

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA -1913-21

No. W.S. 707

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BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

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**Witness**

Michael Noyk, LL.B., Solicitor,  
65 Lower Leeson St., and  
12 College Green, Dublin.

**Identity.**

Legal Adviser to  
Arthur Griffith and Michael Collins.

**Subject.**

National events 1910-1921.

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Nil

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Statement of Mr. Michael Noyk, Solicitor,

65 Lower Leeson Street, and 12 College Green, Dublin.

About 1909-'10 when I left Trinity College I remember being introduced to Arthur Griffith by Seamus O'Sullivan. At the same time I met Jack Morrow, the artist, who was an intimate friend of Sean MacDermott and Bulmer Hobson. Jack Morrow's house, No. 15 D'Olier Street, was a great centre for people to meet. Bulmer Hobson and Sean MacDermott were regular visitors there. As a matter of fact, Sean MacDermott had an office in No. 12, which was the Irish Freedom Office. Then the circle widened and I became acquainted with Sean McGarry and I used to meet Griffith in the Bailey Restaurant and all the different people prominent in the Movement at that time. The prominent people from England and the North congregated in the Bailey to meet Griffith, knowing that he would be there. Griffith and myself became very close friends and I spent many evenings in his home where I got a very intimate knowledge of his character.

In 1911, on the occasion of the visit of King George V. and his Consort to Dublin, Jack Morrow, the artist, designed a banner with the following legend: "Thou art not conquered yet, dear land", and Martin Murphy, who was a stage carpenter in the Gaiety Theatre, erected the poles for the banner which stretched from Yeates Corner of Grafton Street to Suffolk Street corner. Two stalwart D.M.P. men, who were on duty and looking on in wonderment, did not know whether to regard the banner as a decoration and, lacking initiative, awaited Castle instructions as to the action to be taken. Early the



next day it was duly removed as it did not fit in with the general scheme of loyal decorations of the Dublin of the day.

About 1912, Griffith had a poster prepared as Sinn Féin propoganda, the exact details of which I cannot remember at the moment. The poster was seized by the Castle authorities and he asked me to take up the matter of its return with the Castle, which I did. I got a reply in due course refusing its return as it was regarded as a seditious document.

I was often in Tom Clarke's little shop at the corner of O'Connell Street and Parnell Street with Griffith and Seamus O'Kelly (playwright), who was a personal friend of Griffith and who contributed articles to "Sinn Féin" and "Nationality". At that particular time there was not much stirring except for the few incidents which I have mentioned. The Dublin Corporation, by virtue of its composition of Hibernians and Redmondites, voted in favour of an address being presented to his Britannic Majesty. The then Lord Mayor, ex-Alderman Farrell, who had voted with the opposition, received an invitation to the Royal Garden Party, and it was arranged he attend in imperial state with carriage, out-riders and flunkeys, etc. Sean MacDermott and others, members of the I.R.B. and Irish Freedom, decided to prevent his attendance, and when the carriage had been got ready and the Lord Mayor was about to enter it at the Mansion House, some men unyoked the horses and Farrell was left 'sitting in state'.

About the year 1913, the important item was the Larkin strike in which people took different sides. For instance, Sean MacDermott, Sean McGarry, George

Russell, and the Countess Markievicz were all strongly pro-workers, while Arthur Griffith had a great distrust of Larkin whom he regarded as a destructive force for the purpose of breaking up Irish industry. Although Griffith distrusted Larkin immensely, he had a very high regard for James Connolly, although they were ideologically opposed. Griffith used to recall that on the occasion of Queen Victoria's visit in 1900, a small party, including Maud Gonne, himself (Griffith) and James Connolly, among others, organised a protest and were to address a meeting from a horse and brake in O'Connell Street, and, just as they got to Nelson Pillar, they were faced by a double row of D.M.P. men. The usual Inspector and Superintendent came out to stop them when Connolly seized the reins, lashed the horses and drove through the cordon.

In 1914, after the declaration of war, when Redmond swore the country into the Empire and war, there was a meeting of protest held in the Antient Concert Rooms at which the late Alderman Tom Kelly presided. At that meeting Griffith and Connolly were present and spoke. The late Peadar Macken, who was killed in the Rising, was present and also spoke. He said it would be a good thing if we became a suzerainty of Germany which was immediately greeted with cries of "No!" all over the place. It was some time later that James Connolly put up outside Liberty Hall the famous banner with the legend: "We serve neither King nor Kaiser".

In these days the 'Ship' publichouse in Abbey Street, which was owned by Alderman Davin, a very good nationalist, was a rendezvous for all types of Irish separatists. One met there Major McBride, J.J. Walsh and many others of that type. I remember on one occasion when we were in the 'Ship' and J.J. Walsh came in, Griffith's greeting was: "There goes our first Postmaster-General of

the Republic". Griffith, as events turned out, was prophetic.

The moment the war started "Sinn Féin" was suppressed. Griffith then got out a little paper called "Scissors and Paste". This paper consisted of cuttings from all English newspapers and the total effect was the most damaging propaganda against their war effort. This was genius on the part of Griffith. It took the Castle, with its stupid mentality, a long time to see the effect of this paper which, after a long period, was suppressed.

At this period there was also a little paper called the "Spark", published by the Gaelic Press which was owned by Joe Stanley, also a Volunteer and prominent man in the Movement. It was a two-sheet paper of small dimensions which contained snappy, anti-English articles of a witty nature. The Redmondite Press - "Freeman's Journal", "Irish Independent" and a scurrilous paper called the "Irish Volunteer" used to refer to all truly national papers as the "Mosquito Press".

I remember attending a meeting in the Trades Hall in Capel Street in 1915, which was addressed by Tom McDonagh. His address made a very deep impression and made the objects of the Volunteers very clear. Tom McDonagh was a personal friend of mine. At this time the sham Volunteers of Redmond had been relegated to a position of obscurity in the minds of nationally-minded people of the country.

Between 1913 and 1914 I was introduced by Griffith to a Mr. Joseph Murray who, at that time, represented a very big firm called Hewthorne which had big contracts with the Dublin Corporation. Joe Murray would have been in receipt of an income of about £2,000 a year. He was a very old member of the I.R.B. and any time Griffith required money for any of his papers Joe Murray always put

his hand in his pocket. He also contributed monies to the Freedom Clubs run by the I.R.B. under the direction of Seán MacDermott.

In the early days, between 1910 and 1912, I remember two very good lectures given - one in No.6 Harcourt Street - by Major McBride at which Alderman Tom Kelly presided. He gave his experiences in the Boer War. Griffith was also there and spoke. That was the first occasion on which I met Major McBride and I found him both courteous and gentlemanly. Another very good lecture was given at No. 6 Harcourt Street by the late Seán Gall, who was a great historian and a great personal friend of Arthur Griffith. Seán Gall contributed a certain amount of material to Mrs. Alice Stopford Green's history: "The making and unmaking of Ireland". He was a schoolfellow and lifelong friend of Arthur Griffith. Mrs. Stopford Green was the wife of the wellknown English historian, J.K. Green. In 1911 or 1912, another lecture was given by Countess Markievicz at Dolphin's Barn under the auspices of Dan McCarthy. Joe McGrath was also present there. Between 1915 and 1916 there were a series of raids on Volunteer halls, papers were suppressed and a few men were prosecuted, charged with sedition and offences under the Defence of the Realm Act, (D.O.R.A.). Some of those whom I recall were Bolger from Wexford and Sean O'Hegarty, a brother of P.S. O'Hegarty, and Alex McCabe. I did not act in the cases, but I was present in Green St. as I had to see that the jury acted according to the national conscience. My friend, the late Judge Wyse-Power, along with T.M. Healy defended. There was an acquittal in each case to the credit of the Dublin jury and the annoyance of the Crown.

The next big event, to my recollection, was the O'Donovan-Rossa funeral at which I was present when Pearse made his famous oration.

Griffith was very fond of walking round the liberties of Dublin, being an old Dublin-born man, and I had the privilege of being with him, Charlie Wyse-Power and Seamus O'Sullivan on several walks, and he could always point out places of great historical interest from a national point of view. I recall one particular place he indicated which, I think, has since been knocked down in High Street, where Wolfe Tone was waked. It was here his body was taken after his death by an Orangeman called Dunlavin - a kinsman of his. We used to visit the Brazen Head Hotel in Bridge Street, which had great associations with the United Irishmen, and it is reputed to hold a table at which Robert Emmet wrote. It faced the house where Oliver Bond lived and which has now been demolished.

Coming towards the Easter Friday, 1916, Griffith arranged for a walk with myself, Seamus O'Sullivan, Jack Morrow and the late Judge Wyse-Power, as far as the Lamb Doyle's. We walked out by Rathfarnham and then on to Dundrum railway station where we got a train to Harcourt St. Here we separated, Seamus O'Sullivan and I going in one direction. Before parting with the others, Griffith made a very significant remark while characteristically pulling his tie. He said: "I wonder when we shall all meet again". I was told later by Charlie Wyse-Power that he, Griffith and Jack Morrow went to the Red Bank in D'Olier Street. I went home. At that time Judge Wyse-Power and I used to meet socially, apart from our national interest. Our professions drew us together. He was a barrister and I was a solicitor.

On Easter Saturday morning I went into my office to look at the post and I remember Charlie Power called in to me and said: "Did you hear the news?" I asked: "What news?" "Casement", he rejoined, "has been arrested and I am wondering where he has been taken to". That Saturday

morning was all excitement, and in the evening, as usual, we went into the 'Ship' where there was unwonted excitement. Men who frequented the place and who normally appeared to be joking and laughing were now all engaged in serious conversations. In particular, I remember Charlie and myself greeting Major McBride and Paudeen O'Keefe, who seemed to be in deep conversation. That evening Charlie Power made an appointment to meet me on Sunday morning when we were to go towards Arbour Hill and see if there were any signs of military movement with the object of knowing if Casement would have been taken to Arbour Hill. We saw no sign of any movement there. There was, however, a feeling of tenseness over the city that particular day. In the evening I again met Charlie and we were walking down Westmoreland Street when who should pass but the Lord Chief Justice - Molony, and Charlie said to me: "This would be a dangerous place for him to be walking in certain events". Charlie, therefore, must have known something which he did not convey to me.

I attended my Service on the Monday and, while walking on the South Circular Road, I remember being surprised to see a policeman walking in the middle of the road. As I approached Kelly's Corner I saw several Volunteers on bicycles with guns strapped across their shoulders cycling fast in the direction of South Richmond Street along Camden Street. They must have been part of the firing party who occupied Davy's publichouse at Portobello Bridge and part of the garrison at Jacob's.

At that time the British military did not seem to have a lorry and the troops, as they came in from various parts, were marching.

That Monday evening I met again my friend, Charlie Power; he was staying with a barrister called Robert Kenahan, who lived with an aunt in Victoria Street, South Circular Road. We spent the evening in Kenahan's place drinking some excellent wine. I left there about 12 o'clock and walked home to Emorville Avenue. At that hour there was not a soldier to be seen, but one occasionally heard the crack of a rifle.

At this time ex-Alderman James Kelly had a tobacconist shop at Kelly's Corner and I used to walk down there where a few people collected to hear of any news, and one would see the military passing by. On this particular occasion who should come into the shop but a man named McIntyre who was employed by the Murphy crowd of the Irish Independent. This man used to attack not only Larkin but Tom Foran and Bill O'Brien, in a paper called "The Toiler". He was a very unattractive character. As it was our Passover I had to go home. Later that day, the mad Major Bowen-Colthurst came along with troops and broke into the shop, which they wrecked. Kelly was arrested and McIntyre, who happened to be in the shop, was also arrested. At the same time, Sheehy-Skeffington, a wellknown pacifist, was going round distributing leaflets. He wore a beard and always dressed in knickerbockers and, to a British soldier, would come into the category of a 'Sinn Féiner' or something like that. Bowen-Colthurst had Skeffington arrested and taken to Portobello Barracks, where McIntyre was also taken. There was at this period a very unseavoury gentleman in Dublin, a Scotsman named Dickson, who wrote a blackmailing paper called "The Eye-opener". He was also in Kelly's at the same time as McIntyre. Dickson was purely occupied with blackmailing, but the tragedy of the whole thing was that this Major Colthurst took out Sheehy-Skeffington, Dickson and McIntyre and had them shot out of hand. It was alleged that this Major

was subsequently tried and found innocent. The Asquith Government afterwards set up an inquiry into the matter under the chairmanship of Sir John Simon, which came to naught. Colthurst was subsequently declared insane.

Between 1914 and 1915 Charlie Power and myself defended a man called Jimmy Mallin. An "innocent" soldier went in to get a shave and haircut in Mr. James Mallin's establishment at Eden Quay. The soldier stacked his rifle in the corner and when the toilet operation was completed he discovered that his haversack and rifle had disappeared. A wellknown detective officer of the period, Johnnie Barton, was instructed by the military authorities to look into the matter, and James Mallin was duly arrested and charged with the larceny of the rifle. This was my first appearance in a political case. Charlie Power and myself were assigned to defend James Mallin. The magistrate was one of the most unpleasant and bitterest anti-nationalists one could imagine - Thomas Drury. He was a man of very unprepossessing appearance with a very bad temper and bad manners. James Mallin was acquitted and, as Charlie and I were leaving, to our amazement we saw Jimmy Mallin going up the steps to the witness's box. Charlie said to me: "Get him out quick!" While I was pulling his coat-tails to get him away I heard him say: "I want an apology". Drury's answer was: "Get out of that or I will have you charged with contempt of Court". About a week later I met Johnnie Barton (Detective) in the Empire Music Hall in Dame Street and said to him: "Well, Detective, did you ever get that gun?" "I think", said he, "you know more about it than I do".

In 1917 Professor Liam O'Brien was appointed to the Chair of French in Galway University. He was a man who had been connected all his life with the National Movement



and was a close friend not only of Griffith, but of Eoin MacNeill. O'Brien had been out in 1916 and subsequently arrested and interned in Frongoch. On his appointment as Professor he gave a little dinner party to a number of his close friends in Vaughan's Hotel, Parnell Square. At this dinner Griffith was the guest of honour. There were also present, to the best of my recollection, Monsignor Paddy Browne, who was a Professor of Mathematics in Maynooth at the time, the wellknown poet and writer, Seamus O'Sullivan, Piaras Beaslai, Seán McGarry, Seán T. O'Kelly, etc. I was also present myself. There were different speeches made but the speech of the night was that made by Griffith who spoke with great emotion.

During the course of his speech Griffith stated that the reason he was not out in 1916 was that he was asked to remain out by the leaders on the grounds that he was more useful outside by carrying on propoganda through his papers and otherwise. I referred to Liam O'Brien for confirmation of my recollection and he stated in a letter to me as follows:

"To the best of my recollection what you say is true and you would be safe in giving it to the Bureau. He said the same to me afterwards and I have published it. He said he had sent in a message to the G.P.O. telling them what he thought of them, for leaving him in the dark, (contrary to promise), but that he would join in. He said he got a message back from them saying they wanted his pen and brain to survive the fight for their memory - and not to join in. The only confirmation I ever got of that was from Gearoid O'Sullivan-(Adjutant General to the I.R.A. pre-Truce). He (Gearoid) said he remembered Seán MacDermott saying: "We have got a very nice letter from Griffith". You see

they didn't mind his 'blowing them up'; they knew they deserved it, in a way, but they did appreciate his saying he would join in".

Liam Ó Briain goes on to quote an article by Piarzs Beaslai from the 'Leader' of the 16th December 1944, as follows:-

"A year and a half later (i.e. after Easter Week) a number of us were assembled in Vaughan's Hotel at a farewell dinner to Professor Liam Ó Briain, who was departing for Galway. Liam had taken part in the insurrection and in his speech on this occasion Griffith spoke of the events of 1916 with unusual emotion. He described the effect on him in his lonely cell of the news of the execution of men he had known and honoured. "Something of the primitive man awoke in me", he said, "I clenched my fists with rage and I longed for vengeance. I had not believed they would be stupid enough to do it. Had I foreseen that, perhaps my views on the whole matter might be different."

It is a mistake to imagine, as a lot of people do, that Griffith was a pacifist. He was anything but a pacifist. He always thought that duelling was the right way to settle a matter of honour. On one occasion he whipped a man named Ramsay Colles with a sjambok (a Boer word for a whip) who wrote a scurrilous article on Maud Gonne in a paper he ran called 'Irish Figaro'. Maud Gonne had the sjambok mounted, inscribed and presented to Griffith. Griffith was charged by Colles for assault and sentenced. On another occasion when he was walking home with Seamus O'Sullivan from the Bailey one evening, obviously an Irish-Party man, or maybe an A.O.H. man, made some nasty remark as Griffith was passing and pulled his hat. Griffith turned round and gave him a punch, knocking him down, even though Griffith had very bad sight and had to wear glasses.

Griffith often said to me, when referring to '48 and particularly the Fenian movements, that they were honeycombed with spies and informers, and that would explain his objection to any other physical force movement for fear that the same results would ensue if another Rising took place.

Shortly after the Rising a Prisoners' Dependants Fund was started. Michael Collins, at that time being a comparatively unknown man, was Secretary at the time of the National Aid Association, which had offices in Exchequer Street. With him were also the late Colonel Joe O'Reilly, A.D.C. to President Cosgrave, who was closely attached to Collins, Frank Coughlan and, as far as I remember, the Nunan brothers - Sean and Ernie. A Gift Sale Committee was formed for the purpose of raising funds and I had the honour of being on it. Seamus O'Sullivan and Estelle Solomons were also on it. The latter is now Mrs. Starkey - Starkey being Seamus O'Sullivan's real name. To show how the public mind had changed after 1916, it was amazing the valuable articles of virtu presented, including four canvases by four of the leading painters - Augustus John, Festus Kelly, Sir William Orpen and Sir John Lavery. Unfortunately, the men who had the money had not the intelligence to secure the paintings, ranging from £500 to £250. I used to see Mick Collins every day. He was very young, handsome and full of personality, but still I did not think he possessed the depths which he later showed. He was full of fun and had a keen sense of humour which he exhibited in practical jokes. He had, in addition, a command of language that even a British Tommy might have envied.

I remember after 1916 going to see Griffith in Wandsworth Gaol. He was wearing a beard as he did not bother shaving, but he was in very good heart. I also saw

Sean T. O'Kelly there, who, in contrast to Griffith, only lacked his umbrella, looking as spruce and neat as if he were going to attend Mass at the Pro-Cathedral with the Dublin Corporation on a Christmas Day. At that period also I went down with Michael Corrigan, late Chief State Solicitor, to Knutsford, as I had to visit a friend of mine, Harry Nichols who was a 1916 man, at the request of his relations. I took advantage at the time to visit Dinny McCullough, who was in solitary confinement. I also saw M.W. O'Reilly, who was still wearing his Volunteer officer's uniform. He is now managing director of the New Ireland Assurance Company.

