

A trifling matter? Names in Irish on carts: the Dublin Castle Files

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Abstract

At the beginning of the twentieth century, as the Irish language revival movement gathered pace, Conradh na Gaeilge encouraged those who were keen to promote the language to use the Irish version of their names as much as possible, including painting their name and address in Irish on carts, and a number of prosecutions were taken under the Summary Jurisdiction (Ireland) Act 1851. Most famously, Patrick Pearse represented Niall Mac Giolla Bhrighde in 1905 in a case stated to the court of King's Bench. Pearse went on to represent Domhnall Ua Buachalla in a similar but less well known case the following year. Drawing on files from the Chief Secretary's Office in Dublin Castle and digitised contemporaneous newspaper reports, this article provides an overview of the names in Irish on carts cases, which began in 1893, peaked in 1905 and died off after 1906, and finds that post-partition there were at least three similar prosecutions in Northern Ireland.

Irish Names and Conradh na Gaeilge

From the seventeenth century, as the English legal system expanded in Ireland, a process of anglicisation took place in relation to names of people and places in the Irish language. In the case of first names and surnames this was done most commonly by phonetic approximation, but also by translation and by establishing equivalences with existing English names.¹ This topic was highlighted by Douglas Hyde in a significant speech in 1892² and Conradh na Gaeilge³ promoted the use of names in Irish from at least 1899.

To facilitate what was to become a popular campaign, the Conradh na Gaeilge newspaper *An Claidheamh Soluis* published lists of 'Anglicised Irish names with their correct Irish forms' in 1902.⁴ People signed their name in Irish in the visitors' book in public libraries,⁵ shopkeepers painted their names in Irish above their premises,⁶ schools introduced Irish names⁷ and corporations voted in favour of Irish-language street signs.⁸ People drew on their ingenuity and found more and more occasions to use their Irish names, from ballot papers,⁹ to ordering books from the Commissioners of National Education,¹⁰ to keeping a school roll in Irish,¹¹ and even when purchasing a grave.¹² The Post Office adapted to changed

¹ Liam Mac Mathúna 'What's in an Irish name? A study of the personal naming systems of Irish and Irish English', *The Celtic Englishes* 4 (2006) 64-87.

² Douglas Hyde *The necessity for de-anglicising Ireland* (Academic Press, Leiden 1994).

³ While Conradh na Gaeilge was also known as the Gaelic League, its Irish language title is used throughout this essay.

⁴ *An Claidheamh Soluis* (henceforth ACS), 25 Jan., 1 Feb., 28 June 1902.

⁵ ACS, 8 Apr. 1899.

⁶ ACS, 29 Dec. 1900.

⁷ ACS, 22 Aug. 1903.

⁸ ACS, 12 Aug. 1899.

⁹ ACS, 12 July 1902.

¹⁰ ACS, 14 Nov. 1903.

¹¹ ACS, 12 and 19 Oct. 1912.

¹² ACS, 5 Mar. 1910.

circumstances, allowing customers to sign their names in Irish when buying postal orders and eventually accepting parcels addressed in Irish, while the Hibernian Bank also accommodated signatures in Irish.¹³ Thanks to the efforts of Conradh na Gaeilge, the number of people who completed the census form in Irish increased from just over 500 in 1901 to almost 15,000 in 1911¹⁴ when: ‘The Registrar General agreed to accept any English-language forms which were completed in Irish. An Claidheamh Soluis published a sample copy of a census form with the entries completed in Irish. Despite this, cases were reported of the RIC refusing to accept forms completed in Irish’.¹⁵

People also gave the Irish versions of their names to the police. Well known examples include Peadar Ó hAnnracháin¹⁶ and Laurence Ginnell MP who signed his name in Irish when visiting Irish prisoners in Knutsford Military detention barracks in England.¹⁷ Pádraic Ó Conaire¹⁸ and Claude Chavasse¹⁹ also encountered problems when they gave their names in Irish to the police. Irish names were not accepted on applications for dog licences²⁰ and this led to prosecutions for not having a licence. For example, Eamonn O’Neill, Kinsale, refused to pay a fine for this offence, opting instead to spend seven days in jail.²¹

In addition to this, there was a sustained campaign to encourage cart owners to paint their names in Irish on their carts. As there was legislation in relation to names on carts, unsurprisingly, prosecutions ensued.

Irish Names on Carts

The Summary Jurisdiction (Ireland) Act 1851 obliged owners of carts used for the conveyance of goods on public roads to have their ‘name and residence painted upon some conspicuous part of the right or off side of such carriage, in legible letters not less than one inch in height’. This was a very basic registration system to ensure that owners of stray horses and carts could be traced and to enable anyone involved in an accident to locate the owner. Any person who did not paint their name on their cart was liable to prosecution and a maximum fine of ten shillings. There were frequent prosecutions under the Act, usually because there was no name and address. The statute was criminal in nature, which could lead to an expectation that it would be interpreted strictly in the common law system. However, such an approach did not always apply in prosecutions involving fines.²²

One particular case, that of Niall Mac Giolla Bhrighde / Neil McBride, continues to attract interest for a number of reasons: he was a well-known poet and song writer, the story of the proceedings is recounted in a biography,²³ and a macaronic song in Irish and English

¹³ *Drogheda Independent* (henceforth *DI*), 25 Oct. 1902.

¹⁴ These figures are based on searches of the online 1901 and 1911 censuses for Irish names beginning with de, Mac, Mach (sic), Ni, Ní, Nic, Ó, Ui, Uí, Ua as well as names like Breathnach, Ceannt, Seoighe that are not preceded by Ó or Mac etc.

¹⁵ Pádraig Ó Fearáil, *The story of Conradh na Gaeilge* (Dublin, 1975), 40.

¹⁶ *Freeman’s Journal* (henceforth *FJ*) 27 June 1912 and *ACS* 29 June 1912. This episode inspired Brian O’Higgins to compose a song ‘Says the Peeler to Peadar’ (See ainm.ie: <https://www.ainm.ie/Bio.aspx?ID=79>).

¹⁷ *Irish Times* (henceforth *IT*), 17 July 1916.

¹⁸ *Donegal News*, 8 Apr. 1916.

¹⁹ *Cork Examiner* (henceforth *CE*), 13 Mar. 1916.

²⁰ *ACS*, 28 Apr. 1906.

²¹ *Skibereen Eagle*, 2 December 1905.

²² Peter Maxwell, *On the Interpretation of Statutes* [A. B. Kempe] (3rd edn, London, 1896), 370.

²³ Liam Ó Connacháin, *Niall Mac Giolla Bhríde* (Baile Átha Cliath, 1974).

about the case, *An Trucailín Donn*, was composed by Seamus O'Droighnean.²⁴ Most importantly, Patrick Pearse, a qualified barrister, was involved in the subsequent case stated, *M'Bride v M'Govern*, heard at the court of King's Bench. Pearse was also involved in a second, less well known case, *Buckley v Finnegan*,²⁵ involving Domhnall Ua Buachalla. Biographers of Pearse have referred to one or both cases (Dudley Edwards,²⁶ Augusteijn,²⁷ O'Donnell²⁸) as have biographers of Douglas Hyde (Egleson Dunleavy and Dunleavy²⁹). The case even merits a brief mention in Myles na gCopaleen's *An Béal Bocht* in relation to 'an Seandúine Liath' or 'the Old-Grey-Fellow':

eisean féin ina aonar a chuir a ainm i nGaeilge den chéad uair ar aon charr, agus is airsean a cuireadh an dlí ar an ócáid stairiúil sin³⁰

he alone first inscribed his name in Gaelic on any cart and was prosecuted on that historic occasion³¹

The cover of Séamas Ó Tuathail's *Gaeilge agus Bunreacht*³² features a picture of Mac Giolla Bhrighde's sign in Irish script with a large X through it. Still others have referred to the case (e.g. McNulty,³³ Kenny,³⁴ Ó Cuirreáin,³⁵ Mac Mathúna³⁶). In Appendix III to his Supreme Court judgement on the right to a bilingual jury in *Ó Maicín v Éire* [2014 IR 583], Justice Adrian Hardiman referred extensively to the McBride case.³⁷ In January 2016, TG4 broadcast a short

²⁴ *Connacht Tribune*, 29 Mar. 1913. See also Róisín A. Costello 'The Barbarian and the Cart: Citizenship, Law and Language in Macaronic Verse', *Law and Humanities*, (2021): <https://doi.org/10.1080/17521483.2021.1902089>.

²⁵ Did Pearse act as a barrister on other occasions? In *Patrick Pearse The Making of a Revolutionary*, Joost Augusteijn mentions that Pearse 'got Michael Scally acquitted who was supposed to have been arrested for the unlikely offence of speaking Irish' (2010: 65). Searches on Irish Newspaper Archives would suggest that Pearse was not in fact involved in this case, although he may have acted in an advisory capacity. In 1902 barrister William McGrath attempted to re-open a case which had been heard the previous day before Mr Wall KC in the Northern Police Court. McGrath explained that Michael Scully and William Shortall, a Christian Brother, had been fined either five or seven shillings for obstructing the footpath on O'Connell Street. He suggested that they had been found guilty on the basis of incomplete evidence. According to him, the men's only crime was speaking Irish, something resented by the constable involved who, as a result, had brought the charge against them. Unsurprisingly, McGrath was unsuccessful in his request for an increase in the fine for the purpose of an appeal (*FJ*, 12 Mar. 1902). It is likely that this is the case referenced in *ACS* where it was stated that 'It has already been decided that to talk Irish in O'Connell Street is to be guilty of riotous behaviour' (*ACS*, 28 Jan. 1905).

