

W.S. 1,227

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILÉATA 1913-21
No. W.S. 1227



BUREAU OF MILITARY HISTORY, 1913-21.
STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 1,227.....

Witness

Timothy Tierney,
Burke Street,
Fethard,
Co. Tipperary.

Identity.

Captain 'F' Company 2nd Battalion 3rd Tipperary
Brigade, 1920 - ;
Lieutenant 'A' Company, same Battalion, later.

Subject.

National activities, Ballyfowloo, Co. Tipperary,
1914-1921.

Conditions, if any, Stipulated by Witness.

Nil

File No. S.2537.....

ORIGINAL

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BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 1227

STATEMENT BY MR. TIMOTHY TIERNEY,
Burke Street, Fethard, Co. Tipperary.

I was born in the year of 1896 at Monamaigh, Cashel, Co. Tipperary. I attended Mockler's Hill national school until I was ten or eleven years of age, after which I continued my education at the Christian Brothers' primary and secondary schools in Cashel.

In March of 1914 a company of Irish Volunteers was formed in Cashel, and it must have been in or about the same time that another company was formed at Ballyfowloo. I cannot now recall the circumstances in which the latter company was formed, nor do I remember the names of any of the speakers at the initial meeting, but I distinctly remember joining this company on the evening or night on which it was formed. As in most places at the time, there was a good deal of enthusiasm for the Volunteer movement. The population around Ballyfowloo is small, but still we had a membership of seventeen or eighteen. A man by the name of O'Hara was appointed drill instructor. The only arms available were some shotguns which were the private property of individual members, but we made wooden guns which we carried on the parades and with which we learned some arms drill.

About September of 1914 a review of Volunteer companies was held in Fethard. I cannot now say how many companies took part in it. It was held on a Sunday, and our company marched from Ballyfowloo for the occasion. The salute at the march-past was taken by The O Rahilly,

who was afterwards killed in the Insurrection of 1916.

The split in the Volunteer movement, which took place towards the end of 1914, did not affect our company in any way. As a matter of fact, I knew nothing about it until the following April, i.e., April of 1915. On a Sunday in that month, with about nine other members of the Ballyfowloo company, I went to Dublin and took part in the review of the Irish National Volunteers which was held in the Phoenix Park. The salute was taken by the late John E. Redmond, leader of the Irish Parliamentary Party, who also addressed the assembled Volunteers.

When leaving the Phoenix Park after the review, I met a cousin of mine, named William O'Dea, who was then resident in Dublin. He asked me what I was doing there and, in rather forcible language, he told me that I was in the wrong Volunteers. From him, I first heard of Eoin McNeill and learned of the Irish Volunteers as distinct from the Irish National Volunteers, or the Redmondite Volunteers, as O'Dea called them. Up to this, I had always looked on John Redmond as the leader of the Irish people - to me he was a little god - but this talk with my cousin opened my eyes and; after my return home I took no further interest in the company as it then existed. At any rate, it did not last much longer. The members had lost their enthusiasm for drilling and parading and, by the end of 1915, it was a thing of the past.

I had no further connection with any national movement until the reorganisation of the Irish Volunteers in 1917 when I joined the newly formed Irish Volunteer Company in Cashel. At that time, I held the position of

assistant manager of Coolmoyne creamery. Thomas Taylor was Company Captain of the Cashel Company at the time I joined it, and Edward Grogan was 1st Lieutenant. I cannot say if the Cashel, or 2nd Battalion, was formed at the time but, whenever the late Paddy Hogan of Cashel attended the Company parades or meetings, he was always looked upon as the senior officer. The parades were usually held in fields near Cashel, and the meetings in the Sinn Féin hall. For arms, we were again dependant on the shotguns privately owned by members but at this time, in 1917, we did not have much use for them. A weekly subscription of sixpence was collected from each member. This subscription was intended to build up an arms fund and, in addition to the weekly subscription, we held a public collection for the arms fund. The monies so received were handed over to the Battalion funds.

The first activities which I can recall were when the Volunteers commenced to put tricolour (green, white and orange) flags flying from prominent positions, such as the tops of trees along main highways, or near or in towns and villages. This kept the R.I.C. men busy going out and taking them down. At Coolmoyne creamery, where I was employed, we affixed a pole to the high chimney of the creamery and placed a tricolour flag flying from the top of it. After a few days, the R.I.C. men came along to remove it but, as they had no means of reaching it, they reluctantly took their departure, leaving the flag still flying. As, after some time, the pole showed signs of burning from the heat of the chimney, we substituted it by a flagstaff of galvanised piping and the flag flew there for many a day until it eventually rotted away.

