

## **Criminal libel, censorship and contempt of court: D.C. Boyd's editorship of the *Waterford Standard***

**Anthony Keating**

David Culbert (D.C.) Boyd was, for much of his career, the editor-proprietor of the now defunct *Waterford Standard* newspaper.<sup>1</sup> Initially it would seem unlikely that there was anything to distinguish the *Waterford Standard* or its editor from numerous other local newspapers published in Ireland in the twentieth century. Indeed, until recently the historical record bore scant or any reference to the newspaper or Boyd. However, as is so often the case, first impressions belie a history that places the *Waterford Standard* and its editor at the centre of the history of Irish censorship and the struggle for Irish journalistic freedom in the first decades of the state's formation.<sup>2</sup>

Boyd was born into a Protestant unionist family in Dundonald, Co. Down on 8 August 1893, the first of ten children. His mother, Mary Charlotte Cather, was only 16 when she married his father, John Woods Boyd and the couple had ten children in quick succession; something that had a profound effect on the physical and mental health of Mary Charlotte. As a result of his mother's poor health, D.C. Boyd was sent to live with his paternal grandparents, Hannah Woods Boyd, described as being of 'dissenting stock' and his grandfather, David Boyd. Boyd's grandfather had originally been apprenticed to a solicitor; however, following an evangelical meeting in Belfast he dedicated his life to distributing bibles and spreading the word of God. The move to his grandparent's home resulted in Boyd becoming estranged from his parents. His daughter, Renee Boyd, recorded that her father 'grew up feeling he had been rejected by his parents and unloved by his mother'.<sup>3</sup> As a result of his earlier experiences Boyd had a propensity to be emotionally distant, fearlessly independent and very much his own man. Although highly sociable and popular he could be, as many passionate people are, difficult.

Boyd embarked on a career in journalism in 1908 as a junior reporter with the *County Down Spectator*. His career choice may have been influenced by his uncle, Robert H.C. Boyd, a staff journalist with the *Belfast Telegraph*. Shortly after joining the *County Down Spectator* Boyd met Seán Lester, a man who he was to describe as his 'journalistic and political mentor' and with whom he was to remain a lifelong friend. Lester subsequently went on to convince Boyd of the necessity of Irish independence. Additionally, during this period, Boyd became friendly with Ernest Blythe, a close friend of Lester. Writing to Boyd's widow in 1966 Blythe mused: 'I very often think of him [Boyd], because he and Seán Lester had great effect on the course of my life and were responsible for my entry into politics'.<sup>4</sup> Boyd, Lester and Blythe, all became active members of the Irish Republican Brotherhood (IRB) in Belfast. During this period Boyd came under the influence of James Connelly and established life-long friendships with, amongst others, Constance Markievicz, Bulmer Hobson, Archie Heron, Ina

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<sup>1</sup> The newspaper closed in 1953.

<sup>2</sup> I am grateful to D.C. Boyd's granddaughters, Beatrice McKeown and Avril Bonham, for providing me with extracts from their aunt's memoir and other materials. I am also indebted to Ian Paul, a close family friend of the late David Boyd Jnr, for the provision of invaluable source material. Leslie Matson provided me with a copy of Ernest Blyth's letter to Mrs Jo Boyd and John Cloono of the Waterford Trades Council offered me invaluable assistance for my research into D.C. Boyd's biographical details.

<sup>3</sup> Renee Boyd spent much of her life working as a nurse in Canada and Africa. She penned an unpublished memoir, a copy of which is in the author's possession.

<sup>4</sup> Letter from Ernest Blyth to Mrs Jo Boyd, 5 Jan. 1966.

