

## **Damaged buildings, commandeered vehicles and purloined provisions: compensation for property losses in Kerry after the civil war**

Personal loss and the enduring legacy of the strife are central leitmotifs of the experience of the Irish civil war in Kerry. This chapter offers a different perspective on these themes by examining how the conflict occasioned significant material loss and economic hardship for individuals, families and businesses. A pressing question for affected property owners during and immediately after the conflict was whether compensation would be forthcoming from the nascent Irish state. The government enacted the Damage to Property (Compensation) Act in 1923 to address property losses. The compensation claims are a treasure trove for the historian because claimants had to record what material possessions were lost, where, when and under what circumstances. This chapter begins by contextualising the financial challenges facing the Irish Free State before explaining the approach taken to devising a workable compensation scheme. The Damage to Property (Compensation) Act, the number of claims made in Kerry and how those claims were dealt with are surveyed. Lastly, the chapter provides an overview of five broad categories of compensation and the awards dispensed.

### **An impecunious state and the cost of compensation**

At the end of July, a small government committee comprising Michael Collins, chair of the provisional government, Patrick Hogan, minister for agriculture, Ernest Blythe, minister for local government, Joseph Brennan, secretary of the department of finance, and Hugh Kennedy, the law officer, was appointed to consider general policy in respect of compensation.<sup>1</sup> Two aspects were swiftly determined. The first was that the Irish government would accept liability for losses in respect of destruction or damage to buildings and other property during military operations following the Anglo-Irish truce of 11 July 1921.<sup>2</sup> Accordingly, on 22 September 1922 a motion that a proportion of compensation be ‘borne as a National liability’ was carried unanimously in Dáil Éireann.<sup>3</sup> Secondly, urgent claims for small amounts, particularly in

---

<sup>1</sup> Extract from report of a meeting of the provisional government on 28 July 1922 (National Archives of Ireland (hereafter NAI), FIN/1/1126).

<sup>2</sup> Provisional government minutes, meeting of 8 July 1922 (NAI, TSCH 1/1/2).

<sup>3</sup> *DÉD*, vol. 1, no. 10, 22 Sept. 1922.

Dublin, were to be dealt with summarily. The limit was initially set at £30 but was increased to £100 in August and by early November about 1,000 such cases had been settled.<sup>4</sup>

Brennan deemed the cost of civil war compensation the ‘most serious financial problem’ facing the government.<sup>5</sup> Oddly, this has been barely noted in the historiography and only passing reference to it has been made in either contemporaneous studies, such as that by Denis Gwynn, or later works such as Ronan Fanning’s pioneering study of the department of finance.<sup>6</sup> Brennan’s assessment of the public finances made bleak reading. Estimated total revenue for 1923–4 was £26.1 million but expenditure was £46.6 million. The difference had to be borrowed. The largest but atypical items of expenditure were for the army at £10.66 million and property losses compensation at £10.38 million.<sup>7</sup> The destruction caused by the civil war and the soaring cost of living in the early 1920s militated against any possibility of raising revenue through increased taxation. In addition, about one-fifth of the approximate tax revenue of £25 million was paid to the British government to meet the costs of land annuities and other charges under the 1921 Anglo-Irish treaty.<sup>8</sup> These financial pressures determined that parsimony would govern the government’s approach to compensation after the civil war.

### **Determining the rubrics of a compensation scheme**

Joseph Brennan played a decisive role in shaping the compensation process and in determining admissible categories of compensation. He was uniquely qualified to advise on these issues. In 1916 he had been private secretary to Sir Robert Chalmers, the interim Irish chief secretary and joint permanent secretary to the Treasury, who oversaw the establishment of the Property Losses (Ireland) Committee which adjudicated on compensation awards following the 1916 rebellion. Several of the rubrics deployed in 1916 were recommended by Brennan in 1922. In one crucial respect, however, the approach to civil war compensation claims differed. Brennan maintained that local tribunals in the form of the county court system would be a more expeditious means of treating claims than a central government commission as had been the

---

<sup>4</sup> Provisional government minutes, meeting of 11 July 1922 (NAI, TSCH 1/1/2); Provisional government decision on claims for compensation, 11 Aug. 1922 (NAI, TSCH S1309); J.J. McElligott to attorney general, 3 Nov. 1923 (NAI, FIN 1/2911).

<sup>5</sup> Memorandum by Joseph Brennan to minister for finance, 2 Oct. 1922 (NAI, TSCH S1309).

<sup>6</sup> Denis Gwynn, *The Irish Free State, 1922–1927* (London, 1928), p. 251 and Ronan Fanning, *The Irish Department of Finance, 1922–1958* (Dublin, 1978).

<sup>7</sup> Memorandum by Joseph Brennan on the general financial position, 27 Apr. 1923 (National Library of Ireland (hereafter NLI), Joseph Brennan papers, MS 26,223(3)).

<sup>8</sup> Department of Finance memorandum on ‘Certain Financial and Economic Effects of the Annual Payment by Saorstát Éireann to Great Britain’, Sept. 1932 (NLI, Brennan papers, MS 26,264).

case in 1916.<sup>9</sup> The main reason for this was the sheer volume of compensation claims for property. The 1916 rebellion gave rise to just over 7,000 compensation claims for destroyed or damaged property, mostly in Dublin. This was paid for by the British Treasury.<sup>10</sup> By contrast, Ernest Blythe, the minister for finance, told the Dáil in 1925 that there were about 26,000 claims for property after the civil war.<sup>11</sup>

To reduce the state's financial exposure, Brennan proposed that the minister for finance should nominate a solicitor in every county to contest property compensation claims with the assistance, if required, of assessors or investigators to inspect damaged premises.<sup>12</sup> In 1916 consequential loss (such as loss of profit) was excluded as was the loss of cash and ornamental jewellery, unless they belonged to the stock-in-trade of a bank or jeweller. Brennan succeeded in having the same approach adopted under sections 6 and 7 of the Damage to Property (Compensation) Act (1923).<sup>13</sup> Therefore, a manufacturer could be compensated for his machinery but not for loss of business. Looting and robbery, which were widespread during the civil war, presented a different challenge because the provisional government had a responsibility to protect peaceable citizens. Loss arising from such cases was admitted but limited to the cost price of the goods with no allowance for the consequential loss of expected profit.<sup>14</sup> Acts of requisitioning by the National Army were treated as goods and services supplied and assigned to the department of defence for payment.