Except for organisation and general routine company work, I cannot recall any incidents of particular note during the years of 1918 or 1919. A few attempts were made to form an Irish Volunteer company in Ballyfowloo where, as I have mentioned, I was a member of the Irish National Volunteers in 1914 and 1915 but, owing to the lack of interest, only four men turned up to the meeting one night, we did not get going there until 1920. Then we managed to get fifteen or sixteen men together at a meeting, and it was decided to form a company. I was elected Company Captain, Dan Ryan, Company Lieutenant, Thomas McGrath, Company Adjutant, and Thomas Morrissey, Company Quartermaster. Although this company was designated "F" Company, 2nd Battalion, and though we built up its strength to twenty-five, it was always looked upon or considered as a section of "A", or the Cashel Company and, after some time, it was embodied in the latter Company, of which I was appointed 1st Lieutenant.

There were no vacated R.I.C. barracks in the Cashel area at the time the general order was received for the destruction of all evacuated R.I.C. barracks at Easter of 1920.

On 1st July, 1920, I attended a 7th Battalion council meeting which was held at Moyglass. I cannot now say in what capacity I was present at the meeting. It may have been to collect any revolvers which were in need of repair, for at that time I was in the habit of collecting any such weapons and bringing them to a man named Jack Morrissey who did the repairs in the creamery in Cashel. At the meeting it was decided to attack next day a party of R.I.C. men from Ballinure who, on the 2nd of each month,

cycled to Cashel for their pay. The late Tommy Donovan, then O/C of the 7th, or Drangan, Battalion, was present at the meeting and it was arranged that he, with some of his men from the 7th Battalion, would undertake the operation at a place called Newtown, about midway between Dualla and Ballinure and about six miles from Cashel. The idea was that Donovan and his party would lie in ambush for the police on their return journey from Cashel, call on them to halt and surrender their arms and, only in the event of the police offering resistance, would they be fired on. It was expected that the R.I.C. party would consist of four or five men.

Things worked out more or less to plan except that the police did attempt to use their arms, and I understand that one of them, Sergeant Tobin, actually fired a shot. The Volunteer party then opened fire. Sergeant Tobin was shot dead and a constable was wounded. The remainder of the R.I.C. then surrendered their arms and were allowed to continue their journey to Ballinure. This incident has always been referred to locally as the Newtown ambush.

Again in July, 1920, elaborate arrangements were made by the Brigade Staff for an attack on Clerihan R.I.C. barracks. The task allotted to our battalion was to block the Cashel-Fethard, Cashel-Clonmel and Cashel-Cahir roads. This was done by felling trees at various points across the roads. To do this work properly, it was necessary to sub-divide the men from the various companies into parties or, in other words, to put men from the country companies working with men from town companies. Townsmen would not have the same knowledge of, or skill in the cutting and felling of trees as their country brethren. During the night, with the late Paddy Hogan, then,

Battalion O/C, I visited the parties working on all three roads. All through the night we awaited news and listened anxiously for the sound of gun-fire from the direction of Clerihan, but without result. Hogan was armed with a rifle which he was very keen to use and, unable to restrain himself any longer, he mounted his bicycle and said he was going to Clerihan. Towards morning we received word that the attack was off and that we could return to our homes. There was a story at the time that, when the attacking party went into position, it was discovered that the garrison had evacuated the barracks that evening. I cannot say if that is true but, if they were not evacuated at the time of the proposed attack, they were certainly evacuated very soon afterwards - certainly within a day or two.

Towards the end of August or early in September, 1920, what came to be known as the general raids for arms took place. In the Cashel and Ballyfowloo areas, with one exception, these could scarcely be called raids in the strict sense of the word. It was generally only a matter of calling to the houses - mostly those of farmers - where it was known that shotguns were kept and, as a rule, the gun or guns were handed over. In the Ballyfowloo area we collected about twelve or fourteen shotguns. These we kept in a dump or dug-out which we made in an old fort or rath. When preparing the dump, we excavated sufficient earth, so that, in addition to the guns, the space provided was ample to accommodate and shelter three or four men. The roof and sides were buttressed up with timber on the inside and, when the grass was replaced, the dump was, I might say, undetectable.

