

# Convictions for Homosexual Acts in the Irish Courts, 1922-1993

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## Executive Summary

Until 1993, a range of sexual activities between men were criminalised, and large numbers of men were convicted and imprisoned. Many of those who were convicted were adult men who had engaged in consensual sexual acts. There are publicly-available sources which can be used to supplement files held by An Garda Síochána to shed light on many of these prosecutions, but accessing and using these additional sources may prove challenging.

## Author Note

This Report was commissioned by the Department of Justice Working Group to Examine the Disregarding of Convictions for Qualifying Offences

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# 1. Introduction

The purpose of this report is:

- to provide some background information about the criminalisation of homosexual acts in Ireland from the foundation of the State in 1922 to decriminalisation in 1993;
- to highlight how this criminal legislation affected those who were prosecuted;
- to outline the type, availability and quality of publicly-available records which shed light on prosecutions for homosexual acts, and
- to highlight any challenges or issues raised during the scan of records.

This report does not attempt to produce an exhaustive history of the criminalisation of LGBTQ+ people.<sup>1</sup> It focuses on the prosecution of men for offences under specific legislation which criminalised certain sexual acts. The legislation did not apply to sexual acts between women or involving minority genders.

Researching for this Report involved reading the details of over one hundred prosecutions for homosexual offences. No individual defendants are named in this Report, but the reference codes for the relevant archival records are given.

Part 1 introduces the Report. Part 2 sets out the background to the criminalisation of homosexual acts, explaining what the relevant legislation was, how it was used, and how it affected those who were prosecuted. Part 3 examines the type, availability and quality of publicly-available records which can be used to research individual prosecutions. The Report reaches its conclusions in Part 4, and these are followed by a list of the sources used and an Appendix which provides guidance for those wishing to carry out their own research into these cases.

## *A note on terminology*

Legislation and official documents use the terms 'buggery', 'sodomy' and 'gross indecency' to refer to anal intercourse, oral sex and other types of consensual sexual conduct. This may be offensive to modern readers and this report prefers not to use these terms except where explicitly referring to the relevant legislation or

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<sup>1</sup> For further reading on this subject, please consult some of the sources listed in the bibliography.

quoting from original materials. In other instances, the report will describe relevant sexual activities as anal intercourse, mutual masturbation, sexual touching, oral sex etc, as the case may be. The legislation in question also refers to 'men' or 'males', as do the official records and other materials. The report also uses this language, but it is acknowledged that people of other genders were likely to have been prosecuted also.

## 2. Background

### A. The Relevant Legislation

Anal intercourse, referred to either as ‘buggery’ or ‘sodomy’ was a criminal offence at common law. It was defined as follows:

Everyone commits the felony called sodomy who (a) carnally knows any animal; or (b) being a male, carnally knows any man or woman (*per anum*).<sup>2</sup>

So, the common law offence included anal intercourse with a man or a woman, or any intercourse with an animal. The Offences Against the Person Act 1861<sup>3</sup> did not create the offence but it stipulated the punishment for those who were convicted. Section 61 of the Offences Against the Person Act 1861 stated:

Whosoever shall be convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Ten Years.<sup>4</sup>

Section 61 did not distinguish between sexual acts between consenting adult men and those carried out with animals, women or minors. Section 62 dealt with attempted anal intercourse and related assaults:

Whosoever shall attempt to commit the said abominable Crime, or shall be guilty of any Assault with Intent to commit the same, or of any indecent Assault upon any Male Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years, or to be

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<sup>2</sup> James Fitzjames Stephen, *A Digest of the Criminal Law: Crimes and Punishments* (3rd ed, London 1883) p. 114. A similar definition was given by Ó Síocháin in 1977: ‘having carnal knowledge of another man or woman or of an animal against the order of nature.’ P.A. Ó Síocháin, *The Criminal Law of Ireland* (6th ed, Foilsiúcháin Dlí, 1977), p. 143.

<sup>3</sup> 4 & 25 Vict., c 100.

<sup>4</sup> An Irish Act for the Punishment of the Vice of Buggery was passed in 1634 (10 Char. 1, sess. 2, c. 20). It was repealed by the Offences Against the Person Act 1829 (10 Geo. IV, c. 34). Section 18 of the 1829 Act stated that persons convicted of buggery should be sentenced to death. This was repealed by the 1861 Act. See further McWilliam J in *Norris v Attorney General* [1984] IR 36, 39-41.

imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

The 1861 Act therefore included anal intercourse, attempted anal intercourse, indecent assault, assault with intention to commit anal intercourse. Under section 63 of the Act, sexual intercourse or 'carnal knowledge' meant penile penetration. Proof of ejaculation was not required.

Related provisions included sections 66 and 67 of the Offences Against the Person Act 1861. Section 66 of the Act dealt with persons deemed to be loitering with intent to commit an offence:

Any constable or peace officer may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony in this Act mentioned, and shall take such person as soon as reasonably may be before a justice of the peace, to be dealt with according to law.

Where two men engaged in anal intercourse, both were treated by the law as principals. In other words, both parties were equally criminally liable if they voluntarily participated. Section 67 of the Offences Against the Person Act 1861 stated that principals in the second degree and accessories before the fact could be punished in the same manner as principals. Accessories after the fact could be imprisoned for up to two years with or without hard labour.

Section 11 of the Criminal Law Amendment Act 1885<sup>5</sup> stated:

Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.<sup>6</sup>

This was very wide-ranging.<sup>7</sup> It included oral sex and other forms of sexual touching between men. In the 1950s, a British parliamentary committee was told that most prosecutions under section 11 of the 1885 Act were for mutual masturbation,

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<sup>5</sup> 48 & 49 Vict., c. 69.

<sup>6</sup> As O'Malley, p. 137, notes, section 11 of the 1885 Act was 'full of contradictions and ironies'; it was passed with 'little or no debate'. and its proponents may have been influenced by the recent scandal involving homosexual acts among officials at Dublin Castle. See further Brian Lacey, *Terrible Queer Creatures: Homosexuality in Irish History* (Wordwell, 2008), pp. 135-146 and 147-149.

