police force.

He sincerely hoped that the country would recognise the position of those men—that they were going into the country to fulfil their duties as an unarmed police force and not as a semi-military force.

LOCAL AUTHORITIES.

He would like to hear further that it was in the mind of the Ministry that at an early date they would agree to associate in the control and direction of this unarmed police force the local authorities. (Applause.) The more that was done the sooner they would come to the point when the law and the administration of it would receive the confidence of the people. (Hear, hear.)

Without going into details as to the Civic Guard, he thought they should be told the educational qualifications that were required, and whether any change had taken place.

They should also know whether it was the intention of the Ministry to give effect to the assurances that had been publicly made with regard to those members of the Royal Irish Constabulary who had resigned at the call of the people. It was only reasonable, he thought, and it would appeal to everyone's sense of justice, that these men at least should be treated as favourably as the men who remained on in the Royal Irish Constabulary until the disbandment, and who got, perhaps, preferential consideration on the formation of the new force.

TRIALS PENDING.

Mr. Gavan Duffy said that he thought it would be desirable that the Dail should have something more than the resolution in writing before them. If they could, in the place of the District Courts, have more efficient machinery everyone would be in favour of it. Many of the old courts were unsuitable, because the people appointed as judges were not properly qualified. Some reform was necessary, but they could not have unification until the Judicial Committee had reported.

What, he asked, was to be done with a number of people who had been committed for trial by Dail Courts? By whom were they going to be tried? What legislation would be introduced to justify their trial by a Court not contemplated at the time when they were committed, and what procedure would be adopted in those cases?

With regard to the justices whom they were sending out, what right of appeal would there be for their decisions? Was it proposed to pass a new law, and to what extent would their jurisdiction be an alternative to that of the County Court Judge?

Mr. Cathal O'Shannon said that he agreed with the Minister of Home Affairs that the Civic Guard should be an unarmed force. Whether that particular moment was the exact moment that they should be sent out altogether without arms he was not quite so sure, but he was with the Minister that the Guard should be a genuine police force, and not a semi-military force like the R.I.C.

NO POLITICS.

There were several fundamental things required in such a force as that. One was that, like the Judiciary and other services, it should be in no sense a political force. (Hear, hear.)

Sound appointments be made on political grounds.

He thought it was wrong, in principle, that the head of such a force should be, in any sense of the word, a politician, and he objected to a member of the Dail holding, at the present moment, such an office. The appointment might be only a temporary one. He hoped that it was. He would like it to be understood that he was not making a personal attack on the gentleman who occupied the post.

He was against the arming of the Guards with rifles. Unless his information was incorrect, the guard up to the present was not getting the training in police duties which was required. If there was to be a police code for the Guard it should be made known. It was much more difficult to make a policeman than a soldier, and his information was that the Guard was not getting the proper training. It was also alleged that many of the R.I.C., who had resigned when asked to do so by the people, were received into the Guards as raw recruits, whereas those who were subsequently disbanded were more eligible for higher positions.

He had been told that a few weeks ago a certain officer of the Guard in the Castle was so fond of getting salutes from his men, and made himself such a nuisance, that one of the men fired at him. (Laughter.) He hoped that the new régime was doing away with that spirit, which permeated the old régime. Some consideration should be given to those members of the R.I.C. who resigned. Some of them, no doubt, resigned through cowardice, others because it was an easy way of getting out of an awkward job; but the bulk of them resigned because they were asked to do so by the national organisations. Many of them had since been living from hand to mouth, and he would like an assurance that the obligation of honour which the nation owed them would be carried out.

DECREES.

Mr. Figgis said that there seemed to be a great difficulty in getting decrees of Republican Courts enforced, and he had heard of cases where decrees had been brought to the attention of police officials, and they replied that they did not know that they could enforce them. He believed that the courage of the Civic Guards, who went out unarmed, would arouse a certain sense of moral responsibility throughout the country.

Mr. MacGuinness (Longford) said that he welcomed the resumption of civil administration. The Home Minister was entitled to the highest praise for his energy in the matter. He took exception, however, to the class of persons which was being selected to fill the magistracy. There seemed to be no consideration for the men who risked their lives by conducting Republican Courts. Instead of being given to lawyers, such appointments should go to the men who did the nation's work during the last few years.

He also objected to sending down the same old judges to the Quarter Sessions, especially judges who decided malicious injury claims on the instructions of Sir Hamar Greenwood and Dublin Castle. These men, if again sent to the country, would not get the respect which he should like Government judges to get. Men of national record, as well as legal training, should be appointed. He could not see why he and others like him should have risked their lives when they saw the same old judges and the same old Crown solicitors, sheriffs, and clerks of the Crown sitting as usual. What were they fighting for?

