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ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 1217

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BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS.

DOCUMENT NO. W.S. ~~1217~~ 1217

Witness

John C. Murphy,
10 Plunkett Terrace,
Mallow,
Co. Cork.

Identity.

Member of Fianna, Mallow, 1917 - ;
" Irish Volunteers, Mallow,
1919 - .

Subject.

National and military activities,
Mallow, Co. Cork, 1917-1923.

Conditions, if any, Stipulated by Witness.

Nil

File No. S.2515

Form B.S.M. 2

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILEATA 1913 21/2/7
NO. W.S. 1217

STATEMENT BY JOHN MURPHY

10 Plunkett Terrace, Mallow, Co.Cork.

I was born on 18th December 1899 at Fair St., Mallow. I was educated at the Patrician Brothers Schools, Mallow, till I was about 17 years of age.

I joined Na Fianna at Mallow in the summer of 1917 at a meeting held in the Town Hall. The meeting was presided over by Tomas MacCurtain. About 20 members joined up at the same time. The pioneers were: Dick Willis, Jackie Bolster, Joe Byrne, Jack Saunders and Thomas McAuliffe. There were, as far as I can recollect, no officers, but our unit was under the control of Owen Harold and Dan Hegarty, who were in charge of the local company of Irish Volunteers. Our unit of Fianna were also linked up with Mourne Abbey unit, which was under the control of Connie Regan and his brother, Jerry.

During 1917 and 1918, we learned signalling and scouting. We also carried dispatches for the Volunteers. We paraded at aeriochts which were usually organised to raise funds for the Volunteers and the Gaelic League.

Early in 1919, with the other members of the unit, I joined the Mallow Company of the Irish Volunteers. The strength of the company at this time was about 120. The officers were, I think : O/C. Jack Cunningham; 1st Lieut. Owen Harold; 2nd Lieut. Bryan Kelly.

Cork II Brigade was formed at this time and Mallow Company was a unit of Mallow Battalion. The other companies in the battalion were:- Ahadillane, Analeentha, Burnfort, Twopothouse Ballyclough and Lombardstown. The officers of the Mallow Battalion were: O/C. Liam Jones; V.O/C. Jerh. Buckley; Adj. Paddy McCarthy; Q.M. Mick Nagle.

About this time I joined the staff of the Great Southern and Western Railway as a porter at Mallow station. I was

then detailed to do intelligence work regarding the movement of military stores and Belfast goods. As a result of reports furnished by me and the other railway employees engaged on this work, several raids were carried out for Belfast goods at the Railway Goods Yard. Some of the goods were removed by the I.R.A., but others were destroyed on the spot. These raids were carried out under the direction of the company O/C. - Jack Cunningham - and all members of the unit took part in them at one time or another.

With fellow railway employees Denis Bannett, Jack Barrett Dick Dunne and John Wright, I was at this time in touch with G.H.Q. as far as dispatches were concerned. We were responsible for the safe transit of all dispatches passing through Mallow railway station and post office. We had the handling of all such communications for all units in the southern area. We worked in conjunction with the railway guards and ticket checkers on all trains, amongst them the following:- Tom Mulligan, Peter Brady, Dan Hickey, John Lenehan, Martin Fox, Tom Semple, John Ievers and Con Buckley. There were several others whose names I cannot recollect.

When a party of British military going on church parade to the Wesleyan Church at Fermoy were attacked and disarmed in September 1919, the following members of the Mallow Unit took part:- Owen Harold, Dan Hegarty, Bryan Kelly, Ned Waters and Leo O'Callaghan, who drove the car in which they travelled to Fermoy.

In November 1919 - just prior to the Armistice Day celebrations - I was one of a party of about 20 members of the company who took part in a raid on the Town Hall in which we seized the instruments of the local Fife and Drum Band. This action was taken as the members of the band proposed to take part in a parade organised by the British Legion on

11th November 1919. Jack Cunningham (Company O/C) was in charge of this raid.

At Easter 1920, together with the majority of the members of Mallow Company, I took part in the destruction of Blackrock R.I.C. Barracks.

In June 1920, the 'Munitions Strike' took place. This was a strike in which railwaymen (drivers, firemen, guards) refused to carry enemy troops or war material. As a result of their refusal, several men were dismissed at Mallow. Towards the end of June I was instructed to act as 'Guard' on a train carrying military and police. I refused to do so and was dismissed. When eventually 19 men had been dismissed for the same reason, the O/C. Mallow decided to take the stationmaster (Michael Slattery) prisoner and to detain him for a time. Amongst those who were dismissed were:- Michael Gyves, Maurice Fitzgerald, Wm. Condon, John Barrett, Denis Bennett, Wm. Moloney and Richard Dunne. This action was taken as it was considered that the stationmaster was responsible for ensuring that the maximum amount of hardship was inflicted by selecting, on every possible occasion, married men, although on occasions single men were available. He was taken prisoner by the Company O/C. and some others early in July 1920 and removed, I think, to the Lombardstown area where he was detained for some days.

About this time several raids for arms were carried out in the area. Approximately 20 shotguns and about 200 rounds of ammunition for same were captured in these raids. These operations were carried out under the control of Jack Cunningham, O/C. I was in charge of a section engaged on these raids which included John 'Congo' Moloney, Patrick Mahony, Matt Herlihy, Owen McCarthy and James Bennett.

Early in July, information was received from the intelligence staff still employed on the G.S. & W.R. that a large consignment of petrol had arrived at the station and was awaiting transfer

to the military at Tralee. The petrol was stored in two-gallon tins in two wagons. Arrangements were made by the Company O/C. (Jack Cunningham) to seize these stores and about 50 members of the unit were engaged on the job. The petrol was removed to an old pumping station on the banks of the river Blackwater. It was moved across the river a few nights later to a dump at Mallow Pike by Jack Bolster, Tom McAuliffe and myself. Others who took part in the original seizure were: Jack Barrett (later to become brigade O/C.) Denis Bennett, John Wright, Jerh. Daly, Jack Cunningham, Leo O'Callaghan, Dick Willis, Joe Morgan, Jackie Bolster, 'Congo' Moloney.

I think it was about this time that a number of raids were carried out on the Cork-Dublin Mail train. At least three raids took place and the train was boarded on each occasion at Mallow by members of the local company. It was stopped at Two-pot-house where the mails were removed with the co-operation of the members of the local company. They were loaded on to a motor car which was driven by Leo O'Callaghan and removed for censoring to Brigade H.Q. which, at the time, was in Lombardstown area.