Heron (nee Connolly) and Cathal O'Shannon.<sup>5</sup> O'Shannon, writing in a memorial for Boyd in 1965, remembered Boyd, Blythe and Lester as being distinguished amongst the group for their 'wide reading'. He observed that Lester, Blythe and Boyd were readers of A.R. Orage's *New Age* 'then the most independent, critical and intellectual of the Socialist periodicals of the time'.<sup>6</sup> O'Shannon also observed that despite Boyd's idealism there was 'a touch of cynicism in Davy's talk, but it was neither unkindly nor bitter'.<sup>7</sup>

Boyd and Lester moved to Dublin in 1913 with both men gaining employment as journalists at the *Evening Mail* and the *Dublin Daily Express* respectively and both joined the Irish Volunteers on its foundation in 1913. Besides his revolutionary activities, Boyd's freethinking and love of the arts drew him into Dublin's Bohemian circles, an aspect of Dublin life that he later mused had been undermined by the Free State's conformist ideology. Writing in 1929 he asserted:

Dublin looks shabby, Grafton Street is a changed place . . . Bohemianism is dead. There is still, of course, small literary coteries and people who like to be nonconventional for the sake of giving conventional people something to talk about! But the Dublin I remember seems to have disappeared.<sup>8</sup>

Boyd played an important role in the Howth gun-running of July 1914. He was the first journalist on the scene, recording the events as they happened and it was Boyd's copy that was used as the basis for journalistic coverage in Ireland and worldwide regarding the landing itself and the subsequent Bachelors Walk killings.<sup>9</sup> However, his role as a journalist on the day was intimately entwined with his role with the Irish Volunteers as Boyd was acting as a reconnaissance officer and was one of the few men who knew of the operation in advance.<sup>10</sup> Indeed, Boyd is reputed to have taken the first rifle from the ship.<sup>11</sup> Subsequently, in preparation for the Easter Rising, Boyd was assigned duties training his former northern IRB comrades. Boyd spent Good Friday of 1916 with Lester in Dublin before departing for Dungannon in Co. Tyrone to join his northern comrades in preparation for the subsequently aborted nationwide rising.<sup>12</sup>

Following the failure of the Easter Rising and the subsequent executions, Boyd took part in a failed attempt to blow up a bridge and was forced to go on the run from the British. Fleeing Dublin and after a period of being harboured by a Catholic priest, he became a reporter with

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<sup>5</sup> Letter written to his nieces by David Boyd Junior in 2002.

<sup>6</sup> The *New Age* was a British literary magazine noted for its wide influence under the editorship of A.R. Orage from 1907 to 1922. It began life in 1894 as a publication of the Christian Socialist movement but, in 1907, as a radical weekly edited by Joseph Clayton, it was struggling. In May of that year, Alfred Orage and Holbrook Jackson took over the journal with financial help from George Bernard Shaw. Jackson acted as co-editor for the first year, after which Orage edited it alone until he sold it in 1922.

<sup>7</sup> *Evening Press*, 5 Nov. 1965.

<sup>8</sup> *Waterford Standard*, 8 Aug. 1929.

<sup>9</sup> *Evening Herald*, 25 July 1961.

<sup>10</sup> *Evening Press*, 5 Nov. 1965.

<sup>11</sup> *Evening Press*, 5 Nov. 1965. The front cover of F.X. Martin's *The Howth Gun-Running* (Dublin, 1964) depicts young men gathered on the quay above the ship – all are in uniform bar one, the 'reporter' D.C. Boyd.

<sup>12</sup> Douglas Gageby, *Last Secretary General: Seán Lester and the League of Nations* (Dublin, 1999); Ina Heron, James Connolly's daughter and a member of Cumann na mBan, Witness Statement provided to the Bureau of Military History, states that during Easter Week she acted as a courier between the volunteers in Dublin and Tyrone and on a visit to Tyrone she had 'found the volunteers drilling and preparing their equipment under Eimar O'Duffy, Pádraig O Riain and Davy Boyd'. BMH WS 0919, p. 113. The author is indebted to Dr Patrick McCarthy for this reference.

the *Waterford Standard*.<sup>13</sup> On arrival in Waterford, Boyd seems to have stood down from active revolutionary activity and settled into the life of a provincial reporter and subsequent family life.<sup>14</sup> Notwithstanding this, he remained in active contact with his former comrades, particularly with Constance Markievicz and Archie and Ida Heron, who visited him in Waterford and met with him on his trips to Dublin.<sup>15</sup>

