LEABHARLANN CHOLÁISTE NA TRÍONÓIDE, BAILE ÁTHA CLIATH | TRINITY COLLEGE LIBRARY DUBLIN
Ollscoil Átha Cliath | The University of Dublin

Terms and Conditions of Use of Digitised Theses from Trinity College Library Dublin

Copyright statement

All material supplied by Trinity College Library is protected by copyright (under the Copyright and Related Rights Act, 2000 as amended) and other relevant Intellectual Property Rights. By accessing and using a Digitised Thesis from Trinity College Library you acknowledge that all Intellectual Property Rights in any Works supplied are the sole and exclusive property of the copyright and/or other IPR holder. Specific copyright holders may not be explicitly identified. Use of materials from other sources within a thesis should not be construed as a claim over them.

A non-exclusive, non-transferable licence is hereby granted to those using or reproducing, in whole or in part, the material for valid purposes, providing the copyright owners are acknowledged using the normal conventions. Where specific permission to use material is required, this is identified and such permission must be sought from the copyright holder or agency cited.

Liability statement

By using a Digitised Thesis, I accept that Trinity College Dublin bears no legal responsibility for the accuracy, legality or comprehensiveness of materials contained within the thesis, and that Trinity College Dublin accepts no liability for indirect, consequential, or incidental, damages or losses arising from use of the thesis for whatever reason. Information located in a thesis may be subject to specific use constraints, details of which may not be explicitly described. It is the responsibility of potential and actual users to be aware of such constraints and to abide by them. By making use of material from a digitised thesis, you accept these copyright and disclaimer provisions. Where it is brought to the attention of Trinity College Library that there may be a breach of copyright or other restraint, it is the policy to withdraw or take down access to a thesis while the issue is being resolved.

Access Agreement

By using a Digitised Thesis from Trinity College Library you are bound by the following Terms & Conditions. Please read them carefully.

I have read and I understand the following statement: All material supplied via a Digitised Thesis from Trinity College Library is protected by copyright and other intellectual property rights, and duplication or sale of all or part of any of a thesis is not permitted, except that material may be duplicated by you for your research use or for educational purposes in electronic or print form providing the copyright owners are acknowledged using the normal conventions. You must obtain permission for any other use. Electronic or print copies may not be offered, whether for sale or otherwise to anyone. This copy has been supplied on the understanding that it is copyright material and that no quotation from the thesis may be published without proper acknowledgement.

Enforcing silence: *United Ireland*, the Irish nationalist press and British governance, 1881-1891.

Myles Dungan

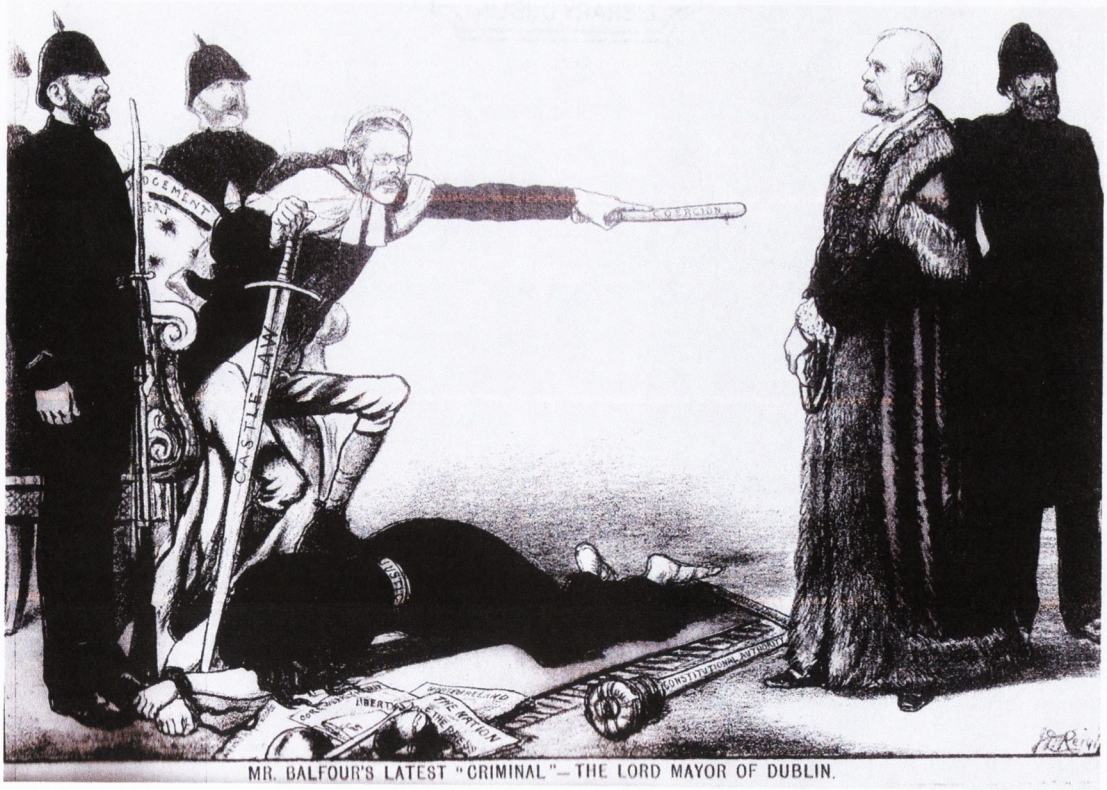
Submitted for the degree of Ph.D - Supervisor Professor David Dickson

Department of History

School of Histories and Humanities

Trinity College, Dublin

August, 2012



MR. BALFOUR'S LATEST "CRIMINAL"—THE LORD MAYOR OF DUBLIN.

United Ireland, 10 December 1887.

TRINITY COLLEGE
2 4 MAY 2013
LIBRARY DUBLIN

Thesis 9817

DECLARATION

I declare that this thesis has not been submitted for a degree at this or any other university and that it is entirely my own work. I agree that the library may lend or copy this thesis upon request.

Signed:



Myles Dungan

SUMMARY

This thesis studies the impact of a vibrant and assertive nationalist press on the Irish policies of the Liberal government of William E. Gladstone and the Conservative administration of Lord Salisbury during the agrarian and home rule agitation of the 1880s. It will examine the responses of both the Liberal and Tory governments to the highly aggressive commentary and denunciation emanating from Irish journals, many of which were edited by prominent nationalist political figures.

It will seek to establish if there were differing approaches, methodologies and priorities on the part of the two governments to the perceived necessity to curb, control or censor some of the more antagonistic voices on the nationalist side, in particular, that of *United Ireland*, edited for most of the 1881-91 period by William O'Brien. It will attempt to assess the efficacy of the strategies pursued by both governments and the effect of those policies on Irish and British opinion. It will be argued that prevailing codes of press freedom were strained close to or beyond their limits by both administrations and that a restrictive regime was operated in Ireland that would not have been accepted in Britain.

There will also be an analysis of the significance of the regional nationalist press and the reach and influence of imported Irish-American newspapers. In conclusion the thesis will address the issue of the extent to which the nationalist press was itself sincerely attached to principles of freedom of expression. It will be contended that such an affiliation was often highly qualified and expedient.

The structure is largely chronological, chapters 1-5 dealing mainly with the Liberal government's efforts to restrain and penalize *United Ireland.* Chapter 6 offers a comparative evaluation of parallel uses of libel legislation in Britain and assesses the challenges to British policy and diplomacy of Irish-American newspapers. Chapters 7 and 8 contrast the approach of the Conservative government, especially during the administration of Arthur Balfour, to that of their predecessors. Chapter 9 deals with the fallout of the *Times* Commission and compares press regimes in

India, France and Germany to that which existed in Ireland. Chapter 10 examines the role of *United Ireland* as journalistic warden of Parnellite orthodoxy and the effect of the Parnellite 'split' on nationalist journalism.

In addition two appendices will offer a) the first comprehensive inventory of press-related prosecutions undertaken from 1882-1891 and b) an analysis and classification of the editorial content of *United Ireland* from 1881-91.

The thesis will draw heavily on a comprehensive trawl of the print runs of *United Ireland* and the *Freeman's Journal* between 1881-91 as well as Irish local newspapers and Irish-American journals at appropriate junctures during that period. In addition extensive use has been made of the registered papers of the chief secretary's office in the National Archives of Ireland, Cabinet, Home and Colonial office papers in the National Archive / Public Record office in London and the papers of Arthur Balfour, William Gladstone and Lord Spencer in the British Library, those of William O'Brien in University College, Cork, as well as a number of manuscript collections from the National Library of Ireland.

CONTENTS

List of illustrations		**vi**
Abbreviations		**vii**
Acknowledgements		**viii**
Introduction		**ix**
Chapter 1	'A weekly insurrection in print': *United Ireland*, 1881	**1**
Chapter 2	Enforcing silence: the Liberal government and the attempted suppression of *United Ireland*, October-December 1881	**31**
Chapter 3	Suppressing 'the journalism of murder' – 1882	**54**
Chapter 4	'Accusing spirits': *United Ireland* and seditious libel, May 1882-January 1883	**82**
Chapter 5	'The continuation of war by other means' – *United Ireland* and the Dublin Castle 'scandals', 1883-85	**114**
Chapter 6	'Ruffian prints': the 'assassination press' and the Liberal administration	**150**
Chapter 7	Sisyphus Agonistes: Balfour, the Tories and the limits of censorship, 1887-1891	**183**
Chapter 8	Rude provincials: the government and the nationalist local press, 1887-91	**230**
Chapter 9	Skirting the issue: the *Times*/Tory *coup* and continental/colonial alternatives.	**267**
Chapter 10	*Quis custodiet ipsos custodes*: newspapers and the suppression of press freedom.	**289**
Conclusion		**331**
Bibliography		**340**
Appendices		**360**

LIST OF ILLUSTRATIONS

The title page is a *United Ireland* cartoon from 10 December 1887 depicting Arthur Balfour's 'latest criminal – the Lord Mayor of Dublin' T.D.Sullivan

Front page of the first edition of *United Ireland*, 13 August 1881 **2**

Punch cartoon of Gladstone competing with the Land League for Hibernia, 13 August 1881 **14**

Punch cartoon of an antagonistic Parnell and Forster, 7 July 1883 **31**

Detail of editorial page of *United Ireland*, 29 October 1881 **39**

Punch cartoon, *Salisbury agonistes*, 9 April 1887 **183**

United Ireland cartoon, 'The freedom of the press', 8 October 1887 **202**

United Ireland cartoon, Balfour and the Coercion Act, 25 January 1890 **234**

United Ireland cartoon, 'Balfour running away from press prosecutions', 3 March, 1888. **241**

Punch cartoon, 'Penance', 9 March 1889 **267**

United Ireland cartoon, 'Under which flag', 6 December 1890 **289**

United Ireland cartoon, 'Hail to the chief', 13 December 1890 **313**

ABBREVIATIONS

Titles

AG	Attorney general
DMP	Dublin metropolitan police
IRB	Irish republican brotherhood
MP	Member of parliament
RIC	Royal Irish constabulary
RM	Resident magistrate

Sources

BL	British Library
CSORP	Chief secretary's office, registered papers
NAI	National Archives of Ireland
NLI	National Library of Ireland
TNA, PRO	The National Archive / Public Record Office, Kew
TCD	Trinity College, Dublin

ACKNOWLEDEGMENTS

Professor David Dickson, for his patient, non-invasive supervision of this project over a four-year period.

Professor Jane Ohlmeyer for her initial encouragement and for securing the services of said Professor Dickson.

Pam Hilliard and Judith Lee in the Department of History office for their dedicated question-answering service.

Professor Donal McCartney for his invaluable suggestions and highly informed reading of the text.

The staff of the National Library (main reading room and manuscript room) for their friendship, good humour and for creating a warm and comforting home from home.

The staff of the National Archives of Ireland in Bishop Street and, in particular, Caitriona Crowe for reminding me how to navigate the Chief secretary's office, registered papers after a gap of a few decades.

Maeve Ryan, Ciaran Wallace, Léan ni Cléirigh, Eamon Darcy and Donnacha Sean Lucey of Trinity College, Dublin, for coffee and nuggets.

The History department of the University of California, Berkeley, for the use of office and library facilities during a period of heavy writing in late 2011 and in particular Profs. Thomas Brady, Mark Brilliant and James Vernon.

My children Amber, Rory, Lara and Ross – especially Lara, whose own PhD work and a large competitive streak spurred me on.

My patient wife Dr. Nerys Williams for her indulgence, previous experience, advice, encouragement and affection. This thesis and the work of the last four years are dedicated to her and to our lovely daughter Gwyneth Owen.

Introduction

The liberty of the press has its inconveniences, but the evil which may result from it is not to be compared to the evil of censorship.[1]

(Jeremy Bentham, *Principles of Penal Law*)

The worst means of governing the Irish is to give them their own way. In concession they see only fear, and those that fear them they hate and despise. Coercion succeeds better, they respect a master hand, though it be a hard and cruel one. [2]

(J.A.Froude, *The English in Ireland*)

Anthony Trollope's final, and incomplete, 1882 novel, *The Land Leaguers*, written by an indignant opponent of the Irish agrarian movement, introduces the reader to a gallery of Irish stereotypes. This includes Carroll, the embittered ribbon-man, Gerard O'Mahony, the dilletantish Irish-American nationalist, and Florian Jones, the impressionable and vulnerable young aristocrat. It also encompasses radical priests, boycotting, the despatch of threatening letters, the intimidation of juries, stopping the hunt, and agrarian murder. Assertive Irish agrarianism was, *d'apres* Trollope, the new aristocracy of violence. His embittered valedictory does not, however, include a figure familiar from many of his more celebrated works, a newspaper editor. Undoubtedly, had the great Victorian novelist seen fit to include one, assuming of course that he was of a nationalist persuasion, he would have been as devious and loathsome as the detestable Quintus Slide of the *People's Banner*, a character who recurs throughout Trollope's fiction.

Trollope died just a few weeks before the first attempt by the Gladstone administration to convince a jury to jail a national newspaper editor, William O'Brien of *United Ireland*, for seditious libel. The prosecution of O'Brien, it will be argued, was an atavistic, almost seigneurial, reaction. It was something of a reversion to type, of a polity that had divested itself of a variety of convenient but

---

[1] Cited in Alan J.Lee, *The origins of the popular press, 1855-1914* (London, 1976), 23.
[2] J.A.Froude, *The English in Ireland in the eighteenth century* (2 vols, London, 1874), vol.1, 22.

oppressive penal methodologies in a genuinely progressive attempt to govern Ireland by means other than the exercise of arbitrary power.

Back in the halcyon days of Union, the early 1800s, the Irish executive had little difficulty in consigning bothersome newspaper editors to jail. Hostile journalists were, in any case, few and far between, as most newspapers were, of necessity, favourably disposed towards the policies of the Castle. Subsidies, pensions, bribes and intimidation ensured that this was the case.[3] The trial of John Magee, independent editor of the *Dublin Evening Post* in 1813, before a packed jury, had little to do with natural justice or the 'rule of law.' Magee, volubly defended by Daniel O'Connell, had given offence to the new chief secretary, Robert Peel, in an editorial critical of the administrative capacities of the recently-departed viceroy, the Duke of Richmond. Peel used the libel legislation of the time – 'a mere mechanism of political censorship, with cruel penalties being imposed retrospectively for breaches of an unspecified and unpromulgated code'[4] – to jail and fine Magee. The *Post* editor later chose discretion rather than sustained valour, and became a subsidised advocate of Castle policy.

Two years before the trial of Magee the mercurial Walter 'Watty' Cox, editor of the pugnaciously independent *Irish Magazine*, had been arrested and tried for publishing an article advocating Irish separatism. He was fined £300 and sent to jail for a year.[5] Cox emigrated to the USA in 1816 after agreeing to close down his journal in return for a government pension.

In his survey of press censorship in pre-famine Ireland, *The Freedom of the press in Ireland, 1784-1841*, Brian Inglis remarks:

> Various expedients were used to deprive the press of the protection which the jury system theoretically gave them. Juries were packed, or intimidated, or circumvented by legal tricks. The executive and legislature joined with

---

[3] See Brian Inglis, *The Freedom of the press in Ireland, 1784-1841* (London, 1954), 113-134. Stephen J.Brown, *The press in Ireland* (New York, 1971), 21-23.

[4] Oliver MacDonagh, *The hereditary bondsman: Daniel O'Connell 1775-1829* (London, 1988), 120.

[5] He was also pilloried but rather enjoyed what was supposed to be an indignity as a large crowd of supporters came to see him in the stocks. See Myles Dungan, *Conspiracy, Irish political trials* (Dublin, 2010), 56.

> the judiciary in employing devices to harass newspaper owners, or silencing them by force or with favours.[6]

Even after the concession of Catholic emancipation there was little relaxation of censorship. In 1831 Thomas Edgerton Browne, known as 'the Irish Cobbett,' and motive force behind the literary and political magazine, the *Comet*, published a pamphlet entitled *The Parson's Horn Book*, an attack on the tithe system. Browne was prosecuted for criminal libel, fined £100 and sentenced to a year in jail. He secured his early release when he agreed, like Cox, to migrate with his family to the USA.[7] Not that Browne, himself a member of the Church of Ireland, would have necessarily found much succour for his independent views under the wing of the Liberator. Inglis writes of Daniel O'Connell, that he considered the non-unionist press should be instruments of the national cause, 'that independent newspapers should set aside their various opinions, and range themselves under his leadership'.[8] Such sentiments, it will be argued in this thesis, were rather in keeping with the philosophy of that other great charismatic nationalist leader, Charles Stewart Parnell.

In mid-century the administration had no legal difficulty in suppressing, however briefly, the *Nation* and also John Mitchel's *United Irishman*, the latter after only sixteen editions. In 1844 John Gray of the *Freeman's Journal*, Charles Gavan Duffy of the *Nation*, and Richard Barrett of the *Pilot* had accompanied Daniel O'Connell to jail for conspiracy in the state trials of that year. The Fenian journal, the *Irish People*, was closed down in 1865 after its offices were raided. As the functioning adjunct of a revolutionary organisation the *People* had, of course, left itself open to suppression on the grounds that it was a treasonable and seditious publication.

'Fenian fever' coercion legislation in the 1860s and 70s provided for penal consequences should a newspaper be adjudged by the lord lieutenant (as opposed to being found by a jury) to have published 'matter, or expressions encouraging or propagating treason or sedition'. Penalties included seizure of the offending edition

---

[6] Inglis, *The Freedom of the Press in Ireland*, 16.

[7] James D. Birchfield, 'Banned in Dublin: The Parson's Horn-Book,' *The Journal of Library History*, vol.10, no. 3 (July, 1975), 231-40.

[8] Inglis, *The freedom of the press in Ireland*, 16.

of the paper and confiscation of 'all printing presses, engines, machinery, types…'[9] Even the more enlightened administrations of the mid-Victorian period ensured they had sufficient weapons in their legislative arsenals to deal with a seditious Irish press. There was, however, as the century wore on, an increasing reluctance to deploy those weapons as the notion of 'freedom of the press' moved from elusive ideal to functioning principle.

Between the emergence of Davis, Blake Dillon, and Gavan Duffy's *Nation* in the 1840s, and the appearance of William O'Brien's *United Ireland* in 1881 there had been a revolution in the publication, distribution and supervision of newspapers. Between 1851 and 1881 the number of newspapers in Ireland virtually doubled. Literacy rates went from 47% of the population to 75%. In the 1850s stamp duty and other 'taxes on knowledge' had been removed, making the mass circulation one-penny paper a reality. An expanded railway network made rapid nationwide access to metropolitan newspapers readily available. The use of the telegraph revolutionised news-gathering. In the period 1880-92 thirty-one new provincial newspapers began publication.[10] Two thirds were overtly nationalist in their politics. Reading rooms sponsored by the Land League / Irish National League and the likes of the Catholic Young Men's Association ensured that nationalist papers were widely circulated and read. On more than one occasion Lord Spencer, Liberal lord lieutenant from 1882 to 1885, bemoaned the absence of a viable ministerialist alternative to oppose vociferous nationalist commentary. During the heyday of Parnellite politics in the 1880s a highly partisan, politically-motivated nationalist press establishment placed its powers of persuasion and propaganda at the disposal of the forces of agrarian reform and separatism. The Irish executive and British governments, initially thrown out of kilter by this so-called 'journalism of murder',[11] responded to the threat with determination and, occasionally, a measure of ruthlessness.

---

[9] *Public general statutes passed in the thirty-third and thirty-fourth years of the reign of Queen Victoria* (London, 1870), 141.

[10] For a discussion of the expansion of the newspaper business see Marie Louise Legg, *Newspapers and nationalism: the Irish provincial press, 1850-1892* (Dublin, 1999) and Brian Farrell, (ed.), *Communications and community in Ireland* (Cork, 1984)

[11] *Daily News*, 13 April 1882.

Surprisingly little historiographical attention has been devoted to studies of the Irish press in the late Victorian period. Indeed the study of Irish journalistic history in general has, up to now, been somewhat neglected. While newspapers are ubiquitous as a crucial research resource, little scholarly attention has been paid to their impact, their political value and the exertions of various administrations to restrain their influence. The valuable work of Brian Inglis in *The freedom of the press in Ireland, 1784-1841* has yet to be expanded beyond the pre-famine period.[12]

Much of this thesis will seek to underscore the significant role played in the 1880s – both in a proactive and reactive sense – by the Parnellite weekly newspaper *United Ireland*, edited from July 1881 to December 1890 by William O'Brien. The treatment to which *United Ireland* was subjected reflected its importance at a time of fluctuating levels of nationalist opposition to the political and agrarian status quo. Inspirational or infuriating, depending on one's political perspective, *United Ireland* gave militancy coherence. Its adhesion to an internalised, self-defined logic, and the apparent absence of any subscription to doubt, made it a highly effective standard-bearer for an easily demoralised movement. On a weekly basis it created a narrative - often fictional - that suggested, and consequently encouraged, a high level of organisational co-ordination and cohesion in Irish nationalism and agrarianism. This sometimes reflected, but often belied, reality. Just as the Land League and the Irish National League brought form and structure to dissent, so *United Ireland* fashioned the narrative. The plot, however, was not always as carefully contrived as the presentation sought to suggest.

Often seen, in a sort of Irish *Bildungsroman*, as an extension of the personality of its editor, William O'Brien, *United Ireland* was more than an expression of the beliefs, principles and personality of one man. It functioned without O'Brien for lengthy periods, though his absence was never absolute. Even while incarcerated he managed to exercise a surprising level of editorial control. But the fact that, for example, during the 'Kilmainham' period (October 1881 to May 1882), O'Brien

---

[12] In addition to the important work of Legg mentioned above a useful contribution on 19th century print culture has been made by Christopher Morash in his wide-ranging *A history of the media in Ireland* (Cambridge, 2009) and the subject is given a more detailed airing in the recent Kevin Rafter (ed.), *Irish journalism before independence* (Manchester, 2011)

still had a paper to edit, was a function of its importance to the Land League and to Irish agrarianism at that time.

Irish nationalist journalism during the Parnellite period was bifurcated in nature. Newspapers like the *Nation* and the *Freeman's Journal*, with legacies derived from the relatively moderate 'repeal' nationalism of Charles Gavan Duffy and Sir John Gray, represented a slightly perturbed conformism. There was an air of irritated and bourgeois conventionality, albeit one laced with an appealing urbanity, about their nationalist rhetoric.

There was, on the other hand, precious little that was urbane about the 'new' nationalist journalism of the period. This was vocal, angry, and arguably the 'textual reproduction of a communal voice.'[13] Without being as socially radical, it adapted many of the campaigning elements of the leftist press of William Cobbett and Feargus O'Connor in mid-century Britain. Newspapers like *United Ireland* and the *Kerry Sentinel* functioned superbly as noticeboard, sandwich-board and sounding board. But, it will be argued, they also operated in a vigilantist milieu. The 'new' nationalist rhetoric regularly strayed well beyond mere cajolery into a manifest coercion of its own. *United Ireland's* policing, propagandistic and repressive functions meant that it was often akin to a Parnellite *Dublin Gazette*. An aggressively supportive press was of paramount importance to the Land League and the Home Rule movement. A free press was at the heart of late nineteenth century democracy. However, in an Irish context the two were often mutually exclusive.

In addition the 'communal voice' was ultimately subverted. *United Ireland*, while never entirely abandoning its iconoclastic remit, was also pressed into service as icon-maker and its editorial rhetoric was placed at the disposal of an insider elite. Parnell, while happy to exploit the paper's hagiographic tendencies where his own reputation was concerned, was, as will be clear, more *ad idem* with the conservatism of the *Freeman's Journal*.

---

[13] Martin Conboy, *The press and popular culture* (London, 2002), 68.

This thesis seeks to explore one of the significant imperatives of the two governments of this period: to restrict the transmission of certain kinds of information from an aggressively partisan nationalist press to its highly politicised readership. In the words of Marie Louise Legg, 'between 1880 and 1887 various legislative possibilities were canvassed, tried and discarded by both political parties'.[14] In the process the Gladstone administration exceeded its powers and dented its principles, while that of Salisbury exercised its brief over-zealously. In the process, while neither was oppressively heavy-handed, both seriously damaged their claims to legitimacy as administrative partners in a functioning union. Their tactical approaches may have been marginally different, but the governing strategy of the Gladstone and Salisbury governments towards an irksome nationalist press was neatly defined, in a moment of illiberality, by the Liberal Prime Minister in a letter to his chief secretary, William E.Forster, when he wrote, 'what we want is to enforce silence.'[15]

If the challenge was to achieve this end without the use of arbitrary power, the abuse of freedom of expression, or overt manifestations of repression, then both governments signally failed in that enterprise. Of course this pre-supposes a relatively benign intent on the part of those administrations. In fact their philosophies were more informed by Machiavellian principles in which the end was of greater relevance than the means. This was especially true in the case of the Conservatives.

The British response to the increased efficacy of nationalist press propaganda and advocacy can be divided into three distinct phases. From 1881-1882 chief secretary W.E.Forster employed the Protection of Person and Property (Ireland) Act of 1881, a piece of legislation devoid of any dedicated press clauses, to pursue an aggressive policy of internment without trial of significant journalistic figures. However, Forster's approach, though excessive and counter-productive, was not exclusively confined to recalcitrant

---

[14] Marie-Louise Legg, *Newspapers and Nationalism* (Dublin, 1999), 161.

[15] Gladstone to Forster, 25 October 1880, Gladstone papers, British Library (BL), Add.Mss 44157, ff.184-185. Cooke and Vincent contend that, 'in 1881-82, the cabinet contained no stronger supporter of coercion than Gladstone.' A.B Cooke, and John Vincent, *The Governing Passion: Cabinet Government and Party Politics in Britain 1885-86* (Brighton, 1974), 50.

newspaper editors. It was of a piece with a much wider regime of repression, one that, in the words of J.L.Hammond, 'enabled the viceroy to lock up anybody he pleased and to detain him as long as he pleased.'[16]

From 1882 to 1886, during a period of wary *rapprochement* between the Irish party and the Liberal administration, characterised by F.S.L.Lyons as an inexorable movement 'towards the fulcrum',[17] the lord lieutenant, Earl Spencer, adopted a more nuanced but equally resolute approach. A press clause inserted into the 1882 Crimes Act proved supernumerary, but a variety of legislative alternatives were used to stifle *United Ireland* in particular. Before leaving office, and before any intimation of the future legislative consummation of the Irish/Liberal courtship, Spencer had concluded that much more stringent measures were required to make anti-press legislation fit for purpose.

From 1886 to the death of Parnell in 1891 the Tory administration in Ireland, largely under the aegis of Arthur Balfour, while cannily avoiding overt press clauses in its 1887 Crimes act, adopted an approach that was as aggressive as Forster's but, arguably, less severe than that advocated by Spencer. In parallel with this campaign against the Irish domestic press, was a sustained and unsuccessful diplomatic effort to curtail the importation of extremist Irish-American newspapers, notably Patrick Ford's *Irish World* and O'Donovan Rossa's *United Irishman.*

Despite the critical necessity to restrain the nationalist press it will be seen that the Liberal and Tory governments of the 1880s found it almost impossible to use the common law, statute law, special legislation or quasi-legal improvisation to stifle the often seditious narrative that dominated nationalist newspaper discourse. This predicament was a function of popular British attachment to freedom of the press, the recalcitrance and tenacity of nationalist editors and proprietors, and the reluctance of juries to convict in cases brought under common or statute law. Almost intractable difficulties arose despite special legislation designed for the

---

[16] J.L.Hammond, *Gladstone and the Irish nation* (London, 1938), 211.
[17] F.S.L.Lyons, *Charles Stewart Parnell* (London, 1977), 275.

purpose, the relative acquiescence of the judiciary and magistracy and, especially in the case of the Tories, the enthusiastic co-operation of the unionist press in Ireland and England. Ultimately it was only the resolute application of controversial policies by the redoubtable Arthur Balfour and, more particularly, the mutually destructive infighting of the Parnellite split, that eroded the capacity and the will of nationalist editors to overstep the subliminal boundary that - in the view of the government - separated acerbic criticism and hostile commentary from outright incitement and sedition.

Failures of policy and resolve often emboldened nationalist newspapers. This led to sustained editorial attacks on government policies and procedures as well as illegal defiance of special legislative provisions against the promotion of the activities of the Land League and the Irish National League in proscribed areas. The former was difficult but not impossible for the administration to neutralise. The latter was vital for the administration to frustrate and counteract. But where action *was* taken against individual editors, proprietors, journalists, printing staff or newsvendors, it was often inconsistent, ill-advised, inept, badly-timed or simply counter-productive. Government jousts with nationalist editors served to enhance their credibility, popularity and the circulations of their journals to the point where the weekly purchase by approving nationalist subscribers of papers like *United Ireland* or the *Kerry Sentinel*, amounted to a virtual Parnellite 'Catholic rent.'

What does the punitive British response to the unbridled animus communicated through the nationalist press tell us about British policy in Ireland? Was it a blatant and logical extension of Harcourt's belief – as expressed to Spencer – that, 'we do and can only hold the country by force.'[18] Was it, in other words, the mere use of *force majeure* by the guardians of a 'grand colony'[19] bereft of legitimacy? Was it the strict, neutral and impersonal implementation of fundamental notions of the sanctity of law and order? Was it premised on the reality that Irish freedom of speech was not as sacrosanct or inviolable as that of Britain? Was it a proportionate

---

[18] Harcourt to Spencer, 21 September 1884, BL, Althorp papers, Add. Mss. 76933.

[19] Charles Townshend, *Making the peace: public order and public security in modern Britain* (Oxford, 1983), 23.

response to egregious abuses of the freedom of expression by Irish nationalist journals?

It certainly did not involve the equal application of British law to Ireland in keeping with the logic of a politically and legally integrated union. The word 'special' became the euphemism that often distinguished the statute law applied to Ireland as opposed to that governing the rest of the United Kingdom. Ireland was a 'special' case requiring copious applications of 'special' legislation. However, it will be maintained that although often inconsistently applied and occasionally of dubious legality and questionable legitimacy, official sanctions against the nationalist press were a largely proportionate if generally ineffective response to an orchestrated chorus of contumely that constituted a weekly 'insurrection in print'.

While the Parnellite split brought an end to the stand-off between newspapers and government, the nationalist press was highly successful in purveying a narrative of victimhood before the intra-party bloodletting began. The almost universal, and only partly justified, perception that the nationalist press had been subjected to unwarranted penal repression helped to undercut the authority and legitimacy of the British administration in Ireland.

In purely arithmetical terms the press regime in operation under the Salisbury administration outscored its Liberal predecessors. Far more nationalist journalists were jailed by Arthur Balfour than by Forster or Spencer. However, although there was a distinct failure of will on the part of the Liberals to pursue refractory nationalist editors to the prison gates, that had little to do with any misgivings amongst members of the Irish executive. The distaste for locking up Irish journalists between 1881 and 1885 was more in evidence around the cabinet table and the radical benches of the House of Commons. Stephen Ball contends in relation to the administration of justice that 'most of the institutional changes in the organisation of the Irish police which made Balfour's successful coercion policy possible were initiated by Lord Spencer's administration'.[20] So we find that it was the Liberals who inaugurated or sought to institute some of the more penal measures aimed at

---

[20] Stephen Andrew Ball, *Policing the Land War: Official responses to political protest and agrarian crime in Ireland, 1879-91* (Unpublished thesis, Goldsmith's College, University of London, 2000), 12.

curbing the excesses of the nationalist press. What the Liberal advisers were suggesting in 1885 - but were out of office before they could deliver - was more extreme than anything dreamt of in Balfour's philosophy. In a sense the Liberals simply ran out of time. The two administrations were distinguished less by a fundamental contrast in philosophy than an inclination towards appeasement on the part of certain senior Liberal politicians (Chamberlain, Dilke) in the years before the Irish party/Liberal alliance rendered unthinkable the Liberal administration policies which were ultimately introduced by the Tories under Balfour.

If there was a minor distinction between the policies of the two parties it related to the issue of how best, rather than whether, to punish the railing scribes of the Irish national press. As policy developed towards the middle of the decade during the internal Liberal debate on the extension of the 1882 Crimes Act, the preferred method of retribution was to be property-related. The Tories, ever the defenders of property rights, chose direct action against the person. Both governments wanted to revert to coercion regimes of old. The Liberals favoured a return to a variation of their own anti-Fenian and anti-Ribbon Peace Preservation Acts of the 1860s and 1870s. The Conservatives introduced a regime more reminiscent of post-Union anti-press repression, minus the acquiescent juries of that era.

The two governments therefore cast about for an appropriate and effective legal mechanism to deal with the nationalist press while advancing warily into the minefield planted by British champions of freedom of expression. They tried - in chronological order - internment without trial, outright seizure, indictment for sedition, prosecution for incitement and intimidation, and the encouragement of civil suits for defamation. Finally the Conservatives sought to wave a magic wand and make the issue disappear by denying that the use of summary jurisdiction posed any threat to conscientiously exercised press freedom.

The major distinction between the strategy of the two governments was in overall approach. Part of the argument of this thesis revolves around issues of centrality and peripherality in dealing with the nationalist press. Essentially, in the intense struggle of the Gladstone administration with Irish nationalism and agrarianism, the conflict with the press was peripheral. However, in the course of that clash the Liberals

engaged with the centre and largely ignored the periphery. Only a small number of local newspaper editors were jailed by Forster or Spencer.[21] The opposite was the case with the Salisbury government. After the accession of Balfour to the chief secretaryship the struggle with the nationalist press was of central importance to the Tory strategy of 'coercion and conciliation'.[22] Unlike the Liberals, however, Balfour chose, in the main, to engage with the periphery in taking on the provincial rather than the national press.

During the land war (1879-82) the battle with the press was a very small part of a much larger conflict. It was only one of many serious challenges facing Forster. The suspension of *habeas corpus* and the convenient participation of a number of local newspaper editors in Land League activities often allowed the Castle to remove them, as it were, from circulation. The exception was *United Ireland*. Like the legendary hydra, as each head – in the shape of editors, managers, reporters, clerks, compositors and printers - was cleaved from the body it was immediately replaced. The Protection of Person and Property (Ireland) Act, 1881 was ineffective against the Parnellite weekly. Having established *United Ireland* as its journalistic vehicle a proscribed Land League could not allow it to close.[23] Having banned the League, Forster could not permit its propaganda outlet to continue to function. Accordingly *United Ireland* became as much a surrogate for the League as the autonomous Ribbon activity of the post-October 1881 period. Much official ingenuity was exercised and a number of different legal routes were travelled in a dogged, and unsuccessful, attempt to close *United Ireland* down.

The peripherality of the press struggle in the early part of the decade was actually an important element of Liberal policy. This was because of the reluctance of sections of the party to countenance anything too closely resembling suppression of press freedom. The seizure of thousands of copies of *United Ireland* and the arrest of

---

[21] See Appendix 1. 'Press prosecutions' for details of the trials of Edward Walsh of the *Wexford People*, John MacPhilpin of the *Tuam News*, Edward Harrington of the *Kerry Sentinel* and John Callanan of the *Western News*.

[22] The general consensus is that *Coercion and Conciliation in Ireland, 1880-92* (Princeton, 1963) by L.P.Curtis has yet to be surpassed as a survey of the Irish policies of the Salisbury administration.

[23] Even the radical Liberal M.P. Joseph Cowen came to Dublin to assist with the preparation of the paper after the arrest of O'Brien in October1881.

more than a dozen members of its staff between October 1881 and May 1882 could be represented as a logical extension of the proscription of the Land League. The newspaper was, after all, in the vanguard of the futile struggle that followed from the introduction of the 'no rent manifesto.' The implication, for British consumption, was that *United Ireland*, as proxy for the lawless League, by dint of its perceived encouragement of violence and outrage, had sacrificed any legitimate entitlement to absolute freedom of expression.

The Conservative administration of Lord Salisbury, though required to respect the democratic norms of late Victorian Britain, had fewer concerns about upsetting influential factions of 'free speech' advocates within its ranks. Conybeares and Cowens were in short supply on the Conservative back benches. Indeed, some of its own influential philosophers, like the distinguished jurist A.V.Dicey, were prepared to maintain that no clearly-defined right of freedom of expression even existed in English law.[24] Notwithstanding, the formidable Arthur J.Balfour was wary of appearing to circumscribe such a commonly accepted principle.[25]

However, faced with a plethora of 'insurrections in print' promoting the aims of the Plan of Campaign, Balfour had no option but to make the battle with the nationalist press central to his policy of containment. However, outside of initial forays against the editors of the *Nation* (successfully) and *United Ireland* (unsuccessfully) Balfour concentrated exclusively on the periphery. This reflected the nature of the opposition. Forster had faced an agrarian campaign that, while not conducted on a nationwide basis, was organised across much of the country. The Plan of Campaign was essentially a series of conflagrations that broke out on a more localised basis. While the involvement of William O'Brien, in particular, in a leadership role, meant that the Plan received the full support of the likes of *United Ireland*,[26] the more detailed attention of editors in affected areas was of just as much consequence to the Tory administration. The upshot of this focus on the periphery was the incarceration by the Conservative government, via summary jurisdiction enforced by two

---

24 'At no time has there in England been any proclamation of the right to liberty of thought or to freedom of speech.' A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (London, 1915), 242.

25 'I am afraid of the freedom of the press.' Balfour to Buller, 13 March 1887, Balfour Papers, BL, Add.Mss. 49826, f.29.

26 On whose front page it was launched. *United Ireland*, 23 October 1886.

magistrates, of more than a dozen local newspaper editors and half a dozen newsagents. However, it should be pointed out that the Tories did manage to jail T.D.Sullivan, editor of the *Nation*, in December 1887. And William O'Brien – by then no longer in day-to-day control of *United Ireland* – facilitated the Balfour administration by making himself liable for a number of other offences unconnected with the editing of a newspaper. Had he stuck rigidly to his journalistic last the Castle might have been obliged to challenge *United Ireland* in the courts more often. The documentary evidence shows that the prosecution of the journal during the administration of Balfour was often contemplated but confrontation was avoided.

Untrammelled by any hand-wringing ambivalence Balfour's press policies were proving to be more of a deterrent than those of his predecessors when they became largely redundant owing to the cannibalism of the Parnellite split. Internecine journalistic warfare turned nationalist invective inwards. The policies of the once-reviled Castle administration became almost incidental as denunciation and polemic was reserved for erstwhile allies.[27]

This communal journalistic *felo de se*, it will be argued, was merely an exacerbated instance of a familiar strain that characterised the nationalist press of the 1880s. Nationalist newspapers, *United Ireland* being one of the main offenders, became adept at 'enforcing silence' themselves. Mirroring the concentration and centralisation of nationalist power in the Irish National League and the Irish Parliamentary Party, the Parnellite 'apologist-in-chief' policed diversity and promoted uniformity. *United Ireland* became a disseminator of Parnellite orthodoxy. It had to be capable of excoriating and then lionising Earl Spencer. It was required to castigate William O'Shea as a Whig and a 'nominal' and then justify his selection as an unpledged Irish party candidate for Galway in 1886. Prevailing Parnellite convention always won out over consistency.

In 1881 Parnell found it convenient to silence the quasi-Fenian newspapers of Richard Pigott by purchase. The *Irishman*, the *Shamrock* and the *Flag of Ireland* were bought out and the latter replaced by his own apologist *United Ireland*. While

---

[27] Appendix 2, 96-99.

he could not hope to conscript the entire nationalist press, any more than could Daniel O'Connell, it will be the contention of this thesis that Parnell made use of *United Ireland* to ensure that an influential newspaper like the *Freeman's Journal* became more malleable and Parnellite in its editorial line.

While resistant to any effort at infringement of their own liberties, journals like *United Ireland* practised an often-strident form of censorship of nationalist dissent. This perennial struggle against nuance had its ugly apotheosis during the rupture brought on by the O'Shea divorce. Elements of a nationalist press, most of which had dutifully canonised Parnell, now unpicked their handiwork in the struggle for the means of propaganda production. A government which had expended much energy and some ingenuity devising a formula to achieve a measure of press silence, and which had borne with much frustration in the process, simply had to move aside as the force they had been battling set about creating a new clamour that posed no threat to establishment interests.

After a decade of dextrous and tenacious deflection of the best efforts of two governments to neutralise nationalist press antagonism, after the largely ineffectual incarceration of more than twenty editors and journalists, an increasingly defiant and resourceful cadre succumbed to a self-inflicted wound.

Chapter One

'A weekly insurrection in print': *United Ireland*, 1881

'Mr. T. P. O'Connor once described the struggle which began with the utter prostration of the National movement and ended with the overthrow of Earl Spencer, as "a long and lonely duel" between that intrepid Viceroy and myself. Substituting *United Ireland* for my own then unfamiliar personality, the description is not an untrue one. The paper was literally a weekly insurrection in print. To its columns behind the barricades gathered all the stormy passion, all the insuppressible resolve of a country panting to escape from its galling chains.'[1]

(William O'Brien, *Evening Memories*)

'The history of *United Ireland* is an epic in itself. Since the *Nation* of Thomas Davis there had been no paper like it in Ireland, and there has been none since. It instantly became a power.'[2]

(T.P.Gill, *Studies*, December 1928)



UNITED IRELAND.

DUBLIN, SATURDAY, AUGUST 13, 1881. PRICE ONE PENN

GLADSTONIAN GRATITUDE.

Literature

WHO ARE THE LORDS?

INTRODUCTORY.

[1] William O'Brien, *Evening Memories* (Dublin and London, 1929), 14-15.

[2] T.P.Gill, 'William O'Brien: Some aspects,' *Studies: an Irish quarterly review*, vol.17, no.68, December 1928, 614.

1.1. *United Ireland* meets the Liberal government - August 1881.

When William E. Forster, the beleaguered chief secretary for Ireland, cast his eye over the first issue of the new nationalist journal *United Ireland,* on or about 13 August 1881, he is rumoured to have demanded of his associates 'Who on earth is this new madman?'[3] The querulous comment was a reference to the editor of the weekly newspaper. The offender was William O'Brien, late of the *Freeman's Journal* and a man with whom Forster would have ample time to become familiar before his departure from office in May 1882.

The chief secretary's chagrin was hardly surprising given the opening lines of the first column on page one of the first issue. This should have been a routine call for Land League notices to reach the editorial section of the paper by Tuesday of each week. Instead the notice concluded with the aspiration 'that the columns of *United Ireland* may form a Weekly National Monster Meeting which cannot be dispersed with buckshot.'[4] Even in the formulation of a banal housekeeping item O'Brien was unable to stifle either his grandiloquence or his innate polemical tendencies.

During what remained of Forster's controversial tenure, the chief secretary and his associates would find themselves in the front line of a struggle to quell what O'Brien himself later referred to as 'a weekly insurrection in print.' This chapter will deal with the early months of that skirmish and outline the mechanisms used in an attempt to suppress the newspaper. These would include the seizure of individual copies, attempted interdiction of entire print runs, confiscation of stereotypes, and arbitrary arrest. Despite the attentions of the executive, the law officers, the Dublin Metropolitan Police (DMP) and the Royal Irish Constabulary (RIC) it will be seen that the sustained campaign to

---

[3] Joseph V. O'Brien, *William O'Brien and the Course of Irish Politics 1881-1918* (Berkeley, Los Angeles, London, 1976), 14.
[4] *United Ireland*, 13 August 1881.

stifle *United Ireland* waged by the Liberal administration from October 1881 to May 1882 was largely unsuccessful.

The political landscape in which the Land League founded its own newspaper is well-known and has been thoroughly documented.[5] The League's direct collective confrontation with the entire basis of land tenure in Ireland and the implied challenge to the underlying legitimacy of British rule was already firmly established by the time *United Ireland* began to add a significant measure of journalistic cohesion to the often disparate 'supra-local' struggles that marked the land war of 1879-82. Throughout the decade of the 1880s *United Ireland*, and a number of regional weeklies, would severely test the commitment of government to the rule of law. It is argued here that they acted as *provocateurs* and goaded successive administrations into tacit contravention of a burgeoning attachment to the notion of freedom of expression in print. The willful and efficacious flow of incitement and sedition emanating from elements of the nationalist press openly invited exclusion from the ambit of press freedom. The repressive consequences that flowed from such manifest provocation served merely to reinforce the exceptionalist narrative of Irish nationalism and invite repudiation of the legitimacy of a rule of law supplemented by decree and coercion.

From a legal perspective, the landscape into which *United Ireland* was launched was dominated by the Protection of Person and Property (Ireland) Act (PPP Act).[6] This piece of coercion legislation had become law on 2 March 1881. It was one of two pillars - the other being the 1881 Land Act – underpinning the efforts of the Liberal government of William Gladstone to return to the *status quo ante bellum* and restore the authority of the country's political and social elite. The PPP Act provided for the suspension of *habeas corpus* in 'proclaimed' districts and the detention, without trial, of persons suspected of agrarian or

---

[5] In, for example, Paul Bew's – *Land and the national question in Ireland, 1858-82* (Dublin, 1978) and Samuel Clark, *Social origins of the Irish land war* (Princeton, 1979).

[6] The Newspaper Libel and Registration Act, 1881, which was also a salient piece of legislation, will be discussed elsewhere.

treasonable offences.[7] There was no dedicated press clause included in the legislation but it was still considered adequate to deal with recalcitrant newspapers which might give too much aid and succour to Land League activities in parts of the country plagued by unrest. Should, for some reason, the provisions of the coercion act prove unequal to the task, the extant laws of seditious libel could, theoretically at least, be invoked.

Cherished ideals of press freedom made at least one alternative option undesirable or impracticable. The continental concept of 'caution money', in effect a recognisance entered into by a newspaper proprietor not to publish treasonable or seditious material,[8] was alien to British law, which was based on an *ex post facto* rather than a preventive model. Essentially, under British law, a newspaper only faced penalties after it had published actionable material. Penalties were based on court judgments rather than a prior assessment by government officials of the amount of caution money to be retained in anticipation of an infraction.

The journalistic backdrop of the time was not overly conducive to the inculcation of either Parnellite or Land League principles. The nationalist press was dominated by the Whiggish daily, the *Freeman's Journal* owned by the Home Rule M.P. Edmund Dwyer Gray. He had voted against Parnell in the 1880 contest for party Chair.[9] To the 'left' of the *Journal* was the long established weekly, the *Nation,* the former Young Ireland newspaper, owned by Alexander Martin Sullivan from 1858 and edited by his brother Timothy Daniel Sullivan from 1876.[10] It was closer in sympathy to Parnell than to the moderate nationalist faction of the party led by William Shaw. Both papers, while broadly supportive of Parnell's policies and tactics, once he assumed the party leadership, were capable of displays of independence, especially in the case of

---

[7] R.V.Comerford, 'The Politics of Distress, 1877-82' in Vaughan, W.E. (ed) *A New History of Ireland* (Oxford, 1996) 6 Volumes, vol.vi.,46.

[8] Irene Collins, *The government and the newspaper press in France 1814-1881* (Oxford, 1959), 182.

[9] http://dib.cambridge.org/viewReadPage.do?articleId=a5043 and, Felix Larkin, 'Parnell, politics and the press in Ireland,' *The Parnell Lecture*, Parnell Summer School, Avondale, 11 August, 2010, 1. [My thanks to the author for a copy of his paper].

[10] http://dib.cambridge.org/viewReadPage.do?articleId=a8386.

the *Journal*. Neither, for example, supported parliamentary opposition to the Land Bill of 1881, a cause of considerable irritation to Parnell. In addition neither paper devoted much space to coverage of anything other than the most significant of Land League meetings and activities. Both were also too metropolitan in their outlook for the leadership of an organisation whose overwhelming support came from rural Ireland. For these, and other, reasons Parnell felt the need to establish a newspaper that would be more directly subject to his political control.

Unionist newspapers still circulated widely and extensively in the 1880s. The national dailies, the ultra-conservative *Dublin Evening Mail*[11], the *Daily Express,* and the rather more Liberal-Unionist *Irish Times* had stable readerships while in the provinces newspapers describing themselves as Conservative or Liberal-Conservative, like the *Clare Journal* or the *Cavan Weekly News*, also had healthy circulations. The 1880s, however, saw a growth in the numbers of new nationalist weeklies. Twenty of the thirty-one provincial newspapers established between 1880 and 1892 claimed to be nationalist, while twenty-four others switched their allegiance to nationalism during a similar period.[12]

At the other political extreme, militant Fenianism was also, on the face of it at least, well provided for. Circulating fitfully through the country was Jeremiah O'Donovan Rossa's idiosyncratic Irish-American journal *United Irishman*, founded in 1876. The newspaper was described by John Devoy as 'the queerest Irish paper ever published. It was a purely personal organ, giving his own views on everything.'[13] It was supported by subscription – described by Rossa as 'rent' – and supplied on a weekly basis to his 'tenants'. Essentially a platform for Rossa's extremist views, which included the use of dynamite as a political tool, its interdiction was a weekly ritual for the RIC and the DMP.[14] Catering for

---

[11] 'Writing for a select upper class readership' according to Patrick Maume. Patrick Maume,"This Proteus of politics": the *Dublin Evening Mail* on Gladstone, 1868-1898' in Daly and Hoppen, *Gladstone: Ireland and beyond* (Dublin, 2011), 106.

[12] Marie-Louise Legg, *Newspapers and Nationalism*, 125-128.

[13] John Devoy, *Recollections of an Irish Rebel* (New York, 1929), 329.

[14] 6 January 1882, Order of lord lieutenant for the seizure of *United Ireland*, the *United Irishman* and the *Irish World*. NAI, CSORP 1882/45842.

a similar readership were two of the three newspapers under the proprietorship of Richard Pigott, the *Irishman* and the *Flag of Ireland.* Pigott, avowedly at least, a staunch champion of O'Donovan Rossa, had enhanced his reputation as a journalist with Fenian sympathies when he was jailed for six months for the publication of an article on the executions of Allen, Larkin and O'Brien in Manchester in 1867.[15] The line taken by Pigott's papers was often doctrinaire and anti-Land League. Pigott purported to oppose political activity that might subvert single-minded devotion to the revolutionary cause.[16]

Hovering somewhere between the idiosyncratic militancy of the *United Irishman* and the relative moderation of the *Nation* was Patrick Ford's New York weekly the *Irish World.* The newspaper had a circulation in excess of 60,000 readers in the USA and shipped up to 20,000 copies to Ireland on a weekly basis. Ford had allowed Rossa to use the pages of the *World* in 1876 to launch his infamous Skirmishing Fund, dedicated to raising subscriptions to support militant action, including the use of dynamite, against Britain. Although Ford's own politics were more nuanced and moderate than those of Rossa in 1881 (he drifted towards greater militancy after the Kilmainham Treaty before reverting to moderation in the 1890s), the Irish Executive was as keen to prevent the circulation of copies of the influential *World* as they were of the more abrasive *United Irishman.* Issues of the *Irish World* were distributed free of charge throughout the country, with the co-operation of the Land League[17]. This was despite the fact that the newspaper was actually out of kilter with the dominant conservative ethos of Irish nationalism in that its editorial line was socialistic, and Ford, an advocate of land nationalisation in 1881, was an admirer of the radical American social reformer Henry George.

---

[15] James O'Connor, *Recollections of Richard Pigott* (Dublin, 1889), 10.

[16] Epitomised by Charles Kickham in a letter to Land League secretary P.J.Quinn, in which he wrote, 'I would not like to seem to throw cold water on anything that might serve the tenant farmer but the land agitators seem to keep doing their best to demoralise the people. I am told the West is in a bad way, but the intelligent Nationalists have seen the danger and I hope will keep clear of it.' (Kickham to Quinn, 27 May 1880, P.J.Quinn papers, NLI, MS 5930).

[17] Remarks of the attorney general, *Special Commission*, (London, 1890) 11 volumes, Vol 6, 89.

In the summer of 1881 Parnell and the Land League treasurer, Patrick Egan, moved to, simultaneously, silence the carping criticism of Pigott's publications, which reflected both Fenian orthodoxy and the proprietor's own bile, and to launch a newspaper supportive of the policies of the League. In doing so they may have anticipated a similar move by the Fenians themselves.[18] The perennially impecunious Pigott was persuaded to part with the *Irishman*, the *Flag of Ireland* and his literary newspaper the *Shamrock* for £3000. James O'Connor, prominent Fenian and sub-editor of the *Irishman* wrote that they were 'not worth a fourth of the money'.[19] However, the acquisition of the presses and offices at 33 Lower Abbey St. and a guarantee of the permanent departure of the irksome and amoral Pigott from the publishing business, a condition of the sale, made it a worthwhile expenditure for the Land League. In 1889 Parnell told the *Times* commission unambiguously that 'we purchased it in order to terminate Mr. Richard Piggot's journalistic existence in Ireland.'[20]

The vehicle used for the purchase of the Pigott titles was the newly-created Irish National Newspaper and Publishing Company. In his opening address to the *Times* commission the British attorney general, Sir Richard Webster, alleged that the money used to purchase Pigott's newspapers had come from O'Donovan Rossa's Skirmishing Fund.[21] Shares were issued at £10 each. Parnell and Egan were the principal shareholders with 237 shares apiece.[22] Justin McCarthy and Joseph Biggar were also given a small stake as was the editor William O'Brien. The 'shareholders' were also the directors of the Irish National Newspaper and Publishing Company. According to O'Brien this arrangement changed when the paper became embroiled in a series of potentially crippling lawsuits. The directors quietly melted away and O'Brien

---

[18] Owen McGee, *The I.R.B: The Irish Republican Brotherhood from the Land League to Sinn Fein* (Dublin, 2005), 90. However, a memo from Superintendent John Mallon written in November 1880, suggests that while the Supreme Council wanted to establish a newspaper 'they think that unless the *Nation* or *Irishman* was discontinued, it would not pay.' Mallon to Talbot, 20 November 1880, TNA, PRO, CAB 37/24, 1889, no.21, 10. *Copies of secret official reports made by the officers of the Dublin Metropolitan Police between December, 1880 and March, 1883 on the subject of secret societies and the nationalist movement in Ireland.*

[19] James O'Connor, *Recollections of Richard Pigott* (Dublin, 1889), 14.

[20] 2 May 1889, *Special Commission,* (London, 1890) 11 volumes, Vol.7, 165, 60318.

[21] Monday, 22 October 1888, *Special Commission*, vol.1, 52.

[22] HC Deb. 16 February 1882, vol 266, c802.

was left, or so he claimed, in sole possession of the field.[23] However, contrary to the assertion of Joseph O'Brien in his political biography of William O'Brien, *William O'Brien and the Course of Irish Politics, 1881-1918*[24] this had not already occurred by late 1881 as the most serious libel actions did not arise until 1883.

The original plan was to replace the *Irishman* with the new Parnellite title, *United Ireland*[25] and kill off the loss-making *Flag of Ireland* and *Shamrock.* In the end only the publication of the *Flag of Ireland* was terminated. It was replaced by *United Ireland* and the other two titles were retained, largely at the behest of O'Brien.[26] A less overtly extreme *Irishman*, under the stewardship of Dr. George Sigerson and James O'Connor, remained as an 'advanced,' i.e. quasi-Fenian, publication, while the *Shamrock* continued as a literary magazine.

1.2 'A weekly Monster meeting.'

When William O'Brien was offered the editorship of *United Ireland* he was only twenty-nine years old. As a reporter with the *Freeman's Journal* O'Brien had become something of a protégé of the proprietor Edmund Dwyer Gray. In 1877, as an eager young reporter, he had managed to secure an interview on Kingstown pier with Gladstone on his only visit to Ireland.[27] His series of articles the same year 'Christmas on the Galtees,' brought him to the attention of a wide readership. He had been dispatched by Gray to Tipperary to write about unrest on an estate owned by the wealthy English manufacturer Nathaniel Buckley. His vivid, personal and highly partial account of oppressive

---

[23] William O'Brien, *Recollections* (London, 1905), 308fn. O'Brien wrote 'As prosecutions and actions for libel thickened, Parnell and the others wisely withdrew from their nominal Directorship. The entire responsibility was thenceforward my own.'

[24]Joseph V. O'Brien, *William O'Brien and the Course of Irish Politics,* 19.

[25] Parnell to O'Brien, 1 July 1881, *Cork Free Press*, 27 September 1913.

[26] 21 May, 1889 *Special Commission*, vol.8, 89, 70737. O'Brien told the commission 'I would not be a party to depriving the extreme nationalists of what they might regard as their organ' He claimed that his hope was to see the *Irishman* die a natural death as its dwindling circulation continued to fall. However it was only finally discontinued in 1885 at the insistence of Parnell. O'Brien admitted to paying scant attention to its content though he had editorial responsibility for its output.

[27] Kevin McKenna, 'From private visit to public opportunity: Gladstone's 1877 trip to Ireland' in Daly and Hoppen, (eds.) *Gladstone: Ireland and beyond*, 80.

landlordism on the meagre pastures of Skeheenarinka on the Cork/Tipperary border, marked him out as a thorough and politically engaged journalist.

His first encounter with the rising Irish nationalist politician, Charles Stewart Parnell, came when he reported on a meeting addressed by the MP for Meath in Tralee, Co. Kerry on 16 November 1878. 'He spoke under cruel difficulties,' he wrote of Parnell, 'but fired them all before he sat down. The country is with him in a half-hearted way, so far as it has any heart in anything.'[28] O'Brien was far more taken by Parnell on a personal level. F.S.L.Lyons has described O'Brien's relationship with his chief as 'little less than hero-worship.'[29] He retained his personal affection for Parnell up the party leader's death in 1891, and beyond.

O'Brien was reluctant to leave the *Freeman's Journal.* It was only when he did so he discovered that John Dillon and other members of the so-called 'Kilmainham party', which included jailed Land Leaguers of considerable influence, like Andrew Kettle and Thomas Brennan, were opposed to the expenditure of League money on a newspaper. Their fear was that the 'parliamentary' approach of Parnell would dominate coverage in the paper at the expense of agrarian activism. Dillon, apologetically but firmly, informed O'Brien that he was opposed 'to the course adopted by the Parliamentary Party towards the Land Bill' adding that 'it is quite impossible for me – just now – to allow my name to be identified with a newspaper which must of necessity put the best face on Parnell's action.'[30]

O'Brien's response was to seek assurances from Parnell, who responded by effectively granting O'Brien licence to develop the newspaper along radical lines. Parnell wrote to his wavering editor on 15 July 1881, 'I think the feeling you allude to would not be a persistent one, if the newspaper were managed on

---

[28] Michael MacDonagh, *The Life of William O'Brien, the Irish Nationalist: a biographical Study of Irish Nationalism, Constitutional and Revolutionary* (London, 1928), 50.
[29] F.S.L.Lyons, *The fall of Parnell, 1890-91* (Toronto, 1960), 24.
[30] Dillon to O'Brien, 12 July 1881, O'Brien papers, UCC, WOB-PP-AA, f.14.

straightforward and advanced lines.'[31] The 'Kilmainham party' was sufficiently mollified to agree to a benevolent neutrality. In a letter to Dillon the new *United Ireland* editor set out his mission statement.

> So long as I may have any voice in the management of the new paper it will never be an instrument of faction, but will devote itself to the development of a fearless and manly spirit among the people.[32]

While there can be no doubt that O'Brien came up to the mark in the latter respect it will be argued in this thesis that he fell short of his stated ambition to eschew factionalism.

Edmund Dwyer Gray, while he had been personally magnanimous at the loss of his most tenacious and talented reporter, and while he had begun to reconsider his earlier opposition to Parnell by 1881, was concerned lest the upstart journal should move towards publication on a daily basis. There is little doubt that this was under consideration, but plans appear to have been abandoned in the wake of the almost crippling harassment of the newspaper in late 1881.[33] Nonetheless, the threat of a competitive eclipse, as well as Gray's own personal Damascene conversion, prompted a reappraisal of the temperate political line of the *Journal.* Coincidental or otherwise, the appearance of *United Ireland* on newsagent's counters seemed to stimulate the *Journal's* search for its radical soul. The unionist journalist, Michael J.F. McCarthy, an inveterate polemicist who wrote for the *Freeman,* claimed that 'the starting of *United Ireland* brought Edmund Dwyer Gray to his knees, making the *Freeman* the subservient mouthpiece of Parnell and the Land League.'[34] The maverick nationalist, Frank Hugh O'Donnell, recorded how Dwyer Gray had once told him of a warning he had received from Davitt 'that if the *Freeman's Journal* did not come into line with the organs of the League, "he would have the *Freeman* burned on the same Sunday

---

[31] Parnell to O'Brien, 15 July 1881, from *Cork Free Press*, 27 September, 1913

[32] O'Brien to Dillon, 18 July 1881, from *Cork Free Press*, 27 September, 1913

[33] 'The project of starting it as a daily paper on the 1st January has been almost abandoned.' Confidential report of Superintendent John Mallon to the Commissioner of the Dublin Metropolitan Police, 8 November, 1881, NAI, Police and Crime Division Reports, Compensation Cases, Crimes Act, 1882, Carton 6, 1881/38894.

[34] Michael J.F. McCarthy, *The Irish Revolution* (Edinburgh, 1912),187.

afternoon on a hundred platforms throughout Ireland, and start on the Monday a new daily paper with the American money." '[35] *United Ireland* was Davitt's nightmare scenario come true for the proprietor of the *Journal.*

The pique of the *Nation* at the appearance of *United Ireland* was unconcealed and unambiguous. The venerable weekly was more directly in the commercial firing line of the Parnellite newspaper than the *Freeman's Journal.* Its editor, T.D.Sullivan, still harboured resentment at the launch of *United Ireland* many years after the demise of both publications, as is apparent from his 1905 memoir, *Recollection of Troubled Times in Ireland.*

> This transaction was secretly planned and silently effected. I was a member of the Executive of the Land League at the time, but I got no hint of the project until the arrangements had been completed, and the new journal was about to be launched. The proceeding was unfair to the *Nation* and to me; I made some protests against it privately, but in the interests of the party and the movement I refrained from referring to the subject in print.[36]

Sullivan's chagrin may have been exacerbated by comparisons made between *United Ireland* and the 1840s *Nation* of the Davis, Blake Dillon and Gavan Duffy.[37] Such was Sullivan's ire that Tim Healy, his nephew, wrote to his own brother Maurice that Sullivan had 'half-hinted at the formation of a *Nation* party.'[38] Adding insult to injury Healy, who had been writing a parliamentary diary for the *Nation*, subsequently defected to *United Ireland.*

In his dealings with Parnell, O'Brien expressed confidence that a total capital of £10,000 would be sufficient to launch and sustain the newspaper.[39] Before finally accepting the job he reminded Parnell that he would be guided by his own quasi-fundamentalist philosophy. He advised his proprietor that 'if the

---

[35] O'Donnell, *Irish parliamentary party*, 150.

[36] T.D. Sullivan, *Recollection of Troubled Times in Ireland* (Dublin, 1905), 73.

[37] By, for example T.P.Gill MP – 'Since the *Nation* of Thomas Davis there had been no paper like it in Ireland, and there has been none since.' (T.P.Gill, 'William O'Brien: Some Aspects,' *Studies*, vol. 17, no.68 (Dec.1928), 614.

[38] Frank Callanan, *T.M.Healy* (Cork, 1996), 62.

[39] Parnell to Dr. Kenny, 9 July, 1881, R. Barry O'Brien, *The Life of Charles Stewart Parnell* (London, 1910), 232.

object is to preach moderation, or to save the paper from the Castle, I am the last man to be placed at the helm.' Parnell's instructions were 'you are to go as far as you please. Short of getting yourself hanged – or us, you know.'[40] O'Brien was convinced by his conversation with Parnell 'that I should have a free hand as to the name, conduct, and policy of the new paper – a freedom which he never once attempted in the slightest degree to interfere with until the tragedy of the split in 1890.'[41]

During the Land War, and in the years after, Parnell constructed a vital bridge between agrarian activism and parliamentarianism. *United Ireland* was to be an important prop in that edifice, often by dint of misdirection and obfuscation. By October 1881, when he was jailed under the PPP Act, and certainly by May 1882 when he was released from Kilmainham, Parnell was moving inexorably away from even the appearance of irredentism towards a policy of moderation and accommodation. He had, therefore, good reason to indulge his zealous young editor. His move to appoint O'Brien to the stewardship of *United Ireland* had not simply been based on the latter's fine journalistic credentials but on the Irish party leader's identification of the constituency to which O'Brien's writing principally appealed. As F.S.L Lyons has noted, 'Parnell needed an organ which would be so much his mouthpiece that he could use it to inflate or deflate the agitation as he chose, without having to explain himself to third parties.'[42]

But *United Ireland* under O'Brien offered much more than a convenient mouthpiece. It afforded Parnell vital protection on his left flank as he maneuvered his party back towards the acceptable (to reformist British opinion) centre of nationalist politics. O'Brien managed to cover this strategic retreat without obviously vitiating his own activist narrative. With the

---

[40] MacDonagh, *The Life of William O'Brien*, 53.

[41] *Cork Free Press*, 27 September 1913. In addition to his journalistic duties O'Brien filled most of the management roles as well, supervising the commercial operation of the newspaper. He was also responsible, in the early weeks of publication, for writing most of the editorial and news 'copy'.

[42] F.S.L. Lyons, Charles Stewart Parnell (London, 1977), 162. Frank Hugh O'Donnell described the newspaper as Parnell's 'personal instrument'. (Frank Hugh O'Donnell, *A History of the Irish Parliamentary Party* (London, 1910), 2 vols., vol. 2, 31.)

assistance of *United Ireland*, according to Frank Callanan, 'Parnell could institutionalise a 'soft left' within the movement he led. He could rely on O'Brien to articulate an agrarian nationalism which deferred to his leadership, upheld parliamentary methods, and accepted the primacy of home rule over land reform.'[43]

The Irish leader did not intend to re-traverse all of the ground already abandoned in the struggle against the overly moderate political legacy of Isaac Butt. But he was aware that any derogation would be resisted and must be finessed with the collaboration of a skilled communicator. It was just such an eventuality that Dillon had feared when he expressed his opposition to the newspaper project. The choice of O'Brien as editor had already played a significant role in neutralising the radical faction within the broad church of Irish nationalism. The irony was that O'Brien was himself a committed member of that faction and was a forceful apologist for its principles. In his masterly assessment of Parnellism, *Parnell and His Party*, Conor Cruise O'Brien points out that *United Ireland*, with 'its stirring language and boundless enthusiasm served without doubt to combat the general tendency towards apathy in the ranks of the Land League, and especially the declining popularity of Parnell on the left. 'Violence', O'Brien once said, 'is the only way of securing a hearing for moderation.' Those words might well have been inscribed on the masthead of *United Ireland*.'[44]

---

[43] Callanan, *T.M.Healy*, 60.

[44] Conor Cruise O'Brien, *Parnell and His Party* (Oxford, 1957), 69.



Punch, 13 August 1881

1.3 *United Ireland*, 13 August, 1881

O'Brien told the *Times* commission in 1889 of his almost physical aversion to the offices of his new enterprise, given the dubious legacy of Richard Pigott. 'The first time I ever entered the place, from the traditions of the place, and the hopeless air of bankruptcy about the place I had the feeling of entering a sepulchre.'[45] Despite this antipathy to 33 Lower Abbey St. O'Brien got down to work and produced the first edition of *United Ireland* at 1d a copy[46] for Saturday, 13 August.

The front page, unlike the normal practice of the times, was not devoted to advertisements. It originally included a political cartoon that would become a regular feature, but whose humour, while always apposite, rarely rose above the ponderous. There were letters of congratulation from Parnell, Archbishop

---

[45] 21 May 1889 *Special Commission*, vol.8, 88, 70730.

[46] The *Nation* sold for 2d but was sixteen pages long, twice the length of *United Ireland*.

Croke and the lord mayor of Dublin, Charles Dawson.[47] In keeping with the nationalist meta-narrative of confiscation and dispossession there was a front-page article entitled 'Who Are the Landlords?' tracing the origins of the landholding elite back to feudalism and the invasion of Henry II. Page four saw the debut of the weekly column 'The World's Week's Work' later abbreviated to 'The Week's Work'. Part commentary, part political gossip, it was regularly used by O'Brien as a forum for personalised abuse of political opponents of Parnell, the Land League or the Irish Parliamentary party. Designed to keep enemies at bay and wavering allies in line it regularly featured scathing and convenient attacks from which Parnell could distance himself but of which he tacitly approved.[48]

The introductory editorial, on page five of the newspaper, promised a regime of fearless commentary:

> To some cautious persons it may seem that these are perilous times for an enterprise like ours [but] it is not an altogether discouraging state of things in which it takes forty thousand fixed bayonets, and a corresponding army of spies and jailers, to keep Irish landlordism, and with it English misgovernment, from crumbling to pieces like the walls of Jericho at the shout of a nation.[49]

It was a clarion call to the constituency many of whose members Parnell, notwithstanding his tactical opposition to the Land Bill, would be in danger of alienating when the logic of his desire for a political realignment became apparent.

In his evidence to the *Times* commission eight years later, O'Brien displayed an oddly insouciant attitude towards some of the more immoderate material

---

[47] In subsequent issues most letters to the editor were unsigned, prompting the suspicion that some, at least, were the work of O'Brien or other members of the editorial staff.

[48] A case in point was the shrill criticism of a proposed tour of Ireland in 1885 by Joseph Chamberlain and Sir Charles Dilke. (*UI*, 27 June 1885) Parnell, for whom the radicals had outlived their usefulness, was asked by Chamberlain to instruct O'Brien to desist. Parnell, while publicly deprecating the tone of the article, placed responsibility for the invective squarely on the shoulders of O'Brien. The campaign continued for some time. (Myles Dungan, The *Captain and the King: William O'Shea, Parnell and late Victorian Ireland* (Dublin, 2010), 199).

[49] *United Ireland*, 13 August 1881.

included in his newspaper. This was material for which he took, as he acknowledged, full responsibility.Nonetheless he insisted that he did not even read news items or pieces cut and pasted from other newspapers. Most of this work he left to James O'Connor, who continued to work on the *Irishman* while sub-editing *United Ireland*. O'Connor's position, and even his desire to remain on the staff, had been in some doubt. But despite his Fenian background,[50] he proved to be a loyal and enterprising employee. However, O'Connor's judgement of the line between fair comment and incitement was occasionally skewed and caused his editor some embarrassing moments under cross-examination in 1889 by the attorney general, Sir Richard Webster.[51]

One example of a potentially seditious and certainly problematic extract, not cited by Webster in his interrogation, appeared on page seven of the debut issue of 13 August. This was a bloodcurdling warning from O'Donovan Rossa to Irish landlords:

> Henceforward a record will be kept of every landlord who exercises the power of eviction in Ireland, and for every such death sentence executed on a tenant a death sentence will be recorded by the Irish race against the murderer's house and the Irish race all the world over will give encouragement to the avenging angel.[52]

In the debate on the Queen's speech in February 1882 the Irish attorney general, William H. Johnston singled out the piece and suggested that *United Ireland*, in reproducing the item, was advancing setitious propaganda as 'news'. 'The promoters of that journal had an ingenious way,' he told the House of Commons, 'of conveying information, under cover of collecting news of public interest, which was of the most odious and atrocious character, and which struck at the root of all morals and of all law ...Was there ever a more direct incitement to murder?'[53]

---

[50] He had been treasurer of the IRB. (Owen McGee, *The IRB* (Dublin, 2005), 44).

[51] 21 May1889, Special Commission, vol. 8,121,70982. 22 May, vol.8, 151, 71416.

[52] *United Ireland*, 13 August, 1881. There is no indication of the source but it was probably extracted from the *United Irishman*.

[53] HC Deb. 16 February 1882, vol. 266, c801.

The bottom of the right-hand column on page eight bore the legend 'Printed and Published at the offices 33 Lr. Abbey St, Dublin, by William O'Brien, to whom all communications should be addressed.' That was how it remained until, and indeed well after, the Parnellite split. Notwithstanding O'Brien's lengthy periods of incarceration, his Parliamentary committments after his election to the Mallow constituency in 1883, and his involvement with the Plan of Campaign from 1886, he retained editorial control. While he would prove loath to admit authorship of some of the contents of the newspaper before the *Times* commission in 1889, he never shirked his legal responsibility for anything that was published.[54]

The Land League and Irish Parliamentary party leadership professed itself well pleased with O'Brien's maiden effort. 'Wonderful, sparkling all over'[55] was Parnell's verdict. The paper quickly came to the attention of the inveterate and well-informed diarist, Florence Arnold-Forster (adopted daughter of the chief secretary). She wrote that 'I read the rebel papers.[56] The new one *United Ireland* is the cleverest of all of them. Very violent about the Ch.Sec [*sic*] ...calling him every kind of opprobrious name, and indulging generally in language worthy of Billingsgate whenever having occasion to allude to him.'[57] The following day one of Forster's dinner guests, Irish solicitor general John Naish, described O'Brien to her as 'a very clever fellow, but a born rebel, and always will be.'[58]

As F.S.L.Lyons has written, the first issue of the newspaper struck 'the intransigent note that was to be the hall-mark of O'Brien's editorship for the rest of the decade.'[59] The tone was pugnacious and carping, the writing style

---

[54] 22 May 1889- Special Commission, vol.8, 120-214 [cross examination of O'Brien by the attorney general].

[55] MacDonagh, *The Life of William O'Brien*, 53.

[56] By 25 November 1881 she was styling them 'the Sedition papers.' T.W.Moody and R.A.J. Hawkins, *Florence Arnold-Forster's Irish Journal* (Oxford, 1988), 322.

[57] Diary entry, 22 September 1881, Moody and Hawkins, *Florence Arnold-Forster*, 248.

[58] Diary entry, 23 September 1881, Moody and Hawkins, *Florence Arnold-Forster*, 249. Naish would find out just how clever when O'Brien defeated him in the Mallow by-election two years later.

[59] F.S.L. Lyons, *Charles Stewart Parnell* (London, 1977), 162-63.

robust and aggressive. The *Irish Times* was moved to reflect on how 'unpoetic' Irish patriotism had become. The *United Ireland* response was utilitarian. 'If the *Irish Times* means that our paper is not so beautiful reading as the old *Nation* in the days of Davis, it is quite right. The time was, and will be, for cultivating literary graces; but that time is not now.'[60] In the issue of the *Nation* of 20 August T.D.Sullivan didn't deign to refer to the arrival on the newspaper scene of *United Ireland*. Neither did the *Freeman's Journal* of Monday, 15 August deem the launch of a new nationalist weekly, under the aegis of the Land League, to be a newsworthy event.

United Ireland would eventually attain a circulation which would have made daily publication feasible. However, in its first months of existence it was not as financially successful as suggested by Joseph O'Brien, who asserts that the newspaper 'within weeks achieved a steady circulation of between 70,000 to 100,000.'[61] The first year of its existence saw a steady rise in circulation to 30,000. The paper did not reach sales of 100,000 until the heady period of the General Election and Home Rule fever in 1885/86.[62] Its reach, however, went far beyond the raw statistics of its circulation figures. Even on the basis of the accepted industry norm - five readers per paper in circulation - the readership at its height would have been at least half a million. However, the operation of Land League reading rooms throughout the country may have ensured an even wider readership.

The *Freeman's Journal* may have chosen to ignore the debut of *United Ireland* but there was a perceptible change in its politics from late 1881. This could be attributed to a number of causes. These include the arbitrary arrests of the nationalist political leadership under the PPP Act, the oppressive Crimes Act regime of 1882 and the influence of a more radicalised proprietor.[63] But Florence Arnold-Forster, for one, was in no doubt that the threat of

---

[60] *United Ireland*, 18 February 1882.

[61] O'Brien, *William O'Brien*, 15.

[62] 23 May 1889, Special Commission, vol. 8, 199,72016-18.

[63] Gray's move towards 'Parnellism', already begun by 1882, was hastened in August of that year when he was jailed for contempt of court as a result of the fallout from the Hynes case, the first prosecution for murder taken under the 1882 Crimes Act.

competition from *United Ireland* was the decisive factor. She wrote in her diary on 28 September 1881, 'Apropos of the *Freeman* and its apparently lurking desire to see a fair trial given to the [Land] Act, notwithstanding Mr. Parnell, I was told that its spasmodic but violent Parnellism is caused to a great extent by dread of successful competition on the part of their paper *United Ireland*.'[64] By the time of the Land League Convention in September 1881 the Parnellite policy of 'testing the Act', had already become, according to the *Journal*, one of 'moderate counsel and caution.'[65] This contrasted sharply with its position only weeks before when the *Journal* had acted as advocate for the legislation.

However, though the *Freeman* may have shifted its political direction, it always strove to differentiate and distance itself from the vituperative tone of its rival. In January 1882, at a time when the Land League leadership was incarcerated and *United Ireland* was struggling to maintain its existence, the *Freeman* set out an alternative political philosophy. 'We are no advocate of extreme or visionary doctrines in connection with the distribution of land ...We are opposed to all violence and all illegality. We have never encouraged those who dream of a separation of Ireland from England.'[66]

O'Brien's first major task was that of opposition to the 1881 Land Bill, described in the first issue as 'an arrant fraud from beginning to end'[67] and, subsequently, denigration of the land courts which were created, via a Land Commission, when the bill was enacted. This piece of legislation was a complex and flawed vehicle, both in its original analysis of the problems faced by Irish tenant farmers and its template for resolution. [68] Displays of enthusiasm for the Bill risked incurring the wrath of significant American supporters and commentators like Patrick Ford, proprietor of the New York *Irish World*, who

---

[64] Diary entry, 28 September 1881, Moody and Hawkins, *Florence Arnold-Forster*, 251.

[65] *Freeman's Journal*, 17 September 1881.

[66] *Freeman's Journal*, 14 January 1882.

[67] *United Ireland*, 13 August 1881.

[68] Its entire basis has been questioned by much modern scholarship, beginning with Barbara Lewis Solow, *The Land Question and the Irish Economy, 1870-1903* (Cambridge, Mass. 1971) and including William E.Vaughan, *Landlords and Tenants in Ireland, 1848-1904* (Dublin, 1984).

characterised the legislation as 'Gladstone's sham Land Bill.'[69] Ford's support was more than moral in nature. By the first quarter of 1882 his readers had contributed more than $300,000 to the Land League.[70]

The Land League, prompted by Parnell, had advised its members to boycott the land courts and await the arbitration of a number of 'test' cases advanced by the League itself. One of O'Brien's initial tasks was to hold the line against mass defections of tenant farmers eager to 'test' their own particular case. According to Frank Hugh O'Donnell, '*United Ireland*, made the intimidation of the Land Courts a fundamental tenet of its policy from the very outset.'[71] To this end, for example, one of the iconic founders of the *Nation* newspaper, the former Young Irelander Charles Gavan Duffy, was censured for his support of the legislation.[72] In pursuit of this agenda, as thousands of tenant farmers put their faith in the Land Act, *United Ireland* focused on the downside of the process. Headlines like 'In the Land Court – Throwing off the Disguise – The farmers beginning to discover the delusion'[73] proclaimed, in defiance of reality, the foundering of the courts. There was no coverage of the ever-increasing number of cases where substantial reductions, of the order of 20-30%, were being granted. Stories of instances where no reduction was forthcoming, with tenants bearing the costs of the proceedings, were favoured.

By the end of the year the campaign against the land courts had, more or less, petered out. The efforts of the Land League, via *United Ireland* and more direct forms of moral suasion, had failed to bear fruit. The incarceration of the 'suspects' under the terms of the PPP Act had radically changed the nationalist agenda. 'No rent' rather than 'fair rent' was the main criterion as a campaign of civil and contractual disobedience, not to mention an upsurge in 'outrages' and violence, had taken hold. In its issue of the 17 December 1881 (produced in fraught circumstances) the newspaper, not for the last time, changed direction.

---

[69] *Irish World*, 7 January 1882.
[70] *Irish World*, 15 April 1882.
[71] O'Donnell, *A History of the Irish Parliamentary Party*, 74.
[72] *United Ireland*, 27 August 1881.
[73] *United Ireland*, 24 November 1881.

Almost haughtily, it brought down the curtain on the struggle against the land courts. The principle of the judicial rent was by then well-established in all parts of the country. 'We don't care to waste our space today with much about the rambles of the sub-commissioners,' *United Ireland* sniffed. 'Their decisions are doing some small service, though not quite in the direction that Mr. Gladstone anticipated. They are showing that the rents of all sorts of tenants, on all sorts of estates, were mere robbery, and that the tenants were slaves and fools to have paid them so long.' [74]

O'Brien had ten issues of *United Ireland* (before his arrest in October) to make his mark on Irish nationalist opinion, arouse the antagonism of Irish unionists and landlords, and bring himself and his journal to the attention of Dublin Castle. He used his time well in the conduct of what was described in the paper as 'a Holy War against Saxon rule'.[75] O'Brien quickly established a template to which he remained faithful for the duration of his association with *United Ireland.* Editorial policy comprised an entirely uncritical attitude towards Parnell and, to a lesser extent, his supporting cast of lieutenants. This went hand-in-glove with the execration of landlords, 'land-grabbers', the Irish Executive, British officialdom in Ireland, the Orange Order,[76] recalcitrant nationalists, socialists and land nationalisers. Readers were encouraged to withhold rent, boycott their neighbours and refrain from co-operation with the police. In this context it is difficult to accept the contention of Sally Warwick-Haller in her biography of O'Brien that *United Ireland* was less than fulsome in its opposition to the coercion regime instituted under the Protection of Person and Property (Ireland) Act of 1881. She maintains that O'Brien's real invective was reserved for the Crimes Act of 1882. While O'Brien was acerbic in his frequent tirades against the latter piece of legislation, it is hardly the case that

---

[74] *United Ireland*, 17 December 1881.

[75] *United Ireland*, 8 October, 1881, from a congratulatory telegram sent by Patrick Egan to Fr.Eugene Sheehy on the occasion of his release from prison. Endorsed by O'Brien with the headline 'A Holy War'.

[76] This included the simianisation of working class members of the Order in a number of *United Ireland* cartoons, much along the lines for which English magazines like *Punch* and the likes of Thomas Nast in the USA, have been criticised. (*United Ireland*, 14 June 1884).

'by comparison O'Brien's utterances in 1881 were mild.'[77] His rhetoric was anything but restrained and even though Dublin Castle chose to take no direct legal action against *United Ireland* the content of the newspaper was often privately described by the authorities as seditious.[78]

Joseph V. O'Brien in his 1976 biography of the *United Ireland* editor characterises it thus.

> The tone of the paper was vituperative and not a little tiresome, neglecting all news values not directly connected with the Nationalist movement. Its more extreme exhortations were no doubt not meant to be taken seriously, but its pages were both an arsenal against the Dublin Castle regime as well as the exemplar of a revived Nationalist spirit of defiance.[79]

While it might be unsafe to assume that the somewhat self-important O'Brien did not intend his every word to be taken at face value, it is certainly fair to say that almost all copy was spurned unless it was of some relevance to the cause. *United Ireland*'s news columns were based on the publication of 'news' that was of a certain propagandistic value. Almost the only item in the first edition of the paper that was unrelated to the Land War was a report on the back page of a man's arm being eaten by a cob-horse in Maynooth.[80]

O'Brien made it clear within a fortnight of his initiation that even his indulgence towards nationalist inadequacies had its limits. In the issue of 27 August 1881 he railed against the forty-four 'supposed Home Rulers' who had failed to go through the lobbies in support of a motion relating to the incarceration of Michael Davitt. The rhetoric he deployed on that occasion would become familiar, over time, to his growing readership. 'Whoever was absent from that list without satisfactory cause committed a high treason

---

[77] Sally Warwick-Haller, *William O'Brien and the Irish Land War* (Dublin, 1990), 54.

[78] For example, a memo of attorney general A.M.Porter having viewed the 24 December 1881 issue of *United Ireland*. 'The particular number in question is I think seditious in its tone.' 27 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Carton Six, 1881/46048.

[79] Joseph V. O'Brien, *William O'Brien and the Course of Irish Politics*, 17.

[80] *United Ireland*, 13 August 1881.

against the Irish cause. 'Remember Davitt' will be their death knell in Irish politics.'[81] O'Brien's use of emotive and hyperbolic terms like 'high treason' were typical of his style. In this instance, given that only nineteen Irish MPs had voted on the motion, a number of members of the tight, pre-1885, circle around Parnell would have been counted amongst the abstentionist 'traitors'. O'Brien, who was utterly unsentimental when it came to the business and the ruthless logic of propaganda, prompted T.P.O'Connor, by and large an admirer, to observe that he separated the world into two unequal parts, 'his slaves and his enemies.'[82]

But O'Brien's contumely was largely reserved for two strands of nationalist 'opposition'. The first was the group that Gladstone himself would describe as 'nominal Home Rulers'. These MPs, men like William Shaw, George Errington, Richard O'Shaughnessy, The O'Donoghue and Captain William O'Shea,[83] largely took up positions on the Liberal benches and were derided even in their own constituencies as 'Whigs'. They were swept away by the Parnellites in the election of 1885. The second group, seen as renegades, were more militant nationalists who had strayed from the fold. These included two of Parnell's allies during the 'obstructionist' period of the mid to late 1870s, John O'Connor Power and Frank Hugh O'Donnell, who took what O'Brien described as 'The Banshee's Kiss'.[84] The most common explanation for the antagonistic stands taken by O'Connor Power and O'Donnell (mercilessly lampooned in *United Ireland* as 'Crank Hugh O'Donnell') was that they were driven by their jealousy at being usurped by Parnell, who had occupied a subaltern role in the 1874-1880 parliament. In his highly subjective, idiosyncratic, entertaining and unreliable *A History of the Irish Parliamentary Party*, written in 1910, O'Donnell

---

81 *United Ireland*, 27 August 1881.

82 T.P. O'Connor, *Memoirs of an Old Parliamentarian* (London, 1928) 2 vols, vol.1, 143.

83 O'Shea, husband of Parnell's mistress, came in for rather less abuse than the other Irish Shaw-ite MPs. This may have been connected to his surprising vote, cast for Parnell for party chair in 1880. It may have also been related to O'Brien's knowledge of Parnell's affair and a desire to leave well enough alone. Alternatively, although this is highly unlikely, it may merely have been an oversight on the part of the editor.

84 Michael MacDonagh, *The Home Rule Movement* (Dublin & London, 1910), 169.

describes *United Ireland* as 'the new organ of misrepresentation and menace' and a 'cheap and incendiary sheet'.[85]

Those elements of *United Ireland's raison d'etre* related to O'Brien's diatribes against Irish Tory papers and journalists will be dealt with elsewhere. Likewise the iconographic part played by *United Ireland* in the creation of Parnell's 'cult of personality.' In the latter case *United Ireland* coverage of the activities of the Irish party leader tended towards the hagiographical. It was, 'totally uncritical of Parnell.'[86] Not that O'Brien was guilty of mindless sycophancy. As a talented propagandist he was simply conscious of the need to create a mythic, imposing and unifying figure directing Irish nationalism. Parnell was 'our chief, our guide.'[87]

In the formative period of *United Ireland's* existence Parnell's principal antagonist was the chief secretary, William E. Forster. He was victim of an unfortunate syndrome identified by Virginia Crossman in *Politics, law and order in nineteenth-century Ireland*, where she points out that 'ministers made the mistake of thinking that good intentions and a principled dislike of repressive measures would soften the impact of coercion and reconcile the Irish people to its imposition.'[88] He was to discover that the Irish people were more conscious of harsh practice than notional principle in their interaction with his regime. Although he never quite understood his casting, Forster became the villain of the *United Ireland* narrative. His espousal of stringent coercion policies earned him the nickname 'Buckshot', an appellation rigorously and regularly applied by *United Ireland*. Forster was anathemised and lampooned as the epitome of English misrule. He was, 'Her Majesty's Chief Turnkey in Ireland – The Right Honourable Gentleman whose name is associated in Ireland with ammunition'.[89] In May 1882 Forster's function as

---

[85] O'Donnell, *A History of the Irish Parliamentary Party*, 31-32.

[86] O'Brien, *Parnell and His Party*, 81.
[87] *United Ireland*, 15 October 1881.
[88] Virginia Crossman, *Politics, law and order in nineteenth-century Ireland* (Dublin, 1996), 151.
[89] *United Ireland*, 10 September 1881.

bete noir would pass to Earl Spencer, the new lord lieutenant, with the replacement chief secretary, George Otto Trevelyan, occupying a prominent supporting role.

Florence Arnold-Forster, as already noted, made it her 'unpleasant duty' to read 'rebel papers'. She, rather generously, given its treatment of her father, compared *United Ireland* to the *Nation* of the days of Davis and Gavan Duffy. She described it, dispassionately, as a journal that 'evidently wishes to appeal to the more educated class of Irishmen for their respect'. However, she also exemplified how the paper was uniquely capable of antagonising its primary targets by describing her reaction to its frequent anti-Forster phillipics:

> The amount of lying, the misrepresentation, the gratuitous insolence they contrive to compress into a small compass is sickening, and yet at the same time there is a fervour of nationalism, an enthusiasm of hatred, a spirit of genial camaraderie of Irishmen of which I can quite understand the attraction. If ever there is a civil war between England and Ireland, the *United Ireland* may fairly claim credit for a large share of the responsibility.[90]

However, she also testified to an urbane indifference on the part of her father in relation to the attacks upon him in the newspaper. In her diary entry for 28 January 1882 she writes, 'Father in cheerful spirits – read aloud to us the latest abuse of himself in *United Ireland*, and a poem in the same paper. Which he thought very spirited.'[91]

While maligned officials could afford to adopt an attitude of haughty *sang-froid* towards the upstart journal, its obvious popularity and its almost immediate impact meant that it was soon a force to be reckoned with. And that is precisely what Dublin Castle did. The reckoning took the form of confiscation, suppression, imprisonment without trial, indictment for seditious libel and likely covert support for a proxy campaign of civil suits. *United Ireland* would emerge, relatively unscathed, from this litigious onslaught but in the course of

---

[90] Diary entry, 8 October 1881, Moody and Hawkins, *Florence Arnold-Forster*, 262.

[91] Diary entry, 28 January 1882, Moody and Hawkins, *Florence Arnold-Forster*, 364.

a concerted drive against the newspaper, the Liberal government would stretch beyond breaking point vaunted notions of freedom of the press.

1.4 'A Holy War against Saxon rule'– October-December 1881.

The first civil right to disappear was freedom from arbitrary imprisonment.

The escalating rural violence of 1880 and 1881, which had seen instances of agrarian murder rise from an average of five a year in 1878 to seventeen during the period of the land war, and that of lesser crimes increasing by a multiple of twenty-five, persuaded the British government of the wisdom of the aggressive counsel of Forster. The Protection of Person and Property (Ireland) Act allowed the government to suspend ordinary law in proclaimed districts and arrest 'any person who is declared by warrant of the Lord Lieutenant to be reasonably suspected of having at any time since the thirtieth day of September one thousand eight hundred and eighty been guilty as principal or accessory of high treason, treason-felony, or treasonable practices.'[92]

The legislation had become inevitable after the failure of the administration to secure convictions against Parnell and the Land League leadership in a landmark 'state' trial in January 1881. The arrest of 'suspects', based on information received from the RIC on the activities of known political activists, began almost immediately after the passage of the coercion act. The effective suspension of *habeas corpus*, opposed by Gladstone six months before,[93] allowed the government to dispense with legal niceties and bypass a jury system signally failing to secure convictions in cases of serious crime against local Land League militants. In a direct attack on the Land League leadership, the 'ticket of leave' secured by Davitt in 1876 was revoked and he was re-arrested.

---

[92] *Public general statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty, Queen Victoria, 1881* (London, 1881), 3.

[93] 'I look on it with feelings not only of aversion on general grounds but of doubt and much misgiving as to the likelihood of its proving efficacious in the particular case.' Gladstone to Forster, 25 October 1880, British Library, Gladstone papers, Add.Mss 44157, ff.184-185.

An assertive response to this political *demarche* was required of Parnell. This took the form of renewed parliamentary disruption on a scale not seen since the obstruction campaign of the late 1870s. Gladstone might have anticipated just such a response from a man who was, after all, still seen as a belligerent radical by a Liberal leadership personally unacquainted with his pragmatism and growing moderation. But the Prime Minister might, legitimately, have expected a more supportive attitude from the Irish leader on the Land Bill. When this was not forthcoming, and with agrarian violence mounting despite Parnell's stated opposition, the logic of the January trial was now pursued within the context of Forster's new coercion powers. With some prompting from the chief secretary, Gladstone, in a speech in his son Herbert's Leeds constituency on 7 October 1881, pointedly reminded Parnell that, where his liberty and independence of action was concerned, 'the resources of civilisation were not exhausted.' Thenceforward the phrase would be referenced, repeated and satirised incessantly in *United Ireland*.

Another, equally assertive, response was forthcoming from the Irish leader. In a speech of his own in Wexford two days later Parnell referred to Gladstone as a 'masquerading knight-errant' and a 'pretending champion of the rights of every nation except those of the Irish nation' who was supporting the landowning class by 'bayonets and buckshot.'[94] On 13 October 1881 Parnell was arrested by Superintendent John Mallon, head of 'G' Division of the DMP in his room in Morrison's Hotel and taken to Kilmainham Jail where he would reside for the next six months.

The reaction of *United Ireland* to the arrest was, unsurprisingly, apoplectic. In an extravagantly aggrieved front page 'Stop Press' which opened with the phrase 'Saxon cowardice has done its worst'. O'Brien accused Gladstone of political hypocrisy. 'Gladstone's argument at Leeds was shattered to bits by Parnell's argument at Wexford. The old hypocrite has mended his argument by the help of his police, and has answered his opponent by garotting him.' The conclusion was vintage O'Brien. 'Let the cowards yell with joy as they may, this

---

[94] O'Brien, *The Life of Charles Stewart Parnell*, 238-40.

last outrage upon Irish liberty has changed nothing, and least of all, either the resolve or the power of our race to wage more relentless war than ever against landlordism and against the miscreant government that backs it with the gag of a garotter.'[95]

O'Brien's record as Parnellite propagandist-in-chief had already made his own arrest inevitable when the government deemed it necessary to lodge Parnell's lieutenants in Kilmainham along with their leader. But had sanctions against him not already been inevitable his call for 'relentless war' against landlordism and the government would probably have guaranteed his incarceration. O'Brien was arrested in Sackville Street a few hours after Parnell had been safely committed to Kilmainham.

The *United Ireland* issue of 22 October carried the news of its editor's fate. In a column headed 'The Arrests – Garrotting continued – The Press struck down – Our Editor dragged to the dungeon', the newspaper observed that 'The Editor of *United Ireland* is now reaping the hereditary penalty of those who, among his countrymen in the past, have most distinguished themselves in the cause of humanity and reform'.[96] O'Brien was arrested in spite of a fear on the part of the administration that they were, in so doing, adding a name to the roll of virtuous martyrs. *United Ireland* had already made significant inroads on the psyche of the nationalist population; the arrest of its editor added immeasurably to its cachet.

O'Brien's first task upon his committal was to articulate the Land League response to the jailing of its leaders, the 'No Rent Manifesto'. This appeared on the front page of the 22 October edition of *United Ireland* as 'A Proclamation from the Irish Executive' and sought to lower the boom on the administration and its propertied allies.

---

[95] *United Ireland*, 15 October 1881.
[96] *United Ireland*, 22 October 1881.

For most of the next six months *United Ireland* doggedly espoused the cause of the 'No Rent Manifesto' and testified to its efficacy. Such 'testimony', however, was tantamount to perjury. The campaign against the payment of rent - disapproved of even by radicals like Dillon and Davitt - was doomed from the outset. The 'Manifesto', issued on 18 October, offered Forster whatever cover he required for the proclamation of the Land League. Deprived of its organisational infrastructure - though not its covert muscularity – any League campaign based on the moral suasion of tenant farmers was operating at a distinct disadvantage from the start. They had already espied Eden in the form of the land courts. In the face of the apathy of a majority of tenant farmers and the antipathy of their clerical mentors, *United Ireland* (and the *Irish World*) relentlessly promoted the wisdom of the non-payment of rent and predicted the triumph of a programme that was, in effect, an active encouragement of a form of civil strife - Parnell's 'Captain Moonlight'. While a protracted campaign of agrarian 'outrage' ultimately brought the Liberal government to the negotiating table, the failure of the 'No Rent Manifesto' meant this achievement was a Pyrrhic victory for the Land League.

As will be discussed elsewhere, *United Ireland* readers were kept well-informed of the 'successes' of the 'no rent' policy. Anything up to an entire page of tightly condensed print was normally devoted to the campaign in each issue of the newspaper from October 1881 to May 1882. Concerted and communal refusals to pay rent were lauded. Rebates extracted from landlords made amenable by the Land League programme were highlighted. More menacingly, fatal or injurious outcomes sustained by those who failed to support the campaign were diligently reported, either without adverse comment or with the use of provocative terminology. In the case, for example, of the murder of a 'respectable farmer' in county Limerick the victim was described as having been '*formally executed* [my italics] a few nights ago by neighbouring tenants, whom he had displeased by paying his rent without consultation with them.'[97]

---

[97] *United Ireland*, 12 November 1881.

In contrast the *Freeman's Journal* expressed its own lack of enthusiasm for the 'No Rent Manifesto' the day after it was first promulgated. 'We regret it deeply and sincerely. We deplore it from our hearts. We cannot anticipate the end of such a contest. Who can? We can foresee dire confusion, ruin to individuals, possible strife and bloodshed.'[98] The *Nation* was non-commital. For two weeks it studiously avoided editorialising on the manifesto before acknowledging in its issue of 5 November that 'we shall not discuss the merit of the No Rent Manifesto in these columns ...' It wondered aloud if the document was 'wise or unwise, moral or immoral'[99] without, ultimately, coming down on either side of the argument.

A campaign against the payment of rent, tantamount to unarmed insurrection, 'was seen by some as a prelude to that total conflict with British power in Ireland that the new departure had been intended to initiate' wrote R.V.Comerford. 'But,' he added, 'if the farmers ever possessed the stomach for that they no longer did in October 1881.'[100] The proclamation of the Land League as an illegal organisation, the incarceration of its political leadership, the relative success of the land courts (which implied a perception that Irish tenant farmers had been misled by their leaders) and the promise of legislation designed to deal with tenants in arrears who did not benefit from the 1881 Act, ensured that the seeds of civil disobedience fell on largely barren soil. The opposition of leading nationalist clerics, such as Archbishop Croke, emboldened tenant farmers who might otherwise have been inclined to succumb to the intimidation of more bellicose elements within the Land League.[101]

---

[98] *Freeman's Journal*, 19 October 1881.

[99] *Nation*, 5 November 1881.

[100] R.V Comerford, 'The Politics of Distress, 1877-82' in Vaughan, W.E. (ed.) *A New History of Ireland* (Oxford, 1996), 9 vols., vol.VI, 48.

[101] Long after the 'no rent' movement itself had effectively ended *United Ireland,* when it was formally possible to do so in the aftermath of the 'Kilmainham Treaty,' abandoned its crusade and replaced it with a much less ambitious but more productive campaign for the democratisation of the often aristocratic and elitist Poor Law Boards of Guardians. (*United Ireland*, 8 April 1882. 'Ejecting the Lords – Purging the Poor Law Boards - some Poor Law Union results')

The newspaper's fulsome support of the 'No Rent Manifesto' - which copper-fastened the reputation of *United Ireland* as being on the outer extremities of constitutional nationalism - was the principal, though by no means the sole, reason for the government's campaign of interdiction waged against the newspaper under the aegis of the PPP Act during the period of its editor's detention. *United Ireland's* loyal, and ultimately futile, adherence to the prosecution of the campaign against rent left it open to forms of punitive action at which the government might otherwise have baulked. The coercion act, as already discussed, was a blunt instrument. It contained no specific provision for measures to be taken against newspapers. However, in order to transgress against the act, all that was required was that a person or persons be declared by warrant to be 'reasonably suspected' of 'inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order'[102] It was on this basis that O'Brien was only the first of a number of *United Ireland* employees to be incarcerated.

The most common offence cited in the arrest of various *United Ireland* employees was for 'instruction against payment of rent.'[103] The all-embracing nature of the coercion legislation allowed the government to be indiscriminate in its arrest of editorial, administrative and printing staff. While only the former might reasonably have been sanctioned for such 'incitement' in a courtroom under common or statute law, Forster's sweeping legislation made it possible to arrest and detain employees in the latter two categories as well. It was assumed that their detention would make it impossible for production of the newspaper to continue. The attorney general, W.H.Johnston, in a note appended to a DMP memo on 23 November 1881, suggested that 'The only practical way of dealing with this mischievous paper is to arrest under the PPP

---

[102] *Public general statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty, Queen Victoria, 1881* (London, 1881), 3.

[103] Note of J.M.Naish, 25 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act 1882-83, Carton Six, 1881/42170.

Act [*sic*] each successive person who undertakes the management of the paper.'[104]

Of course there already existed a corpus of legislation and precedent in relation to the utilisation of the laws of seditious libel under which the journalistic staff of the paper might have been prosecuted. But the government chose not to, nor was it really required to, adopt that course of action. A comment of the solicitor general, A.M.Porter, on perusal of the 27 December edition of the paper is revealing. In reference to a report on the Irish Convention in Chicago that month, at which a number of provocative speeches were made – Porter highlighted that of the activist priest Fr.Eugene Sheehy– he made the point that:

> There would, however, be considerable difficulty in selecting particular passages from the paper to support an indictment for seditious libel. But there is no doubt that the greater part of the paper is intended and calculated to encourage combinations against payment of rent, and to further the aim of the No Rent Manifesto [and] of the Land League.[105]

In the months ahead, in its determined efforts to still the rhetoric of *United Ireland* the government would, by default, have recourse to the rapier of seditious libel. But in its first concerted foray against the newspaper it contented itself with the broadsword of Forster's coercion provisions.

---

[104] Note of W.H.Johnston, 23 November 1881, original memo of Insp.James Smyth to Captain Talbot, 19 November, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act 1882-83 Carton Six, 1881/40550.

[105] Memo of A.M.Porter to T.H.Burke, 27 December, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act 1882-83, Carton Six, 1881/46048.

Chapter Two

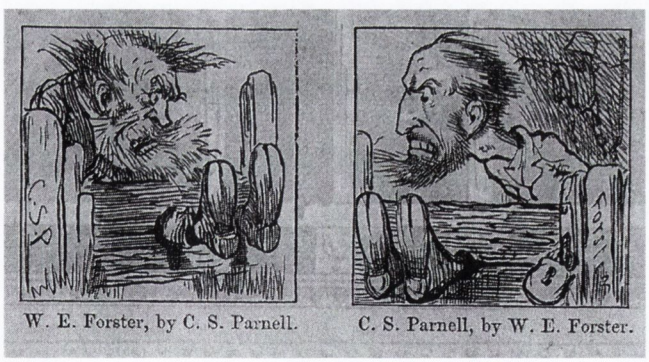
Enforcing silence: The Liberal government and the attempted suppression of *United Ireland*, October-December 1881

'Its entire tone is suggestive of outrage; and, in many instances, its disgraceful attacks upon particular members of the Government could hardly fail to be understood by some of its readers as incitements to murder. In some instances ...its teaching is distinctly and undisguidedly *treasonable*, and its language is nearly always seditious.'[1]

(Memo to Cabinet on *United Ireland*, Andrew Marshall Porter, solicitor general for Ireland, 23 January 1882)

'If anybody or anything showed signs of comparative sanity, *United Ireland*, under the spirited editorship of Mr. William O'Brien, was ready to apply the requisite ginger in the largest available doses.'[2]

(Frank Hugh O'Donnell, *A History of the Irish Parliamentary Party*)



Punch, 7 July 1883

---

[1] Porter memo to Cabinet, 23 January, 1882, NAI, CSORP, 1888/26523.

[2] Frank Hugh O'Donnell, *A History of the Irish Parliamentary Party* (London, 1910), 2 vols., vol. 2, 150-51.

2.1 The *United Ireland* bulletin board

Dublin Castle had a long history of dealing with unsympathetic newspaper commentary. But in an era where bribery and arbitrary suppression were more problematic than they had been at the turn of the nineteenth century *United Ireland* offered the administration a unique challenge. Unlike intractable local newspapers like Timothy Harrington's *Kerry Sentinel* or Jasper Tully's *Roscommon Herald*, it had a national reach. The *Freeman's Journal* and the *Nation* were relatively moderate in tone and rarely required punitive action on the part of the Castle. Gladstone felt in a position to write of the *Freeman's* proprietor in October 1881, 'With Gray we have a real power on our side.'[3]

The potentially more contentious, and avowedly Fenian, *Irishman* had a rapidly dwindling circulation and, probably as a consequence of its irrelevance, the authorities never found it necessary to take repressive steps against it.[4] But *United Ireland* abjured, even abhorred, moderation and the politics of deference. Its zealotry resonated with Irish tenant farmers. Its news columns, however factional, offered some evidence to rural Land League branches that they were not campaigning in isolation. Its simultaneous fulfillment of both a narrative and facilitative function created a declamatory bulletin board. As governmental assumptions that the arrest of its editor would inhibit its effectiveness proved overly optimistic, the journal became the primary target for a series of *ad hoc* measures designed to silence it.