On the night of 27th September 1920 I was standing with Denis Bennett near the Town Hall when we were approached by Jack Cunningham (O/C.). It was then about 8 p.m. He told us that he had an important job for us and that there should be no 'slip up'. He then instructed us to get into the Town Hall without attracting attention and to hide there during the night after the caretaker had retired. We were to be ready to open the side door of the Hall leading to Golden's yard and the Town Park when requested to do so and on receiving the password "Terry Mac". We immediately went to our requestive homes, had a meal and returned to the Town Hall about 11 p.m.

We entered the Town Hall within a short time and hid behind the stage. Some hours later - about 3 a.m. - Tadhg Byrne (an officer of the Mallow Company), accompanied by three others, arrived at the side door. They were admitted on giving the password. Tadhg Byrne then took charge and instructed us to await the arrival of the brigade column when we would be allotted other duties.

The column arrived about 3.30 a.m. and, after some discussion amongst the officers, we were detailed for the following duties:

- (1) Denis Bennett to take up a position at Barrack St. with Paddy McCarthy (O/C. Mallow Battalion) at approximately 9 a.m. Immediately the raid on the barracks was seen to be under way and the transport to remove the booty had moved into Barrack St., he was to dash to the top of Beecher St. and signal to me to cut all telegraph wires on the Waterford side of Mallow Station.
- (2) I was to take up a position about 8.55 a.m. on the railway bridge carrying the Waterford telephone service which spanned the Buttevant road. I was to await the signal as at (1) above from Denis Bennett.

I left the Town Hall in company with Denis Bennett about 7 a.m. and went home to Fair St. where I obtained pliers and other tools to enable me to cut the wires. About 8.50 a.m. I took up my allotted position and awaited the signal from Denis Bennett. I observed the signal about 9 a.m. and immediately cut all wires on the Waterford line. At the same time I had to signal to Mick Fitzpatrick and Jack Saunders to cut down the wires on the Dublin line. When all wires were cut I returned to town.

There was considerable activity by enemy forces - R.I.C. and military - throughout the day. Members of these forces ran amok that night. They burned, amongst other places, the Town Hall and Cleeves Creamery as well as several private houses.

Following these incidents I asked the Company O/C. (Jack Cunningham) to arrange to have me taken on by the brigade

column. Within a few days he informed me that I was to carry on my duties on intelligence and dispatch work with Jack Barrett and Denis Bennett. He informed me that this work was essential for the efficient prosecution of battalion and brigade activities.

On 29th September 1920, while sleeping in a house on the Main St., I was awakened by the owner to find that the house was surrounded by a party of military (17th Lancers). I managed to avoid arrest by jumping from a first floor window into the yard of the house next door where I was provided with shoes, coat and cap. I then walked boldly out into the Main St., passing the military party on my way. They did not take any notice of me.

I was engaged with Owen Harold, Jerh. Daly and Joe Morgan on the construction of a dump at the County Home on October 23rd 1920, when I got instructions from Harold to contact a man named Michael Carroll, who was to hand over to me two converted shotguns, some ammunition for same and also some gelignite. Carroll was an employee of Great Southern and Western Railway Company and I do not know where he obtained these stores.

I met Carroll on the outskirts of the town about 9 p.m. (Curfew was on at the time). I took him with me to the Iron Mines district where we dumped the guns in a haystack. I retained the ammunition and gelignite. Carroll, who lived quite close at hand, then went home while I made my way to Fair St. where my parents resided. Just as I reached my own home a party of military on curfew duty called on me to halt. I dashed away but they pursued me. As they were overtaking me I rushed into the house of Wm. France, Fair St. I immediately discarded my coat in the pockets of which were the ammunition and gelignite, and threw it under the table in the kitchen. I tried to get through the back door to the

yard but failed, as the military were in the kitchen before I could open the door.

I was then placed under arrest and taken to the military barracks. I was still in my shirt sleeves and remained so for about a week. I was transferred to Buttevant Military Barracks two days after my arrest. Here I was placed in an identification parade for members of the 17th Lancers, who had occupied Mallow Barracks when it was raided. I was identified by at least six soldiers as one of the men who took part in the raid. I was transferred to Cork Military Detention Barracks on 29th October 1920, where with five others (Owen Harold, Donal McCarthy, Denis Barter, David Buckley, Tim Breen) I was charged with the murder of Sergeant Gibbs, who was shot during the raid on the barracks.

Our trial by general courtmartial did not take place until May 1921 - eight months after my arrest. In the intervening period we had been taken on several occasions to a room in Cork Military Barracks where statements were taken from a number of military witnesses and a summary of evidence prepared. A manuscript copy of this summary is attached as appendix. This is an exact copy of the original typed summary which was handed to me while a prisoner awaiting trial by courtmartial in Military Detention Barracks, Cork. The original typed summary has now become illegible from constant use in years gone by.

The trial commenced on Monday (23rd May 1921) and ended on Saturday (28th May 1921). Five members of our party (Harold, Barter, McCarthy, Buckley and witness) were found guilty and sentenced to death. Tim Breen was found not guilty. We were each handed a copy of Army Form W.3996, which indicated the findings of the Court. In my case (as in the others) the form stated that I had been found guilty of MURDER. The Court made no recommendation to mercy. The document also informed

me that

1. The finding or findings and sentence are not valid until confirmed by the proper authority.
2. That the authority having power to confirm the finding or findings or sentence may withhold confirmation of the finding or findings, or may withhold confirmation or sentence, or may mitigate, commute, or remit the sentence, or may end the finding or findings and sentence back to the Court for revision.

While awaiting consideration of the findings and sentence by the military authorities, we were kept in solitary confinement and had to take exercise with military prisoners (Tans, Auxiliaries and others).

About this time, peace talks were initiated and these apparently held up a decision on the consideration of our sentences. We still continued in solitary confinement. Eventually, in an effort to get better conditions, we went on hunger strike. When we had been on strike for five days, the prison was visited by Michael Staines, T.D., who was then acting as Liaison Officer for the I.R.A. The strike was then called off and we were allowed to exercise with the other I.R.A. prisoners.

We were never informed of any reprieve and were still prisoners under sentence of death at Christmas 1921 - six months after the Truce. I was transferred, together with all the other I.R.A. prisoners, to Cork Male Prison on 19th Dec. 1921, and we were all released from that prison on 12th January 1922. The prisoners - all under sentence of death - who were transferred with me from Military Detention Barracks to Cork Male Prison were;- Owen Harold, Denis Barter, Donal McCarthy, David Buckley, John Murphy (Mallow), Denis Driscoll (Killarney) Con Driscoll, Wm. Daly, Jack Driscoll, Tim Keohane (Clonakilty) Thomas O'Connor (Killarney), Tim Desmond, Denis Lane, George Murphy, Tim Healy, John Collins, Tim Sullivan, John Horgan, Dan Forde, John Dineen, John Driscoll, Tom Riordan, Eugene

Riordan, Jerome Forde, James Murphy, Patrick Dwyer, Dan O'Keefe, John Ryan, Patrick Lane, John Finn (Waterfall).