### ***The Waterford Standard***

The *Waterford Standard* was a small local newspaper serving the city of Waterford. The paper began publication as the *Standard Waterford Conservative Gazette* in 1863, a weekly publication that catered for the Protestant unionist population.<sup>16</sup> The paper, and the printing business it incorporated, drew much of its custom from the local Protestant community and the Church of Ireland. A typical regional paper of the day, its staples were the reporting of local events, council business, and the courts. Unionist, conservative in tone and a well-produced local paper, it was far from remarkable. The *Waterford Standard* that Boyd joined was against everything that he had sought to achieve to date. Illustrative of this, was a story published by the paper on 3 May 1916; it announced with glee ‘the collapse of the ill-starred Republic’. The *Waterford Standard*, in many ways, afforded the young rebel on the run with the perfect cover.

Boyd’s appointment as a reporter provided the catalyst that began the slow transformation of the paper from a typical parochial unionist regional newspaper to one that supported the Free State and defended the Protestant contribution to the foundation of the state. Boyd was ambitious for his newspaper and his worldview ensured that it would have a national and international outlook in addition to its regional reporting. Boyd was to shape, and be shaped by, the *Waterford Standard*. He was to move from a revolutionary idealist to a socially concerned, political and economic liberal, remaining above all, an outspoken democrat with a passionate belief in the freedom of speech, a trait that was, on a number of occasions, to bring him close to personal and financial ruin.

Boyd’s fiercely independent brand of journalism was to emerge slowly, as initially he kept a low profile journalistically. However, Boyd’s long term association with the *Waterford Standard* ensured that it would be a newspaper that courted controversy, locally and nationally, as Boyd staunchly defended freedom of speech and exposed corruption, hypocrisy and bigotry. The *Waterford Standard* was, and remains, the only Irish newspaper to be prosecuted under Section 15 (1) of the Censorship of Publications Act 1929. Moreover, until recently, the significance of this newspaper and its editor were lost to Irish history. The reason for this is twofold, the first being that the prosecution of the paper under the 1929 Act effectively and with almost immediate effect, muffled Irish journalism for decades to come, including any national coverage of the censorship case itself and secondly, Boyd’s desire, notwithstanding his high profile journalism, to keep his past and private life away from the public domain.<sup>17</sup>

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<sup>13</sup> Reene Boyd, unpublished biography.

<sup>14</sup> Boyd married Ethel Elizabeth Ashworth, a dance teacher whose family had moved to Waterford from England where her father, Robin Ashworth, took up post as the organist at Christ Church Cathedral. Ethel died at the age of 39 in 1926 leaving Boyd to care for three young children, David, Renee and Robert.

<sup>15</sup> Reene Boyd, unpublished biography. Letters between David Boyd Junior and his nieces.

<sup>16</sup> The title was published on Thursday with a follow-on Saturday edition.

<sup>17</sup> Anthony Keating, ‘The case against the *Waterford Standard*’ in *New Hibernia Review*, 16 (2) 2012, pp 17–32.

His past life and lifestyle choices, including, following the death of his first wife in 1926, ‘living in sin’, followed by a ‘mixed marriage’, and his ongoing acquaintances with former comrades, were far too colourful to serve him well in his role as the editor of a conservative newspaper, serving a largely Protestant readership.<sup>18</sup> Indeed, his own family knew nothing of his past until he reached old age. Renee Boyd recalled in her memoir, ‘as regard politics we knew nothing of his exploits during the 1916 rebellion. For the sake of his business he must have suppressed all knowledge of it, because the Anglo-Irish at that time were pro-British . . . He once said to me that he had no wish to be known as an old rebel’.<sup>19</sup>

### **Boyd the editor**

Boyd became the editor-proprietor of the *Waterford Standard* in May 1921 on the death of its owner Robert Whalley. He had effectively taken over the editorship of the newspaper the year before, when Whalley was incapacitated by illness. Boyd’s editorship of the *Waterford Standard* spanned the life of the Free State / Éire; it was to cease publication four years after the establishment of the republic. Upon formally taking over the editorship in June 1921 he initiated a forthright and often politically charged editorial opinion piece, the first of which, entitled ‘Righteous Men,’ warned against the insanity of war.<sup>20</sup>

