

Cumann Geinealais na hÉireann

Ireland's Genealogical Gazette

(incorporating "The Genie Gazette")

Vol. I No. II

www.familyhistory.ie

November : Samhain 2006



GENEALOGY
HERALDRY
VEXILLOLOGY
SOCIAL HISTORY
Heritage Matters
Book Reviews
Open Meetings
News & Queries

CONTENTS

Preserving Your Family History	2
Précis of the October Lecture	2
Military History Sources for the Family Historian	2
James Scannell Reports	3
Scrap the Privacy Bill	3
Diary Dates, Queries & An Daonchartlann	4
Copyright to Arms a Complete Shambles	4

Non-Recognition of Irish Arms is a Disgraceful and Embarrassing Mess

The recent statement by the Principal Herald at the College of Arms in London that he cannot accept the validity of Irish Arms came as no surprise to many outside the Office of the Chief Herald of Ireland. **Mr. Peter Llewellyn Gynne-Jones**, Garter King of Arms, cited the lack of any legal basis for the State's delivery of heraldic services since the State got custody of the records of the last Crown Office in Dublin in 1943. Many in Ireland, including this Society, have been making this very point for years, however, in September 2006, the Chief Herald of Ireland, **Mr. Fergus Gillespie** informed the Society that he was "unaware of any notion that the College of Arms does not recognize the validity of Irish grants". This statement was extraordinary as this Society had already supplied his office with a complete file of letters concerning the unsuccessful attempts by **Mr. John Flynn** of Nottingham, England, to have his 1974 Irish grant recognised by the College of Arms in London. Mr. Flynn asked this Society to raise the matter in relation to the *Genealogy and Heraldry Bill, 2006*. Then last month the Society received an e-mail message from yet another

English herald confirming his doubts about the validity of Irish grants made since 1943. The proof that the London heralds officially did not accept the validity of Irish grants was contained in a letter of October 19th concerning an 1981 Irish grant to an American, **Mr. Guy Power**. In this letter, Garter stated "the transfer of the records of the old Ulster Office was effected 1st April 1943 by *Allocation of Administration (Genealogical Office) Order 1943*" and continued "this order did not include any explicit measure empowering the new Chief Herald to grant Armorial Bearings". In this statement Garter is completely correct as the 1943 arrangement was simply that the English got the title and functions of Ulster's Office and the Irish got the records and treasures which were assigned to the National Library under the Dept. of Education. However, Garter went further stating that "several recent judicial decisions have led to the conclusion that the executive powers of the Republic previously thought to derive from the Royal Prerogative have no such origin". He continued by quoting from the 1997 article by **Mr. Kevin Costello** published in the *"Irish*

Jurist" (32—page 164) - where Costello maintained that "section 13 of the *National Cultural Institutions Act, 1997* entrusts to a new Chief Herald of Ireland the functions of searching, granting and confirming coats of arms. But in view of the ban on prerogative derived powers it is difficult to see from where the power to grant and confirm coats of arms derives." Garter also mentioned the 2002 advice by **Mr. Rory Brady**, Attorney General, that "there was no legislative basis" for the granting of arms by the State. On the other hand, the Chief Herald maintains that no specific legislation was required in 1943 and that the 1997 Act "quite clearly does provide specific legislation". But as the Minister only implemented Section 13 of the 1997 Act in May 2005, if the Chief Herald is correct, then some would argue, that Ireland has the youngest heraldic authority in the world. If so, what about the hundreds of grants made between 1943 and 2005 - are the rights of these grantees simply forgotten? This heraldic mess needs urgent Ministerial attention as it is an enormous embarrassment to the Irish legislative process and to the Office of the Chief Herald of Ireland in particular.