On my release from Cork Prison, I rejoined my unit. After something more than three months - towards the end of April 1922 - I was reinstated in my job on the Great Southern and Western Railway. I still continued my I.R.A. activities and, when the Civil War broke out in June 1922, my services were again dispensed with by the railway authorities. I then took up full-time service with the I.R.A. forces with which I continued to serve until the Cease Fire Order in May 1923. During this period of the Civil War I was attached to the brigade column serving under Sean Moylan and Paddy O'Brien in the Cork, Limerick and Waterford areas.

My rank at the Truce - Volunteer (Intelligence).

Strength of Mallow Company at Truce - about 90.

Signed: John C. Murphy

Date: 28th July 1955

(John C. Murphy)

28th July 1955.

Witness:

P. O'Donnell

(P. O'Donnell)

BUREAU OF MILITARY HISTORY 1913-21
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NO. W.S. 1217

SUMMARY OF EVIDENCE IN THE CASE OF

Owen Harold, of 49 Main St. Mallow;
John Murphy, of Fair Street, Mallow;
David Buckley, of Mourne Abbey, Mallow;
Denis Barter, of Mourne Abbey, Mallow;
Daniel McCarthy, of Lahekineen, Mourne Abbey, Mallow, and
Timothy Breen, of Brittas Lombardstown, Mallow.

Taken by direction of the Competent Military Authority

1st Witness:-

On the 28th September 1920, I was in command of a Detachment of my Regiment and stationed at Mallow Military Barracks. The strength of the Detachment was 38 all ranks. About 31 rifles and 7 revolvers were with the Detachment. We also had lances, swords and two Hätchkiss guns. At 8.30 a.m. on that date I went out with horses to exercise between 3 & 4 miles from Barracks. I left about 15 men in Barracks under my senior N.C.O. Sergt. Gibbs. My party took, I think, two rifles & 4 revolvers in addition to my own revolver. About 10 a.m. just as my party were coming home Private galloped up & made a report to me. He was one of the men I had left in Barracks. In consequence of that report we trotted back to Barracks. On reaching Barracks, I think about 10.15 a.m. I saw Sergt. Gibbs in the Barrack-Warden's house. He was dead. I also saw that the woodwork of the passage at the guard-room was slightly burnt. I also found a number of arms and equipment missing.

About the end of October 1920, I was in charge of a party of my Regiment working in conjunction with the Manchester Regt. in the Mourne Abbey District. Our job was to search houses. I divided my party into two, placing Sergt.... in charge of one half. I searched a number of houses & eventually rejoined Sergt.....

He was at a house about 20 yards from the road. He showed me 3 rifles in a box; the butts had been unscrewed from the barrels. There was also a lot of rifle ammunition in the

box. He also showed me two green jackets of officers' pattern, but no khaki, and not the same as I wear. The 3 rifles showed me do not belong to my Regiment as all our rifles have "17 L" on the brass butt plate. I then went into the house with the Sergt. I think he was with me. I searched the whole house and found a lot of envelopes and papers addressed to "Denis Barter". A lot of papers bore the same name as Secretary I think of some Labour Union for Mourne Abbey District. I left some of these papers in the house & brought 2 or 3 away with me, which I later destroyed. After searching the house I went on to the road. I saw about 7 civilians in my lorry, who had been handed over by the Manchester Regiment.

I then spoke to the accused, Denis Barter, who was among them & whom I now identify. I am not sure if I asked him his name or if I said "Are you Denis Barter". He said he was Denis Barter.

About half an hour afterwards I took these 8 men into Mallow and then on to Buttevant.

I remember being present at 5 identification parades - 4 at Buttevant & 1 in Cork. Three of those at Buttevant were held in the Gymnasium, & the fourth in the open beside the Orderly Room. No one was picked out of the latter parade. In the case of the 3 held in the Gymnasium not less than 15 civilians were placed in line on each occasion. I saw civilians picked out by men of my Mallow Detachment on each occasion. My men were marched into the Gymnasium one at a time. Those who recognised any of the civilians were placed in a corner, & those who failed to recognise any of them were placed in another corner of the Gymnasium.

In the case of the 1st parade, the men who failed to recognise anyone were immediately sent out of the Gym. Sergt. 17th Lancers, was present at all these parades at Buttevant, & took a note of the names of the men who

identified the civilians & the names of those civilians identified.

Sgd. _____

Cross-examined by accused Barter:

Q. What did you find in my house?

A. I found in Denis Barter's house papers dealing with a Union.

Sgd. _____

All the other accused declined to cross-examine.

1st Witness recalled states:-

I arrested/accused Breen, whom I now identify, in the 1st week of November 1920, at his own house in the Lombards-town District, a few miles from Mallow. He made no statement. He was arrested about 3 o'clock in the morning & I took him to Buttevant.

Sgd. _____

All the accused decline to cross-examine this witness.

2nd Witness _____ duly sworn states:

On the 28th Sept. 1920 I was stationed at the Military Barracks Mallow. I was out on exercise that morning with Lt. _____ some distance from the Barracks leaving about 8.30 a.m. We returned to Barracks about 11 a.m. I saw that the inside of a Barrack room had been set on fire, this room was across the passage from the guard room. The staircase beside the guard room had also been damaged by fire. They were only slightly burnt. I saw Sergt. Gibbs in the Barrack Warden's house. He was then dead. There were 31 rifles in the barracks when I went out to exercise, there were only 6 rifles in barracks on my return about 11 a.m. The remainder were missing. I also saw that the door of the magazine had been forced open. I made a list of all the arms in the barracks and handed it to Lt. _____

On the 27th Oct. 1920 I was out with a patrol under

Lt. _____ in the Mourne Abbey district. We split into 2 parties & I was in charge of one. Our job was to search houses for arms etc. I went to one house quite close to the road and searched the outhouses. These were built on to the main building of the house. I first found 3 I.R.A. uniform jackets & 1 green I.R.A. uniform cap. In another outhouse on the opposite side of the house, I found a wooden box containing 3 rifles & a large number of rounds of .A.A. - some loose & some in a small bag inside the box. The 3 rifles were broken up, that is, the butts were separated from the barrels to fit the box. I took the box, with contents, & the uniforms on to the road. Lt. _____ then came along and I showed him what I had found. I then went with Lt. _____ to the main door of the house which some of our men burst open. I went in with Lt. _____ and assisted in searching it. There was no civilian in the house. I found some blue cards referring to some Trade Union. At the foot of these cards were the signature "D. Barter" or "Denis Barter" as Secretary. Some were signed "D. Barter" and some "Denis Barter". These I found on the ground floor, Lt. _____ went upstairs. I don't know what happened to these cards I haven't any of them now. We then left the house & saw a lorry on the road with 3 civilians in it in custody of some of my men. Lt. _____ went behind these men and said: "Where can I find Denis Barter". There was no answer. I then jumped on the lorry & faced the civilians & asked who Denis Barter was. The accused Barter, who was one of the three & whom I now identify then said "I'm Denis Barter". I said "This is your house, then?" & he said it was. I asked him where the arms I had found came from & where the other arms were he said he didn't know anything about them. We then returned to Buttevant where I was then stationed.

