

Roinn

p.c.1

pó-Roinn

nā cuirtear éantuarisc ar an sclúdaic so.

Tá annro, leir

DB
34

An Uimhir

An Snó

rep/34/Referee

2988

An Uimhir as Roinn
Eile.

30/27

O'Brien. Liam
Cull Tomant
Bóthar na h Ollsgoile
Gaillimh

Do cuirtear cun

Dáta

Do cuirtear cun

Dáta

Do cuirtear cun

Dáta

Rinn

4/2/37

PA

4/3/37

A. O. Callaghan

18/3/37

PA

23/3/37

Rinn

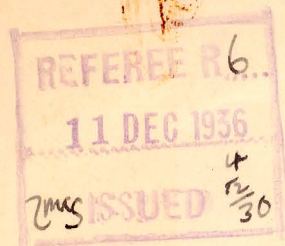
4/6/37

28/6/37

24/6/37

PA

Military Archives



Military Service
Pensions Collection

Ref. No. 2988 Applicant's Name O'Brien Liam Address Cull Tómaid, Bóthar na h-ollgoile Gaillimh.
 UNIT: ISE DW., D.C.A.

(a)	(b)	(c)	(d)	REMARKS	(7)
PERIOD	Service claimed	Active Service Allowed	Equivalent for Pension purposes.		
(1) 23/4/16 - 30/4/16.	24/4/16-30/4/16.	245	4 yrs.		(7)
(2) (a) 1/4/16-22/4/16 (b) 30/4/16-21/3/17	Full Period	245	245	Finished 5/37.	(8)
(3) 1/4/17 - 31/3/18	do.	do.	do.		(9)
(4) 1/4/18 - 31/3/19	do.	do.	do.		(10)
(5) 1/4/19 - 31/3/20	do.	do.	do.		(11)
(6) 1/4/20 - 31/3/21	do.	2.	1 yr.		(12)
(7) 1/4/21 - 11/7/21	do.	245	1 yr.	conf. 245	(13)
(8) 12/7/21 - 30/6/22	Nil.			8/2/37.	(14)
(9) 1/7/22 - 31/3/23	Nil.				(15)
(10) 1/4/23 - 30/5/23	Nil.				(16)

(a) First critical date (b) Second critical date

Rank claimed or -
Rank allowed -

Rank 2.

Total of Column (d)

6 338 years

UNIT: James Robinson

John Mc Coy.

S. Fahy

John Jones

1-2-28

REFEREE R.3.

SF 3867 2000 2-37 RC 2/40321

REF. No. 2988 APPLICANT'S NAME Robinson, John ADDRESS.....

UNIT.....

(a) PERIOD	(b) Service claimed	(c) Active service allowed	(d) Equivalent for Pension purposes	REMARKS
(1) 23/4/16 - 30/4/16	<u>24 30/4/16</u>	<u>Full.</u>	<u>4 years.</u>	(7)
(2) (a) 1/4/16 - 22/4/16 (b) 30/4/16 - 31/3/17	<u>Entire period</u>	<u>245</u> <u>358.</u>	<u>245</u> <u>358. yrs.</u>	(8)
(3) 1/4/17 - 31/3/18	<u>do</u>	<u>/</u>	<u>/</u>	(9)
(4) 1/4/18 - 31/3/19	<u>do</u>	<u>/</u>	<u>/</u>	(10)
(5) 1/4/19 - 31/3/20	<u>do</u>	<u>1/3</u>	<u>1/3 yrs.</u>	(11)
(6) 1/4/20 - 31/3/21	<u>do</u>	<u>1/2</u>	<u>1/2 yrs.</u>	(12)
(7) 1/4/21 - 11/7/21	<u>do</u>	<u>Full</u>	<u>1 yrs</u>	(13)
(8) 12/7/21 - 30/6/22	<u>/</u>	<u>/</u>	<u>/</u>	(14)
(9) 1/7/22 - 31/3/23	<u>/</u>	<u>/</u>	<u>/</u>	(15)
(10) 1/4/23 - 30/9/23	<u>/</u>	<u>/</u>	<u>/</u>	(16)

(a) First critical date. (b) Second critical date.

Rank claimed on.....

Rank allowed.....

Rank D

Total of Column (d).....

33
179 yrs

SIGNED James Robinson

John Mc Coy

John Mc Coy

Military Service Pensions Act, 1934.

Ref. No. 34 S.P./3249Ref. No. M.S.P./34/Referee - 2988

To:

To:

THE REFEREE.

THE MINISTER FOR DEFENCE.

I am directed by the Minister for Defence to transmit for report in accordance with Section 8 and the Regulations made under the Act the accompanying application of

I submit hereunder my report in this case.

O'Brien, Liam
"Call Comack," bóiar na h-Ollscoil,
 for a Service Certificate. faillín.

The report should take the form of replies to the questions set out herewith.

(SIGNED) J. K. O'CONNOR

Referee.

Date 3 4 '35

Date.....

1. Is the Applicant a person to whom the Act applies? yes

2. If so, total actual service in the different service periods, as established ENTIRE PERIOD

② $\frac{245}{358}$ if ENTIRE PERIOD ③ nil ④ nil
 ⑤ $\frac{1}{3}$ if ENTIRE PERIOD ⑥ $\frac{7}{12}$ if ENTIRE PERIOD ⑦ ENTIRE PERIOD
 ⑧ nil ⑨ nil ⑩ nil

3. Total service for pension purposes as defined by Second Schedule of the Act.....

7 $\frac{33}{179}$ years

4. Grade or rank, quoting relevant paragraph of First Schedule under which allowed:—

(a) On first critical date Grade E. Para. 1 (6)

(b) On second critical date Grade E. Para. 1 (6)

(c) Was applicant a member of the Irish Volunteer Executive at any time prior to the 11th July, 1921..... no

(d) Does applicant's case fall under either of the following sub-paragraphs, and, if so, which, viz., sub-paragraph (j) of paragraph 3 of Rule I. of First Schedule

..... no
 or under sub-paragraph (m) of paragraph 4 of Rule I. of First Schedule, as a Medical Officer..... no

5. Does the applicant state in his application whether he is at present in receipt of any remuneration, pension or allowance payable out of public moneys whether provided by the Oireachtas or out of the Central Fund or by means of the poor rate or any other rate imposed by a local authority ?.....

no

6. Does the applicant state in his application whether he applied for or is in receipt of unemployment assistance under the Unemployment Assistance Act, 1933? If so, quote the number of his qualification certificate if given by him.....

no

7. THE WEEK COMMENCING ON THE 23RD DAY OF APRIL, 1916.

(1) Duration of active service during the period as established to your satisfaction

ENTIRE PERIOD

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.....

