

Tithe an
Oireachtais
Houses of the
Oireachtas

Centenary of the Treaty Debates

Crowd gathered outside Earlsfort Terrace during the Treaty Debates
Image courtesy of the National Library of Ireland

1921-1922

Acknowledgements

Special thanks to the following contributors:

Gabriel Doherty, Department of History, University College Cork and a member of the Expert Advisory Group on Centenary Commemorations

Finín O'Driscoll, former parliamentary reporter, Debates Office, Houses of the Oireachtas Service

National Library of Ireland

National Archives of Ireland

National Museum of Ireland

Military Archives

Library of Congress

Contact

Houses of the Oireachtas, Leinster House, Kildare Street, Dublin D02 XR20
www.oireachtas.ie Tel: +353 (0)1 6183000 Twitter: @OireachtasNews

Connect with us



#TreatyDebates

Download our App



Cover images:

Peace delegates arriving from the Treaty negotiations in London

Image courtesy of the National Library of Ireland

Note written by Arthur Griffith for issue to the World Press immediately after signing the Treaty on 6 December 1921

© National Museum of Ireland

Hanna Sheehy Skeffington and Margaret Pearse arriving at Earlsfort Terrace

Image courtesy of the National Library of Ireland

Contents

From Truce to Free State	2
Foreword	5
The Treaty in Context	7
The View from Westminster	11
Reporting the Treaty Debates	18
Facsimile of the Treaty	21

The discussion on the Treaty was the most significant debate in the history of the Dáil. It was a crucial moment in Ireland's history that set a new path for Ireland. The Irish Free State formally came into being a year to the day after the Treaty had been signed. From this point on, the Oireachtas as we now know it began to function.

From Truce to Free State

1921

11 Jul

Truce declared, ending the conflict that became known as the War of Independence.

14 Sep

Éamon de Valera, proposed, and the Dáil endorsed, five plenipotentiaries to negotiate the Treaty; de Valera was not one of them.



Conference held in London to negotiate terms of the Treaty.

Irish delegates



Arthur Griffith



Michael Collins



Robert Barton



Eamon Duggan



George Gavan Duffy

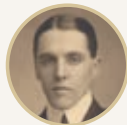
British delegates



Prime Minister
David Lloyd George



Austen Chamberlain



Lord Birkenhead



Winston Churchill



Sir Laming
Worthington-Evans

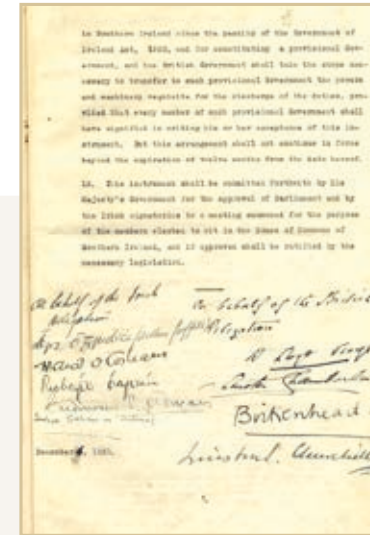


Gordon Hewart



Hamar Greenwood

Oct Dec



Treaty signed



Ireland to be self-governing dominion of the British Commonwealth.



Head of Irish Free State to be King of UK represented by Governor General.



Members of Irish Parliament to take oath of allegiance to Irish Free State and faithfulness to the King.



Northern Ireland permitted to leave the Irish Free State.



Boundary Commission to determine the border.



British troops to withdraw from Ireland.



UK to control three deep water ports in Ireland.



Irish Free State to pay a proportion of British national debt and war pensions.



Debates begin in Irish and British parliaments

Dáil Éireann

13 sittings

Vote 7 Jan 1922

Tá, 64; Níl, 57;

Abstentions, 3

House of Commons

3 public sittings

Vote 16 Dec

Ayes, 401;

Noes, 58

House of Lords

3 public sittings

Vote 16 Dec

Contents, 166;

Not-Contents, 47

14 Dec

06 Dec

1922

09 Jan



Eamon de Valera resigns as President of Dáil Éireann.



Arthur Griffith elected President of Dáil Éireann.

10 Jan

14 Jan



Elected representatives of Southern Ireland (not including anti-Treaty members) convene to:

- Ratify the Treaty
- Nominate Michael Collins Chairman of the Provisional Government.

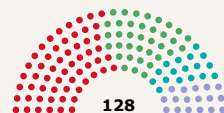


Civil War begins with attack on the Republican garrison in the Four Courts, Dublin.

28 Jun

16 Jun

General election in the 26 counties



58 Pro-Treaty Sinn Féin
36 Anti-Treaty Sinn Féin
17 Labour
17 Other



Cathal Brugha is killed.

07 Jul



Arthur Griffith dies.

12 Aug



Anti-treaty TDs, led by Eamon de Valera, boycott the Dáil.

22 Aug



Michael Collins is killed.

09 Sep

First sitting of Third Dáil. William T. Cosgrave elected President of Dáil Éireann.