²⁶ Ruth Dudley Edwards, *The Triumph of Failure* (Newbridge, 1977).

²⁷ Joost Augusteijn, *Patrick Pearse The Making of a Revolutionary* (Basingstoke, 2010).

²⁸ Ruán O'Donnell, *16 Lives Patrick Pearse* (Dublin, 2016).

²⁹ Janet Egleson Dunleavy and Gareth W. Dunleavy, *Douglas Hyde a Maker of Modern History* (Berkeley, 1991).

³⁰ Myles na gCopaleen, *An Béal Bocht* (Dublin, 1999), 54.

³¹ Flann O'Brien, *The Poor Mouth*, translated by Patrick C. Power (London, 1993), 63.

³² Séamas Ó Tuathail, *Gaeilge agus Bunreacht* (Dublin, 2002).

³³ Eugene McNulty, 'Breaking the law: Patrick Pearse, cultural revival, and the site of sovereignty', *Journal of Postcolonial Writing*, 46:5 (2010), 479-90.

³⁴ Colum Kenny, 'Patrick Pearse in King's Bench', *The Bar Review* 21 (2016), 31-34.

³⁵ Seán Ó Cuirreáin, '100 bliain ó Éirí Amach na Cásca agus tá an "Béarla éigeantach" ag bagairt orainn', *Tuairisc.ie* 25 Feb. 2016.

³⁶ Liam Mac Mathúna, 'What's in an Irish name? 73-75.

³⁷ *Ó Maicín v Éire* Appendix III to Hardiman J's judgement is included in Irish in Daithí Mac Cárthaigh's *An Dlí agus an Gaeilge* (2020) and is available in English on the vLex Justis website.

programme, *An Trucailín Donn*, about the episode. Daithí Mac Cárthaigh returned to the topic in *An Ghaeilge sa Dlí*.³⁸

While it is generally known that there were a number of other prosecutions relating to alleged breaches of the Summary Jurisdiction (Ireland) Act 1851, there has been no overview of all the cases. In order to address that gap, this article reviews the cases concerning Irish names on carts from 1893 onwards. To do this, it draws on contemporaneous newspaper reports and, significantly, a file³⁹ from the registered papers collection in the National Archives of Ireland which provides insights on the views of staff based in Dublin Castle. The file consists of correspondence, newspaper clippings, and handwritten, initialled notes on pages passed from person to person with opinions and decisions that are occasionally difficult to decipher. As R. Barry O'Brien describes, the key people involved were in close proximity to each other:

Well the Chief Secretary's room opens into the Under-Secretary's, and the Under-Secretary's into the Assistant Under-Secretary's. [...] On the other end of the passage to the right are the Law Officers' departments. The Attorney-General and Solicitor-General sit in one room, and this opens into the Lord Chancellor's room. A short stone staircase, outside the Chancellor's room, leads to the apartments (opening into each other) of the Inspector-General and Deputy-Inspector-General of the Constabulary. [...] In the lower Castle Yard are the offices of the Chief Commissioner and the Assistant Commissioner of the Metropolitan Police. Thus it will be seen that the forces of law and order are geographically concentrated in the Castle.⁴⁰

It is important to note that the Chief Secretary's Office (CSO) was characterised by frequent changes in personnel,⁴¹ something that was particularly apparent in 1905, the flashpoint for court cases relating to names in Irish on carts, when there were three different Chief Secretaries – Conservative George Wyndham until his resignation on 12 March, followed by another Conservative Walter Long until 4 December, and Liberal James Bryce from 14 December.

This article provides an overview of the cases involving names in Irish on carts and seeks to establish who the decision makers were. Were they policemen on the ground or officials based in Dublin Castle? Was there agreement on how to proceed?

The article adopts a chronological approach, beginning with the early cases from 1893 onwards, the Niall Mac Giolla Bhrighde case in 1905, subsequent cases in Dublin and around the country, the change of approach when the Liberal party came into power, and lastly a small number of prosecutions in the 1920s in Northern Ireland.

The early cases

The early prosecutions focused on the issue of 'legible letters' as mentioned in the Summary Jurisdiction (Ireland) Act and whether or not letters in Gaelic script were legible. Gaelic script

³⁸ Daithí Mac Cárthaigh, *An Ghaeilge sa Dlí* (Indreabhán, 2020).

³⁹ National Archives of Ireland CSO RP 14247/19. The contents relate to: John Dunlea, Bartley Hynes, Neil McBride, William Sheridan, Jones, John Cribbin and Thomas Healy, Daniel Buckley, Patrick O'Carroll, Edward McNulty, John Gannon, Owen Campbell and John Divine, Owen Breen, P. Duggan, Michael Marley, Francis Daly, John Guinane. File 27390/17 relates to names in Irish on Dublin Corporation carts.

⁴⁰ R. Barry O'Brien, *Dublin Castle and the Irish People* (2nd edn., London, 1912), 17.

⁴¹ HC Deb 20 February 1905 vol 141 cc 622-87.

was adapted from the Roman alphabet used in English and other languages. Visually, it looks quite different and was ‘an important cultural marker’.⁴² Nevertheless, many letters do not present difficulty for readers familiar with Roman script, while a small number, the letters d, f, g and t along with lower case r and s, are not particularly difficult to learn. Further features are the use of diacritical marks and the síneadh fada or acute accent on vowels.

The apparent first case⁴³ in a series of similar prosecutions took place in October 1893 when Sergeant Jestin summoned James Gleeson from Ballymacoda, County Cork, for not having his name and address properly painted on his car. Gleeson’s solicitor argued that the Act was ‘complied with in every particular’. Gleeson’s son, Timothy, Gaelic editor of the Cork Historical and Archaeological Society journal, stated that the name had been in Irish on the cart for some twenty years at fairs and markets. District Inspector (DI) Ewart queried how many people in the parish could read Irish and went on to say that the Act required the information to be ‘legible’ and ‘that it ought not to be readable to some and not to others’. James Gleeson was convicted, fined sixpence, ordered to pay costs,⁴⁴ and instructed to paint his name and address in both Irish and English.⁴⁵

Subsequently, Timothy Gleeson received letters of support from Captain Donelan MP,⁴⁶ Thomas Grattan Esmonde MP,⁴⁷ the Philo-Celtic Irish School Association in New York,⁴⁸ and Rev Eusby D Cleaver, Irish scholar in Wales.⁴⁹ At a Young Ireland League meeting, it was proposed that the council should ask owners of vehicles in Irish-speaking districts to follow Gleeson’s example.⁵⁰ In the House of Commons, Captain Donelan asked Mr Morley, Chief Secretary for Ireland, if steps would be taken to prevent similar prosecutions, to which Morley, a Liberal, responded that ‘such prosecutions were not very desirable’.⁵¹ Timothy Gleeson stated that he had no intention of painting his name in English, and was prepared to go to court again, this time with an Irish-speaking solicitor. The *Cork Constitution* speculated if a sworn interpreter might be provided in such circumstances to interpret into English for the benefit of magistrates who might not understand Irish.⁵² However, there was no second prosecution and no similar cases occurred until the early twentieth century. This case, which had attracted a great deal of support, may well have served as inspiration for the later Conradh na Gaeilge campaign.⁵³

In April 1901, in a case that attracted no publicity but is included in the CSO files, policeman Henry Price wrote to DI John Edward St George in relation to the cart of farmer

⁴² Brian Ó Conchubhair, ‘The Gaelic Front Controversy: The Gaelic League’s (Post-Colonial) Crux’, *Irish University Review*, 33:1 (2003), 46-63.

⁴³ Tim Healy asked a question in the House of Commons on 1 June 1893 about Hugh Doherty who had reportedly been prosecuted at Rathmullen Petty Sessions in Donegal for having his name in Irish on his cart. However, Chief Secretary Morley responded that Doherty had no name on his cart. HC Deb 01 June 1893 vol 12 cc 1743-4.

⁴⁴ Costs related to the cost of serving a summons, i.e. one shilling for every eight miles traversed by the summons server (*Drogheda Independent*, 23 Dec. 1905).

⁴⁵ *CE*, 11 Oct. 1893.

⁴⁶ *CE*, 14 Oct. 1893.

⁴⁷ *CE*, 24 Oct. 1893.

⁴⁸ *CE*, 22 Nov. 1893

⁴⁹ *CE*, 21 Oct. 1893. In fact, Cleaver was the vice-president of Conradh na Gaeilge. See biographies on ainm.ie and dib.ie.

⁵⁰ *CE*, 27 Oct. 1893.

⁵¹ HC Deb 7 Nov. 1893 vol 18 c 339.

⁵² *Cork Constitution*, 9 Nov. 1893.

⁵³ See for example ACS, 29 Dec. 1900 when Father Qualey urged people to ‘scratch the English names off their carts and paint instead their own real Irish names in Irish letters’.