4 years

(3) State—

(a) The particular military body of the Forces.....

CITIZEN ARMY

(b) Unit or Units and the position held by applicant.....

Dublin

8. THE PERIOD COMPRISING :—

(a) THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1916, AND ENDING ON THE 22ND DAY OF APRIL, 1916, and

(b) THE PERIOD COMMENCING ON THE 30TH DAY OF APRIL, 1916, AND ENDING ON THE 31ST DAY OF MARCH, 1917.

(1) Duration of active service during the period as established to your satisfaction

*245
358*

ENTIRE PERIOD

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.....

*245
358*

of 1 year

(3) State—

CITIZEN ARMY

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

*Dublin, and Interservice and,
Irish Volunteers - "F" Coy, Bde. 1, Dublin Bde.*

9. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1917, AND ENDING ON THE 31ST DAY OF MARCH, 1918.

(1) Duration of active service during the period as established to your satisfaction

Nil(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act. *Nil*

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

*"F" Coy, Bde. 1, Dublin Bde, and,
Galway City Coy.*

10. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1918, AND ENDING ON THE 31ST DAY OF MARCH, 1919.

(1) Duration of active service during the period as established to your satisfaction

Nil(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act. *Nil*

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

Galway City Coy.

11. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1919, AND ENDING ON THE 31ST DAY OF MARCH, 1920.

(1) Duration of active service during the period as established to your satisfaction

$\frac{1}{3}$ of ENTIRE PERIOD

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.

$\frac{1}{3}$ of 1 year

(3) State—

(a) The particular military body of the Forces.

Oglaigh na h-Eireann,

(b) Unit or Units and the position held by applicant.

Galway I. Bde,
and Imprisonment.

12. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1920, AND ENDING ON THE 31ST DAY OF MARCH, 1921.

(1) Duration of active service during the period as established to your satisfaction

$\frac{7}{12}$ of ENTIRE PERIOD

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.

1 1/2 years

(3) State—

(a) The particular military body of the Forces.

Oglaigh na h-Eireann,

(b) Unit or Units and the position held by applicant.

Galway I. Bde,
and Internment.

13. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1921, AND ENDING ON THE 11TH DAY OF JULY, 1921.

(1) Duration of active service during the period as established to your satisfaction

ENTIRE PERIOD

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.

1 year

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

.....
.....

Oglaigh na h-Eireann,

Interned

14. THE PERIOD COMMENCING ON THE 12TH DAY OF JULY, 1921, AND ENDING ON THE 30TH DAY OF JUNE, 1922.

(1) Duration of active service during the period as established to your satisfaction

nil.....
.....

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.....

.....

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

.....
.....

15. THE PERIOD COMMENCING ON THE 1ST DAY OF JULY, 1922, AND ENDING ON THE 31ST DAY OF MARCH, 1923.

(1) Duration of active service during the period as established to your satisfaction

nil.....
.....

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.....

.....

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

.....
.....

Military Service

Pensions Collection

16. THE PERIOD COMMENCING ON THE 1ST DAY OF APRIL, 1923, AND ENDING ON THE 30TH DAY OF SEPTEMBER, 1923.

(1) Duration of active service during the period as established to your satisfaction

list

(2) Equivalent of active service for pension purposes as defined in the Second Schedule of the Act.....

(3) State—

(a) The particular military body of the Forces.....

(b) Unit or Units and the position held by applicant.....

**Military Service
Pensions Collection**

Ref. No. 2988 *Appeal on R17.* APPLICANT'S NAME O'Brien, Liam
For Discussion with Mr. P. Holohan Date 3/6/37

PERIOD	OBSERVATIONS ON SERVICE	PROVISIONAL ASSESSMENT
(1)		
(2)	<i>Service in (A) 46 increased</i>	
(3)	<i>to allow for part of service that</i>	
(4)	<i>is military</i>	
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		

OBSERVATIONS ON RANK—

(a) First Critical Date..... (b) Second Critical Date.....

RESULT OF DISCUSSION.

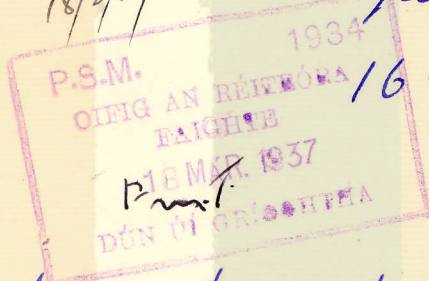
4/2
Ref. no. R.17

Ref. no. 2988

2988
Coll. Toman

University College

Galway



a cara

With reference to my pension award communicated to me in your letter of 10th Feb. 1937, I wish to forward for your consideration the enclosed statement of P. Holohan, formerly O.C. ~~1st Dublin Batt.~~ Dublin Brigade, and previously, company commander and fellow member with me of F.C. 1st Batt. Dublin Brigade. As I only got this very recently from Mr. Holohan, I could not ~~send~~ send it to you before now. I regret not being able to

send you these observations by 4th of March, as directed.

I served regularly with F. Co. 1st Batt from my return from Frongoch, Christmas 1916, to Nov. 4th 1917, at which date I left Dublin for Galway. as you have awarded me nil for that period, I am sending you this certificate of Mr. Holohan, none for the purpose of establishing the veracity of my original claim than for any other purpose.

I do not remember if I mentioned in my original application that I served a sentence of three months in Belfast Jail, (20th November 1919 - 20th Feb. 1920) having being condemned to that

sentence at Armagh, for a speech
on the Republican loan delivered in
the Armagh area some weeks
previously. I had been ordered by
Michael Collins to organize the
Republican loan in mid-Armagh, the
area which I had been sent to contest
at the elections of December 1918.

another point I don't think I
mentioned was that I was appointed
circuit judge to the Republican courts
in Galway - Connemara area about October
1920. As I was imprisoned from
then till the Treaty, I functioned
only from the beginning of 1922
but from then regularly till June
1922.