Mr. Gorey—Jobs. (Laughter.)

Mr. MacGuinness denied that they were fighting for jobs. They were, he said, fighting for justice.

Mr. Hennessy urged that the Republican Courts did not get the respect which they deserved from the people because very often their decrees could not be executed. Civil administration had fallen to pieces, but if the courts were allowed to function, he believed that there would not be the amount of irregularity which now prevailed in the country. This was a temporary measure, and he heartily supported it.

HELPFUL CRITICISM.

Mr. Gerald FitzGibbon, K.C. (Dublin University), said that, in reference to the charges made by Deputy MacGuinness against County Court judges, he should say that, no matter what their political views were, he did not believe that there was a single one of them capable of being so false to his oath or duty as to administer justice on the orders of any paymaster in Dublin Castle or anywhere else. He did not believe that there were many present who believed these charges to be true.

He did not deny that decrees given under the Malicious Injury Acts were distasteful to those who had to pay them, including himself; but these decrees were not given by order of anyone in Dublin Castle, but because the statutory regulations had been altered by the English Parliament two or three times during the past few years.

It was not unreasonable that the Minister for Home Affairs should select lawyers to administer the law, and he believed that on many occasions for years past one of the great criticisms directed against Resident Magistrates was that they were retired Army colonels and district

inspectors of police who were without proper legal training.

He rather fancied that the new administration of justice in the country in the future would go in the direction of considerable increase in the County Court jurisdiction, and in bringing the administration of the law home to the people where they lived, so as to save them the expense of bringing themselves and other witnesses to Dublin in comparatively trivial cases. If that reform should come within the next two or three years, it would be rather unfortunate if the country were burdened with salaries and pensions of men who were put out of action. He had no doubt that the Minister, in considering that matter, would see that the men capable of being promoted to the higher duties would be promoted in the event of largely increased County Court jurisdiction.

He further hoped that the Minister, in whatever reform of justice he had in contemplation for the country, would consider the possibility of making further use of these twenty-six legal gentlemen whom he was proposing to send out, because otherwise it was scarcely likely that members of the legal profession would throw up their present positions and go to a job out of which they might be thrown at a later date. He trusted that the House did not share the belief of Deputy MacGuinness as to the performance of their duty by the unfortunate gentlemen who were described so frequently as "Castle hacks." (Laughter.)

Mr. MacGuinness—I rise just to prove the statement I have made—

The Speaker—You cannot prove a statement. Mr. MacGuinness—To prove the statement that their own Government has—

The Speaker—You cannot prove a statement. Alderman Corish (Labour) said that they were all behind the Government in its attempt to restore civil administration. He hoped that the mayoral Courts would not be interfered with, and that the Mayors, as chief magistrates, would participate in the new régime.

Professor Magennis asked whether the appointment and terms of reference of the Judicial Committee would be considered by the House.

Mr. Gorey declared that in many cases people who said that they were relatives of "Black-and-Tans" got compensation larger than the amount of their malicious injury claims. He hoped that the country would rise to the new régime and support it in every way.

Mr. O'Maille said that it was only right that a clean sweep should be made of all the officials connected with the old administration of the law. The people would be delighted to see that the law was to be administered again, especially when they realised that it was their own law.

MINISTER'S REPLY.

LEGALITY OF DECREES.

Mr. O'Higgins said that he was particularly gratified by the restraint which had been shown upon the Labour benches, and he was also pleased to note that the benches opposite realised that it was the business of an Opposition to oppose. (Laughter.) Certain points had been raised in the course of the debate to which he would refer.

Deputy Johnson had asked as to the decrees of the Courts set up by Dail Eireann in the past. It seemed that it would be necessary in a future Parliament to incorporate or consider how much of these decrees could be incorporated in the system of law in the country, and to legalise these decrees by an act of a future authority.

The judgments given in the Dail Courts in the past would be a very difficult question, because they had to face the fact that the Dail Courts had not always adhered to their jurisdiction. In many cases they went very far beyond their jurisdiction, and they had parish courts sentencing men to long terms of imprisonment and imposing fines in excess of their powers. They had also in some cases given verdicts at variance with the evidence before the Court. (Laughter.) They could not, therefore, stand upon all the judgments that had been given.

Possibly the best course would be to send round commissions to wind-up the remnants of these particular courts. If Deputy Johnson had particular cases in mind, he could put a question upon them.

LOCAL CONTROL.

As to the association of local authorities with the Civic Guard, that was certainly a point the Government would undertake to consider very carefully. He would point out that countries which had not a centralised police force very much wished that they had, and purely local forces had very definite disadvantages.

