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## 'Old Parchment and Water'; the Boundary Commission of 1925 and the Copperfastening of the Irish Border

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- <sup>72</sup> Burke, 'Fox's India Bill', *Writings and Speeches*, IX: 402. This is a favourite trope; see, for instance, 'Fourth Letter', IX: 56, of the Jacobin republic: 'To be sure she is ready to perish with repletion; she has a *Boulimia*, and has hardly bolted down one State, than she calls for two or three more.'
- <sup>73</sup> On Marie Antoinette, see Burke, *Reflections, Writings and Speeches*. VIII: 126-32; on Keppel, see 'Letter to a Noble Lord' (1796), IX: 181-87; on the new titles for French assassins, see 'Fourth Letter', IX: 111-14.
- <sup>74</sup> Burke, 'Letter to a Member of the National Assembly' (1791), *Writings and Speeches*, VIII: 312-19.
- <sup>75</sup> Suleri, *English India*, pp. 41-48.
- <sup>76</sup> Burke, 'Fourth Letter', *Writings and Speeches*, IX: 83.
- <sup>77</sup> Burke, 'Letter to a Noble Lord', *Writings and Speeches*, IX: 173.

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## Old Parchment and Water: The Boundary Commission of 1925 and the Copperfastening of the Irish Border

MARGARET O'CALLAGHAN

*You remember that village where the border ran  
Down the middle of the street,  
With the butcher and baker in different states?  
Today he remarked on how a shower of rain*

*Had stopped so cleanly across Golightly's lane  
It might have been a wall of glass  
That had toppled over. He stood there, for ages,  
To wonder which side, if any, he should be on.*

Paul Muldoon, 'The Boundary Commission'.<sup>1</sup>

The Ulster Parliament has, on the other hand, attractions. I know that, once it is granted, unless they agree among themselves, they can never be interfered with. You cannot knock Parliaments up and down as you would a ball, and, once you have planted them there, you cannot get rid of them.

Sir Edward Carson, House of Commons, 22 December 1919.<sup>2</sup>

There are four alternative proposals that have been discussed with regard to boundaries... The fourth suggestion is that we should ascertain what is the homogeneous North-Eastern section and constitute it into a separate area, taking the six counties as a basis, eliminating where practicable the Catholic communities, whilst including Protestant communities from the coterminus Catholic counties of Ireland, in order to produce an area as homogeneous it is possible to achieve under these circumstances. So much for the areas which will be the basis of the constitution of these two parliaments.

Lloyd George, House of Commons, 22 December 1919.<sup>3</sup>

All experience proves, moreover, that so complete a partition of Ireland as you propose must militate with equal force against that ultimate unity which you yourself hope will one day be possible. The

existing states of Central and South-Eastern Europe is a terrible example of the evils which spring from the creation of new frontiers, cutting the natural circuits of commercial activity; but when once such frontiers are established they harden into permanence. Your proposal (for Dominion status, p. 24-25 of document) would stereotype a frontier based neither upon natural features nor broad geographical considerations by giving it the character of an international boundary. Partition on these lines the majority of the Irish people will never accept, nor could we conscientiously attempt to enforce it. It would be fatal to that purpose of a lasting settlement on which these negotiations from the very outset have been steadily directed.

Lloyd George to James Craig, 14 November, 1921.<sup>4</sup>

I enclose Articles of Agreement... You will observe there are two alternatives between which the government of Northern Ireland is invited to choose. Under the first, retaining all her existing powers she will enter the Free State with such additional guarantees as may be arranged in conference. Under the second alternative she will retain her present powers, but in respect of all matters not already delegated to her will share the rights and obligations of Great Britain. In the latter case, however, we should feel unable to defend the present boundary, which must be subject to revision on one side and the other by a Boundary Commission under the terms of the instrument.

Lloyd George to James Craig, 5 December, 1921.<sup>5</sup>

We do not propose to interfere with the arrangement of a year ago in relation to two counties, but we propose that a Boundary Commission shall examine the Boundary lines with a view to rendering impossible such an incident as that of a few days ago, in which the popularly elected bodies of one or two of these districts were excluded from their habitations by representatives of the Northern Parliament on the ground that they were not discharging their duties properly. I am making no criticism but such a system cannot be consistent with maintenance of order. That boundary must be rectified on one side or the other. It is not an artificial boundary but one which can be worked out with infinite flexibility.

F.E. Smith, Earl of Birkenhead, Attorney General, and  
Lord Chancellor, Birmingham, 6 December, 1921.<sup>6</sup>

There is no doubt – certainly since the Act of 1920 – that the majority of the people of two counties prefer being with their southern neighbours to being in the Northern Parliament. Take it either by constituency or

by Poor Law Unions or, if you like, by counting heads, and you will find that the majority in these two counties prefer to be with their southern neighbours. What does that mean? If Ulster is to remain a separate community you can only by means of coercion keep them there, and though I am against the coercion of Ulster, I do not believe in Ulster coercing other units. Apart from that, would it be an advantage to Ulster? There is no doubt it would give her trouble. The trouble which we have had in the South the North would have on a smaller scale, but the strain in proportion, on her resources, would be just as great as the strain upon ours. It would be a trouble at her own door, a trouble which would complicate the whole of her machinery, and take away her mind from building. She wants to construct; she wants to build up a good government, a model government and she cannot do so as long as she has got a trouble like this on her own threshold, nay, inside her door.

Lloyd George, House of Commons, 14 December, 1921.<sup>7</sup>

The clause provides that the amendment of the boundary should be in accordance with the will of the inhabitants but only so far as this would appear compatible with economic and geographic considerations. The will of the inhabitants was ascertainable, but the economic and geographical considerations were left entirely to be decided by the Commission in accordance with any opinion its members might happen to hold. Moreover, it was evident that the decision of the Commission, if it came to any, would be dominated by the voice of the chairman representing the British government.

Eoin MacNeill, Irish Free State representative  
on the Boundary Commission.<sup>8</sup>

## I

**T**his paper looks initially at the strategies of the Provisional and first Irish Free State governments in dealing with Clause 12 of the Anglo Irish Treaty, which provided for the potential redrawing of the border, through the appointment of a Boundary Commission

that 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.<sup>9</sup>

Contrary to prevailing orthodoxy, it appears that senior officials of the Free State government, like Kevin O'Shiel and E.M. Stephens of the North-Eastern

Boundary Bureau, which was established to make the Free State case for revision of the border through plebiscites devised on Versailles models, were well appraised of the complexity of issues of minority versus majority rights, of concepts of conflicting rights, and of many of the conceptual categories that we consider to be specifically late twentieth-century formulations of the problems of divided societies.<sup>10</sup> None of the skills of the North Eastern Boundary Bureau are reflected in this paper, though they form a considerable section of the wider study of which this is a part. They were to be rendered irrelevant by the refusal of the Boundary Commission as constituted, to take their premises, particularly their comparative case studies, on board. The staff, ancillary academics, and diplomats of the North Eastern Boundary Bureau anticipated the strong likelihood of such an outcome from 1923, but had no power or leverage with which materially to alter it.<sup>11</sup> By the time that the Boundary Commission moved from hearing official submissions at their offices in Clement's Inn in London, the representatives of the independent Northern Ireland Unionist bodies had in place a more integrated case, based upon fortifying an already existing boundary.<sup>12</sup> That case, however, depended upon the interpretative framework of the Commission's chairman, Richard Feetham. The Free State Bureau's liaison with local nationalist representatives in 'border areas', directed by Stephens and Cahir Healy – when he was not interned on the 'Argenta' prison ship – and co-ordinated through nationalist solicitors – usually former electoral registration agents or Sinn Féin pro-Treaty activists – was central to their attempt to end partition. Or at least to change the boundaries of the partitioned area significantly, by replacing it with a new border on what they called the Lynch/McKenna repartition line.<sup>13</sup> The divided agendas of different sections of northern nationalist opinion materially affected that case.<sup>14</sup> Seamus Woods of the Northern IRA had written to the Free State government after Michael Collins's death in August 1922 to say that, as far as he was concerned, Dublin's directions were to acquiesce in the northern *status quo*, pending the Boundary Commission.<sup>15</sup>

The role of Tom Jones,<sup>16</sup> Andy Cope,<sup>17</sup> and Lionel Curtis<sup>18</sup> in London, the specificities of changing governments in London and army mutiny in the Free State, and of course the legacies of civil war, provide some of the contexts of the Boundary Commission outcome of 1925. It is clear that, at the time of the 1925 negotiations that facilitated the suppression of the Boundary Commission's report, the position of L.S. Amery as Dominions Secretary,<sup>19</sup> Robert Cecil,<sup>20</sup> and Winston Churchill at the Treasury, were crucial. James Craig, as Prime Minister of Northern Ireland, emerges as an even more skilful political negotiator than has been hitherto apparent, but the preconditions for his skill were the constructed military strength of the new Northern Ireland, and the intellectual context of British conceptualizations of the problem that remained hegemonic. The chairmanship of the Boundary Commission by Richard