This chapter will examine those measures in detail and assess the often faltering steps taken by the Irish executive to rid itself of the newspaper, at least until the worst excesses of the agrarian revolt had subsided. It will also analyse the extent to

---

[3] Gladstone to Forster, 5 October 1881, H.C.G. Matthew, (ed.), *The Gladstone Diaries* (Oxford, 1990), 14 vols, vol x, 140.

[4] Furthermore the information that might be gleaned from its columns made its continued publication more useful to G Division than its curtailment or repression. However, some of its more extreme editorial copy was used in an attempt to discredit O'Brien and Parnell in cross-examination before the *Times* commission in 1889. O'Brien had made the decision, against the better judgment of Parnell, to keep the *Irishman* going. He later told the commission that 'we paid no attention to the *Irishman* It was a mere thing that was kept going for no particular purpose or object' and that when it was finally closed in 1885 the weekly sales amounted to 1204. (21 May 1889, *Special Commission*, vol.8, 88-89, 60321).

which executive action was circumscribed by the inadequacy of extant and 'special' legislation and the very Victorian preoccupation with private property rights.

It will be shown that there were protracted and anxious internal legal debates as to the approach being adopted. These were based on uncertainty surrounding the legality of many of the actions taken against the paper. While correspondence between the law officers and the executive testifies to the prevailing view that much of the content of *United Ireland* was seditious,[5] no action was taken against the newspaper for seditious libel during this period. This reluctance was based on the assumption that it would be difficult to secure a conviction from an impartially constituted jury. In his *Introduction to the Study of the Law of the Constitution,* first published in 1885, A.V. Dicey wrote that 'a man may publish anything which twelve of his countrymen think is not blamable.'[6] But the reality in Ireland was that a man facing trial by jury, might well expect to be able to publish anything which even two jurors of like mind thought was 'not blamable.' The prospects of a retrial were remote in the event of a hung jury.

Of course the philosophical context of the entire campaign of suppression waged against *United Ireland* was a notional Liberal party attachment to the concept of freedom of the press, and a reluctance to be seen to transgress in a blatantly oppressive fashion against what was regarded as one of the fundamental rights of a democratic society. In her work on the Irish provincial press during this period Marie-Louise Legg has written of the Liberal leadership that 'their willingness to prosecute newspapers was still hampered by their concern about the freedom of the press.'[7] This is reflected in the relative infrequency of such prosecutions between 1880 and 1885. Tampering with the right of an Irish journal to publish material that was objectionable, merely because it was inimical to the policy of an incumbent government, also had potential consequences for the English press, the implications of which the Liberals did not wish to have to confront.

---

[5] 'Its entire tone is suggestive of outrage; and, in many instances, its disgraceful attacks upon particular members of the Government could hardly fail to be understood by some of its readers as incitements to murder. In some instances … its teaching is distinctly and undisguidedly *treasonable*, and its language is nearly always seditious.' (Andrew Marshall Porter, solicitor general, memo to Cabinet, 23 January 1882, NAI, CSORP, 1888/26523.)

[6] A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (London, 1915), 242.

[7] Legg, *Newspapers and Nationalism*, 120.

The justification offered for the restraint of freedom of expression in the 1880s was that such freedom was being abused by the polemicists of the Irish nationalist press. As a result, so the argument went, the rights of such journals were forfeit because of their own transgressions. In addition adherence to the concept of press freedom was far from absolute anyway. It was, for instance, circumscribed by a patently undemocratic sentiment that such liberty was only genuinely valid in the upper reaches of an hierarchical society. Writing in the 1870s Gladstone described press freedom as 'a safety valve of passions.'[8] But he also distrusted what the political elite saw as the undifferentiated and unsophisticated approach of the masses to politics. Freedom of expression was potentially subject to proletarian abuse. That mind-set was, almost axiomatically, extended to the ungovernable Irish. This was especially true in the 1880s when public order was deemed to have been jeopardised by the subversive rhetoric of certain Irish nationalist newspapers. William O'Brien, *primus inter pares* in that regard, scoffed at Liberal pretensions with editorial reminders in *United Ireland* that the government was behaving in a fashion reminiscent of, 'the Sultan of Turkey, or the military Governor of St. Petersburg'[9]. On 11 February 1882 *United Ireland* proclaimed that 'John Bull has become the grinning satyr of Europe. A *soi-disant* apostle of liberty, he has been forced to swallow his own professions of faith, and to trample on the prerogative of his rather too-much-vaunted Constitution.'[10]

Not that Britain had ever adopted a U.S.-style 'First Amendment' approach to the notion of press freedom in any case. Dicey has pointed out that there was actually no specific recognition of the concept in British legislation. In his *Introduction to the Study of the Law of the Constitution* he wrote that 'the phrases "freedom of discussion" or "liberty of the press" are rarely found in any part of the statute-book nor among the maxims of the common law. As terms of art they are indeed quite unknown to our Courts. At no time has there in England been any proclamation of the right to liberty of thought or to freedom of speech ...Above all, [the law]

---

[8] W.E.Gladstone, *Gleanings from Past Years* (London, 1879), 16.
[9] *United Ireland*, 10 December 1881.
[10] *United Ireland*, 11 February 1882.

recognises in general no special privilege on behalf of the press.' [11]

2.2 *United Ireland*: the succession – October/November 1881.

The most frenzied period of government suppression of *United Ireland* stretched from the arrest of O'Brien in October 1881 to that briefest of respites in the sustained combat between Irish nationalism and the Liberal government, in April/May 1882. During that time the newspaper, by its very survival, provided activists with a reflection of their own tenacity. It offered itself as a weekly instruction manual in civil disobedience, and implicit incitement or, at the very least, encouragement to trespass into areas of activity outside of the law. The latter encroachment alone offered comfort to the government in its policy of suppression. The unrestrained nature of *United Ireland's* commentary during the early days of the 'Kilmainham' interlude calls into question the view of Lyons that the accompanying upsurge in agrarian crime was inchoate in nature, 'the anarchy of lost leadership, not of imposed tyranny.'[12] The Land League's newspaper, while not exactly imposing tyranny, was certainly offering leadership. Neither was it seen to condemn the more extreme actions of the 'village tyrants' of the Liberal narrative. On the contrary, it assiduously reported on their activities. In so doing it made a significant contribution to the success of 'Captain Moonlight' in extracting concessions from the Gladstone government.

Both *United Ireland's* strident advocacy of the 'No Rent Manifesto' and the manner in which it reported both egregious and petty episodes of agrarian crime in a weekly column with the unambiguously bellicose title 'Incidents of the Campaign', clearly left the paper vulnerable to legal sanctions. Over the period in question the Irish Executive, in consultation with the law officers, adopted a number of different approaches designed to hamper the activities of the newspaper. All ended in failure. The first phase involved the arrest of 'essential' employees. When this was counteracted by an influx of volunteers - at least one of whom was a DMP informant – the policy adopted was the more questionable one of seizing copies of

---

[11] Dicey, *Introduction to the Study of the Law of the Constitution*, 235-36.

[12] Lyons, *Charles Stewart Parnell*, 170.

the paper from newsagent's shops. This presented the government with a potential influx of claims for compensation from vendors. Latterly the authorities resorted to a policy of wholesale interdiction of the newspaper before it even reached any retail outlets. This left it vulnerable to legal action from *United Ireland*. Though each individual element of a largely piecemeal strategy presented the newspaper with a series of difficult challenges, none proved insurmountable.

After the arrest of O'Brien, a highly motivated group that included the journalist Edward O'Donovan, barrister James Bryce Killen and sub-editor James O'Connor,[13] managed to maintain *United Ireland's* presence in the shops of willing newsagents, in the hands of street vendors, and even circulating via the Irish postal service. At the apex of an adminstrative, technical and editorial triangle was Patrick Egan, resident in Paris with the Land League funds at his disposal, who 'acted as the nominal proprietor.'[14] While the newspaper continued to be printed in Dublin, O'Connor and Killen played a significant role in its assembly. The first replacement editor, Edward O'Donovan, 'barely had time to escape to France'[15] after a warrant was issued for his arrest shortly after he took over the reins.

One of the more unexpected volunteer journalists who attempted to facilitate the survival of *United Ireland* was the English Radical MP and newspaperman Joseph Cowen. Liberal MP for Newcastle, he was the proprietor and editor of the *Newcastle Chronicle*. In February 1882 *United Ireland* would declare that only he and Henry Labouchere 'keep the name of Parliamentary Radical from stinking'.[16] According to a report sent by Superintendent Mallon to the DMP commissioner, Cowen arrived in Dublin to offer his services shortly after the arrest of O'Brien. The intervention appears to have been facilitated by the prominent Land Leaguer and future MP, Dr. Joseph Kenny. Mallon arrested Kenny on 24 October and observed

---

[13] For a time after the arrest of O'Brien the DMP was in some confusion as to who was actually responsible for editing the newspaper. A report from Mallon to the police commissioner on 20 October 1881 is highly speculative, suggesting that O'Connor had taken charge but admitting that 'it would be better that further inquiry be made to clear up this point.' (Mallon to Talbot, 20 October 1881, NAI, CSORP, 1881/35864, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881-35775).

[14] Warwick Haller, *William O'Brien and the Irish Land War*, 59.

[15] O'Brien, *Recollections*, 379.

[16] *United Ireland*, 18 February 1882.

to Talbot that 'it is singular that Mr. Cowan's [*sic*] name was written on the slate in Dr. Kenny's hall on this morning when he was taken into custody.'[17] Nothing came of the visit or the offer of assistance.[18]

An element of uncertainty surrounds the extent to which O'Brien himself continued editing and/or contributing to the newspaper during his incarceration in Kilmainham. Certainly the prisoners appeared to have no difficulty in smuggling out anything from the 'No Rent Manifesto' to Parnell's passionate and troubled correspondence with Katharine O'Shea. O'Brien had the leisure and the facilities in Kilmainham to write at will.[19] He himself offered two different versions of the truth of his continuing involvement with his paper.

When questioned on the issue at the special commission in May 1889 O'Brien admitted to 'irregular' contributions to the newspaper while he was in jail. But he downplayed the extent or significance of those contributions. 'Owing to the constant arrests and to the constant shifting of the place of publication it was utterly impossible to keep an effective control of the paper.'[20] However, fifteen years later, in the first volume of his memoirs, *Recollections*, O'Brien was less inclined to relinquish credit for the output of the paper, writing that 'it was another of the singularities of the Forsterian tragi-comedy, that I was able throughout the No- Rent movement to supply the journalistic stimulus and direction of the movement weekly from within the walls of Kilmainham Jail.'[21]

---

[17] Mallon to Talbot, 24 October 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3,Carton 6, 1881/36371.

[18] A personality clash may well have been the reason for this. A fortnight later Mallon informed his superior that 'I have to report that from all the information I can gather Mr. Cowan MP could not bring the people connected with "United Ireland" to adopt his style of writing, consequently no protégé of his would take the acting editorship of the paper.' (Mallon to Talbot, 8 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/38894.)

[19] Ladies Land League leader, Anna Parnell suggested in her, often vitriolic, critique of Parnellism, *Tale of a Great Sham*, that the government facilitated the free passage of material from the prisoners to the outside world in the hope that they would, in the process, incriminate themselves. There is no evidence in the surviving files of the chief secretary's office that this was the case where *United Ireland* and O'Brien were concerned. (Anna Parnell, *Tale of a Great Sham*, ed. Dana Hearne (Dublin, 1986), 85.)

[20] 21 May 1889 *Special Commission*, vol.8, 104, 70827.

[21] William O'Brien, *Recollections* (London, 1905), 377.

O'Brien's *Times* commission evidence, suggesting minimal involvement, came at a time when it was incumbent upon him to distance himself from some of the material and commentary that had brought about the strenuous government efforts to close down the paper in 1881/82. He spent much of his cross-examination on the back foot, disowning the authorship and decrying the tone of many articles that appeared in *United Ireland* during his incarceration. While he accepted full responsibility for everything that was printed, he appeared somewhat chastened on many occasions by the character of some of the more extreme 'copy' carried in the newspaper. However, his later version of events is supported by others associated with *United Ireland* from October 1881 to May 1882.

John Denvir, a journalist and former Fenian, had an established printing business in Liverpool and was responsible for the publication of a number of Irish political newspapers in the UK.[22] He played a major role in the survival of *United Ireland* and frequently printed the newspaper in his Liverpool works. In his memoir, *Life Story of an Old Rebel*, Denvir reproduced a letter from Patrick Egan in which the former Land League Treasurer recalled the process by which the newspaper was published in Paris. According to Egan, 'all the leading articles that appeared in 'U.I' [*sic*] during those fateful months (or almost all of them) were written by William O'Brien in Kilmainham prison, smuggled out by the underground railroad, which ran upon regular scheduled time, and were despatched by trusty messengers to me in Paris.'[23]

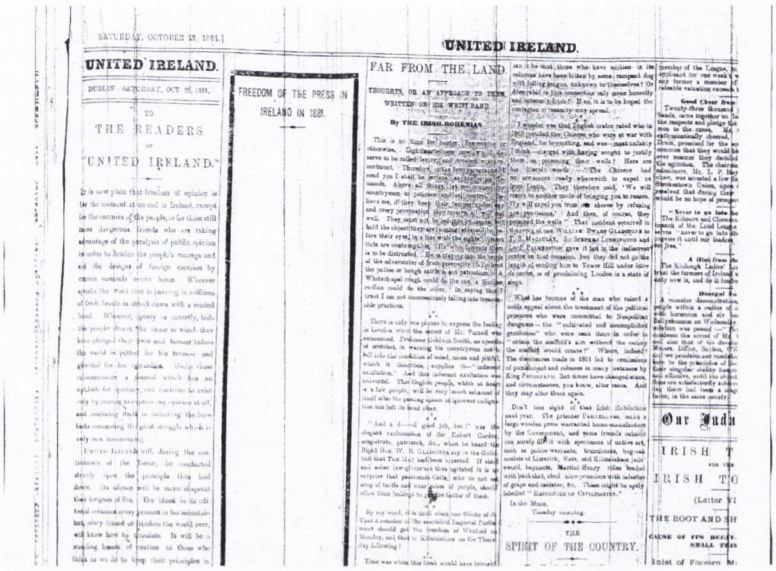
A fortnight after the arrest of O'Brien *United Ireland* carried a leading article announcing a severe curtailment of editorial comment. Claiming that 'freedom of opinion is for the moment at an end in Ireland' the editorial continued, 'under these circumstances a journal which has no aptitude for apostacy [*sic*] can continue to exist only by ceasing to express any opinion at all, and confining itself to collecting the bare facts concerning the great struggle which is only now commencing.' It advised its readers to draw their own conclusions in the future about the stance of

---

[22] Dictionary of Irish Biography –http://dib.cambridge.org/viewReadPage.do?articleId=a2531. The Irish newspapers included the *United Irishman* (1875-78) – not to be confused with Rossa's publication of the same name - and the *Nationalist*.

[23] John Denvir, *Life Story of an Old Rebel* (Dublin, 1910), 219.

the newspaper on political developments and to 'interrogate their own hearts for our opinions.' Running alongside the editorial was something that would become familiar to readers in the weeks that followed, a blank, black-bordered column stretching to the bottom of the page bearing the heading 'Freedom of the Press in Ireland in 1881.'[24]


SATURDAY, OCTOBER 29, 1881.]

UNITED IRELAND.

DUBLIN: SATURDAY, OCT. 29, 1881.

TO
THE READERS
OF
"UNITED IRELAND."

It is now plain that freedom of opinion is for the moment at an end in Ireland, except for the enemies of the people, or for those still more dangerous friends who are taking advantage of the paralysis of public opinion in order to broaden the people's energies and aid the designs of foreign enemies by raising counsels never heard. Wherever speaks the word that is lowering in millions of Irish hearts is struck down with a muzzled hand. Whoever, openly or covertly, bids the people desert the cause to which they have pledged their pen and honour before the world is pulled for his treasure and plotted for his downfall. Under these circumstances a journal which has not spoken for itself, nor continues to exist only by ceasing to express any opinion at all, and ceasing thus to influence the hearts and minds concerning the great struggle which is only now commencing.

[illegible] will, during the continuance of the Terror, be conducted strictly upon the principle that had does. Its silence will be more eloquent than tongues of fire. The blank in the editorial columns every morning in his miserable hole every friend of freedom the world over, will know how to translate. It will be a standing breach of custom to those who think as we do to keep their principles in

UNITED IRELAND.

FREEDOM OF THE PRESS IN IRELAND IN 1881.

FAR FROM THE LAND

THOUGHTS, OR AN APPEAL TO THEM, WRITTEN ON HIS WEDDING

By THE IRISH JOURNAL

This is no time for [illegible]

SPIRIT OF THE COUNTRY.

United Ireland, 29 October 1881.

However, despite deliberately denying itself the traditional use of the editorial page, a multiplicity of stratagems were devised to ensure that the readership was never reduced to the interrogation of its own 'hearts and opinions' to divine the position of *United Ireland* on any given topic. The front-page cartoon (restored on 12 November for the first time since the arrest of Parnell and O'Brien) afforded the opportunity of a satirical swipe at Castle policies and functionaries. Also on the front page the letters column allowed the newspaper to vent, while claiming some distance from any inflammatory opinions expressed. This was, of course, of absolutely no value when it came to potential retaliatory legal action on the part of

---

24 *United Ireland*, 29 October 1881. As more arrests followed, this column was filled with the names of those arrested and those who had succeeded in escaping arrest.

the authorities. The newspaper was responsible for every word printed, whatever the source.

How 'remote' the correspondence columns were is, at any rate, a moot point. O'Brien, before his arrest, had tried to impress on correspondents the necessity to sign all letters to the editor. However, increasingly, the newspaper carried unsigned and pseudonymous letters on its front page. On a typical week (5 November 1881) during this period there were letters from, 'Harvey Duff,' Erin Oge,' 'A Munster Boy,' 'An Irish Papist,' '*Nil Desperandum*,' 'One of the Civilised,' 'Pro Bono Publico,' and 'A True Leaguer.' Of eighteen letters only three are in any way traceable and only one of those, from a J.Smallhorne, 43 Lower Gardiner Street, gives a full address.[25] There are three possible explanations. The letters were received unsigned and published anyway. They were signed but the editorial staff exercised discretion on behalf of correspondents by deleting their names. Or they were actually written by *United Ireland* staff as a useful adjunct to the propaganda being purveyed elsewhere in the newspaper.

2.3 'Incidents of the campaign'

But it was not the front page cartoon or indeed the 'letters to the editor' that set the newspaper on a collision course with Dublin Castle. Since its inception *United Ireland,* in common with the *Freeman's Journal* and the *Nation*, had reported on criminality associated with the Land War. After the arrest of Parnell and the other leaders the incidence of agrarian crime increased rapidly. *United Ireland*, rather than simply reporting on the most newsworthy 'outrages' in standard fashion, that of the *Freeman* for example, adopted a more provocative approach. On 5 November much space was devoted to a column entitled 'The Spirit of the Country'. This was an exhortatory collation of the details of dozens of assaults, attacks, threatening notices and boycotting incidents which had taken place over the preceding week.

---

[25] *United Ireland*, 5 November 1881. Thoms Directory (1881) lists one Thomas Edwards as the owner of that address but they are 'furnished lodgings' so Smallhorne may have been a paying lodger. The following week, 12 November, only one of twenty letters is traceable, coming from Land League offices in Cork.

Arranged around the paper in haphazard fashion each incident, in isolation, might have attracted little enough attention. But when assembled in combination, often accompanied by inflammatory headings, the effect was intimidatory. This juxtaposition of a series of examples of petty and serious violence also contributed to a sense of pervasive anarchy, and even *anomie*, any notions of which Dublin Castle was eager to dispel.

The militancy of its coverage of the land agitation was reinforced when 'Spirit of the Country' gave way to a new column later in November entitled 'Incidents of the Campaign.' Its arrival was heralded by an open letter to officers of suppressed branches of the now-proscribed Land League. This read: 'As people are now deprived of the ordinary means of exchanging ideas between one part of the country and another, it becomes more necessary than ever to obtain full and reliable information of what is passing upon every estate in the country at this all-important time.' Accordingly past secretaries of League branches were asked 'to forward weekly, or as often as may be necessary, to this office short accounts of what is happening in their several districts.'[26]

In taking on what was, in essence, a quasi-organisational function by exchanging details of the levels of agrarian activity between different regions of the country, *United Ireland* stepped outside its propaganda remit and invited an even greater quantum of repression from Dublin Castle. It left itself open to the accusation that, if not actually guilty of incitement, it was certainly giving form and structure to anarchic resistance. H.O.Arnold Forster, the chief secretary's adopted son suggested, in correspondence with the *Pall Mall Gazette*, that *United Ireland* was also abetting the quasi-judicial functions taken upon itself by the Land League. He maintained 'that the Land League decrees have constantly been enforced by outrage ... and in confirmation of my statement I refer your readers to the columns of *United Ireland*, where they will find the whole proceeding – the crime, the tribunal and the punishment - over and over again described.'[27]

---

[26] *United Ireland*, 12 November 1881.

[27] *Pall Mall Gazette*, 24 April 1882.

Most of the items carried were cautionary tales of one kind or another. A typical example was the following:

> 'A Bitter Punishment' – John R. Heffernan, of Blarney, now in Kilmainham, who procured his release lately by a contrite petition to Mr. Forster for his honour's clemency, is not spoken to by the Kilmainham suspects, his crops are lying derelict, as nobody can be got to save them, and the testimonial which was being organised in his interest in Cork before the disclosure of his letter to Mr. Forster has been abandoned in disgust. [28]

In some instances the levels of information on the travails of the boycotted 'land-grabber' or payer of rent were even more detailed.[29] The headlines were often morbid and sinister, and there was a singular lack of even implied disapproval of the violence in the accompanying reportage. It was an undisguised warning to potential renegades. The column practically introduced an element of 'No Rent' competition between League branches in different parts of the country and left *United Ireland* open to the accusation that it was deliberately ratcheting up tension, dissent and violence by publishing such reports in such a fashion. Later the column was cited specifically by the attorney general in his opening statement to the *Times* commission in 1888.[30]

In his own evidence before the *Times* commission in 1889 O'Brien was, essentially, forced to disown the column. By way of self-exculpation he pointed out that it had appeared while he was incarcerated in Kilmainham and then discontinued by him after his release 'owing to the hateful insinuations that were made in reference to this heading.'[31] Among the 'hateful insinuations' was a charge by Arnold-Forster that *United Ireland* was an 'accessory to crime.'[32]

While accepting full responsibility for the content of *United Ireland* O'Brien refused to accept any personal blame for the material contained in 'Incidents of the

---

[28] *United Ireland*, 12 November 1881.

[29] For example the attack on the house of Owen Curtin near Mallow, Co.Cork - *United Ireland*, 19 November 1881.

[30] 'The murder of men, the wounding of men, injuries to women, burning of houses, were spoken of in the columns of that press as being incidents in the warfare between the National League and the landlords.' Attorney general, 23 October 1888, *Special Commission*, vol.1, 80.

[31] 21 May 1889 *Special Commission*, vol.8, 104, 70830-31.

[32] 21 May 1889 *Special Commission*, vol.8, 195, 70836.

Campaign'. Instead he placed that squarely on the shoulders of James O'Connor and insisted that it was O'Connor's job to clip news reports from daily papers and reproduce them in *United Ireland*. O'Brien acknowledged that O'Connor had often exceeded his brief in the choice of headline. He was referred, for example, to a story entitled 'Bathing a Bailiff.' The language of the actual report was factual and neutral, but it dealt with the 'tarring' of a bailiff who was then thrown in a canal. O'Brien was forced to accept 'that is an exceedingly objectionable thing to publish under that particular heading.' [33]

In February 1883 W.E.Forster singled out the 'Incidents of the Campaign' column as evidence of what he alleged to be Parnell's tacit approval of 'outrage.'[34] However, in a conversation during the most intense period of 'no rent' activity in November 1881, he seemed reluctant to act against the journal for fear of increasing its popularity. Florence Arnold Forster recorded in her diary, 'I spoke to him about *United Ireland* and its 'No Rent' propaganda: he does not think so much of this – the circulation of the paper, Mr. Johnson[35] tells him, has fallen off by one half,[36] and a prohibition or prosecution would only give it a new lease of life.'[37] In a game of risk and reward the creation of martyr-journalists was a disadvantageous consequence that had to be considered by every serving chief secretary of the 1880s.

In February 1882, *United Ireland* claimed that its own apotheosis had, indeed, taken place, abetted by Forster's policies. O'Brien wrote that 'on the whole we are pleased with the measures Mr. Forster is taking to suppress *United Ireland*. If he consulted our own feelings we would scarcely dare to request him to advertise us so

---

[33] 22 May 1889 Special Commission, vol.8, 154, 71460-1.

[34] HC Deb 22 February 1883 vol. 276, c627. Eight years later, in his own evidence to the *Times* Commission Parnell, like O'Brien, separated himself from the *United Ireland* of the Kilmainham incarceration period. He disingenuously told the attorney general in his cross-examination that 'there was an attempt made to carry on "United Ireland" at that time, but it was carried on in a variety of ways by shifts under no settled management, *and it could not be described as the Land League organ.*' [my emphasis]

[35] William Moore Johnson, Irish attorney general, November 1881 – January 1883.

[36] The received wisdom at this time – late November 1881 - prompted by DMP intelligence reports, was that *United Ireland* was on its last legs. (Talbot to Forster, 24 November 1881, TNA, PRO, CAB 37/24, 1889, no.21, 10.) On 10 December, Mallon wrote to Talbot that 'I believe they will throw up the sponge, and it is doubtful if another publication of the paper will issue.' (Mallon to Talbot,10 December 1881, TNA, PRO, CAB 37/24, 1889, no.21, 10.)

[37] Diary entry, 2 December 1881, Moody and Hawkins, *Florence Arnold-Forster*, 328.

well and hurt us so little. It was he who first opened the eyes of the public, or indeed our own, to the full merits of our paper.'[38]

2.4 Legislating for silence: arrest and seizure – November/December 1881.

In its edition of 12 November 1881 *United Ireland* announced that it intended to take legal action of its own against RIC constables who, up to that point, had been instructed merely to remove sheets advertising the contents of the newspaper on the shop fronts of newsagents.

> We simply want to give notice to all whom it may concern that we mean to have the question tried out with the least possible delay, whether newspaper property is as hopelessly as newspaper liberties at the mercy of Sub Constable Snooks and his masters.[39]

As to the legality of the actions contemplated and taken against *United Ireland* over the winter of 1881-82, the subject was debated and discussed at the highest levels of the Irish government. There were numerous options, but equally there were snares and pitfalls into which an unwary administration could stray. The Protection of Person and Property act gave the state virtually unlimited powers when it came to the arrest and detention of individuals 'guilty as principal or accessory ...[of] an act of violence or intimidation, or inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order.'[40] But it did not, for example, specifically bestow upon the administration the capacity to remove placards advertising the availability of a newspaper in retail outlets. When *United Ireland* 'launched writs against every policeman so offending, and prepared to take the verdict of Irish juries as to our treatment ... that little plan was

---

[38] *United Ireland*, 18 February 1882.

[39] *United Ireland*, 12 November 1881. 19 November 1881, *United Ireland* taking action against Constable Cash for seizure, NAI, CSORP, 1881/40540. (File not found – reference from CSORP Index for 1881). 18 January, 1882, Intention to take action against chief secretary on behalf of the Irish Newspaper Publishing Company for seizures of *United Ireland*, NAI, CSORP, 1882/3037. (File not found – reference from CSORP Index for 1882. The newspaper also personalised the process by taking action against individual constables. ('Irish National Newspaper Publishing Company Limited v McCormick, '*United Ireland*, 28 January 1882).

[40] *Public general statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty Queen Victoria 1881* (London, 1881), 3.

frustrated.'[41] This particular form of punitive action ceased as it had been carried out on no discernible legal basis.

The subsequent approach of the authorities to the newspaper was dictated by the attorney general, William Moore Johnson, in a November 1881 memo. He advised that 'the only practical way of dealing with this mischievous paper is to arrest under the PPP [*sic*] Act each successive person who undertakes the management of the paper.'[42] When it came to *United Ireland* the powers vested in the Castle by the coercion act were liberally availed of. O'Brien's was merely the first of fourteen arrests or attempted arrests between October 1881 and January 1882.[43]

William O'Donovan escaped to America after a warrant was filed for his arrest on 15 November.[44] James Bryce Killen was jailed two weeks later on the recommendation of Johnson.[45] James O'Connor followed on 8 December. In order to damage the newspaper logistically as well as journalistically punitive action was also taken against clerks, printers and the business manager. The ground for most of the arrests under the PPP act was 'for instruction against payment of rent'[46] Measures against the office staff were taken on the advice of Mallon who reported to commissioner Talbot on 1 December, in relation to Edward Donnelly (printer), Francis O'Keeffe (business manager) Arthur O'Keeffe (clerk and occasional contributor) and Thomas Noonan (printer) that 'should the government deem it advisable to arrest these persons it would, I think, cripple the publication.'[47]

It signally failed to do so. Francis O'Keeffe and Edward Donnelly escaped arrest by travelling to London. *United Ireland* continued in production. A defiant 10 December editorial goaded Forster:

---

41 *United Ireland*, 10 December 1881.

42 W.M.Johnson memo, 23 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/40550.

43 *United Ireland*, 7 January 1882.

44 *Dictionary of Irish Biography*, http://dib.cambridge.org/viewReadPage.do?articleId=a6712.

45 W.M.Johnson memo, 25 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/42170.

46 John Naish memo, 25 November, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/42170.

47 Mallon to Talbot, 1 December 1881, NAI-CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/42170.

> We have committed no offence against the law, and he knows that. Else why not try the question out before his tribunals? He cannot lay a finger on our property without breaking the law himself, and (what is of more importance) suffering for it at the hands of an Irish jury. We are aggravatingly within our legal right in printing and selling our paper.[48]

The editorial continued by condemning the policy of arbitrary arrests. However, by invoking the PPP act against named individuals the government was clearly operating within the remit of its own emergency legislation. Outside of those arrests, in dealing with *United Ireland*, the Castle otherwise tended to wander into questionable legal territory. On 9 December 1882, attorney general Johnson announced a change of approach. He recommended that the DMP raid the premises of *United Ireland* and seize the entire issue as it left the presses while the RIC seized individual copies that might have reached rural newsagents. He accepted that:

> This is a very serious step and therefore we would have to be prepared to defend claims for damages. Therefore it would be very necessary to be quite clear that the particular issue justified the proceeding by its illegality and violence.[49]

There were, as Johnson suggested, a number of inherent risks associated with this change of policy. As *United Ireland* itself would point out, the authorities had no legal right to seize any newspaper in advance of publication on the basis that it *might* prove to be seditious or treasonable. It was only after ascertaining that the newspaper contained seditious matter that the law could take its course. However, establishing that any individual issue contained such material was problematic. A copy of the 'suspected' edition of the newspaper had to be obtained, read and ruled upon. As Mallon pointed out, by the time one of his officers was able to purchase a copy in the *United Ireland* offices at 10.00 a.m. on any given Thursday morning 'the edition will have been sent to the country and Dublin agents'[50]. The authorities

---

[48] *United Ireland*, 10 December 1881.

[49] W.M.Johnson memo, 9 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45112.

[50] Mallon to Talbot, 14 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113. The practice was to print on Wednesday and despatch copies to the country that night.

could seize whatever was left, or they could 'test' the law and confiscate an entire edition in advance without first ascertaining that the paper contained actionable material. They could, in theory at least, base such a proceeding on prior information obtained on the contents of the paper. In either event they left themselves open to compensation claims from O'Brien. Were they to extend this policy to the seizure of copies of the paper directly from the shops of newsagents or the supplies of street newsvendors, they left themselves vulnerable to claims from those sources as well. As it transpired this is precisely what occurred.

On 15 December, John M. Naish, the Castle's law officer, ordered the DMP to seize the *United Ireland* print run for that week. The only *caveat* was that the police were instructed 'not to go breaking doors for it.'[51] The edition of 17 December would have appeared that morning but there is no indication in the chief secretary's office registered papers as to whether or not it was examined before the order was made. The previous day Mallon had reported to Talbot that an informant within the newspaper was inclined to think the tone of the issue would actually be quite moderate.[52] This suggests that the administration had pre-determined to take the action advised by attorney general Johnson irrespective of the content of the newspaper.

The DMP raid on 33 Lower Abbey Street took place at 5.20 on the evening of Thursday, 15 December. Three detectives and four constables entered the premises with warrants for the arrest of five employees (the O'Keeffes, Donnelly, William McDonnell – a printer and Henry Burton – a clerk) and with orders to seize copies of the issue of 17 December. 4,200 copies of *United Ireland* were confiscated but printing of the 'Fenian' newspaper, *The Irishman,* was allowed to proceed unhindered. Arthur O'Keeffe and Henry Burton were found on the premises and arrested. The reaction of *United Ireland* in its next issue was entirely predictable:

> Mr. Forster thinks ... he can stifle our voice and ruin our property without incurring the consequences of illegally and violently suppressing a

---

[51] J.M.Naish, 15 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.

[52] Mallon to Talbot, 14 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.

> newspaper. We intend to ask an Irish jury whether Mr. Forster's cheap and cowardly thievery is to their liking.[53]

On 17 December the *Freeman's Journal* reported that *United Ireland* was 'to forthwith take the necessary steps for the purpose of testing the legality of the action of the authorities in seizing the newspaper, and that, acting under the advice of eminent counsel, writs against the responsible officials of the Government will be served within the next few days.'[54] *United Ireland* would, shortly thereafter, begin a suit against the government for £20,000. The damages sought included the value of the confiscated newspapers and the cost of lost production.

United Ireland itself claimed that, as Mallon forewarned, 37,000 copies had already been dispatched to rural destinations before the arrival of the DMP. The newspaper begged the indulgence of its readers in the event that 'within the next few weeks they cannot get our paper in time, or quite to their taste.'[55] In order to circumvent further attempts at seizure readers were asked to form clubs. 'Arrangements should be made locally by which each copy shall pass from hand to hand, until the paper shall reach every corner of the island'.[56]

The *Times* referred to the 15 December raid as a 'vigorous blow' not just to the newspaper but to the recently-proscribed Land League. Recognising the systemic importance of *United Ireland* to the 'no rent' agitation it commented that 'the journal has been a means of keeping up excitement in the country.'[57] Just over a week later the *Times*, however, was forced to acknowledge that 'the seizure of *United Ireland* last week and the warning given to persons in the office against assisting in its publication have had no effect in preventing the continued issue of the paper.'[58] It railed against 'the futility of half measures' and observed that 'if the government meant to give it the *coup de grace*, the blow which they struck was feeble, and was interpreted as an indication that they were not sure of their legal

---

53 *United Ireland*, 24 December 1881.

54 *Freeman's Journal*, 17 December 1881.

55 *United Ireland*, 24 December 1881.

56 *United Ireland*, 24 December 1881. Distribution of *United Ireland* through the post would raise further issues for the government.

57 *Times*, 16 December 1881.

58 *Times*, 24 December 1881.

powers.' The 'Thunderer' recalled, with obvious regret, a time when newspaper seizures were newspaper seizures, 'the whole plant was taken, and the means of publication shut off.'[59]

The era to which the *Times* was harking back had been instituted in 1870 by the Peace Preservation (Ireland) Act.[60] Sections 30-34 of that particular piece of coercion legislation, introduced by Gladstone's first administration, dealt directly with the press in a way that the 1881 Protection of Person and Property Act failed to do. Under the terms of the Peace Preservation Act, after a preliminary warning, any newspaper adjudged to contain 'any treasonable, seditious engraving, matter, or expressions, or any incitements to the commission of any felony ...' was liable to forfeit, 'all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper ...'[61] The seizure of copies of newspapers was also sanctioned, and, crucially, the legislation ensured that 'no action ... shall be brought or maintained against any person for the issuing of such warrant, or for any entry, search, or seizure, or other act, matter, or thing done in pursuance or under the authority of any such warrant.'

The latter provision meant, in effect, that the authorities were indemnified against actions for compensation in the event of any confiscation of property, provided the search and seizure operation was legally sanctioned. Having given itself such extensive powers the government then, by and large, failed to use them. The press provisions of the Act were repealed in 1875 by the Disraeli administration.[62] That the second Gladstone government might have done well to cut and paste the 1870 press provisions into the Protection of Person and Property (Ireland) Act, 1881 was essentially the argument of the *Times*.

---

[59] *Times*, 24 December 1881.

[60] This was actually a series of amendments to the Peace Preservation (Ireland) Act of 1856.

[61] *Public general statutes passed in the thirty-third & thirty-fourth years of the reign of Her Majesty Queen Victoria* (London, 1870), 140-41.

[62] *Public general statutes passed in the thirty-eighth & thirty-ninth years of the reign of Her Majesty Queen Victoria* (London, 1875), 141.

In its analysis of the 'half measures' being taken by the Castle, based on the available legislation, the *Times* tentatively drew attention, *inter alia*, to the availability of the laws of seditious libel. This was not, however, in order to berate the government's failure to make use of the libel laws against *United Ireland*. The *Times* was under no illusions as to the potential worth of such a course of action. *United Ireland* had regularly challenged the government to pursue it through the courts. The *Times* countered that O'Brien knew he was on safe ground 'as a single "boot-eater" in the jury-box would make the trial abortive.' [63]

Solicitor general, Andrew Marshal Porter, tacitly accepted as much in a memo to Cabinet written in January 1882. In relation to the tactics used against *United Ireland* he noted of the alternatives that 'it would have been quite idle to institute prosecutions. Acquittals or disagreements of the juries would have been their certain result.'[64] In a country no longer governed by consent, which required the suspension of *habeas corpus* for the law to function, the very term 'seditious' was contested. The Castle's sedition was the Land League's advocacy and the bulk of the population sided with the League. It was preferable to invoke the blunt instrument that was the 1881 coercion act, albeit *sans* press clause.

Essentially the government was in a quandry once it moved outside of the aegis of the impolitic and somewhat disagreeable sanctuary of the PPP Act. While the administration, under the powers it had voted itself, could sanction however many 'persons' who undertook to keep *United Ireland* in print, actions against the 'property' of the newspaper were more problematic. This dilemma was highlighted by *United Ireland* itself and exploited by the Tory opposition. In the debate on the Queen's speech in the House of Commons in February 1882 Lord Randolph Churchill disparaged the government's procedures. He 'wished to know whether Government considered that they had acted legally in suppressing *United Ireland*?' Churchill claimed that theirs was an 'action without precedent.' Regarding the

---

[63] *Times*, 24 December 1881. *United Ireland* commented acidly in response, 'Yes, a great many curious steps were feasible in those days; a packed jury was found to be a very accomodating friend to English ministers, and it is scarcely surprising that they should be tempted now, in the face of that arch-fiend honesty, to sigh for those good old times when they could do precisely what they liked.' (*United Ireland*, 31 December 1881).

[64] Porter memo to Cabinet, 23 January 1882, NAI, CSORP, 1888/26523.

seizure of copies of the paper 'he wanted to know under what Act it had been done?'[65] The Tory gadfly then came to the nub of the difficulty as far as the administration was concerned. He contended that they should have asked for specific powers against the nationalist press in 1881:

> Which always, from an English point of view, had a tendency towards sedition; and they ought not to have hesitated to ask Parliament to give them the necessary powers to deal with it, so that they might have kept themselves within the law.[66]

Churchill suggested that, were there any doubt as to the legality of the moves against *United Ireland*, it behoved the government to introduce an Act of Indemnity. This would have protected the administration from the consequences of any action taken by its agents in excess of jurisdiction. Such a measure had been built into the 1870 legislation. The response of the solicitor general for Ireland, Andrew M.Porter, was that the issue was 'the subject of legal proceedings', before venturing the simultaneously anodyne and sweeping proposition that he, 'hope[d] to defend the action of the Government upon legal and Constitutional grounds.'[67]

The previous month Porter had written an *ex post facto* opinion on the legality of the 15 December 1881 *United Ireland* raid. While acknowledging the unprecedented nature of the procedure he pointed out that the course pursued had the sanction of the lord chancellor, the master of the rolls, and the law officers. The defence against the anticipated legal action by *United Ireland* would be 'that the paper was of a seditious character; that its dissemination, besides being a crime, was attended with great danger to the public peace.' Porter accepted that while there was, 'no precedent for such a defence ... in my opinion, the suppression of this most dangerous publication was an absolute necessity.'[68]

---

[65] HC Deb. 9 February 1882, vol 266, c441. The particular seizure to which he referred had taken place in Liverpool.

[66] HC Deb. 9 February 1882 vol 266, c442.

[67] HC Deb. 9 February 1882 vol 266, cc457-58.

[68] Porter memo to Cabinet, 23 January 1882, NAI, CSORP, 1888/26523. He concluded with a wistful reference to the powers available under the 1870 Peace Preservation Act which, he opined, 'would have met the case, and relieved it of all difficulty.'

However, law officials were not especially confident that such an argument would prevail in court. In fact, despite his instructions to Cabinet, even Porter was not entirely convinced by his own case. On 16 April 1882, Law adviser John Naish dined with Forster. In her diary Florence Arnold Forster recorded that Naish was 'very anxious that the Chief Sec. [*sic*] should put a stop to the *United Ireland* action by getting a Bill of Indemnity[69] passed, which would cover any technical illegalities that may possibly prove to have been committed in the struggle to maintain or assert the law ... some of the lawyers (notably the solicitor general) are of opinion that, by strict law, the seizure of the papers cannot be justified.'[70]

The chief secretary was adamantly opposed to any form of indemnification. He told Naish (according to Florence Arnold Forster) that 'he would rather pay £200 (the claim for £20,000 is as Mr.Naish says 'poetry') out of his own pocket than have to carry a Bill of Indemnity for himself through the House.'[71]

Indemnification was quite common where the suspension of *habeas corpus* was concerned. Dicey referred to Indemnity Acts as 'the supreme instance of Parliamentary sovereignty'[72] and demonstrated that such legislation was codified and ratified on, virtually, an annual basis the century before the accession of Queen Victoria. Indemnification might, for example, have overcome any ambiguity about the interception of copies of *United Ireland* in the mails. While the government was legally entitled to prevent the distribution of seditious material by post it was caught in an anomalous situation in this regard. In order to establish that a particular edition

---

[69] A.V.Dicey wrote in his *Introduction to the Study of the Law of the Constitution* that 'the unavowed object of a *Habeas Corpus* Suspension Act is to enable the government to do acts which, though politically expedient, may not be strictly legal ... A Suspension Act would, in fact, fail of its main object, unless officials felt assured that, as long as they *bona fide*, and uninfluenced by malice or by corrupt motives, carried out the policy of which the Act was the visible sign, they would be protected from penalties for conduct which, though it might be technically a breach of law, was nothing more than the free exertion for the public good of that discretionary power which the suspension of the Habeas *Corpus* Act was intended to confer upon the executive. This assurance is derived from the expectation that, before the Suspension Act ceases to be in force, Parliament will pass an Act of Indemnity, protecting all persons who have acted, or have intended to act, under the powers given to the government by the statute.' (Dicey, *Introduction to the Study of the Law of the Constitution*, 231.)

[70] Diary entry, 16 April 1882, Moody and Hawkins, *Florence Arnold-Forster*, 450.

[71] Diary entry, 16 April 1882, Moody and Hawkins, *Florence Arnold-Forster*, 450.

[72] A.V Dicey, *Introduction to the Study of the Law of the Constitution* (London, 1915), 228.

of the newspaper, circulating via the post office, was seditious, the authorities were, in effect, obliged to tamper with the mails. This was of dubious legality. The government could have protected itself against legal action in such instances by passing an indemnification law.

However, it could equally have avoided much of the confusion and extemporisation apparent in its policy, by the creation of a more appropriate device than the Protection of Person and Property (Ireland) act. Such an instrument was in preparation by Cowper and Forster in the spring of 1882. But neither man would remain in his post long enough to introduce what would become the Prevention of Crime Act. The eventual insertion of a press clause in the new Liberal coercion regime was a belated attempt to rectify the omissions of the 1881 model. That particular piece of legislation had, 'instead of eradicating *United Ireland*, in fact served to endow it with heroic and popular appeal.'[73]

[73] Warwick-Haller, *William O'Brien*, 59.

Chapter Three

Suppressing 'the journalism of murder' – 1882

'As for the recommendation to suppress the journalism of murder, that is already done. We do not know whether *United Ireland* ever went so far as to recommend assassination, but *United Ireland* has been suppressed. If therefore the recommendation is that all papers writing in the interest of the land agitation should be suppressed, we are very sure that English opinion will never tolerate a measure of the kind.'[1]
(*Daily News*, 13 April 1882.)

'In the freedom of the Press and the freedom of public meetings we find all the elements of whatever permanent freedom there exists in this nation.'[2]
(John Bright, House of Commons, 30 March 1882)

3.1. Constructive suppression

On the 6 January 1882 the lord lieutenant issued a formal directive that the police should, from that date 'seize and detain from time to time until further order all copies wherever exhibited of the newspapers entitled "United Ireland", "The Irish World" and "The United Irishman".[3] Given the difficulties the administration had been experiencing with the interdiction of *United Ireland* in particular, the injunction had a certain logic to it. But it contained no indication of the legal foundation for the decision or the statute upon which it was based. Up to that point seizures had proceeded only after a perusal of the relevant issue by the law officers and a judgment as to illegality but, as Marie Louise Legg has written, 'they needed to stop the newspapers' publication immediately and

---

[1] *Daily News*, 13 April 1882.

[2] HC Deb. 30 March 1882, vol. 268, c322.

[3] 6 January 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45842.

not just bolt the stable door after the horse had gone.'[4] This chapter will consider the continued efforts of the administration to contain both *United Ireland* and an increasingly strident provincial press. It will suggest that, for its own purposes, *United Ireland* chose to modify its commentary in order to allow the administration to reverse some of its suppressive actions. These, however, were to prove to be temporary expedients on both sides carried out in the context of the *glasnost* of the 'Kilmainham treaty'.

The lord lieutenant's January edict allowed the DMP and RIC *carte blanche* in their attempts to stifle the newspaper before its distribution. It was based upon a not entirely unreasonable assumption that all editions of the newspaper would contain treasonable or seditious material, until such time as *United Ireland* chose to moderate its editorial commentary. Politically the order could only have been made in the context of the suspension of due process and even from that perspective it was of doubtful legality. It was in keeping with the spirit of disconcerted extemporisation being practised by Dublin Castle and described by O'Brien as 'the *reductio ad absurdum* of squalid unconstitutionality.'[5] It was duly followed by an indication from the solicitors representing the Irish Newspaper Publishing Company that the publishers of *United Ireland* intended to challenge the legality of the move in the courts.[6] The administration sought, quite literally, to put *United Ireland* out of circulation by whatever means it had at its disposal. Although the government's actions fell well short of forcing the outright suppression and closure of the newspaper they were, in effect, a form of pre-emptive censorship. While the administration could maintain it was respecting press freedom in not formally closing down *United Ireland* it was, constructively, making it virtually impossible for the newspaper to continue in operation.

---

[4] Legg, *Newspapers and Nationalism*, 161.

[5] O'Brien, *Recollections*, 379.

[6] McGough to chief secretary, 18 January 1882, NAI, CSORP, 1882/3037. (File not found) This was only one of a number of similar threats that, ultimately, did not materialise. As late as 8 March 1882 O'Brien was making applications to the authorities for copies of *United Ireland* to be sent to Kilmainham Gaol in order to expedite the case. On 19 March T.H.Burke referred to O'Brien's continued preparations for the case in a note to Forster.

In the House of Commons Edmund Dwyer Gray MP interrogated the government's right to, in effect, impose a blanket ban on the distribution of *United Ireland.*

> Hundreds and thousands of the copies of the paper were seized in England without any knowledge whatever as to whether the particular issue might contain seditious matter or not, but simply because it had the title *United Ireland.*[7]

The legitimacy or otherwise of government actions to close down *United Ireland* might, at some point, be tested in the courts. In the interim the Castle was making it difficult for the journal to function and relied on the principle of *sub judice* to deflect awkward parliamentary questions about its Irish press policies. Part of the strategy of the DMP involved a form of quasi-illicit petty harassment of the, largely voluntary, staff of the newspaper. Mallon, in one of his reports to Talbot on 18 December 1881 advised that if warrants were issued for the arrest of some of the Dublin printers, much as had been the pretext for the 15 December raid, 'the Police entrusted with the warrants should do just what they are not told to do. They ought through ignorant curiosity by the way of no harm take up some type here and some there taking good care not to put any back where they found it.'[8]

In addition to Egan in Paris the key figures in the survival of *United Ireland* from the time of the arrest of O'Brien up to the 'Kilmainham Treaty' were Liverpool printer John Denvir and various members of the Ladies Land League, most notably Hannah Lynch. Denvir was himself a journalist and former Fenian expelled from the organisation in 1877 for his refusal to detach himself from the Home Rule movement. According to O'Brien's earliest biographer, Michael MacDonagh, Denvir made arrangements 'for the printing of the paper secretly in Liverpool, London, Paris, Derry and actually in Dublin, in its old office ... though all the time police and spies were on his track.'[9] While Denvir's own machines

---

[7] HC Deb, 13 February 1882, vol. 266, c612.

[8] Mallon to Talbot, 18 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/564.

[9] MacDonagh, *O'Brien*, 57. The only printing location MacDonagh omitted was Manchester.

were not big enough to produce the paper he persuaded a local Liverpool printer to do the job instead. Many of the printed copies were then brought to Dublin by Denvir's son and 'with help from Daniel Crilly and Eugene O'Sullivan of the *Nation* he distributed the paper himself.'[10]

Denvir continued to liaise with Egan in Paris for a number of weeks, taking advantage of the fact that the Protection of Person and Property act applied only in Ireland and that no English printer or publisher could be arbitrarily arrested without charge for producing the paper in England. However, the assertion made in his memoir, *Life Story of an Old Rebel*, that 'although illegal in Ireland there was nothing in the ordinary law to prevent the printing and circulation of *United Ireland* in Great Britain'[11] while technically accurate was only partly true. The seditious libel laws could be used to supply the absence of the PPP in England. It would have been less problematic to secure a conviction against the newspaper for seditious libel if the authorities brought an action in an English court. Denvir also acknowledged the fact that, although it was not illegal to print *United Ireland* in Liverpool or London 'the printers were perpetually harassed by the police to frighten them into giving up the job.'[12] On 24 February 1882, for example, Denvir was fined £22 at Liverpool Police Court for producing copies of *United Ireland* without the imprint required under the 1881 Newspaper Libel and Registration Act.[13] The penalty was insufficient to discourage the old Fenian from continuing to print

A number of highly imaginative stratagems were devised for getting the printed copies of the newspaper to Ireland on a weekly basis. The edition of 31 December was packed in hampers and sent as dried fish. Another consignment was dispatched as 'woolen goods'. Still more copies were sent, in what can only have been a fit of self-conscious irony, in the name of British 'mercantile firms

---

[10] John Denvir, *Life Story of an Old Rebel* (Dublin, 1910), 211. There is no indication if T.D.Sullivan was aware that any of his employees were spending their spare time distributing a 'rival' weekly paper.

[11] Denvir, *Life Story of an Old Rebel*, 212.

[12] Denvir, *Life Story of an Old Rebel*, 213.

[13] *Daily News*, 25 February 1882.

whose loyalty was unquestionable.'[14] Another consignment, seized at the North Wall in Dublin Port was, 'enclosed in a timber case and were made up in packages as if they were loaves of sugar.'[15]

The peregrinations of *United Ireland* became even more elaborate after the London printers finally succumbed to police and political pressure in January 1882 and discontinued publication. The edition of 28 January was printed in Paris. Copies were seized in Folkestone (34,000 on 27 January) and Dover (5,000 on 3 February) by a British police force that had clearly been forewarned. The legality of that seizure was raised by Thomas Sexton MP in the House of Commons on 20 February 1882 when he inquired of the home secretary 'by virtue of what Statute, or in the exercise of what legal authority the Government are entitled to confiscate private property, and to seize and retain an issue of a newspaper, without first having taken steps to ascertain or inquire if the issue in question contained illegal matter?' Harcourt's response made it apparent that the government had simply used *force majeure* rather than any statutory authority. He asserted that the seizure 'was done under the authority of the lords commissioners of the treasury. The lords commissioners of the treasury acted under proper legal advice; and if the legality of that is to be disputed, it must be a question in a Court of Law.'[16]

3.2 *United Ireland* and the Ladies Land League

With the proscription of the Land League the organisation of the 'no rent' campaign fell to the Ladies Land League, founded in the USA in 1880 by Fanny Parnell, but more closely identified with her more radical sister Anna Parnell. In her disillusioned diatribe against the Land League and her brother's policies, *Tale of a Great Sham*, Anna Parnell wrote of how, shortly after the Ladies League took over the 'no rent' campaign 'the Land League newspaper, *United Ireland* fell

---

[14] Denvir, *Life Story of an Old Rebel*, 214.

[15] Pall Mall Gazette, 23 January 1882.

[16] HC Deb. 20 February 1882, vol. 266, cc1097-8.

on our well-laden shoulders'.[17] The seizures, and the arrests of the editorial staff did not appear to discourage the distribution of the paper by members of the Ladies League but the arrest of the printers posed greater difficulties, 'for printing was not amongst our accomplishments.'[18]

One of the most prominent, enterprising and tenacious members of the Ladies Land League, Hannah Lynch, seems to have made the survival of *United Ireland* a personal project. When James O'Connor was arrested under the Protection of Person and Property Act on 8 December 1881, according to Mallon 'he was instructing Miss Hannah Lynch in the duties of a sub-editor.'[19] The following week Mallon recorded that the main business of *United Ireland* was being performed by, among others, Hannah Lynch and her two sisters, Nannie and Virginia.[20] Lynch was present on 15 December for the most significant DMP raid on the Abbey street premises. In *Unmanageable Revolutionaries*, Margaret Ward gives credit to Lynch for having engineered the publication of the newspaper in Paris, 'few other women had the necessary language skills or contacts.'[21] According to Anna Parnell, Lynch was, on one occasion, personally responsible for the distribution of 30,000 copies of the journal around the country.[22]

Anna Parnell's experience of the Land War may have left her embittered and unalterably opposed to the policies of her older brother but her involvement with *United Ireland* 'was the pleasantest part of all the work of the Ladies Land League; it was something that could, at any rate, be done, and did not seem so

---

[17] Parnell, *Tale of a Great Sham*, 122.

[18] Parnell, *Tale of a Great Sham*, 122.

[19] Mallon to Talbot, 8 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/41270.

[20] Mallon to Talbot, 14 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.

[21] Margaret Ward, *Unmanageable Revolutionaries : Women and Irish Nationalism* (London-East Haven, Ct.,1989),

[22] John Denvir wrote about the involvement of 'the Misses Stritch', one of whom was Claire Stritch, joint honorary secretary of the organisation. (Patricia Groves, *Petticoat Rebellion: The Anna Parnell Story* (Dublin, 2009), 164) They would travel to Paris each week and return with the matrices for the latest edition of the paper. Both were daughters of a Resident Magistrate. Joint Treasurer of the Ladies Land League, Kate Molony, provided much of the finance for the day to day running of the Abbey street operation. (Mallon to Talbot, 14 December, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.)

painfully like trying to make ropes of sea sand, as so much of our other tasks did.'[23]

3.3 The Government and the newsagents

In taking the steps it did to contain or check the supply of copies of *United Ireland* the government was transgressing against one of the prevailing principles of Victorian economic life, the right of a merchant or manufacturer to profit from the investment of his capital without intervention. While the Liberal government might have been encumbered by a half-hearted regard for freedom of the press, the right to the free movement of goods and the entitlement to the profits derived from that free movement was axiomatic. As was, in this instance at least, the right to redress in the event of any gratuitous government interference in the conduct of legitimate trade.

Weighed against the property rights of newsagents was pressure from the likes of Resident Magistrate T.D. Fitzgerald, based in Carrick on Shannon, Co. Leitrim. He wrote to the under secretary, Thomas H. Burke, in December 1881, forwarding a marked copy of *United Ireland* whose 'direct tendency is to manifestly stir up the worst passion of the people and to incite them to additional opposition to all law, human and divine ... its success in these directions is every day becoming the more apparent.'[24]

The DMP and the RIC were on the alert for copies of *United Ireland*, thousands of which made their way from Paris, London or Liverpool, past the ports or through the post, and were being displayed on shop counters around the country. These were seized when required and when it was practicable, but there were anomalies. In some instances issues of successive weeks of *United Ireland* or the *Irish World* were displayed side by side. A risible situation sometimes arose where copies from certain dates were confiscated and other

---

[23] Parnell, *Tale of a Great Sham*, ed. Hearne, 123.

[24] Fitzgerald to Burke, 5 December 1881, NAI, CSORP, 1881/43157.

editions left for sale where policemen had no specific instructions to seize that particular issue.[25]

As the policy of seizure became more widespread the trickle of compensation claims from newsagents to the chief secretary's office began to swell.[26] To what extent the claims made by newsagents against the government were the genuine demands of out-of-pocket retailers is difficult to say. They might equally have been designed (by the agents and the newspaper) to discourage further seizures. But the chief secretary's files contain a number of letters from aggrieved newsagents pointing out that copies of *United Ireland* were, as a matter of course, purchased in advance by retailers. Thus seizures involved a loss of revenue to the newsagent rather than the newspaper. The inclination of the Castle was, at first, to resist all such claims. When, on 1 April 1882, John Fay, a Navan, Co.Meath newsagent applied for compensation for 61 newspapers (worth just over 5/-), taken by the RIC on 15 and 30 December, the law officer, John Naish recommended that the application be denied.[27] Yet two months later, when a similar claim was made by Mary Barry of Great George's Street in Cork, the atmosphere, in the wake of *United Ireland's* denunciation of the Phoenix Park murders, had changed. The latter seizure had taken place on 13 April 1882. Mary Barry had written to the new chief secretary, George Otto Trevelyan, highlighting her plight and the inherent inconsistency in the RIC execution of its seizure orders.

> The same week this seizure was made in Cork the Dublin newsvenders [*sic*] were selling the same issue with impunity and that the previous week I got safely delivered the same amount of papers without any attempt at seizure.[28]

---

[25] *United Ireland*, 7 January 1881.

[26] NAI, CSORP, 1881/45266. CSORP, 1882/28798. CSORP, 1882/21783. *United Ireland*, 7 January 1882. *United Ireland*, 28 January 1882.

[27] Fay to Inspector F.Purcell, 1 April 1882, NAI, CSORP, 1882/28798.

[28] Barry to Trevelyan, 30 May 1882, NAI, CSORP, 1882/28798.

Mary Barry eventually received some reparation. Naish recommended that compensation be 'discreetly paid.'[29] The Crown solicitor for Cork visited her shop and, 'without saying exactly from where [he] came'[30] paid her 10/- for the 120 papers she had lost.

Just as vulnerable to the majesty of the law were the street newsvendors or newsboys, of Dublin and Cork in particular. They were invariably searched if seen leaving 33 Lower Abbey street by the watching policemen. One had two copies (his entire supply) taken from him in Crampton Court in Dublin. When the DMP refused to give him a receipt for the appropriated copies, sympathetic onlookers passed the hat around for the young vendor.[31] According to Anna Parnell the newsboys were often highly successful in distributing the newspaper, and making a tidy profit in the process. She wrote that 'in Dublin the small newspaper boys used to hide it under their uniform of rags, and sometimes got as much as a shilling for it.'[32]

3.4. The Dublin Metropolitan Police and *United Ireland*

Superintendent John Mallon, the officer in charge of the detective unit, 'G' Division, the 'eyes and ears' of the Castle, was quite tentative in some of his early assessments of the effects of the PPP arrests on *United Ireland*. He was unable to say, definitively, who was editing the paper. He initially relied on information from the *New York Herald* correspondent, Chester Ives, and from 'a Press man'[33] – who may also have been Ives - and from the observation of detectives placed outside the *United Ireland* premises in 33 Lower Abbey Street. But within days the quality of the intelligence he was passing on to his superiors

---

[29] Naish memo, 17 June, 1882, NAI, CSORP, 1882/27066.

[30] Memo of W.V.Gregg, 29 June 1882, NAI, CSORP, 1882/28798.

[31] *United Ireland*, 28 January 1882.

[32] Parnell, *Tale of a Great Sham*, 122.

[33] Mallon to Talbot, 21 October 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/35944.

had greatly improved. By 24 October he was able to inform the police commissioner of the visit of Cowen to Lower Abbey St. On the same day he was also aware that William O'Donovan, a 'noted Fenian,'[34] had taken a hand in the editorial process.

He also told the DMP commissioner that circulation of *United Ireland* had halved due to their production difficulties and, startlingly, that 'the project of starting it as a daily paper on the 1st January has been almost abandoned.'[35] This would have been good news to Edmund Dwyer Gray had he been apprised of the fact. Later that month Mallon was in no doubt whatever as to the identity of the acting editor. James Bryce Killen, he informed Talbot, 'appears to be the only responsible person in the office of *United Ireland* at present'. He described Killen as, 'an inveterate tippler'.[36] As one reads his reports it becomes clear that Mallon was no longer relying exclusively on the observations of his sentinels or on gossip gleaned by an American journalist with whom he was exchanging information. The assumption has to be that one of the many volunteers who kept *United Ireland* in operation from October 1881 to April 1882 was also working for Mallon.

This is confirmed at around the time of the major raid on the *United Ireland* premises on 15 December 1881. The incursion had been prompted by information that 'the manuscript' of that week's issue was to be found in the office. For the first time Mallon, notoriously protective of his sources, was unambiguous as to the provenance of his information, referring to 'my informant who is employed in the establishment.'[37] This is the only specific reference to Mallon's source within *United Ireland*. The DMP spy is not

---

[34] Mallon to Talbot, 24 October 1881, NAI-CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/36371.

[35] Mallon to Talbot, 8 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/38894.

[36] It should be pointed out that this particular piece of information appears to have come from the observations of Inspector Thomas Kavanagh. (Mallon to Talbot, 25 November 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/42170.

[37] Mallon to Talbot, 14 December, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.

identified by name. All we know is that the informant was male, in which case the leaks were not coming from one of the many members of the Ladies Land League who had, largely, assumed control of the newspaper in early December.

3.5 The Liberal government and the Provincial Press

The apparent preoccupation of the Liberal government with *United Ireland* often worked to the advantage of the expanding cohort of militantly nationalist regional (mostly weekly) newspapers. Only in the case of *United Ireland* did the Liberals involve themselves in a sustained campaign of attempted suppression.

The parallel struggle with the Irish regional press was largely peripheral from the moment of the introduction of the Protection of Person and Property Act in 1881. Having conferred upon itself the capacity to imprison 'suspects' without charge the Gladstone government was not obliged to confront directly any issues of the curtailment of the freedom of the regional press. The incarceration of nationalist editors and proprietors of local newspapers became largely submerged in the wider strategy of wholesale arrests. Those jailed included Timothy Harrington of the *Kerry Sentinel*, Patrick Cahill of the *Leinster Leader* and Luke Hayden of the *Roscommon Messenger* [38] While the influence they wielded through their weekly publications was undoubtedly a major consideration in the decisions to detain them the Liberals were able to avoid the accusation that they were directly suppressing press freedom by reference to the leadership positions they had all taken up in local Land League activities.

In 1866 there were 104 provincial newspapers in circulation in Ireland.[39] Many of those were Tory/Unionist or Liberal/Whig in their politics. Papers like the *Clare Journal*, founded in 1776, the *Mayo Constitution*, founded in 1805, or

---

[38] *United Ireland*, 27 May 1882. Coverage of their releases. All served longer terms in detention, without trial, than had William O'Brien.

[39] Legg, *Newspapers and Nationalism*, 77.

the *Carlow Sentinel*, which continued in operation from 1831-1920 were impervious to the rise of nationalist sentiment in the 1880s, other than as vociferous opponents of the activities of the Land League and the Irish National League. By 1892 there were 128 provincial newspapers and, apart from the numerical increase, the landscape had been transformed.[40] Between 1880 and 1892 more than thirty new journals began weekly or bi-weekly publication. Twenty of those were avowedly nationalist in their politics. In addition to the newcomers many better established papers had, in the same period, switched their allegiance to nationalism. In 1882 the venerable *Waterford Daily Mail*, (established in 1823) owned by Joseph Fisher, changed its affiliation from Conservative to 'National.' It was followed in 1883 by the *Tuam Herald* owned by Richard J.Kelly. which switched from 'Liberal' to 'National'.[41]

Only four regional newspaper proprietors were prosecuted under the 1882 Crimes Act.[42] The cases were taken under section 7 of the act which dealt with the punishment of intimidation or incitement to intimidate. [The introduction of the Prevention of Crime (Ireland), 1882 Act will be discussed in more detail in chapter four.] Edward Walsh, editor of the *New Ross Standard* and the *Wexford People* made his first appearance in court on 29 December 1882 charged with the publication of an illegal notice describing a number of men as 'land grabbers.' He was sentenced to fourteen days in jail. This was increased to five weeks in order to allow him to appeal. The sentence was subsequently confirmed on appeal but reduced to fourteen days.[43]

---

[40] Legg, *Newspapers and Nationalism*, 125.

[41] Legg, *Newspapers and Nationalism*, 128. Kelly had been prosecuted in 1882 for the publication of a letter written by the American journalist James Redpath, 'encouraging divers ill-disposed persons to murder certain other persons, to wit, divers landlords.' (*Freeman's Journal*, 16 August 1882) Kelly repudiated the sentiments espoused by Redpath and had agreed to give any undertaking required by the court to avoid a custodial sentence. In this regard he was almost unique amongst avowedly nationalist editors in his singular lack of defiance.

[42] TNA, PRO, CO 903/2 Miscellaneous notes series No. IV, 7-10. Only the cases of Edward Walsh, John MacPhilpin and John Callanan are cited. The prosecution of Edward Harrington, which also took place under the Crimes Act, is ignored. In addition William O'Brien was prosecuted for seditious libel and Edmund Dwyer Gray for contempt. Four reporters, Edward Barrett, Nicholas Barrett, Thomas Cunningham and James McDermott were jailed for attending proclaimed meetings. Three printers, James Brosnan, Robert Fitzgerald and Maurice Kean were tried along with Edward Harrington, of the *Kerry Sentinel* in 1883. (See Appendix 1, Press Prosecutions)

[43] *Freeman's Journal*, 30 December 1882. TNA, PRO, CO 903/2 Miscellaneous notes series No. IV, 9. Only sentences of four weeks or more could be appealed to a higher court.

John MacPhilpin, editor of the *Tuam News*, faced three counts of intimidation on 1 January 1883. The charges related to the publication of articles against three Galway landlords written by correspondents from the Loughrea district. His counsel argued, unsuccessfully, that a newspaper editor could only be prosecuted under section 13 of the Crimes Act, which related to the conduct of the press. MacPhilpin was sentenced to a month in jail, without hard labour, on one of the three counts and to fourteen days on one of the other charges. The magistrates refused to increase the sentence to allow for an appeal.[44]

On 1 December 1883, John Callanan of the *Western News* was jailed for fourteen days for publishing an article in which detrimental reference was made to a Galway shepherd, John Crehan, who had taken the land of an evicted shepherd.[45] The previous year an employee of Callanan, Edward Barrett, had been jailed for seven days and four weeks, respectively, for reporting on two illegal Land League meetings. On that occasion Callanan had testified that Barrett had attended the meeting, as a reporter, on his instructions. The magistrates had stated at the time that they 'did not recognise the rights of the Press representatives more than any others at such meetings.'[46]

But the case involving a local news editor charged under the 1882 Crimes Act that attracted most attention was that of Edward Harrington of the *Kerry Sentinel*. The prosecution more closely resembled cases later conducted under the Tory government's 1887 Crimes Act than it did the considerably less energetic pursuit of regional editors by the Liberals. This was partly because of the unique nature of the case and partly because of the prominence in the nationalist movement of the owner of the *Sentinel*, Timothy Harrington, MP and its editor, his brother Edward.

---

[44] *Freeman's Journal*, 2 January 1883. TNA, PRO, CO 903/2 Miscellaneous notes series No. IV, 9-10.

[45] *Freeman's Journal*, 4 December 1883. TNA, PRO, CO 903/2 Miscellaneous notes series No. IV, 7.

[46] *Freeman's Journal*, 30 December 1882

In May 1883 a number of printed threatening notices were posted around the town of Tralee purporting to have emanated from the Invincibles. They read:

> Any person or persons acting contrary to the orders of his superior officers will, as sure as he has breath in his body, meet with a worse death than Lord Cavendish and Burke got. As we intend to make history, we must remove all tyrants ... Death to landlords, agents and bailiffs. By order of the Tralee Invincibles. God save Ireland from informers.[47]

In its edition of 22 May the *Kerry Sentinel* reported on the placarding and published the text of the notices. Based on the suspicion that the notices had been printed on its own presses the premises of the *Kerry Sentinel* were raided on the same day by a force of 30 members of the RIC. All copies of the newspaper were seized. On Friday 1 June a larger force of constables returned and searched the premises again. On this occasion the print run of the paper and its entire plant was taken away. As the press clause of the 1882 Crimes Act did not specifically provide for any such penalty, the authority cited for such a dramatic confiscation of private property was section 14 of the same act. This permitted the police, under warrant from the lord lieutenant, to seize 'any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association existing for criminal purposes.'[48] No explanation was offered as to why the search warrant proffered by the RIC had been made out six weeks before the appearance of the threatening posters.

An incensed *United Ireland* contrasted the treatment of the *Sentinel* with its own experience under the Gladstone administration:

> The Government seized *United Ireland* it is true, at various times, but at least they did not pick our pockets, rifle our drawers, abstract our ledgers, plunder our library, or cart off our machines and type.[49]

---

[47] *United Ireland*, 2 June 1883.

[48] *Public general statutes passed in the forty-fifth and forty-sixth years of the reign of Queen Victoria (London, 1882)*, 61.

[49] *United Ireland*, 2 June 1883.

O'Brien accused the administration of indulging in blatant opportunism in an attempt to rid itself of a newspaper which ranked just below *United Ireland* in terms of its provocative commentary. He described the poster as 'a brutal joke' which had offered the government 'a chance, too good to be lost, of crushing a hated opponent'.

Edward Harrington and his foreman printer, James Brosnan, were arraigned on 4 June 1883, charged with printing illegal notices. As Timothy Harrington had been in London when the offending notices were posted he was not subject to indictment. Unlike the other local newspaper editors prosecuted by the Gladstone administration both men were tried under section 9 of the Crimes Act. This covered the offence of membership of, or taking part in, 'the operations of an unlawful association.'[50] On the second day of the trial two apprentice printers, Robert Fitzgerald and Maurice Kean, admitted to the court that they had been responsible for printing the (spurious) notices without the knowledge of the foreman or editor. In passing judgment, however, the magistrates rejected the acceptance of responsibility by Fitzgerald and Kean while accepting the culpability of their contributions to the offence. Harrington and Brosnan were jailed for six months, the two apprentices, who had pleaded guilty, for two months each.[51]

An appeal to County Court judge, O'Connor Morris elicited no sympathy. He too refused to accept the evidence of Fitzgerald and Kean and the sentence on Harrington was allowed to stand. As regards Brosnan, however, he found 'no evidence on which I could act that he was connected with the printing and publishing of this notice.'[52] At the conclusion of the original trial in Tralee the Crown had indicated its willingness to return the plant to its owner, Timothy Harrington. In doing so it avoided an action from Harrington for the return of his presses. He was in court when the announcement was made and characterised the original seizure as 'gross and violent robbery, perpetrated under the sanction of the Crown.'[53]

---

50 *Public general statutes passed in the forty-fifth and forty-sixth years of the reign of Queen Victoria (London, 1882), 59.*

51 *Freeman's Journal,* 6 June 1883.

52 *Freeman's Journal,* 11 July 1883.

53 *Freeman's Journal,* 6 June 1883.

The six-month sentence on Harrington was the longest imposed on a newspaper editor under the terms of the 1882 Crimes Act. Under the much more rigorous regime of the 1887 Crimes act only three editors, P.A.McHugh of the *Sligo Champion*, John Powell of the *Midland Tribune*, and Edward Harrington himself, received similar sentences.

3.6 Feigning silence?

Did government action against the paper affect the management and the editorial policy of *United Ireland*? Clearly the administration had some success in hampering the actual production of the newspaper. In addition *United Ireland* opted for discretion in some of its British editions. Issues destined for the British market often bore little resemblance to those printed in the UK but intended for the Ireland.[54] There was an acute awareness that administration concerns over the reliability of Irish juries in cases of seditious libel would not apply to their English equivalents.

United Ireland may also have been prepared to modify its editorial line in the expectation that the Castle would, in turn, modify its own regime of suppression. Just before the significant 15 December raid on the newspaper's premises Mallon recorded that his informant within the building was of the opinion that the edition of 17 December would be moderate in tone because 'they got a hint from Kilmainham, to the effect that if the paper could be kept afloat for two or three weeks hence, all danger of suppression would be over for a time.'[55] This would suggest that the actions being taken by the Castle were beginning to pay dividends. However, the term 'moderation' was relative when applied to *United*

---

[54] Sir Robert Anderson wrote to T.H.Burke on 26 December 1881 that the London edition of *United Ireland* 'has scarcely anything in common with the Dublin paper save the name and the advertisements. I do not think the London paper, taken as a whole, affords sufficient grounds for a prosecution . . I do not think the London impression will be sent to Ireland when the Dublin imp. [sic] is so much more "advanced" in tone.' (Anderson to Burke, 26 December, 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/46048.

[55] Mallon to Talbot, 14 December 1881, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45113.

Ireland. The administration can only have hoped to reduce the stridency of the newspaper's commentary to the level of that emanating from the *Nation*. *United Ireland* was not about to become a weekly *Freeman's Journal*. Its very economic survival depended upon it reflecting a level of anger among the elements of Irish society from which it drew its readership. Neither was the newspaper likely to amend radically its polemical approach while it was being coerced by the government into so doing. But did the journal, for its own purposes, modify its advocacy of the 'No Rent Manifesto' and its opposition to the Land Courts, and curtail the worst excesses of 'Incidents of the Campaign' in the face of a determined government campaign of constructive suppression? And, if so, was this a policy of temporary and simulated moderation. Was *United Ireland*, in effect, feigning silence?

The *Times* commented on 27 January 1882 that '*United Ireland* is fighting hard, but is evidently getting the worst of it in the struggle with the authorities. Its strength is greatly impaired, and its tone is that rather of a spiteful but feeble vixen than of the daring outlaw.'[56] The following day, though not directly in response, *United Ireland* was anxious to scotch rumours of its incipient demise. 'We still exist, our colours still flying, our courage unabated, and our determination as firm as ever.'[57] In conjunction with this defiance, however, the newspaper tacitly conceded that the government was making some impact on its distribution. It announced a doubling of its cover price and suggested a new mechanism for circulating the paper. English readers were asked to buy as many copies as possible and post them to friends in Ireland.

United Ireland also conceded that in the course of a seizure at the City of Dublin Steampacket company in North Wall the previous week a quarter of the print run (the police estimate was 10,000 copies) had been captured by the authorities, although claiming that 'the stolen papers were replaced the next day by a new consignment.'[58] The following week 400 copies were seized in the Great Northern Railway terminus in Belfast and 1,000 copies in a house near

---

[56] *Times*, 27 January 1882.
[57] *United Ireland*, 28 January 1882.
[58] *United Ireland*, 28 January 1882.

Temple Bar in Dublin. The Folkestone seizure was estimated to have been of an entire print run of over 30,000 copies.[59] The 23 January edition of the paper was only four-pages long. In some instances different editions were printed in London and Paris. The 28 January edition, quoted above, had to go to press earlier than usual with the result that many of the Land League notices had to be held over. Nonetheless, police and newspaper reports suggest that, despite official efforts, the newspaper was getting into the hands of those who wanted to read it.[60] The Dublin Correspondent of the London *Standard* commented that 'Notwithstanding all the endeavours of the authorities the U[nited] I[reland] is still selling most freely (with a tax by the newsvendors) throughout the country. This evening, copies, dated the 28th January, were to be purchased in all the principal streets, of course under cover.'[61]

By April 1882 there was a perception, expressed within Dublin Castle and extending to the *Times*,[62] that *United Ireland* had begun to modify its more strident rhetoric. In the last public speech of his life, at Creggs, Co.Roscommon in October 1891 Parnell appeared to confirm the opinion expressed by the *Times* almost a decade before. He claimed, albeit in a highly adversarial context, that O'Brien had approached him in Kilmainham asking to be permitted to release an edition of the newspaper in April 1882 'without any reference to the 'No Rent Manifesto', or to the incidents of the campaign or the struggle against rents', in order to save the paper from irreparable damage arising out of increasingly successful British attempts at suppression. Parnell, who acquiesced in the plan, described this, in 1891, as 'that white flag from the walls of Kilmainham.'[63]

The 8 April edition of *United Ireland* seemed to signal a change in direction. 'Incidents of the Campaign' had become the more innocuous 'The Pulse of the

---

[59] *United Ireland*, 4 February 1882.

[60] *Times*, 27 January 1882. Johnson memo 18 January 1882, NAI, CSORP, 1882/4305. Anonymous letter 25 January 1881, NAI, CSORP, 1882/4305.

[61] *The Standard*, 30 January 1882.

[62] *Times*, 14 & 18 April 1882. See fn.69 & 70.

[63] *Freeman's Journal*, 28 September 1891.

Country'. In addition a significant amount of column inches was devoted to the Poor Law Guardian elections and to the emerging policy of using those local polls to 'blood' aspiring 'reliable' nationalist politicians while, simultaneously, 'purging the Poor Law Boards' of landlord influence. An editorial heralded the fact that the disposition of a sum of £1.25 million had, as a result of these nationalist local election successes, 'been taken from the garrison and taken possession of by the people' after a series of nationalist electoral victories.[64]

The tone of the issue can be taken as a signal to the authorities that, in the future, *United Ireland* would remain within the bounds of legality in its editorial commentary. There was a sense in which *United Ireland* was, in any case, becoming its own lead story. There is a certain circularity about the paper's content in the early months of 1882 as the government seizures provided copy for both the news pages and the editorial columns. The paper's continued existence, its resourcefulness in overcoming obstacles to circulation and the focus on the issue of freedom of the press may have allowed *United Ireland* to resile from its redundant advocacy of the 'No Rent Manifesto' and its futile denunciations of the Land Courts. This, in turn, allowed the government to end the debilitating weekly fishing expeditions for outlawed copies of the paper, to obviate the risk of further claims from angry newsagents and to mollify the radical wing of the Liberal party on the issue of abuse of freedom of expression.

A hint from Mallon brought about a close inspection of the *United Ireland* issue of 8 April 1882.[65] There was a division of opinion over whether to continue the inclusion of the paper under the terms of the lord lieutenant's order of 6 January. Attorney general Johnson took a hard line approach. He was suspicious of the implied overture from the newspaper. 'It is quite possible that harmless papers or at least comparatively harmless ones will be published in order to avoid seizure [of future issues]'[66] Johnson appears to have been overruled by

---

64 *United Ireland*, 8 April 1882.

65 Mallon to Talbot, 8 April 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/16912.

66 W.H.Johnson memo, 8 April 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/16912.

under secretary Burke. His signature is appended to notes from Samuel Lee Anderson to the DMP commissioner and the inspector general of the RIC advising both not to seize that week's issue and 'in future not to seize this paper without instructions, but to obtain a copy of each issue as published and submit it for instructions.'[67] It was a return to the more measured policy of late 1881. Whether or not *United Ireland* had intended to concede ground in its 8 April edition Dublin Castle had decided that the newspaper had shown sufficient evidence of a 'firm purpose of amendment' to be given the benefit of the doubt in the future.

Three days later the solicitor general, A.M.Porter, felt confident enough to write that:

> "United Ireland" is greatly subdued in its tone: and although still very objectionable, is not on the face of it, distinctly treasonable: nor does it in terms advocate No rent doctrine. I think the action of the Govt. should be carefully re-considered as regards this paper ... I think the time has come when another conference should be held on the subject. Meanwhile I cannot say that I see sufficient reason for seizing this paper.[68]

The *Times* exulted that *United Ireland's* teeth had finally been pulled. It wrote on 14 April that 'the ban on the publication of *United Ireland* appears to have been removed and the paper is now openly sold and cried in the streets. This week's number is as moderate in tone as the last.'[69] Four days later – O'Brien had been released from Kilmainham in the interim – the *Times* commented that 'it is argued from the release of Mr. O'Brien on Saturday and the instructions of the police not to seize any more copies of *United Ireland* that the government are meditating an entire change of policy. But there is nothing in *United Ireland* at

---

[67] Memo of Samuel Lee Anderson, 8 April 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 17681/1882.

[68] A.M.Porter, memo of 11 April 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/unnumbered.

[69] *Times*, 14 April 1882. The reference is to the editions of 1 & 8 April 1882.

present to make it worth the trouble of seizing. It is much milder than the other "National" prints, which have not been seized.'[70]

At the time of O'Brien's discharge from Kilmainham there was already an inexorable movement towards a *rapprochement* between Parnell and the Liberal government. Parnell had been released on compassionate grounds to attend the funeral of his nephew in Paris and had set in train - on parallel tracks involving the simultaneous intercession of Captain O'Shea and Justin McCarthy - the process that would lead to the Kilmainham Treaty and the informal end of the increasingly inchoate conflict that was the land war. O'Brien's release and the easing of the suppression campaign against *United Ireland* must be seen in that context. He had contributed to the improving atmosphere himself by including in the paper, while still in prison, details of Parnell's thinking on future land legislation, including provision for arrears and tenant purchase.[71]

However, if there was any expectation on the part of the administration that O'Brien's journalism would remain moderated after his release it was promptly dashed by his first post-Kilmainham leader. In the edition of 22 April 1882 the editorial loudly proclaimed that 'we want a few weeks fair play, while we are repairing the ravages which an unexampled series of persecutions have made in our property. After that we will demand no forbearance either from our readers or from our foes.' He couldn't resist reminding the government of at least one of the consequences of their attempts to silence his paper. 'Brutally as the Liberal Government may have plundered us in other respects they have at least saved us the expense of advertising ourselves.'[72] The attorney general, when he had studied that week's edition of the journal, wrote on 24 April, 'I think it expressly probable that *United Ireland* will be as illegal a publication very soon as it was and I think a hint might be given to Mr. O'Brien to take care of

---

[70] *Times*, 18 April 1882. There had actually been an application for attachment against the *Freeman's Journal* in February made by the Land Commission for comments in the paper on a case conducted in Limerick. (*United Ireland*, 11 February).

[71] *United Ireland*, 8 April 1882.

[72] *United Ireland*, 22 April 1882.

himself.'[73] When Forster had signed the warrant for O'Brien's discharge, it had carried the customary rider 'release with usual warning'.[74] If the authorities chose to do so O'Brien could have been re-arrested at any time under the terms of the PPP act. However, events in Phoenix Park on 6 May 1882 would make that piece of legislation redundant. It would be superseded by an arguably more draconian enactment of coercion legislation in the form of the Prevention of Crime (Ireland) Act.

Not long after O'Brien's release, Parnell too was discharged on foot of his celebrated letter of 28 April to O'Shea (actually written in Kilmainham with the Captain at hand on 29 April) which promised action on agrarian crime in return for arrears legislation and the *hors d'oeuvre*[75] of co-operation with the Liberals in future legislative measures. The unacknowledged 'Kilmainham Treaty' was greeted with dismay by many of Parnell's supporters. Healy wrote that 'We felt that the Chief had lowered the flag, and had tried to deceive alike his countrymen and the British.'[76] There was some awareness at the time of Parnell's release that it was based on a deal that might have to be defended and justified to the Land League foot-soldiers, but full knowledge of the details of the accord did not emerge until the debate in the House of Commons of 15 May, in which Forster, who had retained a copy of the 28 April letter to O'Shea, embarrassed the Irish leader into reading the full text of the document after Parnell had attempted to read a redacted version to the House, *sans l'hors d'oeuvre*. In *United Ireland* of 6 May, therefore, O'Brien, whatever inside knowledge or misgivings he might have had about the 'Treaty' was not required to defend the details of the understanding. The editorial headline that week was an exultant 'Coercion gives up the ghost.'[77]

O'Brien might have faced a dilemma of his own in the weeks ahead as fuller

---

[73] W.H.Johnson memo, 24 April 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/18924.

[74] Appended note of W.E.Forster, 14 April 1882, NAI, CSORP, 1882/19234.

[75] So described by Gladstone in his letter to Forster of 30 April 1882, after he had seen the letter brought by O'Shea from Kilmainham. (Gladstone papers, BL, Add. Mss. 44160.)

[76] T.M Healy, *Letters and Leaders of my Day* (New York, 1929), 162.

[77] *United Ireland*, 6 May 1882.

details emerged of the nature of the *rapprochement* between Parnell and Gladstone. *United Ireland* had been lacerating the Liberals mercilessly since its establishment in August 1881. Gladstone himself had been subjected to almost as much abuse as the, now departed, Forster. In addition O'Brien was, at heart, a committed agrarianist. Although he could undoubtedly have done so with some *élan*, he might well have had personal qualms in propagandising on behalf of a party leadership that was already re-directing the attention of the national movement away from the land struggle. In his memoirs O'Brien, retrospectively, lauded this burgeoning alliance between Parnell and the Liberals and dismissed criticisms of the end of the 'no rent' campaign and the effective reversal of previous policy in the tacit acceptance of the Land Commission. He rationalised that 'Parnell's positive genius had resorted to a General Rent Strike not as a vague revolutionary fetish, but as a conditional act of reprisal, which had now accomplished its practical purpose.'[78]

But O'Brien was not obliged to defend Parnell against allegations of 'surrender' or that he had 'enfeoffed himself to the Liberals at a moment when the No Rent strike had only to get a free rein to be insuppressible.'[79] He was not required to fill the role of journalistic enforcer of silence, on this occasion at least. The Phoenix Park murders and the consequent introduction by the home secretary, Sir William Harcourt, of the draconian Crimes Act – already being prepared by Forster before his resignation but rejected by the cabinet in April - meant that the *hors d'oeuvre* was, *pro tem* at least, returned uneaten. The Kilmainham Treaty may have led to the temporary retirement of John Dillon, the disillusionment of Davitt and the end of the tense love affair between the *Irish World* and Parnell, but it did not require any literary or philosophical gyrations on the part of O'Brien. Once the required period of abasement for the actions of the Invincibles had passed, O'Brien was free to resume his anti-Liberal phillipics with liberal abandon.

---

[78] O'Brien, *Recollections*, 419-20. O'Brien's positivity about the efficacy of the Kilmainham Treaty, viewed from a 1905 perspective, was, of course, coloured by the fact that he had, in 1903, fallen out with some of the 1882 sceptics and opponents of the accord, like Dillon, over the Wyndham land purchase scheme.

[79] O'Brien, *Recollections*, 416.

3.7 The Invincible effect

In its edition of 6 May 1882 *United Ireland* permitted itself to revel in a hint from Gladstone of a possible re-organisation of the Castle administrative structures. In writing that 'the rats in the Castle cellars had better beware of rat-traps; the vermin are going to have a bad time of it,'[80] O'Brien may have fallen victim to what he once euphemistically described himself as his 'excess of emphasis'.[81] The phrase, and its unfortunate timing, was thrown back at him in the course of his evidence to the *Times* commission in 1889. There he acknowledged 'that sentence is a rough commentary upon Mr. Gladstone's words, and upon the strength of that paragraph I have been again and again accused of inciting to [*sic*] the Phoenix Park murders.'[82]

A few days after the brutal assassinations of Lord Frederick Cavendish and Thomas H.Burke, the phrase came back to haunt *United Ireland*. On 12 May the Conservative MP, Sir Walter Barttelot, was first into the fray when he referred to the editorial in a parliamentary question to the Irish solicitor general.[83] Neither was it just British politicians accusing *United Ireland* of having provoked the murders. In an interview with John Devoy's *Irish Nation* in New York, the Fenian chief, John O'Leary, angry at Parnell's suggestion that Fenians were responsible for the outrage, laid some of the blame at the door of *United Ireland* for what he described as a policy of incitement.[84]

The suggestion that O'Brien's splenetic language had, in any way, provoked the ferocious Phoenix Park attack was, of course, palpably absurd. Whatever

---

[80] *United Ireland*, 6 May 1882.

[81] O'Brien, *Recollections*, 360.

[82] 21 May 1889, *Special Commission*, vol.8, 106.

[83] *Times*, 12 May 1882.

[84] *Irish Nation*, 20 May 1882. Cited in William O'Brien and Desmond Ryan, eds. *Devoy's Post Bag* 2 vols, (Dublin, 1953) Vol 2, 222.

peripheral influence the vitriol of *United Ireland* might have had upon the philosophy of the Invincibles, the reference in question, first appearing as it did a day before the murders, had none. However, the unwelcome attention it had aroused may have influenced O'Brien's judgment in his coverage of the outrage in the 13 May edition of his newspaper. In place of the usual front page cartoon there was a large black-bordered space filled by the words – 'In token of abhorrence and shame for the stain cast upon the character of our nation for manliness and hospitality by the assassination of Lord Frederick Cavendish, Chief Secretary for Ireland, and of Mr. Thomas Burke, Under Secretary, in the Phoenix Park, 6th May 1882.'[85] Editorially O'Brien remarked that 'if the murderers had set to themselves the mission of doing more than centuries of British rule could do to break down barriers between the people and the officers of justice, they could not have better succeeded. It is the simple truth to say that the assassins would have run a more instant risk of being lynched in Dublin than in London.'[86] There were some who, while not openly critical of O'Brien's dismayed reaction, took issue with its submissive tone. The acerbic Joseph Biggar described the *United Ireland* response as 'worthy of a *Times* leading article on the blowing to pieces of a Russian Grand Duke.'[87]

The Castle, which had actually taken a phlegmatic attitude towards the 'rats' reference on 6 May – Johnson had written that 'the coincidence of the ostensible date of the publication with the two dreadful murders gives the passage a significance which it would not otherwise possess'[88] – was somewhat ambiguous about O'Brien's apparently fulsome revulsion at the crime. In the same memo Johnson, who had the *United Ireland* of 13 May to hand, noted sceptically that 'in literal terms it professes abhorrence of these crimes. On the genuineness of these professions I offer no opinion other than the paper should

---

[85] *United Ireland*, 13 May 1882.

[86] *United Ireland*, 13 May 1882.

[87] O'Brien, *Recollections*, 429.

[88] W.H.Johnson memo, 11 May 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/unnumbered.

not be interfered with.'[89] Johnson may well have already seen the comments in *United Ireland's* stable-mate, the *Irishman*, for which O'Brien also had editorial responsibility. They reeked of ambiguity. Referring to the gold standard seven hundred years of 'bloody strife' and 'the rapacity of the invaders' the *Irishman* opined that 'without excusing crime of any character or for any purpose, we hold that aggression is always followed by retaliation, and that repression is invariably the cause of outrage.'[90]

Courtesy of the campaign against the Crimes Act, O'Brien would rapidly recover his aplomb and his sense of injustice. He continued to wage war on Gladstone's government until its parliamentary defeat in late 1885. As we shall see there were significant battles ahead but, arguably, the newspaper's finest achievement during the 1881- 85 period was its very capacity for survival. It was its own best advertisement, something the paper acknowledged in a mocking expression of gratitude to Forster in February 1882.

> It was he who first opened the eyes of the public, or indeed our own, to the full merits of our paper. We were really modest enough to imagine that the British Empire might exist beside us. We at least supposed that the British Empire had power to strangle us if it put forth its brute strength. Mr.Forster has undeceived us on both these points.[91]

Of course, concurrent with its fight for survival, the journal pre-figured the less endearing traits that would characterise some of its own future repressive campaigns. It vilified, propagandised and deluded its readership and was anything but forceful in its deprecation of violence and outrage until the surgical knives were wielded in Phoenix Park. Margaret O'Callaghan has underscored its contribution to the facilitation of the transition 'from the clear politics of land to the more sophisticated Home Rule rhetoric of the National League ... *United Ireland* constructed a unified nationalist voice out of the images and exclusions,

---

[89] W.H.Johnson memo, 11 May 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/unnumbered.
[90] *The Irishman*, 13 May 1882.
[91] *United Ireland*, 18 February 1882.

the hootings and groanings, hissings and booings and heckling of the former on-circuit performers.' [92]

One of the principal 'exclusions' appeared to be the segregation of the Irish nationalist press when it came to the notion of freedom of expression. *United Ireland* regularly drew attention to the literary excesses of the Unionist press and the failure of the Castle to take retaliatory action against alleged instances of incitement emanating from the likes of the *Daily Express* or the *Dublin Evening Mail.*[93] It also highlighted what it saw as the hypocrisy of the advocacy of freedom of the press in England and disregard for the abuse of the same freedoms in Ireland.

The Liberals had come to power in 1880 with the announced intention of governing Ireland without recourse to special legislation. The message in the Queen's speech of 21 May 1880 was of a 'desire to avoid the evils of exceptional legislation in abridgement of liberty.'[94] Six months later Forster was still opposed to the suspension of *habeas corpus.* Gladstone's secretary, Edward Hamilton wrote in his diary that the chief secretary believed it would 'weaken the law of the land, be a bad precedent, and a temptation to rely on despotic power rather than on law.'[95] Those earnest intentions rapidly withered on the vine and had derived in the first place from a philosophy that strove to be different to that of the 'Beaconsfieldism' of the Tories. As Margaret O'Callaghan has noted, 'the commitment to the maintenance of the ordinary law was a response to Liberal sensitivities, not a response to conditions in Ireland'.[96]

As it transpired, Liberal allegiance to freedom of the press had, almost inevitably, suffered the same fate as Liberal devotion to due process. Assailed by

---

[92] Margaret O'Callaghan, *British High Politics and a Nationalist Ireland: Criminality, Land and the Law under Forster and Balfour* (Cork, 1994), 80.
[93] *United Ireland* 31 December 1881. *United Ireland* 22 April 1882.
[94] HL Deb, 20 May 1880, vol. 252, c66.
[95] Dudley Bahlmann, *The Diary of Sir Edward Walter Hamilton* (Oxford, 1972), 73.
[96] Margaret O'Callaghan, *British High Politics and a Nationalist Ireland: Criminality*, 23.

the violence of Ribbon-Fenianism in Ireland, Gladstone's administration had reverted to the default position of every British government faced with a similar set of circumstances. Confronted by the violent language of newspapers like *United Ireland*, the *Irish World* and the *United Irishman*, themselves perceived to be abusing freedom of expression, the government responded in kind. Florence Arnold-Forster was speaking for her adoptive father when she wrote in her diary in November 1881, 'one thing is certain, murder is not discouraged by the present leaders of the agitation – witness their organ *United Ireland* in which every fresh cruelty committed against an unhappy man – whether landlord or bailiff – or farmer, is entered under the heading –'Incidents of the Campaign' or 'Spirit of the Country'.'[97]

If the government had expected *United Ireland,* after the arrest of its editor, to fade away obligingly, then its disappointment must have been as immediate as it was sustained. The newspaper defied logic and expectation and continued as it had begun. That very defiance became a threat to the Castle just as it boosted the morale of the Land League foot-soldiers. To the government *United Ireland* might have been both fallacious and mendacious in its misrepresentation of the success of the Land Courts. It was certainly viewed as seditious in its prosecution of the 'No Rent Manifesto'. O'Brien's phraseology in the first edition of the newspaper is interesting. His hopes for the journal, as expressed on the opening page, were that it would become a 'weekly Monster meeting'. Presumably this was predicated on his intention to be provocative and his ambition to attract a large readership. He may not have been conscious of an inherent irony. The monster meetings of the Repeal era of the 1840s were not known for the quality of their dialogue. They were tendentious harangues delivered, without mediation, by the leadership to an eagerly receptive faithful. In that sense at least, by the effective end of the Land War in May 1882, O'Brien could afford to be pleased with his handiwork.

---

[97] Diary entry, 21 November 1881, Moody and Hawkins, *Florence Arnold-Forster,* 318-9.

Chapter Four

'Accusing spirits': *United Ireland* and seditious libel – May 1882 – January 1883

'The new organ of the national movement, *United Ireland*, under Mr. William O'Brien's direction, assailed the Spencer regime with unsparing vituperation. In a relentless spirit of hostility and with great ability every act of the executive was mercilessly criticised, every fault exposed, and every measure directed against free speech or fair trial denounced.'[1]
(Michael Davitt, *The Fall of Feudalism in Ireland*)

Attorney General: The only objection that you had then to rebellion was that it was hopeless?
William O'Brien: In the circumstances of the time unquestionably, that was my own feeling.'[2]
(Evidence of William O'Brien to the *Times* commission, 23 May 1889)

4.1 'A desperate struggle for liberty of speech in Ireland'

While the unofficial compact that became known as the Kilmainham Treaty contained no specific guarantee that the repressive regime instituted by the Protection of Person and Property (Ireland) Act would be relieved or allowed to lapse, there was an assumption that a diminution in agrarian crime, implicit in Parnell's side of the bargain, would lead to an easing of coercion. In the wake of the Phoenix Park murders any such eventuality was politically untenable. In place of a gradual relaxation, coercive provisions, *de trop* in April 1882, became *de rigeur* in May. A template prepared for an increasingly isolated and uncompromising Forster and Cowper, became the consensus response of the Liberals to the murder of Cavendish and Burke. This chapter will explore the

[1] Davitt, *Fall of Feudalism in Ireland*, 380-1.
[2] 23 May 1889, *Special Commission*, vol.8, 183, 71838.

passage of the 1882 Crimes Act and the intense inter and intra-party debate on enhanced press clauses. It will also examine one of the few sorties against a newspaper by either government of the 1880s that was not defined by and derived from its own coercion legislation.

The struggle that followed the Phoenix Park murders continued until the fall of Gladstone's government, and its ultimate expression, in press terms, was a highly personalised and envenomed clash between O'Brien and the two men at the apex of the Irish administration, the lord lieutenant, Earl Spencer and the chief secretary, George Otto Trevelyan. T.P.O'Connor wrote that 'Lord Spencer stuck with his Coercion Act and Mr. O'Brien with his pen, and thus Mr. O'Brien advanced to be one of the most powerful and popular figures in the country ... he wielded almost as much power as Parnell himself.'[3] O'Connor's contemporary, the baleful Richard Pigott, loftily noted that O'Brien's crusade 'is about the safest form in which Land League rancour can manifest itself, since the parties assailed could not deign to notice it.'[4]

In the latter half of 1882 and beyond, O'Brien chose to cast Spencer and Trevelyan as the villains of the piece. This is not to suggest that he ignored the supporting players in Dublin Castle, but he reserved his most caustic comments for the lord lieutenant and the chief secretary. O'Brien was not politically naive enough to believe that the political interests of Gladstone's government and of the ascendant cabal in the 'permanent' administration in Dublin Castle absolutely coincided. But he nonetheless chose to underscore their mutuality. This was primarily for the benefit of a largely undiscerning audience that sought *bêtes noires* and expected to see their enemies clearly identified and anathemised. Of course both Spencer and Trevelyan were caught in the classic Liberal dilemma. Both men were aware, in the words of J.L.Hammond, that 'a government drawn into a quarrel with the Irish people would be unable to enforce respect for the law because its methods for obtaining justice would spread mistrust, and those methods would absorb all its energies to the neglect

---

[3] T.P. O'Connor, *Memoirs of an Old Parliamentarian*, (New York, 1929), 2 vols, vol 1, 142.
[4] Richard Pigott,, *Personal Recollections of an Irish Nationalist Journalist* (Dublin & London, 1882), 445.

of reform.'[5] Neither, however, could do very much about extracting themselves and their administration from a cycle of suspicion that had already undermined and de-legitimised Forster's mission.

O'Brien subsequently acknowledged the dichotomy between the Liberal peer, his radical colleague and the unionist elite that dominated the Dublin Castle administration and the Irish civil service. In his *Times* commission evidence he was questioned about the vilification of Spencer and Trevelyan and, although disclaiming personal responsibility[6] for writing some of the more vituperative passages, he acknowledged, with regret, that 'unhappily we did hold Earl Spencer and Mr. Trevelyan responsible for the acts of their subordinates in Ireland. As to Earl Spencer and Mr. Trevelyan we were wrong, absolutely wrong. I am sorry there was an imputation of the kind. As to his subordinates we were absolutely, and in every particular, right.'[7]

Whatever their philosophical misgivings, Spencer and Trevelyan, in the political actions they took, were as rigorous in restricting intimidatory press commentary as their predecessors had been. In his evidence to the *Times* commission O'Brien spoke of this period as 'a desperate struggle for liberty of speech in Ireland.'[8] Because of the prosecution of the editors of a number of local newspapers O'Brien claimed, as it clearly suited him to do before the commission, that 'there was, practically speaking, no other paper left for public opinion except *United Ireland*; the consequence of course was I had to write far more fiercely than under any [other] circumstances I would have done.'[9]

While O'Brien was, by his own lights, conducting a struggle for the maintenance of free speech, he was simultaneously engaged in a political three-card trick. As his biographer Joseph P. O'Brien has observed, with the abandonment of the

---

[5] J.L. Hammond, *Gladstone and the Irish Nation* (London, 1938), 325.
[6] As indicated elsewhere O'Brien later blamed Healy for most of the more vitriolic criticism. However, when certain passages were read to him, accusing Spencer, for example, of 'subsidising red-handed murderers' (23 May 1889, Special Commission, vol.8, 192, 71940) he accepted that he had written them himself.
[7] 23 May 1889 Special Commission, vol.8, 190, 71924.
[8] 21 May 1889 Special Commission, vol 8, 112, 70864.
[9] 21 May 1889 Special Commission, vol 8, 112, 70867.

organisation and values of the Land League by Parnell and its replacement with the more centrally controlled Irish National League, 'it was left to William O'Brien to preserve the façade of advanced nationalism in the pages of *United Ireland*'.[10] To an extent this became manifest in the 'lonely duel between Mr. O'Brien and Earl Spencer which lasted with scarce an interruption for three of the fiercest years in Irish history,'[11] as T.P.O'Connor put it just after the contest ended.

4.2 The Prevention of Crime (Ireland) Bill, 1882.

The proposals for renewed coercion legislation extant in April 1882 reflected the disillusioned belligerence and pessimism of Forster's last weeks in office.[12] Its provisions were draconian and their actual introduction could only have been contemplated against the backdrop of the savagery of the Invincibles. Under the terms of the Bill, in response to the perceived unreliability of Irish juries, a special commission court could 'from time to time' be established at the behest of the lord lieutenant to try cases of serious crime. However, in a departure later deprecated by the Irish judiciary, in certain cases the jury could be dispensed with entirely and guilt or innocence established by the unanimous vote of three presiding judges. In the event that the traditional route of trial by jury was adopted, at the behest of the attorney general the jurors could be taken from a number of special jury panels based in seven counties and seven towns or cities around the country.[13] Special jurors were chosen from a greatly restricted pool consisting of ratepayers with a valuation of more than £20. The unspoken assumption was that such 'metropolitan' jurors – with a disproportionate representation of Protestants - shared the interests of the Castle elite in suppressing rural criminality.

---

[10] O'Brien, *William O'Brien and the Course of Irish Politics*, 23.

[11] T.P. O'Connor,– *The Parnell Movement* (London, 1886), 509.

[12] Forster was in favour of the restoration of the more punitive elements of the 1870 Peace preservation act. (Virginia Crossman, *Politics, law and order in 19th century Ireland* (Dublin, 1996), 143.)

[13] The counties were Antrim, Cork, Dublin, Galway, Kilkenny. Limerick and Waterford, the towns and cities (or more correctly the 'County of the City of . .') were Carrickfergus, Cork, Dublin, Galway, Kilkenny, Limerick and Waterford. (*Public General Statutes passed in the forty-fifth and forty-sixth years of the reign of Her Majesty Queen Victoria,* (London, 1882), 73).

The *Nation* described the proposed legislation as 'one of the most despotic measures ever introduced.'[14] The newspaper pointed out that over the previous half-century Ireland had been under coercion rule for thirty-five years and described the measure as being levied 'not against criminals, but against a whole people'.[15] The *Freeman's Journal*, while highly critical of the Bill, was also conscious that the Phoenix Park assassinations continued to resonate. It concluded its editorial with the pious but futile aspiration that 'the best hope is that its main arbitrary provisions will not in practice be largely put in force.'[16] The *Times*, on the other hand, had few difficulties with the legislation. While acknowledging that it was 'a remarkable departure in criminal jurisprudence,'[17] the newspaper endorsed the Forster/Harcourt Bill with enthusiasm.

Unlike the Protection of Person and Property (Ireland) Act there was specific provision in the legislation covering journals whose content was deemed to 'contain matter inciting to the commission of crime.' In many respects the newspaper section - clause 10 as introduced, clause 13 as finally enacted – reads like the legislative realisation of an attempt by Forster to address the legal concerns of the Castle law officers at the course adopted by the Irish executive in the repression of *United Ireland* and other newspapers prior to the Kilmainham Treaty. The Crimes Bill removed any ambiguity whatever, for the three year duration of its operation, surrounding the power of the lord lieutenant to order the seizure of newspapers.[18]

From the point of view of the nationalist press, however, the regime could have been much worse. On 17 April 1882, Forster had circulated a memorandum seeking the contributions of the law office in the formulation of the new coercion bill he would not get to deliver. In response, Porter, the solicitor general, recommended that 'the Press clauses of the Act of 1870 ... should be

---

[14] *Nation*, 20 May 1882.
[15] *Nation*, 27 May 1882.
[16] *Freeman's Journal*, 16 May 1882.
[17] *Times*, 18 May 1882.
[18] *Public General Statutes passed in the forty-fifth and forty-sixth years of the reign of Her Majesty Queen Victoria*, (London, 1882), 60.

reintroduced, with some modifications.'[19] In his reply John Naish, the law adviser, sought a simple re-enactment of the press clause (section 30) of the 1870 Act without amendment.[20] The newspaper provisions of the 1870 Act, discussed elsewhere, provided for the confiscation of plant as well as newspapers in the case of repeat offences. When it came to the drafting of the 1882 Crimes Bill the government decided not to revert to the conferring of such radical powers.