Following the Anglo-Irish Treaty, Boyd was quick to establish his paper’s loyalty to the Free State and to distance his community from the hostility of both northern Protestants and republicans who opposed the Free State project.<sup>21</sup> It is worth noting that in May 1922, in the period between the passing of the Treaty by the Dáil and the outbreak of the civil war, there was a breakdown of law and order in areas controlled by the anti-treaty republicans, including Waterford, during which republican elements targeted violence at two particular groups – demobilised members of the Royal Irish Constabulary and loyalists. These actions were condemned by local IRA commanders who issued warnings to the republican dissidents that measures would be taken against them if they continued with their persecution and expulsions. Boyd was given particular protection by the local IRA – it posted an armed guard on his house to protect him from persecution.<sup>22</sup> Whilst it is impossible other than to speculate on this issue, it may have been that Boyd’s revolutionary background and his continuing friendships with his old comrades may have afforded him some greater level of protection than he may otherwise have enjoyed.

Boyd’s journalism was by and large libertarian and economically ‘right of centre’, with a strong belief in social justice. Whilst he could be, and often was, outspoken, running close to financial ruin on three occasions, his tone was one that sought to balance outspoken journalism with the conservative sentiments of his readership. Privately, Boyd’s views remained more complex and dynamic, described by his son as ‘more utopian socialist than fervent nationalist’.<sup>23</sup> He was above all, in public and in private, a humanitarian and libertarian who instinctively rejected authoritarianism or dogma irrespective of its origin. Boyd was a staunch defender of the Protestant community, regularly asserting its contribution

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<sup>18</sup> Shortly after his first wife’s death Boyd embarked on a relationship with a local Catholic woman, Jo O’Loughlin, with whom he conducted a clandestine relationship for several years prior to them marrying at Hammersmith Registry Office, London, in the summer of 1936.

<sup>19</sup> Renee Boyd, unpublished biography.

<sup>20</sup> *Waterford Standard*, 8 June 1921.

<sup>21</sup> *Waterford Standard*, 11 Jan. 1922.

<sup>22</sup> Patrick McCarthy, *Waterford: The Irish Revolution, 1912–1923* (Dublin, 2015), p. 100, f/n 26.

<sup>23</sup> Letter written by David Boyd Junior to his nieces in 2002.

to the cause of Irish freedom and the Free State itself. He was unstinting in his condemnation of bigotry, condemning religious and political intolerance within Ireland and beyond its shores.

His journalistic achievements included two travelogues, the first published in thirteen parts between September and December 1933. It documented his visit to Seán Lester at the League of Nations in Geneva and alluded to the dangerous time for Europe that lay ahead. The second, 'Muscovite Days and Nights', published in a nineteen part travelogue between September 1934 and March 1935 ostensibly explored Boyd's visit to the 1934 Moscow Theatre and Leningrad Music Festivals, but really offered an erudite, open minded critique of the Soviet Union's economic and political system and the wider world's reaction.<sup>24</sup> The passion and erudition of Boyd's journalism ensured that, in its heyday of the 1920s and 1930s, the *Waterford Standard* was a highly successful enterprise, often selling the whole of its print run.<sup>25</sup> Despite this, Boyd often faced financial ruin – the result of the newspaper being embroiled in three different controversies in the courts.

### **Boyd's prosecutions**

Boyd was an outspoken critic of corruption and bigotry and had a zeal for confronting injustice in whatever guise it took. He was unafraid of making enemies and wrote candidly, indeed on occasion, with vitriol, against those he viewed as transgressing the bounds of their office or abusing their power. His targets included national and international governments, local and national politicians – he had a particular loathing for Eamon de Valera, a man Boyd viewed as the architect of intolerance in the Free State – the wealthy and privileged, trade unions, political parties, and the local and national press. As a result of his zeal, Boyd faced the prospect of financial ruin and prison in 1928, 1929 and 1945. The first case was for criminal libel, the second for transgressing the Censorship of Publications Act and the third for contempt of court.

