Kerry 1916 from the Archives

Dr John O'Connell LLD Archives

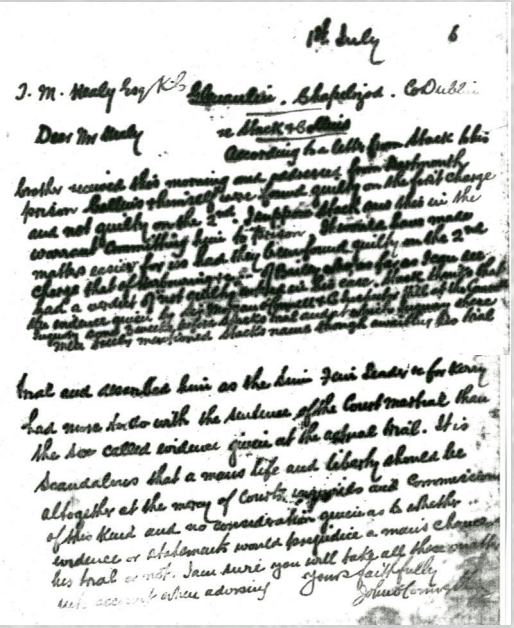
The archives of Dr O'Connell represent one of the largest collections in Kerry Library Archives. He acted for a great many years as County Coroner, as well as maintaining his own large legal practice.

Among his archives there is a series of Copy Outgoing Correspondence volumes, which is relatively complete for the period 1899-1935. This series includes his outbound correspondence in connection with a great many of those arrested and detained in Kerry during the 1916 Rising.

Austin Stack had been a Clerk at Dr O'Connell's since 1899, and his arrest, trial and sentence were all followed by letters to the Military Authorities and other concerned bodies (Senior Counsel, Prisoners' Aid Society among others).

Stack and Con Collins (from Newcastle West) were both found guilty of Harbouring Alien Enemies in Bailey and Monteith, in breach of the Defence of the Realm Act. This was despite the fact that Bailey himself was found not guilty of any crime. Stack & Collins were sentenced to Penal Servitude for life. O'Connell sought to bring forward the notion that Stack's trial had been prejudicially effected by evidence given to the Royal Commission on the Irish Rebellion three weeks before Stack's own trial. On 1 July 1916, he wrote to T M Healy KC MP:

Stack thinks that the evidence given by Sir Maurice O'Connell & Co. Inspector Hill at the Commission of Inquiry some 3 weeks before Stack's Trial and at which Inquiry where they freely mentioned Stack's name though awaiting his trial and described him as the Sinn Féin Leader in Co. Kerry had more to do with the sentence of the Court Martial than the so-called evidence given at the actual trial. It is scandalous that a man's life and liberty should be altogether at the mercy of Courts, inquiries and Commissions of this kind and no consideration given as to whether evidence or statements would prejudice a man's chance at his trial or not.



1st July 6

T. M. Healy Esq K.C. Glenavelin. Shopelizod. Co Dublin

Dear Mr Healy re Stack & Collins

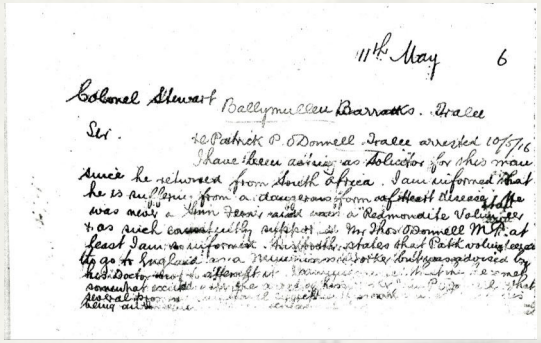
Attending has a letter from Stack this brother received this morning and enclosed from Portsmouth prison. Letters themselves were found guilty on the first charge and not guilty on the 2nd. Jeffries Stack was then in the witness Committing him to prison. He was from witness mother easier for us had they been found guilty on the 2nd charge that of harbouring. [illegible] Stack, whom he gave been the [illegible] had a verdict of not guilty nothing on the case. Have there to the evidence given by Sir Maurice O'Connell & Co. Inspector Hill of the Crown [illegible] Stack's trial and [illegible] Mr Healy mentioned Stack's name though awaiting the trial

trial and described him as the Sinn Féin Leader in Co Kerry. [illegible] had more to do with the sentence of the Court Martial than the so called evidence given at the actual trial. It is scandalous that a man's life and liberty should be altogether at the mercy of Courts, inquiries and Commissions of this kind and no consideration given as to whether evidence or statements would prejudice a man's chance at his trial or not. I am sure you will take all these matters into account when advising