Senators Pledge Support for the Bill

During September and October, the Society's new Public Relations Officer, **Mr. Luke Martin, MGSJ**, wrote to each of the Senators in Seanad Éireann on the *Genealogy & Heraldry Bill, 2006* seeking their support for the Bill. Luke explained the many provision of the Bill, including a long overdue facility for the recognition by the State of excellence, service and achievement by citi-

zens and members of the Irish Diaspora. There was great support pledged for the Bill by Senators from all sides of the House, many noting that its provisions were not politically divisive and important culturally. This very point was made by **Senator Brendan Ryan** when he introduced the Bill before the summer recess. The publication of this Bill is an opportunity for all with a genuine interest

in Irish genealogy and heraldry to participate in the structured development of this sector through the provision of a sound legislative basis for such. The goodwill shown by all sides of the Irish political divide towards this proposed legislation is heartening. The Society is very grateful to all the Senators who offered their kind support for this very important piece of heritage legislation.

Preserving Your Family History

Whether one is new to genealogy or not, we all have one thing in common—the hope that the fruits of our long hours of research will be preserved, appreciated and enjoyed by future generations. Many of us embarked on our genealogical quest with precisely this objective in mind as we see our children and grandchildren grow up all too quickly before our eyes. Besides leaving our gene imprint behind and, of course, that of our ancestors in the process, we would like to pass on our unique family story. This story, our own story, is what makes us what we are and it is this we come to see in our children and grandchildren as they progress through life. We make continued reference to the similarities and traits of personality they share with people, though long since passed on, who we knew personally. We remember them well, but to others they're simply names and sometimes faded photographs and nothing else. Little or nothing of their lives and times will remain after we, the custodians of their story, too meet the inevitable. Sometimes in families there appears to be little or no interest in the family history. We seem to be labouring in vain

as every new piece of our jigsaw we enthusiastically uncover meets with, yet another, protracted yawn from family members. Our copious notes, many folders and hundreds of assorted documents are lovingly treasured by each of us as we continue our quest for one elusive ancestor or relative after another. But is all our work to no avail if interest in our quest is not shared by spouse or family? Could we face the prospect of all our papers and files ending up as landfill or environmentally recycled? Yes, it could and indeed, does happen when this interest in family history is not shared by the current generations of family members. But this appalling vista of cherished research being dumped is not insurmountable. We can and should provide for future generations whose interest in our subject matter may well equal or surpass our own. This can easily be facilitated in two ways, firstly by ensuring that we make provision for our papers in our Will and secondly, by publishing our family story in, for example, the Society's journal. This will ensure that not only our descendants but all with connections to the family will have the benefit of our research.

ESSAY COMPETITION

Do you enjoy researching your family history? Have you discovered anything surprising, unusual or unexpected during your research? What has the experience of finding out who your family were and how they lived meant to you? If your family history is something that is important to you why not write it down and submit it to **Eneclann's Genealogy Essay Competition**. Eneclann in conjunction with "*Irish Roots Magazine*", is sponsoring the competition. The first prize is €500 (US\$650 : UK£350) and will be published in "*Irish Roots*". There are also lots of runner up prizes. Entries should be a maximum of 500 words entitled "*Why my Family History is important to me*". Every entry will get a €5 discount on any Eneclann or Archive CD Books purchase. See the Eneclann website www.eneclann.ie The judging panel will be chaired by **Mr. John Grenham**, author of *Tracing your Irish Ancestors*, and will include **Mr. Tony McCarthy**, editor of *Irish Roots Magazine* and **Ms. Fiona Fitzsimons**, MAPGI and Director, Eneclann.

Précis of October Lecture

Dr Siobhán FitzPatrick was our guest speaker on Tuesday October 10th 2006 on the **Royal Irish Academy** in Dublin. As the Librarian at this very important national archive dating from 1785. "The Academy has remained at the centre of the serious study of Irish civilization ever since (1785) for although all sorts of more or less ephemeral societies sprang up with similar objectives, none of them competed with the Academy, which laid down the standards of scholarship that by the end of the nineteenth century had made 'Celtic' or Irish studies a rigorous discipline attracting continental as well as local scholars of the highest calibre". This quotation from F.S. Lyons (1979) couldn't be