### **Criminal libel**

The *Waterford Standard* of 3 September 1927 carried an extensive report regarding the proceedings of Waterford Corporation during which a number of councillors raised s over the actions of the Local Appointment Board relating to the appointment of a county engineer. In November 1927 Boyd published a letter from one of the unsuccessful candidates for the post, a Mr Andrews, who claimed that the appointment had been made upon political grounds and that the successful candidate, one David Sheedy, was not qualified to hold the post. Boyd reported:

If the information contained in Mr Andrews's letter is true, it reveals a scandalous condition of affairs, and, for the sake of establishing public confidence in the actions of the Appointments Board in recommending only the name of Mr Sheedy . . . We believe it is essential for the Local Appointments Commissioners, before a writ of

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<sup>24</sup> Anthony Keating, 'Muscovite Days-And Nights': A small town Irish newspaperman's Soviet travelogue of 1934' in *Nordic Irish Studies*, 13 (2) 2014, pp 115–35.

<sup>25</sup> *Waterford Standard*, 27 Oct. 1928.

mandamus is issued to either refute or justify the allegations contained in the letter of Mr Andrews, the original of which we were permitted to see.<sup>26</sup>

The chairman of the Local Appointments Commissioners, Diarmuid O’Hegarty, in response to Boyd’s article, swore an affidavit in support of the Commissioners stating:

The plain and obvious meaning of the said article is that the Local Appointments Commissioners, in discharging of our official duties acted corruptly and were guilty of misconduct, an through some improper motive favoured, David Sheedy to the exclusion of a persons or persons better fitted for the position.<sup>27</sup>

Boyd was subsequently sent to trial for criminal libel, a charge that meant he could face imprisonment if convicted. The attorney general opened the case by asserting that the case had national importance and that Boyd’s actions had not only brought the Local Appointments Commissioners into disrepute but acted to unjustly undermine faith in a system introduced by the government of the Free State to root out cronyism and corruption.

During the initial hearing, the attorney general made much of the fact that Boyd had not sought to collaborate the basis of the letter and the allegations it contained. Boyd pointed out that doubts surrounding the appointment had already been widely discussed and reported in all Waterford local newspapers and that moreover they had been reported nationally in the *Irish Independent* in October 1928. Significantly, as a result of all this coverage, he was aware that the Local Appointment Commissioners were unwilling to discuss the case further with Waterford Corporation and as a journalist with over fifteen years’ experience he knew that attempting to collaborate the accusations in the letter with the Commissioners would be pointless. Additionally, he pointed out that he had not at any stage asserted the allegations in Mr Andrew’s letter were true, but rather wanted them investigated to establish their truth or otherwise. Patrick Lynch KC, defending Boyd, summed up by asserting that ‘the freedom of the press was dearly won. Editors had gone to jail in fighting for that liberty, and once established it would not be given up lightly’. Boyd, he went on ‘was animated by no malice towards the Appointments Commission, and they were as much subject to legitimate criticism as any other person or body in the country’.<sup>28</sup> Boyd was subsequently acquitted and triumphantly declared under the headline, ‘Liberty of Press Defended’:

The position of the provincial papers which have not the huge financial resources of the big combines which control the bulk of the press today is a very inimitable one when they are attacked by opponents who have at their backs all the resources of a great Department of State . . . All we did was done in pursuance of what we consider our duty as journalists in the interest of the city and the state . . . We have always maintained the policy of the *Waterford Standard* on a conservative basis and nothing that has occurred in this action for criminal libel against us will alter our policy. We will support the government when we think it is right to do so, but we always reserve to ourselves the right to criticise the government at all times in which we consider it to be the advantage of the state to do so.<sup>29</sup>

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<sup>26</sup> *Waterford Standard*, 18 Jan. 1928. These details are taken from the *Waterford Standard*’s report of the trial against Boyd as the copy of 5 November 1927 was destroyed during World War II when the British Library Newspaper store was bombed.

<sup>27</sup> *Waterford Standard*, 18 Jan. 1928.

<sup>28</sup> *Waterford Standard*, 12 May 1928.

<sup>29</sup> *Waterford Standard*, 12 May 1928.

