

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILEATA 1913-21
No. W.S. 1,716

ROINN



COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 1716.

Witness

General Seán MacEoin,
"Cloncoose,"
Stillorgan Road,
Donnybrook,
Dublin.

Identity.

Brigade Director of Operations;
O/C, North Longford A. S. U.;
Member of Dáil Éireann;
Cabinet Minister.

Subject.

I.R.A. activities, Longford, 1917-1921.

Conditions, if any, Stipulated by Witness.

Nil.

File No. S. 557.

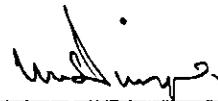
STATEMENT OF LIEUT.-GENERAL SEÁN MacEOIN.

CERTIFICATE BY THE DIRECTOR OF THE BUREAU.

This statement by Lieut.-General Seán MacEoin consists of 213 pages, signed on the last page by him, and 10 appendices.

Owing to its bulk, it has not been possible for the Bureau, with the appliances at its disposal, to bind it in one piece, and it has, therefore, for convenience in stitching, been separated into two sections, the first, consisting of pages 1-213, and the other, containing 10 appendices, "A" to "J" inclusive. The separation into two sections has no other significance.

A certificate in these terms, signed by me as Director of the Bureau, is bound into each of the two parts.



DIRECTOR.

(M. McDunphy)

6th December, 1957.

ORIGINAL

1957 APPENDIX A

This Document was handed to me by Genl. M. Collins in Aug 1921 in my own pencil marking Sean MacEoin

BRIGADE - LONGFORD.

at the time according to G.H.Q. Records m. Clarke Connolly

BRIGADE OFFICERS

- C. Tom Reddington (R)
 - V.C. P. Callaghan (temp. R.) MacEoin
 - A. M. Healin "
 - Q. E. J. Cooney "
 - I.O. E. Moran
 - Eng. O.
 - Signalling J. Sheeran
- Thomas O'Reilly, 27, Great Belfast.

Batt. 1. Ballinalee.

Batt. Officers.

- C. M. T. Reynolds
- V.C. John Murphy
- A. John Duffy
- Q. Frank Davis

Batt. Companies.

- A. Clonbrony
- B. Columbkille
- C. Killoe
- D. Ballynee. *Ballymore Ground*

Batt. 3. Lanesboro.

Batt. Officers.

- C. Thos. Gibbons. *Ryan & Jait*
- V.C. Peter Skelly
- A. Frank McGarry
- Q. Patrick Farrell

Batt. Companies.

- A. Lanesboro.
- B. Keenagh.
- C. Newtowncashel
- D. Ballymahon
- E. Rath.

Batt. 2. Longford.

Batt. Officers.

- C. M. Murphy. *James Kennan*
- V.C. M. Conway (temp.)
- A. Andrew Quinn
- Q. Thos. Farrell

Batt. Companies.

- Briskill
- Longford.
- Cloondara. *Ballymacornal*
- Fomafelt

Batt 4. Ardagh.

Batt. Officers.

- C. Leo Baxter. *Patrick Ryan*
- V.C. M. Ballesty
- A. Patk. Pratt
- Q. John J. Baxter. *Tom Keenan*

Batt. Companies.

- A. Lagan
- B. Ardagh.
- C. Carrickedmond.
- D. Edgeworthstown
- E. Rathaspic.
- F. Moydow.

BUREAU OF MILITARY HISTORY
 BUREAU OF STATE MILITARY
 No. W. 1716

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRS MILITARY 1913-21
No. W.S. 1.716

BRIGADE - LONGFORD.

Batt. 5. Drumlish.

Batt. 6. Streets.

Batt. Officers.

Batt. Officers.

C. P. Kiernan. *J. J. Brady*
V.C. J. J. Brady. *Patrick Connors*
A. Jas. Mulligan.
Q. Frank Whitney. *James Korman*

C. E. Masterson.
V.C. J. Killian.
A. J. Moore.
Q. P. Monahan.

Batt. Companies.

Batt. Companies.

A. Drumlish.
B. Ballinamuck.
C. Dromara.
D. Moyns.

A. Carra.
B. Streets.
C. Mulleralaghta.
Finia.

Appendix B
ORIGINAL
Cahhamoyle
monrived.

Major Gen. McKern Esq.
y. S.

Athenny.

25-8-34

Sir you will I am sure remember the taking
of Arva R.I.C. Bk in Sept 1920. I was Supt there at the time. my
Resignation was sent in the July previous to which I got no reply.
The attack on the Bk was short as I set about getting the men to
surrender. thereby getting them out of fighting position. I went out
myself to find your men with a view to surrender. I succeeded
in finding them after putting myself in grave danger from both
inside & outside as my comrades proved treacherous after I left the
Bk. However they took my advice a little later. Before leaving them
I warned them for their own protection to leave all arms & ammunition
in contact. which they did. & which must be of very material advantage
to you at that time. The day after your departure the British military
visited us at Arva. I explained to myself their whole plan of reprisals
campaign. I immediately gave this information to the R.I.C. &
Judge P.P. I also advised him where to go & how to approach them
in power to prevent these projected reprisals. He did so & as a result
nothing happened. I received a letter afterwards from Judge P.P.
thanking me a copy of which I enclose. you will also I am sure remember
visiting us in Mr's Elliotts Room at Arva on that occasion when you
addressed us in a few friendly words. But required to take out one
of our men. I it was who pleaded with you on that matter & it was
to your credit it was not hard to convince you. you then showed the
qualities which you manifested afterwards when dealing with the
Black & Tans. These qualities has distinguished you as being characteristic
of clean fighting. a characteristic that even in the midst of the war
the British military acknowledged when you as prisoner was brought
to the accusation. Some few days after the taking of these Bks we were
taken to Bavan town. my Arva comrades laid all the blame of
losing Bks & arms on myself. strictly speaking it was my place to write
a full report of the incident. But I was not asked. one fellow. I believe
drew his Revolver to shoot me, he was prevented. things got so hot

for me that I stole out of 13 hrs at midnight. & Returned no more
all private property belonging to all the men at Arva. It were
taken by your men. Viz - Bicycles. Plain clothes underclothing etc
all my comrades were preparing their claims for compensation
on the eve of my departure. I had to fly. & never got compensated
Now I am seeking it under the compensation to property act
of course as you were the Responsible man in charge at Arva
your explanation as to what occurred at the time would go the
whole way in doing me justice. The extent of my claim is £565
I sought your address from Sean Broderick Esq. J.D. acting
he referred me to Kinister House. my claim is listed for hearing at Arva
in November next.

I would be very wishful Sir for a reply to this letter as soon
as may be convenient so as to give my solicitors Mr P. Hogan J.D. and
his assistant Mr Shields an opportunity of formulating my claim.

I humbly apologise for troubling you in this matter
but the circumstances leading up to my case are something unusual
coming under this new act. I am quite satisfied that a few words
from you will be sufficient to have justice done me & I feel
somewhat confident you will not deny me of that. Thanking you
Dear Sir. In anticipation I remain very Respectful yours

John Curran. Esq. Spt AIC

COPY/

SUMMARY OF EVIDENCE

in the case of

JOHN JOSEPH McKEON of KILSHRULEY, BALLINALEE, COUNTY LONGFORD,
Civilian:-

1st Witness:- Sergt: _____ of No. Company R.I.C. Depot., Dublin,
having been duly sworn states:-

I was stationed in Ballinalee, County Longford on the 7th January 1921. On this date at about 16-00 hours I left the Barracks on duty with District Inspector McGrath and four Constables. We proceeded to Kilshruley and the District Inspector was about to enter the house of Anne Martin Kilshruley. I was a few feet behind the Officer and the rest of the patrol were a few yards behind me - I saw the accused John McKeon, who I now identify come to the doorway in full view of me and point a revolver or automatic at the Officer and fire it. - The Officer fell apparently dead in the gutter. This was about 17-00 hours. I distinctly saw the accused shoot the Officer, as I was only about three feet away. I know the accused well. I saw the accused in Longford Barracks about 12 months ago and escorted him from Longford to Sligo Gaol on the train, so I had a good opportunity of knowing him.

I fired at the accused with my rifle, but the accused jumped back into the porch of the house. I then saw him throw out one bomb which exploded behind me. After that he thrust an automatic or revolver from behind the door and fired several shots, but as he could not see, the shots missed me. I went round to the back of the house and when I got there I saw the accused run from the front of the house in the direction of the hills away from the road. I called upon him to halt, but he continued to run and I fired at him. He veered round and came across my front and fired Three or four shots at me shouting "Come on you bloody whore". At the same time I fired five or six shots at him and he ran towards th

about 30^x or 40^x away from him when I fired these shots. It was dusk at the time and we fired at one another until it was dark when I gave up the chase. I then returned to the cottage and found the District Inspector dead his revolver at one side and his flash lamp at the other. There was a big pool of blood under him and he appeared to have a wound in the neck. I remained in the vicinity of the cottage from 17-00 hours to 19-00 hours and at this hour I returned to Ballinalee Barracks. At about 20-00 hours I returned to the cottage searched it and found a ledger containing the entries relating relating to business done by the accused as a blacksmith. I found it in a tin box in a bedroom at the back of the cottage.

Cross-examined.

Q - How far were you from the door when this person alleged came out?

A - A few feet.

Q - How many shots did District Inspector McGrath fire?

A - He fired no shots.

Q - What is the length of a Lee Enfield rifle?

A - I do not know the length of the rifle.

Q - Is it not 3'.6" or 3' . 9"?

A - I could not say.

Q - If you are only three feet away from the door would not the point of the rifle be in my ribs?

A - If you remained in the position you took up when you shot the Officer I could reach you with my rifle.

Q - How many shots do you allege I fired at this time?

A - Five or six shots.

Q - What were you doing when I fired the five or six shots?

A - I fired one shot at you and my rifle got jammed.

Q - Then I stood long enough for you to fire?

A - No you did not stand long enough for me to fire.

1st Witness Q.- How long does it take a man to fire five or six shots
(contd.) out of revolvers?

A - According to the rate or speed you like to fire. You could fire five or six shots in as many seconds.

Q - If I had time to fire five shots as you allege would you not have time to fire one?

A - Yes if I were ready.

(Sgd) _____ Sgt.

2nd Witness. Constable _____ of R.I.C. _____, having been
duly sworn states:-

I was one of a patrol which left Ballinalee Barracks at about 15-00 hours on the 7th. day of January 1921.

We proceeded to Kilshruley and went towards the house of somebody called Martin. We approached the gate and

Sergt. _____ opened it and the District Inspector McGrath

entered. The D.I. went towards the door of the house with

Sergt. _____ about two paces at the most behind. I was

about 5^x or 6^x behind him. I was looking towards the window

of the house when a shot was fired from the doorway and the

D.I. spun round and fell on his face. Sergt. _____ was just

behind him about three or four paces. At that time a bomb

exploded in front of me and I was wounded in both legs and

blinded by the flash. I saw Sergt. _____ disappearing round

the corner of the house. I fired at the doorway. I then

went to the D.I. and saw that he had been wounded in the

throat. I looked up and a shot from the doorway splintered

the stock of my rifle. I heard shots coming from the

direction which Sergt. _____ had taken.

Q - How long would it be before D.I. McGrath went in the gate until the shot was fired?

A - About five or seven seconds.

Q - How far were D.I. McGrath and Sergt. _____ from the door when the shot was fired?

A - Between three and four yards.

Q - How far would that give Sergt. _____ from the door?

A - $6\frac{1}{2}$ or 7 yards.

Q - You saw no person fire shots.

A - No.

Q - How many shots were fired out of the house?

A - I heard one.

Q - What sort of a "row" had you at the gate?

A - None at all. We may have been speaking.

Q - Did you see Sergt. _____ fire?

A - I saw him preparing to fire just as the flash of the bomb went.

Q - When did you fire?

A - I fired just when I leaned against the wall.

Q - When you fired was D.I. McGrath down?

A - Yes, he was down.

Q - Did Sergt. _____ fire at all then?

A - He may have simultaneously with the bomb going off.

Q - Where did the bomb burst?

A - It burst between the door and the window opposite where I was standing nearly a yard out from the wall of the house.

Q - Sergt. _____ was then between you and the door?

A - He was on my right and to my front.

Q - Consequently he was more out from the door?

A - He was more out from the door than me.

Q - Did the bomb burst between the two of you?

A - Yes, between the two of us but directly in front of me.

Q - How far would you and Sergt. _____ be apart at that time?

A - About $3\frac{1}{2}$ yards.

Q - Were you the only one wounded?

A - Yes, but Sergt. _____ had earth and stones thrown round him.

2 Witness Q - Had he^a dug out round him?
(contd)

A - No, he had no dug out round him.

Q - Is Sergt. _____ still alive?

A - He is.

(Sgd) _____

3rd Witness. Constable _____ R.I.C., Longford having been duly sworn states:-

I was stationed at Ballinalee Police Barracks on the 7th. day of January 1921.

I was one of a patrol which left the Barracks on this date at about 16-00 hours and proceeded to Kilshruley.

We proceeded to a labourers cottage. I believe it belongs to a Miss Martin. The District Inspector and Sergt. _____ were leading. The District Inspector approached the doorway of the cottage. As he got to the doorway I saw a tall man open the door and shut it again. He appeared to have a beard which was not a thick one. The door was again slightly opened and I saw a man's arm come through with a revolver. There were some shots and the D.I. fell. As I rushed towards him a bomb was thrown and exploded in front of me.

When the shots were fired I was about 10^x or 11^x from the District Inspector. I saw Sergt. _____ go to the back of the house and I heard firing which seemed to come from that direction.

I assisted Constable _____ back to Barracks after firing in at the windows of the house.

Cross-examined.

Q - Are you a member of the R.I.C.?

A - Yes.

Q - Are you aware that you are now on your oath?

A - I am.

Q - Why do you not say like a man I bolted and I know nothing about the thing.

A - I did not bolt, and I have spoke the truth.

(Sgd) _____

4th Witness. _____ of Ballinalee Co. Longford having been duly sworn states:-

I am a medical practitioner at Ballinalee. In consequence of information received I proceeded to the house of Miss Martins at Kilshruley the 7th day of January 1921. I saw the body of a man whom I did not know lying partly face downwards. _____ already extinct. I looked at the body for a few seconds with the aid of a bicycle lamp. I saw two small wounds, one on the right and the other on the left side of the neck. I did not look for any other wounds, or make any other examination in any form. The body was then removed and I never saw it again.

Cross-examined.

Q - I found the body dead and I could do nothing for him, so my concern with the case ceased then.

(Sgd.) _____

5th Witness. Sergt. _____ R.I.C. _____ having been duly sworn states:-

I remember the 2nd day of March 1921. I was present with a party of Police at Mullingar Railway Station. The accused now present was taken from the train. He was handed into my charge and when proceeding from Mullingar Railway Station to Mullingar Police Station he attempted to escape was wounded and recaptured. He was then conveyed to the Police Station where he asked for the priest and Doctor. They both arrived and attended to him.

5th Witness
(contd.)

After the Priest and Doctor had left the accused who was apparently in a dying condition made a statement in my presence. He said "I shot D.I. McGrath. I was in a cottage near my Mother's house at Ballinalee when the D.I. and five police came into the Street. The D.I. knocked at the door. I opened it and when I saw it was the police I shot the D.I. with the revolver I had in my right hand and threw the b I had in my left hand at the police and they ran away exc one whom I know. I then escaped and one policeman followed and kept firing at me. When his ammunition was gone he went away and I went out to the D.I. and whispered an act of contrition in his ear as I knew he was a Catholic. I was leader of the ambush at Ballinalee where the Auxiliaries were blown up et. After the mine exploding and the police in t en killed and wounded I called upon the remain- nder ut they kept firing for some time and then re ed. One of the remaining Auxiliaries asked who w he leader as he wanted a car to take the wounded to Longford. stepped forward and said "I am Commandant McKeon and disarmed them and put them on a Crossley and sent them to Longford. I had the eleven men at my mercy and would not shoot them as they were unarmed.

Cross-examined.

Q - Before I made this statement as alleged by you you admit I was in a dying condition?

A - Apparently dying condition.

Q - Were you present?

A - I was.

Q - Did you see me struck by a policeman and called a murderer?

A - I did not, neither were you.

Q - Did you see a revolver stuck up into my face?

5th Witness.
(contd).

A - I did not, neither was there.

Q - Did I make any mention of Arbar Barracks?

A - No, not in my presence.

Q - Did I ask you to convey any message to O/C Athlone Military Barracks?

A - No, you did not.

Q - Did you warn me that this statement would be used in evidence against me?

A - No, I did not.

Q - Is it not usual to do so?

A - I would do so to an apparently dying man.

(Sgd) _____

6th Witness.

Constable _____ R.I.C. having been
duly sworn states:-

On the 2nd day of March 1921 I was in the day room at Mullingar Police Barracks when the accused John Joseph McKeon was brought in. He stated in my presence that he was the man who shot District Inspector McGrath. I was in a cottage next my Mother's house. The D.I. and 5 Police came into the Street. The D.I. knocked at the door. I went and opened it, and I saw they were Police. I shot the D.I. with the revolver I had in my right hand. I had a bomb in my left hand which I threw out at the Police in the street and they ran away. I escaped and one policeman whom I know followed me and kept firing at me. When his ammunition was all gone I came back and whispered an act of contrition in his ears. I knew he was a Catholic.

6th Witness.
(contd)

Cross-examined.

Q - You were present when I was taken into the day room?

A - Yes.

Q - Before I made this statement did you strike me in the face and call me a murderer?

A - No.

revolver into my face?

Q - You had a revolver in your hand that night?

A - No.

(Sgd). _____
Constable.

7th Witness. _____ R.I.C. _____ having

been duly sworn states:-

On the 2nd day of March 1921 I was with a party of Police at Mullingar Railway Station, who searched the train arriving from Dublin about 21-00 hours. A number of male passengers were lined up on the platform amongst whom was the accused now present who I identify. He said his name was Smith from Aughnacliffe, County Longford, that he went to Dublin on Monday on holiday and was going to Edgeworthstown. I heard a policeman who was present challenge him as being McKeon of Ballinalee. He denied he was and said we were making a mistake. He was marched off towards the Police Barracks and on the way he attempted to escape. He was wounded and recaptured and further on he said "I made a soldiers attempt to escape" and failed. Further down the street he said I know I am for a

7th Witness.
(contd)

firing squad anyway" and in the Barrack-Yard he said "I am done. Get me a doctor". A Priest and a Doctor attended him and some time after they left I went into the day-room. The accused was apparently very weak and in a state of collapse and was making a statement to the police who were round him. I heard him say "I had a revolver in my right hand and a bomb in my left. I fired at him and he fell, Gilbert fell and he was not hit at all. I flung the bomb and made for the ditch. They ran away. I went I knew he was a Catholic, and although I act of contrition in his ear before ime the accused had his eyes closed and spoke in short disconnected sentences and appeared to be in pain, having to stop frequently. He also said "I suppose you will use this as evidence, but I don't care, I fought the Auxiliaries too and beat them but one thing I did I wouldn't allow the wounded to be killed". I will not swear that these statements were his exact words, but they are the substance of what was said by the accused.

The accused got weak and lay back against the wall and I left.

Cross-examined.

Q - Some time elapsed between the Priest going out and the time you came into the day-room.

A - Yes.

Q - Have you been aware of any abuse to me whilst in the day-room during the period from the Priest going to your coming in.

A - No.

(Sgd) _____

Eighth
Witness.

_____, R.I.C. of _____ having

been duly sworn states:-

"I remember the 2nd March 1921. I was stationed in Mullingar. I accompanied a party of Police to Mullingar Railway Station. On the arrival of the 9-0 p.m. train from Dublin a number of male passengers were searched on the platform. One of the passengers gave his name as Smith from Aughnacliffe, but I recognized him as being John J. McKeon from Ballinalee, the accused now present. I remember seeing him some years ago in Longoford. He was handcuffed and we proceeded with him in the direction of _____ barracks. He made a determined attempt to escape _____ ded and recaptured. On the way to the _____ e and said you're right, I am the man, _____ pt to escape and failed. I know I am for a firing squad anyway. He was then brought into the Barracks and the Priest and Doctor arrived and ministered to him. After the Priest and Doctor had left the accused who was reclining against the wall in the day-room, made the following voluntary statement - "I shot D.I. McGrath. I had a revolver in my right hand and a bomb in my left. I fired at the D.I. and he fell. Another Constable fell near him, but he was not hit at all. I then got behind a ditch and kept firing on the others and they ran away. I got over the ditch and went to where D.I. McGrath was lying and whispered an act of contrition in his ear. I knew he was a catholic. I did it although I was his enemy". He also said that he had fought the Auxiliaries too. They were brave men and I did not allow the wounded to be ill-treated.

Cross-examined.

Q - Did I not say I have been before the firing squad anyhow I have made a soldier's attempt and failed.

A - No.

Q - Did you not prevent a Constable from illtreating me?

A - No. I saw no one attempt to ill-treat you.

8th Witness.
(Contd).

Q - Did you hear me called a murder?

A - I certainly did not.

(Sgd.) _____

9th Witness.

_____ R.I.C., _____ having

been duly sworn states:-

"I remember the 2nd March 1921. On that date I accompanied a party of Police from Mullingar R.I.C. Barracks to Mullingar Railway Station. The Police held up the train and searched it. After the train had been searched, I saw the accused now present standing on the platform with a number of Police around him. I heard hi e was not McKeon. I assisted about half-way between the Railway broke away from the escort. He was aptured and conveyed to the Barracks where it was found that he was suffering from what appeared to be a gun shot wound in the right breast. The Doctor and Priest arrived shortly afterwards and attended to the accused. The accused then appeared to be in a very serious condition. He was suffering great pain and could not sit down. I assisted to keep him in a half standing position in the day-room. While in that position he made the following voluntary statement. "D.I. McGrath fell. The poiceman who was with him did not wait to be shot, he fell himself. I had a revolver in one hand and a bomb in the other. After the D.I. was shot I ran behind the ditch and took up a position from which I kept up a fire on the rest until they went away. I afterwards returned to the D.I. and remained with him until he died. He knew he was a Catholic and I whispered and I whispered the act of contrition in his ear".

(Signed) _____

The accused declines to cross-examine this witness.

10th Witness.