Yours faithfully
John O'Connell

Dr O'Connell also represented a great many others of the Kerry detainees, including:

Patrick P O'Donnell:
He was never a Sinn Féiner and was a Redmondite Volunteer & as such consistently supported Mr Thos. O'Donnell MP, at least I am so informed. His brother states that Patrick volunteered to go to England as a Munitions worker but was advised by his doctor not to attempt it. (11 May 1916, to Colonel Stewart, Ballymullen Barracks)



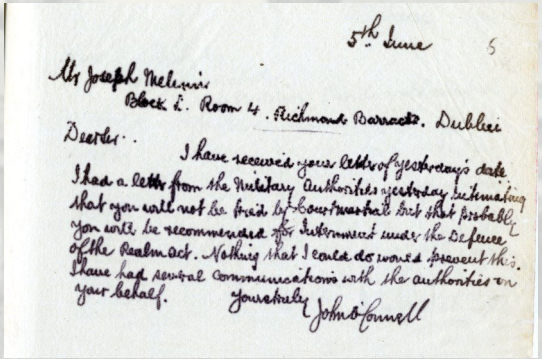
11th May 6

Colonel Stewart Ballymullen Barracks. Tralee

Sir. re Patrick P. O'Donnell. Tralee arrested 10/5/16

I have been asking as Solicitor for this man since he returned from South Africa. I am informed that he is suffering from a disease from which he was [illegible] a Sinn Feiner, rather was a Redmondite Volunteer, & as such [illegible] Mr Thos O'Donnell MP. At least I am informed. [illegible] states that Patrick volunteered to go to England [illegible] but was advised by his doctor not to attempt it. [illegible]

Joe Melinn:
I had a letter from the Military Authorities yesterday intimating that you will not be tried by Court Martial but that probably you will be recommended for Internment under the Defence of the Realm Act. Nothing that I could do would prevent this. (5 June 1916, to Joe Melinn, Block L. Room 4, Richmond Barracks)



5th June 6

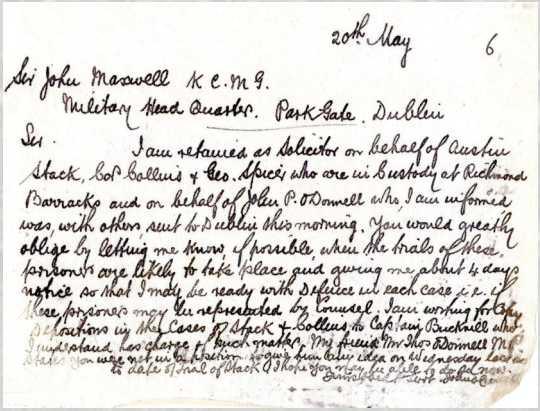
Mr Joseph Melinn
Block L. Room 4. Richmond Barracks. Dublin

Dear Sir.

I have received your letter of yesterday's date. I had a letter from the Military Authorities yesterday intimating that you will not be tried by Court Martial but that probably you will be recommended for Internment under the Defence of the Realm Act. Nothing that I could do would prevent this. I have had several communications with the authorities on your behalf.

Yours truly
John O'Connell

George Spicer &
John P O'Donnell:
I am retained as Solicitor on behalf of Austin Stack, Cornelius Collins & George Spicer who are in custody at Richmond Barracks and on behalf of John P O'Donnell who, I am informed, was with others sent to Dublin this morning. You would greatly oblige by letting me know, if possible, when the trials of these persons are likely to take place and giving me about 4 days notice so that I may be ready with Defence in each case (20 May 1916, to General Sir John Maxwell, Military HQ, Dublin).



