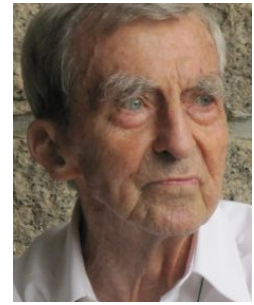


To the Memory of my Father
Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army.

Fr. Joseph Mallin S.J.
Wah Yan College
281 Queens Road East,
Hong Kong,
S.A.R. China,



8 September 2016

So much has been written, spoken about, and discussed by those in Ireland about my father in recent times that I have decided it is time for me to comment. I have been here in Hong Kong since 1948 save for short periods in Ireland and therefore I have not had the opportunity to remain up-to-date with the material, archives, now available, and circumstances hinder me. I want to thank Seán Tapley, grandnephew to Michael Mallin, for sending me those recently released papers concerning the trial of my father. Without this material my comments would not add much weight. I want to also acknowledge my family in Ireland who have made a thorough examination and appraisal of the relevant material. I have read their comments and strictures on the trial of my father in 1916 and I endorse their analysis.

I have also read Seán Enright's excellent work *Easter Rising 1916 - The Trials*. However circumstances hinder my reading that work with thoroughness and giving it the close scrutiny it deserves.

I have been interviewed several times about my father. However, not being aware of recent disclosures I was unable to answer questions to my satisfaction. The matters dealt with in the accompanying pages have been discussed carefully by my relations and I agree substantially with all that is contained in the accompanying pages. The secrecy of these trials, ex-camera, and other indications point to falsities. Hence I have added my signature.

I would like to add a little from my own knowledge of the time. For quite some time after 1916 our family was scattered. My mother wisely did not speak to me or my sister Maura about 1916. These were years of unrest and turmoil. We were protected as far as possible. My mother did not discuss these matters with us two young children. The older siblings were generally absent from the house, scattered far away.

I did pick up stray bits and impressions from conversations among the adults. From some of my mother's remarks I think she believed that my father was targeted by the elite of the British army who

To the Memory of my Father
Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army.

knew him and viewed his past in an unfavourable light. I do remember hearing that my father was a “marked man” in the upper ranks of the British Army. My mother quietly made the comment “*marked man he was*”. I did not understand then, its significance. I understand that he was approached by recruiters for the British army and he gave a refusal. They wanted him to re-join the British army in the war against Germany. However, he rejected their approach and their offer of a commission.

My father’s years in India and actions of his there must have brought him to the attention of Brigadier Maconchy. Actions not recorded history, but verified. Brigadier Maconchy was a decorated career military officer in India, the Jewel of the British Empire. His whole military background would have moulded his attitude; any threat to the British Empire must be removed; the Army must not be hindered. I certainly agree that an impartial verdict could not be expected from his court.

In 1924 when my mother had to be in hospital due to an illness. Miss Pearse, sister of Patrick Pearse, took my sister and me under her care in St. Enda’s College where I remained until 1931. I graduated and spent a year at home as a companion to my mother who was bedridden. In 1932 on the death of my mother I entered the Jesuit order and following my years of formation I was immediately posted to China. Save for some periods, usually short and rare I have been here ever since.

Fr. Joseph Michael Mallin S.J.

An tAthair Seosamh Mícheál Ó Mealláin S.J.

Date

To the Memory of my Father
Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army.

To whom it may concern,

I am Fr Joseph Mallin S.J, son of Michael Mallin, Commandant and Chief of Staff of the Irish Citizen Army (ICA). My father was court-martialled and executed on the 8th of May 1916 for his part in the 1916 Rising. I want to contest the accuracy of the document purporting to be a true account of my father's court-martial and, in doing so, I want to defend my father's good name, honour and character against the malicious claims contained in the court-martial record, the most offensive of which are that he stated to the court...*I had no commission whatever in the Citizen Army.....and that....the Countess of Markievicz ordered me [him] to take command of the men.* I believe that the veracity of the court-martial record does not stand up to critical examination for all of the reasons outlined in this letter.

