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THE CIVIL SERVICE, THE STATE AND THE IRISH REVOLUTION, 1886-1938

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THE CIVIL SERVICE, THE STATE AND THE IRISH REVOLUTION, 1886-1938.

Martin Maguire.

TRINITY COLLEGE

Supervisor: Professor Eunan O'Halpin.

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Submitted in fulfilment of the requirements of the Ph.D. degree of the

University of Dublin, Trinity College.

(2005)

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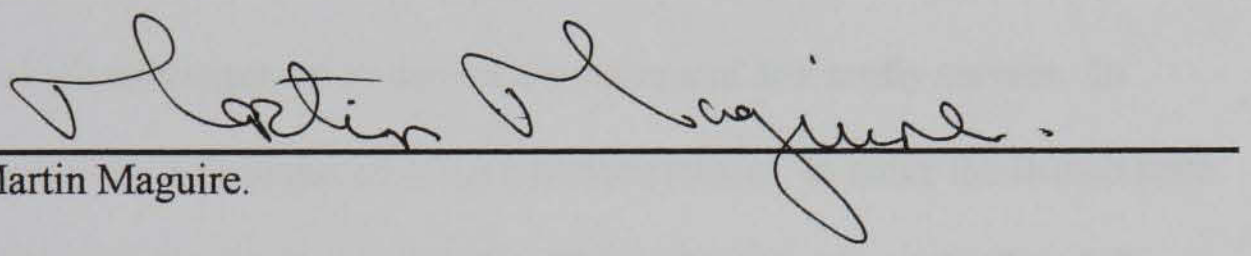

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SUMMARY.

The thesis is about the relationship between the Irish civil service and the state in the long period of Irish state-formation. It offers an analysis of the Irish revolution as a state-centred rather than the more usual nation-centred event, by focussing on the civil service experience of that revolution. The Irish civil service is examined in the context of changes in the state that began with the first home rule bill and culminated in the partitioning of the existing state and the creation of an independent Irish Free State and a devolved administration of Northern Ireland. In Great Britain reform of the civil service was seen as part of a broader reform of the state, which was expected to deliver a smaller and less costly service. In Ireland much more was expected of civil service reform; to make the British state popular and respected for the good it did. This led to a tendency for the civil service to expand in Ireland and become more complex. Dublin Castle became a byword for a bloated, unaccountable and bureaucratic administrative apparatus. Home rule, in so far as it applied to the Irish civil service, implied that an Irish government would adopt the British view that the civil service ought to be reduced in cost and numbers. Before the advent of home rule the Irish civil service had organised on the usual issues of pay and conditions. Its main demand, parity with London rates of pay, was implicitly unionist. The policy of home rule necessitated a realisation that the Irish civil service, despite being part of the United Kingdom service, was different and dispensable. Organisation became more unified and directed toward securing the greatest security for the civil service in the further home rule proposals. In pursuit of this objective the civil service adopted techniques of political lobbying that would ordinarily have been unacceptable in a civil servant. The result was the civil service clauses of the

Government of Ireland Act, 1920, which were largely shaped in response to their campaigns. Whilst maintaining its own specific organisation, the Irish civil service also participated in the wave of organisation that swept through the British service in the years of World War 1 and after. The leadership of the Irish civil service drew from the campaign on home rule and from the British-led surge of civil service trade unionism but was also influenced by the transformation of Irish nationalism through the cultural movement and the Rising of Easter 1916. This led to a complex response by the civil service to the years of revolution and partition. It is argued that in the claim by Dáil Éireann to legitimate statehood, success was due to the failure of the British state rather than to any action by the republican state itself. The thesis examines the relationship between the state and the civil service in Northern Ireland, but concentrates on that relationship in the Irish Free State. The accepted view that the Free State simply inherited, intact and unchanged, the civil service of the former regime is refuted. A largely new civil service, organised on new lines, had to forge a new relationship with a government that regarded it with great suspicion. This led eventually to a court case that defined that relationship in constitutional terms and coincidentally led to the revision of the Treaty. Finally, under the Fianna Fail government, the civil service secured the position within the state which accorded with its own view of its role; as technocratic leaders in social transformation.

The thesis utilises the records of the British and the Irish states, including the revolutionary Dáil Éireann state, the records generated by civil service organisations and early trade unions, and the personal papers of the key political and civil service figures. These records are preserved in archives, libraries and personal collections in Ireland, Northern Ireland and in England.

Contents.

	Page.
Acknowledgements.	i
Abbreviations.	iii
Introduction.	1
1. Gladstonian Home Rule and the Civil Service.	7
2. 'A Written Constitution': Home Rule 1912-14.	36
3. War, Rebellion and the Civil Service, 1914-18.	62
4. Civil Service Organisation 1918-1920.	99
5. Treasury (Ireland) 1920-21.	136
6. The Revolutionary State: 1919-1922.	170
7. Partition and the Civil Service.	191
8. The Transfer of Authority and the Civil Service.	215
9. Cumann na nGaedheal and the Civil Service.	260
10. 'The worst Article in the Treaty'; the Wigg-Cochrane case.	302
11. Fianna Fáil and the Civil Service.	342
Conclusion: The Civil Service, the State and the Irish Revolution.	371
Appendix of Tables.	378
Bibliography.	392

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Sources in private collections for which I record my thanks for access are; to the records of the Civil Service Clerical Association held by the Civil and Public Services Union, Adelaide Road, Dublin 2, made accessible by Mary Murphy; the records of the Institute of Professional Civil Servants (Ireland) in IMPACT Union,

Nerney's Court, Dublin 1, made accessible by Shay Cody; the records of the Customs and Excise Federation held by the Public Services Executive Union, Merrion Square, Dublin 2 and the memoir of Michael Gallagher in the hands of his son Fr Colm Gallagher, Arklow, Co. Wicklow.

Individuals who have offered critical responses to the work and to whom I offer my thanks are Professor David Fitzpatrick of TCD and Dr Deirdre McMahon of Mary Immaculate College, University of Limerick. My thanks to Professor Michael Laffan, who acted as external examiner, and Professor W.E. Vaughan who acted as internal examiner. Both offered valuable and critical reflections on the thesis. I would like to record my gratitude to Dr Tom Collins, Director of Dundalk Institute of Technology, Peter Fuller, Head of School of Business and my colleagues in the Department of Humanities for their support and encouragement.

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My final and most profound debt of gratitude is to Celia and it is to her and to Nora and Betty that the work is dedicated.

ABBREVIATIONS.

ACA	Assistant Clerks' Association.
AEO	Association of Executive Officers.
APOWC	Association of post Office Women Clerks.
ASCOCS	Association of Staff Clerks and Other Civil Servants.
CDB	Congested Districts Board.
CEA	Customs and Excise Association.
COA	Clerical Officers' Association.
CSA	Civil Service Alliance.
CSC	Civil Service Confederation.
CSCA	Civil Service Clerical Association.
CSCU	Civil Service Clerical Union.
CSF	Civil Service Federation.
CSO	Chief Secretary's Office.
CSRC	Civil Service Representative Council.
DATI	Department of Agriculture and Technical Instruction.
DELG	Dáil Éireann Local Government department.
DMOA	Dublin Municipal Officers' Association.
GCICS	General Committee of Irish Civil Servants.
GSI	Geological Service Ireland.
HLRO	House of Lords Record Office.
IAPOC	Irish Association of Post Office Clerks.
ILC	Irish Land Commission
ILGOU	Irish Local Government Officers' Trade Union.
ILPTUC	Irish Labour Party and Trade Union Congress.
IPCA	Irish Postal Clerks' Association.
IPCS	Institute of Professional Civil Servants (Ireland).
IPOEU	Irish Post Office Engineers' Union.
IPU	Irish Postal Union.
ITCA	Irish Temporary Clerks' Association.
LGB	Local Government Board.
MRC	Modern Records Centre, Warwick University.
NAI	National Archives Ireland.
NAUK	National Archives United Kingdom.
NEB	National Education Board.
NHIC	National Health Insurance Commission.
NPGCA	Non-Permanent Government Clerks' Association.
POCA	Post Office Clerks' Association.
POWU	Post Office Workers' Union.
RGO	Register General's Office.
SCS	Society of Civil Servants.
TOPA	Transferred Officers' Protection Association.
UCDAD	University College Dublin Archives Department.
UPW	Union of Post Office Workers.
WSRO	Wiltshire & Swindon Record Office.

Note: Nationalist and Unionist is used to denote members of political parties, nationalist and unionist is used to denote supporters and sympathisers.

INTRODUCTION

The thesis investigates the civil service experience of revolutionary transformation of the state in Ireland. In nineteenth-century Great Britain, civil service reform set out to curtail the growth of the state by abolishing patronage appointments and by centralising recruitment and qualification in the Treasury, a civil, non-political and non-spending arm of the state. This was achieved through a series of inquiries that conferred Treasury control on the numbers and salaries of the civil service and introduced exam-based recruitment. Reform of appointment to the civil service traded off permanence for neutrality, the civil service would loyally serve the state regardless of whichever party was in power and in return the state conferred permanent status with pension on retirement. The civil service was becoming "established" as a non-political administrative class, a professional bureaucracy. Political neutrality, even indifference, was the highest value of the civil servant. [1] In time this, it was expected, would destroy the corruption of patronage and lead to the rise of a politically neutral bureaucratic authority based on reason and objectivity.[2] Structural reform was achieved by shifting from a vertical division of the different departments of state to a horizontal division across the whole of the civil service. Each horizontal level, spanning all the departments of government, was to be staffed by civil service grades in which intellectual ability matched the tasks of that particular level. The purpose of reform was

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[1] For a review of the historiography of the debate on administrative reform in the nineteenth century see John R. Greenaway,'Parliamentary reform and civil service reform: a nineteenth-century debate reassessed' in *Parliamentary History*, vol.4 (1989) pp 157-69. For a recent reservation on the concept of an administrative revolution see Philip Harling, 'The State' in Chris Williams (ed) *A Companion to Nineteenth-Century Britain* (2004) pp 110-24.

[2] Roy McLeod (ed) *Government and Expertise: Specialists, Administrators and professionals, 1860-1919* (1988). p.3.

to make the civil service a more effective instrument of state policy by ensuring that only the best qualified would succeed in entry to a civil service career. The civil service, guided by respectable moral standards, would display disinterested neutrality in their task of analysing and applying public policy. The civil service as a politically neutral, anonymous, rational, bureaucratic apparatus, delivering efficient service to the government in power regardless of party and in the name of the state, became a British national institution.[3]

With periodic reform becoming the norm in Great Britain it became apparent that Ireland presented a different sort of problem and civil service reform took on very different meanings on the other side of the Irish Sea. Despite the legislative Union and the presence of Irish MPs at Westminster, the administration of Ireland was 'distinctly colonial in form and function'.[4] Exiled from political power, Dublin Castle developed as a bureaucratic authority out of touch with both the people and the state it purported to serve. Reform in Ireland was intended to legitimise British rule and make evident the benefits of the Union. It meant therefore something more ambitious than simply improving recruitment and re-grading civil service posts. The earliest target of this Irish version of administrative reform was the lord lieutenancy. Increasingly however the analysis expanded to include the entire "Castle" system.

Just as in Britain, in Ireland the choice of a civil service career was first and foremost the way to secure a respectable livelihood and a secure family life. For the Irish civil servants Dublin Castle represented dead-end departmentalism in which promotions often disappeared into the maw of patronage. Nationalist critics often accused the Castle of being dominated by Masonic cliques. However, a search of the

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[3] Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (1993), p.18; Harling, 'The State'.
[4] David Fitzpatrick, 'Ireland and the Empire' in Andrew Porter (ed*) The Oxford History of the British Empire Volume III, The Nineteenth Century* (1999) pp494-521, p.495.

Dublin Masonic lodge records, particularly St Patrick's lodge, shows no consistent pattern of membership and civil service positions.[5] Political patronage, influence and personal connections were more important than freemasonry in getting advancement in an administration that was becoming a byword for nepotism. Reform, or more correctly the irrelevance of reform, fed anxiety and alienation in the civil service ranks in the Castle. Even before the emergence of home rule the Castle bureaucracy had developed a corporate consciousness of itself as an 'Irish civil service'. Feeding this growing sense of corporate identity was the failure of the Irish civil service to fulfil personal ambitions and the failure to secure equality with London in pay and conditions. The failure of examination entry to open up the Irish higher posts to genuine competition and the continuance of patronage, whether 'Green ' or 'Orange' in the elite division of the Castle became a major source of dissatisfaction. Even nationalist and Catholic civil servants preferred a meritocratic system to the corruption of preferential patronage.[6] Frustrated by the narrow field of opportunity offered in the Castle, the Irish civil service sense of corporate identity was based on a general and widespread sense of shared grievance and disappointment.

Home rule, whilst being presented as a political reform, was also shaped to deliver administrative reform. This had profound consequences for the Irish civil service. As part of their training civil servants become invested with a profound sense of obligation to give their undivided allegiance to the state.[7] This thesis investigates how the Irish civil service responded to the growing uncertainty attached to the state in Ireland during the first and second home rule debates and then the revolutionary

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[5] Grand Lodge of Free and Accepted Masons of Ireland, Molesworth Street Dublin 2, membership register, minute book of the St Patrick's lodge.

[6] Mary E. Daly,'The formation of an Irish nationalist elite? Recruitment to the Irish civil service in the decades prior to independence 1870-1920' in *Paedogogica Historica* (Belgium), vol.30, no.1, 1994, pp281-301.

[7] Richard A. Chapman, *Ethics in the British Civil Service* (1988) pp 92-107.

situation created by the 1912 Act. Prior to home rule the Irish civil service had organised on the usual issues of pay and conditions. Their agitation was implicitly unionist in as much as it demanded parity with the British civil service.[8] The home rule debate necessitated a new level of organisation and different demands. The great achievement of that period of civil service organisation was a "written constitution" in the clauses of the 1920 Government of Ireland Act that gave the civil service an unprecedented constitutional guarantee on status and conditions.

The thesis then investigates the relationship that developed between that civil service and the revolutionary administration of Dáil Éireann, the response of the civil service to partition and then the relationship between the new state and its civil service. Though the research concentrates on the Irish Free State it does examine the process whereby the civil service of Northern Ireland was created and the relationship between that civil service and the Unionist government. Whilst the civil service organised to secure protection of their status under home rule it also organised to frustrate partition. As a result the Unionist government of Northern Ireland had a largely free hand in constructing its civil service

R.B. McDowell, Ronan Fanning, John McColgan, Eunan O'Halpin and Lawrence McBride have previously examined the administrative system in Ireland and its fate in the revolutionary period.[9] McDowell's is a descriptive history of the array of government departments in Dublin Castle from the Union to 1914. McColgan analyses the administrative history of partition between 1920 and 1922, including a chapter on the civil service. However McColgan does not fully recognise the extent to which the

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[8] *Report of the commissioners appointed...to enquire into the condition of the civil service in Ireland*...Parl. Papers 1873, XXII, [c-789].

[9] R.B. McDowell, *The Irish Administration 1801-1914* (1964); Ronan Fanning, *The Irish Department of Finance 1922-58* (1978); John McColgan, *British Policy and the Irish Administration 1920-22* (1983); Eunan O'Halpin, *The Decline of the Union British Government in Ireland 1892-1920* (1987); Laurence W.McBride *The Greening of Dublin Castle The Transformation of Bureaucratic and Judicial Personnel in Ireland 1892-1922* (1991).

Irish civil service was already different to the rest of the UK service. Nor was it as resigned to accepting whatever decision the British government made as he suggests. O'Halpin details the actual working of the Castle system, noting the links between failed administrative reform and failed political reform. His work is at the level of high administrative politics, dealing with the senior officials and not the lower ranks. McBride looks at the changing policy of recruitment to the Irish bureaucracy, from one dominated by Protestant Unionists to one dominated by Catholic Nationalists. He suggests that this change gave the stability necessary to found the new state out of civil war. Only Fanning deals with the civil service of the independent state. However Fanning accepts the view that for the civil service it was business as usual. This is a view that I challenge. Arthur Mitchell has written on the revolutionary government of Dáil Éireann with great detail and insight.[10] However he concentrated on the elite of that administration. This research seeks to add to his work by reconstructing the experience of the ordinary men and women who found themselves acting as the civil service of the revolutionary government.

This research seeks to build on what has been done already, by utilising new sources and advancing new interpretations. Firstly, all these histories have stopped at the moment of the creation of the two new states in Ireland. This research will take the history forward to the de Valera government and the 1937 constitution. Secondly, these histories have generally viewed the Irish administration from the 'top-down'. By looking at the experience of the civil servants themselves this thesis offers a 'bottom-up' perspective. The emphasis will therefore be on the previously under-used records generated by the civil servants themselves. It also uses the records of the state made available by the opening of the National Archives of Ireland, which were unavailable to

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[10] Arthur Mitchell, *Revolutionary Government in Ireland Dáil Éireann 1919-22* (1995).

the previous historians of the subject. The civil service sources that are utilised are the records of early organisations still retained by their later descendants, the civil service trade unions. Also used are the records of the Irish branches of the British civil service associations held at the Modern Records Centre at Warwick. Besides the records of the British Treasury, the Establishment division of the Department of Finance and other departments of the Irish Free State and Northern Ireland, a new source is an uncatalogued collection of early establishment material of the Free State amounting to some thirty boxes and covering the period 1922-5. This includes the records of the Wylie committee on the discharged and retiring civil servants of the former British regime. Personal records include not only the papers of government ministers and civil servants but also the recently opened statements of the Bureau of Military History, which offer many insights into the everyday working of the revolutionary Dáil administration. By investigating in detail the experience of revolution from the perspectives of both the state and the civil service and by treating the revolution as a 'state' rather than 'nation' event, the research will offer a fresh perspective on the civil service, the state and the Irish revolution.

CHAPTER ONE

GLADSTONIAN HOME RULE AND THE CIVIL SERVICE.

By the 1880s it was apparent to Gladstone that the Irish administration, instead of acting as a restraint on expenditure, had evolved into a mechanism for extracting money from the British Treasury. Few in the Conservative or Liberal ranks would have disagreed with his view that the ability of the poorer country to draw without restraint from the pocket of her wealthier sister was greatly assisted by the Irish administrative system. Therefore, as Gladstone argued privately, because 'under the present highly centralised system of government, every demand, which can be started on behalf of a poor and ill-organised country, comes directly on the British government and Treasury', the efficient (that is, cheaper) government of Ireland was as much a British as an Irish problem.[1] Gladstone's list of the recent Irish initiatives paid for by Britain, which had led to the expansion of the Castle administration, included tenant reform, winter distress of labourers, loans to farmers, public works to relieve poverty, subsidies to encourage fisheries and the promotion of emigration.[2] H.C.E. Childers, expressing the Treasury view, was prepared to support home rule for Ireland with reserve for imperial affairs as a 'welcome relief for the British taxpayer'.[3]

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[1] Agatha Ramm (ed) *The political correspondence of Mr Gladstone and lord Granville 1876-1886* vol.11, 1883-1886 (1962) p.10
[2] Ibid.
[3] ibid., p. 396, Granville to Gladstone 11 Sept. 1885.

Hartington was prepared to admit the necessity for the reform of the Castle and the need for devolved administrative authority.[4] Even Chamberlain, who was to break from the Liberal party on the home rule issue, was prepared in late 1884 and early 1885 to argue for a hugely ambitious programme of administrative reform in Ireland.[5]

As civil service rationalisation and reform were becoming normal and recurrent administrative procedures in Britain, the Irish administration in Dublin Castle appeared increasingly abnormal. Simply abolishing the lord lieutenancy, which had been regularly proposed, was no longer reform enough. The urgent need to fundamentally recast the Irish administration was admitted on all sides and so had no politically divisive implications. None could have opposed a proposal to compel the Irish themselves to pay the cost of the reforms that they now constantly demanded.[6] Had Gladstone presented Irish home rule as a necessary and long overdue reform of Dublin Castle administration, rather than as an historical mission to redress ancient wrongs inflicted on the Irish nation, he probably would have succeeded in getting it passed by parliament. Scattered throughout his great introductory speech of 8th April 1886 there is an argument that ought to have been presented as a coherent whole, which linked legislative reform with the universally admitted necessity of administrative reform. Ireland had for many years the benefit of the best administrative heads, in the post of chief secretary, that England could send and yet these men could not command the allegiance of the Irish people because the 'motor muscle' as Gladstone called it, was English and not Irish. A home rule assembly would provide that Irish muscle to deliver administrative reform.[7] Later in the speech, in a brief reference to the civil service, Gladstone made it clear that reform of

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[4] A.B. Cooke & John Vincent, *The Governing Passion Cabinet Government and Party Politics in Britain 1885-86* (1974) p111.
[5] C.D.H. Howard (ed) *A political memoir 1880-92 by Joseph Chamberlain*, p.136-7.
[6] Hoppen, *The Mid-Victorian Generation*, p673-4; Jackson, *Home Rule*, pp63-4.
[7] *Hansard's Parliamentary debates* Third Series, CCCIV, 8 April 1886, cols 1050-51.

the administration by an Irish legislative body would mean economy and retrenchment in an already absurdly expensive system.[8]

Comparing the 1886 and 1893 home rule bills it is again apparent that the unchanging core objective was not the proposal to devolve legislative authority, but rather the determination to reduce the ability of an Irish executive to draw on the British Treasury. The legislative body went through radical changes. Kendle lists seven significant ways in which the later 1893 proposal differed to that of 1886.[9] But in contrast to woolliness on legislative structures, Gladstone showed determination on limiting the ability of an expansionary Irish state to draw from the British Treasury.[10] It is clear that despite the rhetoric of "God's Judgement on England" and "Justice for Ireland", Gladstone's primary objective was financial rather than legislative autonomy for Ireland. In fact Ireland was to be made pay for the services of the British civil service under Home Rule. The financial clauses of the 1886 bill imposed a prior annual charge on the Irish budget of £110,000 for the "imperial civil service" in Ireland. These were the non-transferred departments such as customs or the ordnance survey, thus charging the Irish taxpayer for the privilege of imperial rule. Had Gladstone presented home rule as a necessary first step toward essential administrative reforms then it would have been better argued and achieved greater success. A Gladstonian moral purpose of teaching the Irish frugal self-government would have been more popular than righting historic English wrongs, whilst compelling the Irish to carry the odium of future administrative failure would have promised a neat turning of the tables.

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[8] Ibid., cols 1072-3.
[9] John Kendle, *Ireland and the Federal Solution the debate over the United Kingdom Constitution 1870-1921* (1989) p75.
[10] Jackson, *Home Rule*, pp82-3.

The pursuit of cheap government in Ireland was expected to bear down especially hard on the Irish civil service. As he prepared the 1886 home rule proposal one of the immediate benefits Gladstone anticipated was that it would free the British state of a large part of the cost of the Irish civil service. In apologising to his chancellor Lord Herschell for the 'very good pecuniary terms' offered to civil servants by the 1886 bill Gladstone point out that the British exchequer 'shall be well paid in being relieved from the constantly growing charge of the Irish civil service and in the reversion of a large part of that very claim upon our money'.[11] As the bill was being discussed at cabinet amongst the cardinal points agreed was that civil government would continue as it was until altered by arrangement, with some protection for the Dublin civil servants when those inevitable alterations did occur.[12] Gladstone indicated that to 'meet the case of the civil service' he envisaged a provision to fix the compensation that might be given to persons dismissed by the new Irish government, suggesting that he expected a significant number of such dismissals.[13] Earl Spencer, lord lieutenant of Ireland, suggested that the legislation ought to contain 'a better refuge for civil servants who may be driven out by the new Government of Ireland'.[14] James Bryce MP, the former Professor of Law at Oxford, suggested a clause to maintain the civil service unchanged for three years, with provision thereafter to retire on pension.[15] In introducing the bill Gladstone's initial suggestion was that the civil service would be retained for two years only, to ensure stability. After the two years both parties, the civil service and the Irish government, would be 'free to negotiate afresh'.[16]

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[11]Matthews, *Gladstone Diaries*, XI, p.524, 'Gladstone to Lord Herschell 4 Apr, 2886'.
[12]Cooke and Vincent, *Governing Passion*, p.395.
[13]'Matthews, *Gladstone Diaries*, XI, 525, 'Gladstone to Lord Herschell 5 Apr. 1886'.
[14] Gordon (ed) *The Red Earl*, p112, Lord Spencer to Lord Herschell 5 April 1886 '
[15]NLI, ms. 11,009, Bryce papers, 'observations on legal points connected with the home rule bill'.
[16]*Hansard's Parliamentary Debates* Third Series, CCV, col 1072-38, April 1886.

In the initial draft of the home rule bill under the heading "civil powers" Gladstone envisaged that the Irish assembly should have complete power to pass 'any bill touching civil offices in Ireland and the mode of appointment thereto'. Under the heading "executive powers" he provided that all the civil appointments already made would continue unchanged until altered by statute, except that the costs would now be charged upon the consolidated fund for Ireland.[17] Thus there was generally expected, and accepted, that a home rule government would have complete control of its civil service and that this would lead to a significant reduction in numbers.

In the 1886 bill sections 28, 29 and 30 dealt with the civil servants.[18] Section 28 expressly stated that the Irish civil service would continue to hold the same offices, with the same or analogous duties, at the same salaries, allowances and pensions as before but the cost to be charged to Irish custom and excise receipts or to the consolidated funds. Section 29 provided for voluntary retirement, but after only two years of service under the home rule government, a year less than suggested by Bryce, perhaps to ensure finality and to meet the possibility of the return of a Conservative government in the next general election. Pensions in the cases of retiring or dismissed civil servants were to be calculated by the Treasury according to the never completed fourth schedule. Section 30 provided that existing pensions would so far as possible be drawn out of Irish revenues. It is clear that the main concern in drafting the bill was to ensure that the Irish parliament would bear the future cost of the Irish civil service plus any pensions consequent on dismissals, thus ensuring a prudent and cautious approach to both dismissals and recruitment. In doing that Gladstone may well have been responding in part to the fears of the Irish Unionists. In February their parliamentary leader Major Saunderson had outlined their objections to home rule.

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[17]Matthew, *Gladstone Diaries*, XI, 671-2, 31 March 1886.
[18]*A bill to amend the provision for the future government of Ireland* [49 Vict.]

Acknowledging that the question of whether home rule would be good or bad for Ireland was, in itself, a matter of opinion, he forcefully outlined his objections to the home rulers themselves and his fear that once in control of the administration they would make a total sweep of all appointments and re-introduce the worst evils of corrupt patronage appointments.[19]

The 1886 home rule bill did not reflect any analysis of the function of an Irish administration; it contained no provision for any ministerial or departmental structures but simply proposed to distribute the government of Ireland between Dublin and imperial administrations. Clearly it was expected that the vast bulk of the civil service in Ireland would be transferred to the home rule administration. When asked for a list of the civil appointments which would be 'put at the disposal of the Irish government' Morley, the chief secretary Ireland, indicated that the intention was that 'the whole of the Irish civil service would be transferred, with the exception of those who may be in the service of the imperial government', though he assured 'provision was made for those whose service may be dispensed with'.[20] Four days later when pressed by Leighton to list the government departments that would be transferred to the Dublin government, Morley remained quite vague, indicating that the answer depended on the view that would be taken by an Irish executive of its requirements. Leighton's suggested list of departments and services may be taken as indicative of those to be transferred. If his comprehensive list was accurate, and Morley did not suggest that it wasn't, then the only services that were to be retained as imperial were the geological survey, the ordnance survey and customs and excise. In terms of personal and grades those transferred would include heads of departments, superior appointments, clerical staff, servants and messengers. Morley also referred briefly to

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[19] *Hansard's Parliamentary Debates*, Third Series, CCII, col 672, 18 Feb. 1886.
[20] Ibid., CCCV,col 1826-7, 24 May 1886.

a problem that was to become more intractable; what exactly was a "civil servant"? Morley offered three qualifications of a civil servant; an official whose whole salary is voted by parliament, whose whole time is at the disposal of the public and whose appointment carries a pension or gratuity.[21] As was to become apparent that neat definition did not even approach the reality of the Irish civil service.

During the 1886 debate Randolph Churchill pointed out the difficulty that would follow handing the civil service over to an Irish executive. Sir Henry James, the Liberal Unionist jurist, took up this point again in the 1893 debate. With an Irish parliament and executive in charge of the civil service in Ireland, the British state would have no instrument, apart from the military, to enforce its theoretically supreme authority in the event of a disagreement with the Irish government. Making the will of a British minister prevail in a 'home rule' Ireland would be a 'bitter struggle'.[22] Sir James presciently anticipated the dilemma of the British government in the aftermath of the formation of Dáil Éireann in 1919, when it became apparent that the only instrument available to the state was the military.

Civil servants, it was axiomatic, would always support a government policy, even if they disagreed with it. The Dublin civil servants seemed to have been ill-prepared for the 1886 home rule bill. Some, no doubt, could anticipate improved promotional prospects. There was some home rule sympathy at the top of the Castle bureaucracy; E.G.Jenkinson the head of the Criminal Investigation Division, and Sir Robert Hamilton the under-secretary, were considered very pronounced home rulers during the caretaker ministry of 1885.[23] On his appointment as under-secretary Hamilton had been considered one of the best civil servants in Whitehall.[24] However

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[21] Ibid, CCVI col 310, 28 May 1886.
[22] Ibid., CCV col 929, 21 April 1893
[23] J.L. Hammond, *Gladstone and the Irish Nation* (1964) pp435-6.
[24] Ibid., p350.

for the lower ranks the emphasis which the Liberal government put upon economy, and the virtual certainty as it seemed of wholesale dismissals by an Irish government wholly dependent on its own financial resources, can only have been threatening. In concrete terms what the bill offered the Irish civil service, in a relatively mean-spirited "severance package" to use current terminology, was nothing more than security for pensions already earned. The best that the civil servants could hope for was an improvement in the terms of that severance package. However during the protracted 1886 home rule debate it became apparent that the Irish civil service as a whole had few political friends and the treatment of the civil service failed to make an impact on the debate. Any project of reform that hopes to succeed should not begin by undermining the system that it seeks to replace. Unfortunately for the Irish civil service this was not the case and there was a general cross-party agreement that, whatever about the political merits of home rule, the Irish administration was in need of a thorough shake-up. The duty of the British state extended no further than making sure that that shake-up was not any more painful for the civil servants concerned than was necessary. The bill itself and the debate in the parliament brought home to the Irish civil servants their dispensability and separate status within the United Kingdom and encouraged a consciousness of that status. Previous organisation and agitation by them as a body had been fitful, focussed on pay, and conducted under the hostile eye of the Treasury.[25] The 1886 bill touched on fundamental issues of security and status and yet the Irish civil service proved slow to react. Luckily the 1886 bill failed, but the continuance of the home rule debate necessitated, and made acceptable, the emergence of a more organised Irish civil service representation. The fact was that despite being a tradition-laden service civil servants had no rights as such, all were

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[25] *Report of the commissioners appointed...to enquire into the condition of the civil service in Ireland*...Parl. Papers 1873, XXII, [c-789].

employed "at the pleasure of the crown" liable to be dismissed at any time without notice or redress. Under the Superannuation Acts civil servants were pensionable but nevertheless had no absolute right to a pension. Pensions remained as granted by grace and favour. The security enjoyed by civil servants was based on the good faith and practice of the government, which any cynic within the Irish civil service might justly set at nought. The fate of Sir Robert Hamilton was a further lesson on the fundamentally insecure status of the Irish civil service as well as a warning that it would be a foolish civil servant that became too closely identified with government policy. When Hamilton, a Scotsman in the admiralty, took the post of under-secretary after the murder of Burke he had been acclaimed for his courage and sense of duty. Thereafter however, to Irish Unionist eyes, he became too closely identified with a policy of conciliation to the National League. In the home rule debate Nationalists often cited him as a supporter and advisor to Gladstone. With the defeat of the home rule bill *The Times* began a campaign to have him removed from the Irish under-secretaryship, though this was now a post considered part of the permanent civil service. Despite the opposition of Lord Lingen of the Treasury and of some few supporters from within the Irish civil service, who were alarmed that a civil servant would be punished for too enthusiastically supporting government policy, Hamilton was kicked upstairs to become governor of Tasmania. This was about as far away from Ireland as he could be posted. In fairness it ought to be noted however that most Irish civil servants, who feared being driven out by a National League government precisely because they would not be seen as supporters, would have had little sympathy for Hamilton who at least secured a better post and was assured a generous pension.[26]

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[26] See *The Times*, several editorials and letters July-Nov 1886.

With the return of the Liberals to government in 1892 a second home rule proposal was expected. The new chief secretary for Ireland, John Morley, was under pressure from the Irish MPs T.M. Healy and William O'Brien who had been advocating a different strategy for the Irish administration since the failure of the 1886 home rule proposal. Instead of waiting for a successful home rule act to transform the Irish government they had been separately urging executive use of the power of patronage to eradicate unionist power in Dublin Castle through the recruitment and promotion of Catholic nationalists as civil servants.[27]

The Irish civil servants' fear of the 1893 home bill went much deeper than McBride's suggestion of a simple distrust of the future integrity and goodwill of the Nationalist leaders.[28] In framing the second home rule bill Gladstone was even more vehement on the necessity to reduce the cost of the Irish civil service. In July 1892 in correspondence with Lord Spencer he referred to the need to fundamentally recast the administration in Dublin Castle.[29] In cabinet Gladstone stated as one of the principles of the home rule bill that it must achieve savings in the cost of the Irish civil service.[30] Introducing the second reading of the bill he returned once again to the theme of the cost of the Irish civil service, describing it as 'incredibly, almost immeasurable wasteful' and asserting that 'the civil government of Ireland costs twice as much per head as that of the greater country'.[31] George Trevelyan, Scottish secretary and son of the reforming civil servant of the 1850s, further developed this theme. In answer to the opposition taunt that, in creating a new parliament and a new executive, the home

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[27]*Hansard's Parliamentary Debates*, Fourth series, XI, cols.758-9, 20 Apr.1893; Frank Callanan, *T.M. Healy*, (1996) p419.
[28]Laurence W.McBride *The Greening of Dublin Castle The Transformation of Bureaucratic and Judicial Personnel in Ireland 1892-1922* (1991), pp53-4.
[29]Matthews (ed) *Gladstone Diaries*, XII, p40-1 'Gladstone to Lord Spencer 13 July 1892'; Peter Gordon (ed) *The Red Earl the Papers of the Fifth Earl Spencer 1835-1910*, (1986), ii, p209-10.
[30]Matthews (ed) *Gladstone Diaries*, XIII, p184, 'cabinet meeting 20 Jan 1893'.
[31]*Hansard's Parliamentary Debates*,, Fourth Series, X, col 1604-6, 6 April 1893.

rule bill rather than make any savings would double expenditure, Trevelyan minimised the probable cost of the new parliament. Pointing out that Ireland already had an executive he then detailed the scope for savings in the administration, where 'very large economies' could be made even taking account of the cost of pensions for retired civil servants. Trevelyan insisted that 'there is everywhere a field for economy, which will endure long after these temporary pensions have passed away'.[32] Thus it was absolutely clear that home rule would and must mean a steep reduction in the size of the Irish civil service and therefore dismissals on a large scale. This insistence that the Irish civil service was over-manned and due a severe reduction raised in the mind of every individual civil servant the question as to whether he would himself be retained. It was the seemingly virtual certainty of dismissals that was foremost in the minds of the Irish civil service as they began to organise a response to the second home rule bill.

The 1893 bill, as first introduced to the House of Commons in February, provided that the permanent civil servants of the crown would continue to receive the same salaries, gratuities, and pensions and be required to perform the same duties or analogous duties as before for a transitional period of three years. After the three years the officers might retire, or might be required to retire by the Irish government, on terms which would be in accordance with the fifth schedule of the bill, which remained blank.[33] Though the language of the bill might imply that those civil servants who were retained would retain their status and conditions, Morley, the Chief Secretary Ireland, made it absolutely clear that there could be no guarantee of continuance of current conditions or status beyond the transitional period.[34] After the

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[32]Ibid., cols 1913-6, 10 Apr. 1893.
[33]*A Bill To Amend The provision For The Future Government Of Ireland* [56 Vict.] (1893), sections 26-28. .
[34]*Hansard's Parliamentary Debates*, Fourth series, XI, col.903, 21 Apr.1893.

transition period the Castle apparatus was on its own and could anticipate a "clean sweep" when full authority was passed to an Irish executive. For the civil servants who were retained after the transition period their situation would be that they would cease to be servants of Her Majesty and would be starting afresh with a new government with whom they would have to bargain anew. The second division clerks of the Irish civil service, though almost certain to face a dramatic reduction in numbers, had the security that they were, since the Playfair reforms, the servants of the civil service commissioners of the United Kingdom and would be therefore entitled to re-deployment within Great Britain, should they not be required by the Irish government. Their agitation, taken up by Horace Plunkett, aimed to secure some gratuity upon dismissal to compensate them for the disturbance that would follow their necessary move to Britain, and for the loss of prospects. When Plunkett moved his amendment to compensate the second division clerks for disturbance, at a point in the debate when the argument was about compensation for civil servants dismissed with no prospects, it was ridiculed on all sides and quickly withdrawn.[35]

The agitation amongst, and on behalf of, the Irish civil service arose mainly amongst the relatively small number of higher civil servants, the heads of departments and senior officials, and included the professional grades, about five hundred in all.[36] This represents a highly conscious organisation at the top levels of the Irish administrative apparatus. As a result of their campaign the impact of the home rule bill on the Irish civil service received a much wider debate, and greater sympathy, than had been the case in the 1886 bill. With the first reading of the bill a delegate 'Committee of Permanent Civil Servants in Ireland' was formed, numbering eighty in all, elected by and representing virtually every profession, grade,

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[35]Ibid.,.XII, col 4-6, 19 July 1893.
[36]NLI, Bryce Papers Ms 11,009(4) 'financial scheme of the home rule bill, 13 April 1893'.

department and office of the Irish administration.[37] Though the Treasury continued to refuse to countenance any trade union organisation within the civil service as a whole, the question of what protection and pensions would be offered to Irish civil servants in the proposed home rule legislation was allowed to become the key issue organising and mobilising those civil servants.

At the request of the civil service committee Morley delayed the publication of the schedule setting out the compensation terms for the Irish civil servants.[38] On the 1 of April the civil service delegation, led by George Morris of the LGB and composed of some of the highest-ranking civil servants in Dublin Castle met with Morley.[39] They carried a list of suggested amendments to the bill, designed to protect the interests of the Irish civil service. It was generally supposed that an Irish government would purge the civil service, with every encouragement from the British government, and that the role of the legislation was to guarantee pension entitlements. The legislation was framed as if home rule was a standard abolition of a government department. Such abolitions had become more usual within British administration. Abolition terms offered security for pensions already earned and usually also offered additional years as compensation for loss of office. As well as fighting for better terms for abolished offices the committee wanted to include an option for civil servants who did not wish to serve a Nationalist executive to retire voluntarily with compensation. They also wanted additional compensation for professionally qualified civil servants who had abandoned private practice to enter government service. The committee was also unhappy that the Treasury retained ultimate discretion over the decisions on all pensions awarded. Thus the strategy adopted by the civil service committee was to accept the government view that home rule was, administratively

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[37]NLI, Ir 3511 c.11 'committee of permanent civil servants in Ireland'.
[38] *Hansard's Parliamentary Debates*, Fourth Series, X, col 1317, 28 march; col 1505, 30 March 1893.
[39]Ibid.; *The Times*, 3 April 1893, p8.

speaking, a process of departmental abolition and to fight for the best terms possible. With the publication of the fifth schedule, it became clear that though the terms on offer to the civil service were an improvement on those of 1886 the improvements were minimal.[40] The civil service committee had requested that officers forced to retire should get a pension equivalent to three-fourths of his salary if he had less than twenty-five years service, along with a gratuity of one year's salary. If the length of service was over twenty-five years then a pension should be equal to his salary at the date of retirement. Where an officer was not forced but still opted for retirement then a pension should be granted, depending on length of service, of one-half to three-fourths of salary. What the government offered was a pension varying from one-seventh to two-thirds of salary, with no gratuities, and an absolute limit of two-thirds of pay on any pension awarded.

For the professional civil servants the committee also wanted a facility for calculating added years for professionally qualified persons who had left practices in order to take up government employment, but this was not granted. Nor were they offered, as they asked, that those civil servants kept on by the Irish government would retain the option to retire at any point in the future. The committee also wanted some guarantee from the United Kingdom government, with whom after all they had some sort of contract of employment, for the salaries and pensions of civil servants retained under any home rule administration. But at the same time the committee retained a deep distrust of the Treasury and its discretionary powers in regard to pensions, which were all retained in the legislation. What the civil servants wanted in summary, were guarantees as to status, salary and pensions, and security for any future salaries and pensions which would be dependent on the votes of an Irish legislature, which meant

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[40] *Return...of proposed fifth schedule and sixth schedule, part II. Government of Ireland Bill dated 7 April 1893*, Parliamentary papers 1893-5, LXXI.

therefore some sort of continuing imperial guarantee. What the civil servants did get was an increase in the transition period from three to five years. They also got a useful innovation in the shape of a joint committee of the Treasury and the Irish government with the power to determine claims of wrongful dismissal brought by civil servants against the Irish executive during the five years. Though the civil servants of 1893 did not yet see the potential of this joint committee, the monopoly on civil service matters enjoyed by the Treasury had been broken.[41]

The Committee of Permanent Civil Servants in Ireland then prepared a very detailed and substantial *'response to the government proposals on home rule as regards the effect on civil servants*', and despatched the chairman, T.W. Grimshaw and the secretary, Arnold Graves to London, to begin a political lobby at Westminster.[42] In comparing the points in the civil servants' own response and the points made by the Conservatives in debate it is apparent that these Irish civil servants were very effective lobbyists. As well as relentlessly pushing the demand for enhanced security, even to the extent of pensions at full pay for those compelled to retire, and arguing against the government proposals line by line, the civil service response also made a general statement of the sense of grievance felt by the Irish civil service. The theme running through their statement is that it was the permanent status of the employment that induced most, if not all, civil servants into service. This was especially true of professionally qualified men who had exchanged the possibilities of advancement in a private career for the securities of a civil service position. With the government speakers all suggesting that large reductions would have to be made in the Irish establishment, and that a large number of civil servants would be retired at the same time, most of them could not hope to gain employment in a poor country

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[41]Ibid.; NLI, Ir 3511 c.11 'committee of permanent civil servants in Ireland'.
[42]Ibid.

like Ireland. Many, confident of secure lifetime employment, had taken out leases on property and insured their lives and undertaken other responsibilities which, on the terms offered, they could not afford to sustain.

The civil service statement wanted better compensation for the ordinary civil servants, more generous terms for the many professionals who had been recently recruited in the many new posts created in recent years, and better commutation terms for those who opted to capitalise their pensions and thus begin a new career. They wanted also the option for civil servants to transfer to England to analogous posts. The threat was also implied that the entire body of civil servants, faced with the choice of an inadequate but secure imperial pension if they choose to retire immediately, or an unsecured future salary from an Irish government, would choose retirement now, thus denuding the administration of all its experienced officers.[43]

The second reading debate opened with the fifth schedule, which detailed the terms on which civil servants would be compensated on retirement, still blank.[44] Much the most effective and cynical use of the question of the Irish civil servants was made by A.J. Balfour who, when he was formerly Conservative chief secretary for Ireland, had been contemptuous of their abilities. During the second reading he travelled to Dublin to speak at a meeting of the Irish Unionist Alliance at the Leinster Hall. The main and best point he made was that strictly speaking there was no such thing as an "Irish" or "English" or "Scottish" civil servants, all were imperial civil servants in a single civil service not divided by nationalities. This was true for the mass of the second division clerks, but for the rest of the Irish civil service it was not true. The Irish civil service, it had been long maintained by commentators, was anomalous and the boards, which were the mainstay of the Irish administration, were

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[43]Ibid., p12; *The Times*, 3 April 1893 'letter from an Irish civil servant' p8
[44]*Hansard's Parliamentary Debates*, Fourth Series, X, col.1597, 6 April 1893.

largely an Irish device. Nonetheless the point was well made and received with cheers. In condemning the plan to hand the Irish civil service over to 'their deadliest and most determined enemies', many of the points he made were taken from the Irish civil servants statement; emphasising the betrayal of the implied exchange of low pay for security and a pension, the destruction of chances of promotion, the burden of commitments entered into in the expectation of a life-long career which would be unsustainable on the terms of compensation offered.[45] The *Times* took up these points and, repeating the theme that the civil servants were officials of the imperial service, linked the 'shameful betrayal of the landlords' (a reference to the land purchase acts) with the 'abandonment of the civil servants of the Crown'.[46] The presence of at least one senior civil servant at the Leinster Hall meeting was raised in the House of Commons, but the cheers that Balfour's eulogy of the Irish civil service raised indicates that there were a great many more of them present.[47]

The committee stage on the civil service clause 28 and the related schedule, which the government might have hoped would be relatively non-controversial and therefore brief, took a full three days of debate from the 17th to the 19th of July. As the debate progressed it grew more and more fractious. Morley, in introducing the clause admitted that the terms were not acceptable to the civil servants affected but that, whilst he felt a responsibility to be fair, equitable and generous to the civil service, he was bound not to impose an unreasonable or excessive load of financial responsibility on the Irish government. Morley offered as guiding principles for the clause that the civil servants were to be protected from capricious dismissal or reductions in salary whilst the Irish government had to be protected from sudden *en masse* retirement and from a sullen and inefficient service. To meet this principle the

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[45] *The Times*, 10 April 1893.
[46] Ibid.
[47] *Hansard's Parliamentary Debates*, Fourth Series, X, col 448-9, 17 April 1893.

bill gave *de facto* control to the Treasury of the number of civil servants that might resign or be required to resign, for five years. The scales for calculating compensation payment for those civil servants either dismissed or who choose to resign within the five-year period, though based on the standard abolition terms, were generous in the extent to which they exceeded those terms. A civil servant with twenty five years service could opt to retire on a pension of two-thirds of the salary he would have reached at the end of the five year transition period, even if he choose to retire immediately.[48]

The Unionist opposition attacked the clause from two directions. Firstly, the Irish Unionists put the case for expanding the class of civil servant included in the clause. Plunkett's case for the second division clerks was, as we have seen, dismissed on all sides as contradictory, but the Ulster Unionists put a strong case for the 12,000 national school teachers or at least those of them who were Protestant. Secondly the Conservatives, taking up a theme of the Irish Civil Service Committee, returned again and again to the implicit contract between government and civil service and the breach of faith that home rule entailed. A.J Balfour began by refusing to accept that home rule was simply a departmental reconstruction. It was, he insisted, a great official revolution in which there would be a vengeful clearing out of the Castle under the guise of economy and that therefore the terms on offer were wholly inadequate as compensation. His amendment proposed that all dismissed or resigned civil servants would have a right of relocating to a corresponding post in England or Scotland. Randolph Churchill and T.W Russell supported the theme of a breach of the rights of civil servants, their "freehold" in office. Gladstone, Morley and Fowler of course vehemently denied the very concept of civil servants having any "rights", nonetheless

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[48] Ibid.,XI, col 1779-89, 17 July 1893.

government amendments tended to extend the security offered to the Irish civil servants, thus granting the effect whilst denying the fact of "rights". This in turn infuriated both Liberals and Irish Nationalists. Labouchere worked himself into a fury at the thought of a legion of Irish ex-civil servants living lives of pensioned idleness because they happened to dislike government policy. The Nationalist MPs Hayden and Clancy exposed the contradictions in the compensatory clause. The very foundation of the home rule case was that Ireland was inefficiently administered under the British regime. Since Gladstone's 1886 bill it had been asserted without contradiction that Ireland was burdened by an expensive and bloated apparatus and that home rule addressed that problem by substituting native rule for Castle misgovernment. Logically therefore it was Britain ought to pay any compensation offered to their imposed, inefficient and superfluous civil servants. The whole tendency of the government was to erode the already small Irish budgetary surplus by saddling the Irish executive with a burden of compensation created by British misgovernment. The anxiety of the government to assuage the fears of the Irish civil service did lead to one extraordinary innovation. Morley, to meet the anomalous case of model schoolteachers and petty session clerks, introduced an amendment to include any officer who 'though not in the permanent Civil Service, is in the public service of the Crown' within the terms of compensation.[49] This new category 'the public service of the Crown' was extremely vague and once introduced had the potential to expand endlessly. For instance, it was a category that could and would be successfully applied later to the servants of the CDB and the education boards.[50] It was apparent that the tendency of the debate was for the opposition to agree with the government in any amendment that enhanced civil service security or enlarged the categories entitled

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[49] Ibid, XII, col 7 19 July 1893.
[50] NAUK, TS 18/235 treasury solicitor papers: civil service provisions under the government of Ireland act 1912, 'letter 6/2/1912 Greer to chief secretary'.

to compensation, much to the fury of the Irish Nationalists who could see the meagre Irish surplus disappearing in pensions.

By any measure the Irish civil service could be pleased with its progress during the home rule debate of 1893. An organisation was formed which had lobbied a reluctant chief secretary and had succeeded in making the status and security of the Irish civil service an issue of debate. Intense political lobbying by civil servants, which formerly had been considered gross insubordination at best and subversion at worst, had been recognised and accepted in the Irish case.[51] The separate interests of the Irish civil servants, it had been indirectly admitted, were not guarded adequately either by the Treasury or by the government. The government had been made to offer some significant improvements in the terms of the bill, but this had been mainly in extending those civil service grades covered by the terms. Civil servants might not, in strict terms, have 'rights' but Irish civil servants had secured protection for something that looked sufficiently like rights as to make the term not worth quarrelling over. However a significant setback had to be recorded in their failure to make the government offer any concession on the transition period of five years. Had the 1893 home rule bill succeeded the Irish civil service would have been faced with the choice of either opting for such terms of retirement as were offered within five years or forgoing them altogether. A more permanent guarantee remained an unrealised objective. There is no doubt that home rule weakened civil service loyalty to the state by introducing an element of conditionality to a relationship that had hitherto seemed as permanent as the state itself.

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[51]NAI, CSORP 1893/8082 (20 June) "application of officers committee"; /8071, (22 June) "proposals of officers and men reference home rule';/9188 (18 July) "pensions scale prepared by officers committee". None of these particular files survive but they indicate the intensity of the lobbying by the civil servants' committee.

However with the defeat of the 1893 bill, home rule seemed to have passed into history. Parnell was already dead and his political party was tearing itself apart in the bitter divisions brought on by the O'Shea divorce and Parnell's tragic final struggle. Gladstone, the sponsor of two attempts to pass a home rule measure for Ireland, retired and his Liberal party retreated from its commitment to Irish home rule. After the failure of the second home rule bill Morley, the Irish chief secretary, was still convinced that the only effective reform of Irish government would be home rule and did not attempt any significant changes in the way the Irish administration functioned. He reverted to the strategy of O'Brien and Healy and concentrated on the 'reduction of the old Protestant Ascendancy' through the recruitment and advancement of Catholics.[52] The 1895 general election returned the Conservatives to power.

Though the home rule proposals remained the most significant issue driving civil service trade organisation in Ireland, the impulse to organise was aided by a general rise of trade union organisation that followed the expansion of the civil service as a whole. The Committee of Permanent Civil Servants in Ireland continued as an informal body, but the Treasury procedure of representation through heads of departments was strictly applied and the civil servants looked once again to their own occupational or grade organisations to forward their interests. The most useful weapon available to the civil servant was the House of Commons question. Politicising the issue of civil service pay and conditions was easy amongst MPs who were only too happy to be given issues on which to attack the Treasury secretary. Parliamentary questions could be used to force an issue into the public domain, to

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[52]John Viscount Morley, *Recollections*, 2 vols. (1918),i, pp338-40

compel the Treasury to make a statement, or best of all, to make commitments. In these parliamentary sessions the Treasury usually had no friends.[53]

The long-standing demand of civil service organisations was that the Treasury should cease hiding behind departmental heads, playing off one department and grade against another, and agree to direct negotiations with the representative bodies of the civil service. In 1902 the assistant clerks in Dublin Castle met to discuss a recent revision of their pay scales. It was agreed that the Treasury in London be informed of the inadequacy of the revision. It was also agreed that the assistant clerks of Edinburgh and London should be invited to join in rejecting the pay offer. Out of this Dublin initiative the Assistant Clerks Association (ACA) was formed in March 1903, the rootstock of the Civil and Public Services Association of today.[54] At the same time the Inland Revenue officers were organising in the National Excise Federation.[55] The Inland Revenue officers attempted to politicise the issue of civil service pay by demanding a standing committee of the House of Commons on the question. In 1911 a conference, which represented the great mass of civil servants of the whole of the United Kingdom, agreed to establish a federation to agitate as a single body and present a united front against the Treasury refusal to engage in service-wide negotiation. In response the Prime Minister Asquith conceded a Royal Commission chaired by Sir Antony MacDonnell to inquire into the civil service.

The MacDonnell commission was overtaken by the First World War but its recommendation that all civil servants of the administrative class should enjoy a common salary scale and be transferable across the service was adopted. Other key recommendations, which were also overtaken by the war, were firstly that an

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[53] See 5 April 1886, col 735-7 for a typical exchange.
[54] Humphreys, *Clerical Unions*, p61.
[55] John Campbell, *"A Loosely Shackled Fellowship" The History of Comhaltas Cána* (1980) Dublin, PSEU.

establishment division should be created within the Treasury, and an establishment officer be appointed within each department of government to sanction rates of pay, control salaries and to issue general regulations for the service and secondly for formal procedures should be established for negotiation, arbitration and conciliation within the civil service.[56] It is against this background of a general rise in agitation and organisation within the civil service, and the emergence of a demand for the Treasury to concede centralised wage bargaining, that the Irish civil service fought the re-emergence of the home rule issue during the third home rule crisis. During this period the character of the Irish civil service was also changing as it became a much more professionalised body.

Under the Conservative policy of "Killing Home Rule By Kindness" the British state in Ireland took on the task of becoming a development agency. New departments were created, such as the DATI, the CDB, the ILC and the LGB. Apart from an increase in the number of bureaucratic functionaries these new departments also required a growing number of professional staff such as lawyers, engineers, architects, valuers, agricultural scientists and instructional experts to oversee land reform, or social and agricultural development. New duties were added to an existing post where possible otherwise a new position was created. The DATI absorbed the officials of the Veterinary Department and the Inspectors of Irish Fisheries whilst also being made responsible for the supervision and control of the National Museum, the National Library, the Metropolitan School of Art, the National Botanic Gardens and the new Royal College of Science; all institutions staffed largely by professional or technical civil servants. The DATI usually had about seventy professionally qualified officials. One of the biggest employers of professional civil servants was the Board

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[56]Roy*al commission on the civil service: evidence and appendices*, Parl. Papers 1912-13, XV,113.

of Works, which engaged hundreds of surveyors and engineers. The ILC grew out of the 1881 land courts and its professional civil service was dominated by solicitors and land valuers engaged in assessing fair rents. Between 1885 and 1914 its staff had grown from 120 to 560.[57] The LGB, nominally under the chief secretary Ireland, appointed its own staff to deal with the supervision of the laws on public health, local government and the relief of poverty. The CDB with its own budget and the power to appoint its own staff was the most independent of the government departments. In 1912 a new department was added to the Dublin administration, the Irish National Health Insurance Commission (NHIC), to administer old age pensions and the new labour exchanges.

Many of these new posts that demanded some sort of professional qualification could not be filled by competitive examination. The practice grew of the Civil Service Commissioners recruiting by limited competition, or substituting professional qualifications for a qualifying examination, or recruiting by nomination. Inspectors in the LGB were typical of such posts for which it was considered that professional medical qualifications rather than the ordinary competitive examination would be appropriate. Inspectors were required to travel a great deal, carrying out duties under various sanitary, town improvements, local government, or poor law acts. They were also, it was argued, required to possess exceptional tact in advising local elected bodies and therefore required qualities not ascertained by an open competitive examination.[58] Most of these professional appointments, if not all, were in effect patronage appointments at the gift of the political establishment. Thus the Irish administration grew as a scattering of many different boards, offices and

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[57]R.B. McDowell,' Administration and public services, 1870-1921' in W.E. Vaughan (ed) *A New History of Ireland vol. vi Ireland under the Union 11 1870-1921* (1996) pp571-605, p586.
[58] *Report of the commissioners appointed...to enquire into the condition of the civil service in Ireland.....together with minutes of evidence and appendices* Parliamentary Papers 1873, XXII [c-789]; McDowell,' Administration and public services, p573.

departments, each recruiting its own specialised staff to deal with specific problems, each to a greater or lesser degree committed to social transformation but none concerned with wider areas of major policy and administration.[59]

With the return of the Conservatives to power in 1895 and the retirement of Gladstone, home rule was now a faint and receding prospect. Nationalists therefore turned their attention to the existing Irish administration. The recruitment policy of Dublin Castle came under intense scrutiny as pressure was brought to bear on the notoriously nepotistic administration to open up positions in the civil service to Catholics. The leading voice in this campaign was the *Leader* newspaper of David Patrick Moran. For Moran the central struggle in Ireland was not between the Irish and the English but between Catholic and Protestant. Moran's watchful campaign on job placements in the government posts and his vigorous denunciations of Protestant dominance of the professional and higher levels of the civil service was very popular with an ambitious but frustrated Catholic middle class.[60]

In 1903, on the hundredth anniversary of Robert Emmet's rebellion, his descendent Thomas Addis Emmet published his *History of Ireland under English Rule* in which he detailed how every appointment that was made by nomination (most of which were professional appointments) went to a Protestant, in contrast to the lower posts filled by competitive examination, which went to Catholics.[61] For the professional civil servants these accusations were an embarrassment, particularly where they were correct.[62] In his evidence to the MacDonnell commission Sir Henry Robinson admitted quite frankly that all the professional outdoor staff in the LGB

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[59]NLI, Ir 350.c9 *Government departments Ireland historical Notes and Memoranda 1885 and 1918.*
[60] Senia Paseta, *Before the Revolution Nationalism, Social Change and Ireland's catholic Elite 1879-1922* (Cork, 1999). Pp 86-7, 98.
[61]Thomas Addis Emmet, *Ireland Under English Rule*, two vols. (1903) i,pp328-33.
[62]McBride, *Greening of Dublin Castle*, pp106-23.

were patronage appointments.[63] The clerks of the RGO complained to MacDonnell about patronage appointments within their office. They instanced work previously done by the second-class clerks on promotion that had been professionalised and then filled by patronage.[64]

Though Robinson dressed up his policy in windy rhetoric about the gains to the administration of mixing the national characteristics of the 'solid and sensible Englishman, the accurate and cautious Scotchman and the brilliant and resourceful Irishman', what was not admitted by Robinson was that these patronage appointments were being used to block any advance by the 'brilliant and resourceful' Catholics who filled the lower administrative grades. If seniority was allowed operate then within a short space of time the entire Irish civil service would be staffed by Catholics, nationalist in sentiment and disaffected to the state.[65]

Investigations by a parliamentary committee confirmed that in Ireland appointments by qualifying examination to civil service positions were a rarity and that the vast majority of the higher civil servants, many of them professionals, were appointed by nomination.[66] By 1912 there were over forty departments in an Irish administration that was run in parallel by Whitehall and by Dublin. The eleven United Kingdom departments run by Whitehall co-existed with the twenty-nine wholly Irish departments. The great developmental departments were managed by unpaid boards and were therefore independent of the political head of the Irish administration, the chief secretary Ireland.

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[63] *Royal commission on the civil service, second appendix to the fourth report...minutes of evidence* Parl. Papers 1914, XVI, 363, evidence of Henry Robinson.
[64] Ibid., evidence of Patrick McGuinness.
[65] Eunan O'Halpin,'The politics of governance in the four countries of the United Kingdom 1912-22' in S.J. Connolly (ed) *Kingdoms United? Great Britain and Ireland since 1500* (1999) Dublin, pp239-48, p245.
[66] *Return setting forth the name, age, length of service, and official position, of all salaried officials.....*Parl. Papers 1913 (42) vol. XLIV. 893.

A recurrent complaint of administrative reformers was the lack of coordination between these various departments and boards. Yet whatever popularity the state enjoyed in Ireland was due in large part to the activities of the civil servants in those very boards. Whereas it is axiomatic that the primary loyalty of the civil servant is to the state, the civil servants who staffed these new boards and departments were imbued with a strong ethos of service to the people rather than to the state, and often emphasised their distance from the unpopular Dublin Castle administration. In fact a great deal of their time was spent in the field, keeping as much distance as possible from Dublin. Under these departments the idea of the state apparatus as a developmental service rather than an instrument of domination began to take on real institutional shape. The CDB was the most popular government department in Ireland because it was not identified with Dublin Castle, and the people welcomed its officials. However, because civil servants staffed them, these newer government departments, though free of Dublin Castle supervision, were subject to the direct control of the Treasury in London.

Though their distance from Dublin Castle might be of advantage in emphasising the non-political work of these departments it did have the disadvantage of exposing them to the glare of the Treasury demand for economy. In the Treasury mind all spending was "extravagance" and tight-fistedness prevailed. In the context of Irish policy it required a single-minded departmental chief to ensure that politics overrode economy. The Treasury served its function as it saw it by pursuing the Irish departments for "savings". As the civil servants have long known, the policy of the Treasury was a reasoned and sympathetic refusal to any proposal to spend money

until pressurised into consent.[67] W.L. Micks, the secretary and later historian of the CDB was of the opinion that the '...much trouble in Ireland was caused by the unjust and penny-wise "policy" of the Treasury'.[68]

However the Treasury was strongest in preventing new expenditure and was less effective in cutting back established expenditure. The Treasury found the task of curbing the expansion of administration and expenditure, its primary task in Britain, impossible in Ireland where the function of the state seemed to be to spend on a vast scale. The Public Accounts Committee (PAC) of the Commons was just as unsuccessful in curbing Irish expenditure. In 1902 the PAC was clearly infuriated by unauthorised and excessive expenditure in the Irish departments. When it was pointed out that these departments were all autonomous and there was no single official who could answer for them, and that the PAC would have to have all the separate accounting officers to London if it wished to pursue the question, it decided to retreat. The Irish accounts became a torture that the PAC had to undergo each year and from which it seemed there was no relief.[69] Following the election of a Liberal government in 1906 there was an immense expansion in state activity within the United Kingdom. This led in turn to a dramatic rise in the number of civil servants, virtually tripling between 1891 and 1911.[70] In the fifty years between 1861 and 1911, when the Irish population declined by 32 per cent, the number of Irish civil servants grew by at least 350 per cent.[71]

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[67]Andrew Gailey, *Ireland and the Death of Kindness: the experience of constructive unionism 1890-1905* (1987), pp79-88.
[68]W.L. Micks. *An Account of the Constitution, Administration and Dissolution of the Congested Districts Board for Ireland from 1891 to 1923* (1925) Dublin., p161.
[69] *Public Accounts Committee reports and minutes of evidence*, Parl. Papers 1902, V, 4014-37; 1903, V, 2-14; 1904, V, 2197-2209; 1908, VI, 2485-2588; 1909, VI, 1266-1298.
[70]Peter Hennessy, *Whitehall*, pp55-6.
[71]*Accounts and Papers* (British Parl. Papers, 1890-91, XCV) Population (Ireland). Census of Ireland 1891, part II, General Report, with illustrated maps and diagrams, tables and appendix, p22; *Accounts and Papers* (British Parl. Papers 1912-3, CXIV) Population (Ireland) Census of Ireland; 1911, General

In the aftermath of Gladstonian home rule the character of the Irish civil service changed with a much more professional and interventionist ethos becoming apparent. The dominance of the legal offices was weakened. The state began to seem less an apparatus of domination over Irish society and more one of service. However the home rule debate had irrevocably broken the close identity between the Irish civil service and the state. Despite the insistence that there was a single United Kingdom civil service no civil servant could be in doubt that Ireland was different and that the apparatus in Ireland was considered not only separate but also dispensable. Finally, at the end of the nineteenth century, civil servants were isolated from all shades of Irish opinion. Unionists such as Horace Plunkett and Lord Dunraven, and Nationalists such as Dillon and Redmond, all agreed that the Irish civil service was bloated, inefficient and a barrier to the better government of Ireland, whatever form that might take. All in all, the legitimacy of the British state in Ireland (and therefore the state apparatus) was either questioned or nonexistent. Irish civil servants had nonetheless developed considerable organisational ability. This had been in part due to the general rise of white-collar organisations that had spread from England into Ireland, but also and most importantly due to the tenor of the home rule debate. The Irish civil service had very quickly learned to think of itself as a corporate body united across all ranks by the threat of dismissal implied in the rhetoric of the home rule. On the eve of the third home rule crisis the civil service though assailed on all sides had the organisational foundations to withstand the assault.

Report, with tables and appendix, Tables 19 & 20.W.E. Vaughan & A.J. Fitzpatrick (eds) *Irish Historical Statistics population 1821-1971* (1978) p3.

CHAPTER TWO

'A WRITTEN CONSTITUTION': HOME RULE 1912-1914.

Though Ulster Unionist resistance eventually overwhelmed the third home rule bill, it was the financial question that initially dominated the debate. In 1912 government spending in Ireland, boosted by enormously expensive developments in national insurance, land transfers, congested districts relief, regional development and an old age pension, already exceeded Irish revenues by £2 million a year and continued to grow. The immediate, and it seemed insurmountable problem, was how to grant executive and financial autonomy to an Ireland that was technically bankrupt.[1]

Herbert Samuel, the Postmaster-General, was given the task of drawing up the financial aspects of the home rule bill, thus separating the financial from the constitutional aspects of Irish self-government. His financial proposals were so complex that it was said that only he himself could understand them fully. However, in essence what was proposed was that Ireland should be given a grant of £6 million to meet national expenditure, including administrative costs, and would be then expected to live within that budget. The Liberal government thus hoped to use the financial provisions of the bill to encourage the Irish to stop looking to London for money and learn to govern themselves cheaply.[2] It was therefore generally accepted that a home rule government would be compelled to reduce its administrative costs by rationalising its civil service. The Castle civil servants had no involvement in

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[1] Patricia Jalland,'Irish home rule finance: a neglected dimension of the Irish question, 1910-14' in *Irish Historical Studies*, xxiii,no.91 (1983) pp233-53.
[2]O'Day, *Irish Home Rule 1867-1921*(1998), pp243-6.

drawing up the 1912 bill nor did Francis Greer the parliamentary draftsman for Ireland prepare it. To enable the Treasury keep a firm grip on the Irish administration the bill provided for a strengthened Treasury presence in Dublin.[3] Home rule as shaped by the 1912 bill was a system of indirect rule with local administrative responsibility. Initial Ulster Unionist opposition to the bill which, constitutionally speaking was actually a very modest proposal, concentrated on objecting to the control of the Irish civil service being handed over to the Irish government. Fears were expressed about the future of Protestant civil servants and the potential for administrative rather than legislative discrimination.[4]

However, as Ulster exclusion came to dominate the debate, in contrast to the 1893 bill, the clauses relating to the civil service in the 1912 bill generated little debate in a 'sparsely filled and languid house'.[5] The assumptions that underlay the contributions to the debate by Birrell and Redmond were of broad continuity in the civil service allied with necessary reductions. The reason that the civil service clauses generated so little debate was the Irish civil service had not waited for the home rule proposals but had itself seized the initiative at the earliest opportunity. In May 1911, when it was clear that the Liberal government was committed to bringing in a home rule bill, three prominent civil servants; A.R. Barlas, secretary to the LGB, P.E. Lemass, secretary to the NEB and Alfred Beckett, chief clerk to the Valuation Office; circularised the staff of the government departments with a proposal that the Irish civil service should immediately organise in readiness for the home rule bill. Lemass was uncle to Seán Lemass, revolutionary, later Fianna Fáil minister and Taoiseach. After his arrest in 1916 Lemass, when questioned on this relationship, wryly remarked that

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[3] University College Dublin Archives Department (UCDAD) LA24, George Chester Duggan, The Life of a Civil Servant, chapter 3.
[4] *Parliamentary Debates*, (Commons), XXXVIII, col 121 , 11 April 1912.
[5] *Government of Ireland Act, 1914.* [4 & 5 Geo.5. Ch90] sections 32 to 36, Third Schedule; Irish *Times* 9 Dec. 1912.

there were 'two types in the family'.[6] In the circular these civil servants explained how they had attempted to meet with Birrell to discuss the implications of any home rule legislation for existing officers, but that he had refused on the grounds that a meeting would be premature in advance of a definite bill. Nonetheless, rather than wait for when the home rule bill would emerge, they had decided to press ahead with the formation of a general committee representative of the government departments. This general committee would draw up an authoritative statement of the views of the officers as to the safeguards they considered necessary in the event of a home rule bill being submitted to parliament.[7] Both Barlas and Beckett had been active on the 1893 committee of the Irish civil service so it might be supposed that the 1911 initiative represented simply the reactivation of that committee. However the new committee was in several respects different to that of 1893. We shall now explore the innovative strategy that the 1911 committee represented in three areas; its representative nature, its eschewal of political lobbying at parliament in favour of influencing the key administrative and political figures; and its success in setting the terms of the civil service clauses of the 1912 bill.

The initial circular emphasised that any committee must have the authority to represent the views of the entire service. It therefore suggested, as a preliminary, the formation of a 'provisional committee consisting of one delegate from each department to determine the proportion in which the several classes of civil servant in each office should be represented'. The provisional committee, made up of a representative delegate from each department, then decided the number of delegates that each department and class should return to the general committee.[8] The 1911

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[6] John Horgan, *Seán Lemass The Enigmatic Patriot* (1997) p13.
[7] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912, letter 10 May 1911, Barlas et al.
[8] Ibid.

general committee was therefore very different to that of 1893. The earlier committee was composed of nominated rather than elected delegates and was dominated by senior civil servants, one from each department. It therefore implied that a senior officer from any particular department adequately represented the interests and views of the whole department. The elected General Committee of Irish Civil Servants (GCICS) that emerged after the meeting of the 8 June 1911 was almost entirely composed of newly active representative officers elected by the departmental staffs. Of the fifty-three members (later expanded to sixty-eight) only four (or perhaps five) had served on the 1893 committee. Only three of the seventeen-member executive committee were former 1893 committee members, though two of that three did occupy the key positions of chairman held by Barlas and vice-chairman held by Graves.[9] Although the Irish administration defied any attempt at precise analysis the 1911 committee had close to full saturation with representatives from all departments; (Appendix. Table1: *The Civil Service General Committee 1911 by Departments*). The only substantial section of the civil service not represented on the committee were the postal workers, however as they had their own organisation, and previous home rule bills had always excluded the postal service from the authority of the Irish executive, their absence was not significant. The committee did have representatives from the GPO, the administrative core of the postal system in Ireland.

The general committee was also carefully constructed so as to represent not only each government department but also all grades within each department, again a marked difference to the 1893 committee. As can be seen (Appendix. Table 2: *The Civil Service General Committee by Grades*) the intent was not that it should be strictly proportionate to the relative size of each department, but that it should be fully

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[9] Ibid., civil service provisions under the Government of Ireland Act 1912, *Preliminary statement of Irish civil servants as to their position, having regard to contemplated legislation dealing with the government of Ireland, Nov.1911.*

representative of each grade within each department. Thus the same number of delegates represented both the department of agriculture and the land commission, though the commission had less than half the number of officers. Each department had at least one representative on the committee, but the principle of representation is clearer when we examine the delegates for each department. For the purposes of determining departmental delegations the provisional committee divided the service into the classes of professional, higher grades, second division, abstractors, temporary clerks, lady clerks and, finally, a catch-all "all-grades" class that was used to co-opt officers not covered by the other categories, such as Leach of the LGB, or to incorporate the entire organisation of the Customs and Excise Federation (CEF). Departmental representation was allocated on the basis that each of these grades within the department ought to be represented. Thus the six representatives of the land commission were two professional officers, one higher grade, one second division, one abstractor and one temporary clerk. The six representatives of the DATI were one professional officer, one higher grade, two second division, one abstractor and one temporary clerk. The number of representatives for each department reflected the complexity of the grades within the department rather than simply its size. This was an innovative form of civil service organisation in as much as the trade unions and associations tended to replicate the hierarchical grading of the civil service itself, keeping recruitment within particular grades. The 1911 committee was simultaneously a vertical and horizontal organisation. The land commission was represented by its professional, higher grade, second division and clerical officers, all sitting around the same table. At the same time the professional officers of the land commission, or its second division officers, were working with the professional and second division officers of the other government departments. For some, such as

Vereker of the CDB and Sloan of the DATI, the 1911 committee was an introduction to later civil service trade union organisation. The committee was financed by a levy of 6d (2.5p) for every £50 of annual income of each civil servant member to create a fighting fund. An executive committee was then formed from the general committee. The executive committee had three professional officers, three of the higher grades, two of the second division, three abstractors, two temporary clerks and two from the all-grades class; thus preserving the cross class nature of the general committee. The single representative of the lady clerks marks the hesitant emergence of women civil servants' organisation. Since 1894 women civil servants (mostly typists) enjoyed the same tenure as men so long as they remained single but it remained an 'understood' thing that they should resign on marriage. In the Treasury the only policy discussion on the status of women civil servants had been on the level of gratuity that ought be paid to women on resignation.[10] Among the more interesting names on the committee is that of John J. Taylor, future under-secretary Ireland, in the "all-grades" class and Sam Sloan, who was the leading figure in the organisation of the clerical grades in the 1920s, in the second division class.

The 1911 GCICS represented a new wave and style of activism within the Irish civil service, even though the issue of home rule was by now an old one. Perhaps the most remarkable aspect of the 1911 committee was that across a wide spectrum of grades and departments it succeeded in securing agreement on a response to the implications of home rule for the civil service. The explanation for this emphasis on cross-service, representative mobilisation lies not only in the previous mobilisations of 1886 and 1893, but also in the growth of trade union or quasi-trade union organisation and consciousness within the civil service. That the

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[10] *Third report for the committee on public accounts together with the proceedings of the committee, minutes of evidence, appendix, and index.* Parl. Papers 1896, VIII, 297, paras 2236-58.

committee could demonstrate its representative base proved vital in the committee stage of the debate on the civil service clauses. Just a week before the debate a section of Belfast-based civil servants, in a 'mud-slinging operation', denied that the Dublin committee was in any sense representative of Irish civil servants. Barlas was able to detail to Francis Greer the fully representative membership of the committee and to underline the considerable financial outlay made by each civil servant's donation as illustrative of the commitment of the vast majority to its success.[11]

In assessing the innovatory aspects of the 1911 GCICS, we may turn next to the method of agitation. In contrast to 1893, the 1911 committee preferred to exercise influence within the administrative system to make their views known and win concessions, rather than using political pressure through parliamentary questions. Birrell placed a lot of emphasis on the many meetings he had held with the Irish civil service committee and the extent to which he had endeavoured to meet their fears.[12] The preliminary statement of the civil servants, initially sent to Birrell, found its way to Greer and, as we shall see, the legislation was generally shaped to meet their points. Barlas kept Greer informed by personal letter of civil service sentiment at each key stage. The letters suggest a frank relationship in which Barlas felt secure that Greer could be trusted with confidential disclosures. In December 1912, when the key civil service clauses were coming up for debate in the committee stage at the House of Commons, Barlas wrote to Greer to assure him (and Birrell) that though 'a lot of stupid amendments have been put on the order paper…they merely expressed the views of individual civil servants in very small sections'.[13] During the debate the committee of the Irish civil service met to pass a motion expressing support for the

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[11] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912 'Barlas to Greer, 5 & 30 Dec. 1912'.
[12] *Parliamentary Debates*, (Commons), XLV, col 90-96, 9 Dec. 1912.
[13] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912, 'Barlas to Greer 5 Dec. 1912'.

government on the clauses in the home rule bill touching on the civil service, support which Birrell used to good effect.[14]

The final innovatory aspect to the 1911 committee was its decision not to wait for the legislation and then reacting to it, but instead to shape it before it emerged into the public arena. In November 1911 the committee was ready to issue a *Preliminary Statement of Irish Civil Servants as to their position, having regard to contemplated legislation dealing with the Government of Ireland.*[15] The statement began by setting down a clear and unambiguous commitment that the Irish civil servants wanted it to be clearly understood that as a body they 'were anxious to continue to work under the new Government of Ireland to be established under the Bill, provided that their interests are safeguarded as regards tenure of office, remuneration, prospects of promotion, and pension rights'.[16] What the civil servants wanted was that the *status quo* should be preserved and that civil servants would be 'liable to perform the same duties as heretofore or duties analogous thereto, and should continue to receive the same salaries, gratuities and pensions, paid out of the Exchequer of the United Kingdom'.[17] Having established that the civil service would wish to continue to serve, the committee statement then concentrated on securing the best terms for those civil servants either compelled to retire by the new Irish government, or who choose to retire voluntarily. The usual protest that what induced civil servants to enter state service was security and the promise of a pension, was made more firmly contractual rather than moral by extensive quotations from the official Civil Service Commissioners circulars. These circulars promised to successful candidates for civil

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[14] Ibid., civil service resolutions 19 Dec 1912; *Parliamentary Debates*, (Commons), XLV, col 90-96, 9 Dec 1912.
[15] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912 *Preliminary Statement of Irish Civil Servants as to their position, having regard to contemplated legislation dealing with the Government of Ireland* (Nov 1911).
[16] Ibid., p5.
[17] Ibid.

service posts secure salaries starting at specific amounts, rising to certain *maxima* by definite yearly amounts and with rights to standard pensions on retirement. Many of the Irish civil servants would regard these as definite promises contingent only on good behaviour. The breach of such promises deserved better than usual compensation.[18]

The position of professional civil servants also demanded better compensation than the usual abolition of office terms. These were men that had entered the service of the crown late in life and, in some cases, after abandoning private practice in favour of what they had been assured was a secure civil service position. Other professional and permanent officers serving in Dublin were there simply because it happened that they had been assigned to Ireland though recruited to the United Kingdom civil service. Many of these were organised in the "all-grades" class of the committee. These officers (mostly Englishmen) the committee statement argued, ought in fairness be offered the opportunity to transfer to Great Britain and be compensated for the expenses connected with removal. The claims of the temporary civil servants were pressed with high moral outrage. Many of them too old to secure other employment, they had served the state well and faithfully in poorly paid posts in the belief that so long as there was government work to be done, and they did it well, they would continue to be employed despite their temporary status. It should be borne in mind that the key practical difference between temporary and established civil servants was that the latter were entitled to a pension and the former were not. The case that the committee was making was that temporary civil servants not retained by the Irish government ought in fairness be offered a pension, even though in strict regulation they were not entitled to one. Compulsory retirement would also mean that civil

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[18] Ibid., p6.

servants who, by implication, had been promised annual increments would be at the loss of those increases and also the increases that would have followed any promotion. The committee wanted compensation not only for loss of salary but also for loss of prospective increases and promotions.[19]

Just as it is an article of faith in common law jurisprudence, precedents is a fetish in the civil service. Conflating these, and no doubt drawing from its own reserves of legal expertise, the committee statement detailed two and a half pages of precedents where far higher than statutory compensation had been conceded on abolition of offices. These ranged from the obscure to the obvious but the most telling precedent cited was the Act of Union itself. Under the Act of Union all displaced officers were pensioned on full pay. These precedents supported the civil service case that those compelled to retire should not suffer 'undue loss'.[20] It then remained to set out what the civil service committee regarded as undue loss. Having set out their case that the Irish civil servants had an implied contract with the 'imperial' government, and that in order to facilitate a constitutional change those contracts were to broken, the committee then devoted the remainder of the statement to suggestions for better than usual compensation for those civil servants either compelled to retire, or who volunteered to retire, in order to facilitate the constitutional change. The structure of the suggestions in the 1911 statement supposed that the 1893 bill would provide the model for the anticipated legislation. The civil servant's statement listed what were in effect fourteen suggested changes to the scheme of the 1893 bill with alterations made necessary by the intervening 1909 Superannuation Act. The 1909 Act offered civil servants the option of accepting a reduced final rate of pension in exchange for a payment of one year's salary to his

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[19] Ibid., pp6-8.
[20] Ibid., pp8-11.

representatives if he died in service, or a lump sum payment on ordinary retirement. The rate of pension under the 1859 Act was one-sixtieth, under the 1909 Act one-eightieth, of final salary, times years of service. Most of the Irish civil servants had opted to change over to the 1909 Act in the belief that they would be working to the normal retirement age and that the new scheme offered some security to their families. However if the civil servants were to be compelled to retire at an earlier age they would suffer a loss by being on the lower rate of pension. The civil service committee wanted any officer compelled to retire to have the option of reverting to the terms of the 1859 Act. Other suggested changes were added years for professional officers in recognition of qualifications; facilities for exchange between Great Britain and Ireland; that the vague reference in clause 27 of the 1893 bill to "officers in the service of the crown" should be clarified so as to offer temporary officers the same pensions as "officers in the permanent civil service of the crown"; and that commutation terms based on the Irish Church Disestablishment Act, which were more generous than the usual Treasury commutation terms, be allowed; and that a committee should be established to settle the retiring allowance rather than leave it to the tender mercies of the Treasury.[21]

In summary, the preliminary statement of the Irish civil service staff representatives offered to transfer allegiance to the new government provided that those civil servants continuing service with the new Irish government 'should be in no worse position as respects tenure of office, terms of service, salary, or pension'. As some civil servants may be dismissed to facilitate constitutional changes, and not because of any failure or incompetence on their own part, the statement argued that they were entitled to expect more generous compensation than the usual abolition of

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[21] Ibid., p11-13.

office terms. Based on a presumption that the 1912 bill would follow the terms of the 1893 bill, the statement suggested what those more generous terms ought to be.

