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Authors(s)	Huddie, Paul
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Introduction

Ireland's post-First World War historiography, like that of Europe and beyond, has given a lot of attention to the themes of state-building and ex-servicemen. Several prominent historians have argued that the experiences of ex-servicemen in the former belligerent states and their successor states involved political instability, paramilitary violence and civil conflict, post-war recession, suspicion of loyalists and minorities, the creation of new nationalist mythologies and uncertain fates of ex-servicemen.¹ In many ways Irish experiences after the conflict were similar, but the situation of Ireland is a dichotomous and complex one. On the one hand the Irish Free State was a successor state, born from an anti-imperial, paramilitary and subsequently civil conflict, and on the other hand it remained part of the British Empire as a Dominion state, like Australia, Canada, South Africa and New Zealand. It was economically dependent on the imperial mother country for 96.3 per cent of its exports.² Additionally, its citizenry comprised a not insignificant proportion – perhaps 10–12 per cent – of men who had formerly served in the British Armed Forces, principally during the Great War.³ Around 100,000 men were demobilised within the twenty-six counties of the Irish Free State after the war.⁴

The Irish post-war and post-1922 situation gave rise to a variety of other issues related to ex-servicemen that have not yet been documented. One was what to do with the legacies and estates of then dormant, private, Irish charities that had been dedicated to supporting the

¹ Robert Gerwarth and Erez Manela (eds), *Empires at War: 1911–1923* (Oxford, 2015); John Horne and Robert Gerwarth (eds), *War in Peace: Paramilitary Violence in Europe after the Great War* (Oxford, 2012); Robert Gerwarth, *The Vanquished: Why the First World War Failed to End, 1917–1923* (London, 2016); T.W. Wilson, *Frontiers of Violence: Conflict and Identity in Ulster and Upper Silesia, 1918–1922* (Oxford, 2010); Awad Halabi 'Liminal Loyalties: Ottomanism and Palestinian Responses to the Turkish War of Independence, 1919–1922', *Journal of Palestine Studies*, 41 (2012), 19–37; Brian Hughes, 'Loyalists and Loyalism in a Southern Irish Community, 1921–1922', *Historical Journal*, 59:4 (2016), 1075–1105.

² Michael Laffin, *Judging W.T. Cosgrave: The Foundation of the Irish State* (Dublin, 2014), p. 174.

³ Paul Taylor, *Heroes or Traitors?: Experiences of Southern Irish Soldiers Returning from the Great War 1919–1939* (Liverpool, 2015), pp. 11–12.

⁴ Taylor, *Heroes or Traitors*, pp. 11–12.

wives and families of living and deceased British service personnel, plus those of ex-servicemen. From 1922 the Free State government was faced with one important problem, amongst many others: what would they do with ex-servicemen and their families? Would it afford them the hero status and benefits received in the United Kingdom (UK) and elsewhere in the Empire? Or, as was seen in many other successor states in Europe, would it label those men as anti-revolutionaries and loyalists to the old order, punish them or drive them out of the new state?⁵ In the end none of these options were chosen, but rather a policy of equal citizenship, respectful accommodation, but also cautious management, especially in relation to nationalist feelings was adopted.⁶ This policy reflected a broader scheme of relatively cordial and productive relations with Britain between 1923 and 1932, which at times led to the Cumman an nGael government being denounced by some opponents as pro-British.⁷ The policy of accommodation of British ex-servicemen by the Irish government after independence is one of the abiding positive legacies of the foundation and consolidation of the Irish Free State.

It is the purpose of this article to make an original contribution to both the historiography of British ex-serviceman in Ireland after the Great War (and independence), but also the history of the British ex-serviceman in general. It will also serve to complicate what we know to date about the Irish Free State government's engagement with ex-servicemen more broadly and the Anglo-Irish relations and interactions around the issue of British ex-servicemen in Ireland in the 1920s specifically, as well as the difficulties faced when building a new state.

These questions will be examined through an analysis of two court cases that were fought by the Irish, British and Northern Irish governments and several other Irish interests between 1923 and 1929, over the legacies of two then redundant Irish military charities. These were the Seaton Association Fund (estd. 1872) and the Royal Hibernian Military School (RHMS) (founded 1765). The Seaton Fund was a benevolent fund, which was established by the Seaton Needlework Association to provide grants to Crimean War

⁵ For more see Gerwarth and Manela (eds), *Empires at War*; Horne and Gewarth (eds), *War in Peace*; Gewarth, *The Vanquished*.

⁶ Taylor, *Heroes or Traitors*, pp. 2, 191, 216, 245; Oonagh Walsh, *Anglican Women in Dublin: Philanthropy, Politics and Education in the Early Twentieth Century* (Dublin, 2005), p. 210.

⁷ Taylor, *Heroes or Traitors*, p. 190.

soldiers' widows and the wives of the Dublin garrison whom it employed.⁸ The RHMS was a school and home for the sons (and daughters until the mid-1800s) of deceased Irish soldiers. It was initially a Protestant charity, but later became multid denominational and from 1770 to 1922, an estimated 9,000 boys and 1,000 girls passed through its doors.⁹

This article places those charities within the broader contexts of Irish post-First World War state-building and the history of the British ex-serviceman, but more especially his family, in Ireland. In doing so it will argue two points. First, that while the Free State government was unwilling to provide welfare and care as well as housing and land to British ex-servicemen based upon their status, it was willing to permit other agencies to do so. This is an implicit thesis that has been espoused by the Irish ex-servicemen's and state-foundation historiographies and has been developed in the works of Paul Taylor, Michael Robinson and Eoin Kinsella.¹⁰ Second, that by acknowledging the existence, purpose and functions of charities affiliated with the British military after 1922, the Irish Free State courts also sanctioned the existence, and status, of ex-servicemen and their families in the new state. The case study of these two legal disputes will also exemplify one of many ramifications of the dissolution of the Anglo-Irish union in 1922.

The focus of this article is narrow, but, as Brian Hughes has previously argued, micro studies can be very beneficial for expanding our understanding of the Great War and its aftermath, principally in the Irish context. His own research of the Irish Grants Committee in the 1920s embodies this methodology.¹¹ Like Hughes' study of a single district of Arva in County Cavan, this micro study, when situated within the broader context of both the Great War and its aftermath, serves to complicate the existing narrative. Analysis of legal matters relative to ex-servicemen in Ireland is not original, as both Taylor and Kinsella have discussed it from other perspectives. Taylor gave considerable attention to the Land Trust and its rent dispute with its ex-service tenantry in the 1920s to the 1940s, showing how Irish courts treated that British agency fairly based upon the evidence presented during the cases.

⁸ 'Seaton Association Fund Trust Scheme, presented to the High Court of Ireland, Chancery Division, 25 Aug. 1885', (Public Record Office of Northern Ireland, T165). For a full history of this charity see Paul Huddle, 'A History of a Crimean War Charity: the Seaton Needlework Association and its Fund, 1858 to 2014', *War Correspondent*, 32:3 (2015), 7-10.