As to the education of the Civic Guard, practically every member had to pass an examination, and on the results of these examinations the members of the force were segregated into different classes, from which promotions would be made.

On the question of the training of the force, he read extracts from a letter from the Chief Commissioner, in which he stated that, although the Civic Guard had only been six months in existence, and had been much hampered, its training and efficiency had reached a high point.

Alderman A. Byrne asked if it was a condition of service in the force that the members of the Civic Guard must be unmarried.

Mr. O'Higgins said that he did not know of any such condition, and asked the deputy to put down a question on the point.

As to members of the R.I.C. being recruited for the Civic Guard, Mr. O'Higgins said that trouble had been raised over that particular point by the people who were sent into the force to make trouble. He did not know that it was wise that they should risk further trouble on that point.

ANOTHER PLAN.

Alternative proposals in connection with the ex-members of the R.I.C. were under consideration. It was probable that the Government would bring some measure before the House to make alternative provision for these men.

He admitted the claim made by Deputy Johnson and Deputy O'Shannon that those men who had resigned, some after very long service, and gave up their prospects, had a certain claim on the Parliament that had come into being as a result of the struggle of the last few years; but he thought they should find a solution which would be on other lines than taking them into the Civic Guard. Those at present in the Civic Guard would have an opportunity of availing themselves of the new proposals, should they wish to leave the Guard. A Labour deputy asked under what scheme the new Justices were going out.

Mr. O'Higgins said that they were going out under the same Act under which their predecessors were appointed, and with the jurisdiction of their predecessors, but they would not have the special jurisdiction given to two resident magistrates in the past.

NOT POLITICIANS.

Deputy O'Shannon had referred to the head of the Civic Guard, and had said that he objected to his being a politician. He (the Minister) agreed with that, and the gentleman who held the office had, in fact, ceased to be a politician, and his early resignation from that assembly might be expected. He could also inform Deputy O'Shannon that the only other member of the House who was a member of the Civic Guard, who had also refrained from intervention in the business of the House, was also about to resign.

As regards the question raised about wages, Mr. O'Higgins said that he did not think the ordinary guardsmen would get any lodging allowances.

Referring to the criticism of Deputy MacGuinness, who objected to the new magistrates being selected from the legal profession because there were no men of seasoned national outlook in the profession, he did not know what Deputy MacGuinness had risked his life for during the last four years, but they could only do their best according to their own lights, and set up an administration of justice in the country that they thought would work.

COUNTY COURT JUDGES.

They could not, within the first few months, start to batter down old institutions without having a scheme to put in their place. It was obviously untrue to say that the County Court Judges had never given a legal decision.

In the new departure and new situation that had been created with an unarmed police force going out throughout the country simply to protect the rights of the people, and of property, it was gratifying that the announcement had been received there with a spirit of appreciation, and it was also gratifying to feel that the feeling exhibited there would be exhibited throughout the country, and that the Civic Guard would have the moral support of the people in practically every area.

The motion was carried unanimously.

"How these slavers love one another. Here is Gavan Duffy talking about Kevin O'Higgins:- I treated his attack at the time with contempt because I put it down to the school-boy insolence to which we are getting accustomed from this particular minister... a minister who is bringing his office into disrepute by his continual acrimony and want of scruple in his attacks on deputies."

'FREEMAN'S JOURNAL'
7-10-'22.

*Re discussion
in 3rd Dail on
NON-ELECTED members
being on Executive.*

'IRISH INDEPENDENT'
26-10-'22.

LESS TURMOIL
IF POSITION UNDERSTOOD

"If there was more thought on Ireland in Ireland of these Articles (the Constitution) and all that these Articles implied, there would, he was confident, be less turmoil in the country, and less difficulty about the acceptance of the Constitution.

"Things had been happening in Ireland so big and so rapidly that the public mind had failed to grasp them. Because of that there was trouble through the country . . .

"It would take some months, possibly a longer period, of the actual working of the Constitution before the people realised to the full the degree of freedom which it bestowed."

—Mr. K. O'Higgins in the Dail.

THE MAIN POINT

Individual Responsibility Of
Certain Ministers

Mr. Kevin O'Higgins, Minister for Home Affairs, said the main point of the proposal was the idea of individual responsibility rather than the idea of non-membership of the Dail of certain Ministers. For all practical purposes these Ministers would be members of the House, attending it, answering questions, and in every respect except in voting, would they be on an equal footing with every other member. And that exception of voting was to save them from the particular stigma of party spirit, and keep them responsible to the Dail for certain departments, and for bringing forward proposals from their departments in a way that would lead to free thought and free discussion, eliminating the evil of the party system, which meant voting for measures in a party spirit through fear of bringing down an administration whose main policy members might approve of.