Sergt. _____ R.I.C., _____ County Westmeath,

having been duly sworn states:-

"I remember the night of the 2nd March 1921. I was in charge of the Police guard over the accused at the Military Barracks,

10th Witness.
(contd.)

Mullingar. I visited the cell of the accused regularly during the night and on one occasion, when I visited him, I heard him make the following statements.

"That he had led the attack on the Auxiliaries and he was the man who shot McGrath".

(Signed) _____

The accused declines to cross-examine this witness.

11th Witness. _____ R.I.C. _____ having

been duly sworn states:-

On the 12th April 1921, I formally arrested the accused and charged him with the murder of D.I. McGrath on the 7th day of January _____ usual legal caution. He made stat _____

(Signed) _____

3rd D.I.

warned makes no statement and

ves is offence.

CERTIFY that the SUMMARY of EVIDENCE was taken down by me in the presence and hearing of the accused at Mountjoy Prison, Dublin, on the tenth day of May 1921, in accordance with the provisions of the Army Act and that the Rules of Procedure framed thereunder including Rule of Procedure (4c, d & e) have been complied with throughout.

(Signed)....., Captain.

10/5/21.

COPY.

Appendix D

Marilyn Court,
Union Avenue,
Salisbury,
Southern Rhodesia.

14th Dec. 1955.

Dear General,

Herewith something to go
on with. I hope you can make use of
it.

I will send you my
comments later on if you still require
them.

All best wishes for
Christmas from both of us - Hoping
to hear from you again soon.

Yours very sincerely,

Sgd. T.J. Wilford.

(sent by air mail)

(COPY)

Appendix "D"

22nd December 1955

Dear Wilford,

Thanks very much for your letter of the 14th instant and enclosures, which I appreciate very much.

You are a bit off the mark on a few points. I will redraft it as soon as possible but, in the meantime, I will be glad for any further comments you have. In particular, what I would like is a short story of your arrival from Dublin to Longford - you will remember the 2nd February was your first or second day in the county.

Craven's death was due to loss of blood, having been shot in the leg as well as a neck wound and he did not die until after the surrender. I was with him when he died - you have him dying much earlier than that. Finally, I regret to say that the death penalty on myself was not reduced in any way but the Truce effected my release. I will be glad to hear from you as soon as possible.

Every good wish to you both.

Yours sincerely,

(Sgd.) Sean MacEoin.

T.J. Wilford, Esq.,
Marilyn Court,
Salisbury,
SOUTHERN RHODESIA.

THE CLONFIN AMBUSH

On a cold, bleak day in 1921, to be exact on the 2nd day of February, I together with 16 fellow members of "M" Company Auxiliary Division of the Royal Irish Constabulary, was returning to Longford from Granard when a mine blew up under the first of the two Crossley tenders. It was the battle of Clonfin!

had
We had/our share of the "crather" in Granard and this may have accounted for our hilarious rendering of "Swanee" which was cut short in the middle of the second stanza by this explosion in the middle of the road close to a little bridge crossing the river or stream and which, no doubt, warned the "enemy" of our approach. Nobody was injured by the explosion but it did have the effect of putting out of action our No. 1 tender. This sudden stoppage brought No. 2 tender close to the rear of tender No. 1 thereby giving our opponents a perfect target on a graceful sweep of road with nothing but open country surrounding us. The area had obviously been cleared in advance to give a clear field of firing.

I was in tender No. 1 and swiftly took shelter under the chassis, a manoeuvre which was very short-lived for a burst of fire came perilously near. Looking around for better cover I crawled to a tree stump from behind which I fired at the puffs of smoke coming from a hill on the right-hand side of the road looking towards Granard. But I was soon spotted and when the bullets began to come uncomfortably close from the other side as well I crawled down the ditch towards the bridge and, finding no other kind of cover, eased myself into the stream which came up breast level thus enabling me to fire over the bank of the

river. Because of the intense cold I'm afraid my marksmanship was hampered by shivering not because of fright (save the mark!) but rather from chill by immersion in an Irish river in month of February.

Richardson (T. Richardson D.C.M.), took refuge in the river on the other side of the bridge. He waded under the bridge in my direction and said: "carry on, old boy, I'm off to get help from Ballinalee". With great daring he cut across the open country and although injured in the leg (or foot) managed to get out of range without further injury. He commandeered a vehicle at the point of his revolver and ordered the driver to take him to Ballinalee from whence came reinforcements of the Black and Tans.

As a lot of confusion existed, and I believe still does, as to the difference between the Black and Tans and the Auxiliaries I would like to state here that the Auxiliary Division of the Royal Irish Constabulary was only open to ex-commissioned officers of the Royal Navy, the British Army or the Royal Air Force.

So far as I can remember, only two members of our contingent - myself and A.W. Keeble, M.M. - went uninjured. District Inspector Taylor and Commander Craven (R.N.) were amongst those killed on that memorable day not only for the Irish but for the English too. Craven, who had been through the 1914-18 war and served with great distinction, was hit by one of the first shots after his tender stopped. He would not take shelter, as did the rest of us, and was shot in the neck. He died brandishing a revolver in each hand shouting: "where are the bastards?" I should not think that the whole engagement lasted for more than 20 minutes.

When our entire contingent through deaths, wounds or exhausted ammunition became ineffective and activity ceased our opponents descended upon us. I was ordered out of the river, searched and relieved of my wallet. I had dropped my rifle but, unfortunately, the muzzle was protruding out of the water and I was commanded to return to the icy stream and retrieve it! I had also dropped my revolver in the stream where it probably is to this day. Should any souvenir hunter ever find it I should be grateful for its return, nor would I look askance at the return of my wallet!

I was marched up the road where a rather unruly fellow by the name of Red (was it Donoghue?) roared: "shoot the bastard" but Sean McEoin (obviously the leader of the ambush) said: "don't touch him, it has been a fair fight". It was at this stage that firing was heard behind us and I knew that the Black and Tans summoned by Richardson were close at hand. Here I might state that after all those years I cannot recall whether or no Ballinalee Police Barracks was out of action but I do know that help came from either Ballinalee or Longford.

In this same year, Sean McEoin with a price on his head was captured in Mullingar by a unit of the East Yorkshire Regiment (?). He evaded capture was wounded and re-captured and finally sent to Mountjoy Jail with the sentence of death hanging over him. It fell to the lot of the writer and A.W. Keeble to identify him as a rebel. As we were considered highly important witnesses we were ordered to travel to Dublin in civilian clothes under escort. In the course of my evidence I brought out the chivalrous conduct extended to me by McEoin at the time of the ambush and I hope this was a contributing factor to his being given a sentence of 15

years.

When "peace" came in 1922 Sean McEoin and his fellow rebels were released. I left Ireland after great carousels with my former opponents, their ringing voices saying: "who are we going to fight now?" How right they were! Civil war broke out shortly afterwards and at least one leader lost his life at the hands of his own countrymen. I refer to Michael Collins whose nephew is now a prominent member of the Dail.

In the summer of 1954, together with my Irish wife, I returned to the scene of the Clonfin Ambush to find that Mr. Duffy was still living on the spot. In 1921 his then house was burnt down by "unknown forces" the day after the ambush but I found him very happy in the new house subsequently built by him by an appreciative Government. We spent a long time in each other's company going over the scene of action and I might add that the landscape has changed very little indeed in the course of the past 34 years.

Ireland, Holy Ireland, Good Luck to you and may you continue to prosper under the able leadership of men like General Sean McEoin.

Sgd. T.J. Wilford

Thomas Jocelyn Wilford, M.C., R.F.A. - 1916-1918.
Temporary Cadet "M" Company Auxiliary Division
R.I.C. 1920-1922.
Now resident at: Tara Hill, Salisbury, Southern
Rhodesia, S. Africa.

Appendix "D"

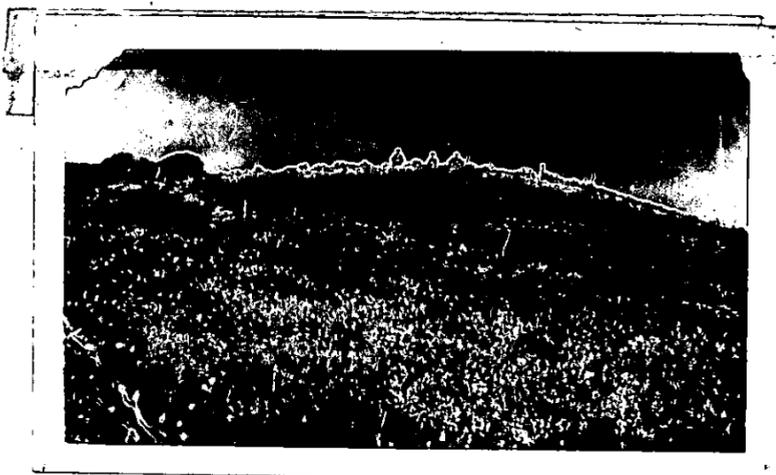
BUREAU OF MILITARY HISTORY 1913-21
BUREAU OF MILITARY HISTORY 1913-21
No. W.S. 1,716



Typed note on back of photograph:

Scene of Clonfin ambush taken 3rd
February 1921, showing mine crater
indicated by figure standing therein.

BUREAU OF MILITARY HISTORY 1913-21
BUREAU STAIRS MILITARY 1913-21
No. W.S. 1,716



Typed note on back of photograph:

Scene of Clonfin Ambush showing
position from where mine was
detonated.

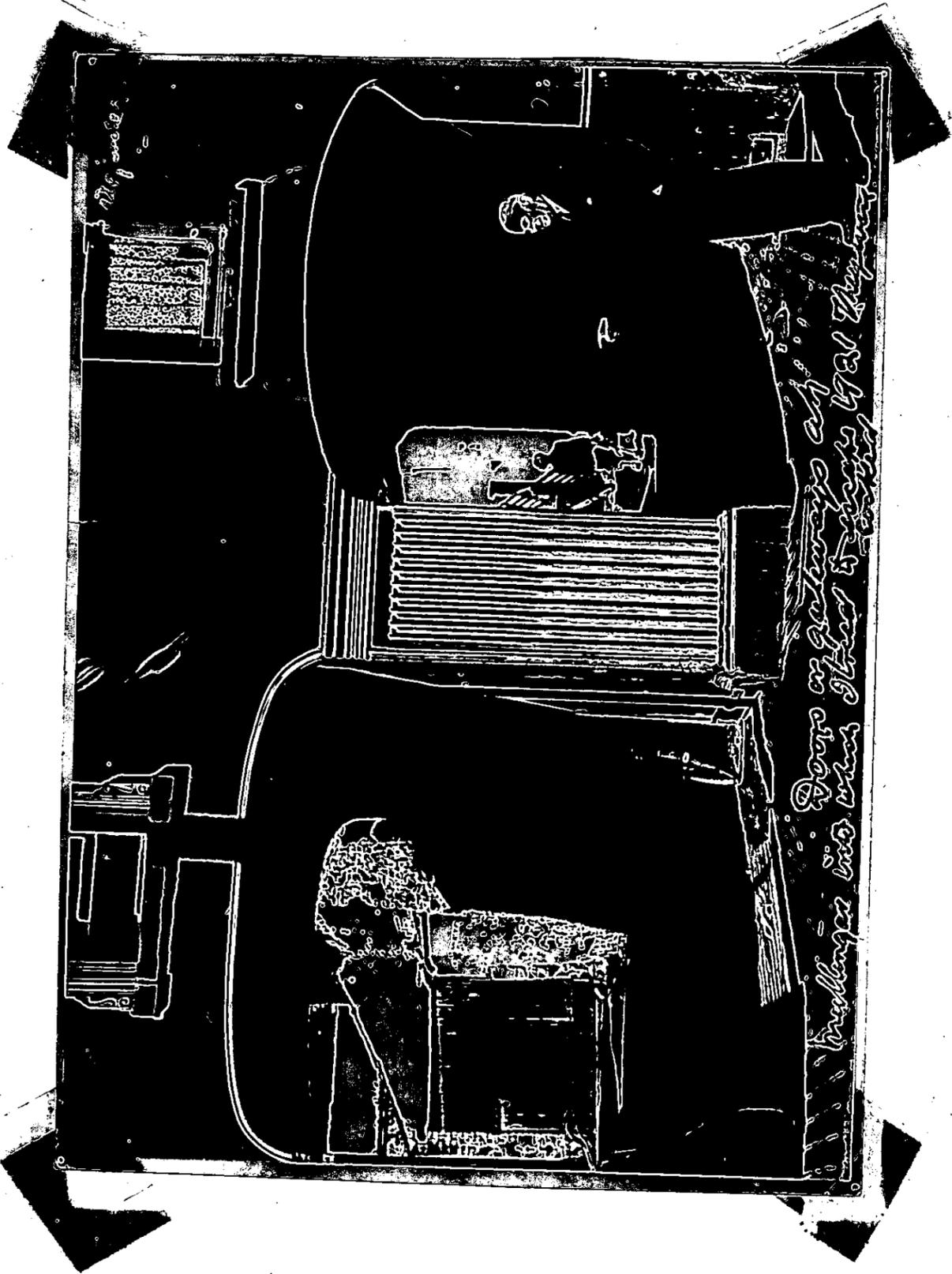
BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRS MILEATA 1913-21
No. W.S. 1716

I.R.A. COMMAND POST

Auxiliary found
cover here



BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRS MILITARY 1913-21
NO. W.S. 1716



Door on left always closed
Chairs into room closed by
1931

Appendix "F"

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRS MILITARY 1913-21
No. W.S. 1,716

Appendix F.

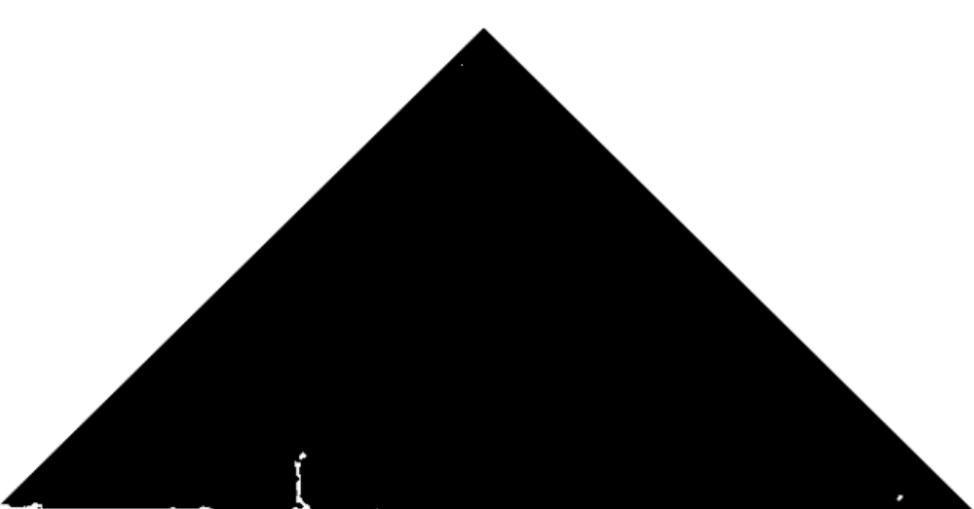
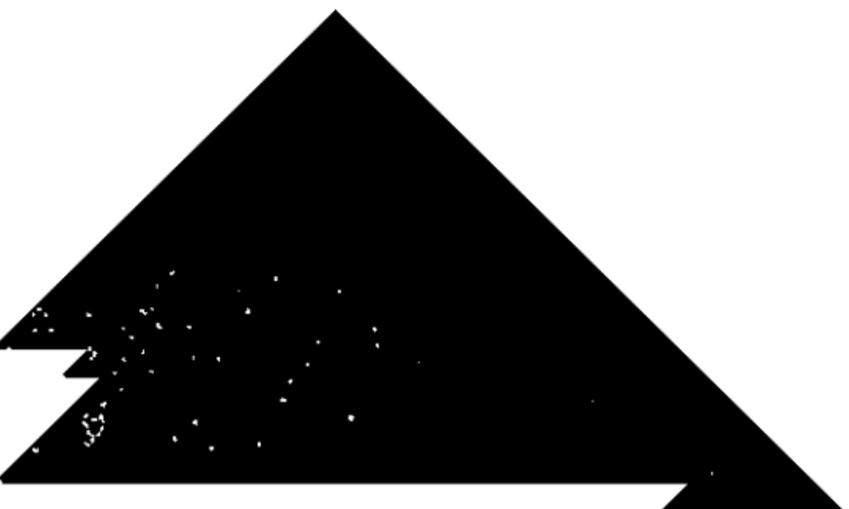
GENERAL COURT MARTIAL.

14th June 1931.

UPON THE TRIAL OF

JOHN JOSEPH McKEON Civilian

SHORTHAND NOTES.



PROCEEDINGS
of a
GENERAL COURT MARTIAL
held at
THE CITY HALL, DUBLIN,
on
Tuesday, 14th June, 1921
upon the trial of
JOHN JOSEPH McKEON, Civilian.

By Order of Major-General G.F. BOYD, C.B., C.M.G., D.S.O., D.C.M.,
Commanding Dublin District.

Dated 27th May, 1921.

PRESIDENT:-

MEMBERS:-

JUDGE ADVOCATE:-

At 10.35 the trial commences.

The Order Convening the Court is read, marked X., signed by the President, and annexed to the Proceedings.

The Charge Sheet and Summary of Evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23 and also that and

and

are not available to serve owing to military duties, and and

take their places as Members of the Court. The Court also satisfy themselves that

has been duly nominated by the Lord Lieutenant and certified to be a person of legal knowledge and experience by the Lord Chief Justice of England; and has been nominated to be a Legal Member of the court.

The certificate of nomination is attached to the Proceedings and signed by the President.

of Counsel, appears on behalf of the Crown

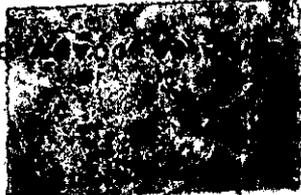
Charles Bewley B L of Counsel appears as Counsel for the accused.

The above-named, John Joseph McKeon, the accused, is brought before the Court.

The names of the President and Members of the court are read over in the hearing of the accused and they severally answer to their names.

THE PRESIDENT:- John Joseph McKeon, do you object to be tried by me as President or by any of the Officers whose names you have heard read over?

THE ACCUSED:- I have no objection at all to any of the court personally.

The President, Members, and Judge  duly sworn

THE PRESIDENT:- Do you object to _____ and _____
as Shorthand Writers?

THE ACCUSED :- No.

The Shorthand Writers are duly sworn.

THE PRESIDENT:- Members of the Press are to understand that no names are to be mentioned in this case.

THE PRESS:- Yes.

The Charge Sheet is signed by the President, marked and annexed to the Proceedings.

THE JUDGE ADVOCATE:- The following is the charge sheet against you. "The Accused, John Joseph McKeon of Kilshruley, Ballinalee in the County of Longford, Ireland, a civilian, is 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 he, at Kilshruley, Ballinalee, in the County of Longford, Ireland, on 7th January 1921, feloniously, wilfully, and of malice aforethought, did kill and murder District Inspector Thomas McGrath". Are you guilty or not guilty?

THE ACCUSED:- As a soldier of the Irish Republican Army I have committed no breach either of national law or international law. I admit no offence and I plead not guilty.

THE JUDGE ADVOCATE:- Do you desire to apply for an adjournment on the ground that any of the Rules of Procedure have not been complied with and that you have been prejudiced thereby or on the ground that you have not had sufficient opportunity to prepare your defence?

THE ACCUSED:- No.

THE JUDGE ADVOCATE:- The Court and Judge Advocate decide that

as there is a Shorthand Writer present it is not necessary to comply with Rule of Procedure 83b.

B. 1. 1907
COUNSEL FOR THE PROSECUTION: May it please the Court I appear in this case for the Prosecution and my friend, Mr Bewley, represents the accused man. As you have heard, the charge is one of murder. The accused's name is John Joseph McKeon of Kilshruley, Ballinalee, in the County of Longford, and he is a blacksmith. He is charged with the murder of District Inspector Thomas J. McGrath on the 7th January of this year. This case is in my view a simple case. The murder was not only seen and seen very distinctly by one witness, but the man McKeon subsequently confessed, under circumstances which undoubtedly render his confession admissible in evidence before you, to having committed the crime.

The facts relating to the murder are these. I shall call a witness before you who is a Sergeant in the Royal Irish Constabulary. He will tell you that on the 7th January about 4 o'clock in the afternoon he went to a house in Kilshruley, the house of a woman called Anne Martin, with District Inspector McGrath who was killed, and four other Police Constables. You will hear that they came to a gate leading to the precincts of the house and the Sergeant opened it. The District Inspector walked from the gate to the door of the house followed by the Sergeant who will be the first witness today and a Constable of the Royal Irish Constabulary who will also be called. There was another Constable behind them whom I shall call as a witness. So that you get the District Inspector in front, the Sergeant next to him, and another witness, a Constable, who was somewhat behind in the rear of those three persons. It will be clear that the door of the cottage was seen to open before the party arrived close to the door. The man who opened it closed it again quickly. The Sergeant will tell

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you that when he got up close to the door with the District Inspector in front of him he saw the accused man come to the doorway of the house. He will tell you that he was then in full view of him and quite close to him -- only a few feet away -- and that he then saw him point a revolver or an automatic pistol at the District Inspector who was just in front of him and fired. The District Inspector spun round and fell on his face. That happened somewhere about 5 o'clock in the afternoon. The second witness who is a Constable, you will I think be satisfied, was four or five yards behind the District Inspector. He saw something of what happened and the third witness also saw something of what happened; he was still further behind. The Sergeant undoubtedly saw the accused shoot the District Inspector; he was quite close to him, and you will hear that he saw the accused man well at the time. As I have stated there was a Police Constable behind the Sergeant. He cannot say that he saw the man who shot the District Inspector because he was looking at a window of the house at the moment the shot was fired. He heard the shot and turned round and saw the Inspector fall. So that the District Inspector is shot; behind him is the Sergeant; the Sergeant then fires at the accused one shot with his rifle. The accused apparently then jumped back into the doorway. There is a little porch to the house of which you will hear more and undoubtedly that man, the accused, then threw a bomb which wounded a Constable. The accused man after the bomb was thrown then fired five or six shots more with his revolver or automatic pistol or whatever it was he had. The shots apparently took no effect upon anybody. The Sergeant as I have stated, fired one shot with his rifle, and then

his rifle jammed and he could fire no more. After that the Sergeant will tell you he went round to the back of the house. Apparently the accused disappeared from the front of the house and was not seen there any more. The Sergeant goes to the back of the house and almost immediately sees the accused apparently run from the side of the house and make off into the hills. The Sergeant pursued him firing at him as he went. The fire was returned by the accused man and they exchanged a number of shots at each other. The accused apparently shouted at him and challenged him: "Come on you bloody whore" and there was a battle between those two men until the dusk came down. The Sergeant had also fired all his ammunition away and he had to give up the fight and come back to the house. While this battle was going on between the accused and the Sergeant some distance away in the hills the second Constable who had been behind the Constable who was behind the Sergeant assisted the wounded Constable away and took him back to Barracks. So that we have the two Constables away - one wounded and the other Constable taking him back to Barracks and the murdered District Inspector lying close to the house. The Sergeant comes back to the house and finds the District Inspector there dead. There was a big pool of blood under him, and he had a wound in the neck. You will hear some medical evidence which will corroborate the evidence of the Sergeant. The District Inspector was found there in that position and he was undoubtedly dead at that time. The Sergeant comes back again to the house and makes a search there. Nothing of importance was found in the house and so ends the whole of the facts relating to the shooting of this District Inspector. You get a clear view by the

Sergeant of this man while he is committing the act and you get the District Inspector killed in the presence of the Sergeant. That shortly is the case with regard to that.