As originally formulated, however, there was an additional obligation placed on a newspaper once it had first been penalised with the forfeiture of an entire print run. It would subsequently be obliged to post a security bond 'not exceeding £200, not to print or publish any newspaper containing any matter inciting to the commission of treason or any act of violence or intimidation.'[21] In the event of a further infraction, the surety, in addition to any copies of the offending issue, would be subject to forfeiture. This stipulation, in effect a recognisance or guarantee of future good conduct, was a variation of the concept of 'caution money' often exacted by continental governments from their newspapers as an earnest of good behaviour. Spencer had serious doubts about this element of the legislation from the outset. On 13 May he wrote to Gladstone that 'I do not feel certain about the necessity of caution money for a newspaper.'[22] Ultimately, before the legislation got to Committee stage, the government decided to abandon the provision entirely. Spencer wrote to Gladstone on 29 May 1882, indicating that the potential requirement for recognisances had been deemed too onerous. 'This is a very strong and arbitrary power. It w[oul]d simply shut up a struggling local paper, the proprietor of which often lives from hand to mouth and c[oul]d not find £200.'[23] To many of his colleagues on the Liberal benches, not to mention in the

---

[19] Porter to Forster, 22 April 1882, TNA, PRO, CAB 37/7, 1882, no.9, 6.
[20] Naish to Forster, 26 April 1882, TNA, PRO, CAB 37/7, 1882, no.9, 11. Naish also recommended 'that the question of granting an indemnity for the seizure of *United Ireland*, the *Irish World*, and O'Donovan Rossa's *United Irishman*, should be considered.'
[21] *Freeman's Journal*, 16 May 1882.
[22] Spencer to Gladstone, 13 May 1882, Althorp papers, Add.Mss 76854 f.14.
[23] Spencer to Gladstone, 29 May 1882, Althorp papers, Add.Mss 76854 f.29.

executive branch of the Irish government, that was a consummation devoutly to be wished.

As far as the seizure of offending newspapers was concerned, the bill, as originally conceived and as finally enacted, meant that the lord lieutenant was to be judge and jury as to the treasonable or intimidatory intent of national, international and provincial newspapers found circulating in Ireland. Conviction of an editor for incitement to intimidation was to be left to a court of summary jurisdiction. Cases of criminal libel were not affected.

Oddly, given the experience of the already lengthy government battle with *United Ireland*, the legislation didn't address a number of key issues. Although the doubts over the legality of seizures were eliminated, the ambiguity over the status of the opening of posted packages of newspapers remained. While the Post Office had been instructed, under warrant, to seize certain newspapers sent through the mails,[24] there remained a level of uncertainty over the precise legality of opening newspapers in order to establish their seditious content.[25] On a practical level no legal provision was made for any preview of editorial content to determine whether it contained matter deemed to constitute incitement. Although itself a basic tenet of freedom of expression, this prolonged the anomalous situation whereby a publisher could distribute copies of his newspaper, or, as in the case of *United Ireland*, the entire print run, before it could be deemed illegal and have any copies seized. In the House of Lords debate on the bill, the Marquess of Lansdowne suggested that the press clause was so feeble that 'the only power which it gave to the Executive was that of seizing a particular issue of a particular paper, after the issue containing the

---

[24] The warrants were renewed every four months. 15 February 1884, NAI, CSORP, 1884/2989. 14 June 1884, NAI, CSORP, 1884/14543. 24 November 1884, NAI, CSORP, 1884-25808.

[25] Law officers in Ireland and Britain had disagreed in the 1860s over whether the Post Office Acts allowed for the opening of a suspect newspaper as opposed to a letter. Irish law officers contended that the Common Law (based on precedent) could be invoked where statute law did not cover all eventualities. When Harcourt, in 1882, received similarly contradictory advice he advocated seizure, suggesting that the newspapers concerned would not take legal action. (TNA, PRO, HO 144/102, A20387. Legg, *Newspapers and Nationalism*, 112.)

criminal matter had been put in circulation. To his mind, that was very like locking the door after the horse was stolen.'[26]

But the newspaper provisions were sufficiently onerous to attract considerable adverse comment, not merely among the nationalist press, but in liberal British journals as well. On studying Harcourt's original proposals the *Freeman's Journal* observed that 'the Press clauses are even more oppressive than he stated'. It argued that the definition of a 'crime', to which newspapers might be alleged to have incited, was so broad under the terms of the bill 'that we doubt if any single publication of any single newspaper might not be held thus to offend.' But despite these conclusions the *Journal* counselled the Irish Party members not to obstruct the bill. 'They must discuss it moderately, and seek to amend it reasonably.'[27] However, the newspaper also warned 'let England and the English people reflect for a moment with what feelings they would receive proposals for their country such as they now prepare for Ireland.'[28]

United Ireland, unsurprisingly, referred to the newspaper clauses as a continuation of the press regime of Forster. This was to be achieved by means of 'provisions copied from the procedure which crushed the Russian Press.' It claimed a sort of vindication with the appearance in the legislation of the seizure provision.

> This clause, it will be seen, is a confession, that Mr. Forster, in doing exactly what is here described, and worse with *United Ireland*, acted without any legal authority at all: else why take the authority now after it has been exercised in a much more brutal form?[29]

The newspaper decided, with tangible irony, to take the recognisance provision as 'a personal compliment.'[30]

United Ireland was joined in opposition to the press clauses by the liberal London newspaper, the *Daily News*.

---

[26] HL Deb. 10 July 1882, vol 271, c1898.
[27] *Freeman's Journal*, 16 May 1882.
[28] *Freeman's Journal*, 19 May 1882.
[29] *United Ireland*, 20 May 1882.
[30] *United Ireland*, 20 May 1882.

> The cabinet would do well carefully to consider whether the enterprises of desperate men plotting in private are in any way frustrated by curtailing the opportunities of advised or inadvised speaking or writing. Secret societies are not, as Mr. Cowen said, to be put down by the use of the gag.[31]

Rebellion by the judges of the Supreme Court of Judicature in Ireland, leading to the resignation of Exchequer Court judge Baron Fitzgerald,[32] ensured that although provision for three-judge courts remained part of the final legislation, it was never put into practice. Thirteen members of the Supreme Court met and delivered their own judgment on this aspect of the legislation, contending that such a development, 'would seriously impair public confidence in the judicial office, and thereby permanently injure the administration of justice in Ireland.' As the *Freeman's Journal* enthused, 'they decline to become judge and jury at the mandate of the Viceroy of the hour and the Government of the day.'[33]

4.3 The Commons' Debate

The debate on the Crimes bill was characterised by the clash of the contending forces of filibuster and cloture. Despite Irish efforts to prolong and obstruct discussion it was the Speaker's guillotine that ensured its passage within a conscionable period of time and the safe Liberal majority (bolstered by the vestigial revulsion for the Phoenix Park murders) that guaranteed its integrity.

---

[31] *Daily News*, 24 May 1882. One of the arguments made in liberal British newspapers and in the House of Commons against a highly specific and punitive attack on press freedom in the Crimes bill was that it was superfluous. Editors were also subject to Clause 7 of the legislation. This made it an offence to use intimidation or to incite any other person to intimidate by 'any word spoken or act done in order to and calculated to put any person in fear of any injury or danger to himself.' (*Public General Statutes passed in the forty-fifth and forty-sixth years of the reign of Her Majesty Queen Victoria*, (London, 1882), 58.)

[32] William E.Vaughan, *Murder Trials in Ireland, 1836-1914* (Dublin, 2009), 262-63. R.B. McDowell, *The Irish Administration* (London, 1964), 109. Fitzgerald, who had been appointed a law lord in June, 1882, resigned his seat on the Exchequer bench in July after the Crimes Act legislation was published and the government refused to delete the clauses relating to three-judge courts. (*United Ireland*, 3 June 1882. 29 July 1882.)

[33] *Freeman's Journal*, 19 May 1882.

There were amendments, and even an embarrassing defeat in a late division. But it was, by and large, the government itself that dictated any changes to the legislation.

Introduced by Harcourt, the home secretary, it was endorsed by Trevelyan, on 18 May 1882 in a Commons speech. In reference to the suppression of newspapers Trevelyan suggested, without overtly stating, that the legislation was designed to put on a statutory basis powers which the law officers had advised were already available under the common law. Such advice, at least according to the chief secretary, had been the basis for newspaper seizures already made. He maintained that the Bill was 'effectively framed against crime, and not against liberty.' By way of justification for any action taken against the press in Ireland, the chief secretary, while citing *United Ireland* as a paper 'which cannot be said to always keep within bounds' professed himself more concerned with the penetration of the 'atrocious sentiments' of Irish-American newspapers than he was with the potential for incitement of the native species.

In response Thomas Sexton drew the attention of the House to the anomaly of seditious publications in England escaping the attentions of the authorities while Irish newspapers 'which advocated the cause of Irish liberty and not assassination' were vulnerable to seizure. He quoted from an anti-monarchist pamphlet freely available in London newsagents advocating the slaughter of the Royal Family.[34] In this context, it was anomalous, Sexton suggested, that the newspaper clause of the Crimes bill applied only to Ireland.

Charles Russell, later to become lord chief justice, highlighted the philosophical weakness in the government's advocacy of arbitrary newspaper seizure:

> He desired that persons publishing matter that was treasonable, seditious, or calculated to disturb the peace should be punished by Constitutional means, and that these exceptional measures should not be resorted to. There was no proof that in this regard the ordinary law had failed.[35]

---

[34] HC Deb. 18 May 1882, vol. 269, cc1046.

[35] HC Deb. 23 May 1882, vol 269, c1472.

Russell was, of course, being disingenuous. There was ample anecdotal evidence that Irish juries were now disinclined to punish anything brought before them resembling political criminality.[36] Russell's submission, that the government should habitually have recourse to the 'ordinary law', was addressed by the solicitor general, Andrew Marshal Porter.

> "Deal with them by the ordinary law," say some of our friends—that is to say, by trial by jury, which has failed in the manner I have described in connection with every other kind of agrarian offence. Now, I ask, under these circumstances, what would be the use of these prosecutions? Their effect would be simply to give a stimulus to the circulation of particular papers, and to give them greater publicity and notoriety. [37]

The Prevention of Crime (Ireland) Act, 1882, limited in duration to three years, replaced the Protection of Person and Property (Ireland) Act as the coercion legislation *du jour*. The *Freeman's Journal*, of 12 July described it, sarcastically, as, 'this latest essay in the art of Liberal government' [38] while urging the population to respond with dignity and moderation. On the same day the *Times* led the charge in support of the legislation by observing that 'it comes to the rescue of a timid and easily terrorised people.'[39] The *Daily News*, however, was less enthusiastic.

> It has always been pointed out that utterance of even disloyal sentiments may prove a safety-valve for the letting off of angry feelings which are only driven to secret propagandism when open expression is prohibited.[40]

In *United Ireland* O'Brien railed against clause 13. He promised determined resistance while highlighting the fact that 'any newspaper editor in Ireland may be degraded for the next three years, if he hurts the sensibilities of any pair of hired magistrates in any corner of the country.'[41]

---

[36] Crossman, *Politics, law and order in 19th century Ireland*, 129.
[37] HC Deb. 23 May 1882, vol 269. c1502.
[38] *Freeman's Journal*, 12 July 1882.
[39] *Times*, 12 July 1882.
[40] *Daily News*, 5 July 1882.
[41] *United Ireland*, 24 June 1882.

4.4 From the Phoenix Park to 'Accusing Spirits' – May - December 1882

After the passage of the Crimes Act and the effective collapse of the 'no rent' campaign, *United Ireland*, chastened by the Phoenix Park murders, rendered more cautious by the press clause, and/or called to heel by Parnell himself, caused no particular problems for Dublin Castle. It was sufficiently aggressive in tone to continue its vital function of guarding Parnell's left flank while not pushing its rhetoric beyond the point of no return and provoking the sort of seizures provided for under the terms of the new legislation. Coincidentally the Post Office was issued with an official instruction to cease all seizures of the paper on the same day as Cavendish and Burke were murdered.[42]

Hostilities between *United Ireland* and the Castle virtually ceased during the summer of 1882. The truce is reflected in the weekly instructions from the law officers to the DMP as to how to deal with the latest copy of the newspaper. Through June and July, notwithstanding the criticism levelled by the newspaper at the Crimes Bill, no action was advised.[43] The administration might well have felt it prudent to avoid a resumption of any appearance of newspaper suppression while the bill, complete with punitive press clause, was being debated. But in fact the instruction of 22 July was accompanied by an observation from the solicitor general that 'so far as I can judge (without reading every line of the paper) it is much altered in character; and cannot be said to transgress beyond the limits of lawful discussion of public matters.'[44]

An indication that *United Ireland*, despite the suspected softening of its aggressive tone, was still a concern to the security apparatus of the Castle, came in September 1882. Samuel Lee Anderson had requested a copy of the

---

[42] Samuel Lee Anderson to Gustavus Cornwall, 6 May 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882, Unnumbered.
[43] 3,10,17, 24 June.15, 22 July 1882, NAI, CSORP, 1882/3337.
[44] A.M.Porter memo, 21 July 1882, NAI, CSORP, 1882/3337.

registration of *United Ireland* as a newspaper.[45] In a memo to his superior, Edward Jenkinson, Anderson explained that 'many of the most seditious newspapers fail to comply with the provisions of the "Newspaper Libel and Registration Act" and are liable to heavy penalties.'[46] He hoped to use this piece of legislation to harass *United Ireland*. The act in question - its full title was *An Act to amend the Law of Newspaper Libel, and to provide for the Registration of Newspaper Proprietors* – had been passed in 1881. The Act extended privilege – immunity from libel proceedings - to the 'fair and accurate' reporting of lawfully convened public meetings, allowed magistrates, with the agreement of the accused, to deal with insignificant libels summarily by means of a fine not exceeding fifty pounds, and established a register of the proprietors of newspapers. The penalty for failure to register was a fine not exceeding twenty-five pounds.[47]

To pursue the newspaper under the terms of the 1881 Act would have been of nuisance value alone, but Jenkinson expressed an interest in Anderson's idea and questioned his subordinate as to 'what procedure should be followed in such cases. Who should prosecute in the event of a prosecution being decided on?'[48] However, Anderson had failed to notice section 18 of the act which exempted joint stock companies from the registration process.[49] The solicitor general pointed this out and advised that, as a consequence, the act did not apply to *United Ireland*.[50] Determined not to be undone on a technicality Anderson applied to the Registrar of Companies to confirm that the newspaper was, in fact, owned by a joint stock company.[51] His dogged exploration of this

---

[45] Anderson to Wyatt – 15 September 1882 - NAI-CSORP-- Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3 – Carton 6-1882 - unnumbered

[46] Anderson to Jenkinson, 1 January 1883, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1883 – unnumbered.

[47] *Public General Statutes passed in the forty-fourth and forty-fifth year of the reign of Her Majesty, Queen Victoria* (London, 1881), 365-69.

[48] Jenkinson to Anderson, 2 January 1883, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1883 – unnumbered.

[49] *Public General Statutes passed in the forty-fourth and forty-fifth year of the reign of Her Majesty, Queen Victoria* (London, 1881), 369.

[50] Memo of A.M.Porter - 2 January 1883, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1883 – unnumbered.

[51] Anderson to Registrar of Companies, 5 January 1883, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1883 – unnumbered.

opportunity to discommode *United Ireland*, commencing in September 1882, at a time when the journal's editorial content was largely unexceptionable, suggests an undiminished animus that played a major part in the subsequent decision to prosecute O'Brien for criminal libel.

This came about when *United Ireland* doffed its sackcloth and ashes and returned to the offensive. The context for the journal's rediscovery of its vituperative soul was the first significant trials under the aegis of the Crimes act, conducted in the commission court in Dublin. The first capital trial was that of a young Clare man, Francis Hynes. He was accused of having murdered a neighbour, John Doloughty, on Sunday 9 July 1882. Doloughty, who worked for a farmer with whom the Hynes family was in dispute, was shot as he was returning to his home near Knockaneane after Mass in Ennis. He survived for just over twenty-four hours. While still lying at the scene of the crime, in answer to a question from a local resident magistrate, Captain Hugh McTiernan, he had identified Francis Hynes as his killer. Some doubts were cast on the 'dying declaration' of the victim, his widow gave evidence that no animosity had existed between the two men, and there was also considerable concern at what were seen as prosecution efforts to 'pack' the commission court jury with Protestant jurors. Of the forty-nine empanelled jurors the Hynes defence team had challenged eleven, the prosecution had asked that a further twenty-six stand aside, leading to the allegation, made by Thomas Sexton MP in the House of Commons that 'there was [no] other reason except that those gentlemen were Catholics and Liberals in politics for their being cast aside.'[52] Hynes was found guilty in a two-day trial (11-12 August) and sentenced to be hanged in Limerick Jail by the commission court judge Justice James Lawson.

However, the death sentence was given an entirely different complexion by the personal intervention of O'Brien himself. The *United Ireland* editor's living quarters were in a modest room in the Imperial Hotel. It was in that establishment that the jury was sequestered on the night of 11 August. In the course of the night O'Brien's sleep was interrupted by an incursion into his

---

[52] HC Deb. 17 August 1882, vol. 273, cc1990-91.

room by an extremely inebriated member of the jury. It subsequently emerged that a number of the jurors had spent the evening mingling with members of the public in the billiard room of the Imperial Hotel and many were the worse for drink. O'Brien drew the attention of the readers of the *Freeman's Journal* to this fact in a letter to the newspaper published on 14 August. He concluded by observing that 'I leave the public to judge the loathsomeness of such a scene upon the night when these men held the issues of life and death for a young man in the flower of youth.'[53]

The response of Mr. Justice Lawson was swift and rancorous. Edmund Dwyer Gray, proprietor of the *Freeman* was peremptorily summoned to a sitting of Lawson's court at which he was charged with contempt. In seeking a custodial sentence against Gray, Porter told the commission court 'if one paper was permitted to act in this way so should other papers, and where would it end? Such a thing was intolerable, and the article referred to, if it stood alone, would warrant the censure of the Court.'[54] Lawson sentenced an astonished Gray, MP, former lord mayor and serving High Sheriff of Dublin, to three months in jail.[55] Hearing of the debacle in New York Michael Davitt wrote in his diary, 'glorious blunder by Castle. No place like prison to inculcate hatred of British rule. Gray and *Freeman* will improve. Bravo idiot Lawson.'[56]

Despite the risk that the incarceration of its proprietor would see the editorial line of the *Freeman's Journal* becoming more extreme, the government did not seem too concerned at the outcome of the contempt case. On 17 August Gladstone informed the House of Commons emphatically that 'we do not see clearly that it is in our power to act for the liberation of Mr. Gray.'[57] After Gray was released having served half his three-month sentence Spencer wrote to the Prime Minister of his satisfaction with how the case had been handled. 'With the exception of unfortunate errors of speech on the whole Judge Lawson has done

---

[53] *Freeman's Journal*, 14 August 1882.

[54] HC Deb. 17 August 1882, vol. 273, cc1988. Quoted from the court proceedings by Thomas Sexton, M.P.

[55] Dungan, *The Captain and the King*, 150-1.

[56] Davitt diary entry, 16 August 1882, Davitt papers, TCD, MS9535.

[57] HC Deb. 17 August 1882, vol. 273, c1981.

his work with ability and in a way deserves the thanks of good men.'[58] The *Daily Express* held that the jail term had 'undoubtedly produced a salutary effect, which it may be hoped will be permanent.'[59]

On 15 September Samuel Lee Anderson drew the attention of the new under secretary, R.G.Hamilton, to an article in the 16 September issue of *United Ireland* entitled 'A Deed Without Name'. This was an editorial diatribe against the hanging of Francis Hynes on 11 September that highlighted, once again, the activities of the allegedly packed jury and condemned the behaviour of Justice Lawson in the 'grotesque mockery of a trial.' The leader concluded that 'Earl Spencer is responsible for his death.'[60] Hamilton alerted Trevelyan and Spencer, describing the article as 'very bad', while adding that 'it does not contain any direct incitement to crime and I do not recommend a prosecution'. The chief secretary and the lord lieutenant concurred.[61]

Challenging alleged miscarriages of justice now became, for *United Ireland*, the crusade that nullification of the Land Courts and dissemination of the 'No Rent Manifesto' had once been. If O'Brien, as perceived by the Castle itself, had ever been pulling his punches, he abandoned that policy in the autumn and winter of 1882.

On 7 October 1882 *United Ireland* finally controverted any notion in official circles that it had modified its outlook. Two editorials in that issue once again attacked Lawson and the practice, whose existence was resolutely denied by the law officers in Dublin Castle, of jury packing. The occasion for the attack on Lawson, described by the paper as 'a ranting partisan in a judicial burlesque',[62] was his decision, at the end of the commission term, to release Gray from Richmond prison after serving half his sentence. Lawson gave as his reason for

---

[58] Spencer to Gladstone, 2 October 1882, BL, Add.Mss 76856 f.131.
[59] *Daily Express*, 2 October 1882.
[60] *United Ireland*, 16 September 1882. Spencer had declined a number of appeals for clemency for Hynes.
[61] Anderson to Hamilton, Hamilton to Trevelyan, 15 September 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/38380.
[62] *United Ireland*, 7 October 1882.

the display of clemency the fact that 'a considerable change for the better has taken place in the tone of the paper.'[63] This *United Ireland* described as 'a parting shaft of malice' from the judge.

The second phillipic, entitled 'The Bloody Assizes', was a condemnation of the inaugural manifestation of the commission court brought into being by the Crimes act. The court's first term had seen three men, Francis Hynes, Michael Walsh[64] and Patrick Walsh[65] sentenced to death. In its denunciation of the verdict in the case of Michael Walsh *United Ireland* bypassed Lawson and took issue with a jury, 'shamefully concocted, its partisanship was as indecent, and the evidence was evidence upon which an English jury would not hang a dog.'[66] O'Brien equated the approach of the administration to the sentiments once expressed in the unionist newspaper the *Daily Express.* Its editor G.V.Patton had editorialised, 'we must, to convict murderers, secure by hook or crook, by law or challenge, metropolitan, Protestant and loyal juries.'[67]

For its part the *Express* responded by contending that the 'Bloody Assizes' article was 'one of the worst that have yet appeared in that notorious print.'[68] Superintendent Mallon, in his weekly despatch of the newspaper to the law officers drew the attention of his superiors to the two editorials. Edward Jenkinson, assistant under secretary for police and crime, sought the attorney general's opinion. Johnson's response was unequivocal. 'In my opinion the two articles referred to are scandalous libels on the administration of justice and as such the publisher is indictable for the publication.'[69] The significance of the missive is immediately apparent. In the past the administration had baulked at a prosecution of *United Ireland* for seditious libel because of the necessity to prosecute in a Queen's Bench court before an ordinary jury. Johnson was of the

---

[63] *United Ireland*, 7 October 1882.
[64] An 18 year old convicted of the murder of Constable Kavanagh of Letterfrack.
[65] Convicted of the murder of Martin Lydon.
[66] *United Ireland*, 7 October 1882.
[67] *United Ireland*, 7 October 1882.
[68] *Daily Express*, 6 October 1882. (Although the issue of *United Ireland* was dated 7 October it would have been on sale from 5 October).
[69] Attorney general Johnson to Edward Jenkinson, 10 October 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/41142.

opinion that, in this instance, the authorities could have recourse to the commission court, a special jury and an enhanced possibility of securing a conviction.

It was only the intervention of Spencer that prevented a prosecution. The lord lieutenant suggested that the article was 'bad, but then not incitement to crime or actually intimidation'. In response Hamilton advised Trevelyan, Johnson and Jenkinson that:

> It is evidently not H[is] E[xcellency's] desire to prosecute in this case. It might be well, however, to watch narrowly the articles in this paper for the next few weeks and have all the steps necessary to be taken for seizing it.[70]

4.5 'Accusing spirits'

The executions of Hynes, and the two Walshes were quickly followed by the infamous Maamtrasna trial[71] which led to the hanging of Myles Joyce, Patrick Joyce and Patrick Casey. There is little doubt that the former was innocent.[72] In December Michael Flynn, Patrick Higgins and Thomas Higgins were executed for the murders of Joseph and John Huddy on the Mayo/Galway border. The victims were bailiffs in the employ of Lord Ardilaun whose bodies had been deposited in Lough Mask.

The frequency of capital sentences emanating from the commission court gave rise to a nationalist 'revenger' narrative. This held that the Castle, baulked of success in identifying the Phoenix Park murderers, had allied itself with the unionist population of Dublin and was avenging itself on innocent men 'framed' for a variety of agrarian murders. In fact the frequency of hangings was a direct reflection of the incidence of homicides in rural Ireland in the latter years of the land war. The impression of a plethora of executions was augmented by the

---

[70] Spencer minute, Hamilton note, 11 October, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/41142.
[71] Arising out of the murders of five members of the family of John Joyce in Maamtrasna, on the border between Galway and Mayo, on 17 August 1882.
[72] Dungan, *Conspiracy: Irish Political Trials*, 127-170.

concentration of the murder trials in Dublin. Although there were justifiable doubts about the guilt of some of those hanged during the operative period of the Crimes act only in the case of Myles Joyce was there a clear case of innocence accompanied by blatant abuse of procedure.[73] There was in fact an equally tenable unionist counter-narrative, based on the re-emergence of the Invincibles, in which the very justice system itself was under threat from extreme nationalists. In November 1882 members of the Invincibles made unsuccessful attempts on the lives of Justice Lawson and Denis Field, a juror in the trial of Michael Walsh who had attracted press attention when he was seen to pass a note from the jury box to Norris Goddard, leading light of the landlord organisation the Property Defence Association.

It was in this poisonous atmosphere that O'Brien wrote an editorial in the 23 December edition of the paper entitled 'Accusing Spirits'. It was a powerful Zola-esque phillipic in which he accused the authorities of judicial murder. The piece began with quotes from Francis Hynes, Patrick Walsh, Michael Walsh, Patrick Higgins, Myles Joyce, Thomas Higgins and Michael Flynn in which all pleaded their innocence of the offences for which they had just been sentenced to death or for which they were about to be hanged:[74]

> Our attachment to the elementary principles of justice impels us to deliberately say that, both as to the tribunal and as to the evidence, the proceedings against these men bear an indelible taint of foul play.[75]

O'Brien went on to allege that 'packed juries and bribed witnesses were the all-sufficient implements of justice.' Describing the commission court sessions in Green street as a 'White Terror' O'Brien went to the core of the rationale behind the juridical provisions of the Crimes act. He highlighted:

> [The] ghastly pretence that it is all done to save the sacred right of trial by jury in Ireland; that it is necessary to pack juries that we may have

---

[73] On the part of Crown Prosecutor George Bolton. (Dungan, *Conspiracy*,159-166).
[74] Had he postponed the publication of the article by a couple of weeks he could have added the capital sentences on Sylvester Poff and James Barrett in Kerry.
[75] *United Ireland*, 23 December 1882.

> juries at all; that it is better to convict upon paid swearing than to adopt drumhead ideas of evidence.[76]

O'Brien's diatribe against alleged jury-packing by the Crown in recent capital cases, as well as the widespread use of informers to secure convictions, would have been more convincing had it not been for his prior coverage of the Maasmtrasna case. In the 18 November issue of *United Ireland* the editor had pointed out that a majority of the jurors in those trials were Roman Catholic. The following week he had written that 'we believe that the public are satisfied that a disgusting butchery has been avenged upon convincing evidence by juries comparatively fairly chosen.'[77] O'Brien's relative detachment in the Maamtrasna case may be attributable to the fact that the murders had been particularly savage and, apparently, non-political in nature.

The reaction of the Castle was swift. On the official publication day of the newspaper an order was issued for the seizure of all copies of *United Ireland* under section 13 of the Crimes act on the basis that it contained 'matter inciting to the commission of acts of violence and intimidation.'[78] O'Brien was summoned to appear before the Metropolitan Police court. The summons accused him of publishing,

> A false, seditious and malicious libel, contained in an article entitled 'Accusing Spirits' for the purpose and with the intent of bringing the Government of the country and the administration of the law into hatred and contempt. [79]

In choosing to indict O'Brien the authorities ran the risk of repeating the mistake made in the prosecution of Parnell and the Land League leaders in 1880. Gladstone's secretary, Edward Hamilton had pointed out at the time – and the logic applied equally to O'Brien in 1882 – that 'a state trial of that kind leads to a disagreeable dilemma. If it succeeds, those prosecuted become martyrs. If it

---

[76] *United Ireland*, 23 December 1882.
[77] *United Ireland*, 25 November 1882.
[78] Order for the Forfeiture of Newspapers Under Section 13, 23 December, 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/47393.
[79] *United Ireland*, 30 December 1882.

fails they become heroes.'[80] Prosecutions of this sort were generally undertaken to embolden the supporters of the administration or to appear to be taking positive and punitive action.

An alluring inducement to prosecute O'Brien, despite the inherent risk, was undoubtedly the looming Mallow by-election. In the summer of 1882 it became known that the attorney general, William Moore Johnson, was to be raised to the bench. This meant vacating his seat in the borough of Mallow. O'Brien, a native of the area, became the (reluctant) nationalist candidate. Opposing him as Liberal candidate was law adviser John Naish. Parnellites found it extremely difficult to win borough seats with small electorates (in some instances fewer than 300 voters) drawn from the wealthier members of the community and often unmoved by the issues that had given rise to the creation of the Land League. The odds were stacked against O'Brien. Even Parnell expected his man to be defeated while contending to O'Brien that 'you will get the least bad beating of anyone I know.'[81] In fact O'Brien's candidacy quickly began to prove highly popular with local voters and this prompted the administration to postpone the elevation of Johnson to the bench in order to defer the by-election. Johnson's appointment was finally confirmed on the day O'Brien appeared at the Police Magistrate's court in Dublin. The *United Ireland* editor accused the attorney general of taking 'measures to remove the Nationalist candidate safely out of fighting distance.'[82]

If the Castle hoped to distract O'Brien's focus with a lengthy legal battle, or inspire the Liberal voters of Mallow to reject his candidacy, they were to be disappointed. As O'Brien put it himself in his autobiography *Evening Memories*, 'the prosecution in Green Street doubled the majority in Mallow which broke for ever the power of Dublin Castle to corrupt the Irish boroughs.'[83] Conspiracy theorists can question the timing of the prosecution of O'Brien but there was nothing irregular in the speed with which the case proceeded. Much of the

---

[80] Dudley W.R Bahlmann, *The Diary of Sir Edward Walter Hamilton* (Oxford, 1972), 65.
[81] O'Brien, *Recollections*, 482.
[82] *United Ireland*, 30 December 1882.
[83] O'Brien, *Evening Memories*, 16.

delay, which meant O'Brien's court appearances coincided with the most active part of the Mallow campaign, were prompted by an appeal to the Queen's Bench division made on behalf of the defence. A rapid conclusion of the prosecution would have been more to the liking of the Castle as it was confident of securing a conviction, with the potential inconvenience for O'Brien's candidacy that might have flowed from incarceration.

4.6 'The greater the truth, the greater the libel'

O'Brien stood accused of a crime which had proved useful to many previous governments in the suppression of dissent. As defined by legal scholars the offence involved the use of words designed 'to bring into hatred or contempt or to excite disaffection against the person of her Majesty, her heirs or successors, or the government and constitution of the United Kingdom as by law established, or either House of Parliament, or the administration of justice . . .'[84] O'Brien was specifically charged with 'inciting to the commission of acts of violence and intimidation'.[85]

Like that other useful legal standby, a charge of conspiracy, it was notoriously difficult to offer a defence against seditious libel. This made it a convenient net with which to go fishing for a conviction. In civil cases the defendant in a libel action could argue that the words complained of were true. If this was established satisfactorily defamation could not be proven against a publisher or editor. However, in the case of criminal libel, 'the defendant must be prepared to go further and prove not only that the words complained of are true, but also that their publication is for the public benefit.'[86] So truth was not a defence against an indictment for seditious libel. Furthermore, it was the counter-intuitive axiom in such a proceeding that 'the greater the truth the greater the libel.' Inherent in this apparent paradox was the idea that seditious libel constituted a breach of the peace. Therefore the more accurate the comments

---

[84] Hugh Fraser, *Principles and Practice of the Law of Libel and Slander with Suggestions on the Conduct of a Civil Action* (London, 1897), 195.
[85] Order for the Forfeiture of Newspapers under Section 13 of the Prevention of Crime (Ireland) Act, 1882, 23 December 1882, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1882/47393.
[86] Fraser, *Principles and Practice of the Law of Libel and Slander*, 185-6.

the more incendiary they were, and the more likely they were to cause such a breach. The American legal historian, Leonard W. Levy, has described seditious libel, in an American context, as 'an accordion-like concept, expandable or contractable at the whim of judges.'[87] A.V. Dicey, in his *Introduction to the Study of the Law and the Constitution* wrote that 'any one will see at once that the legal definition of a seditious libel might easily be so used as to check a great deal of what is ordinarily considered allowable discussion, and would if rigidly enforced be inconsistent with prevailing forms of political agitation.' [88]

The *United Ireland* editor was outwardly defiant in the face of prosecution. He claimed to welcome 'as a perfect Godsend, the opportunity which Dublin Castle proposes to offer, to test once for all the fairness and honesty of the process yclept "trial by jury" in a Green-street courthouse.'[89] He revealed the thrust of his defence in the same editorial, pointing out that he had not accused juries of sending innocent men to the gallows. His criticism was of the manner of their empanellment, 'What we did charge and do charge is that where a certain limited class of men alone is selected, belonging to a particular religion, to the almost entire exclusion of jurors professing the religion of the vast body of the people of Ireland, such trial is not a trial by "peers"'.[90]

O'Brien was not unconscious of the irony that as part of the state's retribution for his allegations of 'packing', he himself might face a partisan jury. 'We now demand' he wrote, 'that the jurors, who are put in the box to try the issue between the Crown and ourselves, shall "stand indifferent" to both. But if the attorney general exercise his right of unlimited challenge, his picking and packing, then, indeed, better for decency sake, and for brevity, that Mr. William O'Brien should be triced up in a twinkling by the summary methods of Crimes Act R.M.'s.'[91]

---

[87] Leonard W Levy, *Emergence of a Free Press.* (Oxford, 1985), 8.
[88] Dicey, *Introduction to the Study of the Law of the Constitution*, 243.
[89] *United Ireland*, 30 December 1882.
[90] *United Ireland*, 30 December 1882.
[91] *United Ireland*, 30 December 1882.

O'Brien's first appearance in the case was in a court of summary jurisdiction, the Dublin Metropolitan Police court. He was defended by the former MP, and *Nation* editor and proprietor, Alexander Martin Sullivan, now a highly successful Queen's Counsel. Sullivan himself had been jailed in 1868 for seditious libel arising out of an editorial on the execution of Allen, Larkin and O'Brien in Manchester. His principal antagonists in the *United Ireland* trial were James Murphy QC, who had played a significant role in the Maamtrasna case and, in a further irony, Peter O'Brien, notorious in nationalist circles as 'Peter the Packer' for his alleged expertise in dictating the composition of juries. Murphy's task was to establish that 'Accusing Spirits,' in his own words, 'may be reasonably termed as of a seditious character, that a jury may come to that conclusion, and that it is a case to submit to a jury to say whether or not they will arrive at that conclusion.'[92]

Murphy anticipated an attempt by Sullivan to justify the libel on the basis of the truth of the matter contained in the article. This defence was posited on the 1881 Newspaper Libel and Registration Act as well as 6 & 7 Victoria, chap. 96, known colloquially as Lord Campbell's Act (1843). The latter measure had introduced the concept of truth as a justification of a criminal defamatory libel, provided it was 'for the public benefit that the said matters charged should be published.'[93] Murphy pointed out to the Magistrate, C.J.O'Donel [*sic*] that a magistrate's court was not the place to make such a defence. On the basis of precedent cases (notably *Labouchere v Lawson*, 1879) Murphy contended that 'the magistrate had no jurisdiction to receive evidence of the truth of the libel, inasmuch as his function is merely to determine whether there is such a case against the accused as ought to be sent for trial.'[94] The prosecution, according to its lead counsel, only had to establish that O'Brien was responsible for publication and that the article could reasonably bear the interpretation imputed to it by the Crown. Murphy then went on to produce evidence that

---

[92] *United Ireland*, 6 January 1883.
[93] *A Collection of the Public General Statutes passed in the sixth and seventh year Of the reign of Her Majesty Queen Victoria* (Dublin, 1843), 714.
[94] *Freeman's Journal*, 2 January 1883

O'Brien was editor of *United Ireland* at the time of publication and submitted that there was only one interpretation of the contents of the article.

Sullivan, on O'Brien's behalf, accepted that a ruling in an 1870 case (*Queen v Duffy*)[95] meant that 'a seditious libel was outside the purview of Lord Campbell's Act' which clearly referred only to defamatory libel[96] and excluded sedition, obscenity or blasphemy. However, Sullivan went on to argue that the Newspaper Libel and Registration Act of 1881, which amended the law 'affecting civil actions and criminal prosecutions for newspaper libel'[97] superceded that judgment and offered such protection to a publisher or editor as, in its provisions, it made no reference limiting its application to defamatory libel only. Sullivan maintained that the 1881 Act was remedial legislation and had extended the remit of Lord Campbell's Act in that 'the restrictive words were omitted and the amending remedial provisions were extended to all criminal libels.' He went on to remind the magistrate of the 'well-established doctrine that a penal statute was to be interpreted as strictly, a remedial statute as liberally, as language would allow.'[98] Sullivan also accused the Crown of seeking to insert words to narrow the application of the 1881 Act. He reminded the magistrate that section four of that act provided, specifically, for a court of summary jurisdiction to 'receive evidence as to the publication being for the public benefit, and as to the matters charged in the libel being true.'[99]

Sullivan may have been angling for relief under section 5 of the 1881 legislation. This allowed a magistrate, assuming the defendant was prepared to forgo a jury trial, to decide that the libel was of a 'trivial character' and impose a fine of no more than fifty pounds. A magistrate's fine could be represented by O'Brien as a virtual dismissal of the Crown case and might be less hazardous than an

---

[95] The Duffy in question was Charles Gavan Duffy.
[96] Defamatory libel against an individual, in certain circumstances, could involve criminal rather than civil proceedings. For example, in section four of Lord Campbell's Act, it stated that 'if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to Fine or imprisonment or both . . ' (*Public General Statutes*, 1843, 714).
[97] *Public General Statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty, Queen Victoria* (London, 1881), 365.
[98] *Freeman's Journal*, 2 January 1883.
[99] *Public General Statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty, Queen Victoria* (London, 1881), 367.

appearance before a higher court with a predominantly unionist jury. He may also have been seeking to delay the entire process by ensuring it became bogged down in the lower court and thus failed to make it into the approaching session of the commission court. In a *United Ireland* editorial O'Brien, while complaining disingenuously that 'the Crown shirks the proof of the truth of the charges made in this journal,' also noted that the newspaper was prepared to present 'three hundred witnesess'[100] in O'Donel's court. All were prepared to justify O'Brien's jury packing allegations.

In his judgment, O'Donel himself invoked section 5 of the 1881 act in ruling against Sullivan. He asked 'was it to be supposed for a moment that the section in the act of 1881, enabling a magistrate to dismiss a charge of libel, could by any interpretation include seditious libel, which the courts, both in England and Ireland, had held to be excluded from the operation of Campbell's Act ... He could not hold that that was meant to include a solemn charge of seditious or blasphemous libel.'[101] When Sullivan announced that he would apply to the Queen's Bench court for a ruling on the matter the case was adjourned until 22 January.

United Ireland pointed out that Sullivan's invocation of the 1881 Newspaper Libel and Registration Act had been the first occasion on which the act had been deployed in such a manner. In spite of O'Donel's clear familiarity with the details of the new legislation the newspaper suggested he had ruled against it out of ignorance of the law. 'Yet with a fluency and grasp which do high credit to his attainments, he rolled off a decision on the point adverse to the defendant, and in the teeth of Mr. Sullivan's reading of the Statute. The government are to be congratulated on having such magistrates.'[102] The newspaper expressed little optimism that it would get a fair hearing of its *mandamus* application before the Queen's Bench court.

---

[100] *United Ireland*, 6 January 1883.
[101] *Freeman's Journal*, 2 January 1883.
[102] *United Ireland*, 6 January 1883.

Casting further forward, to the inevitable commission court proceedings that would follow the expected Queen's Bench setback, O'Brien was just as pessimistic.

> Out of a panel of two hundred, specially called in Crimes Act fashion, it would indeed be surprising if they cannot find twelve subscribers to the *Daily Express*, their own kept organ ... Fair trial it is, then, hopeless to expect.[103]

The Queen's Bench court, presided over by lord chief justice of Ireland, George Augustus May, and, doubtless to the chagrin of O'Brien, Mr. Justice James Lawson, heard the *ex parte* application, on Monday, 15 January 1883. O'Brien's counsel, J.F. Taylor, reiterated Sullivan's contention in regard to the supercession of the 1881 Act over the decision arrived at in the Duffy case in 1870. After a hearing enlivened by a series of intemperate interventions from Justice Lawson, the lord chief justice rejected the contention that the 1881 Newspaper Libel and Registration Act included seditious libel within its ambit in the manner suggested by Taylor. Therefore Lord Campbell's Act, and the superior court interpretation provided by the Duffy case, still applied. Hence a magistrate's court could not be required to hear evidence in justification of a libel that would not later be admissible in the trial court. The magistrate's function was merely to refer the matter to a grand jury that would decide whether or not to issue an indictment or 'true bill'.[104] May ruled that 'the magistrate was right in refusing to admit the evidence at the preliminary inquiry, and that the application must be refused.'[105]

It was a measured judgment and in its denial of O'Brien's right to present evidence of the truth of his allegations and the accruing 'public benefit' before the commission court it didn't augur well for his forthcoming trial. But May's

---

[103] *United Ireland*, 6 January 1883.

[104] *Daily Express*, 16 January 1883. The case would become a textbook example, like *R v Duffy* before it, of how 'a defendant is not allowed to set up as a defence upon the trial of an indictment or information for the publication of a blasphemous, seditious or obscene libel that such words are true, and that it is for the public benefit that they should be published.' Fraser, *Principles and Practice of the Laws of Libel and Slander*, 197

[105] William Green & Richard Manders, *Law Reports (Ireland) Digest of cases, vols I-XX inclusive* (Dublin, 1890), 685. (*Ex parte* O'Brien 1883, 12 L.R.Ir.29)

was not the last word. That went to the dyspeptic Justice Lawson who derided O'Brien's case, maintaining that 'a more unfounded application never was brought before a court of justice.'[106]

In response *United Ireland* was suitably scathing where its former nemesis Lawson was concerned, before referring to a more salient aspect of the judgment, the fact that the newspaper would not, as anticipated, be permitted to justify 'Accusing Spirits' before the commission court jury. O'Brien editorialised:

> So that what is now established in Ireland is this:- a Government and its officials may commit any atrocity they fancy ... If we offer to prove the truth of what we say, we aggravate our offence; for the greater the truth the greater the libel. The one grand offence, in short against the Government in Ireland today is the Truth.[107]

So concluded O'Brien's attempt to test the efficacy of the 1881 Newspaper Libel and Registration Act insofar as it related to seditious libel. On Monday 22 January he returned to the Police Court for the formality of the referral of his case to the grand jury and thence, assuming the finding of a 'true bill', to the commission court. But not before another stirring performance on the part of A.M.Sullivan. O'Brien's counsel played to the gallery both within and outside the courtroom. He pointed out that a case of seditious libel had not come before an English court for half a century and that, quoting the cases of Bismarck and Pitt, politicians who felt they had been libelled had recourse to civil actions on their own behalf rather than resort to the use of the criminal law. After a stirring conclusion, in which O'Brien was represented as, 'avowing all he has written, ready to justify it, but forbidden, and with a clear conscience and unstained honour', and which attracted a round of applause from the gallery, the magistrate did not bother to seek a response from prosecuting counsel. He returned the case for trial and bailed O'Brien for the sum of £100. [108] When the defendant was leaving the court he was informed by the Crown solicitor for

---

[106] *Daily Express*, 16 January 1883.
[107] *United Ireland*, 20 January 1883.
[108] *United Ireland*, 27 January 1883.

Dublin city that, under the terms of the Crimes act, he would be facing a special jury at the commission court.

O'Donel had dispatched O'Brien to the commission court to face Justice Harrison and a special jury on 9 February 1883. In the interim two notable events occurred: O'Brien became MP for Mallow, defeating John Naish by 161 to 89 and the preliminaries began in the trials of the Invincibles.[109]

The commission of oyer and terminer for the city and county of Dublin – to bestow upon it its full title – opened on 5 February 1883. O'Brien's case was first to be heard by the city grand jury, whose twenty-three members would decide whether to find a 'true bill' or 'no bill' – i.e. to send O'Brien for trial or dismiss the case. In his attempt to explain the meaning of sedition to the Dublin jury, Justice Harrison, perhaps unconscious of the irony of the defendant in the precedent to which he referred, quoted from the charge of Mr. Justice Fitzgerald in the case of *R v Pigott*, 1868.

> 'Sedition is a crime against society, nearly allied to treason, which it too frequently precedes, only by a short interval. It is a comprehensive term and embraces all those practices, whether by deed, by word, or by writing, which are calculated and intended to disturb the tranquility of the State and lead the Queen's subjects to resist or subvert the established Government of the Empire.'[110]

Harrison continued his charge to the grand jury by quoting further comments made by Fitzgerald in relation to the rights of journalists. Fitzgerald had pointed out that 'a journalist representing a free Press may canvass and censure the acts of the government and of the State. It is open to him to discuss every act of public policy.' This right extended to discussion and criticism of the administration of the law. 'I say the public Press may – nay it is invited – to

---

[109] Although the Crown was, at that point, far from establishing a cogent and *prima facie* case against all the men subsequently convicted of involvement in the Phoenix Park murders.
[110] *Freeman's Journal*, 6 February 1883.

canvass the proceedings of courts of justice, for like every human tribunal, courts of justice are fallible and liable to error.'[111]

Moving away from the Fitzgerald judgment, Harrison, highlighted the limits of the freedoms enjoyed by the newspaper journalist and editor in exercising his right of expression.

> He may point out that there has been error in the administration of justice, or misconduct on the part of a particular judge, yet he ought not to use language that carries into the public mind contempt for the administration of justice or for the laws of the land ...When a public writer exceeds the due limit that I have marked out, and uses his power and his privileges to create discontent or disaffection, or bring the laws into contempt, he becomes guilty of what the law calls sedition.[112]

Harrison then went on to read extracts from the 'Accusing Spirits' article to the grand jurors and advised them they were being asked to decide if the article did indeed constitute seditious libel, and whether it had been published with the intention of bringing the law of the land into contempt. The indecisiveness of the grand jury must have offered some encouragement to O'Brien. It took two days of discussion to agree to a 'true bill', and only thirteen of the jurors voted to send the *United Ireland* editor to trial.

Two days later O'Brien was back in Green street courthouse facing an indictment which held that he was 'a wicked, seditious and ill-disposed person ... devising and intending to stir up, and excite discontent and sedition among Her Majesty's subjects.'[113] The prosecution team included, once again, James Murphy and Peter O'Brien, but on this occasion was led by the newly appointed attorney general, A.M.Porter. Sullivan, once again defending, seized the moral high ground by announcing, before the jury was sworn, that his client did not intend to challenge any of the jurors. The Crown requested ten jurors to 'stand

---

[111] *United Ireland*, 10 February 1883.
[112] *United Ireland*, 10 February 1883.
[113] *Freeman's Journal*, 10 February 1883.

aside'. [114] After the case had concluded *United Ireland* maintained that only two of the members of the jury were Roman Catholic.[115]

Before reading 'Accusing Spirits' to the jury Porter reminded them to put aside any prior knowledge they might have had of O'Brien or his newspaper and focus entirely on the editorial at issue. He pointed out that the crime of seditious libel was unusual in other jurisdictions.

> But in estimating the effect and the intent of any seditious publication, you cannot omit the consideration of the circumstances of the time and of the place where the publication occurs. It may be a comparatively harmless thing for a man to fling lighted matches about him in the middle of the Fifteen acres, but if he does the same thing in a powder magazine, the consequences are very different, and the act is on his part extremely different.'[116]

As regards any idealistic notions the jurors might have had of freedom of the press Porter pointed out that 'the Press has no special liberty – no special indulgence. Its liberty is quite within the limits of the law; and if it transcends those limits, it has no more right to complain of being interfered with than a pickpocket would of interference with his personal liberty if he were interfered with in the course of exercising his pursuits.'[117] The only evidence presented by the Crown (three witnesses) was designed to establish that O'Brien was the editor of *United Ireland*.

In his address to the jury – the only defence O'Brien was permitted by law to offer – Sullivan reminded the jurors of their unique position in a case of seditious libel. Not only were they required to be judges of fact, but of law as well. This was due to the 'clarification' offered by Fox's Libel Act of 1792. It was, therefore, left up to a jury to apply the law in such a way as not to 'limit or

---

[114] This was a right reserved to the Crown and did not, technically, equate to a challenge. Theoretically, if a jury was not empanelled from among the remaining special jurors those who had been asked to stand by might find themselves included. But in reality being asked to 'stand aside' amounted to a challenge.
[115] *United Ireland*, 17 February 1883.
[116] *Freeman's Journal*, 10 February 1883.
[117] *Freeman's Journal*, 10 February 1883.

punish honest indignation against flagrant wrong-doing.' Warming to his theme Sullivan pared down his argument to its essentials.

> What we impeach in our article is the mal-administration of the law – not the administration of the law – by certain subordinate officials under the cover and cloak of calling themselves the Crown ... no jury ought to, and no jury ever will, weigh nicely a burst of honest indignation and anger against wrong if it be expressed *bona fide* for the purpose of calling attention to the wrong and not for the purpose of exciting contempt towards the government.[118]

The following morning, 10 February, the trial resumed. Porter made his address to the jury which was then given direction by Justice Harrison. The twelve men, eight from the city itself and four from the Dublin suburbs of Blackrock, Bray, Foxrock and Killiney, retired to consider their verdict at 12.15 pm. Fifty minutes later they returned and the foreman informed the judge dolefully that 'there is not the least chance of our agreeing.'[119] When Harrison pointed out that they did not appear to have given the matter much consideration, the foreman responded that they had gone into the case thoroughly. Harrison had no option but to dismiss the jury and inform O'Brien that he would be given ten days notice of any future trial. No such trial ever occurred and the seditious libel charges were never again laid against O'Brien.

The government had been unable to obtain a verdict against their journalistic nemesis, even in a commission court operating under the aegis of the Crimes Act. This can be interpreted as either a vindication of the *United Ireland* editor, or an endorsement of the fairness of the commission court regime and an example of the futility of jury packing. Many years later O'Brien noted, with some relish, that the verdict in the 'Accusing Spirits' trial shattered 'the last defence of the jury-packers for the selection of Protestants and the exclusion of Catholics, for one of the two Catholics admitted among the twelve held out fanatically for a conviction while one of the ten " loyal Protestants " (the late Alderman Gregg) was so horrified by the proven justification of the worst

---

[118] *Freeman's Journal*, 10 February 1883.
[119] *Daily Express*. 12 February 1883.

charges in *United Ireland* that it was he who really baulked the Crown Prosecutors of their prey, and he left the jury box (as the Lord Lieutenant left Ireland two years afterwards) a steadfast Home Ruler for the remainder of his life.'[120]

One of the first to wish O'Brien well on his delivery was Parnell himself. His telegram read 'I congratulate you most heartily on your virtual acquittal, which is of the utmost importance to the cause of freedom of speech and writing in Ireland.'[121] The chief secretary's office papers are virtually silent on the entire matter, merely noting that O'Brien had stood trial and that 'the jury, being unable to agree, were discharged next day without verdict.'[122] O'Brien was, understandably, considerably less subdued in *United Ireland*. The result was treated as an acquittal. He began an editorial entitled 'A Virtual Verdict' with the allegation that the jury 'was as well and truly packed as the jury that convicted O'Connell or the jury that convicted Mitchel. Only two Catholics were suffered to be sworn.' In spite of this alleged manipulation he insisted that 'the Crown at this moment stands in the damaging position of having appealed to the people of Mallow and been beaten, of having appealed to the Dublin Grand Jury and had their bill all but cast back in their teeth, and of having appealed to a special jury of their own choosing, which special jury declined to say the Crown had given any answer to the terrible indictment contained in that article.'[123]

Having signally failed to enforce silence on *United Ireland* by special legislation or special juries, having had to cover its tracks with a new coercion act to formalise, *pro tem*, the legality of newspaper seizures, the administration appeared to have almost given up the ghost. Copies of the paper were still supplied to the law officers by Mallon on a weekly basis. Articles were adjudged by them to be seditious libels 'of a very bad character,'[124] 'a direct incitement to

---

[120] O'Brien, *Evening Memories*, 16-17.
[121] *United Ireland*, 17 February 1883.
[122] Murphy (solicitor) to Under Secretary – 10 February 1883, NAI, CSORP, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882, Carton 6, 1883/133.
[123] *United Ireland*, 17 February 1883.
[124] Memo of John Naish, 7 June 1883, NAI, CSORP, 1883/28833.

the commission of acts of violence',[125] or 'vile and scurrilous,'[126] but no further action was taken. The standard line was that it was not 'advisable to prosecute.'[127] In an aside that might have served the Castle well had it been considered before pressing the case against O'Brien, Porter himself observed of one 'seditious libel' in the paper that 'it is not worse than things that are said without authoritative reproof in the House of Commons: and I doubt the prudence of a prosecution.'[128]

Arguably, as will be maintained in the next chapter, the authorities did not need to adopt such a direct approach to their *United Ireland* 'problem' in 1883-84. Instead the Castle was, inadvertently, offered an alternative and more circuitous option via the vitriolic pen of T.M.Healy. The resulting campaign would give rise to far greater concerns on the part of O'Brien than even those engendered by the 'Accusing Spirits' trials.

---

[125] Samuel Lee Anderson to attorney general, 9 August 1883, NAI, CSORP, 1883/ 28833.
[126] Memo, 6 December 1883, NAI, CSORP, 1883/28833.
[127] Edward Jenkinson memo, 10 June 1883, NAI, CSORP, 1883/28833.
[128] Porter to Spencer, 8 June 1883, NAI, CSORP, 1883/28833.

Chapter Five

'The continuation of war by other means' – *United Ireland* and the Dublin Castle 'scandals' 1883-85

'The figures that one after the other thrust at us in the dark were cloaked as private litigants; but their daggers bore the official Castle mark.'[1]

(*United Ireland*, 9 August 1884)

5.1 *United Ireland* and 'The Kept Court'

The failure to secure the conviction of O'Brien in February 1883 meant the administration had been baulked, yet again, in its object of silencing or modifying the commentary of the Parnellite newspaper. Mandated weekly perusal of the journal continued [2] and although action against *United Ireland* was occasionally contemplated, none was taken.[3] The administration had clearly become more circumspect in the prosecution of seditious libel since the collapse of the 'Accusing Spirits' case. Did that newly discovered circumspection result, in 1884, in a proxy campaign against the newspaper driven by circumstance and happenstance? Was it the case, in the absence of a viable alternative and in the wake of previous tactical failures, that surrogacy became an alternative course of action?

In August 1883, an intemperate article by T.M.Healy set in motion a chain of events that could have jeopardised the financial viability of the Parnellite newspaper. The government found itself in a position to take advantage of the

---

[1] *United Ireland*, 9 August 1884.

[2] Samuel Lee Anderson to attorney general, 5 May 1883, NAI, CSORP, 1883/10982.

[3] Samuel Lee Anderson to solicitor general, 5 May 1883, NAI, CSORP, 1883-13493. (As cited in Chapter 4. Naish suggested a *United Ireland* article, 'The Kept Court' was seditious. The attorney general agreed but 'doubted the prudence of a prosecution.')

situation and pursue a 'virtual' or vicarious action against O'Brien and *United Ireland*. Its, often reluctant, agents were Crown prosecutor, George Bolton, RIC director of detectives, James Ellis French, and Gustavus C. Cornwall, secretary of the General Post Office (GPO). According to O'Brien, and other nationalist commentators like Healy and Harrington, a confluence of interests, deriving from a clear imperative to protect the reputation of the administration, drove forward a *de facto* strategy of vicarious suppression. This chapter will examine how, for the Castle, Healy's article may have led, constructively, to the opportunistic continuation of the propaganda war with *United Ireland* by other means.

All three surrogates were of considerable significance in the Irish government but it was Bolton who carried most weight. A native of Tipperary, and Crown prosecutor for that county, Bolton was, in reality, a much more substantial figure than his job description might suggest. Under the aegis of the Crimes Act he had conducted prosecutions in places far removed from his own bailiwick. He played a part in bringing the Invincibles to justice and would become notorious in 1884 when his conduct of the 1882 Maamtrasna case was highlighted by Kerry journalist and MP Timothy Harrington. Harrington accused him of suborning two 'approvers' (Timothy Casey and Anthony Philbin) to commit perjury leading to the execution of Myles Joyce.[4] Bolton became a collateral threat to *United Ireland* in the course of a serendipitous moral crusade launched by means of an obscure reference in the paper published on 25 August. This arose, paradoxically, from the bile of Tim Healy against the *Freeman's Journal*.

The *Freeman*, in an editorial comment, had disparaged the parliamentary tactics of Healy in August 1883. Healy, in the process of attacking the riot-control activities of an RIC Inspector called Cameron, pointed out to the House of Commons, sanctimoniously and gratuitously, that Cameron had lived with his

---

[4] Timothy Harrington, *The Maamtrasna massacre: the impeachment of the trials* (Dublin, 1884). Summarised in Myles Dungan, *Conspiracy: Irish Political Trials* (Dublin, 2009), 127-70. See also chapter four.

wife in advance of their marriage. The politically impious Irish MP was castigated in the House for his display of prurience and moral superiority. The *Times* was first into the fray to condemn this breach of parliamentary etiquette. Healy was anything but contrite. According to his biographer, Frank Callanan, he 'dismissed the pretended incivility of public allusion to personal matters as a self protective device of a privileged caste, shielding the ruling class in Ireland from the exposure of their larger political depravity.'[5] The censure of the *Times* was meat and drink to Healy but when that was followed by criticism from the *Freeman's Journal* he was incensed. Adopting a wounded *'et tu Brute'* approach Healy used his ready access to the columns of *United Ireland* to retaliate. On 25 August he wrote:

> The impartiality of the *Freeman* alone enables it to attack its friends, and while, as a general rule, none of its excellent articles on other topics are quoted in the English Press, any censures on Irish representatives are eagerly telegraphed all over the Kingdom.[6]

After accusing the *Freeman* of, in effect, 'letting the side down' he went on to ridicule the deprecation by Dwyer Gray's newspaper of such 'attacks on private character'. He concluded, writing anonymously and in the third person, in a welter of bravado. He issued a threat:

> If the House of Commons wants to make rules to stop such questions as Mr.Healy's it is open for it to devote its valuable time to the attempt, but it will not do so until the life and adventures, and what is called the "private character" of various Crown employees in Ireland, from Corry Connellan to Detective Director and County Inspector James Ellis French, are fully laid bare to the universe.[7]

Connellan was an Inspector of Prisons against whom there were outstanding allegations of sodomy. He had not been charged with any offence but had left Ireland hurriedly in 1868. He was in receipt of a government pension of more

---

[5] Callanan, *T.M. Healy*, 89.

[6] *United Ireland*, 25 August 1883.

[7] *United Ireland*, 25 August 1883. In his autobiography, *Letters and Leaders of My Day*, Healy takes no responsibility whatever for the piece, merely commenting that, 'Important persons were accused by *United Ireland* of offences which cannot be specified.' (Healy, *Letters and Leaders of My Day*, 195).

than £400 per annum.[8] French was a Corkman who had trained as an engineer but joined the RIC and rose quickly through the ranks. To the initiated the *United Ireland* article was a blatant allegation that French too was guilty of the crime of sodomy. Chance had led Healy to ignite 'an issue that touched a curious edge of rabid class resentment among conservative Catholic nationalists'[9] (among whom he was numbered). It was also the first salvo in a bitter struggle that could have bankrupted *United Ireland*, led to the insolvency and even the incarceration of its editor and ended its usefulness as the battering ram of constitutional nationalism.

O'Brien, in his autobiographical *Evening Memories* (1920), admitted that he had paid no attention to the paragraph at the time of its insertion and that French was completely unknown to him. He went on to affirm, however, that the offending paragraph was the *casus belli* 'on the strength of which Dublin Castle formed and carried on for several years a conspiracy, which is not too strongly characterised as a loathsome one, for the destruction of *United Ireland* and myself.'[10] O'Brien, hardly an impartial source, clearly took the view in 1920, as he had done in 1883-84, that the Castle establishment used the James Ellis French lawsuit, and others that were to follow, to achieve a goal which had heretofore eluded them in a series of police and court actions - the permanent closure of *United Ireland*.

According to O'Brien himself, Healy's attack on French only came to his attention when a writ for £5,000 in damages arrived at the offices of *United Ireland* from the RIC Director of Detectives. This is somewhat unlikely as French held back from instituting proceedings until October 1883 (seven weeks after the original libel) and, in the interim, *United Ireland,* whether via Healy or the Editor himself is uncertain, made one veiled and one overt reference to him. But when, on receipt of the writ, O'Brien made inquiries of Healy, he was told that

---

[8] HC Deb. 7 July 1884, vol. 290, cc228-9. 'Mr. Healy gave Notice that he would move the reduction of the Estimates by the sum of £436 11s. 4d., paid by Her Majesty's Government for the last 15 years to a man who fled from the country for an unnatural offence.'

[9] Callanan, *Healy*, 89.

[10] O'Brien, *Evening Memories,* 18.

the latter's information in relation to the RIC official had come from 'a District Inspector of Constabulary at Charleville, and there could be no rational doubt that his information was well-founded.'[11] The informant was, in fact, RIC District Inspector Thomas Murphy (then of Monaghan)[12] who had told Healy of French's consenting homosexual involvement with certain young officers and his sexual harassment of others.

While O'Brien himself may have backed into a confrontation that had the potential to destroy both his newspaper and his own career, he was quick to assume ownership of the controversy by allowing the willful aggravation of the libel on French in the 13 October issue of *United Ireland*. In the previous edition of the paper there had been an obscure reference to an allegation that 'an official intimately connected with the detection of crime in Dublin has been suspended from his functions under circumstances that are likely to create a profound sensation when revealed.' The following week in the column which unleashed most of the newspaper's weekly contumely, 'The Week's Work', the newspaper was confident enough to identify the mysterious official and announce that he had 'fled the Castle nest ... carrying with him, it is believed, considerable sums of Secret Service money.' O'Brien added triumphantly that 'we take credit to ourselves for having rid the country of James Ellis French. A filthier wretch was not in the hire of the Castle, and a number of inconvenient questions will have to be answered in February next, when Parliament meets.'[13]

Unfortunately for O'Brien he had been misinformed, a fact he was forced to acknowledge the following week in the same issue in which *United Ireland* announced that French was suing the newspaper for defamation. Once again O'Brien, with an audacity bordering on the reckless, aggravated the original libel by promising the reading public 'such an exposure as will surprise persons who do not know as much about this ex-official and his class as we do.' Tempting

---

[11] O'Brien, *Evening Memories*, 19.

[12] Callanan, *Healy*, 90. Callanan adds that the episode ruined Murphy's career. He was transferred to Charleville, then Nenagh, then dismissed. He blamed Healy and O'Brien for his misfortune and, in the wake of the ongoing Liberal alliance attacked them as 'lickspittles' in a privately published pamphlet in 1894.

[13] *United Ireland*. 13 October 1883.

fate, *United Ireland* wondered why charges of criminal libel had not been laid at the door of the newspaper, before concluding that the attorney general 'would not give his ex-underling the necessary *fiat* lest it might be supposed to lend any appearance of Castle sanction to a proceeding which certainly would not shed luster [*sic*] on Cork-hill.'[14]

The case was first mentioned in the Queen's Bench division on Saturday, 2 November 1883. Presiding over the court were the editor's irascible namesake, Justice William O'Brien[15] and Justice Lawson. O'Brien sought to reduce legal expenses and any potential award by having the case heard before the Dublin County Recorder. His counsel read a statement on his behalf making it clear that O'Brien's defence would be one of justification. The imputations were 'true in substance and in fact'. O'Brien added that 'I do not believe the plaintiff will dare to bring his case to trial before a jury.'[16] O'Brien's application failed. Lawson observed that 'it is destitute of all foundation and perfectly untenable.'[17]

O'Brien then proceeded regularly, in the columns of *United Ireland*, to taunt French for procrastination. In keeping with his assertion in the Queen's Bench court that the director of detectives would not dare press his suit because *United Ireland* was in a position to justify its allegations, he wrote on 1 December 1883 that 'unless we see some further signs of animation in Mr. James Ellis French very soon we shall be obliged to publish an interesting biography of him in weekly instalments.'[18] The explanation forthcoming from Dublin Castle for French's tardiness was that he was on sick leave, largely brought about by the spurious charges being made against him.

O'Brien, renewing his allegation of a Castle-inspired conspiracy to destroy *United Ireland*, further claimed that French had only sued the newspaper

---

[14] *United Ireland*. 20 October 1883.

[15] Whose support for Home Rule seems to have ended after his defeat in the Ennis by-election of 1879 by Lysaght Finigan

[16] *United Ireland*. 9 November 1883.

[17] *United Ireland*. 9 November 1883.

[18] *United Ireland*, 1 December 1883.

because he had been given no alternative by the Castle authorities and that his action was being financed from the Secret Service fund.[19] The Castle official or officials who had threatened French with dismissal, unless he took an action against *United Ireland*, were never definitively identified by O'Brien. Spencer and Trevelyan, among others, were accused by the newspaper of having coerced French into the libel court,[20] but O'Brien himself, in the House of Commons, would merely assert that Government support of French amounted to 'an attitude of benevolent neutrality while a private individual had to bring him to justice.'[21] Trevelyan, vehemently denying the charge of coercion, claimed not to have spoken to French 'between the time this article appeared in the *United Ireland* and the time when he actually brought his action against the editor of that paper.'[22]

In his memoirs O'Brien re-iterated the allegation that 'French was informed that he would be summarily dismissed unless he brought an action for libel against *United Ireland* and to make the threat the more effective he was suspended from duty until he had successfully prosecuted his suit.'[23] But, writing in 1920, in the context of more than thirty years of a Liberal/Nationalist alliance, he exonerated Spencer and Trevelyan of complicity. 'Earl Spencer, as it turned out, had the probity of a Stoic and the greatness of a Statesman; his Chief Secretary, Mr. Trevelyan, had the charm of a cultured gentleman. It is now clear enough that their profound ignorance of Irish affairs was imposed upon by the mad ex-Indian officers, roguish lawyers, and scurvy *agens* [sic] *provocateurs* who had control of the machinery of Law and Justice in Dublin Castle.'[24] O'Brien's penitent retraction bears out the comment of Sophie O'Brien of her husband that 'he had no enemy but the enemy of Ireland. And if the enemy became a friend, he was ready to shake hands heartily and forget the past.'[25]

5.2 French, Cornwall and Bolton v *United Ireland*

---

[19] *United Ireland,* 1 December 1883.
[20] *United Ireland,* 7 June 1884. HC Deb. 17 June 1884, vol. 289, c691.
[21] HC Deb. 12 May 1884, vol. 288, cc13-14.
[22] HC Deb. 17 June 1884, vol. 289, c696.
[23] O'Brien, *Evening Memories,* 19.
[24] O'Brien, *Evening Memories,* 19.
[25] Sophie O'Brien to Mrs. A.W.Bromage, 7 March 1952, O'Brien papers, NLI, MS 5924.

O'Brien's bullish and provocative approach towards French's suit and his positive encouragement of a swift resolution of the case might tend to suggest that *United Ireland* had compelling and definitive evidence against French. In fact nothing could have been further from the truth.

In 1920 in *Evening Memories* O'Brien revealed the hazards into which he was steering himself and his newspaper. He acknowledged that, when he had taunted French to pursue his case more vigorously, he had no solid evidence to advance in justification of the claims made in his newspaper. The, still supportive, Inspector Murphy was asked to approach some of French's RIC accusers but 'the young officers ... naturally refused to open their lips to the Castle's enemies.'[26] In a letter to the *Freeman's Journal* on 16 February 1900, at a time when he was at loggerheads with Healy, O'Brien deprecated the lack of assistance from the instigators of the libel, claiming that 'the unmasking and conviction of French and the crew behind him was accomplished without the slightest assistance in the way of evidence either from Mr.Murphy or Mr.Healy who had involved me in this hell of litigation in fighting out his own private battle with the *Freeman*.'[27]

However, O'Brien, in the event that his monumental bluff in the columns of *United Ireland* did not dissuade French from pursuing his libel action, set about obtaining the evidence he would need to prove justification of the newspaper's assertions. Private detectives were engaged, but at least one London-based detective employed by O'Brien, allegedly intimidated by 'two of French's minions [was] ... threatened with a prosecution for felony unless he consented immediately to quit Dublin. This the unfortunate Englishman precipitately did.'[28]

O'Brien opted to fight fire with fire. At the instigation of the London solicitor George Lewis, who would later brief Parnell's counsel at the *Times* commission,

---

[26] O'Brien, *Evening Memories*, 20.
[27] *Freeman's Journal*, 16 February 1900.
[28] O'Brien, *Evening Memories*, 20.

United Ireland engaged the services of a London private detective, Meiklejohn,[29] whose own credentials were questionable. Meiklejohn had been dismissed from the Metropolitan Police Detective force and sentenced to two years in jail for blackmail.[30] His sojourn in prison had not affected his professional capabilities, however, and it was Meiklejohn who hunted down the witnesses who were to prove crucial in the defence of justification advanced by *United Ireland.* In the course of his investigation he also discovered that French was not the only prominent Dublin Castle official vulnerable to charges of sodomy.

It became increasingly apparent that French was highly reluctant to pursue the case and it can reasonably be inferred that he was coming under some pressure from senior Government associates to meet the challenges of O'Brien in court. O'Brien's solicitor P.A. Chance (of the legal firm of Chance and Miley) was told by French's lawyer that the detective director 'would have taken no notice whatever of the charge made against him if the Government had not compelled him to do so.'[31]

O'Brien regularly restated his claim that French had been under investigation by Castle officials prior to the initial *United Ireland* exposure, his homosexual activities (still criminal in 1883) having become impossible to ignore. He further alleged that the inquiry had been shelved in favour of using French as a reluctant bludgeon with which to pummel *United Ireland.* In the House of Commons on 17 June 1884 Trevelyan gave some credence to this charge when he acknowledged that French had been on 'sick leave' since 6 August 1883, more than two weeks prior to Healy's original libel. O'Brien claimed that French had actually been suspended while accusations against him by the young RIC constables were being investigated. Trevelyan went on to state that, on seeing the offending article, the RIC Inspector General, Colonel Bruce 'called Mr. French's attention to it, asking what steps he intended to take to repel so foul an imputation on his character?' While denying that French had been 'forced or asked

---

[29] H.Montgomery Hyde, *The other love: an historical and contemporary survey of homosexuality in Britain* (London, 1972), 147.

[30] HC Deb. 17 June 1884, vol. 289, c695.

[31] Chance and Miley, Solrs, letter to editor of *United Ireland*, 28 June 1884.

to take this action' Trevelyan acknowledged that 'we may imagine that this was the original intention of the Inspector General.'[32] Bruce himself, in an 1884 memo, put the date of this meeting at 7 September, professed himself unaware of any inquiry into the conduct of the Detective Director being made by any member of the Irish government and asserted that he did not follow up the allegations 'as the matter was to become subject for trial in the Law Courts.'[33]

Subsequent to his first court appearance on 2 November 1883 French appeared to be as averse to pursuing the action to an early conclusion as he had been to set the process in motion.[34] The plaintiff's statement of claim was not served until 23 November. The action then hung fire for a further five months until *United Ireland* entered a motion for dismissal for want of prosecution. In the interim the RIC Assistant Inspector General, R.F.Fanning, had written to French on 18 March 1884 'expressing dissatisfaction at the delay that had taken place, and ... asking why Mr. French had not brought his case to trial.'[35] This was followed on 4 April by a letter from Inspector General Bruce insisting that 'there should be no further delay, and calling upon Mr. French to proceed to trial at the earliest day.'[36]

On the basis of evidence adduced by the plaintiff's counsel, that he was too ill to proceed, the application was adjourned for a month. But on 17 May 1884 the patience of the Queen's Bench court ran out and the action was dismissed for want of prosecution.[37] Thanks to the evidence gathered by the enterprising Meiklejohn there is little doubt that if French had pressed his case he would have lost. But by then *United Ireland* was engaged in two even graver 'life or

---

[32] HC Deb. 17 June 1884, vol. 289, c700.

[33] Memo from Col. Bruce in response to inquiry from T.Browning, Irish Office, made in preparation for a Parliamentary Question of O'Brien, 9 May 1884. NAI, CSORP, 1884/24345. In his book on William Henry Joyce, *The Prime Informer: A Suppressed Scandal* – (London, 1971), Leon O'Broin alleges that Bruce, 'was drinking so hard and so continually that he was quite unable to exercise any control whatsoever.' (O'Broin, *The Prime Informer,* 26).

[34] H.Montgomery Hyde puts his reluctance to proceed down to 'serious financial difficulties through speculation in real estate.' (Montgomery Hyde, *The other love,* 148)

[35] HC Deb. 17 June 1884, vol. 289, c703. Speech of Trevelyan on motion of Arthur O'Connor seconded by William O'Brien.

[36] HC Deb. 17 June 1884, vol. 289, c703.

[37] *United Ireland,* 9 August 1884.

death' struggles, one element of which O'Brien himself had initiated, and another which had been visited upon him by a careless sub-editor.

In the course of questioning a number of young men who admitted to having had homosexual relationships with French, Meiklejohn had unearthed another potential source of embarrassment to the Irish administration. Secretary of the GPO since 1840, Gustavus C. Cornwall, a married man of apparently impeccable reputation, was cited by a number of those questioned by the London detective as a being an active homosexual. On the basis that Meiklejohn's witnesses were prepared to testify should Cornwall sue for libel, O'Brien inaugurated a new campaign with a pejorative reference to the GPO secretary. In the edition of 10 May 1884, in a piece clearly written in the context of the ongoing allegations against French, Cornwall was reported as having stated to acquaintances that the Irish climate had got the better of him and that he was about to emigrate. *United Ireland* suggested that an (unnamed) military man would 'find it hard to bear the pangs of separation' should Cornwall be forced to leave the country. The paper added that 'Mr. Cornwall's discovery of the unsuitability of our humid climate to an official of his tastes, dates from certain researches we were compelled to make into the heroic past of Mr. James Ellis French.' O'Brien even taunted Cornwall that should he object to the manner of his representation in the newspaper, he 'has his legal remedy. He will find in the Four Courts a talented and learned bar and highly sympathetic judges.'[38] Neither the gibe nor the libel was sufficient to attract a writ from the GPO secretary. It was not until O'Brien repeated the allegation of undefined 'felonious practices' in the House of Commons on 19 May 1884 - while also making similar but unrelated charges against George Bolton - that Cornwall responded with a writ. *United Ireland* offered Cornwall 'our most heartfelt thanks. Having failed to force Mr. James Ellis French to tackle this journal in the Law Courts, Mr. Trevelyan now puts forward as the Castle's fitting champion the wretched man who is to be the nominal plaintiff in this action.'[39] Reinforcing O'Brien's claims that the libel writs were part of an orchestrated strategy to destroy *United Ireland*, within a

---

[38] *United Ireland*, 10 May 1884.
[39] *United Ireland*, 24 May 1884.

week the newspaper had also received a writ for defamation from George Bolton.

The *United Ireland* campaign against Bolton was, as already noted, unrelated to that against French and Cornwall. Bolton, in his capacity as an efficient and ruthless Crown prosecutor, was an obvious political target for the newspaper. His achilles heel was his dishonourable treatment of his late wife. This arose out of a fraud perpetrated upon her that had been the subject of a civil court action. In previous sorties *United Ireland* had been careful to restrict itself to commentary, damaging to Bolton, but related to matters already in the public domain. However, by including Bolton in his 'felonious practices' indictment in the House of Commons, O'Brien risked serious consequences, outside of the privilege of the House, should *United Ireland* in the phraseology of its reportage or commentary enable the heterosexual Bolton to reasonably infer that he too was being accused of sodomy. This, as it transpired, is exactly what occurred.

In *Evening Memories*, written in 1920, O'Brien blamed 'a slipshod sub-editor' who 'published the Notice of Motion under a sub-heading, " A Precious Trio," which was not, of course, covered by Parliamentary privilege, and the slim Mr. George Bolton promptly pounced upon the sub-heading as charging him with the particular form of guilt in respect of which the two previous actions for libel had been instituted against *United Ireland*.'[40] The law in this case was clear. In instances 'where the libel complained of is an article or paragraph preceded by a title, it is not sufficient to prove the truth of the facts stated in the article or paragraph: the title itself must be justified, or the plaintiff will succeed.'[41]

However, in his own editorial commentary O'Brien had, in all likelihood, done as much damage as any sub-editor by failing to make distinctions between his allegations against Bolton and those against French and Cornwall. In the *United Ireland* edition of 24 May, in an excoriation of Spencer for shielding all three men, O'Brien concluded that 'even an English Lord Lieutenant cannot afford to identify

---

[40] O'Brien, *Evening Memories*, 24-25.

[41] Hugh Fraser, *Principles and Practice of the Law of Libel and Slander, with Suggestions on the Conduct of a Civil Action* (London, 1897), 82.

himself with *unclean beasts* [my italics] who insist upon bringing their profligacy out of the lupinar into the daylight.'[42] Such rhetoric offered Bolton a clear opportunity to exact some measure of revenge on the irksome *United Ireland* editor.

On 30 May 1884 Bolton sought damages of £30,000 on the basis that he had been defamed by association. The claim was for a multiple of that of French who was, in essence, suing for a similar libel. Where Bolton also differed from Cornwall and French was that he adroitly insisted that as *United Ireland* was distributed throughout the country, the action should proceed in Belfast. Logic suggested that this would prove hugely detrimental to O'Brien's cause. A civil action before a largely unionist jury in Belfast was unlikely to go the way of the editor of the country's leading nationalist weekly newspaper, irrespective of the flawed credentials of the plaintiff. Just as worrying for O'Brien, who had only recently survived a charge of seditious libel, was the possibility of a prosecution for criminal libel,[43] which, according to Frank Callanan in his biography of Healy, 'was widely rumoured.'[44]

On 17 June 1884 Bolton sought an attachment for contempt based on the continued coverage of the case in *United Ireland* subsequent to the presentation of the libel writ.[45] In 7 June issue of his newspaper O'Brien acknowledged that he had never intended to associate Bolton with the 'crimes' of which he accused French and Cornwall. Nonetheless O'Brien, never content to leave well enough alone, added that *United Ireland* had, however, 'designated Mr. Bolton as forger, an adulterer, a swindler, a bankrupt, a defrauder of his own wife, a suborner of false testimony, a withholder of true affidavits, as base an all-round member of

---

[42] *United Ireland*, 24 May 1884.

[43] A misdemeanor punishable by fine or imprisonment where the words used tended to provoke a breach of the peace. The most common form of criminal libel during this period was seditious libel (more so than blasphemy or obscenity) though a defamatory publication could be the subject of criminal proceedings. – Fraser - *Principles and Practice of the Law of Libel and Slander*, p183-4

[44] Callanan, *Healy*, 90.

[45] The previous week O'Brien had barely survived a similar motion from Cornwall who complained of material published by *United Ireland* subsequent to his own writ.

society as could be produced outside Dublin Castle circles.'[46] The Queen's Bench court, presided over by Lord Chief Justice Morris, Justice James Lawson and Justice William O'Brien, agreed with Bolton that O'Brien, in attempting, half-heartedly, to mitigate the libel had treated the court with contempt. *United Ireland* was fined £500. The *Freeman's Journal* immediately established an indemnity fund to pay the fine.

On 2 July 1884 the *Cornwall v O'Brien* case came before Justice O'Brien and a special jury in the *Nisi Prius* court. The defence, once again, was one of justification. O'Brien acknowledged that, in the event that Cornwall was acting as a proxy for the government in its struggle against *United Ireland* 'they had hit upon a champion more doughty than the grovelling Detective Inspector.'[47] If indeed the Castle had sought to employ the eminently respectable GPO Secretary as an artillery piece to blast the Parnellite newspaper out of existence those tactics quickly came unstuck. Cornwall, magisterially, denied all the charges made against him. He sought 'rather to pontificate than to make the excuses of a criminal.'[48] Cornwall's defence crumbled, however, when three men, under duress from Meiklejohn and O'Brien's solicitors Chance and Miley, reluctantly testified against him. Malcolm Johnston, was a 21 year old Dubliner, Alfred McKernan, from Pembroke Road, was a bank official in his mid twenties and George Taylor, the oldest of the three, at 33 years of age, was a B & I shipping clerk.

Based on direct testimony of assignations in a range of locations, including Cornwall's house and the Botanical Gardens in Glasnevin, the jury (whose impartiality had been questioned by the *Freeman's Journal* – given that at least five of its members were Protestant)[49] found in favour of O'Brien. The following day the *Freeman's Journal* depicted the *United Ireland* editor as a latter-day Savonarola who had taken on 'a moral leprosy'.[50] The main nationalist daily newspaper accused

---

[46] *United Ireland,* 7 June 1884.
[47] O'Brien, *Evening Memories,* 23.
[48] O'Brien, *Evening Memories,* 28
[49] *Freeman's Journal,* 8 July 1884.
[50] *Freeman's Journal,* 8 July 1884.

the government of having wilfully refused to take action against men of whose crimes it must have been aware, 'for these crimes belong almost exclusively to the official classes'. The *Journal* added pointedly, 'nor will anyone believe that the Government which detected the Phoenix Park murderers could not have detected French and Cornwall.'[51]

The *Journal* might have been less inclined to wrap a cloak of sanctimony around O'Brien had it been privy to information then circulating that was reported to Spencer at around the time of the collapse of Cornwall's libel action. A week after O'Brien's acquittal Spencer wrote to the lord chancellor, Sir Edward Sullivan, seeking an investigation of a rumour that a 'Mr.Boyle' had 'bolted on account of complicity in the French and Cornwall case and that he paid O'Brien £2000 to keep his name out of the case.'[52] The lord lieutenant sought a report from the DMP and the exposure of O'Brien if the rumour could be substantiated.[53] Sullivan responded quickly. He spoke to Hamilton who gave complete credence to the rumour and confirmed that Harrel, the DMP commissioner 'is quite alive to the information and getting at the matter. He thinks a more substantial amount of money has passed.'[54] Clearly Harrel was unable to verify the story, which may well have been circulated maliciously, as no authenticated version of the rumour emerged into the public domain.[55]

In its first issue after the Cornwall verdict (12 July 1884), *United Ireland* itself was exultant. The newspaper used the same imagery as the *Freeman*:

---

[51] *Freeman's Journal*, 8 July 1884.

[52] A search among the 'Officers of government and public departments' in Thom's directories from 1882-86 reveals only one 'Boyle' entered in 1882 whose entry has been deleted in 1884. He is Major E.Boyle, Gentleman Usher of the lord lieutenant's household. However, the search itself is based on an assumption that the 'Boyle' in question was another public servant and the correspondence is quite specific that the fugitive in question was a civilian.

[53] Spencer to Sullivan, 17 July 1884, Althorp papers, BL, Add. Mss. 76975, f.27.

[54] Sullivan to Spencer, 18 July 1884, Althorp papers, BL, Add. Mss. 76975, f.28.

[55] 'Boyle' is not identified but in a lengthy discourse on the entire affair the unionist journalist Michael J.F.McCarthy refers to a number of unnamed individuals who fled the country to avoid prosecution. 'Boyle' may well have been amongst them: 'Men of various trades and professions were implicated in the riot of infamy: a Protestant stockbroker who escaped from the country ; a young Protestant merchant who likewise fled. The stockbroker, after reading ' United Ireland,' asked his partner's advice. "If you are innocent," was the answer, " stand your ground; if you are guilty, fly ! " A well-connected young priest also disappeared and his place knew him no more.' (McCarthy, *The Irish Revolution*, 360)

> We attacked the propagators of the horrible English leprosy with a vivid consciousness that the only possible end could be ruin and unutterable disgrace on their part or on ours ... By a train of circumstances little short of miraculous our enemies have been put under our feet. Justice has been vindicated in the teeth of those whose business it was to vindicate it.[56]

The collapse of Cornwall's case led, in short order, to his arrest as well as that of French and a number of other prominent Dublin citizens, including Captain Martin Kirwan of the Royal Dublin Fusiliers (cousin of Lord Oranmore) and Army doctor Albert de Fernandez. In the trials that followed French was sent to prison for two years, but only after two juries had disagreed about his guilt. Cornwall was eventually acquitted of charges of buggery[57] and conspiracy after a retrial. A subsequent application on his part to have the libel case reopened was refused in the Common Pleas Division on 6 December 1884.

Bolton was somewhat more successful in his Belfast action against O'Brien. Despite the direction of Mr. Justice Barry to the jury that it was his 'solemn conviction'[58] the editor had not intended to imply that Bolton was guilty of the offences imputed to French and Cornwall, the (entirely Protestant) jury found in favour of the plaintiff and awarded damages of £3050. In his suit against *United Ireland* Bolton was awarded £500. O'Brien announced that, as he had no assets, he had no intention of honouring payment of the award made against him, in which case Bolton stood to gain only the £500 from *United Ireland.* This sum was covered by the *Freeman's* Indemnity Fund, so there was no threat to the financial stability of the newspaper.

5.3 *United Ireland* v Spencer and Trevelyan

---

[56] *United Ireland,* 12 July 1884.

[57] Cornwall was, bizarrely, tried under the Crimes Act, This allowed for the selection of a special jury, the composition of which was alleged by *United Ireland* to favour the defendant. The main witness against him had been rejected as unreliable by *United Ireland* in the civil case. It was this acquittal that led, in part, to the formulation by Henry Labouchere in 1885, of an amendment to the Criminal Law Act that made acts of 'gross indecency' between males, punishable by up to two years in jail.

[58] *United Ireland,* 9 August 1884.

After the three court verdicts *United Ireland* reiterated its allegation that the entire process had, from the outset, constituted 'one of the most unscrupulous plots ever concocted to slay this journal. French, Cornwall, Bolton, the judges of the Court of Queen's Bench, were simply so many algebraical expressions to represent the quenchless hate with which Earl Spencer's Government is pleased to pursue us.'[59]

Irish MPs conducted a sustained campaign of attrition against the Irish executive at Westminster while O'Brien and Healy waxed vitriolic against Spencer and Trevelyan in the columns of *United Ireland.* In the House of Commons, O'Brien accused the government of ignoring the behaviour of French even though they had damning evidence against him.[60] He also insisted that French had been employed 'as a kind of stalking-horse against him and *United Ireland*; and it was simply because this man had not the nerve and pluck to brazen the thing out, as Cornwall afterwards did, that he was dismissed.'[61] Trevelyan, in a speech that anticipated his disillusioned resignation later that year, insisted that the September inquiry into the conduct of French had been referred to the Irish attorney general,[62] who 'stated that nothing had transpired to establish *prima facie* proof of French's guilt.'[63] He concluded that 'I think it was very hard that Members of the Government should have their names mixed up with these odious crimes, because some person employed under them in the thousand and one Departments of the Public Service had been accused or even eventually found guilty of such a crime,'[64]

It was due to a large measure of good fortune, Meiklejohn's investigative prowess and 'persuasive' personality, and (to a lesser extent) O'Brien's own management that

---

[59] *United Ireland,* 9 August 1884.

[60] HC Deb. 21 July 1884, vol. 290, c1804. 'They knew if they inquired further, and in earnest, they would come upon most horrible disclosures, and with the knowledge and in the belief that he (Mr. O'Brien) must almost inevitably fail where they could easily have succeeded, they stood neutral.'

[61] HC Deb. 21 July 1884, vol. 290 c1807.

[62] Trevelyan put the date of the inquiry at 5/6 September. Bruce mentioned 7 September (NAI, CSORP, 1884/24345). Both dates contradict O'Brien's claims that the investigation of French had already begun before the 25 August Healy libel.

[63] HC Deb. 21 July 1884, vol. 290, c1814.

[64] HC Deb. 21 July 1884, vol. 290, c.1816.

United Ireland did not become the only victim of the Castle 'scandals'. O'Brien had taken on 'appalling risks which extended beyond *United Ireland* itself.'[65] In 1889 (three years after Spencer's enthusiastic support of Gladstone's Home Rule Bill) a somewhat chastened O'Brien told the *Times* commission that most of the highly personalised attacks made on the lord lieutenant, chief secretary and under secretary (Hamilton) were actually written by Healy.[66] This included the notorious gibe that Spencer should be further elevated within the peerage, and take the title of 'Duke of Sodom and Gomorrah.'[67]

United Ireland repeatedly impugned the reputations of Spencer and Trevelyan, alleging that they countenanced and covered up, initially, the activities of French and then knowingly extended the same protection to Cornwall. O'Brien had been emphatic in the issue of 1 March 1884 that 'we shall prove that his official superiors knew his character all along and supported him against us in his prosecution in order to break down a hated adversary. [68] An editorial on the same subject the following week, 'A Castle Martyr,'[69] drew an apoplectic response from the Irish lord chancellor, Sir Edward Sullivan. While opposed to a prosecution on the grounds that, based on previous experience, 'a conviction cannot be currently calculated upon,' Sullivan, who described the leader as 'simply atrocious,' insisted that 'I have no doubt that it constitutes in law a highly seditious libel in all its parts.'[70]

However, after the abject failure of French or Cornwall to prevail over *United Ireland* any suggestion of punitive action against O'Brien's newspaper became more problematic. When, in November 1884, following his criminal court acquittal, Cornwall sought to renew his civil case against *United Ireland*, O'Brien published a scathing editorial claiming that only the impeachment of Spencer 'can satisfy the public mind.' He was compared unfavourably to a notorious previous viceregal

---

[65] Callanan, *Healy*, 91.

[66] 23 May 1889, *Special Commission*, vol.8, 190, 71924-6.

[67] *United Ireland*, 30 August 1884.

[68] *United Ireland*, 1 March 1884.

[69] This suggested that French was about to be dispatched to a lunatic asylum at the instigation of the lord lieutenant.

[70] Sullivan to Spencer, 7 March 1884, Althorp papers, BL, Add. Mss. 76975.No folio number indicated.

incumbent, Thomas Wentworth, 1st Earl of Strafford. Strafford, according to *United Ireland*, was, 'guilty of more menial offences.'[71]

R.G.Hamilton, the under secretary, sought the opinion of Spencer as to what action to take. Having already failed to mend the ways of *United Ireland* by interning its staff without trial or prosecuting its editor for sedition, the administration was running out of options. Hamilton suggested seizure of both newspaper and plant. The latter was, of course, not provided for under the terms of the 1882 Crimes Act. Hamilton was aware that 'the House of Commons would expect the seizure to be followed by a prosecution.' This, he accepted, was not viable, 'for every means would be tried to secure a disagreement of the jury & such a result would be disastrous.' However, his logic was simple. 'What I had in mind was to leave to O'Brien to take such remedies as he saw fit.'[72] The strategy that Hamilton was proposing, all-out economic war, was spelt out in more detail by his private secretary, J.H.Davies in a note to Spencer's secretary, Courtney Boyle:

> The existence of a paper depends entirely on its commercial success and a few repeated seizures of its whole issue would undoubtedly seriously cripple it if indeed they did not altogether crush its power.[73]

The option of scorching the earth around *United Ireland*, which had clearly failed in the winter of 1881/82, was rejected by Spencer. The lord lieutenant adopted a more measured approach than some of his subordinates:

> On the whole we cannot take up this article for prosecution or seizure or both … if we ever have to proceed to extremities it w[oul]d. be better to seize some occasion where the paper incites to some illegal act.[74]

Hamilton made one further attempt to persuade Spencer of the wisdom of implementing a policy of arbitrary seizure. He re-iterated the financial basis for what was essentially a procedure of dubious legality. 'If this were done two or three weeks

---

71 *United Ireland*, 22 November 1884.

72 Hamilton to Spencer, 20 November 1884, Althorp papers, BL, Add. Mss. 77060, f.143.

73 J.H.Davies to Courtney Boyle, 22 November 1884, Althorp papers, BL, Add. Mss. 77060, f.145.

74 Spencer to Hamilton 21 November 1884, Althorp papers, BL, Add. Mss. 77060, f.144.

in succession the circulation of the paper would be so impaired that probably they would be more careful in future.'[75]

However tempting was the notion of bleeding *United Ireland* dry of its subscriber income, the strategy was not pursued. The only alternative course of action proposed was to take the Castle's case to the London press. Henry Campbell Bannerman, chief secretary in succession to Trevelyan, argued that the extremism of *United Ireland* and, *ipso facto*, of the Irish party at Westminster, required a greater airing in British national newspapers. Hamilton agreed:

> The extreme party is very susceptible to ridicule and if some paper like the *Pall Mall*, which is distinctly in sympathy with much of their programme, were to treat the matter from this standpoint I think much good would be done.[76]

Spencer gave the scheme his *imprimatur* in late November but the *Pall Mall Gazette* did not co-operate. Unlike the *Times*, which made its columns available to the counter-narrative of the Salisbury administration in the late 1880s, Stead's paper declined the opportunity to censure or ridicule the fulminations of *United Ireland*.

5.4 'Othering' the Castle

Whether or not he actually wrote the swingeing attacks on Spencer and Trevelyan, as editor of *United Ireland* O'Brien was legally and morally responsible for them. In 1900, at a time of personal and political estrangement from Healy, O'Brien wrote to the *Freeman's Journal* to accuse the future Governor General of not accepting his own share of the responsibility for the *United Ireland* diatribes, and claimed that Healy 'went on hobnobbing with the statesmen whom he was anonymously attacking.'[77] Although O'Brien had resiled from this position by the time of the publication in 1920 of *Evening Memories* (where Healy's role is dealt with more graciously) the *Freeman* letter conveniently glosses over the fact that, whatever the

---

[75] Hamilton to Spencer 25 November, Althorp papers, BL, Add. Mss. 77060, f.156.

[76] Hamilton to Spencer 23 November 1884, Althorp papers, BL, Add. Mss. 77060, f.146.

[77] *Freeman's Journal* 16 February 1900.

origin of the invective, O'Brien took much of the credit for a sustained newspaper campaign seen in many nationalist quarters as an act of reprisal for the alleged miscarriages of justice that had characterised the Irish administration under the Crimes Act.

While O'Brien may have stumbled upon the 'Castle Scandals' via the spleen of Healy, he skilfully exploited the unsought opportunity to conduct a campaign of simultaneously blatant, and yet subtle, alienation. Taking a leaf from the colonist's handbook he practised, to appropriate a phrase used in a 'post-colonial' context, the dark art of 'othering'. This is defined as establishing one's own identity by stigmatising an 'other'. Classically, it is a self-affirming device employed by the colonist. The colonised 'other' is denigrated and derided. This has the effect of undermining the colonised while aggrandising the colonist. What O'Brien was doing, decades before the promulgation of post-colonial theory, was stigmatising the government (embodied and actualised in the repetition of the phrase 'the Castle') and corralling the administration behind a journalistic *cordon sanitaire*. The imagery used in *United Ireland* of 'unspeakable' crimes and 'abominations' and the application of responsibility for such alien felonies to those not directly accused of 'unnatural practices' (Spencer and Trevelyan) was designed to invite the contempt of 'decent' Irishmen and women and not simply the antipathy of those of a pietistic nature.

O'Brien was, very capably, inverting the conventional process of 'othering'. The government (Dublin Castle) was indicted, by association, with the 'felonies' of Cornwall and French. Sodomy - though O'Brien was pruriently careful never to give the 'unnatural practices' a name in editorial commentary - was referred to as 'The Garrison Crime'.[78] The guilt of Cornwall and French, when it was finally established, was equated with the guilt of an entire governing establishment. O'Brien had learnt the lesson of the Phoenix Park murders well. In that case the entire nationalist movement had been stigmatised by the actions of the Invincibles. The result was the creation of a political atmosphere conducive to the introduction of the draconian Crimes Act.

---

[78] *United Ireland*, 9 August 1884.

O'Brien made his intentions clear in an editorial after the failure of Cornwall's civil action against his newspaper. 'May we not cherish the dream that that same force of honest Irish indignation which has lashed the wretched Cornwall [will] sweep into the sea the whole fabric of English rule within which the dark brood of the Cornwalls and Frenches have had their birth and nurture.'[79] The reaction to the success of *United Ireland*, was, in certain quarters, exactly what O'Brien had sought. The Father Mathew Total Abstinence Association applauded the editor for his struggle against 'the further development among our youth of a terrible vice hitherto unknown in this Holy Ireland of ours.'[80] It was not much of a stretch to view the administration that presided over alien and 'unnatural' practices as, in itself, alien and unnatural, a parasitic growth that required excision.

In his study of homosexuality in Irish history, *Terrible Queer Creatures,* Brian Lacey has written that 'nationalist Ireland laid these crimes at the door of unionism, highlighting the connections of the protagonists with the administration and the army. Newspapers at the time spoke of 'this vice' as a foreign import.'[81] The *Freeman's Journal* went further by insisting that 'despotic forms of government and odious vice have had in the history of the world an association so common as to be justifiably held as cause and effect.'[82]

Even unionist Ireland endorsed the notion of homosexuality as an exotic import. The *Dublin Evening Mail* while rejecting the *Freeman* thesis, laid the blame at the door of 'the discipline and training of English public schools ...We should like to know at what schools most of the persons who figured in the late trial were educated, and regret that the question was not put to them. '[83] As for the Dublin correspondents of English newspapers O'Brien accused them of 'systematic

---

[79] *United Ireland,* 12 July 1884.

[80] *United Ireland,* 19 July, 1884. Thaddeus C Breen, 'Loathsome, impure and revolting crimes: the Dublin Scandals of 1884,' *Identity,* no.2, July 1982, 9.

[81] Brian Lacey, *Terrible Queer Creatures: Homosexuality in Irish History* (Dublin, 2008), 144.

[82] *Freeman's Journal,* 8 July 1884.

[83] *Dublin Evening Mail,* 8 July 1884.

distortion'[84] and of an extremely partial presentation of the Cornwall libel trial.

On a more subtle level, however, O'Brien had chosen well the 'disease' that needed to be expunged. As one commentator has put it, 'The heterosexual public through the ages has always associated homosexuality with its enemies.'[85] Part of the reason for this is a consequential sense of efficacy and empowerment. In his excoriation of Spencer and Trevelyan, as well as the RIC for its shielding of French in particular, O'Brien was suggesting not only the fatally flawed governance of a decadent British administration in Ireland but the debilitating nature of such an 'unmanly' form of decadence. Thus British governance in Ireland was simultaneously effete and pernicious. Many years later, in *Evening Memories*, O'Brien, writing in the context of the ineffectual case made against him by French, hinted at this notion when he wrote that 'providentially the cowardice of persons thus diseased is commonly as abject as their depravity.'[86]

The entire campaign was designed to reinforce the fundamentally 'alien' nature of British rule in Ireland. The garrison even imported its own vices, vices which were not native to Ireland and which would never thrive in purely Irish soil. O'Brien's suggestion, implied in much of his journalistic coverage of the affair, was that the Castle had been morally undermined and British rule rendered vulnerable to collapse, literally and metaphorically, at the hands of an ethically (and ethnically) superior Irish nation. It was a case of 're-othering' *par excellence*. The entire affair contributed to the resignation of an exhausted and disenchanted George Trevelyan on

---

[84] *United Ireland,* 12 July 1884.

[85] Thaddeus C Breen, 'Loathsome, impure and revolting crimes: the Dublin Scandals of 1884,' *Identity,* no.2, July 1982, 9.

[86] O'Brien, *Evening Memories*, 21. O'Brien's hostility towards homosexuality was, of course, very much of its time and, no doubt, his expressions of revulsion had a moral as well as a tactical basis. However, it must be pointed out that his zeal might also have emanated from the denial of latent homosexual inclinations of his own. Among the papers of the assistant secretary of the Land League, P.J. Quinn, are two letters sent by O'Brien to the young Quinn, in 1882. Quinn had been imprisoned in Kilmainham along with O'Brien before being moved to Enniskillen. Both, as O'Brien's biographer Sally Warwick-Haller comments, read like love letters, notwithstanding the more florid epistolary style of the period. In the second note O'Brien wrote 'I cannot tell you how delightful your expressions of affection were to me. Believe me you did not read my note oftener than I did yours or devour it with more eagerness. If you had been a pretty girl murmuring out her love, it would not have been more pleasant than to discover how thoroughly we are united in affection.' Later O'Brien upbraids himself for 'falling into a passionate love-letter style ... ' (O'Brien to Quinn, undated, 1882, NLI, MS 5930, ff.117-19. Warwick-Haller, *O'Brien*, 57)

22 October 1884.

For O'Brien's 're-othering' to have had a lasting effect the 'Dublin Scandals' (the preferred nomenclature of the English press as opposed to 'Castle Scandals' or 'Castle Abominations' of the Irish nationalist press) had to make some impact on the 'other'. If O'Brien wished to prick the moral conscience of Britain (the non-conformist conscience that would rise up against Parnell in late 1890) British public opinion was required to be challenged and to reassess its relationship with Ireland on the strength of its disillusionment with the manner in which Dublin Castle governed Ireland. As it happened, there was precious little interest in the affair and little evidence of penitence or breast-beating *saeva indignatio* on the part of the British press or public.

Coverage of the case in the main English newspapers was scant.[87] *The Times*, through its Dublin correspondent, G.V. Patton, covered the *Cornwall v O'Brien* libel action in July 1884 but gave no sense of the dramatic and damaging testimony of Johnston, McKernan and Taylor. The justification of the allegations of *United Ireland* by the chief witnesses against Cornwall was cloaked in neutral language. 'The witness deposed to conduct on the part of the plaintiff which tended to justify the alleged libel',[88] was how Patton represented the evidence of McKernan who had admitted to assignations with the GPO Secretary. The report of the final day's proceedings and the actual verdict was dispatched in fewer than three hundred words. The only comment made by the *Times* is an aside from Patton on 12 July to the effect that 'the verdict in the Cornwall case has given a fruitful text to the Nationalist papers this week.'[89] After the arrests of Cornwall and French the *Times* opined that the charges against them had 'excited but little feeling even among the populace, the subject being one from

---

[87] Though Healy writes in his autobiography that he was told by the radical M.P. Joseph Cowen (himself a newspaper proprietor) that 'the verdict for O'Brien shook the Cabinet more than any previous event.' (Healy, *Letters and Leaders*, 195).

[88] *Times*, 5 July 1884.

[89] *Times*, 12 July 1884.

which the public generally recoil.'[90] Throughout the court appearances that followed coverage was perfunctory and reference was made only to 'certain practices' when it came to identifying the charges against the various accused. The *Times*, on more than one occasion, referred to the 'composure' of Cornwall in the dock. The *Bolton v O'Brien* and the *Bolton v United Ireland* cases in Belfast were, on the other hand, dealt with in far greater detail.[91]

The *Times* Dublin correspondent actually advised the court, rather paradoxically for a journalist, to prohibit all publication until the close of the trial in the interests of public morality. 'For curiosity would be exhausted and the interest in the proceedings gone by the time when the verdict is known.'[92] Patton was so anxious to prevent exhaustive coverage of the trials that he even suggested an Act of Parliament could be passed if the courts did not have authority, as the law stood, to prevent publicity.[93] O'Brien, a frequent critic of Patton in the pages of *United Ireland*, wrote that 'every day's report is in fact a gross and scandalous libel upon the defendant and his solicitor.'[94] Adding later that 'as long as Dr. Patton's Dublin letter remains the golden link between England and Ireland, the two people are as sure to loathe one another as O'Donovan Rossa could wish them.'[95]

In reporting *Cornwall v O'Brien* for the *Daily News* Andrew Dunlop dealt with the crucial evidence of the three chief witnesses against the GPO Secretary in fewer than three hundred words, observing merely that 'they gave evidence in support of the charge made against the plaintiff ... the evidence is unfit for publication.'[96] When it came to Cornwall's actual trial Dunlop referred to, substantially, the same evidence as being 'considerably shaken on cross examination'[97]. The acquittal of Cornwall was reported, briefly, without

---

[90] *Times*, 16 July 1884.
[91] *Times*, 31 July, 1 August. 4 August 1884.
[92] *Times*, 7 August 1884.
[93] *Times*, 8 August 1884.
[94] *United Ireland*, 12 July 1884.
[95] *United Ireland*, 13 September 1884.
[96] *Daily News*, 5 July 1884.
[97] *Daily News*, 29 October 1884.

comment.[98]

Where does the *United Ireland* campaign sit in the context of the journalism of the 1880s? It was not until 1887 that Matthew Arnold, in an article in *Nineteenth Century* drew attention to what he described as 'a new journalism'. Although he disapproved of it, describing it as 'feather-brained', he acknowledged that it was 'full of ability, novelty, variety, sensation, sympathy, generous instincts'.[99] However, the existence of this new strain of journalism predates Arnold's 'discovery' and identification of the phenomenon. The so-called 'new journalism', with its emphasis on news over opinion, its elevation of the personal and its fetishisation of the sensational, was well established by the time Arnold assailed its practice and the man he saw as its progenitor, W.T.Stead, successor to John Morley as *Pall Mall Gazette* editor. Arguably, there was nothing particularly 'new' in the 'new journalism' of the 1880s either. Raymond Williams has maintained in *The Long Revolution* that it was simply a transfer of the ethos of the Sunday paper and of cheap 'penny dreadful' literature into the culture of the daily newspaper.[100] What distinguished it from the Sunday journals was that, often taking its cue from the 'muckraking' tradition of the USA, some of the exponents of the 'new journalism' placed a premium on investigation. Henry Labouchere's *Truth* was a case in point. Labouchere's was the first journal that had a permanent staff of investigative journalists. Its proprietor had the protection of a large personal fortune that allowed *Truth* to withstand even a successful libel action.