However, the inference of these two statements has been interpreted by some writers and historians to mean that my father tried to transfer the responsibility for the Command of the St. Stephen's Green Garrison to Countess Markievicz and thereby avoid his own execution. That interpretation is a profound injustice to my father. My father would never have put the life of a comrade at risk as this would have been contrary to everything he believed in and lived by. The archival records confirm his leadership qualities and give first-hand accounts of how my father put his own life at risk to save the lives of his comrades, for example, wounded ICA volunteer, Philip Clarke. My father had no fear of death, he was a soldier, and he had faced death on more than one occasion in India and in Dublin.

I believe the court-martial record to be untrustworthy and a questionable account of the court proceedings, the motives for which are examined and presented in this letter. My belief is confirmed by the account of the British Army officer, Captain Henry de Courcy-Wheeler, who took my father's surrender at St. Stephen's Green, and who also gave evidence at my father's court-martial. My belief is further confirmed by the President of the court-martial, Brigadier Ernest Maconchy, who claimed in his memoir that his written records are, in many cases, his own words and therefore not a verbatim account of the court-martial proceedings. But above all I believe my father was an honourable man who would not shirk his responsibility and definitely not a person who would risk the life of a dear friend and comrade. My father was a religious man, a man of faith, with deeply held Christian values.

I set out hereunder my thoughts on my father's court-martial and in particular the document written by the President of the court-martial, Brigadier Maconchy, which is a fundamental part of the court-martial record. My thoughts on that particular document and the court-martial in general are set out as points in Appendix 1 of this letter. I ask writers and historians to take these points into

To the Memory of my Father
Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army.

consideration whenever they are writing or presenting something about my father. Thank you for your consideration and taking the time to read this letter.

In more recent times I have become aware of what I believe to be unfounded criticisms of my father's character most of which are based on his court-martial record. The time has come when I feel it necessary to express my thoughts on the matter and to defend my father's honour. To that end I have obtained copies of this archival material in order to better inform myself on the subject of my father's court-martial. It should be remembered that the court-martial records were locked away and only released to the public almost 85 years after the courts martial took place. Therefore, until recently, public knowledge of the contents of these secret documents was almost non-existent or at best scant. It was even believed at one stage that the court-martial records had been destroyed. I only became aware of the existence of my father's court-martial record lately, and its content more recently.

Had the Mallin family and I been aware of this offensive accusation at an earlier time I can assure you that my family and I would have made strident efforts to defend of our father's good name and prove the accusation to be untrue. However, since knowledge of the existence of this accusation has only come to our attention recently my family and I are compelled to publicly defend Michael's honour and reputation. A task made all the more difficult by the passage of time but I am confident that I, and they, will succeed.

I was unaware of all of the material that was hidden in the archives when I was answering questions that were put to me about my father's court-martial. Whenever I was asked to speak about my father I have always tried to explain his anxiety at the predicament in which he was leaving his family, his wife and children, his love for his family, his love of Ireland. This anxiety is expressed very clearly in my father's own words in his last letters which are kept at Kilmainham Gaol Museum.

Since my father's court-martial record entered the public domain this offensive accusation is repeatedly recited in the media and by certain writers and/or historians in what I believe is an unbalanced and sensational manner. Some writers and historians have been unjustifiably critical of my father for this and various other reasons. Some have made unwarranted character judgments of him without checking, or at least questioning, the reliability of the material on which the comments are based. Some writers and historians have chosen to base their judgment of my father on the criticisms and opinions expressed in the work of others, thereby spreading the criticism and quoting it as fact in their references. Often these negative comments and criticisms are based solely on the personal opinion of the writer/historian and they are not based in fact or solid research. I ask writers, historians and all who choose to use the material from this court-martial record to test and question the veracity of the document and the accusations made in it about my father.

To the Memory of my Father
Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army.

The failure by writers and historians to give a balanced view of my father's court-martial is noticeable and conclusions drawn from an unquestioning analysis of the record are flawed. The unquestioning acceptance of this court-martial record as a true and accurate account of the proceedings is a fundamental mistake. Furthermore, failure to explain to readers or an audience that the court-martial record is Brigadier Maconchy's personal handwritten account of his secret court-martial of Commandant Michael Mallin, in a court where there was; no jury; no independent observers; no members of the public allowed; and where my father was not permitted to have legal counsel for his defence, is an error of enormous proportions and an injustice to my father's honour. It should also be pointed out that; the courts martial were set-up by General Maxwell, Commander-in-Chief in Ireland; that courts-martial were by an large set up on General Maxwell's interpretation of the law; and that his interpretation of the Defence of the Realm (DORA) Act under which the courts martial were supposed to be convened didn't comply with the basic provisions and the protections of that Act.