Feetham, Lionel Curtis's intimate in the South African imperial reformulation projects of the turn of the century, was here crucial. It may well be that, having intellectually, militarily, and strategically lost a battle that was probably unwinnable in 1925, the Free State government was wise to avoid potential massacre by signing a secret agreement suppressing the, from their point of view, disastrous recommendations of the Boundary Commission. It is however important for historians, at least, to realize that the first Free State government took the Boundary Commission seriously, that its outcome to them was not a foregone conclusion, and that the elaborate case that the North Eastern Boundary Bureau constructed, on the basis of extensive research and consultation, was serious.<sup>21</sup>

This can substantially revise existing views of British policy as well as southern governmental intent. It highlights the impact of subsequent history in distorting our understanding of aspects of the formation of the Irish Free State and the consolidation of Northern Ireland. For example, there is no stable 'British' line in this period. Lloyd George merely wishes to escape from the Irish quagmire. For Arthur Balfour,<sup>22</sup> and for those who shared his priorities, Ireland and Ulster remained topics of the highest importance, as they did for a significant *cadre* of senior Tories. Their position was in the ascendant in this crucial period. Lionel Curtis, though key to the original establishment of an Ulster, was more concerned that All-Ireland remain within the empire as a dominion, since Ireland's role was central to his agenda of imperial evolution. Craig's suggestion that Northern Ireland too might become a separate dominion within the British empire, horrified him – as it did Lloyd George.<sup>23</sup> One Ireland was quite enough. With the significant exceptions of Arthur Balfour and Winston Churchill, no senior politician on the British side envisaged a situation in which Northern Ireland remained within the Empire, while the rest of Ireland stood outside it – a situation that arose as a result of the declaration of the Republic of Ireland in 1948.

We now read the period through the events of the past thirty years in Northern Ireland, and through a historiography produced in the context of a 'southern' self-critique, or revised self-definition, during this period.<sup>24</sup> The narrative we now have is of 'Ulster's' inevitability and of southern acquiescence, collusion and hypocrisy in the face of partition. Like much recent Irish historiography, this marginalises high politics, disassociates the complexities of the ties between high and low politics, and historiographically endorses past assumptions that at the very least need to be examined, while conveniently appearing simultaneously to gratify contemporary political needs.

Almost a century after the partition of Ireland we need to assemble, and then conceptualize a scattered body of material into a corpus that can form the basis of partition studies. At the very least, we need for the so-called Anglo-Irish settlement of 1910-25 a series analogous to the volumes produced by

Nicholas Mansergh on British disengagement from India.<sup>25</sup> These volumes should contain all of the relevant papers in British, Northern Ireland, and Irish Free State official files from 1910-25, together with the relevant papers of prominent politicians. In the British case the material in private papers is vast – from those of politicians of the first importance like Arthur Balfour, Winston Churchill, David Lloyd George, F.E. Smith, and Austen Chamberlain, to those of secondary but crucial individuals like L.S. Amery, Robert Cecil, and key policy formers like Lionel Curtis and Andy Cope. This cannot but provide a picture of British governance in the crucial period before loss of Empire, and an intellectual framework for understanding the extraordinarily complex and ambiguous British governmental attitudes to Irish Nationalism and Unionism. It could also provide a necessary resource for students of subsequent decolonizations, and delineate a British culture of governance that was so partial to the idea of partition as a resolution of certain aspects of the problem of divided societies.<sup>26</sup> At present, anyone writing on this period in Ireland is reduced to writing potted accounts of the same old story from 1910 onwards. We need to move beyond this. The pioneering and scrupulous research of Geoffrey Hand on the Boundary Commission, when the suppressed report was finally made public in 1969, and his much-delayed, by others, and brilliant article of 1973 is cited as a kind of terminus of study, rather than as the agenda for future research which it clearly provides.

Eamon Phoenix has begun the process of looking again at the origins of Northern Ireland, and has used the recently available Department of the Taoiseach and North Eastern Boundary Bureau files, that also form the basis of this article.<sup>27</sup> These fifty-six boxes of files, together with Free State Executive Council files – which detail aspects of the work of the Irish side in preparing the case for the Boundary Commission, and which are now sorted and available in the National Archives in Dublin – provide a picture of a disappeared and much misrepresented political culture.<sup>28</sup> Little of the analysis available in these files confirms the now-widespread assumptions about the nature of the first generation of Irish political governance. It is also abundantly clear from contemporary documents that the partition of Ireland was a chapter in British imperial and emerging Commonwealth history. There is, then, a vast range of material available in British government papers and the papers of key individuals that remain unexplored, despite the remarkable work of Nicholas Mansergh, who has essentially laid bare the lineaments of the so-called Anglo-Irish settlement.<sup>29</sup> The attempts of the past thirty years to deny the British, imperial, and post-Versailles contexts of the political division of Ireland, in a desire for an internalist model of northern conflict, will not stand the test of time, nor any examination of the records of all parties, insofar as they can be pieced together.

To acknowledge this has no necessary political implications for recognizing the actualities and depths of real and profound political divisions on the island of Ireland, both then and now, though it may historicize them. This paper is part of a study of the Boundary Commission and the consolidation of Northern Ireland, a study that focuses on the intellectual characteristics of a British culture of governance at the end of the long nineteenth century – a conceptual habit of mind that dominated from the Congress of Berlin to the Treaty of Versailles.

## II

There is one physical political border on the island of Ireland. Drawn up and put in place by the Government of Ireland Act of 1920 and covering about three hundred miles, it follows the contours of the county borders of six of the nine counties of the province of Ulster. Three of the nine counties of Ulster lie within the jurisdiction of the Republic of Ireland. Donegal, which is effectively cut off geographically from the territory of the now Republic, is also cut off by the border from its historical connection with the city of Londonderry, or Derry, for which it is an economic and social hinterland. The two other Ulster counties – Monaghan and Cavan – have been allowed to exist in a kind of categorizer's limbo: of Ulster, yet not of what Ulster was to mean for the new administration in Northern Ireland after 1920, when Ireland was politically partitioned.

The idea of partitioning Ireland became attractive to Asquith's Liberal cabinet from 1910 onwards. It was, however, conditioned by habits of reading Ireland.<sup>30</sup> It presented one way of dealing with a Unionist resistance to Home Rule for Ireland that was to lead the Tory party to the brink of rebellion, the British army to the point of mutiny, and Irish Unionism to the threat of revolution. But this was itself part of a wider debate that had dominated the policies of successive British governments towards Ireland throughout the nineteenth century, and arguably for centuries before that: how should the British government discharge its responsibilities towards its 'own people' in Ireland, and also reflect Ireland's absolute centrality to the idea of the United Kingdom and the Empire?<sup>31</sup>

The Treaty settlement of 1921 conceded to twenty-six of the counties of Ireland dominion status, on 'the Canadian model'. The new six-county area, designated Northern Ireland, and established under the Government of Ireland Act of 1920, already had a devolved government in Belfast. The Government of Ireland Act remained in place, but was qualified by the Anglo-Irish Treaty of 1921, which provided for an Irish Free State, from which the already-constituted Northern Ireland was to move to exclude itself, within a limited time-frame.

Thus, at its very base, the status of Northern Ireland was ambivalent. That ambivalence was essential to the signing of the Anglo-Irish Treaty. The withdrawal of all nationalist representatives from Westminster in 1918 ensured that neither the old Nationalist party, nor the new Sinn Féin party, had any say in the partition settlement – the Government of Ireland Act of 1920. Most elected members seem to have had a limited grasp of the actuality of the new situation. Nationalist Ireland split on the Treaty, with the majority supporting it, and a so-called Republican minority, under DeValera, refusing to accept the Treaty-established status of the Free State as a dominion within the Empire.

Michael Collins and Arthur Griffith probably could not have signed the Treaty without Article 12. They could not have signed it without the provision of a Boundary Commission

that 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.

