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**CLOSED
UNTIL**
1992

C2.

Form for Assembly and Proceedings of Field General Court Martial.^(a)

PROCEEDINGS.

* State the place and country.

At* Cork, Ireland, this 4th day of May, 1916.

A. Order convening the Court.

† This or the following paragraph should be used according to circumstances, the one not required being ruled through.

~~† [If Troops are not on Active Service.]~~

WHEREAS complaint has been made to me, the undersigned, an Officer in Command of _____, in the above-named country, that the persons named in the annexed Schedule, being subject to Military Law, and under my Command, have committed the offences in the said Schedule mentioned, being offences against the property or person of inhabitants of or residents in the above-mentioned country.

~~[If Troops are on Active Service.]~~

WHEREAS it appears to me, the undersigned, an Officer in Command of the Troops in Cork, as a Competent Military Authority, under the Defence of the Realm Regulations, ~~on active service~~, that the persons named in the annexed Schedule, and being subject to Military Law, have committed the offences in the said Schedule mentioned.

And I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; ~~[and that it is not practicable to delay the trial for reference to a superior qualified Officer.]~~ and that the offence is not of a minor character.

‡ Omit except where convening Officer is not a Commanding Officer, and is below rank of Field Officer.

I hereby convene a Field General Court Martial to try the said persons, and to consist of—

<i>President.</i>		
Rank.	Name.	Regiment.
<u>Major</u>	<u>R.G.B. Jeffreys,</u>	<u>3rd Bn. Royal Dublin Fusiliers.</u>
<i>Members.</i>		
Rank.	Name.	Regiment.
<u>Captain</u>	<u>J.E. Massy,</u>	<u>3rd Bn. Royal Dublin Fusiliers.</u>
<u>Captain</u>	<u>J.R. Frend,</u>	<u>3rd Bn. Leinster Regiment.</u>

§ Omit except where the Court Martial consists of two Officers only.

~~[§ I am of opinion that three Officers are not available, having due regard to the public service.]~~

(Signed)

Walter Guinness Colonel,
Commanding the Troops in Cork.

(a) See Rules of Procedure, 105-123.

I certify that the above Court assembled on the 4th day of May 1916, and duly tried the persons named in the said Schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that Schedule.

B.
Certificate of
President as to
proceedings.

Signed this 4th day of May 1916.

R. G. B. Jefferys Major

President of the Court Martial.

I have dealt with the findings and sentences in the manner stated in the last column of the said Schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences.

C.
Confirmation.

* Omit excepting where under rules it is ordinarily the duty of the Confirming Officer to reserve the case.

[*And I am of opinion that it is not practicable, having due regard to the public service, to delay the cases for confirmation by any superior qualified authority.]

Signed this _____ day of _____ 19 _____

*Field [or General] Officer in the Force
[or Commanding]*

I have dealt with the reserved findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the said reserved findings and sentences.

D.
Confirmation
of reserved
sentences.

Signed this _____ day of _____ 19 .

General [Field] Officer in the Force.

Subject to what I have stated in the last column of the Schedule, I hereby confirm the [finding and] sentence of death in the case of _____ and of penal servitude in the case of *Thomas Kent*

E.
Confirmation
of sentence of
death or penal
servitude.

* Omit where confirmed by Officer in Chief Command.

† State, according to the circumstances, the nature of the country, or the great distance, or the operations of the enemy.

[*and in the case of the above sentences of death I am of opinion that by reason of †

it is not practicable, having due regard to the public service, to delay the case for confirmation by any qualified Officer superior to myself.]

Signed this *6* day of *May* 19 *16*

L. H. Maxwell

General [Field] Officer

in Chief Command of the Forces.

*Promulgated at Corio
This 8th day of May 1916
Halter Lindsay Lt Col
Commanding The Troops
Corio*

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SCHEDULE.

Date 4th May, 19 16. No. 2.