Wise Leinster
Ham O'Brien

Military Archives

60 Lake Drive

Rublin

9-3-24

The Board of the Referee
Jeffers Barracks
South Circular Road
Dublin

This is to certify that Liam O'Brien was a member
of 7 Company, 1st Battalion Dublin Brigade, and as such
took part in the rising of 1916, after which he rejoined
his company. He attended all parades and functions
up to sometime in 1917, when he went to Galway
to take up a position at the University.

Rt Hon. Mr. Holahan

C/O 1st Batt

Dublin Brigade

Military Service Pensions Collection

Referee R.17.

OIFIG AN RĒITEÓRA,
(OFFICE OF THE REFEREE),
BEAIRICÍ UÍ GRÍOBHTHA,
(GRIFFITH BARRACKS),
CUAR-BHÓTHAR THEAS,
(SOUTH CIRCULAR ROAD),
BAILE ÁTHA CLIATH.
(DUBLIN).

Ref. No. 2988

10.5.41 1936

A CHARA,

I am directed by the Referee to refer to your application under the terms of the Military Service Pensions Act, 1934, and in accordance with the provisions of Statutory Rules and Orders 1936, No. 61, I am to notify you that on the evidence submitted, the findings of the Referee in respect of your application are as follows:—

Service Period.	Duration of Active Service during each period, as established to the satisfaction of the Referee.	Appropriate pensionable service.
(1) Week commencing 23/4/16	ENTIRE PERIOD	4 years
(2) (a) 1/4/16 - 22/4/16 } (b) 30/4/16 - 31/3/17 }	245 355 of ENTIRE PERIOD	245 355 of 1 year
(3) 1/4/17 - 31/3/18	Nil	Nil
(4) 1/4/18 - 31/3/19	Nil	Nil
(5) 1/4/19 - 31/3/20	Nil	Nil
(6) 1/4/20 - 31/3/21	1 of ENTIRE PERIOD	1 year
(7) 1/4/21 - 11/7/21	ENTIRE PERIOD	1 year
(8) 12/7/21 - 30/6/22		
(9) 1/7/22 - 31/3/23		
(10) 1/4/23 - 30/9/23		

TOTAL—6.245 years.

Grade of rank on 1st critical date.....F

„ „ „ „ 2nd „ „.....F

I am also to inform you that if you desire to submit any additional evidence or to make any representations with a view to the revision of these findings, such evidence or representations must be submitted in writing to the Referee and must reach this office not later than 11.5.41 1937

The Referee will give full consideration to any evidence or representations so submitted, and after such consideration will make his report to the Minister. If no additional evidence or representation is furnished before the date indicated, the Referee will thereupon make his report to the Minister.

I am to add that the report of the Referee, when made, will, subject as mentioned in Section 9 of the Act, become final and conclusive and binding on all persons and tribunals whatsoever.

Mise, le meas,

E. M. Burke

M. L. O'Brien,
Capt. Tinnah,
Hotham & Co. Ollagh,
Gallagher.

Rúnaí.

Referee R.15.

Organisation Records supplied by _____

show that applicant was

(a) No particulars of rank on records 11.7.1921

Strength _____

(b) did not serve on this date. 1.7.1922.

Strength _____

Military Service
Pensions Collection

SIGNED: _____

WOB

19/12/26

SWORN STATEMENT OF LIAM O'BRIAIN (File No. 2988)
MADE BEFORE ADVISORY COMMITTEE ON 11th DECR. 1936.

Q. When did you join ?
A. 1914, F. Coy. 1st Btn.

1st Period

Q. In Easter Week were you doing anything on Sunday ?
A. I was travelling all over the country on John McNeill's order *carrying dispatches.*

Q. On Sunday you were carrying dispatches from Eoin McNeill?
A. Yes.

Q. Where did you go ?
A. Edenderry, Tyrrellspass, Tullamore and Drumraney.

Q. How did you travel ?
A. By car.

Q. *Did* You spend *a* the whole day on Sunday going to this place ?
A. Yes, until midnight.

Q. On Monday ?
A. I went out to report to John McNeill early in the morning.

Q. Where was he at the time ?
A. Woodlawn. I managed to get a car to go to this place where he lived. *He was with John Fitzgibbon. We went in to Dr. O'Keeffe's house and Fitzgibbon went out to see what was happening and he came back to tell us the rising had started. I went down then to join my Coy. and went in to Stephen's Green with Harry Nichols.*

Q. Were you in the Green all day ?
A. Yes. That evening then we were ordered out to Leeson St. Bridge. I spent that night on the roofs of houses. A party of 20 of us were sent through and then we were ordered back to the Green on Tuesday.

Q. On Tuesday then where did you go ?
A. Into the College of Surgeons. I was in the Surgeons Tuesday and Wed. And Wed. evg. the same party were sent out to York St. to hold a block of houses. A party of about 14 men were in that block of houses from that to the end.

Q. *✓* You were there then on Wed. Thurs. Fri. & Sat. ?
A. Yes.

2nd Period (b)

Q. You were in the block opposite the Surgeons on ~~Monday~~ Sunday morning ?
A. Yes.

Q. On the Sun. ~~following that~~ what happened to your party - did you go to Jacob's or what?

A. We were there until about 11 or 12 o'clock, then we were ordered to the Surgeons and we were marched from there to the Castle.

Q. It was in the College of Surgeons you surrendered?

A. Yes.

Q. What jails were you in?

A. Richmond Bks. for some hrs. and in the evening all the Stephens Green party were taken out and sent to England with the exception of six. Then I was shifted to Wandsworth and from that to Frongoch. I was released on Xmas. Eve. 1916.