Two categories of claimant were excluded from the scheme for property losses. First, claims for death and personal injury were assigned to a separate Compensation (Personal Injuries) Committee. During the course of 1923, this body received 6,616 applications. Of 5,922 cases considered by it, 1,351 were ineligible and no grants were recommended in 3,223 cases. Just a fifth of the submitted claims were successful and £270,000 was paid out in lump sums.<sup>15</sup> Secondly, at the insistence of Richard Mulcahy, minister for defence and National Army commander-in-chief, all claims for compensation by the anti-treaty IRA and their active

---

<sup>9</sup> Memorandum by Brennan on revised draft scheme of compensation for post-truce damage to property, 9 Sept. 1922 (NAI, FIN/1/1126).

<sup>10</sup> Property Losses (Ireland) Committee, 1916. Report, paragraph 24 (The National Archives, T 1/12090). For a discussion of the 1916 compensation, see Daithí Ó Corráin, "They blew up the best portion of our city and ... it is their duty to replace it": compensation and reconstruction in the aftermath of the 1916 Rising', *Irish Historical Studies*, 39 (2014), 272-95.

<sup>11</sup> *Dáil Éireann debates*, vol. 11, no. 22, 28 May 1925.

<sup>12</sup> Memorandum by Brennan for minister for finance, 2 Oct. 1922 (NAI, TSCH S1309).

<sup>13</sup> Brennan to minister for finance, 25 Oct. 1922 (University College Dublin Archives (hereafter UCDA), Hugh Kennedy papers, P4/468).

<sup>14</sup> Memo by Brennan on revised draft scheme of compensation, 9 Sept. 1922 (NAI, FIN/1/1126).

<sup>15</sup> Report of the compensation (personal injuries) committee to minister for finance, 31 Dec. 1924, including schedule of progress to 5 Dec. 1924 (NAI, FIN 1/3103).

supporters were excluded.<sup>16</sup> This measure was approved by the government in October 1922 and laid down in section 9 of the Damage to Property (Compensation) Act.<sup>17</sup> The attorney general subsequently clarified that this section did not intend to penalize anyone for republican opinions but rather only overt acts that indicated an association or sympathy.<sup>18</sup> Margaret Hannon of William Street, Listowel was an example of a claimant who fell afoul of section 9. In January 1924 she was recommended £80 compensation along with £7 3s. 3d. costs and expenses. However, payment was refused by the minister for finance because it related to the billeting of anti-treaty forces. This was, as Ernest Blythe explained in response to a parliamentary question from James Crowley TD, outside the terms of the legislation.<sup>19</sup> The exclusion of republicans from the compensation scheme was lifted when Fianna Fáil came to power in 1932.

In November 1922, the department of finance approved a detailed application form for claiming compensation in respect of damage to or destruction of property since 11 July 1921.<sup>20</sup> Claims had to be submitted in triplicate. The original form had to be signed before a commissioner for oaths and lodged with the clerk of the crown and peace of the area in which the damage or destruction occurred. Copies had to be sent to the secretary of the department of finance and to the secretary of the relevant county council or town clerk.<sup>21</sup>

### **The Damage to Property (Compensation) Act (1923)**

On 19 December 1922, W.T. Cosgrave, president of the executive council, initiated the Criminal and Malicious Injuries bill. He retitled this measure during the committee stage in March 1923 as the Damage to Property (Compensation) bill.<sup>22</sup> The new legislation was imperative so as to remove any legal liability for civil war damage from local authorities under the Criminal Injuries Ireland Act (1920). That measure was passed by the British government to compel local authorities to pay awards to servants of the Crown who suffered injury in the

<sup>16</sup> Mulcahy to W.T. Cosgrave, 3 Oct. 1922 (UCDA, Kennedy papers, P4/468).

<sup>17</sup> Provisional government minutes 18 Sep.-5 Dec. 1922, meeting of 28 Oct. 1922 (NAI, TSCH/1/1/3).

<sup>18</sup> Memo of conference regarding compensation for damage to property with state solicitors on 30 June 1923 (NAI, FIN 1/2895).

<sup>19</sup> Compensation claim of Margaret Hannon (NAI, FIN/COMP/2/8/296); *Dáil Éireann debates*, vol. 14, no. 1, 19 Jan. 1926.

<sup>20</sup> *Iris Oifigiúil*, 21 Nov. 1922, Public Notice No. 20 Compensation in respect of damage to or destruction of property inflicted since the 11<sup>th</sup> July 1921, 697-8; *Irish Independent*, 23 Nov. 1922.

<sup>21</sup> *Iris Oifigiúil*, 1 Dec. 1922, Public Notice No. 21 Compensation in respect of damage to or destruction of property inflicted since the 11<sup>th</sup> July 1921, 731.

<sup>22</sup> *Dáil Éireann debates*, vol. 2, no. 42, 21 Mar. 1923.

discharge of their duty and to others who sustained loss of property during the War of Independence.<sup>23</sup> The Damage to Property (Compensation) Act (1923) prevented the Irish system of local government from being financially crippled.