Between 1916 and the return of Griffith there were practically no national papers except one edited by the late Sean O'Keefe, otherwise Sean Ó Cuiv, of the Freeman's Journal, called 'The Irish Nation', and another which appeared was styled 'The Nation' and was run by M.E. Judge. Judge was originally a Redmondite Volunteer who had been wounded in the Howth gun-running in July 1914 on the march from Howth to Dublin when the Volunteers were intercepted at Malahide Road by British troops. There was some other paper, but I can't remember who ran it. On the return from Reading gaol of Griffith, things looked up and the crowd again began gathering in the Bailey and also in Sean Farrelly's publichouse at the corner of Stephen's Green and Grafton Street, now called the Four Provinces. This place was a great centre for Volunteers particularly, and a number of men who might be described as "unknown soldiers" used to foregather there, such as Jack McArdle, Liam Shortall, Peadar Kearney, who was the author of "The Soldier's Song", Jack Toomey, and a man who went by the name of 'Mocky' Comerford. These were all men who had been out in 1916. Generally with Griffith when he went there would be Seamus O'Sullivan and Sean Milroy and a man who was there

for a while who was interned with Griffith - Frank Burke. The latter was a doctor who later became a professor of physiology. Now Griffith immediately started publishing "Nationality" with the same vigour and force as before. Then came the Plunkett election at Roscommon. Plunkett did not, of course, attend Parliament which was the beginning of Griffith's policy of abstention. The Plunkett election had not a great significance from the Sinn Féin point of view as it might have been construed not as an adoption of the Sinn Féin policy but merely as an expression of sympathy with the father of an executed man.

The next election in 1917 was the Longford election which was of great importance and the candidate put forward was the late Joe McGuinness who had been sentenced to death and was serving a sentence of penal servitude. The slogan at that election was: "Put him in to get him out". At that time some of the 'extreme' men did not even want to contest the election and it was with difficulty that a message was conveyed to McGuinness that he should allow his name to be put forward as a candidate. I was at that election. I remember driving down with Griffith and Mrs. McGuinness on the Sunday. We were driven down by Mr. Philip Sayers. It was a fairly hot election as amongst the supporters of the Irish Party were Separation Women, i.e., the women who were receiving separation allowance from the British War Office, and they were not particular as to the language or references they used. I remember seeing the Irish Party procession headed by John Dillon looking very gloomy, and Joe Devlin with a green flag in front which was the Irish Party's flag which they, of course, stated was the true flag of Ireland in contrast to what was, they stated, the "rainbow" flag of the Republican party. One of the pet names for Sinn Féiners then was "The rainbow chasers". This was a very

close election as Longford was a very small county and the young men had no votes. The Irish Party candidate was a cattle dealer named McKenna and, of course, he had all the cattle dealers and ranchers behind him. At that time the adult suffrage had not yet come into existence. On the day of the 'poll' when the votes were counted and the result declared it appeared that McKenna had won. The Director of Elections for McKenna was a man named Hugh Martin who was a very clever ward-heeler politician and knew all the tricks of the game. He was supported by a man known as Stephen Hand, who was John D. Nugent's right-hand man, and also a skilful manipulator where votes were concerned. When the result was declared giving McKenna a majority, Hugh Martin rushed to the window where the count was declared and waved a green flag. However, Joe McGrath, Tom Fugh and Dan MacCarthy - all 1916 men - who were looking after the election on our behalf, demanded a recount. The recount disclosed that a bundle of 100 votes had been counted as 50 votes, with the result that McGuinness was now declared the winner of the election by 37 votes.

After McGuinness was elected, the next big thing was a Convention. At this time it looked as if there might be a split in the movement because Count Plunkett and Rory O'Connor wanted to abolish Sinn Féin completely and start with a new party. Some of the younger men had leanings in this direction too. Griffith was never particularly fond of Count Plunkett and when the latter advocated a new Party instead of Sinn Féin, it looked as if there might be a split. A Convention was called in 1917 in the Mansion House at which all national bodies were represented, including Labour, and presided over, I think, by Father Michael O'Flanagan. I was present. The result which looked like a split was temporarily patched up and it was decided to work together until the remaining prisoners came out of gaol.

Among those who spoke were Father O'Flanagan, Tommy Foran and, I think, Griffith. The whole thing was patched up and ended smoothly, on the surface, anyway.

Shortly after this, the main body of men who had been sentenced to death, including de Valera, were released from the penal gaols. A number of us waited up to see them arrive at Dunlaoghaire, including Michael Collins and Joe Connolly, who was a brother of Seán Connolly who was shot. Gearoid O'Sullivan was there too that morning. Just as the mail boat reached the pier it was a very touching scene when the men all sang "God save Ireland say the heroes". There was a breakfast given afterwards to most of the men by John O'Mahoney at his hotel in Gardiner Street, at which I was present.

A vacancy occurred in East Clare as a result of the late Major William Redmond having been killed at the Front, and de Valera was elected as candidate. This was the 'highlight' of the elections as, while up to this there may have been some doubts as to what Roscommon and Longford stood for, there was no doubt in this election as de Valera made it as clear as daylight that he and the party stood for a Republic and this was the slogan right through his Clare election. This election aroused tremendous enthusiasm and all the prominent men, including those who had been sentenced to death, such as Tom Hunter, Peadar Clancy and others, worked at this election. Our headquarters was the Old Ground Hotel, Ennis, which had a big lawn in front where the men were content to lie on mattresses and, in fact, any place, if they could not get a bed inside, so that they might work for the election. The Irish Party candidate at the time was the late Patrick Lynch, K.C., who was a Clare man and who had been promised an Attorney-Generalship if he succeeded for the Party and subsequently a Judgeship. By a strange irony of fate he

later became an Attorney-General under the Fianna Fail Government. The principal rally took place at Quin, and it might have been regarded as a preliminary to the reorganisation of the Volunteers where about 1,000 men marched from Ennis to Quin in military formation to the meeting. They were commanded by the late Tom Hunter. Liam O'Brien, in his book just published in Irish, has some reference to this.

After the Clare election a convention was called of all the various organisations. The name Sinn Féin had then been adopted, and Arthur Griffith himself proposed de Valera as President. That was really of great importance, and Griffith was elected vice-President of the organisation. Mick Collins was elected on the Council. He was the last elected and only scraped in by the votes of the younger men. This was the beginning of Michael Collins coming to the fore. In the meantime, the Volunteers were being reorganised quietly and being drilled in different halls and taken out on field training. The Castle Authorities were becoming active again and arrests were made. On one occasion I defended 17 young men who were arrested for drilling in a hall at 41 York Street, amongst them being the late Noel Lemass, Dr. Andy Cooney, Sam Irwin and a young man called Broe, who was a sculptor. They were charged and sentenced. To delay matters, I appealed and of course the conviction was affirmed. I forget their sentences.

The next election was the Kilkenny election in August 1917. Our candidate was William T. Cosgrave, later President Cosgrave. This was practically a 'walk-over' as by this time the Sinn Féin had become very firmly established and the Irish Party candidate was a man of no importance. Even though Kilkenny was a limited electorate, one of the leading men in it was the late Peter de Loughry. I was there with



Griffith and Sean Milroy. John MacNeill and Joe Stanley were there too.

I remember being at the Waterford election in March 1918. I went down by an afternoon train on Friday night and when I arrived at the hotel about 10 p.m. it was bitterly cold. I had some food and retired to bed feeling very tired. Our hotel, being the headquarters, was a small one and I was put into some attic at the top of the house. I was dozing off when Dan MacCarthy came in, exclaiming: "Get up, Michael!" "For what, Dan?" I asked. "You will have to go back first thing in the morning", he added, "and get a new election committee to come down as we all expect to be arrested". By this time I was sitting up, saying: "What has happened?" "Well", said Dan, "as we were returning from our committee rooms the Ballybricken crowd began firing bottles at us, and one of our committee men, a law clerk from Waterford, fired a shot and wounded one of the Ballybrickens". The R.I.C. had been all through the hotel it appears, but did not reach my room at the top. Dan said they were making inquiries and that they all expected to be placed under arrest. I was up the next morning about 5 o'clock, got a Dublin train under very cold conditions and, on arrival in Dublin, made my way to No. 6 Harcourt Street, where I saw Paddy Sheenan, who was the secretary, and he brought out de Valera. The latter was very worried as he was going up to Down to address a proclaimed meeting there at midnight. However, an emergency committee was gathered including Griffith, Joe McGrath and the late Joe McDonagh. I forget the others. We all went down to Waterford by an afternoon train. No arrests were made in connection with the shooting incident. As a result of the lay-out of Waterford, which consisted of a lot of narrow lanes and alleys, we had to walk from the committee rooms in twos, as one never knew where a bottle or some such missile would come from either a side

street or alley or archway. No man could walk out singly carrying a Sinn Féin emblem without being almost beaten to death. The Sinn Fein candidate was Dr. White, a Waterford man, and it was, of course, impossible for him to win this election owing to the loyalty of the Waterford people to the Redmond name. Major Willie Redmond, son of the late John Redmond, was the candidate. Again, there was no adult suffrage and the majority of 478 in favour of the Remondite party candidate, Major Willie Redmond, was evidence of this. The loyalty of the Waterford people to Major Willie Redmond was due to the fact that John Redmond had supported Parnell, and that loyalty still persisted even to the late widow of the late Willie Redmond, who was not even a Waterford woman.

At this period Joe Stanley, who was running the Gaelic Press in 30 Upper Liffey Street, and also at a bigger premises in Proby's Lane, which faces 30 Upper Liffey Street, was being continually raided for printing what the Castle called seditious literature. The raids were generally conducted by two notorious detective officers - one, Inspector Love, and the other a Sergeant Smyth, generally known as "Hoofie Smyth". These were engaged in many raids against the boys. Smyth was eventually shot in 1919 as he was not only an obnoxious detective officer, but he also had strong anti-Sinn Féin prejudices, being a Redmondite. These raids were continuous and I used to be getting telephone messages from Joe Stanley to the effect: "Come over, Michael, they are here again". I used to come over and for the purpose of asking Inspector Love for his authority and then I would write an impudent letter to the Castle stating that a person purporting to be an Inspector Love had raided my client's premises without any legal authority and had taken away papers. On one occasion when I called over to Proby's Land they had with them a

detective who was a technician because he dismantled the machinery. The officer in charge at that time was an Inspector McFeely and, as he was not as familiar as Love with what was going on I tried to stall him, but before I could get very far, Detective Sergeant Smyth came forward with a fierce look on his face and said: "Don't mind him; he is only fooling you; proceed with what you have to do". McFeely was obviously afraid of Smyth. The technician who was dismantling the machinery when I challenged him said; with a strong northern accent, "When you behave yourselves you will get your machinery back". As these raids were close to the General Election they were considered great nuisances. At this time Joe Stanley had a shop in 6 Mary Street known as "The Art Depot" which contained hundreds of copies of "The Soldier's Song", "Wrap the Green Flag round me", etc. This place was also raided by Inspector Love and everything in the shop taken away. As the General Election which had been proclaimed by the British Government was very close and adult suffrage for men/<sup>and women</sup> had been introduced for the first time, it was very important that we should have all our propaganda literature ready. In order to stall further raids, I launched an action against Inspector Love for unlawful detention of the pamphlets, and propaganda literature etc., which had been taken from Mary Street. The writ was signed by the late Judge Gavan-Duffy and T.M. Healy, K.C. While the writ had been issued they dare not make any raids having to have respect for their own law. The result of our proceedings was that we got breathing space for about three or four weeks when the Crown brought a motion to have the proceedings dismissed as being frivolous and vexatious and without any justification in law and contrary to the established procedure. Of course, our action was dismissed, but we had got our objective in the breathing space created and our literature was made available.

The adult suffrage not having been introduced for men and women , and a General Election having been proclaimed in November 1918, candidates were put forward for Sinn Féin in every constituency in Ireland including the northern counties. I acted as election agent for Countess Markievicz for St. Patrick's Division which covered the Liberties of Dublin, and which was the most suitable place for a person with the record of Countess Markievicz, as the traditions of Emmet, Tone, Oliver Bond and other United Irishmen were connected with it.

I also acted for Sean T. O'Kelly, the present President, who stood as a candidate for the College Green constituency.

In St. Patrick's Division we were opposed by William Field, who had represented the constituency for about 40 years in the interests of the Irish Party. He was a very picturesque figure with his long white hair and Inverness cape, etc.

The candidate against Sean T. O'Kelly, was one Coughlan Mav Briscoe, an old Dubliner. The greatest enthusiasm prevailed and the Volunteers at the time spent whole nights addressing envelopes, sending off literature, as well as preventing the possibilities of the ex-soldiers creating any disturbances. My two candidates were returned by an overwhelming majority, In fact, all the Dublin candidates were returned. The late Alderman Tom Kelly was returned for St. Stephen's Green constituency. Joe McGrath represented St. James's Division of Dublin City; Michael Staines represented St. Mich~~ans~~'s Division and the late Phil Shanahan represented the Harbour Division, where the candidate was the famous Alfie Byrne. This was the only occasion on which Alfie Byrne was beaten and it proves how strong Sinn Fein had impressed itself not only on the

younger people but on the people generally. At this time Joe McGrath and Madame Markievicz were still in gaol. Staines and Phil Shanahan were out. The first step by Sinn Féin was that all the members elected in its interest, which comprised more than 80% of the returned candidates, abstained from attending Westminster. Sinn Féin, now having got a mandate from the people, proceeded to summon the first meeting of the Dáil at which I was present. It was held in the Mansion House. I think I have the ticket still in my possession.

On the last Sunday of December 1918, there were victory celebrations held in O'Connell Street, various meetings extending from Parnell Monument right down to College Green. One of the principal speakers at one of the meetings was the late Father Michael O'Flanagan. Although the day was bitterly cold, the attendances were tremendous and the greatest enthusiasm prevailed.

The first Dáil met in the Mansion House on the 14th January 1919. The Government was duly elected.

After Sean McGarry had escaped from Lincoln gaol in February 1919, I was present at the Annual Emmet Celebration which was held in the Mansion House. The Poster advertising the commemoration meeting merely stated that it would be addressed by a prominent man, which left the authorities and the public guessing. The detectives were very anxious to get hold of Sean McGarry and, notwithstanding all their efforts, he was smuggled into the Mansion House and smuggled out after delivering his oration without the "G" men being able to effect his arrest. The Volunteers, having now authority from the Dáil as the army of the Republic, began to adopt the name of "Soldiers of the Irish Republican Army" instead of the former name of "Volunteers". Liam Tannam, a prominent I.R.A. man at the time, was charged with escaping from Mountjoy gaol, and

when asked by the magistrate did he get any leave, "Yes", he replied, "I took French leave", which was very appropriate having regard to the fact that Lord French was then Lord Lieutenant.

I remember attending a reception in the Mansion House given to the American representatives, Dunne, Walsh and Ryan. It was timed for 8 o'clock, but as the guests were arriving they were surprised to learn that the place had been cordoned off by military who were looking for Michael Collins who escaped them and afterwards attended the function. The reception was given by Larry O'Neill, the then Lord Mayor.

When conscription was proclaimed for this country all parties combined but, of course, the leavening in the opposition would have come from Sinn Féin and the Volunteers. There were protest meetings held all over Dublin. At one particular one held in James's St. in the 4th Battalion area, George McGrath spoke, and I was called on to speak too. At this period I defended some people including women who were charged under the Defence of the Realm Act for guns being found in their houses.

In or about May 1918, the British invented a German Plot scare which they used as an excuse to round up nearly all the leaders and prominent men they could lay their hands on amongst whom, in particular, was Arthur Griffith. A vacancy occurred in East Cavan and Arthur Griffith was selected to stand as candidate and his opponent was a man called O'Hanlon, who owned the local paper called "The Anglo-Celt". O'Hanlon was a man of considerable influence in the county. Again men came from every part of Ireland to support Griffith's candidature, the highlight of the election being the late Father Michael O'Flanagan who addressed a monster meeting at Kilmaleck. I took part in the election and spent a week in Bailieboro. To show the

enthusiasm that prevailed, a man named Sinclair, who was in partnership with his brother in the antique business, left the business and spent a week or ten days electioneering, with the result that his brother dissolved the partnership. They did a high-class business with the Castle and military people. At this election the Unionists combined with the A.O.H. to defeat Sinn Féin and actual instructions were given to all the Orange lodges to support O'Hanlon.

This was shown in a small way when a number of us, including Liam O'Carroll, Joe Stanley and myself, wanted to go from Bailieboro' to Cootehill where the return was being made. We asked the proprietor of our hotel, who was a Unionist, to provide us with a motor car, and he said he had none available. In the meantime his driver, who was a Sinn Féiner, came in with a car and whispered to us that he had just returned from a journey and consequently our host was again approached to supply us with a car which this time he provided. The result was that we were able to attend the declaration of the poll, which resulted in a smashing victory for Griffith. This was further proof that the people were standing firmly behind Sinn Féin. Shortly after that Griffith was released.

The Dáil, having set up various ministries, including the Ministry of Finance, my services were constantly called on by Michael Collins, who was Minister for Finance, to find various offices for his Department. Amongst the offices I got were offices in 22 Mary Street over solicitors named Daniel O'Grady. Another set of offices were over, I think, 29 Mary Street owned by Geary's, who had a drapery establishment. A very important office was obtained by me in 3 St. Andrew Street, over Messrs. Corrigan & Corrigan, Solicitors. This office was used by Daithí Ó Donnchadha. It was also used by Mr. George

McGrath, Accountant, brother to Joe McGrath. He was subsequently appointed Auditor-General on the setting up of the Free State. In this particular office there was a secret room built into the wall where papers could be kept with safety. In order to secure these, and other offices, I had to resort to all kinds of ruses and, in particular, to appeal to the greed of the various owners, by stating that I would be prepared to pay six, or twelve months' rent, in advance. I always had to give the names of certain people in the Movement who were prepared to lend their names as the tenants, and in other cases, to invent names. One of the most willing parties to lend his name was the late Joseph Murray, to whom reference has already been made. I also obtained offices for the Department of Justice in Henry Street over The Atlantic Wireless College. This office was used by Austin Stack's staff and himself when he came out of Belfast gaol. I spoke to him there a couple of times. I also got an office for Mick Collins for use by Joe Vize. The latter was a Wexford man who had served in the British Merchant Navy and had been awarded a special decoration for bravery, and then fought in Dublin in 1916. He was subsequently a colonel in the National Army. He was a man to whom Michael Collins was particularly attached as owing to his seafaring knowledge he rendered invaluable assistance. (See Beaslai's book). I forget the location of that office. I also got offices for the skeleton staff of Local Government Board in Wicklow Street, at No. 29. This office was used by Kevin O'Higgins and Rory O'Connor. This was the first time I had met the former who was introduced to me by Rory O'Connor. Another office I obtained for propaganda and publicity was located in Molesworth Street. I recollect Robert Brennan calling to me and stating that his department wanted an office and that they would like it in Molesworth Street. This office



was in a house which was tenanted by highly respectable Unionist solicitors named James Henry & Son, and it was through them that the Agreement had to be obtained. Robert and I were debating what name I should give in order to get the office. I suggested that we should use a double-barreled name like Gwynn-Nicholls or Llewelyn-Davis. I eventually decided on the latter which was rather an unfortunate choice as I was not aware at the time that there was a famous lady called Mrs. Llewelyn-Davis who was a particular friend of Michael Collins and, in fact, of all the boys, and who provided shelter for men on the run. Her house was constantly being raided. Her husband, Mr. Llewelyn-Davis was actually solicitor to the British Post Office and, in consequence of her activities, he was dismissed from his position. He was a great friend, not only of Michael Collins, but also Batt O'Connor. Eventually all these offices were raided and both myself and Joe Murray, in particular, were rather nervous as the Agreements might have been discovered and they bore my name on the endorsement page. Luckily, however, they did not seem to get on to this fact. On one occasion a typist came in from the Publicity Department to my office with her copy of the Agreement of the Molesworth Street premises to ask me some silly question, so I took the Agreement and threw it into the fire.