Therefore I respectfully ask these and future writers/historians to review their work where my father is concerned and to make their own balanced and impartial analysis of the material available to them. I would also be grateful if they would give some consideration to the points set out in this letter and its appendix.

Whereas I am glad that my father has been taken out of relative obscurity in the run up to the recent period of centenary commemorations I remain nevertheless concerned with the portrayal of my father as someone who would put the life of a dear friend and comrade at risk. It is profoundly wrong that he should be portrayed in this manner. He was well aware of the injustices in society and he railed against these wrongs on many occasions. He spent his life fighting to improve the lives of his fellow man and he, like James Connolly, gave his life in the fight for that just cause. My father had a deeply held Christian faith and love for his fellow man. This is how I believe my father should be remembered and portrayed. My family will continue to defend my father's good name and honour and I by this letter lend my wholehearted support to them in this endeavour.

Fr. Joseph Michael Mallin S.J.

An tAthair Seosamh Mícheál Ó Mealláin S.J.

Date _____

Appendix 1

On Sunday the 30th of April 1916, just one week after the commencement of the Easter Rising and the declaration of the Irish Republic, my father, Commandant Michael Mallin of the Irish Citizen Army, was ordered to surrender his garrison at the College of Surgeons, St Stephen's Green. He obeyed the order and surrendered his garrison. He and his comrades, the men and women under his command were arrested and taken prisoner to Richmond Barracks at Inchicore. He was court-martialled on the 5th of May and found guilty of treason. He was executed in Kilmainham Gaol by firing squad at sunrise on the 8th of May.

The summary trial, by field general court-martial, at which my father was tried was held in secret. There was no jury in the court and there were no independent observers or members of the public permitted to attend the court. My father had no legal representation and he was not permitted to give sworn evidence in his own defence. The court president was Brigadier Ernest Maconchy and the other members of the court-martial were, Lieutenant Colonel A.M. Bent, and Major F.W Woodward. The prosecuting officer was Ernest Longworth, a commissioned officer in the Training Corps at Trinity College and a member of the Irish Bar. There was no defence officer. It was an all military court. There were three prosecution witnesses and one defence witness. My father's trial lasted less than 15 minutes.

Michael Mallin's family and I have set-out hereunder our thoughts and observations on my father's court-martial record, particularly the document written by the President of the court-martial, Brigadier Ernest Maconchy. His document, the Maconchy document, is a fundamental part of the court-martial record but we believe its veracity is questionable for a number of reasons.

The Maconchy document, is written and signed by the President of the court, Brigadier Ernest Maconchy. It is written in his hand and he alone signed the document. It forms part of the court-martial record. The junior members of the court (Bent & Woodward) did not sign Maconchy's document or provide their own written accounts of the trial. The fact that his document has not been endorsed or corroborated by the other members of the court is significant. Especially since the written words are, by Maconchy's own admission...*in many cases his own words*. Therefore this uncorroborated document is one man's own account of court proceedings at a secret trial. It certainly must not be taken to be a verbatim account of the proceedings.

The Maconchy document contains two statements that my father is supposed to have said to the court.

1)....*I had no commission whatever in the Citizen Army.....and*

2)....*the Countess of Markievicz ordered me to take command of the men....*

In the years following the release of the trial records some writers, historians and commentators have interpreted these two statements to mean that my father tried to deny his command and responsibility for the St Stephen's Green Garrison and they have sensationalised their work on the potency of these statements resulting in an inaccurate, unfair and unbalanced assessment of my father and everything he stood for.