Seaghan Ó Dhunliath (sic) /John Dunlea in Dangan, Tipperary, requesting instructions as to whether or not a summons should be issued. Price predicted that 'The habit is likely to be general if not checked' and mentioned that the local branch of Conradh na Gaeilge had passed a resolution that all names on carts ought to be painted in Irish. He enclosed a copy of John Dunlea's name and address in Irish script. St George referred the matter to county inspector Henry Bouchier who wrote that the Irish characters 'might as well be Chinese as far as the public are concerned'. Heffernan Considine,⁵⁴ Royal Irish Constabulary (RIC) Deputy Inspector General based in Dublin Castle, agreed and noted 'this man must of course be prosecuted' while simultaneously predicting that the matter would be raised in the House of Commons. Clearly Considine immediately grasped that a name in Irish on a cart was a political issue. However, Chief Secretary George Wyndham took a more subtle approach; he suggested that Dunlea should be instructed by the police to add his name in English characters and be warned that failure to do so would result in prosecution. Dunlea complied and no further action was taken. The official approach on this occasion was to deal with the case discreetly and to ignore the use of Irish once the name and address appeared in English.

However, three months later, a case came to court without prior consultation with Dublin Castle. In July 1901 in Kinvara, Galway, a cart belonging to Partholán Ó hEidhin/ Bartley Hynes was observed by Constable James Faughnan with what he described as 'some hieroglyphics or characters' which he could not decipher. Captain H. de Vere Perry, Resident Magistrate, and J. W. Brady Murray, Justice of the Peace, could not agree, with the latter maintaining that the name was legible in Irish. As a result, no ruling was made on the case and DI William Hussey immediately issued a new summons.⁵⁵ Hussey sent a clipping from the *Freeman's Journal* to Dublin Castle and explained that he had consulted with de Vere Perry who had agreed that 'it was a proper case for summons'. As in the case of John Dunlea, the CSO approach was to give Hynes the opportunity to paint his name in English as well as Irish. However, Hynes flatly refused.

As another court case was now inevitable, and doubtless keen to ensure a conviction, Under Secretary David Harrel instructed Newton Brady, a Resident Magistrate based in Ennis, to attend and sit on the bench in Kinvara.⁵⁶ Also on the bench were Captain Perry and J. W. Brady Murray who had taken opposing views in the original case, plus two newcomers, Anthony Lynch and, most unexpectedly, James Ffrench (or French⁵⁷), Chairman of Galway District Rural Council.⁵⁸ Newton Brady challenged French, questioning if he was entitled to act as magistrate and if he had been sworn in.⁵⁹ Bartley Hynes informed the court that the Irish version of his name had been on his cart for three years. Prosecuting the case, DI Hussey stated that the Act was 'for the protection of the public' and informed the court that 'Irish is a beautiful language, about which I happen to know a little' and recommended 'a nominal penalty'. French told the court that he was an Irish speaker and had worked in the Queensland police force in Australia for nine years. He said that he saw names in Irish on carts on a daily

⁵⁴ Heffernan Considine (1846-1912) from Limerick was educated in Stonyhurst and Lincoln College, Oxford. He was High Sheriff of county Limerick, then Resident Magistrate in counties of Cork, Kerry and Kilkenny and subsequently Deputy Inspector General of the RIC (*IT*, 17 Feb 1912).

⁵⁵ *FJ*, 23 Aug. 1901.

⁵⁶ Letter dated 14 Sept. 1901 from Newton Brady to the Under Secretary.

⁵⁷ Ffrench is the preferred spelling of James Ffrench in the 1901 and 1911 censuses but the spelling 'French' appears in newspapers.

⁵⁸ Under the Local Government Act 1898, French's role as Chairman of Galway District Rural Council allowed him to be a Justice of the Peace and to be automatically appointed to the County Council.

⁵⁹ *Galway Express*, 7 Sept. 1901.

basis, but no prosecutions were instigated. He pointed to the contradiction between the government covering the cost of the teaching of Irish in schools and bringing such a prosecution.⁶⁰ Brady Murray sided with French in favour of another dismissal. However, the other three prevailed and Hynes was fined one penny plus costs or seven days in prison in default. Gort Rural District Council passed a resolution congratulating Brady Murray and French 'for having the courage of their convictions' and 'refusing to be a party to a successful attempt made to penalize the Irish language'.⁶¹ *The Gael*, a New York magazine, urged Hynes not to pay the fine and go to jail instead and offered to pay his wages.⁶² The case provided the inspiration for a song appropriately titled 'A Ballad of the Kinvara Prosecution'.⁶³

French's unexpected and unwelcome intervention led to protracted and contradictory correspondence between the CSO, the RIC and the Local Government Board, focusing on the issue of whether or not he was entitled to sit as Justice of the Peace at Kinvara Petty Sessions. Ultimately it was found that he was entitled to do so. Brady, de Vere Perry and Gardiner sent newspaper clippings and reports on French's attendance and views to Under Secretary David Harrel. On 14 September 1901 a letter from French appeared in the *Galway Observer* and was forwarded to the CSO by DI Hickey who called attention to 'the language used by Mr French towards the Resident Magistrates and the Police.'⁶⁴ There is no doubt that the letter was quite incendiary as it refers to 'a gang of paid hirelings, felon setters and partisans, to prosecute a man for acting the part of a brave, patriotic citizen'. French declared that he would have his name printed in Irish on all his carts. Interestingly, he referred to Newton Brady, saying 'It was quite plain the Government were determined to gain this case when they brought a paid partisan from Ennis' and queried who would pay his expenses.⁶⁵ The CSO drew French's letter to the attention of the Lord Chancellor but the matter was eventually dropped. However, as we will see below, French would come to the attention of the authorities again in a similar case in late 1905.

Considine noted on the Hynes file that 'Some discretion in taking prosecutions in cases of this nature should and will be exercised' (8 Oct. 1901). The following day Harrel added 'It will be well to ask for instructions in every case of a proposed prosecution'. Crucially, however, no circular was issued to this effect meaning that the decision was not communicated to the RIC.

Following on from the Bartley Hynes case, a letter to the editor of *An Claidheamh Solais* from solicitor Joseph A. Glynn, a member of Tuam branch of Conradh na Gaeilge, was published in the *Tuam Herald* on 5th October.⁶⁶ Glynn had contacted eleven Welsh solicitors and asked them to answer two questions: Do owners of carts in your districts put their names on their carts in Welsh? and Have they ever been prosecuted for so doing? He received four replies. There was general agreement that names did appear in Welsh but also an acknowledgement that written characters in Welsh and English were alike. Glynn mentioned that he had been informed by W. B. Yeats that Sir Thomas Edmond MP had had his name in Irish on his carts for seven years 'no questions asked'. In addition, he alluded to a much earlier

⁶⁰ *FJ*, 6 Sept. 1901.

⁶¹ *FJ*, 27 Sept. 1901.

⁶² *Kilkenny People*, 19 Oct. 1901.

⁶³ *Tuam Herald* (henceforth *TH*), 12 Oct. 1901.

⁶⁴ Letter dated 15 Sept. 1901 from JC Hickey, DI, to CSO.

⁶⁵ *Galway Observer*, 14 Sept. 1901.

⁶⁶ *TH*, 5 Oct. 1901.

case from 1869 where a farmer was summoned and fined for having his name in Irish on his cart. Glynn concluded by recommending that:

The simplest course is for everyone to follow Hynes's example, and if necessary let the Gaelic League take a test case to the King's Bench on a "Case Stated" though I have not much faith in that course. As an advertisement it might be useful, but I would rather hear the Irish from the tongue of one child than read it on the carts of a dozen farmers.

The suggestion of a 'Case Stated' would be taken up four years later. When a newspaper stated that Lady Gregory and Edward Martyn had ordered their names to be put in Irish on their carts,⁶⁷ DI Hussey wrote to Dublin Castle contradicting this information: Lady Gregory had no carts while Martyn had one cart with his name 'in English characters on a metal plate'.⁶⁸

In January 1902, John O'Lorigan of Kilmihill, Clare, treasurer of the local branch of Conradh na Gaeilge, was summoned for having his name in Irish on one of his carts.⁶⁹ A few days later his sister, shopkeeper Máire Ní Lorgain, found herself facing the same charge; the cart may have been her property. Her solicitor 'made a vigorous defence' and the summons was dismissed, a result which was hailed as 'a signal triumph' in the *Freeman's Journal*.⁷⁰ As the only such case involving a woman, it is surprising that it did not attract more attention, but no further newspaper coverage was located, and the case is not included in the Dublin Castle file.

After a two-year hiatus the court cases recommenced. In December 1904 Liam Ua Siordain⁷¹ / William Sheridan of Drumlerry, Meath, was fined two shillings for having no name on his cart. He then added a brass plate with his name in Irish characters and was summoned. The policeman prosecuting the case maintained that he could not read the name and address. The Chairman queried what would happen if a name was in Hebrew and DI Lea responded that 'The police would want to be taught all the languages of the world'. Sheridan, who was defended by a solicitor in court, was not fined but was ordered to pay costs and directed to add his name in English.⁷² However, he did not comply and in February 1905 Sergeant Robinson sought advice on the matter. He suggested that Conradh na Gaeilge would defend Sheridan if he was prosecuted and asked if a summons should be issued.⁷³ DI Lea was keen to distance himself from such matters and wrote to county inspector JC Carter, emphasising that he 'did not conduct the prosecution in this trivial case' and 'was not asked for authority to have the defendant summoned'.⁷⁴ Assistant Under Secretary Dougherty noted on the file that 'the Magistrates having made an order I think the police are bound to enforce it, and that if Sheridan persists in his continuing he must be prosecuted.'⁷⁵ The possibility of a second

⁶⁷ *The Independent*, 30 Sept. 1901.