At this particular time I was constantly in touch with Michael Collins in other spheres of activity connected with his position as Director of Organisation, Intelligence and Adjutant General according as he occupied these various positions. Practically every day in 1919 to 1920 I used to receive messages from him which were generally brought by the late Commandant Joe O'Reilly and other members of his staff. The messages were generally addressed 'Solr.' and on the inside commenced 'Micheal a chara' and signed 'M'. In addition, I used to have personal visits from L. Tobin,

Tom Cullen, Diarmuid O'Hegarty, Gearóid O'Sullivan and Rory O'Connor in connection with the various activities of the I.R.A. Besides official visits I used to meet Michael Collins and Frank Thornton practically every night in Vaughan's Hotel. As the Dáil Loan was becoming more popular and making more strides, naturally Dublin Castle became very alarmed and in their desire to find out the source of the money they brought to Dublin in March 1920, a retired Resident Magistrate called Alan Bell, who had a particularly bad name in the administration of the Crimes Act 1880. One day a message was brought to me by either Tobin or Cullen to find out something about the Crimes Act. The exact message was not very clear and I proceeded to read up the Crimes Act. I happened to see Liam Tobin on top of a tram and I asked him what exactly was required of me as the message was not very clear. He got in touch with "the big fella", the name by which Mick Collins was generally known amongst his intimate friends. It appeared that Alan Bell had summoned all the bank managers in Dublin and was holding an inquiry in the old Police Courts and Mick wanted me to get in there and find out what was happening. I then proceeded to the Police Courts and tried to get into the room where the inquiry was being held, but no one was allowed in. On the Sunday night following I met Mick Collins as usual in Vaughan's Hotel and, with a characteristically assumed cross expression, he said "That is a nice way you carried out your duty". I was beginning to say how difficult the task was, but before I could finish my explanation he put out his hand in his usual way and gave me a warm handgrip. A great feature about Michael Collins which I noted, not only on this occasion, but when I was defending MacEoin, was that he did not like excuses when a project was suggested, but it was a different matter if the project could not be carried out. His motto could be described in the words of the Spartan mother who said

to her son: "Come back with your shield or on it". The word "cannot" did not figure in his vocabulary.

Alan Bell, as is well known, was subsequently taken out of a tram at Merrion Gates and shot on the 26th March 1920.

From this on, life became a vision between a gaol, a barracks and a courtmartial. I was constantly being asked to find out the whereabouts of people who had been arrested without trial, and whose location could not be ascertained. I remember on one occasion spending nearly a week looking for Dick Hegarty, Diarmuid O'Hegarty's brother, whom I eventually located in the Royal (now Collins) Barracks. The humorous part of this incident is that Dick told me afterwards that he did not know who was looking for him, and was doing everything possible to avoid being identified.

At this time there were a number of minor courtmartial which I attended, but one particular one was where Countess Markievicz was arrested some time around the end of 1920. She did not wish to be defended, but she asked me to be present in the Court and if she required any information I should be able to give it to her. The courtmartial was held in the Royal Barracks and this was the first occasion when they brought over English leading barristers or what they called The Treasury Counsel. This was the first acquaintance I made of Travers Humphreys, subsequently Sir Travers Humphreys, who had only just retired with a Judgeship after thirty years' service. The famous H.W. Nevison, War Correspondent, was present at this trial. He was a very liberally-minded man who subsequently wrote about the general administration by the British in Ireland in a very unfavourable light from their point of view. As Madame Markievicz did not make any defence, but refused to recognise the Court, there were very few incidents in

the case and she was duly convicted and sentenced. She was not released until after the Truce was signed.

In the meantime, during the latter half of 1920, it was decided by our Government not to go to the English Courts if it could be possibly avoided, and consequently Courts were set up under the authority of the Dáil. The Courts consisted of Parish Courts, a higher Court called The Circuit Court and a Supreme Court. The Parish Court generally consisted of laymen selected from Volunteers, Sinn Féin and Cumann na mBán. The Circuit Courts were administered by legal men and the Supreme Court was administered by the present Judge Davitt, the late Judge Meredith and Diarmuid Crowley. When these Courts had to be held in various parts of the city and with a certain degree of secrecy they were always open to danger of being raided because certain types of people who felt they were in the wrong, such as tenants who were being sued by landlords, were likely to report the matter to Dublin Castle. There was also the type of person who was Unionist by sympathy and consequently would be inclined to report the cases. I attended Courts all over the city. I recall a Court we had in Kevin Street Technical Schools, one of the Judges of which was John Joyce, now a colonel in the army. Another Court was held in the Castle Street Dispensary at which the presiding Justice was Joe McGrath. Generally, I was opposed in a lot of these cases by my friend, Willie Corrigan, a 1916 man.

In the meantime the Auxiliaries and Black and Tans had arrived in Dublin and I was present at a Court in North Great Georges Street, the number of the premises I don't remember, at which Mrs. McHugh, a very good person, whose brother-in-law was an Irish Party M.P. for North Tyrone, was presiding. The Court had hardly been in progress ten minutes when in came a number of British Officers and

Auxiliaries. This was my first meeting with the Auxiliaries and one man in particular impressed me who, I found out later, was the notorious Captain King. The raid was conducted by a British military officer who was fairly courteous and, having asked certain questions, I explained to him that I was acting for a client. However, this showed the 'red light' and when I returned to my office I proceeded to burn and destroy many valuable documents, including countless notes from Michael Collins, Griffith and several well-known people, as I did not wish to involve anybody. My foresight was correct in view of what happened afterwards, and I can claim credit that nothing was found in my premises which involved anybody.

In October or November 1920, I was asked to go down to Limerick by Home Affairs to conduct an alleged arbitration. Unfortunately, the letter to the people in Limerick was sent by post and intercepted by the police. The arbitration was to be held in the City Hall, and I arrived there accompanied by a local solicitor, the late Hugh O'Brien-Ioran, subsequently County Registrar. We had only been there a few minutes when we heard the tramp of men and, looking down the bannisters, we saw the Black-Green uniform of the R.I.C. We quickly unloaded our papers and handed them over to an official in the City Hall who buried them amongst harmless papers. This was a raid conducted by the County Inspector whose name, I think, was Craig. The raiders comprised a District Inspector and a number of constables. I thought I would be questioned and was particularly afraid that the District Inspector might recognise me as he was an old Trinity man. However, as there appeared to be no activity, they did not question anyone and after about ten minutes disappeared. In consequence of the raid the arbitration could not be held.

Shortly before Christmas of 1920, I was invited out to a birthday party of one of the children of Mr. William Sinclair whom I have mentioned in connection with the Cavan election. He lived in a house overlooking the Bailey Lighthouse in Howth. In the party was Mrs. Salkeld, mother of Cecil Salkeld, the artist; the late Pádraig Ó Conaire, the wellknown Irish writer, and Paul Farrell, the then actor and now a medical doctor. After we had our meal we sat round the fire and somewhere about 9 o'clock there was a loud knock at the door, which was an unusual thing in that locality. Mr. Sinclair went out to answer the door and seemed to be a long time away. Suddenly a number of Auxiliaries came into the drawing-room where we were seated, headed by the notorious Captain King. He went over and opened a violin-case, but he did not say anything which to me seemed very strange. However, I soon learned the reason. After about ten minutes, the door opened suddenly and in rushed a British officer wearing a "British warmer". He did not walk across the room, but rushed in, the reason for which I guessed later. Without any ado, he pounced on Pádraig Ó Conaire and seized him by the coat, asking him what his occupation was. Pádraig said he was a writer and he then proceeded to search him and took out a small notebook which Pádraig had, and, on the first page was written the name "Michael Collins". "Ow!", said this gentleman, who, so far, had not disclosed his identity, "you (k) naugh Michael Collins"? "Oh, no", said Pádraig, "that is the name of a dog". He then turned to Farrell and he asked him what he did. Farrell said: "I am an actor". "Ow", continued the officer, "can you recite Kevin Barry? You know", he added, "I am Captain Hardy. None of the others were aware of this "gentleman's" identity, but I happened to know that he was the head of the 'Murder Gang', which did not make me feel too comfortable. He

then turned to me and said: "What do you do?" I summoned all the coolness I could command, knowing the reputation of this "gentleman", replying: "I am a solicitor". Again he said "Ow! Do you know Duggan, the solicitor? He has accused me of torturing Kevin Barry". "Oh, yes", said I, "I know Duggan professionally, just as I know Sir Henry Wynne" who was the Chief Crown Solicitor. With that, Captain King turned round and said: "I have arrested him twice already". "No", I said, "you have not arrested me twice - you are wrong". That evidently knocked him out. Hardy then turned round and, pointing to Ó Conaire, said: "Come along with us". He took Ó Conaire out and a dead silence ensued in the room. One lady who was in the party began screaming: "They'll murder Pádraig!" but I said: "Keep quiet; I am certain they have not gone away yet". I was correct. They came back with Pádraig after about twenty minutes, so we were all delighted to see him again. As Sinclair was preparing to pour out a glass of whiskey, in they came again, and again asked Pádraig to come out. This time we were certain that "he was for it". However, after what appeared to be an interminable delay, Pádraig came back. We all spent a very uneasy night, that night, especially myself, as I knew the identity of Hardy and could not communicate it to the others. I may mention that Hardy had a limp and, in order to disguise it, he walked very quickly so that it might not be noticed. It would, of course, lead to his identification and, needless to say, he was very much sought after by Michael Collins, not exactly for "social reasons".

On the 1st January 1921, the Recorder of Dublin opened his Civil Bill sessions. When there I discovered that a luncheon was to be given to the solicitors and while all the others were being asked to attend it, no mention of the luncheon was made to me. I asked the late Edward

Burns, solicitor, whether this was a private luncheon or whether every solicitor who practised in Green Street was entitled to attend it. On being informed that it was a public luncheon I next asked him would the toast of the King be proposed. He said it would be. I then decided not to go in, but when I went into the solicitors' room to take my gown off, Kenneth Reddin, the present District Justice, came in. I told him that there would be a toast to the King and we both decided not to attend. At this point an Irish Party solicitor called John McDowell came in. He was an intimate friend of John D. Nugent, head of the A.O.H., a solicitor. He asked us were we going in to the luncheon. I told him that the King's health would be proposed and he said: "It would choke me to drink to that". I then said to Kenneth Reddin: "We had better go in as this bombast will say: 'They are nice Sinn Féiners'. The luncheon proceeded merrily. McDowell was seated three tables away from me and when it came to the toast he beckoned to me. I went over to him and he said: "Noyk, we'll stand up and we wont drink". I said to him: "You can do bloody well what you like; I know what I am doing".

The toast of the King was duly proposed accompanied by a chorus of "God bless him", and I sat tight and I am certain Kenneth Reddin did the same. He was sitting away from me.

After the luncheon was finished, all the solicitors crowded round the Recorder, Sir Thomas O'Shaughnessy, to wish him a Happy New Year. Sir Thomas was not only Recorder but also a Privy Counsellor. He came over to me and shook hands with me, wishing me a Happy New Year. I was then féted in great style by all the men who had not the courage to do what I had done, principally the so-called nationalists.



When I returned to my office I received a bit of a 'cooler' because a note had been left for me to defend six men charged with "murder" in connection with Bloody Sunday, all the trials to take place within ten days. I then took a tram to Kilmainham and approached that grim building with a certain amount of misgiving. I gave my name to the sentry and presented my credentials when he asked me to wait a moment and he appeared with a sergeant-major whom, to my delight, I recognised.

I should like now to digress about the Sergeant-Major attached to the Welsh Regiment. During December, a friend of mine called Jim Plant, a well-known bookmaker, and also a friend to Collins and the whole G.H.Q. staff, was arrested. He lived in Waterloo Road which was a beehive of loyalists. His house was used by people 'on the run', particularly the late J.J. Walsh, and it was supposed some 'kind' neighbours gave him away. He was taken to Arbour Hill where I went to see him. I was conducted to him by a sergeant-major who, while I was talking to Jim, kept hanging around the place. I had some cigarettes to give Jim, who was a chain-smoker. I looked at Jim and he gave me the 'tick-tack' with his eyes. I then handed the cigarettes to Jim and on the way out I slipped a pound note to the sergeant-major; so you can realise how pleased I was to see the same sergeant-major. I told him I wanted to see certain prisoners and he said: "Certainly, Mr. Noyk", and I slipped him £2. The result was that after a certain period I had the run of the gaol. Though my visits were supposed to be limited to the number of people I was appearing for, I called to see any other person I knew was in the place.

At this particular time Sean Kavanagh, the present Governor of Mountjoy, was detained. He had been one of

Mick Collins's Intelligence Officers for Kildare and Mick Collins was particularly anxious that I should see him. In order to see him I used the Governor's private office and actually one day when I was talking to him I found the Governor standing over me when I was sitting in the chair talking to Kavanagh. The Governor was an Intelligence Officer. I then went to see the various men I had to defend. One party consisted of James Boyce and Thomas Whelan. They were being charged with the murder of a courtmartial officer called Captain Baggelly who lodged at 22 Lower Baggot Street. Whelan was a soft country boy with a beautiful character and a nice fresh complexion and very talkative. Boyce, on the contrary, was a typical Dublin boy who might almost be described as "a bit of a nark". The first question I put was: "Is there a dictaphone in the cell?", and on being assured by Boyce that there was none, I proceeded to ask a few questions. I was hardly talking for a couple of minutes when the door opened suddenly and in rushed a British officer who turned out to be the Commandant of the Prison. He spoke in a very 'sloothering' voice which I immediately suspected and said to me: "Wont you do everything you can for poor Whelan as he is so nice". Significantly, he made no mention of Boyce and ignored him. I replied: "As a solicitor I do everything I can for my clients". I immediately suspected him and was not far wrong. When he disappeared I opened the cell door and looked into the passage for fear he might be eavesdropping. I then said to Whelan: "Have you been talking to this man?" "Yes", he said, "he was speaking to me". I said: "What did he say to you?". He answered: "He said: 'I admire you as one soldier to another and am interested to know what battalion you belong to". Whelan, excitedly and proudly, replied: "I belong to 'C' Company of the 3rd Battalion, Dublin Brigade". A sudden fear came over me as I knew that that meant Whelan was doomed. He had fallen into the

trap. Boyce, on the contrary, with typical Dublin astuteness, said nothing. I then went to see Frank Teeling, for whom there was really no defence as he was caught red-handed escaping over a wall with a gun in his hand. He was marvellously cool and did not seem to be a bit affected with what might mean his ending on the gallows. I then went to see Paddy Moran, but he was equally cool, and I said I would see him at a later stage. I was then told that Seán Ó nUadhaigh, Solicitor, had been arrested and, though not particularly enamoured of the gentleman, I called in to see him in case he had any messages to deliver either to his office or to his family. On leaving, I was accompanied by my friend the sergeant-major, who carried a lantern, and whose smart steps on the cobble-stones echoed through the passages. He said to me: "Mr. Noyk, do you know a solicitor called O'Hagey or O'Hogey"? I replied: "I do". "Well", he continued, "he is a bleeding nuisance. We are going to get rid of him. He wants all his letters addressed in that bleeding Erse language". In two days or so Ó nUadhaigh was released. He was even too much for the 'Auxies'.

On that occasion I also saw Rory O'Connor, who was arrested at the time on suspicion.

Shortly after 'Bloody Sunday' the Bailey became deserted as it was occupied nearly every night by Secret Service men. I made it a habit never to stop visiting any of the places I had been in the habit of going to, as it would have given rise to suspicion if I had done so. In any event I did not see why I should be made leave any place where I had been going all my life. One afternoon while I was in the bar of the Bailey having a drink at the counter, I saw through a mirror Piaras Beaslai coming in disguised with a moustache and a hard hat. He had a bicycle. He saw me and we both proceeded right across

Grafton Street, Johnson's Court, Dame Street, Crown Alley and across the Metal Bridge into Liffey Street and finally into Higgins's publichouse in Upper Abbey Street. At the end of every street we looked round to see if we were followed, but we could see no one. As curfew was on early we parted about ten minutes before it, Beaslai going north and I south. The next morning when I opened the paper I saw where Higgins had been arrested and all his staff. How they spied us we could never realise as we never saw anyone following us. Years passed by, and in or about 1925, Paddy Fleming, his brother - the late Ned Fleming - and a few of us found ourselves in the vicinity of Abbey Street and we went into Higgins' hall door snug. Paddy Fleming introduced me to Higgins. He said: "Do you know Michael Noyk"? He replied: "I ought to bloody well know him. Was I not arrested and the house raided over him?". My eye then caught an oleograph of Robert Emmet with the familiar cockade, white knee breeches and the wellknown lines by Moore written under it. I said to Higgins: "Surely this was not here when the house was raided?" "Yes, it was", he said, and I asked: "What did they say to it?" He replied: "They looked at it and one of them said: "Gor blimey, bleeding Nelson!" Such is the reverence the British have for their national heroes.

Before going into the details of the trials I would like to give a description of the conditions under which they were held. They were "star-chamber" inquiries. They were held in the Council Chamber of the City Hall which was stripped of all its appointments and furniture. As the ordinary entrance to the City Hall from Cork Hill was not made available you had to enter by the Lower Castle Yard where there was usually a number of Auxiliaries and military. You had to show them your pass. Overlooking the City Hall and the Castle, sentries were posted with

machine guns and rifles. You then passed into the Upper Castle Yard and through a narrow door and passage which led out into Castle Street. Between Cork Hill and Castle Street there was a big barricade erected and the buildings in Castle Street overlooking the City Hall were also manned by military with guns. The courtsmartial were Field General Courtsmartial and stated that the Court had been convened by order of Sir Neville Macready. The Court generally consisted of five high-ranking officers together with a Judge Advocate. They all sat a long table, each with a revolver in front of him. The room was filled with Secret Service men. One could hardly raise one's eyes without being aware of someone's scrutiny, and the names of the various witnesses on behalf of the Crown were not disclosed. The prosecuting Counsel were generally, except where otherwise stated by me, Travers Humphreys, later Sir Travers Humphreys - a Judge of the King's Bench in England, and Sir Roland Oliver, also a Judge of the King's Bench High Court.

My next step was to get Counsel to defend the various prisoners and, though I approached Mr. Tim Healy, then K.C., and subsequently Governor General, the late Patrick Lynch, subsequently Attorney-General under Fianna Fáil, and the late Timothy Sullivan, K.C., subsequently Chief Justice under our Government, they all declined for one reason or another. One can draw one's own inference. My own opinion is that they had not the courage to defend these men, but the extraordinary thing was that all these men became great 'Factionists' after the Treaty and became very active ~~with~~ <sup>when</sup> the 'split' came. I then contacted the late James Williamson, K.C., a good Unionist, who threw himself into the case wholeheartedly, and with him Mr. Charles Bewley and Mr. Charles Wyse-Power. The latter died recently and was Circuit Judge Wyse-Power.