Although there was no specific mention of it, the Irish civil servants must have been conscious of the example and precedent of the Transvaal. The Liberal government elected in 1906 inherited a defeated and abysmally administered Transvaal and Orange River Colony, the former Boer republics.[22] The Liberal government's Transvaal bill established a self-governing Transvaal with a government responsible to a parliament and a permanent civil service. So successful were the Liberals in reconciling the former Boer republicans that in 1910 all four South African provinces were able to come together in the Union of South Africa, apparently reconciling English and Dutch, Boer and Uitlander whilst securing British imperial interests. For the Milnerite imperialists this was a brilliant achievement, which no doubt also provided a practical example of the reconciliation of imperial and local interests that could be applied to Ireland.[23] However for the Irish civil service the Transvaal example, far from being exciting, was deeply depressing. Within a year of the granting of self-government the defeated Afrikaners dominated the Transvaal parliament. Legislation was passed making Dutch of equal status to the English language and most significantly to the Irish civil service, securing control of the Transvaal civil servants. Under the guise of retrenchment there followed a purge of English civil servants and their replacement by Afrikaners.[24] Most alarming to the Irish civil servants was that the British government accepted without question the Transvaal government's bland assurance that the retrenchment was necessary and that

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[22] Donald Denoon, *A Grand Illusion the failure of imperial policy in the Transvaal Colony during the period of reconstruction 1900-1905* (1973).
[23] Deirdre McMahon, 'Ireland and the Empire-Commonwealth, 1900-1948' in Judith M. Brown (ed) *The Oxford History of the British Empire Volume IV, The Twentieth Century* (1999) pp138-62, p.148.
[24] *Hansard's Parliamentary Debates*, Fourth series, (Lords) CLXII, 633-66 31 July 1906, (Commons) CLIII, 290, 6 Mar. 1906; *The Times* 19 Aug. 1907.

there was no victimisation of British civil servants. A few of the retrenched officers, "Milner's Kindergarten", managed to secure employment in the other colonies. Lionel Curtis found himself within a few years at the centre of what must have seemed oddly familiar negotiations on Ireland. For the remainder there was an inadequate gratuity and some sympathetic noises from London but little else.[25]

In gauging the success of the Irish civil servants' committee in shaping the relevant clauses of the 1912 bill, it must therefore be borne in mind that no civil servant held office by any sort of secure tenure; all were "during pleasure" and civil servants had no legal rights arguable in courts of law. The demand that the *status quo* be preserved was a demand, in reality, for very little. As Greer reminded the chief secretary the security of the civil service 'merely rests on the good faith and practice of the Government of the United Kingdom'.[26] Nevertheless when the bill was published it was clear that the civil servants had been able to exercise considerable influence on the shape of clauses 33 to 36 and the attached schedules on the civil service. The previous home rule bills had assumed that within a five year transition period there would be a clean sweep of the entire existing service, with officers either resigning, being compelled to resign, or managing to make a new agreement with the Irish government. The civil service in 1886 and in 1893 faced the certainty of dismissal with only a possibility of re-employment. The 1912 bill instead offered the certainty of continued employment with only a possibility of dismissal. The bill, in terms taken from the Irish civil servants statement, proposed to transfer the existing Irish officers of the civil service to the Irish government with the 'same tenure and upon the same terms and conditions (including conditions as to remuneration and

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[25] Ibid., 6 & 9 June, 18 July, 5 & 14 Aug. 1908 for statements, articles and correspondence on the Transvaal retrenched officers.

[26] [26] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912, 'Greer to the Chief Secretary Ireland 6 Feb. 1912'.

superannuation) as heretofore'.[27] Sections 33 to 36 of the Government of Ireland Act, 1912 guaranteed continuity of tenure on like terms as to salary, conditions of employment, and pension as those in existence on the day appointed for the transfer of authority. The third schedule offered compensation for removal from office, or for retirement due to material alteration in the nature of the duties to be discharged. An officer in the Irish civil service retained the right to retire within a five year period, but only if he could convince a Civil Service Committee established by the Act that he was retiring because the duties were neither the same nor analogous to the duties under the old regime, or his conditions had materially altered to his detriment.[28] This Civil Service Committee, consisting of one Treasury representative, one representative of the Irish executive and a chairman appointed by the Lord Chief Justice of England represented a dilution of Treasury authority, though not necessarily to the advantage of the civil servants. An officer opting for retirement, as opposed to being required to retire, could only expect a pension such as he would get if retiring on medical grounds rather than on the more generous abolition of office terms. These terms could be, and were, interpreted as being formulated to allow the Irish government to economise by driving out expensive senior officials on cheap pensions and filling the vacancies with lower paid officials, though Redmond denied this. However the insistence within the bill that the cost of any pension would be deducted from the Irish budget does underline the assumption of continuity in the civil service.

Allied with the assumption of continuity remained an insistence on the need to cut the numbers of civil servants. This insistence was shared by all commentators and not nationalists only, as is suggested by McDowell.[29] To take an extreme example, if the Irish government dismissed the entire existing civil service and recruited a new

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[27] Government of Ireland Act, 1914 [4 & 5 Geo.5., Ch.90] clause 33.
[28] Ibid., Third Schedule.
[29] McDowell, 'Administration and the public services, 1870-1921' p595.

staff on starting salaries, it would immediately reduce its expenditure on administration by about one-third; the difference between the salaries of new officers and the pensions of dismissed officers. The implication persisted that the Irish administration was overstaffed, wasteful and that home rule would lead to considerable savings. This was particularly so, according to Birrell, in the case of 'large number of non-established officers, quite out of proportion to the rest of the United Kingdom' recruited to the new departments 'which had been somewhat hastily created by the House of Commons'. A great many of these were professional civil servants whose status was sometimes doubtful. To meet their case Birrell proposed an innovation in empowering the three-man Civil Service Committee to define whether any particular officer was or was not a civil servant (a power normally reserved to the Civil Service Commission), what was an "Irish" as opposed to an "imperial" officer, and to determine the claims or pension to which such an officer was entitled.[30] The opposition contribution to the debate in the Commons on these clauses lacked focus and was easily dealt with. Clearly the Conservatives were concentrating on Ulster opposition to destroy the bill and had lost interest in the administrative details of home rule.

When the home rule bill was published the GCICS committee welcomed it, but suggested a series of amendments that would 'render the terms of compensation satisfactory to the service generally as well as to safeguard interests not covered by the Clauses as they stand'.[31] The most important changes the civil servants asked was that the normal age of retirement mentioned in the bill should be sixty-five (as was customary in Ireland) and not sixty as regulated by the Treasury. The reason was

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[30]Ibid.

[31] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912, *Further Statement of Irish Civil Servants as to their position under the Government of Ireland Bill, 1912* (June 1912).

to prolong the period of employment of the retained civil servants and therefore increase their final retiring salary.[32] But this was mainly to benefit dismissed officers. In the case of premature dismissal, which it was anticipated would be the case for a great many officers, the compensation for anticipated loss provided for in the bill would also be greater by the increments of an additional five years of service. The statement also asked that the scale of abolition years should be altered so as to benefit second division officers recruited at age eighteen. This would involve simply tinkering with the age at which abolition years could be added. The bill provided that an officer under 36 years of age should get additional seven years and for an officer under 30 the additional years should be five. The civil servants' statement asked that the ages should be reduced slightly to 33 and 28 years. This would in effect automatically grant all younger officers ten additional years compensation on abolition. Greer wrote to Birrell that these changes were reasonable and, if conceded, would give general satisfaction. Greer was content to urge concessions to the persistent though discreet pressure from the Irish officers, so long as the concessions did not offer markedly better conditions to the Irish officers than to British officers. For Greer this was a fundamental principle and one that made sense when it is borne in mind that there would still be in Ireland some sections of an "Imperial" civil service.[33] A cynic might note in passing that Greer had no difficulty in imposing on the Irish government charges that would never be imposed on a British government

In early 1914, as home rule was being put through its final passage of the houses of parliament, it became clear that an amendment to deal with Ulster exclusion would be necessary. This amendment further confused an already complicated

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[32] NAUK, CJ4/30, 'Spender, Anderson, Waterfield correspondence on article 65 of the Eight schedule 1920 Act' 1930-31.

[33] NAUK, TS 18/235: Treasury solicitor's general series papers: civil service provisions under the Government of Ireland Act 1912,' Greer, memorandum on the proposals of the committee of civil servants'.

measure.[34] The GCICS used the introduction of the amendment to push for further concessions. Arguing that the division of the Irish departments, which must follow the amendment, represented a serious and detrimental alteration to their conditions of work, the committee requested that the terms for voluntary as opposed to compulsory retirement should be liberalised and improved. Instead of five years of a transitional period they asked for seven years, along with additional added years in the case of those with long service, which would bring them within the compensation terms attendant on abolition of office. In addition, to compensate for the lack of promotional opportunities in a diminished Irish civil service, they asked for special facilities for exchanges between the imperial and Irish service.[35]

These negotiations and discussions on essentially technical details were conducted against a background of political crisis as the Tories and the Ulster Unionists combined to destroy the home rule bill and the Asquith government. With the bitterness of the debate sharply dividing British and Irish society it would have been impossible for the civil service to escape its influence. The British civil service tradition had no difficulty in giving unswerving loyalty to the government in power. In Ireland the third home rule debate plumbed deeper loyalties of religion and nationality and the civil service could not but be influenced by the opinions of their own families, relatives and upbringing.[36] The inevitability of home rule and the growing threat of civil war over Ulster overcame professional impartiality and, in the general anticipation of the transfer of power, self-interest demanded hard thinking about where personal security lay. Duggan in the chief secretary's office concluded

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[34]NLI Joseph Brennan Papers, ms.26,149 'Draft of Government of Ireland (Amendment) Bill Section 5 existing officers'.
[35]*Further statement submitted by the General Committee of the Irish Civil Servants as to their position in view of amendments to the Government of Ireland Bill.* (May, 1914), p1.
[36] UCDAD LA24, Duggan, Life of a civil servant, p3.

that he would have to resign if the Ulster crisis 'reached a climax of force'.[37] Maurice Headlam, the Treasury Remembrancer in Dublin Castle, thought the crisis was so grave that he was justified in doing the unthinkable and leaked government memoranda to the opposition politicians.[38] The inability of the government to offer clear direction to the civil service also added to the sense of disarray. The pusillanimous response of the Asquith government to the arming of the UVF followed by the humiliating dismissal of W.V. Harrel, assistant commissioner of the DMP, after his handling of the Howth gun-running was clear enough warning of the danger of showing initiative.[39]

The 1912-14 royal commission on the civil service chaired by the former Irish under-secretary Sir Antony Patrick MacDonnell provides a last insight into the culture of the Irish civil service before war and rebellion swept over it.[40] MacDonnell had already experience of the Irish civil service and had very strong opinions on the need for reform of that service. MacDonnell was of the view that Ireland required the discipline of self-management more than it required self-government. The keystone of his policy was not to abolish but rather to strengthen the position of the Castle by giving it real control over the many board and departments, with some independence from the Treasury. This model of administrative reform had been first circulated by David Harrel, under secretary in 1898, after the reform of local government.[41] MacDonnell arrived in Dublin Castle as under-secretary in 1902 with the clear objective to reform the Irish administration.[42] His pursuit of administrative reform

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[37] Ibid.,p3.
[38] Maurice Headlam, *Irish Reminiscences*, (1947), p196; O'Halpin, *Decline of the Union*, p139, 177.
[39] Charles W. Magill (ed) *From Dublin Castle to Stormont the memoirs of Andrew Philip Magill, 1913-1925*. P24.
[40] *Royal commission on the civil service second appendix to the fourth report of the commissioners, minutes of evidence 9 January 1913-20 June 1913 with appendices.* Parl. papers 1914, XVI, [Cd.7340] 363
[41] TCD ms 3918A, David Harrel, *Recollections and reflections*, pp157-8.
[42] O'Halpin, *Decline of the Union*, 33-6.

was embodied in the 1904 devolution proposal and the even more ambitious Irish Council bill of 1907. In both cases his model was India, where he had blazed a dazzling trail with the autonomous provincial councils that he had set up there.[43] His pursuit of ambitious plans for reform of the Irish administration, with a greatly strengthened chief secretary's office working in co-ordination with locally elected representatives and with financial autonomy, brought down the two chief secretaries Wyndham and Bryce and ended the policy of constructive unionism. Because he thought administrative reform was a non-political question he assumed that everybody else would think the same. In his view the Irish administration system was uncoordinated, irrational, profligate and inefficient.[44] The Irish Council bill failed and MacDonnell retired but he never lost faith in his own wisdom and, in his contribution to a series of essays on the 1912 home rule bill, returned once again to his argument that the problem with the Irish government was the lack of centralised control over the many state agencies working in the country.[45]

MacDonnell's method on the royal commission was to examine the heads of departments first and then to listen to representations from that head's departmental staff after. His first witness was his successor as under-secretary Sir James Brown Dougherty. The confusion as to the authority exercised by the lord lieutenant over the Castle apparatus is evident in the presentation of Dougherty. Their inability to agree on which departments were inside and which outside the control of the lord lieutenant underlines the fact that despite the decades of debate the Castle was still a labyrinth of

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[43] Ibid.,pp 44-51.
[44] Ibid., pp74-6.
[45] Lord MacDonnell of Swinford, 'Irish administration under home rule' in J.H. Morgan (ed) *The New Irish Constitution: an exposition and some arguments* (1912) pp50-80.

dispersed authority.[46] MacDonnell quickly took up where he had left off on his departure from the Castle and he and Dougherty debated at some length the pros and cons of the diffusion of authority within the Irish government. Dougherty was willing to concede that though the chief secretary answered to parliament for most of the Irish departments the Castle actually exercised very little control over the Irish government; he had responsibility but no authority. The DATI was independent of the chief secretary and the CDB acted as if it was independent of everybody. The LGB answered to the Treasury and was outside the jurisdiction of the lord lieutenant, as were the various educational boards, the Commissioners of Public Works, the clerical establishment of the Four Courts and of course all the Whitehall departments which operated in Ireland. These were all government organisations that operated in Ireland but were free of Castle control.[47] However Dougherty was not prepared to concede to MacDonnell on the implied irrelevance of the Castle. Noting that the 'young gentlemen' of the Treasury (and perhaps by implication MacDonnell) could never grasp that the Ireland was in fact a 'quasi-separate government' and that 'the people of Ireland look to what they call "The Castle" despised as it is by many, for advice and guidance, and above all, they make it the repository of their complaints' Dougherty emphasised the symbolic importance of the Castle in Irish government.[48] For all its faults it alone embodied the state in Ireland.

For Dougherty the main problem in the Irish government was not the dispersal of authority but rather the power of a tight-fisted Treasury. He had only five first class clerks to handle the entire judicial, financial and administrative work of the office and two of these were in London during the parliamentary session. Despite

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[46] *Royal commission on the civil service second appendix to the fourth report of the commissioners, minutes of evidence 9 Jan. 1913-20 June 1913 with appendices* Parl. Papers 1914, XVI [Cd.7340] 363. (MacDonnell Commission). evidence of Sir James Dougherty,.
[47] Ibid.. Paras 181-90.
[48] Ibid.

repeated appeals to the Treasury for more first class officers they had actually attempted to cut Dublin's higher establishment. The paucity of first class posts meant that ambition was stifled. Dougherty was utterly opposed to the Treasury's preferred option of appointing temporary clerks to deal with extra work but he did agree with MacDonnell that there was no marked line of division between the work of the first and the second division men in his office.[49]

Sir Henry Robinson was one of the Castle unionists who ran a frankly sectarian department disguised as a mix of 'sensible' English, 'accurate and cautious' Scottish and 'brilliant and resourceful' Irish.[50] Robinson ignored the treasury gradations of first and second division clerks, retaining his own upper and lower division and abstractor class. He made no bones about preferring English and Scottish in his upper division, men who 'looked upon our political dissensions with a certain amount of indifference'. His main complaint was against the Treasury attitude that maintained pay scales in the Irish LGB substantially below those in the English LGB, frustrating his desire to see his department as a first division office.[51] Lemass confined himself to answering MacDonnell's queries with points of information on the staff of his office, as did Sir John Barton of the Commissioners of Valuation and Arnold Graves, though Lemass did offer an opinion that the clerks of his department were doing well. T.P Gill represented the DATI, the most modern of the Irish departments. Gill had a strong dislike of the first division civil servants that 'come in with a notion from the manner in which they have been brought in and the privileged position in which they are placed in the service from the first, that they are, so to speak, of superior clay to the men of the other divisions they find in the office'. He

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[49] Ibid.
[50] Ibid., evidence of Sir Henry Robinson.
[51] Ibid., paras 109-209.

preferred a single entry grade with promotion to the top of the service through ability and time.[52] In this he was close to the opinion of the civil service representatives.

Civil servants, who described themselves as delegates of various classes and grades, presented the views of the staff of Dublin Castle (Appendix. Table 3: *Irish civil service witnesses to the McDonnell commission on the civil service*). A few of the staff representatives were already prominent on the 1911 committee; John J. Duffy and A.E. Ashley, assistant clerks and Patrick McGuinness, Sam Sloan, J.M. Flood and R.Kent, second division officers; others were to become so in the organisations of the war years. Most of those who gave evidence to MacDonnell had not previously acted as staff representatives. However in contrast to the 1911 committee which was dominated by the higher division and departmental heads, the representatives who gave evidence to the MacDonnell commission were from the temporary clerks, lower grades and second division.

It has been said that it takes three things to fit out a civil servant; a bowler hat, an umbrella and a grievance.[53] The Dublin Castle civil servants were exceptionally well fitted-out with grievances. These were the lack of promotional opportunities and the related problem of patronage appointments, lower grades doing work indistinguishable from the higher grades, and the chronic insecurity of the temporary clerks. As well as supporting Patrick McGuinness, the second division clerks' delegate, the second division staff of the RGO submitted their own memorial. The memorial complained that the work that they were doing was not routine but required highly technical and specialised knowledge that would be more properly described as the work of first division officers. They were also unhappy that posts that formerly were promotional posts open to the second division had been professionalised and

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[52] Ibid, 223-40.
[53] M.J.Gallagher, 'memoirs of a civil servant 1895-1974',p4 (typescript in the possession of his son Rev. Colm Gallagher, Arklow, Co. Wicklow)

turned into patronage appointments in the gift of the departmental head. T.W. Smith, representing the second division officers of the General Valuation Office, echoed the complaint of promotional posts being closed of by re-grading them as professional grades. Smith was an Englishman who had been transferred to Dublin and found himself in a promotional dead-end. The lack of promotional opportunities was also the complaint of the second division officers of the education boards, the land commission and the DATI. These officers all placed the blame for this at the door of departmental heads exercising patronage by professionalising former promotional posts. The outdoor posts of the LGB were a notorious case of patronage as all were in the gift of Robinson. MacDonnell got quite annoyed at the insistent reference to professional posts as patronage posts and the implication that corruption was at work. In his view the increasing professionalisation of higher posts was exactly the sort of direction he favoured the Castle administration taking. The alternative was an amateur service in which, by merely waiting long enough, the passage of time would deliver the higher posts. The assistant clerks of the LGB also complained that there was no distinction between the work they did, and they were all examination entry, and the work of the second division men and that therefore there ought not be any distinction of pay or rank. Another block on promotion alluded to, and one that in some sense contradicted the picture painted by the civil service witnesses, was the popularity of the Castle amongst the Irish civil servants working in England who all competed for any Dublin posts that came available.[54]

Most of the Irish civil service witnesses represented departments and grades within departments and none claimed to speak on behalf of a permanent organisation. The grades that did make such a claim were the most marginal within the service; the

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[54] MacDonnell commission, evidence of staff representatives, 602-674

temporary clerks and the women clerks of the post office. The temporary clerks occupied a difficult position, and perhaps because of this were the best organised. The Irish Temporary Clerks' Association (ITCA) claimed to represent two hundred and fifty of the four to five hundred temporary clerks in Dublin Castle. Their demand was for permanent status, a demand that was bound to be resisted by both the permanent staff and the Treasury. As temporary clerks they had entered the civil service without any examination. The permanent officers assumed that they had all got their posts by either political influence or through the patronage of the departmental heads and saw them as a further block to promotion. The Treasury reluctantly allowed temporary appointments as a compromise with the demands of the Irish government for increased staff.[55]

Not only was the Association of Post Office Women Clerks (APOWC) the only women's association to represent Irish opinion to the MacDonnell commission, it was also the only British-based one to do so. Women were employed in large numbers by the post office. In 1903 the women clerks had responded to a cut in pay by organising the association. The association, along with the Federation of Women Clerks, later amalgamated to form the first women civil servants' trade union, the Federation of Women Civil Servants.

MacDonnell recommended that all of the administrative, formerly first division, class of civil servants should be recruited on common scales of salary with a strict adherence to the principle of open competition and that the Irish administration should have more administrative officers. He also recommended an inquiry into the question of trade union organisation within the civil service with formal machinery for assessing staff grievances on pay and conditions. These recommendations were

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[55] Ibid, evidence of the Irish Temporary Clerks Association, 553.

suppressed with the outbreak of war but they established a benchmark for the civil service organisations.

In 1913, as MacDonnell was investigating the civil service, another inquiry was being conducted by a select committee into the staffing of the post office.[56] The post office trade unions were considered the most militant and best-organised branch of the civil service. That militancy may well have been a consequence of the unequalled reputation of the post office as the most reactionary and autocratic government department, a reputation it retained into the post-war years.[57] In 1906 the Association of Post Office Servants had been given official recognition by the government and was allowed to submit memorials in individual cases on behalf of its members. This had been conceded in the hope that it would curb the practice of using parliamentary question time to pursue these cases. It did not in fact end the use of parliamentary questions but it did encourage the spread of organisation. The government used recognition, or the threat of the withdrawal of recognition, to discipline and control the post office organisations. The Irish branch of the Irish Postal Clerks Association (IPCA) had its own journal, the *Irish Postal and Telegraph Guardian.* In the January 1909 edition the *Guardian* had attacked a supervisor in the Dublin sorting office in extremely intemperate language, describing him as a 'Petty tyrant and official crawler who out-Herods Herod'. This led to the withdrawal of recognition of the association but that did not inhibit the *Guardian.* As the select committee met the journal published another attack on the vindictive and over-heavy supervision in Dublin, as well as shady practices in the management who, it was alleged, gave unfair promotions even to illiterates. Mr. J. Normile, representing the IPCA, in giving evidence to the select committee dismissed recognition as a 'barren

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[56] *Minutes of evidence taken before the select committee on post office servants (wages and conditions of employment)* Parl. Papers 1913, XI, 268.
[57] *The Civilian*, 2619, vol XCVII, 31 Jan 1920.

concession' because appeals to London by the Irish postal staff were ignored anyway. The demands of the Irish staff were for open competition for jobs, an end to female employment so far as possible, higher wages, and promotion by seniority as a right instead of by favouritism or through the religious bias of either Catholic and Protestant officials.[58]

By a happy coincidence four of the more prominent civil servants in the Castle wrote memoirs of this period.[59] The memoirs of Robinson betray his condescension toward the Irish peasantry whose dependency on his largesse confirmed his position. His memoirs are a striking contrast to those of W.L. Micks of the CDB, which reveal a passionate advocate of local autonomy and who valued local initiative, though he was unpopular with both his staff and the Treasury. Andrew Magill's memoir is relentlessly anecdotal and largely unaware of the larger forces at work within the state administration, a characteristic that he shares with Maurice Headlam. Headlam's reminiscences reveal a functionary for whom the business of administration was an unwelcome interruption to his fishing expeditions. The impression conveyed by these several memoirs is of an administration crumbling under the pressure of sectarian suspicions and the corrosive effect on the state of political civil servants. With officials like these Dublin Castle could no longer facilitate political or administrative development, if it ever did, in fact it obstructed it.

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[58] *Minutes of evidence taken before the select committee on post office servants*, evidence of Mr J. Normile, paras 12829-13364.

[59] Charles W. Magill (ed), *From Dublin Castle to Stormont the memoirs of Andrew Philip Magill, 1913-1925* (2003); Micks. *An Account of the Constitution, Administration and Dissolution of the Congested Districts Board;* Henry Robinson, *Memories: Wise and Otherwise* (1923); Headlam, *Irish Reminiscences*.

CHAPTER THREE

WAR, REBELLION AND THE CIVIL SERVICE, 1914-18.

The First World War clarified the role of the state as it took on the task of mobilising the entire resources of the nation to win the war. This new role dwarfed the previous expansion of the state under the Liberal government of 1906 and the civil service was tested to near-destruction by the demands of 'total war'. New tasks could not be accomplished by old methods and the Treasury lost control of staffing in the new departments created to fight the war, especially the vast Ministry of Munitions which grew from nothing to a staff of 25,000 by 1918, controlling 250 factories and employing 2 million workers.[1] Administrative revolution also occurred at the other end of the scale with the creation of the inner cabinet office.[2]

A new British army was quickly recruited as hundreds of thousands volunteered. By war's end five million men had enlisted. The uncontrolled volunteering of 1914-16 rapidly distorted the labour force and necessitated the recruitment of young boys, women and temporary and part-time workers. These were rapidly "skilled-up" as trade unions were forced to relax demarcation boundaries, though these new workers continued to be paid unskilled labourer rates. The long war caused inflation in food prices and rents, which in turn led to wage militancy with waves of strikes in 1917 and 1918 as it became apparent that the war was profiting the

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[1] Pugh, *State and Society*, p150.
[2] Peter Hennesssy, *Whitehall* (1989) pp 52-80.

owners of the war industries who had guaranteed prices and markets along with a skilled workforce on unskilled wages. The government was forced to intervene by introducing food rationing, price controls, and centralised wage bargaining. These controls led in turn to a further expansion in the size of the civil service. One of the most striking changes in the culture of the civil service due to the war was the growing employment of women in every department as they were substituted for enlisted men. Segregation between men and women broke down and most departments had some women working alongside men by war's end. The rapid and uncontrolled expansion of the service also led to a big influx of temporary civil servants who were far less deferential and respectful of the civil service traditions than those they replaced.[3] For all grades of workers, not least the civil service, the pervasiveness of the state meant that the highest gains were to be made by a closer engagement with the state and a race developed to exert the greater pressure on the government.

The wartime growth in the size and complexity of the state in Great Britain was not matched in Ireland. This was an era of bold experiment in the organisation of the state in Britain, but not in Ireland, where any attempt to improve the administration ran the danger of being interpreted as an attempt to pre-empt the decisions of the now imminent home rule government. The general expectation of home rule and the marginal importance of Ireland to the war economy meant that in an era when the strong state emerged, the Irish state atrophied. Many of the professional civil servants in Ireland were transferred to war work. The DATI enjoyed a new status as it led the drive for increased food production.[4] Branches of two new departments were established in Ireland, the Ministry of Food and the

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[3] Humphreys, *Clerical Unions*, p78.
[4] Mary E. Daly, *The First Department A History of the Department of Agriculture* (2002) pp60-1.

Ministry of National Service.[5] At the same time, as expenditure not related to the war effort was severely curtailed, most of the other Irish departments faced paralysing cuts, in particular the CDB land redistribution plans, though the government remained aware of the political dangers of too severe an economy drive.[6] Eventually, as the war dragged on, even the DATI that initially was so important in the drive to increase food production faced cuts in budget and staff.[7]

The most immediate result of the outbreak of war was the suspension of home rule. As the war dragged on and the Ulster Unionists entered the war cabinet in May 1915 the likelihood of it ever being realised diminished. However that home rule was not likely was never admitted and the Castle remained in the limbo of anticipated change that forever receded into the future. As war transformed the British state the Castle became anachronistic because it remained the same. The war and the 1916 Rising also revealed that the civil service harboured elements hostile to the state that previously could assume their loyalty.

In September 1914 the new under-secretary, Sir Matthew Nathan, arrived to a difficult situation. Although home rule had passed into law the outbreak of war had led to its immediate suspension 'for the duration'. From the beginning Nathan was unpopular with the Castle civil servants not only because he was a Liberal home-ruler amongst die-hard Tories but also because he brought G.P. Kurten from London as his own private secretary with him, snubbing the established staff in the under-secretary's department for whom this was an eagerly sought-after promotional post. In the world of Dublin Castle, with limited opportunities for promotion, civil servants usually distinguished themselves by acting as private secretary to the permanent head of a department, or to a minister, or by acting as secretary to a commission or

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[5]McDowell, 'administration and the public services', pp598-9.
[6]O'Halpin, *Decline of the Union*, pp111-12.
[7] Daly, *The First Department*, p60.

departmental committee.[8] As soon as he arrived Nathan was the recipient of complaints at the lack of opportunity that Dublin presented and requests to be transferred to London where prospects were better.[9] Brennan, who as first division officer in the CSO was effectively passed over, was warned by J.P. Crowley, a fellow Corkman in the London service, to act with circumspection because a private secretary brought in to the Castle 'is … a dangerous person to talk to with any expansiveness'.[10] This wise advice neatly illustrates the contradictions that were undermining the Castle administration. The fundamental basis of the relationship between the British civil service and the government was that a minister would always be clear as to what his senior civil servants thought on any issue, even if he choose to disregard their views.

A protégé of Joseph Chamberlain, Nathan had served on the Imperial Defence Committee and arrived in Ireland with a list of steady achievements as a Royal Engineer and administrator in the Sudan, Sierra Leone, Gold Coast, Hong Kong and Natal Province. Nathan was also Jewish and therefore, being neither Catholic nor Protestant, an unwelcome exotic. His new duties in Dublin 'proved more difficult than any he had yet undertaken'.[11] Walter Long sent him a 'friendly' warning to avoid the fate of Lord MacDonnell who tried and failed to reform the Irish civil service and succeeded only in destroying the confidence of the ordinary civil servant.[12]

Nathan's job as under-secretary was twofold; firstly to cut expenditure in the Irish administration and secondly to prepare it for transfer to a future home rule

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[8]UCDAD LA24, Duggan, Life of a civil servant; Lawrence W. McBride, *The Greening of Dublin Castle the transformation of bureaucratic and Judicial personnel in Ireland, 1892-1922* (1991), p182; O'Broin, *No Man's Man,* pp30-31.
[9] Oxford, Bodleian library, Nathan papers, ms.454 f.4-5.
[10]O'Broin, *No Man's Man*, pp30-31.
[11] Colin Newbury, 'Nathan, Sir Matthew (1862-1939)' *Oxford Dictionary of National Biography.*
[12] Oxford, Bodleian library, Nathan papers ms.455 f.222.

government which would come to power after the war.[13] The former was achieved by delegating the duties of retired officials to lower-ranking civil servants, and by freezing recruitment and promotions. In the CSO Laurence Dowdall was pensioned off and his post suppressed. Though Duggan had to do Dowdall's work with no extra pay, the assistant under-secretary Edward O'Farrell received an extra £150 extra per annum to supervise Duggan. Leave was suppressed to as few days as possible.[14] The ILC was instructed to end the temporary contracts of barristers working on land transfers as the commission had its moneys for land purchase cut off by the Treasury.[15] But there were some limits to the economies that Nathan could enforce. Sir Henry Robinson reacted with alarm to the news that Nathan claimed only third class fare for journeys undertaken for official purposes. Robinson nervously queried whether the journey had in fact been in the third class carriage or whether it was only the claim was made at this rate. He was relieved to be assured that although Nathan himself always travelled third class he was not intending to lay down any rule for the civil service generally in the matter.[16]

To prepare for home rule and to brief them on the mechanics of government (on which, to the amusement of Nathan, they were wholly ignorant) he had a series of meetings from February to September 1915 with Dillon and Redmond, along with the Irish party's financial expert J.J. Clancy. For some of the meetings Francis Greer accompanied Nathan.[17] These meetings had to take place in Dillon's own home in North Great George's Street such was the almost pathological hatred of the Irish nationalist leaders for Dublin Castle.[18]

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[13] Ibid., ms. 454 f.29.
[14] UCDAD LA24, Duggan, Life of a civil servant.
[15] NLI ms 26,151Joseph Brennan papers 'memos of interviews Nov 1914-Jan 1916'.
[16] Ibid., 'interview Sir Henry Robinson 12 Jan 1916'.
[17]TCD Dillon Papers, ms.6801/156-182.
[18]O'Broin, *Dublin Castle and the 1916 Rising*, p39

The discussions were principally concerned with rationalising and reducing the staff in the many and varied departments of the Irish government. Nathan had little interference from Redmond or Dillon as he pushed forward with his own plans for a drastic reduction and reshaping of the Castle machine. These would have brought the Irish government into line with the evolving British model of each department of state being under a political head answerable to parliament, advised by his permanent officials. David Harrel had suggested these changes earlier to Wyndham when he took up the post of chief secretary, so they were well known and un-controversial.[19] Nathan suggested a government of eight ministers; prime minister, finance, justice, local affairs and public health, lands and agriculture, trade and industry, education, posts and telegraphs. The minister of finance was to assume immediate responsibility for civil service pay and conditions and departmental administration.[20] As Greer pointed out, the home rule act did not transfer any of the existing department to the Irish government. Instead it empowered the lord lieutenant to establish new departments for the administration of Irish services except those for which the Irish government has no power to make laws. However as many of the existing Irish departments performed both Irish and imperial services, it would be necessary for the two governments to make agreements to divide up the work hitherto performed by a single Irish department.[21] This would of course be of vital concern to the civil servants in those departments, who could end up working for either government. Would they be allowed choose? The secretary of the Board of Works had already signalled his bafflement as to how he could allocate the work of the board between transferred and reserved services. His best estimate was about one third imperial for the work of the surveyors, the engineers could be taken as wholly Irish as

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[19] TCD ms.3918A, David Harrell,'Recollections and reflections' p157.
[20] TCD Dillon papers, ms.6801/161, meeting 17 Feb. 1915.
[21] Ibid., meeting 24 feb. 1915, memorandum by Sir Francis Greer.

were the land loans staff, but the drainage engineers were wholly imperial. The puzzle was how it could be possible to transfer services without transferring staff?[22] Nathan expected the heads of the departments to co-operate in the transfer of authority and reshaping the administration. He asked the heads to supply him with confidential memorandum on what adaptations would be required in their departments in order to bring into line with a more streamlined administrative system of seven departments under an Irish prime minister sharing responsibility with the London administration.[23] The CDB refused to co-operate, taking the high view that it had nothing to do with Dublin Castle and should answer only to the Imperial parliament.[24]

At these confidential meetings Redmond and Dillon brought no ideas of their own, they simply reacted to those of Nathan. In some respects this was the usual relationship between a political head and his senior civil servant. Redmond, it could be said, had signalled for years that he wanted cheaper and more efficient administration and an end to the 'ridiculously extravagant' Castle system.[25] Nathan as a senior civil servant was bringing forward ideas to accomplish that objective, but Redmond and Dillon had the final determination. However the suspicion that Nathan's advice may have been shaped by British rather than Irish interests did not seem to have crossed the mind of Redmond or Dillon. The emphasis of Nathan's advice was always on avoiding conflict between the Irish and the British governments and little thought was given to the relationship between the new home rule executive and the existing civil service. Even in the case of the completely new finance department Redmond and Dillon were oddly passive, Dillon merely enthusing that they regarded the British system of Treasury control as the 'best in the world'. Nathan

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[22] NLI ms 26,149 Joseph Brennan papers, letter secretary OPW 26 Apr 1913.
[23] TCD, Dillon papers, ms.163, meeting 24 Feb. 1915.
[24] Ibid.,, ms.167, meeting 11 Mar. 1915.
[25] John Redmond, *Ireland's Financial Relations With England: the Case Stated* (1905) p4

advised that the new department be staffed on 'necessarily economical lines rather than on the past extravagances of the Irish administration'. In this he was merely echoing nationalist rhetoric. The only intervention was when Dillon disagreed on the appropriate salary scales for the departmental heads. Dillon interpreted Nathan's suggestion of a rate below that of London as a slight on the status of the Irish government and insisted on London rates of £2000 for the secretary of the department of finance and £1,500 for all other departmental heads.[26] Nathan strongly urged Redmond, who did not demur, not to appoint 'civil service types' to represent Irish interests on the joint British-Irish Treasury board, on which they would have two members, but apart from the permanent head of the Irish treasury to 'go for someone to speak with authority for the industrial and manufacturing section of the community'.[27] These qualifications and the phrase "section of the community" would have been taken as spelling out a Protestant Unionist.

Nathan also got Redmond to agree that the Irish government would continue to use the British civil service commissioners for recruiting and examining candidates for employment in the Irish civil service.[28] This would mean perpetuating the stranglehold of the Oxbridge colleges on the elite administrative division and higher posts in the civil service. That Redmond did not demur signals his utter fixation on the representative aspects of home rule along with a disregard for the reality of executive authority. The main argument in favour of home rule advanced since the days of Isaac Butt and repeated by Redmond himself when he described the Castle administration as a school of experimentation for English "shake-beggars", was that Ireland was grossly misgoverned by the very system that he now blithely agreed to

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[26] NLI ms 26,174 Brennnan papers, 'conference 2 July 1915'.
[27] TCD, Dillon papers., meeting 5 Mar. 1915.
[28] Ibid.,6801/167&182.

perpetuate.[29] This was precisely the response of Maurice Headlam who was hugely amused at being asked by Nathan to suggest suitable staff for an Irish department of finance; 'one of the chief arguments for home rule has always been the necessity for governing Ireland according to "Irish" ideas. The Treasury is regarded here as the embodiment of "English" ideas. Hence it is not without humour that you should ask a Treasury official for guidance for an Irish Treasury and that the politicians should be unable, or unwilling, or forbidden by the government which has encouraged the "Irish ideas" theory to evolve any scheme of their own'.[30]

In fact Nathan was deeply pessimistic as to the viability of an Irish Treasury. The insurmountable problem for an Irish department of finance was the elaborate safeguards of the home rule act securing the status of the Irish civil servants. The finances of the home rule scheme were premised on reducing the size and cost of the administration of Ireland, yet if the Irish government was to observe the safeguards attached to the civil service it would be fatal to economies. But if the Irish government, in pursuit of economy, violated the conditions of service of the civil servants it would entitle the officers to the 'most liberal compensation payable'.[31] Before it even came into existence the Irish government had lost the battle to economise because the Irish civil service had already won it. If the 1914 Act had in fact been put into force the British exchequer would have had to come to the immediate rescue of the Irish treasury.

In November 1915, following the establishment of a similar committee in Britain, an Irish retrenchment committee was established. The function of the committee was to generate savings in the government of Ireland, savings that would

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[29] Redmond, *Ireland's Financial Relations*, p5.
[30] NLI ms 26,175, Joseph Brennan papers, 'memo prepared by Maurice Headlam 1 April 1915'.
[31] Ibid., 'memorandum on the irish dept of finance'.

go to the war effort.[32] This committee soon proved as much a failure as previous attempts to cut Irish expenditure. When the Irish party realised that the savings in the Irish administration were not going to be applied in Ireland but were to be transferred to Britain they boycotted the committee. Redmond was also afraid that allowing Whitehall complete freedom of action in Dublin Castle might create difficulties for a future home rule administration. The retrenchment committee retreated behind the hope that Dublin Castle would 'carry still further the scrutiny of expenditure which has already taken place'.[33]

By mid-1915 the early enthusiasm for volunteering was tailing off whilst the heavy losses on the western front were leading to a crisis of military manpower. Allegations that sections of British manhood were shirking their duty led to calls for enforced conscription, a course which had been resisted by the Liberal party. The "Derby Scheme" whereby men could attest to their willingness to serve if eventually called upon was an attempt to stave off compulsion. Men who attested their willingness to serve were given a half-crown and an armband signalling their new status. The scheme ran from October to December 1915. The failure of the scheme to make up the required numbers cleared the way for conscription in January 1916.[34] However conscription was more a mechanism for enforcing fairness than a militarisation of British society. In Britain the unflagging level of mass participation and assent to 'total war' contrasts with the detached, and in some cases outright hostility, of most Irish opinion.

The British civil service had, like the rest of British society, been swept up in the initial enthusiasm for the war. Departmental heads, fearful of the disruption that

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[32] Oxford, Bodleian library, Nathan papers ms.453 f.155.
[33] *Second report of the committee on retrenchment in the public expenditure*, Parl. Papers 1914-16, XXXIII [cd.8139] 375; Headlam, *Reminiscences*, pp69-70; Maume, *Long Gestation*, pp173-4.
[34] R.J.Q.Adams & Philip P. Poirier, *The Conscription Controversy in Great Britain 1900-18* (1987). pp 119-43.

would follow a mass exodus of staff into the ranks for a war that 'would be over by Christmas', simply refused permission to enlist on the grounds that the staff member was essential to the war effort. But the failure to win by Christmas and the pressure on recruitment mean that the civil service had to be seen to carrying its share of the burden. In June 1915 the War Office called on civil servants to enlist, promising they would continue to receive the same salary and that they would not lose out in seniority or years of service. This call was taken up by the heads of the government departments in Dublin Castle who circulated every man of military age on their staff, urging them to join up.[35] The Irish civil service proved reluctant recruits, particularly when compared to the English and Scottish officers. A return of the Irish civil service, prepared but never published, shows that of the 3,004 civil servants of military age in the Irish civil departments at the outbreak of war, excluding the postal and revenue departments, only 823 had enlisted by April 1916. That is about twenty-seven per cent. In comparison fifty-four per cent of the English and sixty-two per cent of the Scottish civil servants had joined up.[36] The only department of the Irish government to show any degree of enthusiasm was the lord lieutenant's household, made up of military men for the most part.[37]

The Northcliffe newspapers led the campaign on the recruiting question and the alleged cowardice of the civil service. These featured farcical accounts of unlimited numbers of 'young shirkers' hiding in government departments, labelled 'funkholes'. These were to be 'rounded-up' and 'combed out'.[38] Civil servants who had applied to join up in 1914 but were refused permission as 'indispensable' were increasingly resentful at the press campaign, the attitude of the War Office and the

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[35] O'Broin, *No Man's Man*, pp37-9.
[36] NAI, CSORP 1916/25,469 & 26,040 'notice for parliamentary question 12 Oct. 1916'.
[37] NAI CSORP 1917/10,637 'files relating to civil servants in receipt of army pay'.
[38] *Red Tape*, no.62, vol.VI, Nov. 1916.

failure of their departmental heads to defend them. Denied the privilege of volunteering when they had a choice of units and having endured the white feathers of 'patriotic young misses', they now faced compulsory conscription into the infantry and the certainty of being pushed up to the trenches and the front-line.[39]

Nathan was a keen supporter of the drive to recruit civil servants of military age in Ireland. He dismissed their work as essentially elementary for the most part and said that they would be of better service defending the empire.[40] In Dublin Castle Nathan put pressure on the temporary second division clerks to enlist by threatening them with discharge at the end of their period of employment. It was implied that should they be lucky enough to survive the trenches they would be certain of a permanent position after the war. Dillon was unhappy at Nathan's bullying offer of enlistment or dismissal, especially as the Castle had not established equivalents to the British military tribunals empowered to determine exemptions to military service.[41] That Nathan was issuing the threat suggests both that the second division men were refusing to enlist and also that he regarded that refusal as unacceptable in any servant of the crown, even a temporary one. Most significantly, it signals the extent to which many of the lower-ranking Irish civil servants regarded the British state as simply their employer and to whom they owed no more than the contractual loyalty due to any employer.[42] Most civil servants were of the opinion that the war in France was 'not our war', and, with home rule imminent, 'the better part of valour was to stay at home and await developments'.[43]

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[39] Ibid., no.68, vol. VI, May 1917.
[40] Oxford, Bodleian library, Nathan papers, ms.450 f.210.
[41] NLI ms. 26,189 Joseph Brennan Papers "memorandum of interview with Mr John Dillon 16 Mar. 1916".
[42] O'Broin, *Dublin castle and the 1916 Rising*, pp 37-9,77.
[43] Gallagher, Memoirs of a civil servant, pp9-11.

However, amongst the Irish civil service there was a minority for whom opposition to enlistment was an expression of deep-seated hostility to the British state. As well as bearing the usual metropolitan scorn for the Dublin Castle administration, Nathan quickly became deeply suspicious of the loyalty of the Irish civil service.[44] Shortly after his arrival he reported that there were 'a good number of the lower officials in this undesirable organisation Sinn Féin...and we shall have to put a strong check on their increased activity'.[45] Nathan's category "Sinn Féin" covered all anti-recruitment and nationalist organisations. Nathan tried to use conscription to get rid of some of the more prominent 'Sinn Féin' officials. Under pressure to reduce the staff of the ILC he allowed seven of the staff to enlist, despite the disruption that their loss entailed, and proposed to transfer the 'prominent Sinn Féiners' Rooney, Sheehan and O'Hehir to London, thus creating a paper reduction in staff of ten men.[46]

During the Hardinge commission hearings into the Rising Nathan suggested that many in the Irish civil service had a 'pious dislike' of England arising from the opinion that England had treated Ireland badly.[47] The move from a dislike of government to actively participating in a revolutionary attempt to overthrow that government does require explanation. Civil servants acquired a deep identification with the state as part of their training and sometimes came to regard themselves as a better guardian of the public interest than their political masters. The motivation of those civil servants who joined a revolutionary movement actively working against the state therefore goes against the grain. For many civil servants their introduction to separatism was initially cultural rather than political. The progress of a section of the civil service from the cultural organisations like the Gaelic League and GAA, to the

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[44]Robinson, *Memories Wise and Otherwise*, p223.
[45]Quoted in O'Broin, *Dublin Castle and the 1916 Rising*, p32.
[46] Oxford, Bodleian library, Nathan papers, ms. 450 f.169-170.
[47]*Royal Commission on the rebellion in Ireland, minutes of evidence and appendix of documents* Parliamentary Papers 1916, XI, 185 [cd. 8311], p17-18.

political organisations like Sinn Féin, the IRB and finally the Irish Volunteers is a barometer of the growing alienation of these Irish civil servants from the British state. The Gaelic League was formed at a meeting held in Martin Kelly's Civil Service grind school at 9 Lower Sackville Street and civil servants dominated the first executive. Eoin MacNeill, founder of both the Gaelic League and the Irish Volunteers, was a clerk in the Accountant-General's office at the Four Courts, the only Catholic on the permanent staff of the office.[48] The membership of the Keating branch of the Gaelic League, presided over by Father Dineen, was mostly civil servants and teachers. The Gaelic League and the GAA were typical of the sort of self-improvement society that always proved attractive to the middle class ethos of the civil service. However membership of cultural nationalist movements initially did not mean an automatic sympathy with political nationalism. James Kavanagh, a clerk in the Board of Works in Dublin Castle, 1916 volunteer and later secretary of the Dáil Éireann department of local government, reckoned that many of the teachers and civil service members of the Keating branch of the Gaelic league were antagonistic to his separatist politics. He recalled that on one occasion the Keating branch was riven by a dispute when a woman member insisted on playing 'God Save the King' on the piano as the king being above politics, it could not be a "political" song.[49] But for many civil servants these cultural movements were the initial introduction to "Irish-Ireland" ideas that then led to the more advanced separatist politics of the Irish Volunteers, the IRB and Sinn Féin.[50] Take out the civil servants (nearly all lower ranking grades) and the separatist movement looks a lot less formidable; Michael

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[31] Michael Tierney, *Eoin MacNeill Scholar and Man of Action 1867-1945* [F.X.Martin ed.] (1980). p9, 25.

[49] NAI, bureau of military history, witness statement 889, James Kavanagh.

[50] E.g. NAI, bureau of military history, witness statement 804, Mortimer O'Connell (Cutoms and Excise); 848, Harry C Phibbs (Cuchullain Clubs); 334, Eugene Smith (Dublin Castle official) 683 Hugh Hehir (Irish Land Commission); 889, James Kavanagh (Post Office).

Collins, Richard Mulcahy, Ernest Blythe, Liam Archer, Eamon Broy, Alf Cotton, Con Collins (who was arrested in Tralee trying to make contact with Casement), Patrick J. Daly (who rose to become assistant secretary department of local government), Hugo Flinn, Diarmuid Lynch, Dr Conn Murphy, Joe O'Reilly (one of the Squad) and Diarmuid O'Hegarty. The civil service, by separating them from home and community, gave them independence and a cosmopolitan and critical outlook on Irish life.[51] What it did not do was create any identification with the state. However if the 'exile' from Irish life was too extended it diminished rather than increased the radicalism of the young civil servant. Michael Gallagher felt that he was well on the way to being 'poured into the mould of an ordinary Englishman' during his service in London, had he not secured a transfer to Dublin.[52] Michael, John and Maurice Moynihan were the sons of a prominent IRB man in Tralee. Michael was successful in the civil service exams in 1910 and joined the Inland Revenue in London. His correspondence with his brother John shows a gradual decline in radicalism and an absorption into the ethos of the British civil service. He eventually joined the Civil Service Rifles and then the King's Liverpool regiment and was killed in June 1918 at the front. His brothers John and Maurice, both republicans, had equally distinguished service in the civil service of the independent Irish state. What made the difference between Michael and his brothers was the years of independent living in London.[53]

The Irish Volunteer Convention of October 1914, whilst rejecting Redmond's call for the Volunteers to enlist in the British army, also adopted an openly revolutionary policy that included 'the abolition of the system of governing Ireland through Dublin Castle and the British military power and the establishment of a

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[51] Tom Garvin, *The Evolution of Irish Nationalist Politics* (1981) pp 100-02.
[52] Gallagher, memoirs of a civil servant, p6.
[53] Deirdre MacMahon (ed and intro), *The Moynihan Brothers in Peace and War 1909-1918, Their New Ireland* (2004).

National Government in its place'.[54] Nathan used this declaration to forbid members of the government service 'to belong to an organisation of which the avowed object was to thwart and injure that government'.[55] He prepared a circular to be sent to any civil servant suspected of associating with the Irish Volunteers but there is no evidence that the carefully drafted memorandum was ever actually distributed.[56] Joseph Devlin, MP for West Belfast, cautioned Nathan against suppressing the anti-war press but was prepared to support action against civil servants taking part in 'pro-German' meetings, by which he meant anti-enlistment activity.[57] As late as February 1916 Nathan was assuring Lords Midleton and Barrymore that he was taking action against civil servants who were taking part in 'Sinn Féin' activities.[58]

Dismissals occurred in the Inland Revenue, Ordnance Survey and the Post Office. Many of those dismissed were to prove significant revolutionary figures, a confirmation of Nathan's assessment. They included Austin Stack and Robert Monteith. Stack, who played a key role in the IRA, IRB and in the Dáil was dismissed from the Inland Revenue. Monteith, dismissed from the Ordnance Stores, went to America and from there to Germany where he met with Casement and returned with him to Banna strand. Dismissal was one response to civil service disaffection, but deportation under the guise of redeployment was more frequent. Ernest Blythe, a clerk in the DATI, and Liam Mellows, a Post Office engineer, were both deported to England. P.S. O'Hegarty, the Postmaster of Queenstown, was deported to Welshpool in Wales.[59] John Cox, an excise-man in the port of Dublin, and P.F. Burke, excise-man in the Monaghan-Louth area and an IRB man, both of

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[54] *Royal Commission on the rebellion in Ireland, minutes of evidence and appendix of documents,* evidence of Sir Matthew Nathan.
[55] Ibid.
[56] Oxford, Bodleian library, Nathan papers, ms.454 f.256-8.
[57] NLI, Joseph Brennan papers, ms 26,151 'interview with Devlin 11 Nov. 1914'.
[58] Ibid., ms 26,189, 'memo of interview 29 Feb. 1916.
[59] O Broin, *Dublin Castle and the 1916 Rising*, pp 32-7.

whom were to be arrested after the 1916 Rising, were identified as 'active Sinn Féiners' and were pensioned off in order to be rid of them.[60] Other dismissals were petty. The postmistress of Dalkey was deprived of the post because her daughter was active in Cumann na mBan.[61]

In the aftermath of 1916 Nathan, however, could recollect only eight or nine men being actually dismissed because most civil servants when asked whether they were members of the Volunteers would say 'we do not deny it', which was not quite an affirmation of membership. The Volunteers remained a legal organisation and therefore civil servants who were members were not breaking the law, only regulations. To enforce discipline would require either specific evidence of membership or an admission, and in many cases Nathan had neither. It was believed by Nathan that the Volunteers took especial care to safeguard civil servants from observation by the police while on route marches.[62] Hugh Hehir, a civil servant in the ILC and later registrar of the Dáil Éireann courts in Co Clare, who had progressed through the usual cultural initiations of the GAA and the Gaelic League to the political circles of Sinn Féin, the IRB and the Volunteers, was ordered by Sean MacDermott to publicly sever connections with the movement after he had been identified by the secretary of the ILC as active in the Irish Volunteers.[63] Mortimer O'Connell, an excise officer and IRB man, was another civil servant directed to withdraw from Volunteer parades. O'Connell believed that Sean MacDermott had several IRB informants amongst the Castle departments besides O'Connell himself, that kept him informed on government policy changes.[64] Eugene Smith, a Volunteer

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[60] NLI, Joseph Brennan papers, ms 26,151 & 26, 164.
[61] Ibid., ms. 26,177, 'memoranda official interviews by Matthew Nathan, 4 May 1915'.
[62] *Royal Commission on the rebellion in Ireland, minutes of evidence and appendix of documents* evidence of Sir Matthew Nathan.
[63] NAI bureau of military history, witness statement 683, Hugh Hehir.
[64] Ibid, witness statement 804, Mortimer O'Connell.

and civil servant who escaped detection, claimed to have passed many sensitive documents over the years to the Volunteer executive, including plans for conscription, arms raids and the German Plot arrests.[65]

Dublin Corporation was another centre of disaffection identified by Nathan. Henry Campbell, the Dublin City Town Clerk, gave Nathan a list of persons whom he thought a danger to the 'safety of the realm' and who would cause embarrassment by calling strikes or worse in any moment of crisis. The list included John McBride 'a dangerous rogue', James Connolly, William Partridge, Edmund Kent (Eamonn Ceannt), John Fitzgibbon and Fred Allen.[66] The only senior civil servant prepared to speak in defence of the lower ranks was A.H. Norway, secretary of the Post Office, Ireland. Norway had been alert to the growth of separatist movements within the civil service, but he had been shrugged off by the Castle.[67] Vexed at the prominence given to allegations that the Irish Post Office was a hotbed of Sinn Féin agitation, Norway used the Hardinge commission to detail the steps that he had taken after the government forbad civil servants to join or remain in the Volunteers, in contrast with Nathan's passivity. In the period leading up to the 1916 Rising, as Irish Volunteer activity grew more intense he issued the following letter to every member of the postal staff alleged to be a member of the Irish Volunteers;

> Sir,
> The attention of the Postmaster General has recently been called to the fact that you are a member of the Irish Volunteers under the leadership of a committee presided over by Mr John McNeill. The Postmaster General has also been apprised of the open hostility of this organisation to recruitment in the Forces of the Crown and generally, to the Government under which you are serving. Of this, the public utterances of the leaders of the organisation and matter contained in the newspaper which purports to be its official organ are sufficient evidence. While it appears to the Postmaster

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[65] Ibid., witness statement 334, Eugene Smith.
[66] NLI Joseph Brennan Papers, ms. 26,177 'memoranda official interviews by Matthew Nathan, 4 May 1915'.
[67] Arthur Hamilton Norway 'Irish experiences in war' in Keith Jeffrey (ed) *The Sinn Féin Rebellion as they saw it* (1999) pp87-122.

> General that an openly hostile attitude towards the Government, such as is indicated by membership of the body referred to, by taking part in its exercises and by association with its leaders in its business would at any time be improper in a member of the Civil Service, such an attitude in the time of war on the part of persons entrusted with business of the State is fraught with risk to the country which no Government is justified in incurring. In those circumstances I am directed to call on you to cease all connection with the Irish Volunteers or any similar organisation or face dismissal.[68]

In the aftermath of the 1916 Rising the loyalty of the Irish civil service to the state whilst it was at war could not be taken for granted. But what can be done with a disloyal civil servant? At one extreme it could be argued that disloyalty in a servant of the crown was equivalent to treason, and the penalty for treason is death. In fact disloyalty in the civil service in Ireland was treated with considerable leniency. Every opportunity to retreat from separatist actions was offered. The incorrigible were simply dismissed, facing no other charge.

Within a week of the ending of the Rising the Ulster Unionist Craig was questioning the prime minister on the number of government officials arrested in the rebellion and what steps he proposed 'to clear out members of the Sinn Féin society from the postal service, land commission and other government departments'. Asquith's vague reply that 'steps were being initiated to ascertain which of the government officials were in anyway implicated in the recent disturbances' infuriated Craig who demanded a complete purge of any sympathisers from the government service.[69] The precision of Craig's focus on the Post Office and ILC was well informed as it was the officials of these departments were those most engaged in the Rising. The clerks of the ILC were well represented in the list of those deported;

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[68] *Royal Commission on the rebellion in Ireland,*, pp61-3, evidence of Mr A.H. Norway.
[69] NAI, CSORP 1916/14,575 'parl question, Col. Craig to PM 8 May'; *Parliamentary Debates*, [Commons], LXXXII, 283-4, 8 May 1916.

eleven in all.[70] Nathan called for a full statement from civil servants of their movements from noon on Saturday 22 April to noon on Monday 1 May, including where they stayed each night. This may appear particularly pointless as those civil servants who were active in the rebellion were by then in British gaols and the rest had been confined to their homes, but the statements were intended for future use to weed out those that had escaped detection and also the passive sympathisers. Each head of department was directed to ensure that all staff supplied a statement. These were then forwarded to the CSO. Officers missing or failing to provide a detailed statement were pursued. When the two clerks Francis Shouldice and Thomas Cotter of the NHIC, men already suspected of involvement in the Volunteers, failed to return to work after the Rising two senior clerks called to their homes where they were fobbed off with vague answers to their queries.[71] DMP detectives came to the offices of the ILC looking for Hugh Hehir. Hehir who had avoided public associations with the Volunteers after March 1915, remained a member of C Company under Thomas McDonagh. He also successfully resisted efforts to transfer him to London where he would face conscription. Ironically Hehir was in the dark about the Rising and spent Easter 1916 on holiday in Co Clare. Nevertheless he was arrested on his return and sent to Frongoch.[72] The statements of the staff were corroborated by checking details with the DMP or the military.[73] Of course there were also the usual anonymous letters informing the Castle about the suspicious behaviour of certain civil servants; 'I beg to inform you that a young man named John Roche of Seville Place employed in

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[70] NAI CSORP 1916/11,502 Irish Land Commission absent members deported.
[71] ibid., 1916/11,492 'staff statements NHIC 10 May 1916'.
[72] NAI bureau of military history w.s.683; CSORP 1916/11,501 Irish land Commission return of staff..
[73] NAI, CSORP 1916/7703 'general prisons board; /7709 'RIC office staff'; /7720 'Customs and Excise Dublin'; /11,391 'DATI staff'; /11,416 'Land Registry staff'; 11,495 'National Education Office staff'; /11,499 'DMP office staff'.

the Land Commission Office is a Sinn Fein Volunteer and was with them during the week of Rising in Dublin but escaped and got home...'[74]

A committee was appointed under Mr Justice Sankey to investigate individual cases of the over one thousand persons detained in the post-rebellion attempt to crush Irish separatist organisations.[75] About ninety civil servants were investigated, half of them in the Post Office.[76] There were immediate protests, especially from Pease in the Irish Post Office, at the deportation on the flimsiest evidence of many postal staff.[77] In some civil service cases it is clear that Sankey's inquiries were very brief. James Kenny, a civil servant and member of the 4th battalion of the Volunteers active in the GPO garrison was simply asked if he had any knowledge beforehand of the Rising and, on denying any such knowledge, was released.[78] Internees who expressed defiance or refused to co-operate were simply continued in detention.[79] Thus, except where there was evidence that the civil servant was in a leadership position, or was defiant, they were soon released. Naturally enough they then returned to their government offices, citing their release as evidence of their innocence of any wrongdoing. T.W. Russell accepted that Sankey's release of John Daly, an assistant agricultural overseer in DATI, exonerated him. He was reinstated in his post and paid the back money due since his arrest. Home Secretary Samuels immediately ordered his suspension dryly noting that 'it does not necessarily follow that because this man was released from internment in England he is a fit person to be employed by the Crown'.[80] The re-employment of these ex-internees, naturally enough, provoked the Irish Unionist MPs. In July Major Walter Guinness asked the prime minister about

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[74] NAI CSORP 1916/11,501 Irish Land Commission return of staff.
[75] O'Halpin, *Decline of the Union*, p126-7.
[76] NLI Joseph Brennan papers, Mss 26,194 'Sankey committee May-August 1916'.
[77] O'Halpin, *Decline of the Union*, p127.
[78] UCD bureau of military history witness statement 141, James Kenny.
[79] NAI CSORP 1916/21,649 Joseph Derham, land commission.
[80] Ibid., 1916/13,070, 29 July 1916.

the clerks Patrick Kelly, Patrick Sheehan and Robert Rooney of the ILC, who had fought in the rebellion, had been released by Sankey and returned to the land commission, where they were cheered as returning heroes, and were once again put in receipt of government pay. However the growing sympathy for the rebels was already affecting the interpretation of the Rising and Lundon, the MP for East Limerick, immediately accused Unionists like Major Guinness of using the rebellion to 'drive Catholics out of every government post in Dublin'.[81]

The cases of Sheehan, Kelly and Rooney illustrate the confusion that began to surround the question of disloyalty in the civil service. Patrick Sheehan had been arrested at his home in the immediate aftermath of the Rising by the military that found ammunition and a uniform at his home. The G Division detectives in the DMP in fact considered Sheehan a member of the Redmondite National Volunteers. This difference was too subtle for the military authorities and he was sent to Knutsford prison even though he had not participated in the Rising. Patrick Kelly was also unknown to the police but had been arrested as part of the Jacob's factory garrison. He maintained that he had simply gone to Jacob's factory out of curiosity and had been ordered inside at gunpoint by the rebels. Rooney had been arrested by the military at his office but he was unknown to the police and no evidence of any wrongdoing had been found. It is possible that he was the victim of a malicious informer.[82] Sheehan became something of a *cause celébre*. After Major Guinness's parliamentary question he was suspended from his department. Lundon used his case to make the general point that Sinn Féin sympathy was growing in the Irish civil service because they saw 'day after day Protestants and Freemasons being appointed

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[81] *Parliamentary Debates*, [Commons], LXXXIII, cols 1508-9, 5 July 1916; LXXXIV, col 658, 17 July 1916.
[82] NAI CSORP 1916/12,149 'DMP G Division report on Irish land commission clerks'.

over their heads to the positions which Catholics should enjoy'.[83] Sheehan, he and the other Irish MPs suggested, was 'fingered' by lower division clerks anxious to fill his position. Sheehan was finally dismissed but found immediate employment as permanent secretary of Sinn Féin. There is no doubt that Sheehan was in fact an active Irish Volunteer.[84] He however clearly felt that, although he was sympathetic to its aims, as he was not active in the Rising he was entitled to retain his post. He was exactly the sort of civil servant that Guinness wanted purged because in his view the security of the state depended on having confidence in the unswerving loyalty of its civil service.[85] To Irish nationalist opinion Guinness was simply trying to start a witch-hunt against Catholics in the civil service and was being egged-on by malicious informants. This, in their view, had nothing to do with state security and everything to do with sectarian ambitions. By July Laurence Ginnell was asking the Prime Minister for the names of each civil servant in Ireland dismissed, threatened with dismissal, reduced in rank, denied normal promotion or transferred, due to connection with Irish Volunteers from July 1914 to April 1916 when the Volunteers were not an illegal organisation.[86]

Sankey's inquiry was in fact of the most cursory kind. He did a quick trawl to sort out the 1,841 cases of internees and, having identified the 569 dangerous cases to be kept in internment, allowed the release of the others. He did not in fact attempt to determine guilt or innocence, simply the degree of danger presented to the state.[87] The government therefore established an internal and confidential inquiry to deal with the problem of the civil servants who had been released by Sankey, but now remained suspended. In July Sir Guy Fleetwood Wilson and Sir William Byrne, an English

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[83] *Parliamentary Debates,* [Commons], LXXXIV, cols 1771-8, 26 July 1916.
[84] NAI bureau of military history, witness statement 1050 Vera McDonnell; 889 James Kavanagh.
[85] *Parliamentary Debates*, [Commons], LXXXIV, col 2159, 31 July 1916.
[86] NAI CSORP 1916/25,941 'return for parliamentary question 5 July 1916'.
[87] *Parliamentary Debates*, [Commons], LXXXIV, col 2139, 26 July 1916.

Catholic recently appointed as assistant under secretary, began a discreet investigation to 'consider the cases of Irish Civil Servants who have been suspended from their duties owing to their suspected complicity with the recent Rebellion and to advice how they should be dealt with'.[88] These were not only those released by Sankey and suspended but also those civil servants who had escaped detention but were suspected by the departmental heads of Sinn Féin sympathies. Civil servants still in detention were taken to have been proved guilty and not considered. In the growing reaction against the Castle regime and the prevailing spirit of reconciliation, Wilson and Byrne deliberately avoided associating their investigation with the Castle. They dealt directly with the departmental heads, private rooms were secured in Hume Street and secretarial and clerical assistance dispensed with. Working from lists of suspects forwarded by the heads of departments along with departmental, military and police records, and after interviewing fourteen of those heads, the investigation looked at the cases of forty-two men, mostly of the lower ranks. The accused were encouraged to make the best possible case for themselves and were assured that both Wilson and Byrne, as civil servants themselves, would find it 'a genuine pleasure' to recommend reinstatement.[89] The reaction of the accused however dismayed their interrogators;

> We had greatly hoped that no cases, or only isolated instances of evident disloyalty would come before us, but we regret to have to state that in a good many cases we have felt it our duty to recommend removal from the service. The confession of faith of the suspect was often tendered freely, frankly and unblushingly. Briefly it amounted in many cases to a declaration that so long as the individual in question discharged his official duties satisfactorily during office hours, he was fully entitled to do as he pleased out of office hours, even if it involved violence which might lead to the killing of troops or police officers. This view was expressed not by the lowest ranks only. In more than one instance the allegation that a man engaged in military operations had not actually fired at a soldier was advanced as sufficient

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[88] NLI Joseph Brennan papers, Ms 26,185 '*Report on the cases of Irish civil servants suspended in connection with the recent rebellion by Right Hon. Sir Guy Fleetwood Wilson, G.C.I.E, K.C.B., K.C.M.G. and Sir William P. Byrne, K.C.V.O., C.B.*

[89] Ibid.,p1

> justification for re-instatement. We have been struck by the readiness with which a considerable number of those inculpated air views quite incompatible, in our view, with their position as public servants. In no instance were we altogether satisfied that such Civil Servants as actually took active part in the rebellion, under alleged compulsion, could not have withdrawn at an early stage of it..... Owing to the peculiar political situation in Ireland, we did not, broadly speaking, judge men only from the standpoint of their continued connection with the Sinn Fein movement. We were guided by their activities, their explanations thereof, by their mental attitude towards the rebellion, and by their expressed intention in the future to subordinate or otherwise, their loyalty as public servants, to their political creed.[90]

The most senior civil servant dismissed was J.J. McElligott, whose plea that he had been forced at gunpoint into participation in the Rising did not save him, although participation, albeit reluctant, did help to further his later successful career in the Irish Free State civil service.[91] Of the forty-two cases dealt with twenty-three were dismissed, one pensioned, and eighteen reinstated. No notes were kept and there is no evident rationale in the decisions which probably reflected the demeanour of the accused. It is said that it is easier to sack the Pope than a civil servant, but by any reckoning Wilson and Byrne may be considered very generous in their treatment. However it was very deliberately noted by them that their investigation found no evidence whatsoever for Nathan's assertion that civil servants had been circularised to withdraw from the Irish Volunteers, nor could any of those interviewed recollect any such circular. Such a circular had indeed been drafted and filed, but apparently never actually issued. Arguably therefore simple membership of the Volunteers without active participation in the rebellion was, in their view, excusable.[92]

At a more general level Wilson and Byrne were clearly worried by the evident lack of identification with the state amongst Irish civil servants and the gulf between the senior and junior ranks. Their report recommended that 'Advantage should be

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[90] ibid., p2.
[91] O'Halpin, *Decline of the Union*, pp127-8.
[92] *Report on the cases of Irish civil servants suspended in connection with the recent rebellion*,p3.

taken of the present situation, by serious and combined effort on the part of all concerned, to instil a higher tone in the ranks of the Irish Civil Service and to require a more distinct recognition of the obligation which properly attach to Public Service. We believe that much good would result if increased interest were shown in, and if friendly advice were more freely tendered to, young Civil Servants by their Chiefs…[93]

One idea that Wilson and Byrne advanced as a way to remind civil servants of a sense of duty was that all civil servants throughout the United Kingdom ought to be required to take an Oath of Allegiance to the crown such as was required of the armed forces. This proposal reappeared much later, in 1918, though now with no reference to Ireland. Some members of parliament managed to become convinced that British failures on the western front were due to pro-German elements in the civil service either leaking secrets to the German military command or deliberately sabotaging the British war machine. The solution was an Oath of Allegiance, which apparently, would reveal the traitors. In Ireland this demand for an oath was seen as an attempted 'combing out' of nationalists. The oath was avoided where possible, taken with bad grace in most cases, and in a few cases refused outright.[94] Those who refused were F.X.Thunder, David O'Donoghue and E. Cleary in the ILC, Diarmuid O'Hegarty and Michael McDunphy, both Second Division clerks in the DATI, Tom McArdle, a Second Division clerk in the LGB, and P. Cremins and Eamon Duggan in the Post Office. A protest meeting of the 'recusants' was organised but they all remained dismissed.[95] The newly-organised Assistant Clerks Association (ACA) took up the case of the oath, which they regarded as an encroachment on their civil rights, but failed to organise any significant opposition to it. The ACA continued to financially

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[93] Ibid.
[94] NAI bureau of military history witness statement 462, Seán O Broin.
[95] Ibid., witness statement 460, Joseph Thunder.

support dismissed members until they found employment.[96] Dismissal for refusing to take the Oath of Allegiance was one of the criteria accepted by the committee for the re-instatement of civil servants, set up by the Free State government under the chairmanship of P.S. O'Hegarty. In all fifty-three cases were considered of civil servants who could establish that they had been dismissed for sympathy with or participation in the 1916 rebellion; or for refusing the Oath of Allegiance, or for refusing to join the British armed forces.[97] We shall return to this file later, but it is to be noted that none of those actually dismissed in 1918 for refusing to take the oath were amongst those who made an application to the 1923 P.S. O'Hegarty committee.

As the administration in Dublin Castle returned to what passed for normal the civil servants noted the few vacant places, none of them a surprise.[98] For the mass of the Irish civil service, the foot soldiers in the state apparatus, the Rising had been a brief burst of excitement but apart from the dismissal of a few colleagues one that brought no significant changes. One cynic described the Rising as 'the most exciting event in the Irish government since a senior clerk was promoted, probably mistakenly'.[99] The Irish National Aid Association, formed by Collins to assist the survivors of the Rising and to re-mobilise the revolutionary movement, which we might assume had the most complete list of those affected, assisted some seventy-two dismissed civil servants.[100] However, as the government investigation into the Rising deepened, its conclusions indicated that the problem was more than a few disaffected civil servants in the minor grades. Lloyd George reported to the House of Commons in the immediate aftermath of the Rising that the existing system of government in

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[96] *Red Tape* no.88, vol.VIII, Jan 1919 'agm of Dublin branch ACA 9 Dec 1918'.
[97] NAI 'victimised civil servants files 1923' [a miscellaneous box marked "shelf 3/717"].
[98] Gallagher, memoirs of a civil servant, p29.
[99] *Red Tape*, no.64, vol.VI, Jan 1917.
[100] NLI mss 24,351 'Irish National Aid Volunteer Dependents Fund papers'; ms.24,357 'George Gavan Duffy papers, 'Irish National Aid and Volunteer Dependents Fund'.

Ireland had broken down.[101] The royal commission of inquiry into the Rising, chaired by Lord Hardinge, utterly damned the entire Dublin Castle administration as 'anomalous in quiet times, and almost unworkable in times of crisis'.[102] The most dramatic impact of the Rising was therefore on the top ranks of the Irish state apparatus.

Birrell and Nathan, the heads of the Irish administration, resigned and a military regime was instituted under General Maxwell. Meanwhile Lloyd George tried to inveigle the Irish Nationalists and Unionists to accept an immediate implementation of home rule for the twenty-six counties by promising the Nationalists that partition was temporary whilst assuring the Unionists it was permanent. Having failed in that, the Irish Convention was convened in the hope that some solution would emerge. Meanwhile the opportunity to reform the administration, which all admitted was an urgent task, slipped away.

In the absence of any initiative the old administrative system reasserted itself as H.E. Duke (a sixty-one year old English barrister and Unionist MP with no ministerial experience) was appointed chief secretary with Robert Chalmers, famous for being the rudest man in Whitehall whose 'pomposity and cynicism concealed his many benefactions', as under secretary.[103] Chalmers was one of the most brilliant and ruthless officials in the Treasury. A liberal in his politics he played a key role during the 1909 "People's Budget" struggle. Falling out of favour with Lloyd George he was exiled to Ceylon in 1913. His return to Dublin Castle signalled perhaps a step toward full rehabilitation and a return to Whitehall. Dukes was lauded by Asquith as bringing to the position a judicial mind, a firm hand, administrative capacity,

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[101] *Parliamentary Debates*, [Commons], LXXXII, 2309-12 (May 1916)
[102] *The royal commission on the rebellion in Ireland* p23
[103] G.C. Peden, 'Chalmers, Robert, Baron Chalmers (1858-1938)', *Oxford Dictionary of National Biography.*

sympathy with the Irish people and a strong desire to promote an Irish settlement. His first task, according to Asquith, was to undertake a careful survey of the whole administrative situation with all its possibilities.[104] There is no evidence that any such survey was undertaken.

Both Chalmers and Duke made it clear to the staff in the Castle that they had reluctantly agreed to come to Dublin and expected to be bothered as little as possible.[105] Chalmers was not going to waste his time and expertise on reform of the Irish administration and by October was gone back to Whitehall. Castle government returned to Ireland, advised and assisted by a civil service that only some weeks previously had been condemned as useless. In October, after the departure of Chalmers, A.P.Magill replied to Duke's complaint that he, Duke, was having to run the office on his own, with a description of the cuts that the war had wrought on the staff. In 1913 the Irish Office in London consisted of a private secretary, a parliamentary private secretary, an assistant private secretary, one chief clerk, one second division clerk and two typists. It now consisted of Magill himself and two typists, one of whom was about to be called up by the military. Since the outbreak of the war Magill had had one weeks leave, had worked on Sundays and holidays and had to constantly divide his time between London and Dublin. Clearly Magill was feeling little sympathy for his chief secretary. The only solution he could suggest was that Duke should try and get Duggan and Hamilton, who had gone to the Admiralty, to return. But the derisory salaries offered by the CSO would have to be improved to attract them back. Magill once again struck what was now a familiar note when he

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[104] *Parliamentary Debates*, [Commons], LXXXIV, col 2144-7, 31 July 1916.
[105] Robinson, *Memoirs Wise and Otherwise*, pp245-6.

underlined the urgency of an inquiry into the staffing of the CSO and the Irish Office.[106]

The overwhelming needs of the war were not only cutting a swathe through the staff in Dublin Castle, they were also constraining the ability of Duke to pursue an imaginative Irish policy. The summer of 1916 saw the disaster of the Somme campaign, the failure of the British navy to win the Battle of Jutland and the death of Kitchener, the symbol of the British war spirit. In comparison Ireland was parochial. Also, as Duke was reporting to a coalition cabinet divided only by Ireland, it would be foolhardy to invite dissensions. Walter Long revived once again the old idea of abolishing the Viceroyalty and strengthening the office of the chief secretary to that of a full secretary of state, but Wimborne was determined to be important.[107] The reforms that were introduced were primarily personnel rather than structural. In a process of "Greening" the administration John J. Taylor was passed over for the post of under secretary for William Byrne, a Catholic (though English) and joint investigator of the civil service participants in the 1916 Rising. The new head of the RIC was also Catholic, General Sir Joseph Byrne; as was the new Attorney General, James O'Connor.[108] At a private lunch Duggan told Magill that he was not 'too eager to return to the intricacies of Irish policy and the work of Dublin Castle'.[109] Despite losing out on the under-secretaryship Power secured his position in the Irish offices by manoeuvring himself into the position of private secretary to Lord Wimborne. Wimborne, in seeking approval from the treasury for this post, indicated that he

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[106] NAI, department of finance, "early E files" E1/8 [CSO staff arrangements], 'Magill to CS, 10.Oct.1916'. [The "early E files" are an unlisted deposit of some thirty boxes from the department of finance transferred in 2001 to the NAI. these files relate to the earliest civil service establishment of the 1922-5 period. My thanks to Tom Quinlan and Mary Mackey of the NAI for making these available.]
[107] HLRO, Lloyd George papers, F/74/1/7, 'Wimborne to PM, 24 Mar 1918'.
[108] O'Halpin, *Decline of the Union*, pp118-34; McBride, *Greening of Dublin Castle*, pp214-9.
[109] NAI, "early E files" E1/8, 'Duggan to Edward O'Farrell, 27 Oct. 1916'

would be relying on Power to guide him through the intricacies of the Irish departments.[110]

By year's end it was being complained that the Irish offices were undermanned to the point of crisis and economy was being applied beyond the bounds of common sense, yet the Treasury remained inflexible. The needs of the war demanded that no new posts should be created, no promotions made and shortfalls would have to be made good by loans of staff from other departments.[111] The DATI was subject to an investigation by Maurice Headlam and Sir John Irwin. Irwin, a minor figure in Dublin Unionist politics, was a paper merchant who appeared regularly in *Stubb's Gazette* as a defaulter. Their investigation showed a complete inability to understand the organisation or function of the DATI and was utterly worthless.[112] The failure to restructure the Castle, along the failure to rethink Irish policy, was the end of any realistic attempt to engage with settling the Irish question.

The Irish Convention, which met from July 1917 to April 1918, was an attempt by Lloyd George to rush an Irish settlement, partly in answer to American critics and partly to rescue the home rule party which was clearly losing ground to Sinn Féin. However, even though it was apparent that the home rule bill would be amended, the general expectation was still that in the end Ireland would be governed by some form of home rule with the supremacy of Westminster intact. Overall, government policy remained one of home rule with provision for Ulster exclusion.

As it became clear that home rule was once again subject to amendment the GCICS seized the opportunity to present a position paper to the Irish Convention, requesting that any future proposals for an Irish government emanating from the Convention would address deficiencies in the clauses dealing with civil servants in the

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[110] Ibid., 'Lord Lieutenant to the treasury, 5 Oct. 1916'.
[111] Ibid., 'memorandum to the chief Secretary, 2 Jan. 1917'; 'treasury memorandum, 24 Jan. 1917'.
[112] HLRO, Lloyd George papers, F/74/19/1-2.

1914 Act.[113] Under the operation of patronage by the Birrell regime in particular and with the advance of competitive entry in general, the lower ranks of the civil service in Ireland, in what has been called the 'Greening of Dublin Castle', by 1917 was becoming a more Catholic and nationalist apparatus.[114] The membership of the 1917 GCICS, and the demands put forward in the Statement, attest the dominance in Irish civil service organisation that had been achieved by the lower (and therefore Catholic) grades of the second division and clerical staffs since the formation of the original 1911 committee; (Appendix. Table 4: *General Committee of Irish Civil Servants. 1917*). The continued expansion of the state in Ireland is also reflected in the increase in the number of government departments represented on the committee; thirty-four as opposed to the twenty-nine of 1911. The new departments were the NHIC, the Department of National Service, the Ministry of Munitions, the Wages Board and the Ministry of Labour. All of the new departments were Irish branches of British departments. The 1917 committee also had delegates from twenty-one civil service organisations. The 1911 representative scheme of delegates from the professional, higher, second division and clerical grades had not been sustained. Instead, the 1917 GCICS was composed of quasi-trade union associations representing the clerkdom of the lower grades only, along with representatives of departments. Separate delegates from the administrative and technical departments now represented the GPO. The Customs and Excise Federation (CEF) had withdrawn, presumably to pursue their own interests as a reserved service. Of the 114 delegates on the general committee, forty were from civil service associations, many of which were Irish branches of British organisations. The 1917 committee did represent a balanced mix of the new

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[113]NLI mss Ir.32341, *'statement of the general committee of Irish civil servants as to their position in view of further legislation affecting the government of Ireland'*. There is a copy of the statement in the Long papers, Wilts. & Swindon record office 947/147, with correspondence between Barlas and Long.
[114] Lawrence McBride, *The Greening of Dublin*, pp187-92.

and old. Of the sixty-eight members of the 1911 general committee twenty-seven continued into the 1917 committee. But of the twenty-two members of the 1917 executive committee, six only had been a member of the original 1911 executive. Barlas, the veteran of the 1893 and 1911 executives was still chairman, likewise Healy the treasurer and McCarthy the secretary. Sam Sloan, of the second division officers, was now vice-chairman. The other long serving members were Dixon and Drennan, higher officers in the land commission. The sixteen other members of the executive were new.

