



A law unto themselves: the

Nationalists undermined the British administration of justice in Ireland with two central tactics, writes **Mark Coen**

The phenomenon of politically motivated jury interference was well-known in Ireland before the War of Independence. On the one hand, nationalists distrusted the trial process for many reasons, including Crown manipulation of jury composition to achieve convictions. On the other, the authorities regarded many acquittals in political cases as perverse, underpinned by juror sympathy for the accused, or by jury intimidation.

There is some evidence that the Ladies' Land League interfered with jurors in agrarian trials in the late 19th century. A letter sent to the Chief Secretary in the 1880s refers to the appearance of threatening notices targeting jurors in Dublin. The writer recommended that the apprehension of those responsible for posting the notices be placed "into the hands of some intelligent, energetic man" in the police.

Given the role played by jury intimidation in resisting British rule, particularly in the 19th century, it is not surprising that it featured as a tactic during the War of Independence. Whereas earlier attempts to interfere with jurors focused on particular trials with a political dimension and sought to influence verdicts, the War of Independence campaign was broader in scope and had more ambitious objectives.

The British courts in Ireland depended on the co-operation of jurors who tried serious cases. If jurors could be dissuaded or prevented from attending the courts, the British administration of justice in Ireland could be seriously disrupted. This strategy of jury interference complemented and supported the establishment of the Dáil courts, the alternative system of justice presided over by Sinn Féin. The creation of a rival courts system and the obstruction of those called for jury service in the Crown courts would, it was hoped, combine to undermine the legitimacy and efficacy of British law, and therefore British rule.

Depleted jury pool

In July 1920, newspapers reported unusually low levels of attendance by those called for jury service. In Mayo, only 19 jurors appeared out of 130 people summoned. One case was tried by ten jurors, the jury pool having been depleted after the exercise of challenges. In the same month, only nine out of 78 jurors summoned appeared in court at Waterford after threatening notices were displayed in the city. Mr Justice Gibson described the situation as unparalleled in the history of Ireland, England or Scotland. He pondered whether the reason for the absenteeism was "combination" or "unworthy and cowardly fear" on the part of the jurymen. He was forced to adjourn the criminal cases and imposed fines of £100 on each absent grand juror — local notables and gentry and the like who would decide if a case went to trial — and £10 on each absent common juror. The jurors then received notices from the IRA warning them not to pay the fines and calling on them to "repudiate the taunt of cowardice hurled at you by the English judge".

In a number of instances, jurors were physically prevented from attending courthouses. The jurors of Galway were sent a circular in July



1920 urging them not to attend the assizes, as the High Court on circuit was called. The Volunteers intercepted vehicles on their way to the city and told anyone travelling for jury service to return home. They also called out the names of jurors at Athenry train station and ordered them not to proceed to court. As a consequence, of the 250 jurors called upon to attend, only 19 turned up at the courthouse. An even more

interventionist approach was adopted in July 1921 when jurors summoned to the Leitrim assizes were abducted and detained until the hearings were over.

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The interception of trains carrying jurors was a favoured tactic of the IRA, particularly when the British authorities chartered special trains to convey jurors to the assize towns. The train would be forced to stop by the erection of a red

at Carrick-on-Shannon out of 60 summoned. Mr Justice Pim said owing to the influence of unknown persons and from what he had seen, he would insist on the fines being imposed unless valid excuses were forthcoming... Constable MacAlwaine, RIC, said there were jurors in town, and pressure must have been brought to bear on them not to attend. Jurors who failed to attend at Wexford Assizes were fine £2 each.

'Display of force: grand jury threatened'

Extract from the *Irish Independent*, July 6, 1920

There was a large display of armed forces at all the assizes held so far. The courthouses and judges' temporary residences were guarded by policy and military. This was so at Monaghan, at Cavan, at Carrick-on-Shannon, as well as at Wexford.

The Waterford Grand Jury received threatening notices, purporting to come from the "competent military authority, IRA". It was as follows:- "Headquarters, Irish Republican

Army. Take notice that it has come to my knowledge that you have been summoned as a juror at the forthcoming assizes. Now be it known to you that to obey such summons will be considered an act of treason against the Irish Republic, and you are hereby warned that you will do it at your peril."