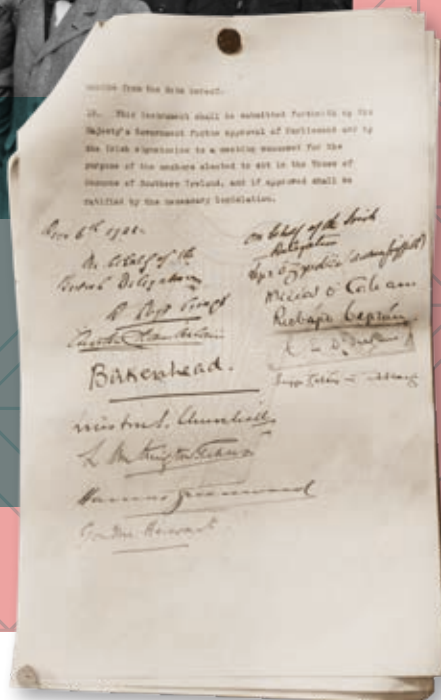
06 Dec



Irish Free State formally comes into being.



Members of the peace delegation to London
Image courtesy of the National Library of Ireland



Text of the Treaty as signed,
6 December 1921, 2.15am
National Archives of Ireland
(CC BY-NC-ND 4.0)

The Council Chamber at Earlsfort Terrace where the
Treaty Debates took place
Image courtesy of the National Library of Ireland



Crowd gathered outside Earlsfort Terrace during the Treaty Debates
Image courtesy of the National Library of Ireland



Foreword

The commemorations of the Decade of Centenaries have provided Irish people with the chance to remember and evaluate a historic period in Irish history.

It has been a privilege and source of pride to me to that the Houses of the Oireachtas has played its part in revisiting the breathless sweep of Irish history of one hundred years ago: from armed insurrection of militant nationalism in the GPO in Easter 1916, to concurrent events on the battlefields of Flanders, the meeting of the First Dáil through to the struggle for national independence, now reaching the crucial parliamentary debate on the Anglo-Irish Treaty in December 1921. The difficult issues of commemorating the Civil War are yet to come. Within this panorama of events the Treaty Debates serve as a key staging post upon which Ireland's journey of national destiny rested. Our political life continues to feel the tremors of the seismic activity of those winter days in Earlsfort Terrace in December 1921. This booklet provides informative timelines, as well as both Irish and British contexts, for this important moment in our nation's history.

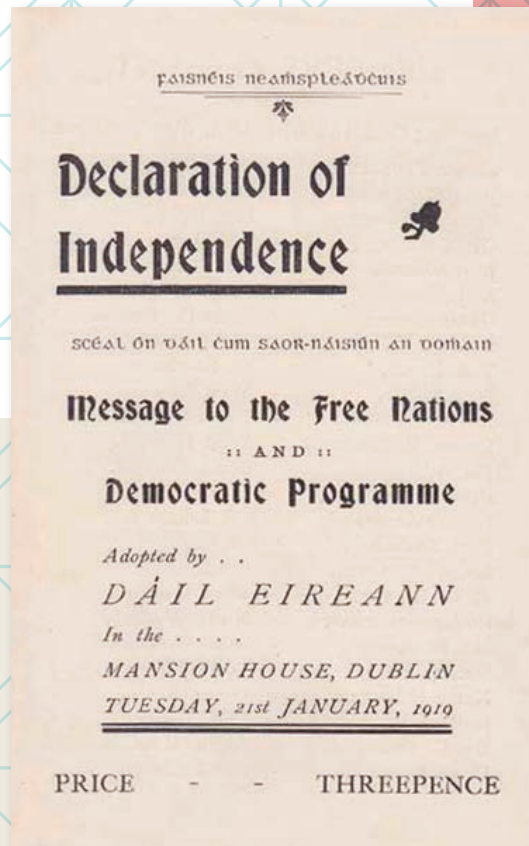
As I reread the debates held over 13 days in December 1921 and January 1922, what struck me most was the quality of the contributions. It is no surprise that emotions ran high in that cauldron of nascent Irish self-determination. Following an ambiguous end to the death and misery of a guerrilla war against Crown forces, the nation's public representatives were called upon to continue a debate which was, for many, a matter of life and death.

Impassioned argument is to be seen in almost all contributions. From Michael Collins' famous support for the Treaty: 'it gives us freedom, not the ultimate freedom that all nations desire and develop to, but the freedom to achieve it', to the oratory of Éamon de Valera's 'I am against this Treaty, not because I am a man of war, but a man of peace ... it will

not end the centuries of conflict between the two nations of Great Britain and Ireland'. The contributions are impassioned and thoughtful; they deserve to be read in their entirety by anyone with an interest in Irish history and are the reasons for where we now find ourselves as an independent nation state. They remain fresh and vital, delivered with ringing, memorable phrases. Sadly, they often display the uncompromising tone and inflexibility which shortly afterwards brought family against family, friend against friend. As one example, for Seán Etchingham, TD, the debate served as 'a burial service over the grave of the Irish Nation'. Such bitterness often emerges from the cold typeface; for example, Kevin O'Higgins in reply to Erskine Childers. Both men to be prominent casualties in an Ireland torn asunder, whose close kith and kin subsequently took leading roles in a more stable nation. The Treaty Debates acted as an important, indeed crucial, pause in the exhausted cycle of violence. But, again and again, we hear many dark phrases in these debates which ominously foreshadow the hatred shortly to be unleashed following the assault on the Four Courts in June 1922.

