

Where is the Government getting their sovereignty from to hold a Parliament in the 31st Dail Eireann.

Chronology.

SAORSTAT EIREANN

Editor.

IRISH FREE STATE

Bulmer Hob.

OFFICIAL HANDBOOK

1916. Proclamation

1916. Provisional Government

1918. 32 County election from G.H.Q. Vaughan's Hotel, that established the sovereignty of the 32 Counties & the democratically elected T.D.s to Dail Eireann on the 21st - 1919. in the Mansion House Dublin 21st - 1919. The Sovereign Government of the Sovereign Republic of Eire and the 32 Counties, as defined in the 1916 Proclamation

1922. The Freestate Provisional Government

DUBLIN. PUBLISHED BY

THE TALBOT PRESS, 1932 ??? 89 years???

N.B. Provisional = Temporary.

..... = Conditional.

"Cause of Conflict"

M.G.



INTRODUCTION



HIS book has been written under the general direction of a committee appointed by the Minister for Industry and Commerce. Its aim is to give an account of the Irish Free State as it is to-day, and to give also the necessary historical background without which an understanding of modern Ireland would not be possible.

11. B

The conflict between successive English governments and the Irish people, which lasted for seven and a half centuries, has left its impress on every feature of Irish life and looms large in Irish consciousness.

Conditions in Ireland to-day are the legacy of that long struggle.

The Treaty of 1921 and the establishment of Saorstát Eireann marked the opening of a new epoch. For the first time since the Middle Ages the needs and wishes of the Irish people now shape the policy of an Irish government. We in our day have seen what generations of our people hoped in vain to see—the victorious outcome of the struggle for national independence. A native government, member of the European comity of nations, now rules where a foreign oligarchy had its stronghold, and the longest and most evil chapter in Irish history has been closed.

Ten years ago the Provisional Government assumed control of a country reduced by war and misgovernment to a state bordering on

Illustrations—I. St. Doulough's Church, Co. Dublin, a fourteenth century stone roofed Church still in use. II. Dolmen at Mullinavat, Co. Kilkenny. From drawings by Sean O'Sullivan, R.H.A.

peoples, but to a sovereignty over a separate kingdom. The evolution of constitutional monarchy in Great Britain had an important effect on the position of the Crown in Ireland. It was not until that evolution had reached a point where monarchy was not incompatible with the sovereignty of the Irish people that it was accepted.