I produce the box containing the 3 rifles & ammunition

& the articles of uniform which I found.

Sgd. _____

All the accused decline to cross examine this witness.

3rd Witness duly sworn states:-

On the 28th Sept. 1920 I was sentry at the main gate of Mallow Military Barracks, having been posted at 9 a.m. Shortly after I went on sentry I saw the 3 painters who had been working in the barracks previous to this date. Their names were Willis, Bolster and another. They were standing at the first entrance of the Barrack buildings on the right as you enter the Barracks, The painter whose name I do not know was making notes in a book and seemed to be taking measurements. I saw this man glancing at me now and again. About 9.30 a.m. there was a knock at the small door beside the main gates, the main gate was then closed. I opened the loophole in the door and saw one civilian outside. He showed me an envelope addressed to Mr. _____ the Barrack Warden. I then opened the door about 6 inches to take the envelope. The civilian would not give it to me & said he wanted to see Mr. _____ himself. I then tried to close the door but found a foot wedged in it. I then half turned & beckoned to Mr. _____ who was standing with Sergt. Gibbs in the centre of the Barrack square about 24 yards from me. They then began to walk towards me, but before they reached me the door was forced open & two civilians rushed in. The man who had shown me the envelope then got hold of me round the neck with both arms. He then dragged me on to the edge of the door. The second man then took my rifle from me. I then struggled and freed myself by pushing the man who had seized me out of the gate. At the same time another man, I don't know if it was the man who took my rifle, fired 3 shots from a revolver. He was standing facing me on the

threshold of the gate; he was facing the Barrack Buildings. The shots seemed to pass over my head.

I now identify the accused Murphy as the man who brought the envelope to the door and dragged me to the main door. He didn't fire the three shots. Before those shots were fired I saw Sergt. Gibbs running towards the guardroom. He was not carrying arms. He was about 14 yards from me when he started to run. I saw Sgt. Gibbs fall on the step at the entrance to the guardroom passage a few seconds after the last of the 3 shots were fired. Up to the time I saw Sgt. Gibbs fall, 5 shots had been fired. They were fired as I have already described. The other two were fired by the painter whose name I don't know, who was still standing at the entrance next the guardroom. They were fired in the direction of the forge.

As soon as I had freed myself I ran to the guardroom. I there saw the 3 painters. One (Bolster) was at the guardroom door, one right inside the guardroom, and one (Willis) in the passage. Willis & Bolster had a revolver each and the third man had two. The N.C.O. & other two men of the guard - Lance Corporal _____, Ptes. _____ were standing in the guardroom with their hands up. We were then marched out on to the square where we were lined up without hands up. The Main Gate was then open & I saw a lot more civilians. There would be about 30 altogether inside the Barracks. I saw some of them enter the Barracks over the wall beside the Magazine. Most of these were armed - about 10 with rifles & others with revolvers. Whilst I was on the square I saw civilians taking sword-belts, bandoliers, waterbottles & mess tins, outside the Barracks. About 6 were holding us up. I saw some civilians taking hay into the guardroom passage & other civilians carrying buckets from the magazine; they emptied the buckets into the guardroom passage. We were standing

on the Barrack square about a $\frac{1}{4}$ of an hour. We were then marched into a cell. We remained there until Private _____ came and opened the door. I went out then and found all the civilians had left Barracks. The two shots fired by the painter standing at the entrance next the guardroom were fired after Sergt. Gibbs fell. I also heard 3 more shots coming from the direction of the guardroom after Sergt. Gibbs had fallen. Altogether I heard 8 shots fired in Barracks that morning, I did not fire my own rifle that morning & did not see any of the other soldiers use theirs.

I next saw the accused Murphy at Buttevant in October. He was standing in a line with about 15 others in the Gymnasium there. I then picked out Murphy & was put in a corner of the Gymnasium. Ptes. _____ and _____ were in the corner when I went there. Lieut. _____ was present in the Gymnasium at that time.

Sgd. _____

All the accused decline to cross-examine this witness.

4th Witness _____ duly sworn states:-

On the 28th Sept. 1920 I was N.C.O. in charge of the guard at Mallow Military Barracks. About 9.20 a.m. I saw 2 painters Willis & another standing together in Barracks. I had known Willis working in the Barracks before. The one whose name I don't know appeared to be taking measurements at the entrance next the guardroom - the first entrance on right on entering main gate. The building where he was was not occupied. At that time I also saw Sgt. Gibbs standing on the Barrack square with Mr. _____. They were standing half right, looking from the guardroom entrance, & about 15 or 20 yards away.

About 9.30 a.m. I was in the guardroom with Ptes. _____ and _____ who with myself and Pte. _____ comprised the guard. I suddenly heard several shots fired in rapid succession.

They sounded very close. I heard a bit of scuffling of foot, & glanced through the window but saw nothing unusual. I then saw a man in khaki stumble & fall in the passage at the guardroom door. I did not then know who it was. At the same moment as this man was falling, Willis & the other whom I had seen jumped over the man who was on the ground & entered the guardroom. I made for my rifle & the man with Willis fired 2 shots at me. He then rushed behind me & covered me with his revolver while Willis remained at the doorway. He first shouted 'Hands up' & then 'Put them up'!. I put up my hands. I was then marched out into the square & held up there. Several other soldiers were already lined up there & eventually there were 11 or 12 of us. On my way to the square from the guardroom I heard the man in khaki on the ground moaning. I then saw more civilians in Barracks, chiefly armed with revolvers, some had rifles. One civilian on the square was standing with a watch and an automatic in his hands & giving orders to other civilians. He was addressed by others as Brigade Commander. While standing on the square I saw civilians carrying arms & ammunition out of the guardroom to the main gate where a motor car was drawn up. They placed arms in this. Others were carrying haversacks and other equipment, swords, lances and sword belts. I also saw hay being carried into the living room immediately opposite the guardroom door. I also saw petrol being carried into Barracks from the street & also from the magazine. I now identify the accused McCarthy. He was carrying a bucket into Barracks from the main gate. He had it on his shoulder. I heard the man who was addressed as Brigade Commander say to him: "Hurry up with that petrol". The accused McCarthy spilt some of it. I then saw smoke issuing from the windows of the room where the hay had been put. Just before this someone asked us if anyone knew first aid. _____ went over to the man who was lying on the ground. I then saw this man being brought out of the passage by _____ and Pte. _____.