I shall now deal with the first trial - that of Whelan and Boyce. They were charged as follows:-

Charge No. 1.

"The accused James Boyce of 10, Aungler Street, Dublin, Thomas Whelan, 14, Barrow Street, Dublin, Michael J. Tobin, 19, Upr. Sherrard Street, Dublin and James McNamara of 80 and 81 Lower Georges Street, Kingstown, Dublin, civilians are charged with :-

"Committing a crime within the meaning of Regulation 67 of the Restoration of Order in Ireland Regulations, that is to say Murder in that they, in Dublin on 21st November 1920 feloniously wilfully and of their malice aforethought did kill and murder Captain G.T. Baggally. Committing a crime within the meaning of Regulation 67 of the Restoration of Order in Ireland Regulations that is to say Manslaughter in that they, in Dublin on 21st November 1920 feloniously did kill and slay Captain G.T. Baggally".

Charge No. 2.

"The accused, Thomas Whelan of 14 Barrow Street, Dublin, a civilian, is charged with :-

"Contravening the provisions of an order made by the Competent Military Authority under Regulation 9 A.A. of the Defence of the Realm Regulations, and in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say, carrying firearms not under effective military control, in that he, in Dublin, Ireland, on 21st November 1921, did contrary to an order of the Competent Military Authority dated 28th September 1918, carry firearms, namely a revolver not under effective military control".

The case against Tobin was very flimsy and he was evidently put up as a foil for the others. McNamara was also released as the evidence against him was very slight. He was red-haired and obviously they thought that was good grounds for identification.

The officer, Captain Baggally, was not only a courtmartial officer, but he had been engaged in some very objectionable intelligence work. I think he was connected with the Kevin Barry case. It is mentioned by Piaras Beaslai in his 'Life of Michael Collins' that he was particularly obnoxious and that he was concerned in the questioning of Kevin Barry.

The first witness stated that he was living at 119 Lower Baggot Street where the late Captain Baggally lived. At about five minutes to 9 o'clock in the morning he was shaving in the bathroom when he heard the sound of many footsteps walking up and down the hall. He opened the bathroom door and saw a man standing outside with a Webley revolver who told him to 'put them up', which he did. Just at that time another man came up also carrying a Webley. They both covered him with revolvers. He stepped back into the bathroom and sat down on a chair, still with his hands up. One man kept him covered from the door and the other kept walking up and down the passage and coming back again. Two or three minutes afterwards he heard shots fired in Captain Baggally's bedroom on the same side but on the ground floor. He heard his wife's bedroom bell ringing. The maid appeared as if to answer, and was pushed into the bathroom by one of the two men. Immediately after he saw men rush out of Captain Baggally's bedroom, down the passage and he heard them going out of the front door. One of them fired a shot through the dining room wall as he was leaving. The two men who were covering him, the witness, waited for a few seconds and then ran out after the others. Nothing was said to witness while being held up except by the man who said: 'Put them up'. He was held up for about five minutes. He stated he had a good view of the two men in question when he opened the bathroom door. The witness then stated that he recognised the two accused before him as the two men and who then answered to the names of Thomas Whelan and James Boyce. Boyce, he said, was the man who kept patrolling up and down the passage and coming back, and Whelan was the man who remained at the bathroom door and kept him covered the whole time. Continuing, the witness

said that he identified them both at Arbour Hill Detention Camp on the 1st December last and picked them out from about a dozen men. After the men had cleared out, witness said, they (the men) rushed quickly across the road in the direction of Kingstown. He said he was quite certain that the two accused, Whelan and Boyce, were the men who held him up and kept him prisoner in the bathroom.

Witness was cross-examined by the accused, Thomas Whelan, as follows:-

Q. What time did you say it was when you saw me on that particular morning?

A. About 8.55 a.m.

Q. How could you have seen me when I was in bed at the time?

A. I saw you up - not in bed.

Cross-examined by the accused, James Boyce:-

Q. Does the same time apply to me?

A. Yes.

Q. What clothes had I on?

A. A dark suit.

Q. What kind of a dark suit?

A. Dark grey or dark blue. I am not sure of the exact colour.

The second witness was a young dispatch rider. He also figures in Moran's case. He said that at about 8.40 a.m. on the 21st November he left Dublin Castle on a Triumph Combination to go to Rathmines to fetch his officer. His route was via Dame Street and Grafron Street. Just as he turned into Stephen's Green he heard the sound of shots which sounded as if they came from the other



side of the Green, but he could not say exactly where they came from. He went on and entered Lower Baggot Street and when about 50 yards from the house where he presumed Captain Baggally lived, on the right hand side - 119 - he heard the sound of shots in the vicinity of 119 and saw a number of men straggling across the road as if coming from 119. There appeared to be about 20 of them. The last of the men would only be three or four yards from the house when witness saw them. He kept on and then noticed one man in particular who had a curious bow-legged sort of run and he also noticed that he had striking red hair. Witness then said that the accused now before him answering the name of McNamara was that man. Continuing, he said the men ran down side streets on the left which led into Upper Mount Street. He turned left down Herbert Place but when about 50 yards from the corner of Herbert Place and Upper Mount Street he saw a crowd of men coming running down from Upper Mount Street. Some of them stretched themselves across the road and pointed revolvers at him. The remainder remained at the corner. Witness stopped his engine and got off and putting his hands up he asked them if they were Black & Tans. One man told him to beat it and also told him to leave the bike. He left it and started to run towards the Kingstown Road. Witness said he saw the rest of the men who were standing at the corner of Herbert Place and Upper Mount Street and he judged them to be the same as he had seen in Lower Baggot Street for the following reasons - from the direction they were going - from the direction they were coming when he first saw them, from the direction they were coming when he saw them again. They were panting and out of breath as if they had been running. Further, he saw the accused, McNamara, standing amongst the men at the corner of Herbert Place and Upper Mount Street.

Witness stated he had since identified another man whom he saw standing at the same corner; he said he saw him at North Dublin Union about the middle of the previous December and picked him out from about fifteen men. He said the accused he saw before him answering to the name of Michael Joseph Tobin was that man.

After witness had run a few yards down the Kingstown Road one of the men shouted after him and told him to stop. He did so and walked back to the corner. He since identified one of the men who was doing this. He picked him out at Arbour Hill in November last. He said he was Thomas Whelan, one of the men who said to him: "Go down this way", and pointed down Upper Mount Street. He had started to run in that direction when a man whom he had not noticed before came after him. He was carrying a carbine. In consequence of what he said to witness the latter walked on and he walked a few paces behind him. When witness reached the other side of the Church (which would be St. Stephen's Church) and was about 30 yards from the house which he found out later in the morning to be No.38, he saw a man standing outside the front door. He pointed a revolver at witness and beckoned him over. Witness approached him and in consequence of what he said went into the house.

The third witness was a medical officer at King George V. Hospital, who gave evidence of the wounds.

The fourth witness was a courtmartial officer. I think his name was Captain Barrett, who swore to arresting and charging the accused persons, Boyce, Whelan, Tobin and McNamara for the murder of Captain Baggally on the 21st November 1920. He cautioned them individually and asked them if they had any statements to make. Boyce said: "I deny it absolutely". Thomas

Whelan made the following statement:-

"On Sunday, 21st November, I got out of bed at about 8.30 a.m. in time for 9 o'clock Mass in Ringsend Chapel. When I came home I took my breakfast and after an interval of about 20 minutes or half an hour I accompanied another chap to the Eye and Ear Hospital. When we reached there the nurses told us that it was not a day for attending to patients. I can't say exactly what time it was, but I think it was a quarter or twenty minutes after ten. We then left and went to Clarendon Street Chapel for 11 o'clock Mass. When we came out we parted. I went to Haddington Road to meet a girl who was going to be confirmed.

I stayed at the back of the chapel while she was being confirmed, when that was over we both walked over to the corner of Shelbourne Road and parted there. It was then about 1 o'clock or a little after.

I then went home and waited for dinner. When I had had my dinner I went to the football match at Croke Park and owing to the trouble at the match I left and got home at about 5 p.m.

I remained talking to some of the neighbours until tea time which was about 6 p.m."

McNamara said: "All I have got to say is I was not there. I was at 9 o'clock Mass in Kingstown".

The first witness for the defence was a Mrs. Mann. She was the landlady of Whelan with whom he had been staying for three years. He and a Mr. Barrett occupied one room and each paid 30/- a week, all found. They took their meals in the kitchen with the family.

She remembered Sunday, 21st November, the day on which the officers were killed because on the same day there was a fire at Paul & Vincent's (Chemist's place) quite near. She stated:

"Whelan was arrested at my house on the 23rd November. On the morning of the 21st November, he came to the kitchen about 20 minutes to 9. He was dressed at that time, but was not shaved. He asked me why I did not call him earlier so as to be in good time for Mass. It would take about five minutes to go from my house to the chapel at Ringsend. He then washed and cleaned himself and then left for the chapel. He did not take his breakfast until he came back. When he found fault with me for not calling him earlier I looked at the clock in the kitchen. I knew he was going to Mass for Holy Communion. I was late that morning myself in getting up. He came home the previous night between 9 and 10 o'clock. He was a weekly Communicant. I do not think he shaved that morning, he might have shaved the night before the 21st. He washed in the pantry. It was very near 9 o'clock when he went out. He returned about 10 to 10. He always came back at that hour and he came right into the kitchen. He was the same as when he went out. He wore no topcoat when he went out. It was a lovely morning. He had breakfast when he came back which consisted of rashers and sausages. Sergeant and Barnett had breakfast with him. He went to Mass alone. Barnett was not a weekly communicant but a monthly one and always went to Mass about 11 o'clock. The same applies to Sergeant. I had breakfast ready for Whelan when he came back. He was about 15 or 20 minutes at breakfast. He then went to his room to write a letter to his mother. I do not know where he went

afterwards. At tea the night before he said: "call me if you are awake first". It was my habit to call him each Sunday. The detectives called on me about a month or three weeks after the 21st November. They took a statement from me that he was working on Saturday, 20th November. He was to be at his work at 8 o'clock and on the Saturday mentioned he came home at the usual time. I told them he went out about 3.30 on Saturday. I said that he went out to buy a hat. The detective struck out the word "shirt" in his notes and wrote in "hat". I said he got up about 20 to 9 on the Sunday morning and went out at about 5 to 9. I also said he asked me to call him in time. When he was going out he wore brown clothes, brown boots, fawn hat and he came back about 15 or 10 minutes to 10. The date is fixed on my memory because I saw that the men were shot on the 21st. When he came back he had breakfast as stated. No notes or letters were left for him and no boys called to see him. He got notes from his girl. I told the detective whose name is, I think, Love all I knew. (This was the wellknown Inspector Love who figured prominently through all the period from 1913-1921). Mrs. Mann continuing said: "Whelan went out about 3 o'clock after his dinner and he came back about 7 that night. I heard him talking about the football match. He said there was terrible work at Croke Park that day and that he was a lucky boy that he was not there. Whelan never had any arms or the like in the house".

The next witness was a Miss Dinah Deegan who said that she lived in the same street as the prisoner and that at 8 o'clock on the 21st November she went to Mass at Ringsend Chapel where she saw Whelan in the sanctuary, that she sat beside him and that there was no one between

them. She added that she once went to a play with him and of course knew him. She was at Communion that morning at 9 o'clock Mass. She went to the altar first and when she returned she went to a different seat, namely the one in front of the seat she occupied before Communion. She did not often see him (Whelan) at 9 o'clock Mass there. She lit a candle and again saw him. He left the chapel before her. She saw him leave and she remained in the chapel for about ten minutes more. She usually went to Westland Row Church to 11 o'clock Mass, but this was not a Sodality Sunday. When she heard Whelan was arrested she said to herself: "He was at Mass with me that Sunday". She went every month to Ringsend; she had an appointment at Westland Row that day with a boy at 11 o'clock Mass, who went with her to the Crib at Inchicore.

The 3rd witness was a man named John Lacy, 6 Joy Street, close to Barrow Street. He said:

he saw the prisoner coming out of the chapel gate at about 20 to 10 o'clock. Witness had to get a tram to Inchicore and usually went to 11 o'clock Mass but he had to give a girl away in marriage that day and went to early Mass so as to be in time. When he saw Whelan the latter was going towards his home. Whelan said: "Good-day", to which he replied and went on towards his home. He had then come from the same Mass as Whelan. He knew Whelan because Whelan was working at Bolands under him two years before. Lacy said he was never in a Court in his life.

Lacy was cross-examined severely by Travers Humphreys particularly, to break down what they called a 'typical Irish alibi'. Our Counsel, Mr. Williamson, got Lacy to get the marriage certificate of the girl who was actually

married that day at Inchicore Chapel, in order to establish the genuineness of Lacy's statement. The marriage certificate was actually produced but had no effect as obviously they had made up their minds to convict Whelan.

The 4th witness, Michael Vaughan, who was afterwards killed during the Civil War at Leeson Street Bridge, said:

He was an assistant in Tunney's publichouse. On the 21st November he went out about 9.30 to get a newspaper - "The Independent" - in the shop near him. He spoke to the man in the shop for about 4 minutes and then went back to his own shop to get his breakfast when he saw Whelan coming out of the chapel gate. (Tunney's is just opposite Ringsend Chapel).

Vaughan bade Whelan the time of the day. Whelan had crossed the street to speak to him and they spoke for about two or three minutes. Vaughan said he would have to be going as he had to be at Westland Row Mass at 10.30. Witness said a Mr. O'Connor introduced him to prisoner about three weeks before the 21st November. He added that the day was fixed in his memory by the deaths of the men who were killed that day.

Another witness called Charles Dunlop, a well-known Dublin architect and a Unionist, was called by the Defence to give evidence to show that it would have been impossible for the officer who stated that he had identified Boyce and Whelan to identify them owing to the situation of the windows and the light in the passage.

We then called for the Defence for Boyce, his employer, an Englishman called Shaw to give evidence. He said he had employed Boyce for a number of years as a Dental Mechanic: Shaw was a dentist. Although an Englishman, he gave evidence of Boyce as a man of good character who

had never been mixed up in anything.

A further statement of Whelan's made when he was arrested was put in. It was as follows:

"I was arrested at 14 Barrow Street at about 2 a.m. on the morning of the 24th November and taken to Portobello Barracks, was then taken to Arbour Hill on the following day at 11 a.m. I was paraded twice while I was there, on the second parade I was picked out, it being a Wednesday. The following Thursday night at 10 p.m. I was sent to the North Wall for Ballykinlar. I arrived there at 3 p.m. on 3rd December. I remained there until the 22nd when I was sent to Belfast; I was only one night there, when I was brought to Dublin, and arrived here on 23rd at 2.30 a.m. I was paraded here twice, (1) on 30 December, (2) on the 11th January. We were taken out in a group of 9 the first day and a group of 10 the second time. I was in the first group, and the first group on the second day. On the 6th January I was brought to the Castle and charged, and identified in a room by No. 1 witness as the man who held him up. On the 10th January I was again taken to the Castle and identified by No. 2 witness as the man he saw in Herbert Place".

As I have already stated, the dice was heavily loaded against both Whelan and Boyce from the very beginning and after a most biased trial Whelan was found guilty and Boyce acquitted. It looked at one stage as if Boyce also would be found guilty. The Judge Advocate, who was supposed to be holding the scales evenly between the prosecution and the accused, went out of his way in his



summing-up to point out a facial characteristic of Boyce, namely a broken nose such as a boxer would have. I believe Boyce did indulge in amateur boxing to judge by some of his friends.

At the moment I was so relieved at Boyce being acquitted that when we left the Court I remarked to Mr. Williamson: "Wasn't it great to get one of them off?" and he replied, with great feeling, "It is like comforting a father when one of two sons had been saved from death".

It was subsequent to the formal notice of the sentence of death on Whelan that I learned to appreciate his sterling qualities, as not only did he not show any signs of depression, but when I visited him in Mountjoy shortly after the escape of Teeling (who had been sentenced to death), Ernie O'Malley and Simon Donnelly, he said to me with great glee: "Wasn't it splendid how they escaped?" He made no complaint that he had not been included in the party who had escaped. In this connection I must also pay a tribute to his mother, a most colourful Connemara woman who wore the traditional shawl and accepted the tragic news with resignation and pride. To her it was a great consolation to know that he died for the Cause he loved.

I should also like to pay a tribute to Jimmy Boyce, who has since died, for the loyal manner in which he acted towards Whelan before and during the trial. If I were asked to describe the average Dublin Volunteer I would say that he was typified by Jimmy Boyce. I had met Boyce, strange to say, first in 1917 under very tragic circumstances. There was a company of Volunteers taken out by a company officer called Keary (a son of Cahill, well-known Dublin Optician on the Quays). Keary

had been in the British Army and was very careful in his method of training. They were out training in Tallaght where a target was being erected which Boyce was to shoot at. A young Volunteer named James Gallagher, a brother of the well-known Frank Gallagher, and a Bank Clerk, was fixing the target when, owing to some unfortunate error, Boyce fired and the bullet hit young Gallagher in a vital spot in the neck with fatal results.

The next trial in order of date was the trial of Patrick Moran who was tried with another man called Rochford. Again it was a case of Rochford being put up as a foil for Moran, Rochford being eventually acquitted, I surmise, to show how fair British Justice was. This trial was the highlight of the courtmartial trials and, while not as spectacular as that of General Seán MacEoin, it was more important for the following reasons.

- (a) It was the only trial where we could put up a watertight defence, and
- (b) the case had given the lie, as will appear later on, to Britain's much vaunted boast of "British justice".

Moran was tried along with Rochford at a Field General Courtmartial convened again by order of Sir Neville Macready, and was held at the City Hall on the 15th, 16th and 17th days of February, 1921. The Counsel for the Crown were again Travers Humphreys and Roland Oliver - the same two as were in the last case. Mr. Williamson and Mr. Charles Power appeared for Moran.

The charge against the two accused was that they had murdered two Intelligence officers - Lieutenant Ames and Lieutenant Bennett - at 38 Upper Mount Street where they were in lodgings on the 21st November 1920.

The first witness for the Prosecution was the dispatch rider who was the second witness in the Boyce and Whelan case. He repeated some of the evidence he gave in the Boyce and Whelan case. He said that at about 8.40 a.m. on the 21st November he left Dublin Castle to go to Rathmines to fetch his officer. His route was by Dame Street and Grafton Street. Just as he turned into Stephen's Green north he heard the sound of shots which sounded as if they came from the south side of the Green, but he could not exactly say where they came from. He went on and entered Lower Baggot Street. When he was about 50 yards from No. 119 Lower Baggot Street where Captain Baggally lived he heard the sound of shots in the vicinity of 119 and saw a number of men - about twenty of them - straggling across the road. They appeared to be coming either out of No. 119 or out of the Alleyway next door to it. He was too far off to say exactly which. The last of the men would only be three or four yards from the house when he saw them. They ran down the side streets on the left which led into Upper Mount Street - that would be Herbert Place. He ran on and a little higher up Lower Baggot Street he saw a man lying half out of a window who was covered with some kind of a sheet and was bleeding badly. He turned left down Herbert Place. When he was about 50 yards from the corner of Herbert Place and Upper Mount Street he saw a crowd of men running out from Upper Mount Street. Some of them stretched themselves across the road and pointed revolvers at him. The remainder stayed at the corner. He stopped his engine, got off and put his hands up. He asked them if they were Black & Tans and one man told him to "Beat it". He also said: "Leave the bike". Witness left it and started to run towards Kingstown Road.