⁹ O'Reilly, *RHMS*, pp. 5, 12, 25; Clarke, *RHMS*, pp. 1-3.

¹⁰ Taylor, *Heroes or Traitors?*; Michael Robinson, "'Nobody's Children': The Experiences of Shell-Shocked Great War Veterans, 1916-1938' (PhD dissertation, University of Liverpool, 2016); Eoin Kinsella, *Leopardstown Park Hospital 1917-2017: A Home for Wounded Soldiers* (Dublin, 2017).

¹¹ Hughes, 'Loyalists and Loyalism', 1078.

Kinsella detailed the legal limbo in which the Ministry of Pensions (MoP) and its facilities, principally the Leopardstown Park Hospital operated, partly by choice, in the 1930s.¹²

Paul Taylor, Michael Robinson and Eoin Kinsella have shown that agencies that were permitted by the Irish Free State government to provide welfare and care to British ex-servicemen after 1922 were the Irish Soldiers' and Sailors' Land Trust (Land Trust) and the MoP. The former did so through its housing developments in various parts of the country, but especially Dublin and Cork, and the latter through the administration of pensions from its Dublin City office and through the provision of relief at Dublin County hospitals at Blackrock and Leopardstown and its network of regional clinics and of patients in Irish hospitals and care institutions.¹³ To these, through this article, will now be added the military charities: Seaton Fund and RHMS, and also the Royal Drummond Institution (RDI) and Hibernian Marine School. All provided elements of welfare and care to the wives and children of British ex-servicemen and serving personnel, and consequently a positive recognition of some Irish people's affiliation with the British Armed Forces that was absent from both the Irish state and society at large after 1918 and even more so after 1922. This lack of national recognition of past military service stood in stark contrast to the situation throughout the rest of the Empire after 1918.

Context

The political and economic realities in Ireland changed dramatically between 1916 and 1923, which in turn impacted negatively upon ex-servicemen and their families, as well as all people in Ireland. Debate exists around the extent to which ex-servicemen were victimised in pre- and post-independence Ireland, with Taylor arguing that 'there is little to indicate that [they] were marginalised ... in the local community'.¹⁴ Hughes, Jane Leonard, Peter Hart and Neil Richardson, however, contest and complicate this argument. They have argued that there was a large amount of communal-level hostility, both immediately after the Great War and for decades thereafter.¹⁵ During the period of conflict from 1919 to 1923 this can be

¹² Taylor, *Heroes or Traitors*, pp. 143-62; Kinsella, *Leopardstown Park*, pp. 70-1.

¹³ Kinsella, *Leopardstown Park*, p. 60.

¹⁴ Taylor, *Heroes or Traitors*, p. 243.

¹⁵ Taylor, *Heroes or Traitors*, chapters. 1, 2, 6; Hughes, 'Loyalists and Loyalism', 1089-90; Brian Hughes, *Defying the IRA: Intimidation, Coercion, and Communities during the Irish Revolution* (Liverpool, 2016), pp. 132-3; Jane Leonard, 'Facing the Finger of Scorn: Veterans' Memories of Ireland after the Great War', in Eoin Magennis and Crónán O'Doibhlin (eds), *World War One and its Impacts* (Armagh, 2005), pp. 93, 95; Neil

attributed to IRA suspicion and the cycle of reprisals, and after 1923 to the revolutionary legacy of violence and suffering.¹⁶ Equally, neighbours could use a man's past military service against him, as an excuse to settle personal grievances wholly unrelated to a man's service during the Great War.¹⁷ While many men and their families were left unmolested, others, especially in rural communities, were refused employment and forced either to emigrate in order to support their families or to physically fight their detractors in order to live in relative peace.¹⁸ Equally, as Hughes and Taylor note, men lived with the label of 'ex-serviceman' or 'soldier' for most or all of their lives – they remained a distinct class.¹⁹ Owing to the enduring legacy of the label and to the post-war economic slump, a disproportionate number of Southern Irish able-bodied ex-servicemen (when compared with Britain or Northern Ireland) were unable to find work after the war. Consequently, Irish ex-servicemen, on average, received a higher rate of pension disability rates.²⁰ Yet as a community, ex-servicemen were largely ignored by both the state and community.

Both in UK and in the Dominions ex-servicemen, and to an extent ex-servicewomen, were able to draw upon the state support for pensions, housing, preferential employment schemes, as well as land grants (in the Dominions). They were also supported by a plethora of private, war-orientated, charitable organisations.²¹ Some charities, such as the wartime 'Patriotic Funds', had their origins in the Crimean War and Boer War. These were found in the UK and Australia, Canada and New Zealand respectively.²² Others, such as the Sailors'

Richardson, *A Coward if I Return, A Hero if I Fall: Stories of Irish Soldiers in World War I* (Dublin, 2010), see n.11.

¹⁶ Taylor, *Heroes or Traitors*, pp. 19, 243-4; Hughes, *Defying the IRA*, pp. 131-2, 136, 180-3.

¹⁷ Taylor, *Heroes or Traitors*, pp. 189-204, 243-4; Hughes, *Defying the IRA*, pp. 132-3. See also Anne Dolan 'Divisions after the Irish Civil War' presented at 'Commemoration and Conflict in Ireland, 1920-1922', symposium held at Queen's University Belfast in June 2017, for Civil War comparison.

¹⁸ For a diverse account of the personal experiences of ex-servicemen within their communities in Ireland after the war and after independence see Richardson, *A Coward if I Return*, pp. 299-300, 303-5, 308-11, 321-3.

¹⁹ Taylor, *Heroes or Traitors*, p. 174; Hughes, *Defying the IRA*, p. 133.

²⁰ Taylor, *Heroes or Traitors*, pp. 98-9, 138.

²¹ For more on how the ex-serviceman was treated in Britain see works referenced in note 17. For other Dominions see Kent Fedorowich, *Unfit for Heroes: Reconstruction and Soldier Settlement in the Empire between the Wars* (Manchester, 1995); Marina Larsson, *Shattered Anzacs: Living with the Scars of War* (Sydney, 2009); Bruce Scates and Melanie Oppenheimer, *The Last Battle. Soldier Settlement in Australia, 1916-1939* (Port Melbourne, 2016).