Name of Alleged Offender (a)	Offence charged	Plea	Finding, and if Convicted, Sentence (b)	How dealt with by Confirming Officer
Thomas Kent.	<p>The accused Thomas Kent, of Fermoy, in the County of Cork, is charged with, the following contravention of the Defence of the Realm Regulations, Consolidated (1914), that is to say,</p> <p><i>in that</i></p> <p>he took part in an armed rebellion and in waging war against His Majesty the King, such act being of such a nature as to be prejudicial to the Defence of the Realm and being done with the intention and for the purpose of assisting the enemy.</p>	<p>Not Guilty</p>	<p>Guilty Death.</p>	<p>Confirmed.</p>

MAJORITY AT 1916-17 COURT MART'S HOUSE No. 10, Fermoy, Co. Cork, Convicted on 2nd May 1916.

(a) If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.

(b) Recommendation to mercy to be inserted in this column.

*Halliday Lucasay Lt Col
Commanding The Troops. Cork*

R. G. H. Jefferys Major

Convening Officer.

President.

Section 50,
D. of R. Regns.
Consolidated
(1914)

The accused, Thomas Kent of Fermoy, in the County of Cork,
is charged with the following contravention of the Defence of
the Realm Regulations, Consolidated (1914), that is to say,
in that

he at Banard Kent's house, near Fermoy, Co. Cork, on the 2nd
2nd May, 1916, took part in an armed rebellion and in waging
war against His Majesty the King, such act being of such a
nature as to be prejudicial to the Defence of the Realm and
being done with the intention and for the purpose of assisting
the enemy.

Cork,
4.5.16.

M. O'Keefe
Major, R.A.,
Garrison Adjutant, Cork.

To be tried by a Field General Court-Martial.

Cork,
4.5.16.

Walter Finlayson
Lieut-Colonel,
Commanding the Troops, Cork.

R. G. O'Connell
Lieut. Gen. C.M.

Statement against Thomas Kent. 7

1st witness.

Sgt. S. Caldbeck R. I. C. being duly sworn is examined by the prosecutor & states: -

on 2nd May 1916 between 3.45: am + 4. am. I proceeded with H.C. Rowe to the house of Mr. Kent, ^{at Bawnash, N. Jermoy} with instructions to arrest Thomas Kent, his brother David Kent & five other ^{at} ~~at~~ police accompanied us. The Head Constable knocked at the door, and ^{when challenged} said he was a policeman, & asked the occupants to come down & open the door. a reply from the lobby window to the effect that we will never surrender, we will leave some of you dead" One shot was fired from the lobby window ^{on North side}, a second shot was fired from a bed room window facing East: a third shot was again fired from the lobby window, which blew the face off H.C. Rowe. This happened about five minutes after they were told to come down.. about 4.50 am. someone from within called out that one of the occupants was dying, & asked for the priest. I answered "I am there out all your arms I may send for the priest." at about ten minutes after this three fire arms were thrown out, but the occupants did not come out themselves. All these arms, as they were examined, had recently been fired out ~~of~~. On the arrival of the military, four men, including the prisoner, who came out second,

#

and his mother came on
+ summarized to the officer in in
charge. Constable Dolan brought me
another fire arm which he found
in a bed room in searching the
house. I examined it, It had
quite recently been fired.

Did not Constable Dolan let this cross-examine Q. 1
fire arm off by mistake?

Yes. A 1

after the fire arms had been thrown
out of the house, did not the police
continue to fire into the house?

Yes, occasionally A. 2

Was there any firing from
the house after the three
arms had been thrown out?

No A. 3

Why did you continue to fire
after we threw out our arms?

Having reason to believe that all A. 4
the arms were not summarized

Constable F. King R.I.C. being duly 2nd witness
sworn is examined by the prosecutor
& states:-

on 2nd May 1916, I accompanied
St. Con: Rowe + other R.I.C. to Mr. Kent's
house to carry out an arrest. I
was posted on the west side of the

home

3

home. Almost immediately I ¹⁹
heard some shots fired. On the third
shot being fired, I saw it hit H.
Cm: Rowe & he dropped dead. The
shot came from the house. 9