The most significant portion of the bill was contained in part II which concerned injuries to property between 11 July 1921 and 20 March 1923. Cases were to be heard and determined by the county court which became the circuit court in 1924. The court was empowered to make a decree payment which was mandatory on the minister for finance unless he appealed to a higher court. Under section 10, the court was also empowered to attach a reinstatement condition to a decree in respect of damaged buildings. This reflected the concerns of the minister for local government to address the acute housing shortage in the Irish Free State. He requested that local councils press for the attachment of reinstatement conditions.<sup>24</sup> Where partial reinstatement was imposed a smaller or more suitable building could replace the original. When no reinstatement condition was attached the compensation was not to exceed the amount by which the market value of the building was reduced by injury. This amounted to a lower scale of compensation for owners who did not rebuild. The *Irish Builder* was highly critical of the power vested in judges who did not have technical building knowledge and argued (to no avail) that a statutory commission would have been a better approach.<sup>25</sup> County courts also considered claims pertaining to seized goods. In such cases, the court could make a report or recommendation for payment. These were generally discharged in full but the minister for finance had the power to reduce reports that were deemed excessive. Section 13 required applicants to accept a proportion of their compensation in the form of government securities – a further indication of the financial difficulties that confronted the new state. The Damage to Property (Compensation) Act became law in May 1923.

The act was subsequently amended on three occasions. Within weeks of its promulgation, the departments of local government and defence pushed to extend the period covered from 20 March to 12 May 1923 as the civil war did not end in March and over 300 compensation claims had been received for injuries to property after the March cut-off date.<sup>26</sup> While there was no formal truce, the end of the civil war was signalled by Éamon de Valera's order to cease operations on 27 April and by IRA chief of staff Frank Aiken's command to

---

<sup>23</sup> See *House of Commons Debates*, vol. 134, col. 737, 5 Nov. 1920.

<sup>24</sup> Circular from E.P. McCarron (secretary department of local government) to secretaries of county and urban councils, town clerks, 15 Aug. 1923 (NAI, FIN 1/2896).

<sup>25</sup> *Irish Builder*, 29 Dec. 1923, 1002.

<sup>26</sup> Memorandum to members of Executive Council on damage to property subsequent to 20 March 1923, 28 July 1923 (NAI, TAOIS/S1938).

dump arms on 24 May 1923. An amendment in August extended the period covered by the Damage to Property (Compensation) Act to 12 May.<sup>27</sup> A further amendment act was introduced in 1924 to authorize the issuing of securities in certain cases.<sup>28</sup>

The third alteration was the most significant and arose as part of the financial agreement between the British and Free State governments in December 1925 that followed the boundary commission crisis.<sup>29</sup> The Free State's liability for servicing a portion of the British public debt was waived and in return the Irish government agreed to repay the British government what the latter had paid for malicious damage in the twenty-six counties during the War of Independence. This took the form of a lump sum of £150,000 on 1 January 1926 and from 1 April 1926 an annuity of £250,000 for sixty years.<sup>30</sup> Furthermore, the Irish government agreed to increase post-truce compensation decrees by 10 per cent as a way of addressing British concerns about southern unionists.<sup>31</sup> The financial agreement of 1925 was implemented by the Damage to Property (Compensation) (Amendment) Act 1926. Section 3 of that act provided that amounts of less than £50 would be paid in money from funds provided by the Oireachtas, and that securities would be issued where the amount exceeded £50.<sup>32</sup> By 1936 the payment of the additional ten per cent was estimated to have cost £410,000.<sup>33</sup>

### **The operation of the compensation scheme**

The Damage to Property (Compensation) Act was enacted in May 1923 but several months elapsed before claims were heard. Instructions had to be devised for county court judges, state solicitors had to be appointed in each county, and suitably qualified assessors identified. Unlike 1916 when compensation was granted on analogy with insurance, the post-civil war system was adversarial with claims heard in court. The first of the Kerry claims came before the county court in November 1923 where Judge John Cusack presided. A native of Newry, he was appointed judge in Kerry and Limerick in April 1920, having previously been counsel to the

---

<sup>27</sup> Ibid., Extract from executive council minutes, 9 Aug. 1923.

<sup>28</sup> Meeting of the Executive Council, 16 June 1924; Damage to Property (Compensation) (Amendment) Act, 1924 (NAI, TSCH/1/2/3).

<sup>29</sup> For a detailed account see Charles Townshend, *The partition: Ireland divided, 1885-1925* (London, 2021), pp 247-68.

<sup>30</sup> The remaining repayments were waived in 1969, see Fanning, *Department of Finance*, p. 167.

<sup>31</sup> Note of proceedings of meeting in 11 Downing Street, 3 Dec. 1925 (UCDA, Ernest Blythe papers, P24/142).

<sup>32</sup> Damage to Property (Compensation) (Amendment) Act, 1926.

<sup>33</sup> W. A. Honohan (secretary department of finance) to private secretary to president, 10 Feb. 1936 (NAI, Taoiseach 97/9/80).

attorney general in Ireland.<sup>34</sup> Cusack heard a majority of the Kerry claims before the reorganization of the courts system in August 1924 when he retired to Twickenham. E.J. McElligott was appointed judge of the south-western circuit for counties Clare, Limerick and Kerry. From Listowel, he attended Trinity College Dublin and was called to the inner bar in 1913.<sup>35</sup> McElligott wrote to Ernest Blythe to express his gratitude for his appointment, and he remained a circuit court judge until 1940.<sup>36</sup> The government's interest was defended by Terence J. Liston who was appointed state solicitor in June 1923. A native of Rathkeale in County Limerick, shortly after qualifying in 1896 he opened offices on Denny Street in Tralee and built up an extensive legal practice. Liston was state solicitor for Kerry until his premature death at the age of 66 in February 1937.<sup>37</sup>

The scale of the task before Cusack and Liston was significant. At a special session in Tralee courthouse on 22 November 1923, Liston indicated that there were about 2,225 claims amounting to £1.75 million, but he was confident the sum could be greatly reduced.<sup>38</sup> So it proved. About 800 claims were swiftly dismissed. Nevertheless, the 1,203 admitted claims in Kerry was one of the highest in the Irish Free State. Table 1 presents the number of admitted claims by county in descending order.