This proposal, if adopted, would, he believed, make of the Irish Parliament what the English Parliament was not—a deliberative assembly that would weigh carefully measures brought forward, and with an eye solely on the beneficial effect of these measures on the country.

He submitted that a man elected by a thoroughly representative committee of that House would feel in a very real sense responsibility to that House, and be in as close contact with the House as a Minister who had been elected.

Such Ministers might be removed in consequence of malfeasance in office, incompetence, or failure to carry out the expressed will of the Parliament. Was there any reason why such Ministers should be removed?

These three heads were all embracing of the reason why a Ministry should cease to be Ministers for their particular departments.

SHOULD THEY GO, TOO?

If the main policy of the Administration be rejected, was that any reason why a Minister of Agriculture, who was running his department efficiently and to the best advantage of the country as a whole, should also leave his particular office? Was there any reason why, if the Dail changed its view with regard to the external policy of the country, some Minister of Education, under whose care education was flourishing and improving in the country, should cease to hold office?

If they admitted the evils of the British Parliamentary system, was it not worth while to try to get away from them and find a system that would enable men to remain in politics and to remain honest?

Mr. Johnson hoped his colleagues would vote for the resolution.

Mr. Fitzgibbon could not support the proposal. If it were only intended to have outsiders in the position of Ministers alone, he would not object, but according to the amendment the men to be appointed were members of the Executive Council, who, according to the Constitution, would have complete control of the finances of the country.

HIGGINS .Kevin Timogue, Stradbally, Queens' s County.

Age.....

Occupation.....

ELECTED SINN FEIN M.P. for QUEENS COUNTY (Leix & Offaly) May, 1921. ('Irish Bulletin' Vol.5. No.20. dated 29.6.21.)

Assistant Minister, Local Government Board, Dail Eireann, 1921.

Appointed Minister of Economic Affairs (Vice R.C.BARTON) under Dail's new executive, 10.1.22.

Elected Member of Provisional Government, Irish Free State, 14.1.22.

BLACK LIST No. 197.

His father, Dr. T.HIGGINS, was interned. Released 15.4.21.

Brother of T.F.HIGGINS, Commandant, Leix Brigade, interned at the CURRAGH.

A most disloyal family. The whole family, with the exception of two sons, are deep in Sinn Fein.

Imprisoned in 1916.

Arrested 15th. May, 1918 for making a seditious speech at Portarlinton, and sentenced to 3 months imprisonment with hard labour.

Has been 'wanted' since April, 1919, for making a seditious speech at ATHY.

Letter written by Kevin HIGGINS 24.8.20. headed "Local Government Board Department" to Michael COLLINS expresses desire to retire from the office of Substitute Minister (Local Government Board) and refers to a difference of opinion with Michael COLLINS.

Attended the funeral of Alderman BARRY on 19.11.21.

Monthly salary £41.13.4.

Voted in favour of ratification of Treaty on 7.1.22.

Delegate to the Three Party Conference held at the Colonial Office, LONDON, on 29.3.22. ('Irish Times' dated 30.3.22.)

HIGGINS. Kevin. (Continued.)

Summoned to LONDON by the British Cabinet to attend Irish Conference relating to the De Valera-Collins Pact. (Ex. 'Irish Times' dated 26.5.22.)

Re-nominated as a Treaty candidate for his present constituency. (Ex. 'Irish Times' dated 2.6.22.)

ELECTED MEMBER OF THIRD DAIL.

Appointed Assistant Adjut-General, with the rank of Comdt-General, to assist in the direction of operations against Irregular Forces. (Ex. 'Irish Times' dated 14.7.22.)

One of the men who represented National Army G.H.Q. at the funeral of Arthur GRIFFITH. (Ex. 'Irish Independent' dated 16.8.22.)

Appointed Minister for Home Affairs in the New Cabinet of the third Dail. (Ex. 'Irish Independent' dated 11.9.22.)

For a report of his lucid explanation of the Draft Constitution see extract from the 'Irish Times' dated 21.9.22. in dossier.

Upon the resignation of the British Prime Minister (Lloyd George) accompanied Mr. COSGRAVE and Hugh KENNEDY. K.C. to interview Mr. Bonor LAW at the Colonial Office, London. (Ex. 'Irish Times' dated 25.10.22.)

Was present at handing over of British General Headquarters, Parkgate, DUBLIN, to Free State, 17-12-22. (Ref. Freeman's Journal, 18-12-22).

Member of Executive Council of the Saorstát. (I.I. 7-12-22).