The case as I have stated does not end there, because later on, some time in March, the accused made a confession. What happened was this: the accused man was in the presence of some Constables & I shall call them before you - and you will hear that he gave a detailed account of the events which occurred on this day, the 7th January. He explained exactly what he had done and exactly what District Inspector McGrath had done. You will hear at the time he made this confession he was a wounded man - a man who had been severely wounded and who thought undoubtedly at that time that he was about to die. He then in that state of mind made a full confession of the crime of the 7th January. He said: "I am done; get me a doctor and a priest". After the priest and the doctor had gone he appeared to be very weak and in a state of collapse. He was reclining against the wall of the room in which he was. There he made a voluntary statement giving this confession of the crime and the detailed account of what had happened on the 7th January. It will corroborate what the Sergeant will tell you up to the hilt because he goes into detail which in my submission he alone, and only he, could possibly have known. There was by him at the time two District Inspectors, a Head Constable, a Sergeant and another Constable. All those men will be called before you and they will give you the substance of what the accused said. I do not know whether it will be suggested that that confession was obtained by threats. If it is suggested I would ask you to consider this -- that if this man was really in fear of death, and I think you will probably be satisfied that he was, it would be

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unlikely that any threats of violence would extort a confession from him because he would have nothing to fear from threats or from violence. In my submission the accused believed that he was about to die, and, therefore, he made the confession which he did in this case. It is most unlikely that he would have been at all influenced by any threats which anyone may suggest were made against him. The evidence will be that no such threats of violence of any sort or kind were made to him at that time.

That is really the whole of the case, Sir. It is a little significant that when the Summary of Evidence was taken in this case a number of questions were put by the accused to one of the witnesses who gave evidence in the case showing clearly that he was cross-examining the witness on details of the fight showing from the questions he asked that he knew all about what had happened. For instance, in cross-examining the Sergeant, who will give evidence here, he cross-examined him as to how near the Sergeant was to him; as to how many shots were fired and what he was doing when he, the accused, fired the five or six shots. That shows clearly that he must have been the man the Sergeant saw when the District Inspector was shot. That I submit with the confession will be enough to persuade you that the accused is the guilty man apart from the evidence of the Sergeant who will swear positively that he was the man who fired the shot which killed the Inspector. Subject to what will be said on his behalf by my learned friend who appears for him, and having regard to everything that can be said on his behalf, I submit that there is only one conclusion that the Court can draw which is that this man McKean committed the murder. It may be that a member of the Irish Republican Army considered

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that he is entitled to shoot Police and members of the Crown Forces either in cold blood or otherwise, but I submit that does not alter in the slightest degree the character of the offence committed by this man in our law, and I apprehend the learned Judge Advocate will so advise you if necessary. I submit to the Court that the only conclusion you can come to in view of this man's confession and the evidence of the Sergeant and the other witness whom I shall call before you is that the accused man is clearly guilty of the murder of District Inspector McGrath on the 7th January of this year. Those briefly are the facts of this case, and I will now call the evidence before you as shortly as I can.

_____, having
been duly sworn, gives evidence as follows:-

THE WITNESS: I produce the formal documents, first the Determination of the Competent Military Authority, secondly a King's Printer's copy of the Order in Council under the Restoration of Order in Ireland Act dated the 13th August, 1920, and, thirdly, a King's Printer's copy of the Restoration of Order in Ireland Regulations. (Handing documents.)

(The witness withdraws.)

(The Determination is marked "Y" and attached to the Proceedings.)

SERGEANT Ryan is called in, and having been duly sworn is examined by Counsel for the Prosecution as follows:-

Q Are you a Sergeant in the Royal Irish Constabulary.

A Yes.

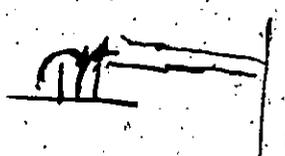
Q You are now of No. 3 Company of the Royal Irish Constabulary Depot in Dublin.

- 7
- A Yes.
- Q In January of this year were you stationed in Ballinalee, County Longford. A. Yes.
- Q On the 7th January in the afternoon did you go from those Barracks at Ballinalee with a party. A. Yes.
- Q Whattime did the party leave the Barracks. A. About 4 o'clock.
- Q Who was the party. A. Myself, District Inspector McGrath, three Constables and a Sergeant. There ~~was~~ were two Sergeants, three Constables and Mr McGrath, the D.I.
- Q Did you go to a place called Kilshruley. A. Yes.
- Q Did you come to a house there. A. Yes.
- Q Whose house was that. A. It was Anne Martin's house.
- Q Is she any relation to this man, the accused. A. I have made enquiries and it seems she is not related to him.
- THE JUDGE ADVOCATE: You cannot tell us what you have been told.
- THE WITNESS: Anne Martin told me herself that she was no relation.
- COUNSEL FOR THE PROSECUTION: What you have been told when you have been making enquiries you ought to know is not evidence.
- Q You went to Anne Martin's house. A. Yes.
- Q How far from the road does her house lie. A. 5 to 10 yards from the road.
- Q Is there any railing between the house and the road.
- A There is an iron gate going in.
- Q Is that opposite the house or how. A. The end of the cottage faces the road.
- Q Did you go through the gate. A. Yes.
- Q As you got through the gate what did the District Inspector do. A. I opened the gate for him and he walked through.

- 8
- Q Did you follow him. A. I folled ~~ht~~ directly in his steps.
- Q Towards the house. A. Yes, towards the door.
- Q Were the rest of the patrol behind you. A. They were behind me.
- Q The District Inspector has got through the gate and is moving towards the house. A. Yes.
- Q Now just describe to the Court exactly what you saw happen. A. The District Inspector walked up to the door and was turning to go in the door -----
- Q At that time was the door open or shut. A. I did not see it open.
- Q You cannot say whether it was open or shut. A. I cannot.
- Q Is there a little porch in front of the house. A. There is a hallway inside the doorway, but there is no porch outside.
- Q Is the door on the gate side of the ~~doorway~~^{hallway} or is it nearer the inside of the house. A. I could not say which side the door is on.
- Q About how far behind the District Inspector were you when you walked ~~back~~ towards the house. A. Just about 3 feet behind; just enough room to walk behind and keep my rifle in position.
- Q Did you see the door of the house yourself as you approached it. A. Yes, I could see it.
- Q What happened. A. When the Officer turned to step into the doorway this man John McKeon flashed out and shot him down in the gutter. He put out his hand like that (describing) and shot him down. I had a full view of him.
- Q You saw the accused come to the doorway and present his revolver or automatic pistol and fire a shot. A. Yes.
- Q About how far away would you be from the accused when he

- 9
- fired. A. I would be about 3 feet away from him.
- Q With the District Inspector between you and this man.
- A Yes.
- Q Had you ever seen this man before -- I do not want you to tell us anything about where you saw him. A. Yes, I had.
- Q Did you know the man by sight. A. Yes, I knew the man well by sight.
- Q Is that the man, the accused there, who fired the shot.
- A Yes, that is the man.
- Q Have you any doubt about it. A. No, no doubt at all.
- Q He fired one shot you say at the Inspector. A. Yes.
- Q Was that all. A. Yes.
- Q What happened to the Inspector. A. He fell down dead in the gutter in my opinion; he never moved. He fell down on his face.
- Q The District Inspector having been shot did you do anything yourself. A. Yes, I fired at the accused.
- Q You had a rifle. A. Yes, an ordinary service rifle.
- Q Did you fire before or after the Inspector was shot.
- A I fired after the Inspector was shot.
- Q What did the accused man do after he had fired the revolver or the pistol - that you saw. A. He flashed back into the hall immediately he fired -- because I fired at once and I missed him; I struck the wall immediately overhead.
- Q Having dashed back did you see him do anything else.
- A Yes, I saw his hand dart out once or twice like that. (describing.)
- Q His left hand. A. Yes, it must have been the left hand; it could not have been the right hand.

12



- 4
- x10
- Q Just show us how he did it. A. He was in shelter here, and I could see the hand going in and out like that, and then there was a big explosion of a bomb.
- Q He was on your left was he. A. Yes.
- Q He threw something out with his left hand. A. Yes, he threw out a bomb which exploded behind me and then he banged away again with his pistol.
- Q Could you see his face. A. No.
- Q Having done something with his left hand low down like that what happened. A. There was a fearful explosion behind me.
- Q An explosion of what. A. A bomb -- a few feet behind me.
- Q I do not think it hit you. A. No, I found some tears in my coat afterwards; that is the only sign I saw of anything.
- Q A very fortunate thing for you. A. Yes.
- Q Did you see anybody hit by that bomb. A. No, I did not.
- Q ~~It~~ It exploded behind you. A. Yes.
- Q What did you see happen after that in the doorway. A. A hand was protruding from the doorway; there was an automatic or a pistol in it and ~~it~~ firing was continued for 6 or 7 shots. It kept banging away very quickly.
- Q Of course/^{this}all happened in a very short space of time. A. Yes.
- Q In much less time than it takes to tell it. A. Yes.
- Q Is that all you saw happen by the doorway. A. That is all.
- Q Did you turn round then. A. I did.
- Q Did you notice anything that had happened to any of the Constables who had ~~followed~~ followed you. A. No, I did not notice anything.
- Q What did you do next. A. I roared to the party to surround the place; that bombs were being used and I went round to the back of the house myself.

L.

Q. Having got to the back what did you see?

A. I saw John McKeon escaping from the direction of the front of the house.

Q. How did you come to see that? A. It was when he got away clear from the house that I saw him. I could not see the door of course from the back but I saw that he came out somewhere from the front of the house and was running away up towards the hills.

Q. Did you go after him? A. Yes, I shouted to him.

Q. What did he do, did he halt?

A. He did not halt; he continued to run and I fired at him.

Q. Did you follow him? A. Yes.

Q. Did he fire at you? A. Yes, he turned round and fired about three shots at me.

Q. Did he say anything? A. He roared at me "Come on you bloody whore" as he was firing the shots.

Q. Did you fire at him? A. Yes, I fired five or six shots at him.

Q. Did he get away? A. Yes, right away towards the hills.

Q. It was not very light at that time, was it?

A. It was not dark, it was getting dusk, but there was a fairly good light. at the distance ^{he} He was away from me.

Q. After he had run away into the hills was there any more firing then? A. Yes, we continued the firing for 5 or 6 minutes. I fired about 25 shots at him altogether, and he used to turn round and fire a few at me. That is how the firing went on. He was on the path, and I was on the rough bog and I could not get on very well.

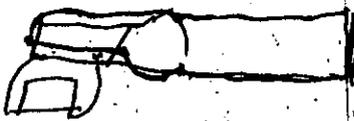
Q. You gave up the chase eventually and came back to the house. A. Yes.

Q. What happened when you got back to the house?

A. I found the officer lying dead on his face.

Q. District Inspector McGrath? A. Yes.

Q. Where was he lying? A. He was lying in the gutter where I saw him fall in the first instance.



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- Q. Did you examine him ? A. Yes.
 - Q. In what condition was he ? A. He was quite dead. I shouted "Mr McGrath" to him, a few times.
 - Q. Was there any blood ? A. Yes, there was a good pool of blood near his chest.
 - Q. Did you notice any wounds. I noticed a big wound in the jaw which went down to his neck.
 - Q. How long from the time you saw him shot, was it, until you got back again ? A Six or seven minutes, or something like that.
 - Q. Was the Doctor there at that time ? A. No.
 - Q. He came afterwards, did he ? A. I was there until 7 o'clock, and then I went away.
 - Q Did you see the Dr. come ? A. No, but I found him there about 8 o'clock or half eight when I got back.
 - Q Then I think you went back to the barracks at Ballinalee, yourself ? A It would be about 6 minutes past 5 then, and I waited until 7 o'clock by the officer keeping a look-out.
 - Q. The Doctor had not come by then ? A. No, he came after 7.
 - Q At 8 o'clock you went back to the barracks ? A. Yes.
 - Q And about 8 o'clock returned to the house again ? A. Yes.
 - Q Did you search it ? A. I searched it.
 - Q Did you find that book there which you now have ? A. Yes, I found this book there (producing book)
 - Q I do not suppose the Court really wants it. It is a sort of ledger containing some entries relating to the business of the accused who is a blacksmith. There are some letters as well that you also found ? A. Yes, (producing documents)
 - ~~Q~~ I have not seen those. Just let me look at them (Documents handed) Unless my learned friend wants them there is nothing in these letters you want to call attention to ? A. No.
- COUNSEL FOR THE PROSECUTION: Unless my learned friend wants

3. ✓
it I do not see any reason why it should be made an Exhibit. It has been referred to in the Summary. It has nothing whatever to do with this case. and so far as I can see has no bearing on it. Do you want it?

COUNSEL FOR THE DEFENCE: No.

COUNSEL FOR THE PROSECUTION: You found those things in a tin box in that house? A. Yes.

Q. Did you find anything else there?

A. I found a razor in the house. The house is kept by two women; there are no men supposed to be living in that house.

Q. I forgot to ask you, after you had fired one shot at the accused as he was in the doorway what happened to your rifle? A. My rifle got jammed.

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE

Q. I think you said the house belonged to a woman called Anne Martin? A. Yes.

Q. She is an old woman is she not? A. yes, about 65.

Q. Nobody lived in the house with her except another woman?

A. That is all - her sister - a visitor, like.

Q. You say you saw a man in the house, named McKeon? A. Yes.

Q. Do you suggest he was living there or was only there on the run? A. He was there on the run.

Q. Do you suggest that a man on the run would carry around with him a book containing entries of his trade as a Blacksmith? A. He had more things than that; he had a lot of things belonging to him; one of them was a road map

Q. So that he was on the run with a good deal of luggage with him?

A. It was an unassuming place -

Q. At any rate he had a large book with entries with it in connection with his own business and a number of letters with his name on them so that if he was captured it would

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give the Court a certain proof of his identity.

COUNSEL FOR THE PROSECUTION:- So far as the letters are concerned I make no point whatever about them.

THE PRESIDENT: You have established your point that the accused was travelling with a lot of luggage.

COUNSEL FOR THE DEFENCE: When you got to the house there was yourself, a District Inspector and four Constables.

A. Yes.

Q. Is the gate just opposite the door of the house or to one side? A. This is the gate here and the door of the house is here (Describing)

Q. When you go through the gate do you walk straight up to the door or is it on your right hand or on your left hand.

A. It would be on your left hand.

Q. When you first got up to it you did not see whether the door was open or shut? A.No we did not notice that.

Q. The District Inspector was walking in front of you from the gate to the door? A.Yes.

Q. You were just behind him? A.Yes.

Q. Was the lock of the door on the left hand side or on the right hand side? - which way does the door swing?

A. I could not say which way it swings.

Q. You say the door was on your left-hand side? Did it open so that you could see right in, or when it was opening was it in the line of your sight as it opened?

A. I took no notice at all. The first thing I saw was McKeon jump outside the door and fire the shot.

Q. He came right outside the door? A.Yes.

Q. Was the door open behind him? A.The door was open behind him of course. I did not open anything in connection with the door; the man loomed outside and fired.

Q. How far did he come out from the door?

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- A. About a foot or two. He exposed himself fully to be shot
- Q. Of course he could have heard that there was more than one man outside? A. He could have seen us coming up the road
- Q. He came out and exposed himself fully and he knew there were four or five men coming up the path? A. Yes.
- Q. The District Inspector must have been quite close up against him? A. He was.
- Q. Practically touching him in fact.
- A. He was quite near.
- Q. And you must have been practically touching the District Inspector behind because the whole distance between you and the accused was only three feet? A. Yes, that is so.
- Q. A good deal closer than I am to my learned friend here?
- A. Yes, closer than that. The officer was here ready to go in to the ~~gate~~ door and I was here close behind him just giving him enough room in front of me.
- Q. You say the accused fired a shot? A. Yes.
- Q. With which hand? A. I could not say
- Q. Did the District Inspector fall down?
- A. Yes, right in front of me in the gutter.
- Q. You were still only three feet from McKeon? A. Yes
- Q. Going up to the house you anticipated some resistance and I suppose you were prepared with your rifles ready
- A. We did not anticipate anything like that. We were only going by pure chance, thinking we might find somebody napping. There was nothing against him and we never thought we should get him so clearly as that.
- Q. There was never anything suspicious against him before?
- A. No we were just going to the house on chance.
- Q. As you were approaching the house you had your rifles at the ready? A. No, we were not prepared to fire but we had them ready.
- Q. Anyhow you got your rifle up as quickly as you could?
- A. Yes, I got my rifle up and fired it as quickly as I could.

I kept him in.

- Q. At the distance of 3 feet? A. Yes - a few feet. I kept him in by the firing.
- Q. When the District Inspector fell you had not very much time, but as far as you could see at that moment, was he dead then?
- A. Yes, he fell dead.
- Q. You are quite sure he was dead? A. Yes, he fell dead apparently. There was no movement by him from the way he fell first.
- Q. The accused made his escape from the front of the house, you say? A. I do not know where he made his escape from; I went round to the back.
- Q. How far away from you was the person escaping from the front of the house when you first saw him? A. 30 or 40 yards. He would be coming from the direction of the front door.
- Q. I suppose he would go out by the ~~middle~~ little gate you came in at as far as you could see. A. He was going away from the direction of the gate.
- Q. He had gone out of the front door and either gone through the gate or somewhere at the side.
- A. He got out of the door and cleared off to the left and up towards the hills. The Police would be at the gate.
- Q. You started following him then at a distance of 30 or 40 yards? A. Yes.
- Q. What was he wearing? A. long top-coat.
- Q. Did you notice anything else about him?
- A. No.
- Q. Otherwise he was dressed much the same as he is at present.
- A. Much the same.
- Q. You followed him? A. Yes.
- Q. I suppose you never got within range of each other - or were you within range? A. within 30 or 40 yards of each other. Of course he would be gaining a little after that. When I stopped to load he would gain and he knew the path he was running on and I was on the rough. He was

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banging away at me and I was banging at him.

Q. By the time you lost sight of him you must have been some distance away from the cottage? A. 500 or 600 yards.

Q. It would not be possible at any time after the District Inspector had been shot for the accused to have gone over to him and spoken or said anything to the District Inspector? A.No.

Q. Because the District Inspector you have told us was dead
A. Yes, as far as I could see.

Q. If any suggestion is made that the accused went and said anything to the District Inspector and that the District Inspector was alive at that time that would be all nonsense

A. It would, because I was there for two hours with the D.I.

Q. It would not have been possible for the accused to have come back. A. It would not. If he had done so I would have fired at him.

Q. However ~~he~~ you say he did not come back

A. No. His mother and sisters and his brother came back and the two women that owned the cottage, and I arrested them.

RE-EXAMINED BY COUNSEL FOR THE PROSECUTION

Q. You told my learned friend that the accused could not have come back to the cottage? A.No.

Q. You stayed there until 7 o'clock I think you said? A.Yes

Q. You then went to the Barracks and came back to the house about 8 o'clock? A.Yes, I went to the Barracks with his Mother and Sister and the two women I arrested at the cottage within seven or eight yards of where the officer was lying. I took them to the Barracks so that they should not touch anything inside the Cottage.

Q. So far as you know between 7 and 8 the accused might have come back. A. Yes he might have come back then

Q. You have been asked how far the person was away from you when he came out from the front of the house. Could you

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say whether the man who came out from the front was the same man as the man that fired the shot? A. Yes, he was the same man.

Q. You have no doubt about it? A. No, he was only about 30 or 40 yards away from me and he turned round right in front of me on one occasion, that is the time when he said "Come on you bloody whore". Of course he was trying to bluff me -

Q. You have no doubt he was the man you had seen before?
A. No, no doubt

Q. You ~~me~~ fired several shots at him out of your rifle?
A. Yes.

Q. You said you first fired at him when he was in the doorway of the cottage? A. Yes.

Q. How far would he be away from you at that time?
A. He would be about 3 feet.

Q. How far? A A few feet - about 3 feet.

Q Was he standing still or what was he doing.

A. At the time I fired he was jumping back. It was all done in a flash. He jumped back to the protection of the wall

Q. That is why you missed him, I suppose

A. Well, I fired as much to keep him in as to hit him, otherwise he would have come out and shot us.

Q. That is what I was coming to. In answer to a question I put to you you said you kept him in by your firing?

A. Yes.

Q. When you first saw him he came out about a foot from the door of the house? A. Yes.

Q. He then jumped back again and by your firing at him you kept him inside the house? A. Yes, and he only put his hand out afterwards.

Q. Were you just behind the inspector when you went towards the house or a little to the right or left of him?

A. I was a little to the left of him. I was waiting for

9. him to step in so that I might step in after him.

Q. You did not notice much about the door at that time?

A. No, I did not notice the door much, until this man loomed out right into the D.I.'s face and shot him down.

Q. You have been asked about what he looked like. Can you tell us at all what the accused did look like. What was the appearance of this man?

