

COURTMARTIAL SEQUEL.

DUAL CHARGE AGAINST
CIVILIAN

On Monday afternoon, at the Victoria Barracks, Cork, before a military Court on active service (or drumhead court-martial), Patrick Casey, of Ballybricken, Co. Limerick, civilian, was charged with (1) committing an offence, in that he, near Kildorrery, Co. Cork, on the 1st May, 1921, was improperly in possession of firearms, namely, a rifle and revolver; and (2) at the same time and place was improperly in possession of ammunition, viz., 50 rounds of rifle ammunition.

The accused was defended by a military officer, who, at the sitting of the Court, suggested that the case should be adjourned to give the accused time in which to prepare his trial, and, if necessary, to call witnesses.

The Prosecutor opposed the application, and said that there could be no possible defence to the charge.

The Court closed to consider the application, and on re-opening the President said they had decided to proceed with the case.

Defending counsel then entered a plea of not guilty.

A military officer swore he was on duty the previous afternoon with a party of about twenty military and nine policemen. They were in four Crossley tenders and one Ford car, and were patrolling from Kildorrery to Mitchelstown. About four miles from Kildorrery they were opened fire on from a hillside about 900 yards away. They saw about fifteen civilians disappearing around the corner, but those men could not have fired at the party. The Crown Forces dismounted and returned the fire. Witness got to the bank on the side of the road, and he could see one or two men up by the side of a bush about 900 yards away. Fire was coming from this direction. Witness took seven men with him down the side of the road towards the place where the firing was coming from towards the hillside. He advanced to within thirty yards of them and in the corner of a field he saw five men. One was firing from the direction of a house. They shot that man. They went across a field and came to a by-road and saw another civilian, who fired at them. They shot that civilian. These two civilians were firing with rifles. There was a man near the bye-road near one of the men who was shot, and he put up his hands. They told him to advance, and as he did so they saw the accused behind a gorse bush firing straight at them with a rifle. He was about 30 yards distant. That man (accused) fired one shot, which passed between witness and the corporal, and then put his hands up and came towards them. They searched him and the corporal found on him a revolver in a holster, a haversack with 50 rounds of rifle ammunition. He identified those articles. The corporal also found the rifle—an ordinary service one—unloaded, but it appeared to have been recently fired with. The accused was handed over to an officer. He had on the belt (produced), on the buckle of which were the words "Irish Volunteers." In the revolver there were four live rounds and two empty cases.

Cross-examined by counsel for the defence, the witness said the belt which the accused was wearing belonged to the Irish Volunteers, and bore the name of that organisation.

When you came across the accused was it not possible for him to escape without your catching him?—There was no way of escape open to him, and he did not attempt it. But could he have escaped?

He had a sporting chance.

You say he fired?—Yes; the bullet passed between me and the corporal.

Are you certain the accused was the man who fired at you?—Yes; I am certain.

A corporal stated that he was with the previous witness, and a party of military and police. When they were about four miles from Kildorrery a shot was fired at them; then a volley was fired at them from a hill about 900 to 1,000 yards away. The lorries stopped and the party dismounted and replied to the fire. Witness, the previous witness, and about seven others went along the road and across hedges until they came to the place where they had at first seen fire opened. Witness and the officer went to the right. He saw a man firing in the direction of the cars from about 90 yards. They shot him. They went across a field and saw a man firing at them from a hedge. The officer fired at the man, who turned around and fired straight at them from a distance of about 30 to 40 yards. The man then threw up his hands, and witness beckoned at him to come forward. The man then threw down his rifle and came towards them.

Judge-Advocate—When did the officer fire?

Witness—When the man fired at us, and the bullet passed between us.

Continuing, witness said he identified the rifle, revolver, holster, and ammunition as that which he found with accused. They killed two civilians. One of them had a breach-loading rifle, and the other had a haversack with two bombs in it. Witness identified the accused as having fired at them.

This closed the case for the prosecution.

STATEMENT BY ACCUSED.

The accused (sworn) stated he volunteered during the elections to keep order, but since then did not belong to the Volunteers, or take any part in politics. His house was searched by police, and he went to Dublin, and returned three weeks ago. He was looking for work, and at Kilfinane he met some men; they were Volunteers, who took him to a house and gave him tea. He was told to be at a place—at the butt of the hill—at one o'clock. He gave witness the revolver, rifle, and ammunition. He (accused) did not want to go, but the other man said he should go. They then went along, and when he saw the lorries coming he ran through a yard and up the hill. He fired two shots with a rifle. He never worked a rifle before, and was forced to do it. He has a father and six sisters to support. He did not fire at the corporal and officer.

To the Prosecutor—His home is in Limerick, about eighteen miles away. He came towards Kildorrery on Saturday, and stayed in the hills. He was in Dublin since November and got no work to do, but his brother was keeping him. He was "on the run." He came from Dublin three weeks ago, and visited his home once. He met the man who compelled him to take the rifle and revolver at one o'clock the previous day. He did not fire at the officer and corporal but fired two shots in the direction of the road, because he was made fire them.

The Prosecutor said the evidence against the accused was so damning that it was unnecessary for him to add anything to what they had heard. He admitted firing two shots, and that he was on the run. Owing to the clever action of the officer and corporal yesterday the man was captured. The usual cowardly methods of the Volunteers were to fire at the troops from behind hedges, and then try to escape. The accused was guilty of the most severe offence that a man could possibly be guilty of in a martial law area, and he (Prosecutor) asked the Court to give the accused the justice he had asked for.

Counsel for the defence submitted that the accused was a victim of circumstances over which he had no control. The story he had told the Court was not an unreasonable one. He had been on the run, but it was not for any political offence. He had been wandering about the country looking for work, and had met this man — who asked him to do a message for him by taking the rifle, revolver, and haversack to a certain place. Accused admitted having fired two shots, but those shots were not fired at the military.

The Court then closed to consider its finding.

On re-opening, the President asked the Prosecutor if there was any evidence as to this man's character or antecedents?

Prosecutor—No, sir.

President—Do you wish to make any further statements?

The accused referred the Court as to the evidence of his character to two police sergeants, giving the address of one of them.

The Court then closed.

Precept and Practice.

Sir Nevil Macready, in an interview given to an American journalist, published in the "Morning Post," is reported to have said:—

"We try the men formally, the trials are given full publicity, and every man, before he is executed for murder, has weeks to make peace with God. Furthermore, in every case of conviction for murder the case goes to the Judge Advocate General, in London, and he has to be convinced of the legality of the finding before we go any further. The care taken in those cases is enormous."

Yet a report issued by G.H.Q. yesterday set forth the tragedy of Patrick Casey, who, within the space of 25 hours, was arrested near Mitchelstown, tried by court martial, sentenced to death, had his sentence confirmed and carried into effect. Where did the Judge Advocate General in London come in? Was the process of convincing him of the legality of the finding also included in that crowded period of 25 hours?

Where were the weeks which the condemned man was allowed to make peace with God? The Prime Minister's evening paper headed the news of the fate of Casey—"Speedy Justice. Captured and Executed Within 25 Hours." Major Mackenzie Wood has given notice to question the Premier to-morrow about the precept laid down by General Macready and the practice followed in the shooting of Casey. ©INA