

*‘...Bear in mind not the legalities  
of the past... but the practicabilities  
of the future’*

Michael Collins

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## The 1922 Constitution Committee: A Dramatic Re-enactment

Presented by the National Archives  
& the Courts Service

25 October, 7.30pm, Room 112 Shelbourne Hotel



Watch the recording of the event at this link:  
<https://youtu.be/BWOXqnXYdLM>

A special event developed by the National Archives and the Courts Service to mark the centenary of the adoption of the Constitution of the Irish Free State (Bunreacht Shaorstáit Éireann) by Act of Dáil Éireann sitting as a constituent assembly on 25 October 1922.

An ensemble piece of theatre in the form of a rehearsed reading developed by Director Geoff Gould is taking place in the Constitution Room of the Shelbourne Hotel on 25 October 2022. Based on primary source material stored in the National Archives as well as secondary sources from the private papers of members of the Constitution Committee this event will commemorate the historic work of the Committee.



An Chartlann Náisiúnta  
National Archives



An Roinn Turasóireachta, Cultúir  
Ealaíon, Gaeltachta, Spóirt agus Meán  
Department of Tourism, Culture,  
Arts, Gaeltacht, Sport and Media



An tSeirbhís Chúirteanna  
Courts Service

## Background

Many might believe that the Irish constitution was created in 1937 but in early 1922, a committee chaired by Michael Collins gathered to draft what became the country's first constitution. Under extreme time pressure, four barristers, a writer, a Dublin businessman, an American lawyer and two professors drafted the Constitution of the Irish Free State which provided the framework for our modern-day Constitution of 1937 (Bunreacht na hÉireann). Insufficient credit has been given to this important work.

The constitution that they drafted came into being in 1922. The 1922 Constitution was significant in that it set out basic principles that were adopted in the 1937 Constitution and was determined by a desire to establish, in the words of its Chairman, 'a free democratic constitution'. An undertaking which Collins defined as 'the most important task – more important than the Treaty itself'. This visionary ambition underpinned the work of the Committee once established.

The papers of the Constitution Committee are held by the National Archives, Ireland's official repository of State records. They sit alongside other complementary collections of early Dáil Éireann papers. Collectively, these records chart the most tumultuous and significant period in the nation's history, providing evidence of the decisions which determined the establishment of the State. The Constitution Committee holdings comprise its working papers, research, letters, minutes and various drafts.

### **So why the urgency? Why the short deadline of only six weeks? Why was there this immediate pressure to draft a Constitution for the Irish Free State?**

After the signing of the Anglo-Irish Treaty on 6 December 1921, there was only twelve months to put the foundations in place to ensure that legislation drafted by the Free State Government could be approved by the British Government.



Watch the  
[recording here.](#)

A recording of 'The 1922 Constitution Committee: A Dramatic Re-enactment; can be viewed online at the [National Archives](#) and [Courts Service](#) YouTube Channels

## Background

The Irish Free State (Agreement) Act 1922 was passed on 31 March in the UK and this gave the force of law to the Anglo-Irish Treaty, permitting the Provisional Government to be established. Under this Act, Dáil Éireann was allowed to sit as a 'constituent assembly', the Constitution of the Irish Free State (Bunreacht Shaorstáit Éireann) bill was introduced to the Third Dáil and enacted on 25 October 1922. With this piece of legislation in place, the Irish Free State Constitution Act 1922 was passed by the British parliament on 5 December 1922. This enabled the nascent Irish Free State to come into being on 6 December 1922.



Members of the committee responsible for drafting the constitution of the Irish Free State, 1922

National Library of Ireland, KEN2

From Left to Right: R.J.P. Mortished (Secretary); John O'Byrne, B.L.; C.J. France; Darrell Figgis (Acting Chairman); Ned Stephens, B.L. (Secretary); P.A. O'Toole, B.L. (Secretary); James McNeill (sic); Hugh Kennedy K.C.; James Murnahan (sic), B.L.; James Douglas



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## Members of the 1922 Constitution Committee



### **Darrell Figgis** (Acting Chair)

The son of a tea merchant, Figgis was born in Rathmines, Dublin, and spent his childhood in London and Ceylon (Sri Lanka). He was a well-known literary figure who contributed to the Select Constitutions of the World produced for Dáil Éireann in 1922.



