

# ‘The shambles of Maamtrasna’: The case of Myles Joyce, hanged and pardoned

In 1882, an Irish speaker was denied an interpreter in an English-speaking court

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The examination of the young boy, Patsy Joyce Photograph: Universal History Archive/ UIG via Getty

One hundred and thirty-six years ago this week, on November 13th, 1882, the Maamtrasna trials began in Dublin’s historic Green Street courthouse. The now famous defendant, Maolra Seoighe, Myles Joyce, was one of 10 men charged with the brutal killings of John Joyce, his wife Bridget, mother Margaret, son Michael and daughter Peggy in their home on the border of counties Galway and Mayo, three months before. In March of this year, in the presence of Joyce family members, President Michael D Higgins awarded a posthumous pardon to Myles Joyce, following a commissioned report by Dr Niamh Howlin, UCD, which found that his conviction was unsafe.

What is now best known about Myles Joyce is that he was a monoglot Irish speaker who was not awarded the services of an interpreter in the English-speaking court. Less well known is that a number of his fellow accused could speak English well (two of them, Anthony Philbin and Thomas Casey, deployed their skill in English to turn Queen’s evidence against the other accused) and that an interpreter, a Galway RIC Constable, was present in the Green Street courthouse that day.

In 1881, the barony of Ross in which Myles Joyce lived had a population of 8,260, of which 7,350 people were Irish speakers and over half of these (3,714 people) spoke Irish only. Who spoke what language mattered greatly in the Maamtrasna trials, as my book *The Maamtrasna Murders: Language, Life and Death in Nineteenth-Century Ireland* shows, and language still matters in relation to Myles Joyce's legacy today.



President Michael D Higgins with John Joyce great-grandson (right of President) of John Joyce, victim of the Maamtrasna murders in 1882. President Higgins pardoned Myles Joyce a first cousin who was hanged for the murder. Photograph: Brenda Fitzsimons/The Irish Times

### **Mistranslation**

Myles was the third man to be tried; his trial began at noon on Friday, November 17th, immediately following the delivery of a guilty verdict to the preceding defendant Patrick Casey. The contemporary transcript of court proceedings survives in the files of the National Archives Dublin as 243 pages of typescript.

It shows clearly that new juries were sworn in for each of the accused but without any concern as to potential bias among members who were already in court and had audited the earlier proceedings. Ironically, one of the arguments justifying the use of the Special Commission court in Dublin's Green Street, rather than a Galway venue, was the fear of influence on local juries.

According to the account in Dublin's *Evening Mail* on Friday, Myles looked incriminatingly composed: "On entering the dock, he calmly looked round him and then took his seat with apparently the greatest composure and during the day watched the proceedings in the most listless manner."

## Services of the interpreter were not extended to him in the course of the trial and were restored only at the delivery of a guilty verdict

The *Freeman's Journal* reporter recognised, more sympathetically, that unlike the others, Myles "did not appear to have the slightest knowledge of the language in which his trial is being conducted". That reporter went on diligently to capture one of the most fateful moments in the trial (significantly, one not recorded by the court transcript):

"At the sitting of the court, the attorney-general asked the learned counsel for the defence if the prisoner understood English.

"Mr Concannon replied that he thought he did not, and that it might be better to have the evidence of the witnesses who speak English interpreted to the prisoner in Irish.

"The interpreter asked the prisoner in Irish if he understood the evidence that was being given in English, and informed the court that the prisoner replied in the affirmative."

What occurs here is a crucial moment of mistranslation. The defence solicitor Henry Concannon, quite remarkably, was not sure as to his client's knowledge of English and requested the services of an interpreter. Myles Joyce's answering "in the affirmative" (namely, that he understood what the interpreter said in Irish) was taken to mean that he understood evidence given in English.

As a result, the services of the interpreter were not extended to him in the course of the trial and were restored only at the delivery of a guilty verdict.

## **Patsy Joyce examination**

The contemporary illustration from the *London Graphic* captures an earlier moment from the trial proceedings, during the brief examination of young Patsy Joyce, the only member of his family to survive the murder party's gruesome attack.

In the upper-left-hand corner is the 12-person jury, seated in the petty-jury box, with the witness table situated underneath; central to the picture, under the crown insignia, sits the presiding judge Charles Barry, and in front of him various crown and defence counsel.

In the dock is the first accused Patrick Joyce (with the pugnacious features common to many late 19th-century illustrations). It is unclear from the image where Constable Evans, the RIC man charged with the work of interpreting, stood, but contemporary references suggest that he was at a distance from the accused, nearer to the counsel.

Evans was not appearing for the first time in Green Street as a court interpreter. Three months earlier, in August, he had been put into ad hoc service during the Letterfrack murder trials. In some earlier accounts of the Maamtrasna case, it was suggested that he

was a Donegal man, who would not have been readily comprehensible to Connemara Irish speakers. Local newspapers, however, show that Evans had worked in the Mayo region for decades and had regularly testified at local petty sessions.

According to RIC records, Constable Thomas Evans was a native of “Mayo/Galway”, a Protestant, who began service at the age of 22 in 1854. In 1873 he married Mary Jane Colvin of Spiddal and both are described as “congregationalist”; his membership of a Protestant Evangelical branch may have been the reason for his knowledge of Irish.

**'Whether he be hanged or crucified, he is as free and as clear of the crime as can be!'**

Evans was repeatedly called upon during the Maamtrasna trials (including that of Myles) to translate into English the Irish-language testimony offered by the key prosecution witnesses, Anthony and John Joyce, who were first cousins both of Myles Joyce and of the murdered John Joyce.