After he had run down a few yards on Kingstown Road one of the men fired after him and shouted to him to stop. He did so and walked back to the corner. He stated that the man whom he identified as Moran put a revolver in the 'small' of his back and having covered him made him go up the steps of No. 38 Upper Mount Street. Prior to this he said he heard shots which appeared to be coming from the house in Upper Mount Street. When the man whom he stated was Moran reached the hall door of the house he (Moran) had his back to the street. Moran then told the dispatch rider to knock at the door which the dispatch rider did. Moran then shouted: "Open the door, boys", and when the door was opened the dispatch rider was pushed into the hall while men kept coming out of No. 38.

The second witness was also an Intelligence Officer by the name of Major Carew. Major Carew stated that he heard shots at about a quarter to nine, and he fixed the time as he always had his tea brought by his batman before 9 o'clock. Major Carew, when he heard the shots, threw open his window and looked across to No. 38. I think he lived either in 26 or 28 opposite. He said that he just could see the back and head of Moran and while he was of opinion that it was Moran he saw on the steps of No. 38 he would not be prepared to swear to it. The batman was more positive and he stated that when he heard the shots it was between 9.15 and 9.30. When he heard the shots he rushed up to Major Carew and went looking for a revolver. He said he saw Moran holding up the dispatch rider in the street and making him walk up the steps of No. 38. When cross-examined as to how he fixed that hour, he said, he knew it was that time because he used to hear the clock of a church chiming the quarters and half hours and the hours.

We called for the Defence the Revd. Stewart Harvey, Rector of St. Stephen's Church in Upper Mount Street, and he stated that they had a clock on the church but that it had not chimed for at least 25 years but, of course, he was not aware if there were any other churches in the vicinity which might have clocks that chimed.

The next witness for the Defence was the Sexton of the Church - an ex-British Army man called Tanner. He lived in the parochial hall in Northumberland Road. He was very positive. He stated that not only had his own church clock not chimed for 25 years but that the only other churches in the vicinity, namely the Roman Catholic Church in Haddington Road and the Protestant Church of Baggot Rath - which is now Baggot Street - had not chimed as they had no clocks that chimed.

About the end of November there were a number of identification parades and in one case the dispatch rider who had identified Tobin wrongly who was afterwards acquitted, also purported to identify Moran. So uncertain was he that he had to ask that Tobin be shaved before he could identify him. Prior to that Moran had been in several other identification parades. The method of identification was most unsatisfactory as the men were paraded in tens and the witnesses who were purporting to identify them were in a small building and could not be seen as they looked through apertures in sand-bagged windows.

At the end of the State Case, it looked as if we should have got a direction for the following grounds - that the most intelligent and educated witness, namely Major Carew, would not swear that Moran was the man whom he saw. The batman's evidence, having regard to the flat way in which he contradicted his officer as

regards the time and having regard to the evidence of Rev. Stewart Harvey and the Sexton, would not have been entertained by a Civil Judge, and finally the evidence of the young dispatch rider, who must have been terribly confused having been involved in the Baggot Street shooting, and then when he got into Upper Mount Street encountering another group of men, and with the experiences he had of being held up with a revolver and forced into a house - his recollection could not have been very much relied on. However, as British justice demanded a victim the show had to go on.

We then called a large number of witnesses to prove what was sneeringly called and repeatedly emphasised, "A delightful Irish alibi". Never in my experience was there a more representative collection of witnesses of the highest standing called to prove this 'alibi'. We had ex-British soldiers; we had a policeman, a member of the D.M.P. We had a Scotchwoman and we had a Jew - the late Joseph Mirrelson who was living in Kingstown at the time, also a Miss Peggy Alyward whose people had been in the British Army and Navy, and a civil servant whose name was, I think, O'Connor.

The burden of the Defence was that Moran could not possibly have been at the scene of the shooting at the time alleged, namely about 9 o'clock. He worked as an assistant in McGee's of Blackrock where he worked along with three other assistants, two of whom were called, Doyle and McCourt. His housekeeper was a Mrs. McGough who said that she had given Moran his breakfast at 9 o'clock or there about. He then went to Mass at Blackrock Chapel - the one at Temp~~le~~hill, at 10.30. When he went to the Chapel gate he was met in the grounds by a Miss O'Flanagan who asked him to go with her into

the sanctuary where they went. When the Mass was over she walked along with him and she saw him go into McGee's.

Another witness who was leaving the Chapel and who knew Miss O'Flanagan and saw her walking with Moran, also gave evidence that she saw her and Moran after that particular Mass, she having attended the same Mass.

A tram conductor was called to prove that the first tram to leave Blackrock was at 9.30. His name was Swan. Mr. Joseph Mirrelson was on the same tram. He lived in Kingstown and it was his practice to walk from Kingstown to Blackrock to get the tram from Blackrock at 9.30. He saw Moran sitting on the outside seat of the tram upstairs. He knew Moran very well as the latter had worked in Lynch & O'Brien's in Kingstown, a licensed premises of which he (Mr. Mirrelson) was a patron before Moran went to McGee's in Blackrock.

When the tram got to Mount Street Bridge it was held up and there was tremendous commotion and excitement. The Auxiliaries were out pointing with their revolvers holding up people on the trams. This is how the incident was fixed in the minds of both the tram conductor and Mr. Mirrelson. Needless to say, all the cross-examination of the witnesses for the Defence was directed towards establishing that they could not remember one Sunday more than another Sunday.

The tram arrived at the Pillar at five minutes to ten, being the hour at which the first tram left the Pillar for Kingstown. Moran then proceeded to Banha Hall, the headquarters of the Licensed Grocers and Vintners Assistants Association, of which he was the President. Mr. Hughes, the Secretary of the Association,

gave evidence that he saw Moran at about a quarter to 11 o'clock and that he presided at the meeting at about 11 o'clock and he produced the Minutes of the meeting showing that Moran had been presiding at it for a number of Sundays prior to the 21st November.

The cross-examination directed to Mr. Hughes was to the effect - what would Moran be doing between 10 and 11 o'clock, and had Hughes seen him in Banba Hall before 11 o'clock. Hughes said he might have been there without his knowledge.

A Constable McCarthy gave evidence that the Police Station in Blackrock practically faces McGee's and he had been on duty from 6 o'clock that morning, that he did not leave 'till 9 o'clock and that he did not see at any time a motor car pull up at McGee's or leave McGee's. The point of this was to prove that no motor car could have taken Moran in to the City. In fact, the Prosecution suggested that he could have gone on a bicycle.

One lady said she saw Moran at the tram stop in Blackrock just as she was getting on.

An ex-soldier called Nolan from Dúnlaoghaire who knew Moran also saw him coming out of the same Mass.

A civil servant named O'Connor, or Connor, I think, also was at the same Mass and saw him speaking to Miss O'Flanagan.

For the Defence a witness, Nurse Daly, was called, who lived in a house in Baggot Street facing No. 119. She said she heard the shots and she ran out in the street to see if she could render any aid. She saw the body of Lieutenant Newberry hanging out of the window of 92. She stated that she saw the young dispatch rider



and that he did not turn into Herbert Place but that he went at a very fast rate over Baggot Street Bridge into Upper Baggot Street. Of course she was severely cross-examined as to the different times that these incidents took place and of the hour. Unfortunately, through nerves she made the incident last longer than it actually took. One can understand how a nervous young woman would be affected by a cross-examination by eminent Counsel, but she was quite positive that she saw him cross the bridge into Upper Baggot Street.

There was one fly in the ointment in our Defence. It was a difficult obstacle to get over. Unfortunately, the other two assistants in McGee's - McCourt and Doyle - had both made statements that Moran had been in the house at McGee's between 10 and 10.30. We were in a quandary about them for as each witness for the Defence from Blackrock and Kingstown came up, Travers Humphreys kept asking them, "Do you know if Mr. McCourt and Mr. Doyle are here?" Each one said that as far as he knew they were there. We, knowing the danger they were up against, kept the two witnesses in my office and told them not to come near the City Hall unless I telephoned.

When the Defence closed their case Travers Humphreys nearly went white with rage. He then asked for liberty to bring back Miss O'Flanagan who was the apex in this alibi. He then produced a photograph of Moran with a bandolier, a revolver in his hand and wearing a slouch hat such as was worn by boy scouts. This photograph was captured in a raid on the licensed premises of Phil Shanahan, a well known 1916 man, his place being a popular rendezvous for prominent I.R.A. men, such as - Dan Breen, Seán Treacy and other members of the Tipperary Brigade. (He was elected as T.D. in the General

Election of 1918 for the Harbour Division when he defeated Alfie Byrne). He asked Miss O'Flanagan did she recognise this photograph and she said that she was not sure, that it might have been Moran in his younger days. Our Counsel then objected to the admission of this photograph and after various submissions on both sides the Court retired and said they would not admit it. Travers Humphreys then made another effort to get over that obstacle by making an application to have two of the Detectives called who took statements from Doyle and McCourt, merely that they had taken statements, but we submitted that the statements could not be admitted in evidence.

The Court again adjourned and sustained the objection but it was obvious the Court could afford to be gracious enough to sustain these objections. They had seen all they wanted to see when they saw the photograph which should never have been allowed to be handed in at all.

A magnificent closing speech for the Defence was made by Judge Wyse-Power. Even the Judge-Advocate and the Counsel for the Prosecution paid a tribute to his speech. The Judge-Advocate was one of those creatures who was merely a "stooge" for the Prosecuting Counsel. He was always ready to give the Prosecution all the latitude they wanted and to restrict our Counsel. Needless to say, the alibi was torn to pieces. It was sneered at and contempt poured on it by the Prosecuting Counsel in their closing speech, and of course the summing up by the Judge-Advocate was only another speech for the Prosecution.

The Court, having retired with the Judge-Advocate, came back after roughly about 1 hour and ten minutes and declared that Rochford had been found Not Guilty of the

murder of Lieutenant Ames. Then the Judge Advocate thought there was another charge against Rochford, namely, the murder of Lt. Bennett, but this was not proceeded with by the Prosecution, the evidence being similar to that in the case of Lt. Ames.

The verdict on Moran caused consternation amongst legal people and it constrained the late Archbishop Walsh of Dublin to get his Secretary to ring me up and tell me that he was sending me a letter giving his views on the verdict, adding that I was at liberty to publish it in all the newspapers. The letter was as follows: -

"Archbishop's House,  
Dublin.

10th March, 1921.

Dear Sir,

I see that your name is signed as Solicitor to a very impressive memorial which has been brought to me with a request for my signature. The prayer of the Memorial is for a commutation of the death sentence in the case of Patrick Moran now lying in a Dublin prison, convicted by a Court Martial of the murder of a military officer.

The memorial, in my judgment, shows conclusively that the evidence adduced in support of the charge altogether fails to sustain it.

I have always understood from that great jurist the late Chief Baron Pallas, as the result of several serious conversations with him, that when the evidence on which a charge is based fails to sustain it - not merely in case of a capital charge, but in case of any charge, great or small - the only result consistent with justice is withdrawal of the charge, and acquittal.

I apply this without hesitation to the case of your client.

Believe me,

Dear Sir,

Faithfully yours

X WILLIAM J. WALSH,

Archbishop of Dublin"

While in Kilmainham both before the trial and after it I was in constant touch with Moran in the preparation of his case. As I said earlier I used take a lot of liberties in going round different cells and at this stage the prisoners were, as stated by Ernie O'Malley in his book, practically having the run of the gaol and were at liberty to communicate with each other. It was while I was being instructed by Moran that a finely built young man came into the cell, of military appearance. This turned out to be the redoubtable Ernie O'Malley who at this time was not known to the Castle Authorities as such but who thought he was a Volunteer officer called Stewart. He received a bad beating-up in the Castle after his arrest. Ernie O'Malley, with the help of the 4th Battalion in whose area Kilmainham gaol was, arranged for the escape of Teeling, himself and Simon Donnelly. O'Malley mentions in his book that the reason Moran did not escape was that he did not want to let down his witnesses, but I am of the opinion that the reason he did not leave was that he was firmly convinced that he had a perfect defence and would not stand in the way of another prisoner escaping. This is also corroborated by Diarmuid O'Sullivan who was sentenced to death for the Drumcondra ambush but reprieved on the grounds of age. In that he was sadly mistaken!

Before closing my narrative in this case, I may mention that on the second morning of the Trial there was excitement caused by the fact that Major Carew, whom I have already mentioned, was not available. He turned up later with his arm in a sling and it was ascertained that he had been shot at

while having tea in the basement portion of the then D.B.C. Tea Rooms in Dame Street while on his way to the Castle. From inquiries made by me, it was apparent that the shooting was not done by the I.R.A. but was obviously done by the British Forces.

The next trial was that of Frank Teeling. He was charged with two other men, Conway and Potter, (and there may have been a fourth) with the murder of Lieutenant Angliss who went by the name of McMahon. The latter was a very dangerous Intelligence Officer. His identity was established through Seán Hyde. He was living at 22 Lower Mount St. where he was shot. This house was next door to a public house called Hynes' - I think - which he used to frequent. Teeling was caught red-handed when he was escaping over a garden wall, so there could be no real defence for him. I instructed Mr. Charles Bewley to defend him. Bewley was subsequently our Minister in Germany and then in Italy. This trial followed the pattern of all the other trials. There was practically no case against Conway or Potter but once the British had one victim they were quite content to let the others go. Before and during the trial I was being constantly visited by British Courtmartial officers with various documents and they used all say what a splendid fellow Teeling was; how calm he was "with death facing him". That attitude, however, changed after the escape which will be seen later.

The next trial I had to deal with was known as the Clonturk Park ambush which took place on the 21st January, 1921. There were five boys involved in this, namely Frank Flood who was a member of a well-known I.R.A. family and a brother of the late Seán Flood (also Peter and Tom Flood), Patrick Doyle, Thomas Ryan, Bernard Ryan and

Dermot O'Sullivan. Mr. Nolan Whelan appeared for Dermot O'Sullivan and at the moment I cannot recollect who appeared for the other four. In this case again there was no defence as they were all caught red-handed with guns in their hands making their escape. As this ambush has been fully described by Dermot O'Sullivan, the only survivor of the five men, there is no need for me to enter into details of it. I visited all these men in Kilmainham gaol where they were at the same time as Teeling and O'Malley and the others. Dermot O'Sullivan says in his statement that I saw them in Arbour Hill. His memory is not accurate in that respect as I told him. They were definitely in the basement cells of Kilmainham. Why I am so definite on this is that after the escape of Teeling, Ernie O'Malley and Simon Donnelly the Commandant named Maye whom I mentioned in connection with the Whelan case became a completely changed man. One day when I was talking to the prisoners he burst into the cell and was very unpleasant. When he left I inquired if he had been saying anything to them and Doyle said that he said to them, "You can have any Counsel or Solicitor you like including Mr. T.M. Healy, K.C.", and Doyle replied that they were quite satisfied with Mr. Noyk, a very nice compliment which I greatly appreciated. They were subsequently transferred to Mountjoy as were all the others in Kilmainham.

A very amusing incident happened one day. After they had been transferred I called to the Castle to find out where I could see them. Some of the minor Courtsmartial officers stated that they did not know whether they were still in Kilmainham and they offered me a 'lift' in one of the open lancia cars. I was placed in a quandary as I could not very well refuse to go with them and at the

same time there was the possibility, when passing the Castle and streets en route, of attack from our own forces. However, when I got to Kilmainham my fellow-travellers went inside and I took a tram back to Mountjoy as I found the prisoners had been transferred there.

When I was visiting the various men in Kilmainham I was informed that there was an old man called Greene in one of the cells and that he was friendless. He had been arrested in connection with the shooting of a number of officers in 28 Upper Pembroke Street in the Service Flats where he had been employed as a janitor. The accusation against him was that he had let the men out by a back gate which led into an archway in Upper Pembroke Street. I told Mick Collins about this man and he instructed me to get him defended. His defence was that a gun was pointed at him by two or three men who forced him to open the door. However, in this case again in order to satisfy the British public, he was formally tried and found guilty. He was defended as fully as if he had been one of our own men. This man had no relations or friends and had been a coachman for Sir Hawtry Benson, a leading Dublin Doctor at the time. I went to see Benson and asked him would he come forward to give evidence for this man, but he declined to do so. However, a decent publican called John Higgins, now of Lower Pembroke Street but then of Parnell Street, came forward though it might have involved him in trouble as his licence would have been opposed by the police. I think the sentence of death was commuted and that he died in gaol.

I should like to mention a minor courtmartial namely of a man called Downes who lived in Clarendon Street and whose house was a place for the boys to stay. This

court martial was held in the North Dublin Union and Mr. Bewley appeared for Downes. When I went up into the room where the court martial was being held I noticed two men shabbily dressed wearing mufflers. These men wanted to know from the Orderly in the Court what right had I to be there. The Orderly, however, explained that I was a solicitor in the case. While I was waiting for the case to begin there was another prisoner there with a beard who pulled my coat and asked did I not recognise him. He was Joe Guilfoyle wearing a beard. He also had been arrested. Downes pleaded guilty and Joe Guilfoyle pleaded not guilty and was acquitted, but no sooner had he left the Guardroom than he was again arrested and taken to the Curragh where he was interned.

A very amusing incident occurred in connection with the two shabbily dressed men who had made inquiries about my presence. Sometime in the month of May or June of that year I called into Kidd's restaurant in Adam's Court off Grafton Street where I had always been in the habit of going. This place was a particular haunt of the Tans and British Intelligence Officers. One of the girls behind the Bar said there was somebody looking for me. I was curious to know who it was. She then said, "There he is". I looked round who did I see completely transformed like a male Cinderella but the same gentleman who had been dressed shabbily and who was the main witness in the Downes and Guilfoyle case. He now wore a Saville Row suit, a beautiful shirt and tie, carried a lovely walking-stick and wore chamois gloves. In a rich Cockney accent he said, "Can I speak to yaow?", and I said "Yes". Continuing he said, "Con yaow tell me where I can find Mista Cosgrave. You knaow they are aufter him". I said, "I know the gentleman by reputation but I could



not possibly say where he could be found. I take it that he is at his home address". At this stage I walked Jim Plant whom I had occasion to mention before. I immediately introduced Jim to this man. Jim was quick to take the hint and we retired to the back portion of the bar. I kicked Jim under the table and he at once proceeded to speak on every subject under the sun, asking him in particular about the news on racing and was he going to the Curragh. This was not what this gentleman was after. After about twenty minutes he stood up to go. Jim Plant gripped him by the hand nearly taking it out of the socket and said, "Pleased to meet you and if ever you want to see me you will find me here six days of the week and I am at home on Sunday", and with that he walked out.