The following year, Boyd, doubtless buoyed by this victory, was presented with the opportunity to push the limits of Irish reporting of sexual crime, a decision that would lead to his prosecution under Ireland's newly passed censorship legislation. This prosecution, which could have ruined Boyd financially and led to his imprisonment, was to be a prosecution that would alter the way sexual crime was reported, or rather not reported, in Ireland for decades to come.

### **Censorship**

Boyd's 1929 prosecution was not to end as favourably as his criminal libel prosecution of the preceding year. The 1929 case against Boyd was taken as a result of an extensive report carried by the *Waterford Standard* on 28 September 1929 for which Boyd was charged with contravening Section 15 (1) of the 1929 Censorship of Publications Act – 'Offences in Relation to the Publication of Reports of Judicial Proceedings'. Boyd's prosecution took place just two months after the Act became law and he remains the first and only Irish editor prosecuted under this section.

Boyd had reported on the preliminary hearing of charges brought against a local theatre proprietor, one Laurence Breen, a member of a wealthy and influential Waterford family. The state alleged that Breen had raped a 13 year-old girl in his employ – the charges against him were listed as 'unlawful carnal knowledge and indecent assault'. The presiding judge decided there was a case to answer and the matter was listed for trial. Boyd's article reporting Breen's trial was unstinting in terms of the detail that left the reader in no doubt as to the nature and severity of the alleged assault; his report displayed a journalistic candour not generally present in Irish journalism at that time.<sup>30</sup> The attorney general's case purported that Boyd had used explicit details from the case to benefit financially and in so doing corrupted public morality. Boyd refuted the charges, asserting that too often wealthy individuals used their power and influence to ensure that their alleged and actual transgressions evaded public scrutiny and that he was determined not to let this happen – in this case by publishing what he described as 'clean medical facts' relating to the condition of the girl following medical examination and the presence of blood on her underwear. One may well surmise that Boyd would have been incensed by the evidence given by the 13 year-old girl's mother who stated that when she approached her daughter's alleged abuser, he dismissed her by offering to pay for a doctor and when this was refused and the woman said she would take it further, he allegedly said to her, 'Do you want your name all over the papers?'<sup>31</sup>

Boyd's stated policy of ensuring that privilege would not buy anonymity, was considered by the prosecuting barrister, Mr Ryan, as fruitful ground to highlight the dangerousness of Boyd's journalism in regard to public order and morality. Ryan pursued this point during cross examination, asking Boyd, 'If the defendant had been a clergyman of some religious denomination would you consider it in the interest of the public to publish them?' Boyd replied in unequivocal terms: 'Yes if he were a clergyman he should get full publicity for an offence of this nature'.<sup>32</sup> Later in the trial Boyd attracted the judge's ire when he was asked by Ryan how he defended himself in the light of the Bishop of Waterford's condemnation of his actions. Boyd responded that the Bishop of Waterford was entitled to his opinion. The

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<sup>30</sup> Anthony Keating, 'Sexual crime in the Irish Free State, its nature, extent and reporting' in *Irish Studies Review*, 20 (2) 2012, pp 135–55.

<sup>31</sup> *Waterford Standard*, 28 May 1929.

<sup>32</sup> *Waterford Standard*, 26 Oct. 1929.

judge interjected, saying, ‘The defendant’s remarks regarding the Bishop of Waterford’s letter were most improper and impertinent’.<sup>33</sup>

The judge ruled that Boyd was guilty as charged and fined him £25.<sup>34</sup> In his judgement he declared that he felt that this case was ‘just the sort of thing’ that the Act had been introduced to curb. He also made the point that he had authority under the Act to impose a fine of up to £500 and to imprison Boyd for a period of six months. The potential fine was one that was large enough to have bankrupted a small local newspaper in 1929. Additionally, the judge made it clear that he felt the successful prosecution of Boyd would ensure that other Irish newspapers would not commit similar offences.<sup>35</sup> Whilst the judge’s view of the deterrent effect of Boyd’s conviction is clearly speculative, the financial implications and potential personal consequences for Irish editors of transgressing the new law were made very clear in this case. The case established the parameters for what could and could not be published for decades to come – ensuring Irish journalism was far more compliant to the moral sensitivities of the Catholic Church than it should have been.

