

# SINN FEIN JUSTICE IN EMBRYO STAGE

Investigator Finds Little Civil Business is Being Transacted.

JURY TRIALS HAVE BEEN ABOLISHED

Their Present Haphazard System is Cramped by Ignorant Personnel.

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By C. H. BRETHERTON.  
(Special Cable Despatch.)

Dublin, Sept. 3.—As the result of a month's observation, I am able to give a coherent account of the activities of the Irish republican courts. At the time of writing these courts have entirely superseded the king's courts in the management and transacting, and partially superseded them in Leinster and the nationalistic counties of Donegal.

Litigants will not, or dare not, file civil suits in the county courts or set them down for trial before the assize benches. Petit jurors and grand jurors will not, or dare not, attend the assizes, preferring to have their names placed on their respective newspapers' correspondence lists, but that is all.

Have Little Work to Do.

Outside of the work of the Sinn Fein arbitration courts, which are not really courts but boards of reference, no civil business is being transacted by any republican tribunal. Here and there a little case is staged for the benefit of Sinn Fein's newspaper correspondents, but that is all.

Accounts that appear in the Irish and English papers of the activities of the Sinn Fein courts must be discounted about 50 per cent. before an accurate idea of what is actually being accomplished can be arrived at. The result, even under these circumstances, is sufficiently striking. I cannot find, however, in any of the published reports—and I do not doubt that if such cases had occurred they would have been made the most of by Sinn Fein's propaganda purposes—a case in which a judgment has been given in a civil action against defendant who did not voluntarily appear before the court.

Terrorism Would Be Boomerang.

The whole essence of sovereignty—and the Irish republic claims to be sovereign—is that the sovereign courts compel parties to appear before them as defendants in civil actions whether they want to or not, and give judgments against them in default of appearance. Sinn Fein has only one means of enforcing the decrees of its courts, the Irish Volunteers, or, to put it bluntly, terrorism. It is well enough to use this weapon against a malefactor or one who has gone back on his agreement to abide by the court's decision. To use it against parties to civil suits who have neither recognized nor submitted to the Sinn Fein tribunals would be to drive a large section of the now apathetic bourgeoisie into the opposite camp.

Land Cases Only Civil Actions.

One brief report states that a magistrate in West Clare "summoned for trespass to a Sinn Fein court" refused to recognize it and was removed by volunteers to an unknown destination. In another case reported from Mayo, a Sinn Fein court awarded 150 pounds damages against a man "charged" with seduction. It does not appear that he agreed to be bound by the court's decision, the matter being apparently treated as a criminal action.

Not can I find any record of a civil action being tried in a Sinn Fein court by agreement of the parties other than land disputes.

Sinn Fein Faces Task.

A judicial system cannot be organized overnight under the most favorable circumstances. When the work has to be done under a cloud of conspiratorial silence and by brainless barristers and reputationless young solicitors with little legal knowledge and no experience, the task is doubly hard. Sinn Fein would have infinitely preferred, if such a thing had been possible, to take over the existing legal machinery in the same manner as it captured the machinery of local government. But what was manifestly impossible. Whether, when the twenty-six counties get their dominion some rule, they will prefer to keep the old legal machinery that has taken decades to build up, or the new apparatus set up by Sinn Fein, which will doubtless have the benefit of up-to-date methods, is an interesting question that the future must decide.

Present System Haphazard.

Originally intended as a sort of propaganda, Sinn Fein courts set a good while before any attempt was made by the central Sinn Fein authorities to establish a properly organized judicial system. These tribunals were, and still are, to a large extent haphazard, meeting when it seemed good, trying such cases as looked like good advertising, inflicting sentences that bore no relation to one another or to any existing penal code. In particular, great care was taken to try only cases that offered no difficulty, in all the criminal cases tried by Sinn Fein courts in May and June, the percentage of acquittals to convictions was only something like one in fifty. There were no regular judges appointed to sit in these courts, the parish priest, if he happened to be a Sinn Feiner, and one or more officers of the Irish Volunteers occupying the bench.

Jury Trials Abolished.

In no case has the prisoner ever

been tried by a jury. This means one of two things. Either the Sinn Fein judicial system proposes to abolish trial by jury, a step which would cause it to be condemned out of hand as uncivilized, or the Sinn Fein criminal courts, whatever they may be called by Dail Eireann, are and will remain in effect no courts but courts-martial.