Absent jurors fined

Only 13 petty jurors answered

Irish Independent

impact of jury intimidation



flag or a barricade of stones on the track. The jurors were then removed from the train, which would be allowed to proceed. Decades later, an IRA man called Moses Roche recounted in his Bureau of Military History statement that on one occasion jurors taken from a train and left sitting on a railway embankment were mistaken by a British officer for IRA members. The officer was preparing to open fire on them when Roche managed to persuade him of their actual identity.

Sometimes the removal of jurors from a train had two objectives; to frustrate British justice and to lure Crown forces out to investigate what had happened to them, at which point they could be ambushed. An alternative approach to taking the jurors off a train was adopted in March 1921 when the driver and fireman of a train taking jurors to Waterford were escorted away. Once the vulnerability of trains to IRA holdups became evident, the authorities resorted to transporting jurors in lorries escorted by armoured cars.

A flavour of the strong rhetoric directed at jurors by Sinn Féin can be gleaned from the statement addressed to the jurors of Cork in 1920: "With reference to the holding of an English court in this city behind barbed wire, sandbags and bayonets, I am directed by my

executive to inform you that no self-respecting Irishman will take part in the proceedings, either as jurors or otherwise. You are, therefore, ordered not to attend the court." Cork jurors subsequently held meetings at which they resolved not to attend the assizes, nor pay fines for non-attendance.

There were acts of defiance by individual jurors, who were possibly emboldened by the general atmosphere of resistance and obstruction. In one instance, a juror said he did not recognise the court and two others refused to be sworn. According to a newspaper account the judge "told them to go about their business, and not to be going on with tomfoolery".

Medical certs

In some cases, members of the Royal Irish Constabulary called on jurors who had failed to turn up at court and compelled them to pay fines. Jurors sent medical certificates to the courts in large numbers. On one occasion, Mr Justice Moore observed that the percentage of ill-health among jurors seemed to be noticeably higher than in previous years. He added that he did not mean to imply that doctors had improperly certified people as unfit to serve, when clearly that was exactly what he believed had occurred.

While large-scale, generalised disruption of the British courts system was a core Sinn Féin objective at this time, there was also targeted communication with juries in particular cases. In December 1919, the *Irish Independent* reported that a circular had been sent to all those summoned to serve as jurors at the Munster assizes, where the trial of Alderman Frederick Murray for wounding a Constable Hayes was due to take place. The trial was later transferred to Dublin, where a special jury disagreed and the prosecution against Murray was dropped.

While the operation of the republican courts during the War of Independence is well-known, the related campaign of jury interference tends to be overlooked. Both strategies sought to sideline a key aspect of British governance in Ireland, namely its legal system. Nor would this be the last organised campaign of jury intimidation in Ireland. The IRA and Cumann na mBan would target jurors in political trials in the years following the Civil War, causing serious problems for the administration of justice in the Free State.

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Irish Independent 'Unparalleled: no jury at assizes'

Extract from the Irish Independent, July 7, 1920

In all his experience this state of affairs was without parallel in the history of Ireland, England or Scotland.

That was the remark of Mr Justice Gibson at the Waterford City Assizes when only nine grand jurors and 9 petty jurors answered their names out of 78 on the list.

He had, in consequence, to adjourn the criminal business of the City Assizes, but he fined the grand jurors £100 each.

He attributed the absence of jurors to the threatening notices they received, the terms of which we published yesterday. "Grand jurors, as brave Irishmen, should have no fear," added his lordship. "What is the use of life if we are to live as slaves?"

'It makes my blood run cold'

"The meaning of these notices is that the lives, the property, and the women and children will be unprotected in future by the law," continued his lordship. "There are nine cases altogether on the list and 30 cases specially reported. It is a dreadful situation that the citizens of Waterford should be terrified by this notice. They have declined to protect life, property, liberty, women and children against the deeds of malefactors. It makes my blood run cold. It is horrible that any decent Irishman should be so weak. What is the consequence of the failure of the grand jury to attend in sufficient numbers to sign the bills? I must adjourn the criminal business of the assizes. The prisoners will remain in custody, and all guilty will remain unpunished.

"My duty," said his lordship, "in the case of the grand jurors is very emphatic. I shall fine each of them £100, and that £100 will be exacted if the executive feel the enormous importance of asserting the authority of the law."

Special jurors summoned in two cases failed to attend.