A. He did not look as trim as he does now; he had his fawn overcoat on.

COUNSEL FOR THE DEFENCE:- To clear up the times, may I ask another question Sir?

THE JUDGE ADVOCATE: Yes.

COUNSEL FOR THE DEFENCE: You told my learned friend you left at seven o'clock and came back about eight.

A. I came back about half-eight.

Q. In your statement you say you stayed there from 17-00 hours to 19-00 when you returned to the barracks and about 20-00 hours you came back again to the cottage.

A. About eight or half-eight.

The Witness Withdraws

_____ is called in and having been duly sworn is examined by Counsel for the Prosecution as follows:-

Q. Are you a constable of the Royal Irish Constabulary?

A. Yes.

Q. Were you with the last Witness on the 7th January of this year? A.Yes.

Q. Did you go with him and several others to a house in Kilehruley? A.Yes.

Q. Was that ahouse belonging to a woman called Anne Martin?

A. Yes.

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Q. Did you get to the gate? A. Yes.

Q. Who went through the gate first? A. District Inspector McGrath and Sergeant Ryan went through the gate. Sergeant Ryan opened the gate.

Q. Did you follow them through? A. I did with ~~some~~ ~~others~~

Q. Was there another constable behind you? A. There was

Q. And another one behind him? A. Yes.

Q. Going through the gate did they go on towards the House,

A. Yes, towards the front door of the house.

Q. How near had District Inspector McGrath got to the house when you heard anything.

A. About 4 yards from the doorway?

Q. You did not see anything? did you then?

A. At that moment I was looking to my left towards the windows

Q. What did you hear? A. I heard a shot.

Q. Could you tell from which direction that shot came.

A. From the doorway?

Q. From the doorway of the house? A. Yes.

Q. You looked round I suppose? A. Yes.

Q. What did you see? A. I just saw with the tail of my right eye the flash from the doorway and just then the bomb went off that was flung from the doorway.

Q. Did you see anything happen to the Inspector before the bomb went off? A. Yes, about half a second before the bomb went off.

Q. What did you see happen to the Inspector before the bomb went off?

A. I just turned round in time after I heard the shot and the District Inspector spun round and fell on his face,

Q. You saw him do that? A. Yes.

Q. Was that in front of you or behind you? A. In front of me.

Q. It was very close to you was it not? About 4 yards.



11. Q. Then you say a bomb was flung from the doorway ? A. Yes.
- Q. It hit you I think ? A. Yes.
- Q. And wounded you in the leg ? A. In both legs.
- Q. Did you fall to the ground when that bomb exploded ?
- A. No, I staggerd against the wall of the house.
- Q. Did you use your rifle at all ?
- A. Yes, when I was against the wall of the house I fired one round into the doorway.
- Q. Did you see anything happen to Sergeant Ryan ? A. Yes, Just after the bomb went off and I was leaning against the wall of the house - I was a bit dazzed by the flash and the earth thrown up - and just as I opened my eyes he was going round the corner of the house.
- Q. Was it the left corner or the right ?
- A. Past the front and round the top corner of the house to the left.
- Q. Did you have a look at the district Inspector after that ?
- A. Yes.
- Q. In what condition was he ? A. Apparently he was dying; he was shot through the throat.
- Q. When was it that anything happened after you went to the D.I. ? A. When I approached the D.I. a shot came from the doorway and splintered the stock of my rifle.
- Q. That was after the Sergeant had gone round to the back of the house ? A. Yes.
- Q. Did you see anybody come out of the house then ? A. No, but I just saw that the shot was fired from the doorway; the person inside was in the shadow and it being almost twilight I could not see anything but I heard somebody in there.
- Q. You heard some movement in there but you did not see anybody ? A. No, not distinctly.
- Q. Did you see anybody after that, running away or anything ?
- A. No.
- Q. Did you see what happened to the Sergeant ? A. I saw him go round the corner of the house and he disappeared from

view.

Q. Did you hear anything from the direction in which the Sergeant had gone? A. Yes, I heard his rifle being fired.

Q. You heard his rifle but you did not notice the Sergeant

A. No.

Q. As the District Inspector approached the door you were behind the Sergeant were you not? A. Yes.

Q. Was the Sergeant walking behind the Inspector or how was he walking? A. He was walking almost abreast of the Inspector.

Q. On his left or on his right? A. On his right.

Q. That would be on your right too? A. Yes.

Q. Are you quite sure of that? A. Yes.

COUNSEL FOR THE DEFENCE:- I suggest it is usual in these Court-Martial cases that when a witness leaves the Witness chair he should remain in some place in the Court. That has been the practice in other Courts Martial and I see that the last witness has left the Court.

THE JUDGE ADVOCAT: I suggested that that course should be followed and I thought he was in Court. Let him be brought back.

(The last Witness returned into Court.)

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE

Q. Was the door of the Cottage on your right hand or on your left when you came in by the little gate. A. On my left.

Q. Therefore the Sergeant walking up on the right of the District Inspector would be nearer the house than the District Inspector? A. No, the Sergeant was on my right and on the District Inspector's right.

Q. When you were coming in through the gate the door of the house was a little bit to your left? A. Yes.

Q. When those two men were walking up there the one who was on the right would be nearer the house than the one who

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was on the left; is not that correct? A.No.

Q. Will you explain to me what position the two of them were in?

A. Suppose this is the doorway of the house. We came in through the gate here and walked towards the door. The District Inspector was on the left of the Sergeant, about here and the Sergeant was on the District Inspector's right about here. (Describing) District Inspector McGrath was nearer the doorway than the Sergeant.

Q. Then they were not facing straight towards the doorway?

A. They were on the left incline towards the doorway.

Q. If they were walking side by side the one on the right hand side would be nearer the house than the other one?

A. No, the house and the doorway are on the left.

Q. I think I am correct.

THE JUDGE ADVOCATE: I do not think so.

COUNSEL FOR THE DEFENCE: It may be my fault

THE PRESIDENT:- I have made a rough sketch plan here from what has been said. Perhaps you would like to look at it.

This seems to be the position (Explaining sketch to learned Counsel)

COUNSEL FOR THE DEFENCE: I was putting the house and not the

door (To the Witness) I just want to get the position as near as I can. The District Inspector and the Sergeant were both between you and the doorway? A. Yes.

Q. Did you see the door opening the first time? A. No, I could not see the door opening because I was nearer the wall of the house.

Q. You do not know from which side the door opened -whether the lock was on the left of the door or on the right hand side of it? A. No.

Q. The first thing you saw was when the shot was fired and the D. I. fell. A. Yes.

Q. You did not see anything at that moment and when you came

COUNSEL FOR THE PROSECUTION:- The Patrol consisted of the District Inspector, the Sergeant, yourself and three other Constables? A. Yes.

Q. You went to the house of Miss Martin? A. Yes.

Q. Did the District Inspector and the Sergeant go through the gate in front of you? A. Yes.

Q. Did you see anything happen when you got to the door of the house? A. I did.

Q. What happened? A. As the Sergeant and the District Inspector approached the door I saw the door open and I saw a man first and then the door was shut again. Then it slightly opened and a man's arm came out with a revolver in his hand and the D.I. fell

Q. You think you saw the door open and then shut? A. Yes. it opened first and then shut and then it opened again a little and the arm came out with the revolver.

Q. I do not understand. You noticed the door was shut as the Inspector approached it?

A. I was not looking at the door at first, as a matter of fact, as I was going towards it, but when I did look towards the door I saw the man. The first I saw was a man at the door, it was just for an instant, and then the door shut again. Then it opened again slightly, just enough to get a hand out and the hand came out with a revolver in it and stopped the D.I..

Q. Did you notice anything when the hand came out?

A. Yes, shots were fired.

Q. Did you notice anything happen to the District Inspector

A. Yes.

Q. When? A. When the hand came out and fired and the D.I. fell

Q. How far away were you? A. about 10 or 11 yards; I could not tell you the exact distance.

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Q. You were about 10 or 11 yards away? A. I was by the gate; I could not tell you the distance.

Q. Was the man you saw this man, the accused? A. I could not say.

Q. Did you notice anything about him?

A. All I noticed was that the man appeared to be unshaven; that is all I noticed. I only saw him for just an instant and I could not recognise the man again.

Q. When you saw him did you see him do anything more than just look out of the door and go in again?

A. That is all I saw.

Q. Is that when you saw the Inspector fall?

A. Originally the door opened and shut again and then I saw it open again and a hand came out and the D.I. fell. I heard two or three shots.

Q. That time you were by the gate? A. I was by the gate.

Q. Did you see the bomb explode? A. I did.

Q. Where were you then? A. I was just going towards the D.I. then.

Q. That is the bomb which wounded the last witness? A. Yes

Q. Did you see ~~him fall~~ that he was injured? A. Yes, and he came to me and told me he was wounded.

Q. Did you see the Sergeant go away round the corner of the house.

A. Yes, I saw him go to the rear of the house.

Q. What did you do after the Sergeant had gone round the corner of the house?

A. After he went round the corner of the house I saw the Constable who was wounded.

Q. Did you stay in front of the house?

A. I stopped just by the gate.

Q. Did you see anyone come out?

A. No I did not see anyone come out.

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE

- Q. When the D.I. and the Sergeant were walking up to the front of the house were they side by side or behind each other.
- A. They were side by side. I believe the Sergeant was on the left of the D.I.
- Q. The first thing you saw was the door opening and a man appear? A.Yes.
- Q. Round the corner of the door or through the opening of the door. A.Through the opening of the door. I saw the door open and the flash of a man for an instant and then the door was shut again. I could not recognise the man
- Q. When the door was opened could you see right into the house. A. You could not see right into the house - just the opening of the door,
- Q. Did the man come right out in front of the door?
- A. No, only half-way and then the door was shut again.
- Q. How much of the man did you see?
- A. The whole of the man.
- Q. How was he dressed? A.I could not tell you how he was dressed; the whole thing was only an instant.
- Q. Did he come right in front of the door or just stand in the doorway. A.In the doorway.
- Q. He did not fire the first time? A.No.
- Q. He went back again and shut the door? A.Yes.
- Q. Did anybody fire at him the first time? A.No,
- Q. It was only after the door had shut and was opened again that the first firing took place? A.That is so.
- Q. What was the first shot fired from? A.From a revolver by the man in the doorway.
- Q. That is the one which shot the D.I.? A.Yes.
- Q. Who fired next? A.There were two or three shots and then the bomb came.
- Q. Who fired the two or three shots?

- A. The man from the doorway.
- Q. Did anyone on your side fire at all before the bomb? A.No
- Q. Are you perfectly sure of that? A.I am perfectly sure of that.
- Q. You were in a position to see whether anybody fired or not? A.Yes.
- Q. I mean you were quite close at the time? A.Yes.
- Q. I take it that you were not expecting this sort of thing to happen when you got to the house. You did not go there prepared to fire into the house? A.No.
- Q. When the revolver shot was fired did the man come out altogether or did he fire by just putting his hand out
- A. Just putting his hand out of the door.
- Q. In consequence did he hit anybody? A.He hit the D.I
- Q. After that he did nobody else?
- A. The first shot went into the D.I. and he fell.
- Q. After that did he hit anybody? A.after that another constable was hit on the rifle by a revolver shot
- Q. When the bomb was thrown did the man who threw it come out of the house? A.I did not see anybody come out.
- Q. When the Sergeant rushed towards the back of the house did all the rest of you stay in the front? A We did
- Q. Did you see anyone leave the house?
- A. No, I did not see anyone leave the house.
- Q. Did you see the Sergeant chasing anybody away up country?
- A. Yes I did
- Q. You do not know how that person got out of the house if he did get out? A.I do not know how he got out; I was seeing to the other constable who was wounded.
- Q. Nobody could have got out of the front door as you were quite close to it? A.No - as a matter of fact I went out into the road and saw to the other constable.
- Q. Did the Sergeant give any orders to anybody when he went round to the back of the house?

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A. We had no orders whatever

Q. He did not roar to the men to encircle the house?

A. I did not hear his voice.

Q. In consequence of no order being given, the other men did not encircle the house? A.They did not encircle the house.

RE-EXAMINED BY COUNSEL FOR THE PROSECUTION

Q. You told us you were looking after the constable who was wounded. A.Yes.

Q. Is it while you were doing that that a shot hit the constable's rifle? A.No, I believe it was before; I am not sure, but this constable reported to me that he was wounded and I attended to him on the road.

Q. You looked after him? A.I looked after him

Q. You cannot tell us whether you started to look after him before he had his rifle hit or not? A.No, I cannot say

THE JUDGE ADVOCATE:- Did you actually see the D.I. fall?

A. I saw the D.I. fall.

Q. You heard the shot fired which caused him to fall? A.Yes

Q. Is it your evidence that that shot was fired round the corner of the door by a man who did not expose himself to view?

A. He did not expose himself to view when the D.I. was shot - just the hand came out of the door.

COUNSEL FOR THE PROSECUTION: Perhaps you would ask him upon that what view he would have of the door, whether he stood in the same place all the time.

THE JUDGE ADVOCATE:- Were you standing in the same place all the time? A.Practically. I went forward just at the time the bomb exploded.

(The Witness withdraws)

Dr J. F. Keenan is called in and having

been duly sworn is examined by Counsel for the Prosecution as follows:-

- Q. Are you a Doctor practising in Ballinallee? A. Yes.
- Q. Did you get a report on the 7th January of this year?
- A. I did.
- Q. In consequence of that did you go to a house?
- A. I went to a place.
- Q. Did you go to a house? A. Yes.
- Q. Whose house did you go to? A. Miss Martin's
- Q. Did you find the body of anybody there?
- A. Yes, I found a body there.
- Q. Of a District Inspector? A. Apparently some officer.
- Q. Was it the body of a District Inspector? A. I do not know; I did not know the man.
- Q. Was he dead or alive? A. He was dead when I saw him
- Q. Whereabouts was he lying. A. On the ground near the wall of the house.
- Q. How near to the door? A. A few yards from the door; I could not say the distance.
- Q. About how many yards? A. I could not say; it was night at the time I saw him.
- Q. You paid no attention to the door perhaps?
- A. I paid no attention to the door; I paid no attention to anything except the body.
- Q. This is quite a small house. A. Yes, a small labourer's cottage.
- Q. Can you say at all how long the man had been dead.
- A. I could not.
- Q. What time was it when you saw him?
- A. About half-past seven in the evening.
- Q. What wounds had he got?
- A. My knowledge of the case is extremely meagre because I only looked at the body with the aid of a bicycle lamp.

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Q. You being a doctor, looked at the body I suppose to ascertain what was the cause of death.

A. No, I was not concerned with the cause of death; I was concerned to see if anything could be done for the man I was called to see.

Q. How was he shot or wounded. A. I could not tell you.

Q. Can you not tell the Court what caused that man to die

A. I cannot

Q. You examined him? A. No, I made no examination. I simply looked at the body for a few seconds and as the police raised the body I saw two small marks, one on each side of the neck.

Q. One on the right and the other on the left of the neck?

A. That is it.

THE JUDGE ADVOCATE: Can you show us on your own neck where abouts they were?

A. Down here, one on each side. (Describing)

Q. Just above the shoulder. A. Yes, but I paid no attention to their localization.

COUNSEL FOR THE PROSECUTION: Did you see any blood? A. None on the man. I saw some on the ground some distance from where the body lay.

Q. You satisfied yourself that the man was dead? A. I satisfied myself that the man was dead when I saw the body.

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE

Q. Assuming, as I think you may assume, that the death was caused by this wound or wounds in the throat -

A. I could not assume that, because there might have been other wounds which I did not see.

Q. I am asking you to take it as a hypothesis. Assuming that the death was caused by this wound or wounds on the throat would death be caused quickly or slowly? A. I know nothing about the wound except that I saw the mark on the skin. I do not know what direction it took.

Q. Assuming one to be the entrance and the other to be the exit wound, would that wound cause death quickly or slowly. I do not think that is a difficult question?

A. It seems to me to be a difficult question. It depends upon what damage was done inside.

Q. From the position of it was it likely to do grave damage or not? A. It might do damage, and it might not do damage.

Q. Take it that the man died because of it, was death likely to be quick or slow?

A. If it severed a blood vessel death would probably be quick.

Q. Did he bear the appearance of that having happened?

A. I cannot say because I did not examine the body for that sort of thing. I only looked at the body as it lay there in the light of a bicycle lamp. The body was immediately removed by the police and I never saw it again, so that my knowledge of the case is extremely meagre.

Q. Have you any facts which would warrant you in giving an opinion as to whether the man was likely to have died immediately after the wound or some time after? A. I have no facts within my own knowledge which would enable me to say that.

Q. Nothing from your own observation? A. Nothing from my own observation.

THE JUDGE ADVOCATE: Did you have any light to examine the man by? A. A small bicycle lamp.

Q. You did see the wounds in the neck? A. Yes, I saw the two small wounds in the neck.

Q. What sort of wound was it, A. Like a small wound in the skin.

Q. Caused by what? A. Anything that could puncture the skin might have caused what I saw.

Q. Did you form any impression as to whether one of the wounds was a wound of entrance and the other a wound of exit?

A. I did not examine for that purpose.

- Q. Is it not a thing you would notice at once ? A. Not necessarily. My only concern was to see whether the man was within medical aid, and when I found he was dead I did not pay any more attention to him because I assumed there would be a post mortem later.
- Q. Did you notice any marks of burning round the wound ?
A. No, I saw none - but I did not look for any of those things
- BY THE COURT: Have you ever seen a bullet wound ? A. Yes, since then.
- Q. You had never seen a bullet wound before that day ? A. No, I do not think I had.
- Q. Could you say whether this wound resembled a bullet wound ?
A. No, I could not say that it did. There were two small punctures in the skin of the neck and they might have been caused by anything that could puncture the skin.
- Q. Could they have been caused by a bullet ? A. It is quite conceivable that they might, but I could not state it as a fact.

(The Witness withdraws)

He called in and having been duly sworn is examined by Counsel for the prosecution as follows: -

- Q. You are a Sergeant in the Royal Irish Constabulary ? A. Yes.
- COUNSEL FOR THE PROSECUTION: With regard to the statement made on the Summary of Evidence by this witness, I do not propose, apart from what my learned friend will say, to examine him upon it until the point where he tells the story about the confession. But if my learned friend wants the rest of it I will take the Witness right through his statement.
- COUNSEL FOR THE DEFENCE: I would prefer the whole statement.
- COUNSEL FOR THE PROSECUTION: Very well. (To the Witness),
On the 2nd March of this year were you present with some Police at Mullingar Railway station ? A. I was.

- Q. Did you see a man there whom you knew ? A. I did.
- Q. Do you see him here now ? A. Yes, he is now present.
- Q. What is his name ? A. McKeon.
- Q. Just tell us how you came to see him on that day ?
- A. I was present with the police at the Railway station when he was taken from a carriage and handed into my charge. I was placed as his escort to convey him to the Police Station and when going to the Police Station he attempted to escape, and he was wounded and re-captured.
- Q. Did you see that happen yourself ? A. Yes, I did. I was practically the first up to him after he had been wounded.
- Q. Tell us what happened after he was recaptured ? A. He was then taken into the Police Station and he asked for a Priest and a Doctor.
- Q. Where was he wounded ? A. He was wounded in the breast.
- Q. By a rifle shot ? A. By a revolver shot. He was taken in to the Police Station then and he asked for a Priest and a Doctor and they were brought and attended to him immediately.
- Q. Did the Doctor attend to him ? A. Yes, the Doctor attended to him.
- Q. Did he dress his wounds ? A. Yes, he dressed his wounds.
- Q. Did the priest see him ? A. He did. He then made the following statement to me and to all the other police who were present, but I took it down as I was the Sargeant.
- Q. He made a voluntary statement to you then ? A. Yes, after the Priest and the Doctor had gone. Of course he was apparently in a dying condition at the time.
- Q. While the Priest and the Doctor were there nothing happened ?
- A. No.
- Q. It was not until after they had left that he made a statement ?
- A. That is so.
- Q. Was he in bed ? A. No, he was sitting on a form near the

window in the Bay Room. He was then apparently in a dying condition.

Q. Tell us a little more about that ? A. He was very pale.

Q. Did he speak distinctly. A. He spoke distinctly, but in a weak voice.

Q. When the Priest and the Doctor had gone did he say anything to you or to anybody who was there ?

A. He said "I shot D.I. McGrath. I was in a cottage near my mother's house when I saw the Police coming on the street. I had a revolver in my right hand and a bomb in my left. When the D.I. knocked at the door I opened it slightly, and with the revolver I had in my right hand I shot the D.I. and then threw the bomb at the Police who were in the street and they ran away." He then said, "I escaped and one of the police followed and kept firing at me. When all his ammunition was gone he went away and I went out to where the D.I. was dying on the street, and whispered an act of contrition in his ear as I knew he was a Catholic."

COUNSEL FOR THE PROSECUTION: Do you want the rest of this ?

COUNSEL FOR THE DEFENCE: Yes, I prefer it all.

COUNSEL FOR THE PROSECUTION: Go on with the statement he made to you on the 2nd. March.

THE JUDGE ADVOCATE: It is quite clear you want this in ?

COUNSEL FOR THE DEFENCE: Yes, It is quite clear, I want it all in.

COUNSEL FOR THE PROSECUTION: Go on, Sergeant,

A. He then said, "I was Leader of the ambush at Ballinalee. I had a mine set on the road and when the ~~first~~ mine exploded and the Auxiliaries in the first car came up and had ~~xxxx~~ been killed and wounded, we kept firing at the second car and I called on them to surrender. They kept firing for some time and then surrendered and one of them stepped out and said, 'Who is the Commander ?'. I stepped forward and said, 'I am Commandant McKeon', and I disarmed them

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and put them in their own Crossley and sent them to Longford. I would not shoot them as they were at my mercy and were unarmed".

Q That is all he said to you. A. Yes.

Q Were you present for some time before he made the statement. A. Yes, I was.

Q Did you see or did you not see any threats made to this man. A. No, there were not any threats made to him at all.

Q Just tell us about that. Did you see any revolvers brandished at him. A. No, there was no revolver brandished at him because I was present the whole time.

Q In your opinion, as you have told us, he was apparently in a dying condition. A. He was in my opinion in a dying condition.