The exception, which I have mentioned in the

preceding paragraph, was in the case of a man named George Wallis, a civil bill officer who was reputed to have a revolver. His house was situated in Cashel, within a hundred yards of the military barracks. One night, accompanied by a Volunteer named Paddy Keane, I went to Wallis's house to raid for the revolver. I was armed with an out-of-order Colt revolver which would have been all right to frighten a person but was absolutely useless if the police or military came along. I stood at the door to keep guard while Keane went inside to search the house. Mrs. Wallis started to scream and shout and to attract attention. Keane's search had to be a rather hurried one and it met with no success. We returned to the Sinn Féin hall and, without delay, collected our bicycles and were only barely away when police and military arrived to search the hall.

In connection with this incident, Mr. John Maher, now Town Clerk in Cashel, was arrested, tried and sentenced to a term of imprisonment. He had no hand, act or part in it and, at his trial, it was proved by Mr. William Power, V.S., Cashel, that Maher was with him in Mitchelstown, Co. Cork, at the time the incident took place. In appearance, Maher was rather like Keane, and it must have been on the evidence of identification that the British officers on the court found him guilty. Wallis was subsequently executed by the Volunteers for spying, but I will refer to this aspect of the matter later on in this narrative.

On or about the 18th December, 1920, James Looby, a member of the Dualla Company, and a man named William Delaney were arrested by British forces and were taken to

the barracks in Cashel. That night they were taken in a lorry under escort from the barracks in Cashel with, I understand, the intention of bringing them to the barracks in Tipperary town where prisoners were usually detained for a few days before being sent to Limerick Prison. When the lorry reached Kilfeacle, the escort shot both prisoners dead and then returned to Cashel, bringing the bodies with them.

That same night a party of British forces raided Flanagan's house at Ballysheehan. Laurence Looby, a brother of James, and a man named Patrick Nolan chanced to be in Flanagan's at the time of the raid. Patrick Nolan was a man whom they (the British) were particularly seeking. When asked his name, he replied, "Patrick Nolan", giving it the usual local pronunciation of Nowlan. This must have deceived them for they took no further notice of him, although the name, Patrick Nolan, was on a list which they had with them. When they heard that the second man's name was Looby, the raiders took Laurence Looby with them from the house and shot him on the road nearby, leaving his body on the roadside.

Next morning rumours circulated in Cashel that the two prisoners, James Looby and William Delaney, had been shot the night before. I don't know how it came to light, but relatives of both men called to the barracks and asked to be permitted to see the prisoners, and it was then they were told that the men were dead, and the bodies were handed over to the relatives for burial. The two Looby's were buried together in the Republican Plot in Dualla cemetery where Pierce McCann, who had died in Gloucester prison almost two years previously, is also buried.

On the 4th March, 1921, Constable Besant of the R.I.C. was shot dead in Cantwell's public house in Cashel. Besant, an Englishman, was in the habit of frequenting Cantwell's and was keeping company with Miss Cantwell, daughter of the proprietor of the public house. It was freely stated at Battalion council meetings, at which the matter was discussed, that Besant was paying his respects to Miss Cantwell simply and solely for the purpose of getting all the information he could from her. I knew, of course, that he was under suspicion but I cannot say who gave the instruction to shoot him. He was shot by the Battalion Commandant, the late Paddy Hogan, who was accompanied by a Volunteer named Thomas Nagle. Miss Cantwell was wounded by one of the shots on the same occasion.

On the 10th May, 1921, Coolmoyne creamery, where I was employed, was raided by a party of R.I.C. and British military from Fethard. The manager was absent and I was in charge of the creamery at the time. The officer in charge of the raiding party appeared to be a cool, level-headed type of man. He told me that he was about to search the premises and that he wished me to accompany him while the search was in progress. In the boiler room, underneath a bag of waste cloths, the searching party found a miniature rifle. I had seen an employee of the creamery putting a wooden foresight on this rifle about a week before and, as creameries were then being frequently raided, I warned him not to keep it on the premises. He assured me that he would remove it that evening and I gave the matter no further thought.

The officer in charge asked me if I could account for the rifle and I replied that I could not, that I knew nothing about it. After some further questions, he

told me that, he was placing me under arrest and that he was going to go to Monameigh to search my home. This gave me a bit of a shock for I knew that the late Patrick Casey, then the Battalion Adjutant, and Patrick O'Loughlin, the Battalion Quartermaster, had stayed in my house the night before. I also knew that they were expecting a guide to call for them at 11 a.m. to take them to the Brigade Headquarters at Rosegreen and, as it was then about 2 p.m. in the afternoon, I was hoping against hope that the guide would have arrived and that both men would have left by the time we got there. Patrick Casey had a lot of Battalion documents and correspondence with him which he carried about in an attaché case.