**Table 1: Number of admitted compensation claims by county<sup>39</sup>**

| County                   | Number of claims |
|--------------------------|------------------|
| Cork                     | 3,301            |
| Dublin (city and county) | 2,567            |
| Tipperary                | 1,263            |
| <b>Kerry</b>             | <b>1,203</b>     |
| Galway                   | 976              |
| Mayo                     | 952              |
| Limerick                 | 935              |

<sup>34</sup> *Kerry News*, 9 Apr. 1920; *Irish Times*, 2 Nov. 1929.

<sup>35</sup> *Irish Times*, 16 Aug. 1946.

<sup>36</sup> E. J. McElligott to Blythe, 7 Aug. 1924 (UCDA, Blythe papers, P24/416).

<sup>37</sup> *Irish Times*, 20 Feb. 1937.

<sup>38</sup> *Ibid.*, 23 Nov. 1923.

<sup>39</sup> These figures are derived from the FIN/COMP/2 series of compensation claims in the National Archives of Ireland.

|              |               |
|--------------|---------------|
| Louth        | 856           |
| Donegal      | 840           |
| Wexford      | 684           |
| Sligo        | 515           |
| Offaly       | 494           |
| Roscommon    | 473           |
| Clare        | 463           |
| Waterford    | 396           |
| Kilkenny     | 379           |
| Laois        | 368           |
| Westmeath    | 353           |
| Kildare      | 331           |
| Leitrim      | 331           |
| Cavan        | 296           |
| Monaghan     | 281           |
| Meath        | 271           |
| Wicklow      | 271           |
| Carlow       | 197           |
| Longford     | 120           |
| <b>Total</b> | <b>19,116</b> |

Cork city and county submitted the highest number followed by Dublin city and county. Unsurprisingly, the length and ferocity of the civil war in Kerry resulted in the fourth highest number of submitted claims.<sup>40</sup>

At a conference with state solicitors in June 1923, W.T. Cosgrave set out the bleak financial situation and emphasised their responsibility to make preliminary investigations and oppose claims in court.<sup>41</sup> Liston vigorously defended the public purse. Inflated claims were given short shrift. Marianne O'Shea of Mount Prospect, Kilcummin sought £200 for trees, barbed wire and fences cut down between June and October 1922 but was awarded £3 and costs of £3 4s. 6s.<sup>42</sup> Judge Cusack dismissed Matthew Sullivan's claim of £21 for destruction

<sup>40</sup> The Kerry claims are contained in NAI, FIN/COMP/2/8.

<sup>41</sup> Memorandum of conference regarding compensation for damage to property with state solicitors on 30 June 1923 (NAI, FIN 1/2895).

<sup>42</sup> Marianne O'Shea (NAI, FIN/COMP/2/8/602); *Kerryman*, 9 Feb. 1924.

of fences, a horse and furniture at Lerrig, Ardfert as ‘ridiculous’ and awarded just 10s.<sup>43</sup> In several cases, Liston argued successfully that awards for loss of turf, hay or other harvests maliciously damaged should be calculated only on the cost of production. On this basis, Thomas Brosnan, a labourer from Castleisland, who sought £80 for a rick of turf burned at Loughfouder awarded £32 and £1 in expenses.<sup>44</sup>

Liston was fastidious in investigating possible fraud. Jeremiah O’Leary of Kilcummin was awarded £5 10s. and costs of £4 13s. 6d. for a pig ‘injured and rendered useless’ during an engagement between the National army and anti-treaty IRA in August 1922. The state solicitor questioned whether the pig had actually been killed on foot of which a police report was requested by the department of finance. In October 1924 Chief Superintendent James Ryan confirmed that O’Leary did ‘undoubtedly lose his pig in the circumstances related’ and described O’Leary as ‘a most respectable person’ who had been a staunch government supporter.<sup>45</sup> Marianne O’Shea of Beaufort claimed £14 for the theft of her bicycle by republicans near Sneem in November 1922. Although the judge recommended £6 10s., Liston sought a more thorough investigation of an improbably expensive bicycle. In March 1925, Miss O’Shea was prosecuted for using a fraudulent receipt. The secretary of the Mead Cycle Company in Birmingham stated in evidence that the maximum price for a lady’s bicycle in 1915 was £7 15s. In the event, however, the jury found the defendant not guilty on the basis that the original receipt contained a typo and that Miss O’Shea had acted in good faith.<sup>46</sup> Liston’s tenacious defence of the taxpayer was recalled in tributes following his death. District Court Judge R.D. Johnson emphasized how he had carried through the onerous work after the civil war with ‘lion-hearted courage and devotion’.<sup>47</sup>

### **An overview of Kerry compensation claims and awards**

A detailed analysis of the Kerry claims is beyond the scope of this chapter. Instead, an overview of five broad categories of destroyed property is presented. The largest claims were for houses and business premises. Many of these pertained to the urban phase of the civil war in Kerry in August/September 1922 when the National army captured Tralee, Killarney, Castleisland and

---

<sup>43</sup> *Kerry News*, 4 June 1924.

<sup>44</sup> Liston to M.A. Corrigan (chief state solicitor), 24 Nov. 1923 (NAI, FIN 1/2895); Claim of Thomas Brosnan (NAI, FIN/COMP/2/8/496).

<sup>45</sup> Claim by Jeremiah O’Leary (NAI, FIN/COMP/2/8/601).

<sup>46</sup> Liston to minister for finance, 2 July 1925, claim by Marianne O’Shea (NAI, FIN/COMP/2/8/546).

<sup>47</sup> *Kerryman*, 20 Feb. 1937.