2nd Period (a)

Q. The period before Easter Week from the 1st April, to the 22nd April - you were a member of the Volunteers?

A. Yes, F. Coy, 1st Btn. I was a member of Committee for General Purposes.

Q. What were you doing at this time?

A. Assistant in the University.

Q. From the time you returned from Germany?

A. Yes. The General Purposes Committee was a Committee attached to H.Qrs. to do all sorts of work.

Q. Would this be mostly in the evenings the work you were doing?

A. Yes.

Q. Immediately preceding Easter Week were you doing anything special?

A. No, only Easter Saturday night I got a note to my house to report to Dr. O'Kelly's of Rathgar, it was Arthur Griffith left the notes for me to go.

Q. You got your instructions to deliver ^{the} counter ^{manding} order?

A. Yes.

Q. There is nothing else prior to Easter Week?

A. No.

Q. When you got out of Frongoch?

A. I joined up immediately, the ^{What did you do} old Coy.

Q. It was the end of that year 1917 you got your appt.

A. Yes. I went to Galway about the 5th Novr. I got appointed before that. At the end of 1917.

*as Professor in
Galway
University*

Q. In Octr. 1918 you were arrested?

A. That should be 1919.

FIFTH PERIOD.

Q. Were you arrested for any particular reason?

A. That 3 months was for a speech.

Q. Where were you arrested?

A. In Galway.

in Oct 1919.

3rd & 4th Periods

3.

Q. A seditious speech ?

A. Yes.

Q. You got 3 mths. ?

A. Yes.

Q. Released in Feby. 1920 ?

A. Yes. Then I went back to Galway and in the summer of 1920 I was Professor of Modern languages. I got a Passport for Italy. ^{as I was to spend a holiday there.} I went to Mr. Collins and asked him would I be of any use abroad and he told me ~~and he~~ told me to go to Hales in Genoa with a message regarding delivery of arms in Ireland. Joe Vize could confirm that trip to Italy.

Q. You actually delivered the message to Hales ?

A. Yes.

Q. How did Joe facilitate you that time ?

A. Nothing in particular but he knew about it because Collins gave him £10 to give me towards my expenses.

Q. How long were you on that trip ?

A. I was about 3 weeks on it altogether. The Peace Conference - there was a proposition of sending me to Paris in 1919 before De Valera went to America he was to go to Paris to the Peace Conference and he changed his mind and said he would go to America and I was sent for to be prepared to go to France and be smuggled over there and be with De Valera if he turned up.

Q. You were arrested again in 1920 ?

A. Yes.

Q. Were you charged ?

A. No. It was the day after Bloody Sunday - a general order, and I was in until the Treaty.

Q. Where were you kept ?

A. Galway Town Hall and Galway Jail.

Q. Were you in Galway when you were released ?

A. No, I was shifted to Rath Camp.

Q. And you were not released until the Treaty ?

A. ~~Yes.~~ No.

Q. You are not claiming civil war ?

A. No.

Q. You always regarded yourself as a Vol. all the time ?

A. Yes.

MH.

Checked.
21/1/37.
Military Service
Pensions Collection

235 NORTH CIRCULAR ROAD
Military Archives

8/12/36.

This is to certify
that Professor Liam
O'Brien Salway, was
interned with me
in Frongoch from
June 1916 to Xmas
1916

M. J. Stame's

**Military Service
Pensions Collection**

94 St. Stephen Green

Dublin

8th Dec 1936.

This is to certify that Liam O'Brien joined
the forces in occupation of St. Stephen's Green on
Easter Monday 1916 in company with the writer
and was on active service all through the
week until the surrender on Sunday 30th April.

Micholls

formerly Capt. 4th Batt. I.V.

Military Service
Pensions Collection

VRCS
14 MAR ANSD

B3



Military Service Pensions Act, 1934.

APPLICATION TO THE MINISTER FOR DEFENCE FOR A SERVICE CERTIFICATE.

This form must be filled in by every person who seeks a Service Certificate, and must be signed by him, and signature witnessed, on or before the 31st day of December, 1935. In the event of an applicant being unable to write he should affix his mark, such act being witnessed.

NAME (to be written in
block capitals).

OBRIAIN
SURNAME.

Liam
CHRISTIAN NAMES.

PRESENT ADDRESS.....
(to be written in
block capitals).

~~444~~ "COILL TOMAIR"
BóthAR nA hOLLsJOILE, 3 AILLIMH.

NOTE.—Before answering the questions below, the applicant is requested to note that :

- (a) This form is divided into three parts. Part I. is to be completed where the applicant had, in addition to the required pre-Truce Service, Service in the Forces in the period commencing the 1st July, 1922. Part II. is to be completed where the applicant's qualifying service in the Forces was pre-Truce only. Only one of those two parts is to be completed by any one applicant. Part III. is of general application and should be completed by all applicants.
- (b) Before completing particulars as to rank the applicant should read carefully the First Schedule to the Act and also the definitions of the expressions "first critical date" and "second critical date" which are appended to this form for the information of applicants. He should then complete his replies to the questions in the terms of Rules 1 and 2 of the First Schedule which are applicable to his case, e.g. :—

was "a Divisional Adjutant" or

was "a Battalion Quartermaster whose Battalion was (at the critical date) not less than one hundred in strength," or

was "an officer of Fianna Eireann commanding one hundred members or more."

If applicant's case falls within either Rule 3 or Rule 4 of the First Schedule full particulars of the claim as required by those Rules should be given, if necessary, in a separate statement.

- (c) All statements made in this application will be carefully investigated, and satisfactory evidence must be forthcoming on request to substantiate each and every statement made.
- (d) "If any person with a view to obtaining either for himself or any other person a grant or payment of a pension under this Act, makes, signs, or uses any declaration, application or other written statement knowing the same to be false, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £25 (twenty-five pounds) or to imprisonment for a period not exceeding six months or at the discretion of the Court to both such fine and imprisonment." (Sec. 19 (1) of the Military Service Pensions Act, 1934).

- (e) "If any person so convicted as aforesaid is in receipt of a pension obtained by reason of such false declaration, application, or other written statement he shall forfeit such pension as from the date of such conviction." (Sec. 19 (2) of the Military Service Pensions Act, 1934).

If the applicant is unable to read, the above note should be read to him by the witness.