²² Melanie Oppenheimer, 'Home Front Largesse: Colonial Patriotic Funds and the Boer War', in Peter Dennis and Jeffrey Grey, *The Boer War: Army, Nation and Empire. Proceedings of the 1999 Chief of Army/Australian War Memorial Military History Conference* (Canberra

and Soldiers' Fathers Association (Australia) and the Next of Kin Associations (Canada) were created between 1914 and 1918.²³ Despite its equal citizenship policy towards ex-servicemen, the Free State government, however, would not provide them with special welfare or care provisions, nor did it have to. Under the 1922 Transfer of Function Order the British government actively took on these responsibilities and the Free State government did not attempt to hinder this process.²⁴ The Free State was expected to contribute to British Imperial coffers to help support the cost of welfare and care provisions under the Anglo-Irish Treaty, but there were no ramifications when it failed to do so.²⁵ For several decades the Land Trust and the MoP provided homes, pensions and care for tens of thousands of Irish ex-servicemen, widows and other dependents; all funded by the British Treasury.²⁶

Studies of these organisations represent a contribution on Ireland to what has been a very large, diverse but heavily Anglo-centric (Great Britain) historiography on post-war disability, citizenship, masculinities and care of the British ex-serviceman. Of the established historians of Britain only Joanna Bourke has made an effort to conduct parallel analysis on both sides of the Irish sea.²⁷ While Deborah Cohen has emphasised the role and societal benefits of charity and philanthropy in the British personal and national healing process after

A.C.T., 2000); J. A. B. Crawford and I. C. McGibbon, *One Flag, One Queen, One Tongue: New Zealand, the British Empire, and the South African War* (Auckland, 2003); G. L. Heath, *War with a Silver Lining: Canadian Protestant Churches and the South African, 1899-1902* (2009).

²³ Marina Larsson, 'Families and Institutions for Shell-Shocked Soldiers in Australia after the First World War', *Social History of Medicine*, 22:1 (2009), 101-9.

²⁴ Taylor, *Heroes or Traitors*, pp. 94, 171.

²⁵ Anthony Farrell, 'A Brief Outline of the Development British Military Pensions in Ireland, 1914–1922', Winning essay of Annual Military Heritage Award (published online 2016), p. 19. <https://www.militaryheritage.ie/military-heritage-projects/annual-award/> (accessed 13 Mar. 2018).

²⁶ For more see Taylor, *Heroes or Traitors*; Robinson, 'Nobody's Children'; Kinsella, *Leopardstown Park*.

²⁷ Some key publications are Joanna Bourke, *Dismembering the Male: Men's Bodies, Britain, and the Great War* (Chicago, 1996); Deborah Cohen, *The War Come Home: Disabled Veterans in Britain and Germany, 1914-1939* (London, 2001); Jessica Meyers, *Men of War: Masculinity and the First World War in Britain* (Basingstoke, 2008) and Julie Anderson, *War, Disability and Rehabilitation in Britain: Soul of a Nation* (Manchester, 2011). Robinson argues that prior to his dissertation Bourke's was the only real attempt to develop the Irish angle: Joanna Bourke, 'Shell-Shock, Psychiatry and the Irish Soldier during the First World War', in Adrian Gregory and Senia Pašeta (eds), *Ireland and the Great War: 'A War to Unite Us All?'* (Manchester, 2002), pp. 155-171; 'Effeminacy, Ethnicity and the End of Trauma: The Sufferings of "Shell-Shocked" Men in Great Britain and Ireland, 1914–39', *Journal of Contemporary History*, 35 (2000), 57-69.

the war, little has been written about the work of pre-war military charities after 1918, especially in relation to the welfare of ex-servicemen's families.²⁸

This article also sits within the sub-theme of military-focused or dedicated charity and philanthropy. The charities that are the focus of the piece represent vestiges of the popular voluntary charity and philanthropy of the Victorian and Edwardian periods in Ireland, which reached their zenith during the Great War.²⁹ Eileen Reilly, Catriona Clear and Fionnuala Walsh have addressed this well.³⁰ Each of them have discussed both the central role of voluntary action, principally administered by Irish women, in providing charitable and philanthropic assistance during that conflict, to both serviceman overseas and their families at home, and the scale of such endeavours. Dozens of charities and voluntary organisations operated throughout Ireland between 1914 and 1918. The foci of this article also sit within the immensely diverse field of post-war charity and philanthropy. This too, especially when leaning more towards care, has been the focus of concerted research to date; not least of all by Cohen. Her work, comparing the post-war state provisions in Britain and Germany, draws attention to the role of private charity and philanthropy in aiding ex-servicemen (and their families) after 1918. As she argues, '[o]f all the major belligerent European states, only Great Britain relied on voluntary effort to employ disabled ex-servicemen'.³¹

Even though its origins stretch back as far as the Napoleonic Wars, the true genesis of British military charity and philanthropy lies in the Crimean War some fifty years later. During that conflict an unprecedented popular, public campaign of charity and philanthropy was undertaken on behalf of both the soldier and sailor overseas and the soldier's family at

²⁸ Cohen, *The War Come Home*, p. 16. The exceptions are dedicated published histories of specific charities, such as the Soldiers' and Sailors' Help Society, Lloyd's Patriotic Fund and the Royal Patriotic Fund. For more see Denis Blomfield-Smith, *Heritage of Help: The Story of the Royal Patriotic Fund* (London, 1992); Julian Paget, *No Problem too Difficult: A History of the Forces Help Society and Lord Robert's Workshops* (Lymington, 1999); Charles Messenger, *Unbroken Service: The History of Lloyd's Patriotic Fund 1903-2003* (London, 2003).

²⁹ For Irish charity and philanthropy see Maria Luddy, *Women and Philanthropy in Nineteenth-Century Ireland* (Cambridge, 1995); M. H. Preston, *Charitable Words: Women, Philanthropy, and the Language of Charity in Nineteenth-Century Dublin* (Westport, CT, 2004); Laurence Geary and Oonagh Walsh (eds), *Philanthropy in Nineteenth-Century Ireland* (Dublin, 2015); Walsh, *Anglican Women in Dublin*.

³⁰ Eileen Reilly, 'Women and Voluntary War Work', in *A War to Unite Us All?*, pp. 49-72; Caitriona Clear, 'Fewer Ladies, More Women', in John Horne (ed.), *Our War: Ireland and the Great War* (Dublin, 2008), pp. 157-80; Fionnuala Walsh, 'The Impact of the Great War on Women in Ireland, 1914-1919' (PhD dissertation, Trinity College, Dublin, 2015).

³¹ Cohen, *The War Come Home*, p. 16.

home in the British Isles and even parts of the empire. Scores of funds and collections were undertaken and over £1.3 million was subscribed by the public.³² British military charity and philanthropy also underwent a renaissance between 1914 and 1918. It must always be stressed that prior to the creation of the universal Separation Allowance for soldiers' wives in August 1914 little state assistance was offered during the preceding centuries to the 'British' enlisted man to support his family or dependents during his time in the service.³³ Yet, the Victorian era, principally in the decades between the Crimean War and the Boer War, saw a burgeoning of military-only charities. These were dedicated to the support of one or multiple groups within the broader military family: soldiers (serving, pensioner and later reservist), wives, children and other dependents, although principally the wife (and children) of both alive and deceased soldiers.³⁴

In Ireland, the Seaton Fund and RHMS were important and unique welfare outlets for British ex-servicemen, or more specifically their families and other dependents after 1922. They represent a new addition to the broader historiography of the British ex-serviceman. To date the research on servicemen and their wives and families has focussed on the years of the Great War, when families received Separation Allowance. Historians have explored how much women received, how they spent it and how society reacted to their new fiscal autonomy.³⁵ Additional attention has been given to war widows and their pensions, principally in the works of Janis Lomas and Maggie Andrews.³⁶ Some attention has been given to women's post-war lives, living with and even caring for invalided men, but little has

³² See Paul Huddie, *The Crimean War and Irish Society* (Liverpool, 2015), chapters 4–5.