Killorglin, and then the anti-treaty IRA retook Kenmare and attempted to do likewise in Killorglin on 27 and 28 September. The Free State forces occupied the police barracks in Killorglin town square as well as the Carnegie library, the Bianconi Inn and premises on Mill Road. In an effort to regain the police barracks, the IRA burrowed through nearby houses on Upper Bridge Street.<sup>48</sup> Hannah Dodd, a widow in her late sixties, owned a house and small shop that adjoined the barracks. A mine was placed at the party wall and the explosion destroyed Mrs Dodd's home and livelihood but not the stoutly built barracks. On 13 December 1922 she lodged a claim for £1,277 10s. 6d. for structural damage to the building and £396 10s. for looting and loss of the contents. A decree was issued in November 1923 for £730 plus £18 4s. 3d. costs. A reinstatement condition under section 10 of the Damage to Property (Compensation) Act was attached to the award: £580 had to be spent on rebuilding or repairing her property so that it was of same the character as the damaged building.<sup>49</sup>

The case of Hannah Dodd illustrates how the compensation process worked in practice. First, no owner received the full value of a new building. Instead, they got the value of the old building towards the construction of a new one. Secondly, rebuilding rarely commenced swiftly as there were various sources of delay between the hearing of claims and the lodgement of decrees with the department of finance. One obstacle to receiving payment promptly was the Revenue Commissioners. They checked if claimants were in arrears of local rates, income tax or behind with their mortgages. Any unpaid amounts were then deducted from compensation awards. This was both a means of recouping debts owed to the state or local government due to widespread tax defaulting and of controlling the cost of awards. The Revenue Commissioners deemed Hannah Dodd a model citizen. A pay order for £167 was dispatched on 23 July 1924 to cover contents and costs. However, the larger portion of £580 was not listed for payment until 15 May 1925. This was commonplace where awards had attached reinstatement conditions. The department of finance could not pay compensation until rebuilding was under way. For larger awards, payment was by instalment after certification by the Office of Public Works (OPW) or their appointed assessors.<sup>50</sup> This frequently caused delay. One of the most egregious examples was the case of the Masonic hall in Knightstown on Valentia. The hearing of the case had to be adjourned for over twelve months as no valuation was furnished by the OPW and an oral presentation of the probable value had to be made

**Commented [DÓC1]:** I am not sure why this is highlighted. A party wall is a shared wall between two separately owned buildings. This is absolutely correct here

<sup>48</sup> A detailed account of the battle to retake Killorglin is provided by Tom Doyle, *The civil war in Kerry* (Cork, 2008), pp 181-5; see also Owen O'Shea, *No middle path: the civil war in Kerry* (Newbridge, 2022), pp 46-9.

<sup>49</sup> Claim of Hannah Dodd (NAI, FIN/COMP/2/8/325).

<sup>50</sup> Certificate of reinstatement by the OPW, 13 May 1925, claim of Hannah Dodd (NAI, FIN/COMP/2/8/325).

instead.<sup>51</sup> As for Hannah Dodd, she died before the £580 was paid. She was too young to qualify for the old age pension and one wonders how and where she spent her final years. Her neighbour Denis O'Sullivan also claimed £277 5s. 6d. for damage to his dwelling house and shop and contents which was on the other side of the barracks and had been occupied by the National army. He was awarded £136 which was eventually paid in October 1926.<sup>52</sup>

Reinstatement conditions could also be attached to non-residential buildings. Farranfore police barracks was a case in point. The owner Michael O'Mahony of Charleville was awarded £759 with a full reinstatement condition. In this case, however, the OPW purchased the site and ruins for £900 in September 1925 and the building was restored for use by the Garda Síochána in 1927.<sup>53</sup> In January 1923 Margaret O'Donoghue's barn in Duagh was maliciously burned, causing the loss of several tonnes of hay, straw, oats and turnips. She was awarded a decree of £190 with a reinstatement condition attached to £60 for rebuilding the barn.<sup>54</sup>

The destroyed mansions of southern loyalists occasioned the largest awards of all.<sup>55</sup> Ardfert Abbey, owned by the Talbot Crosbie family, was occupied by the IRA from April until May 1922 and set on fire on 3 August 1922. The probable reason for this was to prevent the property being used by the National army but local animosity against Talbot Crosbie as a landlord cannot be dismissed.<sup>56</sup> When Edward Wynne Talbot Crosbie initially sought compensation for £21,024 – the professionally estimated cost of reconstruction – the legislation only permitted Judge Cusack to offer the market value of the property of £2,250.<sup>57</sup> Liston had argued that the house was not a residence at the time of the destruction as it was unoccupied. Crosbie, then residing in Glasgow, strongly disagreed. In a letter to W.T. Cosgrave, he maintained that the disturbed conditions in Kerry had forced his aged mother to leave the house and have the furniture removed. Talbot Crosbie also argued that at issue was whether his claim came 'within the spirit of the Treaty to compensate expelled loyalists'.<sup>58</sup> In fact, during the passage of the Damage to Property (Compensation) Act, the duke of Devonshire, then secretary of state for the colonies, had made representations to Cosgrave on this very issue for loyalists

---

<sup>51</sup> *Kerry News*, 12 Nov. 1924

<sup>52</sup> Claim of Denis O'Sullivan (NAI, FIN/COMP/2/8/109).

<sup>53</sup> Claim of Michael O'Mahony (NAI, FIN/COMP/2/8/8); *Kerryman*, 12 Apr. 1924.

<sup>54</sup> Claim of Margaret O'Donoghue (NAI, FIN/COMP/2/8/200).

<sup>55</sup> On this phenomenon nationally, see Terence Dooley, *Burning the big house: the story of the Irish country house in a time of war and revolution* (New Haven and London, 2022).

<sup>56</sup> Doyle, *Civil war in Kerry*, p. 203; O'Shea, *No middle path*, p. 55.

<sup>57</sup> *Irish Times*, 5 May 1924.