In my father's own words, written in a letter to my mother after his surrender, he wrote.... *"My darling wife all is lost. My love to all my children... no matter what my fate I am satisfied that I have done my duty to my beloved Ireland and you and to my darling children.....I said all was lost, I meant all but honour and courage. God and His Blessed Mother again guard and keep you my darling wife"....Mike.* This is my father, the man that stood before the court-martial, these are his words.

There are many questions to consider when examining the record of my father's court-martial and these are just a few of the more significant ones.

- 1) Is the court-martial record a true and accurate account of my father's trial?
 - Were the omissions from court-martial record, identified by Captain Wheeler, an oversight or an intentional act?
 - Did my father deny his role and responsibility in Rising?
- 2) Did the General Maxwell's expressed intention to execute Countess Markievicz if she was found guilty have an impact on my father's court-martial?
- 3) Was my father's service in the British army to his credit or his detriment at his court-martial?
- 4) Is the written account of the court-martial credible when compared to other accounts of my father?
- 5) If the court-martial records were to be archive for a long time, why would they have bothered to distort the record?
 - Did public opinion in the aftermath of the rising influenced the outcome on his court-martial?
 - Was the record couched so as to discredit my father? If it was; what were the motives? What was to be gained?

1) Questioning the accuracy of Brigadier Maconchy' court-martial document.

1.1) Captain Wheeler v Brigadier Maconchy

- a) The garrison at St. Stephen's Green surrendered to Captain Henry de Courcy-Wheeler. There was a photograph taken of the surrender and it shows my father and Countess Markievicz, under arrest, guarded by British troops, at the Ship Street entrance to Dublin Castle. Captain Wheeler was a keen photographer and it is most likely that he took this picture.
- b) Captain Wheeler keep notes of the surrender in his in his field notebook. His contemporaneous notes were his aides-memoires, as he refers to them in his memoir.
- c) Captain Wheeler gave a first-hand account of the surrender in his evidence to the court-martial where he stated that...*"the prisoner [my father] came forward and saluted and said he wished to surrender and this is the Countess Makievicz. He surrendered and stated he was the Commandant of the garrison"*. This statement was recorded in Brigadier Maconchy's record of the court martial.
- d) Captain Wheeler later recorded in his memoir, which he wrote from the contemporaneous notes he kept in his field notebook, that*"two of the rebel leaders came out of the college of surgeons, advanced and saluted. The commandant stated that he was Michael Mallin and that his comrade was Countess Markievicz and that he wished to surrender"*.
- e) Therefore Captain Wheeler was consistent in his first-hand accounts of the events of the surrender of St Stephen's Green garrison since he was diligent enough to keep his contemporaneous notes in his military field notebook. In other words Captain Wheeler can be relied on for the accuracy of his memory and his evidence. He was a consistent, accurate and a creditable witness.
- f) Captain Wheeler has also recorded in his memoir that when he gave his evidence to the court-martial,...*"the court president, [Brigadier Maconchy] asked Commandant Mallin if he wished to ask me any questions...He [my father] said....No...but (turning to me) he said, I wish it placed on record how grateful my comrades and myself are for the kindness and consideration which Captain Wheeler has shown to us during this time."*
- g) Captain Wheeler recorded in his memoir that the president of the court [Brigadier Maconchy] said that his [my father's] wish would be carried out, in other words, the note of his expression of gratitude would be written into the court record. However, in spite of the promise given

to my father, this exchange isn't written into the court-martial record or Maconchy's document for that matter.

- h) Therefore on the one hand we have Captain de Courcy-Wheeler's reliable and detailed first-hand account of the surrender and the court-martial proceedings, and on the other hand we have Brigadier Maconchy's statement that his written documents are....*in many cases, his own words*.
- i) This highlights a disparity between what Captain de Courcy-Wheeler and Brigadier Maconchy recorded as their record of the court martial. Clearly this questions the reliability of Maconchy document.