Few of the 1917 departmental representatives on the general committee were higher grade or professional men. Messrs Vereker, Sheridan and Glass represented the CDB. Vereker was a civil engineer and chief land inspector of the CDB; Sheridan was a barrister-at-law and secretary to the board whilst Glass was legal assistant. These professional men were on the committee to represent the CDB staff as a whole, rather than any of the many professional officers of the board. However the clerks of the same board choose to organise as a separate class and were represented by their own CDB Clerks' Association. In contrast to the general committee, which was still dominated by departmental delegates, association delegates dominated the executive committee; ten departmental to twelve association delegates on the twenty-two member executive. In fact the executive committee of the GCICS was dominated by the clerical grades to the extent that whilst none of the professional officers of the CDB made it onto the executive, O'Loghlin of the clerical staff was there.

Not only did the clerical grades dominate the representation on the general committee they also dominated its proposals, and the demands of the professional and higher grade officers were attached on almost as an after-thought. The demands of the civil servants for a better retirement and severance deal would imply either an

expectation or intent of leaving the service of a home rule executive. Such were the demands of the GCICS since the first home rule proposal. The 1917 committee however, whilst addressing issues of a better severance deal, was primarily focussed on security for promotion. This implies an expectation and commitment of continuous service to a home rule administration. The former demand for a severance deal is implicitly unionist, the latter demand for security for promotion is implicitly nationalist. By 1917 the civil service committee, as it became dominated by the lower grades and temporary clerks, had become implicitly nationalist. This also reflected a generational difference. Older men were most concerned that the terms for voluntary or compulsory retirement would be sufficient to secure them continuity in the lifestyle to which they had become accustomed. The 1917 committee wanted even better money terms for those compelled to retire (and there was an even greater expectation of compulsion after 1916) as well as better security for those who opted to retire. With the experience of wartime inflation the statement also wanted a provision that pensions should match salary increases in the relevant grade for a period of years.[115]

But, as the statement pointed out 'the securing of mere continuity of service, though important, does not itself constitute a sufficiently satisfactory safeguard to the position of the Service as a whole'.[116] Loyal to the huge numbers of temporary fellow civil servants the statement demanded recognition of temporary whole-time officers as permanent civil servants, recognition of temporary years for reckoning pension entitlements, and an entitlement to added years in calculating pensions for those officers with professional qualification in recognition of their years of study. But the key new demand put forward by the 1917 committee was not for better retirement conditions but rather for guarantees for promotional opportunities for the lower

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[115] *'statement of the general committee of Irish civil servants as to their position in view of further legislation affecting the government of Ireland'*, pp6-7.
[116] Ibid., p3.

grades.[117] The great fear within the civil service was that with the complete disruption of structures and departments imposed by the war, and with the local uncertainties of post-1916 Ireland, the civil service would be used to award the friends of those in power. The immediate demand of the civil servants committee was for additional security regarding promotion within the Irish service 'a question which is regarded by all ranks as a vital one'. They asked for a provision in the bill to prevent the appointment of "outsiders" to posts that could be filled by fully qualified officers already in the service. The committee in their statement did acknowledge that there might be some appointments to posts 'for which certain special technical or professional qualifications are essential' but did anticipate that such cases would be comparatively rare. [118] Clearly the GCICS was very sceptical about the claims of expertise made for the great majority of professional, technical and higher-grade posts and saw these as sinecures and patronage appointments blocking the usual avenues of promotion.[119] The fear was that the civil service higher posts would become filled by a recrudescence of patronage under a future home rule government.

Recognising that the Irish civil service would in all probability be a much smaller service, with limited promotional opportunities, the 1917 statement wanted legislation to allow for transfers and exchanges between the British and Irish services, and for Irish civil servants to be allowed to continue to compete for promotional posts within the British service. The British service had supplied nearly ninety per cent of the promotional opportunities for Irish civil servants. The loss of that opportunity opened up a depressing prospect of a lifetime of assistant clerkship.

In general the statement made it clear that it was expected that what it described as a "the natural channels" of promotion from within the ranks would be

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[117]ibid., p7.
[118]Ibid., p3.
[119]Gallagher, 'Memoirs of a civil servant', p40

clearly laid down in any amended legislation, and followed. The statement also strongly expressed the preference within the Irish civil service for the extension of entry exclusively by open competitive examination. Where a vacancy occurred for a post that required specialist qualifications the vacancy should be publicly advertised with particulars of the qualifications required. These posts could also be filled through promotion from within the service by a limited competition or a qualifying examination. The 1917 committee identified the Civil Service Committee established by the 1914 Act to deal with questions affecting the rights of existing officers as an important strategic advantage, one that diluted Treasury power, and asked for increased representation on, and increased powers for, that committee. They asked that the committee to be increased to five members with two members elected by the Irish civil service, and that the quorum of the committee should be three. They also wanted the Civil Service Committee to be empowered to act as a court of appeal for any civil servant unhappy with his retirement terms.[120]

Attitudes toward the civil service were generally less sympathetic with allegations of shirking war service being bandied about. Also the 1916 Rising had revealed that the Irish civil service had within its ranks a lower standard of loyalty than was expected. The report of the Convention contented itself with pious generalities rather than specific measures. The report suggested that an Irish civil service commission, following as closely as possible English practices and with Unionist representation, be established to regulate competitive examinations for admission to the public services, to determine salaries appropriate to Ireland, to decide on promotions and to exercise the patronage of higher appointments.[121]

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[120] *'statement of the general committee of Irish civil servants as to their position in view of further legislation affecting the government of Ireland'*, p5.
[121] *Report of the proceedings of the Irish Convention* Parl. Papers 1918, X [9019] 697. pp16-17.

To understand why, despite the number of politically well-connected professional and higher division officers, the clerical grades had come to dominate civil service organisation in Ireland we need to understand the impact of the world war on the state apparatus. By the summer of 1914, as home rule moved towards the statute books, it was clear that the Irish civil service was facing into a major reorganisation, with many departments facing either their demise or reduction. But from early August all questions relating to home rule or administrative reform were shelved "for the duration" as the state mobilised all its resources for war with Germany. Though home rule remained on the statute books it gradually receded into some future long-off day and it was the demands of the war effort rather than home rule that now inexorably revolutionised the Irish civil service organisations. Amongst the Irish civil servants the question of salaries, rent and the price of bread proved an even more powerful catalyst for agitation than the question of home rule.

CHAPTER FOUR

CIVIL SERVICE ORGANISATION, 1918-1920.

The wartime expansion of government in Britain and the enormous rise in the recruitment of civil servants created both alarm at the growing cost of administration and a consciousness of the defects of the administrative machine.[1] The entire British civil service that had been 73,000 in 1914 had grown to 193,000 by 1919. Of this increase of 120,000 about 72,000 could be laid at the new wartime departments and 48,000 at the older departments. A consensus began to emerge in the Whitehall political establishment on the need to reduce the size and cost of government whilst improving the civil service.[2] Newspaper campaigns encouraged the illusion that waste, not policies, was the source of excessive expenditure, but that was not the view in the Treasury. The leisurely pace of inquiry into the civil service, every ten years or so between the Northcote-Trevelyan and the MacDonnell inquiries, became a sprint. Between 1915 and 1919 a series of government reports into the organisation of the civil service rationalised and restructured the entire administrative machine and transformed the collection of loosely connected departments into a highly centralized bureaucratic apparatus. The single most important administrative change to emerge out of these inquiries was the formal strengthening of Treasury control of the civil service.[3]

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[1] Kathleen Burk (ed) *War and the State the Transformation of British Government, 1914-1919* (1982).
[2] O'Halpin, *Sir Warren Fisher*,pp24-5, 55-7.
[3] *Report of the committee of the ministry of reconstruction on the relations of employers and employed on Joint Standing Industrial Councils* [Whitley] Parl Papers 1918, X [cd.9002] 659; *Report of the*

As the state transformed its own administrative structures that transformation in turn necessitated a change in the way the civil service organised to deal with the state, its employer. These years comprise a period of the most rapid organisation in the history of civil service associations.[4] By 1920 civil servants were organised in *de facto* trade unions that were using vigorous united action, demanding collective negotiation and affiliating with the broader trade union movement. The inhibiting effect of hierarchical structures, status and competitive promotions evaporated under the pressure of inflation. This wave of civil service organisation can also be seen as part of the unprecedented level of white-collar militancy in state and commercial employments that characterised the post-war period in industrial relations.[5] The main objective of all civil service associations was to end Treasury dominance and win some control over their conditions, preferably through a permanent parliamentary committee or arbitration system.[6]

In Ireland the civil service joined this mobilisation. Despite the fact that the wartime experience of the two services was so radically different, most civil service organisations in Ireland were offshoots of British organisations. Whereas the British service experienced a huge expansion the Irish service largely atrophied, as Ireland was in many respects marginal to the war effort. Some few departments experienced a small growth in the number of temporaries, but these hardly matched the loss of

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machinery of government committee of the ministry of reconstruction [Haldane] Parl. Papers 1918, XII [cd.9230]; *Report on the application of the Whitley report to the administrative departments of the civil service* [Heath] Parl. Papers 1919, XI [cd.9], 227; *Report of the national provisional joint committee on the application of the Whitley report to the administrative departments of the civil service* [Ramsay & Stuart-Bunning] Parl. papers 1919, XI [cd 198], 239;*Report of the committee appointed by the lords commissioners of HM Treasury to consider and make recommendations upon certain questions with regard to recruitment for the civil service after the war* [Gladstone] Parl. Papers 1919, XI [cd. 34], 171;*Report of the committee appointed to inquire into the organisation and staffing of government offices* [Bradbury] Parl. Papers 1919, XI [Cd 61], 207.

[4] Humphries, *Clerical Unions*, p128.

[5] Gordon McMullan,'The Irish bank "strike", 1919' in *Saothar*,5 (1979) pp39-49; Maguire, *Servants to the Public*, pp36-7.

[6] Eric Wigham, *From Humble Petition to Militant Action a history of the Civil and Public Services Association 1903-1978* (1980) London.pp35-41.

permanent officers on military service. Apart from some few shell factories the Ministry of Munitions, the engine of civil service growth in Britain did not organise in Ireland. The other 'mushroom' ministry, the Ministry of Food, was irrelevant in Ireland where food production and not rationing was the priority.[7] For the Irish civil service there was also the added and very local issues of home rule, partition and the challenge of the counter-state posed by Dáil Éireann, all problems of which the British service had no concern. But as a result of the war the concerns and interests of civil servants in Ireland on pay and conditions matched those of the British service and, based on that shared concern, the wave of organisation in Britain reached and transformed the Irish service. They shared the view that the main problem facing the civil service was the Treasury with its apparent contempt for all other departments of the state.

The civil service associations and alliances, formed under the pressure of war and post-war conditions, were emphatically fighting organisations. Irish organisation began as local branches of British associations, reflecting not only a general trend in trade union organisation but also the development of general all-service classes across the United Kingdom since the Ridley report.[8] A new civil service leadership emerged from this period of organisation. The surge of organisation and the new leadership that emerged reflects the fact that there was a great deal of discontent in the Irish civil service that had nothing to do with home rule. In fact amongst many of the lower grade Irish civil servants there was an expectation that a home rule administration would provide both better opportunities and better redress for their grievances than the British Treasury.[9]

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[7] McDowell,' administration and the public service', pp595-600.
[8] Gallagher, memoirs of a civil servant, p40.
[9] ibid., p7.

The first and foremost issue driving organisation in both Britain and Ireland was pay. The wartime erosion of the value of salaries led to the award of a cross-grade percentage increase, the "bonus", which was a variable top-up to basic salaries. As the bonus was initially small and inflation continued all civil servants therefore had a common and immediate grievance in the decline in real salaries. Added to pay were issues of grading structures and promotional opportunities. The expansion of administration that had begun under the Liberal government and mushroomed in the war had not led to an expansion of opportunity. Many of the senior posts in the new departments were filled by nomination rather than by promotion with patronage taking on new forms.[10]

As Ireland was still in constitutional terms a part of the United Kingdom, the Irish civil service was swept along in these great changes. Irish civil servants participated in the wave of organisation, sent delegates to meetings, joined in demonstrations and negotiated alongside their British colleagues. At the same time the last attempt to answer the Irish question by home rule, the 1920 Government of Ireland Act, was being framed and enacted. That the Castle administration in Ireland was a failure was axiomatic for Irish nationalists. In the time between the assembling of the first Dáil Éireann and the Treaty this also became the view of a significant section of the British administrative and political elite. This realisation was born not only from the defects of the Castle apparatus but also of the more penetrating scrutiny of the whole civil service as a result of the war. The reopening of the home rule question led to a revival of the GCICS. There was, as we shall see, a complex interaction between the Committee and the civil service associations. The civil

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[10] Wigham, *Humble Petition to Militant Action.*, pp65-6.

service associations introduced a new core of activists on the Committee, though the objectives and mode of agitation were very different to that of the associations.

During World War 1 prices rose rapidly, leading to a general agitation amongst workers for pay increases. In 1915 two million working days were lost in strikes in Britain. Within the civil service the strict Treasury rule that pay claims could only be considered at departmental level was overwhelmed by the rapid inflation. After the Treasury rejected a pay claim by the postal workers the government, fearing a strike, referred the claim to an arbitrator. The reward of the 'war bonus' by the arbitrator Sir James Woodhouse, announced in July 1915, marks not only the first increase awarded to civil servants in compensation for the increased cost of living, it also marks the war-time marginalisation of the Treasury in these matters. The increase was extended later in 1915 to all civil servants whose basic salary did not exceed fifty shillings (£2.50) per week. The continued rise in prices led to further applications for increases. The increased pressure of applications led to the establishment of the civil service conciliation and arbitration board early in 1917, thus taking pay determination entirely out of the hands of the Treasury. McDonnell had recommended some system of arbitration in the report of the royal commission on the civil service, but now the war forced the pace of change. The conciliation and arbitration board issued thirteen awards in the period 1917-19, all of which took the form of percentage additions (called war bonuses) to basic salaries in compensation for the rise in the cost of living.[11]

The establishment of the arbitration board was a tremendous incentive to organisation as it was only through associations or trade unions that representations could be effectively made. With inflation continuing the associations had to return

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[11]NAI, Dept. of Finance, establishment division, E121/12/33,'memo by civil service organisations'; Parris, *Staff Relations*, p23; Humphries, *Clerical Unions*, pp80-9.

again and again to the arbitrator, using arbitration to perfect organisation. The CDB Clerks Association won a claim for increased pay and promotion by presenting a sophisticated claim to the arbitrator backed up with well-documented precedents.[12] The Treasury began to respond with offers to Irish departmental claims. These offers were calculated to avoid the necessity of an arbitration hearing and perhaps also to avoid revealing the incoherence of the Castle administration.[13] This in turn encouraged organisation. As the arbitration system became established and as inflation surged ahead the number of civil service associations more than doubled from 80 in 1913 to 194 at the war's end.[14] After the war the fight for the war bonus became a movement for improved conditions that led to the establishment of Whitley Councils in the civil service.

As early as 1916, though victory was still far from certain, The British government, realising that the war had changed everything, began to look to a future after the war and to plan for reconstruction. Recognising the changes that the war had brought about in British industry, and fearful of the growing militancy of shop stewards, the government accepted that unions and collective bargaining had become a normal feature of the workplace and looked to foster more co-operative industrial relations in the post-war world. A committee of officials from employer bodies and trade unions was appointed, under the chairmanship of the Deputy Speaker of the House of Commons J.H. Whitley, to make proposals for 'securing a permanent improvement in relations between employers and workmen and to recommend ways of systematically reviewing industrial relations in the future'.[15] The Whitley report, as it became known, recommended the creation of joint worker-employer industrial

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[12] NAUK, T1/123337 'civil service arbitration board, CDB clerks association claim 4 June 1919'.
[13] ibid., T1/12315 'conciliation board, land registry Ireland clerical assistants 2 April 1919'; T1/12345 'assoc of second division clerks memorial, April-March 1918'.
[14] Sweeney, *In Public Service*, p17.
[15] Quoted in W. Hamish Fraser, *A History of British Trade Unionism 1700-1998* (1999), pp 141-2.

councils. Whitleyism was not intended to extend beyond industrial employment but the civil service associations argued that the government ought to set an example by instituting a Whitley council for its own employees, the civil service.[16] Sir Thomas Heath was appointed to chair a sub-committee to draw up a scheme of Whitleyism for administrative staffs. The staff associations were invited to make submissions but as Heath made clear these submissions were accepted as information only. The Heath committee offered crumbs to the civil service associations; consultation and a promise of a 'greater share in and responsibility for the determination and observance' of their conditions of work. But it restated the doctrine of ministerial responsibility, which meant that Whitley Councils could not diminish the right of a minister (read Treasury) to accept or reject the conclusions of any joint council. These councils as envisaged by Heath could never be more than advisory and consultative.[17] More than anything the threatened recrudescence of unfettered Treasury control, personified by Heath, galvanised the civil service associations. At a packed Caxton Hall meeting with Chancellor Austen Chamberlain, who was flanked by the Treasury top brass, a meeting attended by several Irish representatives, the civil service showed a remarkable discipline. Led by the postal workers representative Stuart-Bunning, the meeting unanimously rejected Chamberlains plea to 'give it a go' and demanded that a provisional national joint committee of staff and official sides should be directed to draw up a detailed scheme for a Whitley Council in the civil service. The Heath report was consigned to the dustbin and in 3 July 1919, a mass meeting approved the resolutions of the joint conference of official and staff representatives, jointly chaired by Stuart-Bunning and Malcolm Ramsay (first controller of establishments at the Treasury), proposing a two-tier National Whitley Council for the civil service with

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[16] *Committee of the ministry of reconstruction on relations of employers and employees* [Whitley] p6.
[17] Heath Report; Humphries, *Clerical Unions*, pp109-12.

Departmental Councils of departmental heads (not politicians as the civil service wanted) representing the official side and representatives of the civil service associations representing the staff side, and with an over-arching National Council representing the government and the staff associations.[18] Notwithstanding its many limitations the National Whitley Council was a great advance for civil servants. For the first time the civil service associations now had a determining rather than a mere consultative role in their own work conditions.

The Irish civil servants had asked that the Ramsay and Stuart-Bunning committee establish a separate national council for Ireland. However the committee concluded that it was not competent to make any definite recommendation and merely expressed an opinion that 'questions exclusively affecting the conditions of service of Irish civil servants must be dealt with by joint bodies on which Irish civil servants have full and direct representation'.[19] The Irish civil service delegates evidently had considerable sympathy amongst their British colleagues. The only amendment to the report of the provisional committee presented to the mass meeting of civil servants was that moved by the Irish delegates and fully supported by the rest of the service. The amendment asked for a concurrent meeting of Irish staff and official sides to frame proposals for the setting up of separate machinery to safeguard Irish interests. The chancellor, recognising that some arrangement would be necessary to meet the situation in Ireland, where devolved government was imminent, accepted the Irish amendment.[20] Two weeks later a meeting of the Irish Provisional Joint Council was

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[18] *report on the application of the Whitley report to the administrative departments of the civil service* [Heath] p4; , *Report of the national provisional joint committee on the application of the Whitley Report to the administrative departments of the civil service* [Ramsay, Stuart-Bunning], Parl. Papers 1919, XI [198], 239.

[19] *Report of the national provisional joint committee on the application of the Whitley Report to the administrative departments of the civil service* [Ramsay, Stuart-Bunning], para 39.

[20] Gallagher, memoirs of a civil servant, pp48-9.

held in the Privy Council chamber at Dublin Castle.[21] The provisional committee was to 'frame proposals for the setting up of machinery to safeguard Irish interests'.[22] The official side was headed up by the Under-Secretary James MacMahon and included most heads of departments. The staff side represented the civil service grade associations rather than, as was the case with the GCICS, the departmental associations, though some of the same individuals appear as delegates to the 1917 general committee. (Appendix. Table 5: *The Irish Provisional Joint Committee, July 1919*). Most importantly, the Whitley council staff side was made up of the elected delegates of the associations. Therefore, because the Irish civil service had few in the executive grades, the staff side of the Irish Civil Service Joint Committee was dominated by the clerical grades. James MacMahon was appointed chairman with Gerald Mulvin of the Irish Civil Service Alliance as vice-chairman. Patrick Ryan acted as official side secretary and Michael Gallagher as staff side.[23] James MacMahon, because he was an Irishman who had risen through the ranks from the second division, and also perhaps because he was Catholic and sympathetic to nationalist aspirations for self-rule, was well regarded by the staff side even though he was a wily negotiator who knew every ploy available to the ranks out of which he had risen.[24]

A dispute arose immediately as to the power of the Irish Joint Committee. The Chancellor, Austen Chamberlain, had ruled that the subjects that were proper for discussion by the Irish council were those which, *after reference to the National Council, are agreed by that body* [my italics] to be either (a) exclusively Irish questions, or (b) exclusively Irish aspects of general questions. The staff side

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[21] quoted in Gallagher, 'memoirs of a civil servant', appendix chapter seven.
[22] *Red Tape*, no 95, vol VIII, (Aug 1919).
[23] Gallagher, 'memoirs of a civil servant', pp48-55; *Red Tape*, no 95, vol VIII (Aug 1919).
[24] *The Irish Civil Servant*, vol.1, no.1.

immediately objected to the phrase in italics that gave the London-based National Council prior authority to determine the issues that would be considered by the Irish committee, thus making the Irish a sub-committee of the British body.[25] The London officials of the associations at the National Council gave full support to the Irish demand for an autonomous Irish Whitley council, attending meetings alongside Michael Gallagher, Gerald Mulvin and Thomas Murphy and reinforcing their arguments.[26] After several meetings through the autumn and winter, when it seemed at times that the Irish committee would never come into real existence, Chamberlain finally agreed to the deletion of the requirement for a prior reference to the National Council. In March 1920 the National Council delegated power to the Irish Joint Civil Service Committee to *itself* determine what were "exclusively" Irish questions or aspects of Irish questions, granting *de facto* autonomy to the Irish body.[27]

The success of the staff side in securing autonomy for the Irish led to problems for the official side. In the confusion of authority that characterised the Irish administration it was very difficult to determine which were the Irish departments and therefore the appropriate departmental council to which grievances should be brought. Staff members of the Inland Revenue belonged to an "imperial" department. Should the officers of that department, who happened to be stationed in Dublin, participate in an Irish committee concerned 'exclusively' with Irish affairs? Should the staff of an imperial department be allowed to bring 'exclusively Irish' problems to the Irish committee or should they be brought to the departmental council in London? Giving the London-based National Council the power to determine what were "exclusively

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[25] Gallagher, memoirs of a civil servant, p50.
[26] Warwick University Modern Records Centre (MRC),assoc of assistant & supervising assistant clerks council meeting 22 Jan 1920; mss. 415, assoc of civil service assistant clerks, council meeting 22 Jan 1920.
[27] Warwick University MRC, national whitley council minutes, 14 Oct. 1919, 19 mar 1920; assoc of assistant and supervising assistant clerks, council meeting 22 Jan 1920.

Irish" issues would have secured the necessary control. Now that the Irish committee had thrown over that control there was a real danger that civil servants in the Irish departments would be able to secure double representation on the Whitley Councils of Ireland and of Great Britain and use one to secure gains that had been denied in the other. MacMahon's advice to the official side to use the proviso "exclusively Irish" to intervene if it was felt that the Irish committee was straying into the territory of the National Council was hardly adequate and clearly this was an area ripe for confusion.[28] The Irish staff of the branch departments, conscious of the distance from Whitehall and the peculiarities of the Irish situation, were themselves pressing for local departmental councils.[29]

The Irish civil servants now had two effective organisations for the service as a whole, the ad hoc GCICS that had been around since 1893 representing the entire Irish civil service, well connected politically and accepted as competent to negotiate with the government on the conditions attached to home rule; and a representative and formal Irish Whitley Committee made of nominated representatives of the different grades and classes and regarded with suspicion by the Treasury, to negotiate on general service conditions. The Whitley committee was the Irish expression of a British original, dominated like the British organisation by the representatives of the civil service associations.

The relationship between the Irish and British organisations was complex. The Irish associations had considerable autonomy and took an independent line on Irish issues. The Irish civil service was more militant than the British; its demands for

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[28] NAUK, T.158/1 'S.E Minnis to the director of establishments' re: proposed Irish civil service joint council, 29 Nov. 1919.
[29] *Red Tape*, No. 100, vol. IX, Jan 1920.

salary increases were usually set higher and conference speeches more pugnacious.[30] The April 1920 strike in support of the political prisoners, which was supported by the Irish associations, was regarded with some awe by the British civil service as was the decision by the Irish CSA to establish a strike fund. British civil servants hesitated to even contemplate using the strike weapon.[31] However the Irish organisations tended to look to London for leadership and direction and were quick to criticise that leadership for any tardiness in responding to Irish issues. Even as late as October 1921 the executive officers of the CDB looked to the London leadership to help their claim for reorganisation.[32] On the other hand the London leadership were wary that too much attention to Irish issues would raise the danger of fragmentation of the associations into geographic units with the Scottish members taking their lead from Dublin.[33]

The emphasis on class and grade organisation of the British associations was a break with Irish organisational traditions, which were emphatically departmental and 'all-Irish'. Because the Irish departments had in effect a single political head, the Irish chief secretary, the permanent heads had little interference in how they ran their departments and so every civil servant's career depended to an uncomfortable degree on their head of department. Also, there was little movement of civil servants between the Irish departments. The Irish clerical grades generally held the official Treasury representative in the Castle, Maurice Headlam, in contempt.[34]

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[30] Warwick University, MRC, mss 232/association of staff clerks and other civil servants, executive committee minutes, 20 April 1920.
[31] *Red Tape*, 104, IX, May; Special Issue, 9 June; 107, IX, Aug.,1920; Warwick University MRC, mss.415/association of civil service assistant clerks, minutes of special council meeting 15 April 1920.
[32] Ibid., mss.232/AEO, reorganisation committee, 14 Oct. 1921.
[33] Ibid., mss.415/civil service clerical association, executive committee 27 April & 19 June 1919; Assistant Clerks Association Annual Report 1918; *Red Tape*, 94, VIII, July 1919.
[34] Gallagher, memoirs of a civil servant., pp43-4.

The movement toward large grade-based organisations was not welcome to one small group, the professional civil servants. These, despite their title, were the only civil servants not trained as civil servants. Rather, they were professionally qualified auditors, surveyors and engineers who happened to work for the state. Discontented with the dominance achieved by the clerical grades, in February 1920, a group of professional civil servants met in Dublin and formed the Institution of Professional Civil Servants (Ireland) (IPCS).[35] As professional civil servants, too reliant perhaps on that professional status, they had been left behind in the rapid evolution of civil service organisation that was now being driven by the executive and clerical grades, marginalizing the professional and technical staffs. None of the founding members of the IPCS had previous experience of organisation or agitation and they came from across the whole range of government departments; McDonnell and Querkett (who later went to Northern Ireland) from the LGB; Stevenson and O'Farrell of the CDB; Major Brunicardi (a Boer war veteran) and McAuley of the General Valuation Office Surveyors; Banton and Patey of the ILC; Allberry and Chaloner-Smith of the Board of Works; Power-Steele of the General Valuation Office; Yates of the NEB Senior Inspectors and Palmer of the Land Registry Mapping Section.[36] Many years later, during the 1932 Brennan Commission hearings into the civil service, Major Brunicardi described the IPCS as a 'relic of the Whitley system'.[37] Clearly, were it not for the establishment of the Whitley councils, it is unlikely the professional and technical civil servants would have managed to organise themselves. Michael Gallagher of the ACA and also staff side secretary to the Irish Whitley Council, may well have prompted the founding of the IPCS. At its first meeting the IPCS council referred to correspondence from Gallagher and sent Messrs Power-

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[35]Institution of Professional Civil Servants [henceforth IPCS] (Ireland), council minutes 25 Feb. 1920.
[36]Ibid.
[37]NAI, Brennan Commission papers, BC/2, 3567-74, 2 Mar. 1933.

Steele, Allberry, Banton and Yates along to observe the conference which had been called to establish the Irish Civil Service Joint Whitley Committee.

As the significance of the Whitley committee began to dawn on the Institute a more urgent note crept in. By March 1920, one month after its foundation, the IPCS council was insisting on having its own representative of the professional civil service, Mr Allberry, on the Irish Whitley Committee. By the end of March, as the Irish Whitley Council held its initial meetings, the IPCS had been recognised and accepted as the organisation of the professional civil servants in Ireland, though as yet it actually represented very few of them. The IPCS was now provided with the forum within which it could raise the problems of the membership.[38]

It would have been more precise for the IPCS council to call their organisation a federation of professional and technical associations as all those on the founding council attended as honorary secretaries representing their various departmental professional associations. The creation of the IPCS and the constitution it adopted closely followed on the foundation of a similar Institution of Professional Civil Servants in England in January 1919. Just like the English institution the IPCS was essentially an alliance of the associations of the professional and technical civil servants in the various government departments. Again, just like the English institution, there was great anxiety to ensure that only professionally qualified civil servants would be admitted to membership.[39] The first council was made up of representatives of 'associations whose constitutions have been found by the drafting committee to contain a qualifying clause in accordance with the Constitution of the Institution of Professional Civil Servants" and that 'the honorary secretaries of associations send in individual applications for members of their associations together

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[38]IPCS (Ireland) council minutes, 25 Feb., 10-24 Mar. 1920; Mortimer & Ellis, *A Professional Union*,pp19-21.
[39]Mortimer and Ellis, *A Professional Union*,pp2-4.

with qualifications of applicant'.[40] The constitution formalised the rules for admission to membership of the IPCS through a 'properly constituted association of professional civil servants' who might nominate any of its members to the Institute. The council was required to satisfy itself firstly, that the membership of the nominating association was confined to professionals and secondly, that the individual proposed had recognisable professional or technical qualifications and duties as a civil servant.[41] During the summer of 1920 the council canvassed the possibility of affiliating the IPCS with the English institution, but as the English institution was less than enthusiastic and as the constitutional situation in Ireland became more uncertain the proposal was allowed to lapse.[42] By May the constitution was agreed and, by the time of the annual general meeting of March 1921, the first annual report of the IPCS could record eleven constituent associations, 367 full members and 71 associate members.

The Association of Staff Clerks and Other Civil Servants (ASCOCS) was formed in 1916 to organise a 'war bonus' claim for civil servants with salaries exceeding £300 per annum. The Dublin branch of ASCOCS (organising the senior grades on salaries over £400 per annum) was an affiliate of the British organisation along with Malta and West Africa.[43] The Dublin branch was organised by J.E. Highton who also acted as the staff clerks' delegate on the 1917 Civil Service Committee on the home rule bill. He represented Irish staff clerks at a 'war bonus' appeal in November 1917, but the London organisation seem generally to have had

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[40]IPCS (Ireland) council minutes, 25 Feb. 1920.
[41]*Constitution of the Institution of Professional Civil Servants (Ireland).*
[42]IPCS (Ireland) council minutes, 7& 27 May, 8 & 17 June 1920.
[43] Warwick University MRC, assoc of staff clerks and other civil servants, executive committee minutes 16 Jan 1919.

little contact with the Dublin members.[44] By early 1919 the Dublin branch was demanding separate representation at the general meeting of all civil service associations at Caxton Hall, called to co-ordinate a response to the Heath committee report.[45] ASCOCS remained aloof from the movement for cross-service unity. An invitation from the CSA to join in a campaign for the abolition of Treasury control and security for promotion, an invitation supported by the Irish staff clerks, was rejected on the grounds that the clerical grades alliance had a membership 'of an essentially different character from that of the Staff Clerks', an example of the inhibiting effect of grade snobbery on civil service organisation.[46] ASCOCS instead joined with the Society of Civil Servants (SCS), which was more a club than a fighting organisation. The Irish membership expressed their dissatisfaction with the SCS, criticised the failure of the London executive to keep the Irish members informed on issues and, in 1920, demanded and got a seat on the executive committee.[47] The Irish chairman was Thomas A. Murphy, the secretary was Mr J. McInerney. The tendency through 1920 was for the Irish branch, under the leadership of Dr. Cornelius (Conn) Murphy, Michael Smithwick, Thomas Murphy and McInerney, to take an independent and more militant line on reorganisation and re-grading. The Irish members seem to have been regarded as a welcome ginger group by the London executive and the Irish membership at 490 was not insignificant in comparison to the British figure of 1,249.[48] With the fragmentation of the grade under reorganisation (all staff clerks above £450 were automatically re-graded as higher executive, those in the range £200-400 were to be graded individually) it was

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[44] Warwick university MRC, mss. 232/ASC/1/1, Association of Staff Clerks minute book, 4 Mar. 1918; 16 Jan. 1919.
[45] Ibid. 4 April 1919.
[46] Warwick University MRC, mss. 232/ASC/1/1, Association of Staff Clerks minute book 15 Oct 1918.
[47] Ibid., 9 Jan., 12 Feb. 1920.
[48] Ibid., 20 April, 6 May, 20 May, 28 June 1920; *The Staff Clerks' Circular*, No.1 31 July 1920.

decided to amalgamate with the Association of Executive Officers (AEO) and to leave the SCS and join with the CSA. This represents a more militant attitude born of the failure of the association to win better terms in the civil service reorganisation. It was a course fully supported by the Irish members.[49]

The most shadowy group in the civil service were the temporary clerks. Departments could employ temporary clerks to meet pressure of work without bringing it to the notice of the Treasury. Once in a department they tended to become fixtures and, if efficient, ended up doing higher work than they had been originally recruited to do. The first organisation of temporary clerks was in Ireland in 1912 where, in response to home rule, a Temporary Clerks Association was formed. In 1918 the Unestablished Civil Servants Association in Dublin applied for annual leave and overtime pay. Headlam noted that the assistant clerks are extremely jealous of the temporary clerks, whom they regarded as a class that undermined the conditions of their grade and damaged their prospects.[50]

The most numerous civil service class was the assistant clerk, a Treasury grade devised to fill the gap between the Ridley First and Second Divisions and one that constituted a low-paid 'submerged class' of the service.[51] The ACA began in 1901 as the Senior Assistant Clerks Committee, formed to press claims for higher increments and full pension credit for un-established service. In 1902 the assistant clerks in six of the government departments in Dublin combined to present a united demand for improved pay directly to the Treasury, bypassing their departmental heads. The example of the Dublin clerks in organising across the departments was followed in Edinburgh and London and led to the founding of the ACA in 1904, under the leadership of W.J. Brown, the most militant of all civil service organisers, along

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[49] Warwick University MRC, mss 232/ASC/4/4 'report of the executive committee 1920'.
[50] NAUK, T1/12289 'unestablished civil servants Ireland, claim July-Nov 1918'.
[51] Gallagher, memoirs of a civil servant, p15; Humphreys, *Clerical Unions*, 47-54.

with David Milne.[52] The aim of the ACA was to recruit all clerical grade staff in the civil service and to win the right to deal directly with the Treasury. The ACA campaigned for a 'living wage' and better promotional prospects. From 1911 it published the journal *Red Tape*. Dublin assistant clerks joined the ACA from its beginning but through their departmental organisations rather than as specifically Irish clerks.[53] In 1904 the Dublin departments with members in the ACA were the GPO, the ILC and the LGB. Each year a few of the other departments joined in; the Inland revenue, DATI, the Board of Works and so on. The growth in membership may well have reflected the slow movement of individual assistant clerks through the departments bringing with them the habit of organisation.[54] In 1920 the ACA merged with the Post Office Engineering Clerical Assistants to form the Clerical Officers Association (COA). In 1921 the COA merged in turn with the lower section of the re-graded ASCOCS members to become the Civil Service Clerical Association (CSCA).[55]

One of the key figures in the expansion of clerical organisation in Ireland was Michael J. Gallagher. Gallagher entered the civil service through the competitive examinations and worked in London in the GPO engineering section. Through contacts in the Irish parliamentary party, the sort of backstairs influence that (rightly) he was later to condemn, he secured a transfer back to the Dublin NHIC office.[56] His London experience, brief though it was, made him more self-conscious of his status as Irish, Catholic and as a 'black-coated worker'. From London he also brought back a

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[52] W.J. Brown, *So Far...* (1943).
[53] Warwick University MRC, mss. 48/ACA/ Association of Assistant Clerks annual reports, 1904-1918.
[54] Warwick University MRC, mss 48/ACA, 'assistant clerks' association annual reports 1904-1918'.
[55] Arthur Marsh & Victoria Ryan, *Historical Directory of Trade Unions Volume 1 Non-manual Unions* (1980).
[56] Gallagher, memoirs of a civil servant, pp1-6.

conviction of the need for civil service organisation. The fight for a war bonus was the campaign that marked him out as a natural organiser.

Tom Barrington of the DATI statistics section, who later was to exert a profound influence on Irish administrative thought, wrote an analysis of wartime rising prices and their impact on civil service salaries for the Irish CSA.[57] This short pamphlet had a revolutionary impact on civil service thinking on salary claims and led directly to the indexing of the war bonus. Barrington, using the rather homely metaphor of the dairy farmer diluting milk, proved that the government had been 'adulterating' the value of money by 'watering it down' through issuing paper pounds that were not backed up by gold reserves. In effect this was a dilution of the purchasing power of the pound sterling. What civil servants and other workers were demanding therefore was not an increase in salaries but restitution by the government for the adulteration in the value of money. Barrington had in fact produced a short and brilliant analysis of inflation, a phenomenon unfamiliar to a generation used to stable prices. Gallagher was able to use the civil servant's habits of record keeping to substantiate Barrington's argument. By collecting and analysing the grocery bills of many civil servants, which tended to be usually the same items over years, he could show that the pound now bought far fewer items than it had in 1914. The cost of maintaining the same standard of living had increased and therefore the onus lay with the government to either restore the value of the pound or offer a compensatory increase. Civil servants could no longer be apologetic in demanding pay increases, rather the government should be apologetic for causing the need for them.[58]

Whereas the Irish delegates of the other civil service associations seem to have been relatively unknown in the London offices, Gallagher was close to W.J. Brown.

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[57] *Civil Service Salaries basis of re-assessment, Report by a sub-committee appointed by the Irish Civil Service Alliance* (January 1920).
[58] Gallagher, memoirs of a civil servant, p35-40.

Gallagher brought Brown to Dublin to ginger up the organisation and assist in a recruitment drive. He attended the annual general meeting of the ACA in London and on one occasion was chosen to second a militant motion brought forward by Brown to the annual conference.[59] Gallagher imbibed some of the ideas of the guild socialists whilst in London and advocated the 'control of the civil service by civil servants and the abolition of grades'.[60] He affiliated the 450-member CSCA into the Irish Labour Party and Trade Union Congress (ILPTUC) in 1920, the only civil service organisation outside the post office to do so.[61] He was described as the 'Irish WJB' with the appearance of a 'mild-mannered pedagogue' but 'pugnacious if opposed', whose aggression frequently made enemies but who was also a 'tireless worker for the interests of his class'.[62]

The forerunner to the Second Division Association, the rather longwinded "Association of Clerks of the Second Division appointed under the Order-in-Council of 21st March, 1890" (usually known as the Ridley clerks) had Irish members shortly after its revival in 1905.[63] The Second Division Association became the Association of Executive Officers (AEO) following re-grading and the affiliation of the ASCOCS higher-grade members. In 1919 the executives of the Irish and British associations met, implying their essentially separate existence, and promised a more sympathetic relationship in which the London executive would do all that was necessary to defend the interests of the Irish membership under any home rule parliament.[64] The AEO was relatively active in pursuing the case of Irish members during the 1920-1 reorganisation of the Irish departments under A.J.P. Waterfield and Treasury Ireland,

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[59] Ibid. p55; Warwick University MRC, assoc of civil service assistant clerks minutes agm, 26 Nov 1919.
[60] Ibid., agm 28 Nov 1918.
[61] ILPTUC, twenty-sixth annual meeting August 1920, report.
[62] *The Irish Civil Servant* vol.1, no.2 (December 1920) p8.
[63] Warwick University MRC, mss. 232/SDA/4/1, AEO annual reports, 1905, 1906.
[64] Ibid.,232/SDA/4/1/15 'chairman's report for 1919'.

the subject of chapter five.[65] There was a suggestion that the Irish AEO was not paying its fair share of the overheads of the association, but the resolution of that issue involved an even closer affiliation between the Irish and British organisations. This does suggest that home rule was not regarded as a barrier to continuing trade union organisation within the civil service executive grades of a self-governing Ireland.[66] The Irish organisers of the AEO were Mr R.Clarke, Mr Attride and Michael Smithwick (formerly of ASCOCS), after his transfer out of the Staff Clerk grade. The key figure was however Sam Sloan of DATI, regarded already as a legend in civil service organisation.[67] Sloan was described as a 'typical Ulsterman'; aggressive and blunt in negotiation. He was exceptionally well-versed in the minutiae of regulations and unequalled in his recall of commission and inquiry reports.[68] He later transferred to Belfast and ended up as establishment officer in the Northern Ireland department of finance, a case of poacher turning gamekeeper.

Sloan, along with Gallagher of the assistant clerks, W.G. Mulvin, Michael Smithwick, Conn Murphy, Thomas Murphy, and Ronald.J.P. Mortished formed the backbone of Irish civil service organisation. What united all these across their several classes and departments was a shared conviction that grade exclusiveness was the weakness of the Irish service. They all voiced at some stage their support for the syndicalist concept of the "One Big Union" (OBU) for the entire administrative, executive and clerical grades. Within the broader movement of civil service organisation the AEO and the clerical associations were to the forefront of the movement toward a general organisation of civil servants.[69]

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[65] Ibid., AEO general purposes committee minutes, 8 Feb., 16 & 22 Mar., 7 & 14 Apr. 1921.
[66] Ibid., finance and organisation sub-committee minutes 7 Mar., 2 May 1921; reorganisation committee 14 Oct. 1921.
[67] Gallagher, memoirs of a civil servant, p67
[68] *The Irish Civil Servant*, vol.1, no.1 (Nov 1920). p4.
[69] B.V. Humphreys, *Clerical Unions in the Civil Service* (1958) pp46-7.

The civil service, whilst generating grade organisations, was also forming federal organisations. In 1909 the Civil Service Federation (CSF) was formed as a cross-grade movement.[70] It was originally intended that it would act as an all-service organisation to agitate for a standing committee of the House of Commons to form a committee of appeals on civil service grievances. As membership took off this very specific purpose was lost in a more nebulous objective to 'watch over and advance' the interests of civil servants. Under the influence of the postal unions, always the most radical, the purpose of the CSF then became explicitly political, demanding the right for civil servants to contest elections. This turn from a campaign on pay and conditions to one on politics, allied with the tendency of the postal unions to go it alone in fighting pay claims, led to the disaffiliation of the clerical and second division associations.[71]

In 1916, building on the success of a joint campaign on hours of work, the ACA, the Second Division Association, the Federation of Women Civil Servants and the Civil Service Typists Association combined in the Civil Service Alliance (CSA) with the objective of promoting the efficiency of the civil service and providing the 'conditions of a good life' for civil servants.[72] As the CSA grew it restricted membership to organisations representing civil servants of clerical associations with similar conditions (and therefore grievances), thus lessening the possibility of the sort of rifts that had weakened the Federation. The CSA represented 15,000 civil servants in the clerical grades of the United Kingdom. In 1921 the CSA and the CSF merged to form the Civil Service Confederation (CSC).

As the larger federal structures emerged the Irish followed the lead of the British movement forming Irish federations with affiliate or branch status to the

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[70] *The News Sheet. Association of Executive Officers of the Civil Service*, No 15, 1 Jan 1922.
[71] Ibid.; Humphries, *Clerical Unions*, pp66-72, 91-2.
[72] Ibid., pp92-3.

British organisations. The Irish CSA of thirteen associations included several Irish departmental associations but the largest membership came from the Irish members of associations such as the AEO, the Association of Assistant and Supervising Assistant Clerks, the Federation of Women Civil Servants, the Civil Service Typists Association, and the Association of Tax Clerks. The Irish CSA membership totalled 1,500 in comparison to over 24,000 in the British Alliance.[73] The Irish CSA, along with the Irish Association of Post Office Clerks (IAPOC), organised the largest mass protest ever by the Irish civil service in November 1919. The meeting was called to protest at the recent ten per cent offer made by the arbitration board. The meeting approved resolutions calling for closer and more effective organisation and greater union with outside workers, along with a readiness to use the strike weapon. Only thus, it was said, could the civil service hope to win justice.[74]

Amongst the Irish civil service activists there were two distinct groups, reflecting two different analyses of the situation they faced. Many of the civil service leadership, such as Gallagher, saw the function of the Irish organisations as being no more than maximising membership in support of the London leadership. They saw home rule as no more and no less an alteration in the conditions of service than reorganisation of departments or recasting grades.[75] Priority had to be given to the struggle for pay and re-grading, a struggle that was shared with the British civil service. Along with Gallagher we could list Sam Sloan of the executive officers, Thomas A Murphy of the staff clerks, William F. Nally of the postal workers and W.G. Mulvin of the Irish CSA. However amongst the activists there were some who pressed for what they saw as the necessity for a consciously nationalist outlook within

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[73] Warwick University MRC, Civil Service Alliance annual report 1919-20.
[74] *Red Tape*, 99, IX, Dec. 1919; *Irish Times* 19 Nov. 1919,'Irish civil service demands'.
[75] M.J. Gallagher,'memoirs of a civil servant 1895-1974'.

civil service associations in Ireland. This group would include Ronald J.P. Mortished, Michael Smithwick and Dr Conn Murphy.

Mortished, whilst remaining a member of the AEO, was a founder of the Irish Civil Service Union (ICSU), a federal organisation 'open to all civil servants, working to promote complete unity of organisation in the service in Ireland'. He was also editor of its journal *The Irish Civil Servant*.[76] The origins of the ICSU lay in the order in council of 1918 demanding that civil servants take an oath of allegiance to the crown. As has been noted this arose from a political and newspaper campaign alleging that disloyal civil servants were sabotaging the war effort. The oath was not regarded as controversial amongst British civil servants but in Ireland it was seen as a manoeuvre by the loyalists in Dublin Castle to get at nationalist-minded civil servants. Mortished was one of those at a meeting in the Forester's Hall, along with Diarmaid O'Hegarty, to establish a Society for the Protection of the Rights of Civil Servants 'open to established, unestablished and disestablished civil servants' out of which the Civil Service Union was formed. Mortished had already a reputation within the Treasury and the service for radical labour views. Born in London of Irish parents, he was a graduate of the London School of Economics where he was actively involved in socialist politics and joined the Independent Labour Party. In 1909 he entered the civil service and was sent to Dublin to the Registry of Deeds. He joined the Socialist Party of Ireland and was close to Larkin and Connolly at a time of spectacular growth for the syndicalist ITGWU.[77] In 1914 he had been disciplined and forfeited two increments in pay for writing articles in the *Workers' Republic* critical of the war. He was again disciplined during the dock strike of 1916 after a speech to a Liberty Hall meeting condemning the clerical staff of the Dublin Steampacket Company as

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[76] *The Irish Civil Servant*, vol.1, no.2, (Dec. 1920) p10.
[77] RIA, Dictionary of Irish Biography database, Earlsfort Terrace Dublin 2.

'blacklegs' for continuing to work. Mortished as president of the National Union of Clerks, Dublin branch, made the speech. The National Union of Clerks was a large and growing British white-collar union. He narrowly missed dismissal but did lose another increment in salary. The speech was made in early April but the reaction came in the aftermath to the Easter Rising. The site and the tenor of the speech signalled sympathy, or even prior knowledge, of the Rising. Mortished was eventually able to use his position as vice-chairman of the departmental Whitley council to win a restoration of his lost increments.[78]

Mortished used his editorship of *The Irish Civil Servant* to criticise the Irish associations for merely imitating the British organisations. Whilst ready to acknowledge the achievements of Gallagher, Sloan, Thomas Murphy and Mulvin he maintained that as much could have been achieved through the British associations, implying the redundancy of the Irish organisations. He urged the fusion of all Irish organisations into a single national union, livelier and more aggressive than the British, imbued with class-consciousness rather than grade exclusiveness, and ready to use the strike weapon.[79] In his writings he returned again and again to the theme that the Irish organisations were being smothered by the 'English'; and that an explicitly separatist agenda was needed. By the summer of 1921 as 'Carsonia' was being established, he was writing that it was positively dangerous for the Irish associations to give the British organisations the right to act on behalf of the Irish civil servants.[80]

Mortished was unusual in that it was his labour activism that brought him into civil service organisation. Other leaders emerged out of the cultural movements. Michael Smithwick's area of activism was the Irish language movement. Both he and

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[78] NAUK, T1/12481, 'case of Mr RJP Mortished' 1914-1920.
[79] *The Irish Civil Servant*, vol.1, no.1, (Nov.1920) p3; Vol.1, no.5 (March 1921) p44.
[80] Ibid., Vol.1, no.2 (Dec. 1920) p3; Vol.1, no.5 (Mar.1920); Vol.1, no.8 (June 1921) p44.

Conn Murphy were founder-members of the Gaelic League. Smithwick (who gaelicised his name to Smidic) was close to Douglas Hyde. Conn Murphy was a link with the revolutionary movement. He was the first to be awarded a Ph.D. from the Royal University. He gave lectures on logic to civil servants, not to introduce them to the beauty of philosophy but to prepare them for negotiation, analysing arguments and spotting flawed logic. A founder-member of the Gaelic League he was active in Sinn Féin politics. As we shall see, he later took an anti-Treaty position and was dismissed from the service by the provisional government. Both he and his son were imprisoned during the civil war.[81]

The importance to the civil service of achieving autonomous organisations and an Irish Whitley Committee arose from the imminence of home rule. The unification of the Irish AEO with the COA in June 1921, led by Mortished and Gallagher, was driven by the implementation of the 1920 Government of Ireland Act.[82] Home rule promised to allow the Irish civil service to carry into any new government 'existing conditions of service'. If the civil service could carry powerful organisations and a joint committee with negotiating machinery in good working order, recognised by both staff and official sides, it would be of considerable advantage.

The outbreak of war had prevented movement on the MacDonnell commission recommendations on civil service reform. MacDonnell, with a vision of the civil service as a single unit, had found a needless complexity and lack of uniformity in departments of state and in the grading of staff across the whole civil service. His recommendation for a complete re-grading of the entire civil service into administrative, executive and clerical classes had been shelved. However the rapid and haphazard growth of the wartime civil service further revealed the administrative

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[81] UCDAD, P141/12.
[82] *Red Tape*, 117, X, June 1921.

defects of the state apparatus. The task of the inquiry by Haldane was to 'enquire into the responsibilities of the various departments of the central executive Government, and to advise in what manner the exercise and distribution by the Government of its functions should be improved'.[83] Haldane's first finding suggested that Whitehall, supposedly the paragon of efficiency, was almost as chaotic as Dublin castle with overlapping, obscure and confused departments of government. Haldane attempted to not only apply the recommendations of the pre-war MacDonnell report on grading but also to come to terms with the changes of the war. Treasury dominance over personnel across the entire civil service was re-established by the creation of the Establishment Division. The cabinet's status as the mainspring of the government machine was reinforced. The civil service was to acquire an expertise as providers of 'investigation and thought as the preliminary to action' with the recommendation that each department should have an intelligence and research branch. The committee also recommended an extension in the range and variety of the duties entrusted to women through the entire civil service, transforming an entirely male environment.[84] Haldane offered an exalted vision of the civil service with the value of efficient administration recognised and rewarded in both Great Britain and Ireland.[85] Few of his recommendations were realised and although Haldane seemed to offer better status for the civil service in fact all that was achieved in concrete terms was greater Treasury control. However for the associations a significant victory was that the reorganisation of the civil service into the new grades was to be undertaken by the service itself through the Whitley Councils. Whitley Councils of all the various government departments were instructed to work out a departmental reorganisation

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[83] *Report of the machinery of government committee* (Haldane).
[84] Ibid., pp12-21.
[85] Eunan O'Halpin, 'The politics of governance in the Four Countries of the United Kingdom, 1912-22' in S.J. Connolly (ed) *Kingdoms United? Great Britain and Ireland since 1500 integration and diversity* (1999) pp239-48.

into the new and universal structure of administrative, executive and clerical classes to be then submitted to the Treasury Establishment Division for final approval.

Reorganisation necessarily opened the further question of assimilating civil servants to new grades. The associations wanted 'weight for age' to apply; that is any individual would be assimilated at the point of the new scale that he would have achieved at his present age. The Treasury would only accept assimilation at the same actual monetary point on the scale; that is a civil servant would enjoy at best a modest rise in salary on assimilation even if the point of assimilation represented far fewer years of service than actually served. A related issue was that of inflation continuing to erode wages at a steady rate. The 'cost-of-living committee' established the 1914 cost-of-living as a baseline and awarded periodic percentage increases to compensate for the rise in the cost of living over that figure since 1914. In 1920 this stood at 130. The war bonus was then calculated at 130 per cent over 1914 salary levels and was to be periodically adjusted by the fall and rise of the prices index. This, it was hoped, would end the perpetual battles with the Treasury followed by rounds of conciliation and arbitration.[86]

Haldane made a brief visit to Ireland in April 1919 where the viceroy Lord French and the chief secretary Edward Shortt, both at utter loggerheads, acquainted him with the chaos that passed for an administration in Ireland. The Irish civil service was studded with many different classes and grades, which had now to be somehow fitted into the three main classes and subsidiary grades with fixed duties and universal salary scales. There was also growing pressure from Whitehall for Dublin to absorb the huge number of demobilised soldiers, which was countered by equal pressure from the Treasury to cut civil service numbers and to come to severance terms with

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[86] Humphreys, *Clerical Unions*, p114-31.

the thousands of temporary staff recruited during the war. Haldane made contact with Sinn Féin in the hope that the party would co-operate with a committee set up like the 'Machinery of Government Committee' in Great Britain, to be chaired by Haldane, which would work out some scheme of urgently needed administrative reform for Ireland but would not preclude future home rule. Haldane was of the opinion that the 'reform and organisation of the machinery of Irish government may be only the beginning of wisdom, but I am strongly convinced that it is the indispensable first step towards it'.[87] Haldane's suggestion was for dominion status for all Ireland to be preceded by a re-organisation of the Irish administration along with a general scheme of reconstruction guided by representatives of Irish opinion that would include an Ulsterman and de Valera. Haldane seems to have got a positive response from both Sinn Féin and the Ulster Unionists but the idea was scotched by Walter Long, the cabinet's Irish "expert" who told him to 'go to hell'.[88]

Long was at that time working at what emerged as the last of the home rule proposals for Ireland, the 1920 Government of Ireland Act, which proposed to partition the country and create two limited home rule assemblies, one based in Belfast for Ulster and one based in Dublin for the other three provinces, with an over-arching Council of Ireland, whilst reserving some services in Whitehall.[89] This would necessitate even further administrative confusion with the partition of parts of the civil service between north and south whilst retaining an imperial service.

The GCICS was reactivated. Though it was at the initiative of the CSCA that the GCICS was re-organised in 1917 to accommodate grade associations along with the departmental representatives, the Dublin council of the CSCA now regarded the Whitley committee as the better vehicle for defending the interests of the

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[87] Quoted in O'Halpin, *Decline of the Union*, p183.
[88] Keith Middlemas(ed) *Thomas Jones Whitehall Diary Volume 111 Ireland 1918-1925* (1971) pp12-3.
[89] Government of Ireland Act, 1920 [10 & 11 Geo. 5 Ch.67].

membership, referring to the GCICS as being no more than 'useful'. It was decided to continue representation on the committee but there is no record of any active engagement.[90] The committee, based on years of experience, used very different methods to those of the associations to put forward and win its demands. While the associations were energetically using the Whitley Councils to win the best deal on reorganisation and re-grading (see the next chapter) the home rule committee, or more accurately an inner coterie, was busy building up a network of influence in the cabinet and the Treasury.

The key figure on the 1919 GCICS was its chairman, Barlas of the LGB, a veteran of every civil servant home rule committee since 1893 and a diligent worker in the corridors of political power. Edward Saunderson, second son of Colonel Saunderson the first leader of the Ulster Unionist party, was his access to the cabinet through his close relationship with Walter Long. Long had been instrumental in getting Saunderson a permanent post at the LGB (hence his contact with Barlas) and then promotion to the coveted and influential post of private secretary to French in April 1918. The LGB under Sir Henry Robinson seems to have been a fertile source for civil servants of impeccable 'die-hard' unionist opinion. Sam Watt of the LGB was parachuted into position as private secretary to Ian Macpherson in early 1919, over the heads of two better-qualified Catholic candidates. Saunderson remained Long's creature and as a Unionist 'die-hard' he exercised a malign influence on Lord French.[91] Whilst Barlas was diligently manipulating his political contacts on behalf of his fellow Irish civil servants he was not above feathering his own nest at the same time. In November 1919 the LGB, via John Taylor in the under-secretary's office, submitted a proposal for reorganisation to the Treasury. In the reorganisation Barlas

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[90] *Red Tape*, 99, IX, Dec.1919.
[91] O'Halpin, *Decline of the Union*, p164-6.

was to be elevated to a new post of secretary to the Board at £1,000 per annum. If granted this would allow Barlas to retire on a pension higher than the salary he was then receiving. The reorganisation was in fact rejected by the Treasury, sceptical that the candidates for promotion were of first class calibre though 'it was suggested they should get Class 1 salaries'.[92]

On 9 April 1918 Lloyd George announced that Ireland was to have both conscription and a new measure of self-government. Walter Long was persuaded to act as chairman of the drafting committee on the new home rule bill.[93] There was little prospect of a home rule measure being actually passed by parliament but any bill that was produced would help set out the terms under which any future Irish settlement would be made.[94] It was in that spirit that Barlas immediately wrote a private letter to Saunderson, before a meeting of the home rule committee. What Barlas asked was that Saunderson should contact Long 'who has always been sympathetic to the Irish civil servants' and pass on to him a copy of the 1917 statement with an offer to meet and convey the fears of the civil service and the hope that he might address these in the bill.[95]

Long immediately replied to Barlas and, in an exchange of letters, Barlas outlined the principles that ought to guide the civil service clauses. Barlas complained that the 1917 Convention had 'contented themselves with a pious expression of opinion that the rights of existing officers should be preserved'. The only practical suggestion that had been made was the establishment of an Irish civil service commission. The position of the Irish civil service would be anything but secure under any Irish government likely to be elected in the circumstances of anti-

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[92] NAUK, TI/12410 'CSO proposals for secretary and assistant secretary LGB Ireland, Nov 1919'.
[93] Kendle, *Walter Long, Ireland, and the Union*, pp148-71.
[94] Turner, *Lloyd George's Secretariat*, p85.
[95] Wiltshire and Swindon record office [WSRO], 947/412/b, Walter Hume Long papers, Barlas to Saunderson, 16 April 1918.

conscription agitation. Barlas was himself quite fearful, more so probably than the majority of the lower ranks of the service. 'The feeling in the greater part of the country is notoriously anti-British' he told Long, and 'civil servants transferred will be in a much more precarious position now than they would have been in had the 1914 act come into operation 3 or 4 years ago'. It was his position that the GCICS statement of 1917 was no longer sufficient to protect the interests of the civil service. Whilst mindful of the importance of the difficult question of loss of prospects and security regarding promotion (at the core of the 1917 statement and mainly affecting civil servants determined to stay on) Barlas was of the opinion that 'the whole thing narrows itself down to the financial penalties to be imposed on any new government for removing civil servants without just cause or for alteration of their present rates of remuneration and status'.[96] He wanted the British government to legislate so that any future home rule governments would find it not only administratively difficult but also financially crippling to impose cuts on the civil service. Long then forwarded to Sir Robert Chalmers at the Treasury an edited version of Barlas' letter, containing the requested legislative changes, along with a copy of the 1917 statement.

The 1918 home rule proposal petered out, but Long was now entrenched as the cabinet liaison with the Irish government and the primary influence on Irish legislation. In October 1919 he was asked to chair the cabinet committee on Ireland and to return to preparing a new home rule bill for Ireland. Barlas was again immediately in contact and supplied him with a copy of the '*Supplementary Statement by the General Committee of Irish Civil Servants as to their position in view of further legislation affecting the government of Ireland*'.[97] The victory of Sinn Féin in the 1918 general election made Barlas even more pessimistic than before, and even a little

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[96] Ibid., Barlas to Long 23 April 1918.
[97] Ibid.,947/147, Barlas to Long 9 Oct. 1919; NAUK, CAB 27/69, memoranda of cabinet committee on Ireland (1919-1920) C.I. series, Vol II.

wistful for the comforts of the lost 1914 Act. It was incontrovertible, he wrote, that 'the position of Irish civil servants, especially those of fairly long service, will be immeasurably more insecure now, having regard to recent developments, than it would have been if the Government of Ireland Act of 1914 had come into operation in that year. Civil servants not in sympathy with the views of any new government in this country will, almost certainly, have to vacate their positions and the terms of compensation on retirement (either voluntary or compulsory) provided by the Act of 1914 should, therefore, be substantially improved'. He also feared that the power in the 1914 Act of the government to retain civil servants who might wish to retire, for up to five years, would expose them to intolerable pressures.[98]

Cabinet committee records and the relevant clauses of the 1920 Government of Ireland Act indicate that Barlas and the civil service committee, exploiting the political access and status provided by the patronage of Long, succeeded to a large degree in influencing and shaping the clauses on the civil service.[99] The 1919 statement asked that the concessions requested in 1917 should be granted along with additional concessions to meet the changed circumstances. The 1917 statement had concentrated on security for promotion for civil servants continuing in the service of the new government. It had only incidentally asked for improved terms for civil servants retiring either voluntarily or under compulsion.[100] The 1919 supplementary statement was much more focused on the terms of retirement, the special classes of civil servant on the Irish boards and the consequences of partition. Barlas wanted additional representation for civil servants on the Civil Service Committee established

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[98] WSRO, 947/147, Walter Hume Long papers, Barlas to Long 8 Oct. 1919.
[99] 10 & 11 Geo. 5, c.67 (23 Dec 1920). The relevant clauses are 54-9 and the Eighth Schedule; NAUK, CAB 27/69 & 70, memoranda of cabinet committee on Ireland (1919-1920) (C.I. series) Vols.II& III; *Supplementary Statement by the General Committee of Irish Civil Servants as to their position in view of further legislation affecting the government of Ireland* 10 Nov. 1919.
[100] see chapter four.

by the 1914 Act, which had the authority to permit retirements and award pensions, from one to three. He asked that the availability of the special terms of retirement should be extended from seven to ten years after the appointed day. The voluntary retirement terms had been limited in the 1914 Act to officers under sixty years of age. He wanted the age limit extended to sixty-five, reflecting the large cohort of senior officers approaching retirement age. The Civil Service Committee had the power to postpone voluntary retirement indefinitely under the 1914 Act. Barlas wanted this limited to two years.

Ian Macpherson adopted the cause of the GCICS and supplied the cabinet committee with a brief in which he endorsed Barlas' pessimism. He wrote, 'It is contended with some reason that safeguards as to security of tenure, promotion, prospects and transfers, are likely to prove of little practical value in the case at least of the South of Ireland Government, and this consideration strengthens the claim for improvement of the terms of retirement, whether voluntary, compulsory, or "permissive". This is the most important question that arises'.[101] Macpherson was in favour of adding to the power of the Civil Service Committee and of increasing the civil service representation on it. He was at the same time mindful of the danger of offering terms for retirement so generous they would strip the new governments of their entire civil service.

Worthington-Evans, minister for pensions, was willing to extend the civil servants representation on the Civil Service Committee, though to two only and not to the three asked by Barlas. On limiting the stay on voluntary retirement to two years, he agreed. He also supported extending the upper age limit for the special terms to

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[101] CAB 27/69, C.I.36 'Irish office, position of Irish civil servants under the new government of Ireland bill, 26 Nov 1919'.

sixty-five but did not support the extension of the option to retire under special terms to ten years after the appointed day.[102]

The cabinet memoranda plainly stated that 'in deference to representations from the Committee of Irish Civil Servants' the terms of compensation for officers who retired were now more generous than those in the 1914 Act.[103] Hitherto a 'civil servant' had been a person paid out of a fund voted by parliament. The committee proposed to define an 'Irish officer' in terms so broad it included all and every person whether permanent or temporary, in departments of state or autonomous boards, paid by vote, fees or allowances. Pension rights were also to be extended to categories that, up to then, had none, such as the CDB officers, provided the Treasury processed the necessary regulations before the appointed day. It would not do if home rule legislation imposed on the Irish governments concessions that had been refused by the British government. Compensation for retirement was however the nub of the issue so far as Barlas and the committee were concerned. Here the cabinet committee were prepared to meet the civil service without reservation. 'In deference to the representations of the Committee of Irish Civil Servants' the transitional period, it was proposed, would be extended from five to seven years. This was not as generous as Barlas' ten years, but it still extended beyond the retiring age of a great number of the senior civil servants. The terms of permissive retirement were equally generous. Under the 1914 Act the Civil Service Committee permitted retirement if a civil servant could show that his position had been altered to his detriment. Under the 1920 bill it was only required that the position had been materially altered. Also, under the 1914 Act the question of permitting retirement only arose after the transitional period of five years. After all, an officer, if he did not like the new

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[102] WSRO, Long papers 947/147, Worthington-Evans to Long, 28 May 1920.
[103] Ibid., CAB 27/70, 183, C.I.78, government of Ireland bill, notes on clauses 51-57.

conditions but was not compelled to retire, could simply opt for voluntary retirement during the five years. The difficulty for such an officer however, was that the terms of voluntary retirement were much less generous than those for permissive retirement. The intent of the 1914 Act was to encourage civil servants to stay on for at least five years by offering security that conditions would not get worse and might even get better after the transition. The 1920 bill, in response to Barlas and the civil service representations, abolished that distinction. An officer retiring without permission could expect the same terms as an officer retiring with permission. By agreeing to extend the normal retirement age from sixty to sixty-five, and by extending the transition period to seven years, the actual sums of compensation (which were based on years to retirement and transitional years) were greatly increased. The compensation scale of the 1914 Act became the minimum of the new scale, with a maximum of two-thirds of retiring salary. The cabinet committee also proposed to allow the civil servants two, rather than one, representative on the Civil Service Committee. The two representatives would be drawn from north and south and the committee was extended to seven.[104]

Clauses 54-59 with the eighth schedule of the 1920 Government of Ireland Act were the achievement of the GCICS. This achievement was the result of a long campaign that began with the 1911 overtures to the home rule bill of 1912, but whose origins lay in the 1893 committee. The achievement was, for a while, overshadowed by the revolutionary changes that swept the state they served into the dustbin of history. However those achievements were vital in allowing the civil service to negotiate the shifting direction and speed of reform as the Irish administration, now in the hands of an English "junta" of elite civil servants, turned to face the challenge of

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[104] Ibid.

partition and a revolutionary state claiming true legitimacy. Since 1911 the Committee had succeeded in forging a combination that crossed classes, grades, departments and the political allegiance of nationalist and unionist civil servants. Sharing many of the same activists as the associations and the departmental Whitley Councils it relied exclusively on personal and private contacts and not at all on mass mobilisation or the fraternal support of fellow officials. By persistent but discreet lobbying within the corridors of power it succeeded in shaping and amending legislation so as to win better terms and security for the status, pay and promotions and pensions of the Irish civil service. Most significantly of all it succeeded in winning what was in effect a "written constitution". By 1920 the vested interests of Irish civil servants, who previously were employed "at pleasure", had been transformed into rights that were legal and parliamentary, and therefore defensible at law.

CHAPTER FIVE

TREASURY (IRELAND) 1920-21.

Early in 1920 Maurice Headlam was visited by Sir Warren Fisher, secretary to the Treasury and head of the civil service, accompanied by Sir John Anderson, from the Inland Revenue board. Headlam was rattled to be treated with something very like contempt, after expressing strong suspicions about some Catholic official to his visitors.[1] Headlam was also puzzled as to the purpose of the visit but, as all heads of departments ought to know well, visitations by the Treasury were always the prelude to great changes. Since the failure of the Convention the Castle administration had not come up with any politically creative ideas. In fact the last significant political initiative to emanate from the Castle had been MacDonnell's 1906 Irish Council Bill.[2] The attempt to link home rule and conscription in 1918 had proved a disaster and had boosted Sinn Féin. The post-war general election results demonstrated that Sinn Féin now represented the majority view of the Irish electorate. Concluding that no political solution was possible Dublin Castle turned to imposing coercion, a policy that led increasingly to a militarisation of the administration.[3] As H.A.L. Fisher pointed out to Lloyd George, the strategy being pursued by the Irish government would mean that Irish home rule, which was on the statute books, would be accompanied by military

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[1] Headlam, *Reminiscences*, p216.
[2] David C. Hudson, *The Ireland That We Made. Arthur and Gerald Balfour's contribution to the origins of modern Ireland* (2003), pp151-2.
[3] Kenneth O. Morgan, *Consensus and Disunity the Lloyd George Coalition 1918-22* (1979) pp125-6.

law.[4] A Castle clique of the new Chief Secretary Ian Macpherson, the Viceroy Lord French, and the senior civil servants Sir John Taylor (former member of the 1911 civil service committee), W.P.J. Connolly, Edward Saunderson and Samuel Watt supposed that everyone except "Ulster", and all opinion that was not "loyal", was to be subject to indiscriminate coercion. Taylor, identified as the dominant personality in this centre of reaction, was unable to see that Dáil Éireann's claim to be the legitimate state presented a wholly different challenge than the rick-burning and cattle drives of earlier agitation.[5] Under them the RIC was further militarised and Sinn Féin, the political representatives of the majority of the Irish people, was suppressed and its supporters punished. As the failure of militarising the administration to deliver social order became evident, the fault was laid at the door of the civil service administrators and not the policy. The problem, it was alleged was the unreliability or even incompetence of elements within the civil service. Lord French blamed the failure of his repression on the 'weakness and inefficiency of some officials' and moved to purge the civil service of any officials with Sinn Féin sympathies, which meant all Catholics in the administration came under suspicion.[6] MacMahon, the Catholic under-secretary, was marginalized as the ultra-loyalist Sir John Taylor was appointed assistant under-secretary, vaulting over the highly able Joseph Brennan, a Catholic. Headlam was so determined to defend the status quo that he secretly kept Unionist critics informed on the Irish policy of the government, which is the most serious possible breach of civil service ethics.[7] The civil servants in the Castle split into two camps, those who backed MacMahon and those who backed Taylor. The deepening

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[4] HLRO, Lloyd George papers, F/16/7/24.
[5] Periscope [G.C. Duggan] 'The Last Days of Dublin Castle' *Blackwood's Magazine*, no. MCCLXXXII, Vol. CCXII (August 1922), pp137-190. P139.
[6] Richard Murphy, 'Walter Long and the making of the Government of Ireland Act, 1919-20' *Irish Historical Studies*, xxv, no.92, (May 1986) pp 82-96; McBride, *Greening of Dublin Castle*, p260.
[7] O'Halpin, *Decline of the Union*, p138; UCDAD, LA24, Duggan memoir.

politicisation of the bureaucracy of Dublin Castle fatally weakened the state as a culture of militarism expelled anyone counselling dialogue with nationalism.[8] The key role of the modern civil servant, to inform, to advice and to warn, was a nullity. A culture of militaristic machismo, revealed by the frequent accusation of "cold feet" being hurled against any who counselled caution, prevailed.[9] Duggan remembered this time as the 'unhappiest twelve months of my civil service career'.[10] General Sir Joseph Byrne, the Catholic head of the RIC was pushed out of office because, Lord French alleged 'he had lost his nerve' and was too soft on Sinn Féin.[11] Far from losing his nerve however he was in fighting form and complained to the cabinet that the problem was the Castle government was out of touch with all opinion save its own.[12]

As the challenge of the republican forces grew the British government further militarised the administration. Hamar Greenwood, who had no knowledge of Ireland and no cabinet experience, replaced Macpherson, now in turn accused by Edward Saunderson of showing 'cold feet'.[13] Sir Neville Macready was appointed General Officer Commanding. Meanwhile Walter Long's Government of Ireland bill, which would establish a Council of Ireland with two local parliaments in Belfast and Dublin, began to make its passage through parliament. If, as appeared likely, it was accepted by the Ulster Unionists but rejected by Sinn Féin then the government would partition the country and rule the south by military government.[14] A new dual policy emerged of smashing Sinn Féin whilst proffering the Government of Ireland bill as a final

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[8] NAUK, Wylie papers, PRO 30/89/2, 'Wylie memoir' pp 45-50'; León Ó Broin, *W.E. Wylie and the Irish Revolution 1916-1921* (1989)p p43-5.
[9] HLRO, Bonar Law papers, 83/2/21, 97/3/31, 'Walter Long to Bonar law' Feb-Mar. 1918, 21 May 1919.
[10] UCDAD,LA24, Duggan memoir.
[11] Periscope [C.G. Duggan],'The last days of Dublin Castle'. p140.
[12] O'Halpin, *Sir Warren Fisher*, pp83-5.
[13] O'Halpin, *Decline of the Union*, pp200-1.
[14] Trevor Wilson (ed) *The Political Diaries of C.P. Scott 1911-1928* (1970) pp382-3.

settlement. Greenwood's Restoration of Order (Ireland) Act imposed imprisonment without trial and courts-martial in designated areas. The "Black and Tans" and the Auxiliaries bolstered the crumbling RIC as county after county was put under martial law. It was also clear that the police and soldiers enjoyed considerable freedom in interpreting the law. Reprisals were sanctioned and became official policy, destroying any legitimacy that the state might have retained in British and international eyes. The only political policy was the mechanical progress of the 1920 bill through parliament and the partition of the administration.

The soldiers appointed to govern Ireland in early 1920; Colonel Ormond Winter, chief of intelligence; General Tudor, head of the RIC; General Macready, Commander in Chief of the army; General Boyd, head of the DMP and Brigadier Crozier, head of the Auxiliaries; all sent to Ireland to defeat Sinn Féin by military repression, found themselves filling an administrative vacuum. Macready confessed himself 'fairly astonished' at the chaos and incompetence that prevailed in the Irish administration.[15] Sir Hamar Greenwood, the new chief secretary, reported to cabinet in May 1920 that his real difficulty was 'the inadequacy and sloppiness of the instruments of government.[16] After a blistering attack on the incompetence of the castle apparatus by Macready an investigation of the Irish administration took place in May 1920 under Warren Fisher, permanent secretary of the Treasury and head of the British civil service. Fisher did not share in the Castle paranoia of Irish Catholics. A supporter of home rule for Ireland, he liked the country and the people, besides which his wife was half-Irish and a Catholic.[17]

The British government insisted that Fisher's investigation into Dublin Castle was merely to prepare the ground for implementing in Ireland the recently approved

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[15]General Sir Nevil Macready, *Annals of an Active Life*, (2 vols, 1925). ii p448-9.
[16]Jones, *Whitehall Diary*, pp16-8.
[17]Eunan O'Halpin, *Sir Warren Fisher*, p84.

recommendation of the National Whitley Council on reorganisation.[18] However the signals that something more thorough was being planned were, by early April, sufficiently strong to thoroughly alarm Robert Lynn the Belfast unionist MP for Woodvale constituency. Writing to Bonar Law he implored him to 'refuse to allow the betrayal of the faithful servants by an act of government treachery', or at least, if they were to be 'thrown to the wolves' to ensure that they received adequate pensions.[19] The Fisher report on the Irish administration was unequivocal in its direct and plain-speaking condemnation;

> The castle administration does not administer. On the mechanical side it can never have been good and is now quite obsolete; in the infinitely more important sphere (a) of informing and advising the Irish government in relation to policy and (b) of practical capacity in the application of policy it simply has no existence... The prevailing conception of the post of under secretary - who should be the principal permanent adviser to the Irish government in civil affairs - appears to be that he is a routine clerk...The position at the present moment is seemingly that no one in the Chief Secretary's Office, from the Under Secretary downwards, regards himself as responsible even for decisions on departmental papers, let alone for a share in the solution of difficulties in the realm either of policy or of execution. The Chief Secretary, for his part, appears to be under the illusion that a Civil Servant - even though he has the position and emoluments of permanent head of the Irish administration - is entirely unconcerned with the exploration or settlement of the problems which the Irish administration exists to solve.[20]

Warren Fisher's view was that Macready, appointed as GOC, had in fact been playing the role of under secretary and had therefore hidden the fundamental weakness of the administration. He recommended that MacMahon, though inadequate, should be left in the post of under secretary not least because he 'holds views more in keeping with 20th century sentiment than those expressed by the

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[18]McColgan, *British Policy*, p23.
[19] HLRO, Bonar Law papers, 98/9/1-2, 'Lynn to BL' 1,2 Apr. 1920.
[20]HLRO, Lloyd George papers, F/31/1/32.

ascendancy party and the supporters of indiscriminate coercion'.[21] But Taylor had to be got rid off and a new team of senior civil servants sent in to thoroughly recast the administration.

In a supplement to the report Warren Fisher concluded that the government of Ireland was 'woodenly stupid' and that the problems in the Castle administration were not simply administrative but were political. The continuance of government by 'folly and brute force' would lead to no alternative but military rule in Ireland. Fisher recommended that any solution would need to be one that showed the government seizing the initiative and was imaginative, offering the maximum of both political and administrative reform. These would include the abolition of the lord lieutenancy 'a pinchbeck royalty', the abandonment of Walter Long's home rule bill, which had no friends in Ireland, and an offer of dominion home rule with safeguards for defence and Ulster.[22] The cabinet rejected out of hand his recommendations on political reform but his recommendations on administrative reform were accepted and a team of civil servants were sent to sort out Dublin castle.[23]

Fisher executed a coup of the Irish administration. Taylor was ditched. His claim for £11,070 compensation, pursued relentlessly with Walter Long and Austen Chamberlain, was dismissed by Malcolm Ramsay who noted that nobody but Sir John Taylor could suppose he was that valuable, and by Warren Fisher who informed Long that Taylor had enjoyed advancement far beyond anything that a modestly efficient English department would have given a man of similar calibre. Eventually he settled gratefully for £3,000.[24] Connolly, who had moved into the Castle after the killing of Alan Bell and ran up a considerable bill at the officer's mess, was moved to

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[21] Ibid.
[22] Ibid., F/31/1/33, 'WF to PM' 15 May 1920; O'Halpin, *Sir Warren Fisher*, pp87-8.
[23] NAUK, CO 904/188, Anderson Papers, Sir John Anderson to the Chief Secretary, 20 July 1920; Jones *Whitehall Diary*, pp25-34.
[24] NAUK, T1/12592 'Sir John Taylor retirement compensation claim'.

Bournemouth.[25] Headlam was moved back to an obscure department in the Treasury in London to serve out his years to retirement.[26] Interestingly, no other senior civil servants were moved, not even Micks the head of the notoriously difficult CDB. Clearly was at issue was not efficiency but an over-zealous and uncritical identification with reactionary policies which blinded Taylor and his like-minded coterie to the collapse of the state civil machine.

The moment in May 1920 when the reins of the Castle administration passed into the hands of a team of English civil servants is recognised as crucial to the history of the Irish administration in the period of revolution. It is generally argued that this team of non-political experts transformed a demoralised and outmoded administrative machine into an efficient and modernised civil service, just in time for the Treaty settlement.[27] This would be a remarkable achievement and deserves further examination into precisely who they were and what they did to the Irish civil service. It would also bring the civil service and the state to the centre of the revolutionary struggle.