But for the majority of Myles’s trial, during the English-language evidence given by the “approvers” Philbin and Casey, and by various other prosecution witnesses – such as the civil engineer Ryan who produced a meticulous sketch of the murdered family’s home and local RIC members – Evans the interpreter was silent.

The jury in the case of Myles Joyce retired at 3pm on Saturday, November 18th and returned to court six minutes later to deliver the verdict of guilty. The trial transcript records that at this point Evans was recalled in order to render Myles’s response to the guilty verdict.

The clerk of the crown: “What have you to say why judgment of death and execution should not be awarded against you according to law?”

The prisoner spoke in Irish to the interpreter.

The interpreter: “He says that by the God and Blessed Virgin above him that he had no dealings with it any more than the person who was never born; that against anyone for the past 20 years he never did any harm, and if he did, that he may never go to heaven; that he is as clear of it as the child not yet born; that on the night of the murder he slept in his bed with his wife that night, and that he has no knowledge about it whatever. He also says that he is quite content with whatever the gentlemen may do with him, and that whether he be hanged or crucified, he is as free and as clear of the crime as can be!”

This protest by Myles Joyce, that he was “as clear of it as the child not yet born”, deployed a long-established rhetorical trope, used in earlier legal trials and scaffold speeches. Yet despite such stock phrases and the formalities of the court recording process, the cadences and syntax of his words in Irish emerge powerfully in the simultaneous translation by Evans.

Maolra Seoighe was eloquent in protesting his innocence, but in a language which few in the Dublin court seemed able to understand

The following Monday, both the nationalist *Freeman's Journal* and conservative *Daily Express* gave extensive coverage to Myles's declaration of innocence and its impact on the court. The *Express's* editorial comment is especially striking in its recognition of Myles's eloquence as a speaker in his native language: "The facility with which he spoke, the easy, rapidly changing, and not ungraceful motion of his hands as he accentuated his declaration, combined with the strange, unusual, but sonorous sounds of the mountain Gaelic in which he apostrophised, as it were, heaven to bear testimony to his freedom from guilt, made a remarkable impression on the court."

And an even more evocative aspect of its report was the Christ-like appearance attributed to Myles, who was described as standing with "head turned upwards" and "outstretched arms".

Published just two days after the verdict, in a newspaper far removed from the accused in political sympathies, the account suggests a strong unease among those present in the court that day as to the fairness of the verdict. Nevertheless, newspaper editors were loud in their acclamation of all eight convictions: "the shambles of Maamtrasna are avenged," declared the *Freeman's Journal* leader on November 22nd.

In later accounts of the trial, most famously the 1907 essay *Ireland at the Bar* by the young journalist James Joyce, emphasis is placed on the silence of Myles Joyce – thus James Joyce describes him as "a bewildered old man . . . a deaf-mute before his judge". The contemporary reports powerfully remind us that Maolra Seoighe was eloquent in protesting his innocence, but in a language which few in the Dublin court seemed able to understand.



Margaret Kelleher:

'For those people today . . . seeking legal representation in a court whose language is not theirs . . . standing at the bar of judicial process and of public opinion can remain a perilous place' Photograph: iStock

### **Modern interpreter roles**

In Europe today, with migration and mobility occurring at an unprecedented scale, the role of public service interpreters has gathered in urgency, yet recent international studies highlight the paucity and poor quality of many of these services. Few countries provide for a national regulation of the industry that would monitor the standard of qualifications and expertise of those employed to translate. This, despite the fact that the European Convention of Human Rights, reinforced by later directives, clearly states the right of an accused to have the free assistance of an interpreter if he or she does not have sufficient understanding of the language of their legal proceedings.

In contemporary Ireland, the arrival of new immigrants from a more diverse range of backgrounds than heretofore necessitates a significant expansion of translation and interpretation services in the judicial system; yet these needs are poorly addressed, where recognised, at service or policy level. Recent research by Kate Waterhouse on the operation of interpreters in Ireland's district courts has uncovered the problems that have arisen from a system in which outsourced interpreters are hired to aid immigrant defendants with limited competence in English: in the cases which she reviewed, some did not speak at all during court proceedings, others interpreted only a portion, and a "startling" number of interpreters had evident difficulties in English.

Thus, in a 2010 study of international court reporting by Ruth Morris, drawing on the research of Irish academic Mary Phelan, the case of Ireland functions as a "cautionary" tale because of its inadequate and poorly managed system of outsourcing – one consequence of which has been that many experienced interpreters have now left the profession.

Our contemporary moment is one in which large-scale mobility (forced or voluntary) is occurring within a seemingly globalised society but individual migrants can find poor accommodation from judicial systems and legal processes. Given the immense numbers of those experiencing migration and displacement, one can only begin to imagine the fateful encounters that are now taking place between the largely monolingual, or reluctantly bilingual, practices of our judicial and legal systems and the tremendously complex biographies, and diverse languages, among those seeking refuge, citizenship and justice.

For those people today whom we might see as the symbolic descendants of Myles Joyce – seeking legal representation in a court whose language is not theirs – standing at the bar of judicial process and of public opinion can remain a perilous place.

*Prof Margaret Kelleher is the author of *The Maamtrasna Murders: Language, Life and Death in Nineteenth-Century Ireland* just published by UCD Press. A seminar discussion of her book takes place as part of Dublin Literature Festival at Green Street on Saturday, November 17th. To book, see [dublinbookfestival.com](http://dublinbookfestival.com)*