³³ 'History of the Separation Allowance' (The National Archives, London, WO 32/9316). For more on Napoleonic Wars see Patricia Y.C.E. Lin, 'Caring for the nation's families: British soldiers' and sailors' families and the state, 1793-1815', in Alan Forrest, Karen Hagemann and Jane Rendall (eds), *Soldiers, citizens and civilians: experiences and perceptions of the Revolutionary and Napoleonic Wars, 1790-1820* (Basingstoke, 2009), pp. 99-117.

³⁴ For a complete list see Colonel James Gildea, *Naval and Military Funds and Institutions* (London, 1903), pp i-vi. For more on army wives and philanthropy and the Poor Law in Britain, see Myna Trustram, *Women of the Regiment: Marriage and the Victorian Army* (Cambridge, 1984), pp. 138-60, 161-89.

³⁵ Susan Pedersen, 'Gender, Welfare and Citizenship in Britain during the Great War', *American Historical Review*, 95:4 (1990), 986-1005; Janis Lomas, 'Delicate Duties': Issues of Class and Respectability in Government Policy Towards the Wives and Widows of British Soldiers in the Era of the Great War', *Women's History Review*, 9:1 (2000), 127-33; Caitriona Pennell, 'Going to war', in *Our War*, pp. 35-42. Editors' names are missing

³⁶ Janis Lomas, 'Soldiering On: War Widows in First World War Britain', in Maggie Andrews and Janis Lomas (eds), *The Home Front in Britain: Images, Myths and Forgotten Experiences since 1914* (Basingstoke, 2014), pp. 39-56; Janis Lomas, 'Delicate Duties', 129-37.

been done on the families' engagement with charity, when they were treated as an adjunct to the ex-serviceman, who were usually disabled.³⁷ Research on the welfare of servicemen's wives and families remains limited, as the focus remains on the men and their masculinities, but it is slowly developing.³⁸

Finally, while the most recent history of the RHMS, produced by H. R. Clarke dedicates nine pages to the school's 'Legacy in Dublin' after 1922 and includes an examination of one of the two court cases under discussion here, one factor makes this study different.³⁹ Clarke did not set the case within the contexts of the consolidation of the Irish Free State or the ex-servicemen issue. Rather, he set it within the history and demise of the school and the Anglo-Irish relationship during the Treaty and partition.⁴⁰ This article seeks to properly contextualise the two courts cases which were heard between 1923 and 1929. Additionally, the two cases under consideration are the only ones to come to light; apart from the brief precursor case brought by the RDI and Soldiers' and Sailors' Help Society in 1923, which Clarke documented, and those of the Land Trust later, as documented by Taylor. Future dedicated research of the Irish Charities Regulator's records may uncover other similar cases.

Military charity and the belligerents

Between 1923 and 1929 two cases were heard before the Chancery Division of the High Court of Justice at Dublin, one against the Seaton Fund in 1923–4 and another against the RHMS in 1925–9. Both were taken by the Commissioners of Charitable Donations and Bequests for Ireland (hereafter the Commissioners).

The Commissioners were an Irish statutory body and thus its actions were largely driven and guided by legislation, as well as over eighty years of experience. It was established in 1844 under the Charitable Donations and Bequests (Ireland) Act, with a view

³⁷ Meyers, *Men of War*, pp. 118-19.

³⁸ Researchers will soon have a far greater understanding of those women's lives and their role as carers during the inter-war period, owing to the research of Jessica Meyer and her research team at the University of Leeds. For more on this see <http://menwomenandcare.leeds.ac.uk/>.

³⁹ Clarke's work is one of three histories of the RHMS, see Michael Quane, 'The Royal Hibernian Military School Phoenix Park, Dublin', *Dublin Historical Record*, 18:1, (1962), 15-23; G. H. O'Reilly, *History of the Royal Hibernian Military School Dublin* (Dublin, 2001); H. R. Clarke, *A New History of the Royal Hibernian Military School (1765-1924) Phoenix Park, Dublin* (Cleveland, OH, 2011). For the Seaton Fund, see Huddie, 'A History of a Crimean War Charity'.

⁴⁰ For more on the cases see Clarke, *RHMS*, pp. 495-504.

to ensuring ‘the more effectual application of charitable donations and bequests in Ireland’, assisting Trustees in the performance of their duties’ and ensuring that the intentions of donors or testators or testatrices were carried out in accordance with their wishes.⁴¹ During the two court cases, the Board of the Commissioners fulfilled all of these functions, but more especially the latter function. It also followed a very parochial or nationalistic line: the capital of the Seaton Fund and its funds and legacies, including the RHMS, were to be retained in Ireland. This was due largely to the urgings of one board member, the Master of Rolls, the Rt Hon Justice C.A. O’Connor. The Commissioners also had the power to amend charitable trusts and to authorise the settlement of Cy-Pres Schemes: new legally-binding codifications to replace existing ones that were incapable of being carried out according to their original intentions.⁴² Such incapacity could stem from multiple reasons, such as the people it sought to benefit no longer required assistance or no longer existed or that the trustees had all died. The Commissioners also fulfilled this function during the two cases in question.

In addition to the Commissioners, the principal belligerents in the two cases were the British government via the War Office, Irish Free State government via its Attorney-General and Northern Ireland government via its Ministry of Finance. Each of the parties had different aims during the cases. The War Office wanted to vest the capital of the Seaton Fund, in another philanthropic organisation: the Royal Patriotic Fund. It was established as a Commission under Royal Warrant in 1854 to support the naval and military widows and orphans of the Crimean War, and it continued to operate in a similar capacity for multiple conflicts, and as a corporation after 1903, until 2014 when it ceased to exist and its functions were taken over by the military charity SSAFA.⁴³ When it came to the RHMS case the War Office represented the interest of the Duke of York’s Military School at Shorncliffe in Dover, where, in 1922, the RHMS pupils had been transferred. By 1928 it was still home to twenty-four pupils plus seventy other sons of Irish soldiers.⁴⁴

The Irish Attorney-General of the Irish Free State represented the interests of National Army in the Seaton case and the Ministry of Finance and the National Army in the RHMS case. In both instances their aims were the same. The Free State government hoped to use

⁴¹ It was reorganised in 2014 as the Charities Regulatory Authority.

⁴² <http://www.charitiesregulatoryauthority.ie/en/cra/pages/wp16000059> (Accessed on 13 Mar. 2018).

⁴³ For the Royal Patriotic Fund’s history from 1854 to 1992 see Blomfield-Smith, *Heritage of Help*; ‘SSAFA Forces Help: Military Charities Merge’ at <http://www.cobseo.org.uk/ssafa-forces-help-military-charities-merge> (accessed on 13 Mar. 2018).