<sup>7</sup> As Lacey points out, this provision 'vastly expanded the range of the anti-homosexual laws.' Lacey, *Terrible Queer Creatures*, p. 149. One of the first high-profile trials under the new legislation was that of east Belfast MP Edward de Cobain in 1893. Two years later, Oscar Wilde was tried for the same offence.

intercrual intercourse or oral sex.<sup>8</sup> This would appear to reflect the reality of prosecutions under the legislation in Ireland after 1922.

Both sexual partners could be prosecuted. The legislation also covered procurement, which meant asking for or encouraging a sexual act or sexual touching, even if no sexual contact ultimately took place, and even if the person attempting to procure the act did so on behalf of someone else.

The legislation did not distinguish between sexual activity conducted in private and activity carried out in public places. Nor did it take into account whether the sexual acts involved minors. The effect of the presence or absence of consent was not specified in section 11, but where one party sought to coerce or force another, they might be prosecuted for indecent assault on a male<sup>9</sup> or simply assault, in addition to other charges.

The cumulative effect of the provisions in the 1861 and 1885 Acts were that a range of sexual acts between men were criminalised, including anal intercourse, oral sex, mutual masturbation and any form of sexual touching. Issues of age, consent or location were not relevant, so that even acts between consenting adult men conducted in private fell under the legislation. As O'Malley summarised it in the 1990s, the legislation had 'the combined effect of outlawing all sexual acts between males.'<sup>10</sup>

Other legislation was also used in attempts to control homosexual behaviour. For example, in England, the Vagrancy Act 1898<sup>11</sup> dealt with 'soliciting for immoral purposes'.<sup>12</sup> Although introduced primarily to deal with female prostitution, in England it was used to prosecute homosexual soliciting. This legislation was extended to Ireland by section 7 of the Criminal Law Amendment Act 1912,<sup>13</sup> and may have been used in the same way by authorities in Ireland.<sup>14</sup> Further research would be necessary to confirm this, but anecdotally, loitering and public order offences appear to have been used to police same-sex sexuality.<sup>15</sup>

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<sup>8</sup> *Report of the Committee on Homosexual Offences and Prostitution*, Cmnd 247 (London, 1957) para. 105 (The Woolfenden Report).

<sup>9</sup> Under section 62 of the Offences Against the Person Act.

<sup>10</sup> Thomas O'Malley, *Sexual Offences: Law, Policy and Punishment* (Round Hall Sweet and Maxwell, 1996), p. 136.

<sup>11</sup> 61 & 62 Vict., c. 39, s. 1.

<sup>12</sup> Section 1(1) of the 1898 Act, as amended, provides that every male person who (a) knowingly lives wholly or in part on the earnings of prostitution; or (b) in any public place persistently solicits or importunes for immoral purposes, was deemed a rogue and vagabond in accordance with the Vagrancy Act 1824.

<sup>13</sup> See Law Reform Commission, *Vagrancy and Related Offences* (LRC 11-1985), pp. 12-14.

<sup>14</sup> The focus of this report is the 1861 and 1885 legislation. Other legislation which falls beyond the scope of this report includes the offence of indecent exposure under section 4 of the Vagrancy Act 1824, because that offence required an intention 'to insult any female.'

<sup>15</sup> See for example an interview with former judge Garrett Sheehan, who acted as a defence solicitor in the 1970s: Maeve Sheehan, 'Go-to Solicitor who Fought to Keep Gay Men Out of Prison' *Irish Independent*, 24 June 2018,



Another relevant piece of legislation was the Criminal Law Amendment Act 1935, which made it an offence to commit any act which could 'offend modesty or cause scandal or injure the morals of the community' at or in sight of any public place.<sup>16</sup> Common law indecency offences also covered homosexual activities.<sup>17</sup>

## B. The Use and Impact of this Legislation

Academics have examined the frequency with which men were prosecuted under these provisions of the 1861 and 1885 Acts. Between 1900 and 1920, eighteen men were arrested for homosexual offences. From 1922-42, by contrast, over 200 men were arrested.<sup>18</sup> According to another source, between 1962 and 1972 there were 455 men convicted.<sup>19</sup> From 1979 to 1987 there were 247 prosecutions.<sup>20</sup> These figures indicate an increasing number of prosecutions as the century progressed. Focusing on Dublin, Earls finds that between 1937 and 1945, over sixty men were charged with gross indecency in Dublin.<sup>21</sup> She also identifies 1950 as 'the year in which policing of same-sex sex in Dublin peaked';<sup>22</sup> forty-seven men were arrested over a few months at a particular location in the city. It is worth noting that while some of these prosecutions and convictions involved minors or elements of coercion or assault, many did not, and represent the criminalisation of consensual sexual acts between adult men. Such cases are not disaggregated in the available statistics.

An accused person would be charged under the relevant legislation, depending on the nature of the sexual activity. Usually, bail was granted before the trial,<sup>23</sup> but occasionally it was not. Most cases were tried at the Circuit Court before a judge and jury.

The accused person could plead guilty or not guilty. Often there were multiple counts, and they might plead guilty to some and not guilty to others. The most

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<sup>16</sup> In 1985 the Law Reform Commission recommended that both the common law offence of indecent exposure and section 18 of the Criminal Law Amendment Act 1935 be abolished.

<sup>17</sup> See further O'Malley, *Sexual Offences: Law, Policy and Punishment*, chapter 8, for a discussion of the offences of outraging public decency, conspiracy to corrupt public morals.

<sup>18</sup> Averill Erin Earls, *Queering Dublin: Same-Sex Desire and Masculinities in Ireland, 1884–1950* (PhD thesis, Faculty of the Graduate School of the University of Buffalo, State University of New York, New York, 2016), xi.

<sup>19</sup> Chrystal Hug, "Moral Order and the Liberal Agenda in the Republic of Ireland" (2001) 5(4) *New Hibernia Review* 208.

<sup>20</sup> The European Court of Human Rights Norris Case, Memorial of the Government of Ireland, Appendix 2: "Tabular Statement of updated statistics of prosecutions for homosexual offences in Ireland from 1979 to the end of August 1987" (NAI 2019/101/1171).

<sup>21</sup> Averill Earls, "Solicitor Brown and His Boy: Love, Sex, and Scandal in Twentieth-Century Ireland" (2020) 46(1) *Historical Reflections* 79-94, p. 79.

<sup>22</sup> Earls, 'Queering Dublin', x.