Breen’s full trial in Waterford resulted in a hung jury. He was subsequently acquitted at a trial in Dublin in 1930. However, he was killed in a motor accident on his return journey to Waterford following the Dublin trial. Breen’s death may well have saved Boyd’s business as Breen had made it clear that following his trial he intended to wreck Boyd’s business as a punishment for his exposé of the details of the charge against him.

### **Contempt of court**

Boyd’s third prosecution – this time in the High Court – took place in February 1945. On the 24 February the *Waterford Standard* covered a motion proposed to Waterford County Council by Councillor Michael O’Ryan. The motion condemned the actions of a circuit court judge, Justice Sealy, a Protestant, for a supposed slight against the Venerable Dean Byrne, a Catholic clergyman, who had appealed for clemency for a number of men engaged in a riot over contested land claims. The perceived slight amounted to the challenging of Dean Byrne’s plea for mercy in a letter to the attorney general produced in Sealy’s court.

O’Ryan expressed the view that Sealy’s response was sneering and disrespectful. O’Ryan stated that he hurled the sneer back ‘in Judge Sealy’s face’ and proposed a motion ‘that he [Sealy] be asked to withdraw his remarks and apologise to Dean Byrne’. For O’Ryan and other county counsellors, Dean Byrne had simply acted to preserve the peace of the community and the judge had offered in return a gratuitous insult to him and the Catholic clergy. The motion was carried and widely reported in the local and national newspapers, including the *Irish Times*.

However, Boyd, in keeping with his policy of complete transparency, decided to do what other newspapers had not, which was to publish a lengthy letter read into the record of the county council meeting by Councillor O’Ryan. The letter was an extraordinary assault on Sealy’s character and professional qualities and one that raised old bitterness and animosity. The letter was not reproduced in full, something that Boyd acknowledged in his report. He had edited out the allegation that the ‘judge owed his appointment to Dublin Castle before the Treaty’ – a potent allegation designed to further undermine Sealy’s credibility.<sup>36</sup> The edited

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<sup>33</sup> *Waterford Standard*, 26 Oct. 1929.

<sup>34</sup> Equivalent to approximately €31,000 at today’s values. Source – Economic History Service, <http://eh.net//>

<sup>35</sup> *The (Catholic) Standard*, 29 Oct. 1929.

<sup>36</sup> *Waterford Standard*, 9 June 1945.



letter's publication led to O'Ryan and Boyd being tried before three judges in the High Court for contempt of court. Their respective summons asserted that they had displayed contempt by '(a) scandalising the court and (b) in publishing words calculated to impede and interfere with the administration of justice'.<sup>37</sup>

Boyd was to win a moral victory despite losing the case as both he and O'Ryan were convicted of contempt of court. All three judges were appalled at O'Ryan's actions with one judge in particular, Justice George Gavin Duffy, being especially strident in regard to the sectarian nature of the attack against Sealy. O'Ryan received a fine of £500 plus £25 in costs despite retracting his statement and offering an unreserved apology. No order was made against Boyd despite his conviction, an outcome that reflected the split views of the three judges – Justice Conor Maguire (President of the High Court), Justice Gavan Duffy and Justice Kevin Haugh. Justice Maguire held that Boyd's defence of public interest did not 'hold water' whilst Justice Gavin Duffy held that Boyd had performed a public service in publishing the letter. The third justice indicated he had sympathy for the views of both his colleagues. Boyd published a brief account of the trial and verdict on 19 May 1945 but waited until the edition that followed O'Ryan's final date to pay his fine and costs or face prison (4 June 1945) before covering the trial extensively. Under the headlines 'Freedom of the Press' and 'Editor "rendered a public service" – Mr Justice Gavan Duffy' Boyd celebrated his moral, if not actual, victory. This was to be Boyd's last court case in relation to press freedom.