SERVICE IN THE FORCES, THAT IS IN THE FOLLOWING MILITARY BODIES, OGLAIGH NA h-EIREANN (IRISH REPUBLICAN ARMY) OR IN THE IRISH VOLUNTEERS OR IN THE IRISH CITIZEN ARMY OR IN FIANNA EIREANN OR IN THE HIBERNIAN RIFLES OR IN CUMANN NA mBAN.

For each of the periods set out in Parts I. and II. in which you claim to have rendered active service, state the name of the unit or units, name and address of the O/C., the names and addresses of three reputable references who can verify your service.

The following circumstances shall not be deemed to constitute a breach in the continuity of service :—

- (a) Absence from duty following arrest, imprisonment, internment, or deportation under the Defence of the Realm Act, 1914, the Restoration of Order in Ireland Act, 1920, or any regulations made thereunder ;
- (b) Absence from duty following arrest, imprisonment, or penal servitude in respect of sedition, treason or treason felony prior to 11th July, 1921 ;
- (c) Absence from duty by reason of duties necessitating such absence undertaken at the instance of or on behalf of the Cabinet of the First Dail Eireann or of the Second Dail Eireann ;
- (d) Absence from duty while under arrest, as a result of activities as a member of the Forces.

If you claim to have been absent from duty under these conditions, give particulars of the circumstances with respect to each such period of absence, and state its duration.

PART I.

TO BE COMPLETED BY APPLICANTS WHO HAD PRE AND POST TRUCE SERVICE IN THE FORCES * AS FOLLOWS :—

- (a) who served in the Forces at any time during the week commencing on the 23rd day of April, 1916,
- or
- (b) who served in the Forces continuously during either of the following periods, the period commencing on the 1st day of April, 1920, and ending on the 31st day of March, 1921,
- or
- (c) the period commencing on the 1st day of April, 1921, and ending on the 11th day of July, 1921,
- and in addition*
- who served in the Forces at any time during the period commencing on the 1st day of July, 1922, and ending on the 30th day of September, 1923.

* The following Military Bodies, and those only, are included in the term "the Forces," viz. :—

Oglaigh na h-Eireann (Irish Republican Army) or
the Irish Volunteers, or
the Irish Citizen Army, or
Fianna Eireann, or
the Hibernian Rifles, or
Cumann na mBan.

(1). ACTIVE SERVICE AT ANY TIME DURING THE WEEK COMMENCING ON THE 23RD DAY OF APRIL, 1916.

- (a) Did you render active service in the week commencing 23rd April, 1916. If so, from what date in that week ?.....
- (b) Unit or Units.....
- (c) Duration (giving dates) of service.....
- (d) District or Districts in which active service was rendered.....
-
- (e) Officer Commanding in each instance.....
- (f) In what way do you claim that your service was active service.....
-
- (g) Particulars of any military operations or engagements or services rendered during the week.....
- (h) Absence from duty and cause.....
- (i) References who can testify as to your statements above :—

NAME.

ADDRESS.

(2). CONTINUOUS ACTIVE SERVICE DURING PERIOD COMPRISING—

- (a) period from 1st April, 1916, to 22nd April, 1916, and
- (b) period from 30th April, 1916, to 31st March, 1917.

- (a) Unit or Units.....
- (b) Duration (giving dates) of service.....
-
- (c) District or Districts in which active service was rendered.....
-
- (d) Officer Commanding in each instance.....
- (e) In what way do you claim that your service was active service ?.....
-
- (f) Particulars of any military operations or engagements or services rendered during the period.....
-
- (g) Absence from duty and cause.....

(h) References who can testify as to your statements above :—

NAME.

ADDRESS.

(3). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1917, TO 31ST MARCH, 1918.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause.....

(h) References who can testify as to your statements above :—

NAME.

ADDRESS.

(4). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1918, TO 31ST MARCH, 1919.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

(5). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1919, TO 31ST MARCH, 1920.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

(6). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1920, TO 31ST MARCH, 1921.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

.....

(f) Particulars of any military operations or engagements or services rendered during
the period.....

.....

.....

(g) Absence from duty and cause.....

.....

.....

(h) References who can testify as to your statements above :—

NAME.

ADDRESS.

.....

.....

.....

(7). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1921, TO 11TH JULY, 1921

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

.....

(c) District or Districts in which active service was rendered.....

.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

.....

(f) Particulars of any military operations or engagements or services rendered during
the period.....

.....

.....

(g) Absence from duty and cause.....

.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

(8). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 12TH JULY, 1921, TO 30TH JUNE, 1922.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

(9). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST JULY, 1922, TO 31ST MARCH, 1923.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

.....

(g) Absence from duty and cause.....

.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

.....

(10). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1923, TO 30TH SEPTEMBER, 1923.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service?.....

(f) Particulars of any military operations or engagements or services rendered during the period.....

.....

(g) Absence from duty and cause.....

.....

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

.....

.....

PART II.

TO BE COMPLETED BY APPLICANTS WHOSE QUALIFYING SERVICE IN THE FORCES* WAS PRE-TRUCE ONLY, i.e.:—

(a) who served in the Forces at any time during the week commencing on the 23rd day of April, 1916,

or

(b) who served in the Forces continuously during the period commencing on the 1st day of April, 1921, and ending on the 11th day of July, 1921.

(1). ACTIVE SERVICE AT ANY TIME DURING WEEK COMMENCING ON 23RD APRIL, 1916.

(a) Did you render active service in the week commencing 23rd April, 1916? If so,

from what date in that week. *From Easter Monday morning 24th April 1916*

(b) Unit or Units. *First Citizen Division (Citizen Army)*

(c) Duration (giving dates) of service. *all the week from 24th April to*

surrender following Sunday 30th April

(d) District or Districts in which active service was rendered. *Stephens'*

Green Area

(e) Officer Commanding in each instance. *Lt. Commandant Mallin O.C.*

(f) In what way do you claim that your service was active service? *I was armed, fired as ordered, help to dig trenches, make barricades etc, was promoted corporal during week, carried out all orders as a man in the ranks*

(g) Particulars of any military operations or engagements or services rendered during

the week. *Helped to dig trenches on Monday (Earlsfort Terrace)*

looked into houses & occupied roof commanding from St. Bridge, Monday night occupied & barricaded house adjacent College Surgeons (Thursday to Sunday) fired from windows of ~~house~~ these against British

(h) Absence from duty and cause.