⁶⁸ Letter from W. H. Hussey, 15 Sept. 1901.

⁶⁹ *FJ*, 13 Jan. 1902.

⁷⁰ *FJ*, 17 Jan. 1902.

⁷¹ Various spellings of this surname appear in different sources. For example, Ua Siordain (*Anglo Celt*, 21 Jan. 1905 and *Meath Chronicle*, 22 Apr. 1905); Ua Siridin (*II*, 28 Jan. 1905); Ó Siordain (*ACS*, 15 Apr. 1905); Ua Siridein (*ACS*, 28 Jan. 1905).

⁷² *Anglo Celt*, 21 Jan. 1905; the comment about Hebrew may have inspired Brian O'Higgins' song 'Moses Ritooraloorilay', a version of which was sung by the Clancy Brothers.

⁷³ Letter dated 8 Feb. 1905 from Sergeant H. W. Robinson.

⁷⁴ Letter dated 9 Feb. 1905 to county inspector with clipping from *The Leader*.

⁷⁵ Note dated 15 Feb. 1905.

prosecution was mooted but it was decided to await the decision of the court of King's Bench in the upcoming McBride case.⁷⁶

Instead, attention shifted to the fact that the Sheridan prosecution had been taken locally without requesting approval from Dublin Castle. A circular to county inspectors was drafted and submitted for approval. The circular stipulated that 'instructions should be applied for from Head Quarters before a proceeding is instituted'. This would allow the CSO to apply discretion and retain some element of control. The order was approved, the circular was issued on 29 March 1905 and on 8 April the *Southern Star* reported on the content.⁷⁷ The *Meath Chronicle* published a verse of a ballad to be sung to the tune of 'The Ould Plaid Shawl':

The sharp command is speeding now to every barrack door
For Irish names on Irish carts, you'll prosecute no more.
There are shouts of wild commotion from the centre to the sea
And wails of consternation from the RIC.⁷⁸

However, the judgement in the Niall Mac Giolla Bhrighde /Neil McBride case would result in this particular circular being cancelled after a mere two months.

The Niall Mac Giolla Bhrighde Case

The CSO was overtaken by events in the form of the case of Niall Mac Giolla Bhrighde / Neil Mc Bride from Feymore in Donegal who was prosecuted twice for the same offence at Dunfanaghy Petty Sessions in March 1905. On the first occasion McBride showed the court a copy of his name and address in Gaelic letters and Sergeant Murray, who was prosecuting the case, accepted that he could read it. Despite this, McBride was fined 2s 6d.⁷⁹ He wrote to the *Derry People* newspaper and gained the support of Conradh na Gaeilge who advised him not to pay the fine and assured him that the organisation would support him in the High Court. McBride was prosecuted a second time and the Conradh kept their word and sent solicitor P. M. Gallagher to defend him. On this occasion McBride was fined one shilling.⁸⁰ In the House of Commons, Hugh Law MP asked Chief Secretary Walter Long if he would 'direct that no more prosecutions shall be instituted by the police' in similar cases but Long responded saying 'The answer to this question is in the negative.'⁸¹

The Petty Sessions allowed a case to be stated to a higher court. This was something that Douglas Hyde, founder and first president of Conradh na Gaeilge, objected to strongly. In an unpublished memoir written in 1918, he wrote that:

I left the strictest orders that the question should not be opened in the law courts. I wanted the placing of the Irish forms on carts to become so common that it could not

⁷⁶ CSO judicial division subject and minute 10 and 11 May 1905.

⁷⁷ *Southern Star*, 8 Apr. 1905.

⁷⁸ *Meath Chronicle*, 22 Apr. 1905.

⁷⁹ *Irish Independent* (henceforth II), 7 Mar. 1905. Ó Connachain, *Niall Mac Giolla Bhríde*, 78, Mac Giolla Bhrighde commented that he was fined 18d more than the other defendants that day.

⁸⁰ Ó Connachain, *Niall Mac Giolla Bhríde*, 81. Mac Giolla Bhrighde fully expected to go to jail for non-payment of the fine but someone paid it on his behalf.

⁸¹ HC Deb 28 Mar. 1905 vol 143 cc 1386-7.

be interfered with, and the government was not interfering. To my great annoyance this plan of mine was knocked on the head by Pearse.⁸²

Contrary to Hyde's wishes and instructions, a case was stated to the High Court, the King's Bench division, pointing out that the name was legible to persons who could read the Irish language, that three-fourths of the inhabitants of the district spoke Irish, while a large proportion were bilingual in Irish and English, and a considerable number spoke only Irish. In addition, it was argued that Irish was taught as an extra subject in the local national school and paid for by the Commissioners of National Education and the post office delivered letters and parcels with addresses in Irish.

The judges were O'Brien LCJ [aka Peter the Packer], Andrews J. and Gibson J. Barristers Patrick S. Walsh (from Donegal) and Patrick Pearse, along with P. M. Gallagher, solicitor, appeared for McBride⁸³ and Cecil Atkinson for the Crown. Atkinson argued that 'The language of the legislature was English' and that 'Anything that was inconsistent with the English language was a violation of the Act of Parliament', while the defence argued that Irish was a spoken language, no law prohibited the use of Irish letters and that railway companies and newspapers used Irish in advertisements. The Petty Sessions verdict was upheld by the court. In his judgement, O'Brien said that he would not venture to pronounce McBride's name in Irish 'lest my faulty pronunciation might shock the many Irish scholars who take an interest in the case.' He questioned whether painting names in Irish letters was in compliance with an Act of Parliament. He went on to focus on letters rather than legibility and found that the word 'letters' in the Act in question meant letters of the English language. He noted that English was the language of the Crown and that the police were not expected to have a knowledge of Irish. In relation to the purpose of the Act, he argued that 'the provision was made for the benefit of all the English-speaking subjects of the Crown, no matter whether Irishmen or Englishmen, no matter whether resident in Ireland or casual visitors'. He concluded that 'letters' meant 'letters of the type and character of the English language'.

Andrews J also focused on the purpose of the Act but found that the 'valid objection' was not that the letters were not legible but that 'they were in Irish characters'. In his opinion, it was clear that the framers of the Act had only contemplated English letters. He went on to make an additional point, namely that 'the name which the owner was to express in the English letters was the name by which he was generally known, and that his address which was to be expressed in English characters was his address as generally known'. Gibson J noted that he had been unable to discover:

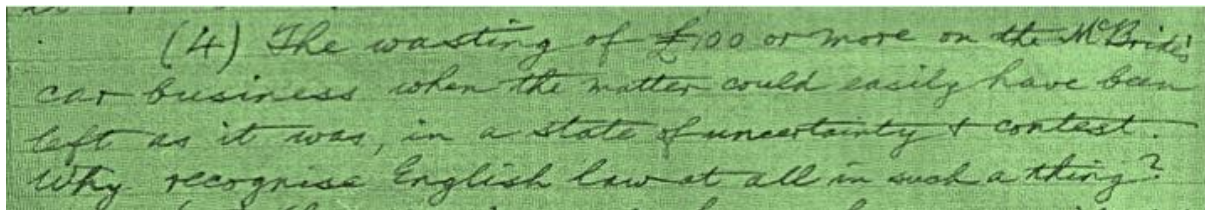
any statute relating to Ireland in which Ireland is treated as bi-lingual, and as requiring special and distinctive treatment accordingly, and in which recognition is given to the fact that in certain parts of Ireland the inhabitants used the Irish tongue. There is no trace of recognition that I am aware of, of any language but English.

⁸² Quoted in Ruth Dudley Edwards, *Patrick Pearse: The Triumph of Failure*, 79. In his memoir, Hyde's recollection was that he had left his orders when he was going to America in 1905. However, Dudley Edwards points out that it was in fact before 'a lengthy trip to England'. Hyde was in Oxford on 25 March 1905 (*DI*). By 28 April he was back in Ireland (*FJ*). Hyde travelled to New York for a fundraising trip on 6 Nov. 1905 (*II*).

⁸³ Tim Healy KC MP is listed in the judgement but was not present in court (Ó Connachain, *Niall Mac Giolla Bhríde*, 80).

This finding conveniently ignored the ongoing and longstanding provision by a number of county councils of interpreters at assizes and quarter sessions courts for Irish-speaking defendants and witnesses which was provided for by law. This was special and distinctive treatment that recognised the use of Irish.⁸⁴ Gibson went on to say that he saw no objection to a bilingual approach where, in addition to painting their name and address in English, a person could put their name in Irish script on the near side of a car.