I hope you will enjoy the informative contributions in this attractive publication and recognise the primacy of the role of the Editor of Debates and the staff of the Houses of the Oireachtas at that time in compiling the debates during a period of conflict. In his own contribution in 1921, Seán Mac Eoin (Seán MacKeon) informed the Dáil that he wanted 'not shadows, but real substances'. One hundred years on, this booklet seeks to display those 'substances' to new audiences, to a new generation. We have moved far since the forceful debates in December 1921 and January 1922, but the bitter fruit that was their harvest is a legacy which must continue to be assessed. A century later, this booklet makes a valuable contribution to that ongoing study of who we have become. ♦

Seán Ó Fearghail, TD
Ceann Comhairle



Declaration of Independence 1919
Image courtesy of Whytes.com



Michael Collins arriving at Earlsfort Terrace
Image courtesy of the National Library of Ireland

Opponents of the Treaty ... argued that Ireland had been a separate entity since the Declaration of Independence at the first public sitting of Dáil Éireann on 21 January 1919, if not the declaration of the Republic on Easter Monday 1916.

The Treaty in Context

The Anglo-Irish Treaty¹ was the peace agreement that brought the Irish War of Independence to an end. The conflict had commenced on 21 January 1919 with the lethal attack on police in Soloheadbeg, Co. Tipperary. It was characterised on the Irish side by a campaign of guerrilla warfare and the creation of a system of government under Dáil Éireann to undermine the British regime. The fighting had grown in intensity until the truce of 11 July 1921.

By any standards, the Treaty signed on 6 December 1921 was a landmark agreement in the history of the two islands. The inclusion of the word 'Treaty' in the title of the document connoted an agreement between distinct, established, equivalent juridical entities. Its supporters in the subsequent debate in Dáil Éireann argued that the word was proof that Ireland had achieved its goal of statehood separate from Britain. Opponents of the Treaty disagreed. They argued that Ireland had been a separate entity since the Declaration of Independence at the first public sitting of Dáil Éireann on 21 January 1919, if not the Declaration of the Republic on Easter Monday 1916. The fact that the text specified that the agreement was indeed 'between Great Britain and Ireland' marked the agreement out as having peculiar resonance, not just between but within the islands. No reference was made to Northern Ireland, although it had legally been in existence for a number of months at this point.

With the ratification and implementation of the accord Ireland joined the global state system. This was symbolised by its swift admission into the League of Nations. However, ratification of the Treaty also marked the descent into civil war, the bitter legacy of which has not yet been fully resolved 100 years on.

Negotiations

During the Treaty negotiations the Irish goal was to get the British to recognise the island of Ireland as an 'external associate', as opposed to a member of the British Empire or Commonwealth. They wanted Ireland to have a republican form of government, with sovereignty derived from the people, recognising the Crown only as the symbolic head of Ireland's political connection with the Commonwealth. The tactics used to achieve this end had two principal features. The delegates discussed and agreed lesser matters such as finance, first and deferred issues of status and Crown until the latter part of the talks. They also positioned the delegation so that any breakdown in the talks could be focussed on 'Ulster' or 'essential unity' (that is, the incorporation of the six counties in some form within an

¹ Otherwise known as the 'Treaty between Great Britain and Ireland' and occasionally the 'Articles of Agreement'. The text, as signed in the early morning of 6 December 1921, did not include the word 'Treaty' but rather was entitled 'Articles of Agreement'. Later that morning, word was sent to the British delegation that the Irish wished for it to be included in the title and the British Cabinet meeting held at 12.30pm that day sanctioned the amendment. By this time, however, Eamonn Duggan had already departed London for Ireland with the only signed copy of the agreement (minus the reference to 'Treaty') kept by the Irish side. This was the copy handed by Duggan to President de Valera in Dublin that evening.

The Treaty in Context

overarching Irish state) and not on the Crown or status. The thinking behind this approach was that the British Government would not have support from domestic public opinion to resume their military campaign in Ireland in the former scenario but would in the latter.

The British were also content to defer discussion of the principal questions until later in the talks. When these questions could no longer be evaded, however, fundamental differences from the Irish position were immediately apparent. The British Prime Minister, David Lloyd George, was adamant that the British view of the Crown and Ireland's membership of the Commonwealth had to be part of the final agreement.

The Irish negotiating team, led by Arthur Griffith but not including the President of Dáil Éireann, Éamon de Valera², handled the initial negotiations very well. In early November they were well positioned to ensure that the talks 'broke on Ulster' if an impasse was reached. Lloyd George, however, employed clever rhetorical footwork to reposition himself and introduced a proposal to redraw the boundary on the island by means of a 'Boundary Commission'. Thus, he got Griffith, and through him the other Irish representatives, to commit to a solution that both recognised the Crown and acknowledged Ireland's status as a new dominion of the Commonwealth but did not guarantee Irish unity. These were the key provisions of the Treaty signed on 6 December 1921.