None

* The following Military Bodies, and those only, are included in the term "the Forces," viz.:—

Oglaigh na h-Eireann (Irish Republican Army), or
the Irish Volunteers, or
the Irish Citizen Army, or
Fianna Eireann, or
the Hibernian Rifles, or
Cumann na mBan.

(i) References who can testify as to your statements above:—

NAME.	ADDRESS.
Robert De Coert, Lieutenant I.C.A., 80 Tolka Road, Ballybough, Dublin (under whose immediate orders I spent the week.)	
Harry Nicholls, engineer, Dublin Corporation	

(2). CONTINUOUS ACTIVE SERVICE DURING PERIOD COMPRISING:—

(a) period from 1st April, 1916, to 22nd April, 1916;

(b) period from 30th April, 1916, to 31st March, 1917.

(a) Unit or Units... *F. Company, 1st Battalion, O'Leary's na h'Eireann Irish Volunteers* } Dublin Brigade

(b) Duration (giving dates) of service.....

The whole period from 1st April 1916 - 31st March 1917

(c) District or Districts in which active service was rendered.....

First Battalion area, north city and county

(d) Officer Commanding in each instance... *Fionan O'Leary T.D. Co. Capt till Easter 1916*
in 1917 Frank McCabe

(e) In what way do you claim that your service was active service?.....

I was a regular active private soldier of F. Co. 1st Batt. obeying all orders, attending all drills & parades during this period, except from Easter Week to Xmas 1916 in Frongoch, promoted sergeant in 1917.

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause... *Interned after Easter Week, Frongoch until Christmas. Reported to company immediately on return.*

(h) References who can testify as to your statements above:—

NAME.	ADDRESS.
Pre-Easter Week, Fionan Lynch T.D., Gearoid O'Sullivan T.D. Drimuid	
<i>O'Hegarty, Board of Works</i>	
Post. " Paddy Holohan, (ex-Commandant Dublin Brigade, sometime post-Treaty)	Oxmantown Rd.
<i>Colonel Liam Archer</i>	Nat. Army

(3). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1917, TO 31ST MARCH, 1918.

(a) Unit or Units... *F. Co. 1st Battalion Dublin Brigade*

(b) Duration (giving dates) of service... *From 1st April 1917 to November 1917*

(c) District or Districts in which active service was rendered... *First Battalion*

area, north city & County

(d) Officer Commanding in each instance. *Frank McCabe, Capt. P. Holohan, Lieutenant*

(e) In what way do you claim that your service was active service? *attended all drills, parades of company, obeyed all orders given, was Sergeant in charge of a section during this period*

(f) Particulars of any military operations or engagements or services rendered during

the period. *none, unless bringing out my section to north county for purposes of military study could be called such*

(g) Absence from duty and cause. *In November 1917 went to live in Galway. Never resigned membership of company. Considered myself still as a volunteer subject to orders from now to then, although my position in Galway did not permit me to attend regularly either Galway Battalion or Dublin company*

(h) References who can testify as to your statements above:—

NAME.	ADDRESS.
<i>Frank McCabe</i>	<i>?</i>
<i>Paddy Holohan</i>	<i>Oxmantown Road</i>
<i>Colonel Liam Archer</i>	<i>Nat. army</i>

(4). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1918, TO 31ST MARCH, 1919.

(a) Unit or Units. *7. Co. 1st Batt. (although absent)*

(b) Duration (giving dates) of service. *See statement above (period April 1917 - March 1918) which applies for all this period*

(c) District or Districts in which active service was rendered.

(d) Officer Commanding in each instance.

(e) In what way do you claim that your service was active service?

(f) Particulars of any military operations or engagements or services rendered during the period.

(g) Absence from duty and cause. *During this period resided in Galway, with frequent absences, rendered impossible*

attendance at 7. Co. 1st Batt. During this period was ~~not~~ republican candidate, Mid-Corunagh, general election 1918 December 1918. I went there as a volunteer, having no local connection whatever and took my candidature as an order like any other.

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

(5). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1919, TO 31ST MARCH, 1920.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service?.....

(f) Particulars of any military operations or engagements or services rendered during the period. *In Oct 1919 arrested, served 3 months sentence Belfast jail, released about Feb. 20th 1920. Sentenced for speech delivered at a*

advocating Republican loan. ordered to go there & open loan campaign by Michael Collins. I took this absolutely as an order and obeyed in military spirit.

(g) Absence from duty and cause.....

See further Page 16.

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

as regards Belfast jail,

Sammon Donnelly, T.D.

Ex-Col Patrick Brennan, Leinster House.

(6). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1920, TO 31ST MARCH, 1921.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

(f) Particulars of any military operations or engagements or services rendered during

the period. *In September 1920, ordered by Michael Collins secure passport to Italy, travel there, deliver to Denis Hales, Genoa, then Irish republican agent there, a message relative to an attempt then being made to send arms from Italy to I.R.A. Took this as military order and accomplished the task. Have received travelling expenses.*

(g) Absence from duty and cause.....

Nov. 22nd 1920, arrested Galway, and interned until treaty.

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

as regards Italian journey

Denis Hales

Genoa (address at present unknown to me)

Colonel Joe Vize

Nat. Army

Sean T. O'Callaghan T.D., Minister Local Gov. also knows of this.

(7). CONTINUOUS ACTIVE SERVICE DURING PERIOD FROM 1ST APRIL, 1921, TO 11TH JULY, 1921.

(a) Unit or Units.....

(b) Duration (giving dates) of service.....

(c) District or Districts in which active service was rendered.....

(d) Officer Commanding in each instance.....

(e) In what way do you claim that your service was active service ?.....

Interned all this period.

(f) Particulars of any military operations or engagements or services rendered during the period.....

(g) Absence from duty and cause.....

Interned from 22 Nov. 1920 until 6th December 1921, first in Galway, then in Rath Camp, Curragh.

(h) References who can testify as to your statements above:—

NAME.

ADDRESS.

as regards internment

for Galway period (Nov. 1920 - April 1921) Very Rev. John Hynes, President, University College Galway

for Curragh period (April - December 1921)

Major Gen. General Peadar M' Mahon, Ministry of Defence.