I then recognised the man as being Sgt. Gibbs. I now identify the accused Owen Harold. I saw him carrying sword belts, various articles of clothing & a pair of boots - all on his left arm. He was carrying a revolver in his right hand. He carried the above articles out of the Barrack gate. The Brigade Commander then ordered us to be taken up against a wall. We were then moved off the square into a cell. We remained there from 5 to 10 minutes. 3 civilians meantime remained outside with revolvers in their hands. Then Pte. _____ came to the cell.

On going out I found all the civilians had left & the room opposite the guardroom was still on fire. I went inside and found parts of the woodwork had just caught alight. The staircase was similarly damaged. We put out the fire.

No shots were fired by any of the guard that morning. I can't speak as to the sentry on duty. To my knowledge no shots were fired by any of the troops in Barracks.

On the morning of the 28.9.20 the following were in the guardroom:- About 27 rifles, 2 Hotchkiss guns, ammunition for these; 3 boxes of S.A.A.; 1 box Verrey lights; 1 Verrey Light pistol; 1 Revolver with belt, holster & about 12 rounds belonging to Sgt. Gibbs; also 10 Bayonets. When I returned to the guardroom after the civilians had left, I found all these had been removed with the exception of one bayonet.

I recognise rifle now shown to me No. 1.47688 PLTE No. 171/481. This rifle was in the guardroom on the morning of 28.9.20 & was among those stolen. It was not in use as it had a defect which still exists:- namely a dip in the barrel towards the nozzle. This rifle had previously been in the possession of Pte. _____ Rifle No. N/43145, Plate No. 171/546, now shown to me, is a "C" Squadron rifle.

I know this by the sequence of numbers. Everyone at Mallow Military Barracks on 28.9.20 belonged to "C" Squadron.

I next saw the acc used McCarthy & Harold at an identification parade in the Gymnasium at Buttevant in Oct. last. From 15 to 20 civilians were lined up and I picked these men out. I am sure these 2 accused were the civilians whom I saw on 28.9.20. Lieut. _____ was present on that parade.

Cross-examined by accused Harold:-

I am positive that the accused Harold was carrying sword belts, boots, swords, khaki clothing and a haversack.

All the other accused decline to cross-examine this witness.

Sgd. _____

5th Witness, duly sworn states:

On the 28th Sept. 1920 at Mallow Military Barracks I was one of the guard. About 9.30 a.m. I was in the guardroom with L/Cpl. _____ and Pte. _____. I was sitting reading a book at the corner of the table furthest from the door. The table was up against the window. I suddenly heard shouting outside. I looked outside, saw nothing unusual & continued reading. In less than a minute I heard about 6 shots from the direction of the main Barrack gate. I got up from the table & then saw 2 painters - one named Willis; the other I had not seen before, at the guardroom door. They shouted "Hands up" & then "Put them up" at the same time pointing revolvers. Each was carrying a revolver. The man whose name I do not know then rushed into the guardroom. Just before he did this I heard 2 or 3 shots fired into the guardroom. I didn't see either of these two civilians fire then. When the man rushed into the guardroom we were all standing with our hands up. We were then fallen ⁱⁿ & L/Cpl. _____ & Pte. _____ were marched out of the guardroom. As soon as I got out of the guardroom behind them, I turned to the right & ran to the

back of the buildings and then upstairs. I there found Cpl. _____ & 3 or 4 other soldiers. I looked for a rifle but did not find one. I assisted Cpl. _____ to hide ammunition under the beds. Cpl. _____ threw a bottle out of the window. Then I heard someone outside say "Cover the window" & 3 men pointed revolvers at the window. One of them said: "He's a Corporal, keep your eye on him". Next, 3 or 4 civilians came up the stairs, we were held up & marched downstairs & out to the square where I saw other soldiers standing with their hands up. Of the civilians who marched us downstairs, I only noticed one who was armed - he had a revolver. As I was being marched on to the square I saw the accused Murphy whom I now identify. He was then walking towards the passage we were leaving. When I was standing on the square I again saw him passing the cookhouse: he was carrying a revolver & an armful of equipment, 3 haversacks, 2 or 3 forage caps & sword belts - I don't know how many. He was wearing a dirty grey cap, trench coat, check breeches & black boots & leggings. While on the square I also saw the accused Buckley whom I now identify I saw a crowd of civilians come in the main gate & when they passed me I saw the accused Buckley. The crowd took fire buckets from the wall beside the cookhouse & went to the magazine. On the way some of them took an iron post out of the ground & battered in the magazine door & went in. I next saw the accused Buckley pass me with a fire bucket full of liquid going towards the guardroom. He went into the guardroom passage. I also saw the accused Breen whom I now identify. I saw him come up to a civilian who was on the square & hand him a note. I didn't see him carrying anything in the way of arms: I cannot say whether he was armed or not. After handing the note the accused Breen went out of the main gate to the middle of the road, looked back to the man to whom he had handed the note & nodded. After about 3 minutes I was marched to a cell in barracks with the other soldiers. Just before

this I saw bales of hay being taken into the guardroom passage. We were kept in the cell about 5 minutes. Shortly after I went to the guardroom & saw that all the arms, except one bayonet, had been stolen. There were about 26 rifles there before the civilians entered the barracks. I did not see these rifles being removed.

Just before I heard the first shots I saw Sgt. Gibbs with the Barrack Warden. They had been fixing a hosepipe to a trough & when I saw them they were just going on to the path beside the barrack buildings & about 8 yards from the guardroom. The next time I saw him he was lying just outside the guardroom passage being bandaged up by _____.

I saw about 50 civilians in barracks that morning. About one third were armed - some with rifles, some with revolvers & some with both.

I next saw accused Murphy at an identification parade in the Gymnasium at Buttevant. About 15 civilians were lined up & I saw accused Murphy standing about the middle of the line. This would be about the end of October. After picking him out I was made to stand in a corner of the Gymnasium, & saw other soldiers brought in one at a time.

I saw accused Buckley at another parade a few days later. He was similarly lined up & I picked him out. He was standing about fourth from the end of the line.