Debates

The debate on the agreement at Westminster took place over three days and proceeded without any great difficulties. Nevertheless, Conservative members of the British negotiating team, notably Lord Birkenhead, were accused by the die-hard section of the party as having betrayed the party's unionist traditions.

The debate in Ireland took longer and was more emotive and the division of opinion produced far greater political and human damage. The Treaty itself provided that the requisite sanction be obtained from 'the members elected to sit in the House of Commons of Southern Ireland' not Dáil Éireann, even though it was the latter assembly that had appointed the Irish negotiating team. But there was no doubt that the Dáil would indeed debate the text. This debate took place between 14 December 1921 and 7 January 1922, with a break for Christmas and the new year. During the Treaty debate in Dáil Éireann those who supported the Treaty anchored their arguments for the most part in the concrete advantages offered by it, notably statehood and the evacuation of British forces from the new Irish Free State. They emphasised the threat that repudiation would lead to a renewed and destructive war. Those who opposed the Treaty focussed their attention on what they argued was the betrayal of the Republic. This, they argued, was implied in the acceptance of dominion status and of the Crown, the restrictions on Irish freedoms in such areas as defence, and the fact that the political border between north and south remained.

The relative merits and demerits of both positions were exhaustively explored, with much repetition between speakers and hitherto concealed personal animosities exposed to public view. The final vote of 64 to 57 in favour of the Treaty was sufficiently close to persuade those on the losing side, aligned with President de Valera, to continue their campaign of opposition outside the chamber. The winners joined with the small number of unionists elected for southern constituencies in the 1921 general election to provide the formal sanction stipulated in the Treaty. A sitting was held on 14 January 1922, without the anti-Treaty republican deputies in attendance, and the Treaty was ratified.

² The other plenipotentiaries were Michael Collins, Eamonn Duggan, George Gavan Duffy and Robert Barton. Four others—Erskine Childers, Fionán Lynch, Diarmuid O'Hegarty, and John Chartres—served as secretaries to the delegation.

Implementation

The implementation of the Treaty began immediately. Michael Collins had been nominated Chair of the Provisional Government. He appointed a committee charged with drawing up a constitution for the Free State and commenced recruitment for a new National Army. Both of these were provided for in the accord. There was confusion in the minds of many as to the distinction between this new Provisional Government and the existing Dáil Executive. The latter was under the presidency of Griffith, following de Valera's resignation in protest at the Treaty vote. This dual power period continued until the Third Dáil convened in the autumn of 1922. Both Collins and Griffith, along with a number of anti-Treaty republicans, had died in the meantime, casualties of the Civil War. The Third Dáil, elected earlier in the summer on a 26-county basis, confirmed William Cosgrave in his role as Head of Government.

The Irish Free State formally came into being on 6 December 1922, a year to the day after the Treaty had been signed. It did so minus the six counties of Northern Ireland. The government of Northern Ireland had already availed of a provision of the Treaty under which it was permitted to vote itself out of the Free State's jurisdiction. From this point on, the Oireachtas as we now know it began to function. Dáil Éireann sat on 6 December and the new upper house, Seanad Éireann, met for the first time on 11 December 1922. ♦

With the ratification and implementation of the accord Ireland joined the global state system. This was symbolised by its swift admission into the League of Nations.



Arthur Griffith arriving at Earlsfort Terrace
Image courtesy of the National Library of Ireland

1921-1922 Centenary of the Treaty Debates



The Treaty negotiations at 10 Downing Street as represented in *The Illustrated London News* of 5 November 1921

© Illustrated London News Ltd/Mary Evans Picture Library

The View from Westminster

On the same day that Dáil Éireann commenced its debate on the Treaty the Parliament of the United Kingdom also convened. Article 18 of the Treaty provided that ‘The instrument shall be submitted forthwith by His Majesty’s Government for the approval of Parliament’. This simple phraseology masked a series of significant constitutional and political conundrums.

These arose out of both the substance of the accord and the way it had been negotiated. Not surprisingly, critics of the Treaty in Westminster seized upon these perceived vulnerabilities when the debate began in both the House of Commons and the House of Lords on Wednesday, 14 December 1921.

The unique nature of the occasion was foreshadowed in the address of the King to the joint meeting of both chambers:

“I have summoned you to meet at this unusual time in order that the Articles of Agreement which have been signed by My Ministers and the Irish Delegation may be at once submitted for your approval. No other business will be brought before you in the present Session. It was with heartfelt joy that I learnt of the Agreement reached after negotiations protracted for many months and affecting the welfare not only of Ireland, but of the British and Irish races throughout the world. It is my earnest hope that by the Articles of Agreement now submitted to you the strife of centuries may be ended, and that Ireland, as a free partner in the Commonwealth of Nations forming the British Empire, will secure the fulfilment of her national ideals. I pray that the blessing of Almighty God may rest upon your labours.”