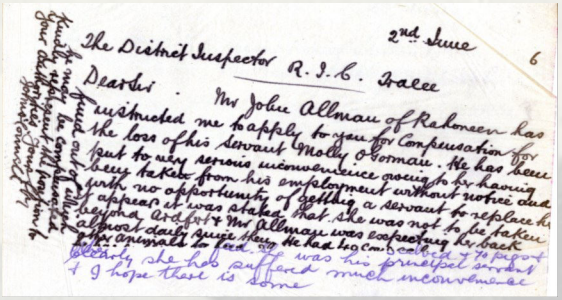
20th May 6

Sir John Maxwell K.C.M.G.
Military Head Quarters. Park Gate. Dublin

Sir. I am retained as Solicitor on behalf of Austin Stack, Cor. Collins & Geo. Spicer who are in custody at Richmond Barracks and on behalf of John P. O'Donnell who, I am informed was, with others sent to Dublin this morning. You would greatly oblige by letting me know, if possible, when the trials of these persons are likely to take place and giving me about 4 days notice so that I may be ready with Defence in each case i.e. if these persons may be represented by Counsel. I am writing for Defections in the Cases of Stack & Collins to Capt. Buckhill who I understand has charge of such matters. My friend Mr Thos O'Donnell MP states you were not in Dublin today but he thinks you may be back on Wednesday. Look to date of trial of Stack & I hope you may be able to do the [illegible]

Dr O'Connell was also responsible for processing an application for compensation made by John Allman, Rahoneen, for loss of the services of Molly O'Gorman (a State witness in Rex v. Casement) during a very busy time on the farm:

He (Allman) *has been put to very serious inconvenience owing to her having been taken from his employment without notice and with no opportunity of getting a servant to replace her. It appears it was stated that she was not to be taken beyond Ardfert & Mr Allman was expecting her back almost daily since then. He had 40 cows calved & 70 pigs & other animals to feed.*



2nd June 6

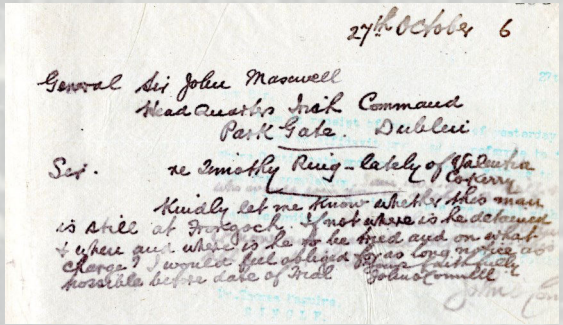
The District Inspector R.I.C. Tralee

Dear Sir. Mr John Allman of Rahoneen has instructed me to apply to you for Compensation for the loss of his Servant Molly O'Gorman. He has been put to very serious inconvenience owing to her having been taken from his employment without notice and with no opportunity of getting a servant to replace her. It appears it was stated that she was not to be taken beyond Ardfert & Mr Allman was expecting her back almost daily since then. He had 40 cows calved & 70 pigs & other animals to feed. [illegible] Clearly the loss he suffered was his principal servant & I hope there is some inconvenience

What is notable in a great deal of this correspondence is the willingness of many in the legal profession (and especially E.J. McElligott, TM. Healy, and George Gavan Duffy) to waive large parts of their fees in pursuing the cases of the Kerry detainees in general, and of Stack & Collins in particular.

The level of confusion that reigned in relation to prisoners and their whereabouts is a regular feature of the correspondence, with doubts expressed as to the cases of Stack, Collins, John P O'Donnell and Tim Ring, in particular. As late as 27 October 1916, O'Connell writes to General Sir John Maxwell:

Kindly let me know whether this man (Ring) *is still at Frongoch. If not, where is he detained & where and when is he to be tried and on what charge?*



27th October 6

General Sir John Maxwell
Head Quarters Irish Command
Park Gate. Dublin

Sir. re Timothy Ring - lately of Valentia Co Kerry

Kindly let me know whether this man is still at Frongoch. If not where is he detained & where and when is he to be tried and on what charge? I would feel obliged if you would give me as long notice as possible before date of trial.

Yours faithfully
John O'Connell

Leabharlann Chiarraí
Kerry Library

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