3rd witness

Constable J. Norris R.I.C. being duly sworn
is examined by the prosecutor & states:-
on 2nd May 1916 at about 4. am.
I arrived at the ^{House} Kents in Company
with H.^d Cm: Rowe & other R.I.C. I accompanied
H.^d Cm: Rowe to the back door. The head
Constable knocked at the door. A voice
from the window asked who was
there & H.^d Cm: Rowe answered "police"
& to come down & let him in. Shortly
after a shot was fired from the
lobby window, where the voice came
from. Shortly after two more shots
were fired in succession. Previous
to this when the occupants were told
to come down & open the door, a voice
from inside called out "~~but~~ we will
die before we surrender". Later, after
the firing had taken place, & the H.^d
Constable had been killed, a man
inside the house called out, that
one of them had been wounded, &
asked for a priest, about 4.55 am.
three fire arms were thrown out of
the windows, and they offered to
surrender, but they were told by
Sgt. Caldbeck to hold back, until
military assistance arrived. On
the military arriving the occupants
came out & surrendered. A meeting
the home later I saw six cartridges
£ 12. am, No 6 shot, lying on the floor
The accused was the second man
to come out of the house. We went

10
to Mr Kents home originally to
arrest Thomas (the prisoner) + David
his brother as being prominent
Sinn Feiners.

Cross-examined.

10

Had you previously come to my house Q. 5
with the intention of arresting me?

Yes, for an offence against the A. 5
Defence of the Realm act.

Did I resist? Q. 6

No. A. 6

Was I not acquitted for this offence Q. 7
at Cork?

Yes. A. 7

Was not my brother Richard in an Q. 8
asylum?

Yes, but is now released. A. 8

2nd Lieut. P. J. McChesney, 15th Rl. Fusiliers 4th Lt. Col. Waters.

being duly sworn is examined by
The prosecutor & states:—

On 2nd May 1916 at some time between
6. am to 8. am. I proceeded with
some ~~of~~ other officers to the house of
the Kents, with orders to prevent any
one escaping from the house. On my
arrival I found a police Sgt.
+ a Constable, also the body of
the dead Head Constable. I heard
the Sgt. R.I.C. ask the occupants
to "surrender" & words to that

4th witness
(Continued)

effect. I went inside a sort of
 There was an officer present. I said
 that I was me, & called upon them
 to surrender. They did so, coming down
 me by me through a window on the
 ground floor. The prisoner who before
 the court was the second to come out.
 Four men & one woman came out 11
 altogether. One of the men tried to escape
 & was severely wounded, when he had
 gone about 25 yards. An old service
 rifle was lying outside the house, also
 another fire arm. I handed these out to
 the sergt. R.I.C. I then searched the house.
 There were two shot guns also leaning
 against the wall of the house outside,
 one had an empty ~~in~~ cartridge case
 in it. There was also a handolier
 with ammunition with these guns. The
 H. Constables revolver was also with
 these arms.

Cross-examination.

- Q. Did I attempt to escape?
 A. No.

5th witness

14th Royal Fusiliers
 2nd Lieut. R. S. Page ^{being duly}
 Sworn is examined by the Prosecutors
 states:-

On 2nd May 1916 about 6. am. I proceeded
 with ^{four} other officers to the house
 occupied by the Kents, close to Fermoys,
 with instructions to prevent anyone
 from escaping from the house. The
 occupants of the house were called

upn to surrender by the police
Sergt. and they said they would
surrender to an officer, on being
informed that an officer was
present, they came out & surrendered.
There were four men & one woman
came out of the house.

The Prisoner Thomas Kent states:-
 On 2nd May 1916, during the night I
 was awakened by the sound of
 fire arms, I immediately went into
 my mother room where my brother
 William was. They were standing on
 the bed in the corner of the room, I immedi-
 ately went into the corner where they were
 when the three of us remained till the
 military officers arrived. When we
 immediately surrendered. I never fired
or had arms in my hand.

R. G. Jeffery Major

Col.

Field Gen. C.M.

21st May 1915

15
14

Summary of Evidence

in the case of Thomas Kent.

5
1st Witness

2nd Lt. Page Green 14th Royal Fusiliers
States:— On May 2nd about 6^{oc} A.M. I was
present with four other officers about 5
miles S. of Fermoy and heard firing. We
found the firing was from a certain house.
The men in house shouted they would
surrender to us. The officer in charge
ordered them to come out one by one
which they did, in all, four men
and one woman. They had no arms
on them.