more accurate an assessment of the importance of this institution to Irish studies. Dr. FitzPatrick brought the meeting through the various collections at the Academy and explained the accessibility of these resources to Irish scholarship and, of course, to the study of genealogy and local history. Also outlined were the various research projects undertaken by the RIA, including the Dictionary of Irish Biography; the Irish Historic Towns Atlas; Dictionary of Modern Irish; New Survey of Clare Island; Dictionary of Medieval Latin from Celtic Sources; Documents of Irish Foreign Policy and the Irish Council for Bioethics. But more particularly to genealogical studies, Dr. FitzPatrick outlined

the relevant local studies, maps and other relevant collections. Information packs were distributed to all in attendance. See:- www.ria.ie

SOCIETY'S LECTURE PROGRAMME

On Tues. Nov. 14th **Patrick-Wyse Jackson** of the Dept. of Geology, Trinity College Dublin, will speak on "**Sir Richard Griffith (1784-1878) public servant, valuator and geologist**". The man responsible for Griffith's Valuation Survey. Finally, on Tues. Dec. 12th **Eileen Ó Dúill**, MAPGI, professional genealogist, will speak on the topic "**The Four Courts Fire of 1922**"- what was lost and what survived?

Military History Sources for Family Historians

Three new publications from the **Federation of Family History Societies** are definitely a must for the Christmas stocking of any family historian with an interest in military matters. These volumes by **Phil Tomaselli** deal with two 19th century campaigns by British imperial forces and the Anglo-Boer War of 1899 to 1902. Tomaselli describes the background to each and provides an account of the existing records, types of medals and published sources available in each case. The first publication - "*The Crimean War 1854-56*" (ISBN 1 86006 195 8) has

much of interest to Irish researchers as the following regiments were involved:- 88th Rgt. Connaught Rangers; 4th (Royal Irish) Rgt. Of Dragoon Guards; 6th (Inniskilling) Dragoon Guards and in the "Light Brigade" the 8th (King's Royal Irish) Rgt. Of Light Dragoons. Also, involved were 18th (Royal Irish) and the 97th (Earl of Ulster's) regiments. The second publication is on "*The Zulu War 1879*" (ISBN 1 86006 194 X) where the 88th (Connaught Rangers) 1st Batt. Connaught Rangers took part. The third volume concerns the greatest

campaign of the three "*The Anglo-Boer War 1899-1902*" (ISBN 1 86006 197 4) where the British committed 447,435 men into the field with losses of circa 42,000 to war and disease. Men and regiments were drawn from Great Britain's once far-flung empire, including Ireland. This was a bloody campaign in which 87,000 Boers fought with losses of over 7,000 and, according to Tomaselli, between 18,000 and 28,000 civilians who died in British detention camps. Each of these exceptional volumes is priced at UK£4.95 See: www.genfair.com

James Scannell Reports...

NEW RESOURCES

The Dublin City Archive and Library, 138-144 Pearse Street, Dublin 2, has extended its collection of LDS microfilms with the acquisition of several new additions with the current holding of Indexes to the Civil Records of Births, Marriages and Deaths for the Republic of Ireland expanded to cover the 1950's and also Northern Ireland for sections of the 1930's, 1940's and 1950's. The Rotunda Hospital Records cover the period 1797-1882 and include the Register of Labour Patients and the Master's Ward Books. The Register provides details of the names of the mother and father, the number of other live births experienced by the mother, the sex, weight and name of the child and when born. Later registers list the profession of the father. The Ward Books provide more medical type information as they were essentially the records maintained by the medical staff but do include the names of the parents and the dates of the births. Both the Registers and the Ward Books are invaluable from the point of view of both family history and the insight they provide into

social history and medical practice at that time. The Constabulary Records include the individual service records of members of the Royal Irish Constabulary, 1816-1922, and contains detailed information on the individuals concerned, including place of origin, occupation prior to joining up, transfers, promotions, injuries and reasons for leaving the force which included emigration, the inadequacy of the pay and simply 'to go home'.