Collins and Griffith chose to read this as likely to 'return' at least two of the six counties – Tyrone and Fermanagh – and substantial parts of others. They are represented retrospectively as having clearly miscalculated. As Eamon Phoenix has recently demonstrated in an analysis of Collins's northern policy, Collins continued to support IRA activity within the new jurisdiction of Northern Ireland through most of 1922, albeit with pauses around the Craig-Collins pacts.<sup>32</sup> According to Seamus Woods, perhaps he did so wholeheartedly only until March or April of 1922. After the Treaty split, it was clear that, if the new Irish Provisional government did not put down the Republican opponents of the Treaty, British military force would return to 'restore order'. A bloody civil war ensued. After the death of Collins – and perhaps even before it, if the Free State Provisional Government's cabinet agenda of August is noted, – W.T. Cosgrave and Ernest Blythe took the view that, as London repeatedly reminded them, the assault on the stability of Northern Ireland – previously sanctioned by Collins – was in fact an assault upon the Treaty settlement, and as such an assault upon the Free State.<sup>33</sup> From the autumn of 1922 then, both officially and unofficially, the proposed Boundary Commission was the Free State's only real political prospect for a revision of partition.

Catholics in Ulster held on to the idea of the Boundary Commission up until 1925. Key individuals within the northern nationalist community had significant correspondence with Collins, through which he built up an extensive dossier recording attacks, murders, and pogroms against Catholics in the

North.<sup>34</sup> This was a body of material that Dublin intended to deploy before the Boundary Commission, though it was all eventually ruled inadmissible. In the Dublin files there is also material on the redrawing of local electoral boundaries, and the gerrymandering of constituencies, particularly Tyrone and Fermanagh, by Craig's government in preparation for the Boundary Commission. Most, though certainly not all, of the northern Nationalist representatives refused to cooperate with the new Northern Ireland administration, and tried to affiliate themselves with the new Free State administration through the North Eastern Advisory Committee.<sup>35</sup> In east 'Ulster', particularly Belfast, where there was no hope of being 'saved' by the Commission, Joe Devlin reluctantly entered the new northern parliament, and prominent Catholic businessmen advised accommodation with the new polity.<sup>36</sup>

Nationalist hopes of avoiding partition had been raised after the local elections of 1920, in which Nationalists won a majority on the Londonderry city council, and controlled the county councils in the nationalist-dominated counties of Fermanagh and Tyrone. But, by 1924, they spoke of being in the 'severed six counties', or under the 'North East Junta', and observed with horror London's collapse in the face of Craig's insistence on raising his own internal security apparatus. Draconian security measures were introduced, north and south, to contain Republicans in the South, and Catholic nationalists in the North. It is clear, however, that the Craig-Collins pacts did succeed in marginalising the more lawless elements in the Royal Ulster Constabulary and Specials. Even Seamus Woods said that Craig was attempting a conciliatory attitude to northern Catholics, though he was severely constrained by his own most extreme supporters.<sup>37</sup> The imminence of the Boundary Commission put pressure on Craig to abolish proportional representation for local elections, and revise and gerrymander the constituencies in order to conceal or immerse Catholic majorities in Tyrone, Fermanagh, and in large sections of Derry city.<sup>38</sup>

A superb window on the calculations of Lloyd George, Winston Churchill, Austen Chamberlain, and many of the key players on the British side is provided in the diaries of Tom Jones, Lloyd George's private secretary and friend.<sup>39</sup> What the British cabinet were most concerned about avoiding, in the early summer of 1922, as Collins and Griffith headed the Provisional Government of the new Irish Free State, was any chance of a *rapprochement* between Collins and the DeValera faction. When Collins proposed that the internal Irish division, on whether or not the Treaty was acceptable, should be shelved in the elections by a so-called electoral pact, whereby both pro and anti-Treatyites would ensure that their respective electoral balance remained what it had previously been, Lloyd George read him the riot act, gave him a lecture on democracy, and told him that if *any* form of negotiated dominion status was to remain in place, the Free State forces would have to take on their

former comrades. Otherwise the British would reoccupy, and count the Treaty null and void.

Tom Jones expresses unease in his diaries at how every request of Craig's for further arms and supplies to defend Northern Ireland is met, despite all of the demands being in flagrant violation of the Government of Ireland Act, under which Northern Ireland was established. Craig's justification of self-defence, from both nationalist factions in the South and the disloyal within Northern Ireland's new borders, may have been sufficient to warrant some military backing. Nonetheless the scale of armaments transferred, at the expense of the British exchequer, is astonishing. A large percentage of the male Protestant population were mobilized and trained by senior British army officers into so-called A, B, and C Specials, to defend 'Ulster', as Craig preferred to call it.<sup>40</sup> Prior to the ratification of the Free State constitution, the delicate acceptance of which was crucial for the settlement to survive, an incident occurred which deeply disturbed Churchill in particular. Allegations of Free Staters' seizure of barracks in Belleek and Pettigo on the Fermanagh border infuriated Churchill, who wished the attackers' positions to be immediately bombarded, Churchill representing the moment as 'an invasion of the north'. Lloyd George, more astutely conscious of how the Treaty settlement and the future position of Northern Ireland were intimately interdependent – indeed strategically fused – insisted that no bombardment should take place, as it could again permit a re-convergence of the Collins and DeValera factions, and the reformulation of the debate as being 'about partition'. Lloyd George could not control Churchill but, in relief, when the encounter was initially thought to be minor – it was serious – he and Tom Jones sang jocose songs in the small hours in celebration of the nearly bloodless battle of Pettigo.<sup>41</sup>

Partition in Ireland was the first major partition in which a British cabinet participated in territory which it had formerly controlled, but it provided a precedent for later partitions. Models for partitions were in existence, however, from the plans to carve up the sick Turkish Ottoman Empire and, of course, from the late nineteenth century colonisation of Africa. The late Nicholas Mansergh, distinguished Commonwealth historian and political analyst, has pointed out that there are distinct parallels between aspects of the conceptual framework of partition in the decolonising contexts of Ireland and India.<sup>42</sup> These parallels can be extended to Palestine and Cyprus. In Ireland, the 'loyal' minority were established in a separate jurisdiction before a reluctant settlement was reached with what was seen to be 'Sinn Fein Ireland', after the British governmental war against the latter and their declared republic. The minority in Ireland had kinship and political ties with the British Conservative and Liberal parties. In Ireland, the Tories imposed their staunch feelings in Ulster's favor in material form in 1920 by establishing Northern Ireland. Through their superior numbers in the Lloyd George-lead postwar coalition,

they influenced key decisions to arm the Unionist population in Ulster. After Lloyd George's replacement by Bonar Law, the trajectory was not significantly interrupted during the brief life-span of Britain's first-ever minority Labour government.<sup>43</sup> The return of a Tory cabinet under Baldwin confirmed earlier directions. Once the Northern Ireland state was in place Craig, a man who was not personally bigoted, became a victim of the sectarian head-count which dictated the borders of the jurisdiction which he controlled. Fully armed and financed by the British government, despite extreme reluctance in certain London administrative quarters, Northern Ireland was inured to political realities. Finance was its greatest weakness, but eventually Craig resolved that too, ironically, with the aid of southern precedent.

The one possible serious threat to the continued existence of the jurisdiction of Northern Ireland – the Boundary Commission, was finally set up, after a gamut of delaying tactics by Craig, in 1924. It was appointed by Ramsey MacDonald's Labour minority government, but it actually operated under the prime ministership of Stanley Baldwin and a Conservative cabinet. It was to consist of three commissioners, and Craig was requested to nominate one, while London and Dublin would nominate the other two. Craig refused, and alerted the Ulster Special Constabulary to potential threats ahead. After a complicated series of delays and legalistic manoeuvring, Britain acquired powers to appoint a commissioner on behalf of Northern Ireland.

The Boundary Commission met for the first time on 6 November 1924. Its chairman, appointed by the British government, was Mr Justice Richard Feetham, a judge of the Supreme Court of the then Union of South Africa – another dominion. He had cut his political teeth when his friend Lionel Curtis invited him to South Africa at the turn of the century.<sup>44</sup> A significant member of Milner's so-called kindergarten<sup>45</sup> – the loosely constituted South African policy centre for imperial development conceived by an extraordinary generation of young imperialists after the Boer War, as they conceptualized a new and flexible Empire for the 20th century – he remained closely associated with Curtis, who was then in the process of setting up an Irish section at the Colonial Office. This was to replace the old Irish Office which had dealt directly with Dublin Castle before 1922. The journal of the new imperialists, who conceptualized the flexibility of the Commonwealth as the next step for empire, was *The Round Table*.