It was not until June 29 that Dail Eireann met in Dublin—according to the Irish Bulletin, the Sinn Fein propagandist medium—and passed the "cross establishing Courts of Justice and Equity and Courts of Criminal Jurisdiction." A National Land Commission was also provided for, and it appears that the Sinn Fein arbitration courts, by which the land disputes are now being tried, must be considered not as a part of the "Department of Justice of Dail Eireann" but as a part of this Land Commission. They are, not of course, courts in the ordinary sense, as the disputants must agree beforehand to abide by the court's award. They are in fact boards of reference.

Two Lower Courts.

According to the Irish Bulletin, the Irish Courts are established "under the authority of the 'Department of Justice of Dail Eireann.'" The idea of a Department of Justice having to do with the establishment or control of a nation's tribunals is a distinct novelty and seems to involve one or two fundamental misconceptions of constitutional law. The lowest court is the parish court, of which there are apparently two, a civil and a criminal court. Each is to be presided over by three "members" elected by a body of representative persons which is to include one representative of each Sinn Fein club, one representative of each company of Irish volunteers, a representative of each trade union branch, a clergyman of each denomination, the M. P. for the constituency in which the parish is the country, and one representative of the urban district councilors, the rural district councilors and the poor law guardians. It seems a lot of people to elect a magistrate with civil jurisdiction over suits involving not more than \$50.

District Courts Superior.

Above the parish courts come the district courts, also having both a civil and a criminal branch. The district judges are to sit five to a court, and are nominated by all the members of the parish courts. There is to be a district court for each parliamentary constituency. The object of preserving so essentially British an institution as the parliamentary subdivision of the country is not known. The district civil courts will try cases involving title to land, other presumably that those which go before the land courts, and other suits involving more than \$50. They will also hear appeals from the parish courts which must be lodged within four days.

Women May Be Judges.

Women and clergymen are eligible

as members of both parish and district courts. Appeals from the district courts will apparently lie to "appeal judges appointed by the republican minister of justice." All the facts available about this newly devised republican judicial system are extremely vague and difficult to ascertain and there can be little doubt that for some time to come it will represent a paper idea rather than an actuality.

Personnel Often Ignorant.

The personnel of all these Sinn Fein courts, with the possible exception of some of the land courts, is inexperienced and often ignorant. On the other hand, it consists of men who are by no means devoid of intelligence and who are anxious to be scrupulously fair and to make a good record. Their composite acumen is certainly considerably higher than that of the land courts. It would be higher still if the Sinn Fein authorities had not immensely curtailed the field of choice by requiring all members of parish and district courts to speak Irish. As the men in Ireland who really can speak Irish to amount to anything would not fill a small church, it is pretty clear that this rule will have to be

modified if the courts are to be really representative.

Oath of Fealty Not Required.

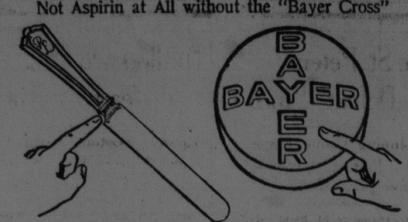
There is one other point. It has been asserted by many quarters that all parties who appear before the Sinn Fein courts and in particular before the land courts must swear allegiance to the Irish Republic. This is not correct. It is an important item, because at the moment the Irish bar and Irish solicitors are asking if they have the right to appear before the Sinn Fein courts. The bar council has decided that barristers cannot do so. The ruling body of the lower (solicitors') branch of the profession has so far evaded the question but will probably be obliged to decide one way or another next week. Naturally both barristers and solicitors who see their livelihoods slipping away from them wish to have the right to appear before the republican tribunals.

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## "Tougher than Oak"

WE can say confidently that every motorist who has a set of Royal Oaks on his wheels and who keeps a record of his mileage, is going to be mighty hard to switch to any other make.

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OAK TIRE AND RUBBER CO., LIMITED  
Factory: Oakville, Canada. Winnipeg Branch: 120 Lombard St. Montreal Branch: 342 St. James St.

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# Special Rate

Full upper or lower set of teeth \$10.00

Fit guaranteed.



Guaranteed bridge work \$5.00 per tooth.

## Painless Extraction 25c

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CATARRH and DISCHARGES  
SANTAL MIDY  
24 Hours relief  
Each Cap. contains 1/2 grain of Santal Midy

# THE

## Moosepath Park Entries To Date

Stumpy races are assured for Moosepath Monday and Tuesday. Despite the fact the Maritime Racing Association, a society which sprang up in the night and faded away with the fog, said there would be no races Moosepath promises the best sport of the season beginning Labor Day. Local promoters, men in whom the public has confidence and faith are behind the proposition, and have been working hard and successfully that St. John may not be deprived of what the "Moosehorn Society" promised the best of racing.