A few days after this I saw the accused Breen at Lombards-town about 2 o'clock in the morning. I was placed outside a house as sentry & saw him brought out by others of my Regiment. He was then taken back to Buttevant. This would be about the 19th Oct. about a week before my Regiment left Buttevant. I then saw him on an identification parade at Buttevant a few days later. He was lined up with about 20 other civilians in the Gymnasium & I then picked him out. I am sure I saw him in Mallow Barracks on 28 Sep 1920. Lieut. _____

was present on all these identification parades.

Sgd. _____

All the accused decline to cross-examine this witness.

6th Witness - duly sworn states:

On the 28th Sept. 1920 I was working in the forge at Mallow Military Barracks. About 9.30 a.m. I heard a scuffle at the gate - about 6 yards from the forge I rushed out of the forge & saw a number of civilians rushing into the barracks. Just at this time I heard 13 or 14 shots. I made off in the direction of the guardroom when 2 civilians who were standing at the building next the guardroom & nearer to the gate, fired their revolvers at me. Their names were Willis & Bolster a painter & carpenter who had previously been working in the barracks. As I came out of the forge I saw Sgt. Gibbs running in the direction of the guardroom. I had seen him just before talking to Mr. _____ Sgt. Gibbs was not armed. While he was running in the direction of the guardroom I saw him shake or flick his right hand to his side. I had gone about 10 yards towards the guardroom when I was held up by 4 or 5 civilians armed with revolvers.

They took me back to the forge. I was kept there about 3 minutes. While there I saw a civilian come through the small door. I now identify the accused Murphy as that man. He was carrying a revolver. I was then brought out of the forge & told to put my hands up & taken on to the barrack square. Whilst there a civilian shouted out "Can anybody here do first aid?" & I said I could. I was then taken over to the guardroom where I saw a man dressed in khaki lying in the passage in front of the guardroom door. I found it was Sgt. Gibbs. The civilian who brought me to him gave me bandages. I saw Sgt. Gibbs was wounded in the wrist & bandaged this wound up. Then he turned over on his back & said:

"What a thing death is". I then undid his clothing & found a wound in each nipple, which I bandaged up. Sgt. Gibbs never said anything else to me. While bandaging Sgt. Gibbs I saw civilians taking rifles out of the guardroom. A few minutes later Pte. _____ came downstairs & gave me a hand with the bandaging. Then one civilian told me to move the Sgt. outside as they were going to destroy the Barracks. I looked up & saw the accused Buckley standing with others at the entrance to the guardroom passage. I didn't see any arms on him. I then brought Sgt. Gibbs out of the passage & laid him in front of the guardroom window. While assisting him there I saw the accused Buckley get a fire bucket which was standing against the wall of the Sergeants Mess. I saw him take it towards the magazine. Just at this time I was told by civilian to take Sgt. Gibbs away from the barracks. Pte. _____ & I then carried him over & laid him down at the side of the garden, & directly opposite the guardroom passage. While standing there I could see right down the passage. I then saw the accused Buckley rest a bucket on the ground while on the way to the guardroom from the magazine. He stayed there a few seconds & then carried it towards the guardroom; he entered the guardroom passage. I also saw other civilians carrying hay to the barrack rooms & saw accused Buckley, still carrying the bucket, coming from the guardroom passage, the bucket was empty. He had previously passed me carrying a full bucket. He made his way again to the magazine. There were no water taps or water in the magazine. I saw Buckley empty the bucket on to hay which was in the guardroom passage. He then returned to the Magazine & again emptied the contents of the bucket on the hay. He passed me 3 times. There were several other civilians doing the same but I noticed him particularly.

While at the side of the garden I also saw the accused Murphy carrying haversacks, water bottles, mess tins & bandoliers out of the main gate. He had a revolver in his right hand. I saw him come into barracks 3 times & carry away equipment. The second he was carrying soft uniform forage caps.

I was with Sgt. Gibbs at the side of the garden when I saw some civilians putting matches to the hay lying in the guardroom passage. Accused Buckley was with these civilians. I don't know if he lit the hay. This was after I had seen the buckets emptied on the hay.

I saw the other soldiers who had been standing on the square with their hands up being marched to a cell. They were there for about 5 minutes when all the civilians left the barracks and Pte. _____ went to the cell and opened the door. Later I saw Cpl. _____ move Sgt. Gibbs to the Barrack Warden's house. He was still alive.

I next saw the accused Buckley & Murphy on two separate identification parades in the Gymnasium at Buttevant. The first one at which I picked out Murphy would be about a fortnight after 28th Sept. & I picked out Buckley about a week later. 30 or 40 civilians were lined up on each occasion. Murphy was about the centre of the line when I picked him out & Buckley was about twelfth from the end. Lieut. _____ was present at both these parades. We were marched in one at a time.

Cross-examined by accused Murphy:

I took no notice of how the accused Murphy was dressed.

Sgd. _____

All the other accused decline to cross-examine this witness.

7th Witness - duly sworn states:

On the 28th Sept. '20 I was stationed at Mallow Military Barracks. The strength of the detachment was 38 all ranks. Lieut. _____ was in command. On the morning of that date, about 8.30 a.m. he left with a party to exercise the horses, leaving about 15 men in barracks including myself. About 9.30 a.m. in the course of my duty as Orderly Corporal, I was in my office which looks out to the back of the barrack buildings. While there I heard 3 or 4 shots outside and a little later I heard 1 or 2 more. Then I rushed downstairs & out on to the barrack square, in the direction of the guardroom. I had just gone a few yards when I saw about 30 civilians coming across in my direction from the door beside the main gate. Those I saw were carrying revolvers. I turned back & ran back to the door I had come from & through the passage to the back yard & along in the direction of the back entrance to the guardroom. My rifle was there. The rifles of all men not on duty were kept there. I had gone part of the way when I saw one or 2 civilians who came from the guardroom passage. I then ran upstairs. I saw no one there and no rifles, & again ran downstairs. I saw Pte. _____ at the foot of the stairs. We ran through the passage at the cookhouse & I was held up by 2 civilians who had revolvers. I put up my hands and they took Pte. _____ & me on to the square. I found several of my own men on the square with their hands up. 10 or 12 civilians stood guard on us. After standing there several minutes I noticed the accused Barter whom I now identify. He was running in and out of the main gate which had been opened. He appeared to be hurrying on the men who were removing arms & equipment from the barracks & getting those put on the motor car which was standing outside the main gate. He was 25 to 30 yards from me when I saw him.

I saw him several times. On no occasion was he actually carrying anything out. He was armed with a revolver. I never saw any civilians there disguised in any way. I saw swords, lances, haversacks, water bottles, mess tins and bandoliers being taken out of the barracks by the civilians. While this was going on I saw some of the civilians burst open the magazine in which the petrol was kept, enter it & come out with fire buckets full of liquid. I saw some civilians place hay in the guardroom passage & the room immediately opposite & I saw buckets of liquid emptied on it. The hay was stacked half-way along the barrack square a tarpaulin over it.

