

*ROINN COSANTA. BUREAU OF MILITARY HISTORY, 1913-21.
STATEMENT BY WITNESS DOCUMENT NO. W.S. 707*

*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.

*Conditions, if any, Stipulated by Witness. nil
File No. S.602*

*Form Statement of Mr. Michael Noyk, Solr.,
65 Lower Leeson St. and 12 College Green, Dublin.*

Contents

78. Courtmartial Trial of Seán MacEoin 75 to 80

...The next trial was the most important one, namely that of Sean 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 can 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 officials¹ Army and Civil, in the Castle, Sir Henry Wynne, the Chief Crown Solicitor, who was himself a Cork man, 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. Sean 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 Gearoid 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. Then 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 Cordon 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 today 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 hub 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".