The team of English civil servants sent to Dublin were led by John Anderson, forming a "junta" in the words of George Chester Duggan, the superintending clerk in the chief Secretary's Office at the time.[28] John Anderson was Chairman of the Board of Inland Revenue. During the war he had served as secretary of the Ministry of Shipping. In Dublin Anderson was appointed joint under secretary with the powers of a permanent head of the Treasury and given a free hand; 'no civil servant has ever wielded, or is ever likely to wield, such power as he did during his twenty-one months

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[25] CSORP 1921-22, 2602/30.
[26] O'Halpin, *Decline of the Union*, p209.
[27] McColgan, *British Policy and the Irish Administration*, p132; McBride, *Greening of Dublin Castle*, 279-80; O'Halpin, *Decline of the Union*, pp 207-13.
[28] Periscope,'Last days of Dublin Castle', p150.

of tenure of office as Under-Secretary.'[29] Accompanying Anderson were A.W. [Andy] Cope, a customs detective who was to play the decisive role in negotiating the Truce; Mark Sturgis, Chairman of the Treasury Selection Board, who left a racy diary of those years; Basil Clarke, former war correspondent of the Daily Mail, Director of Public Information in the newly created Ministry of Health and seconded to Dublin as Head of Publicity, at which he was a failure; Geoffrey Whiskard, of principal officer rank, a crime specialist to co-ordinate civil and military forces; L.N. Blake-Odgers, seconded from the Home Office; William Thomas Matthews and Bernard Gilbert, both Treasury principal officers appointed assistants to Waterfield; T.D. Fairgrieve, seconded from the Scottish Office; Norman Gerald Loughnane, a Treasury principal officer; and Alexander Percival Waterfield who was made Treasury Remembrancer with the power of assistant under secretary.[30] W.E. Wylie, the legal advisor to the government, was deeply impressed by the group and, as his own analysis and prescription so closely mirrored that of Anderson, he was absorbed into the team.[31] The Anderson team constituted, from the day of their arrival until the creation of the provisional government under the Treaty, a "super bureaucracy" of competent and trustworthy civil servants in Ireland.[32] Their status within the service was signalled by Treasury circulars from Warren Fisher and from Johnson the establishment officer, directing that all papers 'dealing with, bearing on, or arising out of the present abnormal Irish conditions' were to be treated with the 'utmost despatch at every stage'.[33] Anderson brought one immediate advantage to the Irish administration; there were to be no more humiliations at the hands of the Public Accounts Committee for the heads of the Irish civil service. In 1920 MacMahon's mild suggestion that many

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[29] Ibid.,p151.
[30]Michael Hopkinson (ed) *The Last Days of Dublin Castle the Diaries of Mark Sturgis* (1999).
[31] Ó Broin, *W.E. Wylie and the Irish Revolution*, p65.
[32]McColgan, *British Policy*, pp12-13; Ó Broin, *W.E. Wylie and the Irish Revolution*, pp 63-7.
[33] NAUK, T1/12592 'Irish questions-urgency of treatment' 13 & 26 may 1920.

departments made expenditures in *anticipation* of Treasury sanction flung Henry Craik of the PAC into a righteous rage. Anderson had no such trouble as extra allowances were nodded through for his English officials living in the Marine Hotel in Kingstown, travelling first class and enjoying special allowances.[34] As Duggan puts it, Anderson arrived 'drawing forth a well-filled purse'.[35] As the "economy" frenzy swept through Whitehall, Fairgrieve dismissed a Treasury demand for reductions in staff, writing that 'ordinary conditions applicable to Great Britain are not possible as regards Ireland just yet'.[36] These 'suave and sophisticated Englishmen', with neither careers nor commitments in Ireland, cosseted and believed to be receiving huge salaries, aroused deep resentment in the old Unionist 'die-hards' of the Castle establishment.[37] The nationalist press, in the hope that it signalled the abolition of the hated Dublin Castle, cheered their arrival.[38]

It is clear that both Warren Fisher and Anderson also interpreted the new regime as signalling a new policy for Ireland. They were also clear what this policy was to be; an immediate offer of dominion home rule for Ireland, with protection for Ulster and British defence interests, allied with unflinching coercion. This was the policy that Macready, Warren Fisher, Anderson and Wylie agreed and brought to the cabinet in July 1920.[39] This was the policy that Wylie reported to Anderson had brought the southern unionists, churchmen and "political" Sinn Féin 'in with us'.[40] However, despite the arguments of the Irish specialists the cabinet was not convinced and Churchill with Tudor won support for more coercion. Walter Long rejected the

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[34] Parl. papers 1920, VI, *public accounts committee*, para 5275-80; Parl. papers, 1922, VI, *public accounts committee*, paras 1754-9; NAUK, T158/1, Treasury conference on special allowances 11 Sept 1920.
[35] Periscope, 'Last days of Dublin Castle', p149.
[36] NAI, CSORP 1921-2, 2964/24, Treasury circular no.36/21, 25 Aug 1921.
[37] Robinson, *Memories Wise and Otherwise*, p292-4.
[38] *Freeman's Journal*, 28 May 1920.
[39] Sturgis, *Last Days of Dublin Castle*, p13; Jones, *Whitehall Diary*, iii, pp25-32; Ó Broin, *Wylie and the Irish Revolution*, pp.81-102
[40] NAUK, CO/904/188/449, Anderson Papers, 'Wylie to Anderson 30 July 1920'.

Fisher report and insisted that home rule would be accepted and that all that was required was for the government to 'stand up to the Irishman' and assured Lloyd George that 'it is dogged does it'.[41] However the Anderson team acted as if the cabinet decision not to offer dominion home rule was a delay, rather than a rejection of the policy. Cope continued to develop his own contacts with Sinn Féin, despite the cabinet decision that no authority existed for any person serving the Irish government to contact Sinn Féin except to convey government policy.[42]

As well as referring to the failure of administration Warren Fisher also wrote to Lloyd George on the failure of statecraft in Ireland; and on the absence of an understanding of the role of a modern civil servant; 'to inform to advise and to warn'. A civil servant is not a soldier, he may disagree and he should certainly speak with complete frankness. In Dublin Castle none of the civil servants were prepared to do that and all avoided responsibility. Irish government was in danger of being overwhelmed by those who thought that all that there was nothing more to be done than to defeat the gunmen. The ascendancy party in Dublin Castle were actually quite content with the *status quo* accompanied by additional coercion. The Anderson team were sent to Dublin to deal with a technical problem of administration, but also to provide the statecraft that was lacking. The danger was that the Irish government was abdicating to the military and quite unwittingly was creating the conditions in which the state in Ireland would come under a military executive. The mission of the Anderson team was to prevent the eclipse of civil government and to ensure that when the cabinet finally arrived at the correct decision it would be possible to enact it. They understood the enormous difference between civil government and military government and the difficulty of going back to civil government. As Macready put it,

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[41] HLRO, Lloyd George papers, F/34/1/27, 'Long to PM' 18 June 1920.
[42] NAUK, CO/904/188/447, Anderson Papers, 'Note by Irish situation committee 8 July 1920'.

enforcing relative peace by military rule was not difficult; it was what was done after that was difficult.[43] What this group also saw clearly was that the actions of Dáil Éireann and Sinn Féin in establishing the counter-state indicated a desire to maintain social order and the rule of law and a wise government would have encouraged this desire.

Warren Fisher and Anderson presented the cabinet with a clear choice; to govern Ireland by a civil or a military government. In presenting this clear choice they were not only arguing against the cabinet decision but also displaying a deeper loyalty to the state. As Warren Fisher reminded Lloyd George 'there is all the difference in the world between a military machine and a civil machine in circumstances such as now obtain in Ireland'.[44] A military government has the means to enforce its decisions because it is not dependent on civil society to execute its orders. Civil government requires the consent of society because agents who are also part of the civil population execute its orders. A further difference that Warren Fisher did not draw out was that whereas a soldier obeys an order, a civil servant responds to an order, sometimes critically. That Ireland would eventually have to be given self-government was evident to all except the most hard-bitten, diehard unionist. The form of the state in Ireland after attaining self-government would be continuous with that of the last British regime, either civil or military. For Warren Fisher in particular failure to ensure continuity of civil government of the state would be devastating. Hence his veiled threat to withdraw the Anderson team if the policy of coercion was pursued to its logical ends.

In Whitehall the recent retirement of many senior civil servants created an opportunity to re-organise the Treasury and impose the control of the civil service that

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[43] HLRO, Lloyd George papers, F/36/2/14, 'Macready to Miss Stevenson' 25 May 1920.
[44] Ibid., CO/904/188/476, Anderson Papers, 'Warren Fisher to the PM 2 Aug. 1920'.

had eluded reformers since it was first suggested by the MacDonnell royal commission. Between September 1919 and March 1920 a series of Treasury circulars reorganised the Treasury into three divisions of finance, supply and establishment. The status of the permanent secretary to the Treasury as head of the civil service was confirmed, as was the power of the Treasury to regulate and control the departments of government.[45] Throughout the 1919-22 period, when the state in Ireland teetered on the edge of collapse Warren Fisher was deeply engaged in the most far-reaching reforms of the British civil service.[46] The entire civil service in Britain, from the senior to the most junior ranks, through the departmental Whitley Councils, was now engaged in thinking about the problems of reorganisation and reform as part of post-war reconstruction. It was inevitable that such thinking would influence policy on Ireland.

Warren Fisher could clearly see the connection between civil service reform, the crisis in Ireland and a threatened failure of the state. Although expressed in purely administrative language, the role of the Anderson team was clearly political in the sense that they responded to the crumbling of British political supremacy in Ireland. As Wylie pointed out, the people were either hostile or neutral '<u>because</u> they no longer looked upon the government as <u>the</u> government'.[47] Sturgis put the same conclusion more colourfully; 'the Irish may not be fit to govern themselves, but neither were the English, nor the Welsh'.[48] The over-riding objective of the Anderson team was first, to ensure that the civil government of Ireland would not be swept aside by military government, and second that the civil government would provide continuity into a new government in Ireland. In pursuing these goals they acted

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[45] Kathleen Burk, 'the Treasury: from impotence to power' in Burk (ed) *War and the State*, pp84-107.
[46] O'Halpin, *Warren Fisher*, pp46-65.
[47] NAUK, CO/904/188/463, Anderson Papers, 'Wylie to Anderson 3 Aug. 1920'.
[48] Sturgis, *Last Days*, p17.

outside the tradition of the civil service, but confident that their political masters simply needed time to agree with the superior insight of their civil servants. Despite the posturing of Greenwood and the generals the civil service were agreed that it was Anderson who was the 'most powerful force in the British administration in Ireland'.[49] The condition of Ireland and the infestation of the state apparatus by the military justified the exercise of executive power by an objective civil service in order to ensure the survival of the state itself.

The group was selected not alone on ability but also because they largely agreed with Warren Fisher on Ireland. Before transfer to Ireland Sturgis' briefing at Treasury was a process of acquiring Warren Fisher's views on the failures of the old 'Castle Gang'.[50] Cope, the central figure in the secret contacts and negotiations that led to the truce and treaty, was an anti-militarist and a democrat.[51] As civil servants they recognised that there was a lot more to do in Ireland than simply beating an enemy.[52] It was lucky for Dáil Éireann that the cabinet resisted for so long. Revolutions in the twentieth-century, to be successful, depended more on the failure of the state than on the actions of the revolutionaries.[53] The IRA guerrilla campaign could ensure its own survival, but it could not topple a state. It was the failure of the British state in Ireland created the conditions in which what might have been a comic operetta of Dáil Éireann succeeded in taking state power.

Andy Cope, highly strung with a nervous energy, was then and is now recognised as the key figure in securing the truce and treaty. In the political history of the revolutionary period he is, on the British side, the central force. For the mass of

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[49] Periscope, The last days of Dublin castle' p172.
[50] Sturgis, *Last Days*, p11.
[51] Eunan O'Halpin, 'Cope, Sir Alfred William [1877-1954]' *Oxford Dictionary of National Biography* (2004).
[52] Sturgis, *Last Days*, p100.
[53] Theda Skocpol, *Social revolutions in the Modern World* (1994) Cambridge.

the Irish civil servants Waterfield was the key figure, one very much less significant in the bigger picture and not mentioned at all by Sturgis. But, if the view that an administrative apparatus on the verge of collapse was thoroughly modernised within eighteen months is to be accepted, then his achievement deserves recognition.

The creation of Treasury Ireland on 16 June 1920, with responsibility for 'all expenditure of all Irish departments, universities and colleges, including all questions of supply and establishment' with the authority to 'advise and make observations' on the Irish branches of the 'English' departments such as the Admiralty, Air Force, Ministry of Labour, Ministry of Pensions and Revenue Departments; achieved in an instant the centralised control of the Irish departments that had often been proposed but never achieved.[54] However that control now lay with a civil servant, not a politician. John Anderson went to London looking for clarity in the relationship between the establishment division of the Treasury in London and Treasury Ireland, in regard to reorganisation in Ireland. He was assured that Waterfield, assistant secretary at Treasury (Ireland), was regarded as the head of the Irish civil service under the direction of Anderson.[55]

Some of the pressing administrative problems that Waterfield had to deal with had nothing to do with the political crisis and were common to both Britain and Ireland. Most immediate were the demands of the demobilised soldiers and sailors. Across Europe embittered demobilised soldiers, organised in groups such as the German Freikorps and the Italian Arditi, were becoming a dangerous and destabilising force in society. In the immediate aftermath of the Armistice there was a general expectation of improvements in the British economy. The release of pent-up savings and the backlog of unsatisfied demands, allied with the end to the slaughter of war,

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[54] NAUK, T158/2, draft note on financial powers of Sir John Anderson as under-secretary Ireland, 22 Dec 1920'.
[55] Fanning, *Department of Finance*, p12.

created a public euphoria encouraged by a government declaration promising a "land fit for heroes". It was anticipated that the post-war economy would easily cope with the discharged soldiers, and that the government would do its bit by giving them jobs. A committee of inquiry into the employment of ex-servicemen in the civil service, headed by Lord Lytton, put a lot of pressure on the government departments to employ these men, especially the disabled. Apart from the few with recognised qualifications most of the ex-soldiers were virtually illiterate and, by repeatedly failing the qualifying examinations, had proved incapable of achieving a basic acceptable standard. It became necessary to simply ignore their failings and admit them on the recommendation of the departmental heads. In Ireland these men were often rapidly promoted into permanent posts, by-passing other temporary men who were better qualified but regarded as less loyal.[56] The particular animus of these veterans was the number of women employed in civil service posts. The veteran associations were feared and hated by the established civil servants When the veteran associations amalgamated to form the British Legion and began recruiting ex-servicemen within the civil service W.J. Brown of the CSCA attacked them as a union-breaking force and as a sinister movement close in spirit to the *fascisti* of Italy.[57]

In Dublin the 4,600 ex-soldiers of the 'Irish Federation of Discharged or Demobilised Sailors' and 'Comrades of the Great War' were well organised, bitter, and vocal.[58] The Federation had boycotted the official Peace Day celebrations of July 1919 in protest at the government's lack of action on their behalf.[59] The 'Association of Ex-Service Civil Servants' alleged victimisation at the hands of the Irish

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[56]NAI, CSORP 1921-2, 2964/22 "employment of ex-servicemen in the civil service".
[57] *Red Tape*, no.124, vol.xi, Jan 1922; no.141, vol.xii, June 1923.
[58] NAI, CSORP 1921-2, 22192.20 'employment of ex-servicemen, 22 June 1920.
[59] Jane Leonard, ' "The twinge of memory": Armistice Day and Remembrance Sunday in Dublin since 1919' in English & Walker (eds) *Unionism in Modern Ireland* (1996), pp 99-114, p101.

departments who, they claimed, were ignoring the claims of those who had risked life and limb. They wanted new posts and promotions reserved for ex-servicemen.[60] They minutely scrutinised the departments for the lists of women employees and bombarded the heads of those departments with demands for their replacement by veterans.[61] General Macready was generally sympathetic and a willing conduit to Anderson for their grievances about the Irish departments.[62] John Anderson was anxious that the claims of the veterans living in the midst of a hostile population 'whose value to the cause of settled government at the present time is very great' should be have as many positions as possible opened to them.[63] The DATI was particularly anxious to please and Gill assured Anderson that 'where possible all professional and technical staff are ex-servicemen'.[64] The Whitley reorganisation of the civil service seemed to provide these veterans with the ideal opportunity to press their claims. The Irish Federation of Discharged and Demobilised Sailors and Soldiers demanded representation on the departmental Whitley Councils of the Irish government. Waterfield was nervous of this group and wanted them excluded despite Anderson's support for them, but he left it to the civil service unions to keep them out.[65] On the other hand Waterfield was quite prepared to put pressure on the heads of departments to dismiss women in temporary posts and employ the ex-servicemen in their place.[66]

The other main task that Waterfield faced was the application of the Ramsay and Stuart-Bunning Whitley Joint Sub-Committee on Reorganisation report. The sub-

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[60] NAI, AG1/G3543/19 'memorandum from association of Irish civil servants...9 Apr. 1919.
[61] NAUK, T158/6 'assoc of ex-service civil servants to Waterfield', 6 Dec 1921.
[62] NAUK CO/904/188/595, 'Macready to Anderson 27 Sept. 1920'.
[63] NAI, CSORP 1921-2, 22192/20 'employment of ex-servicemen' 22 June 1920..
[64] NAI, AG1/G4034/21 "statement showing what has been done by department for ex-servicemen since Armistice".
[65] NAUK, T158/3 'Waterfield to Phillips' 7 May 1921.
[66] NAUK, T158/5, 'Waterfield to Patterson' & Waterfield to Cope' 8 Nov. 1921; T158/6 'Waterfield to Minnis' 20 Dec. 1921.

committee, formed entirely of former and serving civil servants, including Sir John Anderson, reported in February 1920. The report recommended that the entire civil service; consisting of twelve classes, should be re-graded into just four classes; writing assistants, clerical, executive and administrative; with higher and lower grades where appropriate.

So far as the civil service associations were concerned the gains offered by the reorganisation report were an end to the university monopoly on the administrative posts, a clear pyramid of promotion from the clerical to the administrative class, the retention of the seven-hour day and the improved scales of pay which offered a 'marrying' wage at age of twenty-five. The disadvantages were the creation of the new writing assistant class and the formalising of discrimination against women who were doing the same work at the same grade as men but for a lower pay.[67] In Ireland the reorganisation report had been condemned by the ILC assistant clerks because of the discrimination against women and the perpetuation of a dead-end in the writing assistant grade. However the rest of the service accepted the report by an overwhelming majority.[68]

The civil service associations assumed that assimilation would be a straight-forward process whereby the assistant clerks would become clerical officers and the second division clerks would become executive officers. It was also assumed that the transfer would be 'weighted for age', that is to say that a civil servant would enter the new class at an increment corresponding to his age. Instead the Treasury offered transfer at an increment equivalent to a slight increase on the salary actually enjoyed at the moment of transfer. In real terms what that meant was that an assistant clerk of forty years, with twenty-two years service, might expect to arrive at a salary for a

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[67] *Red Tape*, special number, Feb 1920.
[68] *Ibid.*, no.103, vol. ix, April 1920.

clerical officer with the same twenty-two years of service. Instead the Treasury might offer a salary equivalent to only ten years of clerical officer service. Leading the reaction to reject these terms were the Dublin civil servants. Furious at the chronic delay that accompanied the whole reorganisation process and disillusioned with Whitleyism, large numbers of the Dublin civil servants were prepared to abandon Whitleyism, establish a strike fund and revive the demand for an arbitration board under parliamentary control.[69] The Treasury, by offering a guarantee for a substantial increase in actual salary for all assimilated officers did secure agreement, but at the cost of a great deal of suspicion and bad feeling.

As Waterfield established himself in Dublin Castle as 'Treasury Ireland' he faced the task of reorganising departments and assimilating a disgruntled and suspicious Irish civil service to their new classes and grades. The procedure, ideally, was that departmental Whitley councils would draw up a proposed reorganisation scheme for submission to Waterfield, allocating the work of the department to a number of administrative, executive and clerical officers. He would then evaluate and, if he thought it necessary, modify the scheme, usually by reducing the proposed number of administrative and executive posts. The departmental council could then reconsider the modified scheme, but as was made clear the 'fundamental principle of Whitleyism is that the Whitley Council in no way detracts from the supreme authority of the head of department and the Treasury and no proposal can be acted on without the approval of the Treasury'.[70] What this meant in reality was that the only real reorganisation was the Treasury offer, which the staff was free to accept or reject. The next stage was assimilation. Each individual civil servant's immediate superior would certify that he was fit for allocation to a certain class and grade; higher clerical

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[69] *Ibid.*, no.105, vol.ix, June 1920.
[70] NAUK, T158/2 'Waterfield to Lord Chancellor' Dec. 1920.

or lower executive for instance.[71] On a date to be decided by Whitehall the reorganisation would take effect and the entire service would transfer to the new classes.

In doing this Waterfield at all times tried to act according to the principles that were being followed in Whitehall and so had to constantly refer to the Treasury. Waterfield soon found that, not surprisingly, the heads and staff of the Irish departments saw him as an English interloper and tended to combine against him. At the same time the civil service associations remained active on behalf of individual civil servants and certain classes. As a background to all these was the problem posed for civil service organisation by the passing of the Government of Ireland Act, 1920 and the establishment of three or four executive powers of Southern Ireland, Northern Ireland, Council of Ireland and the United Kingdom parliament.

In early October 1920 Waterfield met the heads of the Irish departments to discuss the difficulties that the Whitley reorganisation posed and to set out some general principles. It was an opportunity for the departmental heads to put to him some of the difficulties they had encountered. A Treasury directive had instructed all departments to appoint an Establishments officer to deal with all staff matters. These establishment officers formed the official side of the departmental councils. Waterfield, however, dealt with the departmental heads only. This protected him from the rough and tumble of negotiation but ensured control of the process.[72]

At this point Waterfield was attempting to board a moving train as several of the departments had already begun negotiations with Whitehall. The staff side on the Whitley councils interpreted the reorganisation report as setting out a proportion of higher and lower classes and grades in each department such as would offer a

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[71] *The Irish Civil Servant*, Vol.1, No.2 (Dec. 1920).
[72] NAUK, T1/12531, 'establishment officers in government departments' 12 April 1920.

reasonable prospect of promotion. This proportion was 1:6 for higher to lower clerical and the number of lower executive to equal the number of higher and other executive posts above that rank. This was not an unreasonable interpretation, but the Whitehall view was that such a proportion represented an ideal, rather than a hard and fast rule. It did not follow for instance that all departments would have an administrative class; they might have to be satisfied with an executive class as the highest the department could aspire to. This immediately created the suspicion that the only department that would actually have an administrative class would be the Treasury. The question also arose whether an exceptional civil servant of a clerical class might be promoted to a higher executive class in another department, or were these reserved to the clerical officers of that department.[73]

On all these and other questions Waterfield looked to his colleagues in Whitehall for authoritative guidance before approving Irish reorganisation schemes.[74] Some of the cases were utterly inconsequential and must have tried the patience of the London Treasury. A second division clerk in the DATI was clearly shell-shocked in the war and now was 'un-nerved by the sight of figures'. Yet Gill, the head of DATI wanted to promote him to the lower executive class. What Gill most likely had in mind was providing that the unfortunate clerk would be able to retire under the 1920 Act on a significantly improved pension, albeit at the expense of the Irish taxpayer. Waterfield looked to London to see whether there had been a similar case in England.[75] At the same time Waterfield was under pressure not to concede to the Irish service anything that could be cited by the British service as a precedent in their reorganisation. He was also under pressure from London to do no more or less than ensure that each department was ready for handing over to the new governments 'in

[73] Ibid., T192/24, 'Waterfield to Fraser HM Treasury' 28 Aug. 1920'
[74] Ibid., T158/1 'notes of a conference Dublin Castle 13 Oct. 1920'.
[75] Ibid, T158/1 'Waterfield to RA Johnson, 16 Dec 1920'.

good working order with neither unfilled obligations nor arrears of maintenance'.[76] Waterfield enjoyed considerable autonomy in Treasury Ireland so long as he was not creating precedents nor encouraging civil service expansion, but his constant reference to the Treasury for guidance and the often brusque responses he got suggest that Waterfield felt himself to be on a tight leash held by Whitehall.

In the New Year, confident that he was not deviating from the approved Treasury norms and armed with the Government of Ireland act, Waterfield grew more assertive in his dealings with the Irish departmental reorganisation committees and the pace of change accelerated. The reorganisation process began with the departments themselves come up with a proposal. Waterfield would then review and revise the proposal and send it back to the department for agreement.[77] Waterfield's method of officious and minute investigation of departments alienated the departmental heads. Refusing to accept the view of either the establishment officer or the departmental head, Waterfield swept through each department 'looking at the work as it is performed' asking 'how we should grade the department entirely afresh'.[78] It is probable that Waterfield was following through a personal directive from Anderson to use reorganisation as an opportunity to simplify and reduce the cost of the Irish administrative machine, the same task that Warren Fisher was pursuing in Whitehall.[79] It was generally expected that the Irish administration would lose a lot of its civil service after home rule through voluntary and compulsory retirement. The last salary scales before retirement would determine pensions, whether they had been enjoyed for one week or one year. A high burden of pensions would allow the Irish governments to negotiate a cut in the £18 million contribution to the British war debt.

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[76] Ibid, T192/47 'Position of Irish valuers, 5 Apr. 1921'.
[77] Ibid, T192/39, 'reorganisation of the Irish departments under Whitley scheme, Dec.1920'.
[78] Ibid., 'Waterfield to Butler NEB, 23 mar. 1921'.
[79] O'Halpin, *Warren Fisher*, pp46-67.

It was therefore in the interests of the Treasury to ensure that the salary levels in Dublin were as compressed as possible.

It was possible for a department to refuse to play along and attempt to shorten the process by asking Waterfield to come with a reorganisation scheme, as happened with the always difficult CDB. But Waterfield resolutely refused, insisting that his job was to review, not initiate, schemes. Eventually, as Micks dug in his heels, it fell to the staff associations in the CDB to force a reorganisation scheme through the departmental Whitley council.[80] Sometimes the staff and official side on a departmental committee would combine against Waterfield. The staff side would put a proposal on the agenda for an increase in salaries for certain classes and send a copy to Waterfield inviting him to the next meeting. At the next meeting, with no objection noted from Treasury Ireland, agreement by the official and staff sides would be noted and forwarded to Waterfield, who would promptly reject it. The staff side would then refuse to attend any further meetings until the Treasury made a prior undertaking to accept any agreements reached by departmental Whitley councils. A 'preposterous manner' of settling reorganisation according to Waterfield.[81] The least troublesome reorganisation was effected where the head of department sounded Waterfield out first, as did Stevenson of the Board of Works. Waterfield soothed Stevenson with assurances that these discussions were not a matter of bargaining but rather of 'each doing what is best for the public service as a whole'.[82]

The area of disagreement was always in the proportion of administrative, executive and clerical posts in the department. Most heads of departments, for reasons of status, wanted the greatest number of higher posts possible. Generally, but

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[80] NAUK, T158/5 'Waterfield to Micks, CDB, 11 Oct. 1921; Warwick University MRC, AEO reorganisation committee minutes, 14 Oct. 1921.
[81] NAUK, T158/2 'Waterfield to Heseltine, 10 Mar. 1921'.
[82] Ibid., T158/1 'Watefield to Stevenson, Nov 1920; T158/2 'Waterfield to Stevenson, 28 Feb 1921'.

not always, this was supported by the staff side. Waterfield on the other hand, looked to reduce the cost of each department by classifying its work as suitable for the lower class. Where a departmental head proved obdurate Waterfield was unsparing in his contempt. Dilworth of the NEB was told that his superintendents did no actual work, that much of the work of his office could be handled by writing assistants, that the examiners had no 'professional' qualifications and their position ought to opened up to the clerical officers as a promotional post.[83] Butler of the Intermediate Education Office was told that the work of his office was inferior and quasi-routine, suitable for writing assistants rather than clerical grades, with overly-generous salary scales.[84]

Generally speaking the heads of the Irish departments found reorganisation to be a humiliating experience. Required to act as the bearer of Waterfield's bad tidings they either adopted his schemes as their own, or were exposed to the staff side on their departmental councils as powerless. Captain Atkinson of the Commissioners of Charitable Donations found all his executive posts re-graded as clerical and, correcting the belief that 'a high degree of qualifications in accountancy was necessary for the proper performance of his duties', Waterfield re-graded the accountant as a clerk and a clerk he remained, despite the best efforts of Atkinson and the AEO.[85] In the General Valuation Office Beckett, in an attempt perhaps to save face, showed the staff side of his departmental council his correspondence with Waterfield, drawing down the full wrath and majesty of Treasury Ireland;

> It is an essential part of the civil service constitution that where the head of a department has done his best to get the Treasury to agree to a proposal, and has failed, he must accept the Treasury decision loyally and do his best to carry it out. Whitleyism does not in any way affect this fundamental principle; indeed it is obvious that discipline would be reduced to a farce if it were to do so…I should perhaps add that the

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[83] Ibid, T158/2 'Waterfield to Dilworth, 2 Feb. 1921'.
[84] Ibid,'Waterfield to Butler, 24 Feb., 23 Mar. 1921'.
[85] Ibid., 'Waterfield to Atkinson, 9 Feb 1921; Warwick University, MRC, AEO reorganisation committee minutes, 8 Nov. 1921.

> Treasury do not anticipate or regard it as necessary that there should be agreement between the official and staff sides in proposals of this kind. They would of course prefer it, but they cannot undertake to make concessions, of the necessity of which they are not convinced, merely in order to secure formal agreement.[86]

Even Sir Henry Robinson, possessed of a monumental sense of his own importance, was brought to heel. Robinson presented the reorganisation scheme to the departmental Whitley council as being a 'Treasury' scheme, which he himself had neither accepted nor rejected. Waterfield upbraided him for revealing his disagreement with the Treasury which 'it is of course desirable to conceal as far as possible' from the staff side. The issue on which they disagreed was the fundamental one of whether the LGB department should be re-graded as administrative or executive. This would determine whether it would recruit at a clerical level or at the highest administrative level. Robinson, who was notorious for nepotism, wanted to grade his department as administrative, but Waterfield refused. In this case the staff side generally supported Waterfield rather than Robinson because his scheme offered the best prospects for promotion in the longer term. If Robinson had his way he would simply promote his favourites to the plum posts. In fact he still managed to slip a couple under the nose of Waterfield, promoting a Captain Harris to the post of secretary of the Irish Public Health Council and a second division clerk to the post of deputy legal assistant on £500 per annum. Robinson eventually handed over the reorganisation to Barlas who enjoyed a better relationship with Waterfield. In his letter authorising Barlas' scheme Waterfield revealed his own attitude to the staff side and the Whitley councils. Noting that the LGB process had been irregular and that the staff side would reject the proposed reorganisation, with which they were already familiar, as inadequate Waterfield suggested that Barlas 'call a special meeting, lay

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[86] Ibid., 'Waterfield to Beckett, 24 Feb. 1921'.

the scheme before them as an official scheme, give them an hour or two to talk, then apply the closure and ask whether you are to record the matter as formally agreed, or not, making it clear on the assumption that nothing new emerges that the scheme will not be modified further whichever line they take'.[87]

Sometimes, however, Waterfield got it wrong. In the land registry the clerical officers regarded the assistant inspectorate as highly desirable promotional posts. Waterfield encouraged this expectation in his reorganisation of the department. The head of the land registry preferred to follow a different Treasury policy of reserving these posts for ex-service temporary officers. With the only avenue of promotion choked off the clerical staff furiously accused the departmental head of a breach of faith. He in turn accused Waterfield of making him look ridiculous in front of his staff.[88] Some departmental heads simply threw in the towel and left it to the staff associations to fight it out themselves with Waterfield.[89] The only departments where reorganisation was uncontroversial were the Castle departments under Andy Cope and the land courts under Wylie.[90] In the reorganisation of the CSO Cope assimilated almost the entire former clerical class into the new executive class.[91]

Waterfield also looked to London for guidance on dealing with the civil service organisations. 1920 was the most difficult year for the Irish civil service associations. The increasing violence of the IRA, a curfew, and the activities of the Black and Tans curtailed meetings. The debate on the Government of Ireland bill

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[87] Ibid., 'Waterfield to Robinson, 28 Dec. 1920; T158/3 'Waterfield to Robinson, 5 Apr. 1921; T158/4 'Waterfield to Barlas, 29 June 1921'; Waterfield to Robinson, 10 Oct. 1921.
[88] Ibid., T158/5 'land registry inspectorate, Oct 1921'.
[89] Ibid., T158/2 'Waterfield to Craig, Treasury London, 23 Mar.1921; T158/3 'Waterfield to Gallagher, 8 Apr. 1921'.
[90] Ibid., T158/1 'Waterfield to Cope, 21 Dec. 1920'; T158/2 'Waterfield to Cope, 24 & 31 Jan. 1921; T 158/5 'Waterfield to Cope, 24 Sept. 1921; Waterfield to Wylie, 24 Sept. 1921'.
[91] NAI, CSORP 1921/2638/2 "reorganisation of the civil service, assimilation CSO, Nov.1920".

generated uncertainty as to their future.[92] In the midst of these difficulties the Irish Whitley Committee seemed to secure some measure of control over their destiny. The civil service had already gathered that Warren Fisher was not an enthusiast for the Whitley councils and Waterfield, in first meeting with the staff associations, was so frankly dismissive of Whitleyism that the staff associations were taken aback.[93] Determined that the reorganisation would not become a competition between the executive and clerical grades the Irish staff associations agreed that the departmental staff side committees would exchange information on the progress of each scheme. The COA and the AEO, on a joint motion of Mortished and Smithwick, agreed to co-operate on reorganisation schemes.[94] The CSA suggested to Waterfield that they might be brought into negotiations in cases where the departmental Whitley Council would not accept the Treasury reorganisation scheme. The CSA representatives, Duff, Sloan and Mulvin, suggested that they might be able to induce the staff side to accept the Treasury decision. Waterfield was wary of a transparent attempt by the CSA to get involved directly in departmental negotiations but was prepared to be guided by Treasury opinion. He also revealed his impressions of the Irish organisers; Sloan he did not like as too obstinate and a troublemaker, but he thought Mulvin more diplomatic and tactful and willing to see the point of view of the Treasury.[95] The offer was of course refused. Otherwise every department would want to appeal to the CSA.[96] Interestingly, one of those that he consulted in Whitehall was H.P. Boland

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[92] Warwick University MRC, Ms.415/COA, clerical officers association annual report 1920-21, Dublin branch annual report 1921.
[93] *The Irish Civil Servant*, Vol.1, No.1 (Nov. 1920).
[94] Ibid., Vol.1, No.4 (Feb. 1921).
[95] NAUK, T158/2 'Waterfield to Scott, Dec. 1920'.
[96] Ibid., 'Waterfield to Mulvin CSA, 31 Jan 1921'.

who was within a few years to become the establishment officer in the department of finance of the Irish Free State.[97]

In dealing with the civil service associations Waterfield resorted to the threat of imminent partition under the 1920 act to force through agreement. Writing to Mulvin (his more favoured association delegate) he noted that 'the passing of the Government of Ireland Act makes it urgent that schemes should be settled as soon as possible. Staff will have sufficient time to consider the official scheme but we cannot be held responsible for the consequences of delay'.[98] The choice offered to the staff associations was to either accept Waterfield's proposals or be handed over to the 'tender mercies of the new governments' without reorganisation.[99] With the 'appointed day' for the transfer to the new governments postponed and with the signing of the truce this threat lost its potential to frighten. The staff associations had no inducement to reach agreement. The associations argued that until the very day of transfer they remained civil servants of the United Kingdom and therefore entitled to all the benefits and advantages gained by the rest of the service. They argued that there was every possibility that a new government might take a less oppositional line to the Whitley councils and the staff generally than was being shown by Treasury Ireland. Furthermore, they had secured a commitment from Waterfield that reorganisation would be completed before partition and transfer of the departments. Therefore the staff side had nothing to lose (as they would transfer with existing rights protected) and the possibility of something to gain by refusing to accept the Treasury schemes, or at least leaving agreement to the last minute. Waterfield could have

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[97] Ibid., T158/1 'Waterfield to HP Boland, 7 Dec. 1920'.
[98] Ibid., T158/2 'Waterfield to Mulvin ICSA, 31 Jan. 1921.
[99] Ibid., T158/4 'Waterfield to Craig, Treasury Whitehall, 6 July 1921; T158/5 'Waterfield to legge, Treasury Whitehall, 17 Sept. 1921'.

allowed it to drift but as he admitted 'such a failure is a confession of weakness of administration on our part which we ought to endeavour to overcome if we can'.[100]

For the professional civil servants organised in the IPCS, reorganisation was less about grades than about the salary scales attached to professional and technical posts. It was recognised that the salaries attached to professional posts in the civil service had fallen behind those paid in private employment. Failing to go through the process of reassessing the professional or technical responsibilities attached to a post meant failure to re-grade, and thus failure to win better salary scales. Clearly the constituent associations were lax at keeping the Institute informed of progress and in replying to correspondence, despite the evident progress of the clerical and administrative re-grading. Thus it was difficult for the council of the Institute to keep track of the emerging trends in re-grading the professionals across many various departments. Making the situation even more complex was the passing of the Government of Ireland Act, which received the Royal Assent on 23 December 1920. There was a real danger that neglect or delay in pushing ahead with re-grading would fatally prejudice the bargaining position of the professional and technical officers, as all recognised that after partition of the service between London, Dublin and Belfast the prospects for improvements were remote.[101]

By January 1921 the IPCS council was urging the constituent associations to use their departmental Whitley councils to press the 'necessity of at once preparing and getting through reorganisation schemes for professional and technical staffs'.[102] As the IPCS council monitored the progress of re-grading it also worked on anticipating the possible dangers to the members of partitioning the service and the best method of guarding their interests. Members were warned against volunteering

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[100] Ibid., 'Waterfield to Craig Treasury Whitehall, 6 & 7 July 1921'.
[101] IPCS (Ireland) First annual report of council 1920-21,p5.
[102] Ibid., council minutes 18 Jan. 1921.

for transfer to the North before the completion of re-grading and before removal expenses had been agreed.[103] It also supported the veterinary association of the DATI in a successful claim to be considered a reserved service and therefore to remain under Whitehall control.[104]

Initially the IPCS looked to London to advance its position on the re-grading issue. Contact was maintained with the British Institute of Professional Civil Servants who agreed to co-operate on matters affecting the technical and professional divisions. A delegation of the Irish institute attended the Whitehall meeting of the professional re-grading committee of the National Whitley Council in March 1921. Though the British institute promised to continue to co-operate with the IPCS it was made clear that the creation of Treasury Ireland and the imminence of partition, meant that the best course of action for professional civil servants was to apply pressure in Dublin.[105]

In January 1921 a deputation of the IPCS council met with Waterfield to urge that the professional and technical grades be included in the departmental schemes. Waterfield made it clear to the IPCS that the professional and technical grades were not included in the general reorganisation scheme of the Whitley council but that any departmental scheme submitted would be considered on its merits.[106] As the meeting reviewed the progress made in re-grading the professional classes, department by department, it became apparent that though many could in fact report great progress implementation was delayed as departmental heads awaited Waterfield's approval. The only department that had managed to see through a complete reorganisation of its professional staff was the Board of Works, however Waterfield had withheld sanction

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[103]Ibid., council minutes 18 Feb. 1921.
[104]Ibid., council minutes, 26 Jan.; 2 Feb. 1921.
[105]IPCS (Ireland) First annual report of council 1920-21,pp6-7.
[106] NAUK T158/2 'Waterfield to IPCS' 25 Jan. 1921'.

pending proposals for the re-grading of comparable professional staffs in the English departments.[107] By September Waterfield was sufficiently confident of his own position to tell the Treasury in London that either they give specific instructions on the professional grades or he would assume the responsibility himself of settling these grades in Ireland.[108]

Generally it proved to be the case that it was to the advantage of the departments if they could secure an agreed reorganisation sooner rather than later. The NHIC moved very quickly on reorganisation. The staff side, led by Gallagher and Duff, watched the English claim closely and simply demanded the same. They were not able to secure the number of higher posts that they wanted but were relieved to agree to a complete re-grading of the 198 staff by early 1921.[109] This need for haste had little to do with Treasury Ireland but arose from the British newspaper campaign demanding economy in the civil service that led to the 'Geddes Axe' and a series of wage cuts beginning in August 1921. As the post-war improvement in the economy petered out, and the scale of the inherited wartime debt became apparent, a relentless pressure from the Treasury for savings soon overrode all other considerations. The suspicion grew that Waterfield was using the departmental reorganisation schemes submitted for approval as a device to secure reductions in staffing and grades.[110] In March 1921 Waterfield instructed that reorganisation schemes should provide for 'no addition to the established staff of Irish departments except from the ranks of ex-servicemen' and that new grades must be 'on a scale

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[107]IPCS (Ireland) council minutes 2 Feb. 1921; NAUK T158/2 'Waterfield to commissioners of public works, 10 Feb. 1921'.
[108] NAUK T158/5 'Waterfield to Read Treasury London, 16 Sept. 1921'.
[109] Ibid., T1/12481 'Insurance commission Ireland, Feb 1920; T158/1 'Waterfield to chairman NHIC, 16 Dec 1920; T158/2 'Waterfield to chairman NHIC, Jan 1921; Gallagher, Memoirs of a civil servant, pp51-2.
[110]McColgan, *British Policy and the Irish Administration,* p76.

which is lower by not more than ten per cent than the London scale'.[111] The Irish associations complained of the manner in which the duties of the Irish departments were being compressed to the clerical class and of the rapidly growing number of the writing assistant class, which was being imposed in every department.[112] By August a new demand for economy flatly instructed that no vacancies and no promotions were to be filled.[113] It was now clear to the staff associations that the primary purpose of re-grading was not to promote efficiency but to make it easier to control, and therefore reduce, the level of salaries. However the post-truce negotiations with the Dáil delegation had begun, with no certainty as to what would emerge, except that it would be more than home rule offered. It was now in the interests of the civil service to secure the assurance of an agreement on salaries, even if the agreement was one that would ordinarily be rejected.

By November Waterfield could report that almost all of the Irish departments were organised and either in operation or awaiting enforcement. To complete reorganisation all that was required therefore was that the Irish branches of the British departments should roll out their schemes. However the Treasury in Whitehall, under pressure to retrench, had abandoned reorganisation though without saying as much.[114] Waterfield therefore secured permission to go ahead himself with the reorganisation of the Irish branches. He was able then to report on the 2 December, four days before the Treaty was signed, that all the Irish departments and the Irish branches of the British departments were ready to go with reorganisation.[115]

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[111]NAI, CSORP 1921/2638/12.'Treasury (Ireland) circular 29 Mar. 1921'.
[112] *Red Tape*, no.116, vol.x, May 1921.
[113]NAI, CSORP 1921-2, 2964/24 'economy in staff organisation, circular 36/21, 25 Aug. 1921'.
[114] *Red Tape*, No.121, Vol.xi, Oct. 1921.
[115] NAUK, T158/4 Waterfield to Craig Treasury Whitehall, 7 July 1921; T158/5 'Waterfield to Greer, 3 Nov. 1921; T158/6 'Waterfield to Rowe-Dutton, 2 Dec. 1921.

Waterfield was of the 'candle-ends' school of administration. His instincts were to see the interests of the state as embodied in the interests of the taxpayer. In his analysis no matter what settlement emerged in Anglo-Irish relations, the interests of the Irish taxpayer and the British Treasury were at one.[116] No expenditure was too insignificant, nor distasteful, for his attention. After the hanging on 14 March 1921 in Dublin of six republican prisoners Waterfield bargained for a cut in the executioners fee. The executioner demanded the usual fee, multiplied by six, for himself and his assistant. Waterfield, noting that the executions had been on the same day, imposed what was in effect a group discount; sanctioning £15 for the first and £5 for each subsequent hanging for the executioner, with £5 and £2.10s. 0d. for his assistant.[117]

The Irish civil service saw Waterfield as a zealous and ruthless guardian of the Treasury interest, fair in so far as his downgrading of departments was seen to be utterly even-handed.[118] So far as the associations were concerned, he was certainly an improvement on Headlam.[119] His instincts in dealing with the Irish civil service were essentially decent. He pushed very hard to ensure that the many temporary civil servants, who would no doubt in time become established, received their certificates before the appointed day under the 1920 act, just in case the new government might take a different view.[120] On the other hand he was not going to allow the interests of any future Irish state to be compromised. He was committed to handing over the Irish departments in good working order, by which he meant as close to the Treasury norm as possible. In many of the departments, by coincidence, the heads were all due for retirement. The demand to keep the departments in good working order would ordinarily have meant making a new appointment. This would have led to intense

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[116] Ibid., T158/3 'Waterfield to Upcott Treasury London, 15 June 1921'.
[117] Ibid., T158/3 'Waterfield to under secretary Dublin castle, 31 May 1921'.
[118] *The Irish Civil Servant*, Vol.1 No.4 Feb. 1921.
[119] Gallagher, memoirs of a civil servant, p51.
[120] NAUK, 'Waterfield to Weekes civil service commission, 16 Nov. 1921'.

lobbying and political pressures from the eligible officials, with the danger that the successful candidates would then promptly retire on a substantial pension having served perhaps only a few weeks. In order to avoid having to make a new appointment Waterfield 'in the public interest', refused to allow these men retire leaving the incoming government free to make whatever appointments it saw fit.[121]

Civil service associations were there to voice grievances and it would never do to say there was no grievance. Bu the reorganisation did, with few exceptions, mean that the Irish civil servant received something like a promotion when assimilated to the new grades and certainly an increase in salary. An assistant clerk on a maximum of £200 became a clerical officer on a maximum of £250; Second division clerks on a maximum of £300 became lower executive officers on a maximum of £400. With clear cross-service structures the possibility of promotion to the heights of the administrative class, hitherto closed to all without the right political connections, now opened up. With hindsight Michael Gallagher acknowledged that the reorganisation and assimilation of the Irish civil service to the new classes was an enormous achievement in which Waterfield succeeded in turning the labyrinthine multiple departmental grades into a coherent service-wide structure. However Waterfield was pedestrian in his vision of the state and his work as Treasury Ireland was simply the financial conclusion of a policy decided elsewhere, it was not a policy in itself. He was often paralysed by the fear of creating a precedent and ultimately was guided by fear of losing contact or influence in Whitehall, his natural home.[122] Reorganisation has never produced economies in administration; it can only produce better management. The Irish civil service in any case had not experienced the phenomenal growth of the British service during the war years. In July 1914 the Irish service was

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[121] NAUK T158/4 'Waterfield to Scott Treasury London, 3 Aug 1921'.
[122] Ibid., p53, 68.

25,192. In July 1921, at the truce, it was still only 27,671.[123] That the cost had risen was not due to any increase in numbers but to the war-induced inflation. Only changes in policy can result in reductions in expenditure. Treasury Ireland could with more accuracy be described as Establishments Ireland. Nor by any stretch of the imagination could Waterfield's reorganisation of classes and grades be described as the transformation of a decrepit administration into the efficient apparatus of an independent state. The possibility that the Irish civil service was in fact relatively efficient and well-organised for the task of governing Ireland was not considered. The chorus of derision that met the Castle from all sides lacked perspective. The problem in Castle government was its nepotism and uncritical identification of the state with unionist opinion. However the civil service had successfully delivered all that was demanded of it in land reform, regional development in the impoverished west, local government and public health reform, education and all the other tasks set by an interventionist state. What it failed to do, because it was an impossible task, was make the British state popular in Ireland. The Irish civil service also suffered from the assumption that the Whitehall system was administrative perfection and the Irish system with its autonomous boards and lack of clear political control was deficient. The state in Ireland was a political and not an administrative failure.

[123] UCDAD, Hugh Kennedy papers, P4/735, 'Saorstát Éireann return of staff in govt depts', March 1924.

CHAPTER SIX

THE REVOLUTIONARY STATE, 1919-1922.

On 16 January 1922 a Dáil Éireann delegation led by Michael Collins swept into the upper Castle yard and 'accepted the surrender of Dublin Castle' from Viceroy Lord Fitzalan.[1] That gesture brought to a victorious conclusion the revolution that began on 21 January 1919, precisely three years earlier, when Dáil Éireann assembled and declared itself to be the lawful government of the independent Irish state. In the December 1918 general election Britain had voted 'khaki' and for Lloyd George, but Ireland voted Sinn Féin and for secession from the United Kingdom. Historians have been reluctant to describe events in Ireland between the assembly of the first Dáil Éireann and the takeover of the Castle as 'revolution'. Euphemisms such as 'violence' 'struggle' 'troubles' 'takeover' 'rebellion' and 'war' have been used in order, it would seem, to avoid revolution.[2] Amongst the recently written histories Kostick and Fitzpatrick explicitly describe the period as revolutionary.[3] The historian of the Dáil administration also recognises the revolutionary nature of the assembly.[4] However, if we recognise that revolution in the twentieth century was a state-centred event; the violent seizure of state power with the intent to then use state power to

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[1] Michael Hopkinson, 'From treaty to civil war, 1921-2' in Hill (ed) *A New History of Ireland VII*, p13.
[2] Charles Townshend,'Historiography: telling the irish revolution' in Joost Augusteijn (ed) *The Irish Revolution, 1913-1923* (2002) pp1-16.
[3] Conor Kostick, *Revolution in Ireland popular militancy in Ireland 1917 to 1923* (1996); David Fitzpatrick, *The Two Irelands 1912-1939* (1998) Oxford.
[4] Arthur Mitchell, *Revolutionary Government in Ireland Dáil Éireann 1919-22* (1995) Dublin.

transform society; putting the state rather than society at the centre of revolutionary developments, then there is no doubt that the takeover of Dublin Castle was as revolutionary an event as the storming of the Winter Palace.[5]

Explaining the Irish revolution in terms of the failure of the British state in Ireland, rather than in terms of the actions and intents of the revolutionaries, would suggest that the surrender of the Castle administration to the revolutionaries was not simply a consequence of the IRA military campaign. The crisis of the Castle administration was deeply rooted in the failure of the British state to meet the aspirations of the Irish people (unionist as well as nationalist) since the emergence of the home rule issue. This crisis came to a final stage in the period 1919-1922. However, the failure of the British state was not simply the failure of legitimacy brought about by the increasingly militarised response to Irish opinion. It was also a failure in effectiveness as the state apparatus became so saturated with politics it ceased to work and ground to a halt. The failure of the state created a vacuum of both legitimacy and effectiveness in which the revolutionary challenge of Dáil Éireann, that might have been a comic farce, emerged as a triumphant success.

Sinn Féin was the first Irish party to explicitly give a state form to the historic demands of Irish nationalism for separation. Sinn Féin's strategy was not aimed at simply destroying British state power but rather at its displacement by a national state power. As a strategy it did not emerge from the traditional engine of revolutionary nationalism, agrarian discontent. Previous Irish social movements had sometimes developed beyond the agrarian issues that had given rise to them and had taken on functions that could be described as state-like. The Land League that began as a tenant agitation began to behave as a proto-state and assume judicial, welfare and

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[5] Peter B. Evans, Dietrich Rueschemeyer & Theda Skocpol (eds) *Bringing the State Back In* (1985) Cambridge.

educational functions.[6] But, though the Land league and later the United Irish League both had the capacity to create a proto-state, neither progressed beyond local agrarian issues.[7] As revolutionary movements they remained limited to expressing traditional tenant demands. The ability of the British state to respond to those demands had led to the assimilation and blunting of their revolutionary potential. The Ulster Unionist Council had threatened to form a provisional government for Ulster in the event of a home rule government being installed in 1914. The outbreak of world war meant that the Ulster Unionist counter-state strategy was never activated.

As a revolutionary strategy, conceived by an intellectual elite within Irish nationalism, essentially urban and middle-class in its membership and ideology, Sinn Féin succeeded in creating the broadest alliance against the British state. Rather than aiming at the destruction of the state it aimed to construct a more legitimate and politically popular form of the state. In the minds of the revolutionaries taking over the Castle administration the transfer of state power was simply the first stage of a state-led transference of society from a British to a Gaelic way of life. Much has been written on the cultural aspects of Sinn Féin strategy.[8] Today there is a general tendency to treat this cultural aspect of the movement in an ironic discourse, noting the enormous degree of abstraction and delusion it entailed about the Irish language, the working class, Irish women, unionism and rural Ireland.[9] Whilst much of this criticism is accurate it misses that Sinn Féin, despite the rhetoric of cultural nativism, was thoroughly modern in situating nationalism within an *Étatisme* that gave priority to the state, not the nation, in achieving progress and social justice. Sinn Féin was effective because it succeeded in using the cultural rhetoric of tradition as a form of

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[6] Philip Bull, *Land, Politics and Nationalism: A Study of the Irish Land Question* (1996) pp116-42.
[7] Townshend, *Political Violence*, pp232-3.
[8] e.g. John Hutchinson, *The Dynamics of Cultural Nationalism the Gaelic Revival and the Creation of the Irish Nation State* (1987).
[9] Michael Laffan, *The Resurrection of Ireland The Sinn Féin Party, 1916-1923* (1999) pp214-65.

broad mobilisation across Irish society and as a strategy to state power. Of all the forces that were engaged in the revolutionary struggle, the IRB, the IRA, Sinn Féin and Dáil Éireann; it was the Dáil that came out on top. This is because it used the revolution as a state-building opportunity. It undermined the claim of the British state in Ireland to legitimacy by portraying the British state as alien, oppressive and exploitative and by successfully countering its status as a progressive and enlightened force in Irish society and the wider Empire. By the time of the 'surrender' Dublin Castle was stained with 'Black and Tanism' and viewed with contempt whilst Dáil Éireann basked in the glow of the Dáil courts and police, a local government department that was pushing through reforms, the appearance of an energetic programme of industrial development; all presented to the world by a thoroughly modern and effective propaganda department. The decision of the successful Sinn Féin candidates in the December 1918 general election to assemble in Dublin's Mansion House and to declare themselves, as Dáil Éireann, the legitimate government in Ireland was therefore in itself a revolutionary action. Resistance to the British state was to be expressed through a rival state.[10]

The emphasis on a state-centred revolutionary struggle necessarily focuses on the role of the civil service, the objective of the revolutionary forces, in both the British state and in the revolutionary counter-state. The situation in which the Castle civil service found itself in at the end of 1921 was one that was inconceivable at the passing the of the home rule act in 1914. We now turn to the experience of those men and women who made the Dáil function as a government from the assembly of the first Dáil to the surrender of the Castle (Appendix. Table 6: *Dáil Éireann civil service, Jan.1919-Jan.1922*).

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[10] Townshend, *Political Violence*, pp328-9.

The constitution of Dáil Éireann, adopted provisionally at the opening session of 21 January, was the organisational basis of the Dáil government. Modified at the sessions of April 1919 it was composed of an inner circle of the prime minister (príomh aire) and four ministers of finance, home affairs, foreign affairs and national defence with an outer circle of variously termed ministers and directors. On de Valera's departure Griffith, as acting prime minister, set out the realisation of the domestic and constructive side of the Sinn Féin programme as the work for the departments and directories of the Dáil.[11] Whilst implying that the foreign relations of the republic were a matter for the prime minister it also suggests that the Dáil ministry was determined to give real effect to its claim to be a government of an Irish state.

A government to function required a civil service. The Dáil had in the writings of Griffith some guidance on how a revolutionary counter-state should organise its civil service. Arthur Griffith, in his *The Resurrection of Hungary: A Parallel for Ireland*, proposed that the four to six thousand officials of the local government bodies would form the basis of a national civil service.[12] This was further developed in the pages of the *Sinn Féin Weekly* where he detailed how, once stripped of nepotistic and corrupt recruitment practices, a national civil service would have a profound impact on Irish education and would offer an attractive alternative to the British and Imperial services for young Irish men.[13] Under this scheme of a single unified service embracing local and central government a clerk on Ballina UDC could aspire to the secretaryship of a department of state. Griffith's concept of the national civil service implied that much of the work of the local and central government was of

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[11] *Dáil Éireann debates*, vol 1, 21 January, 1-10 April, 17-8 June 1919.
[12] Arthur Griffith, *The Resurrection of Hungary: a parallel for Ireland* (1904, third edition 1918).
[13] Ibid. pp155-6; *Sinn Féin Weekly* 11 Feb. 1911, p2, 'A national civil Service';Richard Davis, *Arthur Griffith and non-violent Sinn Féin* (1974) p133.

the same nature and mainly clerical. The programme of the re-organised Sinn Féin party of 1917 adopted the Griffithite policy in Article (F) 'the creation of a National Civil Service embracing all the employees of County Councils, Rural Councils, Poor Law Boards, Harbour Boards and other bodies responsible to the Irish people, by the institution of a common national qualifying examination and a local competitive examination (the latter at the discretion of the local bodies).[14]

In the session of 18 June 1919 the Dáil decreed 'the establishment of a National Civil Service embracing the employees of all public elective bodies, and that a sum of £500 be appropriated for the purpose of the Scheme'. A short debate, of which no record was kept, ensued. Griffith, in reply to the debate, said that 'the Ministry were not wedded to any particular scheme and that a consultative committee would be selected to go into the whole matter'.[15] In the session of 19 August Griffith's statement that the committee had not completed its deliberations but 'that it was for the Dáil or the Ministry to propose a scheme, or for the committee to proceed with the completion of a scheme' suggested that the question of who exactly controlled the recruitment and role of the civil service in the revolutionary state was not clarified. It might also suggest that not a lot of thought was being put into the question. At the session of 27 October the final report of the committee implied that the National Civil Service would in fact apply to local authorities only and not to the Dáil administration, though again the lack of a full debate report leaves the question open.[16]

The question as to whether the civil service of the state would be controlled by the Dáil or by the ministry arose in June 1919, when the appointment of Gavan Duffy as secretary to the ministry led to a debate on whether the government ought to

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[14] Mitchell & O'Snodaigh (eds) *Irish Historical Documents* vol ii, pp35-6.
[15] *Dáil Éireann debates*, vol 1, 18 June 1919.
[16] Ibid. 19 Aug., 27 Oct. 1919.

be allowed to make appointments without the sanction of the Dáil. Thomas Kelly TD pointed to the real question at issue, expressing a fear of the government appointing members of the Dáil to paid positions, presenting an opportunity for corruption and cronyism, the very vice of which the Castle was so often guilty. It was agreed that in future all appointments of members of the Dáil to paid positions would be sent to the Dáil for ratification.[17] However, the only civil service appointment that was in fact brought to the Dáil for sanction was that of Accountant-General, a post that went to George McGrath.[18] For this post Collins sought permission for the appointment of a professional auditor and accountant at £500 per annum to co-ordinate the system of accounting in the various departments, except defence, and to keep track of day-to-day spending.[19] McGrath visited the various departments and helped to set up proper accounting systems. He also carried out occasional internal audits, very much like a one-man committee of public accounts.[20] Though it was clearly felt desirable that the Dáil should have control of the developing civil service, the suppression of the Dáil made it impracticable. In practice the various ministers had the freedom to recruit their own staff as required. The only control was that exercised by Collins in finance who had to be notified of appointments and who provided the cash to pay their salaries, thus replicating the British system of treasury control of staff.[21] Ministers notified Collins of the duties and salaries of the new appointees. These were then registered in the departmental schedules held by finance. Presumably Collins could also use his central control to ensure that all those employed were trustworthy. Dáil departments were instructed not to pay staff themselves. Staff was paid directly by

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[17] Ibid., 18 June 1919.
[18] NAI bureau of military history witness statement 1728, Nicolás Ó Nualláin.
[19] *Dáil Éireann debates*, vol.1, 29 June 1920.
[20] NAI, bureau military history witness statement 548, Daithi O'Donnchadha [David O'Donoghue]
[21] *Dáil Éireann debates*, vol. 1, 10 May 1921; Andrew McCarthy, 'Michael Collins Minister for Finance 1919-22' in Gabriel Doherty and Dermot Keogh (eds) *Michael Collins and the making of the Irish State* (1998), pp52-67.

Seán McGrath, the department of finance's 'walking bank', who sometimes carried thousands of pounds on his person as he walked with the weekly wages around the streets of Dublin.[22] It proved an efficient system of controlling payments and insuring a central control of numbers whilst also ensuring that staff was paid regularly.[23]

The recruitment of a civil service for the counter-state raised questions around issues of cost, control of recruitment and, linked to that question, proficiency in the Irish language. Initially, as most of the departments remained largely nominal, the civil service remained relatively small so the question of where control of the civil service lay was of little practical importance. In June 1919, the Dáil paid only seven officials on a total monthly salary of £24/2/4; O'Hegarty, Clerk of the Dáil; Lynch, the official translator; O'Siochain, a private secretary to Austin Stack; O'Donoghue, an accountant; Murphy, a clerical assistant; Miss Mason a typist and Conlon, a messenger.[24] The department of agriculture sought permission to empower the National Land Commission decreed by the Dáil to appoint a registrar, secretary, assessors, valuers and 'such officers, clerks or employees as it deems necessary'. The Dáil agreed but, cautious of the political capital that the ability to make grants of land commanded, also decreed that no official of the proposed land commission could be elected to, or be a member of, the Dáil.[25]

However successful departments inevitably expanded and this was especially the case with local government.[26] As the department sought to take over the role of the LGB and the 'clean-break' decree was promulgated, Cosgrave sought sanction from the Dáil for a dramatic expansion of staff; four inspectors, ten clerks and

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[22] NAI, DE 5/72 [E114/4/28] Mac Gréil to Boland 16 Oct 1929 'old Dáil staff'; Bureau military history witness statement 548 David O'Donoghue.
[23] NAI, DE5/48&49,'general secretariat staff'.
[24] *Dáil Éireann debates*, vol. 1, 18 June 1919.
[25] Ibid., vol. 1, 6 Aug. 1920
[26] Daly, *The Buffer State*, pp47-92.

nineteen auditors at an annual cost of £23,000. Collins immediately refused, saying that the money was not available. Collins was not going to diminish the priority of the IRA in the competition for finances. MacEntee suggested that the local authorities should be made finance the cost of the department by a levy but this was rejected by both Cosgrave and Collins as undermining the dominance of the Dáil department. No department that supervised local authorities should depend on those authorities for finance. Collins finally agreed to find £5,000 to cover the expenses of the department to the end of 1920.[27] By the time of the Treaty the Dáil department of local government had seventy-nine office staff, inspectors, auditors and stocktakers. Interestingly, in view of the later Free State attitude to female civil servants, the Dáil departments in general, and local government in particular, were good employers of women. Women were rarely detained or searched and so could be safely entrusted with the most sensitive documents.[28] Of the thirty-six office staff of the department of local government, sixteen were women. In the more demanding and dangerous work of the inspectors and auditors there were seven women among the staff of forty-one.[29]

Cosgrave was a stickler for correct procedures and so far as possible he wanted recruitment by examination only to apply. For the recruitment of auditors this required an elaborate charade. Advertisements were placed in the newspapers inviting applications for the posts, detailing the requirements but without disclosing the name of the employer. Michael De Lacy, the officer of the department in charge of the outdoor staff, set and conducted an examination for the qualified candidates in the offices of Dublin Corporation. The exact nature of the work and the employer

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[27] *Dáil Éireann debates*, 17 sept. 1920.
[28] Peter Hart (ed) *British Intelligence in Ireland, 1920-21 the final reports* (2002) Cork. 'A record of the rebellion in Ireland in 1920-21, and the part played by the army in dealing with it (Intelligence) P59.
[29] NAI, bureau of military history witness statement 501, T.J. McArdle.

were revealed only to the successful candidates. Frank Barnard, who was delighted to be told he had got first place, initially refused the post when its full nature was revealed to him.[30] James Kavanagh ran into trouble with Cosgrave on the issue of staff recruitment in the local government department. When Cosgrave was under arrest in early 1920 Kavanagh, in need of extra staff, recruited Tom McArdle, a former civil servant. Cosgrave on his release refused to sanction the appointment. It took a great deal of pressure from Kavanagh to force Cosgrave's reluctant agreement.[31] McArdle went on later to become the first secretary of the Department of Health.[32] Cosgrave could not maintain such Spartan recruitment procedures and personal recommendation by the trusted was resorted to. Michael De Lacy personally recruited Nicholas O'Dwyer as an inspector. O'Dwyer in turn recruited James McLysaght. O'Dwyer had no recollection of there ever being an interview, the jobs were offered and accepted in personal conversations.[33]

However imperfectly it managed to recruit its own staff by open competition, one of the key functions of the Dáil department of local government was to enforce fair and open competition in local posts. Whatever compromises were necessary to run the Dáil departments they would not, in the longer term, be as significant as local appointments because it was intended that the post-revolutionary state would be staffed by a 'National Civil Service' recruited and trained locally and advancing by ability alone. The department closely watched the employment practices of the local authorities and refused to sanction any appointment of elected persons to paid posts. In Baltinglass in Co. Wicklow sanction was refused when the chairman of the local RDC successfully applied for the post of clerk to the council. The appointment of an

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[30] Ibid, witness statement 889, James Kavanagh.
[31] Ibid., but see witness statement 548, David O'Donoghue for a different version of McArdle's recruitment.
[32] Daly, *Buffer State*, p322.
[33] NAI, bureau of military history witness statement 680, Nicholas O'Dwyer.

elected member of the Waterford Corporation as town clerk was raised in the Dáil as an example of the bad practices that a native government ought to eradicate.[34] In August 1920 the Dáil department of labour circularised local authorities with a scheme of arbitration for settling salaries of employees and officials, implying a centralising of authority over local government by the Dáil.[35] This was strongly welcomed by the trade union of the local officers the Irish Local Government Officers' Trade Union (ILGOU), if not by the local authorities.

The ILGOU had its roots in the Dublin Municipal Officers' Association (DMOA). The DMOA was founded in 1901 to defend the Dublin municipal officers against a wage-cutting corporation. The DMOA was from the beginning sympathetic to the Sinn Féin ideal of a national civil service with open competitive entry and promotion in the whole of the local and state civil service. Henry Mangan, chairman of the DMOA in 1910, gave a critical but positive response to Griffith's original proposals for a single national civil service.[36] Mangan was later an advisor to Collins in the negotiations on the financial provisions of the Treaty. Amongst those executed in 1916 Eamonn Ceannt and John McBride were both members of the DMOA. Ceannt served on the executive between 1907 and 1913. The founding energy of the ILGOU came from a group of DMOA members, many of them IRB, who had participated in the 1916 rising or were strongly sympathetic.

Thomas Gay, a corporation librarian, who was close to Collins and allowed him the use of the Capel street library as a meeting place, was a prominent figure in the ILGOU. The driving force was Harry Nicholls, an engineer in the corporation, unusual in his militant republicanism in that he was a Protestant. He was an officer in

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[34] *Dáil Éireann debates*, 17 Sept. 1920.
[35] NAI, DE2/1 17 July 1920; UCDAD, Mulcahy papers, P24/14, report of Dáil Éireann dept of labour 19 May 1921.
[36] *Sinn Féin*, 9 January 1909, 'the Dublin Corporation and the National Civil Service'.

the fourth battalion Volunteers, the same battalion as Patrick Pearse, W.T. Cosgrave and Eamonn Ceannt. Arrested as a member of the St Stephen's Green garrison he was interned in Frongoch until his release in December 1916. He immediately began organising the ILGOU as a national union for all local government officers. There is every likelihood that the ILGOU was conceived in Frongoch as an arm of the coming struggle.[37] The union employed Michael Price as its first general secretary, providing a useful front for his work as Director of Organisation of the IRA.

The ILGOU announced itself as a militant white-collar organisation by staging in Dublin in June 1920 the first ever strike by public servants in either Britain or Ireland.[38] At its first annual general meeting Nicholls committed the ILGOU to supporting the Dáil department in its struggle against the LGB. The ILGOU refused to represent officials, such as Henry Campbell and John Flood, dismissed for maintaining contact with the LGB despite the resolution of Dublin Corporation. Instead the union gave full support to local authorities that threw in their lot with the Dáil department. The reason that the local officers were ready to support the revolutionary assembly was the promise of better pay and conditions through the creation of a national standard salary scale, better promotional opportunities and an end to corruption in local appointments.[39]

Another issue that intruded into recruitment of the Dáil civil service was that of competence in the Irish language. The general feeling was that, all else being equal, the candidate with Irish was to be given preference over the one without Irish. Collins as Minister for Finance had to abandon his search for Irish-proficient clerks

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[37] Martin Maguire, *'Servants to the Public' a History of the Local Government and Public Services Union 1901-1990* (1998) pp 8-10, 27-32.
[38] Ibid., 36-41.
[39] Ibid., 43-50.

and accept monolingual but efficient candidates.[40] The preference for Irish speakers was justified not on terms of efficiency, none of Collin's departmental business was conducted in Irish, but as a cultural measure that would counteract the view of the language as a mark of ignorance and poverty and enhance its status. This was seen as especially vital in the Irish-speaking areas where English was the passport to employment. If Irish could be seen as securing well-paid and high status employment it would be a significant cultural shift. However there was defensiveness in the debate and a repeated insistence that Irish competence was to be final criterion and not the first.[41] This was an issue that was to return again and again in the Free State.

However the reality for the departments of the Dáil government was that it was more important that staff be discreet, loyal and willing. The departments could not too fussy about procedures of recruitment and officials were recruited by any and every means. J.D.O'Connell, a solicitor in Tralee, came under considerable pressure to 'lend' his typist Mary Hogan to the Dáil secretariat. His response lacked the zeal of revolutionary commitment; 'I trust she will be well looked after in Dublin. She has not been out of home before and she is rather quiet in her disposition... She is only lent to you temporarily, as soon as she can be spared I would like to have her back again... Her people are quite elderly... if she does not like the city she must be allowed back again'.[42] Evidently the city suited Mary Hogan very well as she settled into her job at £3 per week. Seán McCluskey, caretaker of the Dáil offices at 76 Harcourt Street, and therefore privy to every secret of the counter-state, was recruited by Kathleen Brennan, a member of Cumann na nBan and sister-in-law of Eamonn Ceannt. After a hurried interview by Michael Collins (one of the few instances of anything like an interview for applicants) he was given the job and moved into the

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[40] NAI, DE1/2, minute 4 August 1920.
[41] *Dáil Éireann debates* , vol.4, 23 Aug. 1921.
[42] NAI, DE 2/60, Dáil Éireann general secretariat July 1920.

basement flat of the Dáil premises.[43] The couriers who carried the correspondence between the Dáil departments and their covering addresses were all recruited from the Dublin brigade IRA and from the IRB.[44]

The Sinn Féin party was an obvious source for staff but one with constitutional difficulties. The 1917 party executive included several civil servants.[45] Collins and de Valera, who were to come to such fundamental disagreement, were at one on the necessity of separating the party from the state apparatus. Not only was it undemocratic to merge party and state, it was also recognised that the fundamental weakness of the Castle administration was its saturation in party politics. Collins objected to two of the staff of the local government department being elected to the second Dáil in May 1921. De Valera from the earliest days of Dáil Éireann worked to exclude members of the party from positions within the state apparatus.[46]

It was however impossible to ignore the potential offered by the party, though it would be truer to say that the state exploited the party rather than the party the state. In fact many of the Sinn Féin officials who migrated into the Dáil civil service assumed that the work of the party and the state were interchangeable. Seán Nunan who was appointed the first clerk of the Dáil, was recruited from the Sinn Féin party, though he was also known both as a Volunteer and as an IRB man. He was then withdrawn from the Dáil to act as de Valera's secretary in the USA.[47] Much of the maintenance of the ledger records of the Dáil Éireann loan was done by Sinn Féin staff at the Sinn Féin offices or at home.[48] It was the Sinn Féin cumainn and organisers did the hard graft of organising and running church-gate meetings to

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[43] NAI, military history archives witness statement 512, Seán McCluskey.
[44] Ibid., witness statement 817, Seán Saunders.
[45] Laffan, *The resurrection of Ireland*, pp193.
[46] Ibid., pp.323.
[47] NAI bureau of military history witness statement 1744 Seán Nunan.
[48] Ibid., witness statement 548 Daithi O'Donnchadha [David O'Donoghue].

persuade the subscribers to the anti-conscription fund to allow the money be diverted to the use of Dáil Éireann.[49] When James Kavanagh, who was an accountant in Sinn Féin, was invited by Kevin O'Higgins to take up the secretaryship of the department of local government, Padraig O'Keeffe, secretary of the party, strongly objected to the Dáil departments raiding his staff resources. However Kavanagh was in no doubt that the work of the Dáil 'was of greater importance than that of a political organisation'.[50] Cathleen Napoli-McKenna thought that the Dáil department of propaganda and the production of the *Irish Bulletin* had always been run by Sinn Féin rather than the state.[51] Vera McDonnell who was employed as a stenographer in Sinn Féin working under Fr Flanagan, also did typing of ministerial memoranda for Michael Collins and W.T. Cosgrave as well encoding cablegrams on the Dáil Éireann loans for transmission to the USA.[52] She transferred to the republican side in the civil war and, at the request of de Valera, worked to keep the Sinn Féin office functioning. For her the party, the counter-state, and the anti-state republicans were a seamless organisation. After the November 1919 arrests, the gaps in the administration of local government were filled by transferring Frank Kelly (one of the London Irish who came over for 1916) and Miss Enie O'Hegarty (sister of Diarmuid) from Sinn Féin to the Dáil department.[53]

In choosing its civil service one further source available to the Dáil ministry were the dismissed and former civil servants of the British government. Both Richard Mulcahy and Michael Collins, the two dominant figures of the revolution, were former civil servants as were Diarmuid O'Hegarty, the clerk of the Dáil and Ernest Blythe, Director of Trade and Commerce. Former civil servants would be already

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[49] Ibid., witness statement 548, Daithi O'Donnchadha [David O'Donoghue].
[50] ibid., statement 889, James Kavanagh; 1725, Padraigh O'Caoimh [Patrick o'Keeffe).
[51] Ibid., witness statement 643, Cathleen Napoli-McKenna.
[52] Ibid., witness statement 1050, Miss Vera McDonnell.
[53] NAI, DE5/72 Kelly to O'Hegarty 25 July 1928.

well-versed in the intricacies of record-keeping and bureaucratic procedures. A properly indexed and ordered record system would be well able to bear the brunt of loss of officials through arrest and imprisonment. Former civil servants of the British regime who worked in the counter-state were F.X. Thunder, David O'Donoghue, Edward Cleary and Hugh Hehir from the Land Commission; Diarmuid O'Hegarty and Michael McDunphy from the DATI; Tom McArdle from the LGB; and Paddy Cremins with Eamon Duggan from the Post Office. Most of these had been dismissed for participating in the 1916 rising or for refusing to take the oath of allegiance in 1918.[54] Of all the Dáil officials it was these former civil servants who were to prove the most successful in developing a career in the free State bureaucracy, with some rising to the highest posts in the civil service of the independent state.

Procedures in the Dáil departments were, of necessity, informal and non-hierarchical. The only officers with clearly defined positions were the typists, couriers, George McGrath the accountant-general and James Kavanagh who described himself as secretary and accounting officer in the Dáil department of local government. There was no apparent division of work into administrative and executive grade, nor was there clear grading of salaries or promotional posts.[55] Salaries were determined in an ad hoc manner by the cabinet and, if we take salary as reflecting grade and status, were not any higher than that of the clerical grades in the British civil service. The lowest paid were the couriers, despite the danger of their work, next the typists, above them the equivalent of the clerical assistants.[56] Ministers themselves acted as an administrative or first division rank. Just as in the castle civil service, the Dáil civil service soon found that inflation was rapidly eroding the value of their salaries and a co-ordinated request for a general salary increase was met by

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[54] NAI, bureau military history witness statement 683, Hugh Hehir; 460, Joseph Thunder.
[55] Ibid., witness statement 449, W.T. Cosgrave
[56] NAI, DE1/1, 26 June; 5 sept.,17 Oct. 1919; 27 Feb., 31 May 1920.

the cabinet in June 1920.[57] Coordinating demands for salary increases has always proved a most potent source of organisation, however the civil service of the Dáil did not last long enough to develop its own *corp d'esprit*. Any sense of comradeship was provided in the main by prior membership of Sinn Féin, the IRB, the Volunteers or Cumann na mBan. If there was one single organisation binding the Dáil civil service together it was the IRB.

Tom McArdle describes the department of local government as working with a 'generous spirit' with no distinctions of ranks and with ministers doing the work of drafting and typing that ordinarily would be done by officials and staff.[58] Informality can however also be a sign of incoherence and lack of direction. Where there was no clear division of responsibility and no presiding minister with energy and vision a department might never progress beyond a paper existence.

The truce brought an opportunity to evaluate the performance of the Dáil departments and to address the question as to what extent the apparatus of the counter-state was capable of undertaking the task of replacing the existing Castle apparatus. The truce gave equality to the counter-state and, in contrast to the fear and confusion that permeated the Castle apparatus, the counter-state was animated by a keen anticipation of power.[59] The counter-state was now to be led by a president of the republic, de Valera, who also retained the post of prime minister. The executive was reorganised with six inner cabinet and seven minor non-cabinet ministries. The Dáil agreed on the devolution of its authority in administration to county authorities in the event of a resumption of hostilities. This concentration of authority in the president and dispersal of power in regional assemblies worried many deputies but as

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[57] ibid., 10 June 1920.
[58] NAI, bureau of military history witness statement 501 T.J. McArdle.
[59] Mitchell, *Revolutionary Government*, p300.

the constitution remained provisional and the changes were designed to allow the continuance of the government in the event of a resumption of war it was let pass.[60]

Liam de Róiste closely questioned Collins on the numbers and salaries of the officials employed by the Dáil departments but Collins told that the information was in the registers and could be got 'on application' to the department of finance.[61] In fact the cabinet had already recognised that the informality in grading and recruitment of the underground administration was not sustainable in the circumstances of the truce. The proposal to create a committee on the civil service that been first mooted early in 1919 was resurrected as a 'salaries board'. This board, acting in either an advisory or supervisory capacity to the cabinet, would grade and determine salary levels across the administration, ensuring uniformity and equality of the different departments. In some ways this would cut across the work of the finance department's accountant-general appointed by Collins who had in fact evolved into an 'establishments officer'. The names suggested for the salaries board were John Murphy of O'Loughlin, Boland and Murphy accountants; Richard Foley of the Underwood Typewriting Company, who had provided office space for Collins; Henry Dixon, the solicitor and Sinn Féin founder-member; Daithi O'Donoghue of the Dáil department of finance and Pádraig O'Keeffe the Sinn Féin secretary.[62] Such a board would have been dominated by those with business and commercial traditions, rather than with the traditions of the public service.

There is no evidence that the proposed board was ever formed and recruitment continued on an *ad hoc* basis. The Dáil department of local government was, again, the most energetic. Of the seventy-nine staff in the department at the time of the

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[60] Ibid., p303.
[61] *Dáil Éireann debates*, vol.4, 25 August 1921.
[62] NAI, DE2/491, 'Dáil Éireann secretariat, E.Price, 17 Oct 1921.

Treaty almost half, thirty-eight, were recruited in the months after the truce.[63] Cosgrave was still intent on enforcing local government competitive recruitment and approached Professor Hayes of the NUI about setting up an external examination board for local government appointments.[64] Austin Stack fretted about the lack of supervision over the Dáil staff, suggesting that general regulations be enforced with office hours for all government departments from 9.30 to 5.30 with an hour for lunch and a half-day Saturday.[65]

During the Treaty debate much was made on the pro-Treaty side of the fact that the IRA had reached the limits of its operational capacity. However, prior to the truce in early June, Collins was considering a shift in the fighting strategy, which suggests that the revolutionary counter-state had not run out of options. Collins proposal was to shift the target of the struggle from the police and army towards the civil service of the crown in Ireland. Citing as a precedent Benjamin Franklin's proclamation of October 1778 against loyalists in the United States, Collins wanted the Dáil to pass an act declaring as illegal and a usurpation of lawful authority all practices that assisted the British government;

> My chief desire is not to single out any particular institution but to get at them all. No English connection should be tolerated, except a connection we could not get rid of, or that we would be unwilling to get rid of, for instance the P.O. is not doing us any particular harm might be allowed operate, or the Board of Education in certain ways at any rate, might be allowed to operate. This is a matter that has been weighing heavily on me and I have been anxious to see you about it. To my mind we must widen the attack at the present moment. We are attacking with our weakest arm and are attacking their strongest arm. [66]

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[63] NAI, bureau military history witness statement 501, T.J.McArdle.
[64] NAI, DE1/3, 24 Nov. 1921.
[65] NAI, DE4/11/20, 'home affairs to Dáil secretary' 24 Oct. 1921; DE1/3, 4 Nov. 1921.
[66] NAI, DE2/296, 'memorandum M. Collins[to Mulcahy?], intensification of attack on all British institutions' June 1921.

Collins was once again stressing the advantages that disorder and chaos in the British administration would bring to the revolutionary forces. Stack drafted a memorandum for the cabinet detailing the new offensive against the Castle administration. The memorandum listed nine categories of officials of the British state in Ireland;

1. Dublin Castle officials including the Chief Secretary, the Under Secretary, the Attorney General and Solicitor General, Chief Crown Solicitor and their many subordinates.
2. The members of the Privy Council.
3. The Lord Chancellor and other judges of the "Supreme Court of Judiciature in Ireland".
4. The officials of the "Four Courts".
5. Recorders and County Court Judges.
6. Clerks of the Crown and Peace, Crown Prosecutors, Crown Solicitors.
7. Sheriffs and Under Sheriffs, Baliffs and Process Servers.
8. Civil servants engaged in the imposition and collection of taxes, custom duties and the like.
9. Other civil servants.

Categories one to three were clearly directing and assisting in the application of marital law in Ireland and in the activities of the Auxiliaries and Black and Tans and therefore 'made themselves enemies of the Republic in time of war and are...called upon the leave their present offices; otherwise they themselves will be responsible for the consequences'. Civil servants in the categories four to seven, were essential to the administration of British law. If they could be compelled to resign it would make it impossible for the writ of British law to run in any practical sense. Categories eight and nine, 'whilst not actually harmful in themselves', did form part of the enemy administration. If they also could be compelled to resign then British government in Ireland would be 'seriously handicapped if not entirely impotent'. Their fate, the memorandum concluded, could be left over for later decision.[67]

This new aggressive strategy against the state was overtaken by the truce but was unveiled to the post-truce Dáil as a 'decree as to purported exercise of public

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[67] Ibid. Austin Staic to Runaidhhe na h-Aireachta, 4 July 1921.

functions' at the 26 August private session. The decree asked that the Minister may 'impose penalties by fine, imprisonment, banishment from a particular area *or otherwise*' (my italics) on persons 'purporting to exercise judicial, administrative and legislative functions without the authority of the Republic'.[68] Launching an attack on the civil service was now being offered as a strategy held in reserve in the event of the truce breaking down and war being resumed. Gavan Duffy entered an objection to the "or otherwise" which, as Austin Stack made clear, meant execution. Gavan Duffy was not squeamish about the death penalty as such. In fact he suggested that barristers ought to be included on the list. But if the Dáil was to impose the death penalty then it should say so in plain and simple language and it should be imposed by judges and not by politicians. This view gained strong support from amongst the TDs, including later die-hard anti-Treatyites such as MacEntee. With Stack in danger of allowing the debate be smothered in details on the right of appeal Collins intervened to bring the argument back to the central issue saying, 'it was not a question of preventing those officials from functioning, but a question of not allowing the British government to carry on any functions at all in this state'.[69] From his sources Collins was aware of the panic that swept through Dublin Castle in the wake of the killing in March 1920 of Alan Bell, an ex-RM who had been investigating the hiding places of the Dáil finances. The killing of a civil servant clearly had much greater impact on the administrative machine than that of a policeman or a soldier. Perhaps it was just as well that the Castle civil servants themselves had no inkling of their probable fate in the event of a resumption of hostilities, and it is to those civil servants that we now must turn.