What followed was three days of at times vitriolic debate. Opponents of the Treaty moved amendments in the Commons and the Lords. The Government ultimately defeated these amendments with crushing majorities in the division lobbies and the original—laudatory—wording of the address was endorsed intact. Its opponents, however, landed telling blows during the exchanges. These came from Ulster Unionist MPs and from within the ranks of the Conservative Party and were directed against a Tory-dominated coalition Government. This endowed both the debate and the vote with signal political, and at times personal, resonance.

The View from Westminster



The Illustrated London News coverage of the signing of the Articles of Agreement for the Treaty, December 1921
© Illustrated London News Ltd/Mary Evans Picture Library

The virtual monopoly of power at Westminster enjoyed by the House of Commons meant its discussions were the more important, but the personal exchanges were at their most pointed in the House of Lords.

Parallel debates

The debate on the Treaty in Westminster occurred simultaneously with that in the Dáil and one of the most striking features of the deliberations was the 'real time' connection between the two. There was a wire service between Dublin and London and some newspapers published successive editions over the course of a day. This meant that speakers in Westminster were aware of contributions made in the Dáil, and vice versa, sometimes only a few hours after the original speech (notwithstanding the fact that most of the initial Dáil sessions were held in private).

During the course of his speech Lt. Col. Martin Archer-Shee (half-brother of the famous 'Winslow Boy', George Archer-Shee, and one who voted against the Government) spoke thus of the Irish exchanges:

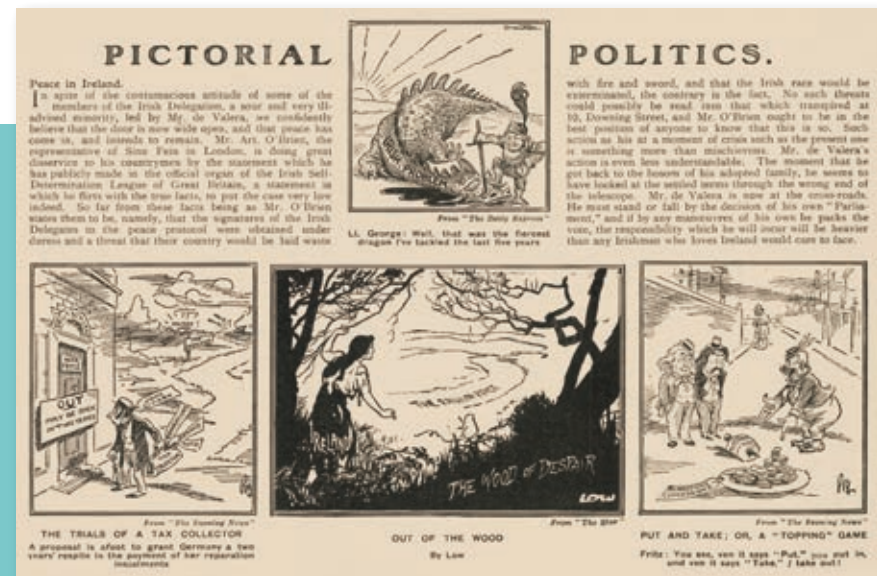
"I see that already Michael Collins—it is on the tape—said that one of the Sinn Féiners had called him a traitor, and that was just before they adjourned for lunch."

Rupert Gwynne, likewise, paraphrasing the famous image invoked by Collins, observed that the Treaty 'is accepted by the Sinn Féiners only as an instalment of their claim for a Republic. It is a "milestone" as it has been expressed by one of their own representatives.' In the same vein Colonel John Gretton, when speaking of the standing of the Irish representatives, observed that those 'who came over to discuss these articles were the delegates of the Irish Republic. I gather from the statement made by Mr. De Valera at the meeting in Dublin yesterday, that the document stated so.'



Front page of *The Daily Mirror* reporting the conclusion of the peace negotiations, December 1921

© John Frost Newspapers/Mary Evans Picture Library



Political cartoons depicting Prime Minister, David Lloyd George defeating the Irish Problem, and Ireland leaving 'The Wood of Despair' to find the 'Path of Peace'
© Illustrated London News Ltd/Mary Evans Picture Library

The View from Westminster

Other critics, such as Ronald McNeill, followed a slightly different track, suggesting that proceedings in London should be halted pending the outcome of the decision in Dublin. At this point it seems the belief was widespread that the debate in the Dáil—a much smaller body than either the House of Commons or Lords—would be relatively brief. The contrary point of view was put forward by Arthur Henderson, Chief Whip of the Labour Party and supporter of the Treaty, who argued that the hand of the pro-Treaty side in Dublin would be greatly strengthened by an early, supportive declaration from Westminster.

Other supporters of the accord were likewise aware of the sensitivities in Dublin and sought to steer the Westminster debate clear of the rocks of partisanship. Sir Samuel Hoare, the first to speak in support of the Treaty in the Commons debate, noted that:

"The wreckers of Dublin are attacking the peace. Let us in this House not make more difficult the task of men of good will."