<sup>58</sup> Talbot Crosbie to W.T. Cosgrave, 30 June 1924, claim of Edward Wynne Talbot Crosbie (NAI, FIN/COMP/2/8/535).

who could not safely return to Ireland or who did not want to.<sup>59</sup> Cosgrave's stance in such cases was to allow partial reinstatement elsewhere in the Free State. Talbot Crosbie successfully appealed the initial judgment and secured an overall award of £24,602 19s. 6d. A reinstatement condition was attached to £21,924 1s.<sup>60</sup> Before Tralee circuit court in January 1926, Judge McElligott sanctioned a scheme submitted on behalf of Crosbie for the building of seventeen houses at Glenageary and three at Howth in Dublin.<sup>61</sup> The award was paid in twelve instalments, each certified by the Dublin architectural practice of Higginbotham & Stafford, between December 1926 and February 1928.<sup>62</sup>

Crosbie's unwillingness to invest his compensation award in Kerry was shared by Colonel Charles Wallace Warden, owner of Derryquin Castle in Sneem, who indicated that it would be impossible for him ever again to reside in Kerry.<sup>63</sup> In April 1928, Warden applied successfully for an order under section 10 of the Damage to Property (Compensation) Act that his award of £25,000 with partial reinstatement be utilized on a scheme of twenty-six houses on Griffith Avenue in Clontarf. Situated in what is now Parknasilla, the ruins of Derryquin were demolished in 1969.<sup>64</sup> Whereas Warden suggested his life would not be safe in Kerry, his neighbour the 5th marquess of Lansdowne was anxious to rebuild his beloved house at Derreen. This had been his Kerry residence for fifty years and was burned in September 1922.<sup>65</sup> Lansdowne initially claimed just under £18,000 for the house and £12,248 for furniture and other efforts. In April 1924, his architect and M.J. Burke of the Office of Public Works came to an amicable agreement that £13,400 would suffice to restore the house. A decree for this amount with full reinstatement was made and the restoration was completed in 1926.<sup>66</sup> For other big houses, however, the compensation awards were insufficient to cover rebuilding. Colonel Edward Nash claimed £6,053 for the burning of Ballycarty House near Tralee on 4 January 1923. The award was less than half of the estimate required to rebuild.<sup>67</sup> For this reason, Ballycarty remained in ruins.

---

<sup>59</sup> T.M. Healy (governor-general) to Cosgrave, 26 Mar. 1923, enclosing dispatch from the duke of Devonshire, 24 Mar. 1923 (NAI, FIN 1/2888).

<sup>60</sup> Claim of Edward Wynne Talbot Crosbie (NAI, FIN/COMP/2/8/535).

<sup>61</sup> *Irish Times*, 16 Jan. 1926.

<sup>62</sup> Claim of Edward Wynne Talbot Crosbie (NAI, FIN/COMP/2/8/535).

<sup>63</sup> Dooley, *Burning the big house*, p. 234.

<sup>64</sup> Entry for Derryquin Castle in Landed Estates database (University of Galway), <https://landedestates.ie/property/1686>, accessed 29 Oct. 2024.

<sup>65</sup> On Lansdowne, see Patrick M. Geoghegan, 'Fitzmaurice, Henry Charles Keith Petty' in *Dictionary of Irish biography (online)*, DOI: <https://doi.org/10.3318/dib.003224.v1>; Dooley, *Burning the big house*, pp 156-7.

<sup>66</sup> *Kerry News*, 28 Apr. 1924; claim of Lord Lansdowne (NAI, FIN/COMP/2/8/200).

<sup>67</sup> *Kerry News*, 4 June 1924; claim of Edward Nash (NAI, FIN/COMP/2/8/397).

The second category of compensation award was to business owners of all kinds for stock-in-trade commandeered, destroyed or damaged. Their claims capture the sense of lawlessness that prevailed in Kerry during the conflict. Clothing and footwear featured regularly in claims. Johanna McKenna sought £12 11s. 6d. for two towels, one cap and handkerchief, several yards of material, and four undershirts, caps and drawers taken by the anti-treaty IRA from her shop in Dingle on 30 August 1922. She was awarded £6 18s. 2d. as well as costs of £5 3s. 6d.<sup>68</sup> Similarly, James Mulcahy was granted £15 and £8 10s. 6d. in expenses for twenty-four pairs of men's boots commandeered in August by the anti-treaty IRA from his shop on New Street in Killarney.<sup>69</sup> Predictably, all sorts of foodstuffs were commandeered for provisions. Many companies suffered significant financial harm as there was no compensation for consequential losses. Extensive local companies such as Jeremiah M. Slattery & Sons in Tralee suffered multiple losses of butter and bacon. For instance, the company was awarded £18 for a claim of £85 for the destruction of twenty boxes of butter in Castlegregory in August 1922 and £34 for eight boxes of butter destroyed between Kilquane and Tralee in December 1922.<sup>70</sup> Edward Pearson Brown, secretary of Carr & Co. biscuit and cracker manufacturer, had no success when seeking £7 for the loss of packets of assorted biscuits in Caherciveen in what looked like an opportunity crime by a sweet tooth.<sup>71</sup> It was not the case that all instances of commandeering were perpetrated by the anti-treaty IRA. The National army also commandeered supplies. Compensation requests in these cases were directed to the National army finance office. Petrol (or motor spirit as it was called) and oil were other highly prized commodities. The Anglo-American Oil Company made eleven claims for the theft of petrol commandeered in Listowel, Rathmore and Caherciveen but only six claims were admitted after strong challenges by Liston as to whether the perpetrators were opponents of the government.<sup>72</sup> Similarly, the British Petroleum company had several claims for oil taken in the Kenmare district. It secured recommendations for sums of £3 15s., £10, £58, £4 19s. and £2 12s. 6d.<sup>73</sup>

The third broad category pertained to motor cars, motorcycles and bicycles. Modes of conveyance commandeered by the National army were sent to a commandeered motor vehicles adjudication committee at army headquarters. Just as for damage to buildings, the full amount

<sup>68</sup> Claim of Johanna McKenna (NAI, FIN/COMP/2/8/14).