<sup>23</sup> For example, State Files at Circuit Court Cork 1935 (NAI CSER/CC/CK 1D-65-48); State Book at Circuit Court - Limerick (NAI CSER/CC/LK 1D-38-119).

common type of evidence was eyewitness testimony, usually from victims or sexual partners and police officers,<sup>24</sup> and sometimes from the accused persons<sup>25</sup>. In some cases there was also medical testimony, particularly in cases involving minors or cases involving coercion or violence. Items of physical evidence, such as money, were also sometimes present.

If the accused was found guilty, the judge would impose a sentence in accordance with the legislation. Sometimes this was a custodial sentence, but in some cases defendants were bound over to keep the peace. Underage defendants sometimes qualified to be sent to borstal instead of prison.<sup>26</sup> Older men tended to receive longer sentences.

The relevant provisions of the 1861 and 1885 Acts were discriminatory and infringed individual rights to privacy and dignity. The prosecutions pursued under these statutes harmed not only those who were prosecuted, but also their families, friends, sexual partners, and LGBTQ+ society more generally. Criminalisation of homosexual acts meant that sexual activity sometimes took place in dangerous situations, and the necessary secrecy increased the risks to individuals' physical safety, sexual health and mental health. As Lacey points out, '[h]omosexual people under such conditions lived in a twilight world and were well-practiced in furtiveness and leading a double life.'<sup>27</sup> Persons engaged in homosexual acts were left open to ridicule, harassment and blackmail.<sup>28</sup> Being followed, questioned or cautioned by police could lead to stress, anxiety and trauma. Prosecution and conviction could lead to incarceration, which brought with it further risks to mental health, physical health, personal safety, as well as impacting upon people's financial security and family life.

## C. Decriminalisation

Irish gay rights organisations began to emerge in the early 1970s.<sup>29</sup> The Irish Gay Rights Movement was established between in 1974,<sup>30</sup> and the National Gay Federation (NGF) in 1979 with full equality for gay men and women as one of its

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<sup>24</sup> For example, a case from October 1943, State Book at Circuit Court, Cork 1943-44 (NAI CSER/CC/CK V15-4-52).

<sup>25</sup> For example, a case from October 1933, State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50).

<sup>26</sup> In October 1935, one defendant, aged 19, was not considered suitable for borstal due to his 'previous bad character.' Instead, he was sentenced to three months with hard labour. State Files at Circuit Court Cork 1935 (NAI CSER/CC/CK 1D-65-48).

<sup>27</sup> Lacey, p. 249.

<sup>28</sup> As Lacey notes, p. 249, the 1861 and 1885 Acts were often considered to be a 'Blackmailer's Charter'.

<sup>29</sup> Patrick McDonagh, *Gay and Lesbian Activism in the Republic of Ireland, 1973-93* (Bloomsbury Publishing, 2021) p. 3.

<sup>30</sup> See further Patrick McDonagh, "Abortion, Gay Rights, and the National Gay Federation in Ireland, 1982-1983" (2020) 29(1) *Journal of the History of Sexuality* 1-27,

objectives.<sup>31</sup> From the early 1980s onward the gay right movement had increasing visibility.<sup>32</sup> In 1977 David Norris had initiated proceedings challenging the constitutionality of sections 61 and 62 of the Offences against the Person Act 1861 and section 11 of the Criminal Law (Amendment) Act 1885. However, in 1983 a majority in the Supreme Court held that these provisions were not inconsistent with the Irish Constitution.<sup>33</sup> In 1988, the European Court of Human Rights held in *Norris v Ireland*<sup>34</sup> that the legislation was incompatible with Article 8 the European Convention on Human Rights.

1988 also saw the emergence of the Gay and Lesbian Equality Network (GLEN), whose members sought to ensure that any law introduced was based on principles of equality. The Sexual Offences Act 1967 in England and Wales and the Homosexual Offences (Northern Ireland) Order 1982 had only decriminalised homosexual acts between adult males conducted 'in private', and retained different ages of consent for homosexual and heterosexual acts. The impact of the law in Northern Ireland was set out by Dudgeon in stark terms:

'Here in Northern Ireland, as in Britain, there have been a series of local round-ups or purges of gay men. These have invariably concerned acts of so-called public indecency and have had no under-age aspect. For each group, eventually rising to twenty men in the Antrim town case, there is almost always a suicide, as the fear of one's name appearing in the newspapers, even after being fined a trivial amount, is totally devastating - event to gay activists.'<sup>35</sup>

Essentially, there were two possible models for legislative reform: a restrictive, minimal approach, similar to that taken in England and Wales and Northern Ireland; or a broader, equality-based approach.<sup>36</sup>

In 1990 the Law Reform Commission recommended the repeal of sections 61 and 62 of the 1861 Act, and section 11 of the 1885 Act.<sup>37</sup> It also recommended that anal penile penetration of children under the age of 17 should be an offence, and that a new offence of child exploitation be introduced. The Commission did not

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<sup>31</sup> See further McDonagh, *Gay and Lesbian Activism*, chapter 1 for a broader discussion of activism during this period.

<sup>32</sup> In 1982 two high-profile murders of gay men, Charles Self and Declan Flynn galvanised public opinion. The Gay Defence Committee was set up in the aftermath of the murder of Charles Self. See Lacey, pp. 252-253. The mid-eighties also saw the emergence of the AIDS crisis, and the various gay rights organisations led the response.

<sup>33</sup> *Norris v Attorney General* [1983] IESC 3; [1984] IR 36.

<sup>34</sup> *Norris v Ireland* [1985] ECHR 13. In *Dudgeon v the United Kingdom* [1981] ECHR 5, the Court had already ruled on section 11 of the 1885 Act.

<sup>35</sup> Jeffrey Dudgeon to Minister for Justice Máire Geoghegan-Quinn, 5 April 1993. NLI IQA Ms 45,977/7

<sup>36</sup> The two legislative options were set out by Department of Justice and Equality in a Draft Memorandum for the Government: "The Decriminalisation of Homosexual Acts" April 1993. NLI IQA MS 45,977/1.

<sup>37</sup> Law Reform Commission, *Report on Child Sexual Abuse* (LRC 32/1990), para. 4.29.

recommend distinguishing between homosexual and heterosexual acts when it came to the age of consent.