When we arrived at my home in Monameigh, Casey and O'Loughlin were still there. Both were captured in an outhouse. A revolver was found on O'Loughlin and the attaché case, containing the Battalion documents, was got with Casey. Casey also had with him a small fancy automatic revolver which originally was the property of the late Pierce McCann. This he managed to throw into a heap of grain in the outhouse. It was never subsequently found, and I believe that it must have been picked up and kept by some member of the raiding party who said nothing about it.

We were taken to the military barracks in Fethard and thence to the barracks in Tipperary town. Here we parted with O'Loughlin who was taken to the military barracks in Cork where, some weeks later, he was tried by court martial and sentenced to death for being in possession of the revolver. The Truce, however, intervened in time to prevent his execution.

Casey and I were taken to Fermoy military barracks where, on the 8th June, 1921, we were tried, separately, by court martial. At that time an order had been issued by either General Headquarters or the Brigade Headquarters that Volunteer prisoners were to recognise the courts and were to defend themselves at their trials. We were defended by the late Mr. J.J. Skinner, Solicitor, Mitchelstown. Casey admitted that he was a battalion adjutant and he took full responsibility for the documents. He was sentenced to nine months' imprisonment with hard labour.

During my trial, one of the principal witnesses for the prosecution broke down under cross-examination by Mr. Skinner. He was one of the officers who was with the raiding party at Coolmoynes creamery on the day of my arrest. He did his utmost to evade Mr. Skinner's questions, so much so that the President of the Court spoke to him and told him that there was no good in his evading the questions and that he should answer them to the best of his ability. Pressed by Mr. Skinner, he reluctantly admitted that members of the public had access to the boiler room of the creamery where the miniature rifle was found. This must have swung the case in my favour for, to my surprise and astonishment, I was acquitted and released.

I returned to the Cashel district. It was shortly after my return that George Wallis, the civil bill officer in Cashel, to whom I have already referred, was shot for spying and giving information to the enemy. Wallis used to go under military escort to serve summonses, and rumours had it that he was in the habit of sneaking around houses and places in the country in the hope of

picking up some information for the enemy. I cannot now recall what particular incident it was which led to the decision to shoot him, although I heard it discussed at a battalion council meeting at the time. I have an idea that, during the weeks I was under arrest, Seán Downey, then the Battalion Commandant, set some trap for Wallis which proved without any doubt that he (Wallis) was spying for the British. He was shot on the evening of the 14th June, 1921, at a place called The Commons, near Cashel, on the Cashel-Clonmel road.

About this time too Coolmoyne creamery, where I worked, was closed by order of the British authorities. The British military party who came to enforce the order took away the driving shaft of the engine and sealed the entrances before leaving. I think the creamery remained closed for about three or four weeks before it was permitted to re-open.

There is just one other incident which I would like to record. During the period the creamery was closed, I considered it advisable to go on the run and I spent some short time in the New Inn district with Seán Downey, the Battalion Commandant. At the time a party of Volunteers under Paddy Byrne, the Battalion Vice Commandant, were holding a man, named Cummins, a prisoner at Meldrum House, then occupied by a caretaker only. I cannot tell you anything of Cummins' history but I understand that he had been found guilty of spying. What the specific charge against him was, I cannot now recall - perhaps I never heard it. One evening at New Inn, Seán Downey told me to go to Meldrum House and to tell Byrne

to shoot Cummins and for ~~him~~^{he} (Byrne) to leave the body on the road between the two public houses in the village of Dualla. Downey's orders were duly carried out, and a label, with the inscription, "Executed by the I.R.A.! Spies and Informers, beware!", was placed on Cummins' body where it lay on the road at Dualla. This happened on the 8th July, 1921, just a few days before the signing of the Truce.

As the Bureau of Military History is interested in the collection of documents relating to the struggle for independence, I have pleasure in presenting herewith my charge sheet and the summary of evidence which I received in connection with my court martial by the British military authorities in June of 1921. (See Appendix "A".)

SIGNED:

Timothy Tierney

(Timothy Tierney)

DATE:

18th August 1955.

18th August 1955.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILITIA 1913-21
NO. W.S. 1227

WITNESS

J. Grace
(J. Grace)

COPY/

No. W.S. 1227

C H A R G E S H E E TCopy for Accused.