1.2) Commandant Mallin v Brigadier Maconchy

- a) If one is to believe, as has been suggested, that my father intended to deny to the court-martial, his command and responsibility for the St Stephen's Green Garrison and thereby put a the life of a comrade at risk, then why didn't he contest Captain Wheeler's sworn statement to the court martial when he was given the opportunity? His evidence was the most damning for my father.
- b) My father knew the significance of this statement....*he [my father, Commandant Mallin] surrendered and stated he was the Commandant of the [St Stephen's Green Garrison] garrison....* Brigadier Maconchy himself believed this statement was important so much so that he double highlighted the statement in the left margin of his document. This gives us an indication of its importance to the outcome of the court-martial.
- c) My father was well aware of the consequences of Captain Wheeler's statement and he accepted the statement because it was true. Instead, when given the opportunity to speak, my father chose to thank Captain Wheeler for his kindness and consideration. He didn't contest the statement because it was never his intention to deny his command and responsibility for his garrison.
- d) The failure to record my father's statement to the court-martial may have been a simple error but, as this statement shows Commandant Mallin to be gracious in defeat, and, by not attempting to contest the evidence, resigned to his inevitability of his fate, it would seem more likely that the statement was omitted more by design rather than by accident.

- e) My father knew that he would be executed and he anticipated the outcome of his court-martial. When asked by his comrades at the time of their surrender what would happen to them he told them that he and the other leaders would be court-martial and executed and that they would go to prison. Several of his comrades have recorded that fact, see for instance, Frank Robbins, James O'Shea or Harry Nicholls witness statements to the Bureau of Military History.
 - f) My father's rank within the Irish Citizen Army was well known, and public knowledge. He never made any attempt to conceal his identity or his involvement with the Citizen Army. He was well aware that the court-martial had all of that evidence at its disposal. Any suggestion that he tried to deny his command and responsibility isn't credible, and simply false.
 - g) My father never saw the court martial record nor did any member of my family, for that matter, until relatively recently.
 - h) James Connolly, foreseeing that there might be some distortion of his statement to the courts-martial, very wisely, and secretly, gave his daughter a copy of his statement.
- 2) General Maxwell's expressed intention to execute Countess Markievicz.**

General Maxwell v Countess Markievicz

I believe it can be reasoned that the record of my father's court-martial was a deliberate attempt by the British Military to provide General Maxwell, Commander-in-Chief in Ireland with evidence to support his expressed intension to execute Countess Markievicz if she was found guilty. While at same time smear the good name and character my father, an honourable man and former British soldier. The reasoned arguments are presented below:

- a) General Maxwell, Commander-in-Chief in Ireland, is on record as saying that he intended to execute Countess Markievicz if she was found guilty.*"I intend to try her [Markievicz] as she is bloody guilty & dangerous. I am of the opinion that this is the case of a woman who has forfeited the privilege of her sex".....*

The court-martial of my father, Commandant Michael Mallin of the Irish Citizen Army is inextricably linked to the court-martial of Countess Markievicz not only because of her high public profile and involvement with the Irish Citizen Army but also because of the expressed intensions of General Maxwell.

- b) Countess Markievicz was court-martialled, found guilty and sentenced to death on the 4th of May, but the court martial verdict was not announced, and it had no validity, until General Maxwell the confirming officer, considered her trial record and confirmed the verdict and sentence. Maxwell delayed confirming the sentence on Markievicz for two days.
- c) My father was court-martialled, found guilty and sentenced to death, on the 5th of May. The delay in confirming sentence on Countess Markievicz provided the British Military with an opportunity to provide further evidence to support their Commander-in Chief's [Maxwell] expressed intension to execute Countess Markievicz. My father's court-martial provided that opportunity.
- d) Countess Markievicz was one of the high profile personalities of the rising, therefore curiosity alone would have made Brigadier Maconchy, the court president at my father's trial, enquire as to the outcome of the Markievicz trial. It is reasonable to assume that his fellow officer Brigadier Blackader, the court president at the Markievicz trial, would have no difficulty in disclosing this information to Brigadier Maconchy. Countess Markievicz was found guilty and sentenced to death on the 4th of May, the day before my father's court-martial.
- e) Therefore, if Brigadier Maconchy already knew the verdict of the Markievicz court-martial, it is conceivable that Maconchy was attempting to strengthen the hand of his Commander-in-Chief, and when he wrote the words...*Countess of Markievicz ordered me to take command of the men....* was he not patently bolstering Blackader's verdict of guilty against Markievicz?
- f) As already stated, Brigadier Maconchy, in his memoir, makes no secret of the fact that in many cases he wrote the words for the prisoners himself.
- g) One prominent historian has observed that on close reading the 1916 court-martial records and other court-martials of the period show that the court Presidents placed a very high priority on ensuring that the confirming officer [Maxwell in this case] had sufficient material to justify confirmation of the court verdict.
- h) The public records show that General Maxwell pressed the Cabinet for permission to execute Markievicz if is she was convicted. However Asquith [Prime Minister] had the last word and he would not permit Maxwell to execute Markievicz under any circumstances because she was a woman. Consequently her sentence was commuted.....*to penal servitude for life on account of her gender.....*on the 6th of May, the day after my father's court-martial.