Eventually, after significant lobbying<sup>38</sup> and activism,<sup>39</sup> and with a broad spectrum of political support, the Criminal Law (Sexual Offences) Act 1993 decriminalised homosexual acts between consenting adult men. As Wilkinson notes, the passing of the legislation was

the result of the interplay of a number of factors: a long campaign to persuade politicians that reform was necessary; a litigation battle which culminated in a successful judgment from the European Court of Human Rights; and the vagaries of a general election which saw the right politicians in the right place at the right time.<sup>40</sup>

The legislation broadly reflected the recommendations of the Law Reform Commission. Section 2 of the 1993 Act abolished the offence of 'buggery' between persons.<sup>41</sup> The Act provided that the age of consent for sexual activity (whether heterosexual or homosexual) was seventeen. Anal intercourse with a person under the age of 17 continued to be an offence,<sup>42</sup> as did anal intercourse with a person with a mental impairment.<sup>43</sup>

In several ways, the 1993 Act was more liberal and progressive than the equivalent legislation in Northern Ireland or England and Wales.<sup>44</sup> It went beyond acts committed 'in private', and did not distinguish between heterosexual and homosexual acts with minors. In a letter to the Gay and Lesbian Equality Network following the passing of the Act, Jeffrey Dudgeon referred to the 1993 Act as 'an equality law, rather than a minimalist decriminalisation measure.'<sup>45</sup>

The effect of the legislation was that sexual acts between consenting adult males was no longer criminalised.

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<sup>38</sup> See for example the many records held in the Irish Queer Archive in the National Library of Ireland, including NAI IQA Ms 45,976/15.

<sup>39</sup> See further McDonagh, *Gay and Lesbian Activism*, chapter 6.

<sup>40</sup> Brian Wilkinson, "Moving Towards Equality: Homosexual Law Reform in Ireland" (1994) 45(3) *Northern Ireland Legal Quarterly* 252-266, p. 252.

<sup>41</sup> The Act retained the offence of buggery or attempted buggery with animals.

<sup>42</sup> Criminal Law (Sexual Offences) Act 1993, s. 3.

<sup>43</sup> Criminal Law (Sexual Offences) Act 1993, s. 5.

<sup>44</sup> The Sexual Offences Act 1967.

<sup>45</sup> Dudgeon to GLEN (undated), NLI IQA Ms 45,977/7.

### 3. Overview of Publicly-Available Sources

Particularly in relation to the offences in the 1861 Act, in order to distinguish cases involving sexual conduct between consenting adult males from other types of sexual conduct, it is necessary to look at the facts of each individual case.

There are various sources and materials in the public domain which may be of interest to those researching convictions for homosexual offences in twentieth-century Ireland. This includes archival and manuscript collections, academic works and first-person accounts and official publications.<sup>46</sup> The focus here will be on two categories of publicly-available material: newspapers and court records.

#### A. Newspapers

##### i. Availability

A range of regional and national newspapers are available for all of the period in question (1922-1993). These are generally available via subscription-based online databases, including:

- The Irish Newspaper Archives;
- The Irish Times Digital Archive; and
- The British Newspaper Archive.

Such databases can be accessed either at low cost or at no cost via Irish public libraries and the National Library of Ireland (see Appendix).

A full listing of the titles available in the Irish Newspaper archive can be found at [www.irishnewsarchive.com/subscribe](http://www.irishnewsarchive.com/subscribe).

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<sup>46</sup> For example, annual reports from An Garda Síochána. Reports from 1960-1993 can be viewed at <https://www.garda.ie/en/about-us/publications/annual%20reports/an-garda-siochana-annual-reports/>. However, they only provide high-level statistical overviews and use euphemistic and imprecise terminology in relation to some offences,

## ii. Reliability

Newspaper accounts of trials in Ireland are not official reports in the same way that court records or the records of An Garda Síochána are. They can generally be relied upon as accurate reports of what happened in court, but when it comes to the reporting of homosexual offences there are two problems with newspaper sources.

First, the use of vague or equivocal language. Sometimes oblique terms were used in newspaper reporting such as ‘unnatural offence.’ A case reported in such terms could be a homosexual offence, or it could be a case involving incest.<sup>47</sup> Other terms used in reporting included ‘a serious crime’,<sup>48</sup> ‘grave charges’<sup>49</sup> or ‘indecent’<sup>50</sup> or even simply ‘an offence’.<sup>51</sup> On some occasions newspapers did not even specify individual cases, but simply noted that there were a number of ‘indecent’ cases heard on a particular day.<sup>52</sup>

The use of vague terminology in newspaper reports of sexual crimes in twentieth-century Ireland was largely driven by the Censorship of Publications Act 1929.<sup>53</sup> This Act allowed for the imposition of significant fines on newspapers reporting on court proceedings. In relation to ‘judicial proceedings’, it was not lawful to publish ‘any indecent matter’ or ‘any indecent medical, surgical or physiological details’ which might ‘injure public morals.’<sup>54</sup>

<sup>47</sup> For example, a case reported as an ‘unnatural offence’ in the *Nenagh Guardian*, 3 Dec 1927 was found to be a conviction for incest with the defendant’s daughter. State Files at Circuit Court, Clare: 1927 (NAI CSER/CC/CE 1D-39-158).

<sup>48</sup> For example, a trial for buggery in November 1931 resulted in a sentence of seven years penal servitude. The *Evening Echo* simply referred to it as ‘a serious crime.’ The case was listed in the State Book at Circuit Court, Limerick, 1931 (NAI CSER / CC / LK 1D-38-119).

<sup>49</sup> For example, the *Irish Independent* on 19 January 1935 referred to ‘grave charges’ in reference to a case involving a total of 22 counts of ‘sodomy’, ‘attempted sodomy’ and gross indecency. State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50).

<sup>50</sup> For example, the *Cork Examiner* in 1933 referred to a man as having been ‘charged ... with indecency.’ The actual charges were Assault with intent to commit ‘sodomy’ indecent assault on a male person and gross indecency. State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50).

<sup>51</sup> In 1933 the *Cork Examiner* referred to the defendant as receiving a sentence of seven years’ penal servitude ‘for an offence at Blarney’. The defendant in this case was charged with two counts of ‘sodomy’, two counts of ‘attempted sodomy’, assault with intent to commit ‘sodomy’, and three counts of gross indecency. State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50).