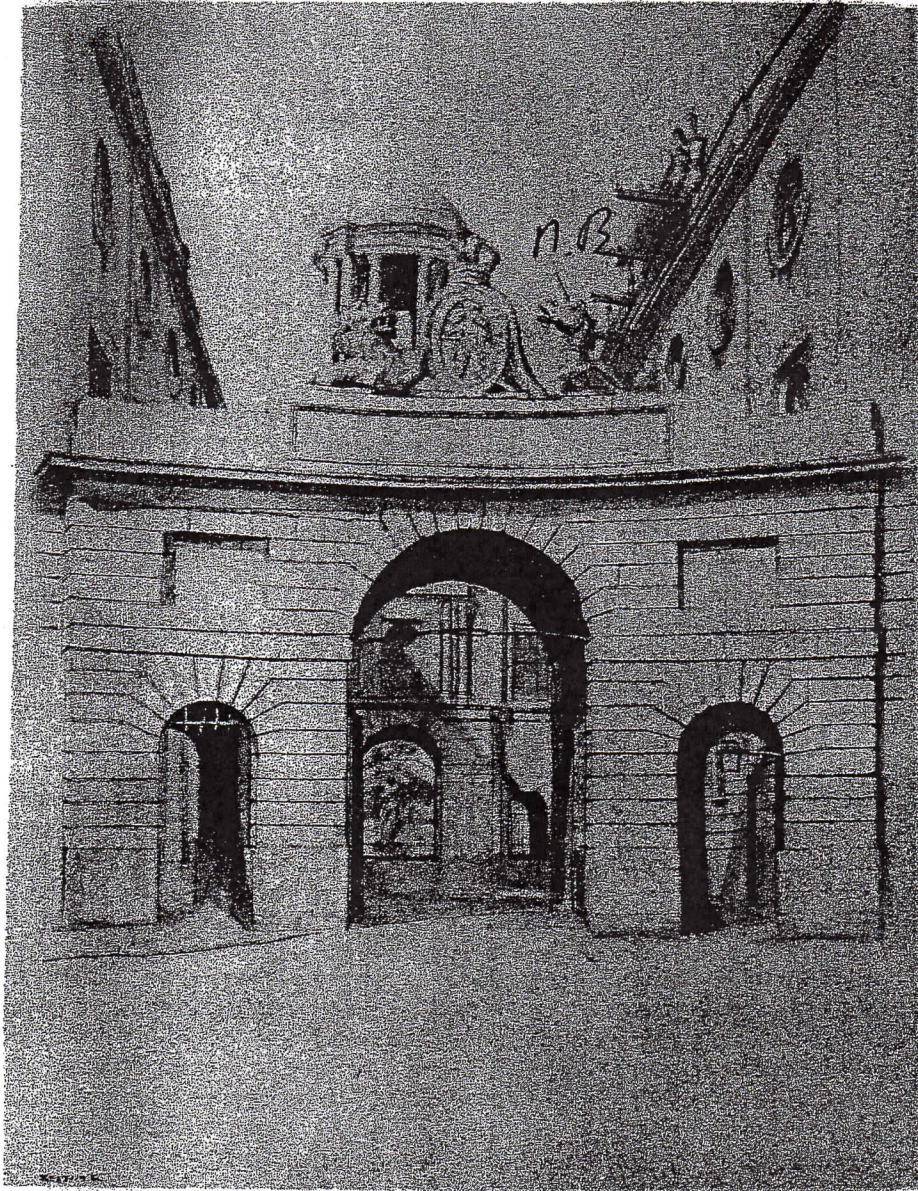
The people of Ireland possessed national consciousness, and claimed the right to free institutions which would give that consciousness normal expression. Ireland had experienced waves of colonisation from Great Britain. The colonists did not found a new country, but suffered absorption in varying degrees by the country to which they had come. In so far as that process of absorption was incomplete at the time the Constitution was established, Ireland has suffered from a typical minority problem which has prevented the unification of the country. For such a problem there is no magic remedy. It must yield in time to the process of natural growth which does not take account of unnatural boundaries.

It may be said that the setting up of the Constitution represents the victory of a political party. While this is true, the members of the party whose victory is represented by the establishment of the Irish Free State were fighting a national issue. For this very reason the party contained among its ranks persons who under normal political conditions, voting on domestic affairs, would have found themselves in opposing camps. The effort of that party to act as trustees for the nation is reflected in the terms of the draft Constitution which it laid before the constituent assembly.

The Truce, which put an end to the armed conflict with the forces of the British Crown, began in July, 1921. The Treaty, which resulted from the subsequent negotiations, was concluded on the 6th December of the same year. It was signed by the Irish leaders and representatives of the British Government as laying down the principles of constitutional evolution in Ireland, which would receive full recognition in Great Britain. The agreement, from one point of view, came too late. Revolutionary activities had gone so far as to prevent unanimous acceptance by the Sinn Féin party. This resulted in the establishment of the Constitution at a time of upheaval instead of one of national rejoicing. Despite this fact its establishment laid the foundation of national development and of a new understanding between Ireland and Great Britain.

n.B. The Treaty provided for the setting up in Ireland of a Provisional Government, the first duty of which was to submit the Treaty for ratification to Dail Eireann. The Treaty was accepted by the Dail early in January, 1922. The British authorities handed over control to the Provisional Government, and in the same month the Committee was established which drafted the Irish Constitution. *n.B.*

General Michael Collins was Chairman of the Constitution Committee, and though through pressure of business he was compelled to delegate the work of conducting its meetings to a deputy, Mr. Darrell Figgis, he, with President Arthur Griffith, attended at its early meetings and outlined the nature of the draft which the Provisional Government required for submission to the constituent assembly.



N.B.

THE KING'S INNS, DUBLIN. FROM
A DRAWING BY JOHN KEATING,
R.H.A.

review is to refer to some of its principal provisions, in order to illustrate its general tendencies and the opportunities which it affords for national political growth.

The first Article of the Constitution declares that the Irish Free State is a co-equal member of the community of Nations forming the British Commonwealth of Nations.