<sup>69</sup> Claim of James Mulcahy (NAI, FIN/COMP/2/8/770).

<sup>70</sup> Claim of Jeremiah M. Slattery and Sons (NAI, FIN/COMP/2/8/437).

<sup>71</sup> Claim of Edward Pearson Brown (NAI, FIN/COMP/2/8/549).

<sup>72</sup> Claim of Anglo Oil Company (NAI, FIN/COMP/2/8/647).

<sup>73</sup> *Kerryman*, 5 Apr. 1924.

**Commented [O02]:** Just a note on spelling with c or s throughout the book

**Commented [DÓC3R2]:** No problem if the volume uses an 's'

claimed for motor vehicles was rarely if ever awarded. Michael J. O'Sullivan, a solicitor from Caherciveen, applied for £360 for his bright blue Maxwell motor car seized in Caherciveen on 2 July 1922. The Maxwell was a popular American automobile. The company was eventually taken over by Chrysler in the 1920s. The judge recommended £55 with costs to which O'Sullivan agreed in November 1924 but first he had to clear arrears in local rates of £6 2s. 6d.<sup>74</sup> On the same date, a newer 18-horsepower Maxwell belonging to John Foreman of London and Cork was taken from the garage of the Great Southern Hotel at Parknasilla by the anti-treaty IRA. The claimant was awarded £90 plus expenses, half paid in cash and half in government securities; he had originally claimed £400.<sup>75</sup> Patrick Joseph Cassidy, a civil servant from Dublin who was stationed in Killarney in July 1922, had his Douglas 3-speed motorcycle and accessories seized by the anti-treaty IRA. He claimed £67 and was awarded £60 with £14 18s. 9d. in expenses.<sup>76</sup> Bicycles were also frequently commandeered. Richard Blennerhasset, a farmer from Callinafercy, Milltown sought £42 for the loss of a gent's BSA bicycle and accoutrements. In March 1924 he was awarded £25 and costs of £9 5s.<sup>77</sup> Nineteen claims for boats destroyed by the National army at Cromane on 11 October 1922 were dismissed on the grounds that this was part of the military's duty to hamper republicans.<sup>78</sup> Although excluded from the Damage to Property (Compensation) legislation, the department of defence later made a nominal award. For example, Cornelius Corkery of Cromane was paid £10 in March 1924, having initially sought £50.<sup>79</sup>

Livestock may be considered a fourth category of loss. A significant proportion of Kerry claims were for farm animals either seized and carried off or killed in crossfire between the National army and anti-treaty IRA. For example, Redmond Keating, honorary secretary of Tralee golf club, secured £3 2s. 6d. for a sheep killed while grazing on the club's land at Oakpark on 20 September 1922.<sup>80</sup> Michael Jones, a labourer from Ballybunion, was not so fortunate when seeking £15 for the loss of a milch cow on 12 September. The animal was killed when the National army was sniped while performing searches in Ballybunion. Judge Cusack dismissed the case on the grounds that the crossfire could not be proved. To compound matters, costs were awarded against him.<sup>81</sup> Michael Lyne from Killarney was one of numerous farmers

<sup>74</sup> Claim of Michael J. O'Sullivan (NAI, FIN/COMP/2/8/2).

<sup>75</sup> Claim of John Foreman (NAI, FIN/COMP/2/8/947).

<sup>76</sup> Claim of Patrick Joseph Cassidy (NAI, FIN/COMP/2/8/1075).

<sup>77</sup> Claim of Richard Blennerhassett (NAI, FIN/COMP/2/8/220).

<sup>78</sup> *Kerryman*, 29 Mar. 1924.

<sup>79</sup> Claim of Cornelius Corkery (NAI, FIN/COMP/2/8/97).

<sup>80</sup> Claim of Redmond J. Keating (NAI, FIN/COMP/2/8/410); *Kerry News*, 4 June 1924.

<sup>81</sup> Claim of Michael Jones (NAI, FIN/COMP/2/8/986).

who sought compensation for animals seized by anti-treaty forces. He was awarded £7 15s. and costs of £5 5s. 6d for a 3-year-old in-calf heifer taken and destroyed at Kells.<sup>82</sup> In a separate claim he was awarded £24 and costs for two bullocks seized by the anti-treaty IRA.<sup>83</sup> Likewise, John Evans was awarded £11 for a pony wounded during the attack on Killorglin in 1922 and John Joy from Glencar received the same amount and costs of £9 7s. 6d. for a bull taken and destroyed at Ardmoniel outside Killorglin in March 1923.<sup>84</sup>

A fifth category merits a brief mention. A total of eight-one claims came from employees of the Great Southern & Western Railway. The anti-treaty IRA incessantly targeted the railway lines to disrupt troop movements and dislocate the economy.<sup>85</sup> A number of fatalities resulted from derailments and direct attacks on engine drivers. Repair crews were also harassed. The result was the closure of the railway network in the county. This acutely affected the food supply, trade and commerce, the postal service and the incomes of railway employees. Denis Galvin, an engineer driver from Tralee, claimed compensation of £65 for loss of his £5 a week wage between August and November 1922.<sup>86</sup> Similarly, Michael O'Connor, a milesman from Glenbeigh, claimed £29 11s. 6d. for loss of his weekly wage of £2 5s. 6d. from 16 September to 30 December 1922 and the resultant financial hardship.<sup>87</sup> However, no awards were made to Galvin or O'Connor and many other signalmen, porters, and railway guards as the railways were considered a special category unsuited to consideration by county courts. A separate agreement between the government and the railway companies dealt with certified damage to railway property. By the end of March 1925, approximately £546,000 had been paid for this type of damage.<sup>88</sup>

As one might expect, within the corpus of compensation claims there is clear evidence that some instances of destruction and theft were due to local disputes, grievances over land or republicans exacting a measure of revenge against their detractors. One example of the latter was a compensation claim in the name of Charles O'Sullivan, the Catholic bishop of Kerry, that involved two of his priests. Fr Timothy Trant, parish priest of Ballymacelligott, sought £84 for the burning of a hayshed in Ballymacelligott on 15 January 1923. The building was new,

---

<sup>82</sup> Claim of Michael Lyne (NAI, FIN/COMP/2/8/766).