The judges delivered their judgement⁸⁵ on the Niall Mac Giolla Bhrighde case on 18 May 1905 and Conradh na Gaeilge had to pay costs. Almost a decade later, Seosamh Laoide / Joseph Lloyd, a founding member and treasurer of the organisation, who clearly concurred with Douglas Hyde's preferred approach, continued to be exercised by this matter and drafted a letter dated 4 Dec. 1914 to the executive, an Coiste Gnótha:



(4) The wasting of £100 or more on the McBride's car business when the matter could easily have been left as it was, in a state of uncertainty & contest. Why recognise English law at all in such a thing?

Transcription: The wasting of £100 or more on the McBride's car business, when the matter could easily have been left as it was, in a state of uncertainty and contest. Why recognise English law at all in such a thing?⁸⁶

The *M'Bride v M'Govern* judgement confirmed that Gaelic script would not be accepted and ended any possible discretion on the part of magistrates and justices of the peace at Petty Sessions. However, it raised another question: could people paint their Irish names in Roman letters without fear of prosecution? And would they be able to show that in that case their name and address were the name and address by which they were commonly known? Cart owners continued to be prosecuted for having their name in Irish in Gaelic script and in order to challenge the judgement, many switched to using Roman letters.

After Niall Mac Giolla Bhrighde

The Court of King's Bench judgement put the authorities in a difficult position and there was disagreement among officials in relation to how best to proceed. Which was preferable: to require the RIC to refer all cases to Dublin Castle as provided for in the recent circular, or to allow the RIC to apply the law and prosecute all cases? Under Secretary Mac Donnell and Assistant Under Secretary Dougherty favoured allowing the circular to stand (22 May). However, they were overruled by Attorney General John Atkinson who wrote 'I don't think the violation of this very salutary provision of the law should be winked at' and 'offenders should be prosecuted and the law of the land carried out' (24 May). Considine issued a circular to county inspectors cancelling the previous circular and stating that 'Proceedings should be taken in the ordinary way if an offence be committed against the Statute' (31 May).

The cases kept coming and by this stage they had spread to Dublin, thus involving the DMP for the first time. Furthermore, the offenders were no longer farmers in Galway, Meath

⁸⁴ 13 & 14 Geo. 3, c. 32, s. 22 An act for the amendment of public roads; 6 & 7 Will. 4, c. 116, s. 79 Grand Jury (Ireland) Act; 7 Will. 4 & 1 Vict, cc 43, 44 Small Debts Recovery (Ireland) Act; 14 & 15 Vict., c. 57, s. 20 Civil Bill Courts (Ireland) Act. See Mary Phelan, *Irish Speakers, Interpreters and the Courts 1754-1921* (Dublin, 2019).

⁸⁵ *M'Bride v M'Govern* [1906] 2 I.R. 181.

⁸⁶ Copy-letter book of Seosamh Laoide, 1918-1926, MS G 865, reproduced here courtesy of National Library of Ireland. I am grateful to Pádhraig Ó Giollagáin for this reference.

and Donegal, but merchants and members of Dublin Corporation as well. In April 1905, prior to the McBride decision, the DMP Chief Commissioner, clearly concerned at the advisability of taking a prosecution, had requested instructions as to prosecuting two people, one of whom was Alderman Cole. Assistant Under Secretary Dougherty suggested that 'a prosecution would simply give these people the publicity they are anxious for' (22 April) while Under Secretary Mac Donnell instructed that they await the decision in the McBride case.

The McBride judgement was delivered in May 1905 and in September Alderman Walter L. Cole / Liam Mac Cumhail was summoned by Constable Hebbroon for having his name in Irish characters on his cart and fined ten shillings.⁸⁷ Cole refused to pay and was threatened with arrest, but ultimately his goods, four boxes of Spanish onions and a barrel of Canadian apples, were seized and sold at auction. Cole's supporters attended and made bids in Irish and were surprised to find that auctioneer Mr Hendrick understood and responded in Irish.⁸⁸ A month later Cole was summoned again by Constable Hebbroon; on this occasion his name was in Irish but in Roman letters. Mr Wall KC accepted that the letters were legible and commented, 'I must say that all this is really a foolish exhibition, and people ought to have more sense. There is a decision on the point, but people ought not to be tormented'. The case was adjourned so the summons could be amended.⁸⁹ When the case resumed, rather than focus on language or script, Mr Wall wisely confined himself to technical points, i.e. the name and address were not on the right side of the lorry and the letters were not the regulation size of one inch in height. A second fine of ten shillings was imposed and once again Cole refused to pay.⁹⁰ Ten constables arrived at his premises and seized apples for auction.⁹¹ Similarly, Patrick Geoghegan, a butcher on lower Leeson Street, was fined for having his name in Irish although his address was in English. As he refused to pay the fine, a sheep's carcass was seized and sold at auction.⁹²

In June 1905 Padraic O Cearbhail / Patrick O'Carroll, Blacklion House, Inchicore, a member of Dublin Corporation, was summoned to the Southern Police Court where the prosecution argued that 'comparatively few persons could read Irish inscriptions'. Constable Malone told the court that the letters 'were on the left shaft of the dray, and he could not make out what they were'. O'Carroll's solicitor, Mr P. Lavelle, highlighted the presence of French and Latin words on the royal arms on display in the court 'Dieu et mon droit' and 'Domine salvum fac Regem'. O'Carroll was fined the maximum amount of ten shillings.⁹³ It seems that this fine was paid but as we will see below, O Cearbhail would appear before the courts again the following year.

⁸⁷ *FJ*, 6 Sept. 1905.

⁸⁸ *Skibbereen Eagle* (henceforth *SE*), 30 Sept. 1905.

⁸⁹ *FJ*, 20 Oct. 1905.

⁹⁰ *II*, 27 Oct. 1905.

⁹¹ *FJ*, 2 Dec. 1905.

⁹² *Ulster Herald* (henceforth *UH*), 9 Dec. 1905. The cases involving Walter Cole, Thomas R. Jones and Eamonn O'Neill inspired satirist Susan L. Mitchell to write *Leaguers and Peelers, or The Apple Cart* 'a dramatic saga of the Dark Ages in two acts' where an apple vendor sings to the tune of 'Who dares to speak of ninety-eight?':

Who fears to write his Gaelic name
Along his apple cart
Although the Irish Times may blame
His literary art.

Susan L. Mitchell, 'Leaguers and Peelers, or The Apple Cart', *The Irish Review* 1:8 (1911), 390-406.

⁹³ *FJ*, 17 June 1905.

In July 1905 there was an unsuccessful attempt by Mr Boland MP, with the support of Mr Hugh Law, Mr Lundon, and Mr O'Malley, to introduce the Carts (Ireland) Bill 'to provide for the use of Irish characters in the names of owners painted on carts'.

There were further prosecutions in Dublin. In December 1905 P MacShubhlaig / P Walker of Rathfarnham, was prosecuted for having his Irish name in Roman characters on his cart and fined five shillings with costs.⁹⁴ During the same month, in Swords, Niocolás MacDiarmuid / Nicholas McDermott of Westpalstown was fined one shilling plus three shillings costs or in default fourteen days in Kilmainham Jail for having his name in Irish characters. The defendant refused to pay the fine and rather than send him to prison the magistrates decided to have goods seized. Also in Swords, Frainc O Laoidhleis / Frank Lawless⁹⁵ of Saucerstown House refused to pay a fine and the police seized a sofa.⁹⁶ The *Freeman's Journal* questioned why the DMP were wasting 'public time, money, and patience by these silly prosecutions' instead of pursuing serious offences.⁹⁷

Similarly, RIC prosecutions continued around the country. In July 1905, Patrick Doherty from Carnmalin in Donegal appeared at Carndonagh Petty Sessions. He commented that the people of the county could read his name in Irish and 'it was strange that the police could not'. He was fined a penny and ordered to pay costs but declared he would not pay.⁹⁸ In October 1905, Pádraic Mac Eachach / Patrick Kehoe,⁹⁹ Riversdale, Enniscorthy, was fined four shillings and when he refused to pay, three books were seized from his library and put up for sale by the local head constable. The books were *Luke Delmege* by Father Sheehan, *When we were Boys* by William O'Brien and *Jiu Jitsu*, a treatise on Japanese wrestling. As only the last book found a bidder, it was reported that the authorities intended to make another seizure.¹⁰⁰

Also in late 1905, carter Tomas Mac Seoin / Thomas R. Jones was prosecuted on three occasions at Strokestown Petty Sessions. The first time, his name and address were in Gaelic characters only and he was imprisoned for three days in default of paying a fine. On his release from Sligo Jail, he was met by representatives of Conradh na Gaeilge.¹⁰¹ He then painted Tomas Mac Seoin in Roman characters and was fined again. On the third occasion, his name was in both English and Irish and he was defended by Mr Gaynor on behalf of the local Conradh. Mac Seoin was fined one shilling and costs or in default a week in Sligo jail and once again refused to pay the fine. His solicitor quite rightly stated that 'there was no precedent for a conviction in such a case as this.'¹⁰²

⁹⁴ *Evening Herald*, 14 Dec. 1905.

⁹⁵ Frank Lawless (1870-1922) was involved in the Gaelic Athletic Association and Conradh na Gaeilge. He was second in command under Thomas Ashe in Ashbourne in the 1916 Rising, for which he was arrested and sentenced to death. The sentence was commuted to ten years' penal servitude, and he was released in 1917 under the general amnesty. In 1918 he was elected TD for North Dublin (*II*, 17 April 1922).