OLD DUBLIN SOCIETY MEDAL Every year the Old Dublin Society awards its medal to the presenter of the most outstanding paper read to the Society in the preceding year and is presented to the recipient at the first meeting of the Society in October each year by the current Lord Mayor of Dublin who by tradition is member No 1 of the Society and is presented with his/her membership card and a copy of the *Dublin Historical Record* at this meeting of the Society. In October 2005, **Mr. Cormac Lowth** was presented with the Society's Medal for his paper on 'Shipwrecks in Dublin Bay' and at the October 2006 meet-

ing, the President of the Old Dublin Society, **Rev. D.A. Levistone Cooney** was presented with the Society's Medal by the current Lord Mayor, **Cllr. Victor Jackson**, for his paper on 'A Dublin Architect - G.F. Beckett'

GS I BIENNIAL JOURNAL

The Board of the Society apologises for the late publication of the Society's biennial journal. Copies should have been despatched in June to all members, however, problems with our regular printer caused considerable delays. A new printer has been sourced and the Editor is planning to have Volume 1 despatched this month with Volume 2 between the end of November and mid-January. Another problem encountered by the Editor is the slow down in the flow of articles. This is unfortunate as many of us have amassed a great deal of information that is very worthy of publication. Why not preserve your family's story in print in the pages of the journal? Contact the Editor, **Ms. Margaret Conroy**, MGS I at editor@familyhistory.ie

Scrap the Privacy Bill, 2006

Since this newsletter highlighted the ridiculous anomaly concerning information extracted from public records thrown up by the *Defamation Bill, 2006* and its rather cumbersome bedfellow, the *Privacy Bill, 2006*, many people have contacted the Society in sheer disbelief at what is proposed. The Society's concerns were taken up by the Irish edition of "The Sunday Times" on October 8th. Indeed, many senators on reading the piece in last month's Gazette indicated that they would raise this anomaly during the passage of the Privacy Bill, 2006. Members at the October Morning Meeting were simply stunned at the stupidity of the situation which permits as a defense the accurate sourcing of

information on an individual contained in a public register in the Defamation Bill, 2006, but specifically excludes such a defense in the Privacy Bill, 2006. Launched together on July 12th by the Minister for Justice, Equality & Law Reform, **Mr. Michael McDowell, TD**, these pieces of proposed legislation have alarmed many sectors, most notably, the print media and investigative journalists. A broad but cautious welcome for the long promised Defamation Bill, 2006 contrasts very sharply with the anger, fear and disbelief greeting the Privacy Bill, 2006. With no clear definition of privacy in this Bill many see it as an instrument to silence or to threaten litigation to ensure

media silence. The real and terrifying prospect of the creation of a climate of fear of litigation is causing many to view this Privacy Bill with alarm and suspicion. Our legislators have an obligation to the people of Ireland to pause and think before proceeding with this Bill and to consider what type of society could such legislation encourage in Ireland. With the citizen's right to privacy already enshrined in our constitution, many believe that this Privacy Bill is fundamentally flawed, dangerous, undesirable and, in many respects, unnecessary. Whilst this Society previously sought exclusions in the Bill for bona fide genealogical research, scrapping this Bill altogether would be a far better option!

Membership of the Genealogical Society

Membership fee renewals will fall due next month for the period January 2007—December 2007. The Board of the Society at its November 2006 meeting conducted the normal annual review of the **Membership Fee** structure and under *Res: 06/11/514* the Board agreed that the following Membership Packages should remain unchanged. **Ireland:-** Offering ordinary membership of the Society, Membership Card, voting rights, use of the Society's Archive, monthly newsletter by mail, biannual Journal by mail, and the right to purchase the Society's

publications at Special Members' prices of up to 50% off selected publications. This also includes an optional second Membership Card for a household member, including voting rights, for an all inclusive cost of just €30.00 per annum. **Overseas:-** Offering the same at €40.00 per annum. Remember you can save time by renewing your membership on line on the GSI website www.familyhistory.ie/shop

New Members are always very welcome whether from home or overseas.