Before going up to North Dublin Union I was told that there was a message waiting for me in the Mary Street office. I went up there and met Seán Ó Muirthuile and Joe Reilly and got the letter. As we were leaving the place a lorry full of Auxiliaries appeared at the Capel Street end and we dispersed. I walked through Parnell Street and hid the letter carefully amongst my legal papers. On opening it I found it was from Mick Collins, and ran, "Dear Michael, One of our best men, Sergeant Broy, has been arrested (later Colonel Broy), and will you arrange to have him defended". I could not possibly appear myself but I made arrangements to have him defended. Luckily for him he was not tried and as the Truce came on a few months afterwards he was released.

About the same period Seán McGarry called on me to ask me could I see Cathal Brugha (then Minister for Defence) in connection with a claim by O'Shea of the Irish Cutlery Company of Merchant's Quay. The claim

was for a very big sum of money in respect of what he alleged was for pistols and guns supplied to the Volunteers prior to 1916. For some occult reason he selected the most trying period to bring the proceedings into the Republican Courts. I met Cathal Brugha in one of the shops in Upper Liffey Street - Powers or Fallons - as nearly all the furniture shops, particularly in Liffey Street, were directly or indirectly connected with the Sinn Féin movement, or sympathetic. We discussed the case and Cathal Brugha instructed me to defend it. The amount being very high it had to be heard by a High Court Judge and the present Judge Cahir Davitt was the Judge to try it. The next question was where we could have the case tried. By a touch of inspiration I decided that I would take a consultation room in the Four Courts and the Court was solemnly held on a Saturday in the precincts of the British Courts of Justice. Seamus O'Connor appeared for O'Shea and I conducted the case personally. Seán McGarry gave evidence. After a full length hearing Judge Davitt decided against O'Shea and dismissed the action. The sequel to this was that when the Split came O'Shea appealed and the Judges then were the late Arthur Cleary and Creed Meredith. The former (Arthur Cleary) was particularly anti-Treaty having originally been a strong Redmondite and Partitionist and he reversed Judge Davitt's judgement definitely wrongfully in my opinion and gave the decree to O'Shea. It was quite clear that he was acting on prejudice and not on Law.

The executions were all fixed for the 14th March 1921. There was Moran and Whelan. Then there were the five Drumcondra men, namely Thomas Brien, Frank Flood, Patrick Doyle, Bernard Ryan and Dermot O'Sullivan. The latter who

was only 16½ was reprieved owing to his youth. We decided to have habeas corpus proceedings which were refused by the Court as we expected.

Mr. Nolan Whelan and myself decided we would call to British Headquarters at Parkgate Street to look at the files to see if we could find any flaw in the proceedings in the Courtmartial. When we arrived there, we were met by a Colonel Longwood, an Irishman who had been a member of the Irish Bar and was also a very brilliant editor and literary man. From his conversation we gathered that we were to meet someone very important. We were not mistaken. We were ushered into a room - a special office - and there we were approached and greeted most courteously by a gentleman in mufti with a monocle. He introduced himself as Colonel Rawson and was very pleased to meet us. We were hardly seated and as Mr. Nolan Whelan was beginning to examine the files in question, Colonel Rawson said to me in a very cultured accent, "By the way, His Excellency has refused a reprieve to all your men". I said, "What about young O'Sullivan?" and he rejoined, "Oh, yes, I am not quite correct; he has been given a reprieve on account of his youth, but in future, Mr. Noyk, you will have to have them under 16". He then proceeded to talk generally and some of his remarks were very interesting. "It is extraordinary", he said, "how well organised these people are. They are just like our own Army - Brigades, Battalions, Companies, etc." Continuing, he said, "By the way I noticed there are a lot of Doctors attending these men", adding, "You can take it from me that any Doctor, in future, found attending a wounded man will be dealt with as aiding and abetting criminals". He then took up the file dealing with the Drumcondra

ambush and proceeded to read from it. He said, as far as I can recollect, "Order by Section Leader 'so and so (the name was scratched out) we proceeded towards Clonturk Park". He then added, "I wish the blighter had left in the name". His next remark was, "You know this Chief of Staff of yours ought to be scrapped; he is always losing his papers". (This was Mulcahy). Of course all this was said in a completely detached manner. He was one of those gentlemen like General Burgoyne in Shaw's 'Devil's Disciple' who would ask you would you like to be shot before dawn or after noon and would offer you a cigarette from a gold case. I guessed what the object of this talk to me was. It was to give a hint and also it was the publicity they were going to give to their favourite papers in England, namely, "The Morning Post", "The London Times" and "The Evening Standard" because in the next issues of these papers the gist of what he had been saying to me was published.

The impending executions caused great excitement in the city and all sorts of little committees were formed, particularly by well-known women like Madame MacBride, Mrs. Despard, Mrs. Stopford Green, etc. to get up petitions and use every other effort possible to save the men. On the Saturday before the executions Seán MacBride, who was a very young man then, called on me and asked me would I come up to his house in Stephen's Green to meet his mother and the other ladies. As we were walking up Grafton Street I saw three obviously British Intelligence Officers in mufti walking along and out of the corner of my eye I recognised Commandant Maye - the Commandant of Kilmainham gaol - who was wearing a flaming yellow pullover. I never saw a more villainous look on a man's face. He evidently thought that MacBride, at a distance, was Teeling or O'Malley. They were both fair-haired.

I sized up the situation and I said to Seán, "Come with me quickly", and I went into Kapp & Peterson's tobacconist shop. I knew the lad behind the counter was 'sympathetic' and I said, "Have you a back entrance here?" He said no. We remained in conversation for about 10 or 15 minutes and I said, "Would you go out and look if there is anything in the shape of three British Intelligence Officers in mufti knocking around " He went out and said on his return that he did not see them around, so we walked out. We then went to Madame Gonne's house and it was a very harrowing scene there because the wives and relations of the doomed men were present. I knew there was no hope from Colonel Rawson's remark.

I then went up to Mountjoy to see Eileen McGrane, now Mrs. McCarville, whose flat in Dawson Street had been one of Mick Collins's principal secret offices, and it had been raided and she had been arrested. On the following Monday morning I went up to the Mansion House at the request of Madame Gonne and we had a chat with the Lord Mayor - Larry O'Neill. I had to call to see Madame Markievicz in Mountjoy and when I was walking back towards my office about 10.45 and approaching my building I noticed the familiar caged Lancia between the entrance to the building where my offices were and Breid Foley's (otherwise Mrs. Martin's) typewriting business. I saw an Auxiliary standing in the porch swinging his parabellum and I had to think quickly. I thought that perhaps they were raiding my place.

When I was returning from the Mansion House I met a lady friend of mine whom I had not seen for years and she said, "Michael, have you not been raided yet"? and I replied, "No, but you never know". I made up my mind

I would not go into the office for the reason that if the raid was taking place the raiders could ask me awkward questions which they could not ask my typist Brigid Malone, later on Mrs. Dan Breen. Her brother, Michael Malone, had been killed after putting up a terrific fight at Northumberland Road and Lower Mount Street in 1916. I went up to see Countess Markievicz and, apart from the personal business she wanted to see me about as I was acting as her Solicitor then, we discussed everything. The question of Maud Gonne came up and she said to me, "I said to Maud one day, 'You should never get into prison: you have not got the prison mentality'". I then told Madame that I was fearing my offices had been raided and I delayed longer than usual in returning to them. After about two hours I went out from Mountjoy and when I got as far as Seamus Brennan's shop I tried to ring up my office from there but got no reply. I thought this ominous. I then went back by tram and as I was going along College Green I met Harry Nichols, a 1916 man who was an Engineer in the Corporation, and I asked him, "Harry, have you seen any sign of military or police activity outside my building?" He replied "No". I then saw a very unpleasant looking police sergeant coming out of the building. The lift was then out of order and I had to climb up the several flights of stairs. It gave me great pleasure afterwards when I heard the raiders had to do the same. When I reached the office all the papers were thrown about and the typist, Brigid Malone, was walking about like a young tigeress. She said to me, "Go over to the Bodega where you will see Joe Murray", whom I have mentioned in connection with obtaining offices. I went over and saw Joe. "Joe", I said, "can you tell me what happened?". He said, "I was walking in when I saw car loads of Auxiliaries and I backed out of the building as if I had

made a mistake". I then decided that I would beard the lion in the den, that if I was to be arrested I'd be arrested in the daytime and not at night. I walked down to the Castle, saw the usual Auxiliaries standing around and asked to be directed to some one in charge as there had been a raid at my office. I was sent up to an office at the top of the Upper Castle Yard alongside the archway there, now part of the Chief State Solicitor's offices. After giving my name I was escorted into a room where there was seated a well dressed man with American glasses. I said, "I am Mr. Noyk. I have come to inquire about a raid which took place in my office during my absence. I was away and when I came back I found my office in a state of disorder. I would like to know the reason of it?" He telephoned up to another room and he then said, "Your papers are being kept with the object of seeing if there is anything in them that will lead to the detection of crime". I thought to myself that they were making a mistake if they thought I was leaving any incriminating information at large. Continuing he said, "Your papers will be returned when they have been examined". I said to him, "You know I am a professional man. I act for clients of every kind and these raids are very disturbing to them. If you wish to make any inquiries you have only to telephone me and I shall be only too glad to supply the information". Later I asked the typist what had happened and she said they had with them evidently a legal man in the raiding party because the first question he asked her was, "Where does Mr. Noyk keep his Cost Book?" We, in Ireland do not go in for that. This would evidently be a practice with London Solicitors who would have big staffs. The typist said she didn't know anything about my business and that what she did was merely to type. There was hardly a scrap of paper or

document that had not been turned inside out. They evidently had a huge staff with them. Needless to say they got no information. If they thought they would find amongst my papers an entry such as - "Attending Mr. Michael Collins (as they called him) when he instructed me etc.", they were mistaken. It only proved how right I was in not coming in during the raid as I would have been put to the pin of my collar to answer some of the questions put to me. The next day two officers in mufti returned the papers.

The next thing that happened was that the late Joe Devlin, in order to rehabilitate The Irish Party, asked a very stupid and irritating question in the House of Commons to know why Solicitors' Briefs had been taken. This was done without my permission and I was very annoyed at it because I did not know what answer would be given by Sir Hamar Greenwood such as, that I was not merely acting as a Solicitor but was personally involved.

The next trial was the most important one, namely that of Seán MacEoin, on account of his personality and the incidents connected with his arrest.

Seán MacEoin was one of the special favourites of Michael Collins. One day in May a message was left in my office by Joe O'Reilly to call to Maurice Collins's shop in Parnell Street. Maurice Collins was a 1916 man. When I called, there was a message for me, either verbal or written, to call to 44 Parnell Square which was then the headquarters of the Keating Branch of the Gaelic League. I walked across the street, opened the front door, which was on the latch, knocked at the first door in the hall on the right and to my amazement it was opened by Mick himself. He was dictating a letter to a typist. He said, "I will be with you in a minute, Michael".



He then walked out with me and we went into Kirwan's public house which was No. 49 Parnell Street. Jim Kirwan, the proprietor, was an old 1916 man. Kirwan's premises had two snugs - one on the front of the street and the second one was a very useful snug as it looked out into a maze of streets or alleys generally known as "The Rotunda Markets" running from Parnell Street into Moore Street and Cole's Lane. Instead of going into one of the snugs Michael Collins stood calmly at the counter where he remained talking to me for about two hours. At this particular time Parnell Street was patrolled day and night, by, not only armed lorries but also foot patrols. After he had told me that MacEoin had been arrested and that he wanted me to defend him he began to talk on general subjects. One of the things he mentioned was when his name had come up in conversation amongst the high officials, Army and Civil, in the Castle, Sir Henry Wynne, the Chief Crown Solicitor, who was himself a Corkman, said, "If you think Collins is one of those men who will come out riding on a horse at the head of his men as Emmet did in 1803 you are greatly mistaken". Apropos of that, an amusing incident happened one day in the course of my continuous visits to the Castle. I was waiting in one of the ante-rooms in the Lower Castle Yard when a big military policeman came in and said to me, "Good morning". I answered, "Good morning". He said, "Great news. They have captured Michael Collins riding on a white horse in Cork". This remark shows the mentality of the military policeman. Seán McGarry then came along and Mick said to me, "Auxs", which was a short phrase used as a kind of password amongst the I.R.A. when Auxiliaries were being sighted. He went upstairs then to have a meal.

I arranged for the late Judge Charles Wyse-Power to defend MacEoin. Before the trial was listed to come off I was in constant touch with Mick Collins in Kirwan's public house. When I entered these premises either Kirwan or his assistant nodded the head either right or left which would indicate to me in which snug Mick was seated. To show how cool he was - one Saturday evening I went in there with Judge Wyse-Power and there he was sitting in the middle of a crowd of dealers writing away unconcernedly and whether they knew him or not they gave no indication and took no notice of him or us even though at the time Judge Wyse-Power was wearing spats! At other times Mick would have a number of men round him who were all working for him.

On one Saturday morning I called to Mountjoy as usual to see MacEoin and I was told he could not be seen. An hour or so afterwards I learned of the great attempt which had been made to rescue him. As this has already been described by MacEoin himself and the people involved in the attempted rescue such as Joe Leonard and Emmet Dalton there is no need for me to dwell on it except to say that it was a great source of disappointment.

I subsequently made arrangements for the Defence and shortly before the date of the trial, again to show how cool Mick Collins was, I actually had a consultation fixed with Judge Wyse-Power at his flat in Upper Mount Street. The late Senator Mrs. Wyse-Power (his mother) was present in the room when suddenly the door burst open and in came Mick Collins and Gearóid O'Sullivan. In the course of conversation Mick stated that he was satisfied that even if MacEoin were to be found guilty he would never hang on account of Mackey Wilson who was Deputy Lieutenant in Longford and a brother of Sir Henry Wilson who was

subsequently shot in London and was Chief of the Imperial Staff. I only learned afterwards from Jim Plant that the whole of Mount Street and all of that area had been cordoned off but in spite of that on this evening while activities were going on Michael Collins could make it his business, at personal risk, to call and see us, so anxious was he to save MacEoin.

After the interview in Upper Mount Street Mick Collins and O'Sullivan went out by themselves. Mrs. Wyse-Power and myself walked out together and she said to me, "Go home straight, Michael, and don't get into any mischief". I said I would go home straight but I did not. I went into the Gaiety Theatre Dress Circle Bar where we were all in the habit of meeting - any of us who were not in gaol - in the midst of the good Unionist crowd to whom we were a source of irritation and the redoubtable Jim Plant appeared on the scene having come from the Curragh. He and I walked as far as Harcourt Street Station. It was about 9 o'clock on a lovely summer evening when suddenly I felt a gun put into the small of my back and I heard someone say, "Get in". I thought this was one of the boys, Tobin or Cullen, having a practical joke at my expense, but when I looked round I saw an officer in Mess dress with a gun in his hand. Other men were being hustled into a lorry and I looked round to see if there was a chance of slipping away when he said, "Get in" again. We got into the lorry and I said to Jim Plant, "I have a letter from Madame Markievicz in my pocket". He said, "Hand it to me", adding, "Have you any idea what is in it?" I said I had read the letter so he tore it in pieces and threw it over the side of the lorry. We arrived at the Bridewell and I thought I would see some friendly Station Sergeant there and be able to get out and

that he would explain who I was. In this I was disappointed and this objectionable officer who had arrested me said it was exactly half a minute after 9 o'clock when I was arrested. In those days the practice was in the early hours of the morning the Detectives would come round and look through the spy-holes of the cells to see if there were any people caught whom they were looking for. When some of them saw me, they thought I was interviewing prisoners. Actually, I had a case that morning, and interviewed my client in the cell in which I was detained. When I saw him going into the court I called him into the cell where I was. The clients could not understand why they were being interviewed in a cell, naturally not realising that I was a prisoner myself. However, to my relief we were all ushered from the cells into the dock. By this time the news had got round that I was amongst the people caught in the curfew round-up and even the grave Magistrate, Sir Ernest Swift, who was very unsympathetic, wore a smile on his face. Jim Plant and myself were the last two to be called. It was Jim's fourth time being caught after curfew and when he was asked had he anything to say, he said, "No, I brought my solicitor with me this time". My name was then called out and there was a general titter. I was asked had I anything to say and I said no. If I had said I was not outside the hour I would have been put back which was not what I wanted. No sooner had the curfew cases concluded when a case was called out, namely The Corporation of Dublin V. Coleman. I said, "Your Worship, I appear in this case and I walked out of the Dock into the Solicitors' Bench. A few hours later, Jim and I went into Jammet's restaurant which was then in Andrew Street and which was largely patronised by officers and Secret Service men. When I got inside I could see out of the

corner of my eye a general nudge going on and a smile. They obviously knew I had been arrested and caught in curfew. Mrs. Wyse-Power was right in her admonition - I had got caught in the net.

After the attempt to rescue MacEoin had failed, and a few weeks before the trial Mick Collins asked me to meet him at Kirwan's public house, which I did. We went to a room upstairs. Mick produced a plan of the Castle and asked me would I smuggle in some guns, the object being to make a last effort to rescue MacEoin. Mick said that MacEoin was worth four or five men and that he would have the A.S.U. and the Squad to co-operate on the outside. I said I was quite willing to do so but I pointed out that in my opinion MacEoin could not possibly escape as each of the five courtmartial officers kept a gun in front of him. In addition, the room was filled with Secret Service men and even if MacEoin got out of it he would have to face all the officers before he reached the street and the machine guns on the roofs of the various buildings and sentinels. Mick, who was always amenable to reason, saw that his project could not be carried out successfully and the idea was dropped as far as he was concerned.

At the last moment Mr. Charles Wyse-Power took ill and Mr. Charles Bewley undertook the Defence of MacEoin. There was very little to defend in one sense. The only possible defence was that the night was dark and as there was a lot of indiscriminate shooting by the R.I.C. themselves one of their bullets might have hit Inspector McGrath who was in charge of the party. However, when a prejudiced courtmartial, as in all the other cases, was functioning there was no possibility of that defence being successful though Mr. Bewley made the most of what he could in that direction.

Before the trial came off Seán MacEoin prepared his speech in his own words and this was taken out by me and given to Mick Collins. There were slight alterations made in the structure of the sentences and the grammar but in the main it was MacEoin's own speech. Martin Conlon handed me back the revised speech and I gave it to MacEoin on the morning of the trial. To prove how right I was as to the hopelessness of any escape from the Courtroom MacEoin was brought out handcuffed and brought down from Mountjoy to the Castle during the night. He was put sitting in the bottom of the vehicle with two of the biggest military policemen on either side standing over him with guns. During the trial these two big policemen stood by his side and he was kept handcuffed until the time came for him to make his speech when he asked permission for the handcuffs to be removed and this permission was granted.

During the trial an R.I.C. Sergeant who had been involved in the arrest of MacEoin at Mullingar when MacEoin broke away though handcuffed, striking a few of the R.I.C. with his handcuffs, came forward to give evidence and the usual question was asked - did he identify MacEoin. With typical R.I.C. training he walked a few yards forward as if he had never seen MacEoin before and suddenly jumped back as if fearing that MacEoin might hit him with the handcuffs. I never saw such a startled man! In this trial a number of Auxiliaries were called on to give evidence of the chivalrous manner MacEoin behaved in at Ballinalee when they were lying wounded, attending to them and having the dead removed at great personal risk to himself and his men.