⁹⁶ *DI*, 23 Dec. 1905. This episode most likely inspired a bilingual play *Sinntean Mhaire Ni Laoidhis / The Bargain of Swords* that was performed by the Iveragh branch of Conradh na Gaeilge four years later (*Kerry Weekly Reporter*, 24 Apr. 1909).

⁹⁷ *FJ*, 15 Dec. 1905.

⁹⁸ *II*, 27 July 1905.

⁹⁹ Patrick Kehoe (1878-1959) was involved in the Easter Rising in Enniscorthy and was imprisoned in Stafford jail (Jail?). In the 1930s he was a Fianna Fáil TD and later a senator. He was also a poet and writer and very involved in Conradh na Gaeilge and the GAA (*Irish Press*, 8 Jan. 1959).

¹⁰⁰ *II*, 7 Oct. 1905.

¹⁰¹ *Evening Echo*, 10 Oct. 1905.

¹⁰² *Connaught Telegraph* (henceforth *CT*), 11 Nov. 1905.

John Fagan of Barna was also prosecuted three times in late 1905. However, on the third occasion, magistrates Mr MacDermott and Mr J. W. French dismissed the case without prejudice.¹⁰³ This decision led to a letter to French from J Nugent Lentaigne, secretary to the Lord Chancellor, Lord Ashbourne,¹⁰⁴ demanding an explanation as to why French had not followed the decision in *M'Bride v M'Govern*. French held his ground and argued that the name and address were legible, the Act 'made no specific reference to any particular language', and furthermore Fagan was not the owner of the car and was under age. In a second letter, Nugent Lentaigne made it very clear that magistrates were bound to respect the decisions of the High Court. On French's request, the correspondence was published in the *Freeman's Journal*.¹⁰⁵

In October 1905 Thomas Healy and John Cribbin, Drumbane, Ballyhaunis appeared in Ballyhaunis Petty Sessions. Cribbin informed the court that he had had his name in Irish in Irish characters on his cart for four or five years and had never been summoned previously. Mr Holmes R.M. felt that the words should be in Roman characters but Mr O'Kelly JP, having referred to the Act, found nothing that 'suggested that the name should be either in Irish, Latin, Greek, French or English'. O'Kelly suggested that the case 'only leads to dissension' and stated that the majority of cars in the town had no name. The cases were dismissed without prejudice, with Holmes dissenting.¹⁰⁶ Claremorris RIC wrote to Dublin Castle enquiring if any further action would be taken in these cases (17 Oct). Considine noted that 'This ruling is in violation of the law as laid down by the Superior Courts' (19 Oct) and it was agreed that action should be taken. Therefore, Constable Joyce was asked to sign an affidavit outlining the circumstances and requesting a conditional order for *certiorari* in order to challenge the decision because the magistrates were 'bound in law to convict the defendants'. Chief crown solicitor Sir Patrick Coll then wrote to the court of King's Bench who made conditional orders in the case.

On 11 December 1905, Sergeant Patrick Finnegan wrote to his superior informing him that on 27 November 1905 Domhnall Ua Buachalla / Daniel Buckley from Maynooth had been fined at Celbridge Petty Sessions for having his name in Gaelic script on his cart. Buckley had then put his name in Roman letters. Finnegan acknowledged that the letters were legible but suggested that 'the name or pronunciation is Irish and not legible to the majority of the public.' Chief Inspector HW France agreed and recommended that 'a prosecution should be instituted and the matter settled'. This matter, like the Healy and Cribbin *certiorari* case, was already in train when there was a change of government.

Liberals come to Power

In December 1905 the Liberal Party came to power in Westminster. Newly appointed Chief Secretary James Bryce arrived in Dublin on the 14th. From 21 December, in what would be an important appointment for the topic under discussion, the new Attorney General was Richard

¹⁰³ *FJ*, 24 Oct. 1905.

¹⁰⁴ Ironically, Lord Ashbourne's son, William Gibson aka Liam Mac Giolla Bhríde, was an active member of Conradh na Gaeilge and president from 1928 to 1932 (See William Murphy, *Dictionary of Irish Biography*: <https://www.dib.ie/biography/gibson-william-mac-giolla-bhríde-liam-a3461>).

¹⁰⁵ *FJ*, 18 Dec. 1905. James Washington French or French (1866-1949) was born in Wisconsin and grew up in Rocklawn, Galway. He emigrated to the United States in 1914 with his second wife Kate Collins (1887-1968) and their two children. According to the New York federal censuses, he found employment as a grocery clerk (1920) and elevator operator (1930 and 1940).

¹⁰⁶ *FJ*, 18 Oct. 1905.

Robert Cherry from Waterford. One of the first actions taken by the new regime was to issue a circular to the RIC instructing them to return to the pre *M'Bride v M'Govern* approach:

ROYAL IRISH CONSTABULARY OFFICE

DUBLIN CASTLE

3RD January 1906

Circular

Placing of names on carts &c in Irish characters

County Inspector

Typed circular of 31st May 1905 is hereby cancelled. The order contained in the original circular on the subject, dated 29th March 1905 should be acted upon in future, viz "In cases where the names of owners are placed on carts, &c, in Irish characters only, and there is no other infraction of the Statute, instructions should be applied for from Head Quarters before a prosecution is instituted"

N Chamberlain Inspector General

As we have seen, the previous administration had decided to apply for *certiorari* in the Healy and Cribbin cases. However, when Cherry was asked if he wished the order to be applied, his response was: 'These cases appear to me to be trivial and unimportant. I shall not advise any further proceedings to be taken' (6 Feb. 1906).

The other outstanding case was that concerning Domhnall Ua Buachalla, which was to prove a headache for the new administration. The circular dated 3 January was issued on the 4th and 'proceedings had been instituted prior to that date' (Considine 11 Jan). On 8 January 1906 the magistrates fined Buckley five shillings and costs for having the Irish version of his name in Roman characters on his cart but agreed to state a case to a higher court.¹⁰⁷ Not only was Buckley convicted and fined, but a second case was to be stated to the Court of King's Bench. On being asked what action should be taken by the Crown, Richard Cherry wrote an exceptionally forthright note in the CSO file which focussed closely on the law:

In my opinion the conviction in this case was wrong. The decision of the King's Bench Division in *M'Bride v M'Govern* (5NIJR242) was merely that the use of Irish characters not the Irish language was illegal, when painted upon carts. Here the words were painted in English characters, & the law was therefore strictly complied with. The fact that the presiding Justices were unable to read the name is in my opinion no justification for the conviction.

I think counsel should be instructed to attend on behalf of the prosecution on the hearing of the case stated and consent to the conviction being quashed.¹⁰⁸

While the Attorney General's preference was to have the conviction quashed, this is not what ensued. In *Buckley v Finnegan*,¹⁰⁹ O'Brien LCJ and Andrews J, who had presided in the McBride case, sat along with Wright J, and found that the conviction was right in point of law. Buckley was represented by Tim Healy KC, James O'Connor and Patrick Pearse. Dudley White, appearing for the Crown, suggested that the presence of 'Gaelic aspirant marks' meant that the letters were not in fact Roman characters and then argued rather convolutedly on behalf of Buckley that:

¹⁰⁷ II, 9 Jan. 1906.

¹⁰⁸ 9 Feb. 1906

¹⁰⁹ *Buckley v Finnegan* (1906) Irish Law Times Reports 76.

In addition, the magistrates did not expressly find that the defendant was known by the English name of Buckley, and not the Irish equivalent thereof, and therefore, so far as the name was concerned, it was quite consistent with the case as stated that the defendant's name in fact was an Irish name, and that he had complied with the recent King's Bench decision of *M'Bride v M'Govern*, by painting that which was his name in fact in Roman characters.¹¹⁰

However, the judges were not to be swayed. O'Brien echoed the argument made by Cecil Atkinson for the prosecution in *M'Bride v M'Govern* and found that it was 'a distinct violation of the Act of Parliament to put his name in Irish'. He shifted his focus from letters, as in *M'Bride v M'Govern*, to how the letters would be sounded. Andrews J referred to the fact that the name 'is not Daniel Buckley in the English language, but his name according to the Irish language'. He concluded by finding that it was obligatory 'on persons to use letters which are intelligible to English-speaking people, but also to use names which give English-speaking people the information which it was intended by the Act they should receive'. Any needs of Irish speakers were to be ignored apparently. Wright J. concurred with his colleagues.¹¹¹ On this occasion the court did not impose costs. Subsequently, the police reported that Buckley continued to have his name in Irish in Roman characters on his cart and that he had not paid the fine (12 Mar. 1906). Buckley then printed his name and address in Irish characters only (15 Mar. 1906). Considine wrote:

The IG [Inspector General - Neville Chamberlain] is of opinion that proceedings should be taken against this man. He is deliberately breaking the law. (14 Mar.)

However, Dougherty disagreed with such an approach:

I see no use in instituting fresh legal proceedings while the fine imposed in the previous case has not been paid or distrained. (15 Mar.)