We were kept standing on the square for 20 minutes to $\frac{1}{2}$ an hour, & were then marched to a cell in barracks. We were kept there for some time & then went out & found the civilians had all gone. The room & passage in which the hay had been put were just beginning to catch fire. We put the fire out.

When I was marched on to the square I saw a man in khaki lying on the step at the entrance to the guardroom. I saw Pte. _____ & Shoeing Smith _____ carrying him over to the corner of the garden, when I saw it was Sgt. Gibbs.

I next saw the accused Barter at an identification parade in Buttevant. He was lined up with nearly 20 other civilians in the Gym. & I went in & recognised him. After identifying him I was put in a corner of the Gym. with others. Lt. _____ was present on that parade. Orderly Room Sergeant _____ was also there, he took my name.

About the end of Oct. 1920 I was on patrol in conjunction with a party of the Manchester Regt. On the way back to Buttevant we stopped at Mallow where 2 rifles were handed over to our party by the Manchester Regt. On reach Buttevant I handed these 2 rifles to the S.Q.M. Sergeant of C.Squadron.

Sgd. _____

All the accused decline to cross-examine this witness.

8th Witness - duly sworn states:

On the 28th Sept, 1920 I was in the cookhouse at Mallow Military Barracks, where about 9.30 a.m. I heard 7 or 8 shots. I made my way by the back lane towards the guardroom where my rifle was. On the way there I met _____. On entering the guardroom passage I was confronted by 2 civilians each armed with a revolver who made me put my hands up. I was then marched out to the barrack square where several of our men were standing with their hands up _____ was marched out with me. I was there for 10 or 15 mins. While standing there I saw the main gate opened from the inside & a large number of civilians streamed in of whom a great number were armed, some with revolvers & some with carbines having black rifle slings. They were carrying lances, swords, rifles & equipment, and boxes of ammunition out of the barracks. I now identify the accused Murphy as being one of these. He was coming out and in with the party taking away equipment. He had a revolver. There were several others, beside him, carrying revolvers & going in & out of barracks with those who were doing the carrying, but I didn't see him carrying any equipment or arms out of barracks. I also saw another party break into the magazine with a large wooden pole which was stuck up in the garden. The garden had been used as horse-standings. I saw a man named Bolster (who had been working for some days in barracks) point out to the other civilian the hay which was on the square covered with a tarpaulin. It was then put into the guardroom passage. I also saw a tub of oil or petrol being emptied on the bales of hay.

I was then marched to a cell with the other soldiers where we remained until _____ came to the door. I then went out & saw Sgt. Gibbs lying over against the garden. _____ was with him. He was then alive.

I then assisted in putting out the fire in the guardroom passage. The hay had been set alight after I was marched off the square.

The paint of the woodwork was badly scorched by the fire.

I next saw the accused Murphy in the Gymnasium at Buttevant sometime in October. He was lined up with about 13 other civilians & I picked him out. I was marched in alone & after identifying Murphy I was put in a corner of the Gym.

_____ and _____ were present at this parade.

Sgd. _____

All the accused decline to cross-examine this witness.

9th Witness - duly sworn states:

On the night of 23rd October 1920, I was in charge of the curfew patrol in Mallow. About 9.10 p.m. I observed a man running up Fair Street. I overtook him as he entered a house & arrested him. He gave his name as John Murphy. I identify him now.

On the night of 26th Oct. 1920, I proceeded in charge of a patrol to visit a farm in Lahakineen. I posted sentries around the farm including Ptes. _____ and _____ in a lane about 20 yards below the house. While in the house I heard a shout of 'Halt' outside. I went out & found Ptes. _____ and _____ in the lane and 2 civilians with their hands over their heads. I identify the accused McCarthy & Buckley as the two civilians. The 2 sentries handed me two rifles. I examined these rifles & saw they were marked "17 L" on the butts. I put the prisoners & rifles in my Crossley & proceeded back to Mallow. Before proceeding to Mallow I asked the 2 civilians their names & they said Patrick & Daniel McCarthy. Later in the day (27.10.20) I handed over the 2 rifles to the 17th Lancers.

About 10.30 a.m. on the 27th Oct. 1920, I went in company

with a party of the 17th Lancers to Lahakineen. On approaching the same house as I had searched on the previous night my party separated from the 17th Lancers & went on in a tender. On getting within 200 yards of the house I left the tender & approached the house on foot. On getting nearer I observed several men running in a south-westerly direction away from the house. I saw one man actually run from the house. I gave certain instructions to Sergt. _____ I myself ran after the civilians whom I had seen running away. I called on them repeatedly to halt & then fired on them. I eventually overtook them & arrested them all. They put up their hands. I marched them back to the farm. On reaching the farm I saw Sergt. _____ with several civilians lined up against a wall. I took their names. I remember taking the names of the following;- O'Connor of Donoughmore, Denis Barter, John Buckley, David Buckley, John Patrick Buckley & John McCarthy. I now identify the acc used Owen Harold & Denis Barter as being among those lined up against the wall. Owen Harold is the man who gave the name of O'Connor of Donoughmore. I searched all the men & found nothing incriminating. I put all these men into the tender & joined the party of the 17th Lancers. I handed over some of the prisoners to the 17th Lancers & took the remainder back with me to Mallow.

I produce the 2 rifles handed to me by Ptes. _____ and _____

Sgd. _____

All the accused decline to cross-examine this witness.

10th witness - duly sworn states:

On the 27th Oct. 1920, I was on patrol with 2/Lt. _____ proceeding from Mallow to the Mourne Abbey District. On arriving near a farmhouse situated on a hill I was given certain orders by 2/Lt. _____ In consequence I took four men towards the back of the house. On reaching a point about

40 yards from the house I saw several civilians getting over the garden wall at the back of the house, in my direction. I challenged them & they put up their hands. I kept them by the garden wall until 2/Lt. _____ came up. He searched and questioned them. One of them gave his name as O'Connor of Donoughmore. Later at Mallow he said his name was Owen Harold I identify Owen Harold now. He said he was loyal & had no connection with the Sinn Fein movement. Another man gave his name as Denis Barter; he also stated he was loyal & had no connection with Sinn Fein. I identify Denis Barter now. I also identify the accused McCarthy; he was brought to Mallow on the previous night. I identify the accused Murphy. I saw him at Mallow Barracks.

The civilian prisoners were then taken in a Crossley to a lorry of the 17th Lancers about 2 miles from where we arrested them & 5 or 6 were transferred to it. The remainder we took to Mallow. The accused Owen Harold was not transferred to the lorry.

