

## DEPARTMENTAL FILES

A Memorandum for the Government, dating from 1957<sup>1</sup>, shows that a total of 82,000 persons applied for pensions under the Acts, 1924 and 1934. Of these 15,700 were successful and 66,300 were rejected. The *Military Service Pensions (Amendment) Act, 1949*, enabled rejected applicants to appeal by petition and enabled new applicants to apply. It appears therefore that a total of c.18, 300 pensions were awarded under the three Acts by the end of 1959, still leaving a significant constituency of "dissatisfaction" among veterans refused "pensions".

Numerous Old IRA Veterans Associations, particularly the Federation of IRA, 1916-1921 ("Mansion House Committee"<sup>2</sup>) continued to make political representations and the Federation met with the then Minister for Defence, General Sean MacEoin in December 1955, May 1956 and December 1956.

General MacEoin had made public his intention to review the Military Service Pensions legislation in its entirety<sup>3</sup>. In essence, he proposed new legislation involving the abolition of the Board of Assessors, the Referee and Advisory Committee, a review of all applications to date (those refused and awarded) and the appointment of about 20 boards on a regional basis, each consisting of a Deciding Officer and two Assessors. A definition of "active service" was to be provided.

These proposals were not fully supported by the Minister for Finance at the time and were deemed to require "further consideration" at a meeting of the Government on 4 December 1956. The matter was finally withdrawn from the Cabinet Agenda in May 1957<sup>4</sup>.

The Referee, Mr Justice Eugene Sheehy, SC. - appointed 16 May 1950- had been asked for his opinion on the proposed definition of active service. His observations in reply include; "...any member of the Forces could get a pension who, during Easter Week gave a volunteer a cup of tea anywhere, or carried a message anywhere, or cut a telegraph wire anywhere or blocked a road anywhere. This would be bound to result in a very large increase in the numbers qualifying. I think it

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<sup>1</sup> 3/15110/12 & /13 dated 6 May 1957

<sup>2</sup> 3/15110 and 3/13070

<sup>3</sup> Speech at Abbeyfeale and Athea during West Limerick By-Election, as reported in the Irish Independent, 7 November 1955, for example.

<sup>4</sup> 3/13070/442 and / 486 (S.13602 E ) dated 17 Bealtaine /May 1957

would be most regrettable if Easter Week service were cheapened in this way<sup>5</sup> [under the proposed definition 111. A person who, at any time during Easter Week 1916 rendered service in any of the duties set out in the Appendix<sup>6</sup>].

Sheehy did acknowledge "... that there is a certain number of cases in which, although the provisions of the Acts have been carried out, it could be argued that Justice has not been done. In certain areas there was very little activity in the period immediately preceding the Truce, and Volunteers have accordingly been unable to show the continuous service in this period which is necessary to qualify a person who has neither Easter Week nor Civil War service. Applicants in these areas without Civil War service have had to be refused, although they may have rendered better service than others who had continuous service in the Seventh Period ( 1 April 1921 to 11 July 1921) and ceased their activities at the Truce<sup>7</sup>". He also sets out similar difficulties in the Six Counties.

Justice Sheehy suggested two amendments, which if they were implemented would enable him to deal favourably with cases as outlined above and "..there would, I think, be no legitimate cause for further complaint".

Essentially he required the following "...that where a majority of the Referee and Advisory Committee are satisfied that an applicant for a service certificate failed to qualify because he could not show continuous active service in the sixth or seventh period, but that his record of service warrants the conclusion that such failure was not due to causes under his own control, the Referee may reopen the case and may, if he thinks fit, qualify the applicant..."

The recommendation by the Referee for two amendments to the Acts was not successful.

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<sup>5</sup> 3/13070/462 (a) (i)

<sup>6</sup> 3/13070/323 to 326 Part 1. Proposed definition of persons to whom Service Certificates may be awarded and Appendix. Dated 13 October 1955

<sup>7</sup> 3/13070/460. 4.