Question 1. Did you see any firing from inside the house

Answer 1. No

Question 2. Did you see the R. I. C. men firing into
the house

Answer 2. No but we heard firing

Question 3. Did you see one wounded man and an old
woman coming out of the house

Answer 3. Yes

Reginald Page Green 2nd Lt.
14th Bn. Royal Fusiliers

4
2nd Witness

2/Lt P. J. de Chesney
15th Royal Fusiliers

On Tuesday 2nd May 1916 between the hours
of 6 and 8 A.M. I was put in command of
three officers at Castlehyons with orders to
proceed to the rear of a certain house and
prevent the occupants from leaving
except they surrendered. On arriving there

2nd Witness

I found a police sergeant and constable close up against the house, calling on occupants to come out and surrender. The occupants asked if there was an officer present. I told them I was one and called on them to surrender. I told them to come out one by one through a ground floor window. They did this three men and a woman. The accused was the second man to come out, he was partly dressed. On turning to receive a fourth man I heard a shout from police sergeant and on turning round found one of the first three men running away. After handing the prisoners over to the sergeant I found one old service rifle ^{S&C} lying ~~outside~~ and another fire arm lying outside the ground floor window. I then searched the house and found no one else in it. I saw two other arms along with the ones mentioned above stacked against the wall at the time of leaving the house and a bandolier of ammunition and the constable's revolver.

J. J. McPherson 2nd Lieut
15th Batt. R. Fus.

On Tuesday morning 2nd May between the hours of 3 45 and 4 o'clock we reached the house of Mr Keut, the head constable knocked at the door and stated it was the police. I heard from the lobby window the words "We will never surrender we will leave some of you dead" I saw one shot fired from the lobby window and saw the muzzle withdrawn. A second shot was fired from a bedroom window on the East side the third shot was fired from the lobby ^{window} and blew the head constable's face ^{off} away. This was about five minutes after the challenge. At about 4⁵⁰ after several shots had been fired from the house some one shouted from the inside send for the priest there is a man dying I answered I may send for the priest if you surrender all the arms you have in the house. Shortly afterwards some one said they would throw out their arms. Three fire arms were thrown out I examined them after the arrival of the military and found one a Lee Enfield rifle with five live rounds in the magazine and one in the chamber and heavy fouling in the barrel, second, a single barrel breech loading shot gun and one live round in it and heavy fouling and third a similar shot gun with heavy fouling. Later constable O. Dolan handed me a third similar shot gun found by him on searching the house

Question 4

Was there any firing from the house after the rifles were thrown out of the window

Answer 4

No.

Question 5

Did the police fire into the house after the rifles were thrown out?

Answer 5

Yes.

Sam^l Edwards
Sergt. R.I.C.

2
4th Witness

Constable King R.I.C. states:—
I was on duty with the party on Tuesday morning 2nd day aft^{S.M.} about 4 AM at Kent's house. I was posted on the West side of the house while the head constable knocked at the door. I heard several shots fired. I saw the head constable shot by the third shot fired. I was sent away for the priest after the military had arrived and did not see the actual surrender. I did not myself see the prisoner till after the surrender.

Question 6

Were the police firing into the house up to the time of the surrender to the military?

Answer 6

Yes.