The Northern representative chosen by the British government on Craig's informal advice was Joseph R. Fisher. An active Ulster Unionist and former editor of *The Northern Whig* newspaper, Fisher was then almost 70, and had already pressed Craig to 'get Donegal'.<sup>46</sup> The Irish Free State representative was Eoin MacNeill, a professor at University College Dublin, former head of the Irish Volunteers, and Minister for Education in the Free State government. A distinguished Irish language scholar and historian, he appears to have taken

literally the decision made by the three that their proceedings be confidential.<sup>47</sup> As Geoffrey Hand has shown, Fisher wrote daily reports to a Mrs Reid, wife of an Ulster Unionist M.P., a source that is extensively used in St John Ervine's biography of Craig, later ennobled to Craigavon.<sup>48</sup> The Commission's secretary was F.B. Bourdillon, an Oxford graduate of Balliol, later a Reading University geographer. He had already served on the Upper Silesian boundary commission of 1920-22, and he was later to serve as first administrator of Curtis's brainchild for the promotion of imperial and commonwealth studies, Chatham House.<sup>49</sup>

Baldwin tried to reassure Craig before the Commission sat:

If the Commission should give away counties, then of course Ulster couldn't accept it, and we (i.e. the Tory party) should back her. But the government will nominate a proper representative for northern Ireland, and we hope that he and Feetham will do *what is right* [my emphasis].

Philip Kerr, former colleague of Feetham, Milner, and Curtis from South African days, convinced Feetham of the importance of the secrecy of the Commission's work:

No Commissioner would consult any of the Governments concerned as to the work of the commission, or would make any statement as to such work either to any government or to any individual without first consulting his colleagues.<sup>50</sup>

The Commission was further staffed by Feetham's private secretary, C. Beerstecher and a shorthand writer, A. Marshall. A chief technical assistant was appointed, Major R.A. Boger, who had been the British member of the same German-Polish delimitation commission in Upper Silesia from 1920 to 1923. The assistant secretary was another academic, Dr C.J. MacPherson. Whether MacNeill initially tried and failed to get alternative Irish appointments at the junior level is unclear. Certainly the overall tenor of the Commission's composition was unlikely to be sympathetic to Irish nationalism in any form. In December 1924, MacNeill reported in cabinet that Feetham, in at least one instance, had objected to the appointment of an Irish representative on the staff, and read to his colleagues a letter of protest, which he proposed to address to Feetham on the subject.<sup>51</sup> At the same Executive Council meeting of 1 December 1924 it was reported that the Boundary Commission intended to visit certain border districts 'within the next few weeks'.

At this cabinet meeting a letter from Bourdillon, the Secretary to the Irish Boundary Commission was read:

Consideration was given to the hope expressed by the Commission that Counsel would be in a position to inform the Commission of any suggestions which the Government of the Irish Free State may have to make as to the manner in which the wishes of the inhabitants might be ascertained.

The Free State cabinet decided to represent

(a) that the wishes of the inhabitants should be ascertained by plebescite, (b) that the persons entitled to express their wishes should be residents who were 18 years of age in Dec 21, (c) that a register *ad hoc* of such persons will require to be prepared, (d) that the unit should be the Poor Law Union. On the question of the plebescite area it was agreed that the Government might consent to the exclusion of Co Antrim and Belfast city.<sup>52</sup>

It seems clear that Feetham contemplated ascertaining 'the wishes of the inhabitants' by some means at this time. He was told that further powers would have been required from parliament to so do. He later appeared to insist that this indicated that it was beyond his brief so to proceed. It is not as yet apparent whether he was discreetly steered towards dropping the matter entirely, or whether, for reasons unclear, he decided to relegate to a position of irrelevance the main criterion stipulated in the Boundary Commission brief – the wishes of the inhabitants. His own written account of his thought processes on the issue go some way to answer this question.<sup>53</sup>

The Commission appears to have provided the Free State government with copies of submissions being made by the northern Unionist bodies, since various such submissions are on the Dublin files.<sup>54</sup> It is clear from Feetham's later publication, explaining his interpretation of his job, that his core position was derived from a quasi-legalistic ruling, based on highly dubious, indeed non-existent, alleged legal precedents, that the remit of the Commission was merely mildly to adjust existing boundaries. He decided that the phrase 'so far as may be compatible with economic and geographic conditions' be deemed to carry implicit in it an injunction that, overriding all other considerations, his brief was to ensure the continued maintenance of Northern Ireland as a jurisdiction. Geoffrey Hand may be correct in endowing Feetham with a scrupulous unwillingness to be influenced by politicians or activists, but the intellectual basis from which he formulated his view of the problem was clearly imbued with his beliefs, loyalties, and allegiances. By any standards, the logic of his reading of the nature of his duty is extraordinary – indeed, almost incredible – unless explained in terms of his inherent bias in favor of the by-then pre-existing. But mentalities, prejudices, beliefs, and subjective judgements lie at the very heart



of any question in that strange area called in the twentieth century 'Anglo-Irish relations', and they must be addressed by historians. Implicit assumptions and beliefs are rarely written in red ink on files.<sup>55</sup>

Kevin O' Higgins had anticipated this central difficulty in a letter to Cosgrave, dated 10 May 1924:

I raised the question of the alleged ambiguity of the proviso of Article 12, and suggested that we ought not to leave this alleged ambiguity to be decided by the British nominee on the Boundary Commission. I note that Curtis assured you that the British Government could not interpret an Article to which they were but one of a party of two... If we find that both Governments are not in agreement as to the meaning of a particular article of an International document, the question arises whether we are prepared to allow the matter at issue to be decided, as it will in fact be decided, by the vote of one of those Government's nominees (i.e. the British) on the Commission.<sup>56</sup>

Hugh Kennedy, the chief Law Officer, took no such view, though he did urge that Kevin O'Shiel be 'lent back from the Land Commission for the Boundary work as soon as possible'. Feetham's extraordinary logic is spelled out at length in a letter to the Prime Minister Stanley Baldwin dated 7 December 1925, after the suppression of the report of the Commission, and signed by Feetham, on his own behalf, and on behalf of the 'Ulster' representative, Mr Fisher. Quite when he reached the particularly narrow interpretation of the powers of the Commissioners outlined in this long memo is unclear. He chose to take the view that, since legal provision had not actually been made for plebescites, plebescites were not therefore intended. The 'wishes of the inhabitants' could, he argued, be construed from the 1911 census, and the designations Catholic and Protestant could be reliably approximated to the political persuasions of Nationalist and Unionist. He qualified this, however, by remarking

on the factors which cannot be determined with precision e.g. the extent to which returns include temporary residents who are not entitled to be reckoned as inhabitants, or persons under age and therefore not qualified to vote.<sup>57</sup>

These are coded references to the Unionists' repeatedly-voiced obsession with the allegedly ubiquitous trans-border Catholic migratory labourer – and the Catholic birth rate. It had its 'bogey parallel' in the Tyrone/Fermanagh nationalist obsession with imported Specials allegedly distorting the electoral balance, in the already well-gerrymandered constituencies of Fermanagh and

Tyrone. Feetham further argued that county units could not be used for plebescites; plebescites which were not in any case to be allowed, lest any sub-unit or parish within a county be therefore 'wronged'. But numbers did not matter because:

With regard to the exercise of the Commission's discretion on this question, while unanimity is neither to be expected nor required, the Commission should adopt the principle that the case for a change on the basis of the wishes of the inhabitants – apart from economic or geographic considerations one way or another – is not made out, unless the majority in favour of the change appears to be a substantial majority representing a high proportion of the total number of the persons entitled to rank as inhabitants of the district directly concerned... The fact that the wishes of the inhabitants are to be a determining factor shows that the scope of the Commission's work is not limited to mere correction of irregularities in the present boundary. At the same time no wholesale reconstruction of the map is contemplated by the proviso. '*The Commission is not to reconstrue the two territories but to settle the boundaries between them.*' Northern Ireland must, when the boundaries have been determined, still be recognisable as the same provincial entity. The changes must not be so drastic as to destroy its identity or make it impossible for it to continue as a separate province of the United Kingdom with its own parliament and government for provincial affairs. Under the Government of Ireland Act the same principle applies *mutatis mutandis* to the rest of Ireland... which must after the determination of the boundaries retain its identity as the Irish Free State as constituted under the terms of the Treaty [my emphasis].<sup>58</sup>

Under a fascinatingly-titled 'duty to overrule', Feetham announced that the wishes of the inhabitants, though in no case actually to be measured, could be qualified in the following way:

It is therefore the duty of the Commission to overrule the wishes of the inhabitants, whether for or against transfer where the result of giving effect to such wishes would be incompatible with the economic or geographic conditions in the sense indicated.

It is perhaps worth remarking that the only provinces within the United Kingdom were the four provinces of Ireland, and that the six counties of Ulster did not constitute a province. Nonetheless, Feetham construed it as being the essence of his brief to preserve 'Ulster's' integrity as a province.

O'Higgins subsequently said that Feetham had perambulated the border 'sector by sector'. He had started in Derry and ended up in Down. O'Higgins could not understand how, by any criteria, the case for reassigning Newry to the south of the border was not unassailable.<sup>59</sup> For Feetham, given the reading outlined above, no substantial town could ever be transferred, whatever its population.

