

ROINN

*bosanta*

11

F.C.3

Fo-Roinn.

*b'laistann Lais*  
NÁ CUIRTEAR ÉANTHARISC AR AN ZCLÚDÁC SO.

Tá annro, leir,

An Uimhir

An Snó

*2/78458*

*Confidential*  
*convictions.*

An Uimhir as Roinn Eile

*Stephen Grace, Ardfeinán.*  
*Loss of Disability Pension.*

Do cuirtear é sin

Dáta.

Do cuirtear é sin

Dáta.

Do cuirtear é sin

Dáta.

*S.9. 24/9/42*

*F.3 25/9*

*S.9 26/9*

*F.3(b) 1/10*

*S.9. 29/10/42*

*P.A. 30/10*

DECLASSIFIED

Military Service  
Pensions Collection

Assaulted Garda

10

Sent to prison lost pension

Not to be released under any circumstances

So  
22/4/51

S. 9.

Position noted and file 2/78458 returned herewith.

J. Conplein

F3

29/1/42

memo

Mr. Kirwan (of Lasisleach) phoned on the 16th inst. in connection with min. of the 12th idem herewith. He stated that, through an oversight, where the min. read "the forfeiture or disqualification..." in the 5th line, there should have been typed "any forfeiture etc." He requested that the min. be amended accordingly. Phoned F. 3 with whom the file was at the time and arranged that the necessary amendment would be made.

S. 9.  
20.5.42

Uimhir Thagartha  
(Ref. No.)  
S.12905



*deartha* 8

F.3.  
Cabinet.

ROINN AN TAOISIGH  
(Department of the Taoiseach)

12adh Deire Fomhair, 1942

Rúnaí Priobháideach,  
Aire Dlíghidh agus Cirt.

To.....



A Chara,

With reference to your minute of the 3rd inst. S.68/42, I am to inform you that the Government at a meeting held on the 12th instant remitted under section 34 (5) of the Offences Against the State Act, 1939 the forfeiture or disqualification incurred by Stephen Grace following his conviction by the Special Criminal Court on 26th June, 1942 and restored the subject of such forfeiture as from the date of such remission.

Mise, le meas,

P. Ó CINNEIDE

Leas Rúnaí don Riaghaltas.

PH

Rúnaí Priobháideach,  
Aire Cosanta

Mar eolas don Aire.

*F.B.*

*To note, please.*

*The relevant file, 2/78458, is marked F.3(B), 1/10.*

To each member of the Government.

*P. Ó Cinnéide*

*W.D.C. S.9*

*14/10/42*

*noted*

*F.3(B) 1/10/42*

F.3(16)

noted To note, please, and detach  
your file.

7.

mes S. 9 1/10/42

2/78458.

1<sup>st</sup> October 1942

Rúnaidhe,  
Roinn Dlíghidh agus Cirt.

With reference to your minute (S. 68/42) of the 23rd September, 1942, enclosing a copy of an application from Stephen Grace, Ardfinnan, Cahir, Co. Tipperary, for remission of the disqualification incurred by him as a result of his conviction by the Special Criminal Court on the 26th June, 1942, together with a copy of a memorandum relative thereto which it is proposed to submit to the Government, I am directed by the Minister for Defence to state that he has no objection to the remission of the disqualification in this case.

Sgd. Deasair macmáicáin

mes *[initials]*

RÚNAIDHE.

*[Stamp: Handled... Checked...]*

Military Archives

Military Service Pensions Collection

LEACÁN MIONTUAIRISCE.

m.s.c.

T4541RC... 2/18458...

Secretary

Stephen Grace, Ardfinnan, Co. Tipp. who was in receipt of a disability pension of £80 per annum, was convicted by the Special Criminal Court last June of a number of offences, including possession of two rounds of .22 ammunition without a licence. This being a scheduled offence under the Offences Against the State Act, his pension was forfeited. On one of the other charges, he was sentenced to 21 days imprisonment.

The Minister for Justice does not regard the offence as serious and proposes to recommend to the Government that the pension be restored. He desires to be informed whether the Minister for Defence has any objection to this course.

H. 28/9/42

No objection

J.Y. 29/9/42

~~Minister~~

For your direction, please.

29/9/42

Cashman J.S.C. 29/9

O. of C. C. R.

5.

A new file - confidential  
would appear to be  
required for these papers.  
The previous minute referred to  
is, I think, the formal  
notification of conviction,  
which was dealt with  
by S.3(a) on a general  
file.

mod S. 9

24/9/42.