The leader of the Labour Party, John Clynes, spoke similarly, but the most telling contribution on this point came from the Prime Minister, David Lloyd George. During the early exchanges the Prime Minister said that the debate in London 'must necessarily be hampered' by the knowledge that their words were being reported and used against the Treaty in Dublin. While praising the actions of Conservative politicians, such as Lord Birkenhead, who had taken a huge political risk in signing the agreement, he noted that similar, if not greater, risks had been taken by the Irish signatories. He said:

"The risks they took are only becoming too manifest in the conflict which is raging at this hour in Ireland, and all honour to them. Not a word will I say – and I appeal to every Member in this House not to say a word – to make their task more difficult."

Constitutional revolution

The die-hard critics of the Treaty were, of course, not in the mood to heed this request and brought other arguments to bear against its endorsement. One was that the motion—which in their eyes recognised the secession of a part of the United Kingdom—proposed the greatest change in the 'British' state since the creation of the United Kingdom under the terms of the Irish Act of Union 120 years previously. Yet, they complained, the Government would not countenance any amendments to the text agreed with the Irish representatives. Instead, the Government had merely promised that the consequent legislation that would provide a statutory foundation for the creation of the Irish Free State could be debated and amended in the normal fashion. The critics argued that such a procedure amounted to a constitutional revolution, one that compounded the Government's capitulation to rebellion in the form of the truce with the republican forces during the preceding summer.

Lloyd George's riposte was well made, reminding such critics that the history of Britain was marked by a series of compromises with rebels and that Parliament 'was the last authority in the world' to maintain the proposition that rebellion should be ruthlessly crushed, given that it owed 'its rights and privileges to concessions made to successful rebels'. The implied reference to the civil war of the 17th century would not have been lost on those who had endorsed the Ulster unionist extra-parliamentary resistance to the third Home Rule bill seven years before.

Northern Ireland

The provisions of the Treaty in respect of Northern Ireland came in for special attention from its opponents. The position of Ulster Unionists was that in accepting the Government of Ireland Act the previous year they, loyalists all, had gone to the ultimate limit of the concessions they would or could make as part of their contribution to an Irish settlement. They had been assured that nothing further would be demanded from them. Yet now, they argued, the same Government had altered its position in three fundamental ways, all in the interests of seeking an accommodation with avowed rebels: the initial inclusion of Northern Ireland within the jurisdiction of the Irish Free State; the establishment of a Boundary Commission to redraw the border should Northern Ireland opt to vote itself out of that jurisdiction; and the perception that economic pressure would be applied to force Northern Ireland to accept reunification.

Charles Craig, brother of the Prime Minister of Northern Ireland, addressed the first point. He noted that Northern Ireland would have to incur the odium of voting itself out of the jurisdiction of the Free State. This would mean voluntarily cutting off those unionists in the other three counties of Ulster and across the south and west of the island. He and other likeminded speakers made it clear they would indeed take that route but bitterly complained that the responsibility for the separation would be seen to be theirs.

The establishment of the Boundary Commission, which threatened to transfer population and territory from Northern Ireland to the Free State, compounded this situation. It would mean the loss of still more unionists to Dublin control. While contradictory signals were sent by supporters of the Government's position as to just how extensive this transfer might be, William Coote summed up the feelings of those hostile to the Treaty:

"The ink is hardly dry on the signature of the King [on the Government of Ireland Act] when we are informed that there is to be a fresh delimitation of those boundaries."

He also repudiated the idea that the promise of lower taxes in the Irish Free State would be sufficient to overcome unionist objection to unification.

The Government's main defence against such charges was that Northern Ireland's consent was necessary for such unification to take place, though the Prime Minister made it clear that a united Ireland was London's preferred option. Austen Chamberlain, in his summation of the debate for the Government prior to the division in the Commons on the third and final day, gave this line an added twist, astutely noting that:

"Hon. Members suggest that we had no right to invite Ulster to consider whether she could not come into an All-Ireland Parliament. If we had not put that proposition to them, we should never have got what we have got for the first time—the assent of the representatives of Southern Ireland to recognise the right of Northern Ireland to remain outside."

The House of Lords

Many other issues had been thrown into the debate in the lower house—the novel wording of the oath, the impact of the agreement on the Empire and Britain's standing in the world at large, the position of loyalists in the Free State, and Britain's defence arrangements, to name but four. Not surprisingly, the debate in the House of Lords followed strikingly similar lines with virtually identical language to that employed in 'the Other Place'.

The View from Westminster

What gave the debate in the upper house added bite, however, was the presence on opposing sides of the aisle of two of the highest profile members of the Unionist–Conservative alliance against the third Home Rule Bill. These were Edward, now Baron, Carson and F.E. ‘Gallop’ Smith, now Lord Birkenhead and Lord Chancellor. The very closeness of their earlier alliance and friendship rendered this public parting of the ways all the more memorable and all the less pleasant.