<sup>52</sup> For example, on 7 October 1933 the *Evening Echo* reported that there was ‘a heavy calendar’ of cases to dispose of in Cork. It stated that there were 21 cases, and proceeded to list twelve of them, adding simply that ‘the balance of the cases are mainly indecent.’ The *Cork Examiner* on the same day only reported the heavy load of cases, and did not even refer to the fact that over half of them involved sexual offences.

<sup>53</sup> For example, see Anthony Keating, “A Shot Across the Bows of Journalism in the Irish Free State” (2012) 20(5) *History Ireland* 40-42 and Anthony Keating, “Censorship: The Cornerstone of Catholic Ireland” (2015) 57(2) *Journal of Church and State* 289-309.

<sup>54</sup> Censorship of Publications Act 1929, section 14. The proprietor, editor or publisher could be liable, under section 15, to a fine of up to five hundred pounds or up to six months imprisonment, with or without hard labour. Section 14 of the 1929 Act was repealed by the Family Law (Divorce) Act 1996.

Secondly, the general under-reporting of such cases. Not all prosecutions for these offences in the Circuit Court were reported in the national or local press.<sup>55</sup>

### iii. Level of Detail

Newspaper reports of these kinds of trials tend not to be very detailed, compared with reports of other offences such as murder or offences against property. Those trials which were reported were often referred to in the briefest of terms.<sup>56</sup> Newspaper reports alone are unlikely to prove sufficient when researching individual prosecutions.

### iv. Accessibility and Potential Barriers

Newspapers are accessible both in digital form on databases, and on microfilm in the National Library of Ireland and the Public Record Office of Northern Ireland.

Some of the databases are available through public libraries around the country, as well as the National Library of Ireland and University libraries. Membership of public libraries is free of charge and there is no charge to use the online resources. Reader's Tickets for the National Library of Ireland are also available free of charge. University libraries have their own rules for access and may charge a fee. Microfilm newspapers are available at the National Library of Ireland, the Dublin City Library and Archive and the Public Record Office of Northern Ireland.<sup>57</sup>

A certain level of digital and information literacy is needed to access and make use of these materials.

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<sup>55</sup> For example, a case from the Limerick Circuit Court in 1931 did not appear to be reported in any newspapers. The case was listed in the State Book at Circuit Court, Limerick (NAI CSER/CC/CK 1D-38-119), but no reference to it was found in the Irish Newspaper Archive.

<sup>56</sup> For example, in Cork in October 1934 a group of young men were prosecuted for having engaged in a range of sexual activity with one another. There were nine defendants, some charged with over twenty counts, and the charges included 'sodomy', 'attempted sodomy' and gross indecency. State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50). Each defendant was prosecuted separately although the facts were intertwined, and together they took up a considerable amount of court time. The *Irish Independent*, 19 January 1935, simply reported that 'Nine men from the Bandon district, found guilty on grave charges', and went on to list their names. The *Cork Examiner*, 19 January 1935 reported that there were a lot of cases for sentencing, and that the court was crowded. This paper went on to reproduce many of the judge's comments about the individual cases, but without specifying the exact nature of the charges or the sexual conduct.

<sup>57</sup> Print copies of newspapers are available at the National Library of Ireland and the Dublin City Library and Archive, but for conservation purposes, microfilmed and digitised copies are generally used.

## B. Court Records

### i. Availability

There is a large volume of material in the National Archives. The most useful sources are the State Files and State Books.

#### State Books

Individual State Books can be located using finding aids in the National Archives Reading Room. These are essentially summaries of the criminal prosecutions in particular courts.<sup>58</sup> Each Circuit Court would have its own State Book, for example, and there were also State Books for the Central Criminal Court and the Court of Criminal Appeal. They are not usually indexed but the cases are listed in chronological order. It is not generally possible to identify specific categories of cases; it is necessary to work through them manually.

Each county registrar had their own way of recording the information, in terms of formatting, content and the level of detail. Within a particular county there would generally be consistency until there was a change of personnel. The entries were usually handwritten. At the higher level courts, the formatting tended to be more consistent and user-friendly.<sup>59</sup>

There were some broad consistencies; most registrars recorded as standard the date, the court, the judge, the name of the defendant, the legal representatives, the offence or offences with which they were charged, the number of counts, the witnesses' names, the jurors' names, the plea, the verdict, details about bail and any sentence imposed.

The State Books provide a good high-level overview of a particular case. Sometimes they specify the age of the victim or victims if they are quite young, but they do not do this for every under-age person. For greater detail, it is necessary to refer to the State Files for this.

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<sup>58</sup> The Courts Act 1924 provided that there was to be a Supreme Court, a High Court, Circuit Courts and District Courts. The District Court had jurisdiction over minor criminal offences which could be tried summarily without a jury. The Circuit Court had jurisdiction in all but the most serious criminal cases. Before the passing of the Courts Act 1924, criminal offences were prosecuted at County Courts (Quarter Sessions) and at Assizes. See further N. Howlin, 'The Irish Courts System and the Court Houses' in Colum O'Riordan, Paul Burns and Ciaran O'Connor eds, *Ireland's Court Houses* (Irish Architectural Archive, 2019).

<sup>59</sup> For example, the State Book for the Central Criminal Court 1957-61 (NAI 1C-29-47) had tabs for each county.



## State Files

The State Files provide more detail about individual trials. These are often bundles of papers bound with strings or pins stored in a box without an index.<sup>60</sup>

These provide significantly more details than the State Books. Witness statements (depositions) are reproduced in full, and these generally include detailed and sometimes quite explicit descriptions of sexual encounters. Comments made by the judge at the trial or at sentencing are also sometimes included.

They provide more details about the victims / sexual partners of accused persons. The issue of consent is not always explicitly referred to, but these State Files often shed light on whether a particular encounter involved minors or included elements of violence or coercion.

Where a sexual partner is named in the State Files, there is often a separate State File for that person, who was subject to a separate prosecution.<sup>61</sup>

The State Files also typically include more details about accused persons than what is recorded in the State Books. For example, their address is often included, which makes them easier to identify, and previous convictions were also sometimes listed.<sup>62</sup>

## ii. Reliability

These are official sources and can be considered reliable records of trial proceedings. State books and state files are not held in the National Archives for all counties and all years. Coverage is very good for some counties (eg Cork and Dublin), but patchy for others (eg Donegal).