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[68] *Dáil Éireann debates*, 26 August 1921.
[69] Ibid.

CHAPTER SEVEN

PARTITION AND THE CIVIL SERVICE

Waterfield, in reorganising the Irish civil service, was simply applying with local variations a policy that was also being applied in Great Britain. He could check with Whitehall at every stage and ensure that that his schemes were in line with Treasury policy generally. Partition of the civil service was however uniquely Irish in its application and was also an unprecedented administrative act. Earlier home rule proposals provided that some of the Irish civil servants would be transferred to an Irish parliament and that some would remain under the control of the London government. The 1920 Government of Ireland Act, as shaped by the Irish cabinet committee under Walter Long, went through increasingly complicated variations of devolution that provided for governments of Southern and Northern Ireland, an Irish Council and a hypothetical future Irish parliament whilst retaining Westminster sovereignty. Its main virtue was that, as it partitioned Ireland, it held the coalition government together.

The 1920 Act divided the Irish administration in ways never previously proposed.[1] Originally the legislation proposed that the Irish departments would be divided north and south with sections that could not be partitioned allocated to the Council of Ireland, thus being shared between north and south. By the final stages of the bill, under pressure from the Ulster Unionists, a 'clean-cut' between north and

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[1] O'Day, *Irish Home Rule,* pp294-300.

south was envisaged with the Council of Ireland acting as a potential vehicle for future unity.[2] Through the various drafts Westminster continued to retain most of the financial, revenue and customs departments. Of all these state and quasi-state administrations only two actually existed in reality, Dublin and London. Belfast had only a paper and the Council of Ireland a purely conceptual existence. Therefore the new civil service of north and south in Ireland would have to be carved out of the existing Irish administration through partition.

On the "appointed day" for the operation of the new governments, the functions of existing departments would be transferred simultaneously to the Southern and Northern Ireland governments and with them their civil servants who were also transferred en bloc. For the purpose of partition the 1920 act created two categories of Irish civil servant. Those civil servants who 'on the appointed day were concerned solely with the administration of public services' in Southern or Northern Ireland automatically became officers of that government. For all other civil servants the Civil Service Committee established by the act, and on which the civil servants themselves had two representatives, would determine their allocation north or south. This was a further development of the Civil Service Committee established by the 1914 Act. The original committee had the power to determine the status and entitlements of Irish civil servants who opted to retire. Under the 1920 Act this committee was further empowered to determine the allocation of the civil service to north and south and, in doing so, was instructed to defer to the wishes of the individual officer so far as possible.[3] The success of the GCICS in getting representation on this committee was crucial to securing the confidence of the civil servants themselves in the new governments. Sam Sloan of the AEO and Michael

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[2] NAUK, CAB 27/68, cabinet committee on Ireland (1919-1920) vol.1, 39-78, fourth report 24 Nov. 1919.

[3] Government of Ireland Act, 1920 [10 & 11 Geo.V] section 59 (1&2).

Gallagher of the CSCA, the two most active representatives of the membership, were elected on the 29 July to the committee.[4]

Another class of civil servant whose welfare was being secured by Waterfield were Englishmen who happened to be posted in Ireland and who faced being allocated to either of the Irish governments on the appointed day. There was also evidence that some Irish civil servants in Britain were looking for transfer to Ireland in anticipation of native government. Waterfield established an informal transfer between the British and the Irish departments for those officers. His objective was to ensure so far as possible that the Irish governments would take over a civil service staffed by men who wished to serve in Ireland.[5] To his surprise the number of Irish officers wishing to transfer out of Britain to Ireland far out-numbered British officers wishing to transfer the other way. Generally civil servants of the higher executive grades wished to transfer out of Ireland, those of the lower clerical grades into Ireland. This reflects the anticipation of where the better future opportunities lay for the respective classes.[6]

However the main preoccupation of the civil service associations, as we have seen, were reorganisation and re-grading. The threat, or promise, of home rule had been part of Irish administration for the lifetime of many of the Irish civil service and most had grown used to the waxing and waning of the issue and even regarded it with some indifference.[7] The GCICS, as we have seen, was diligent in protecting the interests of the service and used each revision of home rule to extend previously won concessions. The mood within the Irish committee of the cabinet was abjectly

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[4] *Red Tape*, No.119, Vol. x, Aug. 1921.
[5] NAUK, T158/3, Waterfield to Fraser, treasury London, 15 June 1921.
[6] Ibid., T158/5, Waterfield to Craig, treasury London, 8 nov. 1921; Warwick University MRC, mss.232/assoc of supervisory and assistant clerks executive committee minutes, 6 sept. 1921; *Red Tape*, No.121, Vol.xi, (Oct. 1921).
[7] Ibid., No.115, Vol.x, (Apr.1921).

conciliatory to the Irish civil service. The amendments cub-committee on the Government of Ireland bill recommended that the Treasury should go out of its way to meet the inevitable 'hard cases' that partition of the civil service would throw up, meaning most probably those that neither north nor south wanted.[8]

As partition emerged as cabinet policy Anderson instructed the Irish departments to draw up a paper allocation of their work and a 'provisional list of officers available for transfer to the governments of Northern and Southern Ireland, or the Council of Ireland'.[9] However, the 1920 Act was so convoluted that it was confidently felt that partition would never actually happen and the whole work of preparing the Irish departments for the appointed day had an air of unreality to it.[10] "Irish services" were described by the Act as 'all public services in connection with the administration of civil government... except the administration of matters with respect to which the [northern and southern parliaments] have under the provisions hereinbefore contained no power to make laws, including in this exception all public services in connection with the administration of matters by this Act declared to be reserved matters so long as they continue to be reserved...'[11] For the civil service itself 'the nightmare of transfer to Belfast' as it was described in the civil service journal seemed remote.[12] Such was the conviction within the civil service associations that partition would not happen or, if it did, would not work, that they several times repeated their determination that they would remain as all-Ireland associations.[13]

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[8] NAUK, CAB 27/156 'amendments sub-committee, 12 May 1920'.
[9] PRONI, FIN/18/1/142, CSO circular 20 Jan. 1920.
[10] UCDAD, LA24, Duggan Memoir.
[11] Government of Ireland Act, 1920 [section 8 (8)].
[12] *Red Tape*, No.115, Vol.x,(Apr. 1921).
[13] Ibid.; *The Irish Civil Servant*, Vol.1, No.3 (January 1921); Vol.1 No.6 (April 1921).

Of the political forces then shaping Ireland the only one that saw virtue in the 1920 Act were the Ulster Unionists. The key figures in turning the 1920 Act to successful regime-building were James Craig and Ernest Clark. However it is important to appreciate that Craig saw little virtue in the 1920 Act as such and simply used it as the means to the end of Ulster Unionist autonomy in a six-county Northern Ireland.[14] Craig was amongst the more 'state-minded' Irish politicians of his times. He succeeded in creating out of the UVF what was in effect an armed force of the state, the Special Constabulary, to guarantee the security of Northern Ireland before the state itself came into existence. A skilled administrator and negotiator rather than an original thinker, the record shows that he had a keen insight into the importance of securing early control of administrative machinery. Even though he had no actual position in the Irish government it was assumed that Craig, as leader of the Ulster Unionist Council, was the future prime minister of Northern Ireland and he was consulted as such.

Sir Ernest Clark, like Anderson a civil servant from the Treasury departments, was appointed in September 1920 as assistant under secretary in the Irish Office with responsibility for the six counties that were to form Northern Ireland. The appointment of Clark prompted Wylie to draw up a memorandum on the Irish situation in which he described the appointment as a 'blunder leading to permanent partition'.[15] A former evangelical preacher, Clark retained through out his life a sense of mission but was clearly overwhelmed by James Craig's towering presence and adroit flattery.[16] Although he was supposed to report to Anderson in Dublin Castle and remained a civil servant of the crown, Clark was soon acting at the behest of

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[14] Nicholas Mansergh, *The Unresolved Question the Anglo-Irish Settlement and its Undoing 1912-72* (1991) pp153-4.
[15] NAUK, Wylie papers, PRO 30/89/3, review of Irish situation, Sept. 1920.
[16] Follis, *State Under Siege*, p7-8; Sturgis, *Last Days of Dublin Castle*, p53.

Craig. The civil service staff representatives found him capable but ruthless in pursuing his ends. On his trips to Dublin to meet with the civil service representatives he mentioned more than once that he had 'set-up' the South African government equipped with no more than an Act of Parliament, a table and a chair in an empty room and that he would do the same in Northern Ireland.[17]

Long before the elections for a Northern Ireland government and the selection of an executive, Craig and Clark worked together to create an administrative apparatus that would have written across it, as Craig urged Clark to write across his own chest, ULSTER! In an echo of the strategy of Sinn Féin they created an administration from the top down; first a framework for a cabinet of ministries was elaborated, then the existing departments were allocated to these ministries and finally a civil service to run these ministries was assembled. The shape of the cabinet was developed in discussion between Clark, Craig and Adam Duffin of the Belfast Chamber of Commerce between February and April 1921. Clark's suggestion for a cabinet of five ministries was countered by Duffin's suggestion of eight. Despite Clark's warning that, for a party that would have between thirty-two and forty seats in the northern parliament, to have one-quarter or one-fifth of them in cabinet would make a nonsense of parliamentary government, Craig plumped for seven ministries; six plus the prime minister.[18] Craig seems to have already sounded out his Ulster Unionist colleagues as to prospective ministerial posts. The task then was to start staffing the ministries with a civil service. It was here that the Ulster Unionists ran into trouble with the Anderson team in Dublin Castle and with the civil service staff associations.

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[17] Gallagher, memoir of a civil servant, p65
[18] PRONI, FIN18/1/109, Government of Northern Ireland dept. and staff schemes; Follis, *State under Siege*, p28.

Relations between Craig and Clark and the Anderson team were fraught as Belfast became suspicious that Dublin was being obstructive and was preventing the smooth working of the Belfast administration. Most informed opinion was well aware that the Anderson team were sceptical of the 1920 Act and were working for a dominion home rule settlement. Cope and Sturgis were hostile and Anderson became even more stiffly formal.[19] Anderson's position on home rule and partition has been described as 'enigmatic'.[20] The creation of a Belfast under secretary seems to have been his idea, yet his was less than enthusiastic about its operation. If we assume that Anderson's main objective was to ensure continuity and integrity in administration, then his actions appear more consistent. By insisting that the Belfast administration would not have a free hand in recruiting its civil servants he hoped to ensure that the state apparatus would not be tainted by the sort of politicisation that had brought the Castle regime into disrepute. Anderson reminded Clark that the assignment of the civil service was entirely in the hands of the Civil Service Committee, which could not come into existence until both the northern and the southern governments had been elected. The sequence therefore should be that the civil service heads of the Irish departments would make a putative division of the work of the department between northern and southern business. Staff would be discreetly sounded out as to their preference for future service, north or south. The heads of the departments would then, so far as possible, ensure that individual civil servants were assigned to the jurisdiction they preferred in advance of partition. In order to make partition of the staff as un-contentious as possible Anderson suggested that departmental Whitley Councils of staff and official sides could determine the preferences of each civil servant and prepare provisional allocations. On partition the Civil Service Committee

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[19] McColgan, *British policy and the Irish administration,* p56-8.
[20] Ibid., p57.

would then find it simplest to assign the staff on the lines already worked out provisionally by the departmental Whitley Councils. The governments of north and south would then have to either accept or pension the staff assigned to them.[21] Anderson's confidence lay in the civil service loyalty to the state and to its *esprit de corps*, rather than to the putative governing parties, to ensure that there would be an essential continuity. The determination of Craig and Clark to push ahead with staffing the Belfast departments in advance of elections and the creation of the Civil Service Committee fatally undermined Anderson's strategy. In this determination Craig and Clark had the support of the cabinet.

In March Clark wrote to Sturgis asking for the list of the civil servants who had opted to go north, as per the circular of 20 January. Clark was suspicious that the departments in Dublin Castle were dividing up the staff in such a way as to transfer the 'duds' of the service to the north. Cope in his reply, denying that there was any such intent, told Clark that there was an equally strong suspicion on the staff side in Dublin Castle that the few plum jobs in the new administration were being earmarked for English civil servants.[22] Clark, who anticipated that the southern government would retain most of the experienced men, was actually looking to recruit pensioned civil servants as temporaries to set up the departments.[23] Anderson offered Clark further assurance that nothing was being withheld from him and the problem was that the men were unwilling to commit themselves either way in advance of the actual date of transfer. In fact as we have seen the civil service associations were fully occupied with reorganisation and re-grading. Also, with the future so uncertain, a sensible civil servant might reasonably fear that too enthusiastic a display of support for either government might jeopardise future prospects if he had the misfortune to end up

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[21] PRONI, CAB/4/23 copy of Anderson memo on Irish civil servants under 1920 Act.
[22] PRONI, FIN 18/1/43 Cope to Clark, 27 Mar. 1921.
[23] Ibid., 18/1/112, Craig to Cuthbertson, 16 Feb. 1921.

under the other. Anderson suggested that the best course of action for Clark would be to pick men for the principal posts in the departments and let them work out schemes of organisation and staffing for their departments.[24] Anderson assumed that Clark would recruit the heads of the departments from the Irish service, as these were the men who best knew the requirements of the work and the calibre of the officers available. He also assumed that this would be a purely paper exercise until the Civil Service Committee could function and make allocations. In fact Craig and Clark were already filling the key posts with Ulstermen such as Sam Watt with his well-known anti-Catholic views, Gordon of the DATI, Dale and Litchfield, both from the British service, A.P. Magill and G.C. Duggan also from Dublin and W.D. Scott from the Treasury.[25] In order to make Belfast an attractive posting Clark recommended that the staff scheme should have a 'liberal number of higher posts'.[26] He also offered considerably higher salaries to English officers as an inducement to transfer.

Waterfield, conscious of the resentment this injustice would cause amongst the officers transferred from Dublin, later insisted on Treasury salary scales being applied evenly.[27] There was also an attempt to prevent the reorganisation grades being applied so far as the northern jurisdiction was concerned, leaving the Northern Ireland government free to offer better terms if necessary to attract the right men.[28] Clark staffed his own office first, recruiting officers from London such as Scott from the Treasury, but also choosing men of Ulster Protestant background like Captain Petherick, a war veteran who had served in the Iniskilling Fusiliers.[29]

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[24] Ibid., 18/1/142, Anderson to Clark 1 July 1921.
[25] Follis, *State Under Siege*, p34 [Follis describes Watt as having strong anti-terrorist views]; McColgan, *British Policy and the Irish Administration*, p59.
[26] PRONI, FIN 18/1/107 Government of Northern Ireland dept. and staff schemes 23 Feb. 1921.
[27] NAUK, T158/6, Waterfield to Gill, 22 Nov. 1921.
[28] PRONI, FIN/18/1.235, Pollock to Craig, 26 Aug. 1921.
[29] Follis, *State under Siege*, pp11, 34-5; NAUK, T158/2, 'Waterfield to Cope, 27 Jan 1921'.

Relations with the Irish civil service, where there were growing suspicions about the recruitment of staff to the northern government, were also poor. Mortished, in his *Irish Civil Servant* journal, noted as early as April 1921 that allegations of patronage appointments within what he termed "Carsonia" were circulating within the Irish service.[30] In May, before the elections under the 1920 Act, the AEO published its correspondence with Craig as the 'prospective head of government of Northern Ireland'. The AEO had written to Craig in April 1921 asking him to express support for recruitment by open competitive examination and for the principle of promotion by merit alone. Specifically the AEO asked him for assurances that appointments to the Northern Irish civil service would be made through the Civil Service Committee established by the 1920 Act. On neither count would Craig offer any substantial assurance.[31] The creation of two governments and the partition of departments necessarily reduced the work and opportunities that each government offered as compared to an all-Ireland service. In much reduced administrations, which coincided with a large number of retirements, the competition for the few top posts would be even keener.[32]

The May elections and the establishment of the Northern Ireland government in June added another force to the partition of the civil service, the Belfast cabinet. The 1920 Act stated quite unambiguously that the allocation of staff north and south was exclusively a function of the Civil Service Committee. That could not happen until both governments were established and both could nominate their representatives to the committee. However, as Craig indicated to his cabinet the northern government did not want to recruit the whole of its civil service from Dublin. He regarded the Dublin civil servants as undesirable and, in particular, was unhappy

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[30] *The Irish Civil Servant,* Vol.1, No.6 (April 1921).
[31] Ibid., Vol.1 No.7 (May 1921); PRONI, FIN/18/1/138, correspondence with AEO, April 1921.
[32] Gallagher, memoirs of a civil servant, pp 57-9.

that the allocation of staff was under the control of the Whitley Councils of each department. This, the northern cabinet agreed, was in itself prejudicial to Northern Irish interests. Hamar Greenwood suggested to Craig that the problem could be addressed by the loan of temporary staff from Dublin. This, he assured the cabinet, would not lead to the northern administration acquiring too many civil servants, and therefore a demand for extensive pensioning of redundant staff, as Greenwood had also offered assurances that any surplus would be re-absorbed. Anderson does not seem to have been informed by Greenwood of these assurances.[33] Fortified by these assurances the northern government began recruiting a civil service by personal contact with individuals in the Dublin administration and by public advertisement inviting applications to a selection board. The mysterious migration northwards of certain officials was noted and condemned as 'wire-pulling' by the civil service associations. The Irish CSA sent a delegation on the issue to the new Minister for Finance Pollock, the first Irish minister they had met. Pollock referred to the problem of finding housing or lodging for transferred officers from Dublin, but refused to accede to the delegations demand that the handpicking of men should stop and that transfers could only take place as the Civil Service Committee directed. It was clear to the civil service associations that with the northern government now a reality, and the truce adding to uncertainty as to the future of Dublin government, a scramble for posts was going on behind the scenes and fatally undermining the safeguards that had been won. Those without influence in Belfast would end up with little choice.[34]

In fact the employment of Catholics was already exciting debate within the Northern Ireland cabinet. Complaints about the employment of Catholics in the civil service were being forwarded by the Orange Order and by Ulster Ex-Service

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[33] PRONI, CAB/4/12, 9 Aug. 1921; CAB/4/14 16 Aug. 1921; CAB/4/23 27 Sept. 1921.
[34] *The Irish Civil Servant*, Vol.1 No.9 (July-Aug. 1921); Gallagher, Memoirs of a civil servant, p67-8.

Association and were being treated with utmost seriousness by the cabinet. Clark might have dismissed as 'pure imagination' allegations of anti-Catholic bias but the *Freeman's Journal* was completely accurate in its reporting of a furore in cabinet around the employment of Coyle in the Ministry of Agriculture. Coyle was a Catholic transferred from the DATI who was an early target of Orange Order complaint.[35] The cabinet members regarded the selection board as the vehicle for their personal patronage and there was stout resistance to Clark's suggestion that recruitment would be entirely in the hands of the Ministry of Finance. Cabinet ministers arranged it so that the crucial selection board would in fact be simply a 'rubber stamp' on the employment of the individuals they recommended.[36] The pattern of Ulster Unionist Party and civil service relations were established in the short period of 1920-21 as intensely parochial, nepotistic and anti-Catholic.[37]

Mention of a selection board alarmed Dublin. Fairgrieves wrote to Clark reminding him that the only body competent to assign staff to the northern government was the Civil Service Committee mentioned in the 1920 Act and that a selection board was 'not on'. Clark assured him that the board was for purely temporary posts to ensure the operation of the administration and that as soon as the officers were assigned to the northern government they could be dispensed with. A public notice was drafted and then redrafted to exclude references to an interview panel and preference being given to men of an "Ulster" background.[38] By now allegations were flying around Dublin Castle of the northern government refusing to entertain any applications for transfer from Dublin by Catholics.[39]

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[35] PRONI, CAB/4/14 16 Aug. 1921; FIN 18/1/142 newscutting with Clark annotations; *Freeman's Journal*, 5 Sept. 1921'No Catholics need apply'.
[36] PRONI, CAB/4/26, 4 Nov. 1921.
[37] Brian Barton, 'Northern Ireland, 1925-39' in Hill (ed) *A New History of Ireland VI1*, pp200-1.
[38] PRONI, FIN 18/1/138, Fairgrieves to Clark, 10 Aug. 1921.
[39] *Freeman's Journal*, 5 Sept. 1921, 'No catholic need apply'.

The truce of 11 July and the search for a basis for negotiation gave the priority to conciliation with Sinn Féin rather than to establishing the Northern administration. The transfer of authority that was meant to follow the elections under the 1920 Act was delayed. The threat to impose crown colony government in the area of southern Ireland was not followed through. In the aftermath of the truce the establishment of the Civil Service Committee and the partition of the civil service became in effect a 'slow bicycle' race with all the contestants determined to go as slow as possible. The winner, it was felt, would be whoever was last in. For Sinn Féin it was vital in the period between the truce and whatever agreement would emerge that the government of Southern Ireland should not be established.

Whilst Craig was desperately anxious for the transfer of functions he was confident that between local recruits and voluntary transfers from Dublin he had in fact a functioning civil service and did not particularly want or need an allocation of the existing civil service.[40] Yet he could not say this. The non-functioning of the administration disguised the degree of 'stateness' it had already acquired through its security apparatus, the Special Constabulary. Therefore Pollock and Clark, who was now head of the Northern Ireland civil service, began to delay the question of transfers. Pollock asked for an inquiry by the Civil Service Committee, prior to allocation, into the staffing of the existing Irish departments, alleging that there was evidence that the staff levels were excessive. He argued that it was responsibility of the British government to either absorb or pension excess staff and not place this burden on the Irish governments. Waterfield quietly squashed that line, insisting that his own reorganisation had dealt with the issue and there was no excess in the Irish

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[40] McColgan, *British Policy and the Irish Administration*, p64.

service.[41] The long delay between the truce and the actual start of negotiations on 11 October allowed the Northern government further time to consolidate its security and administrative apparatus.

On 9th of November, soon after the Treaty negotiations had started, the British government announced suddenly the transfer of services to Northern Ireland.[42] Over the next few days, in a rush of Orders-in-Council, the Dublin Castle departments were commanded to assign officers for temporary transfer to the north, even though the Civil Service Committee, which had the statutory function of distributing staff, had not yet formally met. Lord Chancellor Birkenhead and Lloyd George had been considering how it would be possible to transfer power to Northern Ireland without setting up crown colony government in Southern Ireland. The difficulty was that the 1920 Act could not be put into operation without the Joint Exchequer Board and the Civil Service Committee, on which there would be a southern representative. Birkenhead suggested that the 1920 Act could be stretched to authorise the lord lieutenant to appoint the southern representatives without having to dissolve the Southern Ireland parliament and declare crown colony government.[43] The place of the government of Southern Ireland on the Civil Service Committee, which remained unfilled, was allocated to MacMahon by order of the Lord Lieutenant.[44] At the same time the 'appointed day' for transfer of the departments of government were set out as 22 November, 1 December, 1 January and 1 February.[45]

Whilst Craig sat on his rock of 'Ulster' the civil service sat on the rock of section 59 of the 1920 Act that established the Civil Service Committee. The

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[41] PRONI, FIN 18/1/235, Clark to Waterfield, 25 July 1921, Pollock to Craig 26 Aug. 1921.
[42] Periscope, 'Last Days of Dublin Castle' p186-7.
[43] HLRO, Lloyd George papers, F/4/7/32, Birkenhead to PM, 1 Nov 1922.
[44] NAI, CSORP 1921-2, 2429/156 'Order-In-Council to create a temporary Civil Service Committee, 9 Nov. 1921'.
[45] McColgan, *British Policy and the Irish Administration.*, p69.

associations were confident in their understanding that partition of the civil service could only be done by that committee and therefore, in the absence of a representative of the southern government, it could not be established. The civil service associations were confident that whatever would emerge from the London negotiations would be at least as good as existing terms and might be even better. The civil service had always done well in setting the terms in the discussions on home rule. In those circumstances it was better to wait. As the Treaty negotiations made progress Conn Murphy and Ronald Mortished of the CSA maintained contact with Sinn Féin and the Dáil and received assurances that the protection granted in the 1920 Act to civil servants would be continued into any new agreement.[46]

Every home rule proposal, from1886 to 1920, had all been based on some form of division of the departments of state and therefore of the civil service. For instance customs and trade had been excluded in each and every home rule proposals thus implying that the civil service of the Revenue and Custom and Excise would remain as they were. The Post Office was also excluded, which was by far the largest of all government departments, and the Ordnance Survey, which had its own service traditions that owed more to its military origins than to the wider civil service. This would in part explain the detached complacency with which many Irish civil servants regarded the home rule debate, confident as they were that they at least would not be affected. The Treaty, to the amazement of the Irish civil servants, transferred all twenty thousand of them without exception to the new Saorstát Éireann. Even the postal service which had been reserved to the imperial parliament in all the home rule bills, and which represented the vast majority of the Irish civil service, was to be transferred in its entirety to the Irish government. It was even

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[46]Gallagher, Memoirs of a civil servant, p72.

possible that the Treaty could be interpreted as transferring authority over the Northern Ireland government to Saorstát Éireann.

There was considerable disagreement within the civil service associations as to the correct response in the aftermath of the Treaty.[47] Despite his later avowal of republicanism, which cost him his civil service job, Con Murphy was initially an ardent supporter. On its announcement he addressed an impromptu audience from the steps of his departmental offices on Merrion Square on the momentous achievement.[48] Murphy as chairman of the CSA took the view that the 1920 Act, and all associated with it, had been swept away by the Treaty and that the civil service should throw in its lot with the elected government of the Irish people, Dáil Éireann. They should do nothing that would validate partition and in particular should not participate in the Civil Service Committee now summoned to meet. Gallagher and Sloan were loath to simply refuse to attend, not least because the committee could function without them. It was eventually decided that the CSA would enter a legal challenge to the validity of MacMahon's appointment in an effort to stop the committee in its tracks. Legal advice was sought from Hugh Kennedy, later advisor to the provisional government.

The Civil Service Committee first met on 8 December, two days after the treaty had been signed and after the first two of the appointed days for transfer of services had actually passed.[49] The committee consisted of Sir Courtauld Thomson, Chairman; A.P. Waterfield, Treasury Ireland; R.A. Johnson, Treasury London; James MacMahon, the southern government; R.D. Megan, replaced by Ernest Craig, the northern government; and Sam Sloan and Michael Gallagher, the representatives of the existing Irish officers. Sloan and Gallagher immediately challenged the appointment of MacMahon as not in accordance with the 1920 Act, and protested

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[47] Ibid., pp73-4.
[48] ibid., p74.
[49] McColgan, *British Policy and the Irish Administration*, p75.

against the 'Civil Service Committee undertaking any functions or carrying out any duties until it has been duly constituted in accordance with provisions of the Act'. Having entered their protest Sloan and Gallagher then agreed that the committee could continue so long as the proceedings remained provisional and transfers were confined to volunteers. A paper allocation would be made and civil servants were to be asked did they (a) wish to be allocated to the Northern government (b) were they willing to be allocated and (c) did they object to being allocated? All transfers were to be at existing ranks but promotions were the sole concern of the government employing the officers. [50]

At the second meeting Sloan and Gallagher returned to question once again the appointment of MacMahon. A letter from Anderson was read stating that the order-in-council was valid but, if it proved necessary, steps would be taken to put it beyond doubt by effective legislation. Sloan and Gallagher then withdrew from the meeting to consult with the CSA. The rest of the committee may not have accepted the position of Sloan and Gallagher but they were certainly willing to play for time and delay matters. When Ernest Clark, who had replaced Megan as the northern representative, began to name individual officers as having indicated a willingness to transfer north the committee determined that it would be necessary to have the personal signature of each officer consenting to transfer. Clark interpreted this as pure obstruction, but in fact the rest of the committee was more likely to have been afraid of the growing reaction within the civil service to the work of the committee.[51]

A mass meeting of the Dublin civil service on the 12 December resolved that 'no civil servant, whatever his personal opinion may be, should answer the questionnaire or any other document issued by the Civil Service Committee as at

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[50] PRONI, Ernest Clark papers, D1022/2/18, Civil Service Committee meeting minutes, 8 Dec 1921.
[51] Ibid, minutes, 15 Dec. 1921; Gallagher, memoirs of a civil servant, p74.

present constituted, but that in each Department the representative of each Association or the Chairman of the Staff Side of the Whitley Council or Committee should collect the blank forms issued and return them to the head of the department accompanied by copies of this resolution in explanation of the refusal of each officer to reply to the questions'.[52]

As 17 December meeting of the Civil Service Committee was drawing to a close a messenger arrived with a notice of proceedings by Conn Murphy acting on behalf of existing Irish officers seeking an injunction against those 'purporting to act as the Civil Service Committee' thus effectively ending the work of the committee.[53] The proceedings were heard by the Master of Rolls on 21 December, as the Treaty debate continued in the Dáil. Not surprisingly the courts rejected the case put by the CSA, however it had served its main function of further delaying the process of partition until the provisional government took power.[54] The committee was finally halted by the decree of the provisional government of 16 January forbidding all movements of civil servants without the permission of the government. On the following day when Clark asked that the committee should immediately allocate those civil servants who had declared a willingness to move north but had not yet done so, he found no support. Instead the committee, whether from fear of the provisional government or exasperation at Clark, adjourned indefinitely.[55]

The committee meetings worked by allocating staff for the departments and then trying to find sufficient volunteers to fill them. This involved a notional allocation of proportions of the work of the department as to north and south. When it came to actually filling the positions it was clear that though there were volunteers to

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[52] copy in PRONI, Ernest Clark papers, D1022/2/18, Civil Service Committee meeting minutes, 19 Dec 1921; Warwick University MRC, mss 232/SDA/4/3 *The News Sheet*, No.15 (1 Jan. 1922).
[53] PRONI, Ernest Clark papers, D1022/2/18, Civil Service Committee meeting minutes, 17 Dec 1921.
[54] NAI, CSORP 1921/3866/3, Civil Service Committee papers.
[55] PRONI, Ernest Clark papers, D1022/2/18, Civil Service Committee meeting minutes, 17 Jan 1922.

go north, there were not enough of them. Service in Northern Ireland was not attractive to the majority of the civil service, especially as the prospects now looked more promising in the Free State. In Waterfield's own Treasury (Ireland) not one man volunteered to go north to the new Ministry of Finance. Besides, allocation north or south was a function of the Civil Service Committee not the Treasury, so there could be no question of compulsion.[56] The Civil Service Committee for its part, insisted that each civil servant allocated north indicate in writing that he was indeed a volunteer. In order to make up the numbers the committee decided to move outside the strict letter of the 1920 Act and invite applications from any civil servant serving in Ireland, whether in an Irish or an imperial department.

The number of staff actually allocated by the short-lived committee was two hundred and thirty-five.[57] It was calculated that the new northern administration required between six and seven hundred staff but by May 1922 only two hundred and eighty were actually transferred officers from Dublin and London.[58] The only comprehensive list of transferred civil servants is that compiled from memory in 1978 by Frederick Falkiner of the Board of Works. He lists one hundred and eighty-five transfers from Dublin.[59] Had the Civil Service Committee actually operated then about six out of ten civil servants in Northern Ireland would have been allocated by compulsion. Though Clark recorded a great deal of indignation at the obstruction he encountered from the committee, he was in fact probably happy enough with the result. Along with the London transfers, officers who supported the Unionist regime formed a core staff of the civil service of Northern Ireland. The vacancies could be used to sate the feeding frenzy of applications that formed around every northern

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[56] NAUK, T158/6 'Waterfield to Niemeyer, 10 Jan. 1922'.
[57] PRONI, Ernest Clark papers, D1022/2/18, Civil Service Committee meeting minutes, 19 Dec 1921-17 Jan. 1922.
[58] *Parliamentary Debates Northern Ireland*, First Series, vol. 2, col. 471, 16 May 1922.
[59] NLI, Mss. 31,664, Leon O Broin papers.

minister. The Selection Board filled two hundred and forty-five posts in the first five months of 1922. As early as March 1922 concerns were being expressed by senior Whitehall civil servants as the narrow sectarian bias of the emerging northern government.[60] On the other hand the Free State acquired an un-partitioned and functioning civil service. As for the civil servants themselves they had prevented compulsory allocation to the north whilst preserving all the safeguards that had been won in the 1920 Act. All in all everybody could feel satisfied.

The hope of the civil service unions to maintain all-Ireland structures was not sustained in the reality of the new state authorities. The postal workers provide an example of the difficulties that any civil service association faced in the new circumstances. The Post Office had always been regarded as a United Kingdom service and therefore unaffected by the various home rule proposals. In Ireland the postal workers were organised in the Irish Postal Union (IPU). With the creation of the Irish Free State the British Postmaster General withdrew recognition from the union, although it was still organising the clerical grades in Northern Ireland. The only union recognised by the Postmaster General was the British-based Union of Post Office Workers (UPW), which organised the non-clerical grades. The Northern Irish postal workers refused to join the UPW insisting that a London-based union could not adequately represent Irish interests. The solution arrived at was the creation and financing by the IPU of POCA; the Post Office Clerks' Association (Northern Ireland); out of its northern branches. Because the post office remained an imperial service the northern postal workers could keep the Unionist government at some distance. It was generally nationalist in its utterances, describing partition as 'a

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[60] Michael Hopkinson, 'The Craig-Collins pact of 1922: two attempted reforms of the Northern Ireland government' in *Irish Historical Studies*, xxvii, no.106 (Nov. 1990).

political division of Ireland not of our choosing'.[61] The postal clerks had always been a lively and combative union and the postal services had always been at the forefront of civil service organisation, but POCA could not survive the re-grading of the postal services undertaken in the 1930s and 1940s and the subsequent erosion of the clerical classes. Contacts with independent Ireland dwindled, where the postal services had merged in the single POWU in 1923, and membership was lost to the UPW. Finding it impossible to survive in the small pond of Northern Ireland in the absence of state patronage it finally ceased to exist in 1954, having had a purely paper existence for many years.[62]

The clerical and executive civil service also found it impossible to maintain the all-Ireland structure in the face of Unionist government hostility. Where the state was the employer civil servants ultimately had no choice but accept the rules as determined by that state. The British AEO asked Sam Sloan, who had been such a formidable organiser in Dublin but had moved north, to form a branch of the association in Belfast, but little seems to have come of it.[63] An Association of Established Civil Servants (Northern Ireland), affiliated to the British Civil Service Confederation, attempted to organise the clerical and executive grades. Fraternal contacts were maintained with the Free State, frequent mention is made in the journal of events south of the border, and the association invited O'Shea of the Civil Service Federation of the Irish Free State to its conferences.[64] Another time W.J. Brown of the CSCA was invited to drum up support, but a mere twelve civil servants turned up to the meeting where he spoke.[65]

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[61] *The Gazette: the official organ of the Northern Ireland PO Clerks' Association,* vol.1, August 1923; vol.4, Nov. 1923; vol. 5 Dec. 1923.
[62] Marsh & Ryan, *Historical Directory of trade Unions*, vol.1, pp 176-7.
[63] Warwick University MRC, mss.232/ AEO executive committee minutes, 27 Oct. 1922.
[64] *Civil Service News*, vol.1, no.3, Feb 1928, association of executive officers agm.
[65] Ibid., vol.2, no.4, Mar. 1929.

The association campaigned for parity with London in pay and conditions. Specifically it wanted restoration of Whitley Councils, a demand of the southern civil servants also.[66] It also wanted an end to the Selection Board, which had extended its writ to cover not only recruitment but also promotion. The association recommended that any civil servant going before the Board should be 'fair-haired, have a stock of jokes, and be prepared to talk about where you go for your holidays'.[67] The implication was clear, the candidate to fill the post was already selected and the interview was just for show. Rather being than an expression of bias within the service itself, discrimination in the Northern Ireland civil service against Catholics was imposed by the Ulster Unionist party.[68] Stormont was, so far as the clerical grades were concerned, a recrudescence of the old Dublin Castle problem of nepotism and favouritism in promotions. In such a system active trade unionism was a disadvantage. If prospects depended entirely on the view that the head of a department took of you, then it was safer to curry favour than demand fairness.[69] A far more powerful organisation was the Ex-Servicemen's Association, which was wreaking havoc amongst the English associations with its campaign for establishment and promotions exclusively for ex-soldiers, and managed to secure one half of the posts created between 1922 and 1928 in the Northern Ireland civil service for its members.[70]

Pollock took an autocratic view of the powers of the Ministry of Finance and treated the Association of Established Civil Servants (Northern Ireland) with contempt. This association was formed in 1922 and represented half of all civil

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[66] Ibid., vol.1, no.1, Dec. 1927.
[67] Ibid.
[68] Deirdre MacMahon, *Republicans and Imperialists*, p267.
[69] *Civil Service News*, most issues carried reports of unjust promotions.
[70] PRONI, FIN 30/AA/20, employment of ex-servicemen in the civil service; *Memorandum by the ministry of finance on the employment of ex-servicemen in the Northern Ireland civil service*, [H.C. 161] 28 Nov. 1928.

servants, yet its letters to the minister were simply ignored.[71] There was also a great deal of suspicion attached to the transferred officers amongst the political classes in Stormont. An oath of loyalty to the crown and of service to the state of Northern Ireland was imposed on the transferred officers in 1923.[72] In 1927 the Trade Disputes Act explicitly excluded the possibility of Whitley Councils and narrowly circumscribed the ability of civil servants to organise.[73]

In 1928 Pollock allowed the formation of a civil service representative council. But the council was based on departments, not associations, and so a cross-service agitation could not gather pace. It was also exclusively a staff side council with no official side. The opinion of the council could be conveyed directly to the minister, who could do as he wished with it.[74] Eventually the staff representatives decided to withdraw because, as they said, the council was not representative, it had no influence on the decisions made, and was used simply to impart the semblance of agreement to the decisions of the minister.[75]

The Northern Ireland civil service was limited not only by the attitude of the minister, the sectarianism of the state in which it colluded, but also by its own inhibiting exclusiveness. By clinging to the class and grade structure of the state departments it had fragmented its own membership. It was only when the Association of established Civil Servants was dissolved and a new Association of Civil Servants in the Government of Northern Ireland was founded in1934, which organised every

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[71] Edna Donnelly, 'The struggle for Whitleyism in the Northern Ireland Civil Service' in *Saothar* 10, pp12-18.
[72] 13 & 14 Geo.5, c.7, Promissory Oaths Act (Northern Ireland) 1923
[73] 17 & 18 Geo.5, c.20, Trade Disputes and Trade Unions Act (Northern Ireland) 1927; PRONI, FIN30/AA/22, Whitley councils and the trade disputes bill, Sept. 1927.
[74] *Civil Service News.*, vol.1, no.8 May 1928.
[75] PRONI, FIN 30/AC/3, representative council memorandum, 11 June 1934.

grade and class in a single organisation, that a more vigorous organisation could emerge.[76]

[76] Terry Cradden, *The Making of NIPSA A History of the Northern Ireland Public Service Alliance: 1919-1974* (1998) Belfast. pp 33-64.

CHAPTER EIGHT

THE TRANSFER OF AUTHORITY AND THE CIVIL SERVICE.

The stability of Irish democracy in the aftermath of revolution and civil war is sometimes explained by the underlying continuity in the state apparatus. The continuity in the civil service inherited from the former regime into the Irish Free State in particular is cited. It is argued that because of its innate conservatism and its distance from the revolutionary state-building process the former civil service ensured stability and continuity.[1] This argument, that what happened the Irish state could be characterised as evolutionary rather than revolutionary, was articulated as early as 1936 by the Brennan Commission. Brennan concluded that 'the passing of the State services into the control of a native Government, however revolutionary it may have been as a step in the political development of the nation, entailed, broadly speaking, no immediate disturbance of any fundamental kind in the daily work of the average Civil Servant. Under changed masters the main tasks of administration continued to be performed by the same staffs on the same general lines of organisation and procedure'.[2]

The question arises as to whether the provisional government did simply continue with the same civil service, given that every other institution of the British state in Ireland was changed; parliament, executive, judiciary, police and military; and replaced by native institutions. In the midst of so much change why retain the same

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[1] Fanning, *The Irish Department of Finance*, pp56-8; and again in Fanning, *Independent Ireland*,p60
[2] Saorstát Éireann 1936, R.54/2, *Civil Service Commission, final report with appendices vol.i; /3.*

civil service, especially as the revolutionary regime had built up a civil service of its own? If continuity was the case then the question arises as to why did the provisional government accept what was described as an anti-Irish, extravagant, corrupt and run-down apparatus? The accepted view is that the Irish civil service, notoriously inefficient, had been thoroughly overhauled and successfully rebuilt into a modern and efficient machine by Waterfield in the previous year and a half.[3] That transformation, were it true, would in itself be remarkable, though as we have seen, it had not in fact occurred. The emphasis on continuity also begs the question as to the fate of the civil service of Dáil Éireann. Did the men and women recruited to serve the revolution allow themselves to be meekly absorbed into the inherited apparatus of the state they had fought to destroy?

The process by which the provisional government constructed the civil service of the Irish Free State was in fact one of immense complexity to which the anodyne assurance of continuity does not apply. To paraphrase Brennan it is argued here that, under new masters, new staffs, on new lines of organisation and procedure, performed new tasks. We now turn to examine in turn the constitutional path that was laid down for that process and the deviations from that path that the emergence of anti-Treaty sentiment necessitated; the reactions of the civil service itself in the Castle administration as well as in the administration of Dáil Éireann to the formation of the new state and their ability to shape it; the emergence of the marginal pressure groups such as those civil servants who for whatever reason felt left out by the transformations in the state; and finally the practical problems of merging the civil services of the Castle administration and that of the revolutionary Dáil.

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[3] Fanning, *The Irish Department of Finance*, pp8-10

The Treaty proposed a constitutional relationship between Britain and Ireland far in advance of any previous home rule proposals, including the 1920 Act, a tribute to the negotiating skills of Griffith and Collins. Unlike all previous home rule bills, which limited the range of executive responsibilities of an Irish government, Article 1 of the Treaty stated that the Irish executive would be responsible only to the Irish parliament with no reference to any authority being retained in Westminster. The civil service was not to be divided between an imperial and an Irish service; the authority of the Irish parliament over the entire state apparatus was absolute. Also, looking no further than the title; '*Articles of Agreement for a Treaty between Great Britain and Ireland-December 6, 1921*', it brought into question the very existence of Northern Ireland. Articles 11-15, which dealt with Northern Ireland, could be interpreted as implying that the Treaty had superseded the Government of Ireland Act of 1920 and that partition would be a purely temporary arrangement. Even if the Northern Ireland parliament were to continue it might well be as a subordinate authority to the Irish Free State.[4] Therefore, it would seem, the Civil Service Committee created by the 1920 Act and charged with partitioning the civil service was redundant. Yet Dublin Castle and Belfast continued to demand that civil servants immediately choose between north and south. Amongst the clerical grades, mostly nationalist in sentiment, there was a very public display of resistance to transfer at a mass meeting where the continuing efforts to partition the service in the immediate aftermath of the Treaty agreement were condemned as a 'political manoeuvre'.[5] As we have seen, the Civil Service Alliance, advised by Hugh Kennedy, used the courts to challenge the appointment of James MacMahon as representing the southern

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[4]Ibid., pp83-4; Saorstát Eireann, Number 1 of 1922 *An Act to enact a Constitution for the Irish Free State (Saorstát Éireann) and for implementing the Treaty between Great Britain and Ireland signed at London on the 6th day of December, 1921*, second schedule.
[5]*Freeman's Journal*, 13 Dec. 1921.

parliament to the Civil Service Committee and succeeded in delaying the allocation of civil servants to the north.[6]

Article 17 of the Treaty provided a mechanism for transferring the administration of Ireland from British to Irish control via an interim provisional government. Precisely how this would work was however still unclear and the Treaty was marked not only by political but also institutional confusion.[7] For instance it was not at all clear at what point the Treaty could be said to have taken effect; was it when it was agreed by the Dáil cabinet or by the British cabinet, or by Dáil Éireann or by Westminster?[8]

The British government deliberately excluded the Dáil from the transitional arrangements. This was agreeable to Collins and Griffith because they planned to use the Dáil as institutional cover for the transition from British to native rule.[9] On both sides therefore, as the Treaty was being considered by parliament and Dáil, there was considerable thought being given to the practicalities of transferring authority over the state.[10] The only certainty was that the ratification of the Treaty by the Dáil would be immediately followed by the withdrawal of the 'military and auxiliary Forces of the Crown in Southern Ireland'.[11]

In the week after the signing of the Treaty a memorandum for the British cabinet's Irish committee on Article 17 detailed the administrative problems that the Treaty created. The memorandum reflected the collective thought of Lionel Curtis, Francis Liddell, Francis Greer, John Anderson and Niemeyer of the Treasury, all

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[6]Gallagher, Memoirs of a civil servant, pp73-5; NAI CSORP 1921/3866/3'chief crown solicitors office memo re civil service committee'; UCDAD, Hugh Kennedy papers, P4/301(3).
[7] Fitzpatrick, *The Two Irelands*, p112; Hopkinson, From the treaty to civil war, 1921-2' in Hill (ed) *A New History of Ireland VII*, p12.
[8] HLRO, Lloyd George papers, F/10/2/42, 'Curtis to PM' 5 Feb 1922.
[9] Regan, *The Irish Counter-Revolution*, p50 is mistaken in asserting the Treaty required the Dáil to hand over its administration to the control of the provisional government.
[10] Oxford, Bodleian library, Curtis papers, ms.89, f.67-70.
[11] NAI, department of the taoiseach, S.21, 'Lloyd George to Arthur Griffith' 13 Dec. 1921.

senior civil servants rather than politicians. Curtis's own analysis was heavily influenced by his South African experience and his contempt for the 'American democratic ideas' that had 'infected' Irish political thought.[12] Article 17 had been based on the original clause of the 1920 Act, but that Act had anticipated only a few of the departments being transferred to a new constitutionally elected administration. Its main objective was to transfer responsibility for the preservation of order as soon as possible to the Irish leaders. Few could have anticipated that the task of preserving order and good government would be handed over to a committee of rebels. The memorandum foresaw great difficulty in transferring at a stroke all the departments of the state into the hands of former rebels who would have access to all sorts of sensitive papers. Anderson was particularly afraid that local government, the courts and the police service would be subject to greater pressure than they could bear and he accelerated the disposal of sensitive police documents.[13] Local government and the courts were the success story of the Dáil administration and the departments that the provisional government would be most anxious should maintain their position.[14]

The memorandum anticipated, correctly as it turned out, that the provisional government would require the full year provided in the Treaty to draw up and enact a constitution for the Irish Free State. That would mean the provisional government would have a whole year in which it would act as an executive authority free of any legislative element to which it would have to answer. Extended periods of arbitrary government could undermine public support for the provisional government, and by extension the Treaty. The best Curtis could suggest was that the provisional government could be invited to form an assembly of the representatives returned to

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[12] NAUK, CAB 43/2, conference on Ireland, memorandum on article 17 of the Treaty, 10 Dec 1921'.
[13] Ibid, Anderson memorandum.
[14] Mary Daly, *The Buffer State*, pp 47-92; David Fitzpatrick, *Politics and Irish Life 1913-1921 provincial experiences of war and revolution* (1977) chp 5; Mary Kotsonouris, *Retreat from Revolution: The Dáil Courts 1920-24* (1994).

the southern constituencies in the elections under the 1920 Act, which would include the supposedly wiser and more experienced Unionist members. That the second Dáil was precisely such an assembly did not escape Curtis but he had no faith that, given the political complexion of the Dáil and the tenor of the debate on the Treaty, it could not provide this vital constitutional brake on the provisional government. [15]

The British government envisaged the autonomy of the Irish Free State coming about in three stages;

(1) Immediately on approval of the Treaty there would be in existence for Southern Ireland a body called the Temporary Provisional Government.
(2) When the necessary legislation had been passed by parliament this body would be clothed with legal powers and become the Provisional Government of Southern Ireland as contemplated by Article 17.
(3) Lastly the Government of the Irish Free State would come into existence when the Constitution had been formally enacted.[16]

However, whilst the British government were determined to 'preserve unbroken the line of British statutory authority' and had allotted no role to the Dáil in establishing the provisional government, Collins and Griffith were equally determined to preserve the authority of the Dáil.[17] Throughout the Treaty debate Collins and Griffith suggested proposals that were constitutionally ambiguous but were designed to prevent a resurgence of the British state in Ireland and to bring partition of the civil service to a halt.[18] In a memorandum drafted on Christmas Day 1921 Griffith outlined a strategy whereby the Dáil Éireann administration would continue to function during the interregnum and then, after the passing of the constitution, merge with the Free State; 'the provisional government would do nothing to consolidate the

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[15]NAUK, CAB 43/2, Curtis memorandum.
[16] NAI, department of the taoiseach, S.11 'Anglo-Irish Treaty: conference with the British government Jan-Apr 1922' copy of cabinet paper prepared by P.G.1.18.
[17] Mansergh, *The Unresolved Question*, p194.
[18] Hopkinson, *Green against Green*, pp 34-40.

Castle system of administration by filling vacancies etc., but would on the contrary let that system wither and die and allow the Dáil system to grow and strengthen…by the time the new constitution was in operation the Irish system of administration would have superseded the Castle system.'[19] The provisional government, which would take control of the existing civil service, would take over and isolate the inherited administrative machine in Dublin Castle. All business would be directed to the civil service under the control of the Dáil Éireann ministries. Tightening the grip of the Dáil on the departments would also make further partition difficult. The Dáil departments would continue to meet as a government under President de Valera whilst only the members of the Provisional government would be required to declare allegiance to the Treaty.[20] Collins and Griffith envisioned the provisional government acting as a "committee of public safety" under a united Dáil. The Dáil would continue in being ready to re-assume full authority on completion of British withdrawal.[21] With both the provisional government and the Dáil functioning there would be in effect a dual government. It would be possible, whatever the British might legislate, to maintain that the provisional government was a creation of the Dáil as much as it was a creation of the British government. No Irish politician was going to repeat the mistake of the pre-Union parliament that voted itself out of existence.

However this was too subtle for those opposed to the Treaty, and even for some of those who supported it. As Collins said 'hardly anyone, even those who support it, really understand it'.[22] The debate failed to get to grips with the mechanics of taking over the state and never got beyond an argument between those who saw the Dáil government in symbolic terms and those who saw in functional terms. Those

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[19]NAI, Dept of the Taoiseach, S.26.
[20] Michael Hopkinson, *Green Against Green the Irish Civil War* (1988) Dublin, pp 55-6.
[21] *Dáil Éireann Debates*, vol.3, col.32, 19 Dec. 1921.
[22] Ibid.

opposed to the Treaty insisted that the provisional government was as much a usurpation of the Dáil as of the Castle government that it replaced. Seán T. O'Kelly described it as the 'partitionist, provincial, provisional' government.[23] Piaras Béaslaí countered by insisting that the Treaty was popularly accepted and that 'the state is the people organised in a coherent from, and no matter whatever you call it a Republic or a Free State, my allegiance is to the people of Ireland and to the state which represents the national will. If we do not represent the national will, we [The Dáil] are a usurpation'.[24]

Document Number Two made unnecessarily explicit what was implicit in the Treaty on the transfer of state power, but missed the key element of preserving the Dáil as a continuing and separate authority. The provisional government of the Treaty became the 'transitional government to which the British Government and Dáil Éireann shall transfer the authority, powers and machinery requisite for the discharge of its duties'. The clear difference with the Treaty was that de Valera's transitional government derived its authority from the members of Dáil Éireann, not the members of the Southern Ireland constituencies and replaced instead of acting as a sub-committee to the Dáil.[25] Document Number Two also reproduced precisely Article 10 of the Treaty on compensation for dismissed judges and civil servants.

De Valera's tactics during the Treaty debate suggest that initially he anticipated that the Dáil would reject it, but that Collins, through his IRB centres, would ensure that the IRA accepted it. His emotional outburst at the vote in favour of the Treaty also suggests this remained his hope up to the last moment and that he had no second line to retreat to. His resignation and offer of re-election were a desperate attempt to retrieve his position by continuing the Dáil as suggested by Collins, but

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[23] Ibid., vol.3, col.136, 22 Dec. 1921.
[24] Ibid., vol.3, cols 179-80, 3 Jan. 1922.
[25] Dorothy McArdle, *The Irish Republic* (1937, 1999 facsimile edition), pp959-61.

now as an opposition to the provisional government. Even at this stage Collins was prepared to postpone the vote on the Treaty and offer once again the idea of a "committee of public safety" to take over the Castle, to 'do all the dirty work' as Collins termed it, whilst preserving the Dáil as a united and separate authority.[26]

But the rancorous tone of de Valera's opposition and the transparency of his intent to use Collin's constitutionally ambiguous dual authority to undermine the provisional government at every turn meant that the offer was no longer on the table.[27] Liam de Roiste, in rejecting de Valera's offer, put it plainly when he said that the provisional government was simply the mechanism whereby the British could hand control of the 'abomination' of Dublin Castle administration over to the Irish. In the absence of the provisional government that abomination is retained.[28] Blythe also recognised that what de Valera was proposing differed significantly from the offer originally made by Collins. Under the original idea the provisional government, either informally or formally, would derive its authority from the Dáil. What de Valera proposed was two distinct and rival governments.[29] The reality was that de Valera had little experience of statecraft. He had not participated, except for a brief period, in the Dáil between his arrest in March 1918 and his return from America in December 1920. Choosing to exercise his authority at the heady level of international diplomacy he had no experience of cabinet decision-making or the reality of running departments of state.

The strategy of constitutional ambiguity began to unravel with the resignation of de Valera and the election of Griffith as president of the Dáil. A new executive was elected with Collins as Minister for Finance, Gavan Duffy in Foreign Affairs,

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[26] *Dáil Éireann debates*, vol.3, col 349, 9 Jan 1922.
[27] Ibid., vol.3, cols352-3, 9 Jan. 1922.
[28] Ibid., vol.3, col.363, 9 Jan. 1922.
[29] Ibid., col.367.

Eamonn Duggan in Home Affairs, William Cosgrave in Local Government, Kevin O'Higgins in Economic Affairs and Richard Mulcahy in Defence. The Ministers for Finance, Home Affairs, Local Government and Economic Affairs were also members of the provisional government, along with Patrick Hogan, Fionan Lynch, Joe McGrath and Eoin MacNeill. The shared membership of the provisional and Dáil governments was an attempt to reconstruct a creative ambiguity around the authority of the state. Collins acted as chairman of the provisional government whilst retaining his post as Minister for Finance in the Dáil Éireann executive. Arthur Griffith's decision not to join the provisional government provided constitutional cover for the same persons in the same posts acting as distinctly different executives; that of the provisional government and that of the Dáil. When Collins was in the chair it was the provisional government, when it was Griffith it was the Dáil ministry. In the end the steady undermining of the authority of the Dáil executive by the anti-Treaty deputies and its the outright rejection by the anti-Treaty IRA undermined the structural ambiguity and exposed it to ridicule. The Dáil ministry was silently merged into the provisional government and by the end of April has ceased to exist as a separate body.[30] Whether dual government could be effective government was never actually tested, but the strategy of constitutional ambiguity did mean that during the crucial months of state-building the anti-Treaty forces were confined to an armed strategy and no attempt was made to establish a rival republican Dáil until October, by which time it was too late.[31]

Article 17 of the Treaty required ratification by the House of Commons of Southern Ireland, elected in June 1921 but never convened.[32] It was agreed by the British and the provisional government in January 1922 that the establishment of the

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[30] Ronan Fanning, *Independent Ireland* (1983) p9.
[31] Hopkinson, *Green Against Green*, p56.
[32] Joseph M Curran, *The Birth of the Irish Free State* (1980) p160.

Free State would immediately follow the provisional government and that there was to be no intervening stage of a regularised "Provisional Government and Parliament".[33] Collins anticipated that as soon as the British government ratified the Treaty, probably in the last week of February, the Dáil would dissolve immediately and there would be elections to a new Dáil. If possible the dissolution of the Dáil would be paralleled by the dissolution of the Northern parliament. In early April the newly elected Dáil would elect a new provisional government. The framing and passing of the constitution by the Irish parliament would be finished by I May with the registration of the constitution completed in early June by the British parliament. The "Ulster month" was to run from that date and if, as seemed likely, the north seceded then the Boundary commission was begin its work immediately. In a simplified and shortened process the provisional government would continue to run the administration whilst framing the constitution, which would be passed by the new Dáil in June and thus immediately inaugurate the Irish Free State. The Boundary Commission would then begin its work of dismantling, as he saw it, the Northern state.[34]

The weakness of the strategy of constitutional ambiguity lay in its slowness in asserting the "stateness" of the provisional government by confronting the anti-Treaty forces and in the slow response of the British government that allowed the northern government time to consolidate its control. The British government interpreted the December vote in Westminster as merely approving and not ratifying the Treaty. Ratification could only occur later with the simultaneous ratification of the constitution of the Irish Free State, which would take some months. It was not until

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[33] NAI, department of the taoiseach, S.11, 'Anglo-Irish Treaty conferences' copy of "heads of working arrangements for implementing the Treaty [cmd. 1911]".
[34] NAI, G1/1, minutes of the provisional government, 7 Feb. 1922.

13 March that the British Parliament passed its own measure to enact the Treaty.[35] This delay created a three-month 'moment of ambiguity' in which the British source for the authority of the provisional government was missing.[36] Had the Dáil remained united this period of ambiguity would have been to its advantage and could have reinforced the Irish source for the authority of the provisional government.

Collins had expected that the Ulster month would follow immediately on the approval of the Treaty. The three-month delay was vital to the Belfast government.[37] On 1 April 1922, by Order-In-Council in Dublin and by enactment in London, the existing government departments and officers were transferred to the provisional government.[38] But the order also transferred responsibility for services reserved to the Council of Ireland to the Northern Ireland parliament, which would act as agent for the British government. This enabled the Northern government to "dig in" on the high ground of state power. The provisional government would answer to a constituent "provisional parliament" elected exclusively to debate and pass the constitution of the Irish Free State. This body was eventually elected as the Third Dáil in June 1922.

On the British side it was generally expected that the takeover of the Castle departments would be a gradual process, with the inexperienced new government proceeding one department at a time. But the provisional government in fact moved with great speed and decisiveness to assume full control of the state. The takeover of Dublin castle was a revolutionary event, but it was not a spectacle. At that time there was no precedent for British withdrawal from her colonies so there was none of the

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[35] 12 Geo. V, ch.4, *An act to give force of law to certain Articles of Agreement for a Treaty between great Britain and Ireland, and to enable effect to be given thereto, and for the purposes incidental thereto or consequential thereto.*
[36] Mansergh, *The Unresolved Question*, p194.
[37] Kevin Matthews, *Fatal Influence The Impact of Ireland on British Politics, 1920-1945* (2004) Dublin. pp67-9.
[38] NAI, FIN1/560 'Transfer of service to provisional government, Order-in-Council, 1 Apr. 1922.

elaborate ceremonial to which a later generation became accustomed, with flags coming down and flags running up, accompanied by gun-salutes. Instead, in the Privy Council chamber, Collins handed Lord Fitzalan a copy of the Treaty signed by the members of the provisional government. Fitzalan then congratulated the provisional government and, wishing them the best of luck, left.[39] The provisional government was then introduced to the few senior civil servants rounded up for the occasion, at least some of whom enjoyed the irony that the men, who just a few months before had a price on their heads or languished in Mountjoy Prison, were now being introduced as the new government. For others there was a deep sense of betrayal and disgust at being invited to 'grasp hands red with the blood of government servants'.[40]

The provisional government then returned to the Mansion House and issued a press statement that 'the members of Rialtas Sealadach Na hEireann received the surrender of Dublin Castle at 1:45 p.m. today. It is now in the hands of the Irish nation....'. The reference to "surrender" disgusted Sturgis, who hoped that Lloyd George would use the Honours List to signal some recognition of the achievement of the Anderson team.[41] Honours were indeed distributed but, apart from Anderson himself, their work in extricating Britain from Ireland was not the launch of a brilliant career for these civil servants and the members of Anderson's "Junta" faded into obscurity. A new cohort of civil servants was assembled to assist in the construction of the civil service of the Irish Free State, most notably William O'Brien from Inland Revenue, Joseph Brennan and Walter Doolin from the CSO, along with T.K. Bewley and C.J. Gregg on loan from Whitehall.[42]

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[39] NAI, G1/1, minutes of the provisional government, 16 Jan 1922; HLRO, Lloyd George papers, F/20/2/1, telegram from Fitzalan, 16 Jan 1922.
[40] *Irish Times*, 17 Jan. 1922; Duggan, Last Days of Dublin castle'; Robinson, *Memories Wise and Otherwise* pp324-5.
[41] Hopkinson (ed), *Last Days of Dublin Castle'* p227.
[42] Fanning, *The Irish Department of Finance*, pp40-3.

The revolution that opened with the rhetoric of the Declaration of Independence, the Appeal to the Free Nations of the World and the Democratic Programme, announced its victory with its first directive;

> WE do hereby direct that all Law Courts, Corporations, Councils, Departments of State, Boards, Judges, Civil Servants, Officers of the Peace, and all Public Servants and functionaries hitherto under the authority of the British Government shall continue to carry out their functions unless and until otherwise ordered by us, pending the constitution of the Parliament and Government of Saorstát na hÉireann, and without prejudice to the full and free exercise by that Parliament and Government, when constituted, of all and every its powers and authorities in regard to them or any of them.....Published at Dublin this 16th day of January, 1922.[43]

The Provisional government also prohibited any action 'altering the status, rights, perquisites or stipends or the transfer, or dismissal of any officer, servant, employee or functionary of the state' or the removal of any records, documents or correspondence.[44] Whilst these directives lack the rhetorical flourish that began the revolution they display a sober understanding of what revolution entails; the seizing of state power; and they are directed precisely at the apparatus of the state, the civil service. Though the country had been partitioned, due to the action of the civil servants themselves the entire civil service remained united, available and now firmly under the control of the provisional government.

Although the power of the provisional government was purely administrative and not legislative, and in that respect seemed limited, to the civil service that was the power that mattered.[45] The constitutional and parliamentary form in which it happened concealed the extent to which, by seizing control of the civil service, the entire existing machinery of the state was now under the control of the provisional

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[43] NAI department of the Taoiseach S1 'transfer of services hitherto administered by the British government In Ireland' 16 Jan 1922.
[44] CSORP 1921/3864/2 'provisional government arrangements pending transfer of powers of existing departments'; NAI, G1/1, minutes of the provisional government 16 Jan. 1922; S1, department of the taoiseach, 16 Jan 1922.
[45] Fanning, *The Irish Department of Finance*, pp30-1.

government. The new government shunned the Castle, establishing itself in the City Hall. As the British soldiers, Auxiliaries, Black and Tans, and RIC all departed the Castle fell silent. It was even suggested that the entire Castle complex should be demolished in order to symbolise the reality of the change from a British to a national administration.[46]

In preparation for the transfer of power Michael Collins, Eamonn Duggan and Kevin O'Higgins travelled to London on Tuesday 17 January, the day after the takeover of Dublin Castle. Patrick McGilligan travelled as secretary, Kevin O'Shiel acted as liaison with the Dublin Castle departments.[47] As the provisional government began to implement the Treaty it was pressed by the British government to use the mechanisms created by the 1920 Act to facilitate the partition of the civil service. In particular the British government wanted to see the Joint Exchequer Board and the Civil Service Committee established by the 1920 Act constituted as part of the transfer of authority.[48] Waterfield administered a mild fright to the provisional government by reminding O'Brien that the Irish government would have to either employ or pension all the civil servants it would acquire on the setting up of the Free State and that it might be in its own interest to agree to some sort of civil service committee to facilitate transfers north immediately.[49] Waterfield reckoned that he could immediately identify about thirty officers still in Dublin, willing to transfer north, costing about £10,000 in salaries. He suggested that the provisional government could agree to allow, whilst refusing to compel, transfers north.[50]

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[46]NAI, S.36, department of the taoiseach, 'civil service general position' 1922.
[47] NAI, GI/1, minutes of the provisional government, 17 & 25 Jan. 1922.
[48] NAI, department of the Taoiseach S.11, 'conference with British government; department of finance Fin.1/17a, Feb.-Mar. 1922; G1/1, minutes of the provisional government', 25 Jan. 1922.
[49] NAUK, T158/7, 'Waterfield to O'Brien' 23 Feb. 1922; 'Waterfield to Clark' 28 Feb. 1922
[50] Ibid., 'Waterfield to O'Brien' 7 Mar. 1922.

Instead of facilitating partition however the provisional government ordered the Civil Service Committee, which had begun to allocate officers to Belfast, to cease.[51] Collins intended to use the control exercised by the provisional government over the civil service to prevent the Northern government establishing itself. In a characteristically succinct note to Kennedy he asked for instructions as to 'what we are entitled to do and what we entitled to prevent the north-east government from doing'.[52] In February the provisional government instructed departments to accord no facilities for allocating staff to Northern Ireland.[53] At a London conference in late March Collins refused to hand over state documents until the boundary was settled.[54] This refusal to send staff north suited the heads and staff of the departments in Dublin because it is part of the culture of bureaucracy that size is equivalent to status and no head of a department will reduce staff unless compelled to do so. However, perhaps as part of the *rapprochement* leading to the second Craig-Collins pact, the provisional government did allow the voluntary transfer north of thirty officers; seven from the ILC; three from the NEB; nine from the NHIC, nine from the DATI and two from the Ministry of Labour.[55]

In early February Anderson in a memorandum on the power of the provisional government attempted to create an administrative *cordon sanitaire* around the six counties, saying that the terms of the Treaty established that the British government could not transfer, and the provisional government could not exercise, 'any powers within or in respect of that area'. The administration of Northern Ireland would continue as if the provisional government had never been established. Following this Treasury (Ireland) circulated the departments instructing that all payments of salaries

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[51] NAI, G1/1, minutes of the provisional government, 17 & 20 Jan. 1922.
[52] NAI, FIN1/536, 'administration of the Council of Ireland services'.
[53] NAI, G1/1, provisional government minutes, 18 Feb. 1922.
[54] NAUK, CAB 43/5 'Conference 29 Mar. 1922' transfer of documents and officials.
[55] NAUK, T158/8, 'Waterfield to heads of departments, 9 Mar. 1922.

to officers serving in Northern Ireland would cease as from 1 April and would become the responsibility of the government of Northern Ireland.[56] Kevin O'Sheil dismissed this as a far-fetched interpretation. In his view, which we may assume was also that of Collins, the only limitations on the provisional government's power were two-fold; that all the members of it should have signed the Treaty and that it should cease to exist after twelve months. O'Sheil summarised his interpretation as 'briefly we are not obliged by the Treaty to assist the Belfast Parliament in any way'.[57]

Though the threat of immediate and compulsory transfer to the north had receded, the civil service would have been apprehensive had they known that even as the provisional government was taking over the Castle apparatus it was already discussing its replacement. At the meetings with the British government on establishing the provisional government and transferring responsibility for the administration, the Irish delegation had originally wanted the entire Irish civil service transferred on loan rather than permanently. This would have allowed the Free State to pick and choose, leaving the British government to deal with the rest. Not surprisingly the British rejected this suggestion.[58] Nevertheless there was an intense debate going on within the provisional government as to the future of the civil service. This debate was characterised by outright hostility to the Castle apparatus and a determination to replace it, reflecting the strategy outlined in Griffith's Christmas memorandum. Collins indicated that he looked forward to replacing the 'alien and cumbersome administration', scrapping the inherited civil servants and replacing them with fresh 'Gaelic' ones.[59] The leading Sinn Féin ideologue Aodh De Blacam called for the imposition of an 'iron Bismarckian phase' as a step on the road to the creation

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[56] NAI, "early E files" E20/2, 'officials serving in Northern Ireland' Mar-Apr. 1922.
[57] NAI, FIN1/223, 'provisional government, position of existing departments in relation to Northern Ireland'.
[58] NAI, minutes of the provisional government, G1/1, 20 & 24 Mar. 1922.
[59] Collins, *The Path to Freedom*,(1968) p.27.

of a model corporate Catholic state and society.[60] J.J. (Ginger) O'Connell, Assistant Chief of Staff in the IRA at the time of the Treaty and a supporter of Collins, proposing a virtually militarised civil service, urged a purge of those civil servants 'with the wrong outlook', an immediate imposition of salary ceilings, big cuts in staffs and a government directive to 'bring all public servants under thorough discipline and prohibit and make criminal strikes by government employees'.[61] Meanwhile the IRB was being courted to support the Treaty with promises of civil service jobs.[62]

The most detailed, and realistic, analysis of the relationship between the provisional government and the Castle civil service is contained in a ten-page memorandum on provisional government policy toward the civil service.[63] Eoin MacNeill sent the memorandum to Collins outlining a proposal to 'make the fact of the change of government penetrate every cell and fibre of the old governmental system'. At the heart of his scheme was a supervisory commission of a small number of the best men in the civil service, qualified by their 'sound national outlook', to act as a kind of watchdog over the senior civil servants.[64] The memorandum outlined a vital role for the civil service in consolidating provisional government control of the state. Dividing up the Dublin Castle offices into Finance and Establishment, (the Treasury) and Home Affairs (the Chief Secretary's Office) it suggested that the provisional government select 'three or four existing Irish civil servants from each of these offices of sound national outlook' to act as the eyes and ears of the Minister for Finance, Collins, and the Minister for Home Affairs, Duggan. In particular these civil

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[60] Aodh De Blacam, *What Sinn Féin Stands For: the Irish republican movement Its history, aims and Ideals examined as to their significance to the world* (Dublin, 1921) ppxvi; 132-48.
[61] NLI Ms. 22,142 J.J. O'Connell Papers, 'memorandum on reform of civil service'.
[62] Hopkinson, *Green Against Green*, p46.
[63] NAI, department of the taoiseach, S.36, 'Memo on the Irish Public services as affected by the Treaty and the setting up of the Provisional government'.
[64] NAI, S36, department of the taoiseach, 'civil service general position' 1922.

servants, with their understanding of the state apparatus, would have vital role in preventing the Northern government consolidating itself. These civil servants were to be joined by the best of the Dáil Éireann staff from the local government and secretariat departments. The next suggested step in taking control of the state was the appointment of an officer equivalent to Anderson in the Treasury and Clark in Belfast, a civil servant expert in Treasury matters to take control of staff and financial matters.

From the point of view of the civil service the most interesting proposal was one to establish an advisory committee of civil servants 'to take an immediate survey of the machinery required for finance and civil administration and to report to a small cabinet committee'. The memorandum stressed that 'it is of the highest importance for the provisional government to get in touch with and take the fullest advantage of the experience of the Irish civil service generally'. This advisory committee would assist in preparing a budget, keeping an eye on transfers of revenue from Whitehall and in reshaping the departments of government and staffing in preparation of the assumption of power by a native government. It would also be vital in directing departments 'away from British and toward Irish considerations' and would have blanket powers of access to all departments and records.

The MacNeill memorandum also suggested that a cabinet secretariat could be drawn from the loyal elements of the existing civil service to 'give effect to cabinet decisions'. It also suggested a civil service commission to replace the Civil Service Committee established by the 1920 Act. This would consist of two members elected by the staff and two appointed by the provisional government, with an agreed Dáil Éireann (judge?) acting as chairman. This committee would therefore have no representative from either the British Treasury or the Belfast government. This commission would deal with all questions of 'retirement and discharge of civil

servants owing to the recent change of government', transfers of civil servants between Britain and Ireland, consider all applications for new appointments and make recommendations on 'Principles of Promotion'. The memorandum also strongly recommended that the provisional government should publicly adopt a 'self-denying ordinance' to give no undertakings and make no promises as to jobs or promotions. Finally, a full list of forty-six 'reliable and efficient' civil servants whom the provisional government could consult with confidence on the work of the departments was attached. The 'reliable civil servants' included eight organisational activists; E. Fahy, Conn Murphy, P.J. Troddyn, H. Bell, E.P. O'Toole, Thomas A. Murphy and Michael Smithwick.

In some of its suggestions the MacNeill memorandum reflects the position of the civil servants themselves, as is shown by an equally detailed memorandum presented by them to the provisional government. In fact it is possible that the MacNeill memorandum may have been partly written by Conn Murphy, who had several unofficial meetings with Collins, Griffith, and MacNeill.[65] As soon as the Treaty was approved Conn Murphy and Michael Gallagher wrote to the secretary of Dáil Éireann, Diarmaid O'Hegarty, introducing themselves as the staff side of the Irish civil service Joint Whitley Committee but now representing the new "Executive Committee of the Conference of All Associations of Irish Civil Servants", with whom 'any future Irish government may conduct such negotiations as may be deemed necessary'. They also forwarded a detailed fifteen-page memorandum on the current situation of the Irish civil service and its relationship with the Castle government, the Belfast regime and the provisional government.[66] Murphy knew O'Hegarty personally from the 1918 fight against the oath of allegiance and addressed him on

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[65]NAI DE4/11/40; UCDAD, Desmond Fitzgerald papers, P80/899, 'Letter Conn Murphy 25 Feb 1925'.
[66] NAI, S36/22,department of the taoiseach, Jan. 1922.

first name terms. The civil servants' memorandum was entirely positive and optimistic about the situation of the civil service. The memorandum initially explained that the staff side of the Whitley Committee represented the entire fifty-six organisations of the civil service. With the formation of the provisional government the official side of the council, appointed by the Chancellor of the Exchequer, had lapsed. The staff side now looked to the provisional government to form 'consultation and conciliation machinery of a kind more suitable to Irish conditions', which implied that they were not entirely happy with the Whitley scheme and were anxious for an opportunity to put their views on an alternative.

Although the civil servants' memorandum did not detail what they thought was 'more suitable' the expectation was that the machinery would be more than a mechanism for conveying Treasury decisions and would offer the civil service more real control over their conditions. It had been the experience of the civil service organisations that substantial gains had always been negotiated with politicians. For instance, all the safeguards and guarantees in the home rule proposals had been secured through dealing with the government. In contrast the experience of dealing with the Treasury in the Whitley Committee, or with Treasury (Ireland) and Waterfield, had produced not negotiation but mere consultation. However the memorandum did recognise that the Treaty imposed no obligation on the new government beyond that of compensation to discharged or dismissed civil servants and that the provisional government was free to deal with the existing civil service as it thought fit.

The memorandum shows that the civil service was dominated by fear of the imposition of partition and responded to the provisional government's resistance to partition with encouragement and support. It also shows that the civil service hoped

to use the transition to the provisional government to end the dominance of the Treasury and the senior ranks of the service on civil service negotiation. On partition the memorandum not only underlined the resistance of the civil service and but also directed attention to the danger posed to the authority of the new government if the changes in train were allowed to continue unchecked.

On the transferred services such as education the memorandum warned that though these were not to be transferred until the Council of Ireland had been set up, a number of services had already been transferred with consequent division of staffs, with more transfers due for the 1st of February and of March. The Northern government was pushing for these transfers to be dated from the 16 January, the day the provisional government took power. This was clearly a challenge to the authority of the government. The memorandum urged that the government consider the validity of the transfers already made and whether it was prepared to agree to further transfers.

On the reserved services, such as the post office and police, the civil service view was that the Treaty clearly handed these over the provisional government for the area of "Southern Ireland" but equally clearly did not give the Northern government any additional power over them. The question for the civil service, and for the provisional government, was whether these services and their staffs in the northern area would pass to the control of the provisional government or remain under the control of the British government. This was also the case with the excluded services, such as customs and excise and revenue, where the legislation was quite clear that the northern government had no authority whatsoever. Yet the actions of the northern authorities indicated that it wanted to partition all the government departments in advance of the establishment of the Free State.

The memorandum also emphasised the hostility of the civil service to the Civil Service Committee created by the 1920 Act and the 'repugnance with which they, as a whole, viewed the liability of transfer to Belfast'. They asked that the provisional government support their resistance to compulsory transfer, even if it led to surplus staff in Dublin and suggested that the government form a new Civil Service Committee composed of three staff side representatives, three Irish government representatives and a Dáil Éireann judge to act as chairman, precisely replicating MacNeill's scheme. The significant point was the exclusion of an official side made up of senior or finance civil servants from this committee. The staff side would sit opposite a politician, not a higher-ranking fellow civil servant. The committee would deal with all questions arising from retirements and discharges, make recommendations on inter-departmental transfers and new appointments; set up an open competitive recruitment scheme and act as a conciliation and arbitration board on salaries, hours, terms of service and conditions of employment, and finally the committee would also prepare a superannuation scheme.[67]

The civil service memorandum also warned the provisional government that there were strong grounds for objecting to a continuing role for Waterfield and warned that, if he was retained, 'means should be devised to ensure that the policy of the provisional government shall be observed…and that his work…should properly be directed from Dublin and not from London'.[68] The memorandum reinforced the distaste that the civil service felt for higher officials in its recommendation that the provisional government immediately appoint a minister corresponding to a secretary to the Treasury with whom the civil service could make representations. Although the memorandum complained of the distaste the civil service felt at making

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[67] Ibid., annex 3.
[68] Ibid., p6.

representations to the British Treasury now that there was a native government, the real difficulty lay with the higher officials.

The memorandum also conveyed the view of the civil service that it had ample talent to staff the new departments which the provisional government would have to create and asked that 'in no circumstances should English civil servants or outsiders be imported for these purposes'. Other issues of lesser importance, but still of some importance, were the reorganisation of the existing departments, the imminent cut in the cost of living bonus, transfers of civil servants between Great Britain and Ireland, the liability for pensions and the principle of open competition. In order to address these issues Murphy pressed O'Hegarty for an immediate meeting.[69]

Murphy and Gallagher were essentially offering to throw the full weight of civil service organisations behind the provisional government and any changes they might wish to make, so long as they could be assured that there would be no worsening of conditions and changes would be negotiated through the staff side, now known as the executive committee to the associations.[70]

A delegation of the Irish branch of the CEF (who had always expected to be retained as an imperial service) also met with the government to seek reassurances whilst also indicating a general enthusiasm for serving the new government. The draft rules of the new association included as its objects that of encouraging 'educational and social development among the members along Irish lines and in harmony with Irish interests'.[71] Even the professional civil servants, who were now in a grading limbo, could summon up some degree of enthusiasm. The initial response of the IPCS to the establishing of the provisional government was one of a

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[69] Ibid., Murphy to O'Hegarty, 25, 26, 28. Jan. 1922.
[70] see letter by Conn Murphy in UCDAD, Desmond Fitzgerald papers, P80/899.
[71] Customs and Excise Federation [CEF], minute book, 22 Mar., 25 May 1922. PSEU Merrion Square Dublin 2.

guarded optimism. At the annual general meeting in March 1922 the IPCS President spoke warmly about the 'new vistas of usefulness that was gradually opening before the Institution'.[72]

There was, however, no reason to suppose that the Castle civil servants were irreplaceable. Almost all of them were lower level clerical grades with few in the higher policy-developing levels. The signing of the Treaty unleashed a flood of job applications to the Dáil, most of them accompanied by a recommendation from a parish priest, a TD and the local IRA commander, with some of the applications coming in fact from the local IRA men themselves.[73] It ought to be noted that the provisional government decided that there would no toleration for canvassing by politicians or by ministers on behalf of any applicant for employment or promotion, a decision that was, with a few exceptions, rigidly obeyed.[74] There was also, to the surprise of Waterfield, a considerable number of applications by civil servants in Britain to transfer to the provisional government.[75]

The Dáil also would have at its disposal the officials of the local government system. Arthur Griffith had good contacts with the local government officers of Dublin Corporation, organised in the ILGOU. Mangan, the ILGOU president, worked for Collins on the finance sub-committee during the Treaty negotiations.[76] The ILGOU, Sinn Féin policy, and the proposed National Civil Service all envisioned a single public service based on the six thousand local officials, central government officials, as well as the officers of the customs and excise. Thus the exclusivity and

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[72] IPCS (Ireland), council minutes, 31 Mar. 1922.
[73] NAI, DE 4/10/1-69, 79-116; DE 5/80; "early E files" E71/5-10. [These boxes are one example that is replicated in the papers of every department and member of the provisional government].
[74] NAI, G1/2, provisional government minutes, 20 July 1922; NLI, ms. 26,205, Brennan papers, notes on Finance circular E.35, 18 Dec 1922 on civil servants canvassing politicians for preferment; UCDAD, Hugh Kennedy papers, P4/617(1); /1563, 'Kennedy to Cosgrave, May 1924' for Cosgrave's response to Kennedy's recommendation for Thomas O'Connor 'who had done good work on behalf of the movement'. Cosgrave suggested that O'Connor enter by exam like everybody else.
[75] NAUK, T158/8, 'Waterfield to secretary clerical officers union' 22 Mar. 1922.
[76] Murphy, *John Chartres*, p55.

rigid departmental and grade structure of the existing civil service would be breached and it would be possible, in theory, for a gifted clerk in a local council to rise by merit alone to the level of a departmental secretary.[77]

The provisional government drew its staff from the Sinn Féin party, Dublin Castle and the Dáil departments, whilst maintaining strict separation between the Dáil Éireann accounts and those of the provisional government.[78] Between January and April, that is between setting up the provisional government and the actual transfer of authority, the departments had a free hand in recruiting staff on a quasi-permanent, temporary or even casual basis.[79] Staff was recruited from the existing civil service in the Castle departments, from the civil service of the Dáil departments and from civil servants who had been dismissed since 1916 for disloyalty. The intent here was clearly to draw from all the potential officials to forge a completely new civil service. The provisional government took immediate steps to disperse the Castle civil service by re-assigning men to new departments of the provisional government in local government, the post office, home affairs, education, and finance. The CSO staff was dispersed to the Ministry of Finance and the Ministry of Home Affairs with other individual civil servants sent to various separate departments.[80] The core provisional government Ministry of Finance was made up civil servants recruited from the Treasury in London, the CSO, the NHIC, customs and excise, the LGB and the Dáil local government department; along with Collin's personal secretariat made almost entirely of the staff of the Dáil department of finance along with Joe O'Reilly of the

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[77]Martin Maguire, *Servants to the Public A History of the Local Government and Public Services Union,* chapter 5; Dáil Éireann, *minutes of proceedings*, 18th June 1919.
[78] NAI, department of the taoiseach, S.490, 'PG payment of staff'; S.1249 'transfer of staff from DÉ to PG'.
[79] NAI, "early E files" E/135, 'secretariat staff at Merrion street' 1 April 1922.
[80] Ibid., E1/8, 'CSO staff arrangements' 22 Apr 1922.