Q Was any inducement held out to him to make that statement. A. No, there was no inducement; he made it voluntarily.

Q No promise of being let out or anything of that kind.

A No, we never spoke to the man or asked him anything; he made the statements voluntarily.

Cross-examined by Counsel for the Defence.

Q You say it was a voluntary statement. A. Yes, it was a voluntary statement.

Q When the accused was at Mullingar Railway Station how many Police were escorting him. A. 18 or 20.

Q Were there any other prisoners. A. There was another one.

Q 18 or 20 looking after the two prisoners. A. Yes.

Q Was McKeon handcuffed then. A. He was.

Q Would you explain to the Court how it came about that

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a handcuffed prisoner escaped from an escort of 18 to 20 Police. A. He was walking in the centre of the file of Police and he suddenly gave a spring out of the leading file that was before him and he ran for about 40 or 45 yards.

Q Did anybody run after him. A. Yes.

Q Was it necessary to fire at him. A. Yes.

Q Was there another patrol of Police coming down the road. A. There was not.

Q There were no Police near except the party escorting him. A. That is all.

Q When he was shot I suppose he fell to the ground. A. No he did not. He turned and put his back against the wall and said, "I am all right; I will go with you".

Q He was then led away. A. We helped him down to the Barracks.

Q When he was put inside the Barracks what room was he put in. A. The Day Room.

Q I suppose the priest and the doctor were sent for immediately. A. Immediately.

Q When the priest and the doctor were in the room were the Police in the room also. A. During the time the priest and the doctor were there there were no policemen in the room.

Q After the priest and the doctor had left who was in the Day Room. A. 15 or 20 Police.

Q Some of the escort. A. Yes.

Q Had he actually knocked some of them down with his handcuffs when he attempted to escape. A. He had not; he knocked no one down.

Q Were they all armed. A. They were.

Q They had revolvers. A. They had revolvers.

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Q Do you know the Constable who is the next witness - the sixth witness - do you know the one I am referring to.

A Yes.

THE PRESIDENT: Do you know what his name is? A. I do.

COUNSEL FOR THE DEFENCE: Did he take out a revolver? A. He did not. There was no man handled a revolver in the room at the time because after I came in the men were disarmed. They had to put up their revolvers. It is our custom to get them to unload and put up their revolvers and rifles when they come in.

Q Do you swear that when in the Day Room nobody had any revolvers. A. The Guard had.

Q How many were there in the Guard. A. One.

Q None of the other 15 to 20 had revolvers. A. They had not.

Q ^{Then} ~~There~~ this next witness could not have pushed a revolver in the face of the prisoner. A. He did not.

Q Or made any threat. A. He did not -- he made no threat in my presence.

Q Did any of the Policemen who were present strike the prisoner in the face. A. No, no one did that.

Q Was anything said about what the charge against him was.

A Of course he was told what the charge against him was when he was arrested - shooting D.I. McGrath.

Q Did any of the Police tell him the charge he was in on while he was there in the Day Room. A. Yes, the Head Constable told him the charge he was in on.

Q Of course he had been told that charge when he had been arrested in Longford. A. It was in Mullingar he was arrested.

Q Before he made any attempt to escape at all he had been told what he was charged with. A. I do not know whether he knew that then, but he was told in the Day Room.

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- Q Why was it the duty of anyone in the Day Room to tell him what he was charged with. A. It is generally the duty of a Policeman to tell the prisoner what he is charged with. At the time he was arrested he was only arrested on suspicion; we did not actually know him then.
- Q Had you found out something between the time you arrested him and the time he was put in the Day Room. A. Yes, going down the street he said "I am McKeon". He was only arrested on suspicion and I did not know him until then.
- Q I put it to you that some of the Police came up to him and called him a murderer. A. They did not.
- Q Was the word "murder" mentioned while you were there.
- A It was not during the time I was in the room.
- Q I thought you told me that he was told he was arrested for the murder of D.I. McGrath. A. The Head Constable told him and he was making rambling statements about shooting D.I. McGrath.
- Q Was that the only person who said anything about murder. A. That is all in my presence.
- Q Were you standing close to the prisoner. A. Yes.
- Q To protect him. A. To attend to him; he was in a very weak condition.
- Q It was not to protect him from anything. A. No, it was not necessary.
- Q Was there a District Inspector who will be called here today in the room. A. There was.
- Q Did he do anything to reprimand a Constable in any way.
- A No, he did not - I did not see him.
- Q Could he ^{have} done it without your seeing him. A. No, I do not think he could.

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COUNSEL FOR THE PROSECUTION: There are two District Inspectors.

COUNSEL FOR THE DEFENCE: I am referring to the eighth witness. A. I know the District Inspector you are referring to.

COUNSEL FOR THE PROSECUTION: I will write his name down. Is that the man. (Handing document to witness)? A. Yes, that is the man.

COUNSEL FOR THE DEFENCE: Did he reprimand a Constable for doing anything to the prisoner? A. He did not.

Q Did he say anything to any Constable about his treatment of the prisoner. A. No. We did all we possibly could for him. We got him hot water and gave him drinks and did all we could for him.

Q How long was he in the Day Room after the priest and the doctor had gone. A. He was in the Day Room for about half-an-hour. It would be something about a quarter past 10 when we removed him to the military hospital.

Q Were you in the room all that time. A. Yes, I was.

Q It would be sheer invention to say that he received any ill-treatment while he was in that Day Room. A. There would be no truth in that whatever. He was treated as kindly as it was possible to treat him.

Q It would be a sheer invention if anybody suggested that somebody said something to him about his being a murderer. A. It would be.

Q How long did he take to make the statement. A. 5 or 6 or 7 minutes. He was wandering away and talking the whole time about what he had done.

Q Do you think he knew what he was saying. A. He was apparently in a dying condition and I suppose the man

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was telling the truth as he did not mind what happened to him as he was dying.

Q Do you think he knew what he was saying. A. I could not say that. He was apparently in a dying condition. I could not say whether he knew what he was saying or not.

Re-examined by COUNSEL FOR THE PROSECUTION.

Q Did you hear quite distinctly what he said. A. Yes, I did.

Q Did he make the statement to you bit by bit or did it all come out continuously. A. He came out with the whole ~~xxxxx~~ statement in a continuous way, sentence after sentence.

Q You say he was arrested at Mullingar on suspicion. A. He was.

Q Then he was brought to the Barracks as you have told us. A. Yes.

Q Where was he taken to on being brought into the Barracks. A. He was taken straight into the Day Room.

Q And you were there. A. Yes, I was there and helped to carry him in.

Q Was he there for half-an-hour. A. Yes, something more than half-an-hour.

Q While he was in the Day Room you have told us that he was told what he was arrested for. A. Yes, I think he was.

Q Who told him that. A. I think it was the Head Constable.

Q Whoever it was can you tell us what was said. A. He said: "You have admitted now that you are McKeon and of

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- course you are arrested for the shooting of D.I. McGrath".
I am not quite sure of the words but I think that is what was said.
- Q At any rate he said something to him to the effect that he was in for the shooting of D.I. McGrath. A. That is so.
- Q He was not formally charged. A. He was not.
- Q Were you in the Day Room during the whole half-an-hour or so while the prisoner was there. A. I never left the Day Room beyond going for the doctor and for hot water.
- Q What do you say about threats or inducements being made to the prisoner during that half-an-hour. A. No threats and no ~~at~~ inducements at all were made to him during the half-an-hour he was there.
- Q When was it that he asked for the priest and the doctor.
A Going up the yard he said: "I am done. I want a doctor and a priest" and before we got him into the Day Room we sent at once for the doctor and the priest.
- Q Did the priest and the doctor see him in the Day Room.
A The doctor and the priest attended to him in the Day Room.
- Q After they had gone what happened. Was he still in the Day Room when ^{he made} the statement to you. A. Yes.
- Q After the doctor and the priest had gone what do you say about any threats or inducements being made to him. A. There were no threats or inducements whatever used to him.
- Q Did he say anything to you about his condition - about how he felt. A. He did; he said he was weak and of course the man was undoubtedly weak and very pale looking.

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Q You have told us as far as you can remember what he said. A. I have.

Q Did you make any note of it at that time. A. Yes the next day I made a pencil note of it.

COUNSEL FOR THE DEFENCE: May I put another question as to whether the usual legal caution was given to the prisoner at any time before he made a statement? I should have asked that question.

THE JUDGE ADVOCATE: (To the Witness) Was any caution administered to the accused before he made the statement? A. No, there was not.

Q You have told the Court that it was a voluntary statement and a statement made at his own suggestion. A. Yes, it was purely voluntary.

Q How many Police were there in the Day Room when he actually made the statement. A. 6 or 7 or 8, but they were passing in and out. I was present the whole time.

COUNSEL FOR THE PROSECUTION: In view of the last question put by my learned friend there is a question I should like to ask. I did ask this witness whether there was any formal charge made against the accused in the Day Room before the priest and the doctor came. I should like to ask whether after the doctor and the priest had gone any formal charge was made against the accused.

THE JUDGE ADVOCATE: Do you know whether any formal charge was made against the accused after the priest and the doctor had gone? A. No, I do not think there was. I did not hear any charge made against him.

(The Witness withdraws.)

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is called in and having been
duly sworn is examined by Counsel for the
Prosecution as follows:-

- Q You are a District Inspector in the R.I.C. at Mullingar.
- A Yes.
- Q On the 2nd March last were you at Mullingar Railway Station with a party of Police. A. Yes.
- Q Did you make a search of the train from Dublin there.
- A Yes.
- Q About 9 o'clock was it. A. Yes.
- Q In the evening. A. Yes.
- Q Were there a number of passengers lined up on the platform. A. Yes.
- Q Did you see a man there whom you subsequently arrested.
- A Yes.
- Q Do you see him now. A. Yes.
- Q Do you know what his name is. A. I know him now. I did not know the man at all then.
- Q Were you present at the Station when anybody asked him what his name was. A. Yes.
- Q Could you say what was said by the man who asked him what his name was -- a Policeman I suppose. A. Yes, he asked him "What is your name".
- Q What did this man say. A. He said his name was Smith.
- Q Did he say where he had come from. A. Yes, from Aughnaclyffe.
- Q In what County. A. In the County of Longford. He was asked where he had been and he said he had been to Dublin for a holiday and that he was going to Edgeworthstown.
- Q He having said that did you hear a Policeman who was

there say anything to the accused. A. Yes. I did not know the accused as I have explained and I heard a Policeman say to him: "Are you not John McKeon from Ballinalee", and he said: "No, you are making a mistake".

Q Was he then taken away towards the Police Barracks.

A Yes.

Q Did you go with the party. A. Yes, I was in the rear of the party.

Q Did you see him attempt to escape. A. I did not see him actually make the attempt but I heard a scuffle.

Q Did you see him afterwards. A. I did.

Q Eventually he was taken to the Barracks. A. Yes.

Q On the way did you hear him say anything. A. Yes.

COUNSEL FOR THE PROSECUTION: You want it all?

COUNSEL FOR THE DEFENCE: Yes.

COUNSEL FOR THE PROSECUTION: Just tell us what you heard him say? A. He said first "I made a soldier's attempt

to escape and failed" and farther down the street he said: "I know I am for a firing squad anyway" and in the Barrack Yard he said "I am done. Get me a doctor".

Q Did a priest and a doctor come. A. Yes.

Q Where did they see him. A. In the Day Room of the Barracks.

Q They went away after a time, did they. A. Yes.

Q What do you say about threats being made to the accused or inducements held out to him to say anything to you. A. I know nothing at all about that. I did not hear a single thing of the kind said to the man.

Q You were present with the party on the walk up to the Barracks. A. Yes.

Q And you were in the Day Room with them. A. Not all the time.

- Q At any rate you heard nothing of any threat or inducement.
- A Nothing of the kind.
- Q The priest and the doctor having been brought and gone away did you hear anything being said after they had gone. A. The priest and the doctor had gone about 15 minutes when I walked into the Day Room. The accused was apparently making a statement and I got in as I thought at the tail end of it.
- Q Did you listen to what he said. A. I did.
- Q What can you recollect of the statement he was making.
- A The first thing I heard him saying was: "I had a revolver in my right hand and a bomb in my left, I fired at him and he fell, Gilbert fell and he was not hit at all, I flung the bomb and made for the ditch. They ran away. I went over to McGrath, I knew he was a Catholic, and although I was his enemy I said an act of contrition in his ear before he died". He paused a considerable time then and seemed to be very weak and in pain, and then he said "I suppose this will be used as evidence, but I don't care".
- Q You heard him say that. A. Yes. He was looking at me at the time he said it. He also said "I fought the Auxiliaries too and beat them but one thing I did I would'nt allow the wounded to be killed". Then he stopped speaking and seemed to be very ill.
- Q Did he appear to be in pain. A. Yes, he ~~appeared~~ struck me as being in pain.
- Q After he had finished did he do anything. A. He was reclining on a seat between two Policemen and I left him there then as I was anxious to make arrangements to get him removed to the military hospital as soon as I could.

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Q Between the time when you came in and heard him making

the statement and the time he was removed to the

hospital what do you say about any inducement or

threat being made to him.

A. There was

absolutely none made in my presence.

Q You saw no revolvers brandished at him.

A. No.

Q Or pushed into his face.

A. No.

Q Do you know the witness who is the sixth witness here --- the one who gave evidence after the Sergeant before you at the Summary ? A. I do, yes.

Q What do you say about him. Was there any sign by him of brandishing a revolver in the face of the accused ?

A I saw none.

Q Were you there at the same time as the sixth witness ?

A He was there longer than I was. He was the man sitting on the prisoner's right supporting him.

Q While you were there you never saw the sixth witness threaten the accused in any way ? A. I did not.

Q Neither with a revolver nor in any other way ? A. I did not.

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE.

Q You say you heard a scuffle at the time the accused made an attempt to escape from the escort ? A. Yes.

Q What exactly did you see ?

A I heard the scuffle and I saw the accused running away and the men running across the bridge after him.

Q Were any of them knocked down or anything of that sort by the accused ?

A I did not see anybody knocked down, because I was some distance in the rear.

Q Was there another crown of police coming down the street at the time ?

A No, I saw no police coming down the street. There were military at the station as well and they were coming up behind.

Q After the priest and the doctor left the Day Room how long was it before you came into it ?

A I should say perhaps 10 or 15 minutes.

Q When you came into the Day Room the sixth witness was sitting beside McKeon ? A. He was.

2 Q How many police were there in the room altogether ?
A I should say there were from 10 to 15 all over the Day Room --- it was in the Day Room he was.
Q It is a large room ? A. A fairly large room.
Q Generally is that the number of police that are usually in the Day Room ?
A Generally --- at that time of night particularly.
Q McKeon apparently was in the middle of a statement when you came in ? A. That is so.
Q You do not know what was said before you came in ?
A No, I do not.
Q Did he seem very weak when you saw him ?
A He did seem weak.
Q Would you agree with the last witness that he was rambling on ?
A I would not say that he was rambling on, but he was speaking in disjointed sentences and between each sentence he would pause and shut his eyes and then open them again. He appeared to be in pain at times and in a state of collapse.
Q He had his eyes closed, had he ? A. Part of the time.
Q He was not making any motion of any kind --- or was he ?
A He was seated like that on the form lying back with his head resting like that on the shoulder of the policeman who was supporting him. My anxiety was to get him to the hospital as soon as possible.
Q You were in and out of the Day Room ?
A Yes, because I was phoning for the doctor and the ambulance and so on.
Q Who was in charge of him when you left the Day Room --- is the person a witness here to-day ?
A Yes, he is a witness here.
Q Has he already given evidence. You see I do not know the names of the witnesses.

3 THE JUDGE ADVOCATE: Was there a Head Constable present ? A. Yes.

Q Was he in charge ? A. Yes, he was.

COUNSEL FOR THE PROSECUTION: I do not think so.

THE JUDGE ADVOCATE: Just write the name down.

(The Witness wrote down the name of

A It is the next witness when he was in a less senior rank --- before he was promoted.

COUNSEL FOR THE PROSECUTION: It is the eighth witness. You think he was in charge ? A. Yes.

COUNSEL FOR THE DEFENCE: Was he in the room the whole time to your knowledge or not ? A. I cannot be quite sure of that.

Q Was he in the room the whole of the time you were there ?

A He was.

Q Was the Head Constable in the room during any part of the time you were there ?

A Yes, he was there when I was in there.

RE-EXAMINED BY COUNSEL FOR THE PROSECUTION.

Q You told us that the sixth witness was sitting beside the accused in the Day Room ? A. Yes.

Q Could you tell us at all what the sixth witness was doing ?

A He was supporting McKeon. He was sitting on his right-hand like this supporting him, and McKeon part of the time had his head resting on that man's shoulder.

Q While you were there did the sixth witness have a revolver & in his hand at all ?

A No, he had no revolver in his hand. I can say that because I looked at him.

Q Do you know whether he had one in his belt ?

A As far as I remember now he had no belt on him at the time.

THE JUDGE ADVOCATE: Can you tell us at all how far Mullingar is from Ballinalee ?

A I would not be exact but I fancy it would be within 15 and

4
20 miles.

Q Were all the Police you had at Mullingar men who were stationed at Mullingar ? A. Yes.

Q There were no Ballinalee Police there ? A. No.

(The Witness withdraws).

is called in and having been duly sworn is examined by COUNSEL FOR THE PROSECUTION as follows:

Q Were you stationed at Mullingar in March of this year ? A. Yes with a party of Police ?

Q On the 2nd March were you at the Railway Station/ ? A. Yes.

Q On the arrival of the 9 o'clock train from Dublin that night ?

A Yes.

Q Did you see some male passengers on the platform ?

A Yes, a number of male passengers were taken from the train after it came in and lined up on the platform and searched. Among them was a man who gave his name as Smith from Aughnacliffe.

Q When you heard him say that did you say anything ?

A Yes, I recognised him and I said "You are John James McKeon from Ballinalee".

Q Having recognised him as John James McKeon of Ballinalee do you see that man now ?

A Yes, I see him sitting opposite me.

Q That is the man --- the accused ? A. That is the man, yes.

Q You knew him pretty well, did you ?

A I saw him previously at a Court.

Q I do not want to go into that but you knew him well ? A. Yes.

Q Did you proceed to take him to the Barracks ? A. Yes.

Q Was he handcuffed on the way to the Barracks ? A. Yes.

Q During the journey to the Barracks did he make a determined attempt to escape from the escort ? A. He did.

- Q Was he recaptured ? A. He was.
- Q During the process was he fired at and wounded ? A. Yes.
- Q On the way to the Barracks after being wounded did he say anything ?
- A Yes, going on towards the Barracks he turned to me and said, "You are right, I am the man. I made a soldier's attempt to escape and failed". Then after a pause he said, "I know I am for a firing squad anyway".
- Q When you reached the Barracks did you go with him into the Day Room ?
- A Yes, he was brought into the Day Room.
- Q Were you with him all the time he was in the Day Room ?
- A Not all the time.
- Q Was a charge made against him in the Day Room --- was he told what he was arrested for ? A. No, not then.
- Q Did anybody say anything to him about why he was being arrested
- A No, not that I heard.
- Q What do you say about any threats being made to him or any inducements being ~~made~~ held out to him to make a statement after he was taken into the Day Room ?
- A No threats were made to him at all.
- Q Were any inducements held out to him ? A. No, no inducements at all.
- Q Did he ask for anybody to be sent for ?
- A Yes, he asked for a priest and a doctor and they were duly sent for.
- Q Did they come almost at once ? A. They did --- they came very quickly.
- Q Did he see them ? A. He did.
- Q Did they go away eventually ? A. They did after a time.
- Q Were you there when the accused began to make a statement after the priest and the doctor had gone ?

A I could not say that I was there when he began because I was in and out of the Day Room attending to other matters --- arranging for his conveyance up to the military hospital for one thing. But when I came in he was reclining back being supported by a Constable.

Q You know that Constable, I suppose ? A. Yes.

Q What do you say as regards any threats being made or inducements held out by that Constable to the accused ?

A I do not believe they occurred.

Q When you were present did you hear anything said to him or did you say anything to him ?

A I did not. I heard nothing in the nature of threats and I saw nothing in the nature of ill-treatment.

Q Had the Constable who was supporting him a revolver ?

A Every Constable has a revolver.

Q Had the Constable who was supporting McKeon a revolver in his hand ?

A Not to the best of my believe he had not.

Q You told us you were in and out of the Day Room but you heard the accused making a statement ? A. Yes.

Q First of all tell us a little bit more about the other people who were there. How were they standing ?

A They were around the wounded man. He was reclining back against the wall supported partly by this Constable, and then there were three or four others surrounding him.

Q What sort of condition did he appear to be in ?

A He appeared to be in a dying condition and in great pain. He seemed to think that he was dying as far as I could see.

Q Had those other policemen revolvers in their hands ?

A Some of them in the Barracks had revolvers.

Q Had they them in their hands ?

A No, I did not see any of them with revolvers in their hands.

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Q Tell us what you remember of the statement you heard the accused make ?

A He made this voluntary statement ---

Q You say he made a voluntary statement ? A. Yes.

Q You are accustomed to the taking of these statements, I suppose

A Yes.

Q Why do you say it was a voluntary one ?

A Because he was ^{not} questioned or asked to make any statement.

Q He made a voluntary statement so far as you could judge ?

A Yes. He said, I shot D.I. McGrath. I had a revolver in my right hand and a bomb in my left. I fired at the D.I. and he fell. Another Constable fell near him, but he was not hit at all. I then got behind a ditch and kept firing on the others and after a time they ran away. I got over the ditch and went to where D.I. McGrath was lying and whispered an act of contrition in his ear. I knew he was a catholic, I did it although I was his enemy".

Q Did he say anything about some Auxiliaries ?

A He did. He said, "I have fought the Auxiliaries too. They were brave men and I did not allow their wounded to be ill-treated".

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE.

Q You told the Court that when he was arrested you recognised McKeon as John James McKeon of Ballinalee ? A. Yes.

Q Did you not go on to tell him what you had arrested him for ?

A No, I did not.

Q Is not that the usual thing to do ?

A Yes, ^{but} at that stage he persisted so much in saying that he was not McKeon. He ~~was~~ said I was making a slight mistake and that his name was Smith.