## iii. Sufficient Level of Detail

The State Files and State Books, taken together, provide considerable detail about the cases. A survey of a sample of these sources included prosecutions for a wide

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<sup>60</sup> For example, the State Files at Circuit Court, Dublin 1928 (NAI 1C-140-31).

<sup>61</sup> For example, State Files at Circuit Court Dublin 1928 (NAI 1C-140-31).

<sup>62</sup> For example, in a case from October 1943 the accused had convictions for street obstruction, trespass on railway premises, among other things. State Files at Circuit Court Cork 1935 (NAI CSER/CC/CK 1D-65-48).

range of offences prosecuted under the two acts. This includes buggery,<sup>63</sup> attempted buggery,<sup>64</sup> conspiracy to commit buggery,<sup>65</sup> indecent assault,<sup>66</sup> gross indecency,<sup>67</sup> attempted gross indecency,<sup>68</sup> attempted to procure the commission of an act of gross indecency,<sup>69</sup> assault with intention to commit indecent assault.<sup>70</sup> Some records list the offences as 'sodomy',<sup>71</sup> 'attempted sodomy',<sup>72</sup> or 'assault with intent to commit sodomy',<sup>73</sup> but this still relates to the 1861 Act.

The ages of victims or sexual partners is not always explicitly stated, so it is not always clear whether a particular prosecution involved sexual activity with minors. The age of the defendant is not always stated, but it is clear from the sample of cases reviewed that many prosecutions were against persons in their late teens and early twenties.

#### iv. Accessibility and Potential Barriers

These materials are publicly available in the National Archives and are accessible to skilled researchers. For various reasons, they are not, however, easily accessible to members of the public who do not have specialist skills or experience.

The way the relevant legislation was phrased and used makes it difficult to disaggregate those cases which are to be the subject of a Disregard from those which relate to for example, child abuse. For example, the legislation made no

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<sup>63</sup> For example, a case from November 1931, State Book at Circuit Court - Limerick (NAI CSER/CC/LK 1D-38-11).

<sup>64</sup> For example, a number of cases from October 1940, State Book at Circuit Court, Cork 1936-40 (NAI CSER/CC/CK V15-4-55).

<sup>65</sup> For example, a case from October 1940, State Book at Circuit Court, Cork 1936-40 (NAI CSER/CC/CK V15-4-55).

<sup>66</sup> For example, a case from 4 April 1967 Circuit Criminal Court Dublin Trial Book (NAI CSER/CC/DN V6-25-2)

<sup>67</sup> For example, a case from 5 October 1943, State Book at Circuit Court, Cork 1943-4 (NAI CSER/CC/CK V15-4-52)

<sup>68</sup> For example, a case from March 1937, State Book at Circuit Court, Cork 1936-40 (NAI CSER/CC/CK V15-4-55).

<sup>69</sup> For example, a case from 5 December 1929, State Files at Circuit Court Dublin 1928 (NAI CSER/CC/DN 1C-140-31)

<sup>70</sup> For example, a case from October 1960, Central Criminal Court State Book 1957-61 (NAI 1C - 29-47)

<sup>71</sup> For example, a case from October 1927, State Files at Circuit Court: Dublin (NAI CSER/CC/D IC - 90 - 36).

<sup>72</sup> For example, a case from June 1936, State Book at Circuit Court, Cork 1936-40 (NAI CSER/CC/CK V15-4-55).

<sup>73</sup> For example, a case from January 1934, State Book at Circuit Court, Cork 1933-36 (NAI CSER/CC/CK V15-4-50).

reference to the age of the sexual partner, so generally this information was not set out in the Statement of Offence in the State Book, but it might be set out in the Particulars of Offence in the State Files.

On a practical level, these files are held off-site and must be ordered several days in advance of a visit to the National Archives.

Aside from the barriers to finding and accessing the relevant records, reading the records themselves might be potentially traumatising or re-traumatising for survivors and family members, and this ought to be borne in mind if such persons are considering conducting research.

## 4. Conclusions

This scan was undertaken to ascertain the type and quality of publically available records for convictions related to consensual same-sex sexual activity. Individual survivors or their friends or family members may wish to conduct their own research to supplement an application for a Disregard, but it is important that this should not be a requirement of the scheme. The potential risks to survivors or their family members or friends carrying out independent research into these convictions include the possibility of traumatising or re-traumatising survivors or family members and the risk of compounding the harms that this legislation inflicted upon the LGBTQ+ community.

While there are public records available, there are barriers to accessing the materials. The main barriers I have identified are:

- The volume of material available in the National Archives;
- The gaps in available material;
- The inconsistencies between similar types of records in different parts of the country and at different points in time;
- The terminology used in some of the sources;
- The fact that many of the earlier sources are handwritten rather than typed
- The equivocal reporting and under-reporting of homosexual cases in the national and regional press;
- The need for a high level of information literacy in order to navigate the different sources and finding aids;
- The need for computer and internet access in order to navigate newspaper archives;
- The physical location of official paper sources in Dublin, and the restriction of this availability to certain days and times throughout the week;
- The need to obtain a Reader's Ticket in order to access the National Archives or a Reader's Card to use the National Library.

Some of these are easier to overcome than others. As the National Archives notes on its own website, '[a]rchival research can be difficult and time consuming. The onus is on researchers to ensure they provide themselves with adequate and realistic time-frames in which to undertake their research'.<sup>74</sup>

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<sup>74</sup> [www.nationalarchives.ie/genealogy/researching-family-history/](http://www.nationalarchives.ie/genealogy/researching-family-history/)

Should it ultimately be decided that applications must be supported by documentary evidence I recommend that appropriate resourcing is provided to facilitate this in a manner that does not place an undue burden upon survivors and family members. This could include appointing a Research Assistant on a fixed-term contract to conduct supplementary research into those cases where this is required. This should be a person with appropriate masters or doctoral level research skills, on a salary in line with the Irish University Association's Researcher Salary Scale. This could be a twelve-month appointment stretched pro-rata over a longer period to allow time for survivors and family members to come forward.

If, however, a decision is taken that individual research is to be conducted by survivors or family members, I recommend that steps are taken to support these individuals. This could include, for example, introductory research skills workshops delivered at community level and in collaboration with relevant outreach and support groups. Careful planning would be needed to try to overcome the various barriers outlined above.