Carson made his maiden speech during the debate and was unstinting in the venom he directed towards the agreement. He believed it marked the death of the Conservative party and sanctioned the desertion of southern loyalists from whose ranks he, of course, sprang. It was the formal recognition of military defeat at the hands of the republican ‘murder gang’, an unprecedented ‘outrage upon constitutional liberty’, and the beginning of the end of Empire. It was the culmination of a series of betrayals of the Union by the Government in London that had begun with the passage of the 1914 Home Rule Act, continued with the failure to apply conscription to Ireland, and culminated in the enactment of the Government of Ireland Act. Carson’s was the speech of a man who realised that the cause he had championed had been defeated as a result of a *volte-face* by some of its most passionate erstwhile allies and he deployed his full rhetorical arsenal to damn their change of heart.

As the Government spokesman in the Lords it fell to Birkenhead to respond to these and other criticisms while wrapping up the debate. True to form he met linguistic fire with fire, dismissing opponents of the Treaty as ‘medievalists’ who failed to recognise the monumental changes wrought in statecraft by the Great War. He was especially contemptuous of Carson’s allegation that he (Birkenhead) had attached himself to the Ulster cause solely as a means of self-promotion. While accepting, perhaps surprisingly, that the Treaty represented ‘a military humiliation’, he dismissed the alternative of intensified repression proposed by the die-hards on the basis that it would merely produce ‘memories a thousand times more bitterly inflamed’, while the core issues would remain to be negotiated at the end of hostilities. It was the speech of a man who realised the cause he had championed had run its course and he was determined to ensure he would not be found on the losing side of history.

There were, thus, significant differences and parallels between the ratification debates in Dublin and London. The most striking difference between them is what happened after they were concluded. The Treaty was almost instantly forgotten in British political consciousness. The ‘Irish Question’, which had occupied so much time and energy over the previous 120 years, disappeared from the Westminster agenda for nearly 50 years. In Ireland, however, the division of opinion regarding the Treaty, and the ensuing Civil War, poisoned the well of Irish politics for many decades and arguably still casts a shadow over the modern political scene. ♦

“Look at the document! I defy anybody to show me anything in that document but one provision, and that is that Great Britain should scuttle out of Ireland.”

Lord Carson



Sir Edward Carson
Courtesy of the Library of Congress;
<https://lccn.loc.gov/2005676852>

Lord Birkenhead, British Lord High Chancellor (1919-1922)

Image courtesy of the National Library of Ireland



And I would invite your Lordships to vote to-night with a deep sense of responsibility—not confidently, but still hoping that we shall see in the future an Ireland which will at last, after centuries, be reconciled with this country.”

Lord Birkenhead

Reporting the Treaty Debates

The discussion on the Treaty was one of the most significant debates in the history of the Dáil. It was a crucial moment in Ireland's history that set a new path for Ireland as a Free State. The task of producing the Official Report of the debates fell to Michael T. Knightly, a journalist who had fought in the Easter Rising.

Knightly was born in Tralee, County Kerry in 1888. His father was a prominent member of the Land League and National League. Knightly began his career in journalism on the *Kerry News* and the *Kerry Weekly Reporter*. There he displayed exceptional shorthand accuracy and speed. He moved to the *Cork Free Press*, where he became chief reporter and then to the *Irish Independent* in 1913.

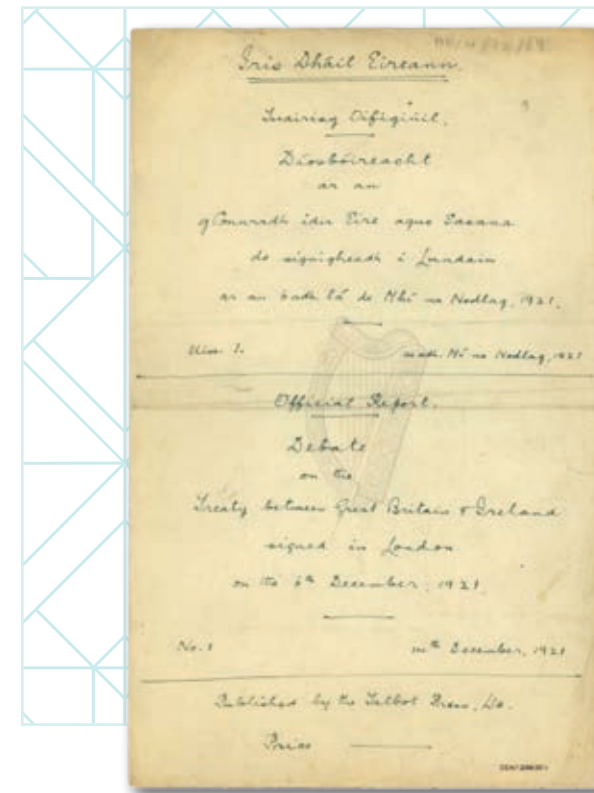
Knightly joined the Irish Volunteers Dublin Brigade and fought in the GPO from the start of the Rising. He was interned at Richmond Barracks, Wakefield Prison and Frongoch camp in Wales.

After his release from Frongoch at the end of 1916, he rejoined the *Irish Independent* but also became one of Michael Collins' most trusted intelligence officers. Such was his importance as an intelligence agent that Colonel Ned Broy later stated Knightly was one of the few whom Collins 'deeply trusted during the fight for freedom'. His work included providing information on escapes and procuring photographs, most notably that of Alan Bell, RM. He was imprisoned for one month in 1920 in Mountjoy. The editor of the *Irish Independent* insisted on his salary being paid to him while detained.