Q If you had known that his name was John James McKeon you would have told him what he was wanted for ?



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A Yes, if we had been definitely sure and he had been identified by Police from Longford.

Q On the way to the Barracks when he told you his name was John James McKeon you then told him what he had been arrested for?

A No, we did not think it right then to tell him that because he was seriously wounded and apparently in a dying condition.

Q He was in charge of 18 or 20 Police and yet he was allowed to escape in the way he did. How did that come about?

A Because he is a very daring man. It is only one man in twenty who would attempt it. He made the attempt and did not succeed.

Q You say there was no negligence according to you on the part of the Police or anything of that sort?

A No, he was handcuffed and placed between two men and conveyed from the Railway Station along with the rest of the escort.

Q It is rather important in the face of what it is suggested the Police did afterwards for us to know this: Would you describe what he did in trying to effect his escape?

A He made a sudden bolt when about half way between the Railway Station and the Police Barracks --- at a place called the Green Bridge. We would have to turn to the right there and just as we got to that spot he made a sharp turn to the left and dashed off. He was called upon to Halt several times, but he kept running until he was fired on and brought down.

Q Did he strike the Police when he tried to get away?

A I could not tell you. I was not watching the exact incidents. I was marching alongside and the Police in charge of him were walking one on each side of him. I know he partly knocked one of them down and tore the greatcoat of the other.

Q The first thing you heard was the shouting, I suppose? A. Yes.

Q You were in the Day Room all the time after he was brought in there?

A No, I was in and out attending to other matters.

Q There were 15 or 16 Police in the Day Room ?

A Yes, or there might have been one or two more.

Q While the priest and the doctor were there you were not in the room ?

A No, naturally not while they were attending to him but I came in very soon after they left --- not very long after they left.

Q What position was the accused in when you came in ?

A He was at the very end of the room on a stool in a reclining position against the wall.

Q Who was beside him ? A. A Constable.

Q Was it the one who gave evidence --- the sixth Witness in the Summary of Evidence ?

A Yes, I believe that is the one.

Q You say some of the men in the Barracks have revolvers ?

A Yes.

Q That means I take it that some of the men in the Day Room had revolvers ? A. Yes.

Q The revolvers are not universally left outside before the Police come into the Day Room ? A. In the ordinary way they would be paraded and that would be done but otherwise their revolvers would be in their holsters.

Q So far as you could see all those that had revolvers had them in their holsters ? A. So far as I could see, yes.

Q You would have prevented the taking out of any revolvers in that room, I suppose ? A. Certainly I would.

Q Was there any attempt made by any of the Constables to strike the prisoner ? A. Certainly not while I was there. He was treated with every consideration.

Q It would not be correct to say that you actually stopped one Constable from striking him ? A. It certainly would not; I

never did any such thing.

Q Did you ever hear any talk about the murder of District Inspector McGrath while you were in that room ?

A No, nothing except what McKeon said himself.

Q Nothing was said by anybody to him about it ? A. No.

Q How was it when he began to make a statement that he went straight on to the subject of the murder of District Inspector McGrath if nothing had been said to him about it beforehand ?

A It occurred to me at the time that the reason he did it was because he thought he was dying and it would ease his conscience --- that it would be better if he made a confession.

Q I take it the priest had been with him just before ? A. Yes, he had.

Q Whatever his reason was, although nobody had spoken to him on the subject it was to the subject of the murder of District Inspector McGrath that he turned immediately he began to make a statement ? A. Yes, but he may have said something else to lead up to it before I came on the scene.

Q Did you take a note of the statement he made ?

A I made a mental note at the time and then I wrote it down the next day.

Q The very words he used ?

A Yes, as well as I could remember them.

(The Witness withdraws).

1.

is called in and having
been duly sworn is examined by Counsel for
the Prosecution as follows:-

Q. Are you a Head Constable in the Royal Irish Constabulary?

A. Yes.

Q. At Millingar? A. Yes, I was then.

Q. On the 2nd March 1921 did you go with a party of Police
to the Railway Station at Mullingar? A. Yes.

Q. Was there a search made of the train - the 9 p.m. train
from Dublin? A. Yes.

Q. And a number of passengers lined up afterwards on the
platform? A. Yes.

Q. Do you see anybody here now who was one of those men?

A. Yes.

Q. Did you hear him say anything?

A. Yes, I heard him say that his name was not McKeon?

Q. Was he escorted to the Barracks and did you see him make
an attempt to escape on the way? A. Yes.

Q. Was he fired at? A. Yes.

Q. And recaptured? A. Yes.

Q. And then taken to the Barracks? A. Yes.

Q. Had he been wounded? A. Yes.

Q. Did you see how he was wounded?

A. Yes, I saw what appeared to be a gun-shot wound on the
right breast.

Q. How far was he off when the shot was fired?

A. I did not see myself.

Q. When you reached the Barracks did you go with him into
the Day Room? A. Yes.

Q. Were you there all the time in the Day Room?

A. Practically all the time.

Q. I think a Doctor and a Priest were sent for immediately?

A. Yes.

Q. And they came? A. Yes.

2.

Q. While they were there what happened to the Police?

A. When the Doctor and the Priest were there the Police left the Day Room.

Q. Then the Doctor and the Priest and the Prisoner were alone together? A. Yes.

Q. During the time that you were in the Day Room what do you say about any threats being made by anybody?

A. Threats to this man?

Q. Yes.

A. There were no threats made whatsoever to this man.

Q. Are any inducements held out to him to make a statement?

A. Absolutely none.

Q. While you were there did you see anybody hold a revolver near his face? A. No.

Q. You were there nearly all the time?

A. Yes - I was holding him up in fact, supporting him, and it could not have occurred.

Q. On which side of him were you? A. I was on his left hand side.

Q. Was there another constable on his right?

A. Yes, there was another constable on his right side.

Q. Is that constable here today? A. I cannot really swear to the constable who was on his right side. There was some confusion at the time. I know all the constables who were there but I cannot really swear to the constable who was on the right-hand side.

Q. You supported him on the left-hand side and somebody else supported him on the other side? A. Yes.

Q. Did you hear the prisoner say anything before he started to make a statement to you? A. I want to be quite clear about that.

Q. You told us he made a statement to you. Did you hear him say anything before he started to make a statement to you?

A. Yes I heard him first of all ask for the Priest and

3. a Doctor and he said that he was ~~done~~ done.

Q. What happened then?

A. I held him up as I have stated. He was not able to sit and I kept him in a half standing position - the position in which he appeared to derive most comfort. His face was then ghastly and his condition indicated all the appearance of approaching death.

Q. You being close to him could hear what he said? A. Yes.

Q. Tell us what you remember of the statement he made.

A. He said " D.I. McGrath fell, the Policeman who was with him did not wait to be shot. He fell himself. I had a revolver in one hand and a bomb in the other. I afterwards ran behind a ditch and took up a position from which I kept up a fire on the others until they went away. I then returned to the D.I. and remained with him until he died. I knew he was a Catholic and I whispered an act of contrition in his ear".

Q. That is the substance of what he said?

A. That is the substance of what he said.

Q. Were you there all the time while he was making the statement?

A. The statement I have just given you now?

Q. Yes. A. Yes.

Q. Were you there when he started to to make it?

A. When I had him in my arms he made that statement.

Q. How long did that take?

A. That took not more than 5 or 6 minutes I expect.

Q. During that time what do you say about any threats being made to him?

A. There were absolutely no threats at all made to him. There was in fact more sympathy shown him than anything else.

4.

Q. Had the other constable who was supporting him on the other side a revolver in his hand?

A. No there was no revolver produced whatsoever.

Q. Did you tell us in the Statement the accused made when you were holding him up whether he mentioned the name of the District Inspector?

A. Yes - D.I. McGrath.

Q. As the man he had shot? A. As the man he had shot, yes.

CROSS-EXAMINED BY COUNSEL FOR THE DEFENCE

Q. Were you holding him in your arms for some minutes before he began to make the Statement?

A. Yes.

Q. That was the first thing he said, was it, "D.I. McGrath fell"? A. "D.I. McGrath fell"; those were the first words that I caught.

Q. He did not mention the name of the Policemen that he said did not wait to be shot, but fell?

A. No - at least I did not catch it.

Q. Of course you were nearer to him than anybody else?

A. I was quite close to him.

Q. What else did he say?

A. He said that after the D.I. was shot he ran behind a ditch and kept up a fire against the others until they went away.

Q. And then he returned to the D.I. and remained with him until he died? A. Quite so.

Q. You have not been in Court during the evidence of the first witnesses who have been called? A. No.

Q. Would you be surprised to hear that they all contradict your account of the affair absolutely.

A. Which account is that?

Q. They say that McKeon was not anywhere near the D.I. for hours after the D.I. had fallen, and that he could not have been.

5.

A. I am only stating what McKeon said to me.

THE JUDGE ADVOCATE: I am not sure that that is a true presentation of the case.

COUNSEL FOR THE PROSECUTION:- The evidence was that nobody saw the accused come back.

COUNSEL FOR THE DEFENCE:- It is a matter of comment. (To the Witness) that was the end of the statement so far as you heard? A.Yes.

Q. Were you out of the room before he was taken away?

A. Yes I was.

Q. That was some little time later? A.Yes.

Q. I should like to know whether you recognise the sixth witness as being the man who was holding McKeon up on the other side?

COUNSEL FOR THE PROSECUTION: Bring the Sixth Witness into Court and let him be identified.

(A Constable was brought into the Court)

COUNSEL FOR THE DEFENCE:- Was that Witness sitting on the other side of McKeon?

A. That Witness was there, but I cannot say whether he was the man who was sitting on the other side of him or not. There was some confusion at the time, and as I have said, and I do not remember.

Q. We have been told that some of the Policemen had revolvers in their holsters and some had not. You do not remember whether that sixth witness had his revolver in his holster? A.No, I do not, but I know I had my revolver in my holster.

Q. Had anybody any conversation with the prisoner before he began to make his statement?

A. Nobody had any conversation with him at all before he began his statement.

Q. Was there no speaking at all in the room?

A. Yes, yes, but there was no conversation, in the sense in which the word "conversation" is understood, with

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him with such a crime at a time when he was apparently dying.

THE JUDGE ADVOCATE:- You did not catch it but those are the exact words he used to learned Counsel for the Defence.

(The Witness Withdraws)

(The Court adjourns at 1.5.)

(The Court resumes at 2.45.)

(The Accused is again brought before the Court)

is called in and having been duly sworn is examined by the Prosecution as follows:-

COUNSEL FOR THE DEFENCE:- Before this witness is examined may I say there is another witness that I should like to call for the Defence and who I understand is now in Dublin. I have only just had instructions. It is Colonel Palmer, He is going to prove the condition of the accused when he saw him in Dublin the next day. I do not know whether it will be possible for him to be produced.

THE JUDGE ADVOCATE: We will find out whether he is still in Dublin.

COUNSEL FOR THE DEFENCE: If he is not in Dublin we must do with out him. I am not going to ask for an adjournment, because we have only asked for him at the eleventh hour.

COUNSEL FOR THE PROSECUTION: He will be produced if it is possible, but it is a little difficult to see how he is going to help. (To the Witness) Are you a Constable in the Royal Irish Constabulary at Mullingar ? A. Yes.

Q. On the 2nd March of this year were you in the Police Barracks at Mullinger ? A. Yes.

Q. Where were you when this man was brought in ? A. I was in the Day Room of the Mullingar Police Barracks.

Q. Had you got a revolver on you at that time ? A. No.

Q. Where was he taken to in the room - what part of the room?

A. He was taken to the far end of the Day Room near the telephone.

Q. Did you hear him ask for a Priest or a Doctor ? A. Yes.

Q. How soon was that after he came in ? A. About ten minutes - 5 or 10 minutes.

Q. Before they were sent for did you hear any statement made by this man ? A. No. After they went away he made a statement.

Q. Then the Priest and the Doctor came ? A. Yes.

Q. You went out and he was left alone with them ? A. Yes.

Q. Then you came back again after they had gone ? A. Yes.

Q. When you came back where was the accused man in the room ?

A. He was sitting in the same position.

Q. Did you go over to him ? A. Yes.

Q. Tell us what happened ? A. He stated in my presence that he was the man who shot P.I. McGrath.

Q. What did you do - did you sit down or what ? A. I stood up.

Q. Was anybody else there ? A. Yes, there were several Constables in the Day Room.

Q. Did you hear this man say anything ? A. He made a statement.

Q. Did he say anything before he made a statement ? A. No.

Q. Where were you when he began to make a statement ? A. I was just on his right hand side.

Q. Was he sitting on a bench ? A. He was sitting down for a time, and then he stood up again.

Q. Were you sitting down ? A. First of all I was sitting down and then I stood up with him.

Q. Had you a revolver then ? A. No.

Q. Before he started to make the statement what do you say as to any inducements being held out or any threats being made to this man ? A. I used neither the one nor

the other.

- Q. Did he begin to make the statement while you were sitting down on his right hand side ? A. Yes.
- Q. What did he say ? A. He said he was the man who shot McGrath, that he was in a cottage near his mother's house and the D.I. and five constables came up the street. The D.I. knocked at the door and he opened it, and when he saw they were police he fired a revolver that he had in his right hand and shot the D.I., and that he then threw a bomb which he had in his left hand out at the police in the street, and then they ran away. He escaped -
- Q. Can you remember what words he used about the escape ? - or do you mean that he himself escaped ? A. Yes, he said "I escaped. ~~Q. A Policeman~~ and that a policeman whom he knew followed him and kept firing at him, and that when all his ammunition was gone he went back, and that later on he himself came back and whispered an Act of Contrition into the ear of the D.I. as he knew he was a Catholic.
- Q. I want you to be careful before you answer this question: Did you or did you not say anything to the accused man before he started to make his statement. Make quite sure in your own mind before you answer the question. A. Nothing whatsoever.
- Q. Did you say anything about him being a murderer ? A. No.
- Q. Quite sure ? A. Quite sure.
- Q. You told us you had no revolver. A. I had not.
- Q. Did you have any revolver at any time while he was making his statement ? A. No.
- Q. Neither in your hand nor in your belt ? A. I had no revolver on my person at all.
- Q. Where was your revolver ? A. My revolver was in my locker
- Q. You say you sat down supporting the prisoner for a bit and then you stood up ? A. Yes.
- Q. Who supported him after you stood up ? A. I supported him;

he stood up with me.

Q. Would you show the Court how you were supporting him ?

A. Yes. He was wounded in the right side, up here, and he had his right arm round my neck and I had my left arm round his body and he was inclining round on me.

Q. Do you remember the head constable who gave evidence here - you remember when you were called into the room this morning and he identified you ? A. Yes.

Q. Was he supporting the accused during the time he was making a statement ? A. There was someone on his left, but I am not positive who the man was.

Q. Was there somebody on the other side of the accused all the time you were there ? A. Yes.

Q. So far as you could see was there any threat or inducement by him to the accused ? A. No, there was no inducement by him.

Q. Or by anybody ? A. Or by anybody.

Q. After the accused had made the statement what happened to him. He was sat down again, and he was taken away.

Q. Do you know where he was taken to ? A. To the best of my belief he was taken to the Military Hospital.

Q. Was he taken in an ambulance ? A. I could not say.

Cross-examined by Counsel for the Defence.

Q. You were not up at the Railway station ? A. No.

Q. You were in the Day Room of the Barracks when McKeen was brought in? A. Yes.

Q. How many other constables were in the Day Room with you?

A. I could not say: there were a good many.

Q. Roughly, about how many were there?

A. Between seven and ten.

Q. That was before the escort came in with McKeen? A. Yes.

Q. You did not know him before? A. No.

Q. Had you heard of him? A. Yes I had heard of him

Q. How long had he been in the Day Room, the whole time, from beginning to end?

A From once he came in until he was taken away?

Q Exactly. A. It would be over half-an-hour to the best of my estimation.

Q You had a revolver, of course, outside the day-room.

A Yes.

Q You say it was not inside, but you had it somewhere or other in the Barracks. A. Yes.

Q And all the Police had revolvers somewhere or other.

A I expect so.

Q Some of them had them in the day-room, had they not.

A I cannot say.

Q What was the first thing that was said either by or to McKeon when he came in. A. I do not know; I cannot say.

Q Were you not very near him when he was brought in.

A Yes, I was quite near him.

Q You could hear what he said. A. Yes.

Q What was the first thing he did say. A. He asked for a priest and a doctor -- a priest first.

Q Those were his first words. A. Yes.

Q Was anything said to him. A. I could not say.

Q You would have heard it if there had been.

A I could have done but my attention was not directed to it at the time.

Q Did you know when he was brought in or after he was brought in what the charge against him was. A. I did.

Q You knew there was a charge against him of the murder of D.I. McGrath. A. Yes.

Q Who told you that. Was it before he was brought in or after he was brought in. A. I knew it before he was brought in -- that there was a charge of murder against him.

Q This particular murder. A. Yes.

Q So that when he was brought in you knew at once that was the man who was supposed to have shot D. I. McGrath.

A I came to that conclusion.

Q You did not hear anybody telling him what the charge against him was. A. No.

Q You told us that he was wounded and was not very well able to support himself. A. Yes.

Q Did he seem generally very weak. A. He did.

Q When he began to be able to speak was it consecutively, or was it all in jerks - slowly. A. Slowly; he appeared to be in pain.

Q Did he say anything except what you have told us.

A No, not in my presence.

Q Of course before he began to make the statement you were close beside him. A. Quite close beside him.

Q For some minutes. A. Yes.

Q So that he could not have said anything before what you have told us, without your hearing it. A. No.

Q When he had finished about the act of contrition he remained silent. A. Yes.

Q He did not say anything after that. A. No.

Q You were supporting him. A. Yes.

Q When he had finished his statement you left.

A That part of his statement.

Q How long did you remain after he had finished that part of the statement. A. I went away immediately.

Q Did you know he was going to say something else.

A Yes, I thought he was going to say something more.

Q You knew it was very important and yet you went away.

A I went away when he made that part of the statement.

Q Did you not realise that he might be going to say something else that was of importance. A. No. ~~Yes~~

Q You realised that what he had already said was important.

A Yes.

Q Will you tell us why you suddenly formed the conclusion that anything else he might say would not be important.

- A I came to the conclusion that when he was making the statement to me he appeared to be in great pain. He sat down then and he closed his eyes and there was silence for a few minutes, and I went away then.
- Q Then, as far as you know, that was the end of the statement. A. Yes, that is the conclusion I came to.
- Q I thought so. Have you any suggestion to make why the accused mentioned the name of D.I. McGrath except the suggestion which you know is being made here. A. It was a voluntary statement he made.
- Q I know. We have heard that word "voluntary statement" several times. Can you make any suggestion why he made a voluntary statement about District Inspector McGrath rather than about any other subject. A. No.
- Q You cannot make any suggestion with regard to that. A. No.
- Q It would be a false suggestion if anybody said it was because he had been called a murderer in the day-room of the Barracks. A. Yes, that would be quite untrue.
- Q It would be false if it was stated that a revolver had been drawn and presented at him. A. Yes, that would be entirely false.
- RE-EXAMINED BY COUNSEL FOR THE PROSECUTION.
- Q You are a Constable. A. Yes.
- Q It has been suggested that you ought to have made quite sure that he had finished his statement before you went away. Were there some other Police officers present while he was making his statement. A. Yes.
- Q And District Inspectors. A. Yes.
- Q How many. A. There was one to my knowledge.
- Q And a Head Constable. A. Yes.
- Q And the Sergeant who has given evidence here this morning. A. Yes.
- Q They were all present while he was making the statement.

A Yes.

Q And a number of other Constables too. A. Yes.

THE JUDGE ADVOCATE: As I understand you, you were actually holding up this man during the time that he was making this statement? A. Yes.

Q Did you notice whether he was in pain. A. Yes.

Q Considerable pain. A. Yes, considerable pain.

Q You were practically holding on to him, were you not -- I mean supporting him entirely.

A Not entirely - he was reclining on me, you see.

(The witness withdraws.)

IS CALLED in and having been duly sworn is examined by Counsel for the Prosecution as follows :-

Q Are you a Sergeant in the Royal Irish Constabulary. A. Yes.

Q On the 2nd. March of this year were you in charge of the Police Guard over this man at the Military Barracks, Mullingar. A. I was.

Q Did you go to the cell of the accused during the night.

A I did, regularly.

Q How often. A. I placed the guards every hour.

Q Did he say anything to you when you went to see him at any time. A. Yes, I heard him make statements.

Q Just tell us what he said to you. A. He said he was the man that led the attack on the Auxiliaries, and that he shot McGrath.

CROSSEXAMINED BY COUNSEL FOR THE DEFENCE.

Q What time of night did you visit the accused in his cell.

A I started about 12 o'clock, and I visited him every hour until about half-nine the following day.

Q Did he make the statement to you once or twice or how many times. A. He reiterated it; he was boasting about the thing.

Q Did you make any observation as to his physical condition.

- A Yes, I did; and he told me himself about it. At one time a Corporal came down from the Adjutant's Office to get his correct name and address and I entered the cell and leaned up against the wall with a piece of paper to take down his name and address and he ~~rushed~~ ^{reached} up to me and caught hold of my belt here.
- Q Was he lying on the floor. A. No, he had a sort of bed in the cell. My revolver was on that side and I took it and passed it to the man outside. McKeon said "You need not mind as I am a dying man, but I am a good shot with both my right and left hand".
- Q Did he appear to be in a dying condition.
- A I am not a medical man and ----
- Q I know you are not, but surely you can tell without being a medical man whether he was in a dying condition or not.
- A He was undoubtedly very weak.
- Q Did he ever say anything else to you on any of your visits.
- A My visits to him were brief and as I tell you only once an hour, and there were other men in the cell with him to whom he was making statements.
- Q Did he talk to you about a number of other things.
- A Yes he did.
- Q Would you agree with one of the witnesses who deposed to his earlier statement that he was "rambling on". A. No, the other things I was referring to are things supposed not to be relevant to this case - about leading attacks, and the killing of Police in other parts of the country.
- Q Was he talking about different times and different events.
- A All the events did not happen at the same time you see.
- Q I know they did not. A. There might have been a month between the attacks on some of these Barracks.
- Q Would you agree with the other witness who said that he was talking in a disjointed sort of way. A. I would not say so.
- Q Would you say he was perfectly calm cool and collected

and was giving you a straightforward logical story and the sequence of events. A. He appeared to be clear enough in his mind mentally.