3) The consequences for my father from his career in the British army.

- a) My father served over 13 years in the British Army with the Royal Scots Fusiliers, more than six of which were spent on the North West Frontier in India.
- b) It is well known that my father frustrated the British Army hierarchy on at least four significant occasions:
 - 1) When my father was serving with the British Army in India he was called on to give evidence at the trial of an Indian man accused of shooting a British Officer. The man was being tried by military court. All of the witnesses were from the military including my father but he was the only witness to state that the accused man was innocent of the charge. My father's statement was contrary to the view of the court and not well received by the military hierarchy. The Indian man was found guilty by the court-martial, sentenced to death and hanged.
 - 2) During his time in India with the British Army he refused to contribute to a collection for Queen Victoria's birthday and he was outspokenly critical of the Queen for religious reasons. By today standards this might seem petty but at that time his outspokenness would not have gone unnoticed to the hierarchy of the British Army. It would be regarded as an insult to their queen and would be held against my father by the senior ranks of the British army.
 - 3) He refused a promotion and a bounty if he would stay on and complete 21 years in the British Army. He refused this offer in no uncertain terms.
 - 4) He again rejected an offer of a promotion if he would re-enlist in the British army at the outbreak of the First World War.
- c) Given that Brigadier Maconchy spent his whole military career in India it is highly likely he was well aware of the background to these, and others events concerning my father. It can be reasoned that these events influenced Brigadier Maconchy's opinion of my father and before the court martial began.
- d) The culture within the British army at the time was such that those who broke ranks with their own kind were treated harshly e.g. Major Sir Francis Vane, who exposed his fellow officer Captain Bowden-Coldhurst for the murders of Francis Sheehy Skeffington, James McIntyre and Thomas Dickson. Major Sir Francis Vane, was pushed out of the army for blowing the

whistle on a fellow officer. What would they do to one of their kind who took up arms against them?

- e) As a former British soldier with the Royal Scots Fusiliers, my father's actions in the Easter Rising 1916 would, in the eyes of the British army, be seen as treasonous and far worse than if he had been a civilian rebel. The members of the court-martial were well aware of General Maxwell's expressed intention to shoot the leaders from the garrisons where the British took heavy losses ... *"we will make those beggars pay for it"*....and consequently they knew that their army careers were, to a large extent, reliant on a court-martial verdict that concurred with General Maxwell's view.
- f) The court president, Brigadier Ernest Maconchy, and the other members, Lieutenant Colonel A.M. Bent, and Major F.W Woodward were career military men of the British army. Brigadier Maconchy and Lieutenant Colonel Bent had long service careers in the British Colonies. Maconchy's whole career was in India and Bent had spent at least 25 years of his military career in India. It goes without saying that they would most definitely be serving the interest of the British Army; the expressed intentions of their commanding officer General Maxwell; and by extension their own military careers. Their impartiality must be questioned.
- g) They knew my father from his military service in India and as British army men they would have regarded him as a traitor to their uniform. My father fought on the 1897-1898 Tirah campaign on Indian/Afghanistan border, as did Brigadier Maconchy. My father received a medal and Maconchy received his DSO (Distinguished Service Order) on the Tirah. When my father came before Maconchy for court martial, it is reasonable to believe, that Maconchy would have regarded him as a treasonous former soldier, a disgrace to the British uniform and shooting alone would not be good enough.
- h) Treason for a serving soldier, or former soldier, of the British army would be judged far harsher by its military court than if that person were a civilian rebel. Therefore it can be assumed that, in the eyes of the court-martial, Commandant Michael Mallin's treason was twice the treason of a civilian rebel. Is it not conceivable therefore, that this secret court-martial would use all means at their disposal to punish and discredit him, this....*treasonous double traitor?*
- i) In the judgment of the court-martial my father was found guilty of treason and the punishment for his treason was the death sentence. To dishonour him the court martial cast aspersions on his leadership and character.