In establishment quarters the onset of this 'new journalism' was often greeted with expressions of censorious dismay and overt antagonism. It must be remembered in this regard that in the early part of the nineteenth century British journalists had been the frequent objects of social opprobrium. Sir Walter Scott had once observed that 'nothing but a thorough-going blackguard

---

[98] *Daily News*, 30 October 1884.

[99] Matthew Arnold, 'Up to Easter', *Nineteenth Century* XXI (May 1887), 638.

[100] Williams, *The Long Revolution*, 218-19.

ought to attempt the daily press'[101] as a profession. One of the prevailing tropes of the nineteenth century was of the journalist as blackmailer.[102] Proven instances of attempted extortion by newspapermen encouraged the opportune conviction that journalists who wrote for the popular press were a species of professional extortionist.

In the case of O'Brien and *United Ireland* there is much to link the newspaper with the rise of 'new journalism'. Like Stead and Labouchere, O'Brien placed a premium on campaigning and investigation. He saw little distinction between the private and the public, or the personal and the political, when issues of hypocrisy and accountability were involved. But in its bespoke advocacy and scathing partisanship *United Ireland* is closer to what Raymond Williams has dubbed the nineteenth century 'pauper press'. Newspapers of this ilk were radical, served a specific cause and were inherently unprofitable. They were subject to 'continual financial pressure met by persistent voluntary or ill-paid effort, not only by journalists but by collectors and sellers serving a cause rather than a commercial enterprise.'[103] Whatever about its financial position – perfectly sound from the middle of 1882 onwards - the improvisational nature of the entire *United Ireland* enterprise as well as its extreme partisanship reinforced the notion that it was well outside the pale of decent society.

H.G. Cocks has illustrated in *Nameless Offences: Homosexual Desire in the Nineteenth Century* how the former Chartist, John Frost, attempted in 1856 to ignite a campaign against sexually abusive practices in the penal colony of Van Diemen's Land (Tasmania). He was scorned by the mainstream press who accused him of 'ridiculous pretensions'. Cocks contends that, in part at least, O'Brien succeeded where Frost had failed because of the 'changed nature of the press and its

---

[101] Quoted in Mark Hampton, 'Journalists and the `Professional Ideal' in Britain: the Institute of Journalists, 1884-1907' - *Historical Research*, vol. 72, no. 178 (June 1999), 183.

[102] Mark Hampton, 'Journalists and the `Professional Ideal' in Britain: the Institute of Journalists, 1884-1907' - *Historical Research*, vol. 72, no. 178 (June 1999), 183..

[103] Williams, *The Long Revolution*, 210.

relationship to investigative reporting.'[104] In addition O'Brien prevailed because of the support he commanded in the House of Commons, support which Frost lacked. However, he added that the explicit nature of the *United Ireland* charges, not to mention its untrammelled verbatim reportage from the court, meant that 'the similarity of O'Brien's work to the disreputable scandals raised in the lowest newspapers and to the tactics of the extortionist was not lost on the British press.'[105]

The exploitation by Trevelyan of *United Ireland's* employment of Meiklejohn played into the prevailing prejudice of the British establishment. The chief secretary was eager to emphasise the detective's conviction for blackmail. The inference was clear. Should he have failed to make the analogy sufficiently unambiguous Trevelyan added in a House of Commons speech on 17 June 1884 that Bolton's tardiness in bringing an action against *United Ireland* (despite their constant references to him as a convicted fraud and adulterer) was because 'although he was bitterly attacked in *United Ireland*, [he] had not been, attacked in such a manner as to make it absolutely necessary for him either to bring an action or retire from the society of decent mankind'.[106] Once again the inference was clear, *United Ireland* and its editor were outside the realms of 'decent mankind'.

Did the episode of the Dublin Castle 'scandals' constitute a co-ordinated effort on the part of the government to drive *United Ireland* into bankruptcy and silence? Was this the continuation of the failed policy of suppression by other means? Alternatively, was the entire episode merely the inevitable attempt by allegedly defamed individuals to defend their reputations when failure to do so would have invited the conclusion that the accusations made against them were genuine? Or was the motivation of the government simply the defence of the reputation of the administration in Ireland with any negative outcome for *United Ireland* an eminently desirable collateral consequence? On the basis of *cui bono* as well as considerable circumstantial evidence, it can reasonably be inferred that the Castle executive, at the very least, was proactively involved in

---

[104] H.G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London, 2003), 139

[105] Cocks, *Nameless Offences,* 142.

[106] HC Deb. 17 June 1884, vol. 289, c697.

the affair. It is more difficult to establish a pattern of specific and directed intervention that calculatedly exploited the three libel actions.

In the case of French it appears to have been the intervention of the authorities alone that prompted him to tiptoe reluctantly towards his own defence. With Cornwall the issue is less clear. Like French he could have taken action before he did but his claim that it was only when O'Brien implicated him in the scandal during a House of Commons debate is given considerable credence by the timing of his writ. The question must be asked of the Dublin Castle affair whether the government would have put much faith in French and Bolton as agents in a concerted attempt to suppress *United Ireland*. The latter sued and won his case on a technicality. Given his own reputation for chicanery and fraud, not even a Belfast unionist jury was prepared to take the opportunity to silence a profoundly irritating and effective nationalist Cassandra by awarding Bolton crippling damages against *United Ireland*. It is somewhat ironic that the individual who, at the outset, enjoyed the worst public reputation of the three, should have been the only one who caused any injury whatever to O'Brien.

French clearly had no stomach for the fight and had long been the subject of the kind of rumours that would have rendered it unlikely his employers would repose much confidence in his capacity to refute the allegations of the newspaper. However, it would be unsafe to assume that governmental knowledge of the guilt of French (acquired via the investigations of Bruce) constituted a disincentive to proceed with the director of detectives as a viable agent of the ruin of *United Ireland*. A cynical interpretation of what transpired is that the Castle administration would have (erroneously) assumed that the only evidence against French came from within the ranks of the RIC. Once *United Ireland* entered the fray that evidence evaporated. Having pleaded justification *United Ireland* would have to prove its case. The newspaper discovered, unsurprisingly, that RIC constables who were prepared to testify against French at an internal disciplinary hearing would withhold that evidence if it served to facilitate the case of the leading nationalist tribune.

Cornwall, on the other hand, was a far more credible candidate to spearhead the kind of Castle-inspired campaign of suppression alleged by O'Brien. He was, on the face of it, a more formidable opponent for *United Ireland* than French. There does not appear to have been any widespread knowledge of his activities. His action progressed rapidly. The time that elapsed between the serving of the writ and the trial itself was a mere two months. In the defence of his reputation and perhaps in the pursuit of a desired governmental objective, he was prepared to make a robust case before the Queen's Bench court. Even O'Brien acknowledged that he made a redoubtable and credible witness. *United Ireland* described how he 'delivered his answers with a majesty that seemed to fascinate the Court ... he left the witness-chair without a break in the superb chain of his perjuries.'[107]

It was O'Brien's thesis in *Evening Memories* that 'the verdict in the Cornwall case broke the neck of the Coercion Act of 1882-5'.[108] This assertion is repeated by his earliest biographer, Michael MacDonagh.[109] In neither instance is any attempt made to substantiate such a bold claim, and it has been dismissed by Frank Callanan as untenable.[110] If it was made in the context of the resignation of Trevelyan (to whom O'Brien makes amends in *Evening Memories*),[111] then it is exaggerated. Trevelyan's departure was prompted by a veritable *tsunami* of personal abuse and not just the relentless waves of adverse commentary inspired by the Castle 'scandals'.

However, O'Brien may have been referring to a destabilisation of procedure rather than to any weakening of will on the part of the government in the prosecution of subsequent cases under the Crimes Act. The nature of the indictment of Cornwall had unforeseen consequences for the administration and the partiality shown towards the accused gives credence to O'Brien's conviction that the three libel actions were tactical elements in the Castle's overweening strategy designed to overcome *United Ireland* once and for all. Cornwall faced charges of buggery and felony after the

---

107 O'Brien, *Evening Memories*, 28-9.
108 O'Brien, *Evening Memories*, 33.
109 MacDonagh, *The Life of William O'Brien*, 80.
110 Callanan, *Healy*, 91. He refers to the claim as 'a considerable overstatement.'
111 O'Brien, *Evening Memories*, 19.

evidence adduced against him in the libel trial by Taylor, McKernan and Johnston. He was acquitted of the former charge and then faced the felony charge in late October, 1884 along with Martin Kirwan (see above). Once again he was acquitted. However, *United Ireland* asked why he had not been charged with the more easily proven crime of conspiracy. O'Brien alleged, in the issue of 3 November, that the felony charge had been levied by the prosecution based on the fact that the Crown was aware it had insufficient evidence to make such a charge stick. The suggestion was that Cornwall had been rewarded for the stand he had taken against *United Ireland* by the entering of a feeble indictment.

The corollary of the Cornwall judgment emerged in early November at the Green Street commission court in the trial of the leading Fenian Patrick Neville Fitzgerald; he was being tried for his part in the so-called 'Tubbercurry conspiracy'. He was alleged, by two informers, to have been a Fenian recruiter. In its 15 November issue *United Ireland* reported his acquittal and alleged that in its efforts to facilitate the release of Cornwall the Crown had, inadvertently, guaranteed the liberty of Fitzgerald. Because the government was being closely monitored, according to O'Brien, it had felt obliged to try Fitzgerald on a charge of treason-felony rather than conspiracy. Furthermore its efforts to undermine the evidence of 'approvers' (Taylor, McKernan and Johnston) in the Cornwall/Kirwan case fatally (and permanently) weakened its own case against Fitzgerald, based as it was on approver evidence. 'It was their own adroit arrangements for shielding Cornwall and French from justice that ensured the acquittal of Fitzgerald', exulted O'Brien. He also obligingly pointed out that 'when the Crown were making their elaborate arrangements for safeguarding the Unspeakables, we warned them that they were creating precedents which would yet turn to their own confusion and destruction.'[112] In that sense the *United Ireland* campaign against the 'Unspeakables' might have had collateral benefits and the Castle campaign to silence the newspaper might well have resulted in unexpectedly detrimental consequences. O'Brien's thesis was that the seeds sown in the Cornwall indictiment, and reaped in the Fitzgerald case, negated the effectiveness of the Crimes Act. However, it is just as likely that a decline in violent

---

[112] *United Ireland*, 15 November 1884.

agrarian crime led to a reduction in the prosecution of treason-felony cases and a reduced need for the use of informer and 'approver' testimony.

There is no documentary evidence that has so far come to light confirming the existence of a co-ordinated government strategy to rid itself of *United Ireland* through the agency of three high-profile libel cases potentially ruinous to the Parnellite newspaper. Neither O'Brien's absolute conviction, nor the moral certainty of his nationalist contemporaries, constitutes evidence of such a conspiracy against the Castle. Clearly all three plaintiffs benefitted from the 'neutrality' of the Castle and were facilitated by the authorities in a variety of ways. But not in any illicit or unprecedented fashion. Neither can we assume, solely on the basis of *cui bono*, that such an activist strategy ever existed. But had French not faltered, had Cornwall prevailed or had Bolton managed to extract a greater sum in damages from *United Ireland*, there would have been a silent beneficiary whose interests would have been well served by an outcome which its own policies had been unable to effect.

5.5 Towards a new Crimes Act

The 1881-82 period was one of frenetic actvity on both sides of the political-agrarian divide. In contrast, the 1883-84 period was one of relative stasis. The Land League was proscribed, the National League was slowly establishing a foothold, the land courts offered a potential solution to the rent issue, 'outrage' was on the decline, work was being done in the background on issues like arrears and the first rumblings of Irish local government reform were being detected coming from the direction of Birmingham. The under secretary, Hamilton, was able to write to Lord Spencer, in November, 1884 that 'the outrages are fewer in number at the present moment and of a mere trifling character than they have been since 1882.'[113]

The Land Commission was dealing with the grievances of tenants at will and the Crimes act, in a markedly different fashion, with the effects of the grievances of

---

[113] Hamilton to Spencer, 20 November 1884, Althorp papers, BL, Add. Mss. 77060, f.143.

landless labourers and disgruntled leaseholders. With electoral reform a priority for the Gladstone administration Ireland was no longer centre stage at Westminster. Not that a perusal of the pages of *United Ireland* during this period would have suggested quiescence or tranquility. Reading the newspaper during this time of relative lethargy one gets a sense of perpetual motion and excitement that was hardly a reflection of political reality. The campaigning journalism of O'Brien in *United Ireland* served a vital purpose. At a time of consolidation and transition it created an illusion of incessant activism. Often, however, the 'activity' was self-generated. The causes were often those of O'Brien himself, with *United Ireland*, rather than the House of Commons, as the platform through which to advance them. As his biographer, John V.O'Brien, has remarked, 'The most aggressive face presented to British rule was O'Brien's long journalistic harangue against jury-packing and malpractice by Dublin Castle officials.'[114]

The highly personalised attacks on Spencer and Trevelyan, later publicly recanted by O'Brien to the *Times* commission,[115] clearly impacted on the members of the executive individually and collectively. This is clear from a series of memoranda circulated on a confidential basis in 1885, in the aftermath of the Cornwall / French controversies. It is also apparent from correspondence between members of the Dublin Castle executive through much of 1884.

The anathemisation of *United Ireland* began with the lord lieutenant, but even Spencer's abhorrence of O'Brien's newspaper was tinged with an awareness of the necessity for caution. In August 1884, with the Irish party and the Tories in the throes of what Harcourt referred to as 'the Maamtrasna alliance,' and with O'Brien fulminating against sodomy in high places on a weekly basis, Spencer wrote to Gladstone:

---

[114] Joseph O'Brien, *William O'Brien and the Course of Irish Politics*, 25.

[115] 23 May 1889, *Special Commission*, vol.8, 190, 71922. O'Brien, at first, disclaimed personal responsibility for such attacks, 'I myself never wrote one line imputing personal cognizance to Lord Spencer of the infamous things that were done in Ireland.' After being forced to accept that many of the more abusive references quoted to him had, in fact, been written by him he accepted that, 'As to Earl Spencer and Mr. Trevelyan we were wrong, absolutely wrong. I am sorry there was an imputation of the kind.'

> "The United Ireland" [*sic*] is violent & abusive beyond all precedent. It heaps the grossest abuse on the Irish Executive & does immense harm. It is however impolitic (at all events at present) to touch it. [116]

Spencer permitted himself to hope that, as a result of the various libel cases in which *United Ireland* was engaged, that 'O'Brien ... may disappear without our intervention.' But he was concerned about the effect of O'Brien's campaigning on Liberal opinion in Britain and he expected even more attacks as the renewal of the Crimes Act approached.

One particularly demoralising result of the constant bombardment in the House of Commons and the nationalist press was the resignation of Trevelyan as chief secretary. Spencer had warned the Prime Minister of the rapid deterioration in Trevelyan's morale in mid-September, 1884:

> I have slowly come to the conclusion that in the public interest it is most desirable that Trevelyan should be relieved ... he has become irritable at times to an excessive degree, though this phase passes away rapidly. While it is on him he may commit some grave error.[117]

With the 1882 Crimes act due for renewal in the middle of 1885, the Executive bent its collective mind to improvement, amendment or replacement of the waning coercion legislation. In a March memo Spencer analysed the weaknesses and shortcomings of the regime. While acknowledging that 'the condition of Ireland has greatly improved since 1882,' he insisted 'it would not be safe,' to continue with no coercive legislation in place.[118]

Spencer, in a brief survey of 'the condition of the country', bemoaned the inadequacy of the government's propaganda response to the narrative promulgated by the National League. 'No antidote in the shape of counter-meetings or opposing newspapers is found in any part of the south or west of Ireland.' He went on to advocate a scaled-back Crimes act that would be made applicable, as elements of permanent statute law, to the entire United Kingdom.

---

[116] Spencer to Gladstone, 26 August 1884, Althorp papers, BL, Add. Mss. 76860, f.345.

[117] Spencer to Gladstone, 20 September 1884, Althorp papers, BL, Add. Mss. 76860, f.354

[118] Spencer memo, 23 March 1885, TNA, PRO, CAB 37/14, no.19, 1.

He admitted that 'I see great obstacles in this course, but it would remove the reproach with all its attendant difficulties which exceptional legislation brings on Ireland, without interfering with the liberty of the law-abiding subject in England.'[119] Gladstone, despite the certainty of Radical opposition, sought the advice of distinguished counsel Sir Henry James on the practicalities of extending Irish coercion legislation to English statute law. James and the solicitor general studied the 1882 act and responded that 'substantially none of the clauses ... can be properly made applicable to England in our opinion.'[120]

Spencer's evaluation of the press clause of the Crimes act, section 13, was downbeat:

> Except for American papers this has been of no use. For before an Irish paper can be seized its contents have to be considered and submitted to the law officers. While this is going on the paper is being circulated. If then seized the effect is not good.[121]

Spencer recommended that the section be dropped, 'as it is practically useless.' He went on to suggest that there was a growing body of opinion among law officers in England and Ireland that 'under the common law papers containing treasonable matter or incitement to crime can be seized.' However, he introduced two significant caveats. Such a procedure would undoubtedly lead to a court action for recovery of the confiscated papers. Also no binding legal decision had ever issued from a court to that effect, 'and to be relying on a power never judicially established is an unsatisfactory course.'[122]

Spencer's definitive proposal, one previously advocated by the Irish law officers at the time of the framing of the 1882 legislation, was a return to a more effective and punitive press clause like that contained in the 1870 Peace Preservation Act. The primary purpose was to constrain newspapers like *United*

---

[119] Spencer memo, 23 March 1885, TNA, PRO, CAB 37/14, no.19, 2.

[120] Sir Henry James to Gladstone, 11 May 1885, Gladstone papers, BL,Add Mss 44219 ff.175-76.

[121] Spencer memo, 23 March 1885, TNA, PRO, CAB 37/14, 1885, no.20, 2-3.

[122] Spencer memo, 23 March 1885, TNA, PRO, CAB 37/14, 1885, no.20, 3.

Ireland. The assessment of their power and potential for fomenting extreme disorder, even in the context of a period of relative inactivity, was stark.

> Papers of the class of *United Ireland* operate in reality as a constant and powerful incentive to treason and violence in their worst forms ...The result of allowing these writings to go on unchecked will be gradually to bring the peasantry of large districts and the humbler classes in large towns into a frame of mind which will prepare them for any step, possibly to the extent of a rising.[123]

Spencer, long a victim of some of the more excessive vitriol emanating from *United Ireland*, concluded with an evaluation that would be rejected by the later Conservative administration of Arthur Balfour:

> Prosecuting the editor, who, if arrested, gets a slight punishment, and whom it may be most difficult to convict, is useless to check the evil, and will only aggravate it.

The lord lieutenant was supported in Cabinet by the home secretary. However, Harcourt had already indicated to Spencer that he was unlikely to achieve a restoration of the more penal press clauses of the 1870 legislation. The lord lieutenant, in a letter to Harcourt in January 1885, had described Irish nationalist newspapers as 'a growing and increasing evil which if it is not checked will present us with nothing but discontent in Ireland.'[124] Harcourt's response was discouraging. The home Secretary replied 'as to the press clauses I fear it is too late for you to ask for them now.'[125]

Spencer's appraisal of the press clause of the Crimes Act did not meet with much dissent from his advisers. Campbell Bannerman, the new chief secretary, was scathing in his estimation of the capacity of Irish juries to chastise newspaper editors. 'At present the government is paralysed in the presence of most noxious and scandalous publications, because any step taken would lead

---

[123] Spencer memo, 23 March 1885, TNA, PRO, CAB 37/14, 1885, no.20, 3.

[124] Spencer to Harcourt, 19 January 1885, Althorp papers, BL, Add.Mss. 76933, f.207.

[125] Harcourt to Spencer, 25 January 1885, Althorp papers, BL, Add.Mss. 76933, f.208.

in one way or other to a jury trial.'[126] He sought summary powers as an alternative but despaired of getting any such legislation through the House of Commons.

The lord chancellor, Sir Edward Sullivan, agreed with 'cutting and pasting' the press section of the 1870 legislation. His assessment shows evidence of the scars from the barrage maintained by *United Ireland* over the previous twelve months:

> This press from week to week teems with the most atrocious and unfounded libels on the Irish Viceroy and his government, abounds in treasonable and seditious writing, but so carefully addressed to the law that a prosecution for treason-felony could scarcely be sustained. The productions of this dire press are extensively read though the provinces, and as there is no counteracting influence of any kind, they are, as a rule, believed by the lower orders of the people.

Sullivan, much as would Balfour in the 1887 Crimes Act, called for the use of summary powers to deal with the nationalist press. He concluded with sentiments that would have been worthy of anything emanating from the subsequent battle waged by the Tories against the same opposition:

> I am certain that this dreadful press only exists by reason of its being allowed, and that apart from the fanaticism and wickedness by which it is conducted, it has no real support. I am sure that a vigorous and sustained effort under the law would destroy it.[127]

The Liberals, of course, never managed to introduce an alternative to their 1882 Crimes act. By the middle of 1885 they were out of office and by early 1886 when they returned to power, devolution rather than coercion was on Gladstone's agenda. However, in their consistent espousal of the corrective terms of the 1870 Prevention of Crime act (a piece of legislation whose press clauses were never actually strictly enforced) the Irish executive was clearly prepared to go to similar lengths as would their Tory counterparts during the approaching Salisbury/Balfour regime. That they would countenance such

---

[126] Campbell Bannerman memo, 26 March 1885, TNA, PRO, CAB 37/14, 1885, no.21, 1

[127] Edward Sullivan memo, 31 March 1885, TNA, PRO, CAB 37/14, 1885, no.21, 3

measures without the egregious provocation of the Plan of Campaign with which to contend is testimony to the impact of the cascade of abuse heaped on their heads by O'Brien's campaign of 'othering'.

Chapter Six

'Ruffian prints': The 'assassination press' and the Liberal administration

"Spread the light! O, spread the light!" No wonder, Sir, we have murders and outrages when we have a man of the energy, eloquence, and position of the hon. Member for the City of Cork condescending to carry on an agitation by the help of such means as this, and which could not be conducted without the money which was obtained by this ruffian print.'[1]

(William E. Forster, MP on Parnell and the *Irish World*, House of Commons, 22 February 1883)

'Without the assistance of American brains and American gold, the Irish agitation of 1879-1881 would have shared the same fate as that which befell the schemes of Mitchel, Lalor, O'Brien, and others in 1848, and awaited the efforts of Stephens in 1865.'[2]

(Philip Bagenal, *The American Irish and their Influence on Irish Politics*, 1882)

6.1 The development of a British 'free press'

The British government response to the rhetoric of Irish nationalist newspapers in the 1880s was consistent with some of the more oppressive policies of earlier Irish crises. But it was also an unfortunate throwback (unfortunate in the

---

[1] HC Deb. 22 February 1883, vol 276, c626.

[2] Bagenal, Philip - *The American Irish and their Influence on Irish Politics* (Boston and London,1882), 212.

context of increasing press liberalisation in Britain) to an era of intense control of British newspapers in the half-century or so before the decline of the Chartist movement. The collapse of Chartism, (and the consequential disappearance of Feargus O'Connor's influential *Northern Star*, which closed in 1852), had coincided with a decade of press-related reforms in which a number of financial restrictions and disincentives to publication were lifted.

The political elite, throughout the 1850s, had gradually divested itself of much of its capacity to control anti-establishment commentary. This had been achieved by the blunt instrument of repressive taxation. Stamp duty, newsprint levies and a tax on advertising had a designedly dampening effect on the circulation of newspapers by raising the price per issue. The era of the 1d or even ½d newspaper, accessible to all, followed the elimination of penal tariffs. From 1860 onwards the political establishment contented itself with an *ex post facto* approach to newspaper regulation. Rather than discouraging dissent by pricing newspapers out of the mass market it was left to individual politicians, or to the government itself, to seek redress via the libel laws in the event of the publication of defamatory or seditious material.[3]

The relaxation of the 'taxes on knowledge' in the 1850s was a tacit recognition that censorship of anything other than the most extreme commentary was undesirable. Most modes of control available to eighteenth and early nineteenth century British administrations, dictated by both the prevailing culture of conformity and the threat of imminent invasion, had been abrogated by the mid-Victorian period. In addition to the abolition of levies and duties the bribing - represented as 'subsidy' - of proprietors, editors or journalists, that characterised the earlier period of newspaper production, was no longer an acceptable practice. The more subtle pressure of the withdrawal of government advertising was still available as a manipulative device but was no longer as

---

[3] See Stephen Koss, *The rise and fall of the political press in Britain, Volume 1 – The nineteenth century* (London, 1981) and James Curran and Jean Seaton, *Power without responsibility: The press and broadcasting in Britain*, 4th Edition (London, 1991)

important a disincentive to the potentially recalcitrant editor or proprietor in the context of the mass circulation newspaper.[4]

Even recourse to criminal libel trials as a means of curbing 'sedition' had been on the wane in Britain since the 1820s.[5] If indeed 'libel trials were a juridicial test of the relationship between the printed word and the world'[6] then by the 1880s the world had moved on since the Blasphemous and Seditious Libel Act of 1819 had introduced the penalty of banishment for a second seditious libel offence. Recourse to prosecution for seditious libel often proved unnecessarily counter-productive. By 1843 the Tory attorney general, Sir Frederick Pollock, MP for Huntingdon, was writing that 'a libeller thirsted for nothing more than the valuable advertisement of a public trial in a Court of Justice'.[7] The sentiment would become something of a refrain in the battle against Irish nationalist papers in the 1880s.

There are, of course, some critics - Alan Curran is the most prominent amongst them - who argue that even the process of liberalisation of the 1850s, during which the various 'taxes on knowledge' were abolished, was, in itself, a form of social control. In advancing his argument Curran quotes both William Gladstone:

> The freedom of the press was not merely to be permitted and tolerated, but to be highly prized, for it tended to bring closer together all the national interests and preserve the institutions of the country.

and the Irish newspaper proprietor (*Cork Examiner*) and MP, John Francis Maguire:

---

[4] Take just one example. The London Standard's circulation in 1860 was in the 30-46,000 range. By 1874 it sold 160-170,000 a day. (Lucy Brown – *Victorian news and newspapers* (Oxford, 1985), 31)

[5] Kevin Gilmartin, *Print Politics: The press and radical opposition in early nineteenth-century England* (Cambridge, 1996), 123.

[6] Kilmartin, *Print Politics*, 115.

[7] Curran and Seaton, *Power Without Responsibility*, 12.

> You render the people better citizens, more obedient to the laws, more faithful and loyal subjects, and more determined to stand up for the honour of the country.[8]

Curran's thesis is that 'the period around the middle of the nineteenth century ... did not inaugurate a new era of press freedom and liberty: it introduced a new system of press censorship more effective than anything that had gone before. Market forces succeeded where legal repression had failed in conscripting the press to the social order.'[9] His argument is that the 'standard interpretation of press history' is flawed and that the removal of stamp duty and other levies was simply an attempt to check the inroads of the (illegal) unstamped radical press and put in its place a 'conscripted' capitalist press.

In Britain, the solution was to increase the supply of bread and circuses in print. The 'pauper' press was supplanted by the popular press. The readership was similar but the agenda was different. Profit replaced political reform as an imperative. Crime, sport and social gossip replaced polemics.

In Ireland, however, where the 'insurgency' was of more consequence than changing tastes among readers and shifting preoccupations in the newspaper industry, this approach was rendered null and void. The social engineering implicit in the abolition of the 'taxes on knowledge' was of little relevance in Ireland. The capital that flowed into the British newspaper industry after the 1860s was not as plentiful in Ireland. In any case expansion based entirely on the profit motive was not a defining feature of the Irish newspaper business. Nationalist editor/proprietors[10] were, obviously, not opposed to making profits, but many were just as motivated by a preparedness 'to become martyrs for their cause.'[11]

The politicising of much of the nationalist population during the land war led to an environment less obviously conducive to the commercialisation that

---

[8] Curran and Seaton, *Power Without Responsibility*, 27.

[9] Curran and Seaton, *Power Without Responsibility*, 9

[10] At a provincial level they were usually one and the same.

[11] Legg, *Newspapers and Nationalism*, 124.

increasingly characterised the British newspaper market.[12] As a consequence, in the 1880s, both the Liberal and the Tory administrations were willing to take legal steps to control hostile commentary, a process that would no longer be acceptable in Britain and that had long been abandoned as common practice in that jurisdiction. Ireland's exceptionality was undoubtedly a factor contributing to the apparent belief that it might be possible to achieve effective results by pursuing tactics adjudged to have outlived their usefulness in Britain. However, a certain sense of desperation, some wishful thinking, and a relative lack of imagination were equally important.

The rarity of moves in Britain itself against even the last remnants of the under-resourced 'pauper press' (as loosely defined) makes two cases taken by the Gladstone government against London-based journals informative in an Irish context. This chapter examines the legal actions taken against the émigré German newspaper *Freiheit* and the atheistic publication, *Freethinker*. The very paucity in Britain of invocations of the offence of criminal libel will be seen as being in stark contrast to the frequency of related, though not identical, cases in Ireland. It will be suggested that the prosecution of the editor of *Freiheit* also had a certain relevance to a secondary phenomenon, the diplomatic campaign against the distribution of Irish-American newspapers in Ireland and Britain. In the case of what the home secretary, William Vernon Harcourt, referred to as 'the assassination press',[13] we even see the temporary return of the spirit of the 'stamp' as an instrument of curtailment.

6.2 The *Freiheit* and *Freethinker* prosecutions

On 29 March 1881 members of the London Metropolitan police raided the Great Titchfield Street offices of an obscure German-language anarchist newspaper called *Freiheit* and arrested the editor Johann Most on the basis of a warrant

---

[12] Lee, *The Origins of the Popular Press*, 15.

[13] Memo of home secretary (William Vernon Harcourt) 28 December, 1882, TNA, PRO, HO A21242/6.

signed by a Bow Street magistrate. In addition to arresting Most the police seized the type and plant of the paper and any copies found on the premises. Most was charged with 'printing and publishing a scandalous, wicked and malicious libel ... and with inciting by this libel divers persons unknown to commit murder.'[14]. The charge related to the publication of an article in *Freiheit* on 19 March 1881 exulting in the assassination of Tsar Alexander II and threatening all rulers 'from Constantinople to Washington' with a similar fate. Following the arrest of Most the home secretary, Sir William Harcourt, was forced to deny in the House of Commons, in response to a Parliamentary Question from the radical MP Joseph Cowen, that there had been any collusion with the German or Russian governments to have Most arrested and *Freiheit* suppressed. He observed that a translation of the original article had 'been reproduced with more or less detail in most of the English and foreign newspapers. Its revolting character is universally known, and it seemed to Her Majesty's government impossible to ignore it.'[15]

Harcourt insisted that 'it is not so much as an offence against foreign governments, but as a domestic crime, that such publications should be dealt with. They constitute a gross and flagrant breach of our public morals.'[16] The home secretary was, of course, being disingenuous. The decision to draw attention to a newspaper with virtually no circulation in Britain, outside of a small émigré community, was not merely a response to the egregious incitement to violence contained in the offending article. As Bernard Porter has demonstrated, the context for the indictments was the first wave of American Fenian dynamite attacks on English targets, such as the Mansion House in London and military barracks in Salford and Chester. These had given rise to British diplomatic approaches to the U.S. government to impose sanctions on seditious Irish-American newspapers in general and O'Donovan Rossa's *United Irishman* in particular.[17] The attempted suppression of *Freiheit* should therefore be seen as a pre-emptive move to disarm American constitutional

---

[14] *The Times*, 1 April 1881.

[15] HC Deb. 31 March 1881, vol 260, c345.

[16] HC Deb. 31 March 1881, vol 260, c346.

[17] Renewed in September 1882 when the lord lieutenant wrote to the Foreign Office seeking their intercession to bring about the suppression of both newspapers. (NAI-CSORP-1882-34439 and 35609 – missing files)

arguments around taking similar action against the Irish radical émigré press in the USA. 'How, for example,' asks Porter, 'could she demand of the government of the United States that they do more for her in the case of the *United Irishman* ... than she herself was prepared to do for Germany in the case of Most.'[18]

In his trial for criminal libel and incitement to murder,[19] on 25 May 1881, Most was defended by A.M Sullivan, who entreated the jury 'not to give their sanction to such an attempt to crush and fetter the liberty of the Press.'[20] Sullivan's defence of Most was rhetorically sound and peppered with literary references (he quoted Shakespeare and Shelley's *Ode to Liberty*) but ultimately unavailing. The jury took fifty minutes to decide that Most had published the libel and was also guilty of inciting to commit murder. The *Freiheit* editor was sentenced to sixteen months hard labour.

The response of the liberal *Pall Mall Gazette*, then under the editorship of John Morley, was to criticise some of the directions to the jury in the case by lord chief justice Coleridge. Coleridge had advised the jury that 'any publication which was against public morals, and tended to public inconvenience ... was clearly, by the law of England, libel.' The *Gazette* pointed out that 'such a law if impartially applied would have led to the suppression of almost every publication opposed to the dominant opinion in politics, morals, science or religion.'[21] The paper contrasted the British government's attitude to a newspaper intended largely for foreign circulation with that of the U.S. government towards the *Irish World*. 'English opinion would be exceedingly surprised if President Garfield were to interfere with the *Irish World*; and does any one believe that the American government would have prosecuted Johann

---

[18] Bernard Porter, 'The Freiheit Prosecutions, 1881-1882', *The Historical Journal*, vol. 23, no. 4 (Dec., 1980), 845-46.

[19] As later outlined to the Court for Consideration of Crown Cases Reserved, to which a question regarding an element of the case had been referred by the presiding judge, lord chief justice Coleridge, the prosecution of Most was 'partly for libel but chiefly under section 4 of the Act of 1861 as to "offences against the person" (24 and 25 Vic. Cap.100 sec.4)' – this was known as the Criminal Consolidation Act and provided for the prosecution for incitement of a subject of Her Majesty made against any person 'whether he be a subject of Her Majesty or not'. (*Times*, 20 June 1881)

[20] *Daily News*, 25 May 1881.

[21] *Pall Mall Gazette*, 26 May 1881.

Most?' The *Times*, while applauding the verdict, questioned the wisdom of the prosecution on the pragmatic grounds that 'Herr Most and his publication have sprung from obscurity into notoriety.'[22]

Freiheit survived the incarceration of its editor and continued to publish on a weekly basis. Its circulation was indeed enhanced by the controversy. On 13 May 1882 *Freiheit* published a response to the Phoenix Park murders entitled 'Against tyrants all means are lawful.' The journal then proceeded to go further in its justification of the assassination of Burke and Cavendish than any Irish newspaper had attempted or even aspired to do. In a style reminiscent of the most extreme language of O'Donovan Rossa *Freiheit* congratulated the perpetrators of the 'well-aimed thrusts of a dagger' for their 'heroically bold act', especially in the light of the betrayal of the Land League campaign by the 'traitors' in its leadership. It concluded with the chilling reflection that 'in politics there is no such thing as murder, but only a removal of obstacles.'[23]

As the London Metropolitan Police had begun monitoring copies of *Freiheit* as vigilantly as the DMP vetted *United Ireland*, legal action against the newspaper only awaited the translation of the article into English. On 16 May the police, once again, raided the *Freiheit* premises. Failing to find the acting editor, Johann Neve, *in situ*, they instead arrested a German compositor, Wilhelm Mertens. A second compositor, Friedrich Schwelm was later arrested when the next, unapologetic, issue of *Freiheit* appeared on 27 May proclaiming that 'the international gang of *mouchards* has made a great mistake in imagining to close the mouths of the London social revolutionists by prosecuting *Freiheit*.'[24] Bernard Porter has ascribed the arrests of the two men to Sir William Harcourt's search for a pretext to close *Freiheit* down and the newspaper's flouting of a convention that *émigré* journals refrained from commentary on British 'domestic' affairs. However, it may also have been the case that *Freiheit* became a proxy for the incendiary commentary of American publications like the *Irish World* and the *United Irishman*. *Freiheit* was, in effect, a

---

[22] *The Times*, 26 April 1881.
[23] *The Times*, 18 May 1882.
[24] *The Times*, 6 June 1882.

Rossa surrogate, suppressed in the hope of prompting similar action by the U.S. authorities.

To the surprise of many the government proceeded to charge both employees of the newspaper with the common law offence of criminal libel, and Mertens with incitement to murder under the 1861 Criminal Consolidation Act (24 and 25 Victoria, cap.100, sec.4). The pleas of the compositors (they were tried separately) that they were mere typesetters, with no knowledge of the nature of the material they were called upon to print, had no effect on their juries. Both rapidly reached guilty verdicts in each case. Mertens was given a longer sentence – eighteen months – than Most had incurred the previous year. Schwelm was jailed for three months.

In the weeks after the arrest of Mertens *Freiheit* had been published with the legend 'Confiscated by the English government' across its front page and with precious little copy otherwise. After the arrest of Schwelm the paper closed down completely and was not printed in England again.[25] As Bernard Porter puts it, 'dedicated activists could always be found to risk arrest to edit the paper; dedicated compositors were thinner on the ground.'[26] The government had learned its lesson from the efforts to close down *United Ireland*. In that instance the arrest of journalists had not caused the enterprise to collapse, especially given the capacity of those journalists, including O'Brien, to continue publication of the journal from inside prison. But had help not been obtained in printing the paper abroad the arrest of the printing staff under the 1881 Coercion Act might have been a great deal more effective.

When Most was released from prison he sought the return of the type and machinery confiscated in the original raid on his Great Titchfield premises. Thanks to the intervention of Joseph Biggar they were returned to him.[27] However, their only continuing value was as scrap.

---

25 Porter, 'The Freiheit Prosecutions', 853-54. After Most was released from prison he emigrated to the USA and, thereafter, *Freiheit* was published in New York.

26 Porter, 'The Freiheit Prosecutions', 853.

27 HC Deb. 11 November 1882, vol 274, c1634.

The *Freiheit* prosecutions though different in content and context were similar in kind to the attempted suppression of *United Ireland*. In both instances the newspapers were seen as sufficiently subversive to warrant a determined effort, legal and extra-legal, to close them down. In both instances seizures of property were made which would have been difficult to justify in a court of law. In the case of the seizures of copies of *United Ireland*, Dublin Castle was aware that it could face lawsuits for misappropriation. In the case of *Freiheit* a home office official acknowledged that the removal of type and plant from the Great Titchfield street premises was 'illegal' as there was 'no statutable authority for such acts.'[28]

Where *Freiheit* was concerned the government, of course, did not have the benefit of the suspension of *Habeas Corpus* to discourage the 'hydra' effect that, almost inevitably, followed the initial arrests of vital staff. However, the government did have the benefit of *complaisant* London juries, few members of which would have been in sympathy with the revolutionary zealotry of the supporters of *Freiheit*. As noted, the jurors did not even leave the jury box in reaching guilty verdicts against Mertens and Schwelm.[29] When Sir William Harcourt was reminded of the *Freiheit* precedent in the House of Commons debate on the Crimes Bill in June 1882, and told that Irish newspapers printing objectionable material could be dealt with under existing legislation, he responded that 'the prosecution of the *Freiheit* was brought before an English jury; but if the case of an Irish newspaper were brought before an Irish jury, there would be no chance of a verdict being obtained against the paper.'[30]

In the cases of both *Freiheit* and *United Ireland* the government was faced with one ineluctable fact, its inability simply to close down a newspaper of whose commentary it disapproved. As Bernard Porter has commented in relation to *Freiheit,* 'in the absence of any specific laws which would enable them to close down a newspaper the government disapproved of, this was an effective way of

---

[28] Porter, 'The Freiheit Prosecutions', 853.

[29] Porter, 'The Freiheit Prosecutions', 852.

[30] HC Deb. 19 June 1882, vol 270, cc1690.

doing it, if somewhat crude and possibly illegal.'[31] He might just as well have been referring to *United Ireland.*

Virtually coinciding with the *Freiheit* controversies was another series of libel prosecutions involving the newly-established secularist and atheist publication, the *Freethinker.*[32] Founded and edited by George W.Foote, an associate of Northampton M.P. Charles Bradlaugh, the 1p weekly promised 'relentless war against
Superstition in general and the Christian Superstition in particular.' Foote pledged that the new journal would 'do its best to employ the resources of Science, Scholarship, Philosophy and Ethics against the claims of the Bible as a Divine Revelation [and] not scruple to employ for the same purpose any weapons of ridicule or sarcasm that might be borrowed from the armoury of Common Sense.'[33]



9. He turneth water into wine.

31 Porter, 'The Freiheit Prosecutions', 855.

32 When its editor, G.W.Foote, was jailed in Holloway prison he was taken by at least one warder, to be an associate of Johann Most. He was also mistaken for a Fenian. (G.W.Foote, *Prisoner for Blasphemy*, (London, 1886), 65

33 G.W.Foote, *Prisoner for Blasphemy*, 6. http://freethinker.co.uk/history/

It was the publication of weekly anti-religious diatribes and satiric cartoons as part of that armoury that led, in 1882 and 1883, to the prosecution of Foote for blasphemous libel and his incarceration for a year. First published in May 1881, the *Freethinker's* 'pernicious' content was brought to the attention of the House of Commons by C.K.Freshfield, MP for Dover, in February 1882 in a question to the home secretary. Harcourt seemed to indicate that the government, while disapproving of the 'abhorrent' content of the journal, would not be taking any punitive action on the grounds that 'more harm than good is done to the public morals by government prosecutions in cases of this kind.'[34] The prosecution of Foote, and two of his associates, was actually instigated by a Conservative MP Sir Henry Tyler, with the accompanying fiat of the public prosecutor (Sir John Maule) as provided for under the 1881 Newspaper Libels Act.

John Redmond briefly inserted himself into the Freshfield-Harcourt exchange of 9 February 1882.He inquired of the home secretary 'if he has power to suppress a paper of this kind?[35] The intervention might well be seen as an opportunistic attempt by a member of the Irish party to embarrass Harcourt by contrasting his government's unwillingness to tackle blasphemous libel at a time when it was arresting Irish newspapermen for the expression of 'seditious' sentiments, untested by any court. In fact Redmond was actually motivated by devotional concerns more than politics. He was not alone among Irish MP's in expressing his antipathy to the *Freethinker.* In a debate on amendments to the Parliamentary Oaths Act (1866) Frank Hugh O'Donnell referred to the 'bestial blackguardism' of the editor.[36]

Even more surprising, perhaps, was the editorial approach of William O'Brien, recently released from prison for his own journalistic transgressions in *United Ireland.* O'Brien, who might legitimately have been expected to offer his support to a fellow scribe indicted for criminal libel - a charge he himself would face six months later - took Redmond's side of the argument in a editorial critical of the *Freethinker's* 'vile gibes at the Almighty.' O'Brien viewed the

---

[34] HC Deb. 9 February 1882, vol 266, cc232.
[35] HC Deb. 9 February 1882, vol 266, cc232-3.
[36] HC Deb. 1 May 1883, vol 278, c1598.

threat to English and Irish morals from the journal as being far greater than the threat posed to press freedom by its prosecution for blasphemy. His editorial concluded with this surprising sentiment:

> So deeply are we impressed by the danger that we would be prepared to welcome the Press clauses of Sir William Harcourt's Coercion Bill if we could be assured that they would be used to expel from the country the only papers which incite to crime or tempt to criminality in Ireland.[37]

It is clear, from this, and other examples that, as we will argue elsewhere, O'Brien's commitment to an untrammeled freedom of the press, notwithstanding his genuine religious reservations in this instance, was deficient and circumscribed.

6.3: Illegal immigrants: The suppression of the *Irish World* and the *United Irishman*

Before the initial publication of *United Ireland* some of the most militantly nationalist journals came into the country from the USA. Of relatively little consequence were newspapers like John Devoy's New York Fenian publication the *Irish Nation* (1881-85) or John Boyle O'Reilly's more enduring *Boston Pilot*.[38] They tended to come individually, by mail. They were generally posted in a piecemeal fashion by interested parties among the Irish-American community and, where necessary, could be easily confiscated by a vigilant Post Office. Of slightly more significance was Jeremiah O'Donovan Rossa's highly combative *United Irishman*. This was largely due to its uncompromisingly violent tone

---

[37] *United Ireland*, 24 June 1882.

[38] Although copies of the *Pilot*, a venerable and relatively moderate journal, were imported into the country it was of little concern to the Castle authorities and did not feature in correspondence or memos relating to press censorship. Devoy's *Irish Nation* found it difficult enough to gain a foothold in the crowded Irish-American newspaper market in New York. It barely features in the chief secretary's papers in 1882. It continued to be seized and monitored until its demise in 1885 but Edward Jenkinson, assistant under secretary for police and crime, appears to have been as concerned by the brief appearance of the incendiary and short-lived *Dynamite Monthly* and a special warrant went to the GPO to seize posted copies. (CSORP-1884-14544-missing file) This order continued when its name was changed to *Ireland's Liberator* (CSORP-1884-19841 and 1885-3641- missing files)

rather than because of any enhanced distribution network ensuring it wider circulation. It was occasionally to be found for sale in the shops of Irish newsagents but it was largely sold by subscription and tended to find its way into the country in much the same manner as most other American journals, via the mails.

The *United Irishman* was something of a vanity project on the part of the bellicose O'Donovan Rossa. The old Fenian was an advocate and progenitor of dynamite campaigns in Britain and one of the originators of the Skirmishing Fund which was used, in part, to finance those campaigns. It was supported entirely by subscriptions, the most generous of which, at $100 per annum, came from Dr. Thomas Addis Emmet, nephew of Robert Emmet. The opinions, pungently expressed, were entirely those of the eccentric editor and did not necessarily tally with the views of his former comrades in arms. Fenian chief, John O'Leary, wrote in 1883 to Devoy that 'I no longer see Rossa's rag, for which not sorry, though should not object to seeing odd number, especially if anything personal or particularly blackguard.'[39]

In the 1870s Rossa, in addition to writing a weekly column for Pigott's *Irishman* in Dublin wrote a regular piece for the *Irish World* as well. So incendiary were Rossa's *World* columns that leading Clan na Gael members wrote to Ford demanding that they be given the right of preview each week before it was published. Ford refused.[40] Because of Rossa's fearsome reputation the circulation of the *United Irishman* in Ireland was of considerable concern to the Castle. When copies of the journal were found in newsagents or circulating through the post they were routinely confiscated.

The most notable exception to the relatively modest penetration of Irish-American radical newspapers in Ireland was Patrick Ford's *Irish World*. Its reach far exceeded that of all other Irish-American journals combined. Its popularity

---

[39] O'Leary to Devoy, 9 November 1883 in O'Brien and Ryan, *Devoy's Post Bag*, 222.
[40] Terry Golway, *John Devoy and America's Fight for Ireland's Freedom* (New York, 1988), 99.

was largely due to its extensive coverage of the agrarian campaign in Ireland, its tone of revolutionary defiance, its invaluable American fund-raising activities, the, not insignificant, fact that it was available *gratis*, and, much more importantly, the consequent efforts of the Land League to ensure its widespread distribution in the months prior to the establishment of its own organ in *United Ireland*. Patrick Ford's enthusiastic championing of the Land League fund in the U.S. meant that hundreds of thousands of dollars were being pumped into the agrarian campaign via the offices of the *Irish World*. It suited both neo-Fenian officers of the Land League like Egan, Brennan and Sheridan, as well as the newspaper itself, to use some of that money to channel copies of the paper itself in the same direction. This was done with considerable success through the Land League branch network. Accordingly the *Irish World* became a cause of concern to Dublin Castle and energetic efforts were made to prevent its widespread circulation.

The options of the authorities were severely limited. As the paper was not printed in Ireland the editorial staff was safely out of reach of both arbitrary arrest or prosecution by Her Majesty's government for criminal libel. Although the British did attempt to persuade the U.S. Federal administration to take action against the likes of the *Irish World* and the *United Irishman* those efforts proved fruitless. While the Federal government might have been willing to take on the first amendment it was reluctant to confront an increasingly influential Irish-American community in New York in particular. Thus the main weapon at the British government's disposal was the blunt instrument of seizure. This was as problematic where the *Irish World* was concerned, for legal and logistical reasons, as it was in the case of *United Ireland*. Even the normally hard-line Liberal home secretary, William Vernon Harcourt, was initially opposed to the seizure of the *Irish World* at British ports or through the Post Office.[41]

---

[41] Harcourt memo, 22 April 1881, TNA, PRO HO A20387/1. Harcourt, rather bizarrely, given past and future events, actually described the *Irish World* on 18 September 1882 as 'a comparatively neutral paper.' (HO A20387/2) The newspaper itself reported in December 1882 that 'there has been no interference with the *Irish World* coming through the mails or by express. Evidently the British government wishes to avoid complications with the United States authorities.' (*Irish World*, 30 December 1882)

The *Irish World* had been established by the Irish emigrant, Patrick Ford, in New York, in 1870. Its circulation within the USA rose steadily from about 35,000 in the mid 1870s to 60,000 by 1882, making it the most influential of Irish-American journals, well ahead of rivals like John Devoy's *Irish Nation,* Rossa's *United Irishman,* and another New York paper the *Irish-American.*[42] Ford had begun his publishing career in the post-Civil War south as an advocate of African-American rights. He was also a campaigner on behalf of Native Americans, an opponent of Free Trade and a supporter of the Greenback-Labour movement. Later in life his politics would tend more towards the centre, his support of the Republican party dictated, to some degree, by financial difficulties he experienced in 1883.[43] But in the early 1880s 'Ford accepted no compromises; to him home rule was a delusion, Gladstone a scheming opportunist, and England past her prime.'[44]

However, his nationalism tended to change complexion regularly. It veered between support for Rossa's Skirmishing Fund in the 1870s, to a strident defense of Parnellism in the early 80s, followed by disillusionment with the abandonment of the land struggle and advocacy of terror tactics, until a final return to support for constitutionalism in the mid 1880s. Similarly Ford's pre-occupation with his native country seemed to wax and wane in accordance with his interest in American politics. In the late 1870s, with the U.S. in the midst of economic depression Ford began to move in the direction of radical socialism, a shift that was reflected in the columns of a paper over which he exercised total editorial control. His radicalism extended as far as the inclusion in the paper, for a period, of a weekly column entitled 'Usury is Theft'. This contained a critique of capitalism in general and of the lending of money at interest in particular.[45] As John Devoy's biographer Terry Golway has put it, 'as the depression of the

---

[42] Rodechko, James Paul – *Patrick Ford and His Search for America: A Case Study of Irish-American Journalism* (New York, 1976), 48

[43] Between March and May 1883 a creditor, John T.Hoag, assumed control of the paper. Financial patronage from the Republican party helped Ford survive in business after he regained control of the *World.* (Rodechko, *Patrick Ford,* 39 & 47)

[44] David M Pletcher, *The Awkward Years: American foreign relations under Garfield and Arthur* (Missouri, 1962), 236

[45] The issue of 7 January 1882 is just one example.

1870s deepened, Ford experienced an epiphany of his own. He turned the *World's* columns over to sweeping critiques of American society, suggesting that the struggle of working people in America was but an extension of the struggle in Ireland.'[46] In an assessment, for example, of the progress of the land war in 1881 the *World* saw the struggle in the context of international labour agitation.

> In the victories gained by the Irish people they see the assurance of the final overthrow of the system that has so long rolled Labor [*sic*] not only in Ireland but in every country in the world.[47]

Ford's interest in Ireland was primarily as a laboratory for some of the utopian ideas he hoped to see implemented in the U.S.[48] In the *Irish World* issue of 12 February 1881, Ford, for example, advocated a form of land nationalisation in Ireland and the redistribution of the land to farm labourers and tenant farmers.[49] John Devoy's *Irish Nation* clearly had their principal commercial rival in mind when the editor condemned those whose intention it was 'to use Ireland as a means of working out a social revolution in other countries.'[50] Ford also advocated the non-payment of arbitrated or 'just' rents.[51] The *Irish Nation*, on the other hand, vehemently objected to the notion of Irish tenant farmers being asked to take on 'the battle of humanity.'[52]

It was in the late 1870s that Ford had become a convert to land nationalisation and to the ideas of the American radical Henry George, author of the influential work *Poverty and Progress* (1879). In 1881, George, who was interested in the Land League campaign and who had become acquainted with Davitt, wrote a book entitled *The Irish Land Question: What it Involves and How Alone it can be Settled*. As a consequence Ford hired George - at the generous salary of $60 a week – to travel to Ireland for three months and report on the Land War for the *Irish World*. George actually spent more than a year in Ireland and sent weekly

---

[46] Golway, *John Devoy and America's Fight for Ireland's Freedom*, 91
[47] *Irish World*, 7 January 1882.
[48] Rodechko, *Patrick Ford*, 183.
[49] *Irish World*, 12 February 1881.
[50] *Irish Nation*, 17 December 1881.
[51] Rodechko, *Patrick Ford*, 187.
[52] *Irish Nation*, 17 December 1881.

despatches to the New York newspaper as their 'special correspondent'. However, to an even greater extent than Ford himself, George 'was eager to use Great Britain as a test area for his theories'[53] and was not as engrossed in the Irish agrarian struggle as readers of the *Irish World* might have believed. In his coverage of, for example, the ideas of his political ally, Michael Davitt, George managed to convey the impression to the readers of the *Irish World* that Davitt's advocacy of land nationalisation was being well received in Ireland.[54]

On 5 May 1880 Davitt had written to the *Irish World* and suggested, *inter alia*, that 'copies of the *Irish World* should be sent to all parts of Ireland ... Spread the light.'[55] The latter phrase became a rallying motif of the newspaper in one of its fund-raising campaigns for the Land League. On this occasion the money being sought was for the purposes of sending the newspaper to Ireland on a weekly basis. This was accomplished with the assistance of the Land League and led to the distribution of 450,000 free copies of the *Irish World* throughout the country between 1879-82.[56] The period of greatest penetration would have been the middle years of the land war, with circulation tailing off considerably after the launch of *United Ireland* in August 1881.

Lord Randolph Churchill drew the attention of the House of Commons to the availability of the *World* throughout the country in a question to Forster on 7 April 1881. The particular complaint of the future Chancellor of the Exchequer was that the circulation of the offending publication was being achieved 'partly through the agency of and by the officials of Her Majesty's Post Office Department.' In response Forster denied the legitimacy of Churchill's mischievous assertion that the *World* was circulated via the Post Office. The chief secretary pointed out that it was distributed through 'other channels'.

Forster was only partly correct in his assertion that an alternative distribution network had been devised for the *Irish World*, largely bypassing the Post Office. In

---

[53] Elwood P. Lawrence, *Henry George in the British Isles* (East Lansing, 1957), 8.
[54] *Irish World*, 17 June 1882.
[55] 5 March 1889 Evidence to *Special Commission*, Vol.6, 102, (submission)
[56] Rodechko, *Patrick Ford*, 186.

his evidence to the *Times* commission a former Land League official and ex-Fenian, Frederick Joseph Farragher, testified that the newspaper would arrive at the League's Dublin offices on a weekly basis in 1881 in bundles of 30-40. These were then mailed –at the expense of the Land League itself – from Sackville Street to Branch Secretaries countrywide. Land League officials like Thomas Moran of Ballyfarnon in Co. Roscommon, who, conveniently, worked in the local post office, then 'distributed [the *Irish World*] free amongst the people.'[57] Tasked with co-ordinating this operation was the young activist Henry Burton, who would himself later transfer to *United Ireland* as a clerk.[58] In some instances the incoming parcels were addressed to the Dublin correspondent of the *Irish World*, Peter O'Neill Larkin. RIC evidence to the *Times* commission confirmed that branch secretaries regularly received packages containing copies of the paper and these were distributed, free of charge, to members or, via local newsagents, to the general public.[59] It was clear from cross-examination by Sir Charles Russell that *ad hoc* seizures of the *Irish World* had been taking place from as early as 1880 but that these had been local in nature and not commissioned or specifically authorised by Dublin Castle.[60]

As the 'no rent' campaign intensified in late 1881 – the manifesto had been wholeheartedly supported by the *Irish World* when it issued the threat that 'he who acts the traitor in the hour of Ireland's trial shall pay the penalty of his villainy.'[61] - the American newspaper was elevated by the Castle from nuisance status to one of potential threat. In the overlapping period between the introduction of *United Ireland* and the gradual disappearance of the *Irish World* as a mass circulation newspaper in Ireland, the New York journal rivalled, or complemented, O'Brien's publication. It also echoed the rhetoric of *United Ireland* and was, if anything, more strident and more extreme. This was, after

---

[57] NAI, CSORP, 1882/19499.

[58] 14 February 1889, *Special Commission*, vol.5 250-254, 47582-47697.

[59] 4 February 1889 *Special Commission*, vol.4. Detective Inspector William Henry McArdle 459-61, 42738-42794. Constable Richard Kelly, 462, 42794-42822. Sgt George Harvey 463-64, 42840-42887.

[60] 4 February 1889, *Special Commission*, vol.4. Cross examination of Constable Richard Kelly, 463, 42824-25. Sgt. George Harvey 465, 42891-2.

[61] *Irish World*, 12 October 1881.

all, the newspaper responsible for the inauguration of the Skirmishing Fund. It was also funneling large sums of money into the Land League – a total of almost $350,000 according to the British authorities[62] – which fact greatly increased the onus on the Castle to end its distribution in Ireland. As did the weekly fulminations of the anonymous correspondent, 'Transatlantic,' identified at the *Times* commission as one Thomas Mooney. His rhetoric qualified him, in the eyes of the Tory attorney general, Sir Richard Webster, for the accolade of 'one of the greatest scoundrels that ever lived.'[63] Even Parnell's counsel at the commission, Sir Charles Russell, characterised his output as 'the insane utterances or writings of the maniac 'Transatlantic'.'[64]

The *Irish World* of 14 January 1882 gave extensive coverage to the DMP raid on the *United Ireland* premises of 14 December.[65] The following edition of the newspaper carried reports of the seizure of copies of the *Irish World* itself in Dublin. The police action had come about as a result of the order of the lord lieutenant of 6 January 1882 to the commissioner of the DMP to confiscate all copies for sale of *United Ireland*, the *Irish World* and the *United Irishman*.[66]

A suitably outraged *Irish World* put the police raids and seizures in context.

> Imagine if you can, policemen in one of our cities raiding a newsdealer's shop because he kept for sale a newspaper that was opposed to the policy of the party that placed them on the police force ... No matter what means the government resorts to in order to prevent it we shall find a way of sending the *Irish World* into Ireland.[67]

Because the *World* was vulnerable to seizure when on open display in newsagents Ford suggested that it should be sent through the mails, by American subscribers, to their friends in Ireland.

---

[62] 24 October 1888, *Special Commission*, vol.1, 171. Opening Speech of the attorney general – the official total, arrived at by the *Irish World* itself, was $343,072.92 to the 'Land League Fund'.

[63] 24 October 1888, *Special Commission*, vol.1, 171.Opening Speech of the attorney general, 203.

[64] 1 March 1889, *Special Commission*, vol. 6, 92. Speech of Sir Charles Russell.

[65] *Irish World*, 7, 14 January 1882.

[66] Cowper to Talbot, 6 January 1882, NAI, CSORP, 1881/35864, Police and Crime Division Reports, III, Compensation Cases, Crimes Act, 1882-3, Carton 6, 1881/45842.

[67] *Irish World*, 21 January 1882.

Even that option was quickly closed down. On 4 February 1882 the *World* reported that 'the order has gone forth, it seems, that it is to be stopped in the mails.'[68] The resourceful Ford then pointed out to his readers that the U.S. government was obliged to pay $10 to the sender of every undelivered item of registered post. The *World* advised its readers to send registered copies of the newspaper to Ireland through the post, to check with the addressee after an appropriate amount of time had elapsed and, if the parcel had failed to arrive, to claim $10 from the U.S. postal service and donate it to the Land League. Ford argued that if this were done on a sufficiently wide scale the cost to the Federal exchequer would prompt diplomatic remonstration, on the part of the U.S. administration, with the British government.

These tactics continued in place until 22 April 1882 when the newspaper advised that no more registered copies were to be sent for the time being. All such packages had been seized by the British government and the matter was 'now in the hands of the proper officials in Washington.'[69] Ford had written to the postmaster general, T.O.Howe, and demanded action on the basis that 'under no provision of the international postal laws is the British government warranted in the action it has taken.'[70] When T.M.Healy questioned the chief secretary in the House of Commons about the confiscation of registered copies of the paper Forster admitted that the practice was widespread but claimed that the postal authorities were not bound to notify the senders. This obligation only existed in the case of accidental loss, not in instances of 'seizure under legal authority.'[71] He did not specify the legal authority under which the seizures had been authorised.

---

[68] *Irish World*, 4 February 1882.
[69] *Irish World*, 22 April 1882.
[70] *Irish World*, 8 April 1882.
[71] *Irish World*, 25 March 1882.

Whatever reduced incentive there was on the part of the Land League to distribute copies of the *Irish World* following the introduction of *United Ireland* in August 1881, there was no incentive whatever for its successor, the Irish National League, to continue the distribution of the paper in Ireland after Ford's adverse reaction to the Kilmainham Treaty and Parnell's shift in policy direction towards Home Rule.

In October 1882 Ford remitted the last $17,000 from his newspaper's fund-raising efforts in the U.S.A. and announced 'it is with a deep sense of pain I ... will close the columns of the *Irish World* to the Land League Fund.' Ford recognised that conservative forces, led by Parnell himself, were now in control of the nationalist movement. 'The class movement going on in Ireland is of the very essence of Toryism.'[72] As Parnell later pointed out to the *Times* commission, part of Ford's disillusionment and new-found antipathy emanated from his continued attachment to a collectivised culture of land tenure. 'I think that what he objected to was ... peasant proprietary as opposed to land nationalisation.'[73] However, Ford was also virulently antipathetic to a return to what he saw as the politics of the Home Rule League, 'a stock company of political showmen' intent on foisting the 'Home Rule sham ... hollow and insubstantial,'[74] on a radicalised nation. Ford persisted in this approach despite the very real risk of a diminution of his influence on Irish-America. Devoy regularly excoriated the *Irish World* editor for his recusancy in the columns of the *Irish Nation*. Describing Ford's anti-Parnellite arguments as those of a 'raving lunatic' he asked 'is Mr. Ford mad, or does he take the Irish people for idiots.'[75]

The *Irish World* featured occasionally in the debate on the 1882 Crimes bill. The new chief secretary, George Otto Trevelyan, singled out the Irish-American press as the primary reason for the necessity to introduce a press clause in the new legislation permitting the seizure of copies of offending newspapers.

---

[72] *Irish World*, 14 October 1882.
[73] 1 May 1889, *Special Commission*, vol.7, 69, 59099.
[74] *Irish World*, 25 March 1882.
[75] *Irish Nation*, 14 October 1882.

> It is not to what is written in Ireland, but to what is read in Ireland, that we must look, if we are to judge of the necessity of making the law, not more severe, but more certain. Let anyone read the *Irish World*, let anyone read the atrocious sentiments in the *United Irishman* of Mr. O'Donovan Rossa, and he will allow that ... some means should be found to frame a law by which such pestilent wickedness shall not be published on Irish soil.[76]

After May 1882 the ideas and policies of Henry George and Michael Davitt increasingly dominated the *Irish World* discourse. In June 1882 Davitt travelled to the U.S. and the *World's* coverage of his speaking tour was extensive and hagiographical. To coincide with Davitt's trip, the *World*, in its edition of 8 July, made its most overt statement yet of its support for his land nationalisation policies. In an editorial entitled 'Ireland for the Irish – The Land for the People' Ford invoked a phrase of the agrarianist Roman Catholic Bishop of Meath, Bishop Nulty, who had proclaimed that 'the land of every country *is the common property of the people* of that country.' [*Irish World* italics] Ford went on to make a declaration of his own.

> That this land war is not a class movement, but a revolution which has to view the establishment of *all* Irishmen, tenant farmers and laborers alike, in their natural inheritance.[77]

A fortnight beforehand Ford had been critical of a *Boston Pilot* editorial in which John Boyle O'Reilly had suggested that it was time for a new, post-Land League, direction for the nationalist movement. Ford had disparagingly referred to the proposal as 'a Home Rule tack' and had cited as a counter-argument Davitt's belief that the Land League's work was not done and that self-government would inevitably follow land nationalisation.[78] Although Ford went on to 'de-emphasise the social arguments he had previously raised'[79] between 1883-85 his strident advocacy of a renewed dynamite campaign meant he remained *ultra vires* as far as the Irish National League and its propagandists was concerned. This meant that in the months after the Kilmainham Treaty it was not just the

---

[76] HC Deb. 18 May 1882, vol 269, c1014-15.
[77] *Irish World*, 8 July 1882.
[78] *Irish World*, 24 June 1882.
[79] Rodechko, *Patrick Ford*, 191.

British government that was anxious to protect the people of Ireland from the ideas of Patrick Ford and Henry George.

In the period 1883-86 copies of the paper were still to be found in Ireland and it remained subject to confiscation as a matter of course. But seizures were few and far between.[80] In his evidence to the *Times* commission William O'Brien testified that after the passage of the 1882 Crimes Act 'the *Irish World* disappeared entirely from Ireland.'[81] This was, in fact, not the case. In 1885 and 1886 the customs authorities in Queenstown and Liverpool were still being asked by the Irish Office to notify the under secretary of the arrival of any packages containing the *Irish World* and the *United Irishman*.[82] Legal opinions were still being sought on powers of seizure in British ports as late as 1885. Harcourt was of a mind to confiscate any copies of either paper whatever the legal advice 'and let them try an action if they please.'[83] His under secretary, Godfrey Lushington, reminded him of the precedent of the *Freethinker* where the question had arisen as to 'whether the Government would be justified in making an unlawful seizure leaving the man to his legal remedy. The present attorney general thought *not* decidedly ... You did not concur, but did not act contrary to this advice.' In the case of the *Freethinker*, any seizure of copies of the newspaper would have to have been followed by a prosecution of the publisher, which, according to Lushington, 'was (by some) deemed to be inexpedient.' The difficulty in the case of the *Irish World* or the *United Irishman* would have been one of laying hands on anyone to prosecute. As far as the under secretary of state for home affairs was concerned it was, in any event, politically unnecessary to institute a very public criminal libel prosecution

---

[80] Chief secretary's files record the seizure of a number of copies on 10 December 1884. (NAI, CSORP, 1884/26961) The next significant seizure recorded was in Queenstown in 1888. (NAI, CSORP, 1888/21199) by which time references in Castle files to the newspaper had virtually ceased

[81] 23 May 1889, *Special Commission*, vol.8, 176, 71738.

[82] R.G.C.Hamilton to the secretary to the treasury, 19 January1885, TNA, PRO, HO A20387/8. The Collector, Liverpool Customs, 20 January 1886, HO A20387/12.

[83] Harcourt to Lushington, 28 January 1885, TNA, PRO, HO A20387/10.

against an American newspaper in Britain. There was a much simpler expedient. 'We can seize it in Ireland just as well as here', suggested Lushington [84]

When legal opinion finally came from the attorney general, Sir Henry James, and the solicitor general, Farrar Herschell, the advice - to go ahead and seize - was based more on political and security imperatives than any absolute certainty as regards legal niceties.

> The transmission of seditious documents by one person to another, is in itself an offence, and we see no reason why the properly constituted authorities should not, by seizing such documents, interfere to prevent the commission of the offence, already commenced, from being completed ... Even if it were held that the seizure were not legal, damages for such illegality would be nominal. [85]

Harcourt could have his cake while eating it. Packages of the *Irish World* and the *United Irishman* could be seized at U.K. ports without the necessity for a subsequent prosecution.

Ultimately, however, the falling off in the reach of the *Irish World* had little enough to do with the administration's attempt to check its circulation. It was opposition on the part of the dominant strain in the reconfigured nationalist movement that ensured its decline.

6.4: The diplomatic war: the Foreign Office and the Irish-American 'assassination press'

In his response to the parliamentary question posed by Lord Randolph Churchill on the subject of the *Irish World* on 7 April 1881, William E.Forster had commented, *inter alia*, that 'it has been found by all Governments to be one of the most difficult

---

[84] Lushington to Harcourt, 28 January 1885, TNA, PRO, HO A20387/10.

[85] Opinion of the attorney general [Henry James] and solicitor general [Farrar Herschell] on the seizure of the *Irish World* and *United Irishman*, 31 January 1885, TNA, PRO, HO A20387/11.

matters to prevent the introduction of mischievous newspapers from abroad.'[86] Within weeks of that statement Her Majesty's Government, in the form of the foreign secretary, Lord Granville, and the British ambassador to the U.S.A. Lionel Sackville West, would begin a lengthy campaign designed to achieve just such an end.

Anglo-American relations were back on a solid footing by the 1880s, after the strains of the 1861-65 Civil War. These had not finally been put to rest until the settlement of the so-called '*Alabama* claims' in the Treaty of Washington of 1871.[87] This was followed by 'the longest period of amicable inanition that Anglo-American relations have ever known.'[88] However, underneath this surface lethargy, tension still lurked. In 1882 a confidential paper prepared for the British Royal commission on Imperial Defence examined the relative military and naval strengths of the two countries and 'predicted certain victory for Britain should war between them ever again break out.' The deputy assistant quartermaster-general who compiled the report, Major L.M.Carmichael, described the U.S. Navy as 'contemptible' and likely to remain so.[89] The fact that it was felt necessary to compile such a report reflected ongoing British concerns that not all Americans were permanently reconciled to Canadian statehood and independence. A long-running dispute involving Canadian-Newfoundland and New England fisheries, also settled by the 1871 Washington Treaty, erupted again in mid-decade and caused further anxieties. The fisheries elements of the treaty were abrogated by the U.S. under pressure from New England fishermen, at the earliest legal opportunity, in 1885.[90]

---

[86] HC Deb. 7 April 1881, vol 260, cc882-3.

[87] This involved the acceptance of an element of responsibility by the British government for the depredations of Confederate naval shipping (manufactured in the U.K.) and the transfer to the U.S. government of $15.5 million in compensation. After which 'diplomats and statesmen slumbered for twenty years in the peaceful afterglow of the Union's survival.' (Kenneth Bourne, *Britain and the balance of power in North America, 1815-1908* (Berkeley and Los Angeles, 1967), 310.)

[88] H.G.Nicholas, *The United States and Britain* (Chicago, 1975), 46.

[89] Bourne, *Britain and the balance of power*, 310.

[90] Charles S.Campbell - 'Edward J.Phelps and Anglo-American Relations' in H.C.Allen and Roger Thompson eds., *Contrast and connection: bicentennial essays in Anglo-American history* (London, 1976), 211.

For a brief period between the swearing-in of the Republican, President James Garfield in March 1881, and the aftermath of his assassination, the State department was entrusted to the stewardship of James G.Blaine, former Speaker of the House of Representatives and a powerful politician given to bouts of 'chronic Anglophobia.'[91] Ever-present, to ensure that diplomatic relations between the two states never became too unproblematic, was an increasingly assertive Irish immigrant population. In 'swing' states like New York, which offered a meaningful number of electoral college votes to any Presidential candidate, the Irish-born population accounted for almost 14% of the electorate.[92] In the 1884 Presidential election, when Blaine, the Republican candidate, lost the state to the Democrat, Grover Cleveland (and, as a result, the general election) by 1,149 votes he 'believed his failure to disavow a follower who criticised the Catholic Church cost him the vote of Irish Catholics in New York.'[93]

Irish-related diplomatic differences between the U.S. government and that of the U.K. in the 1880s revolved around two central issues. The first, that of the imprisonment without trial under the 1881 Protection of Person and Property act of Irish-born American citizens, is not germane to this work other than for the light it casts on Anglo-American diplomatic relations. It caused friction after the passage of the PPP act in 1881 in a dozen cases, some genuine, and others, like the controversy surrounding the arrest of Michael Boyton, at best dubious.[94] Blaine, through the offices of the U.S. ambassador to the Court of St.James, James Russell Lowell,[95] availed of an opportunity in the case of Boyton[96] to lecture the British government on the suspension of *habeas corpus.*

---

[91] Pletcher, *The Awkward Years*, 238.

[92] Brian Jenkins, *Fenians and Anglo-American relations during Reconstruction* (Ithaca & London, 1969), 322.

[93] Lester Brune, *Chronological history of United States foreign relations*, vol. 1 (New York & London, 1985), 357. Rev. Samuel Burchard, who shared a platform with Blaine at a New York rally referred to the Democrats as the party of 'rum, Romanism and rebellion.'

[94] TNA, PRO, CAB 37/8, 1882, No.37. TNA, PRO, HO A5867/18. Correspondence relating to imprisonment of Daniel MacSweeney.

[95] Former Harvard professor and poet.

[96] Boyton claimed to be, but was not, a U.S. citizen, though he was, at times, an American resident. TNA, PRO, CO 904/19. Intelligence report on Protection of Person and Property Act suspect, Michael Boyton.

In a dispatch of 26 May 1881 he informed his ambassador that Irish-born American citizens should not be subject to 'a retroactive law, suspending at will the simplest operations of justice.'[97]

However, Blaine operated a pragmatic policy when it came to such American subjects. He was only disposed to intervene where it could be reasonably established that they had taken 'no part whatever in public meetings or political discussions.'[98] Ultimately a full-scale diplomatic row was avoided with the intervention of former secretary of state, Hamilton Fish, who had brokered the Washington Treaty. Fish, used as a mediator, persuaded the British government to release most of the Irish-born, 'American' suspects and the State Department offered them $200 each to return to the U.S. All but three had been released by April, 1882.[99]

However, despite the understandable British desire to maintain a good relationship with their U.S. counterparts on matters of Irish interest, not all diplomatic interventions from the American side were as successful as the prisoner issue. A subsequent intercession by the U.S. government, seeking to stave off the execution of Patrick O'Donnell, killer of the informer James Carey, was repulsed by the U.K. government. O'Donnell claimed to be an American citizen. Lowell intervened, without enthusiasm, on the basis of an Irish-inspired House of Representatives resolution. The intervention was ignored and the execution proceeded as planned.

On the other aggravating issue, the numerous incendiary editorials and commentaries of Irish-American nationalist newspapers, a diplomatic campaign began in 1881. Sackville West first spoke to Blaine on his own initiative. He conveyed an account of that meeting to Granville on 21 August 1881. Sackville West was responding, in particular, to some of the more outrageous comments made by O'Donovan Rossa in the *United Irishman*. These included a reference to Gladstone in the issue of 21 May

---

[97] Pletcher, *The Awkward Years*, 239.
[98] Pletcher, *The Awkward Years*, 240.
[99] Pletcher, *The Awkward Years*, 242.

1881 in which Rossa observed that 'if we heard tomorrow that any Irishman had strung him up, or shot him down, we would rejoice that "the blood which cries to Heaven for vengeance" had been so far satisfied.'[100] The following month the old Fenian, writing about the November 1867 hangings of Allen, Larkin and O'Brien in Manchester, commented that 'if there is any such work carried on now Liverpool ought to be laid in ashes by the Irishmen there.'[101] Rossa had also boasted in print of his dynamite-related activities but British efforts in 1881/82 to prove any direct Ford-Rossa link to dynamite, which had even involved hiring the celebrated Scottish-born detective Allen Pinkerton, came to naught.

The ambassador's report to the foreign secretary in August 1881 was not encouraging. Blaine had been non-committal, pointing out to Sackville West that any case against newspapers like the *Irish World* or *United Irishman* could only be taken in the state in which they were published, New York. The Federal government could only 'recommend but not direct' the state government to take an action for seditious libel. Sackville West reminded the foreign secretary of the powerful influence of the Irish vote on the politics of New York state before counselling caution. He added that, in his own opinion, a prosecution against Rossa 'would greatly benefit the funds of that infamous periodical which are at present, fortunately, very low.'[102] Whatever progress the ambassador might have made was entirely dissipated by the end of that year when Blaine resigned as secretary of state to be replaced by a former Whig vice presidential candidate, Frederick Frelinghuysen, of New Jersey.

Unconvinced by Blaine's assertion that the prosecutorial prerogative was vested entirely in the state of New York the ambassador sought, on behalf of the Home Office, a legal opinion from the eminent Washington lawyer, Calderon Carlisle. Copies of the *Freiheit* indictments were forwarded to Washington and Carlisle was asked 'whether a publication inciting to murder a person whether resident or not in the United States, can be prosecuted there by the Federal or State

---

[100] *United Irishman*, 21 May 1881.

[101] *United Irishman*, 13 June 1881.

[102] Sackville West to Granville, 21 August 1881, TNA, PRO, HO A21242.

authorities and whether by Common Law or by Statute.' and whether or not the Most indictments would be held good in United States law.

On the substantive question Calderon opined that 'a publication in the US inciting to murder a person, whether resident in the US or not would be indictable as a libel by the Federal authorities in the District of Columbia at Common Law, and by State authorities in most if not all the States – at Common Law in those states where it prevails, e.g. Maryland, - and by statute in others, e.g. New York.' He also held that 'the two Common Law counts in the indictment against Most would be held good in law in the District of Columbia, and that, as above stated, the prosecution could there be instituted by the Federal Authorities.'[103]

While the first step might thus have been taken in bringing the horse to the water the diplomatic arm of Her Majesty's Government was far from persuading Washington to imbibe. Lushington observed in a memorandum that 'the Federal authorities could indict for libel if they liked.'[104] The problem, as the British administration would discover to its intense frustration, was that their American counterparts didn't 'like'. Having read the revised opinion Harcourt had instructed his department 'to act on it quickly.'[105] Progress on the matter, such as it was, would be rather less brisk than the impatient home secretary would have wished.

The issue was given greater urgency by the March 1883 dynamite attacks on government offices in Whitehall, and the office of the *Times* newspaper.[106] The British response was rapid. Within two days of the attacks Sackville West had written to Frelinghuysen charging, in effect, that the initiation and planning of the explosions had taken place in New York and that Irish-American newspapers were 'not only aiding and abetting such plots, but openly admitting

---

[103] Carlisle to Sackville West, 9 December 1882, TNA, PRO, HO A21242/6.

[104] Lushington memo, 28 December 1882, TNA, PRO, HO A21242/6.

[105] Harcourt memo, 28 December 1882, TNA, PRO, HO A21242/6.

[106] Bernard Porter, *The origins of the vigilant state: the London Metropolitan Police Special Branch before the First World War* (London,1991), 27-28

that they have been planned and executed at their instigation and accompanied moreover by threats of further outrages of a similar nature.'[107]

Frelinghuysen dismissed Sackville West's allegations. The secretary of state, rather casually, commented that 'it would not conduce to the good relations that should subsist between the two nations to open a discussion on the subject.' He continued by expressing the view of President Chester Arthur that if indeed money for such activities was being supplied from America 'the Government and people of the U.S. are no more censurable or responsible for its secret transmission by individuals than are the Government and people of Britain for its reception.'

He then added insult to injury by pointing out that the United States 'cheerfully opened their doors to such Irish subjects of Great Britain as wished to come to us, and to some of whom Great Britain wished to be relieved' before concluding with a short lecture on the efficacy of genuinely liberal government. He pointed out that there were no laws in the U.S.A. precluding individuals from expressing views contrary to those held by their political leaders, adding that 'the true interests of any state are better served by allowing full freedom and liberty of expression even of vicious opinion.'[108] In the weeks that followed, to the great frustration and annoyance of the Gladstone administration, the *United Irishman* was enabled to continue in seditious vein. Two April 1883 articles contained references to the newspaper's 'Dynamite School' from which trainees would be duly dispatched as ' "missioners" or skirmishers.'[109] It would be unsafe to assume there was any sizeable element of bluff or mischief implicit in Rossa's claims.

In May 1883 Granville intensified the discord by pointing out in a despatch to Sackville West (intended to be shown to the secretary of state) that 'money is publicly collected in America to pay for murder and outrage in the United

---

[107] Sackville West to Frelinghuysen, 17 March 1883, TNA, PRO, HO A21242/9.
[108] Frelinghuysen to Sackville West, 14 April 1883, TNA, PRO, HO A21242/9.
[109] *United Irishman,* 7 April 1883 & 28 April 1883.

Kingdom, and is openly advertised as having been employed for these objects – facts which are notorious, and which have been constantly brought under the notice of the Government of the United States.'[110]

Frelinghuysen failed to respond to Granville's comments until December 1883. He finally did so in a despatch to Lowell. In an ironic reflection of the difficulties often experienced by Dublin Castle in seeking to use newspaper articles as evidence in a court of law, Frelinghuysen, himself an attorney, commented that the only proof offered by Her Majesty's government was 'the reprint of extracts from American journals.' As London was, no doubt, aware 'extracts from newspapers, of course, would not be received anywhere as proof of what might be therein stated; they only prove that such statements are made.' Of course Frelinghuysen was being disingenuous in his suggestion that Irish-American journals might be innocent of the charge of raising finance for illegal purposes in Britain and Ireland. But he was legally justified in the posture he was adopting. Her Majesty's government was offering a lower standard of proof than would be required in a British, or even an Irish, court. As he had done once before Frelinghuysen could not resist a final telling and acerbic taunt. 'Perhaps Her Majesty's government,' he remarked to Lowell, 'as it has made these extracts the bases of the charges against this Republic, would have considered them sufficient to authorise proceedings against her subjects.'

The secretary of state concluded his missive with a final thinly veiled rebuke:

> This government cannot consent by its official notice, to emphasise, dignify, and give prominence to articles of the character complained of, which, while unnoticed, are impotent.[111]

It was about as choleric a rejection of the approach of the British government as it was possible to make while remaining within the bounds of diplomacy.

---

[110] Granville to Sackville West, 12 May 1883, TNA, PRO, HO A21242/9.

[111] Frelinghuysen to Lowell, 4 December, 1883, TNA, PRO, HO A21242/8.

The sparring continued into the spring of 1884 and was intensified in April of that year by the brief appearance of a new and even more extreme player in the form of the colourfully titled journal *Dynamite Monthly*. At the end of March the Irish under secretary, R.G.C. Hamilton, alerted the Foreign Office to its publication and content:

> The paper in question is of an infamous character containing articles and poems laudatory of the Phoenix Park murders, directions for the manufacture and use of dynamite, lists of obnoxious officials, and of jurymen in recent cases, with direct incitements to their murder.[112]

In his response to Granville's request for action Sackville West reminded the foreign secretary of the number of previous occasions on which representations had been made on similar grounds. In this instance, however, he got to the kernel of the issue. He made it clear that, in his view, Frelinghuysen intended to take no action whatever against even a journal as extreme as the *Dynamite Monthly*:

> The answer is to be found in the fact that a large portion of the members of Congress depend for their seats upon the Irish vote in their constituencies ... while at the same time they would gladly be rid of the influences to which they are forced to succumb in order to retain their political position.[113]

Frelinghuysen's reluctance had far less to do with a defence of the 1st Amendment to the United States' constitution than it had with American *realpolitik*. Although part of a Republican administration, and therefore an unlikely repository for the votes of many Irish-Americans, Frelinghuysen could ill-afford to antagonise ethnic Irish voters in a crucial state such as New York. Certainly he could not show favour to a country against whom there was still considerable residual ill-feeling, even among non Irish-Americans, for its

---

[112] Hamilton to the under secretary of state for foreign affairs, 25 March 1884, TNA, PRO, HO A21242/14.

[113] Sackville West to Granville, 12 April 1884, TNA, PRO, HO A21242/15.

support of the Confederacy in the Civil War and the threatened renewal of friction over fishing rights on the U.S.-Canadian border.[114]

It was clearly a position with which Sackville West had some sympathy. He suggested to Granville that 'the election of a Democratic President would probably increase the influence of the Irish party & thus render it more difficult to deal with the agitation.'[115] That just such an outcome came to pass with the election of the Democratic candidate, Grover Cleveland, in late 1884, may have influenced the discontinuation of futile diplomatic efforts by the British government to persuade the U.S. administration to close down the 'assassination press.' By that time the *Irish World* had already become largely irrelevant to Irish nationalist politics, had virtually ceased to be imported into the country, and was about to soften its stance on the Liberal government anyway. Arguably, O'Donovan Rossa's meandering journal, though infinitely more scurrilous than Ford's publication, had long been irrelevant to all other than the worst irridentists. Its manifest extremism rendered it useful to the British government in its representations to the State Department but it had never been as pervasive or as influential as its New York rival.

American public opinion, at least as reflected in its own newspapers, was only consistent in its execration of the dynamite campaign and was disinclined towards punitive action against Irish-American journals. Newspapers like the *New York Tribune*, in the aftermath of the various dynamite atrocities of the 1880s, issued condemnations of the perpetrators and called on the U.S. government to take steps against 'those who plotted with them in New York.'[116] The *New York Times* was equally condemnatory of a perceived administrative reluctance to come to grips with the American dynamitards.[117] By the same token the *Tribune,* in the absence of any recent explosions, was far less eager for action from the Federal government and unwilling to countenance the erosion of traditional 1st Amendment rights. The New York paper pointed out that the

---

[114] William A.Dunning, *The British Empire and the United States* (Toronto, 1914), 278-9.
[115] Sackville West to Granville, 12 April 1884, TNA, PRO, HO A21242/15.
[116] *New York Tribune*, 15 June 1883, cited in TNA, PRO, HO A21242/12.
[117] *New York Times*, 15 June 1883, cited in TNA, PRO, HO A21242/12.

United States government was not 'called upon to do detective work for either England or Europe, nor to institute impracticable trials for secret conspiracies, nor to augment the evil by mischievous press trials and interference with public meetings.'[118]

Such was the level of frustration in the Foreign Office over the failure of their frequent and concerted efforts during the Liberal administration to bring about a change of Federal government policy that, as noted above, when the issue arose again in 1889 of a possible complaint or approach to the State Department regarding the *United Irishman*, Salisbury, in his capacity as foreign secretary, decided the game was not worth the candle. The State Department, was left to its own devices and Rossa was left to enjoy the protection of the 1st amendment to the U.S. constitution.

The diplomatic efforts of the Liberal government to enforce silence on the Irish-American press were about as successful as its attempts to suppress *United Ireland.* Ironically, the two are connected. That the government's *Irish World* 'problem' essentially disappeared was, indirectly, a consequence of its failure to stifle O'Brien and his acolytes. Had *United Ireland* closed during the 1881-82 *habeas corpus* suspension regime the Gladstone government might simply have permitted the collectivist new world stridency of Patrick Ford to flourish over the passionate nationalist belligerence of William O'Brien.

If, as argued by Bernard Porter, the prosecution of Johann Most had more to do with transatlantic diplomacy than with pan-European royalist solidarity, then the Gladstone government might just as well have ignored the provocative rhetoric of the *Freiheit* editor. It was an Irish-American[119] who, many years after the events described, coined the phrase 'all politics is [*sic*] local.' In its refusal to engage with the British government on the issue of the Irish nationalist press in the U.S. the administration, while claiming to be constrained by the 1st

---

[118] *New York Tribune*, 14 March 1884, cited in Pletcher, 252.

[119] Thomas P. 'Tip' O'Neill, speaker of the House of Representatives.

amendment, was primarily motivated by considerations that had little to do with its nation's constitution.

Chapter Seven

Sisyphus Agonistes: Balfour, the Tories and the limits of censorship, 1887-1891



***Punch*, 9 April 1887**

'There was no possible course open to the Irish Executive but to prosecute and punish those editors and proprietors of newspapers who disgraced the press by allowing their journals to become the organ and engine of a criminal conspiracy of the meanest and most cruel description.'[1]

(*Press prosecutions in Ireland in the year 1889*, Printed for the attention of the Cabinet)

'Life would not be worth living for a newspaper man if he were to make himself responsible for everything which is quoted in a paper as a matter of news.'[2]
(William O'Brien, evidence before *Times* commission)

---

[1] TNA, PRO, CO903/2. Miscellaneous Notes, Series ix, 9-14 - *Press prosecutions in Ireland in the year 1889.*
[2] 22 May 1889, *Special Commission*, vol.8, 165, 71571.

7.1. Prioritising silence

The return to power of the Conservative party with a comfortable overall majority in the aftermath of the 'Home Rule' election of July 1886[3] removed the contentious issue of legislative devolution for Ireland from the parliamentary agenda. It also effectively ended the polemical 'truce' that had brought about a major modification of the anti-government rhetoric of newspapers like *United Ireland*. From early 1886, when it became clear that Gladstone intended to introduce a measure of Home Rule, O'Brien's newspaper had toned down its criticisms of the Liberal administration and increased the frequency of its positive coverage.[4] Gladstone progressed from being 'a shuffler as well as a tyrant'[5] to the status of 'Colossus.'[6]

Between 1887 and 1891, coinciding with the tenure as chief secretary of Arthur James Balfour, editorials relating to Home Rule, never particularly frequent up to that point, virtually disappeared from the pages of *United Ireland*. The only context in which the subject was raised was that of the oft-touted imminent collapse of the Salisbury administration, or the spate of by-election victories of what *United Ireland* described as 'Home Rule candidates' (Gladstonian Liberals) between 1888-1890. This 'flowing tide', to use Gladstone's own phrase, presented the Irish party with a dilemma. Where was the balance to be struck between catering to an increasingly restive rural population, and ensuring that an activist agrarian policy - vital to maintain the National League and the Irish Party's status at home and in the U.S.A. - did not embarrass and discommode the Grand Old Man and his party? This was especially so at a time when falling agricultural prices were putting even the judicially arbitrated rents of the 1881 Land Act beyond the reach of many tenants.

---

[3] With 316 Tory seats in the House of Commons Salisbury was in a position to govern even without the support of the 77 Liberal Unionists returned.

[4] See Appendix 2 – Table 1 and Table 2.

[5] *United Ireland*, 31 December 1881.

[6] *United Ireland*, 17 April 1886.

As Conor Cruise O'Brien has remarked, 'the old question had to be answered in a new and unfamiliar political context: a context of alliance with an English party and respect for English public opinion.'[7] What was also added was a further novelty, in the form of frequent appeals to that same public opinion.

The 'indoor' and 'outdoor' strategy that was adopted by the League (insofar as it actually was a strategy) was relatively successful in dealing with both exigencies. However, it also managed to antagonize a Tory government that had resiled from the, largely chimerical, days of the Carnarvon ministry and the 'Maamtrasna alliance.' This chapter will seek to demonstrate how coming to terms with the Irish nationalist press became central to Conservative policy under Salisbury. It will be seen that the Tories reversed the Liberal dynamic. While the strategy of dealing in a punitive fashion with the Irish press may have been a primary concern, the tactics were to take aim at the periphery. Hence the propensity to impeach local rather than national newspaper editors. The Liberals, to whom the exercise of control of the Irish nationalist press had been more peripheral, had focused their attention on the 'centre,' as exemplified by their struggle with *United Ireland.*

The Conservative administration found itself, between 1886-1891, dealing with a somewhat more disjointed and highly localised variation of the agrarian opposition endured by their Liberal predecessors in the first half of the decade. Salisbury's government was required to put out numerous small fires rather than deal with a national conflagration similar to the Land War. Their principal opposition was based in the perennially troublesome counties of Kerry and Clare and on the scattered estates of the Plan of Campaign. During the tenure of Arthur Balfour the government afforded itself the luxury of largely ignoring the 'centre' after an initial and barely successful foray against the *Nation*, and an inconclusive joust with *United Ireland.* Thus, while Balfour saw the struggle with the nationalist press as an integral part of his containment policy, that conflict was waged, by and large, against a number of isolated local targets.

---

[7] O'Brien, *Parnell and his party,* 199.

The relatively accommodating approach to Ireland of the newly-appointed Conservative chief secretary, Sir Michael Hicks Beach, (July 1886-March 1887) who had occupied the same position under Disraeli, and the subsequent conciliation polices of the Balfour brothers in the late 1880s and early 1890s, can often mask the absolute nature of the philosophical *bouleversement* which characterised Conservative policies in Ireland from the accession of Balfour on 7 March 1887. In combining with the Liberal Unionists to defeat Gladstone's Government of Ireland Bill the Conservatives had 'carefully orchestrated a rhetorical onslaught on the notion of Home Rule for Ireland.'[8] Following the 'Home Rule crisis' the thrust of the policy of Salisbury and his nephew was 'to preserve the Empire against a violent and foreign-dominated conspiracy.'[9] The Salisbury government would have no truck with what Randolph Churchill described as 'trafficking with treason.'[10] The new administration conducted a campaign for 'the utter discrediting of 'nationalism' in Ireland [which] ... created a reality in which future constitutional bargaining with Nationalists was ideologically impossible.'[11] The lead came from a prime minister who 'detested the Irish, and saw coercion as the proper expression of sacred union.'[12]

The Tories, once Balfour controlled the arsenal, took aim at agrarian dissent as expressed via intimidation or boycotting, or through incitement to either activity. But as the government viewed the Irish political leadership as being at the helm of an anarcho-nationalist criminal conspiracy, utilising agrarian elements as its shock troops, it adopted an undifferentiated approach. As Margaret O'Callaghan has noted, 'the constitutional party, the cattle hougher,

---

[8] O'Callaghan, *British high politics*, 107.

[9] F.S.L.Lyons, 'Parnellism and Crime, 1887-90' in *Transactions of the Royal Historical Society*, fifth series, vol. 24, (1974), 138.

[10] In his election address, on 19 June 1886, to the voters of South Paddington, quoted in an appendix to Winston Churchill's biography of his father, *Lord Randolph Churchill* (London, 1906) 2 vols., vol.2, 492.

[11] Margaret |O'Callaghan, *British high politics*, 113-14.

[12] Edward Pearce, *Lines of most resistance: the Lords, the Tories and Ireland, 1886-1914* (London, 1999), 2.

the back street assassin, the boycotter, they were all the same: criminal because they were nationalist.'[13] This aggressive methodology would have its apotheosis in the punitive clauses of the (permanent) 1887 Crimes act, the assault on the Plan of Campaign and the indictment of the Irish constitutional movement by the *Times* commission. The philosophical logic of the Salisbury administration, *vis a vis* Ireland was captured by its helpmate, the *Times* newspaper, on 7 March 1887, in an editorial accompanying the first article in the series 'Parnellism and Crime'. This excoriated the Gladstonian Liberals for their compact with the Parnellites:

> Mr. Gladstone and his party are deliberately allying themselves with the paid agents of an organization whose ultimate aim is plunder and whose ultimate sanction is murder, to paralyse the House of Commons and to hand Ireland over to social and financial ruin.[14]

In taking on the agents of Irish constitutional nationalism, in an effort to discredit their *bona fides*, Balfour and Salisbury also found themselves engulfed in a conflict with the Irish nationalist press. This eclipsed anything experienced by Forster or Spencer from 1879-83. While the Liberal struggle with Irish nationalist newspapers, as already suggested, might have been merely peripheral to that administration's elemental clash with the Land League, Balfour's campaign against a determined coterie within the Irish nationalist press (many of them National League activists of long standing) played a pivotal role in the Conservative government's tussle with its Irish adversaries.

An essential adjunct of this campaign was the advantage afforded the authorities by their use of summary jurisdiction in the prosecution of editors. The Liberal government, in its 1882 Crimes Act, had legislated for the use of three-judge courts in the processing of certain criminal trials. This was deemed essential as a mechanism for bypassing the inevitable partisanship of predominantly nationalist juries. As we have seen, judicial opposition meant that, though enacted, the provision was never put into effect. The 1887 Crimes

---

[13] Margaret O'Callaghan, *British high politics*, 114.

[14] *Times*, 7 March 1887.

Act went a step further. In cases of intimidation – the offence was defined and designed to cover a multitude – offenders could be tried before two 'removable' resident magistrates in the absence of a jury.

Armed with his new powers Balfour immediately thrust at the centre. The intention was to seek exemplary punishment against two prominent national newspaper editors *pour encourager les autres*. But the new act, at least where the press was concerned, did not flourish in its early trials. It was tested in a rather unproductive clash with the *Nation* and *United Ireland* followed by an important, and inconclusive action against Edward Walsh of the *Wexford People*. This unpromising debut was followed by a concurrent strategy involving the prosecution of provincial newspaper editors for the publication of the reports of meetings of 'suppressed' branches of the National League, and the filing of charges against newsvendors for selling journals in proscribed areas carrying such reports. An adaptation or tactical adjustment in 1889 saw the adoption of the more easily defensible policy of prosecutions in the case of overt intimidation of specified individuals.

The centrality of this rigorous press policy during the Balfour regime had much to do with the relative indifference of the activist chief secretary towards hallowed notions of newspaper freedom. While acknowledging his reluctance to embark on any blatant attack on the liberty of the press, Balfour clearly had no overweening attachment or affiliation to the concept. It was merely an irksome fact of life with which he had to contend. Accordingly Balfour did not indulge in any agonised Liberal hand-wringing when it came to vying with Irish nationalist newspapers. He merely continued probing to establish how far he could travel down the road of suppression.

Unlike Forster and Spencer in the early 1880s, Balfour had to deal in the House of Commons with a strengthening and cohesive opposition to his policies, especially those involving press controls. As the Irish attorney general, Dodgson Hamilton Madden put it, when contrasting the situation in 1882 with that of 1887, 'the times were certainly different in some respects because the then

chief secretary for Ireland had the support not only of the government but of the opposition.'[15] Balfour faced antagonism from a greatly enlarged Irish Party and the 200-odd Gladstonian Liberals. Neither could he depend on the support of the radical cohort among the Liberal Unionists. This was despite the fact that his methods were hardly any more extreme than those available to and availed of by the Liberals during and after the land war. They were merely applied with enhanced vigour.

Forced to opt for a minimalist policy of outlawing publication of National League branch notices in proclaimed areas Balfour was greatly assisted in his campaign by recalcitrant newspaper editors. These men were often members of the urban elites who dominated the leadership of the Irish National League. Were 'press prosecutions' little more than a mechanism for punishing these men for the leadership positions they adopted in their own localities and their advocacy of the Plan of Campaign? Whether this was the case or not most of the twenty editors or proprietors of national or local newspapers charged under the Crimes Act afforded the administration ample scope for prosecution by their persistent infringement of the law.

In his lengthy and exhaustive opening speech to the *Times* commission the attorney general, Sir Richard Webster, a reluctant advocate for the *Times* and, in reality, spokesman for the Tory government, made it clear that the Salisbury administration saw itself as facing the continuation of a nationalist conspiracy begun by the Land League, 'a concerted and preconceived conspiracy with definite objects, with definite aims.'[16] He included the organs of the nationalist press in that conspiracy. Singled out for mention were the *Irish World, Chicago Citizen, Boston Pilot, Freemans's Journal, United Ireland*, the *Irishman*, the *Nation*, the *Weekly News*, *Cork Daily Herald*, the *Kerry Sentinel*, the *Evening Telegraph*, and the *Sligo Champion*.[17] No doubt the editors of, amongst other

---

[15] *Belfast Newsletter*, 15 February 1890.

[16] *The Special Commission on Parnellism and crime*, 11 vols, (London, 1890) vol.1, 41.

[17] *Special Commission*, vol.1, 43.

journals, the *Wexford People* and the *Roscommon Herald* – not to mention the irascible O'Donovan Rossa - would have felt chagrined at their exclusion from such a 'Roll of Honour.' Webster was merely reflecting the mindset of the chief secretary for Ireland who, early on in his battle with the National League, had identified newspaper reportage of the Plan of Campaign as a significant threat and as one of the main drivers of boycotting and threatening behaviour.[18] Accordingly Balfour chose to accept the gauntlet thrown down by nationalist editors in response to his strategy for dealing with widespread intimidation.

7.2. The Hicks Beach interlude

The government's first job in Ireland on assuming office, in pursuance of Salisbury's promise of 'twenty years of resolute government,'[19] was the extirpation of Liberal influences in Dublin Castle. The Prime Minister did not help his cause by his choice of chief secretary. Salisbury's first Irish minister, Sir Michael Hicks Beach, had the misfortune, in common with many of his predecessors, of being a comparatively reasonable man. In addition he departed from Tory orthodoxy by nurturing the 'earnest and governmentally unpopular belief in the gravity of the renewed agricultural depression of late 1886.'[20] Hicks Beach's intention in acquiescing to a return to Dublin was, in his own words, to 'wipe away the effect of the introduction of the Home Rule bill not merely on the official mind but on the people at large.'[21] This he hoped to achieve with as little fuss as possible. In her study of the formation of Tory policy in the first year of the Salisbury administration Margaret O'Callaghan has written of the new chief secretary that, 'Hicks Beach, in Ireland, still clung to the assumption that the game was the same as previously; that coercion would be

---

[18] Balfour to Buller, 13 March 1887, Balfour papers, BL, Add.Mss. 49826, f.29.

[19] David Steele, *Lord Salisbury: a political biography*, (London, 2004), 200.

[20] O'Callaghan, *British high politics*, 132.

[21] *Pall Mall Gazette*, 15 November 1886.

used if and when serious crime seemed to warrant it, and that simultaneously the legitimate grievances of an oppressed tenantry would be appeased.'[22]

One of Hicks Beach's first tasks on assuming office was to deal with agrarian mayhem in Kerry. The formidable Major General Sir Redvers Buller, scourge of the Zulu and holder of a Victoria Cross, was appointed to tackle the disorder with his customary vigour. However, he quickly 'went native'. Buller's disillusionment with some of the more egregious examples of predatory landlordism in the south-west of the country prompted him to disparage before the Cowper commission many of those whose interests he was supposed to be protecting. This drew an amused observation from *United Ireland*. 'It is clear that before the government suppresses the National League they will have first to suppress General Buller.'[23]

Even the Plan of Campaign, launched in response to the defeat of Parnell's Tenant Relief Bill, in a *United Ireland* article subtitled 'A Memo for the Country'[24] initially 'went unchallenged.'[25] Hicks Beach adopted a comparatively sanguine approach to this striking new development, although he described it a few months after its introduction as 'an effort by concerted action on the part of one class to deprive another class of rights to which the latter class is by law entitled.'[26] The 'Plan' spread quickly on what O'Brien described, with some hyperbole, as 'estates where the people were driven to the last pitch of

---

[22] Margaret O'Callaghan, *British high politics*, 109.

[23] *United Ireland*, 27 November 1886.

[24] *United Ireland*, 23 October 1886. In some analyses the Plan is seen as an undifferentiated response to ongoing agarian issues and a renewal of the agricultural emergency of 1879. Others, like Phillip Bull, see it as 'a reactivation of land agitation to meet the necessities of the nationalist movement.' (Phillip Bull, *Land, politics and nationalism: a study of the Irish land question* (Dublin1996), 104.) Parnell's obvious disapproval would tend add weight to the former interpretation.

[25] Stephen Ball, *Policing the Land War: official responses to political protest and agrarian crime in Ireland, 1879-91*, Unpublished Ph.D. thesis, Department of Historical and Cultural Studies, Goldsmith's College, London, 2000, 114.

[26] 13 January 1887, TNA, PRO, CAB 37/19, 1887 no.1, Memo on Plan of Campaign, 1.

desperation.'[27] The preliminary legal response to this new challenge was guarded. In December 1886 *United Ireland* published a leaked memo from the attorney general, Hugh Holmes, regarding the taking of Plan 'rents' on the Ponsonby estate in Cork. The Crown's leading law officer had, according to the newspaper, informed the local divisional commissioner, Captain Plunkett, that 'I do not see how any action can be taken by the executive.'[28]

Nonetheless even before the departure of Hicks Beach from the Irish Office in March 1887 official concern at the steady progress of the Plan of Campaign, the re-emergence of boycotting as a weapon on Plan estates, and the recrudescence of alleged incitement to intimidation on nationalist platforms and in the press, did prompt a number of measures aimed at re-asserting the authority of the Tory ministry. On 14 December the executive obtained a Queen's Bench court ruling that the Plan was a 'criminal conspiracy.' [29]

Having obtained their Queen's Bench *imprimatur* the authorities struck forcibly at the organisers of the Plan in Loughrea, Co.Galway on 16 December 1886. There Dillon, Matt Harris and David Sheehy, all MP's, and William O'Brien – temporarily without a constituency - were arrested for collecting Plan 'rents' from tenants on the notorious Clanricarde estate[30] in what O'Brien described as 'Sir M. Hicks Beach's first whiff of grapeshot.' [31] A week later the Loughrea prosecution was abandoned, and, in effect, became a State trial for conspiracy in the Dublin police court, with a number of other 'conspirators' added to the docket. These proceedings Conor Cruise O'Brien characterises as being akin to the trials of Parnell and others in January 1881, a mere pretext for 'demonstrating the inadequacy of the ordinary law'[32] and a prelude to the introduction of enhanced coercion legislation.

---

[27] O'Brien, *Evening Memories*, 160.

[28] *United Ireland*, 4 December 1886.

[29] *Freeman's Journal*, 15 December 1886.

[30] *Freeman's Journal*, 17 December 1886.

[31] O'Brien, *Evening Memories*, 192.

[32] O'Brien, *Parnell and his party*, 207.

The Crown discontinued the prosecution after the jury disagreed on its verdict on 24 February 1887.[33]

Hicks Beach, in a memo to the Cabinet in January 1887 had pointed out that it was 'hopeless with the present jury system to prosecute successfully crime of this kind in the counties in which agrarian agitation most prevails.'[34] Hence the metamorphosis of the 'Loughrea' case, the move to Dublin and the discovery that not even predominantly unionist juries could be relied upon to produce a verdict acceptable to the administration. The same memo ominously concluded that, in addition to the use of the crime of conspiracy, promotion of the Plan of Campaign could be punished by alternative means. Hicks Beach wrote that 'those who advocate it by speech or writing may be prosecuted for sedition, or for inciting others to join in a criminal combination.'[35] It would be Arthur Balfour who would follow through on the logic of the latter statement far more robustly than its original author.

The inadequacies of common and statute law in dealing with the promotion of the Plan of Campaign, as mediated through the printed word, were illustrated in the January 1887 prosecution of Jasper Tully, editor of the *Roscommon Herald*.[36] Tully was brought before a jury at the Sligo Winter Assizes on 3 January 1887. He was indicted for 'writing notices tending to incite unlawful meetings or combinations threatening violence' contrary to section 3, chapter 44, 1&2 William IV. This was an 1831 amendment to the so-called 'Whiteboy Acts' of the eighteenth century (15&16 George III) which threatened the publisher of any 'notice, letter or message exciting or tending to excite any riot, tumultuous or unlawful meeting or assembly, or unlawful combination or confederacy …' with incarceration.[37]

---

[33] *Freeman's Journal*, 25 February 1887.