Francis King
R.I.C. Constable

3
5th Witness

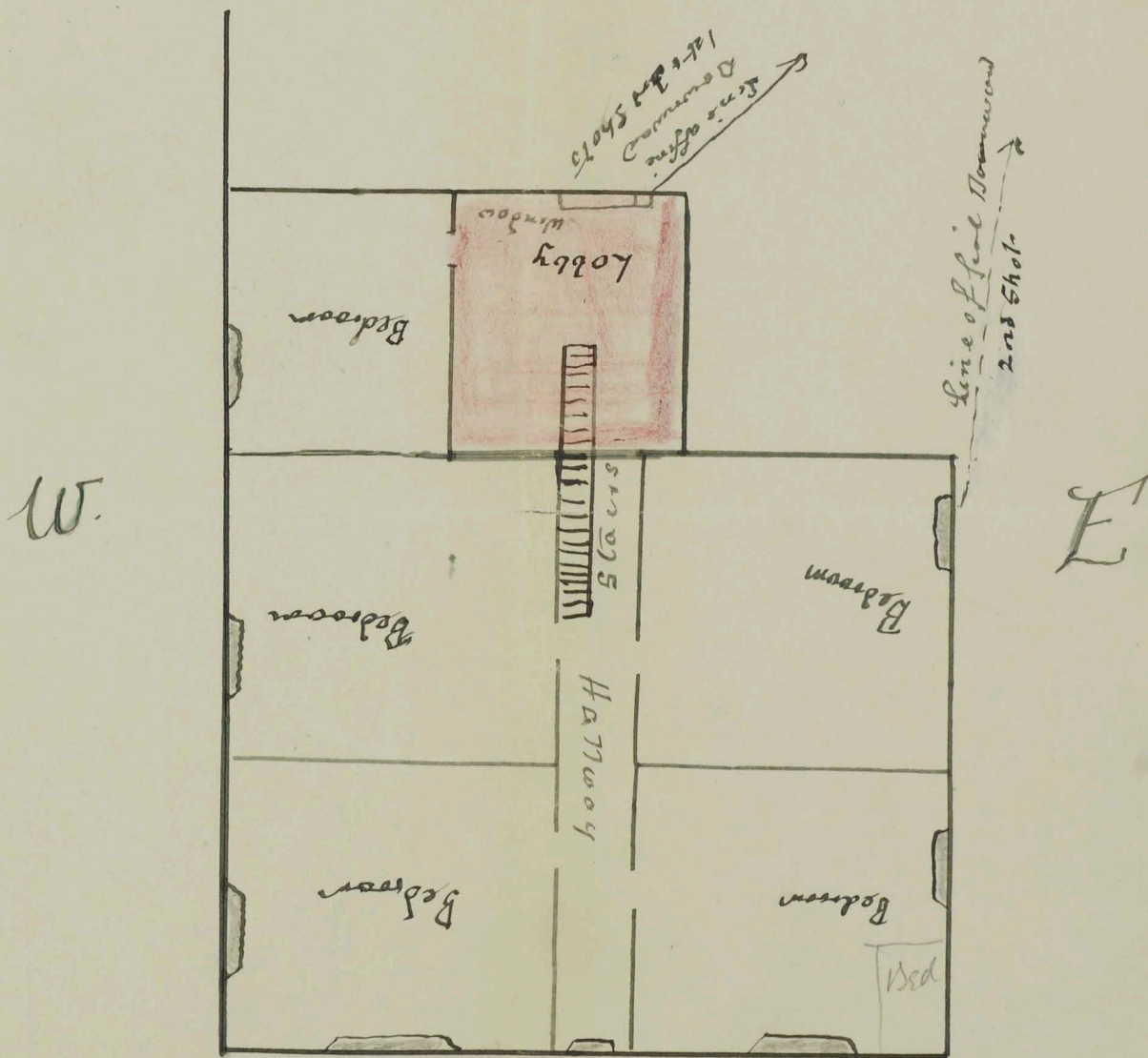
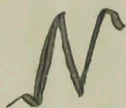
Constable Norris R.I.C. states:—

I was on duty with the party on Tuesday morning 2nd May at about 4 o'clock at Bernard Keut's house and I was with the head constable at the back door when he knocked. I saw the two shot guns and one rifle thrown out of the house about 5 o'clock. After they had surrendered to the military I searched the house and found 6 No. 6 cartridges. The accused was the second man to come out of the house.

James Norris
Constable R.I.C.