"Squad" who acted as Collins personal bodyguard.[81] The CDB, which had played such a key role in making the state a positive force in transforming western Ireland, found itself dispersed amongst the departments of agriculture, fisheries and the land commission.[82]

However pouring the new wine of native government into the old skin of the Castle departments proved more difficult that had been anticipated. The clash of authority between Dáil and Castle civil servants was causing problems in the department of local government. The Dáil department of local government was one of the successes of the revolutionary administration and by the time of the Treaty had already effected radical changes in the local administration of the country. Between the truce and the Treaty the department had continued recruitment and maintained its authority as the *de facto* local government department. With the passing of the Treaty the old Custom House officials, transferred to Jury's Hotel after the burning of their departmental headquarters by the Dublin IRA, immediately began to undo the work of the Dáil department. Lorcan Robbins of the Dáil local government department demanded that the provisional government pension off the LGB immediately and put the Board under the control of sympathetic men or, if that was not possible, close it down. However it should be noted that the professional staff of the LGB were still agitating for guarantees on conditions and status and were in no mood to co-operate with anybody, British or Irish.[83]

Acquiring the records and staff of the Registry of Deeds was vital to the successful functioning of the Belfast administration. Despite the fact that they were still employed by the British government, which acted as an agent of the Irish

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[81] Ibid., E50/11, 'ministry of finance staff at Merrion street', Apr 1922.
[82] UCDAD, Hugh Kennedy papers, P4/529(a) Drennan to Kennedy', 26 Oct 1923.
[83] NAI, DE 4/11/60, memorial assistant minister for local government, 17 Feb. 1922.

government, the staff simply refused to go north.[84] In Belfast Clark was more anxious to get control of the records and documents that related to the northern area than he was to acquire the staff. In March he wrote to O'Brien suggesting that he himself, along with O'Brien and Waterfield and the heads of the departments, should form an unofficial "civil service committee" and simply confirm the voluntary transfers that had happened. Clark was emphatic that Belfast did not want men who did not want to go north and was happy to recruit most of the civil service locally. What he wanted really was for the issue to be driven to a conclusion before the constitution was enacted and the 'Ulster month' began.[85]

The particular ground on which the provisional government chose to confront the partition of the civil service was the administration of the "control of contagious diseases in cattle" function of the DATI.[86] This was reserved to the Council of Ireland under the 1920 Act. By the order-in-council of 1 April, article 2, the British government had in effect partitioned the department of agriculture, despite the fact that the Treaty envisaged the control of animal diseases as being administered by either the Irish Free State or the Council of Ireland. There was no provision for its administration by the government of Northern Ireland. Apart from the constitutional mechanisms the administration of these services required the co-operation of professional civil servants, most especially veterinary inspectors in the cattle trading ports. All of these officers made it absolutely clear to Waterfield, who conveyed it to Clark, that they had no wish to go north.[87]

Hogan continued to instruct the veterinary inspectors in the northern area and to make appointments after the 1 April. Collins also instructed his department to

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[84] NAI, Finance E/22/1 [annexed to E34/1/26, 'reorganisation of the Registry of Deeds'].
[85] NAI, "early E files" E20/2, 'Clark to O'Brien, 9 Mar 1922'.
[86] UCDAD, Blythe papers, P24/65, 'exchange of letters on Diseases of Animals Acts' July 1922.
[87] NAI, "early E files" E20/2, 'Waterfield to Clark, 25 Mar. 1922.

continue paying the salaries of the inspectors in the northeastern counties. Ernest Clark was excluded from the negotiations which ensued between Collins, Churchill, Greenwood and Hogan. The British government eventually agreed that these important functions would be returned, in the six-county area, to the chief secretary, who assumed responsibility for the staff but would not agree to station the chief veterinary officer in Dublin. The officials were now paid by the chief secretary and receive their instructions from him, but in close consultation with the provisional government and to the exclusion of the Belfast government.[88]

As the IRA split and opposition to the Treaty became militarised the pretence of a dual power was dropped and the Dáil ceased to meet from mid-April. A shift in tactics toward the civil service is indicated by the decision of the provisional government to invite civil servants, including both Castle and Dáil civil servants, to offer their names for inclusion in a pool of candidates for a selection board to the higher clerical and junior executive grades.[89] In May, before the general election, Collins circulated a request to the members of the provisional government to provide a summary of the work of their departments with an outline of reforms, economies and improvements. Collins indicated that 'it was essential that each department should become thoroughly Irish, and that forms and circulars associated with the old administration should be altered to suit the new condition'.[90] The outbreak of civil war in June prevented the sweeping changes that clearly were being planned for the Irish administration. From that point on the provisional government had to assert control not only over the Castle administration but also the remnants of the Dáil departments.

The split in the republican movement also affected the Dáil Éireann civil

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[88] NAI, FIN 1/537, 'DATI services and Council of Ireland'.
[89] NAI, "early E files" E75/15-21, Apr 1922.
[90] NAI G1/2 minutes of the provisional government, 15 May 1922.

service. The Dáil Éireann district court clerks had been replacing the dismissed petty session clerks, but as some took an anti-Treaty position and loyalties became uncertain the Dáil clerks found themselves put on probation, a status they still held ten years later.[91] The Dáil ministry was initially minded to facilitate the retirement of any of its civil servants who had a genuine objection to the Treaty and there was some discussion of compensation on resignation. Attitudes hardened as the rhetoric of the anti-Treaty forces became more extreme and militaristic. The Belfast Boycott staff, which initially had been offered compensation for loss of office, was threatened with summary dismissal. They forwarded a memorandum, signed by thirteen staff, to the Dáil cabinet comparing their treatment as civil servants of the Dáil with that accorded by the Treaty to the 'British officials who worked against the Republic'.[92] The more political Cosgrave convinced his Dáil cabinet colleagues to offer three months wages to buy off the boycott staff.[93] Insubordination was noted in which some messengers refused to carry out orders, alleging that the authority of the provisional government officials was not valid.[94] Absences in either the Dáil or provisional government departments were noted and, in an echo of the response of the British government to suspected involvement in the Easter 1916 Rising, civil servants were compelled to give an account of their movements on the days after 27 June.[95] It was instructed that women staff suspected of irregular sympathies were to be imprisoned if caught in the act of spying.[96] If a minister was not satisfied with the attitude of any member of staff toward the provisional government then the officer was to be suspended and

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[91] NAI, BC/5, Brennan commission, evidence of F.J. Gearty, 15 June 1934.
[92] UCDAD, P24/26, Belfast Boycott committee staff.
[93] NAI, DE1/4, minutes of Dáil Éireann cabinet, 11, 16, 24, 27 Jan., 3, 17, 24 Feb. 1922.
[94] NAI, department of finance, E135/5, 'refusals to carry out instructions'.
[95] NAI, G1/2, 'minutes of the provisional government' 7 July 1922.
[96] Ibid., 30 June 1922.

prevented entering government buildings.[97] Bolstered by the results of the June general election the provisional government now treated both the Dáil and the Castle civil service as equally under the control of the provisional government, not Dáil Éireann.[98]

An oath of fidelity to the provisional government was imposed on both the civil service of Dáil Éireann and the Castle departments. The government originally intended to search out dissent by a series of probing questions but, advised by Gregg, settled for a simple oath of fidelity.[99] Each civil servant of the Dáil and the provisional government was required to sign an undertaking stating that, 'I have not taken part with, or aided or abetted in any way whatsoever the forces in revolt against the Irish Provisional Government and I promise to be faithful to that government and to give no aid or support of any kind to those who are engaged in conflict against the authority of that government'.[100] A note from Collins accompanied each copy of the declaration emphasising that the irregulars were in opposition to the elected government of the people and denying that the declaration sought to prescribe the political opinions of civil servants. Rather than being directed against opinions it was directed against activities incompatible with public service, an echo of Nathan's attitude to civil service engagement with the Irish Volunteers.[101]

The land judge Conor Maguire, it soon emerged, was actively working to draw the staff of the Land Settlement Commission away from the provisional government. He was immediately suspended.[102] Conn Murphy was another victim. Despite his

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[97] Ibid., 13 July 1922.
[98] Ibid., 27 June 1922;, DE5/96, 'Dáil Éireann departmental files and estimates', correspondence concerning ministers and civil servants, 1922-3.
[99] Ibid., 26 July, 8 Aug. 1922.
[100] NAI, "early E files" E 326/1, copy of finance circular E 365/5, 22 Aug 1922.
[101] NLI, Brennan papers, ms.26, 205, ministry of finance circular 354/5 file.
[102] NAI, DE5/96, provisional government to McGrath, 25 July 1922; "early E files" E40/1 assimilation of agriculture Dáil staff..

earlier enthusiasm for the Treaty by the outbreak of the civil war he had changed sides. In September 1922, after writing to the newspapers complaining of the heavy-handed raids by the military on his home, he was immediately dismissed though he had not actually taken any active part in hostilities, but merely signalled his opposition by his letter to the newspaper. His son Fearghus, who was an active anti-Treatyite, was interned in the Curragh. In December 1922 he, along with Cáit O'Kelly, Count Plunkett and professor Arthur Clery of UCD, acting as a "Committee of Irish Catholics", drafted an eighty-seven page memorandum on the republican interpretation of the status of the provisional government and Treaty. The memorandum made much of the oath of allegiance that all the Dáil deputies had made to the republic. Clery and Murphy travelled to Rome to deliver the memorandum personally to the Pope. On his return Murphy was arrested, not because of his trip to Rome but because it was alleged he was allowing his home to be used for republican despatches. Conn himself went on a hunger-strike in protest at his treatment.[103] Murphy became something of a *cause celébre* when he obtained an Apostolic Blessing from the Pope during his hunger-strike.[104] Perhaps because of the high profile enjoyed by Murphy as an organiser within the civil service trade union movement and his status on the national Whitley Committee and despite the key role he had played in preventing the partition of the civil service, the provisional and Free State governments took a particularly hard line with him. He did not help his own case by writing a personal letter to Blythe reporting how his family had been terrorised by 'an organised murder gang, the members of which are at present employed and paid by the provisional government'.[105] He was refused permission to

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[103] UCDAD, Murphy family papers, P141/98-232
[104] Patrick Murray, *'Oracles of God' the Roman Catholic Church and Irish Politics, 1922-37* (2000) pp 180-91.
[105] UCDAD, Blythe papers, P24/86, Murphy to Blythe, 7 Sept. 1922.

retire under the Treaty provisions as he had been dismissed already and was also denied his accumulated pension as a signal of government disapproval, despite the pleas of Áine Ceannt, the widow of the 1916 leader, on his behalf.[106] Dismissed in October 1922 he was briefly reinstated in December 1927 to be formally discharged as redundant and awarded an inadequate pension.[107]

Plans to construct a completely new apparatus were abandoned and the civil service of the Dáil was assimilated into the old Castle administration. The terms of the Treaty and the need for a speedy transfer of authority did not encourage any radical re-structuring of the civil service. In the absence of such radical restructuring for each department the process of assimilating the staff of the Dáil ministries to the Castle administration was simply a matter of assigning each member of the staff to a grade, based on an inspection of the work done. Curiously enough this was exactly the process that Waterfield had been laboriously doing in each department of the Castle administration. However although the Castle civil service was reassigned and dispersed in the new departments, the Dáil civil service tended to move en bloc into the parallel department of the provisional government. It was decided that as a fundamental principle of assimilation the truce would be the deciding line for allocating the staff of the Dáil ministry to permanent or temporary positions. This was in recognition of the special claim to permanent pensionable posts of the staff that had borne the risks of the pre-truce service whilst, at the same time, being fair to the existing staff with years of efficient service. In effect this isolated the civil service of the pre-truce Dáil as a special case. The staff of the Dáil civil service recruited after the truce became temporary civil servants and would have to compete along with the rest of the civil service for any permanent posts that might become available. They

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[106] NAI, "early E files" E131/20, 'Dr Conn Murphy retirement under article 10';
[107] NAI, CAB 1/2 23 Dec. 1927: UCDAD, Desmond Fitzgerald papers, P80/899.

were however assimilated at the same salary they had enjoyed under the Dáil departments, even though it was generally higher than a temporary civil servant usually enjoyed, subject to that salary being liable to any subsequent reductions due to the fall in the cost of living bonus.

Both the LGB and the Dáil department of local government were in disarray. Though it would have been preferable to decide on the future shape of the department and fit the two organisations into that model, it had proved impractical as a way of progressing.[108] The LGB was still in disarray due to the standoff between Robinson and Waterfield on reorganisation. A further difficulty was that the provisional government had brought into its ministry of local government departments other than the LGB. It was anticipated that these would become sections in a rationalised ministry run by a single minister rather than a collective board, with a consequent reallocation of staff, but that was yet to be arranged.[109] On the Dáil department side there was the difficulty that the Treaty split was undermining control over dissident local authorities and testing departmental staff loyalties. The appointment of McCarron, a former auditor in the LGB, as acting departmental secretary tested the loyalty of the Dáil staff, with rumours that some were threatening mass resignations. The assimilation and grading of the Dáil staff was done by McCarron and De Lacey of the Dáil department and sanctioned by Gregg in finance. Loyalties were further tested when the staff that had been given permanent status discovered that in many cases the scale of pay in the provisional government was lower than that of the Dáil ministry. There is however no evidence in the records for Blythe's claim that he had averted the threatened mutiny by random increases and decreases of salaries, thus fostering distrust in the ranks of the mutineers. The salary levels on assimilation were

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[108] Daly, *The Buffer State*, pp95-105.
[109] NAI, "early E files" E43/8, 'amalgamation of the DELG and LGB staff' July- Sept. 1922.

in every case those appropriate to the LGB staff on the same grade and were set by Gregg in finance. Gregg in fact resisted Blythe's suggestion that some staff should enter their scales at a higher level. The provisional government seems to have determined that service in Dáil Éireann would neither help nor hinder any member of staff. All staff were assimilated at the bottom of the scale, with, in the cases of some younger officers, the direction that they should "mark-time" until they had attained the age usually appropriate for their point on the scale.[110] Dáil officials recruited after the truce were assimilated as temporary civil servants. Because the salaries they had been paid by the Dáil departments in many cases exceeded the usual rates for temporary clerks it was agreed that they would continue on the same salary but now subject to the variation in the cost of living bonus.

In agriculture assimilation was complicated by the ILC status as a reserved service. The staff of the ILC, like other reserved services, remained the employees of the British government, which acted as agent for the provisional government. The Dáil department of agriculture staff were the members of the Land Resettlement Commission, established to quell the rising unrest over land, and so therefore engaged in much the same sort of work of inspection and adjudication as the ILC.[111] From the point of view of assimilation however, this made the task a straightforward one. Following a practice that was being elevated to a principle it was decided that the staff of the Dáil land commission would be assimilated to similar grades and scales as the ILC staff.

Civil servants who had served the Dáil felt badly treated by the favour, as they saw it, with which the old regime's civil service were treated. Years later, in evidence to the Brennan Commission, the Association of Dáil Civil Servants and Dismissed

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[110] On the DELG "mutiny" see Daly, *The Buffer State*, pp 102-3; on the assimilation of the staff see the bulky and somewhat tattered "early E file" E43/8, 'amalgamation of DELG and LGB staff'.
[111] Mary Daly, *The First Department A History of the Department of Agriculture* (2002) pp 70-2.

British Civil Servants' claimed to represent one hundred and twenty members. Most were clerical officers, with some from higher posts. Their main complaint was that on assimilation 'due regard was not paid to the nature of the duties on which they had been engaged previously'. It was their contention that the duties on which a Dáil Éireann officer had been engaged ought to have determined their grade and not the duties to which they were assigned in the provisional and Free State governments. The informal and unstructured Dáil departments had, rightly or wrongly, given them a greater sense of status than that attached to their new provisional government grades. The implication clearly was that they felt that 'people who had suffered in support of the national cause' had undergone loss of status. It was also their view that the civil servants who had been dismissed under the British regime had suffered loss of promotion and that 'it is a distinct loss to have been patriotic in the civil service'.[112]

That was not true for at least some of the Dáil civil servants. One group of Dáil civil servants that did do well in the change of government were drawn from those dismissed by the British for disloyalty. Alexander J. Connolly, interned in Frongoch after 1916, was reinstated in the Department of Industry and Commerce and ended his civil service career as private secretary to Lemass. Michael Cremen, another 1916 veteran, became private secretary to Patrick Little in Posts and Telegraph and Gerald Boland in Justice as well as secretary to the Military Pensions Board. Patrick J. Daly emerged from the Dáil Éireann local government department to finish as assistant secretary to the Department of Local Government. Michael De Lacey was another civil servant interned after 1916 who entered the Dáil Éireann local government department. He ended his career as assistant secretary in local government. Michael Heavey transferred from the Land Settlement Commission to

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[112] NAI, Brennan Commission evidence, BC/3, 22 Feb. 1934.

the Irish Land Commission as senior commissioner. Thomas McArdle, who had served in the Dáil Éireann local government department, went on to become the first secretary of the Department of Health. James J. McElligott, interned after 1916, returned to become the dominant figure in the Department of Finance. His case underlines the fact that participation in revolution does not preclude an intense conservatism. George McGrath transferred to the Free State as auditor-general from the same post in Dáil Éireann. Michael McDunphy, dismissed by the British government for refusing to take an oath, ended his career as secretary to the President of Ireland. Maurice O'Connor, dismissed during the War of Independence, was reinstated and retired as assistant principal in the Department of Education. Henry O'Friel, another civil servant dismissed for refusing to take the oath in 1918, ended his career as secretary of the Department of Justice. P.S. O'Hegarty, dismissed for refusing the oath in 1918, was a long serving secretary to the Department of Posts and Telegraphs. Diarmaid O'Hegarty, dismissed in 1918, served the Dáil cabinet and the provisional government as secretary, ending his career as Chairman of the OPW.[113]

However these cases perhaps served to underline the poor treatment meted out to others who felt themselves as well qualified on grounds of commitment to the national cause and ability. Diarmaid Fawcett had served Sinn Féin and the Dáil as a member of Cork Industrial Development Association, as Consul-General in the USA and as technical advisor to both the Dáil and the provisional government on economic affairs. Then in September he was told that he was to act as assistant to the secretary of the Department of Industry and Commerce the Right Honourable Mr Gordon Campbell, but without a right of access to the minister. In a bitter letter of complaint at this demotion he detailed the service he had freely given 'when to serve Dáil

[113] All details from the DIB database, Earlsfort Terrace Dublin 2..

Éireann was not the secure and pleasant office that comparatively speaking it is today. Moreover I rendered this service at a time when those many others who professed to be possessed of technical and administrative knowledge elected to serve under an entrenched despotic alien government than under a popularly-elected national administration in the adolescent stage'.[114] Joe O'Reilly found the transition from gunman to civil servant particularly difficult. When he remarked that it was his opinion that there would be 'more than a few irregulars to be cleared out' in the government departments, he was sharply reminded by O'Brien that 'whatever his qualities as a soldier he had better understand his position as a clerk'.[115]

T.H. Nally and Léon Ó Broin, who had resisted Conor Maguire's attempts to alienate their loyalty to the provisional government, were shocked to discover that they would have to suffer a reduction of salary on assimilation. Nally took the high view that his salary had been negotiated with the minister personally and was therefore not subject to finance controls. Neither got very far in their challenge to the emerging power of the Department of Finance.[116]

In the Ministry of Home Affairs P.J. Crump got a particularly raw deal. As the Treaty split began to undermine the Dáil departments Crump was appointed to the legal staff in February 1922 to replace an official who was taking an increasingly anti-Treaty line. Crump abandoned a good post in a solicitor's practice on the assurance that he would get a permanent post and also because he was pressed by Eamonn Duggan to do his duty by the country. However because he was recruited after the truce the Department of Finance refused to make his post permanent, despite the pleas of Duggan and the protests of Crump that he had been duped. Regardless of the difficulties that it might cause for ministers, finance was demonstrating its

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[114] UCDAD, Mulcahy papers, P7/B/250.
[115] NAI, "early E files" E50/32, 'ministry of finance staff on military service'.
[116] Ibid., E40/1, 'assimilation of Dáil staff dept of agriculture'.

unwavering determination to achieve sole control of establishments. Although this can be seen as an early expression of the dominance of the finance mandarins, it was in fact as much a reflection of the mind of Collins as the official mind of finance. Of all the ministers of the provisional government Collins best understood that though control of the IRA was vital, no less vital to the success of the provisional government was control of the civil service of both the Dáil and the Castle.[117]

Whether because of the speed of their assimilation, or the short period in which they had functioned as a corps, the civil service of the former Dáil did not manage to form any organisation to fight their interests.[118] Where the Dáil staff did manage to combine to make a protest about reduced salaries, as happened in the department of local government in November 1922, they succeeded in winning some concessions but Gregg in finance refused to allow Blythe make any offer that would be 'embarrassing for us *vis a vis* the civil service generally'. The provisional government was learning to think of itself as a cohesive if isolated collective that had to stand united against all claimants, even those of loyal supporters.[119] The only organised pressure group to emerge was the 'Irish Republican Soldiers 1916-1921 and Prisoners of War Association' that acted as a not very effective conduit for pleas for employment for the ex-IRA men and the relatives of the fallen.[120] The final "clean-break" with the Dáil came on 14 December 1922 when a directive ordered McGrath to cease making payment from the Dáil funds and to transfer all the staff and payments to the provisional government.[121] All those employed by the Dáil and transferring to the provisional government were required to sign the declaration of

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[117] Ibid., E137/10, 'assimilation of Dáil staff Home Affairs'.
[118] The Association of Dáil Civil Servants and Dismissed British Civil Servants' emerged in later years and operated more as a pressure group formed to present evidence to the Brennan Commission.
[119] NAI, "early e files" E43/8, exchange of letters between McCarron, Blythe and Gregg, Nov 1922-Jan 1923.
[120] Ibid., E 71/11, 'employment of "Irish Republican Soldiers".
[121] Ibid., E117/2, 'cessation of payment from Dáil funds' 14 Dec 1912.

fidelity to the government.[122]

In most countries that have emerged from colonial rule into independence through a revolutionary struggle, the army of liberation has served as the main stabilising force. But in Ireland as the IRA split on the issue of the Treaty, the liberation army became in fact the main source of instability. As the Dáil, Sinn Féin and the IRA all split, some of the staff of the old Dáil departments, many of them also members of Sinn Féin and of the IRA, were seen as no longer reliable. The legitimacy of the provisional government was challenged and there were instances of insubordination and refusals to obey instructions. In contrast, whatever the private sentiments of individual civil servants, the entire Castle apparatus without exception accepted the legitimacy of the provisional government as the state authority. Oaths of loyalty to the provisional government were demanded of civil servants, failure to account for movements led to dismissal. The provisional government became isolated from its roots in the Sinn Féin party and in the Dáil, and soon lost contact with any popular base. In O'Higgins memorable if overwrought peroration they were 'eight young men standing amidst the ruins of one administration with the foundations of another not yet laid, and with wild men screaming through the keyhole'.[123] The Castle bureaucracy on the other hand had long learned to remain aloof from the political struggles in civil society and demonstrate its readiness to work with whatever authority it found. A besieged provisional government soon shared the barely concealed contempt with which many in the Irish civil service had long regarded the political classes.[124] It was these circumstances of civil war that enabled the Castle civil service to get a foot in the door of the independent state and establish itself as a stabilising force. However, the view that some senior civil servants later encouraged,

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[122] UCDAD, Hugh Kennedy papers, P4/221.
[123] Terence de Vere White, *Kevin O'Higgins* (first edition 1948) 1966, Anvil Books Tralee. pp83-4.
[124] Regan, *Counter-revolution*, pp96-100.

that in the absence of political interference they quickly dominated their departments and were able to construct the state administrative machine without the politicians, is to taken with a grain of salt.[125] To return to O'Higgins's cry, not only were there the foundations of the old administration in ruins, the foundations of the new were still to be laid.

Finally, the most important reason that the provisional government abandoned plans to create a completely new national civil service was that the immediate task facing the fledgling state was waging war, the most state-defining activity of all. With the death of Griffith and of Collins the provisional government lost its visionaries. Thoughts of building a completely new and national civil service were quietly abandoned. As the provisional government concentrated on the growing military threat of the anti-Treaty IRA its control of civil government weakened. Collins, McGrath, O'Higgins, O'Hegarty and Lynch were transferred from civil government to the army and the provisional government seemed to exist only as a facade for the War Council. The survival of the new state depended on the army, not civil government. Gavan Duffy emphasised to Mulcahy the danger that lay in creating the impression that the 'men who matter have gone to Portobello leaving only a feeble residue in Merrion Street'.[126] In an uncanny echo of the fears expressed by Wylie, Cope and Anderson in 1920, there was a real danger that the military alone would become the expression of state authority in the Free State.[127] The Dáil civil service was further weakened by the formation of a Volunteer Reserve of the National Army from the civil service. A great many of the former Dáil civil servants enlisted, whether in the hope of bettering their status or to simply escape the tedium of

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[125] McElligott quoted In Fanning, *Irish Department of Finance*, p98-9.
[126] UCDAD, P7/B/100.
[127] Hopkinson, *Green Against Green.*, pp140-2.

administration.[128]

In October 1922 the anti-Treaty IRA, belatedly recognising the need to cloak their anti-Treaty war with a state-form, nominated a government of the Republic. De Valera issued a circular directed to all state employees asking that they sever their connection with the provisional government and recognise the government of the republicans.[129] The logical decision, which flowed from the formation of a republican government, was to target members of the "illegal" Dáil that sanctioned the military tribunals ordering the execution of republicans since September. The IRA murder of the TD Sean Hales on 7 December 1922 led in turn to the wholly unlawful executions of McKelvey, Barrett, Mellows and O'Connor at dawn on the following day. No challenge to the authority of the state was tolerated. Even the September withdrawal of labour by the post office workers in a strike against wage cuts was treated as subversion and ruthlessly crushed. This strike led the government to outline a view of an almost authoritarian relationship between the state and the civil service that was far removed from the informality and casualness of the old regime (see next chapter).

1922 was a deeply hazardous rite of passage for Irish democracy.[130] Much of the anarchy of the year of provisional government could be put down to the weakness of the state itself, a legacy of inherited neglect, failed reform and the Anglo-Irish war. For two years, at least, civil government had been overshadowed by military rule, either by republicans or by crown forces. The ruthless and often illegal suppression of the anti-Treaty forces did ensure that the elected representatives and civil service of the new state could do their work and build the civil administration of the state in safety. Winning the civil war was not the result of a more coherent ideology but rather of a greater determination to use the conflict to consolidate control

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[128] NAI, "early e files" E50/32, 'staff on military service'.
[129] UCDAD, papers of Dr James Ryan, P88/82, circular of 22 Nov. 1922.
[130] Tom Garvin, *1922 The Birth of Irish Democracy* (1996).

of the state. However, filled perhaps with an awful consciousness of the consequences of failure, the provisional government in its determination to win became filled with a high-handed arrogance. The civil service was, initially, fired with a sense of mission and a determination to serve the new nation fully and faithfully. Though there were instances of sympathy to the anti-Treaty irregulars the mood was one of enthusiasm, in which change would have been possible and perhaps even welcomed. The first issue of *IRIS*, the Journal of the Civil Service Federation, noted that at the time of the Treaty the civil service had been enthused at the opening up of brighter prospects of an efficient service and had hoped that the camaraderie which had infused the Gaelic League in the old days would infuse the nation and its civil service once again. Most civil servants anticipated that national independence would mean a civil service in which patronage and nepotism would be a thing of the past, entrance would be by a 'ruthlessly just' competitive system and industry, integrity and intelligence in the service of the state would prove the only passports to promotion. However, one year later the mood was one of foreboding. National freedom meant an attack on workers, on trade unions and on the civil service.[131] The opportunity had passed. The provisional government squandered the goodwill of its civil service and as 1923 dawned and the Irish Free State came into office the attitude of the civil service was one of suspicion and defensiveness. For many civil servants the state was failing to embody the bright ideals and generous ambitions of the national struggle. As will be seen, the assimilation of the Dáil staff into the Castle civil service led to the unexpected consequence that it was discontent on salary levels and the imposition of pay cuts rather than nationalist sentiment or patriotic ambitions that formed the basis for unity in the combined civil service.

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[131] *Iris Seirbhise An Stáit (The Civil Service Journal) Official Organ of the Civil Service Federation*, [Henceforth *IRIS*] vol.1, no. 1 (Jan. 1923).

The task of maintaining a separate administration for the Dáil, untainted by contact with the Castle, would in any case have been enormously difficult. The transfer of the existing Castle apparatus was effected through the provisional government, not the revolutionary Dáil administration. Also the strategy of the revolution, of creating a parallel state, had the effect of creating a duplicate state. It would have seemed like administrative good sense to simply merge the duplicate departments. Finally, Article 10 of the Treaty (and Article 77 of the constitution of the Free State) gave a constitutional standing to the vested interests of the former apparatus, guaranteeing their status, tenure, salaries and conditions. On the other hand the staff of the Dáil Éireann departments were not offered any constitutional or indeed any legal status at all.

But the establishing of the new state was not an uninterrupted continuity with the old. Rather than being smooth transfer of a functioning apparatus the provisional government operated in a country where the existence of any central government as a reality could be questioned.[132] The civil service that the provisional government took over remained in a state of organisational confusion. It is as well to remind ourselves that Waterfield's 'reorganisation' was in fact a re-grading and entailed no more than assigning so many administrative, executive or clerical posts to each department and slotting the existing civil servants into these new grades. Although it was treated by Brennan, and by later historians, as having been delivered from a burning bush it was in fact purely imaginary in some departments and never existed in most.[133] Waterfield had taken the model as agreed by the British National Whitley Council as a norm and attempted to apply it to the Irish departments, disregarding the very different function, structure and relative autonomy of the state in Ireland.

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[132] Hopkinson, *Green against Green*, p89.
[133] For an interesting early statement of this view see the evidence of P.S.O'Hegarty to the Brennan Commission, 11 Oct 1932, NAI, BC/4.

Reorganisation did not begin with an analysis of the objective of each department followed by an assessment of its success or failure to achieve that objective. Assuming that Whitehall was best he stubbornly forced the Irish bureaucratic horse between the shafts of a London cart. In departments where there was an allocation of significant numbers of higher posts, individual clerical and executive officers could anticipate promotion, but the Irish administration as a whole retained what was regarded as its notorious fragmentation and incoherence. This fragmentation was in fact simply the structures that had evolved through metropolitan intervention in the society of Ireland.[134]

The Dáil civil service was purged by demands of loyalty to the provisional government. But the old administration was also purged, not by the usual firing squads of revolutionary regimes, but through the operation of the Wylie committee on Article 10 of the Treaty and it is to this process that the next chapter will turn.

[134] see NAUK T158/9, 'Gilbert to secretary ministry of finance' May 1922 for a long detailed list of the anomalies that had arisen in Waterfield's attempts to maintain the same lines in Ireland as in England as regards re-organisation.

CHAPTER NINE

CUMANN NA NGAEDHEAL AND THE CIVIL SERVICE

Given the initially co-operative attitude shown by the civil service toward the provisional government the question arises as to why that relationship declined and became, as we shall see, antagonistic under Cumann na nGaedheal. In the cabinet the correspondence from the civil service associations welcoming the provisional government and asking for a meeting was noted but ignored. Conn Murphy had some unofficial meetings with Collins, Griffith, and MacNéill, but nothing concrete emerged from these meetings.[1]

Although the official break with Whitleyism was not announced until December 1924, and although departmental councils continued to meet, the decision to do away with it was in fact made early in the term of the provisional government.[2] Discussing a memorandum on the Whitley Councils prepared by James MacMahon, which included Conn Murphy's observations, the provisional government decided that they posed an unacceptable limitation to the power of the executive, were un-Irish, and ordered that they should immediately cease working.[3] As the Treaty split began to edge toward crisis Collins agreed to meet a deputation of civil service representatives from the civil service associations. The CSF had submitted a memorandum on 22 April detailing the points that the civil service wanted to discuss

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[1]NAI DE4/11/40; UCDAD, Desmond Fitzgerald papers, P80/899, 'Letter Conn Murphy 25 Feb 1925'.
[2] NAUK, 158/8 'Waterfield to Ingrams, ministry of transport (Ireland)' 29 Apr 1922.
[3] NAI, G1/1, minutes of the provisional government, 20 Jan. 1922.

which included the status and continuity of service and salaries, the establishment of a new Civil Service Committee, the setting up of a new Irish Civil Service National Council and retirements and pensions.[4]

On the first point the deputation was assured that the government, while not being in a position to give a guarantee (as they could not bind their successors) had no desire to interfere with the existing rights and privileges of civil servants. The specific assurance offered was that the government 'would try to ensure that future conditions will be no worse than hitherto and had no intention to deprive civil servants of any rights held under the former government'. The question of a Civil Service Committee was being addressed by what emerged as the Wylie committee. On the question of retirements and pensions Collins directed the deputation to the legislation. On the request for an Irish Civil Service National Council Collins was wary and it was clear to the deputation that the provisional government was opposed to the idea. Instead it offered a special commission to find out 'whether the object of an Irish National Council could not be effected in a different manner'. Until the question was decided a temporary consultative committee was offered.[5]

As the Dáil debated the Treaty, Waterfield's main concern was those departments that he had never re-graded, such as the Post Office, on the assumption that they would remain part of the reserved civil service. The Treaty now proposed to transfer the entire state apparatus to the new Free State. Waterfield spent Christmas and New Year hurrying through a series of notional reorganisations with immediate effect that left many questions unanswered on promotional vacancies, professional grades and temporary posts whilst moving a few key men from Dublin Castle to

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[4] Customs and Excise Association, executive committee minutes, 25 May 1922.
[5] Ibid.

Whitehall.[6] The proclamation of 16 January put an immediate stop to all changes. To those civil servants who disagreed with their new grading Waterfield could only offer the view that they were lucky to have been re-graded at all. To the civil servants still waiting a new grading he could only offer the advice to wait until the new provisional government had found its feet before opening the question.[7]

For many of the professional and technical civil servants the proclamation by the provisional government, which banned any interference with their status, also prevented any alteration to their grades and pay. The often promised re-grading was still incomplete, and it seemed would remain so despite the many pledges received.[8] As the Treaty discussions entered their final days desperate pleadings of their case were sent to Waterfield, to the British Chancellor Woods, and to Gallagher on the staff side of the Irish Civil Service Joint Whitley Committee, though none were sent to the Dáil.[9] Waterfield's failure to complete the re-grading meant that those professional civil servants who opted to retire, or were compelled to retire, would receive pensions calculated on pre-reorganisation grading or, if their status as civil servants was not confirmed, perhaps no pension at all. [10]

It was made clear to Waterfield that the Treasury in Whitehall would be co-operating with the provisional government in giving effect to the proclamation. Cope's assurance that the proclamation was for appearance only and that the prohibitions might not be applied as rigidly as might appear at first sight did not reassure Waterfield. He feared that a close scrutiny of the re-gradings that he had already completed might lead in some cases to their rejection by the provisional

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[6] NAUK, T158/7, 'Waterfield to various departments, 13-18 Jan. 1922.
[7] NAUK, T158/7, 'Waterfield to McClintock; to Herbert, Forestry commission; to Craig, Treasury Whitehall; to Harrison, Inland Revenue, 18 Jan. 1922.
[8] NAUK, T158/7, 'Waterfield to IPCS, 13 Jan. 1922'.
[9] IPCS (Ireland) council minutes, 9, 19, 29 Dec. 1921, 11 Jan. 1922.
[10] Ibid.,, 9, 19 & 29 Dec. 1921; general purposes committee Dec 1921-Jan 1922 especially see 4 & 11 Jan. 1922.

government.[11] There is no doubt that Waterfield was pessimistic as to the future prospects of the civil service in the Irish Free State and was burdened by a deep sense of obligation to those civil servants left out of his re-grading. On 23 January he sent a detailed memorandum to the provisional government on the outstanding problems in reorganisation that had been brought to a halt by the proclamation. These included cases where the Treasury had sanctioned appointments but the formalities had not been completed before the proclamation; cases where individuals had passed the civil service examinations but had not been actually appointed; and cases where persons had not qualified for permanent appointment but were eligible to compete in the civil service examinations for pending permanent appointments. Waterfield pressed all of these cases as ones requiring decisions one way or the other. A month later he was still waiting a reply.[12] All through January and February he attempted to secure a personal interview with the provisional government whilst assuring the civil service associations that outstanding re-gradings might yet go through.[13] Waterfield's own feeling was that the provisional government was convinced that the Castle was over-staffed and in need of severe cutbacks. Besides, they would want to keep any vacancies to satisfy the demands of their own supporters.[14] What finally enabled Waterfield to get his foot in the door was the question of salary cuts.

In order to compensate for wartime inflation the government had introduced the 'bonus' as a multiplier on basic salary. This multiplier was based on a cost of living index figure calculated every six months. It was expressly declared that the bonus would be temporary. With post-war deflation this figure began to fall. Civil

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[11] NAUK, T158/7, 'Waterfield to Craig, Treasury Whitehall, 19 Jan. 1922.
[12] NAI, department of the taoiseach, S.36, 'civil service general position 1922'; NAUK, T158/7, 'Waterfield to O'Brien Dublin Castle' 16 Feb. 1922.
[13] NAUK, T158/7, 'Waterfield to under-secretary Dublin castle' 21 Jan., to 'Clerical Officers Association' 26 Jan., to 'Sir Percy Thompson', 8 Feb., to 'O'Brien, Dublin Castle', 16 Feb. 1922.
[14] Ibid., 'Waterfield to Minnis' 27 Jan., to 'Leadbetter, Treasury Whitehall' 7 Feb. 1922.

servants, having got used to thinking of their combined basic and 'bonus' as their real salaries, now faced what was in effect a cut in pay. As the provisional government came into office the British government had already made a decision that the civil service would face a significant reduction in pay. The post-war euphoria had evaporated in Britain. The conservative newspapers, the *Morning Post* and the *Daily Mail*, ran a populist campaign against the expanded civil service. The root of the emerging economic problems they confidently asserted lay in "squandermania" and those mythical civil servants "Dilly and Dally".

In reaction to this campaign the government instituted the Geddes investigation into the cost of the civil service. Geddes, one of the allegedly efficient businessmen brought into the war cabinet by Lloyd George, had been personally responsible for the creation of the enormous Department of Transport. In February 1922, following the recommendations of his investigation, the British government imposed the "Geddes Supercut" of between ten and fifty per cent on civil service salaries along with an overall maximum total remuneration of £2000.[15] Waterfield wrote to O'Hegarty to ask whether the provisional government 'concurred' in the cut.[16] At this stage the authority of the provisional government was being eroded by anti-Treatyite propaganda and it seemed that actual state authority lay in Portobello barracks rather than in Merrion Street. In Cork the civil servants in the Ministry of Labour went on a three-day strike when the reduction was first announced. It seemed probable that strikes would spread when the cut was actually imposed. Waterfield would actually have been happier of the government had postponed consideration, or ignored his letter as they had ignored earlier ones. Once the transfer date of 1 April was reached responsibility would pass from his hands and it would be up to the

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[15] AJP Taylor, *English History 1914-1945* (1965, revised edition 1975) pp240-1.
[16] NAUK, T158/7, 'Waterfield to the secretary provisional government' 17 Feb. 1922.

provisional government and not Treasury (Ireland) to impose economies. However his acute sense of professional propriety and responsibility to both staff and provisional government would not allow him to delay the question.[17]

Waterfield was called immediately to meet with the provisional government where he could elaborate his concerns on reorganisation, as well as on the cuts. Within a few weeks he felt sufficiently confident of his position to offer a mild reprimand for excessive government expenditure; asking whether the provisional government could not have secured less expensive accommodation for the constitution committee than the Shelbourne hotel and refusing to sanction the purchase of calculating machines for the Department of Finance.[18] Waterfield established a good working relationship with Cosgrave, similar to that of any Treasury official and a politician, and together they ironed out some of the difficulties that pressed on Waterfield. It ought to be noted that compared to the problems facing the provisional government, Waterfield's anxieties about the accounting officers of the LGB or temporary ex-servicemen would have seemed absurdly trivial.[19] In fact whilst Waterfield's concerns for the rank and file of the Irish service shows a commendable decency, it was Cope who managed the delicate task of discretely moving staff out from the Castle into the departments of the provisional government and ensuring that those formerly engaged in security work found safe niches. For instance, it was Cope who secured a comfortable and undemanding lower clerical position for a Mr Butler who was 'suffering considerably from shell shock resulting from the Great War and is not fit for duties requiring strain and pressure.'[20]

In contrast to the British post office, which was profitable, the Irish post office

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[17] Ibid., 'Waterfield to Fraser Treasury Whitehall' 17 Feb. 1922.
[18] Ibid., 'Waterfield to O'Brien' 23 Feb. 1922; T158/8, 'Waterfield to secretary, ministry of finance' 30 Mar 1922.
[19] ibid., 'Waterfield to Anderson' 7 Mar. 1922.
[20] NAI, Finance "early E Files" E1/8, Cope to Gregg, 20 April 1922.

ran at a massive loss due to the density of its service in a thinly populated country. When the provisional government decided to impose the cut only the postal workers signalled resistance. The postal workers had not won any revision of their grades or scales since 1870. Great hopes had been placed in the Whitley reorganisation but in Ireland Waterfield had ignored the postal grades, expecting they would be included in the general British re-organisation. When the Treaty clarified that the entire postal staff would in fact be transferred Waterfield worked up a hasty reorganisation in some of the managerial sections that was only completed the day before the transfer of the administration. It was in any case rejected by them as an 'utterly worthless proposal'.[21] The provisional government decided that the best policy was to follow the line that it took over the departments as they found them and that the reductions would be allowed take effect.[22] The postal workers, organised in three unions; the Irish Postal Union (IPU), the Irish Postal Workers' Union (IPWU) and the Irish Post Office Engineers' Union (IPOEU); threatened to go on a co-ordinated strike if the cuts were imposed. A request by Walsh to the British Postmaster General to provide strike-breakers got a positive response. The British government was anxious about the impact on their own civil service of any successful agitation in Ireland against cuts at a time when the two civil services were still closely linked.[23] The British civil service unions were in fact following the course of this first confrontation between the new government and its civil service with great interest.[24] But the Dáil and Collins repudiated this 'scab' tactic.[25]

Collins was in fact very worried by the complications that labour troubles

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[21] Ibid., E94/20, 'reorganisation of the accountants office PO', AEO letter June 1922'.
[22] NAI, G1/1, provisional government minutes, 1 Feb 1922.
[23] NAI, CSORP 2638/21 'reorganisation of the civil service'.
[24] *Red Tape*, 126-130, vol.xi, Mar. & July 1922; *The Civilian*, 2756-9, vol CI, 16 Sept.-15 Nov. 1922.
[25] NAI, G1/1, provisional government minutes, 27 Feb 1922; *Dáil Éireann debates*, vol.1, col.142-3, 1 Mar. 1922.

would add to the developing Treaty split and wanted a settlement. He asked James Douglas to chair a commission to consider wages, salaries, organisation of work and conditions generally in the post office. Apart from Douglas as chairman the commission consisted of Grattan Esmonde TD and Henry Friel of the Department of Finance as the provisional government nominees with T.J. O'Connell of the Teachers Union and L.J. Duffy of the Distributive Workers Union as Labour party nominees.[26] The Department of Finance was hesitant about this, the first commission of inquiry within the early weeks of native government in Ireland, which in their view set an unhealthy precedent. Gregg wanted to establish as a governing principle of civil service pay that no higher basic wage would be paid in the Free State than was paid by the British government to similar grades. Walsh argued that that such a principle was wrong in itself as, firstly, wages should be determined solely by local conditions, and secondly, because it implied that not paying more also meant not paying less.[27]

Douglas settled the threatened strike by securing a temporary rise in the basic salary, rather than a reduction in bonus, and promising to effect a reorganisation of the post office. It was also agreed that the government would calculate an Irish cost of living figure rather than rely on the British figure.[28] Part of the opposition to the cut had been that the cost of living in Ireland was higher than in Britain and that in justice the British figure could not be used to cut wages. The Ministry of Economics Affairs of Dáil Éireann was given the task of calculating an Irish figure based on the cost of rent and basic foodstuffs. The secretary to the committee was Michael Gallagher of the COA.[29] Five thousand forms were sent to national schoolteachers in every school in the country asking for details of local rents and prices. Three hundred and eight

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[26] NAI, G1/1, provisional government minutes, 22 mar 1922; J. Anthony Gaughan (ed) *Memoirs of Senator James G. Douglas Concerned Citizen* (1998) p87.
[27] NAI, "early E files" E82/18, 'Douglas Commission' Finance to PMG, 26 Mar. 1923'.
[28] NAI, G1/I minutes of the provisional government, 1, 27 Feb.; 3, 6 & 22 Mar. 1922.
[29] Gallagher, memoirs of a civil servant, pp78-82.

were returned, from one hundred and twelve towns.[30] The dramatic gains that had been won by the threat of strike did not go unnoticed by other civil service associations. When Walsh refused to meet the AEO branch in the PO accountant-general's office, they pointed out that staff had always been consulted on reorganisation and expressed the hope that his decision to meet the humble postmen, which contrasted with his refusal to meet the accountancy staff, was not because of their threat to strike.[31]

In September the next cost of living calculation, based on the new Irish figure, was due. In Britain the figure was calculated at 85, that is the cost of living was 85 per cent above that of August 1914. In Ireland, based on the local cost of living figure, it was 90. This meant that the civil service faced a cut in salaries, though not as severe as in Great Britain. The reduction amounted to 3/26ths, or between eleven and twelve per cent, on the bonus element of salary. Departments were instructed to apply the reduction from 1 September.[32] P.S. O'Hegarty was sanguine, predicting that the postal workers would contest the cuts but would use the Labour party in the Dáil to make complaints rather than take direct action. The government offered to phase in the reductions, so long as the principle of reductions was accepted. The postal unions shifted position by arguing that basic wages were too low to bear any cuts in the bonus and asked that the cuts be withdrawn and their claim for an increase in basic pay be submitted to arbitration. Negotiations broke down and a strike was declared.[33]

By now the civil war was entering its darkest phase in the weeks after the killing of Michael Collins. Faced with a strike by the post office workers the

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[30] NLI, Brennan papers, ms. 26,209.
[31] NAI, "early E files" E94/20, 'AEO correspondence, reorganisation accts dept PO', June 1922.
[32] NLI, Brennan papers, ms.26,205.
[33] NAI, "early E files" E94/38, 'strike of postal employees' Sept 1922.

government responded as if the strike was inspired by 'Irregulars' rather than by discontent on pay. The provisional government recruited pensioners and unemployed to act as strike breakers and issued a statement that 'the government does not recognise the right of Civil Servants to strike. In the event of a cessation of work by any section of the Postal Service picketing such as is permitted in connection with industrial disputes will not be allowed'.[34] Few civil servants would have conceived of ever going on strike, but to be told that the right to strike was expressly denied them by their employer was a shock, especially since that same government had left the Whitley Councils in suspension, the only institutional forum for addressing grievances in the civil service. Nor had it been forgotten that the same politicians had applauded strikes by civil servants in support of political prisoners in April 1920.

In the Dáil the strikers, it was implied, were motivated by hostility to the government and sympathy for the irregulars and that they were out to subvert the government. It was also alleged that a clique of Dublin postmen, who used intimidation to enforce their will, drove the strike.[35] The army broke up the attempted pickets of the Crown Alley exchange by firing follies over their heads. Pickets in Dundalk were arrested by military patrols. Eventually the defeated postal workers returned to work, their return negotiated by Thomas Johnson of the ILPTUC. They accepted the government's offer to impose the cuts in phased reductions over three months, an offer that had been made before the strike but rejected.[36] As Hogan, one of the strike leaders, told the IPU conference 'the power of the government was derived from the circumstances of the time, and because of civil war. The

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[34] NAI G1/3 minutes of the provisional government, 4-28 sept. 1922; *Dáil Éireann debates* 11 Sept. 1922 cols 108-130.
[35] *Dáil Éireann debates* vol.I cols 42-50, 9 Sept., cols 230-54 13 Sept., cols 294-317 14 Sept. 1922.
[36] NAI, "early E files" E94/38, 'strike of postal employees' Sept 1922.

government did not care at any time if the whole place fell down about them'.[37] The other civil service organisations, which had accepted the cuts, remained aloof from the strike but the assertion that they had no right to strike made a deep impression and was often referred to as an example of the autocratic attitude of the government.

The near hysterical atmosphere in the provisional government, which treated any opposition as treason, can be sensed in the memoirs of the then secretary to the Department of Posts and Telegraphs, P.S. O'Hegarty.[38] O'Hegarty was in fact urging the government to break the unions completely by adopting an aggressively intransigent attitude. O'Hegarty, it ought to be noted, was just as aggressive as any trade unionist in preventing a reduction in his own salary as secretary to the Post Office.[39] It was only fear of a general strike, as the railway men began to threaten sympathetic action, which persuaded the government to resubmit the original offer.[40] The only member of the government who objected to Walsh's handling of the strike was Joe McGrath, an IRB man and Director of Intelligence in the Army, but even he toed the line. The application of the Irish cost of living figure did create an interesting and embarrassing anomaly for the British government. There were still in the Irish administration civil servants on loan to the provisional government along with the staff of the British government services still in Ireland, in the Ministry of Pensions and the Haulbowline Dockyard staffs. The civil servants on loan won the higher bonus that applied to the Irish service, but those in the British government services suffered the extra cuts imposed by the British government.[41]

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[37] *An Dion*, vol.1, no.1, June 1923.
[38] P.S. O'Hegarty, *The Victory of Sinn Féin* (1924, 1998 edn) UCD. pp128-9. Had any other serving civil servant criticised government policies in a publication, or referred to members of the government with such contempt, he would have instantly dismissed.
[39] NAI, "early E files" E14/-salary of secretary PO, 7 Mar 1922'.
[40] Ibid., E94/38, 'strike by postal employees' P.S.O'H memorandum.
[41] NAUK, T158/9, 'Waterfield to Scott, Treasury Whitehall' 18 Aug 1922; University of Warwick, MRC, mss.296, National Whitley Council minutes, 18th meeting, 25 June 1923.

The postal workers' September strike coincided with the first meeting of the Third Dáil, elected in June 1922. This Dáil was also the constituent 'provisional parliament' provided for in the Irish Free State (Agreement) Act of March, elected to debate and pass the constitution of the Irish Free State and so allow the Irish Free State come into official existence on December 6, the anniversary of the Treaty. The Dáil simply set the same date for the election of the third Dáil.[42] The debate on the status of the transferred civil servants was brief and uncontroversial.[43] All of the 21,035 officials transferred had, under the Treaty, a right to compensation if they resigned as a consequence of the transfer of government or were dismissed. In fact however the majority of this apparently vast bureaucracy was the now thoroughly humiliated postal staff. The civil service proper of administrative, executive, clerical and professional grades was 6,403.[44] Articles 77 and 78 of the constitution provided that

> 'every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Irish Free State (Saorstát Éireann), and shall hold office by a tenure corresponding to his previous tenure. Every such existing officer who was transferred from the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of Article 10 of the Scheduled Treaty'.

Article 10 of the Treaty stated that 'the government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of police forces and other public servants who are discharged by it or who retire in consequence of the change of government'. The inclusion of this assurance in the Treaty, in effect a constitutional guarantee of their status, seemed to assure a fair deal in future negotiations and was initially of great

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[42] Oxford, Bodleian library, Curtis papers, ms.90, f.64-74.
[43] *Dáil Éireann debates* vol.1, cols 1448-51, 11 Oct. 1922.
[44] UCDAD, Hugh Kennedy papers, P4/735(2), return of staff in government departments'.

relief to the civil service.[45] The 1920 Act, in the eighth schedule, set out in considerable detail the compensation and pension entitlements of civil servants dismissed, permitted to retire, or who chose to retire. However the Treaty article 10 differed in significant ways to the guarantees contained in the Government of Ireland Act, 1920. The IPCS immediately noted that though article 10 offered guarantees to those civil servants who were dismissed or chose to retire, it offered no guarantees in terms of status or conditions to those who chose to remain in the service of the Irish Free State.[46]

It was also noted that under the 1920 Act the British government had the security of the Irish share of reserved taxes to ensure compensation was paid to any discharged or retired civil servant. If necessary the British government could make the payment and recover it by deduction from the reserved funds. Under the Treaty all payment would be made by the Irish Free State and if that government decided that, for whatever reason, the compensation was unreasonable or excessive and would not be paid, then there was nothing the British government could do about it. The retired civil servant would go penniless.[47]

Also, under the 1920 Act transferred "Irish officers" were only those civil servants working in the transferred government departments. A great number of civil servants would have remained servants of the crown and part of the British service though serving in Ireland. Under the Treaty all civil servants serving in Ireland were transferred, even those in the War Office who were busy evacuating the British military from Ireland![48] From the point of view of the staff of those departments reserved under the 1920 Act such as the Land Commission, Registry of Deeds or the

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[45]Gallagher, Memoirs of a civil servant, p62.
[46] IPCS, executive council minutes, 18 Jan., 2 Feb. 1922.
[47] NAUK, T185/6, 'transfer of staff consequent to treaty'.
[48] Ibid., T158/7, 'Waterfield to Fleming, War Office, 23 Jan 1922'.

Post Office, the treaty offered them positive guarantees as to status and pension that they would forgo if they opted to serve in the north, where these departments remained reserved.[49] Articles 77 and 78 of the Constitution seemed to address the fears of those civil servants who expected to continue in the service of the Free State by offering some guarantees of no worsening of conditions.

In contrast to Cope, who continued to enjoy a close relationship with Collins, and Anderson, who was a member of the British cabinet committee on Ireland, Waterfield found himself increasingly marginalized during the administration of the provisional government. It was only after Waterfield repeatedly pressed O'Brien for a decision that the provisional government decided to retain Treasury (Ireland) staff on loan for a further six months after the 1 April handover of responsibility. Waterfield was under some pressure from Whitehall to return, or at least to allow some of his principal officers to return. For his part he was anxious that the provisional government and the civil service should both feel that he had not allowed either to be badly treated. His main anxiety was the double role he had to play as a representative of the imperial government running the few remaining all-Ireland departments and defending the interests of the Whitehall Treasury, whilst also advising the provisional government on Treasury matters. In fact however the provisional government never sought his advice and he was allowed a free hand to run down the British administration. Acting as O'Brien's subordinate Waterfield was primarily engaged in a "sunset" department, tidying up the withdrawal of British government from the Castle.[50]

The LGB was the department that continued to cause Waterfield most difficulty. Despite Waterfield pointing out that his department had done well on

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[49] Ibid., T158/9 'Waterfield to Niemeyer, 16 Oct. 1922'.
[50] ibid., T158/7, 'Waterfield to Rae', 6 & 25 Mar., 'to O'Brien' 11 Mar 1922.

reorganisation, Robinson continued to demand more higher-grade posts for his department right up to the 1 April. For Waterfield the difficulty was that he was aware that though the provisional government had ambitious plans for local government, it had a department of its own. The combined staff, in his view, was too big and therefore the LGB, the only one for which he was responsible, had to be reduced.[51] Waterfield was acutely embarrassed to discover after the 1 April, when the departmental records were handed over, that Robinson had been using the soldiers and sailors housing scheme in Killester in north Dublin as a sort of works scheme for ex-servicemen with over-employment, high specification and slow completion. The finance allocation was almost all spent but the scheme remained unfinished. He had also run up enormous legal bills of over thirteen thousand pounds in two years with a single senior counsel, presumably a friend of his, in pursuit of *mandamus* claims by staff against local authorities.[52]

Waterfield was also deeply involved in arranging for the transfer of staff between Ireland and Britain.[53] The scheme that was agreed with Gregg and Cosgrave provided for a head for head transfer between the British and the Irish administrations of officers at the same class and grade, with the agreement of the heads of the departments concerned.[54] Each government agreed to accept full liability for the pensions of the officers that they received. What this meant was that transfers could in reality only occur where there were officers closely matched in terms of years of service, class and grade, and were thus actually very few.[55] Some heads of departments were not satisfied that the officer being transferred to Dublin was of the

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[51] ibid., T158/8, 'Waterfield to O'Brien', 18 Mar; 'to Robinson', 31 Mar 1922.
[52] ibid., T158/8,'Waterfield to Anderson' 4 April 1922.
[53] *The Civilian*, 2759, vol.CI, 7 Oct 1922.
[54] NAI, department of finance, E116/1/33, 'transfers of staff between GB and IFS'.
[55] NAUK, T158/8, 'Waterfield to Anderson' 29 Apr., 'to Viscount Cross' 11 May; 'to heads of departments' 2 Sept. 1922.

same calibre as the officer transferred to London and as a result refused permission. A further inhibition on transfers was the requirement that the officer transferring into Ireland sign an undertaking that he was not covered by article 10 of the Treaty. When the scheme was finally wound up in July 1931 two hundred and seventy one civil servants had transferred into the Free State and eighty-eight had transferred out. Of those transferred only one hundred and thirty-nine were on a head for head basis.[56] One task that Waterfield was happy to hand over the provisional government was that of meeting delegations of the staff associations anxious as to their position. Waterfield refused to meet Michael Smithwick of the AEO, redirecting him to O'Brien.[57]

The main task that occupied Waterfield in the last days of Castle rule was the establishment of a committee to deal with those civil servants who would be discharged, or who would resign, as a consequence of the change of government.[58] The Civil Service Committee set up by the 1920 Act, which was seen by the provisional government and the civil service alike as a partition committee, had of course stopped functioning by order of the provisional government. But, under the 1920 Act, this committee also had the task of determining the status and the compensation of discharged and retiring civil servants. The provisional government was not going to operate any committee established by the 1920 Act, which it regarded as superseded by the Treaty. In the absence of the committee established by the legislation it was clear that some equally acceptable forum had to be established to deal with the task of retirements and compensation.

The Order-in-Council of 1 April was framed to bridge the constitutional gap between the 1920 Act and the Treaty. Section 7 of that Order dealt with the civil

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[56] NAI, department of finance, E116/1/33., 'finance circular 19/31, returns on transfers Tables ii & iv'.
[57] NAUK, T158/9, 'Waterfield to Smithwick' 23 June 1922.
[58] Ibid., 'Waterfield to Whiskard' 30 Sept 1922.

service. Section 7 (i) provided that

> All officers who are on the day of transfer engaged or employed in the discharge of functions transferred to and become officers of the Provisional Government; provided that (a) where any such officer, being officers employed on services which in Northern Ireland are within the jurisdiction of the Government of Northern Ireland, or it is agreed between the Provisional Government and the Government of Northern Ireland that they shall be so allocated, or if any such officers have signified their wish to be transferred to the government of Northern Ireland and the Government of Northern Ireland consents to such transfer they shall not be transferred to or become the officers of the Provisional Government, (b) where any such officers are officers employed on services which in Northern Ireland are not within the jurisdiction of the government of Northern Ireland, or are officers who, though engaged in such services, form an integral part of a staff not solely engaged on Irish services, the existing departments under which they are employed shall prepare a scheme for determining which of the members of their staff are to be transferred to the Provisional Government, and such scheme, when approved by the British government and the Provisional Government shall determine which of those officers are to be treated as transferred to the Provisional Government under this article.

Section 7 (ii) provided that

> Where an officer is transferred to the provisional government under this order, he shall hold office by a tenure corresponding to his previous tenure and if he is discharged by the provisional government, or if he retires in consequence of the change of government, he shall be entitled to receive compensation from the provisional government on terms no less favourable than provided by the 1920 Act.[59]

The order-in-council deliberately omitted any reference to a civil service committee, thus putting the onus on the provisional government to either use the 1920 committee or to set up by its own authority a committee to fulfil the same functions.[60] The original committee had the widest discretion to determine the question of status and the terms of compensation free of either Treasury or political influence. Now, with that committee defunct, if any officer protested that the terms of compensation offered by the provisional government were less favourable than those offered in the 1920 Act it would be impossible to determine what the committee might have decided. As we shall see when in dealing with the Wigg-Cochrane case, Waterfield was far-

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[59] UCDAD, Hugh Kennedy papers, P4/197 (52).
[60] NAUK, T158/8, 'Waterfield to Anderson', 6 Apr 1922.

sighted in his prediction that this question had endless possibilities for disputation between the awarding body and the staff. Waterfield had also been anxious since the publication of the terms of the Treaty about the phrase 'in consequence of the change of government'. This phrase was not in the 1920 act and again was one that invited litigation.[61]

Waterfield decided to press ahead with the original committee which, accepting that the provisional government would not attend, was necessarily only concerned with the Northern Ireland civil service. The last meeting of the committee was held in London on 16 May 1922. MacMahon refused to attend and sent a note questioning the legality of the meeting.[62] Sam Sloan, who had transferred to Belfast was regarded as the staff representative of the committee. The Irish civil service associations immediately revoked his appointment but Sloan had already decided to be unavoidably detained and arrived late to the meetings. With a quorum sufficient to do its business the committee was able to wrap up the allocation of the staff to Northern Ireland and tidy up that part of its remit.[63]

The only departments that continued to present difficulty were the reserved departments of the ILC and the Registry of Deeds where the staff, many of them highly skilled, refused to be transferred north, even those that had been working in the Ulster counties. Though this may have been distaste at working under the Unionist government it was also prompted by the fact that in the Free State they had rights under article 10, rights which disappeared if they transferred north where the ILC remained a reserved service. As none were 'rabid Ulstermen' Waterfield could only

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[61] Ibid., 'Waterfield to secretary, ministry of finance', 27 Apr.; 'to Gregg' 24 May 1922.
[62] PRONI, Ernest Clark papers, D1022/2/18, civil service committee meeting minutes, addendum to meeting of 17 Jan 1922.
[63] Ibid.; NAUK, T158/9, Waterfield to Clark', 6 May & 12 June; 'to Rae' 9 May; 'to Gregg' 26 June 1922.

suggest that the Belfast government bribe them with promises of promotion.[64]

Once the question of the allocation of staff to the north had been dealt with, the provisional government committee working on the financial aspects of the Treaty put in a claim for compensation for the amount of pension liability in excess of that which would have fallen on the Free State if there had been 'a complete and equitable allocation of all-Ireland staff based on the separation of work as contemplated by the Government of Ireland Act'.[65] Though Waterfield took the view that that was entirely the fault of the provisional government that had torpedoed the transfers north it was recognised that the Dublin government had incurred a much heavier liability for pensions than had Belfast, where most staff were newly recruited.[66] The Irish and British sides were agreed that though the civil servants 'should not be left in the lurch' the provisional government should not be trapped by article 10 for more than a just portion of the civil service.[67]

By November Waterfield was winding up centuries of Dublin Castle rule. A departmental circular and newspaper advertisement advised that 'the office of Treasury Remembrancer and Treasury Assistant Secretary in Ireland will be closed and the post abolished in consequence of the change of government, as from 1st November next'. The notices in the newspapers, at advertisement rates, were to prevent anybody 'making malicious political capital' from the notice.[68] Waterfield's last official act was to agree compensation for the destruction of O'Neill's Irish House in Tipperary by crown forces.[69] The last word may be left to an anonymous colleague

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[64] Ibid., memorandum on transfer of reserved services', Oct. 1922.
[65] Ibid., 'Waterfield to Fraser, Treasury Whitehall' 26 Sept 1922.
[66] Ibid.
[67] UCDAD, P4/204(1), copy of minutes of technical sub-committee of the cabinet committee on Irish affairs, 9 Nov 1922; NLI, Brennan papers, ms. 26,203(2), 'cabinet committee on Irish affairs 18th meeting' 9 Nov 1922.
[68] NAUK, T192/85, 'Winding up of Treasury remembrancer', 26 Oct 1922.
[69] Ibid., T158/9, 'circular to secretary ministry of finance; O'Neills Irish House Compensation', 31 Oct. 1922.

of Waterfield who contributed a piece on his experiences as a "Temporary Irishman" to *Red Tape*. Despite the lurid accounts of irregular activity in the English newspapers the last months in Dublin were, he wrote, characterised by a 'delightful lack of formality and stiffness' along with 'a staggering degree of responsibility' though unfortunately without any extra pay for assuming it. The months spent working for the provisional government were ones he would 'always remember with fond nostalgia'.[70] One group that could not conceal their delight at the winding up of Treasury (Ireland) was the Public Accounts Committee of the House of Commons. Again and again they ask Sturgis and Waterfield to confirm that department after department had been transferred to the Free State and that the demands of the Irish government on the exchequer were indeed at an end.[71]

Coinciding with the establishment of the Irish Free State the civil service was experiencing a fresh growth in organisation. In March 1922 delegates of the Irish branches of the Customs and Excise Federation, which included Derry and Belfast, met to form an Irish association; the Customs and Excise Association (CEA).[72] The government repression of the September strike in the Post Office helped to create the powerful Post Office Workers' Union (POWU), through the amalgamation of the smaller postal workers unions in June 1923.[73]

The IPCS revised and amended its constitution, deleting all references to "H.M.'s Civil Service" but retaining the name of the institution as " The Institution of Professional and Technical Civil Servants (Ireland)", implying either a hope for retaining an all-Ireland organisation or a refusal to accept the title "Saorstát" for the

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[70] *Red Tape*, no.142, vol.xii, July 1923.
[71] *Public Accounts Committee* para 3477-3502, Parliamentary Papers 1923, iv.
[72] Customs and Excise Association, minutes of meeting 11 Mar 1922.
[73] *An Dion*, vol.1, no.1, June 1923.

state.[74] However, recognising the fact of national partition, the IPCS admitted that, of necessity, it had to be primarily occupied with defending the interests of the professional civil servants in the Irish Free State as in reality there was little or nothing that it could do for those professional and technical civil servants transferred to Northern Ireland.[75] The IPCS council also urged professional civil servants to re-organise in response to the emergence of the Free State. Thus the Inspectors in the Department of Education were encouraged to amalgamate the senior, divisional and junior inspectorate associations into a new Association of Inspectors. The established and un-established officers of the former DATI were also encouraged to amalgamate into a new Association of Professional and Technical Officers of the Department of Lands and Agriculture. Prison Governors were admitted as professional civil servants.[76]

In February 1923 a conference of Irish civil service organisations formally recognised the Irish Civil Service Federation (CSF), which had been formed early in 1922, to act as a single voice in negotiation with the government. The Federation was an alliance of various staff federations that grew out of the ad hoc "Executive Committee of the Conference of All Associations of Irish Civil Servants" that had met with Collins. Thus the Federation in its structures sought to act as an umbrella organisation for the many autonomous and diverse civil service organisations.[77] The IPCS joined the initial steering committee of the CSF and though IPCS delegates contributed to the discussions, it remained deeply split on whether it should actually join the Federation, finally deciding by the narrowest majority to remain outside. The CSF was therefore dominated by the ordinary clerical and executive civil servants,

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[74] IPCS, council minutes 29 June 1923, special general meeting 20 Dec. 1923, AGM 30 April 1923.
[75] IPCS (Ireland), Third Annual Report Year Ending 31 March 1923.; AGM 38 Mar. 1923.
[76] IPCS (Ireland) council minutes, 24 July, 13 Oct. 1925; 19 Jan., 4 Mar. 1926.
[77] Sweeney,*In Public Service*, p33.

most of them nationalist and many of them Gaelic League members. To the still instinctively unionist IPCS members the defiantly nationalist Federation was probably distasteful company. More fundamentally, the IPCS was always conscious that it represented an outlook very different to the mass of the civil service. For most of the clerical and executive grades their work involved the application of known and established procedures in a familiar hierarchy of responsibility. For professional and technical civil servants work involved the application of specialist knowledge in unfamiliar and novel situations in which responsibility was assumed rather than conferred. Despite their title professional civil servants were probably the only civil servants who had not planned on being civil servants.[78] The POWU, smarting after the defeat inflicted by the government on pay reduction, also remained outside the Federation. The CEA was initially enthusiastic on joining the Federation, but the heavy financial commitment that entailed and the refusal of the CSF to offer a lower affiliation fee led to the decision to withdraw.[79] At its height the CSF organised sixteen associations representing just over one thousand five hundred civil servants.[80] This poor level of saturation in a potential membership of approximately six thousand requires explanation. The civil service associations' poor level of support reflects in part the loss of leadership due to retirements and promotions, the disruption of the government departments, which were the organisational base, the concentration on the rights of retiring officials, but especially the failure to achieve a replacement for the Whitley Councils.

The pre-war leadership of the Irish civil service associations continued into the time of the provisional government but was then reduced by retirements and by promotions. Michael Smithwick continued to act as secretary to the AEO until he

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[78] IPCS (Ireland), executive council minutes, 13 & 17 Feb., 21 & 27 Apr.,8 Aug., 6 Oct. 1922.
[79] Customs and Excise Association, executive committee minutes, 25 May 1922.
[80] *Iris*, April 1924.

was promoted and transferred to act as secretary to the Dáil Éireann Courts (winding up) Commission, from which he was transferred to the Revenue Commissioners. Thomas A. Murphy was promoted first as secretary to the Douglas Commission on the postal service, then to the secretaryship of the Civil Service Commission (despite the protests of Gregg at favour being shown to a 'prominent trade unionist').[81] W.F.Nally became a principal officer in the Department of Finance. Mortished served on the constitution committee and then took article 10 retirement and began a successful career in labour organisation outside of the civil service.[82] Sam Sloan went to Belfast and Michael Gallagher was promoted to the executive grade.[83] The only pre-independence leader of the associations not to enjoy success was Conn Murphy. However the associations had sufficiently deep roots to generate a new cadre of leadership with relatively little difficulty. The experiences of the world war and independence struggle also encouraged a more aggressive and less deferential style of leadership. This was in fact a general European phenomenon as white-collar trade unions and professional associations of the middle classes gave the lead in post-war industrial unrest.

The British civil service organisations were very helpful to the Irish civil service and played a vital role in setting them on secure foundations. The Confederation, which was the umbrella organisation for most civil service associations, reckoned that it had lost about eighteen thousand members as a result of the establishment of the Irish Free State. This was a significant loss in a total membership of 63,994.[84] Coming as it did in the same year that saw a hostile press campaign, the Geddes cuts, cuts in civil service pensions, deferment of re-

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[81] NAI, "early E files" E18/7, 'Gregg to President', Apr 1923.
[82] UCDAD, Kennedy papers p4/238(1); NAI, "early E files" Wylie committee register.
[83] Ibid., E2/58; E18/21; Gallagher, memoirs of a civil servant, pp84-5..
[84] Warwick University MRC, mss.232/Civil Service Confederation, First Annual Report, 1921-1922; Second Annual Report, 1922-1923.

organisation and abolition of the Civil Service Arbitration Board, the practical and financial help given was a remarkable gesture of solidarity by the British civil servants.[85] Michael Gallagher was in London three days after the Castle was taken over by the provisional government. When he asked the executive committee of the COA for assistance in setting up a separate association for the Irish Free State he was given an immediate grant of fifty pounds.[86] The expressions of regret at the loss of the vigorous Irish membership were genuine and heartfelt. The general secretary of the AEO happened to be in Dublin the day after the Treaty and was in place for a series of discussions on the future direction of the organisation in Ireland. The *ad hoc* committee headed by Murphy and Gallagher was introduced to the organisations that remained outside of it and general meetings of the civil service in Dublin were organised. When the Irish AEO disaffiliated from the British organisation it was agreed to keep it supplied with copies of executive minutes and of the British Whitley Council meetings.[87] When the Dublin branch of the POEU set up an independent Irish union in March 1922, the British organisation agreed in conference to give £319 as a proportional allocation of its cash assets to the new IPOEU 'as a gesture of true brotherhood' and agreed that if the Northern Ireland members should succeed in establishing an independent union it would receive a like donation.[88] The Irish CEA received an immediate grant of fifty pounds to assist in setting up, followed by a further £160, as representing the Irish share of the cash assets of the British Federation.[89]

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[85] *Red Tape*, nos. 126-133, vols xi-xii, Mar-Oct 1922.
[86] Warwick University MRC, mss.415/CSCA, executive committee minutes, 19 Jan 1922.
[87] Ibid., mss 232/AEO, executive committee minutes, 10 Feb., 24 mar., 18 July 1922, Annual Report, 1921.
[88] NAI, M7159, 'POEU conference, 3 Feb 1923, Queen's Hotel, Chester'.
[89] Customs and Excise Association, minute 11 Mar 1922.

Apart from dealing with the postal workers' strike the government was more concerned initially with regularising the few civil servants that had been carried over from the Dáil administration than with the civil service inherited from the Castle administration. In July 1923, in the last days of the third Dáil, a superannuation and pensions bill to grant them civil service pensions was enacted.[90] The government also responded to pressure to reinstate those civil servants that had been dismissed by the British government because of nationalist sympathies or activities in the period from the 1916 Rising to the Truce. These civil servants were well organised in the Association of Victimised Civil Servants in Ireland and vocal in their demand for reinstatement and compensation for lost income.[91] Following a cabinet decision that these men and women were entitled to re-employment, if the dismissal was indeed for nationalist activities, a committee of senior civil servants chaired by P.S. O'Hegarty reinstated about two hundred of the four hundred original claimants. Pension entitlements were restored as if there had been no break in service but without compensation for loss of earnings.[92] The actual number of reinstated civil servants is an elusive figure due to the rapid political changes. For instance, Seán O Ceallacháin was dismissed after participating in the 1916 Rising. He was reinstated in 1922, but was then dismissed again in 1923 for anti-Treaty activity. He was then once again reinstated in 1928, but on a lower clerical officer scale as a form of discipline. With the return of the Fianna Fáil government in 1932 he was promoted to the grade that he would ordinarily have reached after his years of service.[93] The Cumann na nGaedheal government reinstated one hundred and twenty nine civil servants who had lost their

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[90] *Dáil Éireann Debates*, vol 4, col. 1168, 20 July 1923.
[91] NAI, G1/1, minutes of the provisional government, 20 Jan 1922.
[92] NAI, G1/2& 3, minutes of the provisional government, 21 Apr., 26 Oct. 1922; *Dáil Éireann Debates*, vol, 2, cols. 1654-5, 23 Febr. 1923; vol. 3, col. 2455, 26 June 1923; Finance, E109/43/32 & E114/1/29, 'victimised civil servants'.
[93] NAI, Department of Finance, E109/43/32.

post due to disloyalty to the British regime.[94] A further issue relating to the civil service that came up at most, if not all, cabinet meetings was that of identifying sympathisers of the republican irregulars and dismissing them if already appointed or excluding them from civil service examinations.

In order to deal with its obligations under article 10 of the Treaty the provisional government established its own advisory committee on compensation for discharged and retired civil servants. Collins asked Justice Wylie to act as chairman of the committee, emphasising that it would be advisory only and also that its work would not include the allocation of staff north and south.[95] Chaired by Wylie, the committee had an official side of two senior officers nominated by the Department of Finance and a staff side of two representatives drawn from the Civil Service Federation. Gregg and Hugh Kennedy proposed alternative terms of reference for the advisory committee, with Gregg laying down a more restricted brief. Despite the reputed dominance of the finance department it was Kennedy's terms which were adopted; 'to enquire into and advise as to the compensation and all matters consequent thereon which should be paid under Article 10 of the Treaty to any civil servant or other public servant or officer of the Irish government who may be discharged or may retire in consequence of the change in government'. Wylie was told that, though his committee was purely advisory, the government could offer a commitment that his advice would be accepted and followed in every case, so long as the compensation was not more generous than would have granted under the 1920 Act.[96]

Gregg and Gordon Campbell were both so worried at the government's failure

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[94] NAI, "early e files" E85/116(iii) reinstated civil servants, circular 54/23, 18 Dec 1923.
[95] NAUK, Wylie papers, PRO 30/89/3, Collins to Wylie, 6 June 1922.
[96] UCDAD, Hugh Kennedy papers, P4/221; NAI G1/3 minutes of the provisional government, 5, 23 & 28 sept. 1922;"early E files" [S.1716] 'Wylie Committee on civil service retirement under article X; *Dáil Éireann debates* vol.1, col 1027-8, 3 Oct. 1922.

to restrict the Wylie committee's latitude in rewarding compensation that they asked for specific instruction a week before the public announcement of the committee's establishment. Under the 1920 act any civil servant could opt to retire and be granted seven extra years on his pensionable service. The only restriction on such a civil servant was that he could not exercise his right to retire for a period of six months. The heads of departments at their meeting on the committee had expressed the view that the government should not allow civil servants to retire on enhanced pensions if it could be avoided as the future liability was unknowable and the departments were in danger of losing a cohort of experienced officers. They argued that the words in article 10 "in consequence of the change of government" imposed a new condition that was not in the 1920 Act and that an applicant for retirement should be made explain what exactly there was in the change of government that justified him asking to go out on pension. The memorandum concluded that it ought to be made mandatory on the Wylie committee to actually establish, rather than simply accept, that the retirement 'is in consequence of the change of government'. But as this raised the question of an interpretation of an article of the Treaty the senior civil servants wanted a direction from the politicians.[97]

The executive council was unwilling to grasp this particular nettle. Cosgrave circulated the memorandum amongst the executive council, but only Walsh actually penned a response. It may have been that the ministers felt that Gregg and Campbell were exaggerating the danger, or that it was inspired by *pique* after rejection of Gregg's advice by the executive council. It was also the case that the executive council was fighting for its survival in the depths of civil war and after the death of Collins and Griffith. Walsh, predictably, supported the memorandum and urged that

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[97] NAI, "early E files" [S.1716] 'Wylie committee on article X', Gregg and Gordon Campbell memorandum to minister of finance, 6 Oct 1922.

the Wylie committee should be instructed to make it as difficult as possible for civil servants to resign.[98] When Gregg brought this issue to the initial meeting of the Wylie committee the staff side strongly maintained that the Treaty carried forward unaltered the rights they had won in the 1920 act and they would not allow any questioning of motives nor the implication that an applicant entertained 'traditional prejudice against a native government' which had to be then proved.[99] Wylie used his casting vote to engineer a compromise; he agreed that the phrase 'in consequence of the change of government' implied a new condition. He therefore proposed that the form of application for retirement would require that the applicant would be asked 'On what basis is compensation claimed?' and 'If retirement, state is retirement in consequence of the change of Government?' What Wylie would not do was grill each individual applicant as if he were the defendant in a court of law. Gregg and Campbell asked that Cosgrave himself should meet with the heads of department and impress upon them the government's view as to the importance of the key phrase, instructing them to brief, in utter confidence, the official side to the Wylie committee on 'the merits of the individual applicants by reference to the new condition'.[100]

What exactly Gregg meant by individual merits is not clarified in the written memorandum. Based on Walsh's response and the original memorandum what seems to have been envisaged was that if the applicant was someone the department was happy to be rid of, then the application would not be contested. If it was an experienced officer that the department wanted to retain then, unless he was a rabid unionist, Protestant, and had always expressed extreme loyalist views, it would be contested. It was therefore up to the heads of the departments to supply the material

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[98] Ibid., Walsh to Cosgrave, 27 Nov 1922.
[99] *Iris*, Jan 1923, p4.
[100] NAI, "early E files" [S.1716] 'Wylie committee on article X'., Gregg and Campbell to minister of finance, 11 Oct 1922, form of application for compensation under article 10 of the treaty; *Iris*, vol.1, no.1 (Jan 1923).

for the official side on the committee to make a case that the application was not 'in consequence of the change of government' but due to some other cause, such as a desire to retire before the age of sixty-five with seven years of unearned increments and bonus added. Gregg and Campbell and the departmental heads were aware that the treatment of the postal workers and the hostility toward the civil service that the dispute had revealed had created a great deal of resentment within the service. There were already signs that civil servants were intent on a mass exodus on the generous terms available under Article 10, rather than suffer what were clearly going to be a hardening of conditions under the new government. The operation of the Civil Service Committee (Compensation) was announced to the service by a ministry of finance circular and began operation on 12 October.[101] Smyth, Fitzgibbon and Smithwick of the CSF represented the staff side.[102]

The civil service associations had their own concerns about the Wylie committee. Firstly, it would only deal with those civil servants who were leaving the service and thus would have nothing to say on those who remained and secondly, it assumed that the recently created Civil Service Federation represented all civil servants even though the IPCS and the POWU remained outside the Federation. It was also of concern that the committee would be *advising* the minister of Finance on compensation rather than making a firm determination. A minister is always free to reject advice.