⁴⁴ *Irish Times*, 17 May 1928.

both legacies to offer ‘charitable assistance’ to ‘deserving’ widows, orphans and other dependents of its servicemen wounded or killed on active service after 1 April 1922, or to ex-servicemen.⁴⁵ The declared aim of the Northern Irish Finance Minister, for the Seaton Fund at least, was that ‘the fund should be applied for the benefit of the Widows and Orphans of the British Army serving in Northern Ireland’.⁴⁶ In the RHMS case it wanted the legacy divided between the two Irish states. The Northern Finance Ministry took part in proceedings because after partition it took over the responsibilities of the Commissioners in that jurisdiction.

Another party active in both cases was the RDI. It had been founded in 1861 and by 1923 was located at Bray, County Wicklow. It was a school and home for the orphaned daughters of Irish soldiers in the British Army and was founded in response to the evacuation of girls from the RHMS. It was organised on the same lines as that institution and enjoyed the same patronage by the Lord Lieutenant of Ireland. While a host of senior military and political officers served on its board of governors, like the RHMS, it was not a ‘military educational institution’ under the control of the War Office.⁴⁷ Rather, it remained a fully-fledged independent charity. It was this factor that saved it from the fate of the Seaton Fund and RHMS in 1922 when, with the evacuation of the British Army (and both charities’ trustees) from Southern Ireland, both charities ceased to function.⁴⁸ It also left it as the most legitimate claimant to both the Seaton and RHMS legacies. Naturally its interests were its pupils and the continued existence and prosperity of its institution at Bray.

There was also the Hibernian Marine School, then at Clontarf. It was very much the brother institution of the RHMS, having been established by another Protestant charitable society in the late eighteenth century, as part of the same rage for charity schools. It had been established at Sir John Rogerson’s Quay, where it remained until the early twentieth century. It was a school and home for Irish sailors’ sons: ‘maintaining, educating, and apprenticing to the sea service the orphans and sons of deceased or reduced seamen of His Majesty’s Navy, and the merchant service’.⁴⁹

⁴⁵ *Irish Times*, 13 Mar. 1924.

⁴⁶ J. M. Maxwell (Commissioners’ solicitor) to Bodkin, 25 Feb. 1924 (Charities Commissioners Office, please specify the city here Seaton Association Fund, Folio 9643, hereafter Seaton Folio).

⁴⁷ Clarke, *RHMS*, pp. 372-3.

⁴⁸ Memorandum from Thomas Bodkin, Esq. (Commissioners’ Secretary) to the Minister of Defence, 1930, RDI Folio.

⁴⁹ Quane, ‘The Hibernian Marine School’, p. 1461. It is worth noting that although the Marine School is mentioned regularly in the RHMS Folio it is not mentioned in the reports of proceedings in the *Irish Times* in 1924–29.

The final party to be listed, which was incorporated into the RHMS case as an additional beneficiary along with the Hibernian Marine School, was the Society of St Vincent de Paul orphanage at Glasnevin in Dublin (SVP). While the orphanage, which was run by the Christian Brothers order, had no historic connection with the RHMS, it had a history of acting as a home and school for the sons of Irish soldiers, as far back as 1859. In 1928 it was home to seventeen ‘boys, children or deceased British Soldiers’.⁵⁰ Thus, having become aware of the RHMS case and arguing its history before the courts in May of that year it was permitted to enter the proceedings by the presiding judge, Mr Justice Pim.⁵¹

The proceedings: origins, course and rationale

The origins of the court cases lay in a single letter which was received by the Commissioners from the British Army Council in June 1923, in the wake of the Irish Civil War. The British Army Council was the governing executive of that service; it was chaired by the Secretary of State for War and comprised a cohort of generals.⁵² The letter outlined both the Council’s claim upon the Seaton Fund specifically and its plan for the fund.⁵³ As will be detailed later the value was subsequently estimated at over £3,500 in stocks and shares. Given its statutory mandate, but more especially due to the firm position taken by Justice O’Connor, the Commissioners refused to comply. Consequently, legal counsel was sought by the Commissioners and an application was made to the Attorney-General to pursue a case through the Chancery Division of the High Court of Justice at Dublin. The matter was brought before Mr Justice Pim on 20 November 1923, at which point the War Office’s claim (on behalf of the British Army Council), then presented by its barrister, was objected to by councils for the Commissioners and RDI, who argued that ‘everyone would be against sending the fund across the water’.⁵⁴ Council for the Attorney-General also inquired as to whether the ‘widows and orphans of members of the Free State Army would be entitled to participate in the funds of the charity’.⁵⁵ At that point Justice Pim suggested to the War Office’s council that the Attorney-General of Northern Ireland also be notified. The

⁵⁰ Maxwell to Bodkin, 25 Jul. 1928, (Charities Commissioners Office, Royal Hibernian Military School, Folio 9507, hereafter RHMS Folio); *Irish Times*, 26 May 1928.

⁵¹ *Irish Times*, 26 May 1928.

⁵² E. A. Muenger, *The British Military Dilemma in Ireland: Occupation Politics, 1886–1914* (Lawrence, KS, 1991), pp. 132, 143.

⁵³ Bodkin to Maxwell, 18 Jun. 1923, Seaton Folio.

⁵⁴ *Irish Times*, 21 Nov. 1923.

⁵⁵ *Irish Times*, 21 Nov. 1923.

proceedings were then adjourned until the following year, at which point the parties presented their proposed Schemes for the Seaton legacy. Schemes were the framework by which many charities and funds were constituted and functioned.⁵⁶

Between November 1923 and May 1924, the claims of all five parties (as Northern Ireland had entered the fray in May) were received and considered by the court. On 16 March 1924 Justice Pim ruled that because the purposes of the Seaton Scheme were still valid and feasible, the fund ought to remain ‘vested’ in the Commissioners in Ireland and administered by a new board of Seaton Fund trustees.⁵⁷ The fact that the Seaton Fund’s last honorary secretary and treasurer still resided in Dublin and was known to the Commissioners may have facilitated this ruling. Pim then invited all the belligerents to nominate two potential new trustees for the fund and seven were chosen. Three were RDI nominees, two from the War Office, and one representing the Free State and Northern Ireland governments. As the *Irish Times* noted, the RDI was given ‘rather more power ... because it had been specially mentioned in the [original] scheme’. The War Office were granted two because ‘after all it was British soldiers who were to be the objects of the charity’, or at least their families.⁵⁸ The chosen trustees are of note, because most were men with connections to the old British political and legal establishment in Ireland or British Army. They were Thomas Francis Molony, MA, KC, Lord Chief Justice of Ireland and RDI trustee; General Rt Hon Sir Bryan Mahon, PC, KCB, DSO, commander of the 10th (Irish) Division during the Great War, a pre-war Catholic officer, trustee of the Land Trust and member of the then new Seanad Éireann; Major-General John Joseph Gerrard, CB, CMG, MD, Principal Medical Officer in Ireland from 1920 to 1922 and a pre-war Catholic officer; George Duggan, Esq., James Robinson, Esq., RDI trustee and solicitor; and Edward Drew McLaughlin, LLB, Chief Clerk to the Lord Justice of Ireland.⁵⁹ Despite their former affiliations and potential loyalties these men had found positions and perhaps acceptance and respect in the new Ireland.