The adoption of this Article and its acceptance by the British Legislature was an epoch-making event. It involved a complete recognition of a fact which had gradually become tacitly assumed, namely, the emergence of one-time British Possessions as fully recognised States. It further meant that the Irish people recognised in the political evolution of those States a system of constitutional practice which provides a sufficient guarantee of political liberty. It was the first statutory provision which declared the co-equality of members of the British Commonwealth and the consequent equation of the powers of the members (other than the United Kingdom) of the Commonwealth with those of the United Kingdom itself.

In taking her place among the Nations of the British Commonwealth Ireland received recognition as a sovereign State, with the consequent right to full legislative independence at home, and abroad to diplomatic representation and to membership of the League of Nations. The first necessary provision of the Constitution following on this recognition was the establishing of a legislature. It is called the Oireachtas, and consists of the King, Dail Eireann and Seanad Eireann, and by Article 12 of the Constitution "The sole and exclusive power of making laws for the peace order and good government of the Irish Free State is vested in the Oireachtas."

The Governor-General of the Irish Free State can exercise none of his functions save on the advice of the Executive Council. Under this practice his signature to Acts passed by the Legislature has become automatic. The Governor-General now symbolises the State, and his signature appended to a Statute has become the official mark that a Bill passed by the Legislature has become the law of the country and binding on all citizens equally.

Dail Eireann, or the Chamber of Deputies, is elected by universal franchise and on a system of proportional representation. Under the Constitution, as originally passed, it was elected for a maximum period of four years, which has been extended to six years by constitutional amendment. The Dail is now under ordinary legislation elected for five years and may be dissolved at any time on the advice of an Executive Council which retains the confidence of the House, but not otherwise. The procedure of the Dail is governed by Standing Orders, which it is empowered by the Constitution to adopt.

The Senate was established by the Constitution as the Second Chamber of the Legislature. The members hold office for a term of years and retire in rotation. The Constitution provides that the Senate shall be recruited from those whose experience in public life or special attainments qualify them for membership. Members of the Senate were at first elected on a popular franchise, limited to persons having reached thirty years of age, with the whole State as one

N.B.

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THE JUDICIARY



A.B.

It is provided by the Constitution that justice shall be administered in public Courts established by the legislature, and that they shall comprise both Courts of first instance and a Court of final appeal, to be called the Supreme Court. Article 65 of the Constitution assigns to the High Court exclusive original jurisdiction in matters affecting the validity of any law. By Article 66 the Supreme Court is to exercise appellate jurisdiction from decisions of the High Court. The Article provides that the decisions of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed

or capable of being reviewed by any other Court, tribunal or authority whatsoever. To this Article is appended a provision to the effect that nothing in the Constitution shall impair the right of any person to petition for special leave to appeal to the Privy Council.

As independent national consciousness has developed in each of the several States of the British Commonwealth, there has been a growing feeling that the practice of appealing to the Privy Council is an

Illustrations:—I, The Four Courts, Dublin. II, Ornament over Gateway at Four Courts, from Lino cuts by Harry Walsh.

anachronism. There is a consequent tendency for the usage to fall into disfavour, and for the courts exercising appellate jurisdiction in the various Commonwealth States to receive recognition as courts of final appeal.

N.B. Under Article 68 of the Constitution the Judges are appointed by the representative of the Crown on the advice of the Executive Council. The Judges of the Supreme Court and of the High Court are not to be removed except for stated misbehaviour or incapacity, and then only by resolutions passed both by Dáil Eireann and Seanad Eireann. By the next Article the Judges are declared independent in the exercise of their functions, and not eligible to sit as members of the Oireachtas or to hold any other office or position of profit.

The Constitution provides for trial by jury of persons charged with any but minor offences.

By the Courts of Justice Act, 1924, the legislature performed the duty assigned to it by the Constitution. This Act established the Supreme Court, the High Court, the Court of Criminal Appeal, the Central Criminal Court, the Circuit Court, and the District Court, and assigned to them their various functions. It provided that in civil cases a majority of nine out of twelve jurymen should determine the verdict of the jury.

The judicial system as established in 1924 has proved itself well suited to the needs of the country. It has remained unchanged in general structure, but certain adjustments have been made by amending Acts which, with the Act of 1924, are collectively known as the Courts of Justice Acts, 1924 to 1931.