In June 1922 the IPCS council summarised their concerns in a formal 'Statement Relative to the Effect of the Treaty on the Position of Professional and Technical Civil Servants In Ireland', which was printed and forwarded to the

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[101] NAI, "early E files" [S.1716] 'Wylie committee on article X, ministry of finance to heads of departments', 12 Oct 1922.
[102] *Iris*, Jan 1923.

provisional government.[103] Unfortunately for the Institution this coincided precisely with the attack on the Four Courts and the beginning of the Civil War. Nor would it have helped that the 'Statement' consistently refers to the state as "Southern Ireland". Not surprisingly therefore the government was tardy in its response. The Statement described the civil service as 'beset by doubts and perplexities', some of which were shared by all in the service and some of which were peculiar to the professional and technical grades. First and foremost was the status of those civil servants who remained. Of necessity professionals entered the civil service later in life than the ordinary civil servant, having spent years acquiring qualifications. Under the British service the Superannuation Act of 1859 acknowledged this and conceded added years for qualifications. The IPCS wanted the new government to re-enact those benefits. On these anxieties the Department of Finance could offer an explicit assurance that all civil servants carried with them into the new government all their existing rights in regard to superannuation, salary scales and conditions of service. On the other problems, the number of un-established men who had been employed for many years in a temporary capacity and the unfinished re-grading in some of the professional posts, the Department of Finance could only offer the Wylie committee, which was then being established. As the Wylie committee was only dealing with those civil servants who opted to retire, or were dismissed, the Department of Finance was in effect saying that those civil servants of uncertain status who opted to stay in the service of the Irish Free State would have to take their chances. However, the department did promise that though the Civil Service Federation would ordinarily represent the staff, whenever the committee would be dealing with a special class then one of the representatives of the Federation would stand down and be replaced by a

[103] NAI, FIN 1/444 'the Treaty and professional and technical civil servants'.

representative of that class. Under this arrangement the IPCS would have a representative on the committee when it came to deal with any of its members.[104]

As is so often the case promise and performance were far apart. In an interview with Ernest Blythe the IPCS council discovered that they would only be invited to attend the committee hearings if the chairman Wylie thought it fit. He, in turn would only agree if the other members of the committee agreed. In an intensely argumentative meeting with Wylie the IPCS council were dissuaded from pressing their entirely legitimate claims to representation. Wylie's advice, which actually proved the wiser course, was that it would be more useful to the staff side to trust the accumulated experience and continuity of representation of the CSF in the complex negotiations that the committee demanded.[105]

Under the terms of the 1920 Act there were three categories of applicant to the committee; those discharged by the government, those seeking permission to retire and those opting to retire under the statutory conditions provided by Act. The precise details of qualification and compensation were laid out in the eighth schedule to the Act. The initial intent of the government was to use the Wylie committee to purge the administration of the more obnoxious of the Castle civil servants. There were some departments that the government simply cleared out. The Marlborough Street Teacher Training College was closed down and the entire staff of fifty-three discharged, from professors to charwomen.[106] The Catholic and Church of Ireland authorities had rejected Marlborough Street, as a non-denominational training college, and most of its graduates were from, and were employed in, the area of Northern

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[104] Ibid.
[105] *Iris*, Jan 1923; IPCS (Ireland). Third Annual Report of the Council 31 March 1923; council minutes, 6 Oct.-21 Nov. 1922.
[106] NAI, "early E files" register of the civil service committee (compensation). [This register is in a box marked Finance early files/misc. in the "early E files" boxes. Entries are colour-coded, red ink is for discharged and black ink is for retired].

Ireland.[107] The departments where the number of discharges was highest were the legal and judicial departments and the LGB. All thirty-six Resident Magistrates were also discharged, as were the Petty Session Clerks and staff of the Supreme Court. In the LGB thirty of the senior staff were discharged, including Barlas who had led the negotiations that had won the eighth schedule. In other departments the government's intent was to simply get rid of the more awkward senior staff; two in the CDB, three in the DATI, and none at all in many other departments.[108] MacMahon, who had smoothed the waters for the transfer of authority, was given two weeks to clear out of the under secretary's lodge in the Phoenix Park.[109]

But the government did intend that the Wylie committee would be simply a prelude to a thorough re-organisation of the civil service. The bloodless purge of the civil service was preparation for the installation of the Free State and the beginning of the new administration. Professor Henry Kennedy was asked to study recruitment in the civil service generally and to suggest a system of recruitment for the Irish public services. He studied the British, American and Commonwealth systems. He suggested a simplified organisation for a single local and central civil service and that recruitment and control of the civil service should lie with a single Public Service Commission. This was very much in the Sinn Féin tradition. This reasonable suggestion was rubbished by salvoes from Gregg, Bewley, Brennan, Flynn and Gilbert of finance who dismissed the report as uninformed, mistaken and even unconstitutional in its suggestions. The best system in the world, as they suggested and as J.J. Walsh agreed, was the British system where the Department of Finance

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[107] E.Brian Titley, *Church, State and the Control of Schooling in Ireland 1900-1944* (1983), p101.
[108] The individual files for each applicant are in the "early E files" E 83/432-1052 [DMP and LGB] E131/1-289 [Prison services, legal and judicial services]; E186/9 [RMs]. these are the files relating to each individual appeal to the Wylie committee on compensation and cover all government departments.
[109] NAI, "early E files" E131/262, 'article 10 compensation, Rt. Hon. James MacMahon'.

reigned supreme on establishment matters. That this was a recent doctrine in Whitehall and one that was still contested was not admitted. Kennedy's report, holed below the waterline, sank without trace.[110]

As a purge of the senior ranks the Wylie committee was clean and effective and the civil service of the new state was comparatively free of the 'silverbacks' of the old administration, especially in the legal and local government departments. The Free State began with new men in new positions in most departments. But the quiet revolution in administration that was effected by the Wylie committee was not as contained and clean as the government had intended. What the government was not prepared for, though Gregg and Gordon Campbell had warned them, was the flood of applications for statutory retirements from all ranks which soon overwhelmed the comparatively few cases of discharged officials. In the DATI there were twenty-three retirements, as compared with only three discharges. In the National Education Office, where there were no discharges, there were thirteen retirements. In the OPW, where again there were no discharges, there were fifteen retirements. In the vital revenue department there was only one discharge, but twenty-one retirements. The DMP had only two dismissals but had five hundred and seventy-eight resignations and the policing of Dublin seemed close to collapse. For many of the DMP it was not only the attraction of a pension but also a real distaste at serving under men responsible for the death of comrades. The postal services suffered six hundred and fifty four retirements but only two dismissals. It was the revenge of the postal workers on the government that smashed the strike.[111] Blythe was later to express

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[110] Ibid., E18/1, 'recruitment for the public service, report', Jan 1923.
[111] Ibid., register of the civil service committee (compensation).

regret that the government had not dismissed the postal workers, or allowed them to stay out on strike and so dismiss themselves.[112]

In every department the number of voluntarily retired civil servants far exceeded the number of discharged, running at the ratio of five to one.[113] What had been intended to be a relatively swift and surgical purge was in danger of turning into an administrative rout. Wylie refused to summon applicants for cross-examination, as Gregg wanted, instead the committee simply agreed the correct calculation of benefits and recorded a decision with the applicant never actually having to attend, leaving it to the associations on the staff side to guard their interests. The civil service soon came to regard the eighth schedule of the 1920 Act, along with Article 10 of the Treaty, as their Magna Carta and even to sing the praises of their predecessors, men such as Barlas and Leech of the LGB, who had won it for them.[114]

The loss of civil servants due to article 10 retirements and discharges, especially from the upper ranks, opened up the civil service to vistas of opportunity and promotion that it had never seen before. There had been no examination for the executive and administrative classes since before the World War so there was no cohort of candidates ready to fill the gaps. In April 1922 the provisional government invited heads of departments to make recommendations, and higher clerical and executive officers to offer themselves, for consideration by a promotional pool to fill the rapidly widening gaps in the departments. The board, made up of senior civil servants (rather than politicians as was happening in Northern Ireland at the same time) P.S. O'Hegarty, Pierce Kent and H.J. Smith, chose to interview all applicants rather than just those recommended by the departmental heads. Fifty-nine higher grade officers were interviewed. Seven were identified as exceptional including

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[112] *Dáil Éireann debates*, vol.5, cols 878-80, 15 Nov 1923.
[113] NAI, "early E Files" register of the civil service committee (compensation).
[114] *Iris* Jan 1923, p3.

Arthur Codling and E.P. McCarron. Fifteen were classed as very good and to be promoted, this group included some of those who rose to senior rank in the Department of Finance, which seemed to have first pick; such as J.T. Lennon, J.L. Lynd and T.S.C. Dagg. A further thirteen were classed as good and to be promoted as soon as the class above was exhausted. In the meantime they could be redeployed in more useful posts. Twenty-two were classed as adequately placed in the grade and department in which they were employed.

The Board also interviewed one hundred and fifty clerical officers and classified thirty-one as 'fit for promotion'; thirty-two as 'very promising'; thirteen as 'promising'; twenty-four as 'good' and fifty as 'to remain at present grade'. Included in those recommended for promotion were many of the leaders in the civil service associations such as Gallagher, Mortished (though in fact he took an article 10 retirement), Smithwick and Mulvin. The interviews, necessarily short, valued evidence of initiative and energy. Knowledge of Irish was noted, but does not seem to have been as important as knowledge of book-keeping and accountancy.[115] A brief survey of the key Department of Finance in 1925, just three years after the surrender, illustrates the point; G.P. Fagan, 31 years of age, with 11 years of service, and J.L. Lynd, 41 years of age, with 16 years of service, had both progressed in three years from clerk class 1 to assistant principal; J.E. Hanna, 36 years of age, with 17 years of service, progressed in three years from junior executive to assistant principal; T.S.C. Dagg, 49 years of age, with 28 years of service, had progressed in three years from staff clerk to assistant principal; M.J. Beary, 33 years of age, after 14 years of service, progressed in three years from higher executive to assistant principal. E. O'Neill, 48 years of age, with 28 years of service, progressed from first class clerk to junior

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[115] NAI, "early E files" E75/15, 'pool selection board (executive) report and correspondence'; E75/27, 'pool selection board (clerical) report and correspondence'.

administrative officer. John Leydon, 30 years of age, after 10 years of service, transferred from London and progressed from higher executive to assistant principal and then later went on to become departmental secretary.[116]

The civil service associations, doubtful of the idea of a board that decided promotions, were hesitant in their reactions. The CSF, recognising that a pool board was an improvement on former nepotistic practices, was prepared to allow it time and await judgement.[117] The CEA was disappointed that their members were excluded from applying for the board, but were assured by O'Brien that this was simply because the new customs service would need all the men available and would, in any, case offer greater opportunities for the customs service.[118] In fact the customs service was one of the first departments to be staffed by examination entry in the Free State, though most of the posts were reserved to pre-truce, ex-national army candidates. Mulcahy was particularly anxious that 'our men would realise just now that we are paying attention to the matter of providing openings for them'.[119] The CEA recruited these new officers to the association even though there was some unease as to their special entry status.[120] Of all the associations the AEO was the one most uneasy at the pool board and also the one most open to a completely new civil service organisation based on the old Sinn Féin ideal of a single national service with a single grade and a simplified class structure to reflect ability and responsibility. The "one-grade" service remained an ideal but as promotions were used to fill the gaps in the existing structure it was an ideal that looked less and less realisable.[121]

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[116] NLI, Brennan papers, mss. 26,013,'finance internal memo', Dec 1924.
[117] *Iris*, Jan 1923.
[118] CEA, executive committee minutes, 25 May 1922.
[119] NAI, E2/23, 'recruitment for C&E service', May 1923.
[120] CEA, executive committee minutes, 2 Dec. 1923.
[121] *Iris*, Mar 1923, AEO [cumann feidhmanach seirbhis an stait] notes.

The Cumann na nGaedheal government missed an opportunity to create new structures for the civil service of an independent Irish state. None of the civil service associations were enamoured of the Waterfield reorganisation, which was largely a paper reorganisation in any case, and all were prepared to negotiate something new. The only condition that they expressed was that change should be agreed and that the civil service would be assured that they would suffer no worsening of conditions. Apart from that, anything was possible. The clerical and executive grades would have agreed to a much more streamlined and flattened civil service, the so-called "one-grade" service. The professional civil servants were hopeful that the more senior administrative posts would be opened to their grade. Because of its quasi-colonial status Ireland had no administrative class to speak of. The leadership of the associations were nationalist to some degree, and some to a greater degree than others. They would have made great efforts to carry the membership with them in changes, even revolutionary changes. But the government, challenged by the republicans as to its legitimacy, responded with an aggressive display of effectiveness. The postal workers and the civil service generally were unfortunate in that they provided the opportunity for the government to show that it was in charge. The government deliberately used the postal strike in September was to rally public opinion behind a government that was showing a determination to prevail over all opposition.[122]

Under the Cumann na nGaedheal government the state was to be used to stabilise Irish society in the direction already established by the British. The failure to remember that it was a revolution that brought the party to power meant also a failure to recognise the potential of the state to redirect Irish society. The Treaty that

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[122] UCAD, Ernest Blythe papers, P24/68.

was meant to be a beginning, a stepping-stone, became an end. This failure was not without resistance within the party, where it was identified with the remnants of the old regime in the Department of Finance.[123] However, the positive aspect of this failure was that the state escaped the fate of many de-colonising regimes where the bureaucracy becomes an instrument of the ruling party.[124] Hardly any of the revolutionaries inserted themselves into the civil service. It is very striking that the revolutionaries that remained in politics almost all chose the path of engagement in the uncertain world of electoral politics. Only two, P.S. O'Hegarty and Diarmaid O'Hegarty, chose what must have been the tempting option of a permanent career in the emerging bureaucracy. In 1925 the civil service, including postal workers, stood at 20,262. Of these 125 were former Dáil officials, 166 reinstated former officers, and 1,803 were new entrants. Of the new entrants 1,563 had entered by limited or open competition and 240 by special certificate. Despite the discharges and resignations the vast majority of the civil service of the new state were officers transferred from the previous regime.[125] The creation of a relatively incorruptible and professional civil service must rank as a major achievement of the Free State. Despite the lingering doubts of the civil service associations about other matters, the independent state was well on the way to finally achieving what had been the rhetoric of civil service reform for over sixty years; meritocratic entry, promotion by ability and an apolitical culture of service to the state.[126]

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[123] Maryann Gialanella Valiulis, 'After the revolution: the formative years of Cumann na nGaedheal' in Audrey S. Eyler and Robert F. Garratt, (eds) *The Uses of the Past Essays on Irish Culture*. (1988). pp131-43.
[124] John M Regan, 'The politics of Utopia: party organisation, executive autonomy and the new administration' in Mike Cronin & John M. Regan (eds) *Ireland: The Politics of Independence, 1922-49* (2000) pp32-66.
[125] UCDAD, Ernest Blythe papers., P24/376(3).
[126] O'Halpin, 'Politics and the state, 1922-32' in Hill (ed) *A New History of Ireland VII*, p110.

However the expectation of the Cumann na nGaedheal government that the civil service could be kept at a distance from the changes in the state were not only unrealistic but also counter-productive. The civil service was ready to embrace revolutionary changes with only the barest safeguards. Nationalists uncritically accepted the denigration of the pre-independence civil service, not reflecting that, amongst many achievements, it had successfully transferred the land to the tenants, democratised local government, set up a local health service through the dispensary system, transformed the western areas of greatest poverty and oversaw the construction of one of the densest railway networks of Europe. The success of the autonomous boards, operating locally and financed centrally, despite the problems of nepotism and cronyism in recruitment and promotion, was forgotten. The opportunity passed and instead of building up a civil service suited to the needs of an independent Irish state; less hierarchical, decentralised, an agent of economic change, focused on development rather than administration; the government allowed a Whitehall to emerge with all the faults of the original but of Lilliputian dimensions. The "Skyresh Bolgolam" of this Lilliput was H.P. Boland, head of the establishment division in the Department of Finance, transferred from Whitehall in September 1924. Boland came from the same mould as Waterfield. Within the Whitehall tradition senior civil servants' status was measured by their closeness to the minister. In his meetings with the civil service representatives, and in his advice to his minister, Boland treated the idea of personal meetings between them as a personal affront. Neither did he bother to conceal his contempt for the lower grades of the civil service.[127] Some years later, during the currency commission hearings, Boland in one of his many personal letters to Brennan wrote of another reason why finance control

[127] NAI, Brennan Commission, BC/1, '3 Nov. 1932'

of the civil service was so important. Boland warned Brennan that this reason was one that could not be quoted as it might 'do us more harm than good'. He wrote, 'the position that our department occupies in the mind of the service generally and the respect they show for our minister's authority must obviously be very largely affected by the feeling that ours is the minister and the department who in so large a sense can control and determine the fortunes of individual civil servants. I need not enlarge on this point'.[128] For Boland, and for Brennan, finance dominance was more a matter of power and prestige than one of efficiency. That is why Boland insisted that civil service organisations could not have non-service general secretaries to represent them on the representative council; 'such outsiders would be at liberty in the council to express opinions and adopt an attitude not open to a civil servant'.[129]

The constitution guaranteed the right to join unions and organise. The POWU and the CSCU were affiliated to the ITUC and to the Labour party. But the combination of the 1925 Treasonable Offences Act, the 1927 Trade Union Act and the Treasury circular 'civil service (approved associations) regulations' 14/1927 were designed to suppress any public display of civil service discontent, which would almost certainly lead to dismissal.[130] It was only by overcoming the deference and inherent conservatism of the civil service that the political and labour affiliation could prove to be of use.[131]

The failure of the Cumann na nGaedheal government to reshape state structures was mirrored by the failure of the civil service to escape the model of organisation inherited from the British associations. The Irish departments and grades were too small to accommodate the organisational structures of the British

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[128] NLI, Brennan papers, ms.26,313.
[129] UCDAD, McGilligan papers, P35a/31.
[130] NAI, department of finance, E125/13/27.
[131] J. Anthony Gaughan, *Thomas Johnson 1872-1963* (1980) p225.

service. 'Colonial cringe' and habit reproduced the British model of organisation where the total membership of the Irish association was less than that of a single branch of its sister organisation in Britain. In 1932, when the civil service had been experienced eight years of retrenchment and a ban on promotions, the grades and numbers were;[132]

Administrative & Executive (max excess of £500)	333
Junior Administrative (University graduates)	24
Higher Executive	176
Junior Executive	429
Staff Officer	170
Clerical Officer	2065
Writing Assistant	640
Writing Clerks	175
Temporary Clerks	219
Superintendent of Typists	13
Shorthand Typists	271
Typists	287
Inspectorial, Professional, Technical.	1601
Subordinate staff posts (mostly postmen).	7872
Industrial classes.	2998
Other (PO staff and C&E staff)	6000.
Total	23,273.

The better arrangement for the civil service would have been to organise on the basis of method of entry in at most four organisations; postal workers, professional and technical grades, and the establishment grades organised in at most two associations above and below the clerical officer grade, rather than the sixteen that sat as the staff side at the CSRC. The only new association formed in the Free State was the Civil Service Clerical Union (CSCU) in 1930. It aimed to recruit all civil servants of the clerical and lower grades, which would have put it in conflict with the CSCA.

[132] NAI, department of taoiseach, S6247/FO/1, 'memo on civil service by department of finance'.

However it was in fact simply a re-naming of the former Non-Permanent Government Clerks' Association (NPGCA) with a total membership of 323. Logically this association ought to have simply merged into the CSCA, which already organised the same grades and was proving an aggressive advocate of their interests. The problem was that the CSCA refused to attend the CSRC and Humphreys, general secretary of the NPGCA, liked being at the council. The new CSCU applied for the seat at the representative council formerly held by the NPGCA and were encouraged in this by Boland. Although this might look like a 'yellow' union, set up to break the CSCA, it was in fact more vanity and the glamour of rubbing shoulders with the top political and administrative levels that prompted the CSCU to apply for the council seat.[133]

Having reviewed the failures of the Irish civil service associations during the Cumann na nGaedheal governments, it is time to turn to the only success. This was achieved by a united service using neither the CSRC, nor a new agitation, but by using the rights won by their predecessors that were now enshrined as constitutional rights, in the legal battle over the Wigg-Cochrane case.

[133] NAI, department of finance, E108/10/33.

CHAPTER TEN

'THE WORST ARTICLE IN THE TREATY';

THE WIGG-COCHRANE CASE.

As the Cumann na nGaedheal government settled into normal politics the civil service unions faced the task of mobilising membership on two opposed fronts. On the one hand they had to fight to defend the interests of the civil servants who opted to remain in the civil service of the Free State whilst on the other hand fighting for the best terms possible for those who wished to retire under the Treaty provisions. As could be expected any concentration on the rights of those who were "deserting the ship" led to tensions and disagreements with those who remained on board.[1] The associations also suffered a constant drain of experience as the article 10 retirements and the consequent promotions led to loss of leadership.[2]

The CSF re-affiliated with the British Civil Service Confederation, joining Malta and West Africa as overseas affiliate organisations.[3] The British organisations maintained an interest in the Irish service. Changes in Irish conditions and the advent of wage cuts or new differential scales were reported, as well as snippets from Dáil

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[1] John Campbell, *"A loosely Shackled Fellowship" the history of Comhaltas Cána* (n.d.) pp. 126, 141.
[2] *Iris*, most editions through 1923 and 1924 record the loss of an officer in the leadership of an association.
[3] Warwick University MRC, mss.232/civil service confederation third annual report 1923-1924.

Éireann debates.[4] W.J. Brown attended the CSCA annual meeting in 1927 and reported extensively on the shabby state of the Irish organisations as a warning to the British associations on the results of apathy.[5]

The civil service associations also began to develop contacts in the Oireachtas and to revive the practice of political lobbying in the newly independent state. For lobbying purposes the IPCS generally favoured former Unionists. At general elections the membership were urged to press the claims of the civil service if canvassed. However, although the IPCS may have been instinctively Unionist it also was a strong supporter of trade union principles of solidarity. Thus in the Dáil by-election in Dublin South in February 1926 the IPCS placed advertisements in the daily papers urging support for William Norton the successful Labour Party candidate and leader of the POWU.[6] Norton then proved a staunch defender of the civil service in the Dáil chamber.

The CSF in its journal *Iris Seirbhishe An Stáit,* maintained a close watch on political changes and was not afraid to publicise its grievances.[7] In Dáil debates Major Bryan Cooper (ex-Unionist), Thomas Johnson (Labour) and T.J. O'Connell (Labour) often reflected the Federation viewpoint. O'Connell was the invited guest speaker at the annual general meeting of the CSCA in May 1925.[8] With the election of Norton as a Labour TD the POWU had a powerful voice in the Dáil.

The civil service associations as a body generally identified with and supported the Irish Labour Party. The clerical officers had been members of the

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[4] e.g. *Red Tape*, no. 148, vol. xiii, Jan 1924 on longer working hours; no. 160, vol.xiv, Jan 1925 on reduced pay scales; nos 170 7 171, vol.xv, Nov-dec. 1925 on inter-departmental inquiries in the Free State; the new Irish civil service journals are reviewed in no.193, vol.xvii, Oct. 1927.
[5] Ibid., no.189, vol.xvi, June 1927; no.193, vol.xvii, Oct.1927.
[6] IPCS (Ireland) council minutes, 10 Feb. 1926.
[7] e.g. *Iris*, Apr. 1924, 'statement for the information of members of the Oireachtas'; June 1924, 'circular to members of Dáil Éireann'.
[8] *Iris*, June 1925.

ILPTUC since 1920 and their first fulltime general secretary, Archie Heron, was a Labour party activist. The CEA, as soon as it was formed, affiliated to the Labour party. The POWU had, of course, William Norton the later leader of the Labour Party, as its first fulltime general secretary. Given that there were significant differences in the status and labour power of civil servants and the working class the links between them were surprisingly strong and the civil service union motions for debate at Congress were generally supported.[9] The CSF also affiliated to the international organisation of civil service trade unions, the International Federation of Public Officials.[10]

In August 1923 the 'Constituent' third Dáil dissolved and the general election returned the Cumann na nGaedhael government led by W.T. Cosgrave. Although the immediate threat from the anti-Treaty forces was defeated the Cumann na nGaedheal governments remained deeply influenced by the crisis of legitimation that continued to surround the state in Ireland. When republicanism, crushed as an armed force, re-emerged in the political party of Sinn Féin and later Fianna Fáil, it proved both popular and resilient despite denying the legitimacy of the Cosgrave government. The Cumann na nGaedheal governments were in fact all minority administrations empowered by the abstention of republican TDs.[11]

This fourth Dáil, which continued until June 1927, laid down the foundations for the relationship between the Irish Free State and the civil service free of any constitutional constraints. With the Treaty and the Constitution now safely passed the government could, if they wished, give whatever shape it liked to the civil service. Also, for the first time, the Department of Finance was no longer shared with any

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[9] ILP&TUC, annual report and conference, 1920-27; CEA executive committee minutes, 19 Jan 1922.
[10] *Iris*, June, July 1925.
[11] Of the 153 seats in Dáil Éireann Cumann na nGaedhael won 63 in 1923, 47 in June 1927 and 62 in September 1927.

other office and Ernest Blythe was free to concentrate on finance affairs exclusively. The legislation enacted by the fourth Dáil, which included the Civil Service (Regulation) Act, 1924 and the Ministers and Secretaries Act, 1924 offer an insight into how the Cumann na nGaedheal government intended to build new state organisations and how the new state would relate to the civil service.

Under the British regime the various boards and commissions in Dublin Castle, including those that recruited professional and technical officers, worked to a budget and recruited and paid their own staff. The Irish government's Civil Service (Regulation) Act of 1924 swept aside all of these boards and brought their staffs into a single civil service under the control of the Minister of Finance. Yet, surprisingly, the bill was also described as continuing 'the system with which we are familiar'.[12] Continuity of the state was now portrayed as a virtue by the former revolutionaries. The provisional government and the first executive council of the Free State had recruited many temporary civil servants to handle the volume of work associated with the changeover from the British administration and to process the many claims for compensation for war damage and land act transfers, but no permanent civil servants had been recruited. The Civil Service (Regulation) Act of 1924 established the Civil Service Commission to recruit future civil servants by open competitive examinations. The act also empowered the Minister of Finance to make, change or revoke regulations for establishing the classification, remuneration, conditions and terms of service of the civil servants. Thus while the Civil Service Commission controlled recruitment the minister would remain solely responsible for management of the civil service. In line with the general expectation for a minimal state apparatus Blythe expected that the Commission would have very little work to do and the

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[12] *Dáil Éireann debates*, vol.5, col. 1743, 14 Nov 1923.

commissioners would be very much part-time positions.[13] The first commissioners were the Ceann Comhairle of the Dáil and the secretaries of finance and of education, the two departments most directly involved. The CSF was aghast at the appointment of the Ceann Comhairle to chair the commission as his was a political position.[14]

In the Dáil the opposition, whilst approving of the Commission, proposed that it ought to report to the Dáil rather than to the Minister for Finance and that control of the civil service ought to lie ultimately with the Dáil as the legislative assembly rather than with the executive. The intent was to make the management of the civil service of the new state subject to a detailed code enshrined in legislation rather than to ministerial prerogative. Although this was rejected as unpractical it does underline the extent to which the Labour party, which led the debate, was determined to de-politicise the question of recruitment and control of the civil service.[15] During the debate on section 9 of the bill, which empowered the Minister of Finance to make regulations for the control of the civil service, Blythe used this debate to express an 'ultra-montane' view of the relationship between the state and the civil service. Major Cooper and Thomas Johnson returned to the issue of Dáil control of the civil service by suggesting that the Oireachtas ought to have laid before it all regulations made by the minister, with the power to annul them. Blythe, who had already began imposing wage cuts on the civil service, citing the recent difficulties in the postal services, articulated a concept of absolute sovereignty for the state in dealing with the civil servants, essentially denying any contract. It was his view that the executive could brook no interference in dealing with civil service organisations. The debate was actually threatening to become an interesting and sophisticated analysis of executive and democratic control of the state apparatus in which the hopeless position of the

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[13] Ibid, vol 5 col. 1218, 23 Nov. 1923.
[14] NAI, G2/2 executive council minutes, 8 May 1923; *Iris* (June 1923).
[15] *Dáil Éireann debates*, vol. 4, cols 1507-10, 26 July 1923.

civil service under minister Blythe began to win sympathetic consideration. Blythe relented in so far as he agreed to lay any regulations on the table of the House for scrutiny by TDs.[16] Johnson, unfortunately rather late in the day, hit the nail on the head when he pointed out that Blythe wanted to import into his ministry the customary authority of the crown over the civil service in Great Britain. However, unlike in Britain, where civil servants were entirely 'at the pleasure of the crown' the Irish civil servants had certain statutory rights and not merely personal rights. Their conditions were not variable at the whim of the minister.[17] The executive council strongly supported Blythe's resistance to attempts by the Dáil or Senate to interfere in his control of the civil service.[18]

In 1925 the Senate rejected an amendment to the regulations that proposed to allow the Civil Service Commission to restrict admission to certain examinations to men only. This was one of the few legislatives acts subject to the suspensory power of the Senate, preventing its enactment for 270 days.[19] This had arisen out of attempts by Blythe to restrict candidates for the first recruitment of the administrative class, out of which future departmental heads would arise, to men only.[20] Blythe made it obvious that he disliked having women in the civil service and used his power to direct that female civil servants were to retire on marriage. The first examinations for the clerical class were confined to men with army service. The standard was deliberately kept low to accommodate men who had been a great many years out of school. Nevertheless the failure rate was high; 571 from a field of 1244.[21] Thus, at a time when the demobilisation of the army was causing great difficulties leading to the

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[16] Ibid, vol.5, col. 1233-48, 23 Nov 1923.
[17] Ibid., vol.6, col1464, 27 Feb 1924.
[18] NAI G2/3 executive council minutes 9 Jan. 1924.
[19] O'Sullivan, *Free State Senate*, pp208-9.
[20] *Dáil Éireann debates*, vol 10, cols 194-5, 13 Feb. 1925.
[21] UCDAD, Desmond Fitzgerald papers, P80/1057.

so-called "army mutiny", the civil service provided a useful avenue to siphon off discontent, whilst retaining competitive entry.[22] In the pursuit of economy Blythe also used his powers to cut the salary scales for new entrants to the service.

The Ministers and Secretaries Act centralised the departments of government in an executive of twelve ministers. The ministries were conceived as essentially administrative or executive. The governing Executive Council was made up of the executive ministers only.[23] Cosgrave described the bill as second only to the constitution in importance in laying down the foundations of the state.[24] He also saw the bill as rationalising the inheritance of two former governments; one that was young and inexperienced but enjoyed popular support and the other unpopular and disorganised but handed over with certain treaty rights.[25] The broad principle of the bill was to take the multiplicity of boards and commissions of the inherited administration, and reorganise them into a few ministries under ministers described as "corporation sole"; in other words the minister *was* the department and all acts of the civil servants of that department were done as if directly ordered by the minister. For many civil servants this represented a loss of the personal autonomy that marked the more casual and decentralised Castle administration.[26] The key department was that of finance, which took charge of the administration and business of public finances and to which was assigned the civil service commission. Although each department continued to appoint their own civil servants each appointment required the express

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[22] NAI, G2/3 executive council minutes 21 Jan. 1924.
[23] *Dáil Éireann debates*, vol.5, col. 1500, 6 Dec 1923.
[24] Ibid., vol 5 col 919, 16 Nov. 1923.
[25] Ibid., col 1021, 21 Nov 1923.
[26] *Seanad Éireann debates*, vol.2, cols1096-1103, 19 Mar 1924.

permission of the Minister of Finance. The former departmental autonomy of the old British regime had truly passed beyond recall.[27]

The Dáil debate on the key section of the bill on the role of parliamentary secretaries reveals the lingering suspicion within the executive council about the reliability of the inherited civil service and doubts about its willingness to embrace the revolution that had swept over it.[28] Taunted by the contradictions between his calls for national economy and his plans for an extra layer of paid 'assistant ministers', Blythe was quite frank in expressing his doubts about the willingness of the civil service, 'which was not created as a Civil Service for an Irish State', to accept ministerial control.[29] Within the Cumann na nGaedheal party Milroy voiced a general suspicion about the 'rump of officialdom of the old regime' which was still in power in the civil service.[30] In what was becoming a predictable contribution to any debate on the civil service the Farmers' Union TDs used the bill to demand cuts in civil service pay.[31] It is also clear that it was generally accepted that the state would seek to reduce its presence in Irish society and that, after the initial pressure of reconstructing the state was complete, the Oireachtas would have little to do and might meet at most for three or four weeks in two or three sessions a year.[32] The only TD to offer some relief to the civil servants was the eccentric Darrell Figgis who suggested that the state required fewer politicians and more civil servants.[33]

One further piece of legislation of 1925 illustrates the attitude of the Cumann na nGaedheal government to the civil service; the Treasonable and Seditious Offences

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[27] *Dáil Éireann debates*, vol.5, cols1389, 5 Dec 1923; *Seanad Éireann debates*, vol.2, cols1100, 19 Mar 1924.
[28] *Dáil Éireann debates*, vol. 5 col 1634-64, 11 Dec 1923.
[29] Ibid., vol 5, col 1661, 11 Dec. 1923.
[30] Regan, *Counter-revolution*, p200.
[31] *Dáil Éireann debates*, vol 5 col 1525, 6 Dec. 1923.
[32] Ibid., col 1649, 11 Dec 1923.
[33] Ibid., col. 1651, 11 Dec 1923.

Bill included a paragraph that 'every person who incites any person in the civil service (other than a police force) of the Government of Saorstát Éireann to refuse, neglect, or omit to perform his duty or to commit any other act in dereliction of his duty, shall be guilty of felony.' Denying the right to organise a strike was simply the logical extension of the denial of the right to strike.

These debates showed a depth of unthinking hostility to the civil service which never abated and which all parties indulged in to a greater or lesser degree.[34] Even the Labour Party joined in. William Davin TD and Richard Corish TD, in the July 1924 debate on the estimates, attacked the civil service as an unreformed and domineering "Castle" apparatus that needed to be 'cleared out bag and baggage'. In the same debate the government TD Grattan Esmonde suggested replacing 'the old regime' of inherited civil servants in finance with a panel of experts.[35] Even from within the executive council support for the civil service was conditional and qualified.[36] The Farmers Union regularly attacked the civil service, one branch calling for 5,000 redundancies in 1925.[37] Assailing civil servants fast became a regular ritual of the Dáil debates and the failings of the civil service a cliché of political discourse in independent Ireland.

The underlying assumption of these pronouncements was that the civil service of the Irish Free State ought to be a minimalist one and certainly would be smaller than that handed over by the Treaty. However the tradition of a large section of the civil service in Ireland was 'maximalist'. Under the British regime Ireland had developed a large and decentralised corps of non-political experts whose objective was the transformation of Irish society and economy through government action. In

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[34] Ibid, vol 5, cols 1233-48, 23 Nov. 1923; vol.13, 12, 18,25 Nov. 1925.
[35] Ibid., vol. 8, 16 July 1924, committee on finance, estimates.
[36] Ibid., vol. 12, 19 July 1925, for Blythe's comments on the civil servants in finance during the estimates debate.
[37] Campbell, *Comhaltas Cána*, pp130-1.

the last decades of the British regime many civil servants were recruited to run the autonomous institutions being developed as a solution to the problems of Irish society, especially its chronic poverty and under-development. Inheriting pre-independence nationalist suspicion of the Castle apparatus as an alien intrusion, government policy was to reshape the civil service into a smaller, centralised administrative rather than executive bureaucracy. The civil service of the newly independent state was viewed as an essentially administrative machine that dealt with simple repetitive tasks rather than as a source of expertise and advice. The resentment of the political classes toward the civil service was a revival of the pre-independence attitude of nationalist opinion to the Castle regime. In that, the Cumann na nGaedheal party was the inheritor of Redmondism and the Irish Party rather than Griffith and Sinn Féin.

Justifiably proud of its success in stabilising the state and enacting the constitution, the Cumann na nGaedhael government increasingly relied on its ability to prudently manage the meagre state finances to assert its legitimacy to the electorate. Relentless economic retrenchment became a form of ideological compensation for the retreat from the inspirational policies that had led the national revolution. Also, despite the efforts of a deeply divided Labour Party to mount an active opposition to these policies, the more significant opposition influence on the government came in fact from the right-wing farmer and business parties that pressed for even greater cuts.[38] In May 1923, as an investigation into the financial position of the Irish Free State revealed a deficit of £1.2 million for the current year, the departmental heads were instructed to find economies.[39] In pursuit of a balanced budget, and fearful of the hyperinflation that was sweeping Germany, the Cosgrave

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[38] Mary E Daly, *Industrial development and Irish National Identity, 1922-1939* (1992). p14.
[39] NAI, G2/2, executive council minutes, 12 May 1923.

government cut old age pensions, blind pensions and teacher salaries.[40] The National Army also faced cuts as numbers were reduced from 55,000 to 18,000 men, leading to a threatened mutiny by dissident officers. In this pursuit of an aridly conservative economic strategy the civil service was an obvious target for reductions in expenditure.[41]

The Department of Finance's review of the budget position late in 1923 identified the civil service as being ripe for "economy". The review identified a two-pronged approach to lower costs by, firstly, scrapping inessential services and ending the 'unnecessary multiplication of departments as an obvious source of waste' and, secondly, by cutting the cost of the services then remaining. The objective of the review was to ensure that the costs of the public services would reflect the diminution of work that was necessarily consequent on the 'exclusion of the six-counties'.[42] As economy in the public service emerged as an insistent theme of government it was linked to the cost of compensation for civil servants dismissed or resigned under article 10 of the Treaty.[43] The Labour party suggested withholding superannuation payments from the retired officials of the former British administration, saving money that would be better spent on social needs.[44]

In 1924, as part of its economy drive and also to assert control over the civil service, the government substantially reduced the basic salary scales and annual leave for new entrants to the clerical and executive classes. It also introduced a new differentiated scale between married and unmarried civil servants, with an additional children's allowance.[45] This was a pet project of Blythe's.[46] Blythe's marriage

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[40] NAI, G2/3 executive council minutes, 27 Oct. 1923.
[41] NAI, FIN 1/826/2 reply to circular F4/PMG.
[42] Ibid., 1/826/ 5-6 financial statements, 5 Oct.; 2 Nov. 1923.
[43] *Dáil Éireann debates*, vol. 1, cols 1367, 6 October 1922.
[44] Mitchell, *labour in Irish politics*, pp 181-2.
[45] NAI, G2/3 &4 cabinet minutes, 15 May, 10 Oct. 1924.

differential was carefully designed so that a single woman would not reach the maximum of the scale until after forty years of service, that is retirement age. The unmarried man would begin to notice the differential at about the age of twenty-three to twenty-five, the age when he ought to thinking of marriage.[47] It would thus operate as a social engineering mechanism, encouraging marriage in young men whilst using women to replace single men as cheaper labour. A complicated scheme, it required departmental heads to keep track of their officers' marital status and procreational activities. For fear of established officers going out under article 10 it was applied to new recruits only.[48] P.S.O'Hegarty, never lost for an opinion, strongly supported Blythe and denounced 'the modern women's movement, disguised as a movement for equality, [which] is a movement to shirk wifehood and motherhood because independence looked more pleasant'.[49]

With the enforcement of the differential there were in fact two completely different salary schemes in the civil service; for the transferred civil servants protected by Article 10 there was a continuance of the old scales, with the new lower scales being applied to the new entrants. However the government imposed a ban on promotion and, after 1926, introduced university graduate entry (male only) for the top administrative grades.[50] For civil servants tied to definite salary scales the only avenue to prosperity was promotion. Without promotion the lower grades became dead-ends. The CSF publicised its objections to these changes introduced without any negotiation, which tended to drive experienced officers out from the service protected as they were by article 10 of the Treaty and to create resentment between

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[46] NAI, Brennan Commission papers, BC/1, p9, 'evidence of H.P. Boland', 24 Nov 1932
[47] NAI, department of finance, E101/7/25.
[48] UCDAD, Blythe papers, P24/376, 'differential in pay of women..in the civil service'.
[49] NAI, finance, E101/7/25, 'PSO'H to HPB' 30 may 1925.
[50] NAI, department of finance, E100/3/26.

the old and the new civil servants.[51] The AEO picked holes in the scheme in a series of carefully crafted questions which included whether the child allowance was equal for each child and was it paid from the date of birth and whether a JEO on the maximum of his scale would be promoted to the HE scale on receipt of an allowance for an extra child that brought him into that grades' pay range.[52]

As we have seen, in May 1922 Collins had assured a delegation of the civil service that though he could not commit any future government to acceptance of the Whitley councils he accepted the need for some consultative body. The Whitley Joint Committee was abolished but the departmental councils were allowed continue and an *ad hoc* consultative council of official and staff sides was established for the transition period. The consultative council had six staff side and six official side representatives. All matters that ordinarily came before the Whitley Committee were to be dealt with by the consultative council. It met first on 20 September 1922 and monthly thereafter.[53] Whilst the staff representatives saw this arrangement as a temporary substitute for some future form of reinstated Whitleyism, Collins and the provisional government saw this as a purely temporary arrangement to facilitate the transition from British to Irish rule. Whilst the CSF was willing to work the consultative council the POWU and IPCS were suspicious as it was clear that as a purely *ad hoc* and temporary body it as no substitute for the Whitley Committee.[54] The CSF continued to hope for a Whitley-like body on which 'representatives of official and staff sides meet, not for mere ventilation of grievances but to give both sides co-equal interest and power…a body for action not talk, fostering and

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[51] Civil Service Federation, *Statement Concerning proposed Alterations in the Regulations Governing the Employment of Saorstat Civil Servants* (1924).
[52] NAI, department of finance, E101/7/25.
[53] CEA, executive committee minutes, 25-6 Oct 1922.
[54] *Iris*, Apr 1923; IPCS (Ireland), council minutes 23 Feb., 23 Mar.,, 12 Apr., 2 & 14 May, 23 June 1923.

developing in the staff that spirit of co-operative responsibility which was the guiding principle in the Irish-Ireland movement'.[55]

A year later, with the transition period complete and the Civil Service Regulation Act in force, the civil service associations continued to demand the reinstatement of something like the departmental Whitley Councils. However in February 1924 the Whitley Committee was formally abolished with the government offering, at a meeting with civil service representatives, nothing more than a promise to establish new machinery 'more suited to Saorstát Éireann conditions'.[56] This rhetorical flourish might have seemed promising to the more nationalist members of the civil service, but few were convinced and most of the associations continued to press for a restoration of a Whitley-type committee. For the civil service the Whitley Councils had the positive advantage that they introduced an ambiguity was to who is the employer. The civil service in Ireland, especially since it had been opened to Catholic recruitment, regarded the general public as their employer, not the Minister of Finance or the Treasury. Ideally the service would have preferred that a panel of ministers and other politicians, along with a non-governmental representative but with no senior civil servant, would constitute an official panel. In December 1923 Blythe met with a delegation of the CSF and invited them to formulate a scheme for his consideration.[57] Meanwhile the CSF began to organise a political campaign on the demand for a replacement for the Whitley Councils.

In the Dáil deputies Bryan Cooper and Johnson's repeated questioning of Cosgrave and Blythe on the Whitley Councils got vague and non-committal replies. Within cabinet however, and eventually in a statement to the Dáil, Cosgrave took the view that sole power to determine pay and conditions within the civil service lay with

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[55] *Iris*, Apr. 1923.
[56] NAI, S. 6247/FO/1, department of the taoiseach.
[57] *Iris*, Jan 1924.

the government and that therefore only a consultative body could be allowed.[58] The CSF was attacked from within the CSCA for its supine attitude and its failure to prevent the filching of civil service privileges, though a motion to secede from the Federation was rejected by the membership.[59]

In December 1924 Blythe issued without discussion or consultation a scheme for a purely consultative representative council for the civil service made up of official and staff sides, composed of civil servants, with no political representative. The chairman of the council was to be a nominee of the minister but with no vice-chair nominated by the staff side, as had been the case with the Whitley Committee. The chairman had full control of the agenda and also the report of the proceedings to the minister. The minister also forbad any non-service members, thus thwarting the recent decision of the POWU and the CSCA to appoint full-time general secretaries and professionalise their representation. In every aspect the ministerial proposal was a rejection of the Whitley system.[60]

At this point the civil service was organised in three main blocs; the CSF, the POWU and the IPCS. Unhappy at the retreat from the Whitley Councils, a provisional staff side was drawn together equally from the three bodies and a meeting with the Minister of Finance was requested. Initially the joint approach worked well. When the minister, predictably, refused to meet the provisional staff side it was pointed out to the government that it had already broken a pledge to consult the service and that any scheme drafted and put into operation by one side only lacked the first element of conciliation, agreement by both sides.[61]

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[58] *Dáil Éireann debates* vol 8, cols 1028-9, 10 July 1924; cols 1540-2200, 17 July 1924.
[59] CSCA, executive committee minutes, 7 July 1924.
[60] Department of finance circular 48/24; *Iris*, Jan 1925; UCDAD, McGilligan papers, P35a/31.
[61] *Iris*, Feb 1925; CSCA, executive committee minutes, 23 Jan 1925; IPCS council minutes, 3&17 Feb., 23 Mar. 1925.

Within a few weeks however the unity of the service associations was broken. The CSF, assured by the minister that the conciliation scheme could be revised to remedy any defects that might emerge once it was working, agreed to give it a trial. In fact the Federation, as the largest and most nationalist organisation in the civil service, had come under considerable pressure to work the government scheme. The CSCA, after a divisive debate, agreed to work the scheme but only under protest.[62] The POWU and the IPCS decided to stick with the decision that the scheme was completely unacceptable and both protested at the Federation's decision to break ranks with the rest of the service. Confident that the other associations would have to eventually come on board the government pressed ahead and the Civil Service Representative Council (CSRC), without either the POWU or the IPCS, held its first meeting on 15 March 1926. The fragmentation of the civil service organisation is evident in the range of associations on the CSRC. The only general service classes represented were the executive officers (AEO) and the clerical officers (CSCA). The rest of the staff side was made up of fourteen associations, many with less than a hundred members.[63] The POWU description of the scheme as 'utterly worthless' proved correct. Whilst the civil servants might have continued to refer to it as a "conciliation" council the minister, correctly, referred to it as a "representative" council. From the beginning the CSRC proved unsatisfactory and the "recognised" associations within the CSF unanimously pressed an unconvinced minister to accept that the constitution had to be revised.[64]

The year 1927 was crucial in stabilising the Free State. In the aftermath of the murder of Kevin O'Higgins, the republican Fianna Fáil party was manoeuvred into

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[62] CSCA, executive committee minutes, 5 June 1925.
[63] NAI, department of finance, E107/12/25, 'circular no.10/26'.
[64] *Iris*, May 1925; IPCS council minutes, 23 June 1925, minutes of 6th AGM 20 Apr. 1926; Sweeney, *In Public Service*, pp45-8.

Dáil Éireann to form a constitutional opposition. To the civil service associations Fianna Fáil seemed to be more sympathetic to their complaints and with the government facing into two elections in 1927 they tried once again to build up a single service voice. In February 1927 a hurriedly called conference between the Federation, the CSCA, the POWU and the IPCS discussed a five-point programme that included demands for;

1. Provision for departmental councils or committees to deal with departmental matters.
2. The chairman of both local and central councils should not have the right to decide what matters should be placed on the agenda for discussion.
3. The councils should have the power to come to decisions.
4. Provision should be made for the attendance at council meetings of the full-time officers of associations.
5. An appeal body should be set up to which matters on which disagreement had been reached might be referred.[65]

The IPCS replied that the first four points had already been included in the earlier demands that had been put to the Minister for Finance many times and had been rejected by him and that the fifth point was not practicable. The POWU proved equally dismissive. In truth neither the POWU nor the IPCS were interested in joining what was clearly a sinking ship.[66] By the end of the year the CSCA had seceded from both the CSF and the CSRC and so therefore, as the Federation was breaking up, the so-called 'Representative Council' now represented a minority of civil servants.[67]

Although the cross-service federal organisation was crumbling the individual civil service organisations still worked closely together on issues of pay and conditions. The IPCS continued to co-operate with the POWU on the way in which the cost-of-living was calculated and on which the amount of the "bonus" depended.

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[65] CSCA, executive council minutes, 4 Mar 1927.
[66] Ibid., 15 July, 12 Dec 1927; IPCS council minutes, 7 Jan., 14 Feb., 4 Apr. 1927; Sweeney, *In Public Service*, p46-8; NAI, department of the taoiseach S 6247/FO/1.
[67] NAI, Finance, E107/12/25; NAI, Brennan commission, BC/1, 'Finance memorandum section vi' 20 Jan 1933.

It also worked with the CSCA and the POWU in continuing to press the demand for proper conciliation machinery and in their attempts to make it a political issue. The POWU, the CSCA, and the smaller unions of the CEF and the Association of Inspectors of Taxes formed an umbrella organisation, the Civil Service Joint Committee to form a united front in negotiation with the government, however the IPCS remained aloof.[68]

It has to be admitted that the efforts of the various civil service associations and unions to unite and defend the interests of those civil servants that chose to remain in the civil service of the Irish Free State bore little fruit. In terms of influence and solid gain the most effective organisation that the Irish civil service had ever generated was the pre-independence GCICS. That committee had recognised that the civil service of the state had, despite departmentalisation, a single employer with unique power to shape their working conditions. It followed that the civil service ought to be associated in a single organisation to speak as one in dealing with the state. It was when the civil service turned to defend the gains won by the GCICS that it discovered the unity and success that previously had eluded them. In defending the interests of those civil servants that chose to retire under article 10 of the Treaty, the civil service unions built and maintained cross-service unity and achieved a defeat of the government that re-opened the whole Treaty debate and brought into question national sovereignty. Described by Thomas Johnson in the Senate as 'the turning point in the whole constitutional relationships between Great Britain, the Irish Free State and the British Dominions', this was the Wigg-Cochrane case.[69]

The IPCS remained dissatisfied at its lack of representation on the Wylie committee and continued to demand a right to represent members during its

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[68] CSCA, executive council minutes, 11 Feb., 4 Mar 1927; IPCS (Ireland) council minutes, 11 Nov. 1927, 15 May, 29 Oct., 11 Dec. 1928.
[69] *Seanad Éireann debates*, vol 13, col 27, 20 Nov. 1929.

deliberations.[70] Unhappy at many rulings of the committee, the IPCS council began looking for legal advice on challenging it in the courts. The main question centred on how the "bonus" was being included when calculating the pension.[71] Originally, thinking that the wartime inflation was a temporary difficulty only, the British Treasury in introducing the bonus in 1916 explicitly stated that it would not count for pension or gratuity under the Superannuation Acts. As the war bonus became in fact a regular part of the pay of civil servants pensions emerged as anomalous and unfair. In April 1919 this was temporarily addressed in a memorandum of agreement between the Treasury and the civil service associations. Under this agreement subsequent pension awards would include a war bonus related supplementary pension. In the post-war period as the bonus, though temporary and fluctuating, had become in reality part of the pay of civil servants the National Whitley Council for the civil service turned its attention to the continuing problem of pensions. The Council agreed that in addition to the normal calculation of pension there would be added three quarters of the bonus paid at the time of retirement and that in calculating the lump sum gratuity the bonus would be added on. The Treasury, without agreement or legislation, then decided that the part of a pension of retiring civil servants that was based on the bonus would, just like the bonus itself, be subject to periodic quarterly adjustment based on the cost of living calculation, and would be subject to an over-riding maximum. A Treasury minute introduced a notional maximum for the bonus element that would allow the bonus to fluctuate downward but prevent it fluctuating upwards beyond a certain percentage. The notion of a 'maximum' was introduced to prevent the total annual sum payable in pensions exceeding the statutory proportion of the total salary on which civil servants pensions were calculated because, it was

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[70] IPCS (Ireland) council minutes, 6 & 25 Oct. 1922.
[71] Ibid.,, 6 Dec. 1922; 17 Jan. 1923.

conceivable, the bonus element of the pension might in time rise to exceed the actual basic salary paid to a civil servant on retirement.

The legality of an Act of Parliament, the Superannuation Acts, being altered by an order of the Treasury ought to have been queried, but it wasn't. These changes were effected by a Treasury minute dated 20 March 1922, that is in the period between the provisional government taking over Dublin Castle on 16 January, when Collins forbade any alterations in personnel or conditions, and the 1 April 1922 when the civil service in Ireland was formally transferred to the provisional government. Justice Wylie, at the first sitting of the compensation committee, indicated that he intended to allow this Treasury minute to govern the compensation payable under the Treaty, that is to say to take the view that the transfer of the civil service had occurred on 1 April 1922.[72] Curiously enough the civil service committee set up under the 1920 Act, which had been blocked in its operation by the civil service associations and by the provisional government, had agreed that the compensation payable under the eighth schedule of the Government of Ireland Act would be subject to a variable element related to the current rate of bonus on the salaries of serving civil servants. This was intended to act as a disincentive to voluntary retirement because of the danger of a diminishing pension in the future. Had the provisional government allowed the committee function it may never have faced the difficulties it was about to encounter.[73]

By early January 1923 the IPCS council, dissatisfied with some of its decisions, decided that it would have to fight the Wylie committee in the courts and instructed the member associations to forward to the council a list of the cases past

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[72] *Iris*, Jan 1923; Wigg and Another v. Attorney-General of the Irish Free State, No. 29 of 1926 in the Privy Council, pp46-102.
[73] NAUK, T158/7, 'Waterfield to Cole, Whitehall', 20 Jan 1922.

and pending in the committee. These were then carefully monitored.[74] Meanwhile a "Treaty Pensioners Association" was formed to act as the organisation of the civil servants affected. This association, funded by the civil servants in the IPCS who remained in service, travelled to London to lobby the British government on the issue of the compensation and pensions.[75] At their request the House of Lords attempted to insert into the 'consequential provisions' an explicit guarantee that the British government would undertake responsibility for the pensions under Article 10 if the Irish government reneged, but this was rejected by the Commons.[76]

It is ironic that the 1920 Civil Service Committee, had it functioned, would have had an absolute authority to determine 'fair compensation' and so therefore would not have been amenable to judicial review. The provisional government, determined to assert its sovereignty, made the Wylie committee a purely advisory committee. As an advisory committee its decisions, though accepted by the government, were neither final nor conclusive in any way. Advice can of course be rejected, by either side. By autumn two cases had emerged as promising vehicles to challenge the compensation committee; that of John Howard Wigg and that of Robert Oliver Cochrane, both of them members of the IPCS.

Wigg was assistant architect in the OPW in Dublin on a salary of £430 plus bonus of £232.3.0, which, by his date of retirement, had reduced to £119 giving him a salary of £549 on retirement. Wigg had, on 1 April 1922, seventeen years of service. The pension awarded to Wigg was £200 on his basic salary plus a supplementary bonus of £103.0.9 subject to a maximum of £88.6.5. This gave him a pension of £288.6.5. Cochrane was a chief executive officer in the OPW on £415 plus bonus of

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[74] IPCS (Ireland) council minutes, 22 Jan. & 23 Mar. 1923.
[75] Ibid., 11 Jan., 4 Oct. 1923.
[76] The Irish Treaty Pensioners Association, *Pensions and Compensation guarantee of the British Government* (n.d., 1923?).

£194.5.6 with twenty-six years service on 1 April 1922 giving him a final salary of £609.5.6. Robert Cochrane had actually served on the executive of the 1893 civil service committee that had drafted the code on civil service compensation rights. Cochrane was awarded £206.5.0 basic pension plus a supplementary bonus £106.5.2 subject to maximum of £91.1.7 giving him a final pension of £297.6.7. In both cases the pensions were calculated in the normal manner, taking account of years of service and added years. However, following the Treasury minute of March 1922, the awards carried the conditions that the supplemental pension would be subject to quarterly reassessment based on the cost-of-living figure and that at no time would the supplemental pension exceed its prescribed amount at the date of retirement, the "over-riding maximum". Had the 1920 terms been applied the basic salary and bonus would have been considered together as "pay", the pension would have had no periodic reassessment and the over-riding maximum would not have applied.

On 15 November 1923 Wigg-Cochrane issued a writ in the High Court. In their writ Wigg-Cochrane asked that the High Court declare that the compensation awarded them was not "fair compensation" inasmuch as part of the compensation was put on a sliding scale, the quarterly cost-of-living reassessment, which would not have been the case under the 1920 Act. The central argument hung on the words of article 10 of the Treaty, 'the government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920…to public servants who are discharged by it or who retire in consequence of the change of government…'. Wigg-Cochrane argued that terms less favourable than those accorded by the 1920 Act were in fact being imposed by the Irish government because in 1920 there was no "maximum" and no adjustment of the bonus element of the pension. What they wanted was that the courts should declare that 'bonus was

part of the salary formerly enjoyed and that in calculating the superannuation allowance a fixed award should be made, and that no part of such allowance should be put on a sliding scale'.[77] They also asked for a declaration that the Treasury minute of 22 March 1922 did not apply because they were at that moment under the authority of the provisional government, not the Treasury. The three month gap between the handing over of the Castle to the provisional government, when Collins ordered that there should be no alteration in conditions, and the transfer of authority on 1 April, opened up the question of where the authority of the state lay for that period. If the Irish government argued that the Treasury minute did apply then they argued that the provisional government was not a state, it was only an administration empowered by the British government and the talk about the "surrender of the Castle" was no more than empty rhetoric.

As the question was contested far bigger issues began to emerge from the dreary arguments about dates and definitions. Looming behind the molehill of pensions was a mountain of constitutional confrontation with implications for the entire British Commonwealth of Nations. The government defence was that the Minister of Finance of the Irish Free State had inherited the authority of the former British Treasury. Under that authority civil servants were employed at pleasure and had no legal *right* to a pension. The decision as to the amount of any pension that lay formerly with the Treasury lay now with the Minister of Finance. Therefore the action of Wigg-Cochrane was not sustainable and ought to be dismissed. In the High Court however the judgement, delivered on 18 July 1924 by Mr Justice Meredith, former President of the 1920 Dáil Éireann supreme court, found not only that the pensions of Wigg-Cochrane ought to be calculated as they had argued under the 1920

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[77] Wigg and Another, writ of summons 16 Nov. 1923.

Act, with a sliding scale but no over-riding maximum, but also that their pensions, and by implication that of all transferred civil servants established or temporary, were guaranteed by the constitutional incorporation of the Treaty. What was at issue was not superannuation entitlements but constitutional guarantees. Rights that were secured in the constitution could not be governed or qualified by a Treasury minute, or by a decision of the Minister of Finance, or even an Act of the Oireachtas. The pensions of dismissed or retiring transferred officers were not a gift of the Minister of Finance but a constitutional right and therefore enforceable in the courts whose task it was to defend the constitution.[78]

The state immediately appealed to the Supreme Court. Meanwhile Wylie, once its authority was questioned, resigned from the committee to take up a position as judge of the High Court. Initially the government was not unhappy at these developments and may well have welcomed them, confident that their interpretation of the rights of the transferred civil servants would stand. The official side at the Wylie committee had been taking a much more aggressive line and had circulated a letter to all applicants demanding an explanation as to *why* and not merely a statement *that* he was 'retiring in consequence of the change of government' and had also signalled that they intended to forcefully interrogate the applicants on foot of their replies.[79]

The decision to abolish the Whitley Councils and the stubborn refusal to establish any replacement arbitration scheme made civil servants uneasy and more willing to take the money on offer and resign. The CSF enlisted the British Civil Service Confederation to try and make the Colonial Office take action, but this produced no results though it did help to re-establish contacts with the British

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[78] Ibid.; *Iris*, Aug 1924, 'AEO notes'.
[79] *Iris* Aug 1924, 'compensation committee notes'.

service.[80] The government discharged 454 civil servants. In July 1924, just before the High Court delivered its judgement, Blythe revealed that 864 civil servants had resigned 'in consequence of the change of government' costing a lump sum of £208,870 and an annual pension of £124,666, and there were still many applications in the pipeline. These payments were being made against the background of cuts in old age pensions and teacher salaries.[81] By the end of 1925 the cost of compensation under article 10 was running at £254,785 per annum in payments to 1,851 former civil servants, DMP and judicial officers with a further 2,139 still pending.[82] Even before the High Court case Blythe described article 10 as 'the worst article in the Treaty'.[83] The High Court decision and the resignation of Wylie allowed the government to suspend all the pending cases and halt the flow of resignations. Civil servants who wished to retire were now in a limbo as the government refused to process any claims until the courts clarified the position.[84]

For the civil service associations the purpose of the Wigg-Cochrane case was not to enforce the rights of retired former civil servants, but to compel the government to reinstate some form of Whitley Councils, to determine pensions in the first instance but ultimately to re-establish arbitration as a permanent part of the transferred civil service industrial relations.[85] The civil service made a direct connection between the rush of resignations, six hundred in six months, and the aggressive attitude of the government, saying; 'it will not do to tell us we have no right to strike and deny us at

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[80] Warwick University MRC, mss232/civil service confederation, fourth annual report, 1924-1925.
[81] *Dáil Éireann debates*, vol. 8, cols 1249-50, 15 July 1924.
[82] NAI, department of finance, E109/13/26, 'superannuation payable under article 10 as at 1 Dec. 1925'.
[83] *Dáil Éireann debates*, vol. 5, cols 877-8, 15 Nov. 1923.
[84] Ibid., vol.11, 14 May 1925, Questions.
[85] IPCS (Ireland) council minutes, 4 Oct., 5 Nov. 1923.

the same time adequate conciliation and arbitration machinery for the settlement of legitimate grievances'.[86]

The initial hope was that with the High Court decision in their favour the government would not appeal but would look to establishing what was the true objective of the litigation, a properly constituted statutory arbitration scheme. When the government did decide to appeal the decision of Meredith to the Supreme Court, and the case made its slow progress toward that appeal, it was noted with anxiety that the government was not bothering to replace Wylie and was refusing to name a date for the reconstitution of the compensation committee.[87] The financial implications for the civil service associations of a further appeal were a worry, but unavoidable, once the government decided to go to the Supreme Court.[88]

Early in 1925, as it became clear that the government was going to pursue the case of Wigg-Cochrane all the way to the Supreme Court, the IPCS combined forces with the POWU, the CSF and the Irish Treaty Pensioner's Association to form the Transferred Officers' Protection Association (TOPA).[89] The object of TOPA was to 'safeguard the rights of members under article 77 and 78 of the Constitution of Saorstát Éireann and article 10 of the Treaty'.[90] The driving force behind TOPA was William Norton, general-secretary of the POWU and later leader of the Labour Party. It was Norton drew up the initial memorandum detailing the decline in service conditions under the Free State government and inviting the other associations to join forces.[91] The twelve-member executive of the TOPA was made up of four appointed

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[86] *Iris*, July 1923.
[87] IPCS (Ireland) council minutes, 3 Oct. 1924; 17 Feb. 1925; *Dáil Éireann debates*, vol.9, col 642, 1394, 4 & 21 Nov. 1924; vol.11, 14 May 1925, Questions; vol.12. cols.1390, 1403, 19 June 1925.
[88] IPCS (Ireland) council minutes 25 Nov. 1924.
[89] Irish Labour History Museum and Archives (ILHS), MS.10/TOPA/1-3[TOPA records are part of the deposition of the Communications Workers Union].; IPCS council minutes, 17 Feb., 23 Mar., 9 Apr. 1925.
[90] ILHS, MS.10/TOPA/1; *Iris*, vol.3, no.5 (May) 1925.
[91] ILHS, Norton papers, 'rough drafts of a constitution and circulars for a treaty officers association'.

by the POWU, four by the CSF and four by the IPCS.[92] Thus TOPA was a much more unified organisation of the civil service than the Federation and, as virtually all civil servants in the Free State were "transferred officers", might well have proved a base to build cross-service unity but, as we shall see, it never became more than an organisation to fight the Wigg-Cochrane case. Nevertheless, as such, it was an undoubted success. It is therefore ironic that the civil service unions and associations that had failed to build a unified platform to negotiate on behalf of those civil servants staying in the Free State came together to fight the cause of those who were retiring.

Civil servants who were going to stay in the civil service of the Free State, or recently recruited civil servants, were understandably reluctant to finance a court case that would benefit those who were retiring and create hostility to those who remained. It was alleged that TOPA was solely concerned with those civil servants who intended to retire under clause 10 but had not got a chance to go because the Wylie committee was hamstrung since the court case and the resignation of the chairman. It was also alleged that TOPA was being run by people whose sympathies were British rather than Irish and that TOPA was motivated by a desire amongst 'the usual garland of Poppies sustained by Freemason wires' to humiliate the native government.[93]

In the Supreme Court the government won and so it might have seemed that that was the end of the case.[94] The decision of the majority of the court was that, bluntly, a civil servant under the Treaty had no pension *rights* as such which are enforceable by law and that the Minister of Finance was the sole authority to determine matters between the State and the civil service. Consequently a civil servant must accept whatever the minister offered and had no right of action against

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[92] ILHS, MS.10/TOPA/1.
[93] *Iris*, vol.3, no.11 (Nov.) 1925.
[94] Niamh Brennan, 'Compensating southern Irish loyalists after the Anglo-Irish treaty, 1922-32' UCD Ph.D. (1994) chapter 4.

the minister whatever. This was consistent with the British tradition under which all civil servants were employed 'at pleasure' and had no rights, properly speaking. But, in a dissenting judgement, one of the three judges raised the question as to the status of the Treaty and the other legislation establishing the new government. Whilst the other two judges, O'Connor and Fitzgibbon (a former leading Dublin Unionist) accepted the government argument for continuity of authority, and therefore superannuation and compensation powers, the third, Justice Johnston, dissented arguing that the Treaty had completely displaced the Act of 1920 and had 'brought to an end the whole existing administrative, executive and judicial machinery of the country and made suitable provision for the substitution of something different'.[95] In his view the case of Wigg-Cochrane was not about the power to determine superannuation but about fundamental constitutional rights as guaranteed by the Treaty agreed with Great Britain by Dáil Éireann and the constitution that it subsequently enacted. If the government, he argued, could disregard article 10 of the Treaty then it could equally disregard any other article of the Treaty, the constitution and the orders transferring authority to the Free State, making them no more than so much waste paper. In a paradoxical reversal therefore the government of the Free State was now arguing that what had taken place was not a revolution whereas the civil servants were arguing that it was. Breaking through the question of pension rights was the status of the Treaty itself.[96]

Even before the High Court judgement the civil service associations had discussed the possibility of invoking a controversial and contentious avenue of appeal if the decision went against Wigg-Cochrane. This was an appeal to the Judicial

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[95] Wigg-Cochrane, judgement of Mr Justice Johnston, 1 April 1925.
[96] ILHS, ms.10/ TOPA/opinion of counsel A.Alfred Dickie'; *Iris*, June 1925, 'article 10 of the Treaty'.

Committee of the Privy Council in the British House of Lords.[97] The appeal to the Judicial Committee of the Privy Council was not mentioned in the Treaty, but had been included in the Irish Free State Constitution (article 66) at the insistence of the British government.[98] Article 66 of the constitution implied wrongly that there was an existing right of appeal, there wasn't, but it was decided that it would not be wise to reveal that error and to allow the article stand as first written.[99] The British government viewed the appeal to the Privy Council as a vital expression of Commonwealth unity and British judicial supremacy within the Dominions.[100] It derived from the Judicial Committee Act of 1844, which gave statutory validity to the right of the crown to hear appeals from any colonial court.[101] The British government wanted the Privy Council to be seen, and act, as the supreme court of the empire and dominions. Collins and Griffith had objected to the appeals procedure on the grounds that three of the judges of the Privy Council were vehemently unionist and opposed to Irish self-determination; Lord Carson, Lord Sumner and Lord Cave. Judges who already expressed strong views on the Irish constitution might be invited to interpret that constitution. The British government had offered an assurance that in any controversy of a political nature on Irish appeals these judges would be considered as disqualified and stand aside.[102] A further assurance was offered that in an Irish case the procedures would follow the more restrictive South African rather than Canadian precedent; that is an appeal to proceed would require that it be permitted by the Irish

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[97] IPCS council minutes, 14 June 1924; CSCA, executive council minutes, 10 July 1925; *Iris*, 'Aug 1925, 'CSCA notes'.
[98] NAUK, CAB 43/1, S.F. (B) 30th conclusions; 'conclusions of a meeting of the British signaturies to the treaty…15 Jun 1922.
[99] HLRO, Bonar Law papers, 114/1/43, 'memo on IFS constitution'.
[100] NAUK, CAB 23/30, 'cabinet 31(22) 1 June 1922, Irish situation'.
[101] D.W. Harkness, *The Restless Dominion the Irish Free State and the British Commonwealth of Nations 1921-31* (1969) London. p.9.
[102] NAUK, CAB 23/30, cabinet conclusion 32(22) 2 June 1922; CAB 43/1 conclusions of a meeting of British signatories, 10 Oct 1922.

Supreme Court and would be only in cases that affected a great number of people.[103] Around the time that TOPA was being formed the judicial committee had already breached these understandings by hearing the case of *Lynham vs Butler*, which dealt with the powers of the Irish land commissioners.[104] At the 1926 Imperial Conference the appeal to the Privy Council came under fire from both Canada and the Free State.[105] The existence of such an appeal, and its exercise, was considered an insult to the Irish Supreme Court and the competency of the Irish judiciary. By appealing the Supreme Court decision to the Judicial Committee of the Privy Council the civil service of the Irish Free State, through TOPA and Messrs Wigg-Cochrane, was asking a British court to overturn the Irish Supreme Court's interpretation of article 10 of the Treaty and thereby undermining the Irish Supreme Court and Irish national sovereignty.

The appeal to the Privy Council, heard by Lord Cave (despite the assurances offered in June 1922) along with Lords Haldane, Finlay, Dundedin and Shaw, went even better than it could have been imagined. The Privy Council decision, delivered 3rd May 1927, overturned the Supreme Court decision and gave Wigg-Cochrane the compensation and pensions they had demanded by agreeing that the rights of the transferred officers were constitutional rights. The claims of the civil servants rested on the Treaty, the Transfer of Functions Order of 1922 and the Constitution of the Irish Free State, and not on any superannuation act. In response to the government argument that the Civil Service Committee had never been established and therefore the power of the committee reverted to the Minister of Finance, the judges found that the powers in fact reverted to the courts, which were the proper authority to determine constitutional rights. The judges also found that the Treasury minute of March 1922

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[103] Oxford, Bodleian library, Curtis papers, ms.90, f.24-8.
[104] Gaughan (ed) *Memoirs of James A. Douglas*, p123-4.
[105] Harkness, *Restless Dominion*, p81.

was not binding as the civil service had been transferred to the provisional government on that date. As a *coup de grace* the judges also found that the over-riding maximum was unfair as it allowed a pension to fluctuate downwards but limited its upward movement.[106]

This judgement sent shock waves through the governments in Dublin and in London. Under the British administration civil servants were by law employed "at the pleasure of His Majesty" and status and pensions were by gift rather by right. It was also the British view that the Irish Free State was not the creation of revolution but was a devolved government, created by Westminster legislation, continuous with the former administration. The Privy Council decision implied that the Irish Free State was in fact a break with the former British administration. Far more seriously, from a financial point of view, the decision also meant there was now a group of civil servants within the British and Irish system whose status and security were far superior to their colleagues and were in fact under-pinned by constitutional guarantees. The law lords had determined that transferred civil servants now enjoyed a status far better than any they would have enjoyed had there never been a Treaty and were now entitled to more favourable treatment than they would have enjoyed had they remained under the British administration or had they been recently recruited in the civil service of the Free State. The British associations were themselves intrigued by civil servants successfully suing the state and extracting explicit legal guarantees as to their rights.[107]

For the Dublin government the decision of the Privy Council was the last straw. The Wigg-Cochrane decision was now far more than a dispute about pensions. In fact most of the civil servants that had applied to retire under Article 10 had

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[106] *Times Law Reports*, 1926-27, vol xliii, pp457-60.
[107] Warwick University, MRC, ms.232/civil service confederation, annual reports, 1927-8, 1928-9.

accepted the decision of the committee and there were only about four hundred disputed cases outstanding.[108] The right to resign as a consequence of the change of government had a seven-year limit and would run out in December 1929. There was a reasonable fear that the civil service might now see a rapid collapse over the next year as officials seized upon the Wigg-Cochrane decision to retire on what were extraordinarily favourable terms.

But the main objection to the Wigg-Cochrane decision was on constitutional grounds. The Irish government had already objected at the Commonwealth conferences to the claims of the Privy Council to act as an imperial supreme court. By the Wigg-Cochrane decision the Privy Council, dominated by the most reactionary of the Tory legal establishment, now claimed an authority to interpret the Treaty itself against the Irish Supreme Court. The government's argument that the Treaty, in the words of Michael Collins, gave the "freedom to achieve freedom" now rang hollow. Even before the decision of the judicial committee Blythe announced that the government had no intention of complying with the decisions of a 'bad, useless and unnecessary court' whilst other deputies attacked the 'disloyal, unpatriotic and rapacious civil servants'.[109]

However, constitutionally eccentric as the decision may have been, neither the British nor the Irish governments could simply ignore it. Blythe's response was uncharacteristically terse, 'The judgement in the Wigg-Cochrane appeal raises not merely financial but constitutional questions, and I think a quick decision is not to be looked for'.[110] Whilst the Irish government was primarily engaged on the constitutional aspects of the decision the British government was itself quite alarmed at the Privy Council decision that some civil servants would be better treated and have

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[108] *Dáil Éireann debates*, vol.18, 23 Feb. 1927, Questions.
[109] Ibid., vol18, col.385, 8 Feb. 1927.
[110] Ibid., vol.19, 20 May 1927, private notice questions.

definite rights as a result of the Treaty. Clearly it was to the advantage of both governments to come to an understanding on the way of retreat from the decision. Both governments were also trying to ignore the fact that the compensation terms of Article 10 of the Treaty and the eighth schedule of the 1920 act were not in any sense part of the superannuation code, which of course remained the responsibility of the Treasury or Minister of Finance, but were part of the Treaty.

The Irish civil service, through TOPA and the CSF, looked for assistance from the British civil service organisations, though it might have preferred that the British Confederation did not couch its support with such an enthusiastically imperialistic resolution;

> That this meeting of the executive Committee of the Civil Service Confederation accords its full support to those ex-British Civil Servants who are resisting the action of the Irish Free State Government and the British Government in seeking to avoid the consequences of the Privy Council judgment in the Wigg-Cochrane case. It is of the opinion that such action raises the following vital issues:-
> (1) The effect of such legislation on the constitutional legal fabric of the British Empire.
> (2) The question whether the parliament should usurp the power of the Courts in interpreting Statutes.
> (3) The denial of justice to those who adopt the ordinary legal procedure of the Empire.
> (4) The refusal of the rights under the Treaty to Civil Servants; and that for these reasons the contemplated action should not be proceeded with by the respective governments'.[111]

On 22 February 1928 Blythe announced to the Dáil the government's response to the decision of the Privy Council was to re-constitute the Wylie Committee as a statutory rather than an advisory committee, to apply the controversial Treasury minute and to make its decision absolute.[112] In short the government would ignore the decision of the Privy Council. The next day Leopold Amery, Secretary of State for the

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[111] Warwick University MRC, mss 232/ civil service confederation, seventh annual report 1927-1928.
[112] *Dáil Éireann debates*, vol.22, col. 109, 22 Feb. 1928.

Dominions, in a statement that precisely echoed that of Blythe's, told the House of Commons that it was clearly inequitable that the transferred civil servants of the Irish Free State should receive more favourable treatment than if they had remained in the British civil service and, as the decision of the Privy Council did not reflect the intention of those who made the Treaty, it would co-operate with the Irish government's intent to change the law so that the decision of the Privy Council would be avoided. This was an extraordinary statement as the interpretation of statute law (the Treaty was statute law) lay with the courts and not parliament. The British civil service associations continued to take a keen interest in the struggle between the courts and the government, touching as it did on the authority of the Treasury over the salaries and conditions of the civil service.[113] The Civil Service Confederation took up the Wigg-Cochrane case with the British Labour Party, which was actually rather wary of the issue and would go no further than saying that the Irish civil service must be no worse off as a result of the Treaty, which was precisely the view of the Irish government.[114]

At this point the Irish government, instead of pressing ahead with this agreed strategy, allowed itself to be drawn into a farcical pantomime the point of which was to allow the British government to escape the consequences of defying the Privy Council decision. Carson, the former Ulster Unionist leader, took up the cause of the civil servants. What offended him was that the two governments were clearly conspiring to alter the terms of compensation without consulting the aggrieved party, the civil servants themselves. In April, in an acrimonious debate in the House of Lords on the decision, with sharp exchanges between Carson and the law lords, Lord Birkenhead (F.E. Smith, one of the British signatories of the Treaty) solemnly

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[113] *Red Tape*, no.199, vol.xvii, Apr 1928.
[114] Warwick University, MRC, mss.232/civil service confederation, half-yearly report 1928.

announced to the assembled Lords that the recently deceased Lord Cave, who had delivered the controversial judgement, had summoned the Prime Minister to his deathbed and confessed to him that the judgement in the Wigg-Cochrane case was wrong in law and that his conscience could not allow him to die without discharging the painful duty of admitting his error. The Marquess of Reading then rose to suggest that the Privy Council be asked to reconsider the opinion expressed earlier and thus allow the error to be corrected without the necessity of legislation and debate.[115] Cave had indeed been troubled about the Wigg-Cochrane case, not because it was wrong but because a draftsman had made an error in the written judgement referring to the question of the mode of calculating the bonus and the date on which the civil service had actually been transferred. On the essential point of the rightness of Meredith's judgement, Cave had signalled no doubts whatever. But, having died in late March, he was not there to contradict Birkenhead.[116] Rather than insisting that the law in the Irish Free State is that of its Supreme Court the Irish government allowed itself to be persuaded to return once again to plead in a court it had already rejected as bad, useless and an infringement of national sovereignty. Once again the Privy Council heard the case and once again, contrary to the naïve expectations of both governments, it found for Wigg-Cochrane and against the Irish executive.[117] The government might fulminate that the civil servants were not going to get a farthing more than they were entitled to under the Supreme Court decision but clearly the pension entitlements of transferred officers need to be taken out of the courts and dealt with by legislation. Any legislation would have to be agreed between the Irish government, the British government (because any new law on Article 10 would be a

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[115] *Parliamentary debates*, [Lords], Vol.70, No.25, cols 808-855, 25 April 1928.
[116] R.V.F. Heuston, *Lives of the Lord Chancellors 1885-1940* (1964). pp440-3.
[117] *Irish Law Times & Solicitor's Journal*, LXII, 109-15, 16 Feb. 1929; Warwick University MRC, mss.232/civil service confederation, eight annual report 1928-1929; *Irish Times*, 14 Nov 1928.

renegotiation of the Treaty) and the transferred Irish civil servants (to persuade them to abandon further litigation). Finally, reluctantly and with bad grace the Irish government sat down to negotiate with, rather than bully, the civil service.[118]

Complex negotiations began between the Irish government and TOPA and between the Irish government and the British government.[119] The result of these negotiations was the Civil Service (Transferred Officers) Compensation Act 1929. This act was paralleled by the British Irish Free State (Confirmation of Agreement) Act, 1929 [20 Geo. 5, c.4]. These two acts were, in constitutional terms, a re-negotiation of Article 10 of the Treaty by the British and Irish governments by which the Irish government conceded the better terms won by the Wigg-Cochrane case and the British government agreed to repay to the Irish government the additional moneys involved.[120] This little-known case was in fact the first revision of the hitherto sacrosanct Treaty.