OLD IRISH GRAVEYARDS

Eileen Hewson, FRGS, MGS I, has announced the publication of two invaluable sets of memorial inscriptions. **County Leitrim** in four parts and **County Cavan** in five parts. These sets contain circa 3,000 inscriptions from Leitrim and circa 4,500 from Cavan. Price UK£20 plus p+p of UK£2.20 (EU) & UK£4.00 (World) for Cavan & UK£16 plus p+p UK£2.00 (EU) & UK£3.75 (W) for Leitrim from:- Eileen Hewson, FRGS, MGS I, 19, Foxleigh Grove, Wem, SY4 5BS, England

IRELAND'S GENEALOGICAL GAZETTE

is published by the

Genealogical Society of Ireland

11, Desmond Avenue, Dún Laoghaire, Co. Dublin, Ireland

E-mail: GAZETTE@familyhistory.ie

Website: www.familyhistory.ie

JOIN ON-LINE

@

www.familyhistory.ie/shop**DIARY DATES**

Tuesday Nov. 14th & Dec. 12th 2006

Evening Open MeetingDún Laoghaire College of Further
EducationCumberland Street, Dún Laoghaire
20.00hrs—22.00hrs

Wednesday Nov. 22nd '06 & Jan. 24th '07

Morning Open MeetingWeir's, Lwr. George's Street, Dún Laoghaire
10.30hrs—12.30hrs**NO MORNING MEETING IN DECEMBER**

Contribution €3.00 p.p.

(Coffee / Tea included at Morning Meetings)

QUERIES

James Carroll, 13, Amphil Road, Silsoe, Bedford, MK45 4DX, England. E-mail:- jimcarroll35@googlemail.com Wrote:- Seeking info. on my GG Grandfather **James Joseph Carroll** member of the Dublin Trades Council and Irish Republican Brotherhood in the mid to late 19th century. Occupation, a Tailor and active member of the Tailors Union. Farther from Tipperary left during the "great hunger"

Ashley Diane Jane McKnight, 329, Main Street, Sussex, NB, E4E 1R8 Canada E-mail:- gwjzs@stu.ca Wrote:- Seeking info. on Charles and Mary **McKnight**, my grandfather's grandparents. Left Ireland in 1836 and landed in the port of St John, New Brunswick, Canada. They Settled in Lower Millstream, Sussex, New Brunswick. Where in Ireland did they come from?

Debra Stone, Pant y Neuadd, Aberdyfi Road, Tywyn, Gwynedd LL36 9HW, Wales/Cymru E-mail:- pantyneuadd@tiscali.co.uk Wrote:- Seeking any info. on the marriage of **William Smyth** to Elizabeth **Farrington**. They lived at Breffni, Dalkey (Dublin) when their daughter was born 17.01.1891. Poss. had a son called William. William senior was a Legal Accountant in Dublin.

Joann Brosnan, 3998 Franklin Blvd, #47 Eugene, OR 97403, USA E-mail: joannbrosnan@comcast.net Wrote:- My grandfather, Daniel T. **Brosnan**, b. St. Louis Missouri in Dec. 1880. His mother (name?) died in the winter & his father (Daniel) sold his wagon, stock and other travelling supplies in the spring of 1881 and returned to Co. Kerry - where he farmed for the rest of his life. Young Daniel left home at 15 or 16 to work in the Welsh mines as a strike-breaker. Took ship to New York, where he had a relative & worked on the trolley cars and was married and then widowed. Went to California (c.1900) and started a food business in San Francisco. He made his way back to New York and eventually remarried. He had 3 sons and was successful in the "restaurant" (speakeasy) business in the 1920s. Seeking info on his home in Ireland, any record of his birth, existing photograph/s of his three Manhattan restaurants. Any assistance very much appreciated.