The Supreme Court was established with the appellate jurisdiction prescribed by the Constitution, and there was transferred to it whatever jurisdiction had existed in the Court of Appeal under the former administration. The Chief Justice is the President of the Supreme Court. To him were transferred all jurisdiction in lunacy and minor matters and jurisdiction in relation to Solicitors, Notaries Public and Commissioners for Oaths.

The High Court consists of the President and not more than five other Judges. It was established as a superior Court of record, with such original jurisdiction as is prescribed by the Constitution, and to it was transferred the jurisdiction exercised by the High Court under the former administration.

The Central Criminal Court is constituted by assigning the duty of acting as such Court to one of the Judges of the High Court. A Judge of the High Court is also assigned to discharge the duties of the Land Judge and of the Judicial Commissioner of the Irish Land Commission.

The Court of Criminal Appeal is constituted by the Chief Justice requesting any two Judges of the High Court to sit with him or with one of the Judges of the Supreme Court. The Court of Criminal Appeal has jurisdiction to hear appeals from convictions before the Central Criminal Court and from the Circuit Court. The decisions of the Court of Criminal Appeal are in accordance with the opinion of the majority of members present, and are delivered by the President of the Court. The Court of Criminal Appeal has jurisdiction to affirm or

BUNREACT NA hÉIREANN
CONSTITUTION OF IRELAND

N.B. BUNREACT NA hÉIREANN

N.B. *In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred,*

N.B. *We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,*

Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation,

N.B. THE STATE

ARTICLE 4

N.B. The name of the State is *Éire*, or, in the English language, *Ireland*.

ARTICLE 5

N.B. Ireland is a sovereign, independent, democratic state.

N.B. Which is the foundation document of The State?
The 1916 Proclamation ???
OR
The 1922 Oireachtas ??? Mc.G.

Set March 26, 2011

Dev letter recalls tea after gunrunning

ROINN AN TAOISEACH
 DEPARTMENT OF THE TAOISEACH

BAILLE ATHA CLIATH
 DUBLIN

27ú Márta, 1947.

A Chara,

Some time ago I learned with regret that your mother, who made tea for us on the evening of the Howth Gun-running, had died - go ndéana Dia brócaire airthi. I offer you my sincere sympathy in your loss. Had I learned of her death in time I would have endeavoured to be present at the funeral.

I had often intended to drop in to see her when passing by, but I was usually in a hurry and each time put it off until the next. I am very sorry now that I did not call to tell her how much I appreciated her kindness on that evening, now almost a third of a century ago.

Mise, le meas,
 Eamon De Valera

Mrs. D. Collins,
 Brookville,
 Santry,
 COUNTY DUBLIN

AN INTENSELY personal letter on official Department of the Taoiseach headed notepaper, signed by the incumbent, Eamon de Valera, is to be sold at auction next Sunday, April 2nd.

The typewritten letter, dated 27th March, 1947 was sent to a Mrs D Collins at Brookville, Santry, Co Dublin to express condolences on the death of her mother.

Mr. de Valera recalls that the woman "made tea for us on the evening of the Howth Gun-running" in 1914. He expresses regret that he had not called to see her "to

Eamon De Valera's letter remembers a woman's kindness on the night of the Howth gunrunning

tell her how much I appreciated her kindness on that evening, almost a third of a century ago".

The Taoiseach explains that to the daughter that he "had often intended to drop in to see her [the mother] when passing by, but I was usually in a hurry and each time I put it off until the next".

Auctioneer Drum's of Malahide has estimated the letter at €500-€1,000. The letter is being sold by heirs to the late Mrs Collins.

De Valera was a member of the Irish Volunteers who smuggled in a shipment of arms to Howth from Germany on board the yacht, The Asgard. The guns were subsequently used in the 1916 Rising.

It is Mandatory for the Sovereign Seal of Dáil Eikeasnn A.D. 12 strings (Psaltery) and Eike to be on all government documents, to make them legal, valid and Bona Fide. Eike denotes the 32 County election from G.H.Q. Vaughans Hotel Dublin in 1918. that established the Sovereignty of the 32 Counties and the Democratically Elected T.D.'s to Dáil Eikeasnn on the 21-1-1919 in the Mansion House Dublin N.P.