The accused TIMOTHY TIERNEY of MONAMEIGH, CASHEL in the County of TIPPERARY, Civilian is charged with:-

1st Charge. Reg. 9AA R.O.I.R.

Contravening the Provisions of an order made by the Competent Military Authority under Reg. 9AA of the Defence of the Realm Regulations and in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say:- having fire-arms not under effective Military control

in that he,

at Coolmoynes, CASHEL in the County of TIPPERARY, on the 10th of May 1921 did contrary to an order of the Competent Military Authority dated 28th September 1918 have fire-arms namely 1 Rook rifle not under effective Military control.

2nd Charge. Reg. 79(2) R.O.I.R.

Having in his possession without lawful authority or excuse a document purporting to relate to the affairs of an unlawful association within the meaning of Sect. 7 of the Criminal Law and Procedures (Ireland) Act 1887 to wit the Irish Volunteers in contravention of Regulation 79(2) of the Restoration of Order in Ireland Regulations,

in that he,

at Monameigh, Cashel in the County of TIPPERARY on the 10th of May 1921 without lawful authority or excuse had in his possession a document purporting to relate to the affairs of an unlawful association, namely a Cash Book containing "Inter-Alia" the following entries (1) "Cdt. Orders 16.2.21. Roads to be trenched and walled on night of 17th". (2) "Active Service Group to link up on Monday night 7.30 at S. Cdt. in charge".

3rd Charge. Reg. 79(2) R.O.I.R.

Having in his possession without lawful authority or excuse a document purporting to relate to the affairs of an unlawful association within the meaning of Section 7 of the Criminal Law and Procedure (Ireland) Act 1887 to wit "the Irish Volunteers" in contravention of Reg. 79(2) of the Restoration of Order in Ireland Regulations

in that he,

at the place and date set out in the particulars of the 2nd Charge without lawful authority or excuse had in his possession a document purporting to relate to the affairs of an unlawful association namely an exercise book containing "inter alia" a record of proceedings at 2nd Battalion No. 3 Brigade Council Meetings in 1921.

For trial by F.G.C.M. on Wednesday,
June 8th, 1921.

CASE OF TIMOTHY TIERNEY OF CASHEL.SUMMARY OF EVIDENCE TAKEN ON OATH IN THE PRESENCE OF THE
ACCUSED.Prosecution. 1st Witness.

On the 10th May 1921 acting on information received I proceeded with a patrol of Military and Police to Coolmoyn Creamery on the FETHARD and CASHEL road.

We arrived about 10.30 hours. I searched the Creamery accompanied by the Accused who was the sub-manager of the Creamery. In one corner of the Engine House hidden under some rubbish I found a .22 Rook Rifle. It was in good order, oiled and appeared to have been recently used. I asked the Accused what he knew about this rifle, and he said he didn't know anything about it at all. He said he was in charge of that part of the building.

I then arrested the Accused and we went on to his house at Monameigh, CASHEL, taking him with us.

There we found two rebels on the run whom we arrested. I searched the house. The Accused's parents who are of advanced age live in the house.

Q.1. Did I say I was in charge of that part of the Creamery.

A.1. Yes, you did.

The Accused declines to cross-examine this witness further. SGD/.

2nd Witness.

The 2nd Witness being duly sworn states:-

On the 10th May 1921 I was a member of a patrol from Fethard which searched the home where the Accused TIMOTHY TIERNEY now present lives at MONAMEIGH, CASHEL. I searched the parlour and behind the looking glass I found the Cash Book now produced which contains notes of meetings and Cdt. orders.

The Accused declines to cross-examine this witness. SGD/.

3rd Witness.

The 3rd Witness being duly sworn states:-

On the 10th May last I was a member of a patrol which searched the house where the Accused TIMOTHY TIERNEY lives. I searched the front room on the ground floor and I found the exercise book now produced lying on the top of a low cupboard. It was not concealed in any way. There were also on the top of the cupboard several envelopes one of which was addressed to Intelligence Officer Batt 2 Tipperary III Brigade.

Not cross-examined by the Accused. SGD/.

The Accused being duly warned reserves his defence.

R.P. 4 (c) (d) and (e) complied with.

Taken down by me in the presence of the Accused this 28th day of May, 1921 at FERMOY.

SGD/.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
NO. W.S. 1227

CASE OF TIMOTHY TIERNEY OF CASHEL.