After Mr. Bewley had made his speech MacEoin was asked had he anything to say and having had his handcuffs

removed he read out his speech - a magnificent speech in my opinion which is as follows : -

"Officers and Gentlemen of the Courtmartial,

When you opened the proceedings this morning, I told you I was an officer of the Irish Republican Army, and claimed treatment as an officer.

But Gentlemen you are here to try me - not as an officer but as a murderer; why? Just because I took up arms in defence of my native land. Defence of one's native land has ever been a privilege to the peoples of all nations, and all nations have demanded the services of their sons as a right. Be sure that the principle which is a proper principle for the Jugoslavs, the Czechoslovaks, for the Belgians, for the Siberians, is equally a proper principle for the Irish. I took my stand on that principle. That stand has been fully approved of by the people of Ireland, and I am glad to feel that in carrying out my duty to my country, I have always acted in accordance with the usages of war. The acts which were committed by me, and by the officers and men under my command, can stand any test judged by an impartial tribunal. All prisoners who fell into my hands were treated in a fair way: the wounded were treated to the best of my ability. Some of these prisoners will be called here to-day to prove this. They will be called, not in order that any punishment which you intend to bestow upon me should be mitigated, but just to show that my words are true. Contrast their treatment with the treatment I received at Mullingar when handcuffed and bleeding from a bullet wound which was thought to be fatal, and I, lying on the ground where I had fallen, I was beaten with the rifle butts of the enemy forces. In the dayroom of the barracks, beaten in the face and roughly handled, called names, revolvers pushed into my side. And these men say that there was nothing said or done to me. Oh no, but without reason I tell them (by the way) what they consider essential for my conviction. (I leave it to yourselves to consider the hub bub there was there when they knew - as they pleased to call me - McKeon the murderer was in).

It is sworn that I was at Clonfin; "I did not allow the wounded to be ill-treated". The witnesses will make it clear that there was no desire on the part of any of my men to ill-treat any prisoner, wounded or unwounded. Let me make one remark on the present case: you are trying me for the murder of Mr. McGrath, D.I. of the R.I.C. What happened on that occasion (7th January, 1921) was this. I was in a small house and was surrounded by an enemy force, who had advanced without my knowledge. There were two old ladies in the house and I could not defend myself there, but rushed out to meet my enemies, the odds were heavy against me. The D.I. had his revolver at "the present", the police with their rifles at "the ready"; fire was opened by both sides simultaneously. After the first exchange I noticed the officer had fallen and that his

men were running down the road. It must be emphasised that I fired at the enemy force as it appeared before me - not at any individual in particular. Well Sergeant Ryan swears he fired at me, Sergeant Clemens swears he fired at me and Constable Gilbert swears he fired at me. The officer was between these men and myself and it would be just as reasonable to suppose he was killed by them as by me. He simply fell in the fight. It might as easily have been any other member of his force, it might much more easily have been myself in view of the manner in which I was outnumbered. It has been sworn that I made certain statements in Mullingar. Well I don't know whether I did or not, but one statement I did make and I now repeat. It is that Thomas J. Devine, Carrickatane, Ballinalee, was wrongly convicted even according to English law. I said at Mullingar that if the witnesses who were swearing against Devine were brought into my presence they would see that I was the man and not Devine, and yet he is serving a long term of imprisonment for something which he certainly did not do but which I certainly did.

I wish to say finally that I am not guilty of the foul offence of murder. The people of Longford who have made me their representative know that: the people of Ireland who have made so many of my fellow officers their representatives know that. And I take this opportunity to thank the people of Longford for their confidence in me, that confidence is my justification and it is my authority for what I have done. I take the opportunity further of paying tribute to the gallantry and the loyalty of the men who have fought by my side. They stood up to superior numbers and superior equipment and every time they beat the foe. From you, gentlemen, I crave no favour. I am an officer of the Irish Army and merely claim the right, at your hands, what you would receive at mine had the fortunes of war reversed the positions. If you don't give me that right but execute me instead, then my last request is that you give my dead body to my relatives so that my remains may be laid to rest among my own people.

Long live the Republic".

I must mention an amusing incident in connection with the summing up by the Judge Advocate. When Inspector McGrath lay wounded and obviously dying, his men ran away and MacEoin came out of the cottage at Kilshruley and at great personal risk went over to him and whispered an Act of Contrition in his ear. The Judge Advocate commented on this to the Court, saying, "Gentlemen, not only did the accused shoot the officer but actually added insult to injury by whispering an Act of Contrition in his ear".



As everyone is aware MacEoin was sentenced to death by hanging and was subsequently released when the Truce came, at the special request of Michael Collins who said he would not summon the Dáil to meet to discuss the terms of the Truce unless MacEoin was released. I met MacEoin that night at Vaughan's Hotel, which was the meeting place of Michael Collins and his men and he gave me a hearty greeting, lifting me bodily and almost throwing me into the air.

Christy Harte, who was head porter in Vaughan's Hotel and who had been tortured by the Auxiliaries in an attempt to get information from him, was a particular favourite of the 'big fella'. On this particular night Mick, who was in the best of form and who had a lot of the boy in him, indulged in a bit of horse play with Christy; taking his porter's cap and putting it on himself and getting Christy to chase him through the corridors and rooms of the hotel. Later on that same night the question of the Auxiliaries came up for discussion in a general conversation at which Diarmuid O'Hegarty was present. I remarked that I thought that the Auxiliaries were the finest English soldiers since Cromwell's Ironsides, and Mick, in characteristic fashion sticking out his chin, replied, "They are finer". It was from him I learned for the first time that there was an actual person called Kelly, the subject of the well known ballad, "Kelly the boy from Killanne".

The remaining two trials arose out of an ambush which took place on the 14th March, 1921, in the vicinity of 144 Pearse Street, then called Great Brunswick Street. The 14th March, 1921, it will be recalled, was the date on which Whelan, Moran, Bryan, Doyle, Flood and Ryan were executed. No. 144 Great Brunswick Street was the headquarters of the 3rd Battalion. On that evening at about 8 o'clock a convoy left the Castle consisting of one

Rolls Royce armoured car and two tenders which included a party of Auxiliaries for the purpose of carrying out a raid at 144 Great Brunswick Street. It was about 8 o'clock in the evening. The convoy slowed down just before the leading tender reached No. 144. Immediately fire opened on the convoy, the convoy stopped and a battle ensued, firing taking place from the direction of Upper Sandwith Street. A Cadet called Farrell fell wounded and subsequently died. In addition there were some other military either killed or wounded. Apart from the military there were three or four civilians killed as well including Willie Fitzgerald of the 3rd Battalion who was a member of a well known family. Two men were captured, one of whom was Thomas Traynor. He was charged with the murder of Cadet Farrell on the 5th April, 1921, the trial being held at the City Hall before a General Courtmartial convened by Major General G.F. Boyd, Commanding Dublin District. Mr. Nolan Whelan, instructed by me, appeared for Traynor. The evidence against Traynor was that after the firing had been going on for some little time an officer, who had been in the armoured car, stated he saw a man running by the armoured car on the south side of the street on the pavement, as he described it, on his right. This man came from the direction of the head of the convoy, that is to say from where the firing had started which resulted in the death of Cadet Farrell. This officer jumped off the armoured car and caught the man at the corner of Great Brunswick Street and Upper Sandwith Street - the eastern corner. He collared him and brought him down and he said that they fell to the ground, the officer being on the top of this man who was lying on his back on the pavement. This officer caught the right wrist of the man and held it in his left hand and his left hand was bent across his body. This man

(Traynor) had an automatic pistol in his hand with four live rounds in the magazine and one live round in the chamber. When he was searched very shortly afterwards in the left side jacket pocket of his coat a clip was found containing six live rounds of automatic pistol ammunition. The clip fitted the pistol which was in Traynor's hand when he was collared. The magazine held that clip and the rounds fitted that weapon. Another officer swore that he heard a shout from a voice that he knew at the corner of Upper Sandwith Street. He there saw a dark mass in the road and found a fellow officer kneeling on the chest of the accused. The officer was holding the right wrist of the accused across his chest in his right hand and there was a live round in the chamber of the automatic pistol. This second officer said that some conversation took place, either the accused speaking first or the officer speaking first but the accused at any rate said, "For God's sake shoot me now", and either before that or after it this officer said, "Shoot him out of hand". The comment of the Prosecutor was, "In my submission not a very unnatural thing for that officer to have said under those circumstances. No comment is necessary on the mentality of an officer who captures a prisoner and makes a remark like that. Traynor was then taken under arrest, put into the armoured car and taken to Headquarters, Dublin District, where he was searched. The officer who searched him stated the clip of the automatic was found by him in the left hand side jacket pocket of the accused. The pistol was then taken by the officer who collared Traynor and handed to an officer at Headquarters, Dublin District. That officer examined the pistol and found one round in the chamber and four in the magazine. According to the Crown witnesses there were five casualties out of some seven or eight

Auxiliaries in the leading tender.

No. 144 was raided but nothing was found in it, but a dead civilian was found on the steps of No. 145. The civilian who was found dead on the steps of 145 was alleged to have a bull-dog revolver under him which had five chambers, two of which contained expended rounds and three live rounds.

When one of the officers was giving evidence he was asked by the Prosecutor, "Did he say anything to you when handed over to you". Mr. Whelan objected on the ground that that evidence had been sprung upon us as it was not contained in the Summary of Evidence. Of course the Judge Advocate, as usual, overruled the objection in typical manner.

The Counsel for the Prosecution then asked a witness in relation to a conversation which was alleged to have occurred when Traynor was in the car being brought down to Dublin Castle. The Prosecutor's next question was, "Did the accused speak first; I want to be perfectly fair about this". The answer was that Traynor spoke first. The next question the officer was asked was to state in his own words what Traynor said to him in the car on the way. Mr. Whelan again objected. The President said, "I cannot hear you". The grounds to the objection were that the accused made a statement at the time he was arrested and had not been cautioned. The Judge Advocate then intervened and asked whether the statement was made entirely voluntarily and without any suggestion on the part of anyone in the armoured car. Of course the witness replied, "Voluntarily".

The next question was did anyone speak to the accused about the subject matter that evening before he made his statement and the witness replied that no one had spoken

to the accused.

The next question was, "Will you tell us what that voluntary statement was?" The answer was, "I am only a soldier like yourself". The next question was, "Nothing more?" to which the answer was, "And I have it to do".

The next question was, "You told us just now he said something about firing, what was that? The answer to this was, "That is what I just said". Question - "Just tell us again. We have had an objection by my learned friend, and I want you to tell us what he said about firing?" The answer was - "He said - 'I am only a soldier like yourself, and I have it to do". He was then asked did the accused admit having fired on that occasion and the answer was that he admitted having fired. The officer was asked did he make any reply to that and he said no, he made no reply.

The Judge Advocate then covered the same ground; he asked the officer whether he heard the accused say anything except, "I am only a soldier like yourself and I have it to do", and the officer replied, "That is all". Question - "That is the only time he opened his mouth?", and the answer was "Yes". The next question was, "Then there is no question he admitted firing the shot"? Answer - "Yes". The Judge Advocate said, "That is what I thought". Mr. Whelan - "I must protest against this". The Judge Advocate said, "I do not know what more you want; I am clearing it up for you". The President replied, "The Judge Advocate is making it clear to the Court".

The Counsel for the Prosecution - "If you remember the order in which the evidence is given, he told me quite accidentally he admitted having fired, and the question was objected to, and the witness said he said, 'I am a soldier

like yourself". Then the Judge Advocate replied, "I am confident of this. I formed the impression at the time that this witness drew the conclusion that he meant he fired because he used those words, a conclusion that the words do not bear". Counsel for the Prosecution - "Not necessarily, no". Then a member of the Court asked, "Were any of the attackers in uniform?" and the answer was, "No".

Mr. Nolan Whelan asked an Auxiliary witness - "Do you know what the object of the raid was - I mean the raid of the convoy?" and the answer was "Yes". Mr. Whelan - "Will you tell the Court please". Answer - "I had been notified there were a certain number of gunmen there".

Another officer witness of the Auxiliaries stated that when in the Castle Traynor made a voluntary statement, namely that he admitted firing rounds that night. Mr. Whelan again objected and in this case the objection was upheld because this Auxiliary admitted that he put the question to Traynor.

This concluded the evidence by the Crown.

Mr. Nolan Whelan, at the outset of the trial, had asked for the production of the witnesses - General Macready and Colonel Edward Johnstone, the head of the D.M.P. - the object being to show that a state of war existed between the armed forces of the Republic and Great Britain. They were not produced.

No witnesses were called on behalf of the accused but the Judge Advocate asked the accused had he anything to say in his defence. The accused then said, "I am a boot maker by trade and I carry on a small business of my own in the city assisted only by my two boys. I have a wife and 10

children. Under these circumstances it takes me all my time to earn enough to keep them. I have never been yet asked by the Republican Party to take any active part in the present activity, but as an old member I was in the Army in 1916. I would be considered a proper person to do a message. The pistol in question was left in at my place on the Monday with the words: 'Bring this to 144 Great Brunswick Street at about 8 o'clock and you will find someone there to take it from you'. I proceeded to 144 at about 10 minutes past 8. I had just crossed Brunswick Street on the right hand side, and as I advanced about 4 or 5 yards towards 144 a military car passed me and stopped just in front of me opposite 144. Just then firing broke out. I stood up against the railings and when the firing ceased I took the thing out of my pocket and ran back towards Sandwith Street. I was caught at the corner of Sandwith Street. When I was put in the armoured car the men in the armoured car covered me with revolvers. I said, 'You may put them down'. I said, 'You are soldiers'. They put them down. That is all that was said while I was in the armoured car. The last witness that was examined here says that I admitted firing shots; that is not true. He asked me a lot of questions such as, 'Did not you kill our men; did not you fire at our people', and to end these questions I said: 'If I did I will answer for it'. He afterwards used that as a boast that I admitted firing. That is all I have to say".

Mr. Whelan asked for a short adjournment and even that was refused.

Mr. Whelan then made a very fine speech under the circumstances as the dice was heavily loaded against him. He based the whole case on fact, adding - "There may be

many matters that one would like to have asked but unfortunately in this country, as distinct from England, it is not possible, it is against the law to swear the Accused and to put him into the box where he can be examined by his own Counsel and cross-examined by the Counsel for the Prosecution and have any other matters cleared up by the learned Judge Advocate or Members of the Court. That is not possible in this country and if there are any gaps in this statement it is not possible for the Defence to fill them in, owing to the state of the law. He says he was a member of the Movement: 'I was in the Movement in 1916'. You are all aware of the fact, it is a matter of public knowledge, of what took place at the Easter of 1916. He also says: 'I have never yet been asked by the Republican Party to take any active part in the present activity'; in other words really the interpretation of it is, that he was a Member of the Irish Republican Party, that is what the reference to 1916 is, and he was out in Easter Week of 1916 fighting. That is what I suggest is the meaning of his statement that he made, and that he is still a member of that Republican Party, and apparently, as a member of the Irish Republican Army, would come out and fight if called upon, but has not yet been called upon to do so. The reason, I suggest, for his not being called upon to fight, is because, as he tells you, he is a boot maker; he has a small business in the city assisted by his two boys, and he has a wife and 10 children. It is a matter of public knowledge that the Irish Republican Army have a considerable number of men at their disposal operating in different parts of Ireland, and it is a matter of common knowledge, and I think it is a very fair assumption to come to, that the time has not yet come for them to call upon married men with a wife and 10 children. His explanation is that, having been out in 1916, he would



be a trustworthy reliable person to carry a revolver and deliver it to 144 Great Brunswick Street. You were told by one of the witnesses that there were some gunmen there. He was going out, if his statement is correct, to deliver this revolver to some of the gunmen in ignorance of anything that would happen or that would be likely to happen there. If his statement is correct he went down there, and just about the time that this convoy arrived he, unfortunately for himself, happened to be there. The firing started, but, as you were told, or rather, as the evidence. I submit, proves, all this attack was made by different groups from different portions of that area. You had one group at one corner of Sandwith Street with a retreat open to it; you had another group on the opposite corner of Sandwith Street with a retreat open to it, and you had a further group, as I call them, in the house, No. 144, with a retreat apparently open also, and in the house 145 with a retreat open to it; also you were told that there was firing from the far side of the street, that would be the left hand side, with a retreat apparently open, but there is no evidence before you that there were any isolated people on that footpath firing - isolated individuals - that is between 144 and the beginning of Sandwith Street. There is no evidence of that, and if his statement is correct, he just happened to be on the footpath there and I think put his back to the railings when the firing took place. You were told that the mode in which the attackers were located - it was a very dark night - the mode in which they were located was by the flashes of the revolvers or the automatics, whichever they were using. If this man was firing and he was up against the railings the flashes of his automatic would have been seen by somebody in the tenders or the armoured car, they being quite close to the footpath, and he would have been

shot dead or, at least, very badly wounded; but there was no evidence of any wounding, and they took him unwounded, which, I submit, would be an impossibility if he had been firing as he would have been located by the flashes. His story is that he stayed there and: 'When the firing ceased a little I took the thing out of my pocket and ran back towards Sandwith Street', in other words, as soon as there was a little lull in the firing, which you were told by two or three witnesses took place two or three minutes after the outburst - some said they could not locate the time, but his statement is that he ran away as soon as there was a little lull in the firing. This is consistent with the evidence, and so far all the evidence given bears out in toto the statement of the accused. The officer in the armoured car who tackled the accused told you that he did not see him firing at them, and also that he was running down towards Sandwith Street. If he wanted to escape and join up with the other group, from the evidence you must conclude that he only had to get past this officer and get away, and the easiest means of so doing would have been to fire if he intended to fire, but the officer tells you, in fact, he did not fire, and from what evidence there is I submit the only conclusion open to the Court is that the safety catch was on the automatic in fact when he was taken. If that is correct, it is quite clear he did not fire at all. If he did not fire he cannot have been a participator in this, and the fact that there are five cartridges left in the breech would prove that he was not firing. Another thing in his favour is I asked the first witness who tackled him, and he distinctly told me that he was alone when he saw him - he came from the front of the armoured car, and he was alone, and all the witnesses who came up on cross-examination said they did not see any solitary individuals

on that footpath near the armoured car or the tenders. I submit to you that although the accused was there, as a fact in the darkness he was not seen owing to his not firing.

With regard to the statement made by the accused when he was on the ground, a witness had told you that he was not quite sure of the exact words, but that he said, 'Shoot me now' or something to that effect. He was not sure of the exact words, but 'Shoot me, and put an end to it now', and that witness admitted he may have said something like 'Do me in now'. I submit the accused being on his back on the ground, with a knee on his chest, and a grip on his hand, and another officer there with a revolver, that he was frightened, and when he said 'Do me in now; do me in now', I suggest he thought that it would be better to be done then than at any other time, but it is in no way contrary to his evidence at all.....