From the exchange between MacNeill and his cabinet colleagues at his final cabinet meeting, it appears that these Feetham guidelines, governing the basis of the decision, had been drawn up at the conclusion rather than at the initiation of the Boundary Commission's deliberations. Elsewhere in the study of which this article is a part, I have looked at the London context of the Commission – what Cosgrave referred to in the Dáil as 'the disgraceful' verbal insinuations of Tory politicians throughout the period that the Commission sat, that it could never dent the borders of 'Ulster', and that indeed it was much more likely to transfer Free State territory to the Northern government. From the date of the signing of the Treaty, there had been a battle for the effective negation of Clause 12 by a range of politicians and Tory newspapers in London. The North Eastern Boundary Bureau's representative in London, MacCartan, was allegedly in place to combat this propaganda, but from the mass of Tory speeches indicating their view of how the Boundary Commission should proceed, it is clear that the Ulster case had won the battle at the level of public opinion and the newspapers, well before the Commission sat. Moreover, James MacNeill, as the Irish representative in London, did not inspire confidence in his own political skills by getting the name of the British Home Secretary, Joynson-Hicks, wrong. His brother, Eoin MacNeill, had annotated his own copy of Feetham's principles, on which the award was to be made, with his objections but, perhaps characteristically, he had handed that annotated copy back to Feetham and had none to pass on to his cabinet colleagues.

For almost six months in early 1925 the commission had initially roved from place to place, 'sector by sector' along the border, hearing conflicting submissions. Nationalists who were organized, directed, and often paid by Stephens, had blithely assumed that, at the very least they would find Derry handed over to the Free State. This was highly unlikely, as even Lough Swilly remained a British military base *within* the Free State. The case for Derry as a free city like Gdansk does not seem to have been made.<sup>60</sup> Similarly, Nationalists assumed that South Armagh, South Tyrone, South Fermanagh, Newry, and South Down, where there were local Catholic/nationalist majorities, would go to the Free State. Other sections of the nationalist population, scattered in the Protestant heartlands of East Ulster, were outraged at their fellow nationalists' proposals to abandon them; in parts of West Belfast, and in the Glens of Antrim, any dealing with the Commission was despised. Kevin

O'Higgins thought, probably correctly, that the Commission's position on the status of Newry would be the acid test.<sup>61</sup>

So, how did Ulster Unionists make their case to the Commissioners? Behind the scenes, and through so-called 'private bodies', clearly provided with considerable official support. One aspect of the case for the maintenance of Derry city within the newly constituted Northern Ireland was made by the Honourable the Irish Society, the original body which had colonized the city and area under James the First. The Society claimed that

the charter of Charles the Second recreated the county of Londonderry and again incorporated the Society and regranted to it all that had been granted by the Charter of James the First... It is under this charter that the Society has exercised its powers and duties and enjoyed its rights and possessions from 1662 down to the present time.<sup>62</sup>

It further quoted the original plantation grant to demonstrate that all of Lough Foyle was an integral part of the then-constituted county of Londonderry, and should therefore remain within Northern Ireland. This was part of the construction of a language of historical continuity between the new entity of Northern Ireland and the original plantation settlement. The Free State government advanced a conflicting claim to the waters of Lough Foyle under the Act for an Ordnance Survey of Ireland of 1825.

Bourdillon forwarded ten core Unionist submissions to Dublin.<sup>63</sup> The most significant of these submissions was that which made the case for the retention of all of South Down within Northern Ireland. The case essentially was that the location of Belfast's new reservoir, the Silent Valley reservoir in south Down, required that, for the protection of the city of Belfast the reassignment of south Down could not – under any circumstances – be seriously countenanced by the Commission. Dublin was also forwarded a copy of the case for the incorporation into Northern Ireland of what the Commission – redeploying, or perhaps simply repeating the language of Irish Society verbatim quotations from 17th century usage – called the County of Tirconnahill, in particular for the further incorporation of certain eastern portions of that county adjacent to the borders of the counties of Londonderry, Tyrone, and Fermanagh. Unsurprisingly, this would eventually prove to be the core case on which the stability of Cosgrave's government depended. It was crucial in bringing the Free State government to crisis, and ultimately to terms.

The strategic points that linked all of the institutional 'Ulster' Unionist cases for the preservation of the existing border were primarily geographic, and secondarily economic. The geographic argument was used at both ends of the border – Londonderry and Down – with significantly different formulations. In the case of Londonderry, an alleged anterior geographic definition, one laid

out in the old parchment of plantation, was used to claim parts of Donegal and counter the 'wishes of the inhabitants' argument for Derry city's inclusion in the Free State; in the case of Down, a numerical weight of population for inclusion in the Free State was countered with a recently constructed geographic and economic entity – the Silent Valley water reservoir that was to supply Belfast. Access to water, and the delineation of various geographic or economic imperatives for the stabilization of existing frontiers, were the bases of the strategically shrewd arguments of the various northern bodies.

The Belfast city and district Water Commissioners consisted of fifteen elected members and two ex-officio members, the Lord Mayor of the city of Belfast, and the Chairman of the Belfast Harbour Commissioners, elected on the local government franchise. The Board registered its non-political character. Prior to 1893, significantly the year of the Second Home Rule Bill, the main sources of water for Belfast were Woodburn, fifteen miles north of Belfast near Carrickfergus, and Stonyford, twelve miles to the west of Belfast. A parliamentary bill of 1893 authorized the acquisition of the catchments of the Silent Valley in the Mourne Mountains about six miles from Carlingford Lough and the Annalong Valley about three miles further north, the interception of the Kilkeel and Annalong rivers, and the construction of a reservoir in each valley.<sup>64</sup> Some work was then done in 1893, and was again half-heartedly begun before the War. It was however in 1923, in anticipation of the Boundary Commission, that a contract was signed to authorize its construction. Edward Carson was brought back to Northern Ireland to lay the foundation stone for the Silent Valley reservoir which was to be built at a cost of about one million pounds. The Commissioners argued that in June 1921 the Well House, staff offices, and bungalow were burnt down – presumably by the IRA – and damage of about nine thousand pounds was done: 'An attempt was made to interrupt the flow of water in the Conduit and to blow up the embankment of Lough Shanagh which is used as a storage reservoir.'

The Water Commissioners argued that Carlingford Lough was a 'natural boundary', that they would be subject to attack if the boundary was changed, and that this would necessitate 'continuous protection'; that any shift in the boundary would (a) interfere with the undertaking, (b) restrict the use of water, and (c) increase taxation. The Free State response was that the waters of Carlingford Lough were a 'natural highway', not a dividing line, and that any required assurances could be given to protect the still-unbuilt reservoir if it ended up in the territory of the Free State. As in the later Israeli/Palestine case however, new geographic entities were capable of generating rights, particularly when charged with so heavy a freight as the supply of water to Belfast. So arguments for the two main cities were tied to arguments for the extremities of the border – obviously, if anachronistically in the case of Derry, and more subtly, though no less effectively, in the case of Belfast. Newry, En-

niskillen, Strabane and Omagh were important, but they were merely beads on a thread if the 'extremities', in Craig's language, could be held. In the case of the sacred site of Londonderry, a defensive case was deemed insufficient. For strategic reasons, then, the case for acquiring East Donegal was made.

Fisher wrote to Lady Reid, as early as 22 July 1925, that the danger was 'substantially over':

It will now be a matter of border townlands for the most part, and no great mischief will be done if it is worked out on a 'fair give and take lines' even if the 'religious figures involve rather more give than take'. The outer fringe of Fermanagh, the Clones region, Aughnacloy, and South Armagh have all been perambulated from end to end, and though we may have to go pretty deep in some places, the result will, I think, be a stronger and compact territory (for Northern Ireland), with some not inconsiderable bits added.<sup>65</sup>

The *Morning Post*, a newspaper consistently sympathetic to the Unionist position, leaked the proposed 'rectified border' on 7 November 1925. As Geoffrey Hand more than strongly suspected, it was probably leaked by Fisher or one of the functionaries at his prompting.<sup>66</sup> Its shock value lay in two areas: the astonishingly slight readjustments that it proposed, and the proposal to transfer significant sections of East Donegal to the jurisdiction of Northern Ireland. The nature of this proposed minor repartition was anything but a failure for Craig. Nonetheless, he proceeded directly to London where he spent days in heavy and careful canvassing and marshalling of his supporters.<sup>67</sup> The proposed changes were minor but in both directions, involving a reduction in length of the border by fifty miles, thus making it 'easier to police'. From the point of view of the Free State government, the Commission's findings were an unalleviated political disaster, and represented their utter failure to destroy or seriously undermine the political division of Ireland.<sup>68</sup>