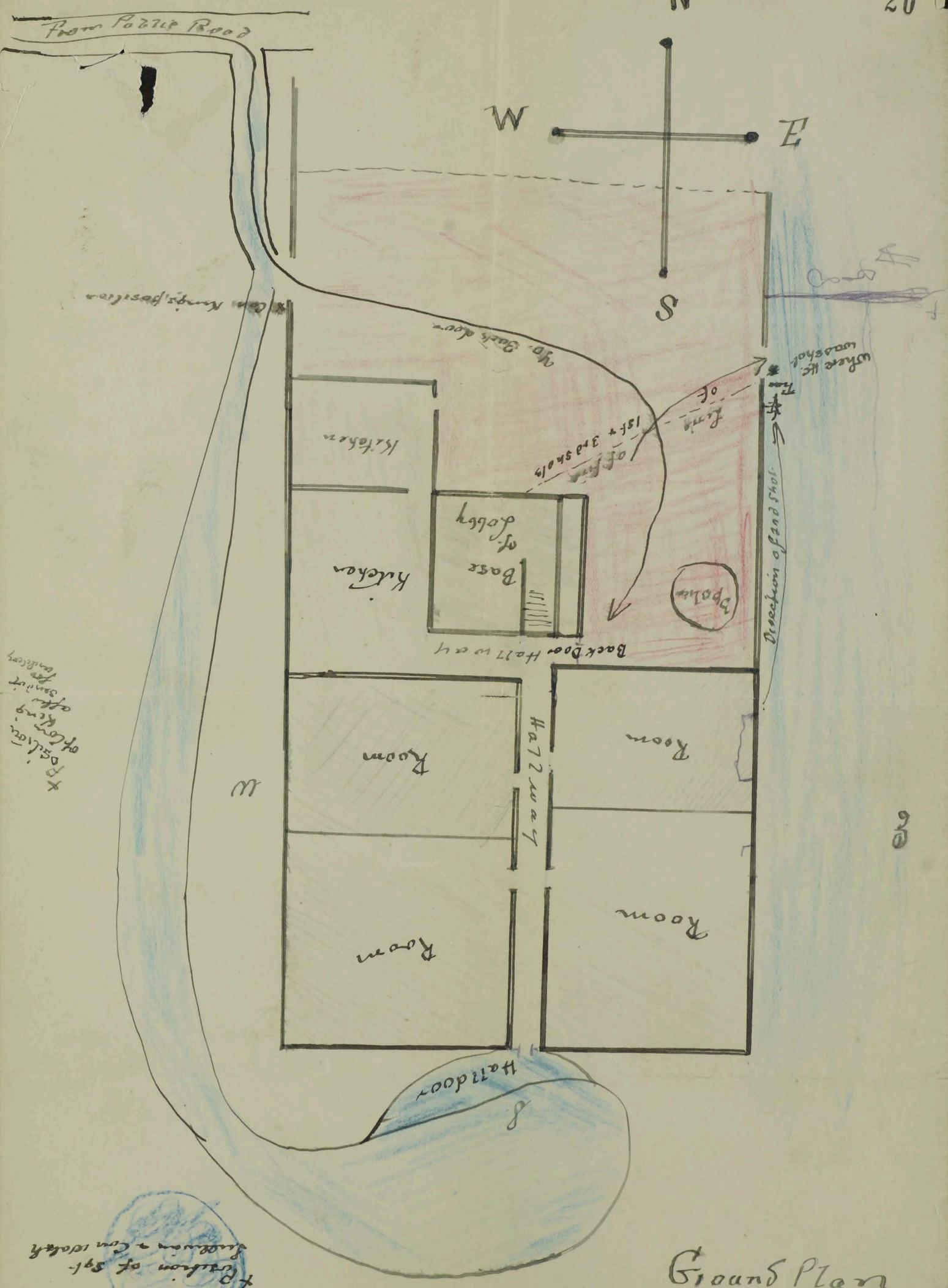
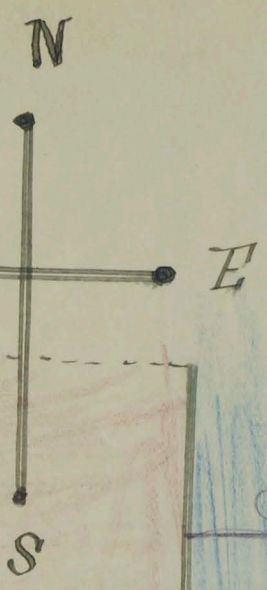
Taken at Cork Detention Barracks
this day 3rd May 1916

E.K. Eason 2/Lt 3/R. Dub. Fus.



Second floor.

R. G. Jeffrey
 Prof.
 Fred S. C. M.



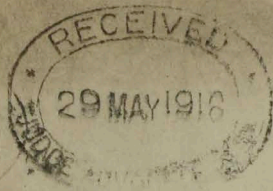
Ground Plan

R. G. Heppner
 Painter
 Field Service Co.

Position of Sgt. Freeman & Co. 10/24/42

Position of Sgt. Freeman & Co. 10/24/42

To Brigadier Genl. Bytne
12/6/16



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END

Field General C.M.F.

Civilian

Thomas Kent

(C2)

Cork

4th May, 1916.

79
Junk
270
~~Capt. S.C. Clay~~
~~War Office~~
11/1/17

To JAG 21/3/17.