PART III.

GENERAL.

TO BE COMPLETED BY ALL APPLICANTS.

- (1). State in terms of the First Schedule to the Act the rank and nature of appointment held on the first and second critical dates, respectively:—

(a) On first critical date.

Rank E

(b) On second critical date.

Rank D. [In Frongoch camp from June -
December 1916. I was a captain of C. company, about 120 men.]
Previous to that & subsequently, rank E.

References who can testify as to your statements:—

NAME.

ADDRESS.

for pre-Easter
1916

Fionán O'hongsiagh,

C. D.

for Frongoch camp

Michael Staines

Senator

for 1917—

Paddy Holohan

Oxmantown Rd. Dublin

- (2). Did you serve in the National Army as well as in the Forces on the 1st July, 1922, or on any subsequent date. If so, did you apply for a certificate of military service under the Military Service Pensions Act, 1924, and, if so, with what result. If you did not so apply, give your reasons for not doing so.

No

- (3). If you did not serve in both the National Army and the Forces on the 1st July, 1922, or on any subsequent date—state whether you applied for a Certificate of Military Service under the Military Service Pensions Act, 1924, and, if so, with what result.

No

(4). Did you apply for a wound or disability pension under any of the following Acts ? :—

Army Pensions Act, 1923.

Army Pensions Act, 1927.

Army Pensions Act, 1932.

If so, with what result.

No.

(5). Have you applied for, or are you in receipt of Unemployment Assistance under the Unemployment Assistance Act, 1933 ? If so, quote the number of your qualification

certificate

No.

(6). Were you a member of the Irish Volunteer Executive at any time prior to the 11th July, 1921 ? If so, give the dates between which you served.....

No, but I was a member of the "General purpose Committee", a sub-committee of the I.V. Executive, previous to Easter Week 1916, & served regularly on this Committee for about 12 months previous to Easter Week

(7). Are you now, or were you at any time during the period for which you claim service, in receipt of any remuneration, or allowance payable out of public moneys, whether provided by the Oireachtas or out of the Central Fund, or by means of the poor rate or any other rate imposed by a local authority, state details.....

No.

(8). Are you in receipt of any pension in respect of service :—

- (a) As a member of the Civil Service.
- (b) As a member of the Garda Síochána.
- (c) As a member of any other Police Force.
- (d) As a member of the Prisons Service.
- (e) As a National School Teacher.
- (f) As a Secondary School Teacher.

- (g) As an Officer of any Local Authority.
(h) In any other employment.

If so, give details.....

No.

NOTE.—You will subsequently have to furnish any further particulars and to submit any evidence which the Minister for Defence, or the Referee appointed under the Military Service Pensions Act, or any person or persons duly authorised by them may require in connection with this application for a Service certificate. In this connection attention is directed to the fact that Section 8 (4) of the Act prescribes that the onus of proof shall rest on the applicant.

Careful consideration will be given to any documentary evidence which you may wish to submit herewith. You may also at your discretion write hereunder a statement of any additional information which you consider may be of assistance in determining your application.

Was a member of I.R.B. from 1915

In 1920 shortly before my arrest (Nov. 1920) was appointed

"Circuit Judge" of District Courts, Galway area. Served actively as such during first four or five months of 1922.

In summer of 1919, sent for and directed to be ready to be smuggled to France to be there before the arrival of Mr. Devalera, who was at the time thinking of getting there for Peace Conference; to act there as general assistant to him; to be ready if necessary, to resign my position in Galway. Took all along as military order and was ready to obey. Plans changed. Witness of this, Mr. Devalera and James O'Mara ex-T.D.

Signature (or Mark) of Applicant.....

Liam O'BRIEN

*Witness to signature or (where applicant is unable to write) to mark of applicant.

Stephen Fallis

Address of Witness.....

*Peace Commissioner, Ellismore
Galway*

Qualification.....

Peace Commissioner

Date.....

March 25. 1935

*Witness must be one of the following:—

- A Commissioned Officer serving in the Defence Forces.
- A Permanent Civil Servant (active or retired) whose salary is or was not less than £200 and on a scale rising to not less than £300.
- A District Justice.
- A Peace Commissioner.
- A Barrister-at-Law, a Solicitor, or a Commissioner for Oaths.
- A Minister of Religion (denomination to be stated).
- A Registered Physician or Surgeon.
- Managers, Secretaries, Chief Cashiers and Accountants of Banks, and Officials in charge of Branch Banks.
- A Member of the Garda Síochána.
- A Postmaster or Postmistress in actual charge of a Post Office.
- Head Teachers of Secondary or National Schools.
- A Secretary of a Registered Friendly Society.
- A Notary Public.
- A Consul-General.
- A Consul.
- A Vice-Consul.

APPENDIX.

FIRST SCHEDULE.

RULES FOR DETERMINING NOTIONAL GRADES OF RANK IN THE FORCES HELD BY PERSONS SERVING IN THE FORCES.

1.—(1) Any person who at any date was either Chief of Staff, Deputy Chief of Staff, Adjutant General, a Divisional Officer Commanding, or Quartermaster General shall be deemed to have held at that date Rank A.

(2) Any person who at any date was either—

- (a) a General Headquarters Officer acting as Director of any one of the following services, namely Organisation, Intelligence, Engineering and Munitions, or
- (b) a Brigade Officer Commanding whose brigade was at that date not less than one thousand in strength,

shall be deemed to have held at that date Rank B.

(3) Any person who at any date was either—

- (a) a Brigade Officer Commanding whose brigade at that date was less than one thousand in strength, or
- (b) a Divisional Vice Officer Commanding, or
- (c) a Divisional Adjutant, or
- (d) a Divisional Quartermaster, or
- (e) a Battalion Commandant whose battalion was at that date not less than three hundred in strength, or
- (f) a Brigade Vice Officer Commanding whose brigade was at that date not less than one thousand in strength, or
- (g) a Brigade Adjutant whose brigade was at that date not less than one thousand in strength, or
- (h) a Brigade Quartermaster whose brigade was at that date not less than one thousand in strength, or
- (i) a Column Commander whose column was at that date not less than thirty in strength, or
- (j) a General Headquarters Officer who at that date was acting as Director of Medical Services, or
- (k) a General Headquarters Officer who at that date was acting as Director of any Service, other than that of Medical Services, or one of the Services mentioned in sub-paragraph (a) of the immediately preceding paragraph,

shall be deemed to have held at that date Rank C.