He has prejudiced himself undoubtedly, particularly with a military court. You will have no sympathy I am sure with the members of the Irish Republican Army, and he has undoubtedly prejudiced himself by telling you, as I read his statement, that he is and was a member of the Irish Republican Party, but that only goes to show the truth of the statement. If I am correct in interpreting his remarks that he is a member of the Irish Republican Army, it is not open to him to produce any evidence, because anybody who came here to produce it would be tried possibly upon a similar charge, or upon some other charge of a serious nature. For instance, the people who were in that house or in that attack, none of them could be produced to tell you that the accused was not a participator, none of them, and I do suggest that the person who handed him the revolver could not possibly be

produced, and the result is that it is impossible in the circumstances to produce evidence for the defence on this line of defence that I am making for the accused. If you believe the statement of the accused, being a military tribunal unconsciously it may affect you, but if you believe his statement he will be acquitted, and let at large, and you may think he will be out in arms against one of yourselves in the near future; that unconsciously may affect you, but we know as a matter of common knowledge that if you do release him, he would be arrested immediately and interned, so that he is not at the moment a danger to any of the armed forces of the Crown.

.....

Now the other branch, if you do not come to the conclusion that the accused's statement is correct, or alternatively you think the case for the prosecution has been made out, the alternative defence I was putting up was that it was a conflict between forces of the British Army and the forces of the Irish Republican Army, but I have been debarred from making this point as I have not the evidence to prove to you that there is a state of war. If you will assume that there is a state of war, or if it is granted that there was a state of war in existence, I would be in a position to argue that he, as a prisoner of war, could not be tried for murder, because in war it is not murder to shoot, and the charge would fail. I am debarred from stating now what the Commander-in-Chief of the Forces of the Crown swore in other cases, it could not be evidence; I am debarred from stating it. Likewise I am debarred from stating the evidence given by Lieutenant-Colonel Edgeworth Johnstone in a case in this room to you a month ago, and the defence I was putting up amounted to this that there was a state of war in this country, that the General Officer Commanding the Forces would give

evidence of a state of war, and the words he would use would be "a state of war" and not "a state of rebellion".

. . . . .

I submit on the evidence you must come to the conclusion that this took place in a conflict between the armed forces of the Irish Republic and the armed forces of the Crown, and that you will also realise as a matter of common knowledge that a state of war exists in the greater part of Ireland. If my contention is correct, if you think the case for the prosecution has been proved with regard to his aiding, abetting and participating, the accused then is a prisoner of war, and as such a charge of murder does not lie against him. My learned friend, in replying, will possibly quote to you the law telling you that rebels are not to be entitled to the rules of war, and possibly quote you authorities, but you must recollect that it is a matter of common knowledge that the British Constitution is only partly written, and partly unwritten. The laws are likewise only partly statutory and partly common law, and as time has developed so have the unwritten laws developed, and I suggest to you that in the present condition of civilisation the shooting of rebels is contrary to them and it is not open to you to bring in a verdict of murder against the accused". . . . .

I should like to make a comment myself. It is quite clear, in my opinion, what poor Traynor meant when he said, "Do me in now". In other words, he did not wish to share the fate of McKee, Clancy and Clune, who were tortured and butchered in the Castle the previous November.

The Court then retired for their verdict and after the summing up the Judge Advocate hypocritically asked the

Court to return their verdict. He said, "The Court will of course remove from their minds all idea that the accused ever said anything else as to the admission of firing shots, or other words. The evidence that was given here was clearly, so far as the statement made by the accused at the Castle to that last witness is concerned, not admissible in evidence, and you will, therefore, reject it from your minds".

He then said further - "What is the meaning of the suggestion, 'For God's sake shoot me now', if he was a man who was there on a mere innocent mission; secondly, what was he doing with a clip of ammunition in his pocket, when he was subsequently searched at the Castle after he had been brought there? . . . . ."

The Court was then closed at 8 minutes past 6 o'clock to consider its findings and returned at 6.15 (seven minutes).

At 6.20 the Court was closed for consideration of sentence which was that he was found guilty and sentenced to death. Poor Traynor was subsequently hanged.

The next person to be tried in connection with the same ambush was John Donnelly who was tried on Saturday, 11th June for the killing and murder of Cadet Francis Joseph Farrell. Most of the evidence in this trial is similar to that of Traynor. The trial was held in the City Hall and he was defended by Mr. Dudley White, K.C., and Mr. Charles Power, B.L. Unfortunately, during the trial Mr. Charles Power got ill and had to be taken away in the ambulance.

Two officers were called to testify against Donnelly and they stated they found the accused wounded right on the scene of the attack. He was lying on his stomach

somewhere about the top step of the door of No. 147 or 148 Lower Brunswick Street. He was lying on his stomach with his head towards the door and his feet pointing in the direction of the roadway. One of the witnesses who found him had an electric torch and he flashed it into Donnelly's face. Another witness swore to Donnelly being found there, and lying by his left hand was a loaded revolver - only a matter of inches away - a five chamber bull-dog revolver with three live rounds in it and two empty cases. This was the only evidence against Donnelly.

Mr. Dudley White who had been prosecuting for the Crown for a great number of years made a very able defence which read as follows: -

"If you please gentlemen I take it that before a tribunal of this sort and gentlemen of your experience and position I need not elaborate to any extent the responsibility which rests upon us all. For the last quarter of a century practically I myself have been either defending or prosecuting - mostly prosecuting - in this City and County of Dublin, and cases of this kind, it does not matter how old you are at the Bar, are harrowing to one. I quite appreciate my friend's position and that the case is also a harrowing one to him. It is equally harrowing to the Defence, and it must be to you, gentlemen, also. Life and death is at issue, and to any man sitting calmly and quietly, without any of the excitement attaching to a fight, listening to it whose fate hangs on the result it must be still more harrowing. There is one thing I have heard so often elaborated to the Court that it seems at times to be almost a commonplace, but it is my experience from mixing with the learned men of my profession - and I put this to you so far as you act as lawyers and so far as you have experience of Courtsmartial - that as

regards this question as to the extent of uncertainty the Crown must show - the onus being on them to convince you of the prisoner's guilt - the old hackneyed words about giving the prisoner the value of the doubt are very often overlooked by juries and overlooked also by trained lawyers. I am sure you have often heard it said: 'If I had been on that Jury or on that courtmartial I honestly do not know what verdict I would have brought in. I am glad I was not on it because I really do not know what conclusion I ought to have come to'. It is a peculiarly unscientific question, because the moment the trained mind is applied to it and the moment the trained mind arrives at the point that it is merely a question of the balance of probabilities, the law itself says, 'If that is your state of mind you must acquit'. In other words, after a courtmartial or after a trial in the King's Court, no juror is asked to say - his oath prevents him from worrying his soul and saying 'After having heard all the Defence, I think on the whole the man is guilty and I ought to find him guilty, but I have that horrible doubt that possibly his story is true' - because the onus is on the Crown to prove the guilt of the accused beyond any reasonable doubt and if the Crown has not fulfilled that onus the accused is entitled to an acquittal.

Another matter dealing with documents found on premises which are in the possession of a man - a place he rents. They are deemed to be in his possession even if he shows that he has no responsibility whatever for them. In this case, however, it is quite different. In this case the pistol was not found in any of the places where, if it were a document, it would raise the



presumption against the accused. I suggest, therefore, that neither under your code nor under the criminal law of the land is there any presumption in law against the accused, because of the fact that the revolver was found near his body on the night in question, and on the other hand you have the general presumption of law in favour of his innocence as against his guilt. On this part of the case I ask you, gentlemen, to bring vividly to your mind that it is not in this case a question of the degree of probability. The position is that the Crown must satisfy you that our Defence is not possibly true. Dealing with this youth - I think he is only 19 years of age or so - he tells you that he is employed in the Gas Works and that he lives quite close at hand so that his being on the spot at the time in question was quite an ordinary place for him to be either in connection with his home or in connection with his business. It was his natural venue, so to speak, and the very hour at which he was there was the natural time for him to be in the neighbourhood. Of course, we are not trying Traynor's case now and I am not going into that case beyond making it a basis in my mind for suggesting to you the tremendous difference between the evidence for the Crown in that case and the evidence for the Crown in this case. In this case you have the complete absence of the identification of either the physical or mental connection of the accused with the raid which occurred on this day. This boy has disowned any connection with the Republican Army or with any political organisation or party. You, gentlemen, I am sure have had experience of the various prisoners that have come before you, members of the rebel army who have

refused to recognise the Court. There is nothing of that sort here. This man comes here to stand his trial and he recognises the Court and he has King's Counsel to defend him. He tells you that he did not have a revolver in his possession that night, that he has never handled a revolver in his life, and he disowns any connection with any political party whatsoever. He says to you he was going along that night merely having a ramble in the ordinary way, that he heard shots fired, and that he immediately ran to the nearest shelter and threw himself down. He is in the neighbourhood where he naturally would be, his home being close by and the Gas Works where he works being in the neighbourhood. Shots are going all round, he is in desperate peril and he runs for shelter, so that up to the question of the proximity of the revolver he is merely in a position in which any ordinary citizen or layman anxious for his life and seeking protection would be found lying. There are certain things in this case as to which there is no evidence at all, if there was in Traynor's case. In Traynor's case Traynor claimed to be a member of the republican party. It is the reverse here. Traynor said that he was out in 1916 and was regarded by the republicans as the proper person to undertake a message and the message he admitted receiving on this 14th March was to bring a pistol opposite No. 144 Great Brunswick Street and hand it over to some person apparently a member of the Republican Army. There is not a word or a suggestion of any such thing as that in this case. Also in that case the man Traynor was captured with extraordinary agility by one of the officers engaged in the affair who ran after him, tripped him up with a Rugby trip, held Traynor's hand

with the revolver actually in his hand and the evidence was that at the moment of capture this wretched man, Traynor, cried out there and then 'For God's sake shoot me now'. When I read that trying to put myself into the position of the defending counsel I was puzzled to think what Defence would have been put forward in that case and I see his Counsel was actually driven to the Defence that his client was a belligerent and that as it was a matter of warfare if he was the agent and abettor of the Republican Army it was not murder at all. I repeat this is an entirely different case. Before you can find the accused guilty the onus is on the Crown to show that groups of men were acting together for a felonious purpose and you must on legal evidence connect this man in custody with that revolver, not merely physically but the Crown must show that he had gone there deliberately to aid in attacking and killing members of the Crown Forces. I need not go into details, because it is a matter of absolute common knowledge that every day these shocking attacks are going on in our streets and not one of us ordinary innocent civilians is safe to walk through the streets of Dublin at present. Every one of us runs the risk when we are in the street of being killed or wounded by fire either directed against the Crown Forces or by fire from the Crown Forces defending themselves. Therefore, as convincing as I can, I put it to you that the mere fact of a man being found wounded in a public place near the place where he would ordinarily be and about the time he would be likely to be there is no evidence whatever that he is anything but an ordinary innocent civilian caught by the fire which broke out on all sides of him. He is merely found lying down

and wounded in the very kind of spot where any man in desperation would run to for protection. Mere suspicion counts for nothing in the Crown's case, and you have the fact that any one of these assailants of whom there must have been many when running away might have thrown his revolver away and thrown it down at the very side of this wounded man. That I suggest to you is the explanation - and it is a probably explanation - of the revolver being found near his body. Then again the accused has not been connected with any positive act in any way whatsoever. I could not find from the evidence whether any witness told the Court where Cadet Farrell was sitting in the tender".

Counsel for the Prosecution: The last witness said that he was sitting with his back to 144. The doctor said the bullet entered at the right side of the back and came out at the left side.

Mr. Dudley White continuing -

"Of course, in this case, the exact bullet that killed either Cadet Farrell or Cadet Beard does not matter, because if the accused is proved to have acted in concert with others in this attack he would be equally guilty. At any rate, you have this evidence. The sixth witness only says there was firing from the doorway of 144 and 145 and from the upstairs windows of 144. In his statement at the Summary of Evidence he had said that the accused was found lying on the top step of either 147 or 148. You will remember I cross-examined him as to his evidence in Traynor's case where he speaks - and I think he finally came round to accept the view I put to him - that apart from the numbers of the houses there was one man found with a Bull-dog revolver, another man found

lying on a bag of ammunition, and there was a third man found with a revolver. This is the passage that I read to him:

Q. "Did you find another man on the steps of 145?"

A. Yes.

Q. Was he alive?

A. I could not say.

Q. Had he got any weapon with him or near him?

A. Yes, he had a revolver by the side of him.

Q. Was that loaded or not?

A. Yes, it was loaded. Two cartridges had been expended. It was one of the old-fashioned bull-dog revolvers".

Therefore you have three men all in a position to have caused the wound from which the unfortunate Farrell died. There is firing from several other directions as well, especially from the direction of Erne Street. It is remarkable that that witness heard no shots from the rear. All the shots he heard came from the front. You will see, Sir, when you come to read through the preliminary statements before giving your judgment that the witness did not suggest that shots came from the direction of either 147 or 148. That statement to-day was in a certain sense drawn out of him. You will remember I objected to a leading question put by learned Counsel for the Prosecution on another matter where it was stated there were several wounded prisoners found lying in the street afterwards, and learned Counsel put the question: "They had got revolvers". There was another series of questions, "You saw snooting" - this

is the way the question was put - "from the second or third house down". I objected to that and pointed out that the witness had not said that; that what he said was that the second or third house down was where they stopped. That is not that he saw shooting coming from there. Then the learned Prosecutor said: 'I did not say he did say so', but just a moment before he had put the question: 'You saw shooting coming from the second or third house down". Then Counsel for the Prosecution put a question that I really felt I ought to take objection to: 'Had you seen any firing from the house on the doorstep of which you found this man?' He might as well have asked the witness: 'Did you see the accused man in such a position that firing must have come from a revolver in his hand". The proper legal question to put was: 'Where did you see the firing come from'. The answer was: 'That is where the firing was coming from'. Then he asked whether it was from the step of the house or out of the windows of the house and the witness's answer was: 'From the steps of the 'houses' and the doorways of the houses' showing that he was meaning that firing came from several places all along there. Then he was asked: 'Did you see any firing from the direction of the house where you found the man?' My point is that to that extent the evidence is put directly into that witness's mouth and the witness himself had not given that evidence in his earlier preliminary statement.

Now, gentlemen, there is our Defence. We were out on this night walking at this place in a perfectly innocent way, that we have no connection with any political body and none has been proved and it must be assumed that that is correct. We must, of course, work on the evidence that has been given here and the

only evidence is that the accused man is found lying wounded with a revolver beside him in a suspicious position. Well, there is abundant evidence that there were numbers of people firing and any one of those could have caused the death of Cadet Farrell. I think Traynor was caught quite close to where this man was found and anyone running away having taken part in an attack of this kind on the Crown Forces the first thing he would do would be to throw his revolver away. If this is to be a case of execution and the execution takes place, because this man, although he was found in an absolutely innocent place, yet there was a revolver near him which he might have used, that I submit is not evidence on which any man can be convicted of this dreadful crime of murder. Every day in Dublin - you have the Custom House and Croke Park - absolutely innocent people being shot and the same thing happens, weapons are thrown about all over the place. If this man had been using this pistol there was nothing on earth to prevent him from throwing it away. In addition you have the fact that there is no connection proved either direct or indirect between the accused and the Irish Republican Army. The only evidence is the evidence of the vicinity of the revolver to his body when he was found there lying wounded. You have no evidence of any overt acts being done by him. He was merely seen lying in a place where he would naturally be lying corresponding with his own story if he is rushing to seek protection. I take it that these men are searched when they are picked up wounded and if this man was a republican surely some ammunition would have been found on him. Traynor had a clip of ammunition. Almost every one of them has ammunition or a revolver

or documents of some sort connected with them. Nothing was found on the person of the accused. Was his home searched and was anything found there? Has anything been brought before you to even create an atmosphere of suspicion against him? Did he make any incriminating statement? Did he say that he had been sent there?.... No, there is nothing of that kind in this case. I ask each of you gentlemen for the last time to ask yourself is it not absolutely possible that this man was merely lying down on that doorstep in self-protection and that an unfortunate coincidence happened that one of the attackers in running away threw his pistol down and unfortunately threw it by the side of this man. You have the fact of other pistols having been found near the place. There was one absolutely on the spot at 145 and there is the man found with the bag of ammunition lying underneath him. That man may have been the person who dealt the fatal blow and I ask you can you convict a man of murder on the mere circumstance that he is found lying wounded beside a revolver?"

As might be expected the Judge Advocate's summing up was an additional charge by the Prosecution.

At 4 p.m. the Court closed to consider its finding and at 4.10 p.m. the Court re-opened. The Judge Advocate then cynically stated -

"By direction of the Convening Authority the trial of the accused upon the Second Charge Sheet is not proceeded with".

Donnelly was sentenced to be hanged and would have been hanged at the same time as MacEoin had not the Truce intervened.



Shortly after the Truce there was a great gathering in Vaughan's Hotel of all the men who were round Mick Collins. It was a farewell party given to Harry Boland before proceeding to America. Apart from Mick Collins and Harry Boland there were also present, Gearóid Ó'Sullivan, Diarmuid O'Hegarty, Liam Mellows, Liam Tobin, Rory O'Connor, Frank Thornton, Colonel Broy, the late Detective-Sergeant McNamara who was working for Mick Collins, Seán Etchingham of Wexford and many others. It was a joyous occasion and Mick Collins recited, "Kelly, Burke and Shea", and Liam Mellows sang "McDonnell of the Glens" - an old Scottish song. Little did we think that night of the events that were in store before another year had passed. It is well for mortal man that he cannot see into the future.

Signed:

Michael Noyk

(Michael Noyk)

Date:

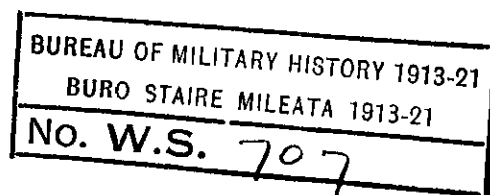
4 July 1952

4 July 1952.

Witness:

M.F. Ryan Comdt

(M.F. Ryan) Comd't.



U. C. Galway.

28.8.52.

A Mhichil, a chara,

I return you herewith your very interesting narrative. It would be worth publishing but a certain amount of work would be needed, I think, to put it into better chronological order, to put in some more dates and also to add to it; if we all put our memories together we could think of various incidents quorum pars magna fuiste, that would be well worth putting in; for example, poor old Jim's change of name in protest against the proclaiming of the Gaelic League. The accounts of the trials are most interesting; but equally so is the inferred picture of life in Dublin and of the multifarious activities of the Big Fellow. What your book really and fundamentally reveals is the leadership of Collins; that you and all the fighting lads and the people running the courts and everybody had that general feeling of hope, confidence, determination, buoyancy, which a real leader gives to his army. That is the really valuable thing; how everybody was full of fight.

I send you also Mick Lawless' narrative. He talked to me of the despatch rider of Whelan and Moran's trials a couple of months ago. I had never heard of him before. When I read your stuff I went to him and yesterday morning in the bar of the Chamber of Commerce here, where he is assistant bar-tender, I wrote down his story. He is undoubtedly the man for whom Moran was

hanged. What a curious discovery to make here after all these years! and what a record he has. From the night the Volunteers were founded right down to and including the army mutiny in 1924! He is a poor old devil now, baldy and a bit deaf, married and with a family here. You would never think he ever saw a gun. Keep this narrative of his carefully. Send it back to me or if you like, phone John Joyce and ask him to collect it for the buro of mil. history, Westland Row. It is the only copy.

All the best to all the crowd. All is quiet on the western front.

Yours,

Liam.

P. S.

Also various remarks and comments on your text which I hope you will be able to read and which I hope will not offend you.