Cross-examined by accused, Harold:

The accused Harold gave his name as O'Connor in the yard at the farm. 2/Lt. _____ was then present. I was present when accused Harold admitted that was his name. Harold was in the centre of the barrack square when he admitted this: he was standing still at the time.

Sgd. _____

All the other accused decline to cross-examine this witness.

11th Witness: duly sworn states:-

On the 25th or 26th Oct. 1920, I was on patrol near Mourne Abbey with 2/Lt. _____ We went by motor from Mallow. On reaching a house about midnight I was posted as a sentry with Pte. _____ about 50 yards from the house on the road. We had been there from 20 mins. to half an hour when we heard foot-

steps, & 2 civilians came up the road. Pte. _____ shouted 'Halt'. Each was carrying a rifle on his shoulder. They laid their rifles against the bank & came up to us with their hands up. They were about 10 yards from us when Pte. _____ shouted 'Halt'. We took the 2 civilians up to the house where we handed them over to 2/Lt. _____ We then went down the road & found 2 rifles against the bank at the side. We handed those rifles to 2/Lt. _____ They were ordinary short service rifles. We went back to Mallow shortly afterwards. At Mallow I heard the 2 civilians give their names as Dan McCarthy and Patrick McCarthy. I identify the accused McCarthy now present as being one of the civilians.

I did not examine the rifles.

Sgd. _____

All the accused decline to cross-examine this witness.

12th Witness: duly sworn states:

On the night of 26-27 Oct. 1920, I was on patrol with 2/Lt. _____ near Mourne Abbey. I was placed on sentry on road with Pte. _____ about 50 yards from a house. I had been there 20 minutes to half an hour when I heard footsteps. Two civilians then came round the bend of the road. I saw they were carrying something on their shoulders. We both shouted 'Halt, put your hands up' which they did. One of them handed something to the other who went to the side of the road. They then both came forward with hands up. We took the men up to the lorry & handed them over to the officer in charge of the party, 2/Lt. _____. We then went back to where we had held up the two civilians & found two rifles standing up against the bank. We took the rifles back & handed them to 2/Lt. _____. I didn't look at the rifles.

Shortly after, we left for Mallow with the 2 civilians. I didn't hear the 2 civilians give their names.

I now identify the accused Owen Harold as one of the two civilians. I am quite sure he was one of them.

Sgd. _____

All the accused decline to cross-examine this witness.

All the accused decline to make any statement & reserve their defence. I certify that the evidence contained in this Summary of Evidence has been taken down by me at the Military Detention Barracks, Cork, on the 20th, 21st & 22nd days of April 1921, in the presence & hearing of the accused in accordance with the provisions of the Army Act & Rules of Free Procedure made thereunder, & that the requirements of Rule of Procedure 4(c) (d) & (e) has been complied with.

Sgd. _____

for Competent Military Authority.

Statement of evidence in the case of John Murphy, David Buckley, Denis Barter, Owen Harold, Daniel McCarthy and Timothy Breen.

13th Witness states:

I remember the 28th Sep. 1920. I was acting as Barrack labourer, at Mallow Military Barracks for Army Service Corps. The 17th Lancers were stationed there at the time. At about 9.10 a.m. Sgt. Gibbs of the 17th Lancers & I began working together at a hose to connect the hydrant with a trough for the military horses. We were working in the Barrack square at a point about 40 yards from the main gate, 30 yards from the main building & 35 yards from the forge. Sgt. Gibbs had no arms so far as I could see. At about 9.30 a.m. the sentry beckoned to us. The Sergt. had taken about 2 paces towards the sentry when I saw a civilian grab hold of the sentry. The Sergt. then turned towards the block of buildings. Then I saw another civilian come through the wicket. He fired

2 shots when at the gate & about 2 more after he entered and I'm not sure at whom he fired them. I went towards the W.C. which is away from the building & remained there till all was over about $\frac{1}{2}$ hour. I did not see Sgt. Gibbs fall as I was away at the other side of the square. I only saw 2 civilians & could not recognise them again.

Sgd. _____

Second Charge Sheet

The accused John Murphy of Fair Street, Mallow, David Buckley of Farrin, Mourne Abbey, Denis Barter of Kilquain, Mourne Abbey, Owen Harold of 42 Bank Place, Mallow, Daniel McCarthy of Lahakineen, Mourne Abbey, and Timothy Breen of Brittas, Lombardstown, all in the County of Cork, Ireland, civilians are charged with:

1st charge	Committing an offence against Regulation No.32
R.O.I.R.	of the Restoration of Order in Ireland
Reg. 32.	Regulations that is to say, by the discharge of firearms endangering the safety of members of His Majesty's forces

in that they

At Mallow, in the County of Cork, Ireland, on the 28th Sept. 1920, together with other persons unknown, during a raid upon the Military Barracks at Mallow, aforesaid, discharged revolvers & thereby endangered the safety of certain non-commissioned officers and men of the 17th Lancers then quartered in the said Barracks.

Charge Sheet

The accused Denis Barter of Kilquain, Mourne Abbey, in the County of Cork, Ireland, a civilian, is charged with:

1st charge	Contravening the provisions of an order made by
D.R.R. 9 A.A.	the competent Military Authority under Regulation 9 A.A. of the Defence of the Realm Regulations & in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say: Having firearms not under effective military control

in that he,

At Mourne Abbey in the County of Cork, Ireland, on 27th Oct. 1920, did, contrary to an order of the Competent Military Authority, dated 28th Sept. 1918, have firearms, namely three rifles, not under effective military control,

2nd charge
D.R.R. 9 A.A.

Contravening the provisions of an order made by the Competent Military Authority under Regulation 9 A.A. of the Defence of the Realm Regulations & in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say: Having ammunition not under effective military control

in that he

At Mourne Abbey in the County of Cork, Ireland, on 27th Oct. 1920, did, contrary to an Order of the Competent Military Authority, dated 28th Sept. 1918, have ammunition, namely certain rounds of .303 ammunition, not under effective military control.

Charge Sheet

The accused, Daniel McCarthy of Lahakineen, Mourne Abbey, in the Co. of Cork, Ireland, a civilian is charged with :-

1st charge
D.R.R. 9 A.A.

Contravening the provisions of an Order made by the Competent Military Authority under Regulation 9 A.A. of the Defence of the Realm Regulations & in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say:-

Having firearms not under effective control

in that he

At Mourne Abbey, in the County of Cork, Ireland on the 27th Oct. 1920, did, contrary to an Order by the Competent Military Authority dated 28th September 1918, having firearms, namely, one rifle, not under effective military control.