### **The 1950s – the end of an era**

The *Waterford Standard* ceased publication in July 1953. Its readership was ageing and dwindling and it simply could not continue economically. Boyd bowed to the inevitable and on 11 July 1953 announced that whilst David Boyd & Sons Printers would continue, the *Waterford Standard* would close. While he 'had hoped that the centenary of the *Waterford Standard's* launch in 1863 would have been celebrated ten years hence, probably in his absence, a new and harsh age has dawned, the good fight has been fought, and the struggle has ended'. The edition of 25 July 1953 would be the newspaper's last. In its final edition Boyd penned two articles regarding the fate of the *Waterford Standard*, one of which compared the inevitability of economic forces on the paper with those at work on the nation. Boyd mused:

The exit of this old newspaper so early in the second half of the twentieth century is a portent of fundamental change in the national life of the country. Just as the *Waterford Standard* could not live beyond its means it will be found in the time to come that the economic law will prove inexorable in all directions, not the least in high government places . . . In the case of a newspaper sentiment plays a mighty part in its maintenance and men will work more unselfishly to uphold it than in any other secular calling.

The second article is a long, reflective, unsentimental, yet emotional, piece that summed up his philosophy as a newspaperman:

The death of a newspaper is not an ordinary business matter, for it means the passing out of a voice of opinion. In all questions of public weal or woe it is the function of a newspaper to express honestly and fearlessly, according to its lights, the provision of

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<sup>37</sup> *Waterford Standard*, 9 June 1945.

criticism which events demand. For the community of its readers it possesses that intangible thing that is best described as soul and in this feeling it makes an end to a newspaper more poignant. We think it can truly be said of the *Waterford Standard*, with all its shortcomings, that it endeavoured to serve the public interest honourably and without mercenary motive. Perhaps the pessimism of its outlook in national, social and economic affairs may not have been to the liking of many but time will tell whether we are right or wrong and it cannot be said that we had not the courage of our convictions.<sup>38</sup>

This epitaph to a newspaper was unconsciously an epitaph to D.C. Boyd, the journalist. In the years of his proprietorship/editorship Boyd was the *Waterford Standard*, its editorial voice was his voice, its failings his, as were its merits. Boyd was a man with a passion for local and world affairs, a libertarian and democrat. The *Waterford Standard* may well have been provincial but it was never parochial. However, Boyd was quite clear that the title was to die and not to be incorporated into any other newspaper. Therefore, the *Waterford Standard* ceased to exist on 25 July 1953.

Following the newspaper's demise Boyd spent the remaining twenty years of his life living in Waterford. He became a popular figure giving after dinner speeches, a larger than life local character who attracted much popularity. In 1961 he made a firm decision to sell his remaining printing business in Waterford and, free of ongoing commercial considerations, felt able to attend the Howth gun running re-enactment on the 47<sup>th</sup> anniversary of the landing and to give an interview to the *Evening Herald* outlining his involvement.<sup>39</sup> However, even at this celebration Boyd would not take part formally as the celebration was headed by Eamon de Valera: for Boyd old enmities died hard.

Boyd was a principled and courageous editor whose non-conformist roots ensured that despite his concerns to run a viable business, he saw his primary duty as a campaigning journalist. An erudite, well-read man, his journalism was intelligent and passionate, reflecting a lifelong engagement with issues relating to freedom, liberty and religious tolerance, as both a revolutionary and a journalist. He had a particular detestation of the abuse of privilege – be it borne of political or economic power or by dint of social standing – detestation that he gave voice to in his journalism, an imperative that brought Boyd close to financial ruin and even imprisonment on three occasions. For Boyd, the *Waterford Standard* was a passion as well as a business, a passion he perused past the point that it made economic sense for him to continue and one that provides him with a unique place in the history of newspaper censorship in Ireland. David Cuthbert Boyd died at the age of 72 on 28 October 1965 at the County and City Infirmary in Waterford and is buried in Tramore. Boyd's typewriter, on which he typed his copy for many years, is now on display at the offices of the Press Ombudsman of Ireland.<sup>40</sup>

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<sup>38</sup> *Waterford Standard*, 25 June 1953.

<sup>39</sup> The plant and premises were auctioned off in 1962; *Evening Herald*, 25 July 1961.

<sup>40</sup> Presented as a gift by Ian Paul of Waterford, a close friend of David Boyd Junior (deceased).