Cosgrave's government, newly victorious in the civil war in the South, terrified of further instability, and strategically uncreative as well as relatively politically powerless, pressed for the suppression of the report, a reversion to the original six-county border line, and alleged financial improvement, by renegotiating the financial clause 5 of the 1921 Treaty. According to Baldwin, the fate of the Free State government lay in the hands of Sir James Craig.<sup>69</sup> MacNeill, his political career destroyed for the last time, resigned from the Commission and from the government of the Irish Free State. According to James Craig's biographer, the Free State ministers, especially Kevin O'Higgins, were happy to bury the matter with his assistance and avoid further embarrassment. That is not quite what happened. They also buried the Council of Ireland.<sup>70</sup>

Clearly Craig's government was informed of developments throughout. MacNeill, through some misguided sense of honour, told, as far as can be established, his government nothing. His biographer is not particularly helpful on this or any other point about the Boundary Commission.<sup>71</sup> Feetham was appointed as a safe pair of dominion hands; the terms of the commission as set and defined by him precluded any but the most minor adjustments. The weight of Craig's armed Special Constabulary, funded by London, was in place anyway. Since May 1924, the local government constituencies of Tyrone and Fermanagh had been redrawn – this change had been key to Craig's delaying-tactics in early 1924. As Craig had never willingly acquiesced in the setting-up of the Commission, any dramatic changes would have been rejected by him, and it is difficult to see a British army being put in the field against him. Nonetheless, detailed conferences had been held throughout 1925 between the Free State and British governments in anticipating and planning the mechanics of implementing a border revision.<sup>72</sup> As Baldwin said, it was difficult to forgive the southern Irish assassination and forget their attitude during the war.

James Craig, a former minister in the British cabinet whose security apparatus had been set in place by British army officers, enjoyed good relations with a range of British Conservative politicians who were all broadly sympathetic to the continued viable existence of 'Ulster', as the new jurisdiction was called by its architects. At their centre was Winston Churchill, with Arthur Balfour hovering on the edges. The generation of Irish politicians who had dealt with Westminster and who understood British politics had been pushed aside by Sinn Féin, with the exception of Tim Healy who was hopelessly indiscreet. The principal negotiators of the Treaty – Collins and Griffith – were dead. MacNeill's own later comments are interesting:

The clause provides that the amendment of the boundary should be in accordance with the will of the inhabitants but only so far as this would appear compatible with economic and geographic considerations. The will of the inhabitants was ascertainable, but the economic and geographical considerations were left entirely to be decided by the Commission in accordance with any opinion its members might happen to hold. Moreover, it was evident that the decision of the Commission, if it came to any, would be dominated by the voice of the chairman representing the British government.<sup>73</sup>

MacNeill clearly accepted as unswayable Feetham's limited interpretation of Clause 12 of the Treaty. It is interesting then, to note that despite Baldwin's help, Unionists had been nervous right up to the last minute. On 18 October 1925, Fisher wrote to Carson

We are at long last in sight of the end of the I.B.C., and though the veil of secrecy is still close (so far as the newspapers are concerned) I think there is no harm in letting you know confidentially that I am well satisfied with the result which will not shift a stone or a tile of your enduring work for Ulster. It will remain a solid and closeknit unit with five counties intact and the sixth somewhat trimmed at the outer edge. It will control the gates to its own waters at Belleek and at Newry and the Derry navigation to the open sea. No centre of even secondary importance goes over, and with Derry, Strabane, Enniskillen, Newtownbutler, Keady and Newry in safe keeping your handiwork will survive... *If anybody had suggested to me twelve months ago that we could have kept so much I would have laughed at him*, and I must add what – I will say on every possible occasion – that the Chairman and John MacNeill have been throughout models of fair play and friendly courtesy.<sup>74</sup> (my emphasis)

The Cosgrave government's record on the Boundary Commission in 1925 is not distinguished; Kevin O'Higgins began his meeting with British ministers by describing the position of Catholics in the North as worse than in the days before Catholic emancipation.<sup>75</sup> Cosgrave wanted the Report on the Boundary Commission suppressed because of the harm it would do the Free State government politically, as defeated Republicans would have had a considerable weapon if it were published. Nobody thought that the degree of disruption involved was warranted for such slight changes, though those changes might not have been slight to the places and individuals involved. The threat of the breakdown of order seemed enough for all parties, and Craig and O'Higgins got on astonishingly well after O'Higgins's initial paen of agony for Northern Catholics. In return for the waiving of the financial clauses in the Treaty, Cosgrave's government agreed to bury the report.<sup>76</sup> Cosgrave's lines were summarized in the following words by Tom Jones, who was present:

Why not reconsider the bargain if it does not suit each party? Free State had an unarmed police force; in the North it was armed. If line drawn, people feared transfer to the area of the armed Specials. Hostile feeling had been dying away; adoption of Boundary Commission report would resurrect heat and hate which had been dwindling. The article inserted in 1921 had failed of its purpose. MacNeill's conduct had been deplorable. He was a philosopher and had been out of touch with the feeling on the border.<sup>77</sup>

Cosgrave could not have handed over these now 'Free State', or 'southern' Catholics to the rule of the notorious Specials. Only five years after the border

had been put in place, those Catholic nationalists who had ended up on, from their point of view, the wrong side of it, were less Cosgrave's people than those in the Irish Free State, who were entitled to stay there. The great division that was to open up between nationalists north and south, dates from this period. Kevin O'Higgins felt as if he had 'sold' northern nationalists. The story of the 1925 conference broadly supports that view, though the Free State began it with demands for what they called 'Civic Rights' for northern nationalists.<sup>78</sup> How northern nationalists' detailed delineations of civil rights abuses, of terror at the hands of Specials, and of gerrymandered constituencies – supported by a declared intention to proceed to the League of Nations for independent arbitration – were cast aside in a matter of days through James Craig's careful management, is another and fascinating story.

## Notes

- 1 Paul Muldoon, *Why Brownlee Left* (London and Winston-Salem, 1980), p. 15.
- 2 *Hansard*, 5th series Vol. 123, Col 1202. Here cited from *Irish Boundary, Extracts from Parliamentary Debates, Command Papers etc. relevant to questions arising out of Article XII of the Articles of Agreement for a Treaty between Great Britain and Ireland Cmd. 2264, Printed by the Secretary for State for the Colonies, September 1924* (H.M.S.O., 1924), p. 5. Hereafter cited as *Irish Boundary, Extracts*.
- 3 *Hansard*, 5th series Vol. 123, Col. 1175, *Irish Boundary, Extracts*, p. 5.
- 4 Response to Craig's suggestion that Northern Ireland should, like the Irish Free State, have the status of a dominion, *Irish Boundary, Extracts*, p. 25.
- 5 *Irish Boundary, Extracts*, p. 30.
- 6 *Irish Boundary, Extracts*, p. 30.
- 7 *Hansard*, 5th series Vol. 149, Col 38, *Irish Boundary, Extracts*.
- 8 Quoted at p. 271, in Geoffrey J. Hand, 'MacNeill and the Boundary Commission, including Appendix A: Sources and Authorities; Appendix B: Extracts from the memoirs of Eoin MacNeill, and Appendix C: Letter from J.R. Fisher to Lord Carson, 18 October 1925' in F.X. Martin and F.J. Byrne (eds.) *The Scholar Revolutionary Eoin MacNeill, 1867-1945, and the Making of the New Ireland* (Shannon and New York, 1973) pp. 201-275. The author notes that the first draft of his article was submitted in April 1968.
- 9 Article XII, Anglo-Irish Treaty, December 1921.
- 10 The papers of the North-Eastern Boundary Bureau are available in the National Archives Dublin, as are Department of the Taoiseach files. They are hereafter cited as NAD BC and D/T. They consist of press cuttings, correspondence, files on Boundary Commission hearings, printed materials produced by the Bureau, research materials and central office files. The

Bureau published a series of pamphlets on aspects of partition, employed a number of prominent academics and lawyers and managed the Free State case to be put before the Boundary Commission. Their most significant publication was *Handbook of the Ulster Question* (Dublin, Stationary Office, 1923). On E.M. Stephens (1888-1955) see Hand, 'MacNeill', p. 212, footnote 44. Stephens was John Millington Synge's nephew, author of the manuscript on which David H. Greene drew to write *J.M. Synge 1871-1909* (New York, 1959). Stephens's widow subsequently commissioned a new biography 'made up entirely from my husband's ts and reflecting his particular view'. See Andrew Carpenter (ed.) *My Uncle John: Edward Stephens's life of J.M. Synge* (Oxford, 1974). Stephens was educated at Trinity College, Dublin, qualified as a barrister, was joint secretary to the committee charged with drawing up the Free State constitution in 1922, and was secretary to the North Eastern Boundary Bureau from 1922 to 1926.