[34] 13 January 1887, TNA, PRO, CAB 37/19, 1887, No.1, Memo on Plan of Campaign, 2.

[35] 13 January 1887, TNA, PRO, CAB 37/19, 1887, No.1, Memo on Plan of Campaign, 1.

[36] See Appendix 1, 'Press Prosecutions,' 5-6.

[37] In the original wording they would be 'transported beyond the seas' but, of course, by 1887 there was no such outlet available to the British government. The amendment was designed to rectify an anomaly in the original law whereby, in the words of Earl Stanley, then chief secretary, 'a

More than half a century after its original passage, in the absence of special legislation, it was disinterred on an *ad hoc* basis by a government wishing to discourage newspapers from publicising the activities of the more activist branches of the League. The option of a full-blown sedition trial – the more obvious vehicle for a press prosecution in the absence of coercion legislation – was not pursued. The experience of the Liberals with William O'Brien in the 1882 'Accusing Spirits' trial, might have served as salutary discouragement. Were it not for the fact that a new coercion law was already in preparation at the time, the Tully prosecution might even be seen as a dry run, designed to establish if the 1831 legislation was still serviceable.

The case was heard before chief baron Palles and what *United Ireland* described as 'a jury well and truly packed. They were Protestants to a man, the Crown having ordered twenty-two Catholics to stand by.'[38]

Tully had published five reports in the *Herald* starting on 17 April 1886 (barely a week after the introduction of the Home Rule bill) of National League meetings at which boycotting resolutions had been passed. In an editorial in his own newspaper at the time of his first committal in November 1886 Tully wrote that he was to be arraigned 'for publishing *bona fide* reports of meetings of a lawful body,'[39] His argument was that the National League was a legal organisation and, *ipso facto*, it was legal to report resolutions emanating from its meetings. Tully sought to base his defence on Section 2 of the 1881 Newspaper Libel and Registration Act 1881.[40] This afforded protection to newspapers in the coverage of public events. Any report so published was privileged 'if such meeting was lawfully convened for a lawful purpose and open to the public.'[41]

---

man who incited to these crimes was punishable with death, while he who committed them was only a misdemeanant.' (HC Deb. 22 September 1831, vol 7, cc487-88.)

[38] *United Ireland*, 8 January 1887.

[39] *Roscommon Herald*, 27 November 1886.

[40] 1881 Cap.60, 44 & 45 Victoria.

[41] *Public general statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty Queen Victoria, 1881*, 366. This section of the Act was amended in 1888 in the Law of Libel (Amendment) Act and was superseded by section 4 of that act which legalised 'a fair and accurate

The prosecution's argument was that the protection afforded by the 1881 legislation did not apply in Tully's case. The meeting, the Crown contended, was private in nature and publication of the reports was 'in the interests of persons who assemble together, and who conspire to do injury and mischief to their neighbours.'[42] In his direction to the jury Palles expressed grave reservations about the appropriateness of the usage of the 1831 amendment. He held 'that the law of criminal libel has no application at all to these prosecutions under the Whiteboy Acts.'[43] The 'well and truly packed' jury voted 10-2 in Tully's favour before being dismissed, for being unable to reach a verdict, by the chief baron. The fact that the statute under which the *Herald* editor had been tried called for penalties of up to seven years in prison may have had an impact on the verdict. The potential sentence was clearly out of proportion to the nature of the alleged crime. This was something the government later conceded in the 1887 Crimes Act when sentences with a maximum tariff of six months (albeit in non-jury courts) were introduced.

The *Freeman's Journal*, which saw the move against Tully as a trial outing for the revival of the 1831 legislation for press-related cases, observed that 'the experiment in Mr.Tully's case is not likely to encourage the Executive to further prosecutions on the extraordinary charge of newspaper Whiteboyism.'[44] Just as the failure of the Loughrea/'State' prosecutions hastened the onset of the new Crimes Act, so did the exposure of the inadequacies of the 1831 legislation ensure that consideration of how to restrain press support for the widespread renewal of agrarian agitation became central to the context in which the legislation was framed.

---

report published in any newspaper of the proceedings of a public meeting' but which defined a 'public meeting' as 'any meeting bona fide and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted.' *Public general statutes passed in the fifty-first and fifty-second years of the reign of Her Majesty Queen Victoria, 1888,*

[42] *Freeman's Journal*, 11 November 1886.

[43] *Freeman's Journal*, quoted in *Roscommon Herald*, 15 January 1887.

[44] *Freeman's Journal*, quoted in *Roscommon Herald*, 15 January 1887.

Arthur James Balfour, with his own particular brand of languid enthusiasm and insouciant energy, happily took up the challenge of devising new ways to thwart the nationalist press.

7.3 'Mr.Golfour' begins his round

Balfour assumed office on 7 March 1887 owing to a debilitating illness that forced the resignation of Hicks Beach. On the same day the *Times* newspaper published, to little fanfare other than a few blasts on its own trumpet, the first of its series of articles on 'Parnellism and Crime.' Balfour would later be a party to the use of that newspaper as a battering-ram in his war against the National League and the Irish Party.

In his seminal work on political violence in Ireland Charles Townshend has noted that 'British rule in Ireland so often found itself paralysed because it could neither operate on English principles (because it did not have sufficient public co-operation) nor abandon English principles and govern by the direct application of force.'[45] This was undoubtedly the case through much of the nineteenth century. But the chief secretaryship of Arthur Balfour was exceptional in many respects. The imperturbable and eminently capable Balfour, a somewhat surprising choice for the position, was not prone to intellectual paralysis and saw no great need to rely on the co-operation of Irish nationalists in their own governance. Equally, however, he was willing to dispense concession as well as repression. Despite his authorship of a work entitled 'A defence of philosophic doubt'[46] Balfour's ministry was not noted for its dubiety.

United Ireland assumed they had got the measure of Lord Salisbury's nephew when they described him as 'a delicate lily of the aristocrary'.

---

[45] Charles Townshend, *Political Violence in Ireland: Government and Resistance since 1848*, (Oxford, 1983), 96.

[46] Arthur James Balfour, *A defence of philosophic doubt; being an essay on the foundations of belief*, (London, 1879).

> He is a rickety and lackadaisical young man whom one could better imagine dining off the contemplation of a sunflower than tackling a problem in statesmanship which foiled Cromwell and broke Mr. Forster's stubborn heart.[47]

Given his well-known passion for the game of golf *United Ireland* took to describing the new chief secretary dismissively as 'Mr.Golfour.'[48] An equally sceptical, though somewhat less acerbic, *Freeman's Journal,* noting Balfour's 'aristocratic languor,' was highly critical of the appointment.

> This young gentleman has three qualifications for the post. He is the nephew of Lord Salisbury; he has no reputation for statesmanship to injure; and he knows nothing of Ireland.'[49]

The *Pall Mall Gazette* exhibited concern for Balfour's life and health. While insisting that the appointment was an unashamed example of nepotism Stead's newspaper suggested that it was 'nepotism not of the patronizing but of the murderous order.'[50]

What no one seemed anxious to highlight was the fact that, as one of his biographers has demonstrated, Balfour had certain useful qualifications for the job in hand. He had, for example, 'displayed resolution in dealing with crofters' disturbances at the Scottish Office.'[51] The new chief secretary, soon to lead 'one of the most controversial Irish administrations of the century,'[52] came to Dublin wielding his 'carrot and stick' policy of physical and moral force unionism. 'Cool and disdainful,'[53] his resolve, in the execution of an extremely difficult portfolio, quickly impressed a number of prominent Castle

---

[47] *United Ireland*, 12 March 1887.

[48] *United Ireland*, 27 September 1890.

[49] *Freeman's Journal*, 7 March 1887.

[50] *Pall Mall Gazette*, 7 March 1887.

[51] Sydney H.Zebel, *Balfour, a political biography*, (Cambridge, 1973), 63. According to Catherine B.Shannon, 'Balfour attributed the crofter no-rent campaign in the Highlands to the contagious example of Irish rural agitation.' (Catherine B.Shannon, *Arthur J.Balfour and Ireland, 1874-1922*, (Washington, D.C., 1988), 23.)

[52] R.J.Q.Adams, *Balfour, the last grandee* (London, 2007), 77.

[53] Crossman, *Politics law and order*, 162.

functionaries frustrated by the apparent pusillanimity of his predecessors. Among these was the young Crown attorney Edward Carson and his more senior colleague Peter O'Brien. The latter referred to Balfour as 'a fearless chief'.[54] The admiration was reciprocated.

Balfour shared his uncle's view that 'severity had to precede conciliation.'[55] Accordingly his Crimes bill, introduced three weeks after his accession to the Cabinet, demonstrated the sort of 'resolution' that was to distinguish his regime. According to Margaret O'Callaghan it unnecessarily 'provoked a confrontation between 'all' of nationalist Ireland and the 'forces of law and order.''[56] Essentially Balfour's bill was a compromise between the proposed three-judge courts of the 1882 Crimes act and the modified suspension of *habeas corpus* implicit in Forster's Protection of Person and Property Act of the previous year. There was very little that was new under the sun when it came to 'special' legislation for Ireland. In cases of boycotting, intimidation and - where the press was concerned - incitement to either, jury trials would be replaced by decisions made in courts of summary jurisdiction (petty sessions, assizes) by two resident magistrates. *United Ireland* noted, wryly, that this signalled an acceptance of the failure of the practice of jury 'packing'. 'They purpose [*sic]* destroying trial by jury because they have failed to corrupt it.'[57] However, unlike the two main Liberal coercion acts of the 1880s, the 1887 law was intended as a piece of permanent legislation.

The nationalist press was a clear barrier to the enforcement of 'physical-force unionism' and dismissive of the efficacy of its moral-force accessory. Accordingly Balfour's crusade to undercut the growing influence of the

---

[54] Baron Peter O'Brien, *The reminiscences of the Right. Hon. Lord O'Brien (of Kilfenora): lord chief justice of Ireland* (Dublin, 1916), 71.

[55] Shannon, *Arthur J.Balfour and Ireland*, 36.

[56] O'Callaghan, *British high politics*, 114.

[57] *United Ireland*, 9 April 1887.

nationalist press, particularly in rural Ireland, was at the core of his ministry. In December 1887 he wrote to his uncle that press prosecutions were 'a necessary element in the policy of suppressing the League' and that 'it will be a very serious matter to allow the newspapers to win.'[58] In parallel with his endeavours to silence the subversive noise from the platform Balfour also sought to silence the dissentient narrative emanating from the printing presses.

However, where the nationalist press was concerned, Balfour was clear on the potential snares awaiting him. He would have to deal with press solidarity, editorial defiance of the law, some highly imaginative legal challenges, in addition to the inevitable judicial and juridical frustrations. But he would also have to contend with the intense scrutiny of the British press, polity and public. As L.P.Curtis has argued, 'English public opinion was more articulate and sensitive on this subject than on any other; and fear of offending this force affected Government policy to a large degree.'[59]

Balfour was conscious of the need to deflect potential criticism from British champions of press freedom in his framing of new legislation. His intent was to avoid drawing unnecessary attention to his plans to curtail the nationalist press by the simple omission of any dedicated press clauses. Shortly before Balfour's own elevation to Cabinet status Major General Buller had been withdrawn from his Kerry eyrie and temporarily promoted to the vacant position of under secretary. Less than a week after assuming office Balfour wrote to his new deputy about his plans to inhibit the activities of the nationalist press in the new Crimes act.

> I hope we shall be able to hit the papers in our bill sufficiently hard without introducing them *eo nomine.* Public opinion is sensitive about phrases though callous about things. I am afraid of the freedom of the press.[60]

---

[58] Balfour to Salisbury, 27 December 1887, British Library, Add. Mss. 49688 ff. 186-9 [Copy].

[59] Curtis, *Coercion and Conciliation*, 210.

[60] Balfour to Buller, 13 March 1887, Balfour Papers, BL, Add.Mss. 49826, f.29.

In the context of regimes of coercion legislation, stretching back to the 1870 amendment to the Peace Preservation (Ireland) Act, Balfour's press proposals for his 1887 bill might have seemed modest enough. The powers vested in the executive under the 1870 act, viewed with a certain nostalgia by some Castle functionaries, were, as already noted, particularly draconian.[61] The 1881 Protection of Person and Property Act had no dedicated press clause but in regions where *habeas corpus* had been suspended that was no obstacle to dealing summarily with obnoxious editors. The focus in that legislation was on those manning the 'engines' and using the 'implements' rather than on the plant itself. The (now expired) 1882 Crimes Act did have a press clause, section 13, but as already noted, this amounted to little more than a retrospective papering over of cracks that had become evident relating to the issue of seizure.

Where Balfour's proposals were different was in the complete absence of any specific reference to the press, and in his circumvention of the problem of securing guilty verdicts against newspaper sedition under the ordinary law, by recourse to summary jurisdiction. Balfour would have been made aware that there was ample precedent for the summary (i.e. non-jury) prosecution of newspaper editors for intimidation or incitement to intimidation under previous coercion legislation. But he hoped to go further. The chief secretary proposed to exceed the severity of the 1882 Crimes Act 'change of venue' provisions by legislating for the removal of trials to London subject to High Court and Privy Council approval.[62] He intended to include newspaper editors in this provision. In correspondence with Buller on 19 March 1887 he outlined his ambitious plans.

> We are all agreed I think that seditious libel should be punished summarily, and that if possible, it should also be punished under the clause providing a special tribunal and a change of venue to London. The former course we shall adopt and the only doubt about the expediency of adopting the latter arises from the complexity of the Law of Sedition, and the apparent difficulty of getting even an English jury to convict under it.[63]

---

[61] *Public general statutes passed in the thirty-third & thirty-fourth years of the reign of Her Majesty Queen Victoria, 1870,* (London, 1870), 143.

[62] Shannon, *Arthur J.Balfour and Ireland*, 37.

[63] Balfour to Buller, 19 March 1887, Balfour Papers, BL, Add.Mss. 49826, f.33.

What is clear from this communication is that Balfour was prepared to make an attempt to stifle editorial commentary, as opposed to simply inhibiting the capacity for press incitement by the publication of boycotting notices. Balfour resented what he saw as the 'lies' purveyed by nationalist newspapers in their editorial columns. His proposal sought to deter some of the more egregious propagandists by eliminating the protection afforded them by a local jury trial. He was, however, persuaded by Hartington to abandon plans to move coercion trials to England,[64] and it was not found necessary to prosecute any newspaper for seditious libel while he was chief secretary. However, Balfour, despite his assertions that 'we do not propose to interfere with the liberty of the press,'[65] clearly intended to challenge, in courts of summary jurisdiction, some of the more outrageous editorial assertions of nationalist newspaper editors.

By the time the legislation had passed he had just as clearly learned something about the limits of his powers. Ultimately he went no further in framing his legislation than to attempt to ensure that the more raucous elements of the National League did not benefit from the publicising of, in particular, their boycotting activities. A month after his Crimes bill passed through the House of Commons – it was signed into law by the Queen on 18 July – Balfour was conceding to Buller that it had not been feasible to punish seditious libel through the agency of two resident magistrates ruling from the bench in an assize court:

> Newspapers are responsible for most of the mischief in Ireland; but I apprehend that a mischievous article is not therefore an article which ought to be prosecuted. There are, in the first place, legal difficulties in the way of getting a verdict, and, in the second place interference with the freedom of the press, is a cry which has more effect in England than almost any other; and it is, besides this, extremely difficult to prosecute a newspaper for an article of a general kind without laying yourself open to the accusation that you are using the Crimes Act to injure a political opponent.[66]

Under the new law offending newspaper editors would be tried before stipendiary resident magistrates at assize courts. Most of those magistrates held their positions

---

[64] Adams, *Balfour*, 83.

[65] HC Deb. 28 March 1887, vol 312, c1651.

[66] Balfour to Buller, 8 August 1887, Balfour Papers, BL, Add.Mss. 49826, f.149-152.

at the pleasure of the Castle. They were characterised by the Irish nationalist press as 'removables' who were paid to do the bidding of the law officers. With the exception of the prosecution of the *Nation* and *United Ireland* in late 1887, all thirty-nine 'press prosecutions' under the Criminal Law and Procedure (Ireland) Act, 1887, up to January 1891, were conducted under the aegis of just such sessional courts.[67] 'Law, evidence, convictions, and sentences are manufactured wholesale at the Castle and retailed at the petty sessions,' railed *United Ireland* shortly after the passage of the act. [68] In the debate on the bill Parnell referred to the magistrates as 'creatures' of the executive.[69] The *Kerry Sentinel* was caustic in its assessment of their judicial neutrality, calling them 'a contemptible pack of parasites who are only hungering to show their soulless servility.'[70]

Balfour reassured the House that the universality of access to the normal appeal process would mitigate any potential injustice inherent in the absence of juries.[71] This guarantee was subsequently nullified in a number of entirely predictable manoeuvres undertaken by magistrates unwilling to be reversed by a higher court. These included the imposition of a single sentence, or cumulative sentences, of fewer then four weeks in duration. Such terms of imprisonment eliminated the right of appeal.

---

[67] See Appendix 1 – 'Press prosecutions'

[68] *United Ireland*, 1 October 1887.

[69] HC Deb. 1 April 1887, vol 313, c268.

[70] *Kerry Sentinel*, 22 November 1887.

[71] *United Ireland*, 28 June 1890.



***United Ireland*, 8 October 1887**

Balfour: "All England is gazing at these horrors; I must put out the light and stab the torch-bearer, or the game is up."

7.4 Creating a new 'Castle press'?

One of the traditional methods used by the Castle to exercise a degree of control or influence on newspapers was the placing of advertisements. This amounted to thousands of pounds a year and at the turn of the nineteenth

century was, for some journals, the difference between solvency and bankruptcy. By the late 1880s it was not such a significant factor in the survival of newspapers but it did impact on their profitability. However, there is little doubt that government advertising was still used in the 1880s to incentivise, coax or pressurise politically *complaisant* newspapers. Just as the Land League could jeopardise the viability of an economically vulnerable regional nationalist newspaper by withdrawing its advertising so could the Castle maintain a subtle whip-hand on marginal unionist journals. Only moderate nationalist newspapers were favoured with government advertising revenues.

The *Nation* clearly saw itself as falling into that category by September 1886. An application was made to the chief secretary's office for official advertisements to be placed with the paper.[72] This was *apropos* a promise from the administration that where appropriate, advertisements would be placed in nationalist weekly newspapers. This followed a parliamentary question from J.J.Clancy MP. Clancy had requested a full list of newspapers, daily and weekly, in which the government placed official notices. William Jackson, secretary to the Treasury, while claiming to the derisive jeers of Irish party members that the government 'never take into account the politics of a newspaper in giving out their advertisements'[73] responded with a listing of a dozen favoured papers.[74] When Clancy pointed out that only two were nationalist Jackson promised to look into the matter.[75] On foot of the exchange in the House of Commons the under secretary's office, on 10 September, requested a report from

---

[72] 13 September 1886, Eugene O'Sullivan, *per pro* T.D.Sullivan, NAI, CSORP 1886/19605.

[73] HC Deb. 10 September 1886, vol 309, cc153.

[74] *Northern Whig, Belfast Newsletter, Cork Constitution, Cork Examiner, Dublin Daily Express, Dublin Evening Mail, Freeman's Journal, Irish Times, Londonderry Sentinel, Tyrone Constitutional Waterford News* and *Galway Vindicator*. He could have added the *Dublin Daily Telegraph* had he been in a position to wait longer before answering Clancy's question, first posed the pervious day.

[75] Clancy at first insisted that only one of the papers included on the list was nationalist. He quickly conceded that there were two. In fact there were three, the *Freeman's Journal*, Thomas Crosbie's *Cork Examiner* and Cornelius Redmond's *Waterford News*.

Superintendent Mallon on 'what are the leading nationalist weekly newspapers published in Dublin?' Mallon responded on 20 September.

> The *Freeman's Journal* of course has the largest circulation.[76] Next to it commercially is the *Nation.* It has a Farmer's column and would be a good medium of advertisement similar to the one in question. I don't know if *United Ireland* cares much for government patronage.

The opinion of government departments as to the value of such a move was canvassed. David Harrel, the DMP commissioner responded that his department's advertising amounted to about £70 per annum and was usually placed in dailies, mostly the *Freeman*, *Irish Times* and *Daily Express*, with occasional recourse to the two evening papers the *Mail* and *Telegraph*. By early October Hamilton and Hicks Beach had decided not to deviate from standard procedure. In a note to the chief secretary, Hamilton wrote 'I see no reason for departing from the usual practice'.[77]

There followed what can only have been a mischievous application from *United Ireland* for government advertising. It clearly did not arise from any inclination to publicise the edicts and directives of the new Tory administration and was certainly not based on financial need. In the period since the Home Rule crisis of April-June the paper had been selling more than 100,000 copies a week. A communication from Westminster to Hamilton informed the under secretary of the application and inquired 'is it in your view desirable that we should do so; either on account of its circulation amongst people who ought to be reached or on account of any trouble to you which a refusal might produce?'[78] Hamilton saw 'no reason so far as the Irish government is concerned for adding this paper to the list.'[79] When a further inquiry from the Inspector of Fisheries sought instructions on another request from the newspaper for advertising Hamilton was equally emphatic. It was left to Hicks Beach to exercise a

---

[76] Mallon was presumably referring to the *Weekly Freeman.*

[77] Hamilton to Hicks Beach, 6 October 1886, NAI, CSORP 1886/19605.

[78] Civil Service commission to Hamilton, 26 October 1886, NAI, CSORP 1886/19605.

[79] Hamilton to Lord Chancellor, 27 October 1886, NAI, CSORP 1886/19605.

modicum of diplomacy. He responded that 'I think it enough to advertise ... in the local newspapers of largest circulation amongst those interested, irrespective of politics. In this case "United Ireland" would not be included.'[80]

United Ireland returned to the issue on a regular basis. In January 1888 it reproduced a memo allegedly sent by Balfour on the distribution of government money for advertising in the public press. The memo noted that:

> The advocacy of particular political opinions is not in itself a sufficient reason for giving or withholding Government advertisements, but 1) The benefit of the doubt should always be given in favour of papers accepting law and order. 2) The fact that a particular paper is boycotted is a strong ground for giving it Government advertisements and a conclusive ground for not withdrawing them if already given.

Describing the memo as 'a shabbier attack on the National Press, if possible, than the imprisonment of editors, newsagents and printers' and 'an outrageous attempt out of the public rates to subsidise bankrupt and scurrilous Coercion rags' *United Ireland* proceeded to parse the memo.

> "The benefit of the doubt" is a very neat way of suggesting that all public advertisements are to be withheld from National newspapers, and that journals "supporting law and order" – *id est*, the savage coercion administration – are to have a monopoly. If a paper is boycotted – that is to say, if a paper is hated and shunned by the public, it is a "strong ground" for filling its columns with advertisements, which the public will never read, paid for out of the pockets of that same public, and intended for their information.[81]

Assuming the memo was genuine – and there was no serious challenge to its authenticity from the Castle – it was clear that despite the promise from William Jackson to J.J.Clancy in September 1886, no significant change was envisaged. It is equally apparent that exchequer funds were actually being used as a form of subsidy for sympathetic newspapers. While the *Daily Express* and the *Evening Mail* were perfectly capable of nipping the hand that fed them, the time-honoured policy of effective subsidy goes some way towards clarifying a

---

[80] Hicks Beach to Inspector of Fisheries, 5 November 1886, NAI, CSORP 1886/19605.

[81] *United Ireland*, 14 January 1888.

journalistic conundrum: how did the predominantly nationalist city of Dublin manage to support three unionist daily newspapers?

7.5 The elusive press provisions of the Criminal Law and Procedure (Ireland) Act, 1887

When introducing the Criminal Law and Procedure (Ireland) Act, 1887 on its first and second readings (the latter coinciding with the publication of the *Times* 'facsimile' letter on 18 April 1887) Balfour, given licence by the absence of any explicit press clauses, or even a single mention of the word, drew precious little attention to the implications of the legislation for Irish nationalist newspapers. In tabling the bill on 28 March 1887 he merely drew attention to the fact that in framing its own equivalent in 1882, the Liberals had appropriated for themselves certain powers now omitted in his own bill. These included 'certain laws relating to strangers, and certain clauses dealing with the Press.'[82] He, rather disingenuously, expressed the belief that 'by giving magistrates power of summary jurisdiction for inciting to these offences we may be able to deal with that class of cases, and prevent the Press from being sharers in these crimes.'[83] In response to criticisms from Gladstone on the occasion of the second reading he observed that 'we bring in a Bill which, whatever else may be said of it, is not open to the charge that it interferes with personal liberty, or with the freedom of the Press, to the same extent as the Act which the right hon. Gentleman passed in 1870 did.'[84]

As far as the Irish nationalist press was concerned the operative elements of Balfour's bill were section 2.2, which related to the use of violence and intimidation, section 2.4 which rendered liable to prosecution 'any person who shall incite any other person to commit any of the offences herein-before mentioned' and

---

[82] HC Deb. 28 March 1887, vol 312, c1656.
[83] HC Deb. 28 March 1887, vol 312, c1651.
[84] HC Deb. 18 April 1887, vol 313, c1222.

section 7 which enjoined against promoting the objects of an illegal association.[85] However, by the time of its passage, having weathered a turbulent and highly personalised Commons debate, Balfour was disposed to make haste slowly in the deployment of the Crimes act against the press. He wrote to Buller in this spirit of *festina lente* shortly after his bill became law.

> Of course I do not mean by this that we are to allow the last sub-section in Clause 2 to remain a dead letter. But I think it ought to be applied with more caution than almost any other portion of Bill.[86]

The radical MP and journalist, Henry Labouchere took issue, in the Commons debate, with Balfour's assertion, 'that his Bill would not affect the Press.' He contended that:

> If the Bill were passed the Press would be at the mercy of the Government, and the Press of Ireland would be subject to such an Act as had never yet been passed in the most despotic Government in the world.

Labouchere also inquired how the government proposed to distinguish between English and Irish newspapers, and deal with any potential 'incitement to boycott' published in an English newspaper that also circulated in Ireland.[87] Labouchere's defence of press freedom was rather more spirited than that of Parnell. The Irish leader's sole intervention in relation to the press provisions came in his speech in opposition to the bill on 1 April. Drawing attention to Balfour's assertion that 'we do not propose to interfere with the liberty of the Press,' Parnell observed, 'oh, no, no; not directly. Everything is to be done indirectly in this Bill.'[88] He then alleged that the powers of the 1887 bill were similar to those invoked under Forster's Protection of Person and Property Act and would allow for the prosecution of employees of papers unconnected with editorial policy. Significantly, when Balfour responded he did not specifically deny the Irish party leader's allegation, choosing instead merely to point out, gratuitously, that the 1870 coercion legislation of the

---

[85] *Public general statutes passed in the fiftieth and fifty-first years of the reign of Her Majesty, Queen Victoria, 1887,* (London, 1887), 51-52.

[86] Balfour to Buller, 8 August 1887, Balfour Papers, BL, Add.Mss. 49826, f.149-152.

[87] HC Deb. 31 March 1887, vol 313, c.100.

[88] HC Deb. 1 April 1887, vol 313, c266.

first Gladstone administration permitted 'the Government to confiscate the whole newspaper and plant.'[89] Parnell can have had no sense that he was partly correct but that the collateral victims of Balfour's putative policy would not be printers[90] and typesetters but humble newsvendors.

After the bill had passed into law, on the occasion of the consequential August 1887 debate on the proscription of the National League, Gladstone returned to the theme of the press provisions of the new legislation. He sought to expose the official mythology that the Irish press had emerged unscathed from the Crimes act:

> No Press Clauses! Not for the world would this Government have the odium of Press Clauses; but it is a new and ingenious invention to avoid the odium of Press Clauses.[91]

Balfour accepted the implied compliment to his ingenuity and declined to address the issue in his response to the Liberal leader.

Despite the paucity of discussion on the issue during the Crimes bill debate the Irish nationalist press was under no illusions as to what the legislation might mean, if pressed to its logical conclusion. A *Kerry Sentinel* editorial was typical:

> There is not a sentence of this article, which our readers are now perusing, but could be by pliant magistrates tortured into an offence against this measure when it becomes law under the excuse of its being aimed at disturbing "the maintenance of law and order."[92]

A constant refrain of the nationalist press following the passage of the 1887 Crimes act was that 'new offences' had been created under its terms. Newspaper editors could now go to prison for publishing reports they claimed had been explicitly legalised by the 1881 Newspaper Libel Act. Balfour always sought to contradict this contention. In the House of Commons on 6 June 1887 he noted of his legislation that 'it has been alleged that new offences are created by it. The Government do not

---

[89] HC Deb. 1 April 1887, vol 313, c275.

[90] With the single exception of Patrick Corcoran of the *Cork Examiner*. See Appendix 1, 'Press Prosecutions', 27.

[91] HC Deb. 25 August 1887, vol 319, c1842.

[92] *Kerry Sentinel*, 8 April 1887.

admit that.'[93] In a discussion document produced for the Cabinet in early 1888 Balfour argued the point even more vigorously:

> The [press prosecutions] … have been restricted solely to cases of persons who persistently and defiantly took a most prominent and dangerous part in the working of illegal associations, by publishing notices, not as matters of public interest, but with a view to furthering … unlawful objects.[94]

After the National League was suppressed as a 'dangerous association' in areas proscribed by the lord lieutenant the *Nation* announced that it intended to stymie Balfour, the inveterate golfer, by offering space in its columns to the reports of suppressed branches of the League.[95] The *Freeman's Journal* criticised the censorious elements of the legislation but decided against defiance of the law. An important aspect of Balfour's policy was to guard against just such a development.[96] The *Journal* took to heart the words of the chief secretary in a speech in Manchester in which he set out his intentions in relation to the Irish press.

> Mere abuse will be treated with contempt, but when it comes to open advocacy of crime ... you have become criminals, and, as criminals I shall proceed against you.[97]

7.6 Challenging the Crimes Act

Did the struggle between Balfour and nationalist newspapers that followed the imposition of the Crimes act have much to do with the advancement of the cause of press freedom? Or did the national and local press editors who defied the law do so, primarily, to tweak the lion's tail and advance the cause of agrarianism in general and the Plan of Campaign in particular? Was Balfour

---

[93] HC Deb. 7 June 1887, vol 315, c1255.

[94] TNA, PRO, CO 903/2, series no.vi, 3, (Undated – probably February 1888).

[95] *The Nation*, 27 August 1887.

[96] Balfour to Salisbury, 27 December 1887, BL, Add. Mss. 49688 ff. 186-9. [Copy].

[97] Adams, *Balfour*, 85.

seeking to curtail the commentary and influence of the nationalist press in jailing editors? Or was he simply arresting prominent nationalist leaders, who also happened to be newspaper editors, while holding the press to account for the defiance of pre-existing laws on incitement?

Clearly it was of paramount importance for the noises emanating from the Irish nationalist journalists to be invocations of press freedom – this played to important constituencies in Britain which might, otherwise, be disinclined to support a continuation of the agrarian excesses of the land war era. It was equally an imperative of the Conservative government to deny such legitimacy to their nationalist press opponents. Balfour would always steadfastly maintain that he was not attempting to subvert press freedom. He was simply applying the same logic to the rogue press as he was to other malefactors. Neither stance, of course, is entirely to be trusted or accepted at face value.

The nationalist position on press imprisonments was encapsulated in a *Cork Daily Herald* editorial after the incarceration of its editor, Alderman John Hooper, in December 1887.[98]

> Alderman Hooper ... has simply discharged his duty as a journalist – a duty which, thank God, but few journalists in Ireland to-day wish to shirk.[99]

It was a bald statement of doctrinal purity. Nationalist editors would go to jail to maintain freedom of expression in the Irish press. While this was true, up to a point, it was also an idealistic facade behind which lurked the frequent fellow-travellers of the ideologue, special pleading and reputation enhancement.

Balfour's own justification for the incarceration of Hooper, and many other nationalist editors, is best expressed in a memo to Cabinet written at a time when few members of the profession had actually been prosecuted. Balfour was not one who was much given to passionate public statements of self-

---

[98] See Appendix 1, 'Press Prosecutions,' 14.

[99] *Cork Daily Herald*, 21 December 1887.

exculpation or explanation. This expression of his philosophy was reserved solely for his government colleagues.

He argued that a newspaper publishing a fact about a crime or a 'criminal' society, as an item of news, with no ulterior motive, was not liable to prosecution.

> A newspaper, however, which deliberately devotes its columns to the publication of matter ... avowedly with the intention of advancing and furthering the objects of a dangerous, illegal association, at once forfeits its position as an ordinary journal.

Irish journals, wrote Balfour, had absolute licence to criticise government policies or officials 'and this liberty, to which the freest press in the world is alone entitled, is at the present moment exercised in Ireland without let or hindrance to an extent and with a personal bitterness of vituperation which is certainly not exceeded, if indeed it can be approached, by the journals of any other nation.'[100]

By the end of August, 1887 Sir Joseph West Ridgeway had replaced Buller as under secretary[101] and the National League had been declared a 'dangerous association' by the House of Commons, thus making its activities liable for suppression in areas proscribed by the lord lieutenant. Even the unionist *Dublin Evening Mail*, a newspaper prone to 'angry myopia'[102] was unable to excite itself very much at the prospect of government action. It displayed little confidence in the resolve of the administration to curtail the activities of the League.[103] *United Ireland*, while issuing instructions to branches in suppressed areas as to how to proceed in the event of suppression, also counselled caution. It pointed out how things had changed since the land war. In the dying days of 1882

---

[100] TNA, PRO, CO 903/2, Series No. V, 3-11, February 1888.

[101] Balfour had written to Londonderry, the Lord Lieutenant, of Ridgeway, a highly esteemed colonial civil servant that 'he is an Irishman by birth, which is a good thing; but has never lived in Ireland; which is not a bad thing.' (Balfour to Londonderry, 12 August 1887, BL, Add. Mss. 49826, ff.159-160.)

[102] Patrick Maume, ' "This Proteus of politics": the *Dublin Evening Mail* on Gladstone, 1868-1898' in Daly and Hoppen, *Gladstone: Ireland and beyond* (Dublin, 2011), 103.

[103] Quoted in *United Ireland*, 27 August 1887.

the Land League had the bulk of the forces of British politics ranged against it. In 1887, in contrast, the Liberal party was antagonistic towards 'the rash and outrageous proceedings of the Government.' and its 'cruel and oppressive policy' in Ireland.[104] *United Ireland* warned:

> All this entails responsibility. That alliance removes the element of desperation from our councils and replaces it by the element of restraint. It now lies upon every true man within his sphere to do his best to see that nothing is done in rashness or despair.[105]

As threatened after the passage of the Crimes Act the *Nation,* once the lord lieutenant had proscribed the first National League branches – in Wexford as it happened - duly flouted the law by publishing reports of branch meetings. It was joined in this action by *United Ireland.* In their respective issues of 1 October 1887 the two newspapers carried rather innocuous reports of meetings on Sunday 25 September of the Shelburne branch of the League, held at Ramsgrange, Co.Wexford and the Carriganima branch in Co.Cork, among others.[106] This, according to the Crown, was done 'with the view of promoting the objects of the association' and was contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887.[107] In the subsequent court case Sullivan 'made no attempt to deny that publication was with this object'[108] and, in an editorial, claimed that Balfour's 'mandate was treated with the most perfect contempt on last Sunday by all the branches of the League, against which his proclamation was directed.'[109] *United Ireland* had not only wilfully flouted the

---

[104] Gladstone to Sullivan, 7 October 1887, quoted in J.B.Hall, *Random records of a reporter* (Dublin, 1928), 232.

[105] *United Ireland,* 27 August 1887.

[106] *United Ireland,* 1 October 1887, *Nation,* 1 October 1887.

[107] *Freeman's Journal,* 7 October 1887.

[108] TNA PRO CO903/1/4, 5 'Press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act up to the 31st March, 1890.'

[109] *Nation,* 1 October 1887.

law but had issued a provocative challenge to Dublin Castle to take action against it in an editorial entitled 'What are they going to do about it?'[110]

Sullivan and O'Brien were both summoned to appear before the divisional magistrate C.J.O'Donel at the Northern divisional police court on 6 October 1887. O'Brien failed to make any appearance whatever for his own trial. The outcome of Sullivan's was utterly disconcerting and potentially damaging for the Crown. O'Donel, a magistrate neither beloved of the Castle nor employed at the pleasure of the executive, dismissed the case. He held that the prosecution had failed to establish that the convocation that took place in Ramsgrange on 25 September was actually an assembly of the Irish National League.[111] Pending the outcome of a Crown application for a case to be stated to a superior court, proceedings against O'Brien and *United Ireland* were suspended. The *Daily Express* was critical of O'Donel, describing him as 'needlessly fastidious, not to say crochety.' It added ominously that if O'Donel's judgment was allowed to stand 'the press clauses are, so far as we can see, unworkable.'[112] The *Evening Mail* held the Crown counsel, a young Edward Carson, to be largely responsible for the fiasco. [113]

United Ireland attacked the entire procedure, pointing out that 'there is not one sentence in the reports complained of to which any reasonable man could take exception.'[114] Four columns to the right of this comment the journal carried another series of reports on the activities of suppressed branches. The *Nation* also repeated the offence for which its editor had been tried.[115]

The *Nation*, in addition, echoed a point made a few days earlier by the bi-weekly *Wexford People*, a journal soon to find itself in similar straits. Its editor,

---

[110] *United Ireland*, 1 October 1887.

[111] *Freeman's Journal*, 7 October 1887 – see also Appendix 1, 'Press Prosecutions', 7.

[112] *Daily Express*, 7 October 1887.

[113] *Evening Mail*, 7 October 1887.

[114] *United Ireland*, 8 October 1887.

[115] T.D.Sullivan, *Recollections*, 238.

Edward Walsh, outlined two apparent anomalies in the proceedings being taken against Sullivan and O'Brien. The first was that the officers of the Ramsgrange branch, apparently, faced no charges themselves for organising the 25 September meeting. Secondly, the unionist *Irish Times* had also carried a column entitled 'Meetings of the suppressed branches.' In this the paper had run the same report of the Ramsgrange meeting on Monday 26 September as was carried by both nationalist weeklies the following Saturday. [116]

The latter anomaly, mischievously and disingenuously pointed out repeatedly in the months ahead by the nationalist press, was not actually indicative of any legal inconsistency on the part of the administration. The *Irish Times*, *Dublin Evening Mail* and *Daily Express* often carried reports of suppressed National League branches, but clearly did not do so with the intention of 'promoting the objects of the association.'[117] In that sense the southern unionist papers afforded a useful cover for Balfour in his assertions that an item of news published 'with no ulterior object in view, is no more liable to prosecution in Ireland than it is in any other portion of the kingdom.'[118] The former anomaly, on the other hand, was never clearly addressed by the administration,[119] and reinforces the belief that one of the intentions of the Crimes act legislation was not the prosecution of the small fry at officer level in local branch networks but of the rather more influential figures in the local press who were, almost on principle and as a visible act of defiance, obliged to continue coverage of National League activities.

---

[116] *Wexford People*, 5 October 1887.

[117] Neither the Liberal or Tory administration was eager to confront the 'aggressive breaches of verbal decorum, like those of the populist nationalist journals' indulged in by unionist newspapers like the *Evening Mail* (Maume, 'This Proteus of politics' in *Gladstone: Ireland and beyond*, 120) although to have done so would have disarmed allegations of partiality and allowed for action against similar excesses in nationalist journals. However, to have challenged either would have jeopardised the official assertions that censorship of commentary was *ultra vires*.

[118] See fn.110

[119] Other than to point out that many of the newspaper accounts were of fictional meetings (see below)

The consternation of the executive at the failure of their first tilt at the nationalist press was mitigated by the decision of the Exchequer court in the hearing of the 'case stated'. There, chief baron Palles, a judicial figure far less beloved of the Castle than even the Dublin divisional magistrate,[120] and Mr.Justice Andrews reversed the police court ruling on the charges against Sullivan and remitted the case to that court to be reconsidered by O'Donel.[121] Anticipating a positive outcome in the Exchequer court, West Ridgeway had already written to Balfour hinting that on the grounds of expediency 'I am inclined to think that it will be better not to continue this particular prosecution but merely to say that the law having been now defined by the highest legal authorities any future infraction of it will be promptly punished.'[122] His suggestion was based on legal opinion tendered by the law officers.

Balfour, responding immediately, was not similarly minded. Although normally *ad idem* with the resolute West Ridgeway, the chief secretary's instincts on this occasion were to be much more aggressive than his subordinates. He would occasionally, in his campaign against the press, have to be persuaded by Salisbury to modify his belligerence.[123] In this instance he informed the under secretary that 'I confess my first inclination would be to go ahead ...We have now got our weapon and we must use it with vigour.'[124] Balfour's opposition to the proposed *nolle prosequi* may have emanated from low expectations of the quality of the legal advice he was getting.[125] Salisbury had warned him of the pusillanimity of his law officers a few weeks before, when he wrote to his nephew 'you have the stupidest lot of lawyers in Ireland any Govt. [*sic*] was ever cursed with.'[126]

---

[120] Curtis, *Coercion and conciliation*, 194.

[121] *Freeman's Journal*, 11 November 1887.

[122] West Ridgeway to Balfour, 7 November 1887, BL, Add. Mss. 49808 f.4-6.

[123] For example, in relation to the prosecution of newsvendors. See below (Chapter 8).

[124] Balfour to West Ridgeway, 8 November 1887, Add. Mss. 49808, f.7-10.

[125] Curtis, *Coercion and conciliation*, 209.

[126] Salisbury to Balfour, 14 October 1887, cited in Robin Harcourt Williams, *The Salisbury-Balfour correspondence, 1869-1892* (London, 1988), 212.

After the successful Exchequer court appeal ruling on 10 November 1887 West Ridgeway again urged the chief secretary to drop the cases against Sullivan and O'Brien. While accepting that both *United Ireland* and the *Nation* should be penalised in the event of repeat offences he advised against a return to O'Donel's court. His reasons were outlined in a letter to Balfour on the day of the favourable ruling of Baron Palles:

(a) We are winning, and can afford to be generous if we can do so without injury to the public interests. A semblance of generosity would have a good effect and somewhat disarm our opponents in England.
(b) Our object is to *deter*. If the papers in question cease the publication of the reports of suppressed branches we have gained our end. If they continue the publication we may at once prosecute. [127]

But where the continued prosecution of Sullivan was concerned Balfour's view prevailed and the case returned to the Dublin police court on 2 December. There O'Donel sentenced Sullivan to two months in prison.[128] Sullivan waived his right to appeal. However, the case against O'Brien was not pursued because, in the interim, he had become an inmate of Tullamore prison arising out of his appearance before the magistrates at Mitchelstown. The *Daily Express* heaved a sigh of relief and patted the administration on the back. 'The recent action of the government is all that can be desired.'[129]

7.7 Balfour and *United Ireland*, 1887-1890

---

127 West Ridgeway to Balfour, 10 November 1887, BL, Add. Mss. 49808, ff. 14-17.

128 As a first class misdemeanant, thus guaranteeing him a less rigorous prison regime than that of a felon and rather less onerous than the norm for subsequent Crimes Act prisoners. In Richmond prison he occupied the same cell allocated to Edmund Dwyer Gray in 1882 but he was soon transferred to the more spartan Tullamore prison. TNA, PRO, CO 903/1/4, 5, 'Press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March 1890.' and TNA, PRO, CO 903/2, 23 November 1887, 'Report on treatment of first class misdemeanants.'

129 *Daily Express*, 3 December 1887.

The prosecution of the *Nation* was the first and last case pursued to a conclusion by the Tories against any nationally circulated newspaper. In contrast to the prolonged struggle between the Liberal government and *United Ireland*, the Conservative administration declined to take the Parnellite journal to court after the initial inconclusive charges in October 1887. Beyond that first arraignment, and despite a number of clear opportunities and provocations, *United Ireland* appeared to lead a charmed life. The obvious question is, why, given its inestimable capacity for inflicting propagandistic damage on the Balfour administration, was this the case?

By 1886, as O'Brien put it himself '*United Ireland* was now in the full tide and torrent of its power.' The high water mark of its circulation – 125,000 – was 'reached with the number that presented a coloured portrait of Gladstone.' [130] From being a drain on the resources of the Land League in 1881-82 the newspaper was, apparently, channelling a generous proportion of its profits into the coffers of the National League by mid-decade. O'Brien mentions the sum of £2000 as being forwarded 'for the national funds' in 1886. This is largely confirmed by accounts for the Irish Newspaper and Publishing Company that show an excess of income over expenditure for the financial year – ending 31 August 1886 – of £1943.[131] The newspaper also had as a fighting fund 'a considerable sum to our credit in the Hibernian Bank.[132]

From the time of the passage of the 1887 Crimes act O'Brien ceased to have much day-to-day connection with *United Ireland*. His name continued to appear on the back page as the sole proprietor of the journal and, as he acknowledged to the *Times* commission in 1889, he was still responsible for its editorial content. But, due to his involvement with the Plan of Campaign, and his frequent incarcerations for incendiary speeches, the actual editing of the newspaper passed to barrister and journalist Matthias McDonnell Bodkin. He

---

[130] O'Brien, *Evening Memories*, 168.

[131] O'Brien papers, University College, Cork, UCC-WOB-PP-AA, f.81, Accounts for the Irish National Newspaper & Publishing Company.

[132] O'Brien, *Evening Memories*, 168.

was described by O'Brien as 'a devoted friend, who during my now constant compulsory absences conducted the paper with a combined daring and wisdom that was never at fault in the perilous years of our mortal combat with Mr. Balfour.'[133] By his own acknowledgement Bodkin wrote virtually all the newspaper's editorials between September 1887 and December 1890 and during that period '*United Ireland* was conducted in defiance of the laws of libel.'[134]

Less well-recognised than the contribution to *United Ireland* of Bodkin was the editorial influence of John Dillon. This dated from as early as 1887, when Dillon was instructing Bodkin to deal with a perceived *faux pas* of Davitt's.[135] The following year Dillon, along with Timothy Harrington, intervened directly in preventing the publication of an editorial written by a disillusioned O'Brien after Parnell's speech to the 80 Club in London in May 1888 in which he had disparaged the Plan of Campaign. O'Brien had written a leader that Bodkin was instructed to publish. It concluded, 'we cannot honestly endorse Mr.Parnell's reasoning; we loyally and finally bow to his authoritative judgment.' [136] Dillon wrote, 'had it been published it would have utterly ruined our movement and driven me and others out of public life.'[137]

In his memoir of his period as acting editor of *United Ireland* Bodkin makes no reference whatever to any participation on the part of Dillon in editorial decisions. But the frequency of the former's correspondence and its often peremptory tone suggest that Bodkin was circumscribed in exercising his editorial remit and

---

[133] O'Brien, *Evening Memories*, 354.

[134] Matthias McDonnell Bodkin, *Recollections of an Irish judge: press, bar and parliament* (Dublin, 1914), 150.

[135] Dillon to Bodkin, undated, 1887, NLI MS 10702, F.S.Bourke collection.

[136] O'Brien to Dillon, 10 May 1888, John Dillon papers, TCD, MSS 6736, f14.

[137] Dillon memo, 9 May 1888, John Dillon papers, TCD, MSS 6736, f13. Dillon's involvement in editorial decisions continued up to the cessation of Bodkin's own connection with the newspaper in December 1890. A number of pieces of correspondence of that year point to the influence wielded by Dillon. In these Bodkin is supplied with copy, instructed as to content and upbraided for the inclusion of articles that 'irritate O'Brien excessively and can not serve any object.' (Dillon to Bodkin, three notes, 16 June 1890, Monday [undated], Saturday [undated], 13 November 1890, NLI MS 10702, F.S.Bourke collection.)

answerable not just to O'Brien. It is notable that during Bodkin's tenure as O'Brien's deputy *United Ireland's* praise of Dillon's speeches and actions became increasingly extravagant. Dillon virtually replaced Parnell as *primus inter pares* in the editorial columns of the newspaper. During a period in which the party leader ruled almost *in absentia* he was virtually supplanted by his most influential deputy in the panegyrics of the Parnellite newspaper.[138]

Just as Bodkin, not unexpectedly, extolled the virtues of the Irish Party leadership in the columns of *United Ireland*, so did he continue the O'Brien practice of excoriation of the 'enemy.' Into this category fell Tory ministers and politicians, unionist leaders and journalists, Castle functionaries, policemen, and resident magistrates. The frequency of Bodkin's rhetoric of animosity during the tenure of the Conservative administration was on a par with that of O'Brien's during the period of Liberal governance.[139] How *United Ireland* avoided a raft of personal libel suits during this period remains something of a mystery. It must be assumed that many of its 'victims' did not want to be seen to sue a journal of such 'ill-repute' while for others there was actually an element of cachet in being attacked in its columns.[140]

Matthias McDonnell Bodkin acknowledged in his memoir *Recollections of an Irish Judge* that '*United Ireland* in my time had not only immunity from libel actions, but stranger still it had immunity from coercion prosecutions.'[141] He

---

[138] For example, 19 May 1888, 23 June 1888, 22 September 1888, 29 September 1888, 9 March 1889, 29 June 1889.

[139] See Appendix 2 – In the most relevant categories, A2/A3/B, between 1881-85 (inc.) there were 212 editorials – between 1887-90 there were 202. O'Brien's monthly average, including the period of his Kilmainham incarceration, was, therefore 4.03 while Bodkin's was 4.20.

[140] In addition to the dozens of stipendiary magistrates who might have had legal claims against *United Ireland*, many other public and private citizens could have opted to sue the newspaper. Judge William O'Brien was, for example, described as 'the most corrupt judge on the Irish Bench' (27 October 1888). Captain William O'Shea was once described as a, 'furtive professional pimp and go-between' (3 November 1888). A Crown prosecutor in Tipperary, Arnold Power was described by *United Ireland* as 'a pimp and a spy' (30 March 1889) without any consequences. Unionist journalists and editors were regularly subjected to defamatory abuse but made no legal response.

[141] Bodkin, *Recollections*, 150-51. Bodkin even went so far as draw the attention of the executive to its own dereliction. In one issue of *United Ireland* he wrote that 'we presume we

failed to offer any explanation as to why this might have been the case. The understandable reluctance on the part of public officials to take on *United Ireland* in the civil courts was clearly matched at executive level in Dublin Castle. This disinclination was often noted by the journal itself and by other nationalist newspapers. At least one, the *Waterford News*, in 1890, contrasted this phenomenon with the government's enthusiasm for prosecuting the provincial press.

> The Balfourian government dares not enter the lists with *United Ireland* – evil deeds by stealth is their motto and they satisfy their revengeful cravings by slinking into a provincial town and striking a blow at the proprietor of a provincial journal.[142]

In the early months of the operation of the Crimes act there does appear to have been an intention on the part of the Conservatives to commence a struggle with *United Ireland* comparable to that of their Liberal predecessors. With O'Brien on bail, pending appeal after the Mitchelstown trial, the Castle became interested in who might replace him as editor. Balfour himself inquired of his subordinates in October 1887 'if O'Brien's sentence is confirmed who will be responsible for *United Ireland* when he is in Gaol?'[143] In a follow-up communication to the DMP West Ridgeway urged the police to investigate the matter and identify O'Brien's successor.[144] In response the DMP commissioner, David Harrel, pointed out that the newspaper was distributed by Messrs Charles Eason and Son, and that 'I have no doubt that Mr.Eason or some person in his establishment may be relied on to prove as to the carrying on of the business of the paper.'[145]

In early January 1888, *United Ireland* itself clearly advertised the fact that the Castle was about to move against it. It flagged to its readers the warning that the chief secretary 'has nerved himself to walk into the lion's den in Lower Abbey-

---

should be grateful to the brave Mr.Balfour for the immunity from prosecution which he kindly permits us' (*United Ireland*, 21 September 1889)

142 *Waterford News*, 14 June 1890.

143 Balfour, memo, 25 October 1887, NAI, CSORP 1887/18986.

144 West Ridgeway, marginal note, 26 October 1887, NAI, CSORP 1887/18986.

145 Harrel to West Ridgeway, 7 November 1887, NAI, CSORP 1887/18986.

street.'[146] Whatever information, if any, the newspaper had obtained leading it to anticipate such a raid, turned out to be inaccurate. The offices of the newspaper were left untouched.

Not that the executive had given up on the idea of punitive action against the newspaper. In April 1888 West Ridgeway was inquiring of the chief secretary whether he believed '*United Ireland* should be proceeded against. That newspaper has, in its last number, intimidating notices.'[147] The following month the under secretary gave as his reason for seeking an extension of the Crimes act to the city of Dublin that 'we cannot strike at *United Ireland* or the central League until that section has been extended.'[148] Balfour seemed to indicate his acquiescence in a letter of 19 May 1888 pronouncing himself inclined 'to proceed, at all events, against *United Ireland*.'[149] A hint as to why no action was actually taken is contained in the last line of Balfour's letter in which he urges West Ridgeway to 'hurry up the attorney general.'

While Balfour and West Ridgeway occasionally demanded action against *United Ireland* it would appear that the law officers required an especially high standard of evidence to persuade themselves to initiate a prosecution against the newspaper. The mere fact of the publication of notices of suppressed branches was deemed insufficient to merit prosecution in the case of the Parnellite weekly. Even in the context of a change of emphasis, from March 1888, in the nature of press prosecutions, the law office evinced a clear reluctance to take action.[150]

However, despite the enforcement of this modified regime in the case of local newspapers, *United Ireland* still appeared to be exempt from prosecution. In June

---

[146] *United Ireland*, 7 January 1888.

[147] West Ridgeway to Balfour, 10 April 1888, BL, Add. Mss. 49808, ff.101-102.

[148] West Ridgeway to Balfour, 16 May 1888, BL, Add.Mss 49808, f.144-149.

[149] Balfour to West Ridgeway, 19 May 1888, BL, Add. Mss. 49826, ff. 516-8.

[150] A slight relaxation in the prosecutorial regime at that time meant that evidence of 'local injury' consequent on boycotting or intimidation, as opposed to the mere publication of reports of suppressed branches was, in future, required before the initiation of legal proceedings. (Balfour to West Ridgeway, 13 March 1888, BL, Add. Mss. 49826 - ff. 377-385.)

1890, for example, a firearms attack on a tenant farmer in Clare, James Molony of Ballykinnacurra, forced him to give up his share of an 'evicted' farm he had taken along with three others. Details of the condemnation of Molony, issued by the suppressed local National League branch, had been carried in *United Ireland*. That alone might not have been sufficient to rouse the law office, but there were additional aggravating grounds for action. West Ridgeway wrote to the chief secretary about the case on 25 June 1890.

> Here is a case against *United Ireland* which it may be desirable to prosecute. *United Ireland* denounces and an attempt to murder follows. I would put the whole working staff of the newspaper into the dock if the A.G. [*sic*] thinks that a prosecution can be instituted.[151]

Balfour immediately sought an interview with the attorney general but no action was taken. Shortly thereafter the other three shareholders in the joint enterprise handed back their shares to the landlord. This prompted West Ridgeway to write to Balfour that, despite his recommendation for the prosecution of *United Ireland*, 'its intimidation has now appeared to be successful.'[152] An appended note in the relevant file, initialled by Balfour, instructed the attorney general that 'this should be dealt with promptly.' More than a month later the file was still circulating among law office functionaries and nothing had been done. The file was then mislaid and, yet again, no action was taken against *United Ireland*. It is clear from the documentation on the case that the law officers were seeking, unnecessarily under the strict terms of the Crimes act, to establish a definite connection between the sanctions ordered by the National League against Molony, an attack that took place on him, and his decision to give up his share of the evicted farm. The reluctance of the law officers to prosecute is as apparent as the frustration of their political masters.

So, while there was little ambivalence over the prosecution of local newspaper editors under the Conservatives, there was distinct lack of enthusiasm for confrontation where *United Ireland* was concerned. In his own memoir, written almost thirty years after the events in question, O'Brien offered a, rather obvious,

---

151 West Ridgeway to Balfour, 25 June 1890, NAI, CSORP 1890/14986.

152 West Ridgeway to Balfour, 21 July 1890, NAI, CSORP 1890/14986.

explanation for the Tory reluctance to prosecute. Referring to Hicks Beach, O'Brien pointed out that he was given ample provocation but 'maybe his Dublin Castle advisers were rather disposed, from gruesome experiences of their own, to give him exaggerated fore-warnings against treading again the bitter Calvary of Forster and Spencer.'[153]

West Ridgeway appeared to give credence to O'Brien's 'vestigial memory' explanation. In one of his anti-*United Ireland* diatribes to Balfour, in September 1888, based actually on a Bodkin editorial on the magistracy - 'Devils citing scripture' - the under secretary suggested that 'the law officers be instructed emphatically that the first opportunity is taken of prosecuting O'Brien for articles such as this. I say "emphatically" because there is decidedly an inclination in the Law Room to leave O'Brien alone and I do not think that it is based entirely on legal grounds. It would be a great coup to run him in on such a charge.'[154] The under secretary appeared to hold the denizens of the law office in some contempt. After the debacle of Pigott's *Times* commission evidence and suicide, he took a perverse pleasure in the 'dismay' of the Castle's legal establishment, referring to them in a letter to Balfour as 'our weak-kneed brethren in Dublin.'[155]

L.P.Curtis acknowledges this consistent lack of will on the part of the law officers (even Balfour's personal favourite, attorney general Peter O'Brien) ascribing it entirely to a simple reluctance to arraign (William) O'Brien, a reluctance that also extended to the prosecution of Dillon. 'The truth was these two men caused the administration almost as much trouble in prison as they did when free. The Irish law officers never enjoyed the prospect of prosecuting them.'[156] Given the amount of time O'Brien[157] spent in prison or on bail during the late 1880s it is difficult to

---

[153] O'Brien, *Evening Memories*, 169.

[154] West Ridgeway to Balfour, 29 September 1888, BL, Add. Mss. 49808 ff.234-235.

[155] West Ridgeway to Balfour, 4 March 1889, BL, Add.Mss. 49287.

[156] Curtis, *Coercion and conciliation*, 204

[157] A man described by West Ridgeway as 'the meanest and most malignant reptile crawling.' West Ridgeway to Balfour, 29 September 1888, BL, Add. Mss. 49808, ff.234-235.

accept that the Castle was not prepared to prosecute him, however reluctant they might have been to do so. But this could have been an unspoken factor in the failure to deal rigorously with *United Ireland.*

A further complicating factor was that many of the reports being carried in *United Ireland*, and in local newspapers, of the activities of National League branches, were bogus. As early as December 1887, long before the Crimes act had definitively proved its effectiveness in suppressing the activities of the National League across most of the country, the RIC was reporting that meetings in proscribed districts, advertised in the nationalist press as having taken place, were actually fictional. An RIC Sergeant in Macroom, Co. Cork outlined what was really happening:

> On Saturday evening the Secretary draws up a report of the meeting dated for the next day, Sunday, in which he gives a list of resolutions passed, &c., &c. ... and the report duly appears in the newspaper.[158]

The following year out of twenty-seven meetings reported to have taken place in Co.Kerry the RIC deemed twenty-two to have been bogus.[159] The practice continued into 1889. A Cabinet memo, circulated by Balfour, noted that 'imaginary proceedings of imaginary meetings are concocted by the Secretary and an account sent to the local newspapers, or *United Ireland.*'[160] However, it should be noted that in no instance was a case taken to court in order to expose such alleged fictions. It must also be borne in mind that it would have suited the local constabulary to claim that a high percentage of reported meetings were spurious.

Perhaps the conviction of the administration that a sizeable percentage of the reports of National League meetings carried in the paper were bogus might well have been tested in the courts. While prosecutions would probably have collapsed had cases

---

[158] TNA, PRO, CO 903/2, series 1, 13, memo, (undated but after 24 December 1887), 'Bogus reports of Irish National League meetings.' There are similar RIC claims in TNA, PRO, CO 903/2, series no.iv, 25 and TNA, PRO, CO 903/2, series no.vi, 19, and numerous other Cabinet and CSORP files.

[159] Curtis, *Coercion and conciliation,* fn.220

[160] 20 February 1889, TNA, PRO, CAB 37/23, 1889, no.5, 'Political condition of Ireland, January, 1889.'

been based on reports found to be false, the potential for the embarrassment of *United Ireland* and the implication that the health of the League at local level was based on such fictions, might have been worth the effort.

But did the reluctance to take on *United Ireland* begin and end in the Dublin Castle law office or did it actually extend all the way to the top? Was there an element of caution and restraint where Balfour was concerned as well? Was there a distinct unwillingness to become involved in a war on too many fronts simultaneously? A crucial indicator as to Balfour's strategy came in a memo to West Ridgeway written a year after the publication of the Crimes act had emphatically demonstrated the new chief secretary's robust approach to public order issues. It signalled a potential change in tactics, one that tallied with the inherent caution of the law office.

This was written at a time when only half a dozen cases had been taken against newspaper editors, all but one of which were for the mere publication of the notices of suppressed branches of the National League.[161] The memo found Balfour in circumspect mode, possibly chastened by the difficulties encountered in the Sullivan case and the failure, on appeal, of the case taken in October 1887 against Edward Walsh of the *Wexford People*. He informed the under secretary that, with regard to future press prosecutions 'my inclination, at this moment, is to hold our hand, to watch events carefully; to take careful note of any illegal publication; (especially when it is of intimidatory character); and to watch how far impunity will conduce to increased violations of the 7th section.' He continued in prudent vein, while emphasizing that 'these observations I do not make dogmatically':

> Interest in the Irish controversy is, for the present, diminishing on this side of the Channel; and I am rather unwilling to revive it by a fight at what is after all the weakest point in our line of defence; i.e. – the press prosecutions. I think, if we went at anybody we should be obliged to go at *United Ireland,* and there would come to be a life and death struggle between that newspaper and the Government, having among its incidents

---

161 The exception was the prosecution of P.A.McHugh, editor of the *Sligo Champion,* for intimidation of tenants in two articles. See Appendix 1, 'Press Prosecutions,' 30.

> repeated prosecutions, and, possibly, imprisonment of William O'Brien. This ... might have, among its other consequences, that of reviving the waning influence of the newspaper in question.[162]

So, while counselling a prudent approach, it is apparent that Balfour was only advocating this policy because, as he perceived it at least, there was no necessity to ratchet up the conflict with *United Ireland* into a 'life and death struggle.' This would involve contending with O'Brien, a journalist with a high degree of visibility among committed advocates of press freedom in England (some of whom were in the ranks of the Liberal Unionists). A similar sentiment dictated discretion when it came to the possibility, mooted in 1888, of prosecuting T.P.O'Connor's *Star* newspaper in England for criminal libel after it described the death of John Mandeville in July 1888 as 'murder.'[163]

When the press campaign was later intensified the targets were vulnerable local newspaper editors rather than the more celebrated and prominent proprietors of *United Ireland* and the *Star*. The Parnellite newspaper itself overtly acknowledged as much in 1890 when it wrote that '*United Ireland* is exempted because an attack on *United Ireland* would inevitably attract public attention.'[164]

Left unstated in Balfour's memo on that occasion was the possibility that an over-vigorous approach to *United Ireland*, leading to, at worst, its closure, would put pressure on the more moderate *Freeman's Journal* to issue a challenge of its own to the administration by infringing the Crimes act. A few months before, in correspondence with the prime minister, Balfour had mooted the possibility that any sign of weakness on the part of the administration might prompt a *Journal*, already coming under just such pressure, to ape its nationalist rivals. Back then, in December 1887, he had noted that 'our proceedings have produced a violent attack by the partisans of the offending newspapers against the *Freeman's Journal* which

---

[162] Balfour to West Ridgeway, 13 March 1888, BL, Add. Mss. 49826 - ff. 377385.

[163] When the idea was put to him by the chief secretary, West Ridgeway indicated his approval, writing to Balfour that 'I think the prosecution of the "Star" very desirable.' (West Ridgeway to Balfour, 13 July 1888, BL, Add.Mss 49808 f.183-184.) When wiser counsels prevailed in London, the under secretary expressed regret that 'the prosecution against the "Star" has fallen through.' (West Ridgeway to Balfour, 14 July 1888, BL, Add.Mss 49808 f.185-186.)

[164] *United Ireland*, 16 August 1890.

has kept within the law – *not* I need hardly say through loyalty, but through fear.' He went on to predict that 'if we give up the battle the *Freeman* will of course go in heart and soul for the suppressed branches, and our difficulties will be greatly increased.'[165] However, the logic of his initial observation to Salisbury was that Gray's paper[166] might come under even more pressure to conform to nationalist newspaper 'orthodoxy' if the government came down too heavily on *United Ireland* in particular.

As noted by Marie-Louise Legg, behind every decision made during this period to prosecute a newspaper, however insignificant its circulation, was the recognition of another ineluctable reality, that to do so meant conferring on the 'victim' the status of nationalist martyr.[167] *United Ireland* often goaded the administration on this count.

> We are not insensible to all Mr. Balfour's delicate compliments. Still less are we insensible to splendid advertisements he has given us *gratis* – our order books forbid us to be that.[168]

Balfour would have been well aware of the role played by Liberal coercion policies in the growth in popularity of the Parnellite newspaper. While O'Brien was appearing on public platforms and making himself personally liable to prosecution for sedition there was no particular need to afford extra publicity to his newspaper by making him additionally accountable for its content.

In their separate memoirs O'Brien and Bodkin boast about the potential prison sentences, running into thousands of years, racked up by both men under the terms of the Crimes act. Yet neither served a single day in jail under the Conservative administration on foot of an article or editorial published in *United Ireland*. The government did not lack for provocation and, notwithstanding an ill-disposed

---

[165] Balfour to Salisbury, 27 December 1887, BL, Add. Mss. 49688, ff.186-9.

[166] Shortly to be owned by Edmund Dwyer Gray Jr. after the death of his father on 27 March 1888.

[167] Legg, *Newspapers and nationalism*, 113.

[168] *United Ireland*, 7 January 1888.

Dublin divisional magistrate in O'Donel, did not lack for evidence to ensure a successful outcome had either man ever been brought to trial. But a fear of the reaction of the British press to any act of censure on a newspaper seen as the mouthpiece of Parnell – now under the protective wing of Gladstone - allied to a reluctance in the law office to revisit the scene of previous reverses, conspired to keep *United Ireland* out of the magistrates courts. Had the political will been there to 'proclaim' Dublin things might have been different. The under secretary was eager to take on just such a challenge. Writing to Balfour in May 1888, expressing, *inter alia*, misplaced confidence in the prospects of a successful consummation of the *Times* case against the Irish party, he went on to advocate a final *coup de grace.*

> If it is successful then I would suggest that advantage be taken of public feeling for a general advance all along the line, on our part. If we could strike at the N.L [*sic*] in Dublin and at *United Ireland* I really believe that we should finally triumph and the movement would be overcome.[169]

His optimism would soon sink in the quicksands of Piggotism.

Was it a mistake on the part of the authorities to leave well enough alone where *United Ireland* was concerned? Given the rigorous policies pursued by Balfour against local newspapers (to be outlined in the next chapter) it might be assumed that little, if anything, was lost, by leaving *United Ireland* untouched. Indeed an appropriate sense of haughty disdain might have been conveyed by the Castle's inertia. The good fortune of the Parnellite journal, in largely avoiding prosecution, might have been seen as, or represented as, a statement of the irrelevance of the newspaper. However, given what we know of the thinking of the Castle on the subject, this was obviously not the case. The documentary evidence shows that the authorities were never very far from taking action. Neither would Irish nationalists, purchasing more than 100,000 copies of the paper each week, have given any credence to such an analysis.

It is difficult to see in any sustained struggle between the Tories and *United Ireland* any result other than a repetition of that which eventuated in the conflict between the newspaper and the Liberals. The nationalist journal would have been buffeted and perhaps temporarily chastened but would have survived and continued its

---

[169] West Ridgeway to Balfour, 15 May 1888, BL, Add.Mss 49808, f.142-143.

provocative commentary. If the suspension of *habeas corpus* in 1881, and the incarceration without trial of most of its employees, did not result in the closure of the paper then it is difficult to see the less drastic use of summary jurisdiction inflicting any permanent damage. When the paper became largely irrelevant, at least as far as the Castle administration was concerned, after 1891, the damage was entirely self-inflicted.

In his study of violence in Irish nationalist politics under the Union, Charles Townshend sees much of the alienation of popular sentiment and resistance to the legal strictures of the British administration as 'not merely negative. It was rather the upholding of a different system of law or of social control.'[170] In this context *United Ireland* can be seen as the *Dublin Gazette* of this alternative Irish polity, this parallel legal system based on a substituted consent. Just as the population as a whole could do nothing to avoid the publication of the edicts of the lord lieutenant in the *Gazette*, other than to pay little or no attention to them, the Tory government chose to undermine the edicts of *United Ireland* by essentially ignoring it. The Castle's alternatives were limited.

---

[170] Townshend - *Political Violence in Ireland*, 5.

Chapter Eight

Rude provincials: the government and the nationalist local press, 1887-91

'The English people will never submit to Ireland being deprived of what they regard as one of the elementary privileges of free citizens. And therefore if we cannot govern Ireland with an unshackled press, we must give up hope of governing it at all.'[1]

(Arthur Balfour to James West Ridgeway, 19 May 1888)

'The Government that can only maintain itself in a country by wholesale Press prosecution is *ipso facto* tried and condemned.'[2]

(*United Ireland*, 16 August 1890)

8.1 Engaging the fringe

Balfour's admission to his under secretary in May 1888, that he could not envisage governing Ireland indefinitely with a constrained press, was merely a moment of temporary fragility in a generally potent campaign to curb what he viewed as the excesses of a local despotism in print. When it came to the appropriateness of his policies there was a general absence of self-doubt and uncertainty about Balfour. But by early 1888 he must have been somewhat frustrated by his relative lack of success in silencing the more rabid elements of the nationalist press. He would also have been irked by a dearth of cabinet collegiality when it came to Tory resistance towards those English hearts bleeding copiously for freedom of expression in Ireland, and keeping all and sundry well-informed of their blood loss.

As will be outlined in this chapter, in their war with the provincial press Balfour and West Ridgeway opened a number of different fronts and adopted a variety of

---

[1] Balfour to West Ridgeway, 19 May 1888, BL, Add. Mss. 49826, ff. 516-8.

[2] *United Ireland*, 16 August 1890.

alternative approaches. They began injudiciously and ineffectually but developed their thinking rapidly and proved flexible enough to moderate their strategy. Having feinted at the centre they assaulted the periphery, doing so with a display of tactical variation that, while often imaginative, was not always wholly successful. Unlike his Liberal predecessors Balfour refused to become bogged down in a centralised pantomime battle against a highly visible and resourceful foe. Instead he opted for a series of localised and relatively low-profile skirmishes rather than choosing a single set-piece encounter. The occasional frustrations he experienced were either at the hands of his own hesitant law officers or judicial figures over whom he had no influence.

Although few of the local newspaper editors who became his victims would have been greatly flattered, Balfour's approach to his core 'press problem' was an endorsement of the growing influence of the nationalist provincial newspaper industry. In the words of the principal authority on the subject, Marie-Louse Legg, 'the provincial press in nineteenth-century Ireland gradually realized its power to act as a lever in local affairs.'[3] As unionist, independent and neutral papers slowly disappeared or recused, avowedly 'nationalist' journals began to prosper. Between 1850 and 1890 the percentage of local papers describing themselves as 'independent' or 'neutral' in the *Newspaper Press Directory* declined from 31% to 24%.[4] The political activism of a number of provincial editors like Jasper Tully in Roscommon, P.A.McHugh in Sligo and T.S.Cleary in Clare, enhanced their status and, in the cases of the former, the circulations of their journals. In the process 'they stimulated both new-fangled nationalism and local identity.'[5]

But Balfour's assault on the most vocal elements of the provincial press was also a recognition of the more fractured nature of the agrarian opposition emerging from 1886 onwards. Rapid capitulation on the part of some of the few landlords directly targeted by the Plan of Campaign left a relatively small number of estates directly

---

[3] Legg, *Newspapers and nationalism*, 172.

[4] Legg, *Newspapers and nationalism*, 173.

[5] L.M.Cullen, 'Establishing a communications system: news, post and transport.' in, Brian Farrell, ed., *Communications and community in Ireland*, (Cork, 1984), 27.

involved in this recrudescence of agrarian activism. Localities surrounding landholdings like those of Clanricarde in Galway, or the Ponsonby properties in Cork, could be added to the traditional centres of agrarian irredentism, such as Kerry and Clare, to create a national 'outrage map.' It was largely in these areas, proscribed by the lord lieutenant soon after the passage of the Crimes act, that the Castle chose to challenge the impunity, immunity, and often the hegemony, of local newspaper editors.

That this challenge was of crucial importance to both sides was acknowledged by one of the early victims of the new dispensation, John Hooper, editor of the *Cork Daily Herald*, in a speech to the Shanbally, Co.Cork branch of the National League. He told the meeting, on 23 October 1887, that 'with the disappearance of the publicity of these Leagues would disappear these Leagues themselves. Publicity is their existence, and that is what the Government know, and that is why they want to intimidate the journalists of Ireland.'[6]

Neither was Balfour in any doubt as to the crucial importance of coming to grips with one of the most powerful weapons in the armoury of the National League and the Plan of Campaign. In December 1887, he wrote to Salisbury that 'the general public regard the press prosecutions as a separate department (so to speak) of our policy. This is not so. It is an element, and, I fear, in some shape or another, a *necessary* element in the policy of suppressing the League in Clare and Kerry. It must be judged therefore not by itself, but in conjunction with the general question of dealing with the League.'[7]

There was a clear element of misdirection on the part of the Tories in the ensuing struggle with the provincial press. While liberal opinion in England waited and anticipated further sallies against the *Nation* and *United Ireland*, the Castle got on with the real job in hand. This was the less palpable task of suppressing, one by one, some of the primary agents of concerted resistance to Balfour's 'physical force unionism.' But there was an equivalent sleight of hand evident in the response of the beleaguered provincial editors. The narrative created was one of a plucky local press

---

6 *Cork Daily Herald*, 21 December 1887.

7 Balfour to Salisbury, 27 December 1887, BL, Add. Mss. 49688, ff.186-9.

struggling for the maintenance of the basic freedoms enjoyed by their British brethren. Like all good misdirection there was an element of truth in the nationalist assertions of victimhood. But the real imperative was the one enunciated by Hooper in Shanbally in October 1887. The arteries must be kept open or the patient would die. Though decked out in the garb of the championship of free speech the nationalist provincial editors were mostly facilitators of the Plan endeavouring to protect their vibrant, insurrectionary bulletin boards.

Hooper was one of the first to claim warrior status. He did so in addressing the court in the course of proceedings against him on 19 December 1887.[8]

> They passed a law to prevent journalists from publishing what in all the previous history of journalism was a perfectly innocent proceeding ... I considered that I would betray one of the most sacred trusts in this world – that is the independence of a journalist - were I to yield to it.[9]

In case, as seemed likely, Tory elements of the influential British press did not succumb to the 'freedom of expression' narrative, newspapers like Edward Walsh's *Wexford People* were eager to point out the inevitable consequence of any partisan tampering with press autonomy.

> If today under the Tories it be the right thing to prosecute a National or Liberal organ for publishing reports of meetings which Tory journals may publish at pleasure, it follows that to-morrow under a Liberal administration it will be equally within their right to prosecute Tory organs.[10]

In conducting his press campaign Balfour was anxious not to add to the kudos or enhance the credentials of the men he was prosecuting. The administration had no wish to create even more local heroes and nationalist 'martyrs.' In this regard he had to resign himself to almost inevitable failure. In the case of Hooper, for example, his paper reported that on his arrest, he was cheered all the way to jail and, as he was being led from the court 'his friends congratulated him on the distinction paid him by Mr.Balfour.'[11] A major element in the occasional reluctance of Dublin Castle to

---

[8] See Appendix 1, 'Press prosecutions,' 14.

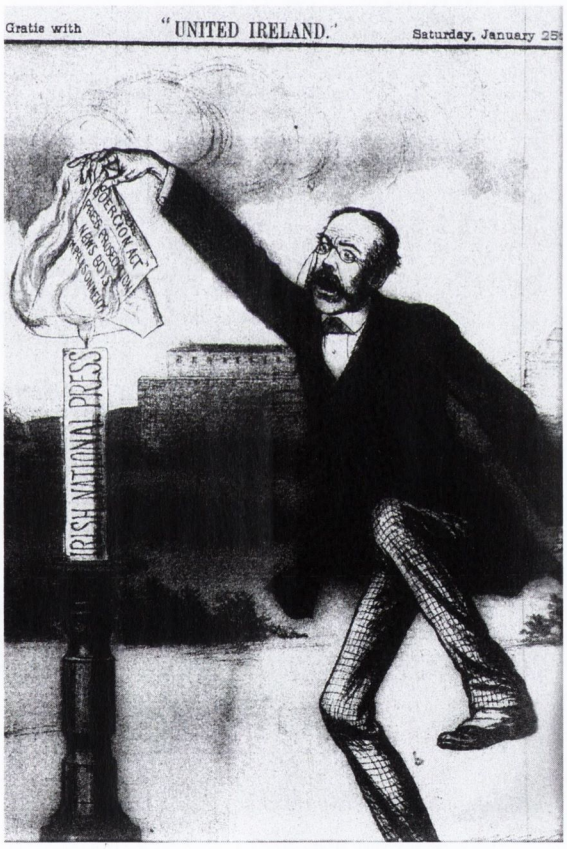
[9] *Cork Daily Herald*, 20 December 1887.

[10] *Wexford People*, 5 October 1887.

[11] *Cork Daily Herald*, 20 December 1887.

prosecute was the, purely political, rationale of denying Irish nationalist scribes the inevitable local and national esteem associated with prosecution.

Some of the imprisoned editors may also have had an eye on the bottom line. Publishing nationalist local newspapers in the 1880s, despite the relatively small circulations involved, was turning into a viable business. For the proprietors, incarceration would almost inevitably result in increased circulation. Some editors, possibly driven by commercial rivalry, became newly galvanised by a form of competitive self-sacrifice. The cynical might suggest that it was as if they were required to be out of circulation in order to increase circulation. As Marie-Louse Legg has observed, 'the prosecution of journalists presented to men not backward in the skills of self-publicity, heaven-sent opportunities to exhibit themselves as constitutional leaders who were being pilloried by government.'[12]



United Ireland, 25 January 1890

---

[12] Legg, *Newspapers and nationalism*, 124. This is not to suggest that for example, the Harringtons in Kerry were motivated to support the National League solely because it was in their financial interests to do so. However, at least one Kerry newspaper, the long established *Tralee Chronicle*, had folded in May 1881 because of its failure to offer sufficiently fulsome support to the Land League. (Donnacha Sean Lucey, *Land and popular politics in county Kerry, 1872-86*, (Unpublished PhD thesis, Dept. of History, NUIM, 2007, 9.) Another, the *Kerry Weekly Reporter*, adopted an independent nationalist

8.2 The Crown v the *Wexford People – redux*

In December 1882, Edward Walsh, proprietor of two Wexford newspapers, the *New Ross Standard* and the *Wexford People*, had been jailed for five weeks under section 7 of the 1882 Crimes act for intimidation arising out of the publication of an illegal notice. Although he had the 'distinction' of being the first, and one of the few, local newspaper editors convicted under the terms of the 1882 Crimes act, Walsh's second appearance before a 'coercion' court, this one in October 1887, was of even greater significance. His case was heard in Wexford, before resident magistrates McLeod and Bodkin, a few weeks after the debacle of the attempt to prosecute T.D.Sullivan and William O'Brien in Dublin. Another failure by the Crown to convict would have been a potentially debilitating defeat. Walsh was summoned to appear before the Wexford magistrates to face six charges. They included reporting a speech by John Redmond in which he had encouraged National League branches in proscribed areas to remain active, and a report on the same Ramsgrange meeting that had led to the prosecution of Sullivan and O'Brien.

When the *Wexford People* editor appeared at Wexford assizes on 19 October 1887 there was a lot at stake and considerable interest in the case. Among the onlookers were Wilfred Scawen Blunt and his wife.[13] Edward Carson handled the brief for the Crown, Healy defended. The Crown case was brought under section 2 of the Crimes act. An immediate adjournment was sought by the defendant. This was opposed by Carson. However, the rationale he offered was extremely revealing. He challenged the need to adjourn on the grounds that 'there was a rumour going through the country at present that the working of this Act of Parliament had failed in the hands of those who at present govern this country, and the adjournment of that case would tend to discredit the working of the Act.'[14]

---

line and was never prosecuted, despite regularly publishing reports of suppressed branches of the National League. It often outsold the *Sentinel* (Legg, *Newspapers and nationalism*, 127) and was subject to occasional editorial attacks by its rival as it fell short of Parnellite orthodoxy. In the context of competition for circulation with the *Reporter* and another local, the Tralee-based *Kerry Independent*, the incarcerations of Harrington for his journalistic activity can have done him little harm amongst nationalist newspaper readers in the county.

[13] *Freeman's Journal*, 20 October 1887.

[14] *Wexford People*, 22 October 1887.

It was not an argument that would have been expected to weigh very heavily with an independently-minded bench influenced by ideas of distance between the legislature and the judiciary. In the *Wexford People* of 22 October Walsh himself wrote that 'the plea of the Crown Counsel that if the justices did not summarily convict it would be a discrediting of the Crimes act, itself was a clear and imbecile insult to the independence of the Court.'[15] An adjournment was duly granted.

Before the resumption of the case Gladstone inserted himself into the controversy over press prosecutions in Ireland. In a speech to a Liberal party audience at Derby on 20 October he assailed the censorious elements of the Crimes act with little obvious consciousness of the irony of his comments. Citing 'a determined purpose to strike at those two great and main pillars of our freedom – the liberty of the Press and the liberty of the public meeting' he went on to assert that 'picking holes in an article by Mr.O'Brien, or by some more obscure editor of some local newspaper in Ireland ... ought never to be subject to the interference of the Executive.' In a tacit acknowledgment that he might be laying himself open to charges of hypocrisy and cynical exploitation, given that his own government had itself prosecuted two of the three editors then before the courts, the Liberal leader argued that 'it is a mistake, it is a gross and mischievous error to place the Act of the present year in the same category with previous measures of coercion, because ... their object was different.' The 1882 act was conceived 'with a *bona fide* intention of dealing with crime' whereas the 1887 variation was designed to inhibit 'lawful, natural ... and necessary combinations.'[16] Given the nature of his audience Gladstone's jesuitical distinction went unchallenged.

When the assize court reconvened Carson pressed ahead with his case. A local RIC constable testified to having purchased a copy of the *Wexford People*, that of 24 September, in Walsh's office. Carson then handed in a return made under the Newspaper and Libel Registration Act showing Walsh to be the proprietor of the *Wexford People* and the prosecution case closed. Walsh's defence, that the announcement of the proclamation of the National League had not been posted in

---

[15] *Wexford People*, 22 October 1887.

[16] *Daily News*, 21 October 1887.

local police stations before the Ramsgrange meeting, was dismissed by the magistrates. He was sentenced, respectively, to a month and two months imprisonment with hard labour on the two principal charges.[17] The magistrates agreed to state a case to the Exchequer court. Walsh was released on bail pending that appeal. This attracted the ire of the *Daily Express*, which held that 'much of the value of this conviction as a deterrent is impaired by the delay in the execution of the sentence'[18]

Walsh was far from chastened by the initial outcome of his case. The *Wexford People* claimed in an editorial that 'he has asserted the liberty of the Press and the liberty of speech.' Walsh inquired facetiously when Redmond would be brought to trial for making the speech he had merely reported and asked how two Wexford magistrates could have sentenced him to two months imprisonment on a charge that had been dismissed in the Dublin Police court and consideration of which was still pending in a superior court.[19]

Walsh also found a surprising champion in the man whose own Crimes act had imprisoned him in 1882. At a Liberal gathering in Portsmouth on 27 October, former home secretary, William Vernon Harcourt, noting the disparity of civil freedoms as between the two jurisdictions, referred to the sentence on the editor of the *Wexford People* as being 'for publishing the proceedings of a meeting which every newspaper in England might publish with perfect impunity.'[20] On 2 November, unperturbed, the *Wexford People* carried another account of a meeting of the Ramsgrange and Sutton branch of the National League. It reported that the gathering had been interrupted by the arrival of the RIC.[21]

Chief Baron Palles and Justice Andrews heard the case stated by the Wexford magistrates in February 1888 and accepted Walsh's original defence. In his judgment

---

[17] *Freeman's Journal*, 25 October 1887.

[18] *Daily Express*, 26 October 1887.

[19] *Wexford People*, 26 October 1887.

[20] *Daily News*, 28 October 1887.

[21] *Wexford People*, 2 November 1887.

Palles ruled that 'to suppress an association in any particular district, an order for its suppression must not only be made but published, and "published" in the "prescribed manner," and that until it has been so published the suppression of such association is not complete.'[22] The verdicts against Walsh were reversed. Events dictated that this was not a significant setback for the government. Essentially, given that the particular set of circumstances prompting the court's decision was non-recurring, the verdict was largely irrelevant to anyone other than Walsh himself.[23]

8.3 The Munster circuit: the *Kerry Sentinel* and the *Cork Daily Herald*

Immediately following the verdict of the Exchequer court in the Crown's appeal against the dismissal of its charges against T.D.Sullivan, the under secretary made it clear what his next objective was. West Ridgeway wrote to Balfour 'we should now I think prosecute vigorously. I would begin with the "Kerry Sentinel" – Harrington's paper.'[24] He didn't specify to which Harrington he referred but the following month the Castle pursued both. On 25 October 1887, Edward Harrington, editor of the *Sentinel*, had declared unambiguously in an editorial that he intended to defy the Crimes act.[25] Throughout October and November 1887 the Kerry newspaper published reports of suppressed branches. In its issue of 29 November 1887 the *Sentinel* reported on a number of, now illegal, National League branch meetings and claimed that the executive would undoubtedly have faced violent reprisals for its repression 'were it not for the action of the National Press in affording a vent for the opinions of the people while counselling them to patience.'[26]

---

[22] *Freeman's Journal*, 23 February 1888.

[23] Although he escaped prison on this occasion Walsh later earned the 'distinction' of being one of only two local newspaper editors – the other was Edward Harrington - to be jailed for his journalistic, as opposed to his political, activities under the 1882 and the 1887 Crimes acts.

[24] West Ridgeway to Balfour, 10 November 1887, BL, Add. Mss. 49808, ff. 14-17.

[25] *Kerry Sentinel*, 25 October 1887.

[26] *Kerry Sentinel*, 29 November 1887.

Thus armed, the administration failed to await even the second Police court verdict against the proprietor of the *Nation* before moving against the editor and former editor of the *Kerry Sentinel*, the brothers Edward and Timothy Harrington. The latter was, of course, one of the principal architects of the Plan of Campaign. Edward Harrington was first to go before the magistrates. Anticipating the move against his paper he had travelled from England in order to be arrested.[27] He was tried in Tralee on 8 December for having published in the *Kerry Sentinel* on 29 November a report of a suppressed branch of the National League contrary to section 7 of the Crimes act. The court offered to release Harrington on his own recognisances if he would undertake to publish no such reports in future. Harrington declined the opportunity to do so, and was sentenced to a month's hard labour.[28] The *Kerry Sentinel* commented that its editor and proprietor had been jailed 'for doing that which in any other country would be regarded as a public duty.'[29] It duly continued to publish reports of the meetings of suppressed branches in the county.

On 19 December, Timothy Harrington was charged with the same offence as his brother. The National League secretary had actually divested himself of his interest in the newspaper he had established in 1878. However, an administrative oversight on his part allowed an opportunistic prosecution to be taken against him. Prior to proceeding against Edward Harrington the certified copy of the registration entry for the *Sentinel* in the office of the Registrar of Newspapers in Ireland had been examined. This showed that the *Sentinel* was still registered in the joint names of both Harringtons, though the older brother insisted he had instructed that his name be removed. On 19 January 1888 Timothy Harrington similarly refused to give security for good behaviour and was sentenced to six weeks imprisonment. The magistrates agreed to state a case but, according to a chief secretary's office memo 'the case was never pressed by the Crown' so no further proceedings took place. [30] No reason was

---

[27] *Kerry Sentinel*, 2 December 1887.

[28] TNA, PRO, CO903/1/4, press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March, 1890, 7, no.3 – The "Kerry Sentinel."

[29] *Kerry Sentinel*, 9 December 1887.

[30] TNA, PRO, CO 903/1/4, press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March, 1890, 8, no.4 – The "Kerry Sentinel."

given for this failure to pursue the case against Harrington but it is clear that, like O'Brien, his other activities made him amenable to the law so there was no particular need to prosecute such a prominent figure for press-related offences. Edward Harrington was subsequently tried and convicted for a similar offence in December 1888,[31] receiving the maximum six-month sentence, but Timothy Harrington was never again prosecuted on foot of his connection to the *Kerry Sentinel*.

The logic of the successful foray against the *Kerry Sentinel* was pursued in a simultaneous high-profile case against Alderman John Hooper, editor of the *Cork Daily Herald*. The *Sentinel* was in a different category to many other provincial newspapers in that it was published twice weekly. Most nationalist local papers were weeklies. The *Herald* was a daily newspaper that was not nationally circulated. However, with sales of 2,000 in the city of Cork and 17,000 in the county and beyond it was one of the most influential publications in Munster.[32]

Hooper was also charged on fifteen separate counts with the publication of the reports of meetings of suppressed branches. A notable feature of Hooper's case was the one-month terms he received in the two cases that were pressed by the Crown. The imposition of sentences of one month or less, meant, of course, that the defendant did not have access to an appeal court. The multiplicity of charges that in the circumstances, the Crown was enabled to bring against defendants, therefore allowed for the imposition of consecutive sentences, amounting to highly punitive verdicts, without fear of reversal.[33]

---

31 *Freeman's Journal*, 1 January 1888.

32 Legg, *Newspapers and nationalism*, 127.

33 TNA, PRO, CO 903/1/4, press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March, 1890, 9, no.5 – The "Cork Herald." Timothy Harrington, *A Diary of Coercion –Volume 1 - Being a list of cases tried under the Criminal Law and Procedure Act–From 17th August, 1887 to 16th March 1888 with Brief Explanations of the Offences Charged, and Extracts from the Newspaper Reports of the Trials,* (Dublin, 1888), 35.



United Ireland, 3 March, 1888

8.4 Balfour and the newsvendors

Having experienced early setbacks and partial success in his initial drive against the nationalist press Balfour soon added a variation to his tactics. With the jury out - metaphorically speaking of course, as there were no actual juries involved - on the efficacy of his Crimes act assault on the supply side of the press problem, Balfour chose to take on the middlemen. However, initially at any rate, his parallel policy of striking at the sellers of newspapers like *United Ireland* and the *Cork Daily Herald* emanated from the somewhat over-zealous activities of a resident magistrate. It developed, though in a peripheral context, into something of a proxy battle against *United Ireland*.

Shortly after the Wexford Assize court sentenced Edward Walsh to two consecutive terms of a month's imprisonment the *Cork Examiner* reported that the RIC had begun visiting newsvendors in Killarney and ordering them not to expose placards or

papers 'giving accounts of suppressed branches of the National League.'[34] The vendors were being instructed to withdraw advertisements for *United Ireland* and the *Cork Daily Herald* from the streets outside their premises and remove both newspapers' cartoons from their windows. This, and much of what followed, was being done, not on the instructions of Dublin Castle but on the initiative of the divisional magistrate for Kerry and Clare, Lieutenant Colonel Alfred Turner.[35]

The reaction amongst the shopkeepers varied. One, named as McSweeney, dutifully complied. A second, John Breen refused to do as required. A third, Jeremiah Brosnan, whose shop was in New Street, went as far as to *place* an offending placard in a prominent position it had not previously occupied. A few days later the same police actions happened in Tralee and later again the process was repeated in Ennis, Co. Clare. The first newsvendor arraigned in the opening of this 'second front' was neither Breen nor Brosnan, though their turns would come, but a publican, shopkeeper and National League officer in Ennis, Denis McNamara. He was charged under section 7 of the Crimes act at Ennis petty sessions on 24 November 1887. McNamara had actively courted prosecution by leaving an advertisement in the window of his shop announcing that he would 'have an unlimited supply of *United Ireland* for sale on Thursday next, November 24 1887 at ten o'clock. God save Ireland.'[36] A fund was raised for his defence. The American journalist, William Henry Hurlbert, a supporter of government policies in Ireland, was in Ennis around the time of McNamara's trial. He recorded a conversation he had about the case and the fund.

> ' "It'll be a good thing for him," said a cynical citizen, to whom I spoke of it, "a good deal better than he'd be by selling the papers." '[37]

---

[34] *Cork Examiner*, 24 October 1887.

[35] Balfour to Salisbury, 27 December 1887, BL, Add. Mss. 49688, ff. 186-9. Balfour wrote, and then crossed out, the words, 'I am having a full report of all these newsvendors cases made out. They were undertaken by Turner *without reference to us.*' [His italics]

[36] *United Ireland*, 26 November 1887.

[37] William Henry Hurlbert, *Ireland under coercion; the diary of an American*, (London, 1888), 279.

McNamara was defended by John Redmond MP. He made the obvious case to the magistrates that the shopkeeper had no editorial control over the content of the paper. He appealed to them, to no avail, not to establish a precedent whereby a newsboy or newsvendor could be jailed for the illegal contents of a newspaper 'while those primarily responsible were allowed to go scot free.'[38] *United Ireland* insisted that the actions of the RIC were illegal and that the Ennis trial offered an opportunity 'for testing the question of interference with our agents.' [39] Given the expressed opinion of, among others, the distinguished jurist Sir James Stephens, that everyone who sold a paper was responsible for its contents, it is unlikely that any such test, had it actually transpired, would have been successful.[40]

McNamara was sentenced to seven days in prison without hard labour. When he defiantly insisted that he would continue to sell the newspaper and called for 'three cheers for William O'Brien' the magistrates added a further week to his sentence for contempt of court.[41] No application was made to state a case to a higher court. If the idea had been to turn McNamara's defence into a test case, that intention was abandoned. The one-week sentence meant the defendant had no right to appeal to the county court. *United Ireland* claimed that after the case its Ennis sales increased by a third.[42] It also urged vendors to oppose the new strictures being placed on them until the actions of the administration could be tested in court.[43]

On 29 November the aforementioned John Breen faced charges of selling *United Ireland* and the *Cork Daily Herald* contrary to section 7 of the Crimes act. Breen, after initial resistance, agreed not to sell either paper in the future.[44] The defiant Jeremiah Brosnan was arraigned on the same day as Breen and on the same charge.

---

[38] *United Ireland*, 3 December 1887.

[39] *United Ireland*, 26 November 1887.

[40] *Freeman's Journal*, 3 March 1888. The opinion was cited from the bench by magistrate, Cecil Roche.

[41] *Freeman's Journal*, 26 November 1887.

[42] *United Ireland*, 3 December 1887.

[43] *United Ireland*, 10 December 1887.

[44] Timothy Harrington, *A Diary of Coercion –Volume* I, 25

He, however, steadfastly refused to discontinue the sale of *United Ireland* or the *Cork Herald*. He was, accordingly, sentenced to one month in prison. The magistrates refused to state a case to a superior court. Legal efforts to force them to do so went from the Queen's Bench to the Court of Appeal, which granted a conditional order on 21 December 1887. Pending a full hearing of the appeal Brosnan was released from custody.[45] The Court of Appeal heard the case on 12 January 1888 and decided by a majority of 4-1 (Chief Baron Palles dissenting) that it had no jurisdiction in the matter.[46]

In December 1887 two newsvendors in Tralee were similarly charged. One, John Maloney, agreed to sign an undertaking to discontinue sales of newspapers containing reports of suppressed National League branches. The other, Thomas O'Rourke, a nationalist town commissioner, after failing to do so, was sentenced to a month's imprisonment. In the latter instance the magistrates, once again, declined to state a case.[47] An application was made to the county court for a *mandamus* in order to force them to do so. This was refused by county court Judge O'Connor Morris who, in a significant judgment, ruled that a newsagent was a 'publisher' within the meaning of the Crimes act.[48] *United Ireland* had its first 'test' case and the ruling favoured the Crown.

So enamoured was West Ridgeway of Turner's activist policy that he advocated a similar approach in Dublin, even before the O'Connor Morris endorsement firmly establishing the principle of the collateral culpability of newsagents. On 10 December he recommended the new approach to the chief secretary. 'The newspapers continue to publish the reports of suppressed branches. I have thought of a very effective way of stopping it, namely by prosecuting newsvendors in Dublin

---

[45] *Irish Times*, 13 January 1888.

[46] *Freeman's Journal*, 14 January 1888

[47] *Freeman's Journal*, 13 December 1888

[48] *United Ireland*, 17 December 1887.

who persist in selling offending newspapers. We have had several successful prosecutions under sec.7 elsewhere.' [49]

On the same day the under secretary was writing to Balfour, *United Ireland* was, unwisely, pronouncing the new policy to be moribund. It wrote of the chief secretary that 'he found our circulation quadrupled in every town where he attacked a newsvendor.'[50] Less than a fortnight later the first victim of the campaign, Denis McNamara, was back in court for a repeat offence. This time he was sentenced to two months imprisonment. The sentence was confirmed on appeal. Two further trials followed[51] before *United Ireland's* assertion was proven correct. In the interim the nationalist newspaper warned its newsvendors against selling copies of the paper to members of the RIC, lest those copies turn up in court as evidence against them. The paper also opened a Newsvendor's Testimonial Fund to defray the court costs of newsagents so charged.

The abandoning of the actions against newsvendors, which was never undertaken outside Turner's bailiwick - though recommending itself to Balfour and West Ridgeway - came about because of the 'misgivings,' as he put it himself, of the prime minister.

Summing up the first months of the Crimes act, at the end of 1887, in a memo to the under secretary and the attorney general, Balfour struck a note of realism or even pessimism. Referring to the fact that 'we have put several editors in Gaol' he acknowledged that 'the offending newspapers however continue to offend: and we have therefore to face the problem of what is to be done next.' He accepted that 'it is undesirable on many grounds to fill the gaols with Editors, printers and newsvendors, however guilty they may be.' However, he also contended that 'having put our hand to this work it would be unwise to recede ... such a policy would unquestionably

---

[49] West Ridgeway to Balfour, 10 December 1887, BL, Add. Mss. 49808, ff. 25-27.

[50] *United Ireland*, 10 December 1887.

[51] Patrick Ferriter, Dingle, 2 March 1888 and Timothy Murray, Midleton, 5 April 1888. See Appendix 1, 'Press prosecutions.'

greatly retard or altogether defeat the successful prosecution of our campaign against the National League.'[52]

Balfour, though clearly disappointed with the results of the press prosecutions so far, intended to persevere in the course he had chosen. This included persisting with Turner's experiment in prosecuting newsvendors, despite a negative reaction to such cases in England. It was, however, the response of Salisbury, rather than the *Daily News* and the *Pall Mall Gazette*, to the vendor trials, which gave him pause.

The prime minister wrote to Balfour on Christmas Eve 1887 offering a general assessment of his chief secretary's press policy in Ireland. He concentrated on the impact the arrests were having in England, observing that 'I think you will find it tough work defending the prosecution of newspapers and newsvendors and especially the latter.' Salisbury was concerned about 'English prejudice ... about the press.' In regard to the newsvendors in particular he believed that they were being represented as 'small and struggling people' and that 'what they are punished for is part of their ordinary trade action, which has quite suddenly become illegal & was certainly unillegal [*sic*] before.' He concluded:

> They break the law by the way – but their object is simply to earn their living by an act not *malum in se*. Much of the sympathy felt for strugglers will, therefore, be felt for them.'

It was as close as Salisbury ever came to instructing his nephew to cease and desist. However, he warned the chief secretary 'if you resolve to change your practice or tactics in any degree in consequence of our objections, do it as unobtrusively as possible ... Do not announce a change of policy – even to your pillow: for pillows chatter in Ireland.'[53]

While the chief secretary clearly had no intention of curtailing the continued proffering of charges against editors, notwithstanding English scruples, he offered no opposition to Salisbury's suggestion that he abandon the campaign against

---

[52] Balfour, Memo to under secretary and attorney general, undated, December 1887 (copy): [pencilled note –'probably by AJB of date Dec.1887'], BL, Add. Mss. 49808, ff. 37-40.

[53] Salisbury to Balfour, 24 December 1887, BL, Add. Mss. 49688, ff.182-185.

newsvendors.[54] New charges against Brosnan and Breen in Killarney were dropped at the end of February 1888.[55] That Salisbury had emphatically nipped the newsvendor policy in the bud was underscored by the embarrassment of its original progenitor, Alfred Turner. The divisional magistrate clearly retained a certain sentimental affiliation to the policy. When he received a communication from the Ennis RIC district inspector, R.M.Hill, in February 1888, that Denis McNamara's wife – the intrepid shopkeeper was in jail at the time – was in receipt of copies of *United Ireland* Turner responded with instructions that she be kept under observation, before adding 'this woman is to be prosecuted if she is caught selling the paper.'[56] When challenged by the new attorney general, the redoubtable Peter O'Brien, Turner capitulated and Mrs. McNamara went unpunished for the continued sale of *United Ireland.* However, in late December 1888, with newsvendor prosecutions a distant memory, the licence of one Denis McNamara, Jail Street, Ennis, to sell liquor on his premises, was revoked on the application of the RIC.

8.5 Running repairs – the modification of the press policy, 1888-90

The importance of the press policy in the Balfourian strategy of robust challenge to the National League was illustrated by the extent to which the chief secretary was prepared to endure English vilification of the short-lived campaign against the south-western newsvendors. What he was not prepared to endure was resistance to his policies from the prime minister. Further modifications to his crusade against the nationalist press were also prompted by the avuncular counsel of Salisbury, expressed in his letter of 24 December 1887. These came, gradually and tentatively, in early 1888.

---

[54] Balfour to Salisbury, 27 December 1887 [Copy], BL, Add. Mss. 49688 ff. 186-9.

[55] *Irish Times,* 6 March 1888. Reply by Colonel King Harman to PQ. The Crown opted to proceed with a case in Dingle, Co. Kerry, involving a local newsagent, Patrick Ferriter. This was probably related to his activities on behalf of the local League. Correspondence between Turner and West Ridgeway indicates that Ferriter was prosecuted because he was seen as 'defiant.' The sentence he drew, three months, was the longest incurred in any of the six newsvendor prosecutions.

[56] Annotated memo, 10 February 1888, NAI, CSORP, 1888/3076.

That the Conservative administration meant to do battle with the Irish nationalist press in a way that would eclipse the efforts of their immediate predecessors became apparent very shortly after the passage of the Crimes act. That this would be an all-encompassing conflict was equally apparent. Dublin Castle, under the Tories was not going to be content to do battle with a small number of high-profile publications. What was envisaged was a veritable *blitzkrieg*.

From mid-August 1887, before the National League had been proclaimed a 'dangerous association', and while much of the country remained relatively peaceful, the close monitoring of local newspapers was underway. A document circulated to the Cabinet on 16 August 1887 indicated that the published reports of proceedings of the National League offered examples of how it enforced its will. The memo cited resistance to payment of local rates, interference with the civil rights of individuals, an espionage system, and pressure to join the League, as part of the organisation's strategy. In support of these contentions was a series of extracts from a dozen local newspapers, only three of which, the *Western People*, the *Kilkenny Journal* and the *Dundalk Democrat*, were not proceeded against between 1888-90.[57]

After the limited success of the early prosecutions in late 1887, Balfour himself proposed, in December, the first major modification in the approach that should be adopted. He suggested reverting to the use of a device employed by the Liberal government during the land war. [58] This was a piece of legislation first promulgated in 1361, 34 Edward III, c.1. Known then as the Justices of the Peace Act, and described in the nineteenth century as the 'Statute of King Edward', it first put the magistracy on a legal footing but also included an element whereby persons in a locality who were suspected of planning criminal acts could be bound over to be of good behaviour or risk the forfeiture of recognisances. When introduced in the fourteenth century it was primarily designed to combat vagrancy, but it had been disinterred by the Liberals as an additional legislative tool in the fight against agrarian crime. It had been used, for example, against Davitt and Healy in 1883. The procedure allowed the authorities to prosecute without the need for a complainant, a

---

[57] 16 August 1887, TNA, PRO, CAB 37/20, 1887, No.41.

[58] Memo to under secretary and attorney general, c.Dec 1887 (copy): [pencilled note –'probably by AJB of date Dec.1887']British Library, Add. Mss. 49808, ff. 37-40.

jury, or the possibility of appeal. In the event of a refusal to guarantee future good behaviour the subject could be jailed for up to six months.[59] Its use had been criticised by Salisbury himself in 1882 as 'the digging up of obsolete statutes to put them in force against political opponents'[60] when the Irish attorney general, John Naish, had deployed it

The 1361 statute itself would be, as it transpired, used sparingly in press cases by the government[61] as its potential for application to other parts of the United Kingdom for similar purposes was too starkly obvious.[62] *United Ireland* insisted that the practice of seeking recognisances undermined Balfour's contention that offending newspaper editors were criminals. Bodkin argued that no court would make such a concession to an habitual criminal.[63] Even Balfour himself pointed out in a letter to his under secretary in June 1889, that the procedure had limited benefits. One of the principal disadvantages he espied in the practice was that 'the statute of Edward III, under the existing rules which prevail in Ireland, might be rendered useless owing to the fact that the recognisances could only be recovered by an elaborate and almost unworkable process.'[64]

The policy modification that was finally adopted most consistently, emerged in March 1888. To counteract the perception that the Crimes act had been employed as an unduly blunt and undifferentiated instrument against the press, the decision was taken to abandon charges based merely on the publication of reports of National League meetings. A higher threshold would be required for prosecution, one of 'local injury'.[65] Balfour proposed that proof of overt intimidation, injury to an individual or

---

[59] Ball, *Policing the Land War*, fn.265, 69. The procedure was also used against John Dillon (see chapter 7).

[60] *United Ireland*, 29 December 1888

[61] Against P.J.Conlan of the *Carlow Nationalist*, in 1889, John Powell of the *Tipperary Sentinel*, and John McEnery of the *Limerick Leader* in 1890. See Appendix 1, 'Press Prosecutions.'

