

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

NO. W.S. 460

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BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

DOCUMENT NO. W.S. 460.....

Witness

Joseph T. Thunder,
207 Mount Prospect Ave.,
Dollymount, Dublin.

Identity

Member of staff of High Court, Dublin,
1918.

Subject

The British Oath of Allegiance
1918.

Conditions, if any, stipulated by Witness

Nil

File No. S.1606.....

Form B.S.M. 2.

ORIGINAL

207, Mount Prospect Avenue,

Dollymount

14 December 1950

S 1023

Dear Sir,

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRE MILEATA 1913-21

No. W.S. 460

In reply to your enquiry of the 1st. instant I wish to say that, in my opinion, the 1918 Oath of Allegiance was certainly not a statutory one but was probably pursuant to a British Treasury Regulation enforced through the office of the Under-Secretary, Dublin Castle, following demands made in the House of Commons to deal with disaffection in the Irish Civil Service.

Though I have no firsthand knowledge of the text, I understand that it was a solemn oath of eternal allegiance to the British Crown. According to the recollection of certain of my former colleagues in the Courts it ran thus:-

I swear by Almighty God that I will be faithful and will bear true allegiance to His Majesty King George the Fifth and his lawful heirs and successors for ever.

Of those who refused I recall my brother, F.X. Thunder, of West View, Old Connaught Avenue, Bray, my friend Daithi O Donnchadha, 6, Bushy Park Road, Rathgar, ^{Mr.} E. Cleary, all of the Land Commission, Diarmaid Hegarty ^{and} Michael Mc Dunphy, 2nd Division Clerks of the Department of Agriculture, and Tom McArdle, 2nd. Div., I think, of Local Government. There were also, I understand, P. Cremins, Post Office, and Eamon Duggan, now a principal officer, Industry and Commerce ^{and probably others of whom I am not aware} Daithi O Donnchadha held the rank of 2nd. Class Clerk (Land Commissioner Class). I am not sure of the exact designation of the others and would suggest that you write, if you have not

already done so to my brother and to Mr. O'Donnchadha, particularly to the latter who was very active in the matter and organised a meeting of the recusants in Banba Hall. All ^{the} ~~the~~ above ~~were~~ were dismissed. I am not aware of any case of delayed dismissal or non-dismissal, excepting my own.

As regards my personal experience. The Oath was administered to the High Court Staff by the Lord Chancellor, Sir James Campbell, afterwards Lord Glenavy, in his office, assisted by the late Gerald Horan, his permanent secretary. The staffs of the various offices were summoned in turn and required to swear the Oath verbally and then to subscribe their names to a declaration that they had done so. I refused and was told to withdraw. I was then given, I think, some days, to reconsider my attitude of which I availed to secure a job in Liberty Hall. However, I was not dismissed nor even suspended, and heard no more about it.

The explanation which I heard was that the application of the Regulation to Courts Officers was challenged by Mr. George Wilkinson Ledwich, Chief Clerk, Taxing Office, and an old and loyal servant of the Crown. The point was that the tenure of High Court officials was governed by the Judicature Act 1877 and that we were not strictly to be regarded as Civil Servants. It was thought that Mr. Ledwich feared that in taking the oath he was accepting Civil Service status with consequent liability to the Sixty-five rule which did not apply to us. Anyhow, after some consultation, the Lord Chancellor is said to have found that he was not on sure ground and decided to wash his hands of the business. I do not think that Mr. Ledwich, in fact,

took the Oath. If so, he and I were the only High Court officials who did not do so.

The only surviving member of the Staff of the Lord Chancellor's Office is Mr. J.G. Breakey, who was then a First Class Clerk there and is still, I think Registrar in the High Court of Justice of Northern Ireland. He is sure to have official knowledge of the facts though as to whether he will reply to queries addressed from south of the Boyne I cannot say. On the general question I would again refer you to my brother and more particularly to Mr. O Donnchadha.

Yours faithfully,

J. J. Thunders

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 460

Rúnaí,

Buro Staire Míleata 1913/21.

Baile Átha Cliath.

Copy.

207, Mount Prospect Avenue,
Dollymount.

S. 1023.

14 December 1950.

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Yours faithfully,

(SIGNED) J. Thunder.

Rúnaf,
Buro Staire Mileata 1913/21,
Baile Átha Cliath.

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Copy.S. 1023.

1 Nollaig, 1950.

A Chara,

The enclosed leaflet will explain why I am writing to you.

Among the minor matters on which the Bureau would like to obtain information is the Oath of Allegiance which Civil Servants in this country were required to take in 1918, and as a result of which a number were dismissed from the Civil Service.

As you were one of those concerned, the Director would be glad if you could see your way to record for the Bureau an account of your experiences in connection with that matter.

So far it has not been possible to obtain any information as to the authority for the imposition of that Oath, whether it was based on law, Order in Council, Cabinet decision or Gentle instruction.

It is understood that, owing to a challenge by one of the Civil Servants in the Department of Agriculture, a number were merely suspended pending clarification of the points raised and that it was not until some months later that they were definitely dismissed.

It is understood also that refusal to take the Oath did not result in dismissal in some branches of the Service.

The Director would be glad if you could throw some light on these matters, including those under the following headings :-

1. The text of the Oath.
2. The specific authority, statute, Order in Council, or otherwise, on which its imposition was based, and the date thereof.
3. The names and ranks, and if possible, the total number and the Departments in which they served, of persons within your knowledge who refused to take the Oath and were dismissed as a result.
4. The Departments where refusal to take the Oath did not result in dismissal and the reason for that exemption, and the names and ranks of those who refused.
5. The reason why as a result of a challenge of its validity, certain Civil Servants in the Department of Agriculture and probably elsewhere, were merely suspended pending resolution of the points raised, and the steps taken to secure that clarification, e.g. reference to the law officers of the Government in Dublin or London.

Mise, le mae,

(In.) P. J. B.

Joseph Thunder, Esq.,
207 Mount Prospect Avenue,
Dollymount,
Dublin.

RÚnaí.