- 11 Evident throughout correspondence on file.
- 12 Geoffrey J. Hand (ed.), *Report of the Irish Boundary Commission, 1925* (1970), pp. 18-19, for Northern Ireland Unionist claims under the submissions heading (b) Negative Claims. These were 'claims for the maintenance of the existing border'. The more expansionist Unionist claims to Lough Foyle and parts of East Donegal are listed at pp. 16-17 under the headings 'claims relative to small border areas' and 'claims relative to mixed areas'. This indispensable work, containing the full text of the Report, suppressed in 1925, and the extraordinarily extensive and dense research of Professor Hand, is out of print. This article draws on it, and Hand's 'MacNeill' throughout.
- 13 On the Lynch/McKenna line see George Murnaghan's memo. He was instructing solicitor for the Irish Free State. 'It is known that there are two schemes or representations on this basis. One may be called Fr. McKenna's scheme. It is signed by (Nationalist) representatives of the counties of Derry, Tyrone, Fermanagh, Armagh and Down and draws a new boundary from Coleraine through Lough Neagh, thence round the city of Armagh and eastwards to the coast. The other is from Mr. Michael Lynch, which is something of the same nature, but adopts Union boundaries. The witnesses in support of both these schemes would give evidence as to the inferences to be drawn from the Census returns as set out in the Hand Book, and my view is that we should let these different witnesses give all their evidence on this and other heads in support of their own scheme rather than adopting these witnesses on behalf of the Free State Government on the census figures alone, and then allowing them to give their general evidence in support on their schemes.'
- 14 For some sense of the divided agendas of northern nationalism see Eamon Phoenix, *Northern Nationalism; Nationalist Politics, Partition and the Catholic*

- Minority in Northern Ireland, 1890-1940*. (Ulster Historical Foundation, Belfast, 1994). The NAD files plainly delineate these and other differences.
- 15 NAD D/T S 1801 A, Seamus Woods to The Commander in Chief, 29 September 1922.
- 16 Thomas Jones, *Whitehall Diary*, iii, Ireland, 1918-25, ed. Keith Middlemas (London, 1971).
- 17 On Andy Cope see John McColgan, *British Policy and the Irish Administration, 1920-22* (London, 1983). See too Michael Hopkinson, *The Lasts Days of Dublin Castle: the Diaries of Mark Sturgis* (Dublin, 1999).
- 18 The most recent biography of Lionel Curtis is Deborah Lavin, *From Empire to International Commonwealth, A Biography of Lionel Curtis*, (Oxford, 1995). See too D.M. Lavin, 'Lionel Curtis and the Idea of Commonwealth', F. Madden and D.K. Fieldhouse (eds.), *Oxford and the Idea of Commonwealth* (London 1982). For Curtis's role and that of the Round Table circle in proposing a federal Irish 'solution' in these years see John Kendle, *Ireland and the Federal Solution, The Debate over the United Kingdom Constitution, 1870-1921* (McGill University Press, Canada, 1989). Curtis was Beit lecturer in Colonial History at Oxford in 1912 and was instrumental in setting up the Rhodes Scholars as a Commonwealth network. He assisted the Free State application for League of Nations membership in 1923. It appears that the original 'partition' scheme may have come out of federalist ideas – see Lavin, *Curtis*, p. 122. The Round Table group were challenged by Churchill to come up with an alternative to the Home Rule Bill in January 1914. Curtis left the Irish Branch of the Colonial Office in October 1924. He set up the Institute of International Relations at Chatham House. Tom Jones advised him to appoint William Beveridge, then at the London School of Economics, to the Stevenson Chair of International Relations at the University of London, to be held at Chatham House. See John McColgan, 'Implementing the Treaty: Lionel Curtis and Constitutional Procedure', *Irish Historical Studies*, 20, 1976-77, pp. 312-333.
- 19 L.S. Amery, *My Political Life*, 3 vols. (London, 1953-55).
- 20 For Cecil see Maurice Cowling, *The Impact of Labour, 1920-1924* (Cambridge, 1971).
- 21 See, for example, NAD D/T S 18901 C. Minutes of a Conference on the Boundary Commission, 28 January, 1924. Present were Cosgrave, Hugh Kennedy, Ernest Blythe, Kevin O'Shiel, E.M. Stephens, J.J. McElligott, Diarmuid O'Hegarty and Eoin Mac Neill. See Kevin O'Shiel's twelve-page strategy document for conference with the British government, in particular his concentration on the then-imminent – May 1924 – Local Government Elections on the gerrymandered border constituencies. Proportional representation had been abolished to conceal nationalist majorities, particularly in Tyrone and Fermanagh. Cosgrave's memo talks

about 'getting a fairer deal for our people in the north'. Ironically, Cosgrave detested P.R.

- 22 Arthur Balfour, in a political career at the first rank of British politics from the Congress of Berlin through the Treaty of Versailles, declared Ireland to have been the most important preoccupation of his career. His preoccupation was with its potentially lethal consequences for the British Empire. See Margaret O'Callaghan, *British High Politics and a Nationalist Ireland – Criminality, Land and the Law under Forster and Balfour* (Cork, 1994). For cases of persecution and pogroms against Catholics in Collins' dossier of Northern Atrocities, see NAD S1801 A-1, BC Box 25. These cases were crucial in Collins's negotiations with Craig during the Craig-Collins pacts of 1922. The continuation of such attacks contributed to the breakdown of both pacts.
- 23 See Lloyd George quoted at footnote 4.
- 24 The best studies of 'Southern' attitudes towards partition are John Bowman, *De Valera and the Ulster Question 1917-1973* (Oxford, 1982) and Clare O'Halloran, *Partition and the Limits of Irish Nationalism* (Dublin, 1987).
- 25 Nicholas Mansergh, *Constitutional Relations between Britain and India: The Transfer of Power, 1942-47* 12 vols. (London, 1967-82).
- 26 Nicholas Mansergh, 'The Prelude to Partition: Concepts and Aims in Ireland and India', in Diana Mansergh (ed.), *Nationalism and Independence: Selected Irish Papers by Nicholas Mansergh* (Cork University Press, 1997), pp. 32-63.
- 27 Eamon Phoenix, *Northern Nationalism: Nationalist Politics, Partition and the Catholic Minority in Northern Ireland 1890-1940* (Belfast, 1994).
- 28 The political discourse of senior governmental officials bears no relation to their representation as unsophisticated anti-intellectual 'possessors'. Indeed O'Shiel, Stephens, McElligott, O'Hegarty, and others require comprehensive study and analysis.
- 29 Nicholas Mansergh, *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1917-72* (New Haven and London, 1991).
- 30 For these 'habits' see Margaret O'Callaghan 'Franchise Reform, First-Past-the-Post, and the Strange Case of Unionist Ireland', *Parliamentary History*, Vol. 16, pt. 1, 1997, pp. 85-106.
- 31 For the years from the granting of Catholic Emancipation in 1829 Ireland's centrality to the Empire had involved a marginalization of British government responsibilities to its 'own people' in Ireland. Conservative policies after 1886 sought to reintegrate the needs of both nationalist Ireland and the Empire's 'own people' in Ireland.
- 32 Eamon Phoenix, 'Michael Collins and the Northern Question 1916-22', Gabriel Doherty and Dermot Keogh (eds.), *Michael Collins and the Making of the Irish State* (Dublin, 1998), pp. 92-116.