[62] HC Deb. 19 December 1888, vol 332, cc813-815.

[63] *United Ireland*, 5 January 1889.

[64] Balfour to West Ridgeway, 27 June 1889, BL, Add.Mss 49828, f.106-109.

[65] Curtis, *Coercion and conciliation*, 213.

the endangerment of law and order would, in future, be the crucial factor in the decision to prosecute newspapers.

This new criterion was adopted, in part, because of the number of local newspapers routinely publishing such reports. It would have been impossible to prosecute all offenders and to have selected certain individuals for punishment would have left the government open to allegations of victimisation or arbitrary procedure. As Balfour himself observed in a letter to West Ridgeway:

> Your feelings about the press, I believe, have been shared by everyone who has held your office. They have all felt that until the incitement to crime contained in the newspapers could be controlled permanent improvement was impossible. At the same time it is clear that any idea of muzzling the press in Ireland is absolutely chimerical and must be abandoned.[66]

The trial of Patrick Corcoran, foreman printer of the *Cork Examiner*, on 9 January 1888, was the last of its kind. Corcoran was arraigned for publishing the proceedings of suppressed branches of the National League. Thereafter all editors and proprietors brought before assize or petty sessions courts, were charged with intimidation, or, in the case of P.J.Conlan of the *Carlow Nationalist* 'inciting to resistance of the Queen's writs.'[67] This allowed Balfour to claim, as he did in the House of Commons in November 1888, that 'the Government had never interfered, either directly or indirectly, with any legitimate expression of opinion on any political subject whatever; but when a newspaper becomes an organ of intimidation to an individual, it legitimately comes under the operation of the law.[68]

8.6 The Bench – *complaisant* removables and independent judges

---

66 Balfour to West Ridgeway, 19 May 1888, BL, Add. Mss. 49826, ff. 516-8.

67 TNA, PRO, CO 903/1/4, press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March 1890, table 1, 4.

68 HC Deb. 15 November 1888, vol. 330, c1238. In, for example, the case of the *Cork Daily Herald*, on 12 April 1888, West Ridgeway inquired whether the *Herald* was 'still offending' by publishing reports of banned meetings. (West Ridgeway to Inspector General, RIC, 12 April 1888, NAI, CSORP, 1888/7929.) The attorney general, however, advised that it was impolitic to prosecute. Hooper could be jailed under the terms of the Crimes act but the intimidation being suffered by the objects of the League's edicts did not amount to 'local injury' (Attorney general to West Ridgeway, 18 April 1888, NAI, CSORP, 1888/7929.)

The use by the administration of summary jurisdiction as a vital element in its press campaign would have been as ineffective as jury trials were it not for the virtually assured co-operation of the country's stipendiary magistrates. These men were described by Parnell as 'creatures' of the Castle.[69] A cursory scrutiny of the first appendix to this thesis, 'Press prosecutions', reveals the extent of the reliability of sessional magistrates in the conviction of press offenders deemed to have been in violation of, in the main, section 7 of the Crimes act. As the law was relatively unambiguous, as the officials were largely appointed based on the government's confidence in their loyalty, and as they could be arbitrarily removed from office, this is hardly surprising.

Stipendiary magistrates were often men with a background in policing and the military rather than the law so it was to be expected that a proportion of their verdicts would be successfully appealed. This was doubly so when the counsel defending an editor or proprietor was an advocate of the quality of Timothy Healy, Timothy Harrington or Edmund Leamy, all experienced barristers and MP's. They were harangued for their alleged partiality, *complaisance* and their ignorance of the law by nationalist journals. *United Ireland* claimed that they 'got their instructions and take their cue from the Castle.'[70]

Where press-related cases were concerned there was little evidence of independent thinking among the magistracy. The same, however, could not be said of elements of the judiciary, in particular the Chief Baron of the Court of Exchequer, Baron Christopher Palles. Palles was a devout Roman Catholic - described by Tim Healy as, 'the greatest legal light in Ireland for forty years'[71] - whose judgments, according to L.P.Curtis, 'did not always tally with the Castle's interpretation of

---

[69] HC Deb, 1 April 1887, vol. 313, c268.

[70] *United Ireland,* 10 March 1888. Matthias McDonnell Bodkin, himself a qualified barrister, was enabled to vent his spleen on the magistracy both in print and in court. In April 1890 he defended *Roscommon Herald* editor Jasper Tully in Carrick-on-Shannon, Co.Leitrim, against charges of intimidation. He described the presiding magistrates as 'a brace of paid officials of the Government'. When they objected to Bodkin's 'tone' the *United Ireland* editor tellingly responded 'then I withdraw the tone and repeat the observation in a gentler voice – a brace of paid officials of the Government.' (*United Ireland,* 2 May 1890.)

[71] Healy, *Letters and leaders,* 32.

the evidence.'[72] He was one of the few senior judicial figures who was both praised[73] and excoriated[74] by *United Ireland*. Palles had a record of ignoring what might have been expected of him by the administration.[75] Neither could he be relied upon by nationalists, whose diatribes against him were often splenetic. The *Roscommon Herald* on one occasion accused him of having 'won and lost vast sums of money during the last couple of years in gambling on the Stock Exchange', clearly suggesting that a verdict of which it had not approved might have been obtained by corrupting the impecunious judge.[76]

The interventions of Palles in the Conservative government's struggle with the nationalist press had begun before the introduction of the Crimes act.[77] He was the lone dissenting voice in a court of appeal decision in January 1888, when his fellow tribunes held that they did not have jurisdiction to intervene in the case of newsagent Jeremiah Brosnan. Later, in 1890, along with Baron Dowse, he reversed a sentence of two months imprisonment on Henry O'Connor, a sub-editor with the *Leinster Leader*, on the grounds that the Crown had failed to furnish legal evidence connecting O'Connor to the publication of the paper.[78] As Palles was the presiding eminence on the Exchequer court it was to that legal forum, rather than the more hostile Queen's Bench, that defence counsel in press cases invariably sought to direct appeals.

Not that all of the decisions of Palles in press cases worked to the advantage of nationalist newspapers. In a crucial appeal, in the case of *Queen v Harrington* in

---

[72] Curtis, *Coercion and conciliation*, 194.

[73] *United Ireland*, 2 August 1890.

[74] *United Ireland*, 8 March 1890, 17 May 1890.

[75] In 1886 he had, while presiding at the Sligo assizes, set aside a jury panel in the Woodford case which defence counsel had referred to as having been assembled, 'falsely, maliciously, fraudulently and partially.' (*Roscommon Herald*, 11 December 1886.)

[76] *Roscommon Herald*, 8 January 1887.

[77] In the case taken against Jasper Tully in January 1887 under the terms of the 1831 amendment to 18th century 'Whiteboy' legislation. (Chapter seven)

[78] *Daily News*, 27 February 1890.

1888, Palles ruled on the vexed question of whether or not the publication of intimidatory matter in a newspaper was evidence of the intention of the editor to do injury. The Chief Baron judged that such a publication *was* a declaration of intent, unless rebutted by evidence for the defence.[79] Despite this display of even-handed independence the final verdict of the administration on Palles was that 'the Court of Exchequer has done much to embarrass us.'[80]

Of greater consequence to the executive than Palles, however, was a much lowlier figure on the judicial pecking order. Judge Waters was the county court judge with responsibility for Waterford. Waters, described by *United Ireland* as 'an upright judge',[81] was already in his 80's when he became the darling of the nationalist press arising out of a series of reversals and controversial statements from the bench. He might never have come to public attention had the Castle not sought to prosecute the *Munster Express* and *Waterford News*. He had given an earnest of his attitude to the necessity for coercion legislation in Ireland in a widely ignored statement made in addressing a quarter sessions grand jury on 3 January 1888. Waters had done some research on the relative incidence of crime in the 'three kingdoms' in 1887 and noted that in his bailiwick at least, crime was 63% of that in England and 50% of that in Scotland.[82] Setting aside the fact that none of the three counties for which he had responsibility – Cavan and Leitrim being the other two - had acquired a reputation for criminality, it is clear that Waters was unconvinced of the need for the 1887 Crimes act.

Waters' court was often the first port of call for appeals against assize or petty sessions verdicts under the Crimes act. Before he was faced with his first press-related case he had already acquired a reputation for reversing magistrates' rulings. It was suggested by, among others, *United Ireland*, that as a consequence, shorter sentences were often handed down by Waterford assize courts to avoid his appellate

---

[79] TNA, PRO, CO 903/2. Miscellaneous notes. Series no.ix, 11.

[80] TNA, PRO, CAB 37/23, 1889, no.5.

[81] *United Ireland*, 11 January 1890.

[82] HC Deb. 4 July 1889, vol. 337, c1449-50. Parliamentary question of P.J.Power, M.P. to the chief secretary.

jurisdiction.[83] He was first pressed into service in a press case in January 1890 in the appeal of Cornelius Redmond, editor and proprietor of the *Waterford News*, against a two-month sentence for intimidation. This arose out of three charges of publishing National League branch resolutions condemning the conduct of people who had taken land from an evicting landlord.[84] Waters reversed all three verdicts. In reaching his decision he concluded that 'if Mr. Redmond had no intention of publishing these paragraphs beyond that of giving his readers an item of intelligence which he believed would interest them I must reverse the conviction and dismiss the case.'[85] The dismissal, in the opinion of the government, was highly contrarian and flew in the face of the accumulated wisdom of two and a half years of Crimes act cases and appeals.[86] It certainly appeared to be in conflict with the Chief Baron's decision in the case of *Queen v Harrington*, noted above.

The *Waterford News* enthused about the verdict in an editorial entitled, 'Routed.'

> Mr. Balfour in introducing his perpetual Coercion Act promised not to interfere with the Liberty of the Press. Judge Waters for one has fairly kept him to his promise.[87]

Waters made a similar decision in an almost identical case involving Henry D. Fisher, the manager of the Waterford-based *Munster Express* newspaper. He decided that the two-month sentence imposed on Fisher was based on 'entirely too loose an interpretation of the act.'[88] This allowed the *Munster Express* to rebuke the magistracy.

---

83 *United Ireland*, 7 December 1889.

84 Harrington, *Diary of Coercion*, vol.iii,170.

85 *United Ireland*, 11 January 1889.

86 TNA, PRO, CO 903/1/4, press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March, 1890, 19.

87 *Waterford News*, 4 January 1890.

88 *Freeman's Journal*, 3 January 1890.

> Is it not the grossest perversion of justice that such powers are vested in individuals who have not the slightest notion of their duties, save, perhaps, to convict in obedience to orders from their paymasters.'[89]

When Fisher subsequently appeared before the Waterford assize court on similar charges the magistrates professed themselves, despite their inclinations to the contrary, unable to convict him, based on the quashing by Waters of Fisher's and Redmond's earlier sentences.[90] It was a virtual invitation to the Crown prosecutor, George Bolton, to ask for a case to be stated. Bolton opted to have recourse to the Queen's Bench, now being presided over by newly created lord chief justice Peter O'Brien.

When the Queen's Bench heard the case in May 1890 it overruled Waters, holding that publication alone was sufficient evidence of the intentions of the editor. The Crown announced that it did not intend to proceed, 'they merely wished to get an expression of opinion from the court.'[91] It was particularly important for the Crown to clarify the position and to copper-fasten the Exchequer court ruling in the Harrington appeal, as press prosecutions were becoming more important since the emergence of National League Vigilance committees in late 1889. These, supported by the nationalist press, were restoring the efficacy of the boycott.[92]

The superior court decision might have been expected to curtail the independence of Judge Waters, but it singularly failed to do so. When Henry D. Fisher was convicted in May 1890 on a further count of intimidation in a boycotting case, *United Ireland* accurately predicted that the verdict would be reversed by Waters 'who is honoured in a special manner with the confidence of the people and the malignant hostility of the Castle.'[93] The case came before the county court judge on 1 October

---

[89] *Munster Express*, 4 January 1890.

[90] *Freeman's Journal*, 18 January 1890.

[91] *Irish Times*, 6 May 1890.

[92] TNA PRO CO903/2, miscellaneous notes, series ix, press prosecution in Ireland in the year 1889, 14. 'These Vigilance Committees could have done comparatively little harm had not a certain section of the press lent its aid by publishing and drawing special attention to the boycotting decrees issued by the League branches.'

[93] *United Ireland*, 31 May 1890.

1890. He reversed the magistrates' verdict adding that 'I hope it never will be made a crime to appeal to public opinion in a peaceful and orderly manner.'[94] On the same day Waters quashed a conviction for a similar offence against Cornelius Redmond of the *Waterford News*.

In the latter instance the Waterford magistrates, as an insurance policy, had handed down an additional two-week sentence on Redmond for an almost identical offence which, they conceded, was more serious than the other two.[95] Redmond therefore served a fortnight in jail. The following month Fisher, yet again, found himself before the magistrates on charges of intimidation. He was sent to jail for a week.[96] He was also informed that at the expiration of his term of imprisonment he would be required to find sureties to be of good behaviour or in default to be imprisoned for an additional period of two months. By employing two devices whose use was encouraged by the Castle between 1888-90 the Waterford magistrates had found a reliable method of circumventing the appellate jurisdiction of Judge Waters. Neither Redmond nor Fisher appeared again before the Waterford assize court.[97]

The curmudgeonly independence of Waters did not endear him to the Castle. In July 1890, even before his second round of acquittals of Redmond and Fisher, West Ridgeway suggested to Balfour that he should be 'bribed' to retire. The under secretary suggested 'it would be well worth giving him any honour that would induce him to go.'[98] Anticipating further reversals in October 1890 the under secretary advocated a disciplinary appeal to the Queen's Bench on the basis that 'his judgment is outrageous in its ignorance of or contempt for the elements of law.'[99]

---

[94] *United Ireland*, 4 October 1890.

[95] *Freeman's Journal*, 9 June 1890.

[96] *Freeman's Journal*, 13 June 1890.

[97] Commenting on Waters in the House of Commons in June 1890 Balfour took the opportunity for a jibe at the judge when he remarked, 'I believe there has been a difference of opinion on more than one occasion between the County Court Judge in question and the Magistrates; but in every case where the difference came up for decision by the High Court, that Judge was proved to be wrong, and the Magistrates to be right.' (HC Deb. 20 June 1890, vol. 345, c1502.)

[98] West Ridgeway to Balfour, 11 July 1890, BL, Add.Mss. 49811 ff.130-135.

[99] West Ridgeway to Balfour, 26 September 1890, BL, Add.Mss 49811 ff.170-173.

After the 1 October reversals of the latest sentences against Fisher and Redmond West Ridgeway was anxious to have Waters anywhere but in Waterford County Court. He even put pressure on the lord chancellor, Ashbourne, to transfer the judge to a vacancy in Queen's County, observing irately to Balfour that 'Ashbourne, who returned yesterday wished to close this by giving away Queen's County to another judge. I had to speak very plainly to him and to insist on the question being kept open till your arrival. After some bluster he agreed. The fear is that Ashbourne and all of them here are afraid of touching Waters. I am sure that they could devise a way out of the difficulty if they dared.'[100]

As with many of their other difficulties the government's 'Waters problem' became irrelevant in the context of the internecine nationalist warfare in the wake of the Parnellite split.

8.7 Conservative press policy, successes and failures

In June 1889 the chief secretary flagged the practice of 'publishing intimidating notices directed against individuals taking evicted farms' as 'perhaps the most serious remaining obstacle to the full restoration of personal liberty in Ireland.'[101] An element of Balfour's press crusade that reinforced its centrality was the fact, often highlighted, that in prosecuting newspaper editors for publishing the reports of the suppressed branches of the National League, the government, by and large, failed to subject the organisers of such meetings to equivalent legal sanctions. Only in the second phase of the campaign, when the more defined principle of 'local injury' emerged, did activists share the fate of the newspaper editors publicising their activities. Outside of a small coterie of Plan leaders and organisers, who could be arrested almost at will for seditious speech-making, local newspaper editors were the prime targets of Tory enforcement.[102] John Hooper's observation about the

---

[100] West Ridgeway to Balfour, 14 October 1890, BL, Add.Mss. 49811 ff.212-215.

[101] Balfour to West Ridgeway, 27 June 1889, BL, Add.Mss. 49828, f.106-109.

[102] Some editors, such as Jasper Tully and Edward Walsh, also spent periods in jail for activities unrelated to their newspapers.

importance of publicity to the League was resoundingly confirmed in a Dublin Castle memo circulated in February 1888.

> The local branches of the League derive mainly their power for evil from the notoriety which these publications give to their proceedings ... the criminal responsibility of a journal which prostitutes its position by publishing and circulating these resolutions is of the gravest character, and cannot be too quickly or too sternly dealt with.[103]

Whether or not Balfour would have wished to stifle the editorial invective, as opposed merely to the actionable reportorial transgressions, emanating from the nationalist press is a moot point. It was, at the very least, a tempting prospect. But, Balfour had no overwhelming desire, despite any personal inclinations to the contrary, to open up that particular can of worms. According to L.P.Curtis, 'by 1888 he had learned most of the limits to which a coercive regime could go in a society based upon constitutional procedure and common law.'[104] The February 1888 memo contains a plethora of examples of instances where some of the most scurrilous commentary was simply ignored, as to have done otherwise would have contravened established democratic principles of press freedom. Notwithstanding this vituperation, 'this liberty, to which the freest press in the world is alone entitled, is at the present moment exercised in Ireland without let or hindrance.'[105]

The Tory view of the National League as a criminal conspiracy – Balfour, and West Ridgeway in particular, often referred to it pointedly as the 'Land League' – found expression in attempts to deny that the trials of newspaper editors for offenses related to the contents of their journals even constituted 'press prosecutions' *per se*. This viewpoint was articulated by, among others, Dodgson Madden, attorney general in succession to Peter O'Brien, in the House of Commons on 14 February 1888 when

---

[103] TNA, PRO, CO 903/2, series no. v, 3-11 (February 1888 Memo).

[104] Curtis, *Coercion and conciliation,* 214.

[105] TNA, PRO, CO 903/2, series no. v, pp.3-11 (February 1888 Memo). Among the editorial diatribes highlighted by the memo, but not taken to court, was a leader in the *Nation* entitled 'The Mitchelstown murders' which included the reference, 'If justice were done the first neck to be stretched would be that of Arthur James Balfour' (*Nation,* 17 September 1887) Honourably mentioned in a similar memorandum was James Daly's *Connaught Tribune* harangue in which Balfour was characterised as, 'that black-livered, cold-blooded, ruffianly liar of a Chief secretary.' (TNA, PRO, CO 903/2, miscellaneous notes, series no.v, 17. *Connaught Telegraph* 24 January 1888.) Again, no action was taken.

he responded to observations made by Parnell in the resumed debate on the Queen's speech. The Irish leader had pointed out that Tory 'press prosecutions' greatly outnumbered those of the Liberal regime at a time when the threat of violence was much less than it had been during the 1879-82 period. [106]

Madden, in reply, objected to the basic terminology employed by Parnell. These were straightforward criminal prosecutions:

> If you commit a crime by means of the Press you cannot shelter yourself behind the doctrine of the liberty of the Press. The liberty of the Press is not assailed because your criminal action is assailed.'[107]

In early 1890, at a time when the Conservative government was claiming that its coercion policies were gaining ground in the fight against agrarian violence and intimidation, there was an upsurge in the incidence of press prosecutions (see table below).

Table 1. Press prosecutions 1882-1891

1882	1883	1884	1885	1886	1887	1888	1889	1890	1891
5	5	0	0	0	14[108]	5	10[109]	10[110]	2

Six local newspaper editors appeared before winter assize courts in Limerick, Wexford, Sligo, Naas and Waterford in January 1890[111], prompting a letter from William Redmond MP to the *Daily News*. The letter, published on 17 January, was

---

[106] HC Deb. 14 February 1890, vol. 341, cc315-322.

[107] HC Deb. 14 February 1890, vol. 341, cc338.

[108] 13 in October-December – 6 relate to newsvendors.

[109] 5 in January-June - 5 in July-December.

[110] 8 in January-June - 2 in July-December.

[111] H.D.Fisher (*Munster Express*), John McEnery (*Limerick Leader*) on two separate charges, Henry O'Connor (*Leinster Leader*), P.A.McHugh (*Sligo Champion*), Edward Walsh (*Wexford People*).

an attempt to alert the English press to the upsurge in prosecutions. The *News* had been diligently 'giving its attention to the prosecution of pressmen in Ireland.'[112] Others had not been so assiduous in their support. Redmond made the, now familiar, argument that 'newspaper editors in Ireland are treated every day as common criminals for inserting in their papers items of intelligence which would not entail a prosecution in the case of any British paper.'[113] Balfour (or more likely his enterprising secretary, George Wyndham writing in his name) waited almost a fortnight to reply. His response adhered to the Tory mantra just as Redmond had invoked the nationalist equivalent.

> No person connected with the Press has during the present administration been proceeded against, even though they may have broken the law, unless by their illegal conduct they interfered with the civil rights of persons entitled to protection by the law.

Balfour highlighted one particular case in order to make his point, that of John McEnery, editor of the *Limerick Leader*. In an unbridled comment-piece entitled 'Pillory,' McEnery had singled out one Michael Ryan as a local 'land grabber' who 'openly defies the people's organisation', thereby clearly inflicting a 'local injury' in the administration's lexicon.' Balfour then asked:

> Why should one man guilty of intimidation escape the punishment of his crime because he chooses to commit it through the medium of the press?[114]

Of course, the Tories were damned it they did and damned if they didn't. To have taken no action whatever against nationalist editors would not only have allowed for the widespread penetration of activist propaganda but would have fostered an atmosphere of impunity far beyond the journalistic community. But their intervention, in addition to having a limited effect only, constituted a propaganda victory for the League in its own right. Davitt wrote that 'it made the power in whose

---

[112] *Freeman's Journal*, 1 February 1890.

[113] *Daily News*, 17 January 1890.

[114] *Daily News*, 29 January 1890.

name this political dragooning was done more hated than ever, and the law by which it was enforced more detested.'[115] As Stephen Ball has suggested:

> Dublin Castle's piecemeal and sometimes extra-legal attempts to enforce moderation upon a hostile and popular press merely provoked further opposition. The policy incurred political costs which damaged the credibility of the British government's claim to constitutional authority in Ireland.[116]

Despite his early assertion to Buller that 'I am afraid of freedom of the press',[117] by which he meant the censure of British newspapers, Balfour fared rather well in that regard. Doubtless the advice of Salisbury to abandon his prosecution of newsvendors helped his cause, but by 1890 *United Ireland* was railing against the perceived indifference of the English press towards the predicament of their Irish colleagues. The nationalist weekly looked in vain for some sense of fraternal understanding.

> Apart altogether from sympathy with us, for mere party reasons, the Liberal Press is bound to concentrate public opinion in Ireland, where the battle of Liberal principles is being fought.[118]

The relative lack of empathy, the *Daily News* excepted, was not helped by the fact that more than one British daily newspaper had as their Irish correspondent, journalists of unionist sympathies. The most notable of these was the *Times* Dublin correspondent, Dr. G.V.Patton, editor of the *Daily Express*. In his coverage, for example, of the reversal by Judge Waters, of the assize court verdicts against Fisher and Redmond in Waterford, Patton reported and editorialised simultaneously. He noted that the county court judge's decisions 'will be brought under review, and a declaration of the law elicited in a few days, which, it is hoped, he will deem it his duty to obey.'[119] Such value judgements infuriated *United Ireland*, who,

---

[115] Davitt, *Fall of feudalism*, 625.

[116] Ball, *Policing the Land War*, 117-18.

[117] Balfour to Buller, 13 March 1887, BL, Add. Mss. 49826, f.29.

[118] *United Ireland*, 25 January 1890.

[119] *Times*, 21 January 1890.

though hardly blessed with an impeccable record of objectivity itself, described the article as 'a fierce and foul attack upon Judge Waters.'[120]

Following the arraignment of T.D.Sullivan and the putative prosecution of O'Brien, in October 1887, a concerted effort was made by the National League to engage British newspapers and journalists in a defence against 'an attack upon the liberty of the press in Ireland.'[121] A public meeting held in the Round room of the Rotunda in Dublin, on 10 October, attracted a respectable and supportive representation from the British press.[122] The *Pall Mall Gazette* was suitably and volubly appalled at the implications for press freedom of the Crimes act.

> For government to try and bolster up a failing act by suppressing any news of the failure is the last resort of discredited tyranny. Do English newspapers mean to see such an application of Coercion without a protest, and without making common cause with fellow journalists?[123]

The *Gazette* supported Gladstone's contention that ' "the cause of the Irish people is the cause of the English people" – a fact which would be made far more conspicuous by a deputation of English editors to Dublin on Monday than by a dozen leading articles.' Three weeks later it was still in full flight.

> According to Lord Randolph there is complete freedom of the Press in Ireland ... to call the imprisonment of editors for publishing and commenting upon the most essential news of the day "freedom of the press" is at once false and foolish.[124]

Stead's first burst of enthusiasm, however, was not sustained, and in the months that followed he appeared more concerned with the abrogation of press freedom in Germany, Russia, Japan, and by Papal encyclical, [125] before returning to the theme of

---

[120] *United Ireland*, 25 January 1890.

[121] Circular issued by John Dillon inviting British journalists to a public meeting on press freedom in the Rotunda, in Dublin, *Pall Mall Gazette*, 5 October 1887.

[122] *Wexford People*, 12 October 1887. 'The evidence afforded of sympathy and co-operation on the part of the English Press and the English people was of a most conclusive and satisfactory character.'

[123] *Pall Mall Gazette*, 5 October 1887.

[124] *Pall Mall Gazette*, 25 October 1887.

[125] *Pall Mall Gazette*, 11 October 1888, 29 December, 22 August, 1890, 1888,15 May 1888.

Irish press censorship in welcoming the reversal by Judge Waters of the sentences on Redmond and Fisher.[126] A lack of sympathy was to be expected from newspapers like the *Times*, but even Liberal dailies like the *Birmingham Daily Post* could display outright hostility on occasions. When Edward Harrington was sentenced to a lengthy prison term on 31 December 1888 the *Post* was utterly unsympathetic at the incarceration of a fellow member of the 'fourth estate'.

> Mr. Harrington clearly broke the law and broke it defiantly and deliberately as part of an organised attempt to break it down altogether. Mr.Harrington has brought his punishment upon himself.[127]

Beyond the early months of the operation of the 1887 Crimes act, when two members of parliament were threatened with incarceration for publishing details of the meetings of an organisation that was still legal in many parts of the country, Balfour weathered whatever limited indignation the British press threw at him with his customary aplomb and relative indifference. Once weathered, the storm largely blew itself out. English national newspapers found it easier to ignore the travails of a small coterie of militant local newspaper owner/editors than two nationally known journalistic figures.

Michael Davitt, a shrewd observer of journalistic preoccupations, wrote of this period that public opinion in Britain, reflected by its leading newspapers, quickly began to tire of Irish coercion narratives. This was especially the case when the carrot was introduced alongside the stick and new land legislation was proposed in 1889.

> A measure of county government for Ireland was also to be a coming Tory concession to a people from whom Lord Salisbury and his nephew had taken away freedom of the press and of public meeting on account of their insistence upon an amendment of existing land laws and demands for other reforms.[128]

8.8 Conclusion

---

[126] *Pall Mall Gazette*, 3 January 1890

[127] *Birmingham Daily Post*, 2 January 1889.

[128] Davitt, *Fall of feudalism*, 627-28.

Was the Tory policy designed, as claimed by the administration, solely to prevent the spread of the kind of information that would lead to lawlessness and violence? Was it intended to suppress the ability of local and national newspapers to act as a sort of public relations machine or bulletin board for boycotting and outrage? Was it also designed to inhibit commentary, *faute de mieux*, by removing or discouraging the commentators? The question of whether or not nationalist editors were actively conspiring to promote boycotting and intimidation, or were mere facilitators, is largely irrelevant. Whether they operated by design, extension or default the effect on the boycotted or intimidated, of either overt commentary or indirect reportage, was much the same. And in either instance it is abundantly clear that the editors were not governed by the law of unintended consequence. They were able to finely measure the local impact of their journalism.

Even in its own internal memoranda, designed for limited consumption, the administration, in conversation with itself, adhered to the dogma that 'in every one of these press prosecutions the responsible persons were punished … for the deliberate action of these newspaper proprietors and editors in lending the full weight of their journals to assist in enforcing the boycotting decrees of an irresponsible tribunal.'[129] The fact that polemical editorials went largely unpunished does suggest that the ultimate intention of the Conservative government was to interdict the flow of intimidation rather than staunch the flood of vituperation.

Did the policy work? Were local nationalist newspaper editors discouraged or dissuaded from pursuing a policy of journalistic support for the illicit activities of suppressed branches? By and large, they were not. Most newspapers which were disposed to report on the activities of the National League in proscribed areas, continued to do so.[130] Those who had never done so, or who had at least not transgressed the 'local injury' provision, refrained from offending the authorities. Balfour can take little credit for the decline in press prosecutions in 1891. By then the dissident nationalist press was obligingly devouring itself in the internecine mayhem of the Parnellite split.

---

[129] TNA PRO CO903/2, miscellaneous notes, series ix , memo – press prosecution in Ireland in the year 1889, 14.

[130] The *Kerry Sentinel* and *Sligo Champion* being prime examples.

There is some disagreement about the overall efficacy of Balfour's coercion policies. L.P.Curtis insists that 'Balfour, Ridgeway, the Castle bureaucracy, the Crimes act, and economic recovery combined to restore respect for the law in almost every district of the country ... there were definite signs by 1889 that the administration was defeating the league and the Plan. The paralysis of the legal machinery that Balfour had inherited in 1887 had virtually disappeared.'[131] Margaret O'Callaghan, on the other hand claims that 'Balfour's coercion measures were no more or less successful than earlier coercion. Their single success was in defeating boycotting. On the other hand his talk of defeating crime was dubious.'[132] Balfour's own biographer makes the claim that in early 1890 'the Plan of Campaign was more formidably organised than ever'[133]. Given the parlous state of the Plan's finances and the expressed antipathy of Parnell the latter assertion is difficult to sustain.

Certainly, as early as February 1889, Balfour, was claiming victory, when he informed the Cabinet that the League was on the run 'in almost every part of Ireland it shows a greatly diminished vitality ... The branches either make no sign, or else imaginary proceedings of imaginary meetings are concocted by the Secretary and an account sent to the local newspapers, or *United Ireland*.'[134] But a few months later, in a private letter to West Ridgeway, the chief secretary was expressing concern that his campaign against the regional nationalist press was not working as well as he had hoped. He advised his under secretary in late June 1889 that on the question of publishing intimidating notices 'it has not been found easy to have anything more than a very general connection between such notices and specific acts of intimidation directed against "land grabbers".' Legal problems with the bureaucracy associated with the 1881 Newspaper Libel and Registration act meant that 'it is not in every case possible to discover the responsible Editor of the newspaper' and 'the Press prosecutions are capable of being misinterpreted by public opinion.'[135] So while

---

131 Curtis, *Coercion and conciliation*, 263-64.

132 O'Callaghan, *British high politics*, 114.

133 Blanche E.C.Dugdale, *Arthur James Balfour* (London, 1936) 2 vols, vol.2, 171.

134 TNA, PRO, CAB 37/23, 1889 no.5.

135 Balfour to West Ridgeway, 27 June 1889, BL, Add.Mss. 49828, f.106-109.

Balfour may have felt that he had the National League on the run he was not quite so sanguine about the return on his efforts to curtail the activities of nationalist editors.

The arrests of newspaper editors tailed off in 1891. There were only two trials that year,[136] both in January. In the context of the effective end of the Plan of Campaign, and the 'pacification' of disturbed regions of the country, the continued recalcitrance of nationalist newspaper editors would have been of minor significance anyway. However, just as improved economic conditions contributed to whatever success Balfour did have in defeating agrarian violence, it was an external factor that rendered his press suppression policy largely irrelevant. From 1891 onwards, nationalist invective turned in on itself. By then Balfour had moved on to pastures new, to be replaced as the object of vitriolic commentary in Irish nationalist newspapers by the Olympian figures of late Victorian Irish constitutional nationalism disparaged in the 'split.' His management of the 1887-1890 agrarian and political crisis had been efficient, ruthless and relatively successful. Given his abilities as a 'general' it is appropriate that finally, he should have enjoyed a certain amount of good fortune in his stand-off with the nationalist press.

---

[136] James J.Long, editor of the *Nationalist* (Tipperary) and George W.Tully, acting editor of the *Roscommon Herald.*

Chapter Nine

Skirting the issue: the *Times*/Tory *coup* and the 'continental' alternatives.



7.19 'Penance!', Tenniel, *Punch*, London, 9 March 1889

9.1 Introduction

Whatever the true instinct of the Salisbury administration in relation to containment of the excesses of the Irish nationalist press, the government was somewhat restricted as to its options. It was hobbled where it might have wished to lash out. In theory it could have chosen a more 'continental' course of action. There was a perception abroad that European governments like those of Germany, Russia and even France, kept their press on a tight leash and actively discouraged adverse newspaper commentary with muscular legislation. The threat of the introduction of 'caution money' in the 1882 Crimes act was as close as either British administration of the 1880s came to adopting a 'continental' template. To have introduced a regime

similar to that of Germany, for example, would have been a severely retrograde step and would have come at a time when the major European powers were themselves beginning to relax the severity of newspaper censorship laws.

This penultimate chapter will assess both colonial and continental press regimes and will argue that, by comparison, the restrictions under which Irish nationalist editors worked were far from onerous. It will also examine the ill-advised, improvised 'alternative' suppression policy of the Tory era that was the *Times* attempted *coup* against the Irish party. The *Times* 'Parnellism and crime' articles and the consequent tribunal appear to have been based on the hazardous premise that if aggressive political manoeuvres could not overcome rebarbative Irish nationalist journalism then assertive journalism would be used to subvert Irish nationalist politics. The Salisbury government saw the *Times* commission as a clear opportunity to damage Parnellism irreparably. In addition a convenient opportunity was availed of to inflict collateral damage on *United Ireland* and the *Kerry Sentinel.*

9.2 'Pigottism' and crime – placing constitutionalists in a terrorist 'frame'

The 'Parnellism and Crime' articles of the *Times*, which sputtered into life on 7 March 1887, before catching fire with the publication of the 'facsimile' letter on 18 April, were part of a unionist attempt to undermine the basis of moderate Irish nationalism by treating the very concept as oxymoronic. Irish parliamentarians were to be removed from a constitutional frame of reference and re-contextualised in an extremist frame. An acceptance of the *Times'* re-framing led inevitably to the conclusion that even Irish constitutional/parliamentary activity was a mere cloak for covert support of intimidation and violence, designed to secure the expropriation of the Irish landed class and secession from the United Kingdom. As Paul Bew has noted, 'it tended to treat one of the greatest popular mass national movements Europe has known as a conspiracy.'[1]

---

[1] Paul Bew, *Charles Stewart Parnell* (Dublin, 1980), 106.

While there was no direct involvement of the Salisbury government in the compilation of the 'Parnellism and Crime' series there was an element of pre-publication collaboration between the newspaper and the Home Office,[2] and a suspicious convergence of the publication of the 'facsimile' document and the second reading of Balfour's controversial Crimes Bill. Though there may not have been a verifiable *Times*-Tory conspiracy, there was a clear confluence of interest.[3] Four months before the formal hearings began West Ridgeway had reported to Balfour that Soames, the solicitor for the *Times*, had had a successful fishing expedition among the chief secretary's registered papers and police files. He told the chief secretary that Soames had 'made a great haul here of Land League papers' and was confident that 'the result is to make the "Times" case quite safe in the coming action.'[4]

When indicting Irish nationalism in its various constitutional forms – 'without crime this conspiracy, this organisation, never could have succeeded.'[5] – attorney general, Sir Richard Webster, in his 'Jekyll and Hyde role'[6] speaking on behalf of the Salisbury government via its proxy the *Times*, anathemised most of the leading Irish and American nationalist newspapers as 'approving of sedition and the commission

---

[2] F.S.L.Lyons, 'Parnellism and Crime, 1887-90' in *Transactions of the Royal Historical Society*, fifth series, vol. 24 (1974), 126.

[3] Both parties more than made up for any initial absence of co-ordination in the months following the appearance of the articles which emanated from the pens of Irish journalist J.Woulfe Flanagan, a confidante of W.H.Smith, (Maurice Walsh, 'The leader writer: James Woulfe Flanagan,' in Kevin Rafter, ed., *Irish journalism before independence: more a disease than a profession* (Dublin, 2011), 63.) and secret policeman Sir Robert Anderson. The participation of the attorney general in the *O'Donnell v Walter* case and the *ex post facto* claim by Anderson that he had official approval for his penning of the 'Behind the Scenes in America' articles merely added to the aura of complicity, copper-fastened by the use made of resident magistrate William H. Joyce in compiling material for the newspaper to use in its prosecution of the case against the Irish parliamentary party. (See Leon O'Broin, *The Prime Informer*, (London, 1971). T.W.Moody, 'The Times versus Parnell and Co, 1887-90,' in Historical Studies (London, 1968), 159-65).

[4] West Ridgeway to Balfour, 15 May 1888, BL, Add.Mss. 49808 f.142-143.

[5] Opening address of the Attorney general, Sir Richard Webster, 22 October 1888, *Special Commission*, Vol.1, 41.The full list was *Irish World, Chicago Citizen, Boston Pilot, Freemans's Journal, United Ireland, Irishman, Nation, Weekly News, Cork Daily Herald, Kerry Sentinel, Evening Telegraph* and *Sligo Champion*.

[6] F.S.L.Lyons, 'Parnellism and Crime, 1887-90' in *Transactions of the Royal Historical Society*, fifth series, vol. 24 (1974), 133.

of crimes, outrages, boycotting and intimidation.' [7] His list, which included the moderate nationalist *Freeman's Journal* omitted the most seditious journal of them all, O'Donovan Rossa's *United Irishman,*

Other than the close examination of William O'Brien regarding the editorial policies of *United Ireland* and the *Irishman*, as well as occasional references to the widespread importation of the *Irish World* during the early years of the land war, the historical role of nationalist newspapers in the alleged conspiracy, promised by Sir Richard Webster, was not extensively explored by the commission. However, contemporaneous events did bring both *United Ireland* and the *Kerry Sentinel* to the attention of Justices Hannen, Day and Smith. Indeed the *Times* commission, almost by default, became a potential weapon in the armoury of the state against two of the most egregiously offensive Irish nationalist journals.

The first transgression came from the *Kerry Sentinel*. On 14 November 1888, having listened to five days of Webster's indictment and a week of evidence, Edward Harrington – one of those named in the *Times* indictment - could contain himself no longer. In a *Sentinel* editorial he alleged that 'the Commission is the creature of the Government and "Times" conspirators, and there must be no blinking the fact that Irish members never had and never got the chance of having any confidence in its fairness.' Anticipating the employment of the commission as an alternative form of suppression Harrington continued: 'A committal or two for contempt will fix this fact in the public mind when Irish and Radical newspapers are forced to draw public attention to the evident bias of the judges.''[8] He accused the three tribunal judges of manifest prejudice and also commented that other newspapers were unwilling to castigate the commission as he had done because of a fear of the contempt laws.

On Tuesday 20 November, Webster rose to make an application to the commission. In the words of the *Daily News* reporter John MacDonald, he accused the *Sentinel* 'of

---

[7] Opening address of the Attorney general, Sir Richard Webster, 22 October 1888, *Special Commission*, vol.1, 43.

[8] *Kerry Sentinel*, 14 November 1888.

having published an article which was at once an intimidation of witnesses and a gross contempt of court.'[9] The judges opted to consider the matter the following day. On 21 November Harrington refused to seek clemency or plead mitigation of any kind. Spurning the advice of his own counsel, he told the commission, unapologetically, 'I accept the responsibility of what appears in my paper.' The judges, wittingly or otherwise, did the government a great favour by undermining the financial viability of the *Sentinel* with a fine of £500.[10]

The response of the *Sentinel* to the imposition of a penalty that would have bought a decent second-hand printing press was typically combative. Daringly comparing the tribunal judges to 'the "Three Little Maids" in the *Mikado*' it went on to contrast the strictures clearly being placed on Irish newspapers with the impunity it alleged was being afforded the *Times*. 'Every other day', Harrington declared, Tory papers were assassinating the characters of Irish MPs:

> They are charged by those papers with complicity in crime, and this, constituting as it does a very serious contempt of court, in no way grates on the ears of the Attorney General, who, however, affects great sensitiveness at any criticism of a Nationalist journal.[11]

Not to be outdone by the 'success' of the upstart *Sentinel*, *United Ireland* was quickly into the fray. There may have been an element of solidarity in Bodkin's decision to assail the commission. Equally he may have been belatedly protecting his journal's vitriolic pre-eminence against a regional pretender. But in the 15 December 1888 edition of the newspaper he described the commission as a 'waste of time,' while alleging that witnesses had been threatened and bribed to give testimony. The principal complaint of the leader was the reluctance on the part of the *Times* to come to grips with its own 'facsimile' allegations.[12] The editorial was clearly designed to provoke a reaction from the commission commensurate with that of its response to the *Kerry Sentinel.*

---

[9] John McDonald, *Daily News Diary of the Parnell Commission* (London, 1890), 29-30.

[10] 22 November 1888, *Special Commission*, vol.2, 227.

[11] *Kerry Sentinel*, 24 November 1888.

[12] *United Ireland*, 15 December 1888.

On 14 December the attorney general drew the attention of the commission to the 'flagrant' article, insisted that its effect would be to intimidate certain witnesses and demanded that proceedings should be taken against O'Brien.[13] Commission President, Justice Hannen, while registering his irritation at the frequency of what he called 'these interferences'[14], agreed to take steps to secure the appearance of O'Brien before the tribunal, after the Christmas recess, to answer for the comments of his paper.

In the interim Bodkin fanned the flames by editorialising on the summons in the next issue of *United Ireland*. 'Our comment on the evidence before the Commission, we are free to confess,' he maintained, 'was a contempt of the first water.'[15] He then proceeded to aggravate the contempt by questioning the independence of the commissioners and suggesting that they might be disposed to accomplish judicially what the government had been unable to achieve by means of executive power, secure the incarceration of O'Brien for material published in *United Ireland*.[16]

O'Brien made his appearance before Justices Hannen, Day and Smith – all of whose integrity his newspaper had previously questioned[17] – on 15 January 1889. While he disavowed authorship of the original editorial he accepted responsibility and liability for its publication. He apologised to the bench, disclaiming any intention to impugn the conduct or integrity of the justices. He then went to the core of his argument, which was that the commission was, in reality, a quasi-political proceeding that 'differs from a Parliamentary Committee simply in its being conducted by judges.' Accordingly he reserved the right to comment critically on the *Times*' conduct of its case. He pointed, in particular, to the publication by the *Times* itself of a pamphlet consisting of the opening indictment of Irish constitutional nationalism by the

---

[13] 14 December 1888, *Special Commission*, vol. 3, 405.

[14] His annoyance had been exacerbated by a demand from counsel for the Irish party seeking the appearance of the Warden of Merton College for remarks published in the *Times* which were allegedly prejudicial to the inquiry. The Warden had, according to counsel, compared Davitt and Dillon to the Whitechapel murderer.

[15] *United Ireland*, 22 December 1888.

[16] *United Ireland*, 22 December 1888.

[17] TNA PRO CO903/2, series xi, 'English judges condemned as partial in *United Ireland*'

attorney general. This, he claimed, had effectively been represented as a set of conclusions rather than a list of allegations.[18]

It was a subtle piece of misdirection and it worked admirably. O'Brien was treated far more leniently than had been the much more defiant and taciturn Harrington, who had made no defence whatever. To some extent O'Brien was pushing against an open door. The commission president had, a few days before the publication of the original *United Ireland* editorial, made his own annoyance clear at the leisurely pace at which the *Times* was conducting the case for the prosecution.[19] The irritation and boredom of the justices, as well as the submissive nature of O'Brien's initial apology, persuaded the judge-commissioners to impose, and immediately remit, a lenient punishment. While acknowledging that *United Ireland* had overstepped the boundaries of fair comment, the justices, who may well have been taking advantage of a clear opportunity to demonstrate their independence, refused to afford satisfaction to any possible executive notions of 'censorship by Commission'.[20]

Not unnaturally *United Ireland* gloated at the outcome, hailing it as 'a victory of supreme importance for the liberty of the Press'.[21] Both Bodkin and O'Brien, in their memoirs, make exaggerated claims for the nature and the significance of this minor victory. If the use of the laws of contempt, solely a judicial prerogative, was ever envisaged as even a partial solution to the recalcitrance of the Irish nationalist press – and there is no evidence that this was the case – then the notion withered on the vine in the wake of the clemency afforded O'Brien for the transgression of *United Ireland*. The paper itself warned against any renewed effort to use the contempt laws for this purpose.

> The judges who exercise the law of contempt so savagely in Ireland would do well to mark the courtesy, good sense, and fair-play with which their English

---

[18] 15 December 1888, *Special Commission*, vol. 3. 458-59.

[19] 12 December 1888, *Special Commission*, vol.3, 308.

[20] 16 December 1888, *Special Commission*, vol. 3. 511.

[21] *United Ireland*, 19 January 1889.

> brethren have acknowledged the right to public opinion not to be bullied into silence.[22]

Not that the administration was finished with the *Times*. Despite the Pigott debacle the Salisbury government saw a further use for the newspaper. The government had identified a communications deficit as a clear chink in its administrative armour

Balfour had expressed his concern at the frequent failures of the Castle to respond to challenges and allegations from Irish parliamentarians, many of which were being formulated or concocted (depending on your point of view) during House of Commons recess periods when he himself was not in a position to address such 'myths invented by Irishmen'[23] from the Treasury bench. Balfour had adopted the obvious policy of responding to such 'myths' by communicating directly with the correspondence columns of national daily newspapers or instructing his private secretary, the future Tory chief secretary George Wyndham, to do likewise. But he found such a course of action unsatisfactory. After the publication of the 'Parnellism and Crime' series the Salisbury administration had a sympathetic ear and potentially zealous ally, in the *Times*. Barely a month after the publication of the 'facsimile' letter Balfour tentatively sought to advance the relationship. He wrote to George Buckle, the *Times* editor, to test the waters.

> I suppose there is no way of meeting Gladstone's persistent mendacity except by re-iterating specific contradictions. If you share this view, it might be useful to insert the enclosed letter under a fictitious signature ... I am sick of sending letters to the papers in my own or in my private secretary's name.[24]

Whatever about the *Times* offering itself as an informal conduit for Tory press releases – though a good case can be made that it already was – by the middle of 1888 the newspaper and the government were already exchanging information on the activities of nationalist parliamentarians. Furthermore this intelligence was not just flowing from the government to the *Times* in order to assist the compilation of its case against the Parnellites. In June 1888, West Ridgeway visited the *Times*' office in London where he benefitted from the fruits of the research of Soames, the

---

[22] *United Ireland*, 19 January 1889.

[23] Curtis, *Coercion and conciliation*, 213.

[24] Balfour to Buckle, 24 May 1888, BL, Add. Mss. 49826, f.525.

newspaper's solicitor. He was given information concerning Dillon that Balfour was to be permitted to use in the House of Commons. In writing to the chief secretary West Ridgeway observed that the *Times* had 'sinister notes regarding most of the Parnellites.'[25]

By February of the following year, just prior to the Pigott debacle, no formal arrangement between the two parties had yet been put in place, but Balfour was still keen to find a mechanism for 'contradicting nationalist lies' and the *Times* was still his favoured medium.

> If I can get any plan of this sort carried out people will begin naturally to turn to the newspaper selected when they want to get an official version of what is taking place in Ireland. The form would be "We are directed by Mr.Balfour to make the following statement" or words to that effect.[26]

His under secretary was not as sanguine about the efficacy of using a newspaper such as the *Times* to counteract nationalist propaganda. Instead he proposed an alliance with a London press agency as 'our contradictions would then obtain much greater currency.'[27] West Ridgeway was being more realistic than his chief in his assessment of the impact of pronouncements by the *Times* in Ireland. His disparaging comments on the newspaper and the Pigott fiasco[28] in further correspondence with Balfour, though unrelated to the conduit issue, reflect his reluctance to employ Buckle in the role of unofficial governmental mouthpiece.

In using the *Times* the government, as Balfour must have known, was simply emboldening its own British supporters and making its case to the largely converted. The newspaper had some influence amongst Irish unionists, but none at all amongst nationalist readers. However this limited exposure was clearly sufficient for Balfour. His government had no traction whatever with nationalist publications, even the relatively moderate *Freeman's Journal*, and could not rely either on the unqualified

---

25 West Ridgeway to Balfour, 23 June 1888, BL, Add. Mss 49808, f.158-159.

26 Balfour to West Ridgeway, 11 February 1889, BL, Add. Mss. 49809, ff.58-61.

27 West Ridgeway to Balfour, 14 February 1889, BL, Add. Mss. 49809, *if.* 69-74.

28 'The *Times* has been stupid beyond all that history tells us of stupidity'. West Ridgeway to Balfour, 2 March 1889, BL, Add. Mss. 49287.

support of the Dublin-based unionist journals. The best he could hope for was to justify his actions to the constituency represented by the readership of the *Times*.

In pecuniary terms the cost to the *Times* of the commission (in the region of £200,000[29]) was many multiples of the financial losses incurred by nationalist newspapermen in prosecuting their campaign against the Liberal and Conservative governments combined. However, other than causing O'Brien a few awkward moments when he gave his own evidence to the commission in May 1889, such as his forced repudiation of some of the *Irishman's* content,[30] and establishing that *United Ireland* frequently crossed a line between caustic commentary and virtual incitement - hardly a shocking or revelatory assertion – the *Times* legal team probably only served to further enhance the reputation of the nationalist weekly as an 'insurrection in print.'

As Margaret O'Callaghan has asserted in her seminal work, *British High Politics and a Nationalist Ireland*, the outcome of the deliberations of the commissioner-judges was something far less than the Parnellite moral victory that is often claimed.[31] The routing of Pigott has long tended to obscure the qualified nature of the exoneration of the Irish party from the charges laid against it by the *Times*. Indeed many Parnellites, O'Brien amongst them, might well have been somewhat discommoded by the effect of a totally clean bill of health from the commission on their radical credentials and pretensions. The commission report concluded that 'the respondents did enter into a conspiracy by a system of coercion and intimidation to promote an agrarian agitation against the payment of agricultural rents, for the purpose of impoverishing and expelling from the country the Irish landlords, who were styled the "English Garrison"'[32] It was much as Parnell himself had expected but was also considered by

---

[29] *History of the Times: the twentieth century test, 1884-1912* (London, 1947), 89.

[30] *Special Commission*, 22 May 1889, vol.8, 151, 71416.

[31] O'Callaghan, *British high politics*, 119.

[32] *A Popular and Complete Edition of the Parnell Commission Report* (London, 1890), 146.

West Ridgeway to be 'quite satisfactory.'[33] The under secretary had been one of the earliest sceptics when it came to the *bona fides* of the 'facsimile' letter and in November 1888 demonstrated his acuity by predicting that 'the result will be that we will be much as we are.'[34]

In his first memoir, *Recollections*, O'Brien had claimed, somewhat floridly, that 'the writings of *United Ireland* purported only to be to literature what a bugle-charge in the midst of the battle is to music. The bugle-charge, at least, was heard in every corner of the island, and set the heart's blood of the young and brave a-tingling in an entirely satisfactory manner.'[35] After such a public endorsement as the hostility of the *Times*, the 'bugle-charge' was heard even more loudly across nationalist Ireland.

9.3 The treatment of the Indian vernacular press: rehearsal or reaction?

It is useful to explore briefly, by means of comparative analysis, the question of the actual, as opposed to the perceived, severity of the evolving press regime in Ireland in its various incarnations under the two sitting governments of the period. How, for example, was the Indian press monitored and directed in a clearly colonial setting in which there was no 'metropolitan' parliamentary representation, and diminished administrative accountability.

There is an ongoing historiographical debate as to whether Ireland can properly be described as a colony. Central to the rationale of those who argue that it was not, is the exceptional treatment of Ireland in terms of its representation at Westminster.[36] Because it was an integral part of a political and economic union, with full

---

[33] West Ridgeway to Balfour, 16 February 1890, Add.Mss. 49810, ff.231-232. *United Ireland* characterised the report as a vindication, taking as its cue the apoplectic response of the *Daily Express*. (United Ireland, 22 February 1890)

[34] West Ridgeway to Balfour, 9 November 1888, BL,Add. Mss. 49809, ff.13-16.

[35] O'Brien, *Recollections*, 423.

[36] Propinquity, the absence of a 'specifically anti-colonial vocabulary' and the enthusiastic involvement of Ireland as co-partners and beneficiaries in the imperialist project are also advanced as counter-arguments. See Clare Carroll and Patricia King, (eds.) *Ireland and postcolonial theory* (Indiana, 2003), 22-23.

representation in parliament - disproportionately so post-famine - it is argued that, as a consequence, Ireland was never a colony.

A comparative study of the relative treatment of the press of Ireland and that of India might suggest otherwise. The similarities in approach by the authorities are striking. In certain instances it almost appeared as if India was the experimental laboratory for practices later introduced in Ireland. At other times the reverse seems to have been true. In reality, of course, the government was merely responding in like manner to similar sets of circumstances. There were also profound philosophical parallels. An observation in the memoirs of Sir George Campbell, lieutenant governor of Bengal (1871-74), a prominent bane of the independent vernacular press in India, might have been written by any one of a number of executive functionaries in Ireland.

> A government whose position largely depends on the strength of moral force due to a belief in its unassailable power, can hardly afford to be constantly held up to the contempt of its subjects.[37]

Similar sentiments had been expressed a half-century earlier by a future governor-general of India, William Butterworth Bayley. His was a posture more openly articulated than might have been the case by senior British officials in Ireland but his views would have been widely shared in Dublin Castle and London.

> The liberty of the press however essential to the nature of a free state is not in my judgment consistent with the character of our institutions in this country or with the extraordinary nature of our dominance in India.[38]

As with the cases of Walter Cox and Thomas Edgerton Browne in the pre-Victorian period in Ireland some form of deportation or exile were punitive options available to the East India Company upon conviction of newspapermen for sedition. A number of editors of English language newspapers who fell foul of the Company – which demanded prior scrutiny of press material - were expelled from the country.[39] The

---

[37] Rangaswami Parthasarathy, *Journalism in India, from the earliest times to the present day* (New Delhi, 1989), 58.

[38] Kewal Prasad Sinha, *Freedom of press in India* (New Delhi, 1997), 23.

[39] Kewal Prasad Sinha, *Freedom of press in India* (New Delhi, 1997), 21.

penalty remained on the statute books even after the Indian penal code was amended in 1898 [40]

In the aftermath of the 1857 Indian Mutiny, a decade prior to the 'Fenian fever' press measures introduced in Ireland, more severe restrictions on the Indian press were imposed. The logic of the new legislation, which went far beyond controls on incendiary provocation or incitement to violence, was that no impugning of the motives or actions of the representatives of the British Raj was to be permitted.[41] Further legislation was introduced in 1867 and 1870 that was not dissimilar to the 1881 Newspaper Libel and Registration Act, stripped of most of its palliative measures. This made it illegal to publish a book or a newspaper without the appearance of 'the name of the publisher and the place of publication'[42] on pain of a two-thousand rupee fine and six months imprisonment. There would be no government tolerance of a radical, vernacular 'pauper press' in India.

Legislation passed in India in 1908 followed the template introduced, but not activated, by Gladstone's first administration in Ireland via the Peace Preservation Act (1870). This allowed for the seizure and forfeiture of plant and presses. But whereas, in the case of Ireland, the lord lieutenant had to legitimise such an action, in India a magistrate was entitled under the Newspapers (Incitements to Offences) Act, 1908, to rule that a publication constituted incitement to murder.[43] This legislation, and the subsequent Indian Press Act, 1910, was introduced under a Liberal government. As Indian historian, Kewal Prasad Sinha has noted somewhat mordantly, 'The greatest support to the liberty of the press came from the Liberal party *when it formed the main opposition party*.'[44] [my italics]

---

[40] G.K.Roy, *Law relating to press and sedition* (Simla, 1915), 18. The penalties for a vernacular press editor were a two-thousand rupee fine and imprisonment of up to six months.

[41] Kewal Prasad Sinha, *Freedom of press in India* (New Delhi, 1997), 23.

[42] Madan Gopal, *Freedom movement and the press, the role of Hindi newspapers* (New Delhi, 1990), 142.

[43] Madan Gopal, *Freedom movement and the press, the role of Hindi newspapers* (New Delhi, 1990), 165.

[44] Sinha, *Freedom of the press in India*, 31.

The 1878 Vernacular Press act – a piece of Tory legislation - reads rather like a rehearsal for one of the putative provisions of Harcourt's 1882 Crimes act. The act empowered magistrates to force editors of Indian language papers 'to give bond not to publish objectionable matter or to submit the proof sheets before publication for scrutiny.' This struck at the very heart of freedom of expression. The former provision was similar to the concept of 'caution money' that was proposed and then deleted from Harcourt's legislation. The latter, a pre-emptive procedure never formally advocated for Ireland, was an absolute denial of the fundamental principle that 'a man may publish anything which twelve of his countrymen think is not blamable.'[45] As one Indian newspaper, the *Statesman*, commented:

> The law is so framed that it cannot be put in motion against a newspaper without annihilating it. It is not a matter of imposing penalties, for the penalties are simply destructive of the offending newspaper.[46]

The *Statesman's* claim was substantiated when one of two Calcutta journals from whom security was demanded 'collapsed for want of capital.'[47] Another endangered weekly newspaper evaded the clutches of the new legislation by disappearing and immediately re-emerging as an English-language journal.[48] The legislation was repealed in 1881 by the Liberal viceroy, Lord Ripon.

So Ireland, colonial society or otherwise, was hardly unique. Similar - and much harsher - remedies were employed in analogous circumstances in India. In times of severe strain the administrative imperative in the cases of Ireland and India, was to quell any inclination on the part of the 'vernacular'[49] press to incite or foment violence and rebellion. At such times of crisis the sort of robust political criticism that might otherwise have been ignored took on a sinister and enhanced significance. But, ultimately, in the view of newspaper historian Kewal Prasad Sinha, 'the

---

[45] Dicey, *Introduction to the Study of the Law of the Constitution*, 242.

[46] Rangaswami Parthasarathy, *Journalism in India, from the earliest times to the present day* (New Delhi, 1989), 81

[47] Sinha, *Freedom of the press in India*, 30.

[48] Parthasarathy, *Journalism in India*, 78.

[49] Intended to mean, in the case of Ireland, the nationalist press.

aversion which the British public had for limiting the freedom of expression stood the Indian press in good stead.'[50]

Was the same true of Ireland? If it was accurate to say that 'liberty of the press in India owes much to the democratic instincts of the English public that regarded freedom of expression as an essential attitude of human civilisation',[51] are the words India and Ireland interchangeable? Was the 'radical' Irish nationalist press actually afforded considerable latitude in the 1880s given its alleged lack of separation from lawless elements in a turbulent society?

9.4 'Caution money' and *delits d'opinion*: Ireland and a continental comparison

Just as it is appropriate to contrast the impact of British-devised press laws on Ireland as opposed to colonial India it is equally appropriate to assess how the monitoring and press regulatory structures in Ireland in the 1880s compare with those of three major European powers, France, German and Russia.

While William O'Brien was apt to make comparisons between British treatment of the Irish nationalist press and the Tsar's suppression of hostile Russian[52] newspapers, the *United Ireland* editor was indulging in typical hyperbole. Even in a Russia where autocracy was being slightly relaxed under the 'Great Reforms' of Alexander II, pre-publication censorship was not dispensed with until 1865. Government subsidies for acquiescent journals continued throughout the century. The independently-produced 'thick' journals, a product of the Russian intelligentsia 'continued to receive the lion's share of attention from the censors.'[53] Official Russian censors – it was an

---

[50] Sinha, *Freedom of the press in India*, 30.

[51] Sinha, *Freedom of the press in India*, 21.

[52] *United Ireland*, 20 May 1882. In an editorial on the introduction of the Crimes bill O'Brien wrote, 'The Press is to be crushed – that is Mr. Gladstone thinks it is to be crushed – by provisions copied from the procedure which crushed the Russian Press.'

[53] Louise McReynolds, 'Russia's newspaper reporters: profile of a society in transition, 1865-1914.' *The Slavonic and Eastern European review*, vol.68, no.2 (April, 1990), 277-293, 278.

administrative position - had the power to close newspapers and were not reluctant to exercise that power.[54]

Within the parameters of British parliamentary democracy, in the absence of a political or military emergency, it was impossible for the state to adopt such aggressive and oppressive policies. Outside of the context of treason or treason-felony, as with the *Irish People* in 1865, a newspaper could not be closed down. Such authority hadn't existed in English law since the decisive *Entick v Carrington* case in 1765, when an action taken by John Entick drew the landmark ruling that seizure of the papers of an accused, even in the case of a seditious libel, was contrary to the law.[55]

Charges of sedition (as in the cases of Pigott and T.D.Sullivan in 1868) and incitement to murder (1861 Criminal Consolidation Act, 24 and 25 Victoria, cap.100, sec. 4) could be levied against the editor or proprietor of a newspaper. But all legislation relating to the press in England and Ireland was, essentially, operated in an *ex post facto* manner. In the words of A.V.Dicey, 'any offence which can be committed through the press is some form of libel, and is governed in substance by the ordinary law of defamation.'[56] No editor could be forced to pre-emptively reveal to the authorities the contents of his newspaper. The concept of 'freedom from previous restraint' had been introduced in England in 1695 during the reign of William III.[57] Although, as we have seen, the issue of a forfeitable security - *depot de cautionnement* in France – was briefly attached to legislation in 1882, the correspondence of Spencer and Harcourt defined the limits of what was feasible under English law. It was the counsel of the former to withdraw the controversial 'caution money' clause from the 1882 Crimes act. It was deemed inadvisable to

---

[54] McReynolds, 'Russia's newspaper reporters,' 284, 285.

[55] Joseph R.Fisher and James Andrew Strahan, *The law of the press: a digest of the law specially affecting papers*, (London, 1891), 218. http://www.constitution.org/trials/entick/entick_v_carrington.htm. The ruling later formed the basis of the fourth amendment to the United States constitution.

[56] Dicey, *Study of the law and the constitution*, 246.Fisher and Strahan take issue with Dicey's thesis that there is no law of the press in England saying, 'this is true no longer.' Fisher and Strahan, *The law of the press*, v.

[57] Fisher and Strahan, *The law of the press*, 199.

introduce an element into British law that had not been uncommon, but was already disappearing, elsewhere in Europe.

Before taking at face value the claims of Irish newspaper editors that they were being subjected to a uniquely harsh and onerous regimen of press legislation it is worthwhile to study the codes governing newspaper publication in France and Germany.

In France, up to the passage of the 1881 *Loi sur la liberte de la presse* under the aegis of the Third Republic, the press had been regulated in a manner unfamiliar in Britain since the late 17th century. Prior to liberalisation a press 'code' was in place that had extended to almost three-hundred pages of rules and regulations. Over a period of seventy-five years a corpus of more than forty restrictive laws had been put in place.[58] These included provision for pre-publication censorship and caution money and also involved a series of so-called *delits d'opinion*, introduced incrementally, making it a criminal offence to attack a variety of public officials.[59] As media historian Raymond Kuhn has written, 'in general the picture was one of prolonged periods of domination by an interventionist and often censorial state, punctuated by rather short periods of relative press freedom from state control.'[60] Whereas in Britain press 'law' amounted to little, more or less, than the operation of ordinary libel legislation, an entirely different philosophy prevailed in France:

> That it is the function of the administration not only to punish defamation, slander, or blasphemy, but to guide the course of opinion, or, at any rate, to adopt preventive measures for guarding against the propagation in print of unsound or dangerous doctrines ... one government after another has, with curious uniformity, proclaimed the freedom and ensured the subjection of the newspaper press.[61]

The 1881 act swept away such practices as pre-publication censorship, 'caution money', compulsory identification of authorship, and the withdrawal of press

---

[58] Irene Collins, *The government and the newspaper press in France 1814-1881* (Oxford, 1959), 183.

[59] Collins, *The government and the newspaper press in France*, 182.

[60] Raymond Kuhn, *The media in France* (London, 1995), 50.

[61] Dicey, *Study of the law and the constitution*, 247-248.

offences from the purview of juries. In his survey of the history of the newspaper Anthony Smith has represented the new law - though perhaps over-stating somewhat - as 'the most liberal ever devised ... The new legal position made it possible for a mass press to take root in Paris and throughout France earlier than in any other country in Europe.'[62]

Prior to 1881 the French press had been governed by 'special laws administered by special tribunals.'[63] Of course, it could be argued, that was precisely the regime operated by the British government in Ireland. However, if we examine the true nature of continental press legislation it will be seen that English law had been more liberal for far longer. Even after liberalisation in France and Germany both still had press codes that were designed to modify, though not as stringently as heretofore, the behaviour of newspapers. That English law lacked such a code indicated a relative liberality. However, the freedom afforded an English or Irish editor was often the freedom to break the law. The actual pursuit of such a course of action had clear legal consequences.

Although Fisher and Strahan in *The law of the press* are of the view that by the 1880s, 'every European state with any pretensions to a progressive civilisation has now adopted freedom from censorship as the basis of its press legislation',[64] that assertion is hedged about with caveats. The relaxation of the French press code in 1881 had followed a not dissimilar relaxation in Germany after the completion there of the process of national unification. An 1874 law, the *Reichspressgesetz*, had loosened the censorship regime, but the new codes in both France and Germany barely survived the Boulangist panic in the former and the introduction of the anti-Socialist laws in the latter. German legislation also allowed for arbitrary seizure in 'certain flagrant cases.' The only proviso was that the seizure subsequently had to be justified in court. However, there was no remedial sanction available against the authorities in the event of unjustified confiscation. Repeated seizures could, therefore, rapidly put a journal out of business.

---

62 Anthony Smith, *The newspaper: an international history* (London, 1979), 114.

63 Dicey, *Study of the law and the constitution*, 250.

64 Fisher and Strahan, *The law of the press*, 200.

In reality across most of Europe the relaxation of censorship merely involved the removal of the practice of prior restraint. Strict interpretations of the libel laws still resulted in many journalists and editors going to jail for criticizing public officials. Barely a decade after the passage of the *Loi sur la liberte de la presse* Fisher and Strahan commented that 'in each country it is not so much the law itself as its administration that is complained of.'[65] An overly exacting interpretation of the concept of seditious libel allowed for recurrent prosecution. In many respects the mark of a government truly tolerant of robust commentary was its refusal to take advantage of the clear opportunities afforded by the all-embracing nature of sedition legislation.

So when William O'Brien speculated, in relation to *United Ireland*, as to 'why its machinery was not broken up and its conductors hustled into penal servitude as promptly as Lord Clarendon dealt with John Mitchel'[66] perhaps the answer lay in the remoteness of the possibility of securing a conviction for seditious libel. Equally it could have been the function of a high degree of tolerance of vocal opposition in print, allied to a fundamental respect on the part of the authorities for the rule of law. *Force majeure,* however tempting, was no longer an option. Granted the rules could be changed with the introduction of a coercion regime to approximate the use of arbitrary powers but, as with John Entick in 1765, the new procedures had to be tested and were open to challenge. Almost as many Irish editors were acquitted on appeal as were ever sent to jail under the terms of the 1887 Crimes act. While the government might, from time to time, seek to flout its own regulations, as in the case of the *United Ireland* seizures of 1881-82, it was no longer able flagrantly to abuse executive power to harrass political opponents. Even in the context of the removal of civil liberties via a suspension of *habeas corpus* the government had no specific right, for example, to seize newspapers unless Parliament bestowed that right. In the words of Lord Justice Camden in *Entick v Carrington*, 'if it is law, it will be found in

---

65 Fisher and Strahan, *The law of the press*, 204.

66 O'Brien *Evening memories,* 15.

our books. If it is not to be found there, it is not law.'[67] As already noted, the explicit legalisation of newspaper seizures under the 1882 Crimes Act was a tacit admission by the government that no such power had existed, *per se*, even under the coercive aegis of Protection of Person and Property (Ireland) Act.[68]

It is the contention of this thesis that the burdens placed on the 'insurrectionist' Irish nationalist press were not exceptionally onerous because of the legal strictures within which the authorities were forced to operate. Unlike continental regimes, or indeed the press code of colonial India, Irish nationalist newspapers were rarely prosecuted for the censure, however virulent, of public officials. There are many instances in official correspondence where decisions were taken not to prosecute despite the description of editorial passages as 'seditious' 'scurrilous' or 'libellous.'[69] Granted, this was often a function of the feasibility of securing a guilty verdict in a jury trial. The deprecation of juries was a constant refrain of official discourse throughout the decade but in the case of sedition, as A.V.Dicey pointed out, 'any one will see at once that the legal definition of a seditious libel might easily be so used as to check a great deal of what is ordinarily considered allowable discussion, and would if rigidly enforced be inconsistent with prevailing forms of political agitation.'[70] As was evidenced by the unsuccessful attempt to convict O'Brien of seditious libel, the jury system, even one suitably 'adapted' to favour the prosecution, acted as a brake on any inclination on the part of the executive towards capricious prosecutions.

And whereas a number of newspaper editors and journalists were arrested under the Protection of Person and Property Act this treatment can hardly be said to have been exceptional in that hundreds of other activists were also jailed without trial. Not all of those editors were necessarily incarcerated for their journalistic activities. In the

---

[67] http://www.constitution.org/trials/entick/entick_v_carrington.htm.Lord Camden went on, 'The great end, for which men entered into society, was to secure their property. That right is preserved sacred and incommunicable in all instances, where it has not been taken away or abridged by some public law for the good of the whole.'

[68] Irish Liberal lord chancellor, Edward Sullivan firmly believed the power of seizure of newspapers existed under Common law. Sullivan to Spencer, 7 March 1884, Althorp papers. BL, Add.Mss 76975.

[69] NAI, CSORP, 1882/41142. 1883/28833.

[70] Dicey, *Study of the law and the constitution*, 240.

case of the dozen or so local newspaper editors jailed by the Conservative government this was not as a consequence of the punishment of defamatory or seditious comments but for intimidation or inciting others to violence. These were statutory offences that were hardly the exclusive purview of newspaper editors. Many nationalist activists unconnected to the newspaper industry went to jail for intimidation and incitement. The absence of press clauses of any kind in the 1887 legislation reinforced the argument of the Conservative government that the press was not being attacked *per se* provided it remained within the bounds of pre-existing statute law and precedent.

If censorship is solely defined as a precautionary or preliminary act preventing the publication of certain material, then it did not exist in late Victorian Ireland. Perhaps this was to the intense frustration of the relevant authorities, but it was the law nonetheless. Arguably, any prosecution based on the publication of certain material can be interpreted as a preliminary act of censorship discouraging such a course of action on subsequent occasions. But the same can be said for the possible deterrent effect on potential crimes of legal action taken against any individual.

In his volume on the history of the media in France Raymond Kuhn talks of government as regulator and censor.[71] Prior to liberalisation France and Germany were unambiguously censorious. With the introduction of their respective liberalising press codes the structures in both countries became regulatory. The British government by the late nineteenth century was neither censor nor regulator. Instead it adopted a largely juridical approach. Newspapers, properly registered, were allowed to publish and, on occasion, to be 'damned' for so doing. Adverse legal consequences were more common in the case of the Irish nationalist press where the authorities came close, on occasion, to regulation, but never contemplated outright censorship.

Kuhn also offers a useful definition of the two broad forms of state intervention in the press of the nineteenth century, falling short of outright censorship. The regime exercised, pre-1881, in France amounted to 'a cynical attempt by a unified authoritarian state to hide its largely repressive tendencies behind a benevolent

---

[71] Raymond Kuhn, *The media in France*, (London, 1995), 49.

enabling facade'. That operated in Ireland was more in keeping with his second model, of a more healthy interaction between a state and its press 'indicative of the inherent tensions in the relationship between the state and the media in a political system based in liberal democratic norms and values.'[72] There was a marked reluctance on the part of the authorities – other than at the height of Balfourian activism – to take on the Irish nationalist press. The determined bloody-mindedness of a number of editors made it impossible for the Crown to avoid confrontation. The tension that existed between the executive and the newspapers was clearly of a different order than those pertaining in a functioning polity, but the state response was of a piece with what Tom Garvin has described as a major threat to nascent Irish separatism, namely, 'the growing gentleness of British government in Ireland.'[73]

---

[72] Raymond Kuhn, *The media in France*, (London, 1995), 49.

[73] Tom Garvin, *Nationalist revolutionaries in Ireland, 1858-1928* (Dublin, 2005), 36.

Chapter Ten

Quis custodiet ipsos custodes: nationalist newspapers and the suppression of press freedom

'The Land League, it will be remembered, was still an infant institution when Mr. Patrick Egan proposed to exclude from it the representative of one of the Dublin newspapers – the *Daily Express*. There were, however, more prudent men in the organization than Mr. Patrick Egan.'[1]

(Irish Loyal and Patriotic Union, *The Real Dangers of Home Rule*)



United Ireland, 6 December 1890.

10.1 *Una duce una voce*

Despite its own travails, it is unsafe to assume that *United Ireland* and its regional contemporaries campaigned diligently to preserve freedom of expression whenever their commercial or political rivals were threatened. On the contrary, Irish nationalist

---

[1] Irish Loyal and Patriotic Union, *The Real Dangers of Home Rule* (Dublin, 1887), 12.

newspapers were often as keen to 'enforce silence' as they were to display collegiality in defence of the right of free comment on matters of political controversy.

In this final chapter it will be suggested that *United Ireland*, while stridently laying claim to martyr status in its fight to retain its own entitlement to a regime of unfettered commentary, adopted a contradictory approach when it came to its political opponents and even some erstwhile allies. This practice far exceeded normal journalistic sniping. The Parnellite newspaper went well beyond the cut and thrust of commercial rivalry to, in effect, endanger the personal safety of others in a climate of heightened tension. While clearly lacking any capacity to 'enforce silence' by legal means, newspapers like *United Ireland* strove to achieve similar results by means of subtle, or occasionally blatant intimidation. *United Ireland* seemed to see as its task the excoriation of both unionist newspapers and individual journalists as well as the thorough policing of Parnellite orthodoxy amongst the nationalist press.[2] Ironically this intimidatory partisanship reached its apotheosis on the nationalist side, not with anti-unionist diatribes during the Home rule crisis of 1886, or the Plan of Campaign, but with the discordant invective of the Parnellite split.

The butt of *United Ireland's* scorn depended on prevailing Parnellite convention. While Unionist journalists like G.V.Patton and Andrew Dunlop were predictable targets, O'Brien and Bodkin were also known to focus their vitriol on previously lionised nationalist newspaper editors, like the unruly James Daly of the *Connaught Telegraph* and John MacPhilpin, editor of the *Tuam News*. Similarly, the American journalist and socialist Henry George was alternately feted and disparaged as he became a surrogate for Michael Davitt,[3] with whom the newspaper was frequently at odds, but whose iconic status generally protected him from overt attack.

It will also be maintained that *United Ireland*, in addition to its primary role as a delivery vehicle for Parnellite propaganda, had a secondary function, that of

---

[2] The approach of *United Ireland* is consistent with the concept enunciated by Jurgen Habermas, of 'tutelage.' He describes 'tutelage' as an attempt to bludgeon or suborn a readership, to 'deprive it of the opportunity ...to disagree' (Habermas, *The Structural Transformation of the Public sphere*, 171.) *United Ireland* hectored its readers almost as much as it did its political opponents.

[3] He often shared this role with his onetime employer Patrick Ford of the *Irish World.*

Parnell's hagiographer.[4] An element in its pursuit of the likes of James Daly, John O'Connor Power, Frank Hugh O'Donnell and Patrick Ford was to neutralise their challenges to the Irish leader's perceived infallibility or pre-eminence. Whereas the excoriation of individual members of the unionist press left them open to potential and actual violence, the victimisation of nationalist journalists and editors was more in the nature of ritual humiliation. Such attacks were intended to act as a disincentive to any deviation from Parnellite principles.

This final chapter will also examine the depth of the partisanship of *United Ireland* and the frequent exploitation of its columns in a shadow campaign of censorship. In the aftermath of the Parnellite split the journal was ultimately reduced to the status of purveyor of malevolent propaganda. By then O'Brien had disowned his creation, while Bodkin and Healy were involved in an equally disreputable publishing enterprise. However, it will be argued that *United Ireland* was already a competent propagandist long before it was driven to extremes by the bile of the *National Press.*

10.2 Mr. Parnell's rotweiler

While most modern newspapers are identified, or identify themselves, with either a broad or clearly-defined political philosophy, it is generally assumed that where 'straight' news rather than editorial comment is concerned, reportage should be factual and objective. Such was not necessarily the case with their nineteenth-century counterparts. In an era before commercialisation really took hold, reporting of news events often directed the reader towards certain conclusions, rather than merely setting out undisputed facts.

The veteran Irish correspondent of the *Daily News*, Andrew Dunlop, who wrote a number of pamphlets for the Irish Loyal and Patriotic Union,[5] parted company with his employer in 1889, when it was suggested to him that 'I should write in a tone

---

[4] See James Loughlin, 'Constructing the political spectacle: Parnell, the press and national leadership, 1879-86' in *Parnell in Perspective* D.George Boyce and Alan O'Day (London and New York, 1991).

[5] Michael Foley, 'Colonialism and journalism in Ireland', *Journalism studies*, vol.5, number 3, 2004, 380. Andrew Dunlop, *Fifty Years of Irish Journalism* (Dublin, 1911), 270

favourable to Home Rule.' Dunlop refused to do so. Prior to his departure Dunlop claimed that 'when the paper became a Home Rule organ I simply sent the news, and did not "tone" my correspondence one way or the other.[6] However, Dunlop's objection to the editorial directions from London, dictated by, among others Arnold Morley and Henry Labouchere, had nothing to do with any misgivings about the unwarranted primacy of comment over fact in reportage. His difficulty lay simply in his personal opposition to Home Rule. His attitude towards the issue of subjectivity in the transmission of news reports was unambiguous. 'I contend,' he wrote in his memoir, 'that the toning is not only justifiable, but commendable, when it helps to point out the true significance of the events recorded.'[7]

Dunlop was not unique in wearing his political heart on his journalistic sleeve. Most journalists sought and secured positions on newspapers whose political allegiance was compatible with their own. If that allegiance changed they were expected to adapt or, more commonly, to seek more congenial employment elsewhere.[8] But increasingly, as newspapers began to tap into a mass market, and journalistic practice became more standardised, reporters, in some instances, were no longer expected to 'tone' their reportage. Those still required to do so in a manner that conflicted with their personal beliefs needed to be capable, rather like members of the legal profession, of adopting the appropriate 'slant' required by their employer. The noted Fenian, William O'Donovan, for example, wrote leaders for the unionist *Irish Times*.[9] The cartoonist Thomas Fitzpatrick, who worked primarily for the *Freeman's Journal*, briefly supplied material to *The Union*, a loyalist weekly published in Dublin, London and Glasgow.[10] The observation of John Stuart Mill, made in 1829 – 'more affectation and hypocrisy are necessary for the trade of literature, and

---

[6] Dunlop, *Fifty Years of Irish Journalism*, 276.

[7] Dunlop, *Fifty Years of Irish Journalism*, 276.

[8] Lucy Brown, Victorian news and newspapers, (Oxford, 1985), 87. She cites, for example, the sale of the *Pall Mall Gazette* in 1880 leading to the departure of reporters with Tory sympathies, and their return in 1894 when the paper changed hands again.

[9] Devoy, *Recollections of an Irish Rebel*, 370.

[10] Maebh O'Regan, 'Richard Moynan: Irish artist and unionist propagandist,' *Eire-Ireland*, 39:1&2, Spring/Summer 2004. 63

especially newspapers, than for a brothel-keeper'[11] - may be an overly harsh judgment of the profession, but recognised the fact that as the nineteenth-century progressed and the nature of the newspaper business became less politicised and more commercialised, journalists became more malleable in their approach to their work.

Not so in the case of *United Ireland*. The Irish nationalist weekly was relentlessly partisan in both its handling of news and comment. It was largely uncompromising, except when it was required to execute a *volte face* in response to a change in Parnellite policy. *United Ireland* was a journal uncontaminated by objectivity, its columns unleavened with any sense of journalistic distance even at a time of creeping 'professionalisation.' Michael Foley contends that the later 1800s marked 'a discernible agreement as to what constituted professional behaviour and a degree of solidarity between journalists.'[12] That was clearly the case, but *United Ireland* and the editors of a number of other nationalist organs remained outside that emerging consensus.

Furthermore, despite its frequent and strident protestations about liberty of expression, *United Ireland* was no more committed to genuine freedom of the press in Ireland than were the two British administrations of the 1880s. Within its own bailiwick *United Ireland* was relentless in defence of Parnellite orthodoxy, often to the point of irresponsibility, in times where journalists were almost as legitimate a potential target of nationalist or agrarian violence as the landlord, bailiff or 'emergencyman.'[13]

According to James Loughlin *United Ireland* had three functions, 'to keep other nationalist papers in line, to confront enemies within and without the movement, and

---

[11] Lee, *Origins of the popular press*, 25.

[12] Michael Foley, 'Colonial and journalism in Ireland', *Journalism studies*, vol.5, number 3, 2004, 379.

[13] During the land war reporters employed by the Dublin newspapers to record political speeches discontinued the practice of giving evidence in court as to the accuracy of their reports after they were denounced, according to Dunlop 'so strongly as to place their lives in danger.' (Dunlop, *Fifty years*, 119.) However Davitt represented this as a voluntary act on the part of journalists, even those working for unionist newspapers, unwilling to have their work used in a prosecutorial context. (Davitt, *Fall of feudalism*, 415.)

especially to develop the cult of Parnell's personality.'[14] There was a strong element of messianic zeal about O'Brien that caused him, according to T.P.O'Connor, to see people in stark terms as either 'his slaves of his enemies.'[15] In his *Recollections* he depicted himself as a champion of 'fighting journalism' conveyed through the medium of 'picture writing' easily understood 'by the multitude.'[16] Although regularly included by contemporaries in the officer corps of the early 'new journalism', in reality his florid and allusive style, as well as his didacticism, was far removed from that emerging strain of populist reportage that came to dominate the newspaper landscape after the Northcliffe 'revolution' of the 1890s.

O'Brien waged a ceaseless campaign against opponents, both strident and mildly critical, of whatever philosophy 'Parnellism' espoused at any given time. As his biographer, Joseph O'Brien, has put it, 'no excuse whatsoever would be needed to assail the enemies of the Nationalist movement.'[17] Those enemies included some obvious candidates - the Castle, unionists, and Irish 'Whigs' and some whose transgressions might have been viewed as more venial or, at least, less apparent – socialists and recalcitrant nationalists. Such vendettas were a regular feature of the newspaper, whether or not O'Brien was *de facto* editor. Though a fine journalist in his own right it was Bodkin's mimetic qualities that were more valued in his stewardship of *United Ireland*.

In the same manner as the Liberal and Tory governments dearly wished to 'silence' O'Brien and others, the nationalist press, principally represented by *United Ireland*, aggressively sought to suppress internal dissent within the ranks of nationalism. While O'Brien might well have maintained that he was simply following a censorious template established by Dublin Castle, and that the end justified the

---

[14] Loughlin in Boyce/O'Day, *Parnell in perspective*, 233.

[15] T.P.O'Connor, *Memoirs*, 143.

[16] O'Brien, *Recollections*, 360.

[17] O'Brien, *William O'Brien and the Course of Irish Politics*, 18.

means,[18] nonetheless, he displayed an acute desire, if not an actual design, to stifle antagonistic commentary.

United Ireland's frequent attacks on unionist newspapers, either in its editorial columns or in 'The Week's Work', can, in general, be discounted as normal politically and culturally motivated badinage. It was to be expected of the main nationalist weekly that it should take on the chief apologists of the unionist newspaper establishment. Occasionally, however, the newspaper's polemics descended into personal invective or even libellous diatribe. Sir John Arnott, proprietor of the *Irish Times* – dubbed the *Liarish Times* by O'Brien – and its editor J.A.Scott were regular targets.[19] The virulently unionist *Dublin Evening Mail* and *Daily Express* were also subjected to frequent attacks.

The three Dublin-based unionist newspapers largely ignored the derogatory comments of the nationalist weekly. Had *United Ireland* been a daily paper they might have found it more difficult to remain so detached. The *Daily Express* tended to treat *United Ireland* as beneath its contempt and refused to engage with it, preferring to take issue with the more respectable face of nationalist journalism, the *Freeman's Journal*. The *Evening Mail* adopted a similar approach. The attitude of the *Express* to O'Brien's paper is best summed up in one leader. Reviewing the course of separatism and militant agrarianism through the nineteenth century, the *Express* equated 'the moral scavenging work of *United Ireland*' with the dynamite campaign of Jubilee year. *United Ireland* was compared adversely with the *Nation* of the Young Irelanders. 'The sedition which in 1848 had something chivalrous if Quixotic in it, has become in 1887, a thing that honest men shudder and hold their nose at.'[20]

---

[18] Warwick-Haller, *William O'Brien and the Irish Land War*, 73-74. This is a discussion of the irresponsibility of the journalism of both O'Brien and Healy as against the weight of the forces opposing them.

[19] *United Ireland*, 10 September 1887.

[20] *Daily Express*, 17 March 1887.

In an era when the journalistic by-line was still in the future and anonymity was the norm[21] *United Ireland* consistently identified individual correspondents whose journalism aroused its antipathy and conducted a series of highly personalised campaigns against them. This 'rogue's gallery' featured Patton and Dunlop prominently, but also included W.H.Wilson and William Ludgate, Cork-based *Times* correspondents. Most of *United Ireland's* ire was reserved for correspondents who supplied material to prominent English journals. They were described as men 'who slander their own country and people with the zeal of time-serving apostates.'[22]

O'Brien had first fulminated against these 'apostates' in a rather sinister editorial in 1884. This concluded with a threat.

> We hereby give public warning that the news agencies, or rather lies agencies, will not be tolerated longer in their present system of secret service to the Government. The men who send these telegrams are known. We have on hand the materials to publish a full list of them, with full particulars of their political and newspaper connections.

United Ireland recommended that the offending correspondents should be warned off, like 'jockeys who misconduct themselves.' It concluded by suggesting, ominously, that 'the Irish public, if they are put to it, will make the one occupation as hazardous as the other.'[23]

One of the particular *bêtes noirs* of *United Ireland* was, as already noted, Andrew Dunlop, a Scottish-born journalist employed initially by the *Freeman's Journal*. Well-known for his unionist predilections Dunlop was forced off the staff of the *Journal* in 1885 after a prolonged nationalist campaign, led by O'Brien, and based largely on his contributions to the *Daily News*, at that time an anti-Home Rule publication. He spent a year freelancing for the *Journal*, but the clamour continued, so he joined the more congenial *Irish Times*. Even then the pursuit did not abate and in 1889 Dunlop was relieved of his *Daily News* duties, the London paper having

---

[21] One of the penal elements of French press legislation prior to 1881 was that contributing journalists should be easily identifiable.

[22] *United Ireland*, 1 September 1888.

[23] *United Ireland*, 12 January 1884.

metamorphosed into a supporter of Home Rule in the interim. *United Ireland*, leading the charge, in January 1889 had condemned the arrangement whereby a journalist employed by an Irish unionist paper doubled as correspondent of the flagship of Gladstonian liberalism. 'Is it not high time to put and end to so shameless and flagitious [*sic*] a system of imposition,' the nationalist weekly had railed.[24]

Dunlop considered the personalised baiting of O'Brien to be 'a gross breach of journalistic etiquette, and, having regard to the terms in which we were referred to, one which was calculated to endanger our lives.'[25] In addition to being harangued in the columns of O'Brien's newspaper Dunlop also claimed to have been assaulted in the wake of an altercation with the MP himself at a public meeting on the Luggacurren estate of the Marquis of Lansdowne in 1887. Dunlop, by then reporting for the *Irish Times* and the *Daily News*, had recorded the speeches of the local parish priest and of O'Brien himself when, he alleged in his memoir, the *United Ireland* editor demanded that Dunlop leave 'because you are not here as an ordinary newspaper reporter, but as a spy.' Dunlop was then set upon and forced to walk seven miles to Athy to file his copy from the local post office. He was also badly beaten while in the town before being offered RIC protection.[26]

Dunlop contrasted the vendetta-style journalism of O'Brien (he made no reference to Bodkin who would actually have been directly responsible for much of the abuse) with that of the Sullivans. He made the point that 'this gutter journalism was never indulged in by the *Nation* or the *Weekly News*, the two weekly Nationalist contemporaries of *United Ireland*.' The *Nation*, he insisted 'although strongly advocating Home Rule and Land Reform, carefully avoided personalities.'[27]

Subject to an even greater level of vilification was Dr. G.V. Patton, editor of the

---

[24] *United Ireland*, 29 January 1889.

[25] Andrew Dunlop, *Fifty years of Irish journalism* (Dublin, 1911), 269.

[26] Dunlop, *Fifty years of Irish journalism*, 165-169. Dunlop, however, was not above using a journalistic platform to retaliate. He wrote an anonymous piece for the *Daily Chronicle* in January 1890 – 'From a Correspondent' - in which he justified the practice of jury packing on the basis that *United Ireland* and other nationalist journals were, 'practically telling jurors that it was their duty to give a verdict ... in the teeth of the evidence.' O'Brien was cited in the *Chronicle* piece 'as the chief offender in this way' (Dunlop, *Fifty Years of Irish Journalism*, 250.)

[27] Dunlop, *Fifty Years of Irish Journalism*, 277.

Daily Express and Dublin correspondent of the *Times*. Within a month of the nationalist journal's inception he was being abused by *United Ireland*.

> Dr. Patton, who preaches up Irish industries in the *Daily Express,* and preaches them down in the London *Times* is to have a national statue erected to him at O'Connell's feet – convenient to his right boot.[28]

Patton did not endear himself to *United Ireland* by predicting its demise in December 1881 when it was under threat of suppression. He was, unquestionably, allowed considerable leeway by the *Times* in his reportage, which often reads more like editorial commentary. In a news report on 24 December he referred to the Parnellite paper as 'scattering the most pernicious doctrines amongst the people.'[29] Three days later, again in a report filed as *Times* Dublin correspondent, Patton had gloated about the incipient defeat of *United Ireland*, claiming that 'its strength is greatly impaired, and its tone is that rather of a spiteful but feeble vixen than of the daring outlaw.'[30] While it is important not to import 21st century notions of objective reportage into nineteenth century polemics, even by the standards of the day Patton – the correspondent - was given a powerful platform to editorialise.

United Ireland's anti-Patton invective intensified when the Conservative government came to power. A number of broadsides assailed him in his capacity as editor of the unionist *Daily Express*. After an *Express* attack on Herbert Gladstone in November 1886, in a column in 'The Week's Work', O'Brien turned on the editors of the *Mail* and *Express*, referring to them as 'Irish Tory Quintus Slides'. He compared the treatment of Gladstone to 'the sort of ribald calumny to which the Irish leaders are pretty well habituated … it may be worth consideration whether representatives of the *Express* should not be expelled from all public meetings in Ireland, and Mr. John

---

[28] *United Ireland*, 17 September 1881.

[29] *Times*, 24 December 1881.

[30] *Times*, 27 December 1881.

Robinson[31] or Dr. Patton ducked in the slime of the Liffey the first time he can be laid hands on.'[32]

The American correspondent William Henry Hurlbert also fell foul of *United Ireland* who dubbed him 'the bogus American investigator'[33] In his two-volume study of an Ireland in the grip of the Plan of Campaign, *Ireland under coercion*, the former editor of the *New York World* took an establishment line, rejecting the nationalist narrative of extreme agrarian distress and pointing to significant rises in savings bank deposits in areas where the Plan was in operation as proof of the capacity, and unwillingness, of tenant farmers to pay even arbitrated rents.[34] He was also highly sceptical of the nationalist narrative of press suppression, suggesting there were greater abuses of press freedom by the Lincoln administration during the American Civil War.[35]

Hurlbert declared himself 'a benevolent neutral'[36] where Irish affairs were concerned, whereas *United Ireland* described *Ireland under coercion* as a 'slanderous book.'[37] *United Ireland's* animosity was given an added piquancy as Hurlbert had characterised it as 'that dumb organ of a downtrodden people'.[38] Furthermore he accused the paper of being directly responsible for intimidation, citing a court appearance in Ennis of a number of publicans accused of boycotting the police.

---

31 Robinson was proprietor of the *Express* at that time.

32 *United Ireland*, 13 November 1886.

33 *United Ireland*, 2 February 1889.

34 William Henry Hurlbert, *Ireland under coercion*, (New York, 1888), vol.2, 22, 98,111, 214.

35 Hurlbert, *Ireland under coercion*, vol.2, 22, 111, 83-84, 98. Hurlbert was a Southern Democrat.

36 Hurlbert, *Ireland under coercion*, vol.1, 187.

37 *United Ireland*, 25 August 1888.

38 Hurlbert, *Ireland under coercion*, vol.2, 99.

> Ten of them signed, in open court, a guarantee not further to conspire ... The magistrate tells me that when the ten who signed (and who were the most prosperous of the publicans) were preparing to sign, the only representative of the press who was present, a reporter for *United Ireland*, approached them in a threatening manner, with such an obvious purpose of intimidation, that he was ordered out of the court-room by the police.[39]

The threat posed by Hurlbert was similar to that of Dunlop and Patton, access to an influential audience outside of Ireland. His unsuccessful stewardship of the *New York World* - ended when the paper was purchased by Joseph Pulitzer - was mocked by Bodkin. He was denigrated as 'a clever politico-journalistic hack, his ambitions throughout a somewhat extended career, have ever outrun the appreciation of his countrymen.'[40]

In its defence of Parnellite orthodoxy *United Ireland* also took exception to the independent nationalist line occasionally pursued by journalists and editors with whom it might have been expected to be *ad idem*. Chief among these victims of a form of journalistic Jacobinism was one of the original motive forces behind the land campaign in the west of Ireland, James Daly, editor of the Mayo-based *Connaught Telegraph*. From as early as 1881, despite having obtained £50 from the Land League to secure the future of his paper, Daly's 'locally orientated ideology' was already coming into conflict with 'Parnell's evolving centralised political system,'[41] and with the spread of ribbon-feniansim. His support for small farmers in the west was also at odds with the growth of the influence within the agrarian movement of larger graziers and urban professionals. In addition Daly was too closely allied to the renegade Mayo nationalist John O'Connor Power and came to oppose the use of boycotting. Had he remained silent his growing disillusionment would not have mattered. But he had a significant platform in the *Connaught Telegraph* and he was not averse to using it.

---

[39] Hurlbert, *Ireland under coercion*, vol.1, 274-75.

[40] *United Ireland*, 25 August 1888.

[41] Gerard Moran, 'James Daly and the Rise and Fall of the Land League in the West of Ireland, 1879-82', *Irish Historical Studies*, Vol. 29, No. 114 (Nov., 1994), 198. Conor Cruise O'Brien refers to it as, 'a drastic subordination of the various branches of the movement to central control' (Conor Cruise O'Brien, 'The machinery of the Irish parliamentary party, 1880-85', *Irish Historical Studies*, vol.5, no.17 (March 1946), 55.)

Daly was an early target of *United Ireland's* venom. In October 1881, just before the Kilmainham incarcerations, the Castlebar branch of the Land League was persuaded to depose Daly from its vice-presidency and expel him from membership. *United Ireland* approved wholeheartedly of the move, observing 'that branch had the patience of Job.'[42]

Daly's sin was to offend against Parnellism itself. The editor of the *Tuam News*, John MacPhilpin, who had been jailed in 1883 under the Prevention of Crime Act, transgressed because he paid insufficient attention to the sanctity of the Liberal alliance in 1888. In his own newspaper MacPhilpin had, ill-advisedly, drawn attention to the treatment he had suffered in prison in 1883 on foot of the publication of articles condemning three Galway landlords. Far worse, in the eyes of *United Ireland*, was the fact that his untimely denunciation of Lord Spencer had found editorial favour with the *Daily Express*. *United Ireland* observed that 'it is touching to see the communion of souls as to standards of moral elevation between the *Daily Express* man and the editor of the *Tuam News*. In the "good old days" the *Express* would not have recognised for a moment that a publication such as the *Tuam News* had existence.' The piece went on to speculate that MacPhilpin had ulterior motives as his 'hopes of a Parliamentary seat were blighted.'[43]

When the *Tuam News* editor wrote to *United Ireland*, a journal that had itself regularly excoriated Spencer, and attempted to defend himself, Bodkin was dismissive.

> Any man who aids his personal enemies by a revival of ancient grievances … - utterly undeserved in Lord Spencer's case - is helping to retard the cause of Irish freedom and the pacification of the country. That is all we have to say to Mr.McPhilpin.[44]

---

[42] *United Ireland*, 8 October 1881.

[43] *United Ireland*, 16 June 1888.

[44] *United Ireland*, 23 June 1888.

10.3 The surrogacy of Henry George

One of the ironies of the journalistic history of the 1880s is that *United Ireland's* zealous hostility to Patrick Ford and the *Irish World* undermined that journal's influence more effectively than Dublin Castle was ever able to do with its policy of interdiction and confiscation. A collateral casualty in this campaign, which commenced around the middle of 1882, was the American journalist, socialist and economic commentator, Henry George. An aggravating factor was the perceived necessity to undermine the increasingly socialistic tendencies of the untouchable 'Father of the Land League' Michael Davitt. This had to be achieved obliquely, resulting in George becoming a surrogate for the erstwhile Fenian. As Davitt began to re-invent and re-interpret the slogan 'the land for the people' his proxies had to be challenged and enfeebled in order to discredit him.

Davitt had begun the journey to his own particular Damascus in Portland prison in 1882 when, under the 'not too arduous terms of his sentence'[45] he had re-read George's seminal work *Progress and poverty*, published in 1880. This advocated a policy of land nationalisation, confirming for Davitt a conviction of his own that had been forming for some months. Davitt had been impressed with George and his ideas when the two men met through their mutual friendship with Patrick Ford. George was equally impressed with Davitt, but described him to the *Irish World* proprietor, rather ambiguously as 'a very impressionable man.'[46] While in Portland prison the Land League co-founder had abandoned the ideas of peasant proprietary enunciated by that organisation and, in a speech in Manchester on 21 May 1882, pronounced in favour of the state ownership of land. In this, and in his call for a measure of compensation for landowners, his template differed somewhat from that of George. With Parnell's authority undermined in the wake of the 'Kilmainham treaty', Davitt's ill-timed intervention 'was perceived by some as a challenge to Parnell's leadership.'[47] The party leader swatted away Davitt's *demarche*, later dismissed as a

---

[45] Lyons, *Parnell*, 232.

[46] T.W.Moody, *Davitt and the Irish revolution, 1846-1882* (Oxford, 1981), 552. Davitt records in the entry for 13 May in his 1882 diary 'Lent Hn.George £5' (Diary entry, 13 May 1882, MS9536,Davitt papers, Trinity College, Dublin)

[47] Carla King, *Michael Davitt* (Dundalk, 1999), 40.

'chaotic socialist experiment'[48] in a June 1882 interview with the *New York Herald*, implying that his old ally would soon return to the fold once he realised that his new philosophy had no traction in rural Ireland.

Davitt, to the dismay of his colleagues, also seemed to have been infected by George's rejection of the nationalism of the Land League. In his pamphlet, *The Irish land question*, George had written that 'it is not true that there is – in an economic sense at least – any peculiar oppression of Ireland by England now.'[49] George argued that the Irish land system was essentially the same as that which prevailed in most modernised countries and that, since the passage of the 1870 Land Act by the British parliament, Irish tenant farmers actually held land on better terms than their counterparts in the U.S.A. To him the land war was interesting largely as a laboratory experiment in class struggle. While Davitt would not have agreed entirely with George's analysis he did call for a 'democratic alliance' between the peoples of Britain and Ireland and the burying of traditional differences. Davitt was also a thoroughgoing separatist while George was an integrationist and a utopian for whom 'the solution to the Irish land problem was a step in the direction toward universal justice.'[50] Before his departure for the U.S.A. in June 1882 Davitt accompanied George on a speaking tour of Britain, where they appeared jointly on a number of platforms. The *Irish World* enthusiastically covered those events, (George was still writing for the newspaper) and the subsequent visit of Davitt to America.

This development posed both a challenge and an opportunity for *United Ireland*. The challenge was how to undermine the deviations of Davitt without damaging its own credibility with outright attacks on such a revered figure. The opportunity was to end any remaining influence of the *Irish World* outside of the United States following Patrick Ford's post-'Kilmainham treaty' recusancy. The obvious common denominator was Henry George, sometime correspondent of the *World*, whose

---

48 *United Ireland*, 19 April 1884.

49 Henry George, *The Irish land question: what it involves and how alone it can be settled: an appeal to the Land Leagues*, (New York and London, 1881), 1-2.

50 Michael Silagi and Susan N.Faulkner, 'Henry George and Europe,' *American Journal of Economics and Sociology*, vol.46, no.4 (October 1987), 499.

socialistic pamphlet on the land war had put him at odds with nationalist agrarian convention.

George had arrived in Ireland in October1881, partly to view the land war at first hand, partly as special correspondent of the *Irish World*. This was just after the leadership of the Land League had been incarcerated. *United Ireland* had heralded his arrival with the wry observation that 'we trust he is a hardy, thoroughgoing Yank, and that a quadrangular closet in Kilmainham jail will not disagree with his health.'[51] By November the journal was carrying advertisements for *Progress and poverty*,[52] and in December included an article by the great man himself.[53] Relations remained on an even keel for as long as George saw fit to represent the British response to the land war as 'a reign of terror.'[54] The American economist also added to his personal mystique and credibility by managing to get himself arrested on two occasions.[55]

The Irish political establishment was, at first, reluctant to deal directly with Davitt's *bouleversement*. Responding to a speech on land nationalisation by Davitt in Liverpool in June 1882, just prior to Parnell's contemptuous rejection of the policy, *United Ireland* sought to square the circle by declaring that 'it conflicts with nothing which the Irish leaders have done or contemplate doing.' [56]

A fortnight later, after Parnell's *New York Herald* interview had greeted Davitt on his arrival in the U.S.A., came the first indication that the 'line' on his Damascene conversion had shifted. *United Ireland* published a letter from the highly respected Land League organiser Matt Harris. This was critical of the principle of land

---

[51] *United Ireland*, 22 October 1881.

[52] *United Ireland*, 26 November 1881.

[53] *United Ireland*, 24 December 1881.

[54] *Irish World*, 3 December 1881.

[55] *Freeman's Journal*, 11 August 1882. Edward T.O'Donnell, ' "Though not and Irishman": Henry George and the American Irish.' *American Journal of Economics and Sociology*, vol.56, no.4 (October 1997), 413.

[56] *United Ireland*, 10 June 1882.

nationalisation.[57] It was the first salvo in the proxy war. In October, as plans were being laid for the establishment of the National League, the Parnellite journal continued to make light of perceived differences between Davitt and Parnell in their approach to agrarian issues. 'The question is not whether men differ, but whether they think more of their differences than the unity and discipline of the National forces.'[58]

Thereafter, when Davitt prominently re-iterated his commitment to land nationalisation, *United Ireland* pointed towards the devil at his shoulder. In a speech in Drogheda in April 1884, in which he renewed his advocacy of the policy, *United Ireland*, referring to George as 'the Anglo-Californian adventurer', attacked the new policy enunciated by Davitt as proxy Georgism:

> It was harmless until Mr. George ... boldly put forward his own fads as a practical programme ... it became a much more serious matter when Mr. George stepped upon an Irish platform under the countenance of an Irishman of Mr. Davitt's position to incite the Irish people to change their counsels and discard their leaders.[59]

The following year a further *United Ireland* attack on the land nationalisation issue drew a rebuke from Davitt himself in which he characterised the piece as 'ill-tempered and unfair', adding pointedly that 'there ought to be such a thing as consistency even in journalism, and I think I have the right to invite you to give evidence that you are a model in this respect before you lecture the inconsistency of Land Nationalisers like myself.' In response *United Ireland* declined 'to plunge into the sewage of a personal controversy' before remarking sardonically that 'surely it is no more treason for us to differ from Mr. Davitt than for Mr. Davitt to differ from Mr. Parnell, and we certainly admire and respect Mr.Davitt quite as warmly as he

---

[57] *United Ireland*, 24 June 1882. Davitt wrote in his diary of Harris's intervention (which had also appeared in the *New York Herald*), 'These cowardly slanderers had not the manliness to attack me while in Ireland. Now when they stupidly imagine that I am about to be crushed in New York they like so many cowardly curs rush out and bark at my heels.' (Diary entry, 23 June 1882, MS 9535, Davitt papers, Trinity College, Dublin.)

[58] *United Ireland*, 21 October 1882.

[59] *United Ireland*, 19 April 1884. In the same edition, in an attempt at ridicule, *United Ireland* wrote that 'the Irish people will have nothing to say to his plans for making the moon into green cheese'.

admires and respects Mr. Parnell.' Once again, however, the paper chose to leaven its anti-Davitt invective by including George in its commentary. It argued that 'Mr. Henry George's theories should not be allowed to become a bone of contention amongst Irish nationalists.' [60]

The truth was that by 1883 George's interest in Ireland had long since waned and the incompatibility of his ideas and those of Davitt had become apparent to both men.[61] George had tried and failed to shift the debate in Ireland 'from a cultural-religious one ... to a socioeconomic one.'[62] By the mid 1880s his retention as a *bête noire* by *United Ireland* was little more than an opportunity for coded attacks on his erstwhile Irish ally.

Of a piece with the campaign against George was the exclusion of the *Irish World* from the Parnellite stable. George's economic ideas dominated the domestic discourse of the *World* while his despatches from Ireland suggested that Davitt's philosophy of land nationalisation had attracted more support than was actually the case.