NOTA BENE:- Queries are only published at the discretion of the editor and where a mailing address and e-mail address are provided.

FUND RAISING TABLE QUIZ

The Board of the Society invites all of our Members and the friends of the Society to support the Fund Raising Table Quiz to be held on **Wednesday 15th 2006** upstairs at Weir's of Dún Laoghaire, Lower George's Street, Dún Laoghaire at 20.00hrs. Tables of four €40—Bookings to the Hon. Secretary at (01) 284 2711 or by e-mail above.

Copyright to Arms a Complete Shambles

As if the whole question of the validity of Irish grants of arms was not embarrassing enough for Irish heraldry, now difficult questions are arising regarding the copyright subsisting in coats-of-arms. Section 13 (3) of the *National Cultural Institutions Act, 1997* states "the Board shall be entitled to any copyright subsisting in coats of arms granted or confirmed under this section". This means in effect that despite paying handsomely for your grant of arms and indeed, being afforded by Letters Patent the use of such "without let or hindrance" etc., the Board of the National Library of Ireland continues to hold the copyright to the coats-of-arms granted by the Chief Herald of Ireland. The reasoning behind the inclusion of such a provision in the 1997 Act has never been satisfactorily explained and it remains a mystery. Does it mean that it is the responsibility of the Board of the National Library to protect and vindicate the rights of grantees in respect of any unauthorized use of their coat-of-arms by others? Questions arise concerning what exactly is transferred to the grantee by the Letters Patent issued by the Chief Herald of Ireland "by the authority of the Government of Ireland" if not the copyright to the coat-of-arms purchased by the grantee. Latterly it has been suggested that the Letters Patent may only provide a license to the grantee to use a particular coat-of-arms but this is clearly at odds with the wording of the Letters

Patent issued. Section 13 of the 1997 Act was implemented on May 3rd 2005 by the Minister for Arts, Sport and Tourism, **Mr. John O'Donoghue, TD**, by the Statutory Instrument *Bord Leabharlann Náisiúnta na hÉireann (Establishment Day) Order, 2005* (S.I. 219/2005). This was against the advice of many who had insisted that the section was fundamentally flawed and was in need of repeal not implementation. Besides causing difficulties with the whole delivery of heraldic services, this section was inevitably going to create a number of different copyright regimes in respect of grants of arms. Clearly a difference now exists between grants made prior to the implementation of Section 13 of the 1997 Act and grants made thereafter. In addition grants made between 2000 and 2005 may be covered by the *Copyright & Related Rights Acts 2000-2004*. But do the grantees prior to 2000 own the copyright to their arms by virtue of the wording of the Letters Patent? Indeed, it is now unclear whether the wording of the Letters Patent issued by the Chief Herald of Ireland should have been amended to reflect the new governance of the National Library of Ireland in accordance with the above Statutory Instrument. Should the words with "the authority of the Government of Ireland" be replaced with "the authority of the Board of the National Library of Ireland" the owners of the copy-

right? This issue is just another aspect of this fundamentally flawed section of the 1997 Act. The sooner the better this section is repealed by the *Genealogy & Heraldry Bill, 2006* where the copyright is unambiguously transferred by Letters Patent or Certificate to the grantee. The current situation is totally unacceptable, unsustainable, legislatively embarrassing and, quite frankly, a complete shambles.

AN DAONCHARTLANN

As reported last month, a conservation architect's report was commissioned by Dún Laoghaire Rathdown County Council on the Martello Tower at Seapoint, Co. Dublin. This report has now been received by the Board of the Society and its recommendations are being considered by the Board in consultation with County officials. The Tower, which dates from 1804, was restored by the Society during 2003 and 2004 to house the Society's archive and to provide a research centre. It was envisaged that this facility would also provide an educational resource for genealogy and heraldry. Therefore the Board is considering ways to expand our services to include the above and is currently in negotiations with the owners of the building with this in mind. In the meantime, the facility is temporarily closed for maintenance works.