As well as inciting the Commissioners to contest its claim upon the Seaton Fund through legal action, the letter from the Army Council also precipitated the Commissioners into taking similar steps in relation to the estate of the RHMS. This was again due to Justice O’Connor. He urged the Commissioners to take pre-emptive steps on the issue. His

⁵⁶ Maxwell to Bodkin, 17 Dec. 1923, 25 Feb. 1924, Seaton Folio; *Irish Times*, 21 Nov. 1923.

⁵⁷ Memorandum for the Board (Feb/Mar 1924), 9 Apr. 1924; Maxwell to Bodkin, 20 Mar. 1924; Maxwell to the Commissioners’ Assistant Secretary, 2 Oct. 1924, Seaton Folio; *Irish Times*, 13 Mar. 1924.

⁵⁸ *Irish Times*, 27 May 1924.

⁵⁹ Chancery Bill, 26 May 1924, Seaton Folio.

proactivity stemmed from his former role as governor of that institution. Having been appointed by the Lord Lieutenant of Ireland in 1913 as one of the sixteen governors, he held that office until the closure of the school and the evacuation of the staff and pupils in September 1922, along with the British Army in southern Ireland.⁶⁰ He was described in court as ‘the only living person who knew anything about the property’.⁶¹

While similar steps were taken in relation to both legacies in the summer of 1923, the RHMS case differed substantially from that of the Seaton Fund. It was more complex, of longer duration, included more interest groups and was subject to additional influential factors. The case first came before the courts Mr Justice Murnaghan in late February 1925. Having heard opening statements from the parties Murnaghan made his first judgement: that owing to the evacuation of the British military and civil authorities in 1922, the RHMS charity has become redundant. So, he directed the cases to chambers so that a full appraisal of the estate could be made, and a new scheme proposed by the parties.⁶²

The second case’s complexity extended to the estate itself, the composition of which was unclear to all the belligerents until February 1925. The information was finally pieced together by the Commissioners, eighteen months after they first decided to take action.⁶³ Their investigations showed not only that the RHMS estate consisted of a collection of cups and trophies, an organ and twenty acres of land in County Carlow, but also several allotments of stocks and shares, similar to the Seaton Fund.⁶⁴ These were later valued at over £8,000.

The lack of clarity about the legacy’s composition during the early years of the case was due to three factors. First, no part of the RHMS was vested in the Commissioners, as the Seaton Fund had been from the 1890s. Rather, all its lands and liquid assets were held directly in trust by the school, its Commandant and some of its governors. Second, the school itself was essentially a state organisation, which partly functioned as a charity; it was administered by senior military officers of the Irish establishment, came under the authority of the War Office in London and was funded by an annual endowment from the British

⁶⁰ Eight trustees were appointed by the viceroy and eight by the general commanding the forces in Ireland. They were all under the nominal control of the War Office. Clarke, *RHMS*, pp 375-6, 481-2; *Thom’s Directory, 1918*, p. 1468. For more on O’Connor see ‘Charles Andrew O’Connor’ in *Dictionary of Irish Biography* please provide full reference; *Irish Times*, 26 May 1928.

⁶¹ *Irish Times*, 27 Feb. 1925.

⁶² *Irish Times*, 27 Feb. 1925.

⁶³ Maxwell to Commissioners, 26 May 1925, RHMS Folio.

⁶⁴ Maxwell to Commissioners, 26 May 1925, RHMS Folio.

parliament.⁶⁵ When the British Army and civil administration evacuated from the Irish Free State in 1922 the school's management ceased to exist. Consequently, and this is the second factor, the RHMS did not have a Scheme upon which the Commissioners and other parties could draw from between 1923 and 1929, and which might have laid down its capital holdings, trustees and purposes. It did have a charter, but this took time to locate in England. The third factor was that although it did not have a Scheme, all the school's stocks and shares had originated as bequests and endowments in the eighteen and nineteenth centuries and each was governed by wills, bequests or indentures. These documents existed until 1922, but, as the Commissioners' solicitor John Maxwell lamented in November 1924, they were destroyed in the Four Courts bombardment in 1922. This made it 'rather awkward' to account for 'the property and assets of the school.'⁶⁶ In the absence of a Scheme, of the original wills or of any organisation or representative for the school in Ireland, all five parties had a greater incentive to both make the strongest case to the court and stay in the fight as long as possible (more so than in the Seaton case). However, those same factors also allowed for other parties to be considered, namely the Marine School and SVP.

Having established the composition of the RHMS estate, the next step was to apportion it ahead of the case being settled. This involved splitting the land holdings into 'equal moieties': with half being given outright to the Marine School and the other remaining as part of the RHMS estate. This was then vested in the winning party, along with the 'liquid assets'. The twenty acres was split in that manner because the original bequest had been made to both the RHMS and Marine School. Half of the land belonged to the latter outright.

Over the course of 1926 to 1928 the various parties endeavoured to convince the court of their claims. Three points were central to the proceedings. First, that the estate remained in Ireland and be used for the benefit of children in Ireland. Second, that the estate not be divided across national boundaries of the Northern Ireland and the Irish Free State. Lastly, that it continued to be applied for the benefit of the children of Irish soldiers in the British Army. Additionally, the Commissioners' strenuously argued that when the estate was awarded to the RDI and SVP, they would retain control of the capital. The Commissioners believed that the granting of capital directly to both institutions would not only contravene the original purposes and directives of the various funds – that the capital be retained, and the interest used to aid the children – but would also lead to the funds being utilised for other

⁶⁵ Clarke, *RHMS*, pp 372-3.

⁶⁶ Maxwell to Commissioners, 17 Nov. 1924, *RHMS Folio*.

purposes. This was especially the case for the SVP, because at the time it was reported to be in debt and the ‘corpus of the fund would be extremely useful’.⁶⁷ The extent to which this process – the investment of capital funds in the Commissioners – was both tried, tested and successful, was debated during the hearing of the case in July 1928.⁶⁸

Eventually, on 25 July 1928, after a total of thirty-four months, Mr Justice Johnston issued his judgement in the RHMS case (the second); Johnston had taken over the case from Murnaghan that year. His judgement was a compromise between several of the belligerent parties, namely the Commissioners, RDI, Marine School and SVP. It took several more months to put the matter to rest completely. The claims made by Northern Ireland, War Office and the Irish Attorney General were all rejected, although Johnston ruled that the school house and chattle (not already taken to England) were the property of the Free State government.⁶⁹ The court also decided that the second ‘moiety’ of land in Carlow ought to be vested directly with the trustees of the RDI who could receive the rents. Additionally, they received the cash value of the ‘Crimean Banquet Fund’, minus the court fees for both cases.⁷⁰ The capital of the remaining five funds was transferred from the Bank of Ireland to the Commissioners and the dividends of the whole were directed to be split in a ratio of one to three between the SVP and RDI. Evidently, the court accepted the argument that the funds ought to remain in Ireland and that the RDI was the most legitimate claimant being ‘the only institution in Ireland carrying on the work of the defendant Corporation’.⁷¹

What has now been established is the nature and details of the cases, belligerent parties and the influencing factors and the outcomes of both proceedings, but what remains unclear is why. Why did these three governments and two other entities fight for so long over the legacies of these two charities? What did those legacies comprise? The simple answer is money: stock and bonds worth thousands of pounds.