Under the 1929 Act a statutory committee of a judge, representatives of the Minister of Finance and representatives of the transferred officers, was established with sole jurisdiction to determine compensation under Article 10. Written into the Act were the retirement conditions of the 1920 Act, thus securing the better terms of the 1920 Act for civil servants. Picking up the cost of these higher awards was the British government who agreed to compensate the Irish government for the "excess" in the pension bill.[121] Thus honour was saved and the Irish, if not the British, public purse left no lighter after nearly ten years of litigation and frustration. Finally a

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[118] *Seanad Éireann debates*, vol.13, cols26-35, 20 Nov. 1929 for Senator Johnson's caustic and ironic history of the government's actions.
[119] Warwick University MRC, mss232/civil service confederation, eight annual report 1928-1919; IPCS council minutes, 9 Mar., 11 Dec. 1928; 12 Apr., 17 June 1929.
[120] *Parliamentary Debates* [Commons] vol.229, no.11 (11 July 1929); *Dáil Éireann debates* vol.31, col.928-933, 11 July 1929; NA, department of the taoiseach S. 5459, CAB 1/2, 26 Mar. 1928, Wigg-Cochrane case.
[121] ILHS, ms.10/TOPA/1-3;*Parliamentary debates*, [Commons], Vol.229, No.11, cols1218-1224, 11 July 1929.

definite resolution had emerged to the whole vexed issue of civil service pensions but it left a residue of hostility to the civil service within the Dáil and public opinion.[122]

The Wigg-Cochrane case spurred on the government to mount a consistent attack at the Commonwealth conference on the Judicial Committee of the Privy Council as a court 'obnoxious because it is an extra-State institution exercising judicial control over the internal affairs of the State without any form of democratic sanction'.[123] During the debate on the Civil Service (Transferred Officers) Compensation Act Blythe had argued that the bad decision in the Wigg-Cochrane appeal illustrated the anti-Irish bias on the English bench and that it 'has become more and more clear every day that this appeal to the Privy Council is an anomaly'.[124] The British government refused to yield to demands to abolish the appeal to the Privy Council, the last institution that made the Commonwealth a legal rather than simply a diplomatic unit and it was a Fianna Fáil government that finally deleted the right to appeal from the Free State constitution in 1933.[125] The final irony of the Wigg-Cochrane case was that in an appeal brought by the British government the Fianna Fáil decision to forbid appeals beyond the Irish Supreme Court was declared lawful by the same Judicial Committee of the Privy Council.[126]

The compensation panel finally assembled in early January 1930 under Judge Cahir Davitt, the son of the Land League founder and a judge in the revolutionary courts of the 1919-22 period. The tribunal expected to deal with about 1,600 cases, many of them of civil servants who had retired but whose compensation and pensions had been delayed by the Wigg-Cochrane case.[127] Blythe appointed Messrs Boland,

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[122] NLI, ms.17, 171, Thomas Johnson papers, 'Irish civil servants compensation 1928'.
[123] Harkness, *Restless Dominion*, pp. 178-9.
[124] *Dáil Éireann debates*, vol.13, cols. 45-7, 20 nov.1929.
[125] MacMahon, *Republicans and Imperialists*, 128-35.
[126] Ibid., pp158-9;Harkness, *Restless Dominion*, p. 205.
[127] UCDAD, Hugh Kennedy papers, p4/1228 (1).

Doolin, Redmond and Leydon to represent the Department of Finance. A panel of twenty-five nominees represented the civil service trade unions and organisations.[128] In dealing with any case the court was limited to five members, two each for the department and the civil service along with Davitt the Chairman. The very first case was the high profile Drennan, the Secretary of the Land Commission. Judge Davitt treated his case with great courtesy and care. However, as the months dragged on and the cases of the lower ranks of the civil service were being dealt with, the tone of Judge Davitt became more caustic and sneering. As he was a government appointee there is no reason to doubt that in doing this he was faithfully reflecting the official mind.[129] Lowly postmen and junior civil servants, many of them women, had to endure sarcasm and heckling from Judge Davitt. He rubbished the logical argument that as the Fianna Fáil party were committed to destroying the Treaty, and as they were likely to form the next government, it was reasonable to assume that the guarantees contained in article 10 would not long survive such a change of government.[130] Davitt was particularly sneering when dealing with the stock claim made by nearly all applicants (who echoed mantra-like the phrase of Article 10) that their wish to retire was "due to the change of government". The national and provincial press picked up and echoed his hostility. The *Clare Champion* editorialised against the 'lickspittle British-backed civil servants' as offering gratuitous insults to the elected representatives of the 'unfortunate people who will have to pay out to them money that has not been earned'.[131] It was true most of the applicants simply wanted to seize an opportunity that few would let pass, to retire early on a decent pension and enjoy a life of leisure. However there was also a

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[128] UCDAD, Desmond Fitzgerald papers, P80/963; *Irish Times*, 7 Jan. 1930.
[129] *Irishman*, 1 Mar. 1930.
[130] *Irish Times*, 28 Feb. 1930.
[131] ILHS, TOPA files, newscuttings, *Clare Champion*, 15 Mar. 1930.

general feeling that the service had become degraded, supervision stricter (if not bullying), hours longer and pay shorter under the Free State with every sign that the future under Fianna Fáil would be worse. As one inarticulate woman telegraphist, who simply wanted out, put it 'it is atmospheric conditions'.[132] Davitt was ruthless in interpreting the terms under which retirement was claimed and the civil service unions, who had bought in, could not opt out. By the end of March the court had heard 461 cases and allowed only 250, rejecting 160 with 51 withdrawn. Thus nearly one half of all cases ended up either withdrawn or rejected.[133]

The complaints of the civil servants at the Davitt court reflect the transformation of the Irish civil service from an informal, casual and poorly supervised collection of Boards to a centralised and ruthlessly-driven state machine. The nostalgia that many felt for the old days of the British regime was however misplaced for those days had long passed in Britain as well as Ireland. For the professional grades in Britain the expected benefits of the 1920s Reorganisation, the Whitley Councils and the Civil Service Arbitration Board had all had proved illusory. An attempt to force a re-grading of the professional classes was resisted by the Official Side with irrelevant and evasive arguments or simply blank refusals. The final report on re-grading the professional classes of the British civil service, delivered in 1925 after one hundred and fifty-seven meetings, offered meagre improvements.[134] The Whitley Councils were far less successful than the Irish civil service liked to imagine. Meetings were either chilly gatherings of the mute or red hot rows due to Official Side resistance to the whole concept of negotiation.[135] Nor was the gain of a Civil Service Arbitration Board any more useful than the Whitley

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[132] *Irish Independent*, 21 Feb, 1930.
[133] *Irish Independent*, 29 Mar. 1930.
[134] Mortimer & Ellis, *A Professional Union*, p19-21.
[135] Ibid., p18; Warwick University, MRC, mss.296/National Whitley Council (staff side) minutes 18th meeting, 25 June 1923.

Councils. In 1922 the "Geddes Axe" that aimed to secure cuts in government costs simply and unilaterally abolished the Arbitration Board.[136] It was restored in 1925 after a political campaign by the civil service unions, but without Official Side approbation it proved ineffective.[137]

The time and effort of the Wigg-Cochrane case had the effect of identifying the civil service organisations with those civil servants who were retiring and therefore being of little relevance to the vast majority that were staying on. The CSCA, which was the largest organisation of the lower grades, virtually ignored the judgement. Civil service organisations had won the battle on the rights of retiring civil servants, but lost the war on the rights of those who continued to serve. As soon as the case was won the pillar upon which civil service unity had been built collapsed, undermined by the extent of its success. The Privy Council awarded the civil servants all of the costs incurred in fighting the case. The Irish Treaty Pensioners Association that had initiated and first put up funding for the struggle accused TOPA of pocketing the award of costs and allowing the Pensioners Association share to 'go west'.[138] The IPCS in turn sneeringly described the Pensioners Association as a bankrupt organisation dependent on the "serving service" to find the money to establish its right to jump ship and retire on pension.[139]

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[136] NAUK, CAB 23/29, 'cabinet conclusion civil service arbitration board, 20 Jan 1922'.
[137] Mortimer & Ellis, *A Professional Union*, p26-33.
[138] ILHS Ms.10/TOPA/1-3. letters between Scales of the ITPA and Irvine of the IPCS, 11 May 1928-12 Jan. 1929.
[139] Ibid.

CHAPTER ELEVEN

FIANNA FÁIL AND THE CIVIL SERVICE

The year1931 was one of reinvigorated organisation and protest in the Irish civil service. The renewal of campaigning was a response to economic depression, the example of successful agitation by British civil servants and the prospect of a general election in which the pay and conditions of civil servants would be an issue. In 1931 the economic situation in Ireland was bleak. The 1929 Wall street crash had become a global depression cutting off emigration, then running at 33,000 a year, and therefore raising unemployment. A bad harvest, stagnation in trade and a decline in tax revenues led to fears of a budgetary crisis. The Department of Finance urged reductions in pensions and in the pay of teachers, civil guards and army both as a step toward a balanced budget and as a signal to employers to reduce pay and salaries in the private sector.[1]

In Britain, in response to civil service agitation, the Labour minority government elected in 1929 set up the Tomlin Royal Commission to inquire into and report on the structure and organisation of the civil service, its recruitment and remuneration; on differential rates of pay for men and for women; on arbitration machinery and on conditions of retirement from the civil service. Whilst the Tomlin committee investigation continued the Chancellor of the Exchequer agreed to

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[1] Fanning, *Department of Finance*, pp211-3

postpone the reduction in bonus due when the British cost-of-living figure fell from 65 to 60.

Many of the Irish civil servants still looked to the British service, from which they had been severed for less than ten years, as the standard for comparisons in conditions and the model for organisation. Hence the Tomlin Commission was followed closely and its conclusions examined.[2] Tomlin's report, published in the summer of 1931, to the bitter disappointment of the British civil service, rejected almost all of their claims. However on the issue of the war bonus Tomlin accepted that analogous employments outside the civil service did not have their salaries fluctuating in accordance with changes in the cost of living and that there was no good reason for continuing to fix the wages of the civil service on a basis different to that generally adopted in other employments. He recommended that the bonus system should be abolished and the bonus and basic pay be consolidated into a single salary. For civil servants in Ireland watching the British agitation this in itself was a significant advance and one they were determined to achieve for themselves.

The renewed agitation within the Irish civil service was driven by William Norton of the POWU, Archie Heron of the CSCA and T.J. Hughes of the CSF, who all jointly led the cross-service Cost-of-Living Bonus Joint Committee. More than anything else it was the campaign for a fairer bonus forged unity and fighting spirit across the civil service. A republican veteran of 1916 who was married to James Connolly's daughter Ina, a northern Protestant, and a Labour party activist, Archie Heron had become the full-time general secretary of the CSCA in December 1928.[3] The appointment of Heron was in response to the subtle, and less than subtle, intimidation visited on the CSCA executive by H.P. Boland. It was felt that a

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[2] *Iris*, Sept 1931.
[3] CSCA, executive council minutes, Jan-Feb, Oct 1928; *An Peann*, vol.ii, no.4, Dec. 1928.

permanent general secretary would be free to talk as an equal with the senior civil servants. The CSCA also decided to publish a monthly journal as a vehicle for information and to heighten its profile.[4] The journal, *An Peann,* was a quality production with regular reports on branches, executive council meetings, meetings with officials, Dáil reports, updates on the fortunes of civil service in other countries, pieces in Gaelic and regular reports of civil service sports activity.

Together Norton, Hughes and Heron organised a mass demonstration by the civil service in opposition to the government cuts in the cost-of-living bonus.[5] In December 1929 Norton invited Heron and Hughes, along with the IPCS, to join together in a new permanent Joint Council of Civil Service Organisations.[6] The emergence of Norton and Heron as leaders marks a new strategy for civil service agitation. In the absence of an arbitration forum they decided that the issue of the cost of living bonus would be politicised by lobbying TDs to support the single demand for a new calculation of the bonus figure. Blythe was to be harassed by constant questioning by sympathetic, well-briefed Labour and other deputies. *An Peann* urged all civil servants to question candidates in the next general election on their attitudes and policies on civil service pay, an action that was censured by the cabinet as overtly political.[7] At the same time a publicity campaign on civil service pay and conditions was launched aimed at the newspapers to educate public opinion. The Department of Finance was sufficiently alarmed at this very public washing of dirty linen to caution the civil service representatives not to write to the press on official matters. The

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[4] Ibid., vol. 1, no. 1, Sept. 1927.
[5] Ibid., vol.111, no.3, Nov 1929.
[6] CSCA, executive council minutes, 19 Dec 1929.
[7] NAI, CAB 1/3, '30 July 1931'.

correspondence was interpreted as a clumsy attempt at censorship and, of course, immediately published in the civil service journal.[8]

In August 1930 a cross-party deputation of TDs and senators met the Minister for Finance to urge that he meet the cross-service Joint Committee. The delegation included the Cumann na nGaedheal TDs Peader Doyle and T.P. Hennessy; the Fianna Fáil TDs Sean Lemass and Gerry Boland and T.J. O'Connell and Senator Thomas Johnson of the Labour Party.[9] Blythe, whilst indicating a willingness to discuss these issues with the civil service, stuck by his refusal to meet any representative of the civil service who was not himself a civil servant. The problem was that Archie Heron and William Norton were both full-time union organisers, and not civil servants. Blythe maintained that as non-civil servants they would have access to confidential information but would not be bound by the rules of secrecy and disclosure that ordinarily covered public servants. The more pressing reason was that, as was becoming evident, both Heron and Norton were gifted organisers and skilled negotiators.[10] H.P. Boland, who clearly had a fetish about controlling access to the minister, had suggested that the service representation might be recast on the model of Northern Ireland. There the departments directly elected their delegates, emasculating the associations.[11]

The campaign around which the civil service was successfully building a new cross-service unity was on the operation of the "war bonus" and the demand for an arbitration board. When the bonus had been first determined in 1920 it stood at 130, that is the purchasing power of £100 in 1914 was represented by £230 in 1920. However only the lower civil service salaries were fully compensated for this inflation

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[8] CSRC, minutes 28 March 1930; *Iris*, May 1930.
[9] Ibid., 29 Aug 1930.
[10] NAI, CAB 1/3, '31 Dec 1930'.
[11] NAI, department of finance, E107/12/25, 'HPB memorandum on SCRC' 17 May 1932.

by a bonus of 130 per cent. As part of the contribution of the civil service to restoring the national economy, higher officers had their bonus reduced therefore forgoing full compensation. Only the first £91.5.0 of a civil servant's salary attracted the full 130 per cent bonus; the next £108.15.0 received 60 per cent and the next £300.0.0 received 45 per cent. These rates had been further cut by the "supercut" of September 1921. The bonus had risen initially but with the onset of the post-war depression, and especially as prices collapsed after the great depression following the Wall Street crash, the bonus had fallen. A civil servant on a basic salary of £300 had, in July 1920, an inclusive salary of £537 because of the application of the war bonus. By July 1925 that had fallen to an inclusive salary of £467. A civil servant on a basic salary of £500 in July 1920 got an inclusive salary of £831. By July 1925 this had fallen to £733. Thus civil servants' actual income had declined year on year since the foundation of the state. This decline had initially been most severe for those on higher salaries because of the "supercut" of 1921 but since then the application of periodic percentage cuts, rather than lump sum cuts, had particularly hit the lower paid. In addition the civil service, since the foundation of the state, had also to accept the general increase in income taxation and longer hours of work with shorter holidays.[12] An extraordinary innovation was introduced in 1925 when the government imposed a differential scale for married and unmarried civil servants whereby single men and women were paid less than married men, who also got an additional allowance for any children.[13]

In March 1931 the Labour deputies Richard Sidney Anthony of Cork Borough, who had seen off a challenge by a National Labour candidate, and William Davin, the poll-topper in Leix-Offaly, brought forward in the Dáil the motion 'that in

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[12] Iris, July 1931.
[13] NAI, department of finance, E.109/13/26 "civil service staffs memorandum on numbers, pay and allowances for travelling and subsistence".

view of the discontent prevalent amongst the lower grades in the Civil Service, the Dáil is of the opinion that the Executive Council should set up a Commission of Enquiry to investigate and report on the present method of computation of the cost-of-living bonus and its application to civil servants' salaries and wages'.[14] Fianna Fáil had straddled the fence in the populist anti-civil servant campaigns being driven by provincial newspapers, farmer organisations, chambers of commerce and some local authorities, by combining attacks on the pay of higher civil servants with sympathy for the lowly paid staff under them. In February 1927 the party newspaper *The Nation* whilst insisting on the absolute necessity of reductions in the size and cost of the public service, using 1914 as the datum line for numbers and salaries, was sure that cuts of a general application were more welcome than 'the dismissal of some poor struggling, perhaps temporary, officials'.[15] In the Dáil debate on the Anthony and Davin motion it was the Fianna Fáil speakers made the best speeches. Anthony tended to ramble off the subject and be repetitive in his speech though he did manage to make the point that the fundamental problem was the absence of any acceptable form of conciliation and arbitration within the civil service. MacEntee and Lemass spoke on the Fianna Fáil side in speeches that were sharply focused and well researched. MacEntee made the point that an inequitable and unfair method for calculating the government's cost-of-living figures had an impact on the industrial relations between all employers and employees throughout the country and not just within the state service. He then went on to discuss the historic roots of the cost-of-living figure to show that it never had any scientific or defensible method for its calculation, that it was based on the household accounts of a few unrepresentative working class families, that a representative budget from the household of a civil

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[14] *Dáil Éireann Debates,* vol.37, col 978, 4 Mar. 1931.

[15] *The Nation*, 5 Feb 1929, quoted in *Iris*, vol.7,2 (Feb 1929).

servant had not been attempted and that the demand that it be re-examined was therefore eminently reasonable. Lemass in turn attacked the fact that the minister, by refusing to deal with the service in a reasonable manner and create acceptable forms of arbitration, had forced the civil service into public agitation and allowed the question to be politicised. Both Fianna Fáil speakers drew a distinction between what MacEntee called the 'private and corporals in the cuff and collar brigade' and the higher civil servants. Lemass explicitly gave it as party policy that though the lower grades were being shabbily treated many of the higher civil servants were being paid far too much and that the party would seek to level out salaries. Blythe and Gilligan, the Minister for Industry and Commerce, spoke for the government. Blythe, perhaps still smarting from the Wigg-Cochrane case, insisted that the cost-of-living bonus was part of the inherited conditions of the transferred officers and that any attempt to change it would simply unravel the while issue of their Treaty rights; good or bad they were stuck with it. That the Whitley Councils and the arbitration board were also inherited conditions was ignored. The government ministers both drove home the point that the civil servants' real objective was the restoration of the Whitey Councils, and this they were not going to get. The motion was defeated 57 to 42 but the grievances of the civil service got a good airing and Fianna Fáil gave every sign that a better deal could be expected from them.[16] The civil service demand for an investigation into the cost-of-living bonus and for an arbitration board had also received a degree of support in the national newspapers.[17] What the debate had failed to clarify was that the objection of the civil service was not to the method of calculating the bonus but rather to its application. In particular they objected to the

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[16] *Dáil Éireann debates*, vol.37, cols 979-89, 4 Mar. 1931; vol.39, cols 144-60, 10 June; cols 288-321, 11 June; cols 338-55, 12 June 1931.
[17] *Iris*, July 1931.

diminution in the upper end of salary scales by the reduction in the proportion of salary entitled to full compensation for the rise in the index.

The civil service joint committee decided to step up the campaign against the bonus cut through well-publicised mass meetings of the civil service.[18] With the end of the seven-year transition period the Treaty right to retire 'as a consequence of the change of government' had ended. The threat of mass resignation, however unreal it might have been in reality, was no longer available.[19] The agitation would include high profile public meetings of the impoverished wives and families of civil servants with advertisements in the press, placards, sandwich men and handbills. The CSCA also brought the issue to the ITUC. With a further cut in the bonus due at the beginning of September a mass meeting of civil servants was called at the Metropolitan Hall in Abbey Street Dublin. The meeting, addressed by Norton, Hughes and Heron passed the motion that, 'having regard to the hardship involved, especially in the case of the lower paid classes, calls for the suspension of the impending reduction in the cost of living bonus and an immediate inquiry into the coat of living index figure and its application the Civil Service'. The meeting also asked that 'steps should be taken to institute suitable conciliation and arbitration machinery for the Service'.[20] The journal of the CSCA *An Peann* maintained the campaign, carrying articles and letters critical of the government record on pay and promotions and urging members to come out in support of the Labour Party in the next general election. There the campaign focussed on the demand for an inquiry into the war bonus and the method of its calculation. It would have wiser, as we shall see, to have concentrated on the application of the bonus, rather than its calculation.

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[18] CSCA, special delegate conference minutes, 5 Dec 1930; *An Peann* vol.iii, no.12, Aug 1930.
[19] Ibid.
[20] *Iris*, vol.9 no.9 (Sept. 1931).

In November 1931 Blythe proposed to meet a projected deficit of £900,000 by a combination of increased taxes along with cuts in the salaries of the public service. Before the cuts could be implemented the government dissolved the Dáil and called a general election. The governing Cumann na nGaedheal party campaigned on a shrill anti-communist law and order platform. Fianna Fáil on the other hand campaigned on economic development, an end to emigration and full employment. As part of this strategy of concentrating on economic issues, Fianna Fáil introduced the threatened cuts in civil service pay as an election issue.[21] In a speech in Rathmines in Dublin South, a middle class suburban constituency where many civil servants lived and where Seán Lemass was the party candidate, de Valera promised that though public service pay would have to be examined those civil servants on salaries below £300 or £400 a year would not be cut. Furthermore he stated it as his belief that 'it is only right that there should be an Arbitration Board for the Civil Service to deal with matters between the Service and Executive. We would be prepared to agree that an Arbitration Board be set up and would assent to an inquiry into the basis on which the cost-of-living bonus was calculated'.[22] Fianna Fáil's courting of the public service was in part a reassuring gesture towards civil service fears (fears that were shared with the army and the Gardaí) that if elected it would be a target for attack by the former anti-Treatyites. But it was primarily a shrewd attempt to win the support of the massed lower ranks of an increasingly disgruntled civil service. The threatened cuts in salaries, the generally sympathetic attitude of Fianna Fáil, along with the promise of an arbitration board meant that most civil servants welcomed the change of government in February 1932, especially as the minority Fianna Fáil government depended on the support of the Labour Party, now led by William Norton of the

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[21] T.J.O'Connell, *100 Years of Progress: the story of the Irish national Teachers' Organisation 1868-1968* (Dublin, 1968), *pp 265-6.*
[22] *Irish Press* 2 Feb. 1932

POWU.[23] The election of Fianna Fáil also marks an end to the crisis of the state that began in 1886. For the first time since 1886 a government was elected that reflected the popular vote of a people and since was 1918 was free of intimidation and the threat of war.

Speaking in the Dáil, Sean Lemass once described Fianna Fáil as the 'slightly constitutional' party.[24] Entry to power was quickly to prove that it was also only slightly a revolutionary party. Initially de Valera moved to assure the senior civil servants that he had no intention of dismissing any of them and that Fianna Fáil were not about to introduce a spoils system into public service employment. De Valera was at the time under intense pressure from the IRA to purge the civil service of the old regime.[25] However, unlike the Cumann na nGaedheal government, Fianna Fáil shared with the civil service associations a dislike of the senior civil servants in the Department of Finance; men described by MacEntee as 'intensely hostile to Fianna Fáil... unalterably and fanatically attached to the English interest'.[26] In Tod Andrews' more colourful description they were seen as 'a crowd of Free State bastards'.[27] De Valera was himself afraid that the civil service would not cooperate with Fianna Fáil government and had prepared a list of former students of Blackrock and Rockwell Colleges, now in the civil service, on whom he felt he could rely.[28] John Moynihan, assistant editor of the *Irish Press* and not a civil servant, was brought in to head the President's Department.[29] But in fact the only civil servant dismissed by Fianna Fáil

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[23] NAI, CAB 1/3 30 July 1931; Regan, *Counter-Revolution*, pp295-6.
[24] *Dáil Éireann debates*, vol.22 col. 1615, 21 Mar. 1928.
[25] MacMahon, *Republicans and Imperialists,* pp23-7.
[26] UCDAD, MacEntee papers, P67/101.
[27] C.S.Andrews, *Man of No Property* (1982) p119.
[28] León Ó Broin, *...Just Like Yesterday...an autobiography* (1985) p.98.
[29] McMahon, *The Moynihan Brothers*, pp174-5.

was E.P. McCarron in local government, and that was not until late in 1936 and reflected personal difficulties with his minister rather than with the government.[30]

Fianna Fáil did move quickly to placate one group; the dismissed civil servants of the civil war period. After the most cursory examination of their case a committee reinstated those civil servants of republican sympathies who had been dismissed or had resigned from the British government, or from Dáil Éireann, the Provisional Government or Saorstát Éireann.[31] The declaration of allegiance to the state that had been demanded of civil servants by the previous government was dropped. Also the preference that had been accorded to ex-members of the army in public service employment was discontinued.[32] Many civil servants welcomed indications of the end of the dominance that the Department of Finance previously enjoyed.[33] The May 1932 budget, far from retrenching, promised increases in road-building, housing, unemployment benefit and pensions.

The Fianna Fáil government moved to meet their commitments to the civil service on the bonus and on an arbitration board. Two committees were announced, a committee to enquire into the principles and methods of the calculation of the cost of living index figure under Senator Thomas Johnson, the former Labour Party leader, and a Commission to enquire into 'the method by which arbitration can best be applied for the settlement of questions relating to pay and conditions of service' under Joseph Brennan, former secretary of the Department of Finance.[34] The department had tried to limit the brief of the Brennan commission to 'the machinery for discussion and settlement of questions relating to pay and other conditions of

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[30] Daly, *The Buffer State*, 163-7.
[31] NAI, CAB1/4, '5 July 1932; S.3406 H "committee of inquiry into resigned or dismissed civil servants".
[32] Ibid., 12 Mar., 5 July 1932;
[33] Fanning, *Department of Finance*, 216-8
[34] NAI, CAB 1/4 12 Apr., 2&13 May 1932

service' so the explicit reference to arbitration seemed to signal a victory for the staff over the department.[35]

The promise, as it seemed, of a new era of state-civil service relations galvanised the civil service associations. The CSCA now dominated the organisation of the lower grades. The POWU had of course their own general secretary Norton elected to the Dáil as a Labour TD. The IPCS April 1932 annual general meeting saw earnest speeches on the valuable contribution made by civil servants to the state and a long discussion on the future policy of the Institution. Membership numbers began to climb again with new members joining from across the service.[36] The IPCS met with the CSF to compare their proposals for an arbitration scheme and bring them both into line so as to ensure the maximum of cross service unanimity in meetings with the Brennan Commission. At the same time the IPCS executive circularising the membership to obtain data on family budgets and increased costs since 1922 for submission to the Johnson Committee.[37]

Neither of these commissions lived up to the hopes of the civil service. There was disappointment that the Johnson commission had a narrow brief that precluded examining the application of the cost of living bonus rather than simply its calculation. Any examination of its application would have to look at the injustice of the reductions in bonus at the higher salaries. The campaign by the civil service associations failed to make this distinction clear. Instead their campaign seemed to suggest that they suffered because the index was based on a working class rather than middle class budget with the attendant extras of insurance, higher rents and the cost of maidservants.[38]

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[35] Ibid., 12 Apr., 13 May 1932.
[36] IPCS (Ireland) council minutes, agm 28 April 1932; 13 May, 3, 24 & 26 June 1932.
[37] Ibid., 24 June, 26 July14 Sept. 1932.
[38] NAI, Brennan commission BC/4, 2 Aug 1934, for Brunicardi's discussion of his household budget.

At the Brennan commission hearings Boland worked to keep the discussion confined to the abstract principle of determining responsibility within the state for the civil service. He was quite prepared to admit that what he termed 'the fleshpots of Whitleyism' were of great value to the civil servant, but he was also absolutely sure that it was bad for the state. The ability to make decisions ought to be reserved to the highest circles of the state and it would be unacceptable that lower staff should have a hand in that process. It was in this light also that Boland chose to explain the objection to a non-civil servant acting as a representative of the civil service. Boland also suggested, without being explicit, that Whitleyism was a relict of the former British regime and that the demand for it was primarily from transferred officers who pined for the old days.

Boland was prepared to talk at length about the problems that might arise, but it was clear that the main problem was that there was no mechanism by which a non-civil servant could be controlled by the state. To admit a right to the civil service to decision-making, or to choosing its own representative, would be a surrender of control by the state.[39] Lord Glenavy (Gordon Campbell, secretary of the Department of Industry and Commerce) was dismissive of this abstract argument and was quite clear that the problem was that the civil service had no access to the minister, mainly because of Boland, though he did not make this explicit. William O'Brien, the *doyen* of the service, tended to agree with Glenavy and cited the view of the customs staff that the reports of the CSRC were always treated with silent contempt by finance. O'Brien, who had run a department under the old regime, felt that the administration of the Free State had become utterly centralised under finance and matters that would

[39] Ibid., BC/1, 20 and 26 Jan 1933.

have been decided at departmental level before were now entirely in the hands of finance.[40]

The staff side representatives, on the other hand, kept their contributions focused on concrete issues of salary levels and their determination. They scotched Boland's assertion that the civil service was well paid compared with other similar employments, as well as the "article of faith" that civil service conditions were inherited from the British regime and were preserved by article 10 of the Treaty and any interference would be unconstitutional. The view of the association representatives was that the state ought to be a model employer. The main problem so far as they were concerned was the dominance of the Department of Finance on staff matters, which never looked beyond cost. Their recommendation was a specialised department of the state should take over but that the pay and conditions of the civil service should not be in the hands of elected politicians. The model for arbitration that was available was the Wylie compensation committee, which in their view worked efficiently and to the satisfaction of staff and state.[41]

The civil service associations were thrown by the line of questioning that they met at the hearings of the Brennan Commission. The terms of reference of the commission clearly implied that the principle of arbitration had been conceded and that the job of the inquiry was simply to arrive at how arbitration would best operate. Instead the civil service representatives found themselves being compelled to argue the case for arbitration in principle. Brennan in particular repeatedly threw in the point that under the Constitution the Executive Council bore responsibility to the Dáil for the administration of the public service, a responsibility that could not be taken

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[40] ibid. BC/2, 9 Mar 1933.
[41] ibid, BC/2, 21 Dec 1933; 2,9,10,16 Feb. 1934; the CSCA closely monitored the evidence being presented at the hearings and prepared rebuttals where apprpriate, see CSCA minute book 1933 and 1934.

away, and therefore any arbitration tribunal that bound the Executive Council to any payment without the approval of the Dáil would be unconstitutional. In particular the responsibility of the Minister for Finance for the budget would be compromised. In fact the Brennan Commission had been thoroughly 'stitched up' by Brennan and Boland. Brennan's own correspondence shows that he and Boland were in complete agreement that any form of arbitration would fatally undermine the control that the department had over the civil service. By preparing and rehearsing questions before the daily sittings of the commission Boland and Brennan between them developed the strategy of the constitutional block and used it ruthlessly to destroy the principle of arbitration, despite the promises of the Fianna Fáil government.[42] The commission hearings thus turned into a pantomime with Brennan and Boland having cosy chats on why arbitration was impossible and Brennan then aggressively challenging the civil service representatives with attempting to make the Executive Council act in an unconstitutional manner.[43] It is worth noting that the cabinet agreed to pay Boland a gratuity of £450 for his services to the Brennan commission, which suggests that the cabinet was not unhappy at his success in undermining a government pledge.[44] The IPCS soon recognised the futility of the effort and decided early in the proceedings to make no further statement to the commission.[45]

The Johnson committee proved as disappointing. Limited to the operation of the cost of living figure Johnson was convinced by the argument of the civil servants that the figure was based on a cost of living of a working class rather than a middle class family. However such a figure would not in fact alter the final result of the

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[42]NLI, Brennan papers, Ms.26,025-42; 26,279; 'Stephen Lalor, Policy-making in the Irish Civil Service: Propriety and practice', unpublished Ph.D. University of Dublin, Trinity College (1991) TCD.pp132-75

[43] Compare Boland 20 Jan. 1933 and Brunicardi 3 Mar. 1933 in NAI, Brennan Commission BC 2.

[44] NAI, Cab 1/5, 2 June 1933.

[45] IPCS (Ireland), council minutes, 23 Mar. 1933.

calculation, the general tendency to fall was simply confirmed via a different route. He recommended that a middle class figure might be usefully compiled as a reassurance to the civil service and that alcoholic drink ought to be added to the basket of goods used in reckoning the cost of living. The Department of Finance were relieved at these findings. The real weakness of the figure was that it was based on a countrywide computation that made no allowance for the very significant difference between Dublin and the rest of the country in, for instance, rent. The fear that Johnson might recommend a separate figure for Dublin from that of the rest of the country was not borne out. The department could delay on establishing the middle class cost of living figure in the expectation that the basic plus bonus salaries of the civil service would probably be consolidated into a single figure within ten years. Effort could now concentrate on ensuring that consolidation occurred at the lowest figure possible.[46]

The civil service associations did get their face-to-face meeting with the minister, but in circumstances they had not expected. A decision by the government to impose salary cuts created an unprecedented unity across the entire civil service, embracing even their former nemesis Boland. The Brennan and Johnson commissions took place against a background of further salary reductions. The withholding of the land annuities to Britain launched the 'Economic War' and threatened an immediate financial crisis. A cabinet committee recommended cuts in public service pay ranging from 2 per cent on a salary of £200 to a staggering 20 per cent on a salary of £1,500.[47] These cuts were not simply reductions in the bonus but cuts in the basic salaries, which had hitherto been sacrosanct. These cuts were not designed to deliver any

[46] NAI, department of finance establishment files, E 121/12/33.
[47] NAI, CAB 1/4, 5&7 May 1932.

substantial savings to the exchequer, nor could they.[48] Instead they should be seen as an implementation of the long-standing Fianna Fáil axiom of cheap government, frugal comfort and egalitarian poverty as the basis for the national economy. In the Dáil de Valera had threatened to 'cut off the top hats' and his belief that 'no man is worth more than £1000' was not dented by the experience of office. His first act as president of the executive was to reduce his own and his ministers salaries.[49] De Valera was a man who liked sacrifice. The cuts in public service pay which the Cumann na nGaedheal government had proposed as an economic measure were revived by Fianna Fáil but now as a social measure designed to effect a general levelling of incomes across Irish society.[50] All branches of the state service were to experience reductions in pay, all officers in state enterprises such as the ESB were to also have their salaries reduced, those civil servants protected by article 10 and the judiciary were to offer voluntary reductions.[51]

Not surprisingly the proposed cuts, contradicting as they did the whole tenor of the election campaign and the promise of the Brennan and Johnson inquiries, met with an implacable opposition from the civil service. Those opposed included the most senior departmental heads in the civil service who now found themselves on the receiving end of the rhetoric they had been delivering to their staff.[52] The national school teachers, the Gárda Síochána and the army all rejected the cuts and the chances of the judiciary volunteering to accept salary cuts were so remote as to be immediately discounted. The IPCS indicated that 'the view of this Institution is that the professional division of the service is already underpaid compared with those in outside employment and that it does not fall to this division to make any further

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[48] NAI, department of finance, E121/12/33.
[49] *Dáil Éireann debates*, vol 25, col 498, 13 July 1928; Irish Press 2 Feb. 1932.
[50] Fanning, *Department of Finance*, pp225-37.
[51] NAI, CAB 1/4 23&24 May 1932.
[52] Fanning, *Department of Finance*, p224-5.

sacrifice over and above that which it is called upon to make due to the increase in tax'.[53]

In June MacEntee indicated that to the civil service organisations that he would be available to the CSRC to discuss staff reaction to the cuts if the POWU, CSCA and the IPCS would rejoin the representative council.[54] The three organisations met to co-ordinate a response. The IPCS was very reluctant to re-enter a CSRC that they rejected as an inadequate forum but because the issue of cuts was one that affected the whole service and was therefore one on which a united cross service fight was possible the decision was made to re-join. The CSCA were tempted if only because the minister had raised no objection to Archie Heron being their delegate. The POWU, led by William Norton, was now the only civil service association that still refused to re-join the CSRC. But with Norton now in the Dáil and with Fianna Fáil needing the support of Labour, it may have seemed to the POWU that it had the better forum for negotiation.[55]

Predictably the minister was unable to attend, although the presence of McElligott in the chair did signal that the meeting was being treated seriously. Hughes, Heron and Brunicardi objected that they had returned to the CSRC and prepared statements on the assumption that the minister would be present to hear them. Despite the soothing promises of McElligott, Heron and the CSCA delegation immediately left the meeting but the IPCS delegation, whilst expressing their disappointment that the minister was not present, decided to stay. Hughes of the Federation led the attack on the proposed cuts. Sceptical of the assurances that the cuts would be for one year only, he underlined the inconsistency of the government initiating two inquiries into the pay and conditions of the civil service whilst

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[53] IPCS (Ireland) council minutes, 13 May 1932.
[54] Ibid., 3 June 1932; CSCA executive council minutes, 1 June 1932.
[55] ibid., June 1932. [In almost daily meetings the executive found it difficulty to co-ordinate a strategy].

prejudicing any conclusion they might reach by imposing a salary cut. Brunicardi dealt more briefly on the low rates of pay that the professional civil servants received when compared to those in private practice, pointing out that the only advantage that the state offered in return was certainty of income. With the government now proposing to cut salaries this single assurance was now worthless. What was perhaps surprising to the staff side representatives was the vehemence with which the official side agreed with them in attacking the cuts, although this was hardly unexpected as the official side was composed of the most senior and highly paid civil servants in the government departments. Henry O'Friel from the Department of Justice; who had refused to take an oath of allegiance to the crown in 1918 and had been an active Sinn Féin judge and leader in Dublin County Council, predicted that it would lead to a loss of the senior civil servants under article 10 retirements due to a worsening of conditions. Even Boland joined in the attack.[56] Boland was however still very nervous of the consequences of the minister meeting the staff side and that the CSCA, an 'aggressive' association, would succeed in its attempts to coerce the minister into future attendance.

At the next meeting of the CSRC the staff representatives finally got to meet the minister. With the minister in attendance the meeting had representatives of the full spectrum of the civil service associations, including Heron of the CSCA. The implication of the submission by the associations was there would not be a voluntary cut and an imposed cut would damage the public service and certainly lead to a large number of resignations under article 10. Again, despite the presence of the minister, the staff side senior civil servants (including Boland) weighed in with substantial reasons why the proposed cuts were unjust, unwise and would prove damaging in the

[56] CSRC, minutes of the twenty-eight meeting, 16 June 1932. (The minutes of the CSRC can be found at NAI, department of finance, establishment files E/107/12/25-6; and in various issues of Iris, the journal of the CSF.)

longer term. For his part MacEntee insisted that there would have to be some cuts, 'intensely distasteful' as they might be.[57]

Faced with a wall of resistance the government shelved the cuts and established another committee, essentially to gain time, charged with inquiring into 'the facts and circumstances regarding the pay of each of the services…with a view to definite recommendations being made to government as to what reductions could be made' to achieve a reduction of £250,000 in the current year.[58] The O'Connell 'Cuts' Committee as it became known included a cattle dealer and two farmers, as well as a chartered accountant, Donal O'Connor, and the chairman Philip O'Connell, director of the Agricultural Credit Corporation. The O'Connell committee failed to agree on the extent to which the civil service salaries ought to be cut. The farmer representatives recommended that the basic salary as well as bonus be cut. In fact they recommended that discontented civil servants be sent to spend 'some time in the beet fields of Leinster, the cow pastures of the Kerry hills or the turf banks of the Bog of Allen for £1 a week' to bring them to their senses.[59] The other members of the committee reported that the civil servants' basic salary was already so low that it should not be cut but that the variable bonus could bear a further cut. So far as the minister was concerned neither report was useful as neither recommended the level of cuts already signalled.

The civil service associations on the CSRC urged that the O'Connell committee should meet in public and hear oral testimony from the civil service.[60] When the 'cuts' committee invited written submissions from the associations it was decided not to bother. The associations also asked that the bonus cut due in January

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[57] Ibid., minutes of the twenty-ninth meeting, 21 June 1932.
[58] Quoted in Fanning, *Department of Finance*, p228.
[59] Ibid., p234.
[60] CSRC, minutes of thirty-first meeting, 30 Sept. 1932.

1933 should be postponed until the Johnson committee could make its report.[61] The government agreed that pending the report of the Johnson committee fifty per cent of the drop in bonus due to begin in January 1933 should be suspended on basic salaries below £2 per week.[62]

By then the Fianna Fáil government was coming under increasing pressure. The anger of the larger farmers hit by the Economic War allied with frustration within the Cumann na nGaedheal party, led to the creation of the Army Comrades Association or 'Blueshirts'. Street fights between the Blueshirts and released IRA men created a fear of social disintegration. The government's attempts to restore control of the budget were being frustrated by the civil service and teacher resistance. When William Norton, now a TD and leader of the Labour Party, warned in late December that his party would not support the public service pay cuts de Valera dissolved the Dáil during the Christmas recess. In the shortest possible election campaign, exploiting the disunity in the opposition, Fianna Fáil won a clear majority of one seat.[63]

The cabinet returned immediately to considering the cuts in public service pay. Despite the senior civil servants in the Department of Finance, Boland particularly, reminding the minister of the cuts already imposed on the civil service the cabinet decided to impose percentage cuts on all public service salaries above £320 per annum ranging from 1 per cent to 10 per cent, to last for one year only.[64] The bill to implement the cuts, the Public Services (Temporary Economies) Bill was brought before the Dáil on 24 March. Deductions from civil service salaries began to be applied from 1 April, before the bill had completed its passage into legislation. The

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[61] IPCS (Ireland), council minutes 28 Sept., 13 Oct., 12 Dec. 1932; NAI CAB 1/4 23 Dec. 1932.
[62] NAI department of finance establishment E121/12/33.
[63] Fanning, *Department of Finance*, p.237; Keogh, *Twentieth-Century Ireland*, pp75-7.
[64] Fanning, *Department of Finance*, pp237-9.

civil service associations co-ordinated a joint strategy of refusing to discuss or bargain, only offering an emphatic "no" to the Bill at the representative council, and insisting that it be brought to arbitration.[65] The IPCS invited the CSF and the CSCA to investigate the possibility of mounting a legal challenge to the cuts. Neither Heron nor Hughes however were interested in legal action, and the IPCS was not interested in any renewed public agitation. Probably Heron and Hughes were right. As Dickie, the legal opinion sought by the IPCS, reminded them civil service regulations gave the minister full authority to set pay and conditions for the civil service as he saw fit. In the absence of any other strategy the civil service associations all returned to pursuing the minister from within the CSRC whilst forwarding amendments to the Dáil and Seanad to weaken the Bill.[66]

In May the Johnson committee reported on the cost of living calculation, recommending, as we have seen, that a middle class budget more representative of the lifestyle of the civil service should be compiled. The CSRC seized upon this finding (although Boland already knew that it would have no effect on the final figure) and asked the minister to suspend the cut in the bonus due in June. Boland warned MacEntee that the civil service representative associations were trying to draw him into a situation in which, by constant delay and reductions in the cost of living cuts, the whole system of the bonus would be undermined and consolidation achieved at a higher rate than was correct or justified. The associations had already achieved a split in the cost of living cut in January 1933 when salaries below £2 enjoyed a lower rate of bonus reduction.[67] At the CSRC meeting the civil service staff side spoke briefly and to some effect on the uncertainty that the recent cuts; 1 January, 1 April and now impending on 1 July; were having on civil service morale and suggested that a delay

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[65] IPCS (Ireland), council minutes, 7 Apr. 1933; CSRC minutes of thirty-fifth meeting, 28 June 1933.
[66] IPCS (Ireland), council minutes, agm 10 Apr.; 17 & 24 May; 9 June 1933.
[67] NAI, department of finance establishment, E121/12/33

on imposing the July cut would go a long way to allay discontent. Despite Boland's memorandum MacEntee agreed to defer any further cuts for six weeks to allow the staff associations to consider the Johnson committee report. He did however firmly indicate that all discussions on civil service issues must remain within the CSRC and that the government had banned the public meetings that the Federation had planned to protest against the economies bill.[68]

It was at this point that Article 10 once again came to the rescue of the civil service. TOPA had been kept in being as the organisation to supply the staff side to the compensation committee. The right of civil servants to voluntary retirement had lapsed after seven years. But the right of civil servants to retire due to worsening of conditions had been retained in the 1929 Act. This form of discharge, equivalent to today's 'constructive dismissal' was rarely cited, the compensation board had decided only five cases since its original establishment. The compensation terms were the same as ordinary discharge and therefore better than voluntary retirement due to the change of government. In November 1933 TOPA successfully argued that in the case of Harry Lisney of the Valuation Office the cut in basic salary, not just the bonus, was a worsening of conditions. Under to the 1920 Act's eighth schedule Lisney, who was fifty years of age with thirty years of service, was entitled to an added ten years of actual service. Lisney, on receiving the courts judgement, which under the legislation was not contestable by either side, went immediately to his office and handed in his resignation. He went on to employ his skills as a valuer in establishing a very successful auctioneering and valuation business that continues to this day. The result of the Lisney judgement was an immediate rush of 132 applications of which 109 succeeded. Most of these were senior officers, forty-six of them from the Department

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[68] Ibid.; CAB 1/5 30 June, 7 July 1933; CSRC minutes 36th meeting 30 June 1933; IPCS council minutes 4 & 17 July 1933.

of Finance, which was the department to suffer the greatest loss of senior officers. Neither claimant nor state could contest the decisions of the compensation board. The final cost was an annual pension charge of £29,645 and a lump sum payment of £48,675.[69] The result of the government's determination to assert its authority over the civil service was a considerable addition to the pensions bill of the state.[70] The gains of the temporary economies were wiped out and the cuts were restored in the next year.[71]

When the Brennan Commission report failed to propose an arbitration scheme, and in fact raised doubts as to whether any arbitration scheme for the public service was constitutional, the CSF asked that the government call a special conference of the service representatives to finalise their own scheme of arbitration. The government replied suggesting that the Federation raise the Brennan report at the CSRC, ignoring the fact that Brennan had in fact no proposal for an arbitration board. The Federation then withdrew from the CSRC, leaving the IPCS as now the only substantial service association on the council.[72] Without any formal decision the government allowed the CSRC to decline by extending the time between meetings, or simply failing to hold or call any meetings.[73]

Article 10 had one last and rather shabby outing in 1938, in the aftermath of the passing of the new 1937 constitution. During the debate on the constitution the civil service associations had expressed their unease that their rights under the Treaty and under the Saorstát Éireann constitution would be abolished. This would mean that the only protection was that provided by the 1929 Transferred Officers

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[69] *Dáil Éireann debates*, vol.73, col 199-200, 2 Nov 1938, 'Questions'.
[70] NLI, ms.26,316, 'Brennan papers, 'retirements under article 10, 1922-1934'.
[71] ILHS, ms.10 TOPA/3, 'notes re Lisney case'; *Irish Independent*; *Irish Times*; *Irish Press*, 8 Nov. 1933.
[72] *Iris* vol.12, no.10 (October 1934); IPCS council minutes 5 Oct. 1934.
[73] Ibid., 24 Jan. 1935

(Compensation) Act. As this was legislative and not constitutional protection a government would be perfectly able to alter or abolish it.[74] Peter Hegarty, an assistant inspector of National Health Insurance, represented by TOPA, brought a claim to the compensation board on the basis that the constitution of Éire discharged him from the service of Saorstát Éireann and that he was entitled to compensation under his retained rights. At the hearing John A. Costello, representing Hegarty, argued that the constitution was a revolution in as much as it ended one state and initiated another. The government found itself having to argue, contrary to its rhetoric during the constitutional debate, that the constitution introduced no innovation and that Hegarty had the same employer before and after the passing of the constitution. On 17 August the board found that though Hegarty was not discharged by the National Health Insurance he was discharged by the government of Saorstát Éireann and therefore was entitled to his compensation claim.[75] There were still 6,000 transferred officers in the civil service immediately affected, but the judgement of the board could be read as implying that the entire civil service of Saorstát Éireann had been discharged and therefore might be entitled to compensation. The government immediately issued an official circular to all civil servants stating that the government would not pay compensation and would introduce legislation to remedy the situation.[76] The circular indicated that these measures would not affect any claim which was lodged before 29 June, six months after the coming into operation of the constitution. When the Dáil reassembled government moved the Public Services (Continuity of Service) Bill, 1938. Section 5 of the bill set 26 October 1938, and not 29 June, as the final date on which the board could have heard and determined compensation. Norton closely

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[74] Ibid., March 1937.
[75] ILHS, ms10, TOPA/3; Norton papers, 'correspondence 1938'; *Dáil Éireann debates*, vol.73, col 282-304, 2 Nov. 1938.
[76] NAI, department of finance, circular 19/38, 'notice to transferred officers'; ILHS, ms.10/TOPA/3.

questioned MacEntee as to how that date was arrived at and MacEntee was clearly uncomfortable and evasive. He was easily persuaded to amend the section in order to allow any claim be heard that was submitted before the introduction of the bill on the 31 October.[77] At the heart of this episode was the only other case that had been agreed as a consequence of the Hegarty decision; that of T.J. Hughes of the AEO and secretary of the CSF.

The decision to go to the courts in the Hegarty case was controversial within the civil service associations. The IPCS objected to TOPA undertaking what might prove a costly claim without fully consulting the membership, as had happened.[78] On the other hand the Cork engineering branch of the POWU was very enthusiastic after the successful hearing and urged Norton to use it to full effect in Dáil debates. The Cork branch was nearly moribund and it was hoped that the publicity would attract new members.[79] The British Whitley Council staff side offered to help TOPA in whatever way they could, suggesting it might bring up with the British government the question of the Treaty being unilaterally altered.[80] However the British government had already signalled to the Irish government that it had no interest in the issue.[81] TOPA was in fact quite in the dark on the Hegarty case. Although it had been usual for the executive of the association, made up of representatives of the CSF, POWU and IPCS, to be kept updated on the progress of cases the Hegarty hearings had been kept confidential. The compensation board held closed hearings in June and early August, which were unknown to TOPA. When, on the insistence of the IPCS, a meeting was held Hughes, who represented the CSF on the staff side of the compensation board, refused to attend or to divulge the likely result of the Hegarty

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[77] *Dáil Éireann debates*., vol.73, col 392, 9 Nov 1938.
[78] ILHS, ms.10/TOPA/3, 'IPCS, executive committee to Norton' 19 Jan 1938'.
[79] ILHS, Norton papers, J. Mahony to W.Norton, 28 Oct 1938.
[80] ILHS, ms10/TOPA/3, 'Simpson to TOPA' 6 Oct 1938.
[81] *Dáil Éireann debates*, vol. 73, col 284, 2 Nov 1938.

hearing. This was despite the momentous impact it would have on the transferred officers. It was when the reward was announced that the reason for Hughes's reticence became apparent. Hughes had made an application to the compensation board himself for permissive retirement terms. When the likely result of the Hegarty decision became apparent, with the permission of the board and the Minister for Finance, he withdrew his application for permissive retirement and re-applied for retirement on the same grounds as Hegarty, confident now that he would win. He had been a civil servant since 1913. He went out with twenty-five years service and ten years added, giving him a pension based on thirty-five years service plus a lump sum. It was clear a sordid bargain had been made. Hughes kept the rest of the civil service in the dark on the likely positive outcome of the hearing and in return was allowed resubmit his own application.[82] That is why there were only two civil servants who succeeded in getting the last judgements under article 10, Hegarty and Hughes. Hughes had in fact applied for and been appointed to the post of general secretary of the British Institution of Professional Civil Servants, worth £750-900 a year. He left the Irish service with a generous pension and moved to London to take up his new post. It ought to be recorded that he was not a success in the new post and his contract was terminated in 1943.[83]

Hughes, secretary of the AEO and of the CSF, was a central figure in civil service trade unionism since the establishment of the Free State and was clearly wearying of the struggle. In his evidence to the Brennan Commission he suggested strongly that it would be in the public interest, and not only that of his members, if the power of the Department of Finance over the civil service was transferred to another department of state such as Industry and Commerce. He also felt that the salary cuts

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[82] Ibid.;ILHS ms.10/TOPA/3, 'Hegarty case'.
[83] Mortimer & Ellis, *A Professional Union*, 99-100, 128.

being pursued by the Fianna Fail government had little to do with economics but had a lot to do with the view that it 'would be a desirable thing that people in this country generally should adopt a simpler standard of living'.[84] Hughes had decided that a more useful and less frugal future lay elsewhere. As secretary of the staff side of the CSRC he had overseen a decade and a half of siege warfare. The only significant ground gained by the civil service unions had been through the courts and not the representative council, using a weapon forged by the pre-independence organisation. It was perhaps appropriate that he should have been the last to wield it.

Although the civil service had to wait another generation for arbitration and conciliation and thus some control over the conditions, their status was changing as a more dynamic Fianna Fail replaced the passive Cumann na nGaedheal. In fact de Valera consistently defended the civil service against the demands from within the party and the IRA leadership for a purge of senior officials.[85] Under Fianna Fáil the role of the state was to actively redirect Irish society and the economy. This ideology of a strong state driving national development gave a central role to an expanding civil service.[86] The pace of activity in the departments accelerated and soon there were complaints that the civil service was failing to keep pace with the demands of policy initiatives.[87] The civil service found the channels of promotion that had been closed under the previous government, were being opened up. Departments were instructed not to block mobility and allow civil servants move to 'whatever posts their services are most likely to be of the highest value to the state'.[88] An unplanned consequence of the opening up of mobility was greater opportunity of promotion.

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[84] NAI, Brennan Commission, BC/1, 6 Feb. 1933, BC/3, 13 Apr. 1934.
[85] Thomas M. Feeney, 'Fianna Fáil and the civil service 1927-1937' MA 1999, UCD; MacMahon, *Republicans and Imperialists*, pp126-7.
[86] D.S. Johnson & Liam Kennedy, 'The two economies in Ireland in the twentieth century' in Hill (ed) *A New History of Ireland VII*, p467.
[87] Feeney, 'Fianna Fáil and the civil service', pp31-2.
[88] NAI, CAB 1/6, 17 Feb., 3 may 1935.

The Irish civil service had very few university graduates recruited directly into the higher administrative class, the equivalent of the former first division, and higher posts were generally filled by competitive exams in the lower executive grade. Civil servants of the clerical and executive classes crowded into the B.Comm at TCD, which was timetabled to cater for their working day. Thus the Irish civil service, apparently in an unplanned way, achieved the open path to the higher classes and grades that had been the ideal for the lower ranks and for the old Griffithite Sinn Féin.[89]

The number of civil servants rose under Fianna Fáil and opportunity opened up in the new state-owned companies in the areas of electricity generation, sugar beet, industrial alcohol, peat production, civil aviation and industrial credit where the leadership of these innovations in state-directed development was recruited primarily from the civil service. These new state-owned industries were essentially a re-invention of the unjustly despised boards of the old regime. This developmental leadership also brought the civil service back to a role that reflected its own view of itself. This new form of state power necessitated a new image of the civil servant; professional and technocratic, and the shedding of the old image of a colonial remnant. It also represented a re-connection with the traditions of the pre-independence era when the state viewed the civil service as an engine of social change, to be used to reshape Irish society and economy. In this, curiously enough, de Valera was the inheritor not only of Griffith but also of the Balfours.

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[89] Daly, 'The formation of an Irish nationalist elite?' p300-1.

Conclusion

The Civil service, the State and the Irish Revolution.

The historical development of the Irish state provides the point of departure for understanding continuity and change in the civil service and assessing its response to, and its place in, the process of revolutionary state-formation. The research has traced the steps toward Irish independent statehood, beginning with the 1886 home rule proposal, which introduced an uncertainty into the relationship between the state and the civil service. This uncertainty led to the first organisation of the Irish civil service as a single entity, made conscious of its 'apartness' within the United Kingdom and its essential unity as a colonial-like service. The Balfours' counter to home rule, constructive unionism or "killing home rule by kindness", in setting it the task of making the British state popular by transforming the Irish economy, transformed the civil service. It grew in absolute numbers at an exceptional rate and also became more professional and technical in its membership. The successes of the Irish civil service in the areas of land reform, regional development, local government and health services it has been argued, would have been hailed in another context. However these were small successes when stood alongside the failure to make the British state popular. Despite the fact that Castle government was a political rather than an administrative failure, opinion in Whitehall began to find agreement with the long-standing view of nationalists that saw the Castle government as itself the 'Irish

problem'. A consensus emerged on the necessity of administrative reform whilst disagreement continued on political reform.

The third home rule crisis and the emergence of proposals to partition the country, the outbreak of World War and then the 1916 Rising, were all state-transforming moments that deeply questioned the relationship between the civil service and the state in Ireland. Proposals for home rule with partition led to a sustained but low-key political campaign by a united civil service organisation that succeeded in transforming their sectional interests into legal rights. The 1916 Rising revealed the extent to which sections within the civil service had ceased to identify with the state, though it has been noted that the response of the state was surprisingly muted. Meanwhile the demands of world war created different influences within the civil service in Ireland. The marginality of Ireland to the war effort, the pressure on civil servants to enlist, the recrudescence of sectarianism in the higher reaches of the Castle that accompanied the growing power of the unionists in government; all served to further weaken the British state in Ireland.

1918-22 saw the final phase of the development of Irish statehood that involved the creation of two different Irish states through partitioning the former state, whilst a rival counter-state waged a war against it. It has been argued that the success of the revolutionary forces had more to do with the now chronic weakness of the British state in Ireland than with the actions of the IRA. The belief that the new state inherited a thoroughly modernised and reformed civil service, a belief that is based on a favourable assessment of Waterfield's reform of the Castle, has been refuted. Waterfield's attempt to fit the Irish civil service to the Whitehall mould created more turmoil than reform. More significant was the debate that was that taking place in cabinet between the die-hards who were prepared to overthrow civil government

completely in favour of military rule and those who clung on grimly to civil government, however imperfect. It was a close-run contest and Ireland might well have made the transition to self-government under a military regime. Self-government and democratic government were achieved at the same moment.

Even before home rule the Irish civil service had displayed a precocious ability to organise. It was also adept at cultivating political support to counter the dominance of the Treasury. Home rule transformed organisation, firstly by permitting cross-class and grade combination in a unified Irish civil service association, and secondly by tolerating intensive political lobbying by that association. This level of organisation and political activism would, in any other context, have been considered subversive of the state and been suppressed. The civil service used each opportunity presented by political division to protect its interests in advance of change. The objective was to ensure that any government that might emerge out of the struggle for control of the state would find it difficult and expensive to make significant unilateral alterations in the conditions of the civil service.

During the post-war period the Irish civil service got swept up in the wave of organisation mobilising the British civil service into trade unions. That meant importing into the relatively small Irish service the organisationally sophisticated structures of classes and grades of the very much bigger and more complex British service. Whilst the civil service organisation formed to secure rights under home rule treated the prospect of partition as an opportunity to bargain for further security, the leadership of the Irish civil service trade unions actively worked to prevent or at least subvert partition.

The newly independent state retained the hierarchical structures of the former power. Hierarchy was the simplest way to subordinate the inherited bureaucracy to

the new executive. However it has been argued that it was not the best nor the most appropriate relationship between the civil service and government of the newly independent state. The Cumann na nGaedheal government brought its key Department of Finance civil servants from Whitehall. These men brought into the Irish system the Whitehall attitude toward civil service trade unions. Still carrying the pre-independence nationalist contempt for the Castle bureaucracy, and acquiring the Whitehall view of the necessity of Treasury dictatorship in dealing with civil servants, the Cosgrave government failed to recognise the civil service as an agent of modernity.

The final transformation of the independent state was the accession to power in 1932 of Fianna Fáil. The party that formerly had denied the legitimacy of the state enacted a new constitution that re-established the same state as the expressed will of the Irish nation and not the British parliament. Under Fianna Fáil the civil service was reinvented as the state institution that transformed the political aspirations of the executive into economic and social outcomes. Put simply, if the state was to develop the nation then it had to turn to the civil service because there was no other institution of the state capable of such a task. The achievement of a self-sufficient and sovereign Ireland, which was the goal of the Fianna Fáil party, would be the achievement of the civil service and would integrate the civil service into the national revolution.

The question of the survival of the civil service in an era of revolutionary state change has been addressed. The executive, legislature, army and police force of the new state were all newly formed out of the revolutionary forces. The conventional view that saw more of restoration than revolution and that sought to detach the civil service from the revolution has been challenged. The revolution established a new kind of state and therefore required a new kind of civil service. Contrary to Brennan's

statement of anodyne continuity there was in fact a rapid purge of the personnel of the senior ranks, paralleled by an even greater exodus through voluntary retirements. New men were brought rapidly to the fore in a short-lived blossoming of promotions. The civil service was also reorganised into a centralised and hierarchical structure of departments under finance control and answerable to politicians. This was the sort of structure that the British reformers had tried and failed to achieve. Whether that model was appropriate for the new state was not considered by the new government.

There is no doubt that article 10 of the Treaty and its attendant enactments created constitutional rights out of the vested interests of civil servants, the question is did it operate to block desirable reforms? The answer is a conditional yes, with the *caveat* that the reforms pursued by Cumann na nGeadheal were not the reforms that were desirable. Instead of seizing the opportunity to create a civil service more suited to the revolutionary conditions (less hierarchical, more dynamic) the government attempted to create a cheaper version of the Whitehall model. This was not the sort of reform that the civil service anticipated or that the revolution had signalled, nor was it even desirable. The Irish civil service was confident of its ability to deliver on radical policies and was in fact characterised more by enthusiasm and ambition than by fear or hostility to the new state. An opportunity to engage in truly revolutionary state transformation was lost.

What did the civil service want from the revolution? The demand that was voiced was actually a modestly negative 'no worsening of conditions'. The difficulty with the Irish civil service under the old regime was the persistence of nepotism and sectarian recruitment patterns, a difficulty that persisted in Northern Ireland. The leadership of the Irish civil service associations had become thoroughly nationalist, mainly through the influence of competitive recruitment and the cultural movements.

For them the British model clearly embodied hierarchical and social principles that were anathema. The more complex the civil service structures, the more hierarchical they are. The Irish civil service was prepared to embrace a more simplified and therefore more egalitarian structure. Locked out of the process of decision-making the civil service adopted a *non possumus* attitude. The relationship between the state and the civil service became a matter not of negotiation but of constitutional law, fought out in the Wigg-Cochrane case that led to the first revision of the Treaty. However the hostility of the political classes to the civil service was purely reflexive and not the result of any coherent alternative vision, after all they had no difficulty steering their children into the civil service for careers and employment.

The ability of the state to conceive, plan and execute policies of social and economic transformation depended on the ability of politicians to shed the persistent view that the civil service was simply a legacy of British domination. Ireland had in fact a modern and appropriate civil service and the despised boards of the British regime, 'enough to make a coffin for Ireland', were effective agents of social and economic transformation. The Irish civil service could deliver a modernising Ireland, what it could not do was make British government popular. Nor could the civil service of the Free State deliver cheap administration. Cumann na nGaedheal's campaign to cut salaries and worsen conditions, running the state as if it were a corner shop, merely antagonised the civil service and drove a significant number to choose early retirement. However the Cumann na nGaedheal governments did resist party pressure to use the civil service as an instrument of political patronage and avoided party penetration of the state apparatus and the evil of cronyism that has infected many decolonised states. Fianna Fáil was the first government party able to re-imagine the civil service as an agent of state-driven change and so begin to re-invent,

through the semi-state corporations, the boards of the British state. Under the Fianna Fáil government, especially in the department of Industry and Commerce under Seán Lemass, the civil service was given the task in which the native entrepreneurial classes had failed, the development of the nation. This is perhaps best illustrated by the most significant plan for state-directed economic change in independent Ireland being popularly known for the civil servant who drafted it, T.K. Whitaker.

APPENDIX of TABLES.

Table 1: The Civil Service General Committee 1911 by Departments.

Table 2: The Civil Service General Committee 1911 by Grades.

Table 3: Irish civil service witnesses to the McDonnell commission on the civil service.

Table 4: General Committee of Irish Civil Servants. 1917.

Table 5: The Irish Provisional Joint Committee, July 1919.

Table 6: Dáil Ėireann Civil Service, January 1919-Jan 1922.

Table 1: The Civil Service General Committee 1911 by Departments

Department	Number of Officers	Number of delegates
Irish Land Commission	576	6
Department of Agriculture	1270	6
Local Government Board	262	5
National Education Office	221	4
Office of Public Works	650	3
Public Record Office	35	3
General Valuation Office	221	3
Stamps and Duties Office	72	3
Registry of Deeds	92	2
General Post Office	303	6
Intermediate Education Office	33	2
Congested Districts Board	199	3
General Prisons Board	31	2
Endowed Schools Commissioners	2	1
Registrar's General office	44	1
DMP Office	5	1
Teacher's Pension Office	6	1
Charitable Donations & Bequests	8	1
Stationary Office	16	1
Registry of Petty Sessions Clerks	16	1
RIC Office	23	1
Chief Secretary's Office	29	1
Paymaster General's Office	11	1
Estate Duty Office	38	1
Solicitor's Office Inland Revenue	20	1
DMP Court	12	1
Ordnance Survey Office	450	2
Associated Petty Sessions Clerks	405	2
Customs & Excise Federation	600	3
29 departments + C&E Federation	**Total Officers 5650**	**Total delegates 68**

Source: National Archives London, TS 18/235:Treasury solicitor's general series papers, civil service provisions under the Government of Ireland Act 1912

Table 2: The Civil Service General Committee 1911 by Grades

Professional	Higher grades	Second Division	Abstractors	Temporary Clerks	Lady Clerks	All Grades
M.F.Hogan Land Commission	J.T.Drennan Land Commission	R.Kent Land Commission	R.E.T.Richey Land Commission	H.S.Carney Land Commission	Miss Garahan GPO	E.W.Leach LGB
G.Y.Dixon Land Commission	Thos Butler DATI	P.J.Murray DATI	Thos.Condon DATI	A.E.Ashley DATI		J.J.Tucker PRO
T.W.Lyster DATI	A.R.Barlas LGB	S. Sloan DATI	J.J.Duffy LGB	W.McEvoy CDB		McDowell GPO (Sec's Dept)
E.Bourke LGB	D. Frizelle NEB	C.McCarthy LGB	W.T.Carroll NEB	L.Lamb Ordnance Survey		Dalton GPO (stores)
J.J.Murphy NEB	J.J. Healy Board of Works	J.M.Flood NEB	Mowlds GPO			Gibbs C&E Federation
W.G.Towers Board of Works	H. Wood PRO	J.J.Raftery Board of Works				O'Loghlen C&E Federation
C.J.Boland General Valuation Office	J.LFitzhenry General Valuation Office	Duggan PRO				Ashley C&E Federation
J.J.Farrell Inland Revenue	J. Simpson Inland Revenue	W.M.Steede General Valuation Office				S.A.O Fitzpatrick. Intermediate Education
R.C.B.Kerin Intermediate Education Office	M. Leonard Registry of Deeds	M.J.Brady Inland Revenue				S.Murphy Endowed Schools
H.R.Vereker CDB	Knowles GPO	Gill Registry of Deeds				P. McGuinness Registrar-General
	F.S Sheridan CDB	McCoy GPO				W.A.Magill DMP

	J.JRafter General Prisons Board	H.P.Bell General Prisons Board				J.Duncan Teacher's Pension Office
						A.Graves Charitable Donations & Bequests
						L.W.Hill Stationary Office
						H.P.Bell Registry of Petty Session Clerks
						W.J.Rundle RIC Office
						J.J.Taylor Chief Secretary's Office
						E.Fahy Paymaster General's Office
						A.Whewell Inland Revenue
						B.Collins Inland Revenue
						J.E.Dixon Police Court
						D.W.Mathews Ordnance Survey
						Casey Petty sessions Clerk
						Mahaffy Petty Sessions Clerk

Source: National Archives London, TS 18/235:*Treasury solicitor's general series papers, civil service provisions under the Government of Ireland Act 1912*

Table 3: Irish civil service witnesses to the MacDonnell commission on the civil service.

Local Government Board
Assistant clerks
John J. Duffy, Mr Andrew, Mr Walsh.
General Register's Office
Second division clerks
Patrick McGuinness
General Valuation and Survey Office
Second division clerks
T.W. Smith.
Assistant clerks
E.J. Sullivan
Valuers and surveyors
F. Oliver Lyons, George Warwick.
DATI
Second division clerks
Sam Sloan, Mr Quane, Mr Munro.
Temporary clerks
James Dowling
Board of Works
Assistant clerks
F.J. Donnellan, Mr Brennan, Mr Maloney.
National Education Board
Second division clerks
W.J. Cairns, J.M. Flood.
Assistant clerks
Mr Haydock, Mr Hearne, Mr McCarthy.
Irish Land Commission
Second division clerks
Mr Anstead, R. Kent, Mr Ball.
Assistant clerks
Mr Dempsey, Mr Duffy, Mr Gleeson.
Survey & Mapping Department staff
W.G. Parrott, Mr Parr.
Non-pensionable indoor officials
Mr Davison, Mr Brown, Mr Murphy, Mr Griffith.
CDB
Temporary clerks
Joseph Bracken
Irish Temporary Clerks Association.
G. Murphy (president), Messrs Duggan, Richardson, A.E. Ashley, Fleming, Somers, McCRaith, Myles.
Association of Post Office Women Clerks
Miss L.M. Cale.

Source: *Royal commission on the civil service second appendix to the fourth report of the commissioners, minutes of evidence 9 Jan. 1913-20 June 1913 with appendices* Parl. Papers 1914, XVI [Cd.7340] 363. (MacDonnell Commission).

Table 4: General Committee of Irish Civil Servants. 1917

Department	name of delegate
Land Commission	G.Y. Dixon J.T. Drennan R.E.T. Richey C.Whelan A.G. Lewis S.Wilson.
Dept of Agriculture	T.W.Lyster A.Kelly A.Attridge E.J.C.McEvoy J.Dowling S. Sloan
Local Government Board	A.R.Barlas J.W. Drury C.McCarthy W. O'B Reidy
National Education Office	W.H.Welply W.Bright W.G. Mulvin M.N. McCaffrey
Board of Works	T.M.Batchen J.J.Healy F.Kane
Public Record Office	Herbert Wood H.O.Campbell J.J. Tucker
Valuation Office	C.J. Boland R.J. Mortished R.F. Murphy
Stamps and Taxes	W. Abbott M.J. Brady T.O'Beirne
Registry of Deeds	Mark Leonard Henry Gill
Intermediate Education Office	R.C.B. Kerin S.A.O. Fitzpatrick
Congested Districts Office	H.R.Vereker F.S. Sheridan C.Glass
General Prisons Board	J.J. Rafter H.P Bell
Endowed Schools Commission	S.Murphy
Registrar-General's Office	P.McGuinness
DMP Office	W.A. McGill
National Teacher's Pensions	S.Clein
Charitable Donations & Bequests	Thomas Bodkin
Stationary Office	W.G. Smyth
Registrar of Petty Sessions Clerks Office	Andrew Bell
RIC Office	W.J. Rundle
Chief Secretary's Office	W.P. Henry
Paymaster—General's Office	E.Fahy
Reformatories & Industrial Schools	R.Clarke
Estate Duties Office	P.F. Sheehan
Solicitor's Office Inland Revenue	B.Collins
DMP Courts Office	P.J. Troddyn
Ordnance Survey Office	A.J. Byrd H.D. Whyte
GPO Secretary's Office	P.J. Keawell
GPO Accountants office	T.Delany H.J. Knowles C.J. Elliott Miss E.E. Harris
GPO stores	J.H. Reeves
GPO Telegraph Office	E.F.Sweeney B.C. Bergin
GPO Telephone Dept.	T.J. Early Miss B.M. Brennan
National Health Insurance	J.Houlihan P.Dempsey M.J. Gallagher Miss M.T. Finlay
Dept of National Service	J.J. White
Ministry of Munitions	H.Mulvaney

Department	Name of Delegate
Wages Board	R.J. Purcell
Ministry of Labour	Miss B. Stafford J.J. Keane J.J. O'Sullivan
Petty Sessions Clerks Assoc	W.Mehaffy
Women Clerks Assoc.	Miss T. McCollum Miss M.A. Dunne
Second Division Clerks Assoc.	R.F. Russell D.O'Sullivan R.J. Twohig
Assistant Clerks Assoc.	F.J. Donnellan J.T. Kelly J. Fitzpatrick
Irish PO Clerks Assoc.	J. McManus J.T. Cleary R.D. Hogan
Postmen's Federation	C.P. Kelly M.T. Lally E.W. Mahon
Postal Inspectors Assoc.	C.G. Panton
CDB Clerks Assoc.	J.O'Loghlin
Staff Officers Assoc.	C.J. Murphy T.A. Murphy J.E. Highton
PO Clerical Assistants Assoc. &Third Class Clerks	W.Rankin D.A. O'Loghlin C.G. Sutcliffe
Four Courts Officers	E.P. O'Toole
Tax Clerks Assoc.	P.F. Walls A.Power
Tax Surveyors Assoc.	R.F. Browne
Labour Exchange Managers Assoc.	J.P. Keady
Assoc. Unemployment Insurance Clerks	James Henderson John Dunne
PO Amalgamated Engineering & Stores Assoc.	W.C. Connolly
Surveyors (GPO) Clerks Assoc.	P. McMenamin
Telephone Supervising Officers Assoc.	A.G. Hawthorne
PO Engineering Society	A.E. Dawson

Source: *'Statement by the General Committee of Irish Civil Servants as to their position in view of further legislation affecting the Government of Ireland.*

Table 5: The Irish Provisional Joint Whitley Committee, July 1919.

Official Side Irish Provisional Joint Whitley Committee.

Gordon Campbell	Ministry of Labour
S.G.Forsythe	General Post Office
T.P.Gill	Dept Agriculture & Technical Instruction
Maurice Headlam	Treasury Remembrancer
Gerald Horan	Law Courts
James MacMahon	Under-Secretary for Ireland
Sir Henry Robinson	Local Government Board
Patrick Ryan	Ministry of Labour
J.Simpson (replaced by S.E.Minnis)	Inland Revenue
Sir George Stevenson	Board of Public Works
Frederick Wrench	Irish Land Commission.

Staff Side Irish Provisional Joint Committee.

J.Dowling	Association of Unestablished Civil Servants
Miss M.A.Dunne	Federation of Women Clerks
John Dunne	Ministry of Labour Employment Department Clerks' Association
Michael. J. Gallagher	Assistant Clerks' Association
E.W.Mahon	Union of Post Office Workers
Ronald.J.P. Mortished	Irish Civil Service Union
W.Gerald Mulvin	Irish Civil Service Alliance
Thomas.A. Murphy	Staff Clerks' Association
W.Nally	Association of Irish Post Office Clerks
P.A. Rodgers	Customs and Excise Federation
Sam. Sloan	Dublin Second Division Clerks' Association.

Table 6: Dáil Éireann Civil Service, January 1919-Jan 1922.	**[214 Total]**
Dáil Éireann secretariat	
Byrne, P.	
Harling, Seán.	
Hogan, Mary	
O'Hegarty, Diarmuid.	
Price, Eamon.	
Ryan, Mollie.	
Department of Finance	
Brennan, miss L.	
Farrelly, R.	
Fleming, Eamon.	
Hoey, Michael.	
Keavey, Sean.	
Kinnane, Sean.	
Lawless, Eileen	
Lynch, Michael.	
Lyons, Alice.	
Lyons, Miss E.	
Mason, Jenny. (Later married Tom Derrig)	
Mason, M. Miss.	
McCluskey, Mrs.	
McCluskey, Seán	
McGrath, George. (Accounting Officer)	
McGrath, Seán.(Banc ar siúil).	
Murphy, Fintan	
O'Donoghue, David. [O'Donnchadha, Daithi]	
O'Donovan, Dan.	
Ó'Mara, miss N.	
O'Reilly, J.K.	
O'Toole, Kate.	
Sheehan, Patrick.	
Slattery, Joe.	
Staines, miss M.	
Thunder, Frank.	
Toal, Miss.	
Tobin, miss S.	
Wheatley, Thomas.	
Department of Publicity	
Gallagher, Frank.	
Kelly, Annie. (née Fitzsimons.)	
Madden, P.	
Napoli-McKenna, Cathleen.	

Department of Foreign Affairs
Austin, miss.
Bolger, J.
Bhriain, Maire ni.
Carty, J.
Dunnes, J.
Grattan Esmonde, T
Homan, G.
McGilligan, K.
McWhite, M.
Murphy, J.
Moore, Wilfred.
Murphy, miss S.
Nolan, P.
O'Brien, Art.
O'Byrne, Count.
O'Byrne, miss E.
O'Donovan C.
O'Reilly, Count G.
Power, miss N.
Walsh, J.P.
Department of Defence
Doyle, M.
Kennedy, miss K.
O'Dwyer, miss K.
Sheppard, Kevin.
Sloan, miss.
Department of Agriculture [Land Resettlement Commission]
Byrne, J.
Collins, John.
Flanaghan, Matthew
Geoghegan, Bernard.
Gould, Sean.
Heavey, M.J.
Maguire, Conor.
O'Broin, Leon
O'Broin, Sean
O'Connor, N.
O'Sheil, Kevin.
Quinn, Leo.
Shaughnessy, miss.
Department of education [Irish language]
Davitt, miss.
Joyce, J.
O'Shea, T.
Sugrue, J.
Sugrue, M.
Department of Fisheries.

King, R.F.
Department of Local Government
Office Staff:
Archer, miss E
Bevan, Kathleen.
Carraghamhna, maire ni.
Carron, Mary.
Cearnaigh, Eilis ni.
Chonghaile, Eilis ni
Clancy, Miss.
Clare, William.
Connolly, Elis.
Crosby, Kathleen.
Dowling, Kathleen.
Giles, miss A.
Kavanagh, Seumas.
Kearney, Elis.
Kearney, Miss.
Kelly, D.L.
Kelly, Frank
Kenny, Denis.
Kenny, miss.C.
McArdle, Thomas J.
McCann, Tom.
McCarthy, Daniel
McLoughlin, miss Mary.
Meghen, P.J.
Merriman, Edward.
Moore, Andrew.
Murray, miss M.
Neligan, Miss.
O,Mahony, Taghd.
O'Brien, peader.
O'Farrell, Seán.
O'Flanaghan, miss L.
O'Flynn, Myra.
O'Grady, Miss.
O'Hegarty, Énie.
O'Kavanagh, J.
O'Reilly miss B.
O'Reilly P.
O'Reilly, miss M.
O'Shannon, Maire.
Parker, Augustus.
Redden, K. Miss
Robbins, Lorcan.
Saunders, Seán
Shannon, Maire C.

Shortall, William.
Skinnider, Miss.
Inspectors.
Barrett, Boyd. Dr.
Conkling, P.
Connaughton, Daniel.
Coogan, Eamon.
Crofts, Mrs.
De Lacy, Michael.
De Staic, Seán.
Dunne, Thomas.
Dwyer, W. Dr.
Geraghty, James.
Gleeson, S.
Hernon, Patrick J.
Lister, miss E.
McGrath, Seán.
McGuinness, Mr.
McLysaght, Seamus.
Meagher, Francis G.
Moynihan, Simon J.
O Muchadha, Seamus.
O'Carroll, Eamon.
O'Donovan, David. J.
O'Dwyer, Nicholas. B.E.
O'Kelly, D.L. Dr.
O'Kelly, Patrick.
O'Loughlin, Mr G.
O'Rourke, Patrick.
O'Sullivan, Miss.
Raftery, Patrick.
Ryan, Michael. B.E.
Auditors:
Barnard, Frank.
Barry, John.
Brady, Beatrice.
Browner, Anna.
Browner, May.
Crowe, Luke.
Foley, Edward H.
Healy, J.J.
McGinley, Eamon.
Moran, Seán.
O'Farrell, Una.
O'Keeffe, David.
Stocktakers:
Keegan, E.
O'Leary, S.

Registry Office.
Killeen, Maurice.
Merriman, Ned.
Department of Labour
Cotter, Dick.
Mee, J.(ex-RIC)
Riain, Eilis Ní.
Directory of Trade and Commerce.
Byrne, miss M.B.
Chartres, John.
de Paor, miss.
Dillon, J.
Figgis, Darrell.
O'Donovan, Colman.
Wrafter, miss M.J.
Department of Home Affairs.
Browne, Daniel J.
Clifford, Madge.
Connolly, miss Bridget.
Crilly, miss Edith.
Crump, P.J.
Davitt, Judge Cahir,
Kelly, P.
MacNicholls, George.
Markey, M.H.
McKeown, Owen.
Meredith, Judge James Creed.
Murphy, T.
Nunan, D.
O'Toole, Sean.
Couriers.
President's Office
Harling, Seán.
Dáil Éireann secretariat.
Burke, Alec.
Saunders, Liam.
Department of Finance
Conlon, Bob
O'Reilly, Joe.
Department of Home Affairs
Jordan, Joe.
Murphy, M.
Department of Agriculture
Byrne, P.
Caffrey, Seán.
Directory of Trade and Commerce
O'Connor, Jimmie.
Department of Labour
Markey, Mick.

Department of Defence
Craig, Leo.
Department of Local Government
O'Mara, Paddy.
O'Neill, Martin.
Department of Education and Fine Arts.
Redmond, Seamus.
GHQ STAFF, IRA
O'Hanrahan, Paddy.

Source: NAI, bureau of military history witness statements, 501 T.J. McArdle, 817 Seán Saunders, 375 Diarmuid O'Sullivan, 1728 Nicolas O Nuaillain, 643 Cathleen Napoli-McKenna, 1725 Padraig O'Keeffe, 512 Seán McCluskey, 548 Daithi O'Donoghue, 889 James Kavanagh, 1050 Vera McDonnell, 683 Hugh Hehir, 460 Joseph Thunder, 680 Nicolas O'Dwyer; DE 5/72; "Early E files" E1/8, E40/1, E43/8, E50/47, E50/11, E86/116(ii) & 118, E108/1, E108/4/24, E117/2, E137/10, E231/9; establishment files, E115/50/33.

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