Dougherty suggested that the Law Officer should advise (15 Mar.) and Attorney General Cherry's response was:

I consider all the prosecutions for using the Irish language unnecessary and irritating. The law as decided by the King's Bench Division of the High Court cannot of course be disputed but in my opinion it might very well be left to individuals who feel aggrieved to prosecute if they desire to do so. The fine imposed was, as far as I recollect, a merely nominal one & I think it would be unwise to provoke popular indignation by attempting to levy it. Payment would almost certainly be refused. (26 Mar.)

Dougherty recommended that 'the fine imposed should be levied, and result reported' (7 April). As Buckley¹¹² refused to comply, some of his goods were seized and sold at auction where the only attendee purchased the goods on his behalf.

¹¹⁰ *Daily Express*, 14 Feb. 1906.

¹¹¹ [1906] 40 I.L.T.R.76.

¹¹² Ua Buachalla (1866-1963) was in the General Post Office during the Easter Rising and was later imprisoned in Knutsford and Frongoch. He was elected as a Sinn Féin MP in 1918 and fought against the treaty during the civil war. Later he became a Fianna Fáil TD and in 1932 he was appointed governor general of the Irish Free

The newspapers voiced concern about the ongoing prosecutions. The *Connaught Telegraph* queried why prosecutions continued to be taken under the new Liberal government 'if they were not directed by a superior authority'.¹¹³ The *Drogheda Independent* commented that 'It is not a "crime" to put "God save the King" on the bottom of posters in Irish, in the hope of catching recruits down south'.¹¹⁴ Douglas Hyde said, 'I do not see how any Government calling itself Liberal can prosecute people for putting their names in Irish, or rather putting them on in Irish, and leaving off the English.'¹¹⁵

On 22 February 1906, Mr Lonsdale MP (mid-Armagh), no fan of the Irish language, asked Chief Secretary Bryce 'what course the police authorities will pursue to ensure due compliance with the law'. Bryce replied that:

The police authorities will endeavour to secure that the main object of the law, viz., the ascertainment of the ownership of a vehicle by which any damage is done, is duly secured; and it will be a question in each particular case what steps may best be taken for that purpose.

Pressed by Lonsdale, Bryce said that 'I think it desirable that the names should be printed legibly and intelligibly'.¹¹⁶ His reply led to some discussion in Dublin Castle about the circular issued to the police and a recommendation (31 Mar.) that it be adjusted to reflect the judgement in *Buckley v Finnegan* by adding the words in italics in this sentence: 'In cases where the names of owners are placed on carts, &c, in Irish characters only, *or in the Irish form of the name of the owner, if different from the English form, although in Roman characters*, and there is no other infraction of the Statute, instructions should be applied for from Head Quarters before a prosecution is instituted.'¹¹⁷

Despite the fact that the Attorney General, Under Secretary and Assistant Under Secretary were not in favour of prosecutions, there was one further prosecution. In May 1906 Padraic O Cearbhail /Patrick O'Carroll, councillor and coal merchant, was prosecuted again. His solicitor argued that his coal dray had a number by which it could be identified.¹¹⁸ According to a DMP file, the offence had taken place on 14 March and O Cearbhail's name had been painted in Irish characters on the left side and in Roman letters on the right or off side of the drays.¹¹⁹ In the police court, Mr Drury felt bound by the King's Bench decision to convict and imposed a fine of ten shillings. O Cearbhail declared that 'whoever went for the fine would have to fight for it'.¹²⁰ Somewhat surprisingly, the authorities pursued the fine. A ton of coal was seized and auctioned before members of the Irish Ireland movement and a number of constables in plain clothes. A handbill was circulated at the start of the auction:

State (See Marie Coleman, Dictionary of Irish Biography: <https://www.dib.ie/biography/o-buachalla-ua-buachalla-domhnall-donaldaniel-richard-buckley-a6284>).

¹¹³ *CT*, 13 Jan. 1906.

¹¹⁴ *DI*, 13 Jan. 1906.

¹¹⁵ *DI*, 17 Feb. 1906.

¹¹⁶ HC Deb 22 Feb. 1906 vol 152 c 514.

¹¹⁷ It is not clear if this revised wording was actually circulated.

¹¹⁸ 'All coal carts used for the hawking of coal are registered at the Offices of the Dublin Corporation, who are the Local Authority under the Weights and Measures Act, and such vehicles have a registered number affixed by a Corporation official for the purpose of identification and the prevention of fraud'. Letter from W. V. Harrell DMP assistant commissioner to Under Secretary Antony MacDonnell (12 June 1906).

¹¹⁹ Letter from Superintendent's Office, A Division, 10 May 1906.

¹²⁰ *Belfast Newsletter*, 10 May 1906.

Sale by auction to-day (Saturday), before one o'clock, at Messrs. Hill's auction rooms, Bachelor's walk, of one ton of coal, the property of Councillor Padraic O'Cearbhail, seized yesterday morning in the streets of Dublin by the British Liberal Government to punish Councillor O'Cearbhail for refusing to desert the Irish Language Movement. The proceeds of the auction will be devoted in part payment of the salaries of Mr Bryce, Sir Antony MacDonnell, and the other representatives of the British garrison in Ireland.¹²¹

The auctioneer claimed to have received a bid for one shilling for the coal from a Mrs O'Neill of Dundrum who had supposedly just left the room. There was disbelief at this pronouncement and Inspector Brannigan arrived accompanied by more policemen who removed O'Carroll from the premises. O Cearbhail was then carried by his supporters in triumph down Bachelor's Walk. He made a statement to the *Freeman's Journal* to the effect that all his business stationery was in Irish and the post office accepted postal orders made out to him in Irish. John Lonsdale MP raised these matters in the House of Commons and asked 'whether proceedings will be instituted against the persons who organised this disturbance' but Chief Secretary Bryce claimed that his 'attention was not called to the proceedings' prior to the question, that the disorder referred to was not of a serious nature and no further proceedings would be brought.¹²²

Why was O Cearbhail prosecuted in 1906 after the Liberals had come to power? It seems to have been because the Dublin Metropolitan Police had not received instructions from Dublin Castle. John Ross of Bladensburg, DMP Chief Commissioner, wrote on the file:

Having now received Govt minute directing that no prosecutions should be taken in cases of vehicles where the names & addresses of the owners are painted in Irish, without Govt permission, I have instructed the Police to this effect. (11 May 1906)

The remainder of the CSO file on O Cearbhail focuses on answers to a five-pronged parliamentary question from Richard Hazleton MP. The draft answers do not contain any new information or insights and it seems that Hazleton never actually got the opportunity to ask the questions; there is no record of them in the Hansard archive.

In July 1906, councillors including O Cearbhail voted 17:4 in favour of using Irish only on all Dublin Corporation rolling stock.¹²³ Predictably, the *Irish Times* was of the view that 'The proper course ... for the sane Gaelic enthusiast is to put his name in both languages.'¹²⁴ Former President of Ireland, Seán T. O'Kelly, later claimed credit for the switch by Dublin Corporation writing that: 'Dublin Castle gave up the fight and the struggle over names on carts in Irish was finished successfully'¹²⁵ but in reality the fight was well over by that stage. In November 1917 Fred J. Allan, secretary to the Dublin Corporation municipal workshops committee, sent a letter (with a bilingual letterhead) to Assistant Under Secretary Edward O'Farrell querying if it was illegal for the Corporation carts to have names and addresses in

¹²¹ *FJ*, 18 June 1906.

¹²² HC Deb 25 June 1906 vol 159 cc 596-7.

¹²³ *FJ*, 19 July 1906. The North Dublin Board of Guardians had voted 19:3 to have the name of the Board painted in Irish only on carts used by the Guardians (*II*, 4 Jan. 1906).

¹²⁴ *IT*, 10 July 1906.

¹²⁵ *Irish Press*, 3 July 1961.

Irish only. Given that the answer to the question was potentially embarrassing, O'Farrell noted that 'A correspondence with the Committee does not seem desirable' and requested a report from the Inspector General. The DMP confirmed what everyone surely knew, that is to say that Dublin Corporation carts had names in Irish only. It was concluded that 'A reply can hardly be sent to Mr Allan that it is illegal for the Corporation to have the name plates in Irish and then not to prosecute' (13 Nov. 1917). A note on the file states: 'Proceedings not to be taken without the direct sanction of the AG' (1 July 1918). No proceedings were taken.