## Archival Sources

### **National Archives of Ireland, including:**

- Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Report) (NAI 2004/32/1050)
- Indecent Assault Case File (NAI 2002/16/466)
- European Commission of Human Rights: David Norris versus Ireland (NAI 2016/22/1158)
- The European Court of Human Rights Norris Case, Memorial of the Government of Ireland, Appendix 2: Tabular Statement of updated statistics of prosecutions for homosexual offences in Ireland from 1979 to the end of August 1987 (NAI, 2019/101/1171)
- Court of Criminal Appeal Files (NAI CSER / SC/CCA 8/30)
- Appeals to Circuit Court (appeals Book) 1926-29 (NAI CSER/CC/CK 1D-38-126)
- State Books at Circuit Court: Co Cork Borough 1924-29 (NAI CSER/CC/CK1D-38-115)
- State Books at Circuit Court, County Cork, 1929-32 (NAI CSER/CC/CK 1D-38-120)
- State Books at Circuit Court, County Cork 1930-37 (NAI CSER/CC/CK V15-4-50)
- State Books at Circuit Court, County Cork 1927-32 (NAI CSER/CC/CK 1D-67-1)
- State Books at Circuit Court, County Cork 1930-37 (NAI CSER/CC/CK V15-4-50)
- State Books at Circuit Court, Co Cork: Bandon, Macroom and Skibbereen, 1924-29 (NAI CSER/CC/CK 1D-38-140)
- State Book at Circuit Court, Limerick 1931 (NAI CSER / CC / LK 1D-38-119)
- State Book at Circuit Court, Clare 1927 (NAI CSER/CC/CE 1D-34-3)
- State Book at Limerick Circuit Court 1930 (NAI CSER/CC/LK 1D-42-28)
- State Files at Circuit Court, Dublin (NAI CSER/CC/D IC-90- 6)
- State Files at Circuit Court, Dublin 1928 (NAI CSER/CC/D IC-90-39)
- State Files at Circuit Court, Cork 1935 (NAI CSER/CC/CK 1D-65-48)
- State Files at Circuit Court, Cork, 1926 (NAI CSER/CC/CK 1D-65-35)
- State Files at Circuit Court, Cork, 1930 (NAI CSER/CC/ CK 1D-65-40)
- State Files at Circuit Court, 1930, Cork 1929 (NAI CSER/CC/CK 1D-65-39)
- State Files at Circuit Court, Cork, 1929 (NAI CSER/CC/CK 1D-65-39)
- State Files at Limerick Circuit Court 1930 (NAI CSER/CC/LK 1D-42-7)
- State Files at Circuit Court, Clare 1927 (NAI CSER/CC/CE 1D-39-158)

### **National Library of Ireland: Irish Queer Archive, files including:**

- IQA MS 45,974/1
- IQA Ms 45,977/7

- IQA MS 45,977/8
- IQA MS 45,948/8

### **Newspaper Sources**

Irish Newspaper Archive (online database). Newspapers including:

- *Leitrim Observer*
- *Irish Examiner*
- *Irish Independent*
- *Nenagh Guardian*
- *Irish Press*
- *Evening Echo*
- *Cork Examiner*

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Kieran Rose, *Diverse Communities: The Evolution of Lesbian and Gay Politics in Ireland* (Cork University Press 1994)

Paul Ryan, "The Pursuit of Gay and Lesbian Sexual Citizenship Rights 1980-2011" in Máire Leane and Elizabeth Kiely (eds) *Sexualities and Irish Society: A Reader* (Orpen Press 2014)

David Tomkin, "Homosexuality and Irish Law" (1981) 1 *Identity* 28-31

Brian Wilkinson, "Moving Towards Equality: Homosexual Law Reform in Ireland" (1994) 45(3) *Northern Ireland Legal Quarterly* 252-266



## Reports

*Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution* (Dublin, 1931)

*Report of the Committee on Homosexual Offences and Prostitution*, Cmnd 247 (London, 1957)

Law Reform Commission, *Report on Child Sexual Abuse* (LRC 32/1990)

Law Reform Commission, *Vagrancy and Related Offences* (LRC 11-1985)

## Cases

*Norris v Attorney General* [1984] IR 36

*Norris v Ireland* [1985] ECHR 13

*Dudgeon v the United Kingdom* [1981] ECHR 5

## Legislation

Act for the Punishment of the Vice of Buggery 1634 (10 Char. 1, sess. 2, c. 20)

Offences Against the Person Act 1829 (10 Geo. IV, c. 34)

Offences Against the Person Act 1861 (24 & 25 Vict., c 100)

Criminal Law Amendment Act 1885 (48 & 49 Vict., c. 69)

Vagrancy Act 1898 (61 & 62 Vict., c. 39)

Criminal Law Amendment Act 1912

Courts of Justice Act 1924

Censorship of Publications Act 1929

Criminal Law Amendment Act 1935

Sexual Offences Act 1967

Homosexual Offences (Northern Ireland) Order 1982

Criminal Law (Sexual Offences) Act 1993

Family Law (Divorce) Act 1996

## **Appendix:**

# **A Quick Guide to Conducting Research on Individual Convictions**

## A Quick Guide to Conducting Research on Individual Convictions

This document explains how to get started with research into individual convictions for homosexual acts.

Until 1993, a range of sexual acts were prohibited by legislation. The two main pieces of legislation were:

- The Offences Against the Person Act 1861.
  - ◆ This criminalised anal intercourse, referred to in the legislation as ‘buggery’ and sometimes referred to as ‘sodomy’.
  
- The Criminal Law (Amendment) Act 1885.
  - ◆ This criminalised other forms of sexual acts and sexual touching, referred to in the legislation as ‘gross indecency’

There are two main types of sources publicly available for those who wish to conduct research into individual convictions for homosexual offences. These are:

1. Old newspapers
2. Old court reports.

Each of these present different challenges for survivors or family members who wish to conduct research into specific cases.

### 1. Accessing Old Newspapers

National and local newspapers published between 1922 and 1993 often reported on criminal trials, and they often published the names of people who were prosecuted and convicted. These can be accessed in 3 ways: online, as microfilms, and as hard copies.

## a. Online Databases

Many old newspapers have been digitised (scanned) and are available online. They are generally available on databases.