SUMMARY OF EVIDENCE TAKEN ON OATH IN THE PRESENCE OF THE ACCUSED.

Prosecution. On the 10th May 1921 acting on information received I
1st. Witness. proceeded with a patrol of Military and Police to COOLMOYNE
Creamery on the FETHARD and CASHEL road.

We arrived about 10.30 hours. I searched the Creamery
accompanied by the Accused who was the sub-manager of the
Creamery. In one corner of the Engine House hidden under some
rubbish I found a .22 Rook Rifle. It was in good order, oiled
and appeared to have been recently used. I asked the Accused
what he knew about this rifle, and he said he didn't know any-
thing about it at all. He said he was in charge of that part of
the building.

I then arrested the Accused and we went on to his house at
MONAMEIGH, CASHEL taking him with us.

There we found two rebels on the run whom we arrested. I
searched the house. The Accused's parents who are of advanced
age live in the house.

Q.I. Did I say I was in charge of that part of the Creamery.

A.I. Yes, you did.

The Accused declines to cross-examine this witness further.

SGD/.

2nd. Witness. The 2nd. Witness being duly sworn states:-

On the 10th May 1921, I was a member of a patrol from
Fethard which searched the home where the Accused TIMOTHY TIERNEY
now present lives at MONAMEIGH, CASHEL. I searched the parlour
and behind the looking glass I found the Cash Book now produced.
which contains notes of meetings and Cdt. orders.

The Accused declines to cross-examine this witness.

SGD/.

3rd. Witness. The 3rd. Witness being duly sworn states:-

On the 10th May last I was a member of a patrol which
searched the house where the Accused TIMOTHY TIERNEY lives.
I searched the front room on the ground floor and I found the
exercise book now produced lying on the top of a low cupboard.
It was not concealed in any way. There were also on the top of the
cupboard several envelopes one of which was addressed to
Intelligence Officer Batt 2 Tipperary III Brigade.

Not cross-examined by the Accused.

SGD/.

The Accused being duly warned reserves his defence.

R.P. 4 (c) (d) and (e) complied with.

Taken down by me in the presence of the Accused this 28th day of
May, 1921 at FERMOY.

SGD/.

G. H. O'Connell

The accused TIMOTHY TIERNEY of MONAMEIGH, CASHEL in the County of TIPPERARY, Civilian is charged with:-

1st Charge.
Reg. 9AA R.O.I.R.

Contravening the Provisions of an order made by the Competent Military Authority under Reg. 9AA of the Defence of the Realm Regulations and in force in Ireland as if it had been made under the Restoration of Order in Ireland Regulations, that is to say:- having fire-arms not under effective Military control

in that he,

at COOLMOYNE, CASHEL in the County of TIPPERARY on the 10th of May 1921 did contrary to an order of the Competent Military Authority dated 28th September 1916 have fire-arms namely 1 Rock Rifle not under effective Military control.

2nd Charge.
Reg. 79(2)
R.O.I.R.

Having in his possession without lawful authority or excuse a document purporting to relate to the affairs of an unlawful association within the meaning of Sect. 7 of the Criminal Law and Procedures (Ireland) Act 1887 to wit the Irish Volunteers in contravention of Regulation 79 (2) of the Restoration of Order in Ireland Regulations,

in that he,

at MONAMEIGH, CASHEL in the County of TIPPERARY on the 10th of May 1921 without lawful authority or excuse had in his possession a document purporting to relate to the affairs of an unlawful association, namely a Cash Book containing "Inter-Alia" the following entries (1) "Cdt. Orders 16.2.21. Roads to be trenched and walled on night of 17th" (2) "Active Service Group to link up on Monday night 7.30 at S. Cdt in charge".

3rd Charge.
Reg. 79(2)
R.O.I.R.

Having in his possession without lawful authority or excuse a document purporting to relate to the affairs of an unlawful association within the meaning of Section 7 of the Criminal Law and Procedure (Ireland) Act 1887 to wit "the Irish Volunteers" in contravention of Reg. 79 (2) of the Restoration of Order in Ireland Regulations

in that he,

at the place and date set out in the particulars of the 2nd Charge without lawful authority or excuse had in his possession a document purporting to relate to the affairs of an unlawful association namely an exercise book containing "inter alia" a record of proceedings at 2nd Battalion No. 3 Brigade Council Meetings in 1921.

In trial by J.G. O'Connell on Wednesday

June 9th 1921.