The court cases of Charles Stewart Parnell and Sir Roget Casement are just two examples that come to mind in this instance.

- j) My father knew he was a marked man, for all of the above reasons and he knew that once he was taken prisoner he would be court-martialled and executed. His service in the British army went against him.

4) Is the written account of the court-martial credible when compared to other accounts of my father?

- a) There was no stenographer in the court room. The court president Brigadier Maconchy presided over proceedings and recorded the proceedings himself at the same time. Some sections of the court-martial record are typed and this would suggest that the court used a standard pro forma to record the common elements of the court-martial proceedings.
- b) It is worth noting again that Brigadier Maconchy's account of the court-martial proceeding is recorded in handwritten document, it is not type-written. The hand-written document is in his hand and each page is signed by him...*EWSK Maconchy*. There are five pages, numbered 1 to 5, in the handwritten document and the numbering sequence is out of order with the overall court-martial record. This would suggest that Maconchy's document was written in isolation. There are no signatures, other than his own, on his document.
- c) Maconchy later wrote in his memoir*in many cases I refused to put down what they [the rebels] said as it only made their case worse.....*
- d) One prisoner (Plunkett) wrote of his trial.....*it was interesting to observe the peculiar detached attitude of the members [of the court] displayed not only to the persons but to the facts also. So long as the maximum amount of evidence against a prisoner was recorded, the truth of this seemed of very minor importance.*
- e) Therefore it must be stressed that Maconchy's court-martial document, in which my father's character is impugned, is one man's account of events at a secret court-martial where there were no independent observers. The fact that his document has not been corroborated by the other members of the court is significant. In fact, as has already been said, the veracity of the document has been brought into question by Captain de Courcy-Wheeler account of events in the courtroom.

- f) Therefore the entire content of the Maconchy document must be assessed and balanced against the content of the other accounts of the time in which there are references to my father, his leadership, his compassion, and his good character. Accounts like those of, Madeline French–Mullen; Frank Robins; James O’Shea; Captain de Courcy–Wheeler; to name but a few.

Madeline French–Mullen who served in the College of Surgeons during the Easter Rising wrote a diary in May of 1916 during her time in Kilmainham Gaol. She wrote of my father; *.....I hardly knew by sight Commandant Mallin that Easter Monday when I was placed under his command but at the end of the week I knew him better than many life acquaintances. I don’t know what struck me most about the man, perhaps his wonderful patience and self-control. I have known him long hours without either food or sleep and yet he would never show the slightest sign of irritation under the most exasperating circumstances. He thought of everyone and everything not merely the important matters but little details as regards our comforts that few men would even think of. By the shooting of Mallin and Pearse the English have done us an almost irreparable injury, of the two I would say Mallin was the greatest loss to the country, every decade has produced a host of politicians but our military leaders have been very few and Mallin was the man we needed to organise our Republican Army....*

- g) Based on what we know of my father’s writing style, grammar, spelling, punctuation and his educational background it can be reliably argued, that the words ascribed to my father by Brigadier Maconchy were not the words used in my father’s vocabulary. Maconchy wrote.....*”The prisoner continuing his statement says: - I indignantly repudiate any idea of assisting Germany”*...These words don’t reflect my father’s way of speaking or vocabulary and are more likely the words of a more educated person. This suggests that these were Maconchy’s own words, a fact already confirmed by Maconchy in his memoir.

5) If the court-martial records were to be archive for a long time why would they have bothered to distort the record? What were the motives and what was to be gained?

- a) It certainly wasn’t known at the time that 85 years would pass before the court-martial records would be made public.