### *i. Where can I access the databases?*

Some of these databases are available through public libraries around the country, as well as the National Library of Ireland and University libraries.

Membership of public libraries is free of charge and there is no charge to use the online resources. Details about individual branches and their opening hours can be found at [www.librariesireland.ie/](http://www.librariesireland.ie/).

Reader's Tickets for the National Library of Ireland are also available free of charge. Details about opening hours and how to obtain a ticket are available at [www.nli.ie/](http://www.nli.ie/).

Access to University libraries is usually restricted to current students or graduates, but each University library has its own rules and procedures in relation to external visitors. A list of University libraries and links to their websites is available at <https://conul.ie/about-us/>

### *ii. Which databases should I use?*

There are a number of different databases available. Each of them is slightly different but they are all fully searchable. Here are the three most useful:

#### **The Irish Newspaper Archives** ([www.irishnewsarchive.com/](http://www.irishnewsarchive.com/))

This database includes dozens of regional and national Irish newspapers for the period 1922-1993. It is available in full-time branch public libraries, via a Library PC or using one's own device. No registration or login is required.

It is also available in the National Library of Ireland, and many university libraries also have subscriptions.

Persons residing outside of Ireland or who cannot otherwise access a free subscription to this database can take out a personal subscription - one month costs from €29.00.

**The Irish Times Digital Archive** ([www.irishtimes.com/search/archive.html](http://www.irishtimes.com/search/archive.html))

This includes copies of the *Irish Times* for all of the period from 1922-1993. It is available in Irish public libraries, either using the library's PCs or using one's own device. No registration or login is required.

The National Library of Ireland also has a subscription, accessible via the Library's Reading Room. Several University libraries also subscribe to this database.

Individual subscriptions to the *Irish Times*, which includes its historical archives, can be purchased for around €12 per month.

**The British Newspaper Archive** ([www.britishnewspaperarchive.co.uk/](http://www.britishnewspaperarchive.co.uk/))

This database includes several Irish newspapers, both national and regional. It is not available via public libraries. A one-month subscription costs around €15 and allows for unlimited searching.

*iii. Searching the Newspaper Databases*

When using old newspapers to search for details about individual cases, it is helpful to start out with as much information as possible - the name of the accused person, when the alleged incident or the trial took place, where it happened, and so on.

Although the Offences Against the State Act 1861 named the offence of anal intercourse 'buggery', this term was not often used in newspaper reporting of prosecutions. Euphemisms were often used, such as 'immoral acts', 'unnatural acts', or 'indecent acts'. These terms might also refer to the offence of 'gross indecency' under the 1885 Act.

More vague terms used to describe these cases include 'serious offence', 'grave offence', 'grave charges,' 'serious crime'

The word 'homosexual' appears rarely. The presence of consent was not reported on, as this was neither an element of the offence or a defence.

Search terms to consider include: buggery, indecency, gross indecency, unnatural act, unnatural offence, indecent act, sodomy, sodomite.

## b. Microfilm and Hardcopy Newspapers

Microfilmed newspapers have been photographed and made available on rolls of film which can be magnified and viewed on special machines. Unlike the digitised newspapers on databases, these are not searchable.

Original hard copies of some newspapers are also held in some libraries, but access to these is restricted if there is a microfilm or digital alternative available.

The National Library of Ireland has extensive newspaper collections, including print and microfilm versions. Details of what is available can be found here: <https://www.nli.ie/en/newspapers-publishing-in-ireland.aspx>

Access to the National Library requires a Reader's Ticket, which is available free of charge.

The Dublin City Library and Archive has both paper and microfilm newspaper collections. A list of what is available can be found here: [www.dublincity.ie/sites/default/files/media/file-uploads/2018-06/DCLA-Newspapers-2017-1.pdf](http://www.dublincity.ie/sites/default/files/media/file-uploads/2018-06/DCLA-Newspapers-2017-1.pdf).

Access to the Library and Archive is free of charge, and requires a Reader's Card.

The Public Record Office of Northern Ireland also has newspapers on microfilm: [www.nidirect.gov.uk/sites/default/files/publications/newspapers-on-microfilm.pdf](http://www.nidirect.gov.uk/sites/default/files/publications/newspapers-on-microfilm.pdf). Access to PRONI is free of charge, and requires a Reader's Ticket.

## **b. Accessing Old Court Records**

Most trials for homosexual sexual acts took place in the Circuit Courts around the country. Some were also held in the High Court. The records for these courts are held in the National Archives of Ireland on Bishop St in Dublin 2. Full details about how to access and use the National Archives are available at [www.nationalarchives.ie/](http://www.nationalarchives.ie/).

There is no complete online catalogue for the National Archives. It is necessary to visit the Archives in-person to find out what is there. Entry to the Archives of Ireland is free of charge, but it is necessary to have a Reader's Ticket.

There are finding aids in the Reading Room to help readers identify which documents they wish to see. These are binders containing lists of files and boxes which contain documents. Archivists and staff are available to help researchers to search for relevant items.

Most of the records relating to criminal trials are held in an off-site storage facility, and need to be ordered several days in advance of visiting. It may therefore be necessary to plan for two visits: one to look through the finding aids and decide what boxes and files to request, and a return visit to read through the documents.

Most of the prosecutions or homosexual offences were in the Circuit Court. The most useful sources are likely the State Files and State Books.

State Books: These are essentially summaries of the criminal prosecutions in particular courts. Each Circuit Court would have its own State Book, for example. They were usually large ledgers with handwritten entries listing all of the cases heard in that particular court. They usually included basic information about each case, including the name of the accused person, the offences with which they are charged and the sentence they received.

State Files: These are often bundles of papers stored in boxes. They provide more detail about individual trials; for example, they include statements by witnesses and more details about the circumstances of each case.



*Researcher's Checklist:*

- Do I know whether the person was convicted, acquitted, cautioned or arrested?
- Do I know the full name of the convicted person?
- Do I know when their trial took place? (eg month and year?)
- Do I know where their trial took place? (eg which county or city?)
- Have I checked the National Archives Opening Hours, booked an appointment and applied for a Reader's Ticket?

The National Archives website has useful information for first-time researchers here: <https://www.nationalarchives.ie/historical-records/getting-started-with-archival-research/>