The legacies’ existence in Ireland, and the British Army Council’s and War Office’s desire, along with the government of Northern Ireland, to lay claim to them, can also be set within the context of the post-war military welfare situation in both Britain and Ireland. The

⁶⁷ Maxwell to Bodkin, 25 Jul. 1928, RHMS Folio.

⁶⁸ [Bodkin] to Maxwell, 26 Jul. 1928, RHMS Folio.

⁶⁹ *Irish Times*, 26 Jul. 1928.

⁷⁰ High Court of Ireland Order, 27 Jul. 1928; Minutes of Commissioners' Board, 12 Dec. 1928, RHMS Folio; Huddie, *The Crimean War*, pp. 73-4.

⁷¹ High Court Order, 27 Jul. 1928; Minutes, 12 Dec. 1928, RHMS Folio. The court order states a ratio of one to three, but the *Irish Times*’ report on the judgement reported it as one to four. See *Irish Times*, 4 Aug. 1928.

British Army Council's efforts on behalf of the Royal Patriotic Fund can be viewed as an attempt to provide that military charity with a modest, but very welcome, cash injection in the post-war years. According to Denis Blomfield-Smith, the Great War 'severely depreciated the Corporation's investments', so that by the early and mid-1920s it was in serious need of money.⁷² Had the Irish courts agreed to it, the Seaton Fund and RHMS would not have been the only such funds absorbed into the RFP during the post-war era. In 1925 it also took over the administration of Transvaal War (Emergency) Fund, which had been established in 1902 by Lord Roberts.⁷³

Of the 100,000 ex-servicemen who were demobilised within the twenty-six counties of the Irish Free State after the Great War, those who did not emigrate received far more generous pensions than their Northern Irish and British counterparts, because, as Taylor argues, their poor chances of getting future employment equated to a disability. Even if able-bodied they received a disability rate.⁷⁴ This substantial economic burden was borne by the British state and taxpayer based on a perceived debt of gratitude that the country owed ex-servicemen, and it included all those men who had enlisted from the island of Ireland between 1914 and 1918.⁷⁵ The British government did voluntarily take on the responsibility of supporting Irish ex-servicemen in 1922, but this article argues that its claim upon the Seaton and RHMS legacies was an effort to obtain a contribution from Ireland towards Britain's large financial outlay. That outlay, however, was something that the Cumann na nGael government was happy to permit.⁷⁶ Speaking to Seanad Éireann in 1923 on the related matter of the Land Trust the Minister for Local Government, Ernest Blythe declared '[t]hat there should be money made available [by the British government] for the proper housing of any section of the citizens of the Saorstát is extremely desirable having regard to the great need for houses that exists'.⁷⁷ As Taylor argues, 'the financially constrained [Irish] administration was prepared to [accept] ... money from the British exchequer to help with an acute [domestic] housing problem'.⁷⁸ Thus, the same argument can be made in terms of ex-servicemen's pensions and care.

⁷² See Blomfield-Smith, *Heritage of Help*, p. 127.

⁷³ *Ibid.*, p. 131.

⁷⁴ Taylor, *Heroes or Traitors*, pp. 98-9, 138.

⁷⁵ *Ibid.*,

⁷⁶ The MoP operated in the Free State for decades after 1922. Robinson, 'Nobody's Children', p. 102; Kinsella, *Leopardstown Park*, p. 135.

⁷⁷ Taylor, *Heroes or Traitors*, p. 172.

⁷⁸ *Ibid.*,

This argument is informed by Britain's clear economic outlay, coupled with the desire of the British Army Council, the activities of the War Office in the two court cases and the goings on at the Royal Patriotic Fund. Additionally, Blomfield-Smith notes that the increased cost of living during and after the Great War also forced the British government to apply wartime pensions rates to Boer War widows and to eventually supplement the Royal Patriotic Fund's allowances to the widows of even earlier campaigns.⁷⁹ By supporting the claim upon the Seaton Fund for the benefit of the Royal Patriotic Fund and by claiming the RHMS legacy for the benefit of the Duke of York School, the British government could potentially offset some of its expenditure. According to the contemporary T. J. Kiernan, an Irish broadcasting director, ambassador and historical writer, in the period 1926 to 1927, the British government paid £2,000,000 in pensions to persons resident in the Free State, in addition to paying for the maintenance of 506 in-patient ex-servicemen.⁸⁰

Each of the legacies – Seaton Fund and RHMS – comprised a selection of stocks and bonds, which by 1924 were valued at £3,584 18s. 8d. and £8,166 19s. 1d respectively. These are detailed below in Table 1.⁸¹ It was not simply the capital sums that the parties were interested in, but also their ability to generate more money, through dividends. An example of how lucrative these could be can be seen from the first windfall received by the new trustees of the Seaton Fund in October; this was £410 16s. 2d. obtained from the Bank of Ireland, through the direction of the Commissioners. The sum had been accumulated over the preceding twenty months. The returns for the SVP and RDI from their combined RHMS legacy in 1929 were £137.10.6 and £221.8.1; this is detailed below in Table 2.⁸²

⁷⁹ Blomfield-Smith, *Heritage of Help*, p. 127.

⁸⁰ T. J. Kiernan, 'The National Income of the Population of the Irish Free State in 1926', *Economic Journal*, 43:169 (1933), 84-5; Tenth Annual Report of the Minister of Pensions from 1st April, 1926, to 31st March, 1927, pp. 20-1, PP 1927 (100), 11.,935.

⁸¹ Maxwell to Commissioners, 26 May 1925, RHMS Folio.

⁸² Pro Agent of Bank of Ireland to Commissioners, 7 Oct. 1924, Seaton Folio; Bodkin to Robinson, 27 Jun. 1929, RHMS Folio. These figures do not conform to the one to three division of dividends as directed by the court, but no explanation or acknowledgement of this discrepancy exists in the sources.

<i>Seaton Association Fund Legacy</i>	
4% stocks of the London Midland & Scottish Railway Company	£1,476 0s. 0d.
Bank of Ireland stock	£640 19s. 0d.
5% War Loans 1929-47	£1,467 19s. 8d.
	£3,584 18s. 8d.
<i>Royal Hibernian Military School Legacy</i>	
'Old' Bank of Ireland consols, under 'Hibernian Society'	£5,753 7s. 0d.
'New' Bank of Ireland consols under Governor of RHMS	£432 8s. 11d.
'Crimean Banquet Fund' consols under Sir J. Amott, Wilfred Fitzgerald, Thomas Levins Moore and Malachy Kelly 'deceased as trustees'	£1,300 11s. 8d.
3% India stock under Sir J. Amott, Wilfred Fitzgerald, Thomas Levins Moore and Malachy Kelly	£100 0s. 0d.
2½% Government in Bank of Ireland under Hibernian Society	£100 0s. 0d.
War Loans in Bank of Ireland under Commandant and Secretary of RHMS	£780 11s. 6d.
	£8,166 19s. 1d.