Q And physically. A. I have told you he was weak, but I could not go into the degree of weakness.

Q You were not present in the day-room at all, were you.

A Yes, I was there most of the time he was there.

Q Did you hear him make any statement in the day-room.

A Yes, I heard him making a statement in the day-room, but there was another man taking a note of that.

Q Would you tell us what you heard him say in the day-room.

A The killing of Mr McGrath -----

Q I do not want a description of what he said: I want to know the words he used.

A. I did not take a note of it, but he was talking of having a pistol in one hand and a bomb in the other, and shooting Mr McGrath at the door of the cottage, and that he had led the attack on the Auxiliaries and that he had let some of them off when he had them in his power.

Q In which part of the day-room were you. A. I was at the other end of the day-room.

Q There were a number of other Police in the day-room were there not. A. Yes, a good many.

Q May I take it there was a certain amount of conversation going on between the Police themselves. A. No, I do not think there was much.

Q You do not suggest, do you, that the Police were in the room for half-an-hour without speaking to each other.

A I have not made any suggestion at all; I said there was not much conversation.

Q I ask you was there not a certain amount of conversation going on between the Police during that half-an-hour.

A It is quite possible that one man may have made a remark to another, but there was no such thing as ageneral

conversation or discussion going on. I was not there the whole of the time. I do not know the exact time he came to the Police Barracks, possibly about 10 o'clock, and at 10.30 I left the Police Station with McKeon to go to the Military Barracks, and during that half-hour I had been out of the day-room for some time.

Q Was he speaking in a sufficiently strong voice to be heard across the day-room. A. When I went in he was shaking hands with the clergyman.

Q After that he made the statement. A. Yes.

Q And he made it in a sufficiently strong voice for you to hear it. A. I was not paying much attention to him.

THE JUDGE ADVOCATE: Yes, but what he did say you could hear?

A Yes, I could hear it distinctly. He was talking just as I am talking now.

COUNSEL FOR THE DEFENCE: Then there could not have been much of the dying man about him if that is so? A. I do not know anything about that; he said himself that he was a dying man.

Q You remember the sixth witness. A. The man who came in here before me?

Q Yes. A. Yes.

Q Where was he when you came into the room. A. I could not tell you.

Q You remember the Head-Constable. A. Mr

Q I do not know his name. No doubt my friend will tell you who he was.

COUNSEL FOR THE PROSECUTION: Do you want me to tell him?

COUNSEL FOR THE DEFENCE: Yes.

COUNSEL FOR THE PROSECUTION: I have written his name down on this piece of paper. (Slip of paper handed to witness).

COUNSEL FOR THE DEFENCE: Do you remember him?

A Certainly.

Q He was present when you came into the room. A. Yes.

Q Do you remember where he was when you came into the room.

A No I do not.

Q In fact, you do not remember much except these words you heard in a strong voice across the room. A. If you had been there you would not have been taking any particular note where each man in the day-room was standing, and if you ask me afterwards the position of each of these people in this room I am not able to tell you.

Q When did the accused go to the Military Hospital.

A At half-past 10, when we left the R.I.C. Barracks.

Q The same night. A. Yes.

Q What time was it when he was put into the cell. A. I did not make a note of it at the time. We went into the Ward and the Military doctor dressed him, and I should say, giving an hour for that, that it would be about half-eleven when he was put in the cell. He had to be put into the Ward first of all and his wounds dressed, and there is a distance of about 400 yards from the cell to the Ward.

(The witness withdraws).

is called in

and having been duly sworn is examined by Counsel for the

Prosecution as follows :-

Q On the 12th April did you arrest this man. A. Yes, I did.

Q Did you charge him. A. I did.

Q Where did this take place. A/. In Mountjoy Prison.

Q What did you charge him with. A. I charged him with the murder of District Inspector Thomas McGrath at Kilsrueley Ballinalee in the County of Longford on the 7th ~~March~~ ^{January}, 1921.

Q Did you give him the usual legal caution. A. I did.

Q Did he say anything in answer to the charge. A. No, he made no statement.

Q Did he make any statement to you at that time. A. No.
COUNSEL FOR THE DEFENCE: I do not cross-examine.
COUNSEL FOR THE PROSECUTION: The accused made no statement at the taking of the Summary of Evidence and reserved his defence. That is the case for the Prosecution.

LG

THE JUDGE ADVOCATE: Do you intend to call witnesses for the Defence ?

Defence
COUNSEL FOR THE PROSECUTION: Yes.

THE JUDGE ADVOCATE: Any witnesses as to character ?

COUNSEL FOR THE DEFENCE: It is rather difficult for me to decide whether their evidence will be considered as going to character or not, but I propose to call several.

THE JUDGE ADVOCATE: (To the accused): Do you wish to make a statement in your Defence ?

THE ACCUSED: Yes. Perhaps you will take off these little things while I make it. (Indicating the handcuffs).

COUNSEL FOR THE DEFENCE: I understand he has written a statement which he wishes to read. That is the reason why he wants them taken off.

THE PRESIDENT: Very well. Let them be taken off while the accused makes his statement. (The handcuffs were removed from the accused.)

THE ACCUSED: ~~Well~~, Officers and Gentlemen of the Court-Martial, when you opened this Court-Martial this morning I told you I was an Officer of the Irish Republican Army and that, as such, I demanded treatment as an Officer. But you are here to try me as an Officer but as a murderer. Why ? --- just because I took up arms in defence of my native land. The defence of ones native land has ever been a privilege to the people of all nations and all nations have demanded the services of their sons in their defence as a right. Be sure that the principle, which is a proper principle for the Jugoslavs and the Czecho-Slovakians, the Belgians and the Serbians, is equally a principle that is proper 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 duties to my country I have always acted in

my back when he saw me afterwards. I fell on my face and as I was rising up I was beaten all along with rifles on the back --- perhaps ten strokes right on the back. I have no reason to disparage them in any way or to say anything that is not true, but they did that. I will not say that they did it according to their orders and I will not say that they did it without orders. But I am calling witnesses to prove that when they were prisoners of mine I did not at any time, whether they were wounded, or unwounded, ill-treat them myself or allow them to be ill-treated by any of our men. I was called a murderer in the Day Room of the Barracks. Anyone can understand easily that when I went into the Day Room there was a hubbub --- "McKeon the murderer is in". Yes, but I ^{said} ~~says~~ "McKeon the man was in".

In the present case you will try me for the murder of Mr McGrath, a District Inspector of the Royal Irish Constabulary. What happened on that occasion was this: I was in a small labourer's cottage. I had called there only a few moments previous to the arrival of the force. I was surrounded by the Crown Forces --- what I call an enemy force --- and they had advanced without my knowledge. They were up on me before I found it out. There were two very old ladies in the house and naturally it would not have been reasonable or right for me to start to raise a row inside or to put up a defence inside. So I rushed out on the street and met them. I met my enemies face to face, even though the odds were heavily against me. The District Inspector had his revolver at the "Present". His other ranks had their rifles at the "Ready" --- every one. Fire was opened by both sides simultaneously, and after the first exchange I noticed that the Officer had fallen and that his men were running away down the road. But I wish

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to emphasize that I fired at an enemy force --- not at any particular individual. I fired at that force as it appeared before me. ~~Sergeant~~ Sergeant Ryan swears that he fired at me. Sergeant Clemens swears that he fired at me. Constable Gilbert swears that he fired at me. The Officer was between those men and myself and it would be just as reasonable to suppose that the District Inspector was killed by the fire of any of them as by me. He simply fell in the fight and it might as easily have been any other member of his force. It might more easily have been myself in view of the manner in which I was surrounded and outnumbered.

It has been sworn also that I made certain statement in the Police Barracks at Mullingar. Well, I do not know whether I made them or not, but I remember distinctly one statement that I did make. I have a distinct recollection of it. It was that Thomas Devine of Ballinalee was wrongfully convicted even according to English law. I said at Mullingar that if the witnesses who had been swearing against Devine were brought into my presence they would see that I was the man who had been in command and not he. Yet Devine is now suffering a long term of imprisonment for something which certainly he did not do and which I as certainly did.

I wish to say finally that I am not guilty of the foul offence of murder. The people of Longford who have elected me their representative know that, and the people of Ireland who have ~~not~~ ^{elected} so many of my fellow officers also know that. I take this opportunity of thanking the people of Longford for their confidence in me. That confidence is my justification, as it is my authority, for what I have done. I take this opportunity also to pay tribute to the gallantry and loyalty of the comrades who have fought by my side. They have stood up to superior numbers and superior equipment, and

every time they have come out victorious.

From you I crave no mercy and no favour. I am an Officer of the Irish Army and I merely claim the same right at your hands as you would have received at mine had the fortunes of war reversed the positions. If you do not give me that right, and if you execute me instead, then there is one request that I make. It is that you give my dead body to my relatives so that my remains may be laid to rest amongst my own people.

(The handcuffs were replaced upon the accused).

COUNSEL FOR THE DEFENCE: After the statement which has been made by the prisoner I do not propose to waste any of the time of the Court by discussing the details of the evidence which has been given by the various witnesses for the Crown. Possibly if the prisoner had not made the very full and frank statement which he has made, I would have had to detain you for some little time in discussing some discrepancies, which, I have no doubt, the Court has observed, between the accounts given by various members of the Crown Forces who gave evidence for the Crown. I might have had to say something about the difficulty in accepting the alleged statement made by the prisoner in Mullingar as evidence, having regard to the fact that it was deposed to differently by different witnesses for the Crown, having regard to the fact that it described the prisoner as coming back and whispering an act of contrition into the ear of the dying District Inspector, when another witness had proved, I think pretty conclusively that he could not have been there at that time and also that the District Inspector died upon the spot after being shot. But, of course, those are, as I perfectly recognise, minor discrepancies, and in view of

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the attitude which the prisoner himself has taken up I do not intend to dwell upon them any further.

The evidence which I intend to call is the evidence, curiously enough, of three members of the Auxiliary Division of the Royal Irish Constabulary. It will be for this Court to say when they have heard that evidence whether it is strictly speaking to be received as evidence as to character or as evidence in the ordinary sense of the word. I propose to call them to prove what happened in the ambush at Ballinalee which was referred to in the statement which numerous witnesses have sworn the prisoner made in Mullingar, and I submit that as the statement has been put in evidence ----

COUNSEL FOR THE PROSECUTION: At your request.

COUNSEL FOR THE DEFENCE: I quite agree, at my request. As it has been put in evidence and as, of course, it must in some degree affect the Court, I ask the Court, both as evidence as to character and as evidence in the ordinary sense of the word, for leave to call the witnesses to prove what really took place on that occasion. I submit that I am entitled to do that.

Now, Sir, may I tell you, very shortly I hope, what the evidence will be with regard to that ambush. If there is anything I say which is not supplemented by the evidence of the three gentlemen I am about to call, I have sufficient confidence in the Court to know that they will be able to discount it in so far as it goes beyond the evidence I hope they will give --- but I do not think it will go beyond that. I ask the Court now to accept me as speaking for the prisoner. It is a long story and it would be difficult for the prisoner, the Blacksmith of Ballinalee, to make it to the Court, and I therefore ask the Court to let me make the statement on

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his behalf. On the occasion, which was a short time after the shooting of District Inspector McGrath, there had been an ambush in the road with a land mine. There were two tenders of Auxiliaries. The Cadets who are going to appear and give evidence will tell you that some of them were in the first tender and some in the second. The first tender was blown up by the explosion of the mine. Some of the occupants killed and others were injured. All were thrown out. The other tender behind it came to a halt and was attacked by a force of the Irish Republican Army. A fight went on for some considerable time --- I believe for three-quarters of an hour or more, and in the end, after putting up a gallant struggle against attackers who had sheltered and considerably outnumbered them, the Auxiliaries finally surrendered. You will be told by the witnesses that they were called upon by McKeon, the Commander of the Force, to surrender, and that if they surrendered they would be treated as prisoners of war. After they had surrendered one of them ran away. Shots were fired after him; I believe he was hit, but he got up again and went on and then McKeon intervened and said, "Let him go, he deserves his life" --- and that particular man got away. One of the other wounded Auxiliaries came out and asked McKeon what he was going to do with them. He says that McKeon answered "I suppose if we changed places it would be easy to know what would happen?" I am not going to do anything to you; I will treat you as you should be treated". Cadet Keeble who is here to-day said, "Are you not going to do us in" and McKeon answered, "No, I am not going to do you in". Another of the Cadets came up and said, "Our Commander is seriously wounded; may I go down and see after him?" and McKeon said, "Yes" and he told the rest of them to go and see after their own wounded. Another Cadet, Maddocks, came to him and said

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that he wanted water for the wounded and McKeon sent him off with two other Cadets and two of his own men to make sure that they would be able to get it to a neighbouring cottage for water to use for their own wounded. A message was sent to him that one of the Officers of the Crown Forces who had been seriously wounded wanted to speak to him. I want to tell you beforehand --- because I do not want to take any advantage --- that this will not be corroborated by any of the three witnesses who will be called. I am merely making a statement now which is uncorroborated except by McKeon himself. It is a statement that was made by McKeon himself and I submit, making this statement on his behalf, I am entitled to put it before the Court and the Court can accept it for what it is worth. McKeon went to this Officer and the Officer asked him "Are you the Commandant" and McKeon replied "Yes". The dying Officer --- for he was dying --- said to him, "For myself I do not mind, as I am dying, but what are you going to do with my fellows?" McKeon answered, "Your fellows will be all right, but I suppose if we changed places I know how it would be with us". The Officer said, "No, I would treat you all right, because I see you can play the game. If I sent my men away so that ^{they} I may not hear might I ask you your name, as I am dying?" McKeon answered "There is no need to send your men away. The British Government allege that I am a murderer, but I want you to understand that neither I nor any of my men are murderers" and he then told the Officer that he was Commandant McKeon. The Officer then asked him "Why did you issue orders for this ambush?" McKeon answered "What right have you here. This is our country and we are fighting in defence of it". The Officer answered "Yes, right. You deserve your freedom; you can play the game" and he shook hands with McKeon and then died.

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McKeon will tell you that after that he went over to one of the lorries in order to burn it. One of his men there saw a Sinn Fein flag which had been ----

COUNSEL FOR THE PROSECUTION: I do not want to interrupt my friend but really this is very irregular.

THE JUDGE ADVOCATE: Nobody recognises probably better than you do that you are irregular in making these observations, but inasmuch as the accused is on trial for his life and in circumstances so difficult I do not think I should advise the Court to stop you.

COUNSEL FOR THE DEFENCE: I ~~think~~ have already said that I knew it was not quite regular and that I was making this statement for the accused. I am acting simply on my client's instructions and I feel it my duty, if the Court will permit me, to put what he has told me before the Court. I admit that technically speaking it would not be evidence, but it would be evidence as to character.

McKeon says that one of his men was annoyed at seeing a Sinn Fein flag which apparently was trailing behind the lorry and he made as though to shoot one of the Auxiliaries. This will be told you by Maddocks. McKeon stopped him and said "These are prisoners; I am in Command here and you will do nothing of the kind". After a while McKeon went down and saw another Officer. The Cadets will be able to tell you what his name was but I think it was Clayton. This Officer was wounded in his arm and side and leg. He again asked McKeon "Are you not going to do us in?" and McKeon said "No". Then the Officer said to him "I am afraid it will make no difference unless you can get us some medical aid". McKeon then produced some rudimentary first-aid outfits and began to bandage up the wounded Officer. As he was doing that the Officer said to him that reinforcements were coming.

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Of course, as I have told you, one of the Cadets had already escaped
asked and this Officer said to McKeon, "You had better be off
otherwise you will be captured". McKeon said "I am in no
hurry, I will finish this job" and he finished that particular
job and bound up the Officer. This will be confirmed by
the Cadets who are going to be produced. McKeon then led
his men away no doubt to take up another position.

I quite recognise that part, at any rate, of
what I have said to the Court is not legally evidence but
I thought it my duty to put it before the Court because I
think it is very important having regard to the speech which
McKeon himself has made to show you that what he has said
was not really mis-placed boasting but that he really does
occupy the character which he claims to occupy.

Now, Sir, may I refer to an Officer in the British
Forces, Major Compton Smith, and to the last letter ----

THE JUDGE ADVOCATE: We do not know what the purport of this
is going to be.

COUNSEL FOR THE DEFENCE: I was only going to draw a parallel
between the conduct of McKeon and that of Major Compton-Smith.

THE JUDGE ADVOCATE: If you are going to read something to us
out of a newspaper I do not think we can have it.

COUNSEL FOR THE DEFENCE: Very well, Sir, I bow to your ruling
at once. All I wanted to make clear to the Court is this,
that in the scenes of tragedy which are surrounding us every
day now it is a great thing to get an occasional glimpse of
something which is better and bright. I have put this
before the Court to show that something better and brighter
does exist and that McKeon is not, as he has said, the
ordinary murderer he is said to be. If this Court-Martial finds
it its duty to find him guilty of murder, what I want to

show the Court is that he has never been guilty of anything that can be called cold-blooded brutality, and that he cannot be called an assassin, although technically the law may call him a murderer. Take the incident with regard to which he is now charged when a force of six Police came to the cottage in which he was alone with two old women. Finding himself against such superior odds there is no doubt that he fired a shot, and no doubt he fired first, but regarding him, as he regards himself, as an Officer in a hostile force, was there anything wrong or anything criminal or uncivilised in what he did, and when you come to the other episode, when he had prisoners in his care whom he might have slaughtered if he had been thinking only of his own safety he certainly would have killed, because every one he let go was a possible witness afterwards against him --- is it not a high tribute to his character and chivalry that he let them go? You have it from his own attitude. He has stated himself that he would not get the same treatment from the other side as he accorded to them. Take that as his own attitude. A man in the face of that not believing he would be treated with clemency if he was caught, knowing that he would be tried on a capital charge whenever he was caught, yet he never exercised any right to kill his prisoners. He bound up with his own hands the wounds of those who were wounded, afforded them every facility, and he let both them and the unwounded go.

I have very little more to add, because I think his own statement made it perfectly clear what his attitude is, but whether I am addressing myself to you, or to whatever authority it may be which in time may have to confirm or to review the sentence which you may give, may I express the hope that both you and that authority will

take into account the words of the dying officer whom I have mentioned, and that you will realise --- whatever technical view the law may take --- that, at any rate, McKeon was a man who in the words of that dying Officer was able to play the game. I call for Cadet Maddocks.

CADET MADDOCKS is called in and having been duly sworn is examined by COUNSEL FOR THE DEFENCE as follows:

- Q Are you a Cadet in the Auxiliary Division of the Royal Irish Constabulary ? A. Yes.
- Q I believe some little time ago -----
- COUNSEL FOR THE PROSECUTION: I think you may lead.
- COUNSEL FOR THE DEFENCE: What was the date of the ambush at Ballinalee ? A. The 20th February, 1921.
- Q At that time were you stationed in Longford ? A. Yes.
- Q Did you take part in that ambush ? A. Yes.
- Q I think your party consisted of two motor lorries containing Auxiliaries ? A. Yes.
- Q Where were you ? A. I was on the driving seat of the first tender.
- Q Was there an explosion of a land mine in the road ? A. Yes.
- Q Were you thrown out ? A. I was dazed. I did not know exactly what happened until I found myself on the side of the road.
- Q Some of your companions were killed and some wounded ? A. Yes.
- Q Was fire opened upon you and upon the second lorry ? A. Yes.
- Q After putting up a fight for some time did you finally surrender ? A. Yes.
- Q Do you know who was the Commandant of the other side ? A. Yes.

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Q Who was it ? A. The accused.

Q Did he say anything to you after you surrendered ?

A Yes, I spoke to him and asked him who was in charge.

Q What did he say ? A. He replied: "I am. I am Commandant McKeon of the Irish Republican Army".

Q After the surrender did he say anything about the right you had put up ?

A Yes, he congratulated us in my hearing on the fight we had put up and said he was sorry that we had so many people hit.

Q Was anything said to him about your wounded people ?

A Yes, I asked him myself who was in charge for the purpose of getting permission to go down and dress the wounded, because some of his men were firing at us every time we attempted to go down the road. He then blew a whistle and stopped the firing and gave us permission to go down.

Q Did you go down and attend to the wounded ?

A Yes, we walked about then and attended to the wounded.

Q Did any of them ask for water ? A. Yes, some of the wounded men were calling out for water. We asked him if we could go and get water and he said "Wait a minute; I will send a man with you". And I went in company with another Cadet and this man he sent with us to a neighbouring house and got water.

Q Did you see any of his men attempting to use any violence to any of your party ?

A Yes, one of the ambushing party whom I have not seen since went to strike me in the face as we were standing by the rear tender.

Q I believe there was some effigy, or flag, or something in the tender ?

A There was a mascot which we had seized in a raid on a house earlier in the day. That was stuck on the radiator and we had a Sinn Fein flag too.

Q Did McKeon do anything when this man attempted to h..

A Yes, he put up his arm and stopped the blow and said, "is enough of that".

Q Was any suggestion made about shooting you ?

A Yes. I asked McKeon myself and I also heard other people ask him what he was going to do with us. I was in McKeon's company when he fired the petrol tank of the other tender. He said he would fire the damaged tender and let us have the undamaged one and he said we could put our wounded into the tender and he would let us go. While we were dressing the wounded reinforcements arrived from Ballinalee.

Q Do you know whether McKeon himself dressed the wounds of any of your wounded ?

A I did not actually see him dressing any wounds but I saw him kneeling by the side of a wounded man --- I think D.I. Taylor. I could not see exactly who it was, because there was another man in between us.

CROSS-EXAMINED BY COUNSEL FOR THE PROSECUTION.

Q Were these men who attacked you in uniform ?

A I did not see any of them in uniform. McKeon was wearing an officer's Sam Brown belt.

Q Had he any uniform on ? A. No.

THE JUDGE ADVOCATE: How many of the Auxiliaries were killed on this occasion ?

A Two were actually killed. One died the next morning and the other one a couple of days later.

Q How many were wounded ?

A I could not say exactly how many were wounded, but I know three escaped without any scratches whatever out of about 17.

Q So that there would be about 10 wounded ?