Although one of the collateral intentions behind the creation of *United Ireland* in the first place was to end the need for the widespread importation and distribution of Ford's newspaper, the upstart had initially offered obeisance to its American counterpart. In August 1881 *United Ireland* thanked 'that wonderful Transatlantic Ireland of ours, and its scarcely less wonderful *Irish World*' for the transfer of funds to the Land League. The shift in orientation came in the wake of Ford's declared disillusionment with Parnell when details emerged of the pact between the Irish party leader and the Liberals which brought an end to the Kilmainham incarcerations. This led to a crucial interruption in funds flowing from America.

In March 1881 Ford had boasted in his paper of his independence when it came to his approach to Irish affairs. He maintained that Irish MPs 'have about as much

---

[60] *United Ireland*, 8 August 1885.

[61] Silagi and Faulkner, 'Henry George and Europe,' 500. In 1884 and 1885 George had seventy-five speaking engagements in Scotland and Wales and two in Ireland.

[62] O'Donnell, 'Henry George and the American Irish,' 416

influence in shaping the policy of the *Irish World* as the members of the Egyptian Chamber of Notables.'[63] He demonstrated that independence, from May 1882, with increasing disparagement of Parnell and acclamation of Davitt. The *Irish World* coverage of Davitt's 1882 tour of the USA verged on the hagiographic.[64] *United Ireland* responded by undermining the credentials of Ford's journal, claiming, for example, that many branches of the American League, 'protest against it as unpatriotic.'[65]

Davitt's pivotal Manchester speech of May 1882 received front-page coverage in the *Irish World* in the 17 June issue. In an accompanying leader Ford, conscious of the complexion that was being placed on his altered editorial line, wrote that 'two of our esteemed contemporaries have gravely informed their circle of select readers that the *Irish World* wants to depose Parnell and put Davitt in his place ... what they give out as coming from us is simply the coinage of their own minds.'[66]

In 1891, as the opposing forces of the Parnellite split were gathering, Ford gave an interview in which he reminded readers that the Parnellite newspaper 'was purchased out of funds collected in America, and intended for evicted tenants [which] came absolutely from the pockets of the constituents of the *Irish World*.' He did acknowledge, however, that 'we never subjected the Irish leaders on the other side of the water to any conditions whatever as to how the large amounts of money forwarded by us should be applied.' He also revealed that when Patrick Egan, one of the newspaper's principal shareholders, had been appointed U.S. Minister to Chile, Egan had made over his *United Ireland* shares to Davitt, using Ford himself as

---

[63] *Irish World*, 4 March 1882.

[64] Davitt returned the compliment in The Fall of Feudalism in Ireland when he wrote that 'the *Irish World* has been a tower of strength in every conflict of the past quarter of a century in which the great principle of "the land for the people" was fought for and upheld, and its name and giant efforts in a historic social and national revolution will always be linked with the name and achievements of the Irish Land League.' (Davitt. *The fall of feudalism*, 715.)

[65] *United Ireland*, 14 October 1882.

[66] *Irish World*, 17 June 1882.

intermediary. However, 'Mr. Davitt was never able, nor did he find it pleasant for him, to assert his rights.' Ford ascribed this to 'the jealousy of O'Brien.'[67]

In 1904, in his autobiographical account of the agrarian and political struggles of the 1880s, *The fall of feudalism in Ireland*, Davitt, in singling out Patrick Ford for his role in those labours, implicitly disparaged the part played by *United Ireland*.

> His services to the Irish people in the advocacy of their cause in his paper, and in the enormous financial assistance rendered by its readers and friends to the Irish national leaders, are beyond anything ever done by a weekly newspaper for a great movement.[68]

10.4 The cult of personality and personal control

At various times in the 1880s Parnell was either a neglectful or a circumscribed political figure. His career was becalmed in the wake of the Kilmainham Treaty and the introduction of the Crimes Act. His refusal to risk arrest by campaigning in Ireland, and his reversion to domesticity in his relationship with Katharine O'Shea, point to an incipient decline of influence. The 1884 franchise extension, and the inevitability of assuming leadership of a large united party, revived his career and advanced his policies. After the failure of the 1886 Home Rule Act he, once again, withdrew into the political shadows until the illusory 'triumph' of the *Times* commission and the enthusiastic renewal of the *rapprochement* with Gladstone. However, even during his fallow periods Parnell could always depend on the weekly beatification of his leadership and public persona by *United Ireland*. As James Loughlin has put it, 'O'Brien and *United Ireland* were at the forefront of a campaign to maintain the psychological reality of his mythic status with the Irish people.'[69]

Parnell himself deftly facilitated his own aggrandisement with a succinct approach to oratory. In this regard either his innate aversion for prolixity, or an acute realisation of the value of relative brevity, served him well. A *United Ireland* obituary by the

---

[67] *Times*, 3 January 1891. Ford also denigrated O'Brien's potential for party leadership saying, 'he was intended more for guerrilla warfare, not for serious business of this kind'

[68] Davitt. *The fall of feudalism*, 715.

[69] James Loughlin in *Parnell in Perspective* (D.George Boyce and Alan O'Day eds), 233.

anonymous 'Irish Reporter', referred to his adoption of a 'system of never speaking more than would make about the ordinary column of a newspaper ... One result of this was it developed that method of epigrammatic condensation which made his utterance so strikingly effective and another that he was sure to get a perfectly satisfactory report.'[70] In addition Parnell was noted for cultivating reporters,[71] even ones, like Alfred Robbins, whose newspaper, the *Birmingham Daily Post*, opposed his policies.[72] But antagonistic English newspapers, of which there were many, also played a major role in elevating Parnell to mythic status amongst his own people.

O'Brien's hagiographical treatment of his leader drowned out any potential dissatisfaction at Parnell's inattentiveness to his political duties.[73] James Loughlin has even speculated that the 'cover' provided by *United Ireland* facilitated Parnell's frequent inactivity. 'It may well have been the case that with *United Ireland* constantly keeping the mythic entity of Parnell before the Irish public, and ensuring that other nationalist papers towed [*sic*] the party line, he felt free to pursue his private interests more fully without political cost.'[74] In establishing the mythic leadership of Parnell the image was of a reticent, reluctant, but passionately committed leader. His 'reticence', by implication, contrasted with the more choleric dispositions of his lieutenants. Occasionally, however, the modest warrior would metamorphose into an Olympian figure, as in one of Bodkin's more purple sallies, an editorial entitled 'Achilles in the field'. This was penned in response to a Parnell speech in Liverpool and written two years before the vulnerable heel of Achilles became apparent.

---

[70] *United Ireland*, 8 October 1891. As against that Edward Byrne wrote of Parnell that 'he was notoriously careless about the reports of his speeches.' (Edward Byrne, *Parnell, a memoir*, Frank Callanan, ed , (Dublin, 1991), 30) That however, would not preclude his paying minute attention to their format.

[71] See Edward Byrne, *Parnell: A Memoir*. J.M.Tuohy (attributed to London Correspondent) *Freeman's Journal*, 8 October 1891.

[72] Alfred Robbins, *Parnell, the last five years*, (London, 1926).

[73] The *Nation*, for one, occasionally adopted a more sceptical approach. 'Mr. Parnell, they [the Irish people] are convinced, is a wise and sagacious champion; they would regard his loss as most serious, but he is not indispensable.' (*Nation*, 30 September, 1882)

[74] James Loughlin, in *Parnell in Perspective* (D.George Boyce and Alan O'Day eds), 237.

> Sudden and irresistible as Homer's hero he has sallied out into the thick of the fight scattering the enemy before him. Like the Homeric hero, he seems to pervade the battle, now here, now there, striking along the whole line of the enemy's array, invulnerable, in his calm contempt for calumny; irresistible, in his pitiless logic and trenchant scorn.[75]

Parnell made frequent practical use of *United Ireland* in that much of the information given to the newspaper for publication about foreign political excursions was actually spurious. It was often 'cover' for a prolonged sojourn at Eltham with Katharine O'Shea.[76] It may be mere coincidence but the newspaper, up to the failure of the Home Rule Bill, rarely availed of countless opportunities to criticise the political allegiances and activities of William O'Shea at a time when its excoriation of other 'nominal' Home Rulers as 'Whigs' was a weekly occurrence.[77]

Parnell also made use of *United Ireland* in a variety of other ways. It afforded him the luxury of witnessing personal attacks being made on his political enemies without he himself having to take responsibility for inspiring them. The incidence of the proposed Chamberlain / Dilke Irish tour of 1885 has already been cited as a case in point. Parnell could privately disown O'Brien's unnecessarily personalised attacks, on Chamberlain in particular,[78] while enjoying the discomfiture of the radicals and aligning himself more closely with the leadership of Gladstone. Davitt blamed Parnell's influence over *United Ireland* for the entire shambles - 'his reputed organ had nothing for them but the welcome of a threatened horse-pond or the argument of a bog-hole.'[79]

To this notorious incident can be added, as already noted, the splenetic attack by the Parnellite newspaper on Sir Charles Gavan Duffy's support, from Australia, of the 1881 Land bill. Parnell was suitably restrained in his criticism of the former Young Irelander. O'Brien, conversely, poured scorn on Gavan Duffy in a leader entitled

---

[75] *United Ireland*, 28 December 1889.

[76] Robert Kee, *The Laurel and the Ivy* (London, 1993), 373.

[77] Dungan, *The Captain and the king*, Chap.9.

[78] Including a reference to his 'sulky antipathy to Irish aspirations.' *United Ireland*, 26 December 1885.

[79] Davitt, *Fall of feudalism*, 475.

'Knightly counsel' in the paper's third issue.[80]

Despite his denial to the *Times* commission of any overweening or controlling role in the editorial policy of *United Ireland* – he told the attorney general 'Mr O'Brien managed the paper. Mr. O'Brien would not allow or would not occupy his post for a single hour if the paper was to be managed by anybody besides himself'[81] – Parnell was quite prepared to attempt to dictate editorial policy. During the brief period of *rapprochement* with the Conservatives in late 1885 agrarian lawlessness was on the rise, jeopardising one of the most attractive features of the Tory alliance, their willingness to allow the 1882 Crimes Act to lapse. On 17 December 1885 Parnell wrote to Healy, then collaborating with O'Brien in the production of the newspaper, suggesting that it should denounce the spike in the crime figures.[82]

Parnell appears also to have assumed control over at least one aspect of the affairs of *United Ireland*, the disposal of its profits. During the appearance of O'Brien at the *Times* commission on 23 May 1889, the attorney general voiced his assumption that any surplus in the finances of the newspaper was remitted to the National League. O'Brien contradicted him.

> 72037 ...the National League has no more to do with the paper than I have – is not in the slightest degree responsible for it, nor me for it.
>
> 72038 To whom did the profits go then?- To Mr. Parnell.
>
> 72039 (Mr. Justice A.L. Smith) Personally?- Certainly.
>
> 72040 (Attorney general) Not to anybody else?- No.
>
> 72041 To Mr. Parnell personally? – That is to say that I know that the capital was supplied by Mr. Parnell; the profits go to him also, and there were no profits whatever until about 1884[83].

This does not necessarily contradict other assertions by O'Brien that Parnell had resigned his directorship of the journal in 1883 'to avoid the legal penalties which

---

80 *United Ireland*, 27 August 1881.

81 *Special Commission*, 2 May 1889, vol 7, 164, 60244.

82 Lyons, *Parnell*, 310. Healy, *Letters and leaders*, 237.

83 *Special Commission*, 23 May 1889, vol.8, 200, 72037-72041

were then falling in showers upon the paper.'[84] The party leader might well have done so while still retaining a shareholding and extracting a dividend. Neither does it imply that the capital supplied by Parnell came from his own personal resources. In an interview carried by the *New York Herald* on 12 December 1890 O'Brien acknowledged that almost half the shareholding in *United Ireland* belonged to Parnell.[85] In his own evidence earlier that month Parnell himself had accepted the assertion of the attorney general that *United Ireland* was 'the organ of the Land League', agreeing that it had been 'bought with the money of the Land League' while denying that the finance for the newspaper had come directly from the 'Skirmishing fund' in the U.S.A.[86] In an interview in January 1891, Patrick Ford, admittedly not the most disinterested source, maintained that 'to my knowledge I can say that not a single farthing of Mr.Parnell's personal money ever went into *United Ireland*.'[87]

Whatever the actual extent of his control and influence, and both he and O'Brien denied its significance, one thing is absolutely clear. After the *coup* in committee room fifteen of the House of Commons in December 1890 Parnell's sudden renewed interest in visiting Ireland began with his re-assertion of his ownership of the newspaper and his repossession of its premises. The level of control he thereby achieved over the editorial line of *United Ireland* was absolute and continued from beyond the grave.

---

[84] William O'Brien, *An olive branch in Ireland and its history* (London, 1910), 22. *Insuppressible*, 29 December 1890.

[85] *Insuppressible*, 29 December 1890.

[86] *Special Commission*, 2 May 1889, vol 7, 161-164, 60244-60282

[87] *Times*, 3 January 1891.

CODA

10.5 *Felo de se*: The Parnellite split



United Ireland, 13 December 1890

Having calculatedly exploited and then abandoned what was coyly described at the time as 'advanced' nationalism, in favour of constitutional moderation, Parnell found himself in 1891, much as had Mary Shelley's fictional Dr. Frankenstein in the eponymous novel, unable to exercise control over his creation. He was incapable of turning the movement he had formed in his image and likeness, away from its innate conservatism. As F.S.L.Lyons has put it, 'when in the last year of his life he sought to invoke a more militant spirit, he found in the party he had himself created a vested

interest in constitutionalism which it was beyond his power to control.'[88] The party Parnell had largely created then proceeded to consume itself.

The events that flowed from the O'Shea divorce case in November 1890, leading to the decade-long split in the Irish party, also had serious and lasting ramifications for the nationalist press. It is not proposed here to deal with its implications for the regional press other than to note that most of the local papers (the Harringtons' *Kerry Sentinel* and John Carew's *Leinster Leader* being two of the significant exceptions) sided with the opponents of the party leader. The consequences of the split radically altered the landscape of the nationalist press in Dublin. The *Freeman's Journal* began its long death rattle. An upstart Healy-inspired project, the *National Press*, was created and later abandoned. The *Irish Daily Independent*, whose successor would dominate the burgeoning commercial market of the early 1900s, was born out of the defection of the *Journal* to the Federationists. And *United Ireland* began its rapid descent into gratuitous partisan vituperation and irrelevance.

As the party split wrought internecine conflict so did certain qualities inherent in nationalist journalism become latent. *United Ireland*, always the assertive policeman, migrated, metaphorically, from a civil to a military footing, becoming instead a fractious artilleryman. But it no longer had the field entirely to itself. Its belligerence was either complemented or countered by the rancour of the *National Press* and the *Irish Daily Independent*.

The O'Shea divorce proceedings seemed to catch the nationalist press off-guard. The 'triumph' of the *Times* commission, the payment of £5000 by the newspaper to the Irish party leader in libel damages, and private assurances on the impending court case by Parnell to the likes of O'Brien, Morley and Davitt, may have contributed to a sense of complacency. That was shattered by both the result and the humiliating details that emerged from the unchallenged suit. However, the *Freeman's Journal,* which would remain loyal for the next six months, was quick to rally to the support of the weakened leader.

> Our business with Mr. Parnell is political. The business of Ireland with him is political. He has ably, faithfully successfully served his country ... Is the

---

[88] F.S.L.Lyons, *The fall of Parnell,* 16.

> most important decade in the latter day progress of Irishmen to Home Rule to be blotted out, and, as if it had never been, at the hand of an O'Shea? That ... must not happen.[89]

The initial response of *United Ireland* was in similar vein. Bodkin, despite giving expression to the embarrassment of the Irish people at the personal behaviour of their political leader, had no time for the 'canting hypocrites' calling for his head.

> Of his private life the Irish people have no mission to judge. That they leave to his conscience and his God, who weighs the temptation with the offence. His public career commands their unbounded admiration. It is his public services they will retain, and will repay with loyal support.[90]

The following week, in advance of the crucial Irish party sessional meeting at Westminster, *United Ireland's* support for Parnell was more equivocal:

> If Home Rule is to be still helped by his leadership he will stay; if Home Rule is to be hurt he will go ... Whatever else is lost the one indispensable necessity of the situation – a united Irish Party – must be preserved.[91]

O'Brien, along with Dillon, Harrington and other senior Irish party MPs, was in the U.S.A. From there he sent a telegram to Bodkin on 2 December, just before the Irish party meeting in committee room fifteen. The telegram made explicit O'Brien's personal opposition to Parnell's continued leadership[92] but instructed Bodkin, and Edward Donnelly, the paper's general manager, that 'if Irish Party vote for Parnell's leadership, hand over establishment to anybody authorized by Parnell. If Party decide against Parnell, let *United Ireland* strenuously support our views, avoiding all unkind language of Parnell personally, and permit nobody to interfere'.[93]

Bodkin was also coming under pressure from Parnell's acolytes, one of whom, Dr.

---

[89] *Freeman's Journal*, 18 November 1890.

[90] *United Ireland*, 22 November 1890.

[91] *United Ireland*, 29 November 1890.

[92] Many years later his wife claimed in a correspondence with an American admirer of O'Brien that had her husband known about the part played by John Morley and William V.Harcourt in the amendment of Gladstone's letter to Parnell he would not have opposed Parnell's leadership. 'I know that the revelation was a cruel blow to William O'Brien. Had he known the truth he would have acted differently.' Sophie O'Brien to A.W.Bromage, 1 December 1951. O'Brien papers, NLI, MS 5924. The demonisation of Morley and consequential partial exculpation of Gladstone is challenged by Frank Callanan in *The Parnell split*, (Cork, 1992), 16-20.

[93] O'Brien, *An olive branch in Ireland*, 21.

J.E. Kenny MP, wrote to Donnelly the following day, in his capacity as a director of the newspaper. He insisted 'on absolute neutrality & I told Mr.Bodkin so last week.'[94] The withdrawal from the Westminster meeting of a majority of Irish party members, clarified the position of the parliamentary group and this was reflected in Bodkin's first post-split editorial on 6 December 1890, entitled 'Ireland or Parnell'.

> The clouds have lifted. The path of duty is clear at last. No man who keeps his head cool and his heart pure can miss it. Let partisans attempt to disguise it as they may, "Ireland or Parnell" is now the issue on which Irishmen are to decide ...for Ireland's sake, Mr. Parnell must go.[95]

Anticipating the opposition of O'Brien, confirmed to him in a cablegram from New York on 7 December,[96] Parnell had tried to pre-empt the antagonistic editorial by invoking his proprietorial rights. He despatched a telegram to Bodkin. 'Must insist that your leading article next issue of *United Ireland* being (*sic*) submitted to me before print, otherwise I must make other arrangements – Parnell.' This was duly published in the 'Week's Work' column with the rejoinder 'there will be no Press censorship in *United Ireland* in favour of any man.'[97] Resisting pressure to use his newspaper to inflict early propaganda damage on Parnell, O'Brien wired Bodkin once again on 8 December.

> Hold firmly but temperately to Parnell's retirement as *sine qua non*, but remember my injunction, avoid all unkind language of Parnell personally. Write everything yourself. [98]

Demonstrating the critical importance of *United Ireland* in the political struggle ahead, one of Parnell's first moves on his return to Ireland following the party split was to seize the offices of the journal that had safeguarded and enhanced his reputation for almost a decade, and over which he had notional proprietorial rights.

---

[94] Kenny to Donnelly, 3 December 1890, NLI, F.S.Bourke collection, MS 10702 (9).

[95] *United Ireland*, 6 December 1890.

[96] O'Brien to Parnell, 7 December 1890, TCD, John Dillon papers, MSS 6736, f.44. The cablegram concluded, 'I appeal to you as a leader I have for ten years been proud to follow and as a friend for whom I still feel a warm affection. Can you not see some way by which, while safeguarding your own reputation the country may be saved from the ruin which threatens it.'

[97] *United Ireland*, 6 December 1890.

[98] O'Brien, *An olive branch in Ireland*, 22.

That week Dublin city newsagents had been informed that copies of *United Ireland* would be available on Wednesday 10 December, twenty-four hours in advance of the normal print run 'for an obvious purpose', according to the *Evening Telegraph*.[99] A second set of anti-Parnell editorials was clearly in the offing.

At twenty minutes after midday on 10 December 1890, Parnell presented himself at the front door of the *United Ireland* offices in Abbey street and was refused admission by James O'Connor. After a brief fracas, Parnell and MPs Edmund Leamy (who would take over the editor's chair), William Redmond, John O'Connor and Pierce O'Mahony, gained entry at the head of a large group of supporters.[100] Bodkin was formally dismissed as editor by Parnell, in his capacity as director of the Irish National Newspaper Publishing Company, and was ejected from the office after being given the option of walking out unharmed or risking defenestration.[101] The current issue of the newspaper, then in preparation, was seized and destroyed. The *United Ireland* offices were left under the control of John O'Connor and Parnell's loyal secretary Henry Campbell. It was, nevertheless, briefly re-taken that night by anti-Parnellite elements before they in turn were forcibly removed. Again Parnell was to the fore in the re-occupation, energised to the point of frenzy 'the habitually placid Irish leader was alarmingly metamorphosed in a public display of wild and violent fury.'[102]

The event itself, and especially Parnell's demeanour, became a central trope in the subsequent Federationist propaganda campaign, masterminded by Tim Healy. According to Frank Callanan, latter-day chronicler of the split, Parnell's obvious passion and dearth of *sang froid* detracted considerably from his lustre and mystique. 'Parnell's loss of composure compromised one of the central attributes of his political repute, that of extreme self-control.'[103]

---

99 *Evening Telegraph*, 10 December 1890.

100 *Times*, 12 December 1890.

101 Bodkin, *Recollections*, 174-75.

102 Callanan, *The Parnell split*, 64.

103 Callanan, *The Parnell split*, 64.

Bodkin used the *Irish Catholic*'s relatively primitive printing facilities to bring out, single-handedly by his own account,[104] a daily anti-Parnellite organ, called *Suppressed United Ireland*. The referral address for the editor of the paper, still named as William O'Brien, was given as '9 Great Denmark-street, Dublin.' This was actually the home of Bodkin.[105] After three issues, Parnell secured an injunction prohibiting his use of that title.[106] Bodkin immediately replaced it on 17 December with *Insuppressible*, but does not appear to have exercised much personal control over the increasingly virulent content of the paper.

Despite the claim by *Insuppressible*, in its second issue on 18 December, that O'Brien was 'chairman and editor in chief',[107] the real motive force was the mercurial Tim Healy. Healy, using the good offices and facilities of the Sullivan-owned *Nation*, began to set the agenda himself. O'Brien quickly became aware, as he informed Dillon in a cablegram, that 'Healy's influence [is] supreme'[108] where the editorial policy of *Insuppressible* was concerned. The vituperative copy flowing from Healy's pen rapidly served to elevate levels of resentment and tension.

That publication survived for about a month, until 24 January 1891. Demand was brisk and 'exceeded the supply' according to Bodkin.[109] The journal collapsed when O'Brien, embarrassed by its intemperate criticism of Parnell, withdrew his support.[110] Until his repudiation, *Insuppressible,* as had *Suppressed United Ireland*, purported to be 'William O'Brien's paper.'[111] It carried a daily insert on its editorial

---

[104] Bodkin, *Recollections*, 175.

[105] *Suppressed United Ireland*, 13 December 1890.

[106] *Freeman's Journal*, 17 December 1890.

[107] *Insuppressible*, 18 December 1890.

[108] O'Brien to Dillon, 29 December 1890, TCD, John Dillon papers, MSS 6736.

[109] Bodkin, *Recollections*, 175.

[110] F.S.L. Lyons, *The fall of Parnell* (London, 1960), 155-7. 235-6.

[111] *United Ireland*, now being edited by Edmund Leamy MP also claimed to be O'Brien's paper in that his proprietorship was still acknowledged on the back page of the journal on a weekly basis throughout 1891. *Insuppressible*, despite its own dubious claims to having the i*mprimatur* of O'Brien, pointed out in its edition of 27 December, that Parnell was 'forging' O'Brien's name as editor of *United Ireland*.

page entitled 'W[illiam]m O'Brien speaks' over a letter sent by O'Brien to Bodkin on 11 December from New York, in which he had declared that he was 'proud to know that *United Ireland* continues insuppressible.'[112] But his subsequent correspondence with Bodkin makes it clear that O'Brien heartily disapproved of its content, style and direction. The paper, despite purporting to be under the editorial control of one of the main participants, attacked the negotiations taking place in Boulogne between the Federationists (led by Dillon and O'Brien) and Parnell. Healy was determined to sabotage those talks if he could, and managed to browbeat or charm Bodkin into acquiescence. Writing to his deputy from Paris, where he had travelled prior to the Boulogne negotiations, O'Brien professed himself 'appalled' at what he read in the newspaper. He demanded to know 'in heaven's name who wrote this and published it in my name? The *Times* in its worst hour never published anything more damning ... I am afraid you will find that the people who tried to woo you are not as loyal to you as you have been to them. I do not for a moment blame you myself.'[113]

O'Brien was even more disturbed when he received the copy of *United Ireland* from the period immediately after the party split. 'In every portion of the paper I can observe the influence of our friend Tim - the very thing I dreaded all along ... the paper was not to be used in any sense for the gratification of personal malice in a crisis involving the very existence of the movement.'[114] The 'malice' to which O'Brien referred, was not that of Bodkin but of the embittered former acolyte Healy. O'Brien also explicitly warned his former deputy editor that 'Tim is one of the best-hearted fellows in all the world [but] his judgment the very worst in the world.'[115]

---

[112] *Insuppressible,* 17 December 1891.

[113] O'Brien to Bodkin, undated letter, probably 28 December 1890, NLI, F.S.Bourke collection, MS 10702.

[114] O'Brien to Bodkin, undated letter, probably 28 December 1890, NLI, F.S.Bourke collection, MS 10702.

[115] O'Brien to Bodkin, 29 December 1890, NLI, F.S.Bourke collection, MS 10702. Despite their many differences O'Brien retained what his wife characterised as 'real affection' for Healy. (Sophie O'Brien to Michael MacDonagh, 11 March 1928, MacDonagh papers, NLI, MS 11443).

In early January Bodkin travelled to Boulogne to consult with O'Brien who made it clear that he wished him 'to moderate the frightful provocative tone of the paper.'[116] Neither that meeting nor O'Brien's subsequent agitated missives to Bodkin had any effect in moderating the tone of *Insuppressible*. Bodkin argued, feebly, that he was simply making the paper 'readable.'[117] In mid-January, by which point Bodkin appears to have completely lost control of the editorial direction of the paper, O'Brien was compelled to intervene once again:

> Monday's *Insuppressible* received today, was again most painful reading for me ... I am made to feel responsible for a paper which in every line does its worst to thwart any hope of success. [118]

On the day the letter was despatched *Insuppressible* carried allegations of financial impropriety against Timothy Harrington, a senior Parnell loyalist. The allegation, that he had embezzled money from Plan of Campaign funds,[119] marked a new low in the journalism of the anti-Parnellite newspaper and immediately became the subject of a successful libel action. This resulted in the award to Harrington of a modest £5 in damages against J.J.Lalor, printer /publisher of the *Irish Catholic* and the *Nation*. [120]

On 21 January O'Brien decided formally to renounce any connection to *Insuppressible*. This was, in part, a putative concession to the Parnellites in the Boulogne negotiations. [121] When he was sent a requisition by the publishers to make himself publicly responsible for *Insuppressible,* he finally, on 22 January 1891,

---

[116] O'Brien to Bodkin, 24 January 1891, NLI, F.S.Bourke collection, MS 10702. 'I know you did your best, after our chat in Boulogne, to moderate the frightful provocative tone of the paper, but apparently the people in command were determined that every reference to a possible settlement should be made the vehicle of taunts and insults calculated to make all reconciliation impossible.'

[117] O'Brien to Bodkin, 15 January 1891, NLI, F.S.Bourke collection, MS 10702.

[118] O'Brien to Bodkin, 15 January, 1891, NLI, F.S.Bourke collection, MS 10702.

[119] *Insuppressible*, 15 January 1891.

[120] *Irish Times*, 11 February 1891. *Irish Times*, 28 February 1891.

[121] Miscellaneous notes, 21 January 1891, TCD, John Dillon papers, MS 6736 ff.69-70. A note in Dillon's handwriting records that O'Brien was not 'offered ...any consideration whatsoever for withdrawing his name from Insuppressible.'

disassociated himself from the entire enterprise in a formal cable to Bodkin. [122]

Even as the *Insuppressible* was being 'suppressed'[123] after 'a career brief and inglorious,'[124] plans were well under way for the launching of a Federationist daily paper to fill the gap created by the *Freeman's Journal's* adherence to Parnell. The continuing support of the nationalist 'newspaper of record' was largely prompted by Caroline Gray, widow of Edmund Dwyer Gray, and a 45 per cent shareholder in the *Journal*.[125]

In early January an announcement was circulated to potential shareholders in the Irish National Press Company Limited stating that 'the directors will be able very shortly to announce the date of the appearance of the first number of the paper.'[126] Bodkin, despite his *Insuppressible* experiences, opted to assist the new venture as a leader writer. He described it as 'a well-organized, perfectly equipped paper with capital at its back.'[127]

The refusal of O'Brien to take the helm[128] at the new paper left the field open for Healy to direct the editorial policy of the *National Press*,[129] though he acknowledged

---

[122] O'Brien, *An olive branch in Ireland*, 38-39.

[123] *Irish Times*, 28 February 1891. The wording used, to the amusement of the courtroom, by Justice Harrison in his directions to the jury in the Harrington v Lalor libel case.

[124] *Irish Times*, 21 January 1891. The words are those of John Redmond who was defending two men accused of stealing 500 copies of the newspaper and depositing them in Phoenix Park.

[125] Felix Larkin, ' The dog in the night-time: the Freeman's Journal, the Irish Parliamentary party and the empire' in Simon Potter, ed., *Newspapers and empire in Ireland and Britain* (Dublin, 2004) 111.

[126] *Irish Times*, 12 January 1891.

[127] Bodkin, *Recollections*, 117.

[128] O'Brien, *An olive branch in Ireland*, 39. Ironically, just over two years previously O'Brien had been offered, and declined, the editorship of the *Freeman's Journal* after the death of Edmund Dwyer Gray at an annual salary of £1200. (O'Brien to Michael MacDonagh, 20 April 1927, MacDonagh papers, NLI, 11442)

[129] Healy, *Letters and leaders*, 365. 'I have written a great deal for the *National Press.* Wednesday's number had five columns from me - all of which I dictated. The paper is better than the *Freeman*, which is little more interesting than a grocer's circular.'

that Thomas Sexton 'has quietly taken up the editorial position.'[130] Of the total nominal capital of £60,000 just over £41,000 was taken up, although it was claimed at the time that the offer had been over-subscribed.[131] Many of the shares were purchased by the businessman and future *Irish Independent* proprietor, William Martin Murphy MP.[132] When the *National Press* was launched in March 1891, Healy declared, colourfully and vindictively, that 'this is the winding-sheet of Parnellism.'[133] The arrival of the *Press* on the national scene heralded, in the words of Healy's biographer, Frank Callanan, an era of 'chauvinistic populism ... [and] inaugurated a revolution in Irish politics and journalism. The *Freeman's* shrill and *démodé* rhetoric of fidelity to Parnell was no match for the ferocious demotic vigour of its rival.'[134]

The *National Press*, a highly professional 1p daily, with an initial print run of 60,000 and distributed through Easons,[135] continued, rhetorically at least, where *Insuppressible* had left off. But it was without the potentially moderating influence of O'Brien. The most celebrated journalistic manifestation of its harassment of Parnell was the notorious 'Stop Thief' leaders, beginning on 1 June 1891, and continuing on a daily basis for the remainder of that week. In these Parnell was accused of the embezzlement of National League funds. The party leader, it was claimed, had, for a number of years '*been stealing the money entrusted to his charge*'[136] [their italics] Parnell's unwillingness to sue the newspaper for libel was exploited in further editorials as the week went on. Emboldened by the non-

---

[130] Healy, *Letters and leaders*, 356.

[131] *Daily Express*, 8 May 1891.

[132] Donal McCartney, 'William Martin Murphy: an Irish press baron and the rise of the popular press' in *Communications and community in Ireland*, ed. Brian Farrell (Cork, 1984), 31. However Murphy's name does not feature in the initial register of shareholders, which included thirteen MP's and ten Roman Catholic bishops. (*Daily Express*, 8 May 1891)

[133] Bodkin, *Recollections*, 177.

[134] Callanan, ed, *Parnell: A memoir*, 3.

[135] Healy, *Letters and leaders*, 356-358. Healy claimed a circulation for the *Press* of in March 1891, of 34,000 a day, similar to that of the *Freeman's Journal.*

[136] *National Press*, 1 June 1891.

appearance of a writ, on 2 June the *Press* reminded its readers ' "Thief" is an unmistakable word. We called Mr.Parnell a thief. We now repeat the epithet.'[137] On the 5 June the *Press* contrasted the alacrity with which Harrington had sued *Insuppressible* for making similar allegations against him, with Parnell's reluctance to challenge 'one of the gravest charges ever made against a public man.'[138] In its issue of 13 June, *United Ireland* asked, rhetorically, of Federationist leaders Justin McCarthy and Thomas Sexton, did they approve of the *National Press* articles. It then answered its own question by observing that their silence indicated 'they have enrolled themselves into the "Stop Thief" conspiracy.'[139]

Healy also sought in the columns of the *National Press*, and on the public platforms inseparable from those columns, to undermine the 'myth' of Parnell sedulously cultivated by *United Irel*and and, somewhat less assiduously, by the *Freeman's Journal.* This revolved around, what J.M.Tuohy suggested were, Parnell's two cardinal attributes 'tenacity of purpose and self-repression.'[140] As Frank Callanan asserts, Healy 'sought unceasingly to find a technique to pierce Parnell's pride and to penetrate the protective carapace of his myth.'[141] The *Press* regularly drew attention, during the rancorous by-election campaigns of 1891, to the disappearance of the mask of aloofness and perennial poise associated with Parnell 'when he ranted from platform to platform, loading the air with personalities.'[142] Healy's imperative was to reduce Parnell himself from a figure of invincibility to one of risibility –'a disgraced

---

[137] *National Press*, 2 June 1891.

[138] *National Press*, 5 June 1891.

[139] *United Ireland*, 13 June 1891.

[140] *Freeman's Journal*, 8 October 1891.

[141] Frank Callanan, *T.M.Healy* (Cork, 1996), 291.

[142] *National Press*, 8 April 1891.

and discredited trickster'[143] - and his 1891 campaigns to the status of 'a bedraggled harlequinade.'[144]

Before long two countervailing but complementary forces took hold and ensured the demise of the controversialist newspaper. The first was the increasing unease of a number of leading anti-Parnellites with the excesses of Healy, the second was the simultaneous and fortuitous financial difficulties of the *Freeman's Journal.*

Primus inter pares among Healy's antagonists was John Dillon. While incarcerated in Galway he had written to O'Brien. 'Loathing is the only word that can express my feeling every time I open the *National Press*. If that spirit is to triumph, national politics will be turned into a privy.'[145]

In mid-August 1891 Dillon warned Bodkin of his opposition to 'an intention of reviving the attacks on Mr.Parnell w[ith] reference to application of funds entrusted. If the *Press* opens up that question again I shall be compelled to make some public statement disassociating myself from this line of attack. And it would be very unfortunate that any such difference in our ranks should be made public.'[146] Healy, for whom the warning was clearly intended, ignored Dillon's opposition and went ahead with supplementary attacks on Parnell's alleged financial improprieties. Dillon responded with a further warning to Bodkin. Expressing astonishment and anger he re-iterated that 'you must see yourself how great a disaster it would be to force O'Brien and me into an open rupture with the paper.'[147] Healy acknowledged in a letter to his brother Maurice - included in his memoir, *Letters and leaders of my day* - 'Dillon and O'Brien will yet kill the *National Press.*'[148] Ultimately, however, Dillon and O'Brien held their noses and publicly tolerated Healy's envenomed rhetoric. 'A

---

[143] *National Press*, 26 June 1891.

[144] *National Press*, 5 June,1891. The highly personalised invective would lead to Healy being horsewhipped by a relative-by-marriage of Parnell's in the Four Courts a few weeks after the Irish leader's death. (*Weekly Irish Times*, 7 November 1891). Prior to that a bomb exploded at the offices of the *National Press* on 26 October 1891. (*Freeman's Journal*, 29 October 1891)

[145] Dillon to O'Brien, undated, 'Sat', TCD MSS 6736, f.75.

[146] Dillon to Bodkin, 14 August 1891, NLI, F.S.Bourke collection, MS 10702.

[147] Dillon to Bodkin, 18 August 1891, NLI, F.S.Bourke collection, MS 10702.

[148] Healy, *Letters and leaders*, 370.

failure of nerve compounded a failure of judgment',[149] in the view of Frank Callanan, and Healy was not publicly upbraided by fellow anti-Parnellites with the moral authority of Dillon and O'Brien.

Coinciding with a growing belief amongst the more moderate Federationists that Healy was getting out of control, were the convenient financial difficulties of the *Freeman's Journal*. The launch of the *National Press* and the *Journal's* advocacy of the Parnellite cause had led to a rapid dip in the latter's regular circulation of over 40,000.[150] This set in motion the newspaper's 'tortuous *volte face*'[151]. Caroline Gray began to vacillate in her support for Parnell. This was especially the case after the return from Tasmania of her twenty-one year old son, Edmund Dwyer Gray Jr., 'justifiably fearful for his inheritance.'[152] Gray Jr. quickly wilted under the joint pressure of the bottom line and the crozier. The disparagement by the Roman Catholic hierarchy of the *Journal*, and especially that of Archbishop Walsh of Dublin, had a hugely detrimental impact on its circulation. It was intimated to O'Brien in July 1890, while serving his jail sentence in Galway, by barrister-journalist Edward Ennis, a *Freeman* leader-writer, that the callow Gray 'had been quite converted to our view, and was only deferring publicly saying so until he saw what line we took on our release, and how far we might be able to secure fair play for the *Freeman* from the more embittered of our colleagues who had the *National Press* already in the field as its rival.'[153] The most embittered of those colleagues was Healy, anxious to give the despised *Journal* nothing but short shrift.

To facilitate the switching of allegiance, the composition of the board of the *Journal* was altered at a special general meeting of the company on 21 September 1891. The

---

[149] Callanan, *The Parnell split*, 155.

[150] Mark O'Brien, *The Irish Times: a history* (Dublin, 2004), 26.

[151] Callanan, *The Parnell split*, 160.

[152] Felix Larkin, 'Arthur Grifith and the Freeman's Journal' in *Irish journalism before independence: more a disease than a profession*, Kevin Rafter, ed. (Manchester, 2011), 178.

[153] O'Brien, *An olive branch in Ireland*, 55. Ennis, although guilty of a certain special pleading because of his opposition to the *Freeman's* support of Parnell, had often argued that journalists should behave like barristers in being capable of writing contrary to their own political convictions. (Callanan, ed. *Parnell a memoir*, 4)

new board was dominated by the young Dwyer Gray and Captain Maurice O'Conor, soon to become Mrs. Gray's second husband.[154] *United Ireland* feigned indifference to the development.[155] The process of Federationist journalistic consolidation was completed in March 1892 when the *Press* and the *Journal* merged into *The Freeman's Journal and National Press*, much to the chagrin of Healy who was almost as vindictive in his desire to close the *Journal* as he was to obliterate Parnellism.[156]

While the *Journal* disingenuously gloated over the 'disappearance of the *National Press*, and the recognition of the *Freeman's Journal* as the sole organ of the National party and the Nationalists of Ireland,'[157] a triumphant Healy declared that the *Press*, 'had captured the *Freeman* in the open sea and put a prize crew aboard.'[158] But he had little time to savour victory. Even before the boardroom upheaval in the *Journal* virtually guaranteed the establishment of a single anti-Parnellite daily, there were moves to end the intemperate reign of Parnell's self-appointed nemesis. T.P.O'Connor had written to Bodkin as early as September 1891, suggesting that a coup against Healy was in preparation. The imperative was 'to go for him at once and crush him'.[159] Shortly after the *National Press* and the *Freeman's Journal* amalgamated, Dillon and Thomas Sexton succeeded in ousting the dominant irreconcilables, Healy and William Martin Murphy, from effective control of the new entity.[160]

---

[154] Larkin, 'The dog in the night-time', 111.

[155] *United Ireland*, 5 September 1891.

[156] Callanan, *The Parnell split*, 120-21.

[157] *Freeman's Journal*, 25 March 1892.

[158] Bodkin, *Recollections*, 178.

[159] T.P.O'Connoir to Bodkin, 17 September 1891, NLI, F.S.Bourke collection, MS 10702.

[160] McCartney, 'William Martin Murphy,' 33

Not that *United Ireland*, under the editorship of Leamy, was any less caustic and embittered than either *Insuppressible* or the *National Press*. Subsequent to the failure of the Boulogne talks, O'Brien had asked the opposing sides 'to conduct the struggle with decency'. *United Ireland* offered tacit support to his appeal, commenting that 'we earnestly hope that even now the counsel of decency which Mr.O'Brien has offered to all Irishmen will be respected.' However, it simultaneously accused Federationist newspapers of 'squalid vituperation,'[161] and did precious little to live up to its self-imposed injunction.

While *United Ireland*, given its self-ordained role of Parnellite *fidei defensor*, might legitimately be excused references to the 'illimitable scurrility of T.H.Healy',[162] less justifiable was the profound narrative shift that saw its editorial commentary almost entirely given over to the abuse of fellow nationalists. The newspaper also evinced a new-found anti-clericalism.

1891 saw a dramatic increase in the number of editorials in the newspaper, from an annual average of 127 over the previous five years to a new high of 159. Only 22 of those editorials were unrelated to intra-nationalist polemics or anti-clericalism. 16 of the 159 leaders were denunciations of rival newspapers. However, unlike the 1881-1890 period, in this instance the attacks were devoted exclusively to the criticism of other nationalist journals. The main targets were the *Freeman's Journal*, in the wake of the announcement of its apostasy in August 1891[163] and the *National Press*.[164] There was virtually no ongoing editorial analysis of government policy. Intra-party invective largely replaced anti-Castle commentary.

Thirty editorials (19% of the total) can be described as positive in nature. Almost all were in praise of (or in mourning for) Parnell himself. However, such editorials were greatly outnumbered by negative leaders rebuking political opponents. These make

---

161 *United Ireland*, 21 February 1891.

162 *United Ireland*, 28 February 1891.

163 *United Ireland*, 5 September, 26 September, 24 October, 28 November 1891.

164 *United Ireland*, 2 May, 6 June, 13 June, 22 August, 24 October, 28 November.

up more than a third (34 per cent)[165] of the total number of editorials for the year. Even a leader that began as a bland celebration of St.Patrick's day rapidly degenerated into an anti-Federationist diatribe.[166]

As the year went on the level of invective increased dramatically. Reconciliation was off the editorial agenda after the three Parnellite by-election losses and especially after the death of Parnell himself. The first, black-edged, issue of *United Ireland* after the demise of its leader was highly personalised and vindictive, accusing the Federationist leaders of having 'hounded Mr.Parnell to his death' before concluding:

> Shall Ireland exact no punishment for what has been done? Shall this fatal perfidy, this slow torture unto death of our beloved leader go unavenged?[167]

In employing such intemperate language Leamy's *United Ireland* made its own unique contribution to ensuring that the party split continued for almost a decade after the death of its proximate cause.

The excesses of the *National Press* - what F.S.L.Lyons characterised as 'endless, monotonous vituperation'[168] - spawned a daily Parnellite rival, the *Irish Daily Independent*, in December 1891. It was edited by Edward Byrne, a Parnell loyalist and former editor of the *Freeman's Journal*. The *Independent*, funded entirely by supporters of the Parnellite faction, announced, without any apparent irony, that 'we promise to make the *Irish Daily Independent* an independent national journal in fact as well as in name.'[169] It had been rumoured that Parnell would simply re-launch

---

[165] At 54 in total – the highest number in any single category in any of the eleven years covered by the survey in Appendix 2.

[166] *United Ireland*, 21 March 1891.

[167] *United Ireland*, 10 October 1891. The *Freeman's Journal* demanded a retraction by the 'wild writers of *United Ireland*' (16 October 1891) of what it characterised as an accusation of 'murder' against O'Brien, Dillon, Healy and Sexton and for allegedly 'setting' those named and endangering their lives (13 October 1891).

[168] Lyons, *The fall of Parnell*, 311

[169] *Irish Daily Independent*, 18 December 1891.

United Ireland as a daily paper.[170] Instead he chose to start from scratch. In his biography of Parnell, *Enigma*, Paul Bew has noted how, in 1881, the *Nation* 'was pushed ruthlessly aside' in favour of the 'new rising star' in *United Ireland* after 'years of loyal support.'[171] The same ruthlessness was in evidence in the denial of the claims of *United Ireland* to become a daily newspaper, a decade after it had first been mooted, out of a misplaced deference to nomenclature. While the Parnellite 'brand' encompassed the independence from Liberal party domination of those who adhered to its philosophy, no one could have been so deluded as to believe that the new journal was in any sense 'independent' of the Redmonds and the Harringtons.

A confidential Dublin Castle memo - 'History of the Dublin Nationalist Press since the "Split" in the Nationalist ranks' - (undated but written after the end of May 1892) is a twenty-three page account of this internecine newspaper war. It graphically illustrated the damaging effects of that strife on the status and effectiveness of the nationalist press. It concluded, after dispassionately recounting and analysing the chaotic in-fighting of the December 1890 - May 1892 period, that 'its changing policy, bad management, and amalgamation with the *National Press*' had left the *Freeman's Journal* 'in bad odour' and 'diminished in circulation.' *United Ireland* had also declined in readership while 'its leading articles and cartoons are now devoted to denouncing and caricaturing the "Federationists" '[172] The subtext is one of quiet establishment satisfaction or barely restrained glee at the anarchic disarray of the previously formidable nationalist press.

At the outbreak of these hostilities West Ridgeway had made a telling comment in a note to Balfour. Informing him of the appearance of *Suppressed United Ireland* and the travails of *United Ireland* itself, the under secretary had signalled the effective end of the chief secretary's battle with the nationalist press when he remarked, with an air of finality, that 'neither publishes the proceedings of suppressed branches of

---

[170] *Daily Chronicle*, 1 August 1891.

[171] Paul Bew, *Enigma: a new life of Charles Stewart Parnell* (Dublin, 2011), 21.

[172] TNA, PRO, CO 903/2, miscellaneous notes, series xvi, 'History of the Dublin Nationalist Press since the "Split" in the Nationalist ranks,' 23.

the League'.[173] Tory victory had ultimately been achieved when the enemy folded its tents and vanished. Like its other nationalist rivals and counterparts the newspaper that had begun life as 'a weekly national monster meeting that cannot be dispersed with buckshot' had turned its own shotgun on other nationalist journals which were apparently equally indifferent, editorially at least, to the latest stratagems of Dublin Castle.

In its final issue of 1891 *United Ireland* welcomed the arrival of the *Irish Daily Independent*, opining that 'in every important particular which constitutes a national organ this *Independent* is all that could be desired.'[174] But by April 1893 *United Ireland* was clearly feeling some pressure from its daily counterpart, because it accused the *Independent* of undermining it. The *Independent* had apparently implied that Leamy's journal 'was absolutely useless as a political organ.'[175] There is a rich irony in the fact that *United Ireland*, which long held the possibility of publishing on a daily basis as a Damoclean sword over the head of the *Freeman's Journal*, was itself destabilised by a daily newspaper brought out by its own side in the midst of the intra-party hostilities. In just over a decade *United Ireland* had gone from being an 'insurrection in print' to defining insularity in print. The paper itself struggled on for a few more years as a partisan battering ram, then gradually discarded its tone of melodramatic recrimination, became a more Dublin-oriented newspaper, before it succumbed to its own irrelevance in September 1898.

By then it had made its peace with William O'Brien by its extensive coverage of the activities of the infant United Irish League.[176] By 23 July 1898 it was prepared to opine that 'the United Irish League has come to stay,'[177] and was 'like a memory of old times.'[178] Its final issue, on 10 September 1898, included an editorial on the League entitled, 'The New Crusade.' It acknowledged of John Dillon that 'much

---

[173] West Ridgeway to Balfour, 12 December 1890, BL, Add.Mss 49811 ff.286-289.

[174] *United Ireland*, 26 December 1891.

[175] *United Ireland*, 6 April 1893.

[176] Various *United Ireland*, 1 January – 10 September 1898.

[177] *United Ireland*, 23 July 1898.

[178] *United Ireland*, 27 August 1898.

unreasonable bitterness has been manifested towards him.'[179] It also lashed out for the last time at its wearisome stable companion, the *Irish Daily Independent*.[180]

Parnell looked to *United Ireland* in 1890 when he required undifferentiated loyalty and partisan verbal violence. When he needed to reach out to rural Ireland and to revert to the axioms of the 1881-1885 period – a narrative encompassing the absolute independence of the Irish party and the destructive intrigues of the 'Grand Old Spider' – it was to *United Ireland* that he turned. But the dramatic reclamation of the offices and presses of *United Ireland* could not compensate for the subsequent loss of the support of the *Freeman*.

Despite certain obvious caveats *United Ireland* had largely been at the disposal of the wider nationalist movement in the 1880s. From the moment at the end of 1890, when Parnell displayed more interest in the newspaper than he had done since the establishment of the Irish National Newspaper Company in 1881, it degenerated into a tool of empty factionalism. In his memoir, *Evening Memories*, O'Brien makes no reference whatever to the decline of his project. The journal that had weathered the best efforts of two coercion regimes to close it down, had, metaphorically, ended up by smashing its own presses.

---

[179] *United Ireland*, 6 August 1898.

[180] *United Ireland*, 16 July 1898. 10 September 1898. The latter related to an *Independent* 'special' on British army activities about which *United Ireland* commented, 'it is doubtful if anything so utterly opposed to Irish National feeling has ever appeared in its columns.'

Conclusion

This thesis has addressed in some detail the chequered and frequently toxic interaction between the British administration in Ireland and the nationalist press in a decade of acrimonious civil strife. The relationship was, quintessentially, that of gamekeeper and poacher. There existed, side by side, two antagonistic but complementary feedback loops. *United Ireland* was at the centre of the loop identified by Frank Callanan, in what he calls 'the astonishingly and deceptively fragile *trompe l'oeil* of Parnellism, [where] his coercive power was directed back within nationalism.'[1] In this loop *United Ireland* and many of the regional weeklies were the gamekeepers. A contiguous loop has been identified by Margaret O'Callaghan who writes of the administrative ethos and structure associated with Dublin Castle throughout the 1880s as having 'helped to generate what it was predicated upon – rural disorder.'[2] Clearly, in this context the nationalist press was the poacher.

In conclusion it may be useful to place *United Ireland* and, by extension, the more significant provincial journals, within a wider journalistic context and ask the question, to what extent was Irish nationalist journalism in the 1880s reflective of, or antithetical to, a rapidly changing newspaper industry in the rest of the United Kingdom?

Jurgen Habermas in his influential work *The Structural Transformation of the Public Sphere* writes about the movement towards a mass circulation press in the late nineteenth century and attests that it 'paid for the maximisation of its sales with the depoliticisation of its content.'[3] By the 1880s daily newspapers in Britain were becoming more like their Sunday equivalents which had long since adopted a 'domestic' over a 'public' model. Sunday publications like *Lloyd's Weekly* and

---

[1] Callanan, *The Parnell split*, 3.

[2] O'Callaghan, *British high politics*, 2.

[3] Jurgen Habermas, *The Structural Transformation of the Public sphere* (Cambridge, Mass. 1991), 169.

Reynolds Newspaper (a radical weekly), with their emphasis on court cases and sensation had been rewarded with circulation figures far in excess of the dailies.[4] A gradual move towards emulation of the Sunday newspaper template by some of the dailies led to a situation where, according to media critic Alan Lee, 'the cheap and the tawdry, the trivial and the sensational, kept out of the market place the valuable, the authentic, and the serious.'[5] The process reached its apotheosis with the establishment of the *Daily Mail* in 1896 but before that T.P.O'Connor's *Daily Star*, established in 1888, had begun to revolutionise the style and content of British newspapers.

United Ireland came into being at the start of a decade that witnessed an acceleration of this process of mass market populism. Yet *United Ireland* seems to challenge the entire basis of the thesis of Habermas, one that is supported, to a greater or lesser degree, by most of the leading academic media theorists of the last three decades.[6] *United Ireland* was a mass circulation newspaper that was highly politicised. In fact its politicisation was its sole *raison d'etre*. It was more akin to newspapers like Cobbett's *Political Register* and Feargus O'Connor's *Northern Star*. The *Political Register* had led the radical charge for parliamentary reform in the early part of the nineteenth century. The *Northern Star* had sought to advance that agenda during the mid-century Chartist agitation. The received wisdom from media theorists like Raymond Williams, Alan J.Lee and James Curran, is that such radical or even politicised journals should not have thrived in the 1880s.

Of course the case of *United Ireland* does not at all negate the notion that by the early 1880s 'the press had become a business … almost entirely, and a political, civil and social institution hardly at all.'[7] But why did *United Ireland* buck the prevailing journalistic trend away from political engagement and debate ('delayed

---

[4] Raymond Williams, *The Long Revolution* (London, 2001), 198.

[5] Lee, *The Origins of the Popular Press*, 212.

[6] Alan J.Lee, James Curran, Raymond Williams and Mark Hampton, for example, in works already cited, broadly reject the notion of the educative role of the 'fourth estate' in the late nineteenth century and would ascribe to the view that readers began to demand far less political content and debate while the proprietors, anxious to capitalise on the possibilities of an expanding market, were happy to accommodate them.

[7] Lee, *The Origins of the Popular Press*, 232.

reward news') and towards the more sensationalist, recreational mode ('immediate reward news') of late nineteenth century newspaper journalism? Clearly because Ireland was an exceptional 'market'. While it experienced all the factors contributing to the rapid expansion of the press in the latter half of the nineteenth century – higher literacy, technological advances, the abolition of 'taxes on knowledge' and a good rail distribution network – it had a some unique characteristics of its own.

Of lesser importance was the lack of a well developed 'domestic' mode in Ireland. The new templates being adopted by English newspapers in their own rapid commercialisation - an increased focus on sport and entertainment and the deliberate avoidance of high political debate - did not have quite the same resonance in Ireland. Despite the foundation in 1884 of a populist organisation like the Gaelic Athletic Association, Ireland was not yet as well developed a 'recreational' society as England. Ireland of the 1880s was rather more like the England of the upheavals of the Chartist period where O'Connor's *Northern Star* and John Cleave's *Weekly Police Gazette* (which anticipated 'new journalism' by half a century by combining crime reporting with support for radical causes) had combined circulations similar to that of *United Ireland* at its height. In a highly polticised and radically nationalist society there was clearly a market for a highly political and radical nationalist newspaper.

Not that the nationalist 'extremism' of *United Ireland* can be equated with the leftist politics of the mid-century radical journals. By the 1880s the surviving counterparts of the *Public Register* and the *Northern Star*, unable to attract funding from advertisers, had retreated into a high-priced specialist ghetto - Raymond Williams refers to it as the 'pauper press'[8] - often characterised by tedious didacticism. Such was clearly not the case with the mass-circulation *United Ireland*, a journal that, for all its perceived radicalism, was actually characterised by a pietistic social conservatism.

Ireland was also a country well-accustomed to campaigning journalism as an adjunct of mass-movement politics. During the Repeal campaign of the 1840s, three of those tried for conspiracy during the State Trials of 1844, were the newspaper editors John

---

[8] Williams, *The Long Revolution*, 210.

Gray (*Freeman's Journal*), Charles Gavan Duffy (*Nation*) and Richard Barrett (*Pilot*). The weekly purchase of *United Ireland*, which often fetched sums well in excess of its cover price in the wake of the many attempts to seize its print run, was more than just an effort on the part of the purchaser to access information. It was a participatory gesture akin to the payment of the 'Catholic rent' during the Emancipation campaign of the 1820s. Even the cover price was the same.

There is another possible explanation for the countervailing phenomenon that was *United Ireland*. It was launched just as the sensationalist or 'yellow' press was asserting itself forcefully in the marketplace. However, as Habermas himself asserts 'in the end the news generally assumes some sort of guise and is made to resemble a narrative.'[9] This was also a characteristic of O'Brien's stewardship of *United Ireland*. He personalised, sensationalised, lionised (Parnell, Sexton, Healy) and demonised (Forster, Spencer, the 'Nominals', Frank Hugh O'Donnell). He thus created a meta-narrative, conflictual, simplistic, and adversarial, designed to be consumed by a highly motivated readership denied 'the level of education that would have enabled them to participate in the mode and on the level of bourgeois readers of journals.'[10]

All of this was achieved, however, in a 'house' style that was ostentatious, often dauntingly allusive and potentially alienating for the mass audience O'Brien hoped to reach. Even when *United Ireland* was not directly edited by O'Brien himself, there was a mimetic quality to its prose. It was often the antithesis of the so-called 'new journalism' of the mid-1880s, a journal edited by educated men or auto-didacts who were not disposed to hide their education.[11] One explanation for this would be that O'Brien was a product of his times. While writing at the cusp of the delivery of a new journalistic vernacular language he simply chose to remain faithful to traditional patterns of expression. O'Brien was not a party to what Martin Conboy has described as the late nineteenth century 'move from the textual reproduction of an individual

---

[9] Habermas, *The Structural Transformation of the Public sphere*, 170.

[10] Habermas, *The Structural Transformation of the Public sphere*, 168.

[11] The phrase 'new journalism' denoted a form of popular journalism that, in the words of Martin Conboy, 'displayed a new confidence in the tastes of the many' (Conboy, *The press and popular culture*, 94).

voice to the textual reproduction of a communal voice.' O'Brien's rhetoric, like that of Cobbett 'highlighted the corruption at the heart of the political system and essentially expressed the problems of society in terms of the inadequacies of the powerful and wealthy.'[12] *United Ireland* was published in an Ireland determined to shrug off landlordism. This enabled, even apparently justified, O'Brien's indulgence in a highly personalized, authorial approach composed in equal parts, anathemisiation and obloquy.

O'Brien was also doing what Feargus O'Connor had done before him, in marrying the printing press to the podium. O'Connor, in November 1842, had outlined the philosophy of the *Northern Star*. It was, 'to see the people in possession of an organ which, trumpet-tongued, might speak their will.'[13] Four decades later O'Brien trumpeted the arrival of his 'weekly national Monster meeting.'

What *United Ireland's* approach masked, however, was the essential misdirection which lay at the heart of much nineteenth century 'populist' journalism. Just as Hearst and Pulitzer in the USA enlisted a mass urban readership in pursuit of social goals that were more beneficial to the *haute-bourgeoisie* than to the bulk of their actual readers, O'Brien petitioned, cajoled and even threatened the small farmers and labourers of Ireland to engage in campaigns where their interests were not paramount. O'Brien's anathemising style was employed selectively. While divisive issues like the incursions of graziers *were* raised in *United Ireland*, this was done in a depersonalised fashion, in marked contrast to the definitive identification of individual enemies among the landed, political and even journalistic elite. While O'Brien and local proprietor/editors of nationalist newspapers might have harked back to this 'older rhetoric'[14] (the coinage of Patricia Hollis) of radicalism, they managed to eschew much of the actual radicalism of writers like Cobbett. In a very real sense O'Brien operated at the behest of a demanding proprietor in the shape of party leader and part-owner Charles Stewart Parnell. The essential difference was that, while O'Brien was expected to assist Parnell in the pursuit of his agenda (also

---

[12] Conboy, *The press and popular culture*, 68.

[13] *Northern Star*, 19 November, 1842. cited in Conboy, *The press and popular culture*, 79.

[14] Patricia Hollis, *The Pauper Press* (Oxford, 1970), xiii.

achieved by misdirection), he was not required to make his 'baron' a substantial profit in the process.

To attract the attention of the British political elite it was necessary to articulate the prospectus of Irish nationalism in the language of that elite. Granted O'Brien leavened this editorial language with the more demotic discourse of 'The Week's Work', but the monologic template was a throwback to the days of Cobbett and O'Connor and, in commercial and journalistic terms, was being replaced by a more heteroglossic discourse in the wider world. Not that *United Ireland*, or indeed much of the nationalist local press, should be viewed within the paradigm of a newly developing journalistic orthodoxy. The context in which they existed makes it unwise to judge them in the light of the new late-Victorian commercial verities and norms.

For much of the 1880s the Parnellite movement had a highly serviceable 'special purpose vehicle' in *United Ireland*. It was a remarkably effective instrument until the destructive turbulence of the Irish party split. It was both a victim and a perpetrator of the imposition of 'silence.'

Over a ten-year period *United Ireland* played a crucial role in cementing a nationalist narrative of victimhood – of which it was also a part - and elevating Parnell to iconic status, before descending into irrelevance. Both of its central 'myths', however, were high-maintenance. The prevailing nationalist agrarian conventions did not go uncontested at the time and have subsequently been subjected to rigorous examination and challenge in the twentieth century by the likes of Barbara L. Solow and William E.Vaughan. Parnell, despite the considerable personal and political shortcomings that his acolytes sought to obscure, still awaits a similarly comprehensive deconstructive re-evaluation. Before the vicious intra-nationalist partisanship of the split, *United Ireland* did an excellent job in nurturing and policing both of its prevailing narratives by means of misdirection, belligerent reproach and creative invective.

The relentless pursuit of conformity, demanded both of the objects of the newspaper's disdain and of its own readership, is very much in keeping – as already

discussed - with elements of the Habermas notion of 'tutelage'. *United Ireland* sought to prescribe and dictate, to deny the 'integrity of the private sphere'. Its readership was to be recruited and turned against transgressors. Scapegoating and highly personalised abuse, coming at a time of extreme social tension, were among its principal tools, used as intimidatory leverage in the policing of orthodoxy. As Habermas himself has observed of the phenomenon of 'tutelage', 'publicly relevant developments and decisions are garbed in private dress and through personalisation distorted to the point of unrecognisability.'[15]

There is an irony in the blank column displayed by the newspaper, in place of editorial commentary, in the weeks following the arrest of O'Brien in October 1881. It was intended to be a symbolic reminder of the inability of the Liberal government to cope with dissent in Ireland without resorting to crude censorship. This was a form of self-imposed silence that was to be 'more eloquent than tongues of fire.' The newspaper advised that 'from this forth, then, the readers of *United Ireland* must interrogate their own hearts for our opinions.'[16] In truth the readers of the newspaper were rarely afforded an opportunity to formulate opinions of their own on any issue of significance or relevance to Parnellism. *United Ireland's* attempts to quell dissent were often as thorough as those of the two governments it opposed.

Ultimately O'Brien, despite his political loyalty and personal closeness to his leader, was more distraction than defender, more of a red herring than a rotweiller. He enjoyed more latitude than did most of Parnell's other lieutenants. Parnell allowed O'Brien his head because *United Ireland* served his ends well. In its mythologising of Parnell it helpfully presented him as the radical leader of a quasi-revolutionary movement. He was anything but. The newspaper that more accurately reflected Parnell's own philosophy was a *Freeman's Journal*, intimidated, commercially and politically, into 'deviation phobia.' The *Journal* may have been owned by the Gray family but, after the first appearance of *United Ireland* in 1881, its politics was the politics of Parnellism. While not diminishing the 'bandwagon' effect, and Gray's

---

15 Habermas, *The Structural Transformation of the Public sphere*, 171-72.

16 *United Ireland*, 29 October 1881.

own Pauline conversion, *United Ireland* played a significant part in the metamorphosis of the *Journal*.

While *United Ireland's* rigid patrolling of the public expression of the nationalist psyche meant that the *Freeman's Journal* was required to resile from its Whiggish tendencies in 1881, the corollary inherent in the existence of O'Brien's newspaper was that the *Journal* could continue with a moderate editorial line and remain secure from Castle interference. It was not obliged to publish notices of suppressed branches. It was not required to risk the imposition of legal strictures. In commercial and political terms the presence of *United Ireland* meant the *Freeman's Journal* was allowed to occupy an altogether different niche, one protected from the buffeting of coercion. By the late 1880s, in a journalistic sense, everyone had his allotted place on the nationalist side of the argument. The role of *United Ireland* was to reflect the assertive and antagonistic face of Parnellism. The local papers were to act as the National League newspapers of record, and, if necessary, to take the legal consequences. The *Journal* was expected to bring the message of Parnell to the Catholic middle class, the class that was destined for dominance in the new Ireland.

In the solar system of late nineteenth century nationalist journalism, with Parnell at the centre, *United Ireland* was Mars, fiery, hot and inhospitable. The *Freeman's Journal* was Planet Earth deriving more benefits than any other satellite from the light and heat emitted by the celestial body at the nexus of the system. Parnell's intimacy with Edward Byrne and J.M.Tuohy and his acceptance of Edmund Dwyer Gray (senior) within his political circle, testified to his reliance on the constructive support of the *Journal* over the mere political protection and transparent deification of *United Ireland*. From the outset O'Brien's journal had represented a *fauve* Parnellism, in its wildness and chauvinistic zeal. But it was also a *faux* Parnellism, in that it did not reflect the inherent conservatism of the enigmatic Irish party leader. Although 'the *Freeman* was always moderate and cautious to a fault'[17] it was inestimably closer to Parnell's default position on most issues. If, occasionally, it needed to be moved in more radical directions, *United Ireland* could be relied upon

---

[17] Stephen J.Brown, *The press in Ireland: a survey and a guide* (New York, 1971), 36.

to provide the initial impetus. Unionists liked to cite O'Brien's journal as proof positive that freedom of speech would be inhibited in a home rule environment:

> With a Parliament in power, reflecting the opinions of *United Ireland*, there would no longer be any necessity for prudence. The plea that opposition journals lived by 'lying' and by 'lie mintage' would be sufficient. Proof would be considered quite superfluous.[18]

But in reality *United Ireland* would not have been the authentic voice of moderate nationalism in a Parnellite Ireland. That role would have been assumed by the *Freeman's Journal*.

Martin Conboy has written of the phenomenon of vitriolic American 'yellow journalism' that 'the language of colourful insult and simplified villainy was a continuation of folk traditions of mockery and deflation and the role of the individual writer in exposing these to his readers in a voice of individualised outrage was part of the shape of the popular press of the early [twentieth-] century.'[19] Perhaps O'Brien was ahead of his time in some respects at least. His acerbic and uncompromising style served a useful purpose in the rabble-rousing and quasi-legal environment the 1880s. But the more modern, disengaged, professional mode of the likes of the *Freeman's Journal* was suited to the cool, conservative, centralised, elitist approach of Parnell himself. *United Ireland* was always a useful decoy for Parnell. Occasionally its tub-thumping *brio* and malevolent energy was precisely what he required. But the *Freeman's Journal* more closely reflected his default political style and philosophy. He profited by it to a far greater extent than he ever did from the financial surpluses or the tendentious harangues of *United Ireland*.

---

[18] Irish Loyal and Patriotic Union, *The Real Dangers of Home Rule*, 12.

[19] Conboy, *Press and popular culture*, 69

BIBLIOGRAPHY

MANUSCRIPT SOURCES

National Archives of Ireland

Chief secretary's office registered papers

1879/10454

1881-36081

1881/42447

1881/43157

1881/43529

1881/45842

1881/47097

1882/149

1882/3037

1882/3123

1882/3283

1882/4273

1882/4305

1882/5269

1882/5469

1882/5581

1882/6000

1882/6063

1882/6231

1882/8078

1882/8710

1882/9389

1882/15788

1882/17524

1882/17681

1882/19234

1882/19499

1882/19816

1882/28798

1882/31460

1882/33337

1882/34450

1882/37374

1882/39820

1882/44752

1882/46849

1883/157

1883/1438

1883/1738

1883/13903

1883/ 25743

1883/26909

1883/28833

1884/512

1884/22154

1884/24345

1884/27465

1884/18324

1884/27782

1885/18523

1887/4363

1887/18986

1888/1470

1888/3076

1888/4483

1888/7929

1888/9773

1888/26523

1890/14986

1897/16306

Police and crime division reports, III

Carton 6

Carton 7

National Library of Ireland

F.S.Bourke papers	MS.10702
George Fottrell diaries	MS.33670
T.P.Gill papers	MS.13478
T.C.Harrington papers	MS.8584
Michael MacDonagh Papers	MS.11442
	MS.11443
Theophilus MacWeeney Papers	MS.21936
Sophie O'Brien Papers	MS.5924
P.J.Quinn papers	MS.5930
John Redmond Papers	MS.10496

Trinity College, Dublin

Michael Davitt papers	MS.9535	Diary 1882
	MS.9536	Diary 1883
John Dillon papers	MS.6736	

University College, Cork

William O'Brien papers	UCC-WOB-PP-AA
	UCC-WOB-PP-AB
	UCC-WOB-PP-AC

British Library

Althorp papers	Add. Mss 76854
	Add. Mss 76856
	Add. Mss.76860
	Add. Mss 76933
	Add. Mss 76975
	Add. Mss 77060
	Add. Mss 77272
	Add. Mss 77280
Balfour papers	Add. Mss. 49688
	Add. Mss. 49808
	Add. Mss. 49809
	Add. Mss. 49810
	Add. Mss. 49811

Add. Mss. 49820

Add. Mss. 49826

Add. Mss. 49287

Add. Mss. 49828

Gladstone papers Add. Mss. 44157

Add. Mss. 44766

Add. Mss. 44160

Add. Mss 44219

British National Archive / Public Record Office

Cabinet papers CAB 37/3

CAB 37/7

CAB 37/8

CAB 37/10

CAB 37/11

CAB 37/12

CAB 37/13

CAB 37/14

CAB 37/16

CAB 37/18

CAB 37/19

CAB 37/20

CAB 37/21

CAB 37/22

CAB 37/23

CAB 37/24

CAB 37/25

Colonial office papers CO 903/1

CO 903/2

CO 904/19

Home office papers HO 144 72

HO 144 / 102

HO 144/104

A5867

NEWSPAPERS (National / International)

Daily News (London)

Dublin Daily Express

Dublin Evening Mail

Freeman's Journal

Irish Daily Independent

Irish Times

Irish World

Irish Nation

The Irishman

Boston Pilot

The Nation

National Press

Pall Mall Gazette

Standard (London)

Times

United Ireland

United Irishman

Irish local papers

Carlow Nationalist

Clare Independent

Cork Daily Herald

Cork Free Press

Kerry Sentinel

Leinster Leader

Midland Tribune

Munster Express

Roscommon Herald

Sligo Champion

Wexford People

Waterford News

PRINTED SOURCES

A popular and complete edition of the Parnell Commission report. 1890. London.

Special Commission to Enquire into Charges and Allegations Against Certain Members of Parliament and Others. 1888-90. *Special commission on Parnellism and Crime*, vols 1,7 & 8.

Parliament of Great Britain, various dates *House of Commons debates* (Hansard). London.

Public general statutes passed in the thirty-third & thirty-fourth years of the reign of Her Majesty Queen Victoria, 1870. London.

Public general statutes passed in the forty-fourth and forty-fifth years of the reign of Her Majesty, Queen Victoria, 1881. London.

Public general statutes passed in the forty-fifth and forty-sixth years of the reign of Her Majesty, Queen Victoria, 1882. London.

Public general statutes passed in the fiftieth and fifty-first years of the reign of Her Majesty, Queen Victoria, 1887. London.

MEMOIRS AND DIARIES

Anderson, Sir Robert 1906 *Sidelights on the Home Rule movement.* London.

Anderson, Sir Robert 1910 *The lighter side of my official life.* London.

Bahlman, Dudley W.R.1972. *The diary of Sir Edward Hamilton, 1880-1885.* London.

Becker, Bernard 1881 *Disturbed Ireland.* London.

Blunt, Wilfrid Scawen 1912 *The land war in Ireland.* London.

Bodkin, Matthias McDonnell 1914 *Recollections of an Irish judge.* Dublin.

Byrne, Edward 1991 *Parnell: A memoir* (ed. Frank Callanan). Dublin.

Davitt, Michael 1904 *The fall of feudalism in Ireland.* London.

Denvir, John 1910 *Life story of an old rebel.* Dublin.

Devoy, John 1929 *Recollections of an Irish rebel.* New York.

Dunlop, Andrew 1911 *Fifty years of Irish journalism.* Dublin.

Foote, G.W. 1886 *Prisoner for blasphemy.* London.

George, Henry 1881 *The Irish land question: what it involves and how alone it can be settled: an appeal to the Land Leagues.* New York and London.

Gladstone, W.E 1879 *Gleanings from past years.* London.

Gordon, Peter 1981 & 1986 *The Red Earl: The papers of the fifth Earl Spencer.* (2 vols). Northampton.

Hall, J.B. 1928 *Random records of a reporter.* Dublin.

Harrington, Timothy 1888-90 *A diary of coercion: being a list of the cases tired under the Criminal Law and Procedure Act – Parts I-III.* Dublin.

Harrington, Timothy 1884 *The Maamtrasna massacre: the impeachment of the trials.* Dublin.

Healy, T.M. 1929 *Letters and leaders of my day.* New York.

Hurlbert, William Henry 1888 *Ireland under coercion* (2 vols). New York.

Hussey, Samuel 1904 *Reminiscences of an Irish land agent.* London.

Kettle, Andrew 1958 *Material for victory* (ed. Laurence Kettle). Dublin.

Le Caron, Henri 1892 *Twenty-five years in the Secret Service.* London.

Lloyd, Clifford 1892 *Ireland and the Land League.* London.

McCarthy, Michael J.F. 1912 *The Irish revolution.* Edinburgh.

McDonald, John 1890 Daily News *diary of the Parnell commission.* London.

Matthew, H.C.G. (ed.) 1990 *The Gladstone diaries.* (14 vols). vol x. Oxford.

Moody, T.W. and Hawkins, R.A.J. 1988 *Florence Arnold-Forster's Irish journal.* Oxford.

Morley, John 1917 *Recollections.* vol 1. New York.

O'Brien, Peter 1916 *The reminiscences of the Right. Hon. Lord O'Brien (of Kilfenora): Lord Chief Justice of Ireland.* Dublin.

O'Brien, William 1920 *Evening memories.* Dublin and London.

O'Brien, William 1905 *Recollection*s. London.

O'Brien, William 1910 *An olive branch in Ireland and its history.* London.

O'Connor, James 1889 *Recollections of Richard Pigott.* Dublin.

O'Connor, T.P. 1928 *Memoirs of an old parliamentarian.* 2 vols, vol.1. London.

O'Connor, T.P. 1886 *The Parnell movement.* London.

O'Donnell, F.H. 1910 *A History of the Irish parliamentary party.* 2 vols, vol. 2.

London.

Parnell, Anna 1986 *Tale of a great sham*, (ed.Dana Hearne). Dublin.

Pigott,, Richard 1882 *Personal recollections of an Irish nationalist journalist.* Dublin & London.

Robbins, Alfred 1926 *Parnell: the last five years.* London.

Sullivan, T.D. 1905 *Recollection of troubled times in Ireland.* Dublin.

Turner, Alfred E. 1912 *Sixty years of a soldier's life.* London.

Tynan, Patrick J. 1894 *The Irish national Invincibles and their times.* London.

SECONDARY READING

Adams, R.J.Q 2007 *Balfour, the last grandee.* London.

Allen, H.C. and Thompson, Roger eds. 1976 *Contrast and connection: bicentennial essays in Anglo-American history.* London.

Anderson, Benedict 1991 *Imagined communities: reflections on the origins and spread of nationalism.* London/New York.

Bagenal, Philip 1882 *The American Irish and their influence on Irish politics.* Boston and London.

Bew, Paul 1978 *Land and the national question in Ireland, 1858-82.* Dublin.

Bew, Paul 1980 *Charles Stewart Parnell.* Dublin.

Bew, Paul 2011 *Enigma: a new life of Charles Stewart Parnell.* Dublin.

Bourne, Kenneth 1967 *Britain and the balance of power in North America, 1815-1908.* Berkeley and Los Angeles.

Boyce, D. George and O'Day, Alan 1991 *Parnell in perspective.* London – New York.

Breathnach, Ciara and Lawless, Catherine (eds.) 2010 *Visual, material and print culture in nineteenth-century Ireland.* Dublin.

Brown, Lucy 1985 *Victorian news and newspapers.* Oxford.

Brown, Stephen.J. 1971 *The press in Ireland: a survey and a guide.* New York.

Brune, Lester 1985 *Chronological history of United States foreign relations,* vol. 1. New York & London.

Bull, Phillip 1996 *Land, politics and nationalism: a study of the Irish land question.* Dublin.

Callanan, Frank 1996 *T.M. Healy.* Cork.

Callanan, Frank 1992 *The Parnell split.* Cork.

Clare Carroll and Patricia King (eds.) 2003 *Ireland and postcolonial theory.* Indiana.

Churchill, Winston 1906 *Lord Randolph Churchill.* London.

Clark, Samuel 1979 *Social origins of the Irish land war.* Princeton.

Comerford, R.V 'The Politics of Distress, 1877-82' in Vaughan, W.E. (ed) 1996 *A New History of Ireland* (Oxford,) 6 volumes, vol.vi.

Comerford, R.V. 1998 *The Fenians in context*: Irish politics and society, 1848-82. Dublin.

Cocks, H.G. 2003 *Nameless Offences: Homosexual Desire in the Nineteenth Century.* London.

Collins, Irene 1959 *The government and the newspaper press in France 1814-1881.* Oxford.

Cooke, A.B and Vincent, John 1974 *The governing passion: cabinet government and party politics in Britain 1885-86.* Brighton.

Conboy, Martin 2002 *The press and popular culture.* London.

Crossman, Virginia 1996 *Politics, law and order in 19th century Ireland.* Dublin.

Cullen, L.M. 1989 *Eason and Son: a history.* Dublin.

Curran, James and Seaton, Jean 1991 *Power without responsibility: the press and broadcasting in Britain.* London.

Curtis, L.P 1963 *Coercion and conciliation in Ireland, 1880-92.* Princeton.

Daly, Mary E and Hoppen, K.Theodore (eds.) 2011 *Gladstone: Ireland and beyond.* Dublin.

de Nie, Michael 2004 *The Eternal Paddy: Irish identity and the British press, 1798-1882.* Wisconsin.

Dicey, A.V 1902 *Introduction to the study of the law of the constitution.* London.

Dugdale, Blanche E.C. 1937 *Arthur James Balfour* London.

Dungan, Myles 2009 *Conspiracy: Irish political trials.* Dublin.

Dungan, Myles 2009 *The Captain and the King: William O'Shea, Parnell and late Victorian Ireland.* Dublin.

Dunning, William A. 1914 *The British Empire and the United States: A review of their relations during the century of peace following the treaty of Ghent.* Toronto.

Farrell, Brian, ed. 1984 *Communications and community in Ireland.* Cork.

Fisher, Joseph R and Strahan, James Andrew 1891 *The law of the press: a digest of the law specially affecting papers.* London.

Foster, R.F. 1995 *Paddy and Mr. Punch.* London.

Foster, R.F. 1979 *Charles Stewart Parnell: the man and his family.* London.

Fraser, Hugh 1897 *Principles and practice of the law of libel and slander, with suggestions on the conduct of a civil action.* London.

Garvin, Tom 2005 *Nationalist revolutionaries in Ireland, 1858-1928.* Dublin.

Gilmartin, Kevin 1996 *Print Politics: The press and radical opposition in early nineteenth-century England.* Cambridge.

Golway, Terry 1988 *John Devoy and America's fight for Ireland's freedom.* New York.

Gopal, Madan 1990 *Freedom movement and the press, the role of Hindi newspapers.* New Delhi.

Green, William & Manders, Richard 1890 *Law Reports (Ireland) digest of cases, vols i-xx inclusive.* Dublin.

Groves, Patricia 1890 *Petticoat rebellion: The Anna Parnell story*. Dublin.

Habermas, Jurgen 1991 *The structural transformation of the public sphere.* Cambridge, Massachusetts.

Hammond, J.L 1938 *Gladstone and the Irish nation.* London.

History of the Times: 1884-1912 (4 Vols). Vol. 3. 1947 London.

Hollis, Patricia 1970 *The pauper press* Oxford.

Inglis, Brian 1954 *The freedom of the press in Ireland, 1784-1841* London.

Jenkins, Brian 1969 *Fenians and Anglo-American relations during reconstruction.* Ithaca & London.

King, Carla 1999 *Michael Davitt.* Dundalk.

Koss, Stephen 1981 *The rise and fall of the political press in Britain.* London.

Kuhn, Raymond 1995 *The media in France*. London.

Lacey, Brian 2008 *Terrible queer creatures: homosexuality in Irish history.* Dublin.

Lawrence, Elwood P. 1957 *Henry George in the British Isles.* East Lansing.

Lee, Alan 1976 *The origins of the popular press.* London.

Legg, Marie-Louise 1999 *Newspapers and nationalism: the Irish provincial press, 1850-1892.* Dublin.

Levy, Leonard W 1985 *Emergence of a free press.* Oxford.

Lyons, F.S.L. 1977 *Charles Stewart Parnell.* London.

Lyons, F.S.L. 1960 *The Fall of Parnell, 1890-91.* Toronto.

McCracken, Donal 2009 *Inspector Mallon: buying Irish patriotism for a five-pound note.* Dublin.

MacDonagh, Michael 1928 *The Life of William O'Brien, the Irish nationalist: a biographical study of Irish nationalism, constitutional and revolutionary.* London.

MacDonagh, Michael 1910 *The Home Rule movement.* Dublin & London.

McDowell, R.B. 1964 *The Irish administration.* London.

McGee, Owen 2005 *The IRB: The Irish Republican Brotherhood from the Land League to Sinn Fein.* Dublin.

Montgomery Hyde, H 1972 *The other love: an historical and contemporary survey of homosexuality in Britain.* London.

Moody, T.W. 1981 *Davitt and the Irish revolution, 1846-1882.* Oxford.

Morash, Christopher 2009 *A history of the media in Ireland.* Cambridge.

Nicholas, H.G. 1975 *The United States and Britain.* Chicago.

O'Brien, R. Barry 1910 *The Life of Charles Stewart Parnell.* London.

O'Brien, Conor Cruise 1957 *Parnell and His Party.* Oxford.

O'Brien, Joseph V. 1976 *William O'Brien and the course of Irish politics 1881-1918.* Berkeley, Los Angeles, London.

O'Brien, Mark 2008 *The Irish Times: A history.* Dublin.

O'Brien, William and Ryan, Desmond (eds.) 1953 *Devoy's post bag* 2 vols. vol. 2. Dublin.

O'Broin, Leon, 1971 *The Prime Informer: A Suppressed Scandal.* London.

O'Callaghan, Margaret 1994 *British high politics and a nationalist Ireland: criminality, land and the law under Forster and Balfour.* Cork.

O'Day, Alan 1986 *Parnell and the first Home Rule episode, 1884-87.* Dublin.

O'Day, Alan 1998 *Charles Stewart Parnell.* Dublin.

Odgers, William Blake 1905 *A Digest of the law of libel and slander.* London.

Parthasarathy, Rangaswami 1989 *Journalism in India, from the earliest times to the present day.* New Delhi.

Pearce, Edward 1999 *Lines of most resistance: the Lords, the Tories and Ireland, 1886-1914.* London.

Pletcher, David M 1962 *The awkward years: American foreign relations under Garfield and Arthur.* Missouri.

Porter, Bernard. 1991 *The origins of the vigilant state: the London Metropolitan Police Special Branch before the First World War*. London.

Potter, Simon, ed. 2004 *Newspapers and empire in Ireland and Britain.* Dublin.

Rafter, Kevin, ed., 2011 *Irish journalism before independence: more a disease than a profession.* Dublin.

Reid, T.Wemyss 1888 *The life of the Right Honourable William Edward Forster.* London.

Rodechko, James Paul 1976 *Patrick Ford and his search for America.* New York.

Roy, G.K. 1915 *Law relating to press and sedition.* Simla.

Shannon, Catherine B. 1988 *Arthur J.Balfour and Ireland, 1874-1922.* Washington, D.C.

Sinha, Kewal Prasad 1997 *Freedom of press in India.* New Delhi.

Smith, Anthony 1979 *The newspaper: an international history.* London.

Solow, Barbara Lewis 1971 *The Land Question and the Irish Economy, 1870-1903.* Cambridge, Massachusetts.

Steele, David 2004 *Lord Salisbury: a political biography*. London.

Townshend, Charles 1983 *Making the peace: public order and public security in modern Britain.* Oxford.

Townshend, Charles 1983 *Political violence in Ireland: government and resistance since 1848.* Oxford.

Vaughan, William E. 2009 *Murder Trials in Ireland, 1836-1914.* Dublin.

Vaughan, William E 1984 *Landlords and Tenants in Ireland, 1848-1904.* Dublin.

Vaughan, Wiliam .E. (ed) 1996 *A New History of Ireland.* 6 vols. vol.vi. Oxford.

Waldron, Jarlath 1992 *Maamtrasna: The Murders and the Mystery.* Dublin.

Ward, Margaret 1989 *Unmanageable Revolutionaries : Women and Irish Nationalism.* London-East Haven, Connecticut.

Warwick-Haller, Sally 1990 *William O'Brien and the Irish Land War.* Dublin.

Whyte, Frederic 1925 *The Life of W.T.Stead.* 2 vols, vol. 1. London / New York.

Williams, Raymond 2001 *The Long Revolution.* London.

Williams, Robin H 1988 *The Salisbury-Balfour correspondence, 1869-1892.* London.

Zebel, Sydney H. 1973 *Balfour, a political biography.* Cambridge.

ARTICLES AND ACADEMIC PAPERS

Arnold, Matthew 1887 'Up to Easter', *Nineteenth Century* XXI. May.

Breen, Thaddeus C 1982 'Loathsome, impure and revolting crimes: the Dublin Scandals of 1884,' *Identity.* no.2. July.

Cooke, A.B. and Vincent, J.R. 1973 'Lord Spencer on the Phoenix Park murders,' *Irish Historical Studies*, vol.18, no.72, September. 584.

Curran, James 2002 'Media and the Making of British Society, c.1700–2000', *Media History*, vol. 8, no. 2.

Dudley Edwards, Owen 1967 'American diplomats and Irish coercion,' *Journal of American Studies*, vol.1. no.2. October.

Foley, Michael 2004 'Colonialism and Journalism in Ireland', *Journalism Studies*, vol. 5. no. 3.

Gill, T.P. 1928 'William O'Brien: Some Aspects' – *Studies*. vol. 17. no. 68. December.

Hampton, Mark 1999 'Journalists and the `Professional Ideal' in Britain: the Institute of Journalists, 1884-1907' - *Historical Research*. vol. 72. no. 178. June

2001 *Understanding Media: Theories of the Press in Britain, 1850-1914* - Media Culture Society. 23.

Jordan, Donald 1986 'John O'Connor Power, Charles Stewart Parnell and the Centralisation of Popular Politics in Ireland' - *Irish Historical Studies*. vol. 25. no. 97. May.

Larkin, Felix 2010 'Parnell, politics and the press in Ireland, 1875-1924' The Parnell lecture. *Parnell Summer school.* 11 August.

Lyons, F.S.L. 1974 'Parnellism and Crime, 1887-90' *Transactions of the Royal Historical Society.* fifth series. vol. 24.

McReynolds, Louise 1990 'Russia's newspaper reporters: profile of a society in transition, 1865-1914' *The Slavonic and Eastern European review.* vol.68, no.2. April.

Moran, Gerard 1994 'James Daly and the Rise and Fall of the Land League in the West of Ireland, 1879-82' *Irish Historical Studies*. vol. 29. no. 114. November.

Murray, A.C. 1986 'Nationality and Local Politics in Late Nineteenth-Century Ireland: The Case of County Westmeath' *Irish Historical Studies*. vol. 25. no. 98. November.

O'Brien, Conor Cruise 1946 'The machinery of the Irish parliamentary party, 1880-85' *Irish Historical Studies*. vol.5, no.17. March.

O'Donnell, Edward T. 1997 ' "Though not and Irishman": Henry George and the American Irish' *American Journal of Economics and Sociology.* vol.56. no.4. October.

O'Regan, Maebh 2004 'Richard Moynan: Irish artist and unionist propagandist,' *Eire-Ireland* 39:1&2 Spring/Summer.

Porter, Bernard 1980 'The Freiheit Prosecutions, 1881-1882' *The Historical Journal*. vol. 23. no. 4. December.

Silagi, Michael and Faulkner, Susan 1987 'Henry George and Europe' *American Journal of Economics and Sociology*. vol. 46. no.4. October.

UNPUBLISHED THESES

Ball, Stephen Andrew 2000 *Policing the Land War: Official responses to political protest and agrarian crime in Ireland, 1879-91.* Goldsmith's College, University of London.

Lucey, Donnacha Sean 2007 *Land and popular politics in County Kerry, 1872-86.* NUIM, Maynooth.

Enforcing silence: *United Ireland*, the Irish nationalist press and British governance, 1881-1891.

Myles Dungan

APPENDICES

Appendix 1 – Newspaper related press prosecutions, 1882-91.
361

Appendix 2 – *United Ireland* commentary 1881-91 –
a database of editorials.
424

APPENDIX 1 - NEWSPAPER-RELATED PROSECUTIONS 1882-1891[1] [2]

1882

SUBJECT: **W.B.Mooney, Newsagent, Old George's Street, Cork.**

TRIAL DATE: 18 January 1882.

CHARGE: Obstruction and assault.

VENUE: Cork Police Court - RM's McNamara, Mitchell.

RESULT: Mooney was returned for trial at Munster Winter Assizes. Bailed on his own recognisances. Trial adjourned to Spring Assizes where the case was not pursued.

SENTENCE: N/A

---

[1] Does not include arrest and incarceration of editors and proprietors under the Protection of Person and Property (Ireland) Act, 1881 under which there were no committal proceedings.

[2] *A Note on Sources.*
The principal sources of information on press prosecutions undertaken by both the Liberal and Conservative administrations in the 1880s are, by default, reports in daily and weekly newspapers. *United Ireland* gave widespread coverage of all press-related prosecutions and, where details were sketchy in that weekly newspaper, supplementary information was obtained from coverage in the dailies (principally the *Freeman's Journal* and the *Irish Times*) Occasionally, where no additional information could otherwise be obtained the relevant local newspaper was consulted. [These were deployed more extensively for editorial reaction to such prosecutions] T.C.Harrington's *Diary of Coercion* was a useful but unreliable source for prosecutions in the 1887- 1890 period. It was far from exhaustive, often lacking in detail and frequently inaccurate. The same was true of the British National Archive document, CO 903/1, a confidential report compiled for the Chief Secretary's attention in March 1890. This was more informative and dependable than Harrington's survey but it was far less comprehensive, omitted a number of prominent prosecutions which had taken place between 1882- 1890 (March) and, in addition, there were a number of minor errors, particularly in relation to dates.

CONTEXT: The accused was charged as a result of his obstruction of two police officers as they attempted to impound copies of *United Ireland* on 4.1.82[3]

SUBJECT: **Richard John Kelly, proprietor, *Tuam Herald.*[4]**

TRIAL DATE: 5 August 1882.

CHARGE: 'Having printed and published in a newspaper called the *Tuam Herald* of the 15th July, 1882 . . . a certain letter or article purporting to be a letter written by one James Redpath, encouraging divers ill-disposed persons to murder certain other persons, to wit, divers landlords . .'

VENUE: Tuam - RM's Gardiner, Lyster. JP's Griffith, Waithman, Ruttledge, O'Rorke, Burke, Cullinan, Kirwan.

RESULT: Kelly sent to trial at Assizes. The JP's present at Petty Sessions drew up a document in which they accepted the declaration of the accused and the claim that the letter was inserted by misadventure. They also acknowledged that the *Tuam Herald* had been, 'at all times a supporter of law and order.' The RM's – Gardiner and Lyster, did not sign the document.

SENTENCE: N/A.The authorities decided not to proceed with the prosecution of Kelly.

CONTEXT: The letter from Redpath concerned the murdered landlord Walter Bourke, purported to 'exhibit this family of tyrants as the poor peasantry of Mayo and Galway know them to their cost.' it was reprinted from an American source. Kelly told the court the letter was published in the *Herald* without his

---

[3] *Irish Times*, 26 January 1882 – Mooney did not appear at the Spring Assizes.

[4] *Freeman's Journal*, 19 January 1882.

knowledge and in his absence. He regretted in the extreme the insertion of the letter, he repudiated Redpath's sentiments *in toto* and agreed to give any undertaking the Crown would require. [5]

SUBJECT: **Edmund Dwyer Gray, Proprietor, *Freeman's Journal.*** [6]

TRIAL DATE: 14 August 1882.

CHARGE: Contempt of court.

VENUE: Commisison court, Dublin. Justice Lawson.

RESULT: Guilty

SENTENCE: Jailed for three months and fined £500.

CONTEXT: The contempt arose out of the publication in the *Freeman's Journal* of a letter from William O'Brien containing allegations of misbehaviour against jurors in the capital trial of Francis Hynes.

SUBJECT: **William O'Brien, Editor, *United Ireland.***

TRIAL DATE: 27 December 1882.

CHARGE: Publishing a false, seditious and malicious libel

---

[5] *Freeman's Journal*, 16 August 1882.

[6] *Freeman's Journal*, 15 August 1882.

VENUE: Metropolitan Police Court, Dublin. RM C.J.O'Donel.

RESULT: Adjourned to Monday, 1 January 1883.

SENTENCE: N/A

CONTEXT: Alleged libel contained in *United Ireland* editorial of 23 December 1882 entitled 'Accusing Spirits' alleging miscarriages of justice in a number of Crimes Act capital cases.[7]

SUBJECT: **Edward Walsh, editor and proprietor of the *New Ross Standard* and the *Wexford People*.**[8]

TRIAL DATE: 29 December 1882.

CHARGE: Intimidation – the publication of an illegal notice contrary to the Prevention of Crime (Ireland) Act, 1882, Section 7.

VENUE: New Ross. RM's Bodkin, Thynne.

RESULT: Guilty

SENTENCE: Fourteen days. Increased to five weeks to allow accused to appeal. Sentence confirmed on appeal.

---

[7] *United Ireland*, 30 December 1882.

[8] *United Ireland*, 6 January 1883.

CONTEXT: Words published in *New Ross Standard* referring to John Murphy, Rathnogee and John and Nicholas Gill, Ballyclumack, as 'land grabbers.' 'Mr.Colfer of New Ross appeared on behalf of a lady, to acknowledge the authorship of the article, which was written by her, but the Chairman refused to entertain it as evidence.'[9]

SUBJECT: **Edward Barrett, newspaper reporter.**
Nicholas Barrett, newspaper reporter.
Thomas Cunningham, newspaper reporter.
James McDermott, newspaper reporter.[10]

TRIAL DATE: 29 December 1882.

CHARGE: Attending proclaimed meetings at Ballamana, Co.Galway and Closetoken, Co.Galway on dates in December 1882.

VENUE: Loughrea. RM's Paul, Crotty.

RESULT: Guilty on all charges.

SENTENCE: Edward Barrett – 7 days on Ballamana charges.
N.Barrett, Cunningham, and McDermott 2 days on Ballamana charges.
E.J.Barrett, N.Barrett Cunningham, and McDermott – 4 weeks with hard labour on Closetoken charges.

CONTEXT: E.J.Barrett's employer, John Callanan, editor of the *Western News* testified that Edward Barrett had acted under his instructions. In passing judgment the magistrates stated that

---

[9] *Freeman's Journal*, 30 December 1882.
[10] *United Ireland*, 6 January 1883.

they 'did not recognize the rights of the Press representatives more than any others at such meetings.'[11]

1883

SUBJECT: **John MacPhilpin, editor of the *Tuam News*.**

TRIAL DATE: 1 January 1883

CHARGE: 3 counts of intimidation - contrary to the Prevention of Crime (Ireland) Act, 1882, Section 7.

VENUE: Tuam. RM's Lyster, Paul.

RESULT: Guilty on all counts.

SENTENCE: One month on one count and 14 days on the remaining counts – without hard labour. The magistrates refused to increase the sentence to allow for an appeal.

CONTEXT: The charges related to the publication of articles against three Galway landlords written by correspondents from the Loughrea district. The defence maintained, unsuccessfully, that a newspaper editor could only be prosecuted under Section 13 of the Crimes Act.[12]

---

[11] *Freeman's Journal*, 30 December 1882.

[12] *Freeman's Journal*, 2 January 1883.

SUBJECT: **William O'Brien, Editor, *United Ireland.***

TRIAL DATE: 1 January 1883.

CHARGE: Publishing a false, seditious and malicious libel

VENUE: Metropolitan Police Court, Dublin. RM C.J.O'Donel

RESULT: Adjourned to 22 January, *mandamus* sought and case referred to Queen's Bench for ruling on competence of lower court to hear certain evidence relating to justification by the defendant on the basis of the truth of the matters published.

SENTENCE: N/A

CONTEXT: Alleged libel contained in *United Ireland* editorial of 23 December, 1882 entitled 'Accusing Spirits' (see above 27 December 1882)[13]

SUBJECT: **William O'Brien, Editor, *United Ireland***

TRIAL DATE: 15 January 1883.

CHARGE: Publishing a false, seditious and malicious libel

---

[13] *United Ireland*, 6 January 1883.

VENUE: Queen's Bench Court. Lord Chief Justice, Justice Lawson.

RESULT: Application rejected and matter returned to Magistrates' Court for consideration.

SENTENCE: N/A.

CONTEXT: The Queen's Bench judges decided that the Dublin Magistrate, C.J.O'Donel was within his rights to refer the case to the Commision Court without hearing defence evidence as to the truth of the matters stated in print.[14]

SUBJECT: **William O'Brien, Editor, *United Ireland***

TRIAL DATE: 22 January 1883.

CHARGE: Publishing a false, seditious and malicious libel

VENUE: Metropolitan Police Court, Dublin. RM C.J.O'Donel.

RESULT: Case returned for trial before Commision Court, Dublin.

SENTENCE: N/A.

CONTEXT: On leaving the court the defendant was informed by the Crown Solicitor for the County and City of Dublin that his trial would take place before a special jury.[15]

---

[14] *United Ireland,* 20 January 1883.

[15] *United Ireland,* 27 January 1883.

SUBJECT: **William O'Brien, Editor, *United Ireland***

TRIAL DATE: 9 February 1883.

CHARGE: Publishing a false, seditious and malicious libel

VENUE: Commission Court, Dublin. Justice Harrison.

RESULT: Jury fails to reach a verdict and is dismissed. The defendant is informed that he will be given notice of the date of a new trial.[16]

SENTENCE: N/A.

CONTEXT: The Crown took no further action in the case.

SUBJECT: **Edward Harrington, Editor, *Kerry Sentinel***
James Brosnan, Foreman printer.
Robert Fitzgerald, apprentice printer.
Maurice Kean, apprentice printer

TRIAL DATE: 4 June 1883.

---

[16] *United Ireland*, 10 February 1883.

CHARGE: Printing of illegal notices

VENUE: Tralee, Co.Kerry. RM's Warburton, Stokes.

RESULT: All the accused were found guilty.

SENTENCE: Edward Harrington – six months.
James Brosnan – six months.
Robert Fitzgerald – two months.
Maurice Kean – two months

CONTEXT: The two apprentice printers admitted printing hoax notices of an 'Invincibles' meeting without the knowledge of the foreman or editor. The entire plant of the *Kerry Sentinel* was also seized on 1 June 1883[17]
Harrington and Brosnan to appeal sentences.

SUBJECT: **Edward Harrington, Editor, *Kerry Sentinel***
James Brosnan, Foreman printer.

TRIAL DATE: 9 July 1883.

CHARGE: Printing of illegal notices.

VENUE: County Court, Tralee. Appeal before Judge O'Connor Morris.

RESULT: Harrington – sentence confirmed. Brosnan sentence reversed.

---

[17] *Freeman's Journal*, 6 June 1883.

SENTENCE: N/A.

CONTEXT: Robert Fitzgerald and Maurice Kean reiterated that the illegal notices were printed without the knowledge of the editor or printer.[18]

SUBJECT: **John Callanan, editor, *Western News*.**

TRIAL DATE: 1 December 1883.

CHARGE: Intimidation – contrary to the Prevention of Crimes (Ireland) Act, 1882 – Section 7.

VENUE: Ballinasloe. RM Lyster.

RESULT: Guilty.

SENTENCE: 14 days – without hard labour.

CONTEXT: Callanan had published an article entitled 'More Police for Gorteen' in which a pejorative reference was made to a shepherd, John Crehan, who had taken on the herding of another shepherd.[19]

---

[18] *Freeman's Journal*, 11 July 1883.

[19] *Freeman's Journal*, 4 December 1883.

1886

SUBJECT: **Honoria Tully, proprietor *Roscommon Herald.***
Jasper Tully, proprietor and editor *Roscommon Herald.*

TRIAL DATE: 10-11 November 1886.

CHARGE: Writing notices tending to incite unlawful meetings or combinations, threatening violence, contrary to 1 / 2 William IV, cap. 44, sect. 3 [1831 Amendment to the 18th Century 'Whiteboy Acts']

VENUE: Boyle. RM's Col.Stewart, Armstrong.

RESULT: Defendants committed to trial at the Winter Assizes.

SENTENCE: N/A.

CONTEXT: Regarding reports published in *Roscommon Herald* on 17 April, 21 August, 11 September, 18 September, 2 October

being reports of various branch meetings of the Irish National League. Jasper Tully accepted responsibility for the articles.[20]

1887

SUBJECT: **Honoria Tully, proprietor *Roscommon Herald.***
Jasper Tully, proprietor and editor *Roscommon Herald.*

TRIAL DATE: 3-4 January 1887.

CHARGE: Writing notices tending to incite unlawful meetings or combinations, threatening violence, contrary to 1 / 2 William IV, cap. 44, sect. 3.

VENUE: Sligo assize court. Chief Baron Palles.

RESULT: *United Ireland* alleged that the jury was 'well and truly packed. They were Protestants to a man, the Crown having ordered twenty-two Catholics to stand by.'[21] The jury disagreed (10-2) Jasper Tully was bound over to appear at the next Roscommon Assizes.
At the Roscommon Assizes in March the Crown opted not to pursue the case against Tully.[22]

---

[20] *Freeman's Journal*, 11, 12 November 1886.
[21] *United Ireland*, 8 January 1887.
[22] *Freeman's Journal*, 8 March 1887.

SENTENCE: N/A.

CONTEXT: Jasper Tully accepted full responsibility for the articles published and the Crown entered a *nolle prosequi* against his mother Honoria Tully.[23]

SUBJECT: **T.D.Sullivan, editor of the *Nation*.**

TRIAL DATE: 6 October 1887.

CHARGE: Publication of a notice of proceedings at an Irish National League meeting in a proclaimed district contrary to the Criminal Law and Procedure (Ireland) Act, 1887.

VENUE: Northern Divisional Police Court, Dublin. RM C.J.O'Donel.

RESULT: Case dismissed by the magistrate on the grounds of the Crown's failure to produce evidence as to the nature of the proceedings at the proclaimed meeting, i.e. that this was a meeting of the Irish National League.
The Crown asked to have a case stated, the Magistrate agreed.
Defence counsel requested that the case be stated to the Court of Exchequer rather than the Queen's bench.
The Court of Exchequer (Lord Chief Baron Palles and Mr.Justice Andrews) reversed the decision of the magistrate and remitted the case to the Police Court to be reconsidered by

---

[23] *Irish Times*, 4,5 January 1887.

him.[24] Sullivan was sentenced, on 2 December 1887 to two months imprisonment as a first class misdemeanant.[25]

SENTENCE: N/A.

CONTEXT: Sullivan, the Lord Mayor of Dublin, was defended by T.M. Healy, M.P. (Edward Carson prosecuted for the Crown) and arrived accompanied by the nationalist members of Dublin Corporation in full dress attire.[26]

SUBJECT: **William O'Brien, M.P., proprietor and editor of *United Ireland*.**

TRIAL DATE: 6 October 1887.

CHARGE: Publication of notices of proceedings at three Irish National League meetings in proclaimed districts contrary to the Criminal Law and Procedure (Ireland) Act, 1887

VENUE: Northern Divisional Police Court, Dublin. C.J.O'Donel.

RESULT: The defendant having failed to appear to answer charges, a request was made by the prosecution for an adjournment pending the result of the Crown's appeal in the case of the

---

[24] *Freeman's Journal* 11 November 1887.

[25] TNA, PRO CO 903/1/4, 5, 'Press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March 1890.'

[26] *Freeman's Journal*, 7 October 1887.

editor of the *Nation.* No further warrant was issued in the case.[27]

According to a confidential Chief Secretary's Office document 'as this gentleman was convicted of another offence at this time at Mitchelstown, the press prosecution was never proceeded with.'[28]

SENTENCE: N/A.

CONTEXT: *United Ireland* pointed out that the clause of the Criminal Law and Procedure (Ireland) Act, 1887 found wanting by the Magistrate was Section 14. This had been forced through under the cloture procedure. The newspaper observed that 'It is cruel of Mr. O'Donel to remind the Government that it could have avoided the disaster by a little useful discussion.'[29]

SUBJECT: **Edward Walsh, proprietor and editor of the *Wexford People* and the *New Ross Standard***

TRIAL DATE: 19, 24.25 October 1887.

CHARGE: For publishing in his newspapers matter calculated to incite persons to take part in an unlawful assembly. Six summonses under the Criminal Law and Procedure (Ireland) Act, 1887.

VENUE: Wexford. RM's McLeod and Bodkin.

---

[27] T.C.Harrington, T.C., *A Diary of Coercion, vol. 1 - Being a list of cases tried under the Criminal Law and Procedure Act–From 17th August, 1887 to 16th March 1888 with Brief Explanations of the Offences Charged, and Extracts from the Newspaper Reports of the Trials* (Dublin, 1888), 12.

[28] TNA, PRO, CO 903/1, 5.

[29] *United Ireland*, 15 October 1887.

RESULT: The first hearing was adjourned to Monday, 24 October.[30]

SENTENCE: At the resumed hearing two of the six summonses were dealt with concerning articles published on 24 September and 1 October. The Crown opted not to proceed on the other four charges. Walsh was convicted on both charges and sentenced (on the first charge) to one month in prison with hard labour and (on the second charge) to two months in prison with hard labour.

The magistrates agreed to state a case to the Court of Exchequer.