S. 9.

New file herewith.

Co. C. R.

24/9

S. 3.

Will you please attach  
the file on this man's  
disability pension so that the

case may be submitted to the  
Minister, Perhaps you will  
also furnish an  
observations you may wish  
to make in the matter.

4.

made 8.9

25/9/42.

89.

File D/1809 herewith  
as requested.  
as you can see from the  
file representations  
on Francis behalf have  
been made to the  
Minister on several  
occasions

Truly,

J. 3(b)

26. 9. 42.



COPY.

Military Archives <sup>3</sup>

Ardfinnan,  
Cahir,  
Co. TIPPERARY.

To The Minister for Justice,  
Dep. of Justice,  
DUBLIN.

I wish to ask you to be kind enough to put my case of loss of my dissability pension before the Government so that they may use their powers under Section 34(5) of the Offences Against the State Act, 1939, for remission of any forfeiture or disqualification incurred on conviction by the Special Criminal Court.

If the Minister will consider the seriousness of my state of health of valvular Heart disease - also the 21 days imprisonment - also my sister who is dangerously ill since the shock of my arrest and who had been in poor health since here Imprisonment in 1923. The Minister may consider that my punishment has been completed.

I am,

Yours faithfully,

(Sgd.) Stephen Grace.

Military Service  
Pensions Collection

2

Memo. for the Government in connection with application from Stephen Grace for a remission of forfeiture or disqualification incurred on conviction by the Special Criminal Court of an offence which was a scheduled offence for the purposes of Part V of the Offences Against the State Act, 1939.

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1. Stephen Grace of Ardfinnan, Cahir, Co. Tipperary, was convicted by the Special Criminal Court on 26th June, 1942, on the following charges:-

I. Common assault.

II & III. Assaulting a police officer (2 counts).

IV. Possession of 2 rounds of .22 ammunition without holding a firearms certificate therefor as required under Firearms Act, 1925.

He was sentenced to twenty-one days' imprisonment on each of the first three counts, to be served concurrently and to date from date of arrest, i.e. 6th June, 1942, and on the fourth count no punishment was imposed. The offence under the Firearms Act, 1925, is, however, a scheduled offence for the purposes of Part V of the Offences Against the State Act, 1939, and consequently conviction disqualifies a person for receiving any State pension, etc.

2. Grace was in receipt of a disability pension prior to conviction on 26th June, 1942. He has now made application, copy attached, to the Government to remit the forfeiture or disqualification incurred under Section 34 of the Offences Against the State Act. The offences of which he was convicted were not of a serious nature and in the opinion of the Minister for Justice the punishment would be excessive if the pension were forfeited.
3. The Minister for Defence has been consulted. (The Minister's views will be inserted here).
4. The Minister for Justice accordingly recommends that the Government in exercise of its powers under Sec. 34(5) of the Offences Against the State Act, 1939, remit the forfeiture or disqualification incurred on conviction and restore the subject of such forfeiture as from the date of such remission.

Department of Justice.  
September, 1942.

Military Service  
Pensions Collection

Éin-shreagra ar an litir seo, is mar seo ba  
chóir é stiúradh:—  
(Any reply to this communication should be  
addressed to—)

ROINN DLÍGHIDH AGUS CIRT  
(Department of Justice)

An Rúnaidhe,  
Roinn Dlíghidh agus Cirt,  
Sráid Mhuirbhteann Uacht.,  
Baile Átha Cliath.

BAILE ÁTHA CLIATH

23rd September, 1942.

fé'n uimhir seo:—  
(and the following number quoted:—)

S.68/42.

Rúnaidhe, *SEP Recd*  
Roinn Cosanta.

I am directed by the Minister for Justice to refer to my minute of the 11th July last regarding the case of Stephen Grace, Ardfinnan, Cahir, Co. Tipperary, who was convicted by the Special Criminal Court on 26th June, 1942, of, inter alia, an offence which was a scheduled offence for the purposes of Part V of the Offences Against the State Act, 1939. As Grace was in receipt of a disability pension he was affected by the terms of Section 34 of that Act. He has now made application to the Government for a remission of the forfeiture or disqualification incurred on conviction so that his pension may be restored to him and the Minister is disposed to recommend the application. Before doing so, however, he would be glad to learn whether the Minister for Defence sees any objection. A copy of the memo. which it is proposed to circulate to the Government and a copy of Grace's application are enclosed herewith.

*Edwards*  
Rúnaidhe.