BY THE COURT: Do you know what the strength of the attacking force was ?

A No, I do not; I do not think they all came out.

Q How many did you see ?

A There were about a dozen or fifteen that I saw.

(The Witness withdraws).

CADET SMITH is called in and having been duly sworn is examined by COUNSEL FOR THE DEFENCE as follows:

Q Were you in the first or second lorry at the time of this ambush ? A. In the second.

Q You saw the first lorry blown up in front of you ?

A I saw the mine go up.

Q And then your lorry was stopped ? A. Yes.

Q Was fire then opened upon you ? A. Yes.

Q After putting up a fight for some considerable time I understand you surrendered ? A. Yes.

Q Before you surrendered did you hear McKeon say anything --- did you hear him call on you to surrender or anything of that sort ?

A Several people called on us to surrender.

Q There was no ill-treatment of any of you after the surrender ?

A No.

Q After the surrender and you had been disarmed did you speak to McKeon ?

A I spoke to McKeon. First of all he shook hands with me and told me we had put up a good fight. After that he left me and I went up to him again after a time and asked if I could go and get some water for some of our men who were wounded. He gave me permission to go and said he would send one of his men with us and I went with another Cadet and got the water.

Q Did you see any attempts at violence at any of your party ?

A We saw one of the men on the other side of the road hit Cadet Maddocks across the face and also make a statement that he wanted to shoot us but McKeon stopped him.

Q After a while did you see McKeon doing anything for any of your wounded ?

A He attempted to help D.I. Taylor to bandage his wounds, but he did not have time, because the Police arrived.

Q He left because your reinforcements were coming up ?

A That is correct.

Q Do you know whether he made any arrangements about your taking one of your lorries to go away in ?

A Yes, he said that we could have one of our lorries to take the dead and wounded away in and also that he would send a doctor along to us.

COUNSEL FOR THE PROSECUTION: No question.

(The witness withdraws).

CADET T.J.WILFORD is called in and having been duly sworn is examined by Counsel for the Defence as follows :-

Q Were you in the a first or second lorry. A. I was in the first.

Q When the explosion came were you thrown out, or what happened. A. No, I jumped out.

Q As we have heard, you put up a fight for some considerable time and finally you surrendered. A. Yes.

Q After the surrender did McKeon say anything to you or to anybody else in your presence. A. Yes, he did. When we came up on to the road he came up to the five of us and told us that we had put up a good fight. He then said that he would give us one lorry to get our wounded away and that he would send for a doctor, and that he would send one of his fellows with us to get some water.

Q Did you hear another Cadet called Keeble ask for anything. A. Yes. I heard him say "Now you have killed three or four of our fellows and wounded several of them are you going to take our lives as well?", and McKeon said "No, I am going to let you go, and get your wounded away as best you can".

Q Did you yourself see him help any of your wounded. A. I did not actually see him myself do that.

Q Did you see any of his men using any violence towards any of your men. A. No.

COUNSEL FOR THE PROSECUTION: No question.

COUNSEL FOR THE DEFENCE: That is my case, Sir, and I do not propose to address the Court again.

COUNSEL FOR THE PROSECUTION: After what we have heard from the lips of the accused man himself I do not propose to say anything whatever to the Court on the question whether this man is guilty or not. He has confessed to the murder of District Inspector McGrath. With regard to the sentence, Sir, I do not regard it as part of my province to say one

word as to that. There is only one sentence which you Sir, and the other members of the Court can pass in this case. As to whether you add anything with reference to that sentence is entirely a question for you and it is a question that you will consider. Whether you will pay any attention to the fact that on a subsequent occasion this man apparently did not permit the men who were with him from killing the prisoners who had been taken, is also a question for you, and I do not think it is my duty to say anything more with regard to that.

S U M M I N G - U P.

THE JUDGE ADVOCATE: Colonel Derry, and gentlemen, the accused in this case is charged with wilful murder, that is to say, killing with malice District Inspector McGzath. He has made a statement before you, and in the course of that statement he has admitted firing at and killing the District Inspector. Gentlemen, if his statement is true, if the evidence that has been given by the Prosecution is true - and it is not now, as I understand it, contested by the learned Counsel for the Defence - there is only one finding which you can possibly come to. The learned Counsel for the Defence stated to you -- and I am sure we are all prepared to admit the great skill with which he has conducted an extraordinarily difficult case -- that the accused cannot be called an assassin, though the law may call it murder. Gentlemen, as I understand it, the law knows no difference of degree in murder. If a man wilfully and with malice aforethought kills a fellow man he is guilty of murder. Some people may call it assassination, some people may call it murder, but it is murder none the less, and as I have said, there is no difference of degree between them. You have to be satisfied, whatever the accused has said, and whatever line his Counsel has taken, that the Prosecution have carried out the duty which lay upon them, and still lies upon them, of proving to your satisfaction that the District Inspector was killed by the accused.

If you are satisfied of that, and it is difficult to see, in view of the course which the case has taken and the very full admissions which have been made by the accused man, that there is any other finding you could make except the finding of guilty of wilful murder. I understood the accused to say in his statement that the firing which brought about the District Inspector's death was in the course of an interchange of shooting between the Police and himself, the Police being well armed for the fray, and, as he called it, advancing upon him, and he had to take measures such as he would take in the case of a pitched battle between two opposing forces. Gentlemen, the evidence before you, if I remember it right, is that the District Inspector had no revolver in his hand, and that the Sergeant who was following immediately behind him had a rifle but it was not in a position in which he could fire it readily. However that may be, the shooting is fully admitted, and the accused I think has not now mentioned in his statement, what he is alleged to have said in the Barracks, that he visited the District Inspector after this had happened and whispered an act of contrition into his ear. You will probably think that the evidence that the District Inspector was dead before he could have done that is true. However it may be, what is a little difficult to understand is why this whispered act of contrition was necessary if the accused was engaged in an act of legitimate warfare as is alleged in this case.

COUNSEL FOR THE DEFENCE: The act of contrition has a rather different signification.

THE JUDGE ADVOCATE: I may be wrong. I am not a member of the Roman Catholic Church, and I entirely withdraw it.

COUNSEL FOR THE DEFENCE: If I might state it to the Court very shortly, an act of contrition is a sentiment of contrition for all the sins of his past life which a dying man would naturally wish to express personally, and if the dying

man appears to be so weak that he would not himself be able to express it, any Catholic would consider it his duty to repeat the act of contrition into his ear, and if the District Inspector assented to it it would be the same thing as if he himself had expressed it.

THE JUDGE ADVOCATE: You mean the accused is in this case saying something to the District Inspector which he thinks the District Inspector would himself have liked to express?

COUNSEL FOR THE DEFENCE: Yes.

THE JUDGE ADVOCATE: I entirely withdraw what I said.

COUNSEL FOR THE DEFENCE: The accused, if I might point it out, was no doubt acting under the impression that the District Inspector in the excitement of the firing might have forgotten to do what we as Catholics think so essential before death.

THE JUDGE ADVOCATE: I quite accept that.

Gentlemen, as the learned Counsel for the Prosecution has pointed out, the really substantial thing for you to consider is whether you will add anything to the sentence after coming to your finding on this charge at the end of the proceedings. In the meantime, all you have to do is to be satisfied beyond all reasonable doubt on the evidence that has been given, and having regard to the admissions made by the accused himself, that the accused has been proved by the Prosecution to be guilty of wilful murder.

At 3.55 the Court is closed for consideration of its finding.

At 4.10 the Court is reopened.

The accused is again brought before the Court.

THE PRESIDENT: Have you any evidence to produce as to the character of the accused?

COUNSEL FOR THE PROSECUTION: No, Sir, I have no evidence.

THE PRESIDENT: Do you wish to address the Court?

COUNSEL FOR THE DEFENCE: No, Sir.

THE PRESIDENT: (To the Accused) Do you wish to say anything

e
more to the Court?

THE ACCUSED: No.

At 4.12 the Court is closed for consideration
of sentence.

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Appendix 'G'

Army Form W. 3996.

**INSTRUCTIONS FOR THE GUIDANCE OF COURTS
MARTIAL WHERE A SENTENCE OF DEATH HAS
BEEN PASSED.**

To John Brown Jackson

The Court have found you guilty of the following charge

Murder

~~but not guilty of the following charges~~

The Court have passed a sentence of death upon you.

The Court have made no recommendation to mercy in the following terms:-

You should clearly understand :-

- (i) That the finding or findings and sentence are not valid until confirmed by the proper authority.
- (ii) That the authority having power to confirm the finding or findings and sentence may withhold confirmation of the finding or findings, or may withhold confirmation of the sentence, or may mitigate, commute or remit the sentence, or may send the finding or findings and sentence back to the Court for revision.

If you do not clearly understand the foregoing you should request to see an officer, who will fully explain the matter to you.

President.

Carroll
Court Martial.

Dublin Place.

16th June 1921 Date

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Mountjoy Appendix
H

20/6/21

To the officers & men of the Stungait
Brigade

Dear Comrades

I take this ~~last~~ opportunity to address a few words to you. I heartily congratulate you on your success in rendering the last great move of the enemy who have been with you ^{fulfill} ~~fulfill~~ need. I tell you how delighted I was when I heard that their efforts were in vain & that not even a single rifle fell into their hands. more power is the way to ~~win~~ ^{win} them the ~~best~~ now the thing is for to give them them in a way that will make set up. you give it to them good & hard. I do feel happy, even though I am prevented from leading you to the end, now that victory is in sight. I know full well that

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You won't flinch. But will push
the attack home. This knowledge
leaves me happy in undergoing with
a smile whatever I may have to under-
go. I will be with you all the time
in spirit & none shall be more elated
than I when you will have fired
the last shot & the last British soldier
will have turned his back on Ireland
leaving it happy, victorious & free.
Do think on how you will feel
when your work is crowned with
success & the pride you will
have in yourselves that you
have done your duty to your
God, to your Country & to your
Comrades who have fallen in
struggle. Let your war cry be
forward for God, + for Ireland
& God pity the slacker.
God guide & bless you
with the prayer of your Oul boss
Seton MacEoin.

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No. W.S. 1,716

ORIGINAL

Appendix "I"

Confidential.

DUBLIN.

29th June, 1921.

My dear [redacted],

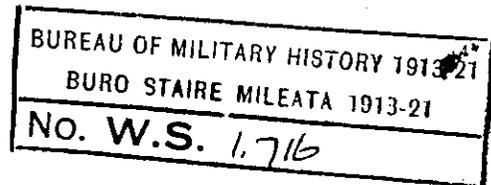
I do not know what was in the "Freeman" or any other paper in regard to McKeown's trial, but I have read it myself most carefully, together with Mrs McGrath's letter and several other communications that have been received in connection with it, and I need hardly say that my decision in the matter was reached after going very thoroughly into the case, and such as it was, I can only say I formed it to the best of my ability. I might mention that great stress was laid on McKeown saving the lives of certain police, but this incident occurred some three weeks after the murder of D.I. McGrath, and it would be only natural to suppose that having committed a murder, the man was anxious to, if possible, acquire merit in case he should be brought to book.

Yours sincerely,

18 April 1925

Committed over to publish in Mr. [redacted] [redacted] Sean Mac [redacted]

COPY



INCIDENT OF THE McKEOWN AFFAIR.

An incident in connection with the agitation for the release of Commandant McKeown in August narrowly escaped exposing what appeared to be a serious cleavage in the ranks of the Sinn Fein Party.

On the Saturday evening, 6th August, Dublin Castle issued the following, which appeared in the Sunday Independent:

"In keeping with the public undertaking given by the Prime Minister that His Majesty's Government would facilitate in every practicable way the steps now being taken to promote peace in Ireland, it has been decided to release forthwith, and without conditions, all members of Dail Eireann who are at present interned, or who are undergoing sentence of penal servitude or imprisonment, to enable them to attend a meeting of Dail Eireann, which has been summoned for August 16th.

"His Majesty's Government have decided that one member, J.J. M'Keon, who has been convicted of murder, cannot be released."

The exception of McKeown caused great dissatisfaction in Sinn Fein circles, and in what might be called the left wing more than any other. During Sunday, it was stated in Press circles that the special correspondent of the Press Association went to Greystones, and saw Mr. De Valera. Whether this is true or not is not clear, but anyhow, during the evening of that day, the following telegram from this Press Association reached the Dublin newspapers' offices -

The Press Association stated last night:- The Government's decision to make an exception in the case of M'Keon, who is the only member of Dáil Eireann not to be released, has created a situation of grave anxiety and danger. The Dail Eireann Cabinet sat till a late hour on Saturday night, and it was authoritatively stated that unless Mr. M'Keon is released there is a possibility that Sinn Fein will almost immediately terminate the truce. During Sunday wires have been exchanged between Sinn Fein and the Government, and a special courier has been despatched to Mr. Lloyd George.

On receipt of this message, the Irish Times endeavoured to get in touch with leaders of Sinn Fein to ascertain whether this was true. A representative waited on Mr. Duggan, Liaison Officer, at the Gresham Hotel, who said that a

statement would be sent to the office. Some time before midnight, Mr. Duggan, accompanied by Mr. Michael Collins, arrived at the office and dictated the following to the Irish Times night reporter -

Official Statement.

Sinn Fein's Attitude.

It was officially stated last night on behalf of Dail Eireann that there can, and will be no meeting of Dail Eireann until Commandant J.J. McKeon is released. It was added that the refusal to release him appears to indicate a desire on the part of the English Government to terminate the truce.

This statement was exclusive to the Irish Times, a fact which caused some surprise.

On Monday afternoon, Mr. Childers of the Sinn Féin Publicity Department, in reply to questions by Press correspondents, described this statement as "wholly unauthorised".

Attempts were made during the Monday afternoon to get Mr. Duggan to explain his and Mr. Collins' position in regard to the paragraph. Mr. Barton was seen at the Gresham Hotel, but Mr. Duggan was not available. Mr. Barton promised to represent the matter to Mr. Childers, which he did, and later that evening Mr. Childers came on the

'phone, to say that he had described the report as "wholly unauthorised" under a misapprehension. He was asked, on the 'phone, to put this under his own name for publication, but did not do so.

The Irish Times on the Tuesday published the following -

A Questioned Report.

In the Irish Times of Monday we printed the following paragraph:-

"It was officially stated last night on behalf of Dail Eireann that there can and will be no meeting of Dail Eireann until Commandant J.J. McKeon is released. It was added that the refusal to release him appears to indicate a desire on the part of the English Government to terminate the truce."

Mr. Erskine Childers, a member of Dail Eireann Publicity Department, is reported to have said yesterday that the statement which we published was "wholly unauthorised".

In the circumstances we find it necessary to say that the statement as printed in the Irish Times was brought to our office on Sunday night by two members of Dail Eireann.

On this same (Tuesday, 9 August, 1921) morning, the Freeman's Journal published the following editorial -

PLAY THE GAME.

Yesterday the "Irish Times" published a statement regarding Mr. M'Keown, T.D., which, it stated, had been issued officially on behalf of Dail Eireann.

The officials of Dail Eireann deny that it was so issued.

It was, they declare, "wholly unauthorised".

What is the meaning of this misrepresentation of the people's spokesmen at this critical juncture?

It cannot have been meant to help the cause of peace.

This is not the first time that attempts have been made in the same quarter to wreck an Irish settlement.

Why cannot the Irish edition of the "Morning Post" play the game for once?

Thus the matter was allowed to drop.

It was apparent from the whole incident that there was a marked absence of co-ordination between certain branches of the Sinn Fein Party. Apparently, Messrs. Collins and Duggan were much more determined that McKeown should be released

than were the others.

Mr. De Valera, however, succeeded in bringing the parties more into harmony by the issue of the following document on the Monday afternoon, a few hours before McKeown was released from Mountjoy prison:-

(From Irish Times, Tuesday, 8 Aug. 1921.)

MR. DE VALERA'S VIEW

A supplement to the Irish Bulletin, issued yesterday [Tuesday] before the release of Mr. J.J. McKeon, contained the following:-

Communication to the Press by President de Valera as to the effect of the British Government's detention of Commandant McKeon:)

President de Valera made the following statement:-

"I do not believe that the exception made in the case of Commandant McKeon is the result of a definite considered decision of the British Government, but rather a decision taken by subordinates on the basis of technicalities. If the detention of Commandant McKeon is persisted in, I cannot accept responsibility for proceeding further with the negotiations.

"Commandant McKeon typifies, in his person, everything that we have been fighting

for. The whole Irish people are proud of him, for in him they see the patriot soldier that their history has taught them to love. He is the ideal citizen, whose dauntless courage and readiness to sacrifice himself for his country is matched only by his chivalry as a soldier. We, the Irish Government and the Headquarter Staff of the Irish Army, are proud of him as a splendid representative of the type of Irish soldier this fight has developed, and as a living model of what we want our Army officers to be.

"His conduct in the field, as borne testimony to at the British courtmartial, and his speech and conduct at the trial itself, prove to the whole world the manner of man he is. In British legal phraseology he is termed a murderer, but for us and, I believe, for the world, he is an heroic Irishman.

"Were he kept in prison, and were we, as a Ministry, at the coming session of Dáil Eireann, to propose to discuss the question of negotiations with Britain, I feel certain that the House would insist on its postponement.

"Moreover, when it is a question of negotiations, it is men like McKeon, who have fought hardest in the field, that are most ready to take the broadest view, and

see what is legitimate in the claims of their opponents, and who prove most willing to meet them in all that is consistent with principle."

List of Contemporary Documents deposited with
Bureau of Military History by Lieut.-General
Sean MacEoin, T.D.
under C.D. 308.

Documents pertaining to trial and sentence:

1. Manuscript of General MacEoin's speech in his defence at Courtmartial Trial, in his handwriting, prefaced by a note from him to Mrs. Brady and a note written by General M. Collins.
2. Manuscript note on Gresham Hotel notepaper dated 11.8.1921, relating to questions of General MacEoin's release.
3. Letter from C. Bean ni Bradaig (Mrs. Brady) dated 11.3.1921.
4. Typescript letter to Secretary, General Prisons Board, dated 9.6.1921, signed Michael Noyk.
5. Typescript letter to Michael Noyk, dated 10.6.1921, in reply to letter at 4.
6. Typescript letter from Governor, Mountjoy Prison, dated 7.6.1921, to Chairman, Prisons Board.
7. Manuscript note from Assistant Provost Marshal, dated 8.6.1921.
8. Prisoner's Record Sheet.

Documentary Records:

1. Roll Book: Brigade and Battalion staffs and Brigade Police Officers.
2. Roll Book: Divisional staffs and Organisers (includes a record of payments).
3. Manuscript statement by Captain Sean O'Sullivan, formerly O/C. "A" Company, 5th Battalion, Longford Brigade.
4. Minutes and Notice (from files of General Prisons Board, dated 22.1.1919) concerning legal inquiry into disorders at Belfast Prison, June 1918. Press cuttings (Freeman's Journal) on same subject.

5. Typescript list of companies in Longford Brigade with date of affiliation.
6. Headings for an address to a Convention of Company Officers, 10.3.1919.

Pictorial Documents:

1. Photograph of General MacEoin's signature.
2. Newspaper ("Daily Sketch" August 10th, 1921) cutting of photograph showing General MacEoin with two of his prison guard.
3. Photograph of General MacEoin with appended photograph of the destroyed MacEoin family residence. (The latter photograph includes a group identified as -
(from left to right)
 Captain James MacEoin
 Archbishop Curley
 General MacEoin
 General MacEoin's sister
 General MacEoin's wife
 Count John McCormack
 Canon Pinkman
4. Photograph of General MacEoin on occasion of a hurling match at Croke Park (accompanied by Dan McCarthy).

Letters:

1. Typescript letter dated 14th January 1919, to Sean Cawley, signed "Miceal Ó Coileain", Adjutant General.
2. Manuscript letter dated 18.2.1919, signed "Tom Cullen".
3. Typescript letter dated March 12th 1919, to Mr. T. Redington, Shroid, Longford, signed "Miceal Ó Coilean" Adjt. Gen.
4. Typescript letter dated March 19th, 1919, to Mr. T. Redington, Comdt., Longford Brigade, signed Miceal Ó Coilean, Adjt. General.
5. Typescript letter dated Bealtaine 13, 1919, to Tom Redington, Comdt., Longford Brigade, signed Miceal Ó Coilean, Adjt. Gen.
6. Manuscript letter dated May 21st 1919, to Mr. T. Redington, signed T. Cullen.

7. Typescript letter dated 21st May 1919, to T. Redington, Longford Brigade, signed Miceal Ó Coilean, Adjt.General.
8. Manuscript letter dated May 29th, 1919, to Tomas, signed T. Cullen.
9. Manuscript letter dated Monday, June 3rd, 1919, to T. Redington, signed T. Cullen.
10. Typescript letter dated July 10th, 1919, to Tom Redington, signed T. Cullen.
11. Typescript and manuscript letter dated 25th February 1928, to Canon Guinan.
12. Typescript letter dated 21st April 1920, to General MacEoin, signed Miceal Ó Coilean.
13. Typescript letter dated 5th Dec. 1927, to General MacEoin, signed "Rugby".

Circulars and Pamphlets.

1. Printed pamphlet: Constitution, Scheme of Organisation and Rules of Sinn Fein.
2. Typescript circular: Issued under date of 25th April, 1922, by the Army Council from Four Courts.
3. Typescript copies of "Order of the Day" issued May 24th 1923, by -
 - (a) Eamon de Valera
 - (b) Frank Aiken.

NOTE: Additional contemporary documents are attached as appendices to the statement of General MacEoin and referred to in the text thereof.

STATEMENT OF LIEUT.-GENERAL SEÁN MacEOIN.

CERTIFICATE BY THE DIRECTOR OF THE BUREAU.

This statement by Lieut.-General Seán MacEoin consists of 213 pages, signed on the last page by him, and 10 appendices.

Owing to its bulk, it has not been possible for the Bureau, with the appliances at its disposal, to bind it in one piece, and it has, therefore, for convenience in stitching, been separated into two sections, the first, consisting of pages 1-213, and the other, containing 10 appendices, "A" to "J" inclusive. The separation into two sections has no other significance.

A certificate in these terms, signed by me as Director of the Bureau, is bound into each of the two parts.

DIRECTOR.

(M. McDunphy)

6th December, 1957.