The Court of Exchequer quashed both convictions with costs against the Crown. This was based on the fact that details of the proclaiming of certain districts had not been published by the authorities in the prescribed manner.[31]

CONTEXT: T.M.Healy, MP represented the defendant. Edward Carson prosecuted

In delivering their verdict on the first offence the magistrates noted that there had been no expression of regret on the part of the accused. This was taken into consideration when passing sentence.

After the magistrates agreed to state a case to the superior court Walsh was released on bail.[32]

SUBJECT: **Denis McNamara, publican and newsvendor, Jail Street, Ennis, Co.Clare.**

---

[30] *Irish Times*, 22 October 1887.

[31] *Freeman's Journal*, 23 February 1888.

[32] *Irish Times*, 25, 26 October 1887.

TRIAL DATE: 24 November 1887.

CHARGE: Charged with selling copies of *United Ireland* containing reports of suppressed branches of the National League. Contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887.

VENUE: Ennis Petty Sessions, Co.Clare. RM's F.G.Hodder, Cecil Roche

RESULT: Guilty.

SENTENCE: Sentenced to seven days in prison without hard labour. When the defendant said that he would continue to sell the newspaper and called for 'three cheers for William O'Brien' the magistrates added a further week for contempt of court.

CONTEXT: Prior to his trial McNamara, a local National League officer, announced that he would 'have an unlimited supply of *United Ireland* for sale on Thursday next, November 24, 1887 at ten o'clock. God save Ireland.'[33]

John Redmond M.P. defended. He made the case that McNamara had no editorial control over the content of the newspaper and asked the magistrates not to establish a precedent whereby a newsboy or newsvendor could be jailed for the illegal contents of a newspaper 'while those primarily responsible were allowed to go scot free'[34]

---

[33] *United Ireland*, 26 November 1887.

[34] *United Ireland*, 3 December 1887.

SUBJECT: **John Breen, newsagent, Killarney**

TRIAL DATE: 29 November 1887.

CHARGE: Charged with selling copies of the *Cork Herald* and *United Ireland* containing reports of suppressed branches of the National League contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887

VENUE: Killarney Petty Sessions. RM's Cecil Roche, Major Hutchinson.

RESULT: Released on the basis of offering an undertaking not to sell those papers in future.

SENTENCE: N/A.

CONTEXT: Breen initially resisted the advice of his legal team before offering the undertaking. Anecdotal evidence suggests that he continued to sell both newspapers.[35]
Similar charges were to be brought against him and against Jeremiah Brosnan (see below) in Killarney in February 1888 but these charges were dropped largely as a result of adverse criticism in Britain of the policy of prosecuting newsvendors.[36]

SUBJECT: **Jeremiah Brosnan, newsagent, Killarney**

---

[35] Harrington, *A Diary of Coercion, vol. 1*, 25.
[36] Harrington, *A Diary of Coercion, vol. 1*, 85.

TRIAL DATE: 29 November 1887.

CHARGE: Selling copies of the *Cork Herald* and *United Ireland* containing reports of suppressed branches of the National League.

VENUE: Killarney petty sessions. RM's Roche, Hutchinson.

RESULT: Guilty.

SENTENCE: One month with hard labour.[37] The magistrates declined to state a case before a superior court. Legal efforts to force the magistrates to state a case, went from the Queen's Bench to the Court of Appeal which granted a conditional order on 21 December, 1887. Pending a full hearing of the appeal Brosnan was released from custody. [38]
The Appeal was, in effect, dismissed by the Court of Appeal when that Court ruled that it did not have jurisdiction. The Chief Baron alone dissenting.[39]

CONTEXT: The Bench offered to release the accused on receiving an undertaking that Brosnan would discontinue the sale of both newspapers. The defendant refused to sign such an undertaking.

---

[37] *United Ireland*, 10 December 1887.

[38] *Irish Times*, 13 January 1888. - The Court of Appeal heard the case on 12 January 1888 and decided by a majority of 4-1 (Chief Baron Palles dissenting from the majority judgment of the Lord Chancellor (Lord Ashbourne)) that it had no jurisdiction in the matter.

[39] *Freeman's Journal*, 14 January 1888.

SUBJECT: **T.D.Sullivan, M.P., proprietor and editor of the *Nation*.**

TRIAL DATE: 2 December 1887.

CHARGE: Publishing in his newspapers, the *Nation* and the *Dublin Weekly News* reports of the meetings of suppressed branches of the National League.

VENUE: Northern divisional police court, Dublin. RM C.J.O'Donel.

RESULT: Guilty.

SENTENCE: Two months imprisonment as a first class misdemeanant.[40]

CONTEXT: The case arose after the reversal, by the Court of Exchequer, of the earlier judgment in favour of the defendant in the case. As a first class misdemeanant Sullivan was to be dispatched to the relative comfort and convenience of Richmond prison in Dublin, Instead, on the orders of the Chief Secretary he was sent to more punitive and remote Tullamore Jail.[41]

SUBJECT: **John Maloney, newsagent, Tralee**

TRIAL DATE: 5 December 1887.

CHARGE: Selling copies of *United Ireland* containing reports of suppressed branches of the National League contrary to

---

[40] *Freeman's Journal*, 3 December 1887.

[41] *Nation*, 10 December 1887.

Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887

VENUE: Tralee. RM's Cecil Roche, Captain Welch.

RESULT: The defendant pleaded guilty but was released on agreeing to sign an undertaking not to sell papers containing reports of suppressed branches.[42]

SENTENCE: N/A.

CONTEXT: Edward Harrington was in court awaiting his own trial. Maloney was observed, by most of those in the courtroom, other than the magistrates, (to the amusement of those present) in the act of 'giving a huge wink at Mr.Harrington.'[43]

SUBJECT: **Edward Harrington, M.P. proprietor and editor of the *Kerry Sentinel.***

TRIAL DATE: 8 December 1887.

CHARGE: Having published in the *Kerry Sentinel* on 29 November a report of a suppressed branch of the National League contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887

VENUE: Tralee. RM's Roche, Welch.

RESULT: Guilty.

---

[42] Harrington, *A Diary of Coercion, vol. 1*, 26.

[43] *Irish Times*, 10 December 1887.

SENTENCE: One month's imprisonment without hard labour.

CONTEXT: The court offered to release Harrington on his own recognisances if he would undertake to publish no such reports in the future. The defendant declined to do so. 'Mr Harrington having no defence whatever to make was convicted and sentenced by the magistrates to one month's imprisonment.'[44]

SUBJECT: **Thomas O'Rourke, newsagent, Tralee.**

TRIAL DATE: 12 December 1887.

CHARGE: Selling copies of (i.e. 'publishing') the *Cork Herald* and *United Ireland* containing reports of suppressed branches of the National League. Contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887

VENUE: Tralee. RM's Roche, Captain Massey.

RESULT: Guilty.

SENTENCE: A month's imprisonment without hard labour.

---

[44] TNA, PRO CO 903/1/4, 7.

CONTEXT: The defendant, a Tralee Town Commissioner, refused to offer an undertaking that he would desist from the sale of newspapers containing such reports in the future.[45]
An application was made to the County Court for a *mandamus* to force the Killarney magistrates to state a case. This was refused by County Court Judge O'Connor Morris who agreed with the definition of a newsagent as a 'publisher' under the terms of the Act.[46]

SUBJECT: **Timothy Harrington, M.P. Secretary of the Irish National League and former proprietor and editor of the *Kerry Sentinel*.**

TRIAL DATE: 19 December 1887. 9 January 1888.

CHARGE: Having published in the *Kerry Sentinel* on 29 November a report of a suppressed branch of the National League contrary to Section 7 of the Criminal Law and Procedure (Ireland) Act, 1887.

VENUE: Tralee. RM's Cecil Roche, Colonel Persse.

RESULT: Guilty.

---

[45] *Freeman's Journal*, 13 December 1887.
[46] *United Ireland*, 17 December 1887.

SENTENCE: The case was adjourned for three weeks at the end of the first hearing.

At the end of the renewed hearing Harrington, having refused to give security for good behaviour was sentenced to six weeks imprisonment. His counsel asked for the magistrates to state a case to the Court of Exchequer. Mr.Cecil Roche demurred and insisted that the appeal be heard by the Queen's Bench.Defence counsel T.M. Healy pointed out that once a magistrate had agreed to state a case a decision as to which superior court the appeal would be made was at the discretion of the defendant. The magistrates accordingly agreed to state a case to the Court of Exchequer.

CONTEXT: Edward Harrington, M.P., already serving his sentence for the same offence, gave evidence on behalf of his brother while dressed in prison clothes. Harrington was defended by T.M.Healy, M.P.[47]

The defendant maintained that he had no remaining editorial or proprietorial connection with the *Kerry Sentinel*. Evidence was provided by the defendant that an employee error had resulted in his name not having been formally erased from documentation relating to ownership of the newspaper.

A memo of the Chief Secretary's office noted that 'the case was never pressed by the Crown' so no further proceedings took place. It does not, however, indicate any reason why no further action was taken.[48]

---

[47] *Freeman's Journal*, 20 December 1887.

[48] TNA, PRO, CO 903/1, 8.

SUBJECT: **Alderman John Hooper, proprietor and editor of the *Cork Herald.***

TRIAL DATE: 19 December 1887.

CHARGE: Publishing in the *Cork Herald* reports of meetings of suppressed branches of the Irish National League.

VENUE: Cork police court. RM's Captain Stokes, J.B.Irwin.

RESULT: Guilty.

SENTENCE: A month's imprisonment without hard labour on the first charge. A month's imprisonment without hard labour on the second charge.
[It was alleged that the handing down of consecutive one month sentences arose out of a speech by Chief Secretary Balfour in Manchester in which he had suggested this course of action in order to avoid magistrates' court sentences being taken to a superior court. Prison terms of less than a month were not subject to appeal.][49]

CONTEXT: Alderman Hooper faced a total of fifteen summonses. Thirteen of those were withdrawn when the magistrate made it clear that if any similar cases were proceeded with against the defendant any sentences incurred would run concurrently with those already imposed. [50]
Hooper's statement at a National League meeting held at Shanbally, Co.Cork on 23 October 1887 that - 'With the disappearance of the publicity of these Leagues, would

---

[49] Harrington, T.C., *A Diary of Coercion, vol.1,* 35.
[50] *Freeman's Journal,* 20 December 1887.

disappear the Leagues themselves.' - was used in evidence at his trial.[51]

SUBJECT: **Denis McNamara, newsagent, Ennis.**

TRIAL DATE: 23 December 1887.

CHARGE: Selling copies of *United Ireland* on 17 December which contained reports of suppressed branches of the Irish National League.

VENUE: Ennis petty sessions. RM's F.G.Hodder, G.Mercier.

RESULT: Guilty.

SENTENCE: Two months imprisonment with hard labour – taking into account his previous conviction.
Mr.Leamy, M.P., on behalf of the defendant lodged an appeal and McNamara was admitted to bail. The sentence, however, was later confirmed.

CONTEXT: McNamara had refused to sell a copy of *United Ireland* to Sgt. Murray of the Ennis, R.I.C. The wife of a dismissed sheriff's bailiff, Mrs. McMahon later bought a copy from McNamara's wife and passed it on to the police.[52]

1888

---

[51] TNA, PRO, CO 903/1, 6.

[52] *Freeman's Journal*, 24 December 1887.

SUBJECT: **Patrick Corcoran, foreman printer of the *Cork Examiner*.**

TRIAL DATE: 9 January 1888.

CHARGE: Publishing in the *Cork Examiner* reports of suppressed branches of the Irish National League.

VENUE: Cork police court. RM's J.C.Gardiner, H.E.Redmond.

RESULT: Guilty.

SENTENCE: Two months imprisonment. (One month on each of two charges) Defence counsel sought to have the sentences increased to allow for an appeal. The magistrates refused this request and also declined to state a case before a superior court.

CONTEXT: George Crosbie, son of the *Examiner* editor and himself acting editor at the time told the court in evidence that Corcoran had nothing to do with the editorial policy of the paper. He accepted full responsibility for the content of the paper.[53]

A Chief Secretary's Office [CSO] memo indicated that action was taken against Corcoran because 'an examination of the registration of the newspaper showed that Mr.P.Corcoran had signed the registry as printer and publisher of the journal; this was the only legal evidence available.'[54]

The memo also points out that Crosbie admitted under cross-examination that Corcoran was publisher of the

---

[53] *Freeman's Journal*, 10 January 1888.

[54] TNA, PRO, CO 903/1/4, 9.

Examiner and that he had not assumed the editorship until 22 November 1887.

SUBJECT: **Patrick Ferriter, newsagent, Dingle, Co.Kerry.**

TRIAL DATE: 2 March 1888.

CHARGE: Selling copies of *United Ireland* which contained reports of suppressed branches of the Irish National League.

VENUE: Dingle. RM's Cecil Roche, J.B.Irwin.

RESULT: Guilty.

SENTENCE: Three months with hard labour.[55] Ferriter was admitted to bail pending an appeal.[56] In the appeal before County Court Judge Curran on 21 April Ferriter refused to offer guarantees that he would not sell copies of the paper in the future which contained reports of suppressed branches. Judge Curran confirmed the three month sentence.

CONTEXT: The dropping of charges against newsvendors Jeremiah Brosnan and John Breen from Killarney (see above) on 21 February[57] had led to the assumption that the Executive had decided against any further similar actions. However, in addition to being a newsagent Ferriter was the Secretary of the local (suppressed) branch of the Irish National League, leading

---

55 *United Ireland*, 10 March 1888.

56 *Freeman's Journal*, 3 March 1888.

57 *Irish Times*, 6 March 1888 – reply by Colonel King Harman to PQ.

to speculation that this was the actual reason for his prosecution.[58]

United Ireland claimed that he had been prosecuted because of its taunting of Balfour the previous week when the newspaper claimed he had abandoned his campaign against the press.[59]

SUBJECT: **Timothy Murray, newsagent, Midleton, Co.Cork**

TRIAL DATE: 5 March 1888.

CHARGE: Inciting persons to take part in a criminal conspiracy – displaying the Plan of Campaign.

VENUE: Midelton, Co.Cork.

RESULT: Guilty.

SENTENCE: Fourteen days imprisonment.[60]

CONTEXT: Murray exposed newspaper cartoons in his shop window encouraging support for the Plan of Campaign. The charge against him alleged that he 'did compel and induce certain tenants and farmers, situated in divers parts of Ireland, not to fulfill their legal obligations – to wit, to refuse to pay rent, and not to pay to the owners of such farms the rents which such tenants were and might become lawfully bound to pay.'[61]

---

58 Harrington, *Ireland Under Coercion, vol.1*, 85.

59 *United Ireland*, 10 March 1888.

60 *Freeman's Journal*, 11 April 1888.

61 *United Ireland*, 7 April 1888.

SUBJECT: **P.A.McHugh, editor of the *Sligo Champion*.**

TRIAL DATE: 30-31 July 1888.

CHARGE: Two counts of intimidation relating to articles published in the *Sligo Champion* on 30 June and 7 July.

VENUE: Sligo. RM's H.Turner, F.B.Henn.

RESULT: Guilty.

SENTENCE: Four months imprisonment on the first count. Six months imprisonment on the second count.[62] Notice of appeal was lodged. In November 1888 County Court Judge O'Connor Morris confirmed a concurrent sentence of six months.[63]

CONTEXT: The first article (30 June) related to two instances in which new tenants (Thomas Kilgallen and John Sexton) had moved on to farms from which the sitting tenants had been evicted. The article had stated that, 'It behoves the people of the district to arise and stamp out the foul and desolating pest.'[64] The second article referred to one Michael Coffey who had taken an evicted farm. The article pointed out that 'Those who were once his friends pass him by with scorn and loathing as if some foul contagion possessed him.'[65]

---

62 *Irish Times*, 31 July & 1 August 1888.

63 *Nation*, 17 November 1888. *United Ireland* deprecated the Morris decision by pointing out that he himself had been a journalist whose articles in the *Times* had helped pave the way for the 1881 Land Act. *United Ireland* 17 November, 1888

64 *Sligo Champion*, 30 June 1888.

65 *Sligo Champion*, 7 July 1888.

SUBJECT: **Edward Harrington, editor and proprietor of the *Kerry Sentinel.***

TRIAL DATE: 31 December 1888.

CHARGE: Publishing, on 7 November 1888, a report of a suppressed branch of the Irish National League in the *Kerry Sentinel.* Further charged with taking part in said meeting and with inciting certain persons to take part in the Plan of Campaign.

VENUE: Tralee. RM's Roche, McDermott.

RESULT: The defendant was found guilty on two charges.

SENTENCE: The charge of inciting certain persons to participate in the Plan of Campaign was adjudged not to have been proven.
Harrington was sentenced to six months hard labour on the other two charges.
The magistrates were asked by counsel for the defendant to state a case to a superior court on the basis that the certificate under the Newspaper and Libel Act of 1881, proffered as proof of Harrington's editorship of the *Kerry Sentinel* was not a valid proof, and on a number of other counts. Mr. Roche declined to state a case.
Application was made to the Court of Exchequer for a writ of *Habeas Corpus* to have the magistrates decision reviewed.
The Court refused to issue such a writ and upheld the decision of the magistrates. [66]

---

[66] TNA, PRO, CO 903/1, 11.

CONTEXT: Harrington was defended by T.M.Healy. He, unsuccessfully, objected to Roche hearing the case as he had already presided at a similar case against the accused.
The Crown offered that if the defendant 'would guarantee that he would not publish any further proceedings of a suppressed branch or participate in any the Crown would be willing that he should stand out on his own recognisances.'
Healy's response on behalf of his client was, 'I suppose, your worship, the joke is now over.' Harrington refused to avail of the right of appeal to a County Court Judge.[67]

1889

SUBJECT: **John Powell, editor and proprietor of the *Midland Tribune and King's County Vindicator***

TRIAL DATE: 25 January 1889.

---

[67] *Freeman's Journal*, 1 January 1889.

CHARGE: Charged under the Criminal Law and Procedure (Ireland) Act, 1887, for an article appearing in the *Midland Tribune* on 20 December, 1888 – that he 'did wrongfully, and without legal authority use intimidation towards certain tenants of farms held from one Christopher James Banon,'
[The tenants, on an estate known as the Broughal property, owned by Banon, were criticised in the article for having abandoned the Plan of Campaign and come to terms with Banon. The article, entitled 'The Broughal Slaves,' concluded that 'the hand of every honest man will be raised against them for all time to come.'][68]

VENUE: Birr. RM's Mercer, McSheehy.

RESULT: Guilty.

SENTENCE: Powell was sentenced to Tullamore jail for three months. An additional sentence of seven days was added for contempt of court. An appeal was lodged to the County Court against the three month sentence. The sentence was confirmed but reduced to two months.[69]

CONTEXT: Powell admitted proprietorship of the paper and accepted full responsibility for the article but rejected the proposition that the words published 'came within the intimidation clauses of the Act.'
When the defendant told the magistrates that 'you came into court with your sentence cut and dry' and later repeated the allegation he was further committed for contempt.[70]

---

[68] TNA, PRO, CO 903/1,12.

[69] TNA, PRO, CO 903/1,12. It is clear from this confidential document on press prosecutions that the administration was determined to protect from intimidation tenants who chose to abandon the Plan of Campaign. Four examples are given of the fate of tenants who chose to resile from their initial support of the Plan. (12-13)

[70] *Freeman's Journal*, 26 January 1889.

SUBJECT: **James Daly, editor and proprietor of the *Connaught Telegraph*.**

TRIAL DATE: 20 February 1889.

CHARGE: The publication of an intimidatory article.

VENUE: Castlebar. RM's Paul, J.McClean.

RESULT: Case adjourned for four months to establish the future good behaviour of the defendant.

SENTENCE: N/A.

CONTEXT: 'The prosecution was for an article which commented upon the many imprisonments and prosecutions of Mr. John Fitzgibbon of Castlerea.'[71]
Counsel for Daly said that 'the article had appeared without his knowledge but he did not deny responsibility for it. He now expressed regret for what had been published and withdrew it.'[72]

SUBJECT: **P.J.Conlan, editor of the *Carlow Nationalist and Leinster Times*.**

TRIAL DATE: 11, 18 March 1889.

---

[71] Harrington, *Diary of Coercion*, vol.3, 78.

[72] *Irish Times*, 23 February 1889.

CHARGE: Having published in his paper notices inciting certain persons to obstruct and impede the administration of the law and defeat the execution of lawful writs of possession. Prosecution brought under the Statute of Edward III[73]

VENUE: Carlow. RM's J.F.Lecky, H.M.Considine.

RESULT: Guilty.

SENTENCE: The initial case was adjourned for a week. When the trial was resumed Conlan was sentenced to two months imprisonment in default of giving bail to be of good behaviour.[74]

CONTEXT: The *Nationalist* published an extract from a speech relating to the Plan of Campaign on the Luggacurren Estate of the Marquis of Lansdowne in Queen's County in which Mr.D.Kilbride M.P. advocated physical resistance to attempts at eviction. ('It is a great mistake to go out quietly.')
The author of a confidential document on press prosecutions pointed out that Conlan made no attempt to plead that the item had been published as an ordinary item of news – 'if he proved this, no punishment could have been inflicted on him.'
The official report of the case goes on to note that, 'in law it has been decided by the judges of the Superior Courts in Ireland and in England that the publication by the proprietor of a newspaper in his journal of any matter whatever, which is of an illegal character, or which is calculated to produce a certain illegal effect (as, in this case, the resistance to eviction), is of itself legal evidence of the *intention* of such proprietor to produce the effect which might reasonably be expected to follow the publication. It is, of course, open to the proprietor

---

[73] Harrington, *Diary of Coercion*, vol.3, 85.
[74] *Irish Times*, 19 March 1889.

to give evidence that he had no such intention, but in no case of a press prosecution in Ireland has any such evidence been tendered, and magistrates therefore have been bound by the law to convict in its absence, if they were otherwise satisfied of the illegality of the matter published.'[75]

SUBJECT: **John Eagar O'Mahoney, editor and proprietor of the *Tipperary Nationalist.***

TRIAL DATE: 20-21 March 1889.

CHARGE: Two counts of having 'used intimidation towards divers persons in the county Tipperary, whose names are unknown . . ' and on a third count of conspiracy to persuade persons unknown not to purchase cattle from evicted farms. The former charges referred to articles of 3 &17 November 1888, the latter to an article of 19 December 1888.

VENUE: Clonmel petty sessions. RM's D.G.Bodkin, Colonel R.C.Evanson.

RESULT: Guilty on two counts. The charge of conspiracy was dismissed by the magistrates on the grounds of insufficient evidence. [76]

SENTENCE: The defendant was sentenced to two months imprisonment without hard labour on the first count of intimidation, and five weeks on the second count, the sentences to run concurrently.

---

[75] TNA, PRO, CO 903/1,15.

[76] Harrington, *Diary of Coercion*, vol.3, 91-95.

O'Mahoney lodged an appeal against the decision but this was later withdrawn.[77]

CONTEXT: In the offending article O'Mahoney had encouraged the boycotting of a Templemore solicitor, Arnold Power, who acted for local landlords. O'Mahoney had written that 'Our doctrine is that any attorney who works for the evictor is totally unworthy of Nationalist support, and openly and above board we declare, and we intend declaring it more specifically, that any Nationalist who does so deserves to be boycotted . . .'[78]

SUBJECT: **John Eagar O'Mahoney, editor and proprietor of the *Tipperary Nationalist.***

TRIAL DATE: 8 May 1889.

CHARGE: Conspiracy to induce certain parties not to buy cattle from a man named Robert Roe. Robert Nolan, W.Dwyer and James Ryan were among those prosecuted along with O'Mahoney.

VENUE: Templemore. RM's Bruen, Evanson.

RESULT: Guilty.

---

[77] TNA,PRO, CO 903/1, 14.

[78] *Tipperary Nationalist*, 3 November 1888.

SENTENCE: A term of two months imprisonment with hard labour was imposed. As O'Mahoney was already in prison the magistrates 'inflicted no additional punishment on Mr.O'Mahoney their order as regards him being that he should be imprisoned for a term exactly concurrent with the former sentence.'[79]

CONTEXT: The charge arose out of the publication by O'Mahoney in the *Tipperary Nationalist* of a letter which called on the local Vigilance Committee to boycott Roe as he had evicted a tenant from his farm for non-payment of rent.
O'Mahoney was one of fourteen defendants in the case. Only four were jailed, including O'Mahoney, The rest either had charges withdrawn or dismissed.

SUBJECT: **John Powell, editor of the *Tipperary Sentinel and Midland Tribune*.**

TRIAL DATE: 4 August 1889.

CHARGE: Having published an article in the *Tipperary Sentinel* which 'incited persons to use intimidation towards Her Majesty's subjects and endeavoured to set certain of Her Majesty's subjects against others.' The case was taken under the Statute of Edward III. The Crown sought to have the defendant bound over to keep the peace. The 'article' was a letter to the editor about allegations of 'land grabbing' in Coum, Co.Tipperary.

---

[79] TNA,PRO, CO 903/1 'Press prosecutions in Ireland from the passing of the Criminal Law and Procedure Act of 1887 up to the 31st March, 1890.'

VENUE: Nenagh. RM's Waring, Lord Dunalley.

RESULT: Guilty.

SENTENCE: When the defendant refused to enter into his own recognisances of £100 and two sureties of £50 each to keep the peace for twelve months he was sentenced to three months imprisonment.
The magistrates refused to state a case to a superior court when the Crown Solicitor assured them that to do so 'does indicate that in the opinion of the court there is something to be argued.'
Due to failing health, and after a number of parliamentary questions, Powell was unconditionally discharged from Limerick prison on 5 September.[80]

CONTEXT: George Bolton, [a controversial figure in nationalist circles because of his involvement in the Maamtrasna case] represented the Crown and produced a certificate of registration of the *Midland Tribune and King's County Vindicator* as proof of Powell's proprietorship of the *Tipperary Sentinel and Midland Tribune*. When defence counsel objected that this did not prove owership of the *Tipperary Sentinel* Bolton took the stand and testified that the *Tipperary Sentinel and Midland Tribune* was not separately registered. Although contradicting this evidence Powell's brother, Daniel, testified that John Powell was the publisher of the *Tipperary Sentinel*. The magistrates accepted this as proof of his proprietorial role.[81]

---

[80] *Nation*, 14 September 1889.

[81] *Freeman's Journal*, 5 August 1889.

SUBJECT: **W.G.Fisher, editor and proprietor of the *Munster Express*.**

TRIAL DATE: 3 September 1889

CHARGE: Charged with intimidation towards one Matthew Whelan arising out of the publication in the *Munster Express* of boycotting resolutions adopted at a meeting of the Stradbally branch of the INL.

VENUE: Waterford. RM's Meldon, Bruen.

RESULT: Guilty.

SENTENCE: Fourteen days without hard labour. The magistrates refused to accede to a defence request to increase the sentence in order for an appeal to be lodged. They also refused to state a case to a superior court.

CONTEXT: Matthew Whelan, the man alleged to have been intimidated by Fisher's article testified that he was not intimidated.
The magistrates held that it was not necessary to prove that the person was actually intimidated to establish the case.
The magistrates also said they were passing a lenient sentence because this was one of the first cases of its kind in the locality.

SUBJECT: **John Eagar O'Mahoney editor and proprietor of the *Tipperary Nationalist.***

TRIAL DATE: 9, 31 October.

CHARGE: Publishing reports between 1-22 September of meetings of Irish National League branches where resolutions were adopted 'condemning Smith Barry tenants who had bought in their holdings at a sheriff's sale at the suit of the landlord'[82]
(Ten tenants were boycotted because they had paid the amount due to the landlord to save their property from sale by the Sheriff – 'They were traders in the town of Tipperary and their business was completely ruined.)[83]

VENUE: Clonmel. RM's Considine, J.B.Irwin.

RESULT: Guilty.

SENTENCE: First hearing - adjourned to 31 October after the failure of the defendant to appear. A warrant was issued for his arrest.
At the resumed hearing the defendant received six weeks imprisonment without hard labour.
O'Mahoney appealed but when the case came on for hearing before the County Court the appeal was withdrawn.[84]

CONTEXT: Crown Prosecutor George Bolton gave evidence that he had unsuccessfully searched for the registration of the newspaper. Sub-sheriff Arnold Power (see above) testified that he had

---

[82] Harrington, *Diary of Coercion*, vol.3, 166,169.

[83] TNA. PRO, CO 903/1, 18.

[84] TNA, PRO, CO 903/1, 18. The ten tenants who had paid their rents 'eventually humbly besought the forgiveness of the conspirators, and begged to be allowed to rejoin the combination, paying a heavy fine as a punishment for their honesty and promising not again to pay their rents. On these terms they were eventually pardoned and the intimidation was relaxed.'

heard the defendant swear at Clonmel Assizes that he was the editor of the *Tipperary Nationalist*.[85]

Under cross examination from John Redmond, M.P., George Bolton admitted that the summons had been framed so as to enable the Crown to include articles written after the decision to prosecute was taken on 17 September.

Redmond: You knew by a sort of inspiration what the articles of the future ought to be?

Bolton: Oh, I anticipated what they might be.

Redmond: Who decided on the prosecution?

Bolton: I received directions through the usual official channel.'[86]

SUBJECT: **Cornelius.P. Redmond, editor and proprietor of the *Waterford News and General Advertiser.***

TRIAL DATE: 15, 29 November. 3 December.

CHARGE: 15 November - A total of eight summonses on various charges of intimidation connected to articles in the *Waterford News*.[87]

29 November – some of the above charges and an additional charge of publishing a report of a suppressed

---

[85] *Freeman's Journal*, 1 November 1889.

[86] Harrington, *Diary of Coercion*, vol.3, 169.

[87] *United Ireland*, 23 November 1889.

branch of the Irish National League in the *Waterford News* on 16 November.
3 December, a further charge of intimidation based on reports of resolutions adopted at meetings of the Irish National League

VENUE: Waterford. RM's Considine, Irwin.

RESULT: Guilty on two charges. Six other charges were withdrawn by the Crown.

SENTENCE: On 15 November three charges were dealt with. The first charge was dismissed without prejudice. It was later reissued with emendations.
The defendant was sentenced to two months imprisonment on the second charge. (Notice of appeal to the County Court was lodged)
Consideration of the third charge was adjourned for two weeks.[88]
On 29 November the adjourned case was resumed and the defendant was sentenced to three months imprisonment to take effect at the conclusion of the former sentence of two months.
Six further summonses were then withdrawn by Crown Prosecutor, George Bolton.
Redmond was then proceeded against on the charge of publishing a report of a suppressed branch of the INL. On this count he was sentenced to two weeks imprisonment.[89]
On 3 December Redmond received a further sentence of two months imprisonment.[90]
All three verdicts were reversed on appeal by County Court Judge Waters in Waterford on 2 January 1890. In reaching his

---

88 *Freeman's Journal*, 19 November 1889.
89 *Freeman's Journal*, 30 November 1889.
90 Harrington, *Diary of Coercion*, vol.3, 173.

decision Judge Waters concluded that 'Mr.Redmond had no intention of publishing these paragraphs beyond that of giving his readers an item of intelligence which he believed would interest them, I must reverse the conviction and dismiss the case.'

CONTEXT: 'The intimidation consisted of paragraphs under the heading of "Local Gossip" in which it was stated that resolutions had been adopted condemning the conduct of persons who had bought from an evicting landlord.'[91]
In the wake of the two month sentence Crown prosecutor, George Bolton, refused a request from defence counsel, John Redmond, M.P., to enter a *nolle prosequi* on all other summonses. He only did so after the defendant had received a further sentence of three months on 29 November for a subsequent offence.
The compiler of the confidential report on press prosecutions of March 1890 (CO 903/1) observed that Waters took a view of the law 'which is entirely opposed to that held by every other judge in Ireland, either of the Superior or of the County Courts before whom similar cases have been argued . . '[92]

SUBJECT: **Henry D.Fisher, manager / printer of the *Munster Express.***

TRIAL DATE: 3,4 December 1889. 7, 17 January 1890.

CHARGE: Two counts of intimidation based on reports of resolutions adopted at meetings of the Irish National League. The reports related to a boycotted farmer named Matty Walsh

---

[91] Harrington, *Diary of Coercion*, vol.3, 170.
[92] TNA, PRO, CO 903/1, 19.

of Dungarvan and the failure of the establishment of Merrick and Ruddell in the town to refuse him custom.

VENUE: Waterford. RM's Considine, Irwin.

RESULT: Guilty on one count. Consideration of second count deferred.

SENTENCE: The defendant was sentenced to two months imprisonment.
Notice of appeal to the County Court was lodged.
Consideration of a further charge of intimidation was deferred to 7 January, 1890. The case was dismissed by the magistrates.
The Crown prosecutor asked that a case be stated to the Queen's Bench. The Magistrates acceded to his request and further consideration of the case was adjourned until 9 April (later further adjourned to 8 May pending a Queen's Bench ruling.
Fisher's sentence was quashed by County Court Judge Waters who judged that the sentence imposed was based on 'entirely too loose an interpretation of the Act.'[93]
The Queen's Bench later overruled the decision of County Court Judge Waters but the Crown announced that it did not propose to pursue the case.[94]

CONTEXT: Fisher was the brother of W.G.Fisher, editor of the *Munster Express*.
Dismissal of the second case of intimidation in January 1890 was based on the appeal decision of Judge Waters in the previous Fisher conviction. The magistrates took note of that decision, acknowledged that the County Court was a superior court and concluded that 'however they might, as individuals,

---

93 *Freeman's Journal*, 3 January 1890.
94 *United Ireland*, 12 May 1890.

differ from the view he took of the law, they were bound by it until some still higher tribunal decided the question.'[95]

SUBJECT: **John McEnery, publisher of the *Limerick Leader*.**

TRIAL DATE: 6,10,21 December 1889. 2 January 1890.

CHARGE: For publishing two intimidatory articles relating to alleged 'land grabbing' in the *Limerick Leader* newspaper.

VENUE: Limerick. RM's F.G.Hodder, Major Rolleston.

RESULT: Guilty on all charges.

SENTENCE: On 10 December the accused once again failed to appear. The case was adjourned and a further warrant was issued.[96] McEnery also failed to appear on 21 December.[97] On 2 January the accused was sentenced to three months imprisonment on each charge, the terms to run consecutively and at the expiration of that period was to be obliged to enter into recognisances, himself of £100 and two independent sureties of £50 each, to be of good behaviour for six months or in default to be imprisoned for another term of three months.[98]

CONTEXT: The articles in the *Leader* (a tri-weekly paper) appeared on 15 & 18 November, were entitled 'In the Pillory' and 'On the trail

---

[95] *Freeman's Journal*, 18 January 1890.
[96] *Freeman's Journal*. 11 December 1889.
[97] *Freeman's Journal*, 23 December 1889.
[98] *Irish Times*, 3 January 1890.

of the land grabber,' and concerned the taking of a farm at Boherlode by on Michael Ryan.
When the case finally came to trial on 2 January, McEnery attending voluntarily, the defendant's solicitor withdrew after the magistrate, F.G.Hodder ruled a number of his questions in the cross examination of Michael Ryan to be inadmissible.

SUBJECT: **Henry O'Connor, sub-editor of the *Leinster Leader*.**

TRIAL DATE: 30 December 1889. 11 January 1890.

CHARGE: Three charges of intimidation relating to articles in the *Leinster Leader* of 10, 24 August, 7 & 21 September, 12 October, 2 & 9 November, 1889 all articles concerning the occupation of a farm in Davidstown, Co.Kildare by one William Cullen and the retention of Cullen in his employment by William Johnson, J.P.[99]

VENUE: Naas. RM's Mercer, Forbes.

RESULT: Guilty.

SENTENCE: The summons being served on O'Connor on Friday 27 December, while he was on vacation, he failed to appear at the first hearing. A warrant was issued for O'Connor's arrest (to be suspended if he communicated with the County Inspector within four days) and a new trial date was fixed for 11 January. O'Connor was then sentenced to two months

---

[99] *Freeman's Journal*, 31 December 1889.

imprisonment with hard labour. The magistrates refused to state a case.

Defence cousel, T.M.Healy declined to appeal to the Kildare County Court judge on the grounds of his stated disinclination to overrule the decisions of magistrates.

After a successful *mandamus* the magistrates stated a case to the Exchequer Court.

On 26 February 1890 the Court of Exchequer (Chief Baron Palles and Baron Dowse) ruled that the Crown had failed to furnish legal evidence connecting O'Connor to the publication of the paper. Baron Dowse observed that, 'if moral evidence was what is required there is plenty of it; but where is the legal evidence?' The sentence was quashed, with costs against the Crown.[100]

CONTEXT:

O'Connor's solicitor appeared at the first hearing and requested an adjournment as he had been unable to communicate with his client. Crown prosecutor George Bolton sought a warrant for O'Connor's arrest.

At the January hearing T.M.Healy defended, George Bolton prosecuted. Evidence was provided that the proprietorship of the *Leinster Leader* was vested in James L.Carew, M.P. and James Leahy, M.P. Healy, unsuccessfully, argued that O'Connor was not, therefore, responsible for the publication of the relevant articles.[101]

Healy successfully applied to the Queen's Bench for a *mandamus* to issue obliging the magistrates to state a case.[102]

The author of the confidential report on press prosecutions (prepared for the Chief Secretary in March 1890 –TNA, PRO, CO 9023/1) noted that 'It will therefore be seen that Mr.O'Connor escaped punishment, not because there was any

---

100 *Daily News*, 27 February 1890.

101 *Irish Times*, 13 January 1890.

102 *Irish Times*, 18 January 1890.

question of his guilt or innocence of the charge preferred against him, but as a result of the cleverness of his counsel in detecting a legal flaw in the evidence.'[103]

1890

SUBJECT: **P.A.McHugh, editor of the *Sligo Champion*.**

TRIAL DATE: 13 January 1890.

CHARGE: Eight charges of having used intimidation against Jones Taaffe McDonagh of Ballysumaghan and John Killoran of Sooey [*sic*] Co.Sligo for the taking of evicted farms by publishing articles in the *Sligo Champion*.

VENUE: Sligo. RM's Stewart, Paul.

RESULT: Guilty.

SENTENCE: The defendant was sentenced to four months imprisonment with hard labour and at the end of that period to give security for his good behaviour or go to prison for a further two months.
McHugh appealed and the conviction was upheld by County Court Judge Morris on 1 February, 1890 who observed that the crime of a newspaper editor in propagating the boycott was worse than that of those who make speeches at meetings. 'The man of education who lends himself to these practices is ten thousand times worse than those miserable pothouse

---

[103] TNA, PRO, CO 903/1, 22.

politicians who sit over a fire at one of these branches denouncing men like this.'

CONTEXT: The articles referred to the taking by Killoran of an evicted farm and his refusal to accept an agreed settlement arbitrated by the defendant. While Killoran was prepared to accept McHugh's ruling that the former tenant be restored to his farm the landlord (Robinson) refused to agree. Despite his acquiescence Killoran continued to be boycotted and articles against him continued to appear in the *Champion*.
The Crown used the judgment of Justice Fitzgerald in the case of *Queen v Pigott* in support of the contention that an isolated piece of news without editorial comment was a distinct breach of the 1887 Crimes Act.[104]

SUBJECT: **Edward Walsh, editor of the *Wexford People*.**

TRIAL DATE: 15 January 1890.

CHARGE: Charged that in an article in the *Wexford People* of 13 November, 1889 he 'used intimidation to certain persons unknown, about using or occupying a certain farm formerly in the occupation of Mrs.Bridget Wadden'[105]

VENUE: Wexford. RM's Miller, Considine.

RESULT: Guilty.

---

[104] *United Ireland*, 18 January 1890.
[105] *United Ireland*, 18 January 1890.

SENTENCE: Two months imprisonment without hard labour.
Defence counsel asked that the magistrates state a case on two grounds, one being the lack of evidence of an intention to intimidate. The magistrates refused to state a case.
The conviction was Walsh's third under the Crimes Act of 1887. He had also been convicted once under the Crimes Act of 1882.[106]

CONTEXT: Walsh appeared to face the charge against him wearing the chain of office of the Mayor of Wexford, which office he held at that time. He was accompanied to the court by members of the Wexford Corporation. He adjudicated at the Petty Sessions court as a Justice of the Peace before facing the Crimes Act charge.
Walsh's defence counsel, Edmnd Leamy, M.P. argued that as the article was a news report without editorial comment the magistrates could not divine the intention of the defendant in publishing the item and could not be satisfied that it was calculated to intimidate.[107]

SUBJECT: **John McEnery, editor of the *Limerick Leader*.**

TRIAL DATE: 2 January 1890. 24 February 1890.

CHARGE: Charged on two counts of intimidation towards Michael Ryan of Ballynagarde and John Rafferty of Oola by the publication of the resolutions of the Sarsfield branch of the Irish National

---

106 TNA, PRO, CO 903/1, 25.
107 *Freeman's Journal*, 16 January 1890.

League on 3 February, 1890 and a further charge under 34, Edward III for using intimdation towards Ryan and Rafferty.

VENUE: Limerick. RM's Hodder, Rolleston.

RESULT: Guilty on first count. Bound over on second.

SENTENCE: In the first prosecution (2 January) McEnery was sentenced to three months imprisonment.[108] In the second case (24 February) the magistrates declared themselves satisfied that, in accordance with the ruling of the Chief Baron in *Queen v Harrington* they had satisfied themselves of the criminal intentions of the defendant. McEnery was bound over to be of good behaviour or in default to serve a month's imprisonment. The defendant declined to give bail and was, therefore, imprisoned for one month in default. The magistrates refused to state a case.

CONTEXT: Michael Ryan testified that he had sold cattle to Rafferty and that the *Leader* article had interfered with his business but that he was not intimidated by McEnery. Rafferty failed to appear to give evidence.

The defendant's counsel pointed out that the Sarsfield branch of the Irish National League had not been suppressed and that the subject matter of the articles had appeared in the news columns of the *Leader* as reports.[109]

---

[108] TNA, PRO, CO 903/1, 26.

[109] *Freeman's Journal*, 25 February 1890.

SUBJECT: **Jasper Tully, editor of the *Roscommon Herald.***

TRIAL DATE: 23-24 April 1890.

CHARGE: Three charges relating to having published in the *Roscommon Herald* a report of the Geevagh (Co.Sligo) branch of the Irish National League containing a resolution directing public opinion to certain persons described as 'unpopular.'
Further prosecuted for an article calling attention to the fact that the corn of a bailiff and 'landgrabber' named Jones was being ground at the mills of Mr.Kingston of Keenagh, Co.Longford.[110]

VENUE: Carrick on Shannon. RM's Brady, Purcell.

RESULT: Guilty on all counts.

SENTENCE: The defendant having been convicted on all three charges in the first summons was given three consecutive sentences of one month's imprisonment with hard labour.
On the second summons the defendant was sentenced to six months imprisonment with hard labour to be served at the termination of the sentence of three months imposed the previous day.
Notice was given of appeal and the sentence was reduced from nine to three months by County Court Judge O'Connor Morris.[111]

CONTEXT: Tully was defended by Matthias McDonnell Bodkin who clashed with the Bench when he described the magistrates as 'a brace of paid officials of the Government.' The

---

[110] *Freeman's Journal*, 25 April 1890.
[111] *United Ireland*, 14 June 1890.

magistrates objected to his 'tone'. Bodkin responded, 'then I withdraw the tone and repeat the observation in a gentler voice – a brace of paid officials of the Government.' When Crown Prosecutor Joseph Burke suggested that Tully's solicitor had not instructed Bodkin to take the line he did the solicitor, Mr.McMorrow, rose to object and was removed from the court.[112]

SUBJECT: **H.D.Fisher, printer and publisher of the *Munster Express*.**

TRIAL DATE: 17,23,24 May 1890.

CHARGE: Intimidation towards divers person unknown by publishing reports in the *Munster Express* relating to the boycotting of one Matthew Walsh.[113]

VENUE: Waterford. RM's Considine, Irwin.

RESULT: The case was adjourned on 7 May in anticipation of the Queen's Bench Court decision on a similar charge faced by Fisher in January, 1890.. When resumed two charges were dismissed. The defendant was found found guilty on a third count.

SENTENCE: On resumption (23 May) the magistrates, on the first two charges, disagreed with Crown Prosecutor George Bolton and ruled that, 'according to decisions of the Queen's Bench there was not evidence of publication' – the charges were dismissed.

---

[112] *United Ireland*, 3 May 1890.

[113] *Freeman's Journal*, 7 May 1890.

In the third case publication was proved, the magistrates ruled that the 'matter printed was calculated to intimidate' and they sentenced Fisher to three months' imprisonment without hard labour.

On appeal County Court Judge Waters quashed the conviction, saying, 'I am of opinion that a reasonable construction of this publication gives it a meaning not within the scope of the statute. I, therefore, reverse the conviction and dismiss the complaint.[114]

CONTEXT:

When the trial began on 7 May an imminent decision was expected from the Queen's Bench on the status of the reversal of a magistrate's decision in an earlier case involving Fisher (see above). The Queen's Bench ruling went against the Crown Court Appeal (Judge Waters) which had quashed the first sentence against Fisher but the Crown indicated that it would not proceed to a retrial.

The defence (Dr.Counsel B.L) was based on *Queen v Harrington* and failure by the Crown to prove a) publication b) knowledge of the contents of the articles or c) intent to intimidate on the part of the defendant.[115]

In his ruling on the case on 1 October, 1890, County Court Judge Waters maintained that 'It is not yet, and I hope it never will be made a crime to appeal to public opinion in a peaceful and orderly manner, as there are countless injurious actions of men which can never be reached by law, and which can be repressed and punished by public opinion alone.'[116]

---

114 *United Ireland*, 4 October 1890.

115 *Irish Times*, 27 May 1890.

116 *United Ireland*, 4 October 1890.

SUBJECT: **C.P.Redmond, proprietor and editor of the *Waterford News*.**

TRIAL DATE: 7-8 June 1890.12 June. 1890.

CHARGE: Charged on four counts of having published reports calculated to intimidate shopkeepers and traders from having business dealings with certain parties on the grounds that they had taken or were grazing evicted farms at Ballyneeta near Dungarvan.

VENUE: Waterford. RM's Considine, Irwin.

RESULT: Guilty on three charges. The fourth charge was withdrawn.

SENTENCE: On 7 June the defendant was sentenced to three months' imprisonment on the first charge. Notice of appeal was given. On 8 June the defendant was sentenced to three months' imprisonment on the second charge. Notice of appeal was given. On the third charge the defendant was sentenced to two weeks' imprisonment. A submission from defence counsel to have this term increased to allow for an appeal was rejected by the magistrtates.[117]

On 13 June the fourth charge was withdrawn by the Crown prosecutor, George Bolton.[118]

The defendant was also ordered to enter into his own security of £200 and provide two sureties of £100 each to be of good behaviour – or, failing that, go to jail for four further months.

---

117 *Irish Times,* 9 June 1890.

118 *Freeman's Journal,* 13 June 1890.

The conviction was quashed on 1 October by County Court Judge Waters.

CONTEXT: The charges arose from the publication in the *Waterford News* of a report of a meeting of the Dungarvan branch of the Irish National League in which the shopkeepers of the town were called upon to boycott one Matthias Walsh because he had taken an evicted farm.

Although the magistrates observed that the third charge against Redmond was the most serious it drew the lightest sentence. Defence counsel Dr. E.P. Counsel [*sic*] suggested that the short sentence was designed to ensure that Redmond would be obliged, whatever the outcome of the two appeals, to spend time in prison. He also protested vigorously to the bench at their refusal to extend the sentence to allow for an appeal.

Dr.Counsel: I submit that the bench, in passing a short sentence, has done so solely with the purpose of preventing my client coming within the appellate jurisdiction of Judge Waters.

Considine: You have no right, Dr.Counsel, to make such an observation.

Irwin: It is a most unwarrantable one.

When Dr.Counsel continued to protest he was ejected from the court. [119]

SUBJECT: **H.D.Fisher, printer and publisher of the *Munster Express*.**

TRIAL DATE: 3 June 1890. 12 June 1890.

---

[119] *United Ireland*, 14 June 1890.

CHARGE: Two charges of having intimidated Garret Troy, J.Power and Matthias Ryan and various shopkeepers unknown who had sold goods in the ordinary course of business and trade to Garret Troy. A third charge of intimidating Helvick fishermen unknown.

VENUE: Waterford. RM's Considine, Irwin.

RESULT: Guilty on the first charge. The second charge was dismissed. The third charge was withdrawn by Crown prosecutor Bolton.

SENTENCE: The defendant was sentenced to seven days without hard labour and at the expiration of that term of imprisonment to find sureties, himself in the sum of £100, and two sureties of £50 each, to be of good behaviour to all her Majesty's subjects for twelve months or in default to be imprisoned for an additional period of two months.
The court did not consent to appeal.[120]

CONTEXT: The case was adjourned from 3 June to 12 June in the absence of defence counsel. The previous day (2 June) Dr. E.P.Counsel, defence attorney, had made a submission to the magistrates for contempt of court on the part of the Crown in seeking to present all bills, cheques, receipts and accounts furnished by the defendant's solicitor to the defendant's mother during the period 1889-90. Defence counsel represented this move as requiring the defendant 'to give evidence against himself.' The resident magistrates ruled that there was no contempt.[121]

---

[120] *Freeman's Journal,* 13 June 1890.
[121] *Freeman's Journal,* 3 June 1890.

SUBJECT: **Thomas Walsh, proprietor of the *Cashel Sentinel.***

TRIAL DATE: 9 July 1890. 1 August 1890.

CHARGE: Charged with having, in the issue of the *Cashel Sentinel* of 7 June, unlawfully incited certain persons unknown willfully to resist and obstruct the police in the execution of their duty.

VENUE: Cashel. RM's Irwin, Colonel Waring.

RESULT: Guilty.

SENTENCE: At the resumption of the case on 1 August the magistrates held that the charge against the defendant was proven and Walsh was sentenced to three months imprisonment with hard labour. The magistrates refused to state a case. Notice of appeal was given and the defendant was released on bail.

CONTEXT: The paragraph in question purported to be a report of a speech delivered by John Kelly at a Plan of Campaign meeting in Thurlesbeg '('in the heart of the Smith-Barry estate') on 5 June, although the Crown counsel, J.B.Morphy, expressed doubts that the meeting had ever taken place. Kelly was quoted as having said in relation to the R.I.C. 'Let those cowardly police rowdies who attack women, old men and children in the open day feel the strength that slumbers in a Tipperary peasant's arm.'

A police witness (Constable John Mullane) provided evidence that he had asked an unnamed person to purchase the relevant copy of the paper. When asked by defence counsel (Mr.Sayers) to identify this person. He refused, claiming that the man's life would be placed in danger. Sayers requested that the witness be held in contempt of court. The magistrates declined his request.[122]

The case was adjourned at the request of the Crown after a ruling by the magistrates that the identity of the person who had purchased the paper on behalf of the arresting officer, Constable Mullane, was not privileged (ie he was not an informer or a person making a disclosure to the police) and that, as he was a participant in the transaction the defence should be entitled to examine him as a witness

At the resumed trial Constable Mullane stated that the person who had purchased the paper on his behalf was a ten year old boy, Matthew Griffin. Griffin subsequently gave evidence of purchase. Defence counsel inquired of the magistrates why the Crown had not sought to prosecute the *Daily Express* or *United Ireland* for publishing a report of the same meeting.[123]

SUBJECT: **John Powell, proprietor and editor of the *Midland Tribune and Tipperary Sentinel.***

TRIAL DATE: 2 August 1890. 15 August.

---

[122] *Irish Times*, 10 July 1890.

[123] *Irish Times*, 2 August 1890.

CHARGE: Charged under the statute of Edward III with having intimidated persons in his newspaper who had taken farms from which the previous tenants had been evicted.

VENUE: Birr. RM's Fitzgerald.

RESULT: Guilty.

SENTENCE: Adjourned to Friday 15 August. At the adjourned hearing Powell was sentenced to six months' imprisonment but was released from Tullamore Jail on health grounds after serving a week of the sentence.[124]

CONTEXT: A prior Crimes Act charge of having incited to boycotting and intimidation was dropped by Crown Prosecutor Mitchell and the Crown agreed to proceed on the basis of the charge under the Edward III statute at the resumed hearing on Friday 15 August.[125]

1891

SUBJECT: **James.J.Long, editor of *The Nationalist* (Tipperary)**

TRIAL DATE: 14 January 1891

---

[124] *Freeman's Journal*, 16 August 1890.

[125] *United Ireland*, 9 August 1890.

CHARGE: Charged with using intimidation in the *Nationalist* towards one Edward Ryan, cattle dealer of Thurles for having taken an evicted farm from Colonel Fitzgibbon Trant of Dovea.[126]

VENUE: Clonmel. RM's Evanson, Bruen.

RESULT: Guilty.

SENTENCE: The magistrates dealt with the case under the First Offenders Act and ordered Long to be of good behaviour for a period of a year in the sum of £50 and two sureties. The defendant refused to enter into such an undertaking and was sentenced to three months imprisonment in Clonmel jail - to be treated as a first class misdemeanant.[127]

CONTEXT: The intimidation was alleged to have been contained in the resolutions of Irish National League branches in Inch, Loughmore and Thurles.

SUBJECT: **George W. Tully, acting editor of the *Roscommon Herald.***

TRIAL DATE: 22 January 1890.

CHARGE: The charge (of conspiracy with six other defendants) related to an article in the *Roscommon Herald* on 4 July, 1890, which allegedly advocated the boycotting of certain parties in possession of evicted lands on the Jessop estate.

---

[126] *Irish Times*, 15 January 1891.

[127] *Freeman's Journal*, 16 January 1891.

VENUE: Longford. RM's Smith, Bowlby.

RESULT: Case dismissed.

SENTENCE: The charge was dismissed by the magistrates on the grounds that the Crown had failed to connect George W.Tully with the *Roscommon Herald,* of which Jasper Tully was the registered proprietor.

CONTEXT: George Tully was the brother of *Herald* editor Jasper Tully, who was serving a jail sentence at the time of the alleged breach. T.M.Healy defended.

Evidence was given by an R.I.C. constable that he had seen George Tully accept delivery of a letter on 30 July addressed to the editor of the *Roscommon Herald.*

Jasper Tully, at the time a prisoner in Tullamore jail, was summoned as a witness but refused to testify. The Crown sought, unsuccessfully, to make him a co-defendant. Evidence from the chief clerk of Tullamore Jail who said 'it was impossible for Mr.Tully to know anything that happened in the outer world during his three months in Tullamore jail.'[128]

---

[128] *Freeman's Journal,* 23 January 1891.

APPENDIX 2

UNITED IRELAND COMMENTARY 1881-1891 – A database of editorials.

1.1 Introduction

From the date of its inception in August 1881 to its degeneration into blatant partisanship a decade later, *United Ireland* was the most trenchant voice of Irish nationalism. Its wide circulation (rising at its peak to over 100,000 copies a week[129]) afforded it an influence denied even the most popular of regional or local newspapers. Its forthright and caustic commentary placed it in an altogether different category to the other leading nationalist newspapers, the daily *Freeman's Journal*, or the weekly *Nation* who tended towards greater moderation than the Parnellite journal.

Steered by journalists of talent and political commitment like William O'Brien, Tim Healy and Matthias McDonnell Bodkin, *United Ireland* was as loathed in Dublin Castle as it was loved in the nationalist heartlands of rural Ireland. Its weekly clarion call was its leading articles, always carried on page five of the newspaper. What follows is an attempted assessment of the nature of this, generally polemical, resource. The intention is to analyse the content of the weekly editorials and, as a consequence, to divine the preoccupations of a newspaper which, though officially under the control of the leadership of the Land League / Irish National League was, in reality, the domain of its editor, William O'Brien, and his surrogates.

---

[129] Evidence of William O'Brien. Special Commission, vol 8, 72018, 200. Supported by Accounts for the Irish National Newspaper & Publishing Company, William O'Brien Papers, University College, Cork AA, f81.

1.2 Main Categories

For the purposes of this exercise the leading articles have been divided into seven categories. These are as follows.

A: British administration in Ireland. (Excluding coercion legislation and enforcement)

B: Coercion legislation and enforcement.

C: Home rule.

D: Land - agitation and legislation.

E: The law.

F: The press.

G: Irish political activity.

H. Miscellaneous.

1.3 Sub-Categories

Within these seven main categories there is a further division of six into sub-categories. The exception is category B (Coercion legislation and enforcement). The editorial sub-categories are as follows.

A: British administration

A1- Positive

A2- Dublin - negative

A3- London - negative

C: Home rule

C1- Positive

C2- Negative

D: Land

D1- Positive

D2- Negative

D3- Agitation

D4- Labourers

E: Law

E1- Positive

E2- Negative

F: Press

F1- Censorship

F2- Antagonistic

G: Irish politics

G1- Electoral

G2- Nationalist – positive

G3- Nationalist – negative

G4- Unionist

H: Miscellaneous

H1- Foreign affairs

H2- Church

H3- Industry

H4- Miscellaneous

During the period 13 August 1881 (the date of the first appearance of *United Ireland*) to 31 December 1891 – by which time the newspaper was intent on doing little other than discrediting the majority anti-Parnellite faction of the ruptured Irish parliamentary party – a total of 1578 editorials were read and assessed for content. Out of a total of 540 issues of the paper[130] during the period under review at least three contained no editorials whatever. Fig.1 below offers an indication of the number of editorials carried by the newspaper in each year during that period. In the case of 1881 a separate, putative, figure has been included of the total number of editorials that might, *pro rata*, have appeared on an annualized basis. Something similar has been done with the figures for 1882 and 1883 to take account of missing editions of the paper.

It is important to note that numerous value judgments were made in deciding into which category a particular editorial might fit. Most decisions were straightforward but a number of leading articles encompassed more than one single theme. In such instances categorisation was based on the relative space allocated to the discussion of the different themes. The subject matter that predominated decided the category into which the editorial was placed. Other scholars, however, might have made alternative judgments and assembled the material in a different manner.

No account was taken of overall column length in assessing the relative importance of different subject areas.[131] Such an exercise would have been unnecessarily time-

---

[130] A small number of issues, mostly dating from the early 1882 period, when distribution of the newspaper was prevented by the Liberal government, do not survive.

[131] It should be noted that this will impact somewhat on any assessment of the overall thrust of *United Ireland's* editorial concerns in that a column which was, for example, devoted 60% to coercion and 40% to land issues will have been categorized under B (Coercion) i.e. the land element will have been entirely discounted.

consuming and would probably not have added much to our understanding of the editorial priorities of *United Ireland*.

For the record, editorial lengths varied from as little as a quarter column (fewer than half a dozen) to more than two columns (about the same number). Most editorials were just over a column in length – a column consisting of, on average, a thousand words.

1.4 Sub-Category rationales.

The rationale behind the destination category of individual editorials was as follows.

A: British Administration

A1- Positive

Positive references to figures associated with legislative, administrative and policing activities (but not judicial or legal) connected to the British administration in Ireland, or with British politics.

A2- Dublin – Negative

Includes any negative or critical references to the lord lieutenant, chief secretary, under secretary, other executive figures, the policing functions of resident magistrates, DMP and RIC figures, Castle 'scandals' etc – excludes judges, the attorney general, the solicitor general, Crown prosecutors and resident magistrates in the exercise of the judicial functions.

A3- London-Negative

Includes the royal family and British political figures other than lord lieutenant or chief secretary.

B: Coercion

This includes, in particular, the working of Liberal and Conservative coercion acts of 1881,1882 and 1887. It excludes actions taken against the press under coercion legislation and references to the prosecutorial and judicial handling of specific coercion act cases going through the courts.

C: Home Rule

C1- Positive

This category includes positive references to all progressive steps towards the introduction of the Home Rule bill and all Irish party initiatives in relation to legislative independence.

C2- Negative

Relating to the criticism or condemnation of negative legislative or political developments and, in particular, the denial of Home Rule in 1886.

D: Land

D1- Positive

Generally refers to Irish party efforts to effect agrarian reforms or carry amendments to agrarian legislation. This category will also occasionally refer to the positive efforts of either British ruling party in relation to agrarian reform.

D2- Negative

This category covers all editorial commentary critical of the agrarian polices of either the Liberal or Conservative administrations. This would include criticism of the terms of the 1881 Land Act, the Land Courts, the handling of the arrears issue, opposition to land purchase legislative provisions etc. It also includes the many negative editorials on landlordism and on individual landlords.

D3- Agitation

This category covers editorial comments on all forms of agrarian agitation or protest and editorial advocacy of agrarian militancy and activism, such as the No Rent Manifesto, the Plan of Campaign, Boycotting etc.

D4- Labourers

This refers exclusively to commentary on agricultural labourers.

E: Law

E1- Positive

Covers the occasional positive comments on the statements, activities and directions of Irish judicial figures.

E2- Negative

Includes adverse commentary on judges, judicial decisions and directions as well as allegations of jury-packing by Crown prosecutors, the use of informers and the suppression of evidence.

F: Press

F1- Censorship

Condemnation of legislative or coercive attempts to control editorial commentary, journalistic activities or the transmission of information by *United Ireland*, other nationalist papers and/or nationalist journalists.

F2- Antagonistic

This category includes critical or negative commentary, often distinctly abusive, of other Irish or British newspapers or of individual journalists.

G: Irish Politics

G1- Electoral

References to general elections, by-elections, Poor Law elections, franchise and boundary issues. (This category also encompasses coverage of post-1886 British by-elections where the 'Home Rule' vote was seen as having had a significant influence on the result)

G2- Nationalist – Positive

Uncritical, adulatory or propagandistic commentary on nationalist leadership figures. Exhortatory editorials urging increased levels of activism or improved levels of political organisation.

G3- Nationalist – Negative

Critical editorials, often abusive in tone, aimed at recusant or conservative nationalist figures such as William Shaw, Richard O'Shaughnessy, Frank Hugh O'Donnell, John O'Connor Power and others.

G4- Unionist

Mainly negative references to Ulster unionist figures (such as Lord Rossmore), members and leaders of the Orange order and participants in the Belfast riots in the wake of the failure of the 1886 Home Rule Act.

H: Miscellaneous

H1- Foreign Affairs

Generally refers to British colonial and/or military adventures or misadventures.

H2- Church

Includes commentary on the interaction of the clergy and hierarchy with high politics and 'grass-roots' activism. It would include some, but not all, of the editorials relating to the controversy over the appointment of Archbishop Walsh as Archbishop of Dublin and becomes more of a factor after the Parnellite split.

H3- Industry

This covers references to various Industrial exhibitions as well as the advocacy of protective tariffs for Irish industries and to trade union activity and industrial training and education.

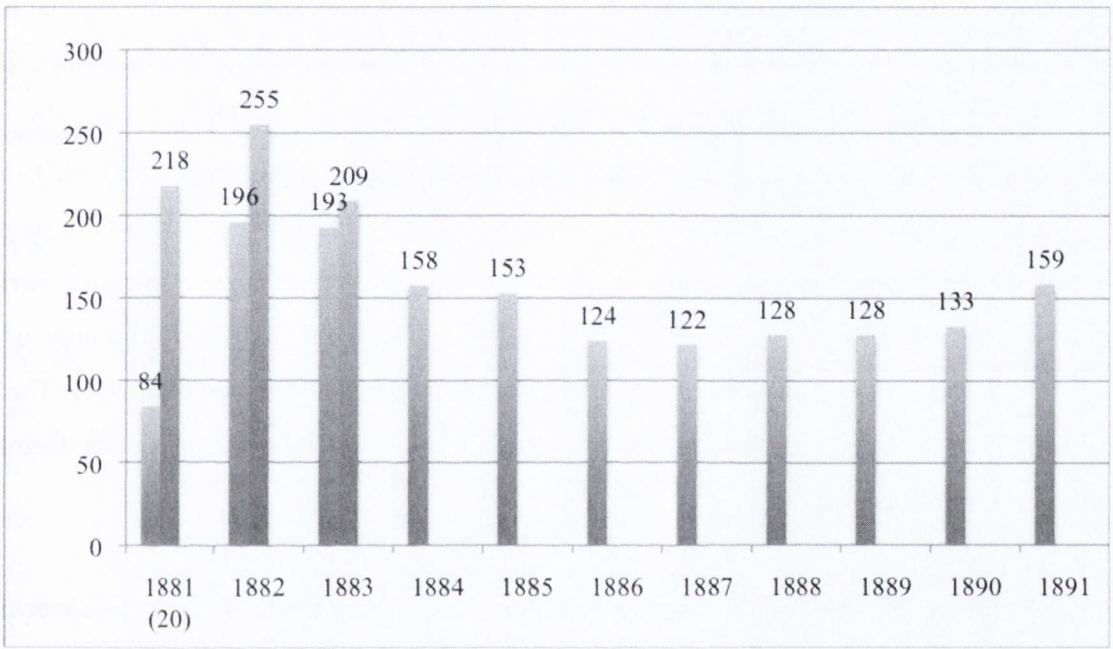
H4- Miscellaneous

Editorials that do not fit comfortably into any of the above categories.

1.5 Number of Editorials

Over the period of ten years and twenty weeks (for 1881) covered in this exercise the breakdown of editorial numbers, year by year, is illustrated below in Figure 1.

FIG.1



(Figures to the left for the years 1881-83 are the actual numbers, figures to the right are the 'adjusted' numbers taking into account 'missing' issues for those years.)

It is clear from the chart above that the earlier years of the existence of *United Ireland* (1881-83) were the most active when it came to the dissemination of direct editorial commentary. Adjusted to take account of the factors outlined above, the average number of editorials per year was 227. During the 'fallow' years of 1884 and 1885 when the intensity of the Land War had diminished and Home Rule was not yet

(formally at least) on the Liberal party's political agenda the number of leading articles declined by, on average, 31%[132] to an annualised total of 155.

Surprisingly, in the following five years, 1886 (the year of Home Rule), and 1887-1890 (the years of a Salisbury-led Conservative administration whose most visible representative was the provocative Chief Secretary, Arthur J.Balfour), the number of editorials declined still further. The average from 1886 to 1890 was 127 per annum, a decrease of 44% on the adjusted figure for 1881-83. The decline in the absolute number of editorials from 1884 until the end of O'Brien's interest in the journal in December, 1890, however, does not indicate any noticeable slackening in enthusiasm for the causes taken up by the paper in its early manifestation. The quasi-gossip column, 'The Week's Work', (originally entitled 'The World's Week's Work') - always carried on page four of the paper, and which usually spilled over onto page five each week – was generally even more vituperative than the commentary carried on the editorial page. In addition, in the latter half of the decade, the front page of the paper began to be used for similar purposes. Issues raised on page one, or in 'The Week's Work,' would often be followed up on the editorial pages in a more formal, rhetorical fashion.

The decline in the numbers of editorials per week (from anything up to five weekly in the 1881-83 period to an average of just over two in the latter half of the decade) may well have been simply a function of the increasing absences of O'Brien from the newspaper. In the wake of his election to the Mallow constituency in 1883 O'Brien devolved an increasing amount of responsibility for the day-to-day running of the paper to colleagues like ex-Fenian James O'Connor and barrister *manqué* Matthias McDonnell Bodkin. During his involvement with the Plan of Campaign, when O'Brien spent much time in jail or avoiding arrest, it was Bodkin who wrote most of the editorials. While O'Brien had an insatiable appetite for the editorial it appears that Bodkin was more easily satiated.

The increase in the number of editorial columns in 1891 is indicative only of the cannibalistic self-destruction of the Irish nationalist movement, as a *United Ireland*

---

[132] Based on the adjusted figures for 1881-1883

under entirely new management and subject to the absolute control of the Parnellites, focussed on the perceived depravities of its nationalist enemies rather than the policies of the Tory government.

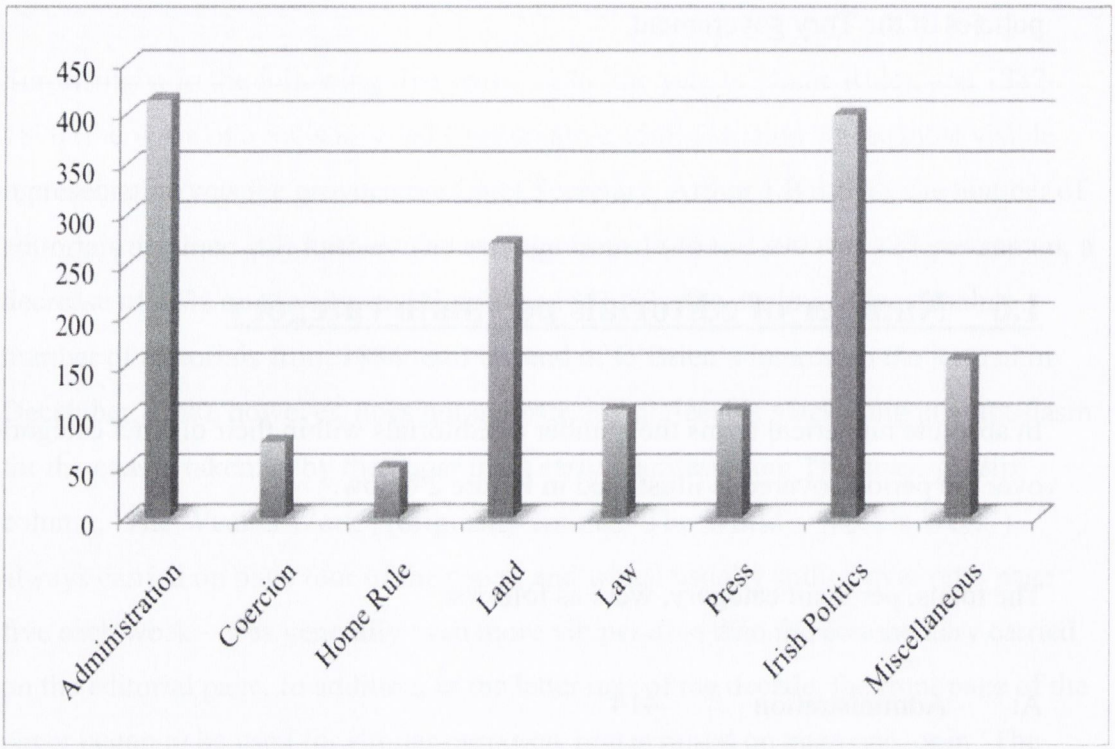
1.6 Number of editorials per main category

In absolute numerical terms the number of editorials within their distinct categories over the period covered is illustrated in Figure 2 below.

The totals, per main category, were as follows.

A:	Administration	414
B:	Coercion	75
C:	Home Rule	49
D:	Land	272
E:	Law	107
F:	Press	106
G:	Irish Politics	399
H:	Miscellaneous	156
Total		**1578**

FIG.2



Perhaps the most surprising figure above is the outcome for Home Rule. It is by far the smallest of the main categories with a total of only forty-nine editorials, positive or negative, on the subject over the period of the decade when it became a live issue. Understandably editorials on Home Rule appear with most frequency in 1886, nineteen in all. Most of these were in the first half of the year and by July/August Home Rule had been replaced once again by a preoccupation with the Land, as the Plan of Campaign became established on a number of estates throughout the country.

This is probably a reflection of O'Brien's own agrarianism[133], of his direct involvement in the Plan of Campaign, of the largely rural readership of the newspaper as well as the crushing disappointment of the failure of the 1886 Home Rule Bill. While the subject of legislative independence did figure in the editorial columns of the newspaper from 1886-1890 it did so in the context of the anticipated defeat of the Conservative government at any subsequent general election and tended

[133] Although not as actively involved in the compilation of the paper from 1886 onwards O'Brien still remained as the legal publisher/proprietor and maintained a close interest in the editorial policy of the paper.

to be introduced as an adjunct theme to the dominant topics of eviction, coercion and all-round Balfourian iniquity.

Of some surprise also is the relative infrequency of editorials on the land question. As this category includes direct attacks on landlords and organizations like the Property Defence Association, as well as criticism of the inadequacies of government agrarian policy, the topic might have been expected to figure more regularly.

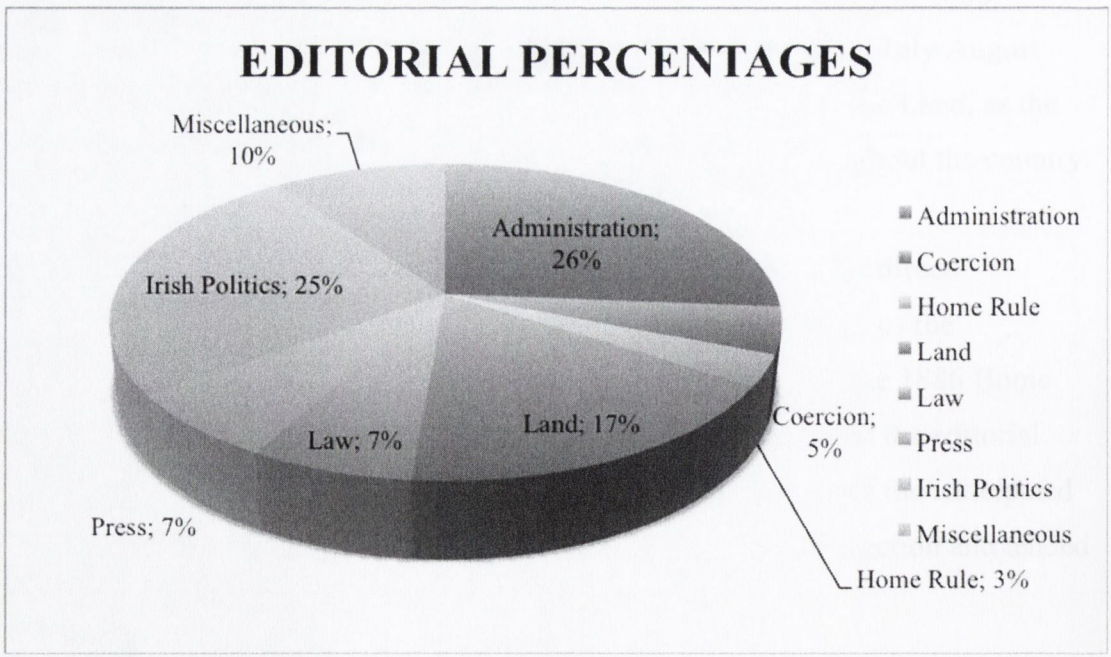
1.7 Percentage of editorials per category.

Below, in Figure 3, is a percentage breakdown of the appearance of the various categories in the editorial columns.

The actual percentages were as follows.

A:	Administration	26.23%
B:	Coercion	04.75%
C:	Home Rule	03.10%
D:	Land	17.23%
E:	Law	06.78%
F:	Press	06.71%
G:	Irish Politics	25.28%
H:	Miscellaneous	09.88%

FIG.3



The chart above illustrates the fact that specific Land-related issues (eviction, land purchase, Land Courts etc) comprised less than one-fifth of all editorials. As can be see in Table 3 (below) the focus on Land issues was far greater under the Tory government from 1886-1890, before almost disappearing altogether after the Irish Parliamentary Party split. When combined with the other, apparently, dominant preoccupation of the 1880s, i.e. Home Rule, it emerges that the Land League / Irish National League's weekly newspaper devoted less than a quarter of its editorials to these two pervasive issues. While it is true to say that much of the coverage in the other categories (administration, coercion, law etc.) is related to or informed by the issues of Land and Home Rule, the fact that these two decade-defining themes are not discussed more regularly and approached more directly is somewhat unexpected.

The subjects that tended to dominate *United Ireland's* discourse tell us much about the actual rather than the anticipated, or indeed perceived, priorities of the newspaper.

Essentially, O'Brien's paper was rather parochial and custodial in its approach to the politics of its day. The preponderance of antagonistic editorials dealing with the workings of the British administration in Ireland itself (sub-category A2) - numbering 248, almost 16% of the total editorial output – as opposed to the ramifications of the decisions and actions of London-based officials and politicians, suggests the creation or exploitation of a nationalist narrative of victimhood. The number of editorials devoted to attacking nationalist politicians allegedly deviating from the Parnellite line (G3) - albeit almost half of which relate to the exceptional circumstances of the Split - suggests an imperative involving the imposition of nationalist conformity. In this regard it might also be noted that there were more editorials critical or abusive of other newspapers (F2) - 72 in all - than there were about Home Rule (C) - 49 in total - during the entire period under review.

1.8 Analysis of editorials per sub-category

A: Administration

A1: Positive A2: Dublin - Negative A3: London - Negative

Table 1

	A1	A2	A3
1881	0	7	7
1882	5	22	8
1883	1	30	10
1884	4	48	13
1885	2	15	25
1886	11	7	12
1887	4	29	21
1888	4	39	10
1889	3	20	8
1890	2	25	10
1891	0	6	6
Total	36	248	130
% Category	8.7	59.9	31.4

[NOTE: Although represented in the tables, for the purposes of this exercise 1891 will be treated separately.]

A: British Administration in Ireland (See Table 1)

Only 2.3% of *United Ireland's* total editorial output had anything positive to say about British governance of Ireland. That represents only 8.7% of the number of editorials dealing solely or primarily with the British administration. Almost a third of that number comes, unsurprisingly, in 1886, in the wake of Gladstone's conversion to Home Rule.

Editorials critical of the policies and personalities of the Castle executive – including the lord lieutenant and the chief secretary - comprise almost 60% of the total in this category and 15.7% of all editorials. This is, more or less, as one would expect. What is more difficult to explain is the fact that the numbers of such hostile leading articles reached a peak in 1884, with 48[134]. This can be explained by the continued fallout from the so-called 'Castle scandals,' a campaign which *United Ireland* had made its own, the allegations of attempts to cover up the miscarriage of justice in the Maamtrasna trials of 1882, and the paucity of commentary on other issues in a 'valley' period when the Land War had de-intensified and the campaign for Home Rule had yet to begin in earnest. Predictably, the twelve-month period in which far fewer editorials were critical of Castle policy was the Home Rule year of 1886.

Just under one-third (31.4%) of editorials in this category were in the form of attacks on London-based political and administrative figures. This peaks at 25 in 1885 when the Liberal Prime Minister, William E.Gladstone was still the subject of frequent vituperation (this changed dramatically from 1886 onwards) as were colleagues such as the home secretary, Sir William Harcourt and, a particular *bête noire*, even at this early stage in the decade, the Radical leader, Joseph Chamberlain. The baiting of the Birmingham MP must, in some measure at least, have come at the behest of, or been inspired by, Parnell, who had fallen out with Chamberlain over the putative Irish Councils Bill. The similarly high figure of 21 for 1887 reflects a continuation of *United Ireland's* abuse of Chamberlain. For the earlier part of that year in particular the, now, Liberal Unionist, had to share equal billing with Randolph Churchill.

---

[134] Representing an abnormally high 30% of all leading articles that year, the first in which the (adjusted) figure for editorials falls below 200 (158)

B: Coercion

C: Home Rule

C1: Positive C2: Negative

Table 2.

	B	C1	C2
1881	4	1	0
1882	17	0	1
1883	3	0	0
1884	2	0	0
1885	1	8	2
1886	8	19	7
1887	19	2	0
1888	9	3	2
1889	9	3	0
1890	3	0	0
1891	0	0	1
Total	75	36	13
% Category	N/A	73.5	26.5

B: Coercion - (See Table 2)

The implications and the execution of the three most egregious pieces of coercion legislation, the Protection of Person and Property (Ireland) Act of 1881, the Prevention of Crime (Ireland) Act of 1882 and the Criminal Law and Procedure (Ireland) Act, 1887 featured heavily in editorial coverage in the years of their enactment. Discussion of this legislation, *per se*, tended to merge with related

considerations in other years. Consequently 'coercion' editorials peak in 1882 and 1887 with a high (adjusted) figure for 1881.

C: Home Rule – (See Table 2)

An oddly small proportion of editorial space was devoted to the discussion of Home Rule *per se*. During the Land War and its immediate aftermath, when the national movement was largely placed at the disposal of agrarian interests, the topic was virtually ignored. Towards the end of 1885 it became a live issue in *United Ireland* just as it was on the political stage. In 1886 it, briefly, became a virtual obsession, with more than one-fifth of total editorials in that year (21%) devoted to the subject. The bulk of these were in the first half of the year. The last Home Rule editorial of 1886 was on the 10 July. Once the Conservative government came to power in the latter half of the decade Home Rule was eclipsed by more immediately pressing issues as a live topic. The only context in which it is raised is that of the anticipated defeat of the Salisbury administration or the spate of victories of what *United Ireland* described as 'Home Rule candidates' (Gladstonian Liberals) in a number of by-elections from 1888-1890.

D: Land

D1: Positive D2: Negative D3: Agitation D4: Labourers

Table 3.

	D1	D2	D3	D4
1881	0	9	12	2
1882	1	10	18	7
1883	0	4	7	3
1884	2	10	1	2
1885	1	6	10	3
1886	11	7	7	1
1887	1	14	7	0
1888	0	17	6	0
1889	2	22	26	0
1890	1	33	4	1
1891	2	0	0	2
Total	21	132	98	21
% Category	7.7	48.5	36.0	7.8

D: Land – (See Table 3)

Almost as surprising is the relative lack of space directly allocated to the other dominant issue of the decade, the land. When *United Ireland* began publication the Land War was at its height. Taking its lead from Parnell and his lieutenants the newspaper opposed the 1881 Land Act and participation on the part of tenants in the arbitrative process engaged in by the Land Courts established under the aegis of that Act. Hence the strong showing of editorials on dedicated land issues (27.4%) in that year. This is not matched in 1882, as the land conflict continued. Fewer than one-fifth of the leaders in that year (18.4%) are devoted specifically or largely to agrarian issues and only a quarter of those – nine in all - came in the first half of the year,

prior to the Kilmainham Treaty, seen as having largely ended the initial phase of popular agrarian agitation.

From there the average for the next three years, not the most active in the ongoing land campaign, fell back to about 10%. It was only when the Plan of Campaign was launched in the newspaper, and became a major personal project for O'Brien, that coverage reached the sort of levels[135] comparable to those of the Land War period. Attacks on landlords and Tory land policy equalled or exceeded those on general government policy in the years 1889 (39%) and 1890 (29%).

Not unexpectedly there are relatively few editorials in this category (7.7%) supportive of land legislation or the activities of landlords. Only in 1886, when Gladstone introduced a new Land Bill to accompany his Home Rule legislation, is there any appreciable endorsement by *United Ireland* of British agrarian policy. Eleven of the twenty-six editorials on land in that year were positively framed.

The bulk of the entire coverage in this category, almost half, (48.5%) is negative– this was either aimed directly at the incumbent government, its policies and its legislation, at individual landlords like the Marquis of Clanricarde, or at organisations representing the landlord interest such as the Property Defence Association. The growth in the number of negative land-related editorials from 1887-1890 was associated with the progress of the Plan Of Campaign and evictions on estates in counties like Galway, Tipperary, Clare and Donegal.

That element of *United Ireland* which was most deprecated by the government, its encouragement of resistance to eviction, of boycotting and its alleged association with intimidation, is reflected in sub-category D3, relating to land agitation. More than a third (36%) of the editorials in the Land category were devoted to coverage of agrarian protest or direct encouragement to participation in such agitation. In the wake of the 1887 Crimes Act, when it became illegal to report on the activities of Irish National League branches in proscribed areas *United Ireland* used its front page to flout (successfully) this legislation. But it also used its editorial columns, in 1889

---

[135] 1886=21%, 1887=18%, 1888=18%

in particular, to stiffen resistance to eviction on Plan of Campaign estates or in proscribed areas.

By far the least significant sub-category is D4, that dealing with editorials relating to agricultural labourers. Some lip service was paid to the cause of the agricultural labourer between 1881-85 (6.25% of the Land category) while the Liberals were in power and legislation in this area was pending or in the process of delivery. Thereafter the subject was almost completely ignored. Between 1886-91 there were only four editorials relating to labourers. These were mainly admonitory in nature, advising labourers that they should trust the League, trust the farmers and not cause division and dissension by pushing aggressively for the realisation of their sectional demands.[136] In its approach to agricultural labourers *United Ireland* therefore reflected the interests of the leadership of the agrarian movement and of the Irish National League. This consisted overwhelmingly of respectable medium to large sized farmers, merchants and members of the clergy. The newspaper's sentiments are not dissimilar to those of the Sinn Fein slogan before the 1918 general election, to the effect that 'Labour must wait.'

[136] 'Stand Together' 22 November 1890.

E: Law E1: Positive E2: Negative

F: Press F1: Censorship F2: Antagonistic

Table 4.

	E1	E2	F1	F2
1881	0	5	9	3
1882	0	14	9	11
1883	3	14	5	7
1884	1	14	2	5
1885	0	3	1	4
1886	0	7	1	9
1887	0	7	2	4
1888	2	10	3	5
1889	3	15	0	3
1890	3	5	1	5
1891	0	1	1	16
Total	12	95	34	72
% Category	11.2	88.8	32.1	67.9

E: Law (see Table 4)

Coverage of the law amounts to 6.78% of total editorials.

There was a relatively infrequent but nonetheless consistent polemical argument with the legal authorities in the editorial columns of *United Ireland*. This took the form of criticism of judicial decisions, of the activities of various attorneys general and solicitors general, as well as condemnation of alleged 'jury packing' and of the partisanship of judges and magistrates (stipendiary or otherwise). A particular *bête*

noire for the newspaper was the barrister and judge Peter O'Brien[137]. He first attracted the newspaper's attention in 1882 and the phillipics became more bitter as he rose through the ranks to become Irish solicitor general, attorney general and lord chief justice in turn.

One of the few major legal figures to attract occasional positive commentary was the chief baron of the Exchequer bench, Christopher Palles. During the Tory administration, in particular, Palles could not be relied upon by the government to uphold the decisions of JP's and magistrates made at petty sessions or assizes to punish Crimes Act transgressors. This occasionally endeared him to the nationalist press. However, *United Ireland* was capable of turning on Palles when his judgments did not meet with the newspaper's approval.

Concentrated negative attention devoted to judicial decisions coincided with the frequent legal travails of the newspaper itself between 1881-84, and the regular incarcerations of William O'Brien[138], and of other newspaper editors, in 1888 and 1889. The latter period also coincided with the tenure as acting editor of a journalist with a legal background, Matthias McDonnell Bodkin, who later became a judge. The negative editorials can virtually be used to follow the pattern of government prosecutions under the major coercion acts of the 1880s. *United Ireland* was most critical of judicial decisions during the 1881-83 period when the Protection of Person and Property (Ireland) Act and the Liberal government's 1882 Crimes Act were in operation. The graph then troughs from 1884-87 when arrests (and illegal agrarian activity) declined. In 1888 and 1889, when enforcement of Balfour's 1887 Crimes Act was at its peak, the number of *United Ireland* editorials reflected the increased level of police and judicial activity.

United Ireland's animosity towards the legal establishment was reflected in the breakdown of positive to negative editorials in this category, running at a ratio of 8:1

---

[137] Dubbed 'Pether [*sic*] the Packer' by the newspaper for his alleged capacity to choose a jury favourable to his case. A single example, of many, will suffice. On 2 July 1887, *United Ireland* referred to O'Brien, then Solicitor General, as being 'a goodly, round full-bodied maggot bred in the corruption of the Irish administration.'

[138] Though on no occasion during the Plan of Campaign period was O'Brien jailed for activities directly connected to *United Ireland.*

(88.8% : 11.2%). The bulk of the positive coverage comes from the period 1889-90 and much of it relates to the activities of a Wexford County Court Judge (Waters) who consistently overturned the verdicts of Resident Magistrates, especially when confronted with jailed journalists who had, according to the Crown, contravened the 1887 Crimes Act.

F: The Press (see Table 4)

The number of editorials dealing with aspects and elements of the Irish and British press is almost exactly on a par with those related to the law. However, the internal breakdown is striking. Editorials dealing with alleged curbs on the freedom of the press in Ireland (F1) amounted to just over 2% of the grand total (2.1%) while those antipathetic to other newspapers (F2) - mostly Tory or Unionist - were more than twice as frequent (4.6%). This was at a time when there was a prevailing narrative of official censorship of Irish nationalist newspapers. So, when the challenges to press freedom in Ireland were, supposedly at least, acute, *United Ireland* devoted much more editorial space to rancorous observations on the journalistic perfidy of the *Times*, the *Dublin Evening Mail* and the *Dublin Daily Express* than it did to criticism of governmental attempts to shackle the national and provincial press. This disparity is, arguably, even more pronounced in 'The Week's Work' column, where individual Unionist editors, proprietors and journalists were singled out for additional, if less formal, editorial invective.

Ironically this phenomenon was even more pronounced during the period of the Conservative administration when, if anything, Balfour's dexterous use of the Crimes Act (which deliberately lacked a dedicated press clause) against nationalist newspapers was far more threatening than the often half-hearted and hapless efforts of the Liberals. Three-quarters of the censorship-related (F1) editorials were concentrated in the 1881-84 period, when *United Ireland* itself was more directly under attack. During the Balfour chief secretaryship, when the focus shifted to smaller, more vulnerable and less high-profile local newspapers, *United Ireland's* attention was elsewhere, generally excoriating the *Times* or Dr.G.V.Patton, editor of the *Daily Express*. It should be pointed out, however, that 'The Week's Work' was

more unstinting when it came to the difficulties being experienced by nationalist editors like Jasper Tully and P.A.McHugh.

The latter-day solipsistic newspaper fixation with matters connected to the press itself is far from a uniquely 21st century phenomenon. Hence it might seem unusual that more editorial space was not allocated to peculiarly journalistic concerns. However, a flexible and more informal column like 'The Week's Work' was, clearly, a more appropriate forum for the propagation of internecine journalistic bile as well as for treatment of the Castle's use of the 1887 Crimes Act against nationalist journalism. The column was frequently used for just such purposes. This may help account for the relatively small number of editorials dealing with pres-related matters.

G: Irish Politics

G1: Electoral G2: Positive G3: Negative G: Unionist

Table 5.

	G1	G2	G3	G4
1881	6	4	1	2
1882	10	12	7	2
1883	33	19	18	15
1884	8	7	21	9
1885	23	9	10	6
1886	4	5	0	6
1887	0	8	0	2
1888	3	8	0	0
1889	3	7	0	1
1890	8	18	9	0
1891	10	30	54	1
Total	108	127	120	44
% Category	27.1	31.8	30.1	11.0

G: Irish Politics (see Table 5)

As we have already noted, well ahead of the issue of Land or Home Rule was editorials related to Irish political matters and personalities. Just over a quarter of all leaders fell into this broad category (25.3%).

One sub-element of this category (G1) was discussion of electoral politics. With two general elections and a large number of by-elections between late 1885 and the final quarter of 1886 precisely 25% of the G1 total was concentrated in this period – although almost one-third figured in 1883.

Almost a third of the editorials in this category (31.8%) consisted of praise poems for members of the Irish Parliamentary Party or Land League/Irish National League leadership. (G2) In the first half of the decade most of these would have been written in support of policies and policy switches advocated by Parnell. Others would have been lavish encomiums and endorsements of his leadership. These 'spike' in 1883 around the time of the Parnell tribute and contribute to the cult of personality built up around the Irish leader.[139] However, in the latter half of the decade far more of these laudatory editorials are devoted to John Dillon than to Parnell. This reflects the close collaboration of O'Brien and Dillon in the Plan of Campaign and the increasing invisibility of Parnell and his refusal to support the Plan.

However, on a par, numerically at least, with the applause and commendation of leading figures in the Parnellite movement is the criticism, often amounting to outright abuse, of nationalist opponents of Parnellism. This totals 120 separate editorials, or 7.6% of the overall number, and fully 30% of category G. The principal objects of *United Ireland's* obloquy included maverick or 'renegade' nationalist

---

[139] James Loughlin, 'Constructing the political spectacle: Parnell, the press and national leadership, 1879-86' in *Parnell in perspective,* Boyce, D.George and O'Day, Alan (eds) (London, 1991), 221-241.

figures like Frank Hugh O'Donnell, and John O'Connor Power[140], as well as - up to the general election of 1885 when they were swept from office – members of that group of moderate nationalists inadvertently and ill-advisedly dubbed 'nominals'[141] by Gladstone. These included the leader of the faction, William Shaw and associates such as The O'Donoghue, M.P. for Tralee, and Limerick M.P., Richard O'Shaughnessy.[142]

That such a high percentage of editorials should be devoted to the castigation of nationalists refusing to succumb to the dictates of Parnell clearly suggests that *United Ireland* was a self-appointed guardian of nationalist conformity. This 'function' was, in measurable terms, as important as was its anti-unionist rhetoric. The G3 sub-category bears both a numerical and contextual comparison with the anti-unionist journalistic narrative of F2.

The G4 sub-category consists, in the main, of leading articles excoriating individual unionist leaders like Lord Rossmore and the activities of the Orange order. By and large Irish unionists were ignored in the rather fewer editorials from the latter half of the decade. Between 1887-1891 they were, for the most part, replaced as objects of hostility by Conservatives and Liberal Unionists (dealt with in A3).

Editorial preoccupation with (principally) Ulster unionists or the Orange order is grouped around the period 1883-1886. More than a third of the references in this sub-category (34%) came in 1883 as the Irish Party began to contest elections in Ulster, starting with Monaghan and Tyrone. It then moved in to the 'cat and mouse' period, when nationalist demonstrations were being shadowed by Unionist counter-demonstrations as the Liberal government was being challenged, by unionists, to ban both. The final year in which there was any appreciable coverage was 1886. This was at the time of Randolph Churchill's successful attempt to activate Ulster loyalism

---

[140] Both are criticised in an editorial on 9 February 1884. O'Donnell is referred to as 'a mischievous chief' while O'Connor Power is more of a miscreant, he was described as a'vulgar apostate'

[141] As in 'nominal' as opposed to 'advanced' Home Rulers.

[142] All are regularly recorded as having voted 'for the enemy' on the editorial page in 1882 and 1883.

against the Home Rule bill and of the unionist-inspired Belfast riots that followed the failure of Gladstone's controversial legislation.

H: Miscellaneous (see Table 6)

H1: Foreign Affairs H2: Church H3: Industry H4: Miscellaneous

Table 6.

	H1	H2	H3	H4
1881	1	3	7	1
1882	8	6	18	10
1883	3	9	3	6
1884	5	1	1	2
1885	11	5	0	8
1886	0	0	1	1
1887	0	2	0	0
1888	1	6	0	0
1889	0	3	0	0
1890	0	5	0	0
1891	0	26	0	3
Total	29	66	30	31
% Category	18.6	42.3	19.2	19.9

The final category (H: Miscellaneous) consists of four significant sub-categories that did not fit neatly into any of the previous designations. As a fraction of the total it amounts to less than one-tenth (9.88%) with the majority of editorials belonging in the sub-category of articles primarily dealing with the Roman Catholic church and its interaction with nationalist politics (42.3%)

Almost one fifth of the leading articles in this category dealt with foreign affairs. However, when taken as a percentage of the editorial total this sub-category (H1) amounts to a mere 1.8%. Clearly *United Ireland*, editorially at least, did not often raise its gaze beyond Irish horizons and certainly did not emulate its compatriot, the

Skibbereen Eagle, in its monitoring of the Czar of Russia's expansionist policies of the 1850s. Even on the occasions when it did so 'not in single spies but in battalions' – most notably in 1885 – its coverage tended to focus, gloatingly, on English military reverses.[143]

In a sense, foreign coverage of British colonial ambitions and misadventures in places like Egypt or the Sudan stands as allegory for Ireland itself. The military successes, however transient, of figures like Colonel Araby in Egypt or the Mahdi in Sudan are celebrated. Both men act as virtual surrogates for the Irish National League. As with the Dublin Castle 'scandals,' when it came to some of their more egregious military defeats, British competence, physical courage and 'manliness' were overtly and subliminally undermined editorially for psychological advantage.

More than 40% of the leaders in category H (42.3%) relate to the interaction of the Roman Catholic Church and nationalism (H2). While many more editorials included references to the policies espoused by nationalistic church leaders like Archbishop Croke of Cashel or Archbishop Walsh of Dublin, or of those opposed to 'advanced' nationalist policies like Archbishop McCabe of Dublin or Bishop O'Dwyer of Limerick, only 4.2% of the overall editorial total related largely or exclusively to the involvement of Roman Catholic prelates and priests in the debates on nationalism and agrarianism or to the internal affairs of the Roman Catholic church itself.[144]

The overwhelming majority of these editorials deal positively with the interaction between the Roman Catholic clergy and the, largely, Roman Catholic nationalist movement. Croke (a close personal friend of O'Brien's) in particular, is depicted as a 'Prince of the Church'[145] despite his single peccadillo in opposing the No Rent Manifesto of October, 1881. There were some implicit, and occasionally overt, criticisms of the sort of ultra-montanism that might cede too much political authority to Rome and thus reduce clerical participation in Irish political matters, but, by and large, (until 1891 – see below) *United Ireland* avoided adverse commentary on

---

143 7 March 1885 'The English as champion runners'.
144 This strain was very much in evidence in relation to the use by the Liberals of George Errington M.P. in an effort to dissuade the Vatican from appointing Dr.Walsh to the Dublin See and later in the decade around the time of the Papal Rescript against the Plan of Campaign.
145 'A brave Irish Archbishop,' 19 January 1889.

prominent members of the Irish hierarchy. A notable exception was a final loss of patience with the potent opposition by the Bishop of Limerick, Dr. O'Dwyer, to the Plan of Campaign. As O'Dwyer's inveighing against the Plan became more virulent and especially when it was picked up by unionist journals like the *Times* and *Daily Express*, *United Ireland* moved from a position of sublime indifference, through subtle barbs, to outright denunciation.[146]

A significant number of uncategorisable entries (H4) might suggest a newspaper that was capable of dealing with topics outside of the standard, normative or mundane.[147] While the total numbers in this category are similar to those of H1 (19.9%) they are strongly weighted towards the first half of the decade. From 1886 onwards *United Ireland* had found its campaigning voice and was concentrating exclusively on topics and subjects that are relatively easy to categorise. Enthusiasm for the occasional foray beyond the outer limits of utilitarianism was limited to the weekly poem that preceded 'The Week's Work', or reserved for inclusion in *United Ireland's* sister publication *The Shamrock*. Similarly, the newspaper, in its earliest incarnation, made some attempt to reflect an interest, of Parnell in particular, in Irish industrial activity, or, more precisely, the lack thereof. (H3) The peak year for leaders on industry / industrialisation was 1882, when the Irish Exhibition was taking place. From 1883 onwards the editorial output in this category (2 leaders in eight years) reflects O'Brien's agrarianism rather than Parnell's concern with the importance of industrial development.

---

[146] In 'Limerick and its bishop' 30 August 1890, O'Dwyer is described as 'the least among the Irish bishops' and is accused of having 'foully slandered' John Dillon.

[147] 1 July 1882 - 'The New Impulse to National Literature'16 September 1882 'The young men and their mission'

1.9. 1891 in perspective.

Table 7 – Categories for 1891

A	B	C	D	E	F	G	H	Total
12	0	1	4	1	17	95	29	159

Table 8 – Sub-categories for 1891

G1	G2	G3	G4	H1	H2	H3	H4	Total
10	30	54	1	0	26	0	3	124

In 1891 *United Ireland*, to all intents and purposes, ceased altogether to resemble a newspaper and became, even more completely, a factional Parnellite propaganda sheet. There was an increase in the number of editorials, from an average of 127 for the previous five years, to 159 in 1891. Only thirty-five editorials, however, were outside of categories G or H. Sixteen of those were denunciations of other newspapers. However, in this instance the attacks were devoted to the criticism of other nationalist journals rather than the *Times*, *Daily Express* or *Dublin Evening Mail*. The main targets were the *Freeman's Journal*, following the announcement of its apostasy in August 1891, and Tim Healy's virulently anti-Parnellite *National Press*. There were almost no editorial comments of any kind on the law and virtually none on the land, this at the height of the self-serving Tory policy of political conciliation based on the strategic amelioration of agrarian grievances.

Nowhere is the obession of *United Ireland* with supporting Parnell against the McCarthyites (dubbed 'The Seceders' or 'The Whigs') more obvious than in Category A, where the total number of editorials is less even than that of 1881, during which only twenty issues of the newspaper appeared. *United Ireland* largely

abandoned its anti-Castle phillipics in preference for intra-party invective. Most of the thirty editorials that commented positively on nationalist figures (G2) were in praise of (or in mourning for) Parnell himself. Occasionally other Parnellite leaders such as Redmond and Harrington feature in this column. But the positive editorialising was heavily outweighed, especially after Parnell's death, by the negative editorials berating his opponents. These made up more than a third (34%)[148] of the total number of leading articles for the year.

Criticism of most of the anti-Parnellite leadership remained relatively mild for the first months of the year. This is especially the case where John Dillon and William O'Brien were concerned. Neither had emphatically taken sides by the time of their incarceration in February 1891. Even in August, when both announced their opposition to Parnell after their release from prison, *United Ireland* still referred to them as 'honest men, honourable men, brave men' and held out the hope that they would 'brush aside insidious counsellors.'[149] In the months immediately after the split Justin McCarthy was treated relatively fairly by the newspaper,[150] no doubt reflecting Parnell's personal affection for his former lieutenant. An obvious exception, even in the 'grace period' immediately following the split, was T.M.Healy. All references to Parnell's nemesis were bilious, scathing and highly personal.[151] *United Ireland* also plumbed new lows in its denunciations of Michael Davitt, Going as far, on one occasion, as to suggest of Davitt that, 'for nine years now he has been nursing his grudge against Mr.Parnell to keep it warm; feeding his mind on envy; carping, and cavilling without pause at every act and word of the Leader.'[152]

Even overtly neutral headlines, such as two out of the three that year entitled 'The Evicted Tenants', could be misleading. What might have been an old-fashioned piece of O'Brienite Plan of Campaign rhetoric, could turn into an anti-'Whig' diatribe related to allegations being made against Parnell over disbursement of the so-called

---

[148] At 54 in total – the highest number in any single category in any of the eleven years covered by this survey.
[149] *United Ireland*, 1 August 1891.
[150] *United Ireland*, 31 January 1891. 'Mr. McCarthy at Manchester'
[151] *United Ireland*, 24 January 1891- 'whose hysterics has become chronic' - or 28 February 1891 - the 'illimitable scurrility of T.H. [*sic*] Healy'.
[152] *United Ireland*, 18 April 1891.

'Paris Fund.'[153] Some of the uncritical pieces on Parnell and his lieutenants would quickly turn into vitriolic attacks on his opponents after a few column inches. Even a leading article celebrating St. Patrick's day morphed into an anti-McCarthyite rant.[154]

As the year went on the level of invective was ratcheted upwards. A reading of the frequently venomous commentary in *United Ireland* clearly indicated that reconciliation was not in the air following the three Parnellite electoral defeats and, particularly, after the death of Parnell himself. Editorials that year also reflected some of the alliances Parnell was trying to forge in order to shore up his critical political situation. There was, for example, a new-found admiration for all things Fenian. This included favourable coverage of the return to Ireland of James Stephens[155] and strident condemnation of the death in prison of P.W.Nally[156] There was also evidence of an attempted *rapprochement* with Unionism[157] and with Labour.[158] It is clear from the contents of the newspaper during this period that Parnell was exercising a more direct personal influence on the editorial line than he had been during O'Brien's hegemony. He was certainly spending more time in Ireland than he had during O'Brien's stewardship of his newspaper.[159] A reflection of this re-ordering of priorities came in an editorial immediately prior to Parnell's death. In the issue of 3 October 1890, in an editorial entitled 'What of these, Masters?', doubt was cast on the political wisdom of having prioritised agrarian reform during the 1880s. 'Is the Irish farmer Ireland?', asked a newspaper with a quantifiable record of favouring the interests of the farmer over the labourer, over industrial development and over labour itself. 'Is there no man in this island worthy of the consideration of her politicians but he who rents the soil? For sixteen years we have fought for this man, agitated for him, gone to jail for him, and turned the English House of Commons topsy-turvy for him. Is there no other man?'

---

153 *United Ireland*, 10 January 1891. *United Ireland*, 2 May 1891.

154 *United Ireland*, 21 March 1891.

155 *United Ireland*, 3 October 1891. 'Welcome'.

156 *United Ireland*, 14 & 21 November 1891. It should, however, be noted that the death of Nally would have attracted similar treatment in O'Brien's *United Ireland*.

157 *United Ireland*, 28 March 1891. 'Irish Protestants and the crisis.'; 16 May, 1991. 'Two Letters'.

158 *United Ireland*, 9 May 1891. 'Labour Day in Dublin'.

159 Ironically, up to the end of 1890 O'Brien's name still appeared on the bottom right hand corner of page eight as the named proprietor, just as it had done since 13 August 1881.

United Ireland, clearly a recent convert to class politics, proceeded to answer its own question. 'Ah, fellow countryman, politics or no politics, let us be just. Let us especially be just to our own poor countrymen. The brave fisher folk gazing wistfully at the shoals of mackerel so near, and yet so far beyond their reach; the poor patient Irish labourer in his hovel, the poor Irish labourer who has stood so nobly for Irish nationality, notwithstanding all his poverty; these we do respectfully submit, are as pathetic figures in our national life as any rack-rented farmer. Are they to be left to their fate?'[160] This new line was undoubtedly a function of Parnell's ebbing support in rural Ireland where the clergy had a far greater influence than in the cities. After the death of Parnell *United Ireland* failed to sustain, editorially at least, such an invigorating level of enthusiasm for the 'brave fisher folk' or the 'poor Irish labourer.'

Alongside the 'Seceders' in the *United Ireland* Rogues' Gallery, though only coming in for half the abuse (26 editorials as opposed to 54) was the Irish Roman Catholic hierarchy. Virtually all of the Church-related editorials (H2) were condemnations of the anti-Parnellite stance taken by the entire Roman Catholic hierarchy and most of the ordinary clergy. The single exception was a 6 June leader on Pope Leo XIII's encyclical on the relationship between capital and labour, *Rerum Novarum.* Even the previously untouchable Croke came in for criticism.[161] Attacks on the hierarchy actually tapered off after the death of Parnell. There were only three Church-related editorials in the last three months of the year.

---

[160] *United Ireland,* 3 October 1891.

[161] *United Ireland,* 7 March 1891. 'His Grace of Cashel'; 23 May 1891. 'Dr.Croke and the "One Man Power"'.