### **Professor Alfred O'Rahilly**

Alfred O'Rahilly briefly served in politics as a Teachta Dála (TD) for Cork City and was later President of University College Cork. A confidant of Éamon de Valera, some of his 'Draft C' version of the 1922 Constitution was incorporated into the Constitution of 1937.



### **CJ France**

CJ France was a lawyer, social security advocate and member of the American Committee for Relief in Ireland during the War of Independence.



### **James McNeill**

James McNeill was a politician and diplomat who served as the first High Commissioner to London and second Governor-General of the Irish Free State (1928-1932).



### **Professor James Murnaghan**

James Augustine Murnaghan served as both High Court Justice (1924-1925) and Supreme Court Justice (1925-1953) and was Professor of Jurisprudence and Roman Law at UCD Law School (1911-1924) where he also taught international law.



### **James Douglas**

James Douglas was a politician and businessman who managed the Irish White Cross (1920-1922) and was an active member of Seanad Éireann (1922-1936, 1938-1943 and 1944-1954).



### **Hugh Kennedy**

Hugh Edward Kennedy was a Cumann na nGaedheal politician, barrister and judge who served as Attorney General (1922-1924), Supreme Court Justice (1924-1936) and Chief Justice of Ireland (1924-1936). He also served as a TD for the Dublin South constituency (1923-1924).



### **John O'Byrne**

John O'Byrne was an Irish judge and barrister who served as Attorney General (1924-1926), High Court Justice (1926-1940) and Supreme Court Justice (1940-1954).



### **Kevin O'Shiel**

Kevin O'Shiel was a barrister, politician and civil servant. A supporter of the Anglo-Irish Treaty, he was assistant legal adviser to the Provisional Government and the Irish Free State and also served in 1922 as adviser to Michael Collins on Northern Ireland.



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## Production Credits

Writer and Director: **Geoff Gould**  
Production Manager: **Kerry Power**  
Co-writer: **Rory O'Sullivan**

## Cast

**Peter Gaynor**  
**Liam Heslin**  
**Garrett Lombard**

**Andrew Murray**  
**Donncha O'Dea**  
**Michael Patric**

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## About Blood in the Alley Productions

Blood in the Alley Productions was set up in 2002 by director Geoff Gould, playwright Micheál Lovett, lighting designer Elizabeth Powell and actor Michael Patric. The company's focus is the staging of new and original theatre as well as exciting and vibrant adaptations of repertoire theatre.

## About the Courts Service

The Courts Service is an independent State Agency established by the Courts Service Act, 1998 to manage the courts and support the judiciary. The Courts Service is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, providing support services to the judiciary, provide information on the courts system to the public and provide court buildings and facilities for court users.

## About the National Archives

Occupying a central role in safeguarding the national memory and identity, the National Archives is responsible for preserving the archives of central government in Ireland. Established in 1988 when the main provisions of the National Archives Act, 1986 came into operation, the National Archives took over the functions and holdings of two older offices – the Public Record Office of Ireland (founded in 1867) and the State Paper Office (founded in 1702) – and now works to ensure the preservation and public availability of the records of central government in Ireland. It also preserves outstanding collections of private archives that complement those from official sources.

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## Acknowledgements

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Geoff Gould would like to acknowledge Brian Farrell's *The Drafting Of The Irish Free State Constitution: 1* (Irish Jurist, Vol.5 No 1. SUMMER 1970. pp.115-140) and Thomas Mohr's *Guardian of the Treaty: The Privy Council Appeal and Irish Sovereignty* (Four Courts Press, 2016) as important references for 'The 1922 Constitution Committee: A Dramatic Re-enactment'.



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