The Dublin Castle files show that the police continued to refer cases over the years but the policy was not to prosecute. In July 1906 there was correspondence about Edward McNulty¹²⁶ and John Gannon, Dunfanaghy, Donegal; the Inspector General (Neville Chamberlain) 'considers the police have no alternative but to prosecute'. However, Assistant Under Secretary Dougherty responded 'But the question is whether it is worthwhile to make martyrs of these people. I think not' (30 July 1906) and 'There should be no prosecution in this case' (31 July 1906). In 1908 the police requested instructions about Owen Campbell and John Divine, Tyrone, whereupon Cherry noted: 'This is a trifling matter and I see no necessity for the police taking proceedings' (20 March 1908). Similarly, instructions were given not to prosecute Owen Breen (1908), P. Duggan (1909), Michael Marley, Belfast, in whose case now Under Secretary Dougherty noted 'we should avoid prosecution in these cases' (1909), while Cherry stated 'I do not see what possible advantage would be gained by a prosecution in this case' (21 October 1909). In 1911 in the House of Commons, Mr Scanlan asked if the police had been instructed to prosecute farmers and others who put their name in Irish on their carts. Chief Secretary Birrell replied that 'No instructions to the effect suggested have been issued to the police.'¹²⁷ No proceedings were taken against Thomas Rourke, Thomastown district (1914) Francis Daly, Athlone (1915), an unnamed person in Portumna (1917) or John Guinane of Garryard East, Tipperary (1919). In 1917, a policeman explained that the policy was 'not to notice' names in Irish on carts unless there was another offence.¹²⁸

It is surprising, given that six of the seven signatories of the 1916 proclamation were members of Conradh na Gaeilge, that there is so little Irish in the document. Indeed, the only Irish words therein are 'Poblacht na hEireann' and two names: Seán Mac Diarmada and Éamon Ceannt. Pearse is P. H. Pearse, the form he also used 'in bulletins during Easter Week'.¹²⁹ By contrast, the Irish signatories to the 1921 Treaty all signed their names in Irish although Arthur Griffith added his name in English. In 1893 in the James Gleeson case, there was speculation that an Irish-speaking solicitor would address the court in Irish but this, of course, never happened. While it does seem a shame that Pearse did not seize the opportunity to address the Court of King's Bench in Irish, perhaps it is too much to expect of an inexperienced barrister.

After partition there were at least three prosecutions for the offence in question in Northern Ireland. In 1923 at Dromore Petty Sessions, when James Monaghan from Letterree

¹²⁶ In March 1906 the Dunfanaghy clerk of Petty Sessions refused to issue a dog licence in Irish to Edward McNulty who was prosecuted for having an unlicensed dog, convicted, and fined five shillings or seven days in prison. McNulty chose seven days and when released 'was entertained at dinner in Londonderry' (Dougherty 26 Apr. 1907). The same issue arose the following year and the local police suggested seizing and selling the dog to end the matter. McNulty was fined two shillings and sixpence on 8 June 1907 but refused to pay. Dougherty ordered that 'the police may hold the warrant to be executed if opportunity offers' (17 June). However, there appears to have been agreement that 'Further proceedings against McNulty are undesirable' (10 Sept.)

¹²⁷ HC Deb 21 Apr. 1911 vol 24 c 1327W.

¹²⁸ ACS, 28 April 1917.

¹²⁹ Letter from John A Murphy, *IT* 24 Nov. 2014.

was summoned for using a cart without having his name on it, he explained that his name was in Irish. Mr Blayney responded 'That's not enough' whereupon Monaghan, who had added his name in English, said 'I think that the language of my native country is alright, and should be sufficient.' Monaghan was fined six shillings and costs.¹³⁰ In 1930, Hugh Kelly, Cranfield, Randalstown, was charged with the same offence but the case was adjourned for one month to allow him time to add his name in English.¹³¹ In 1938 at Londonderry Petty Sessions, Donegal man, Seán Ó Cinnéide, was fined ten shillings for having the characters on the identification plate on his car in Irish, something that Constable Reilly considered to be misleading. Ó Cinnéide, who did not attend the hearing, sent a letter saying that he used the Irish characters for sentimental reasons and was willing to pay a fine if necessary.¹³²

The recognition of the Irish language in the Constitutions of the Irish Free State (1922) and of Ireland (1937), did not solve issues around the use of Irish in the public sphere. Instead, as suggested by Hardiman J, they were 'merely window dressing'.¹³³ Indeed, in a case that was remarkably similar to the earlier cases detailed above, Caitríona Ní Cheallaigh was convicted in 1990 in the District Court and fined £10 for using the Irish language abbreviation, BÁC [Baile Átha Cliath] instead of D for Dublin on her car registration plates. She took a judicial review to have her conviction quashed and to compel the Minister for the Environment to introduce an Irish-language version of the names of counties. However, despite Irish being 'the first official language' in the Irish Constitution, O'Hanlon J referred to *AG v Coyne & Wallace*¹³⁴ and his own judgement in *Delap v Minister for Justice* and refused the application on the grounds that the State is free to choose one of the two official languages through which to conduct its business.¹³⁵ In practice, this approach provides no protection to or acknowledgement of the Irish language because the State is always going to choose the English language. However, in this particular case, a solution was found very promptly in the form of a Statutory Instrument which stipulated that the names of counties in Irish be included on all vehicle registration plates.¹³⁶

Conclusion

Given that some defendants in the cases discussed here stated that their name had been in Irish on their carts for a number of years, it would therefore seem that many policemen on the ground opted to ignore such matters. In contrast, in Dublin Castle, RIC officials Neville Chamberlain and Heffernan Considine and Attorney General John Atkinson took a very black and white view: if the law was broken, a prosecution should ensue and any potential political consequences were disregarded. However, Dougherty, Mac Donnell and Cherry took a more nuanced view, could see the bigger picture, and were aware that prosecutions could be counterproductive. Dougherty, in his role as Assistant Under Secretary until 1908 and Under Secretary from 1908 to 1914, was the voice of reason who argued against taking prosecutions while insisting that in the case of convictions any fines imposed must be paid. Attorney General Cherry was pivotal to bringing about change because he was forthright in his view of the cases as 'trivial' and 'a trifling matter'. Despite extensive newspaper coverage, the

¹³⁰ *UH*, 5 May 1923.

¹³¹ *UH*, 11 Jan. 1930.

¹³² *IT*, 16 July 1938.

¹³³ *Ó Maicín v Éire* Appendix III to Hardiman J's judgement.

¹³⁴ *AG v Coyne & Wallace* 101 ILTR 17 (1963) and *Delap v Minister for Justice* 1980-1998 IR (SR) 46.

¹³⁵ *Ní Cheallaigh v An tAire Comhshaoil* [183/JR/1990].

¹³⁶ SI 287/1990 Road Vehicles (Registration and Licensing) (Amendment) Regulations 1990.

composing of popular ballads and songs on the topic and general annoyance among Irish speakers and sympathisers, there is no doubt that but for the change of government in late 1905, the prosecutions would have continued and the Healy and Cribbin *certiorari* case would have been pursued, no doubt successfully.

Antony Mac Donnell's claim that Dublin Castle 'has in fact little or no control over the administration except in regard to police'¹³⁷ is contradicted by the CSO file which demonstrates that basic communication between Dublin Castle and the RIC and DMP was highly problematic. Despite file notes recommending discretion after the Bartley Hynes case in 1901, no circular to this effect was issued to the police. In 1906 it took three days to issue the new circular and the message was not shared with the DMP.

With regard to the courts, as Roger Casement commented: 'The magistrates will likely do as much for the language as the Gaelic League – languages, like religion, thrive on proscription'.¹³⁸ However, as we have seen, some justices of the peace were unwilling to convict and opted to dismiss cases. James W. French, in particular, continued to defy Dublin Castle despite considerable pressure to convict. While Attorney General Cherry hoped that the Ua Buachalla conviction would be quashed, he did not bargain on the attitude of the judges at the court of King's Bench. As R. Barry O'Brien commented in relation to Lord Chief Justice Peter O'Brien: 'he was as doughty a political gladiator as ever faced the Irish people in the interests of the English in Ireland'.¹³⁹ In effect, O'Brien moved the goalposts to achieve his desired political rather than legally based result as he shifted from his own concerns around legibility in *M'Bride v M'Govern* to a finding that the use of Irish violated the statute in the *Buckley v Finnegan* judgement.

The official policy was to ignore the existence of the Irish language, to behave as if it did not exist, but these court cases made it difficult to continue ignoring it. Obviously, a more judicious policy would have been to ignore the names in Irish on carts, but the custodians of law and order found it difficult or impossible to do this because their prejudices came to the fore. From the point of view of Conradh na Gaeilge, 'Every cart meant more publicity for the language movement'.¹⁴⁰ People challenged the status quo by painting their name first in Gaelic script and later in Roman characters, refusing to pay fines, being willing to go to jail, and being prepared to be prosecuted repeatedly. Douglas Hyde's preferred approach of not taking a case stated to the court of King's Bench and instead encouraging as many cart owners as possible to use their name in Irish is understandable. However, the reason these cases are remembered over a century later is because the Mc Bride and Buckley judgements became part of case law. They serve as a useful reminder of the prejudice of the authorities – police, courts and Dublin Castle – against the Irish language. Treasurer Seosamh Laoide's concern about the £100 spent by Conradh na Gaeilge on costs in the Niall Mac Giolla Bhrighde case stated was no doubt valid as this was a considerable sum of money at the time but a small price to pay to be part of history.

¹³⁷ Kieran Flanagan 'The Chief Secretary's Office, 1853-1914, A Bureaucratic Enigma', *Irish Historical Studies* 24:94 (Nov. 1984), 197-225. Reference to a letter from Mac Donnell to his wife 18 Nov. 1902, Bodl. MS, Eng.Hist. c. 216.

¹³⁸ Roger Casement, 'On the prosecution of Irish', *Uladh* 1:3 (1905), 23-28.

¹³⁹ R. Barry O'Brien, *Dublin Castle and the Irish People*, 140

¹⁴⁰ Ó Fearáil, *The Story of Conradh na Gaeilge*, 30.