- <sup>33</sup> See NAD S1801 D/T Memos prepared by Mr. Blythe and Professor Hayes relative to policy to be adopted to North East Ulster – Prepared 26 August 1922, circulated to all Ministers, 29 August 1922. This was a follow-up to an earlier meeting of 19 August, memo on 21 August 1922, to determine policy with regard to NE Ulster. It was considered desirable that a peace policy should be adopted in regard to 'future dealings with North East Ulster'. See too Ronan Fanning *Independent Ireland* (Dublin, 1983). A cabinet committee had been set up on 1 August 1922 to consider future policy. Its members were Hogan, J.J. Walsh, Desmond Fitzgerald, Ernest Blythe, and Hayes. The absence from the committee of Collins is perhaps understandable. The absence of O'Higgins and Mulcahy is remarkable. Prior to this date all significant dealings with 'the north east' had been handled by Collins. Blythe's position on northern policy and Cosgrave's new prominence may not be unrelated. See NAD S1801 A-1, Box 25 for Provisional Government memo of 21 April 1922 asking Blythe to be in charge of correspondence on Northern policy, as the Craig-Collins Pact of early April was breaking down.
- <sup>34</sup> NAD D/T, S 1801 A for some of these cases, together with correspondence with the group who set up a Committee to investigate intimidation in Belfast as a result of the meeting on the 5 April on the Craig-Collins Pact. Present were Archbishop Most Rev Dr MacRory, Fr Lavery, Fr Hassan, Dr McNabb and Messrs Cromie and McArdle from Belfast. The Committee which they set up was separate from the groups being organised in preparation for the Boundary Commission by the North Eastern Boundary Bureau, though there was considerable membership overlap. For Belfast Conciliation Committee see NAD Boundary Commission Box 36. On the April meeting see Fanning, *Independent Ireland*.
- <sup>35</sup> NAD D/T, S 1011 North Eastern Advisory Committee-Minutes of meeting with the Provisional Government. Attended by Collins, Griffith, Patrick Hogan, Fionan Lynch, Kevin O'Higgins, Eoin Mac Neill, Desmond Fitzgerald, Richard Mulcahy, Joe McGrath, W.T. Cosgrave, and Eoin O'Duffy, for the government and Joseph Mac Rory, Bishop of Down and Conor, Edward Mulhern Bishop of Dromore, Patrick McKenna of Clogher, local representatives from Enniskillen, Magherafelt, Omagh, Monaghan Clogher, Belfast and Derry. They discussed, among other things, the possibility of the IRA joining the B-Specials *en masse*.
- <sup>36</sup> See MacRory to Collins, 7 May, 1922.
- <sup>37</sup> NAD D/T, S 1801, A. Seamus Woods, Officer Commanding, 3<sup>rd</sup> Northern Division to The Commander-in-Chief, 29 September 1922.
- <sup>38</sup> See Paul Bew, Peter Gibbon, and Henry Patterson, *Northern Ireland, 1921-94, Political Forces and Social Classes* (London, 1995), pp. 7-54 for an original analysis of the determinants of Craig's policies in these years. It ignores or dismisses the seriousness of the Boundary Commission threat for Craig,

- and analyses Craig's extraordinary security apparatus and local electoral gerrymandering without reference to it.
- <sup>39</sup> Jones, *Whitehall Diaries* iii.
- <sup>40</sup> For the best analysis of the construction of the Northern Ireland security apparatus see Michael Farrell, *Arming the Protestants: The Formation of the Ulster Special Constabulary and the Royal Ulster Constabulary, 1920-7*. (London, 1983).
- <sup>41</sup> Jones, *Whitehall Diaries* iii, p. 212 and Farrell, *Arming the Protestants*, pp. 132-34, p. 333.
- <sup>42</sup> Mansergh, "Prelude to Partition."
- <sup>43</sup> See briefing by Kevin O'Shiel on 28 January 1924 on implications for the Boundary Commission of a Labour Government, NAD DT, S 1801 D.
- <sup>44</sup> See too Lavin, *From Empire to International Commonwealth*, p. 49 for Curtis's recruitment of Feetham, his old New College friend, for South African duties in 1902.
- <sup>45</sup> See Lavin, *Empire to Commonwealth*, for Milner's circle.
- <sup>46</sup> See J.R. Fisher, *The End of the Irish Parliament*, (London, 1911).
- <sup>47</sup> Hand, 'MacNeill' in Martin and Byrne, *Scholar Revolutionary*, p. 232.
- <sup>48</sup> As Hand has noted at p. 231. See too St. John Ervine, *Craigavon-Ulsterman*, (Aberdeen, 1949) pp. 498-499. 'By the courtesy of Lady Reid, the widow of Sir David Reid, one of the Unionist members for Down in the Imperial Parliament, I am able to reproduce here extracts from letters written to her by J.R. Fisher during these perambulations which were spread over several months!'
- <sup>49</sup> Like Curtis, Bourdillon was a product of Haileybury, formerly the school of the East India Company and by the late nineteenth century primarily concerned with producing administrators and civil servants for Imperial service. Curtis had initially contacted him to write a paper on the suitability of plebescites to the Irish border question. See Lavin, *Empire to Commonwealth* pp. 218-19.
- <sup>50</sup> Hand, 'MacNeill', p. 232.
- <sup>51</sup> NAD D/T, S 1801 K suggests that the nominee was J.J. Hearne, Assistant Parliamentary Draftsman.
- <sup>52</sup> NAD D/T, S 1801, cabinet minutes of December 1924.
- <sup>53</sup> Feetham insisted, after the suppression of the Commission Report in December 1925 that he be permitted to refute allegations that impugned his reputation by being allowed to publish in the press a document delineating the logic through which he had arrived at his final revised border.
- <sup>54</sup> Submissions from Northern Unionist bodies transmitted to Dublin for their attention. See NAD D/T, 1801 M.
- <sup>55</sup> See, for example, the memo to the Provisional Government from their representative in Geneva on the international propaganda campaign that he

- believed the British government to be in the process of initiating in anticipation of the Boundary Commission Report.
- <sup>56</sup> NAD D/T, S 1801 R Kevin O'Higgins to William T. Cosgrave, 10 May 1924.
- <sup>57</sup> Richard Feetham to Stanley Baldwin, 7 December 1925.
- <sup>58</sup> It is unclear to me where the sentence in italics in the paragraph cited above is found by Feetham.
- <sup>59</sup> Stated at Chequers meeting, 28 November 1925.
- <sup>60</sup> See NAD D/T, S 4563 A for Cahir Healy's worries by mid-1925 as expressed to Kevin O'Higgins. See too Tim Healy's letter from Biarritz, 10 October 1925, in which he expresses 'fears about Inishowen', clearly assuming that Derry City would not be transferred.
- <sup>61</sup> Chequers meeting, 28 November 1925.
- <sup>62</sup> See NAD D/T 1801 M for extracts from Submission from The Honourable the Irish Society to the Irish Boundary Commission.
- <sup>63</sup> See NAD D/T, S 1801 N for July 1925 attempts to refute Unionist arguments.
- <sup>64</sup> This was the year of the introduction of Gladstone's Second Home Rule Bill and widespread protest against it in Unionist Ireland, particularly in the North. I have no evidence that partition was contemplated by any political formation at this point.
- <sup>65</sup> St. John Ervine, *Craigavon*, pp. 499-500. Quoted in Hand, 'MacNeill', p. 239.
- <sup>66</sup> Hand, EW Fisher's role in leaking information to *The Morning Post*.
- <sup>67</sup> St. John Ervine, *Craigavon*, pp. 501, quoting Craig's letter of 23 November 1925 to his wife: 'The position is *most* delicate, and it is only by infinite patience and keeping constantly and energetically at Ministers here, that they can be brought up to the scratch. All that matters in regard to Ulster's future is at stake and I well know that if I left here, decisions would be come to behind my back, as on the famous occasion of the Treaty, and ground lost impossible of recovery – I lunch every day at the Carleton Club, and thus meet Ministers individually, which paves the way – I see hundreds of people, and am perfectly well in spite of all anxiety' – On November 27 Craig wrote 'I got your letter – *such* a day with the Cabinet, ending in dining alone with Winston at No. 11 – I have a feeling in my bones that the *present* boundary will be allowed to stand, and Article 5 washed out – it is a delicate, tedious and nervy job, but if I can bring off "not an inch" I will be very pleased.'
- <sup>68</sup> For the articulated Free State government reaction see their statements at conference with British ministers over a period of days. From British notetakers accounts forwarded to Dublin for agreement.
- <sup>69</sup> Baldwin to W.T. Cosgrave, Draft notes of a Conference held at 10 Downing St on Thursday 26 November, 1925.

- <sup>70</sup> Cosgrave's apparent indifference to the continuation of the Council of Ireland is evident throughout.
- <sup>71</sup> Michael Tierney, *Eoin MacNeill: Scholar and Man of Action* (Oxford, 1980).
- <sup>72</sup> See NAD D/T S4563 'Administrative preparations in anticipation of repartition' detailing a series of meetings between London and Dublin throughout 1925.
- <sup>73</sup> MacNeill memoir, quoted in Hand as cited at footnote 8 above.
- <sup>74</sup> Quoted by Hand, 'MacNeill', pp. 274-75.
- <sup>75</sup> Jones, *Whitehall Diaries* iii, p. 241.
- <sup>76</sup> See on NAD files full account of British notetakers' accounts of meetings at Downing St and Chequers from 26 November 1925.
- <sup>77</sup> Jones, *Whitehall Diaries* iii, pp. 237-38.
- <sup>78</sup> 'It was necessary for them either to secure an amelioration of the conditions under which the Nationalists were living in North East Ireland or to obtain some form of concession by which they would be able to deaden in the twenty-six counties the echo of the outcry of the Catholics in North East Ireland.' Kevin O'Higgins to Winston Churchill at Chequers meeting of Saturday, 28 November 1925.