(4) A person who at any date—

- (a) was a Battalion Commandant whose battalion at that date was less than three hundred in strength, or
- (b) was a Company Captain whose company at that date was not less than sixty in strength, or
- (c) was, at that date, a Captain on the General Headquarters Staff or on a Divisional Staff, or
- (d) was, in the case of a company which at that date was not less than one hundred and twenty in strength, where the company had at that date one Lieutenant only, such Lieutenant or, where the company had at that date two Lieutenants only, one or other of such Lieutenants, or, where the company had at that date three or more Lieutenants, one or other of the two Lieutenants who were at that date respectively second and third in command, or
- (e) was, in the case of a company which at that date was less than one hundred and twenty in strength but not less than one hundred in strength, where such company had at that date one Lieutenant only, such Lieutenant or where such company had at that date two or more Lieutenants, the Lieutenant who was at that date second in command, or
- (f) was a Brigade Officer, other than a Brigade Officer who is deemed by virtue of paragraph (2) or (3) of this Rule to have held at that date either Rank B or Rank C, or
- (g) was a Battalion Vice Officer Commanding whose battalion at that date was not less than one hundred in strength, or
- (h) was a Battalion Adjutant whose battalion was at that date not less than one hundred in strength, or
- (i) was a Battalion Quartermaster whose battalion was at that date not less than one hundred in strength, or

- (j) was a General Headquarters Officer other than a General Headquarters Officer who was at that date acting as a Director of any Service, or
- (k) was a Divisional Officer other than a Divisional Officer Commanding, a Divisional Vice Officer Commanding, a Divisional Adjutant or a Divisional Quartermaster, or
- (l) was a Column Commander whose column at that date was less than thirty in strength, or
- (m) was a Medical Officer other than a General Headquarters Officer who at that date was acting as Director of Medical Services,

shall be deemed to have held at that date Rank D.

- (5) Any person who complies with the following conditions, namely :—

- (a) was at any date an officer, and
- (b) is not deemed by virtue of any of the preceding paragraphs of this Rule to have held at that date any grade of rank,

shall be deemed for the purposes of this Act to have held at that date Rank E.

- (6) Any person who at any date held the rank of non-commissioned officer or private shall be deemed to have held at that date Rank E.

(7) None of the foregoing provisions of this Rule shall apply to any person who at any date was a member of Fianna Eireann or of Cumann na mBan and was not at any date a member of Oglagh na hEireann (Irish Republican Army) or of the Irish Volunteers, and in lieu thereof the following provisions shall have effect in relation to any such person, that is to say :—

- (a) any person who at any date :—

- (i) was a member of the headquarters staff or executive of Fianna Eireann or Cumann na mBan, or
- (ii) was an officer of Fianna Eireann or Cumann na mBan commanding one hundred members or more of either of those bodies, or
- (iii) was an officer of Fianna Eireann or Cumann na mBan senior to an officer of either of those bodies commanding one hundred members or more of either of those bodies,

shall be deemed to have held at that date Rank D, and

- (b) any person who at any date was a member of Fianna Eireann or Cumann na mBan and who is not deemed by virtue of the foregoing sub-paragraph (a) of this paragraph to have held Rank D, shall be deemed to have held at that date Rank E.

2. Where an officer whose grade of rank at any date is, under Rule I of this Schedule, to be determined both by his actual rank in the Forces and the strength of the unit to which he belonged at that date, and such officer is, at that date, absent from duty by reason of imprisonment on account of his activities as a member of the Forces, the following provisions shall, for the purposes of the said Rule I, have effect in relation to such officer, that is to say :—

- (a) such officer shall be deemed to have held at that date the actual rank in the Forces which he held at the date of his arrest, and
- (b) such unit shall be deemed to be at that date at the same strength as it was at the time of his arrest.

3. Where the case of any person does not fall within the provisions of Rule I of this Schedule, the Referee may determine the particular grade of rank which such person is to be deemed to have held on any date, and in so determining the Referee shall have regard to the following matters, that is to say :—

- (a) the appointment held by such person,
- (b) the services performed by such person,
- (c) the principles of grading set forth in the said Rule I.

4. Where any person, whose case at a particular date falls within the provisions of Rule I of this Schedule, was, at that date, engaged in service of a special character, the Referee may, in making his report under this Act in relation to the grade of rank held by such person on such date, report that the grade of rank held by him on such date is a grade of rank higher than the grade which, but for this Rule, would be the grade of rank held by him on that date.

DEFINITION OF THE FIRST AND SECOND CRITICAL DATES.

1. In the case of a person who served in the Forces during the period commencing on the 1st day of July, 1922, and ending on the 30th day of September, 1923,

The expression "the first critical date" means the 11th day of July, 1921; and the expression "the second critical date" means:—

- (a) in the case of a person who served in the Forces on the 1st day of July, 1922, the 1st day of July, 1922 and
- (b) in the case of a person who did not serve in the Forces on the 1st day of July, 1922, but who served in the Forces at any time during the period commencing on the 2nd day of July, 1922, and ending on the 30th day of September, 1923, the date during that period on which such person first served in the Forces.

2. In the case of a person who did not serve in the Forces during the period commencing on the 1st day of July, 1922, and ending on the 30th day of September, 1923, but who has either:—

- (a) served in the Forces at any time during the week commencing on the 23rd day of April, 1916,
or
- (b) served in the Forces continuously during the period commencing on the 1st day of April, 1921, and ending on the 11th day of July, 1921,

the expression "the first critical date" shall be construed as meaning the date during the said week, or if he did not serve during the said week, during the said period, on which he first served in the Forces in such week or such period (as the case may be), and

the expression "the second critical date" shall be construed as meaning the earliest date in the period between the first critical date in respect of such person, and the 12th day of July, 1921, on which such person held his highest rank in such last-mentioned period in the Forces.

Military Service
Pensions Collection