Table 1. Breakdown of funds in SAF and RHMS legacies with their descriptions and values.

<i>1923</i>		
2 January	4% LMSR stock	£29 10s. 5d.
1 February	Bank of Ireland Stock	£44 17s. 1d.
1 June	5% War Loans	£36 14s. 0d.
2 July	4% LMSR stock	£29 10s. 5d.
1 August	Bank of Ireland Stock	£44 17s. 1d.
1 December	5% War Loans	£36 14s. 0d.
<i>1924</i>		
2 January	4% LMSR stock	£29 10s. 5d.
1 February	Bank of Ireland Stock	£57 13s. 5d.
1 June	5% War Loans	£36 14s. 0d.
1 July	4% LMSR stock	£29 10s. 5d.
1 August	Bank of Ireland Stock	£35 4s. 11d.
		£410 16s. 2d.

Table 2. Dividends received on the Seaton legacy between 2 January 1923 and 1 August 1924.

Finally, what is also worth noting at this point is how much the policies of both the Irish and British governments on the two Irish court cases in 1923–29, which related to the ex-servicemen issue, contrasted with their actions in later years and decades. In the 1920s–1940s both the Irish Cumann na nGaedheal and Fianna Fáil governments pursued a policy of distance towards the Land Trust during its prolonged rent disputes with its Irish ex-servicemen tenantry and their widows. Neither administration was willing to act as an active mediator in those disputes or as a belligerent in court, even though W.T. Cosgrave corresponded with the British government on the issue.⁸³ In stark contrast, from the mid to the latter part of the 1920s the Cumann na nGaedheal government actively participated in the legal disputes relative to the legacies of the Seaton Fund and RHMS. On the British side, while the War Office was willing to engage in both legal proceedings through the Irish courts in 1923–29 and adhere to its rulings, just like the Land Trust did in the 1930s, the MoP was wholly unwilling to countenance such actions in that latter decade, when it was faced with a

⁸³ Taylor, *Heroes or Traitors*, pp. 143–62.

law suit from one of its Irish staff who had been injured while working at its Leopardstown Park Hospital.⁸⁴

Concluding remarks

There is a rich historiography on ex-servicemen and charity, philanthropy and more especially, the care provided by dedicated institutions and organisations within the UK after the Great War, and more recently a complementary corpus has emerged on Ireland looking more especially at the latter topic. The Seaton Fund and RHMS legal disputes partly illustrate the sheer complexity of establishing the Irish Free State in the post-Great War era. They show that small but often complex and time-consuming issues could occupy the attention of new states just as easily as the negotiated national issues of national sovereignty, jurisdictional boundaries and oaths, or the day-to-day issues of the primacy of parliamentary democracy and the rule of law.⁸⁵ So much still had to be settled, either through recognition or legislation, abolition or ignorance. The legacies of the ‘British’ military charities in Ireland are just one example. That being said, the two charities, and the disputes surrounding them, illustrate how imperial institutions were, or envisaged to be, repurposed to serve the requirements of a new state; in this case the Irish Free State, but also Northern Ireland and the post-1922 UK.

The historiography of British ex-servicemen in Ireland is a transnational one. The men in question were more often of Irish birth, had served in the British Armed Forces all over the globe between 1914 and 1918, and sometimes until 1922, then returned to Ireland and became citizens of a different state, while continuing to receive welfare and care – benefits for their service – from the agencies of a foreign government operating within the Irish Free State. Such transnationalism was acknowledged and reflected in the host of military charities in existence in the UK before the Great War. Owing to the size, disposition and transient nature of the British Armed Forces and their families, many charities, if not most, operated throughout or extended their support to people throughout the entire UK, and sometimes the Empire. Even those school and homes, which were geographically situated in the UK, accepted entrants from anywhere once they met the requisite requirements and Forces affiliation. Thus, it is unsurprising that the legal or citizenship status of these men was a matter of debate throughout the 1920s and again in the early 1930s when Fianna Fáil came to power. Both Taylor and Kinsella have shown the complexity of the veterans’ situation in

⁸⁴ Kinsella, *Leopardstown Park*, pp. 70-1.

⁸⁵ Laffin, *Judging W.T. Cosgrave*, pp 165-90.

Ireland, especially in terms of Anglo-Irish politics after 1932, but also the broader issue of the limbo-like status that the Land Trust and MoP occupied within the new state.⁸⁶ Were they subject to Irish law; would they allow themselves to be subject to the rulings of Irish courts? As Taylor shows, the Land Trust actively used the Irish courts to evict its ex-service tenantry and also accepted the Irish courts' rulings against it in favour of its tenants. Even though it was effectively run from a London headquarters, was subject to the directives and scrutiny of the British Treasury and operated in both Northern Ireland and the Irish Free State. In contrast, Kinsella noted that the MoP avoided engaging with the Irish courts at all costs.⁸⁷

In contrast, the Irish government was willing to oppose the claim of the British government and others upon the legacies of the Seaton Fund and RHMS between 1923 and 1929. The difference can be attributed to where the money resided. In the case of the ex-servicemen's pensions, care and houses, the money came from London through the MoP and Land Trust. The pensions and care were administered by the MoP through its Dublin office, while the housing trust was administered from a London office via Irish and Northern Irish trustees. In both instances the money came from the British taxpayer. In contrast, the Seaton Fund and the RHMS monies were already in Ireland, and thus all the Irish parties wanted it to keep it there.

This article further illustrates the legal and institutional difficulties associated with the creation of the Free State, by adding a new angle in relation to the families of ex-servicemen, who were the focus of the Seaton Fund and RHMS (prior to 1922). It can also be placed alongside the recent work of Thomas Mohr on the legal relationship, entanglements and conflicts between the Irish and British governments in the 1920s, in relation to the new state's Protestant, and potentially Loyalist, minority.⁸⁸ The Seaton Fund and RHMS cases represent extremely important events in the history of the British ex-serviceman in Ireland and his family. They serve to complement and illuminate the policies of the Cumann na nGaedheal government towards British ex-servicemen during its tenure; if not successive administrations too.⁸⁹ Yet more important perhaps is the inescapable fact that the Irish Free State courts (and also the Commissioners and even the Irish government to a degree) both legitimised the

⁸⁶ Taylor, *Heroes or Traitors*, pp 151-2; Kinsella, *Leopardstown Park*, pp. 70-1.

⁸⁷ Kinsella, *Leopardstown Park*, p.p 70-1.

⁸⁸ See Thomas Mohr, *Guardian of the Treaty: the Privy Council Appeal and Irish Sovereignty* (Dublin, 2016).

⁸⁹ These policies are discussed in Taylor and Kinsella in relation to the ex-serviceman in Ireland.

existence, purpose and functions of those charities after 1922 and also legitimised the existence, if not actual status, of ex-servicemen and their families in the new Ireland.

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