Arrangements were received from Houlton, Me., that a string of record bookers would leave that city by special train Sunday in order to get here in time for the opening on Monday. St. Stephen will send its best bets, and from other racing stables there are coming horses of provincial reputation. There are now at the track many horses that make last week's racing interesting, and they are primed and ready for the word.

The classes on Monday are filled and the public are assured more interesting brushups than were had last week as the entries in each event are more evenly balanced.

The Free-for-All will be a corker, and any body's race to the finish will see Peter Parren, White Sox, Bay Volo, Tong and others will come to the wire for the go.

Local men are to put St. John on the racing map and endeavor to complete the job that others, with a great flare of trumpets said they were going to do. They should have, and undoubtedly will receive wholehearted public support.

The entries received to date for the races at Moosepath track on Monday and Tuesday (Exhibition week) are as follows:

MONDAY, SEPT. 6TH.

Named Races—Purse \$400.  
Christie Dillon, P. Smith, Kenkora, P. E. I.  
Miss Peter Imoda, Metropolitan Driving Club, Boston.  
Allee Meek, Wm. Hayes, St. John.  
William M., S. F. Rice, St. John.  
Elsie Snow, A. Carney, St. John.  
Nancy Winston, A. P. Ryan, St. John.  
Free-for-All Trot—Purse \$400.  
Border Prince, H. C. Jewett, Fredericton, N. B.  
Colorado L., H. Kelly, Charlottetown, P. E. I.  
Roy Miller, McKinnon Drug Co., Charlottetown, P. E. I.  
Major Todd, McKinnon Drug Co., Charlottetown, P. E. I.  
Lizette, Metropolitan Driving Club Boston, Mass.  
Fore Feather, D. O'Keefe, St. John.

TUESDAY, SEPT. 7TH.

2:23 Trot—Purse \$400.  
British Soldier, H. Kelly, Charlottetown, P. E. I.  
Native Worthy, J. Belyea, St. John.  
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Corwin Hal, P. Smith, Kenkora, P. E. I.

La Copra, P. Smith, Kenkora, P. E. I.  
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Arrangements have been made with the St. John Street Car service for four extra cars, and there will also be several motor busses and taxis so that there will be sufficient conveyances to get the public to and from the grounds. Races will start sharp at 2:30 p.m. Daylight time.

## Archie Walsh Team Winners

The team captained by Archie Walsh, champion candle pin bowler of New England, and composed of three Boston bowlers and two local cranks defeated the Y. M. C. I. bowling team on the Y. M. C. I. alleys last evening. The contest produced some high class bowling and several excellent scores were made. Spillane was the high man of the evening. He made 126 in his first string, and he also had a good third. All the winning team, with one exception, had averages of 100 or over. Jarvis was the high man on the Y. M. C. I. team. Covey and Cosgrove had two good third strings, going over 100. The game attracted a large gallery and every fine piece of work, was loudly applauded.

The score was as follows:

Geo. Magee	108	101	99	308	162
McCurdy	85	77	86	248	82
Pitzpatrick	107	98	95	300	100
Spillane	126	77	117	320	106
Walsh	103	107	97	307	102

527 400 494 1481  
Y. M. C. I.  
Covey .. 86 89 113 288 96  
Cleary .. 87 96 83 266 88 23  
Jarvis .. 108 100 83 301 100 13  
McDonald .. 92 86 85 263 87 23  
Cosgrove .. 95 83 106 284 94 23

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VISIT AMERICA.  
Antwerp, Sept. 3.—The English water polo team, Olympic champions, is to visit the States and Canada in the early spring.



## Motorists always have the "Picnic" Spirit—

they enjoy a relaxation, free-mindedness, happy unconcern, when they drive a car equipped with Tires they know are strong and durable and give no trouble on the road. The Sure Tires, that take you there and bring you back, are the "Gutta Percha" Tires.

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The fact remains, however, that Sinn Fein courts of one sort or another are functioning everywhere. In the month of May and the second half of April, according to the Sinn Fein Bulletin forty criminal and twelve land courts were held in twenty-one counties.

Personnel Often Ignorant.

The personnel of all these Sinn Fein courts, with the possible exception of some of the land courts, is inexperienced and often ignorant. On the other hand, it consists of men who are by no means devoid of intelligence and who are anxious to be scrupulously fair and to make a good record. Their composite acumen is certainly considerably higher than that of the land courts. It would be higher still if the Sinn Fein authorities had not immensely curtailed the field of choice by requiring all members of parish and district courts to speak Irish. As the men in Ireland who really can speak Irish to amount to anything would not fill a small church, it is pretty clear that this rule will have to be

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