When the delegation went to London in 1921 to negotiate the Treaty, Knightly travelled with them as a press reporter. He was then appointed official reporter of the Treaty Debates. Knightly and his small team of shorthand reporters had a laborious task. The debates ran to approximately 250,000 words, all taken down in shorthand and transcribed. Speeches were often lengthy and heated as the divided opinion became more apparent. The National Archives of Ireland holds copies of some of the

handwritten notes of the Official Report. Today, the full report of the Treaty Debates is available on the Houses of the Oireachtas website.

With the foundation of the Irish Free State, Knightly was appointed the first Editor of Debates of the Houses of the Oireachtas, a post he held until 1955. ♦



Handwritten draft title page of the Official Report of the Treaty Debates
National Archives of Ireland (CC BY-NC-ND 4.0)



Photograph of delegates and secretarial staff attached to the Irish Republican Delegation at no. 22 Hans Place during the Anglo-Irish Treaty negotiations, 1921

Image courtesy of the National Library of Ireland



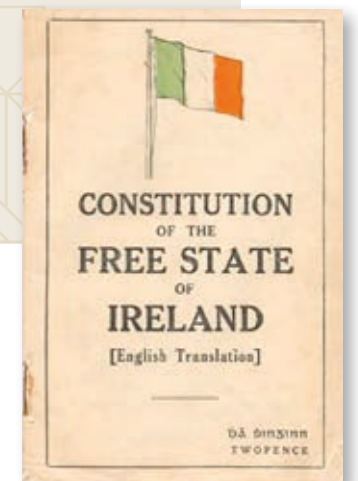
National Army replacing the British Army
at Richmond Barracks

Image courtesy of the National Library of Ireland



Kathleen Clarke, Countess Markievicz, Kate O'Callaghan and
Margaret Pearse - four of the six female Members of the Second
Dáil arriving at Earlsfort Terrace.

Image courtesy of the National Library of Ireland



Crowd gathered outside Earlsfort Terrace during the Treaty Debates

Image courtesy of the National Library of Ireland



Proclamation of the Irish Republic 1916

THE PROCLAMATION OF
POBLACHT NA H EIREANN.
THE PROVISIONAL GOVERNMENT
OF THE
IRISH REPUBLIC
TO THE PEOPLE OF IRELAND.

IRISHMEN AND IRISHWOMEN: In the name of God and of the dead generations from which she receives her old tradition of nationhood, Ireland, through us, summons her children to her flag and strikes for her freedom.

Having organised and trained her manhood through her secret revolutionary organisation, the Irish Republican Brotherhood, and through her open military organisations, the Irish Volunteers and the Irish Citizen Army, having patiently perfected her discipline, having resolutely waited for the right moment to reveal itself, she now seizes that moment, and, supported by her exiled children in America and by gallant allies in Europe, but relying in the first on her own strength, she strikes in full confidence of victory.



W.T. Cosgrave and others arriving at Earlsfort Terrace.

Image courtesy of the National Library of Ireland

Facsimile of the Treaty

Macasamhail den Chonradh

01000163 (1)

Articles of Agreement
For a
Treaty between Great Britain
and Ireland
Signed in London
on the 6th December, 1921.

This photographic facsimile was made by the
late Mr. McKeough of the Museum staff by the
permission of the Government and under the supervision
of the Clerk of the Dail.

Ernest Cairns.

01000163 (2)

SECRET.

~~THESE~~ ARTICLES OF AGREEMENT.

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.
2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.
3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.
4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:-

I.....do solemnly swear, true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

01000163 (3)

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces. But this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this Article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:-

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

01000163 (4)

(b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agree to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the government of the Irish Free State shall not be exercisable as respects Northern Ireland and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such election before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:

- (a) Safeguards with regard to patronage in Northern Ireland;
- (b) Safeguards with regard to the collection of revenue in Northern Ireland;
- (c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland;
- (d) Safeguards for minorities in Northern Ireland;

- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State.
- (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively:

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the Powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies

in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

*On behalf of the Irish
Delegation
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan*

*On behalf of the British
Delegation
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan
Mr. J. J. O'Sullivan*

December 6, 1921.

*W. J. J. O'Sullivan
Birkenhead
W. J. J. O'Sullivan*

01000163 (9)

L. M. King to the

Hanna Greenwood

Gordon Hewitt.

Houses

ANNEX

01000163 (10)

1. The following are the specific facilities required.

Dockyard port at Berehaven.

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

Queenstown.

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

Belfast Lough.

(c) Harbour defences to remain in charge of British care and maintenance parties.

Lough Swilly.

(d) Harbour defences to remain in charge of British care and maintenance parties.

Aviation.

(e) Facilities in the neighbourhood of the above Ports for coastal defence by air.

Oil Fuel Storage.

(f) Haulbowline } To be offered for sale to commercial companies
Bathmullen } under guarantee that purchasers shall maintain
a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:-

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

cc B.
ac

s.

me a f m o r
l. s. m. R. B.