- b) Brigadier Maconchy couldn't have known that the court-martial records would be locked away in the archive for a long time. That was only decided after the court-martials were done.
- c) Given that the British Prime Minister, Asquith, gave a commitment in the House of Commons that he would release the court-martial records then it must be assumed that the court president, Brigadier Maconchy, thought that this would happen.
- d) However when it came to it Asquith was blocked by the powerful lobby of the British Army. The British Army didn't want the court-martial records released to the public because they would then be forced to release the court-martial records for the trials of their own soldiers in Europe and that would have created problems for the British Army.
- e) If, as I have argued, the primary motivation for the distortion of the court-martial document was to strengthen the hand of his Commander-in-Chief in his case against Countess Markievicz then it wouldn't have mattered if the record was to be locked away for a long period of time.
- f) It could be argued that regardless of the time it took to release the court-martial record the effect is almost the same on my father's character except that the task of defending my father has been made all the more difficult by the passage of time.
- g) Could it be that the motive was to discredit the character of a soldier who had served in the British Army?
- h) If the objective was to smear the good name, character and leadership ability of a man, a former British soldier who had, in the opinion of the court-martial committed a treasonous act, then resentment might have been one of the motives.
- i) In the immediate aftermath of the 1916 Rising public opinion and support was very much behind the actions of the British Army, and in particular General Maxwell. The influence of public opinion, and the mood of British administration in Ireland, was most definitely a factor in the outcomes of the court-martials. In the words of General Maxwell...*we will make those beggars pay for it...*would probably sum up that mood and there are many more similar quotes from that time.
- j) Public opinion of that time would have accepted my father's trial records as vindication of their criticism of the insurgents and the court-martial may have been pandering to that public criticism. Take for example Lieutenant William Wylie's distorted account Countess Markievicz

behaviour at her court-martial. Was he pandering to the public criticism and/or a personal prejudice to her?

- k) Brigadier Maconchy may have had his own motives, personal or otherwise, rational or irrational for the way in which he worded his document. Who can say? But what we can say with certainty is that it is one man's account of my father's court-martial and that one account is, for all of the above reasons, questionable and well beyond reasonable doubt.

6) Conclusion

We set out to refute the accusation being made by some writers, historians and commentators that at his court-martial Commandant Michael Mallin, Chief of Staff of the Irish Citizen Army, denied his role in the Easter Rising of 1916 in order to save his life and in doing so put the life of another at risk. We now place on record our defence against that accusation and the arguments to support that defence. In summary the main arguments against the accusation are;

- a) It is simply not credible and it is contrary to everything that is known about Commandant Michael Mallin.
- b) Commandant Mallin's role as Chief of Staff on the Irish Citizen Army was well known public knowledge. He never made any attempt whatsoever to conceal his identity, his rank or his involvement with the Citizen Army and there is ample evidence to support that statement.
- c) The court-martial was held in secret. A military court where there was no jury; no independent observers; no members of the public. Commandant Mallin was not permitted to have legal representation or give sworn evidence in his own defence.
- d) The record of the court-martial, on which the accusation is based, is unreliable, and Captain Wheeler's account of the court-martial proceedings contradicts Brigadier Maconchy's version.
- e) Commandant Mallin didn't contradict Captain Wheeler's evidence to the court-martial. When Captain Wheeler said in evidence that Commandant Mallin surrendered to him and stated that he was the Commandant of the garrison, Commandant Mallin thanked

him, knowing full well the significance of his evidence and the consequences it held for him.

- f) Brigadier Maconchy stated in his memoir that the court martial records are....*in many cases his own words*.....and his written words reinforce this statement, particularly when the words ascribed to Commandant Mallin don't match his vocabulary style or educational background.
- g) General Maxwell wanted Commandant Mallin's court martial record to show that Countess Markievicz was in command and thereby to support his expressed intention to execute the Countess.
- h) Commandant Mallin's former service in the British army counted against him and could be the reason for the smear. The motives for the smear could be resentment, personal or otherwise.
- i) The accusation is based on the court-martial record which is one man's account of the court-martial proceedings. That one account is for all of the above reasons questionable and well beyond a reasonable doubt.

Fr. Joseph Michael Mallin S.J.

An tAthair Seosamh Mícheál Ó Mealláin S.J.

Date