<sup>83</sup> Ibid.

<sup>84</sup> Claim of John Evans (NAI, FIN/COMP/2/8/929); Claim of John Joy (NAI, FIN/COMP/2/8/1142); *Kerryman*, 9 Feb. 1924 and 5 July 1924.

<sup>85</sup> See O'Shea, *No middle path*, pp 162-6; Tom Doyle, *The summer campaign in Kerry* (Cork, 2010), pp 66-8. For a general overview of the railways during the civil war, see Bernard Share, *In time of civil war: the conflict on the railways, 1922-23* (Cork, 2006).

<sup>86</sup> Claim of Denis Galvin (NAI, FIN/COMP/2/8/204).

<sup>87</sup> Claim of Michael O'Connor (NAI, FIN/COMP/2/8/608).

<sup>88</sup> *Dáil Éireann debates*, vol. 11, no. 2, 28 May 1925.

having replaced a predecessor burned by the Black and Tans.<sup>89</sup> Trant was convinced that the burning was in protest at his strong denunciation of the destruction of Ballycarty House. Canon Michael Fuller sought £90 for damage to the schoolhouse at Rahavannig, Ballybunion between September 1922 and March 1923. He maintained that the 'damage was committed in furtherance of a conspiracy' against him to appoint a certain male teacher which he refused to do. Trant received £82 and costs, and Fuller £50 with costs.<sup>90</sup> Such claims give us a tantalizing glimpse into simmering local tensions that had little to do with the Anglo-Irish treaty.

## Conclusion

The cartoon in Figure 1 below can be interpreted from two perspectives.

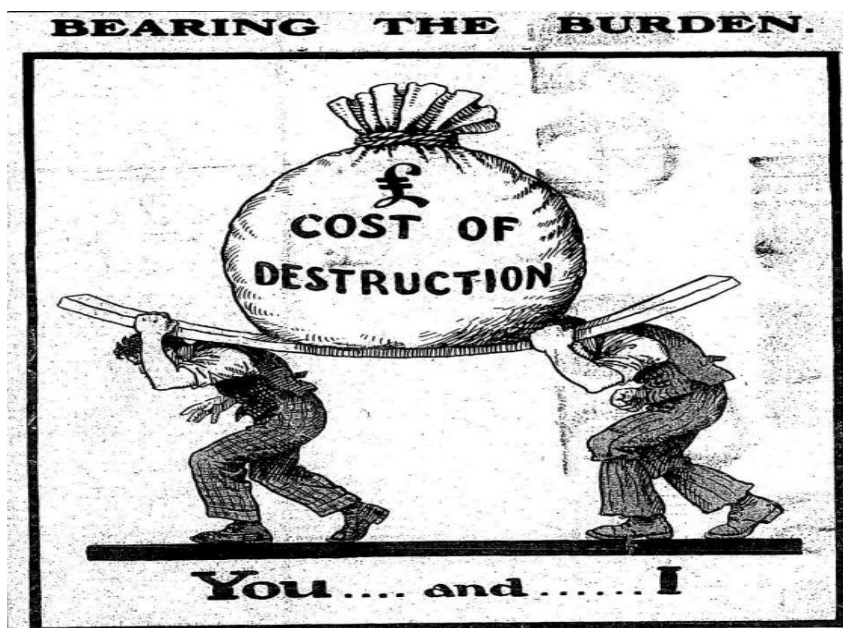


Figure 1: Cartoon from *Young Ireland*, 26 Aug. 1922

<sup>89</sup> Claim of Bishop Charles O'Sullivan (NAI, FIN/COMP/2/8/539).

<sup>90</sup> Ibid.

The first was that the ballooning cost of post-civil war compensation placed a crippling burden on Irish taxpayers. In Kerry, those fears were not realised. By July 1924, the total value of claims that went to a hearing was about £761,767 8s. 5d. The amount awarded, however, was just under £77,919 10s. 3d. or approximately 10 per cent. This sum can be disaggregated by court session: in Tralee £461,378 was claimed but only £32,359 awarded; in Killarney £175,454 was claimed and £13,685 awarded; in Listowel £67,809 was claimed but £7,156 awarded; in Kenmare £29,169 was claimed and £23,001 awarded; in Caherciveen £1,661 was claimed but £955 awarded; and in Dingle £23,290 was claimed but just £760 awarded.<sup>91</sup> It was little wonder that the *Kerryman* lauded the ‘huge pull down in awards’ and the *Kerry Reporter* praised Liston for being ‘so singularly successful’ on behalf of the ratepayers.<sup>92</sup> However, that was just one standpoint. A second interpretation of Figure 1 underscores the economic hardship visited on Kerry by the civil war. The incomes of many families, already precarious before the conflict, were decimated in 1922-3. The situation was exacerbated by a cost of living crisis in the early years of the Irish Free State. A report by the department of industry and commerce found that the cost of living in mid-January 1925 – by which time many compensation awards had been paid – was 95 per cent higher than mid-July 1914, the base index.<sup>93</sup> The Irish government’s efforts at restitution for property losses occasioned by the civil war only partially alleviated the losses of claimants. The ordinary people of Kerry, as elsewhere, staggered on, like the duo in the cartoon, under the burden of the economic disaster of the conflict.

---

<sup>91</sup> *Kerryman*, 12 July 1924; *Irish Times*, 14 July 1924.

<sup>92</sup> *Kerryman*, 12 July 1924; *Kerry Reporter*, 19 July 1924.

<sup>93</sup> *Ministry of Industry and Commerce Report on the Cost of Living Mid-January 1925* (NLI, Brennan papers, MS 26,209).