

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

10th June, 1985.

Before .

HIS HONOUR JUDGE COLES Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
& OTHERS

APPEARANCES:

For the Prosecution:	MR. B. WALSH Q.C. and MR. K.R. KEEN
For Greenaway:	MR. G. TAYLOR
For Moore:	MR. M. MANSFIELD
For Jackson:	MR. M. MANSFIELD
For Foulds:	MR. P. O'CONNOR
For Moreland:	MRS. C. BAIRD
For Barber:	MISS M. RUSSELL
For Coston:	MRS. C. BAIRD
For Marshall:	MR. E.P. REES
For Crichlow:	MR. P. O'CONNOR
For Forster:	MRS. C. BAIRD
For O'Brien:	MR. P. GRIFFITHS
For Waddington:	MR. M. MANSFIELD
For Newbigging:	MR. E.P. REES
For Wysocki:	MISS M. RUSSELL
For Bell:	MISS M. RUSSELL

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POL. CON. JOSEPH VINCENT ARTHUR KEARNS

Cross-examined by MRS. BAIRD

- Q. Mr. Kearns, just one or two questions. Can you give us any idea what sort of time we are talking about to cover each charge and each retreat? - A. I could not really. The events happened as they happened. As to what the time was I could not really say.
- Q. When you have talked of charging into the crowd, walking backwards and re-forming, I take it as a very brief episode? - A. As crowds moved back a reasonable distance, the Officers just assessed the situation and re-formed, and then went back.
- Q. May I ask you about any note you made of your experience at Orgreave on the day. Did you put a note in your notebook about it the same day or what? - A. I put something in the region of two lines in my notebook to the effect I had been to Orgreave and that I sustained injury. Possibly a week later I then made a statement which is the statement you have been referring to.
- Q. That is made on the 25th June? - A. Something of that order.
- Q. And the purpose of making that statement (inaudible). Were you asked to make a statement? - A. As far as I can recall it was as a request to make a statement to someone.
- Q. Do you know who asked for it, or was a message simply passed on? - A. I was just passed a message to go and make a statement of the situation of the day.
- Q. I do not think I am suggesting there is anything sinister about this at all (inaudible)? - A. I made it from my recollection of the events as they happened.
- Q. Between being at Orgreave that day and making the statement, had you discussed the events of that day with any of your colleagues there? - A. We talked about it afterwards, the situation as it was, nothing specific, just general conversation
- Q. You have referred to a piece of wire stretched across the road? - A. Yes.
- Q. On the village side of the bridge? - A. Yes.
- Q. It is not that you have heard from a colleague perhaps about a piece of wire across the road, and just incorporated it in your statement? - A. No, most certainly not, no, definitely not.

(The shorthand writer requested counsel to talk slower)

- Q. You are absolutely sure that wire was there on the village side of the bridge? - A. I am absolutely positive it was there.
- Q. And I think you are equally sure that you got your hand injury by a brick bouncing? - A. I am definitely sure.
- Q. This was a half house brick? - A. Yes.
- Q. It hit the floom and bounced up to waist level? - A. It bounced on the floor in front of me. As I side stepped to get out of the way, the brick bounced up and caught my hand.
- Q. How far away were you when (inaudible)? - A. From here to where the Jury are sat.
- Q. As close as that? - A. This was the time after we had been into the unit. We had come back out of the main cordon, and had gone to the bridge, and the pickets were advancing, so we were in a sort of no man's land.
- Q. This person who threw the brick was as close as the back of the Jury? - A. I could not say for definite. At the time we were moving backwards, and this brick just came.
- Q. You say you saw it, I think you said? - A. I saw someone throw a brick. As to whether he was at the front or wherever I could not recall. It was just an arm, a brick, and bump, that was that.
- Q. You saw him fairly clearly I think, did not you? - A. I believe there is a description in my statement as to the youth that I saw, but I believe
- Q. You are right. There is a detailed description, but there is a description of him (inaudible)? - A. As far as I recall on that particular day, yes.
- Q. You said he was first of all, male, white, between 20 and 22? - A. Yes.
- Q. Is that right? Is that your recollection? - A. Yes.
- Q. 5'8" tall? - A. Yes.
- Q. Dark hair? - A. Yes.
- Q. Wearing jeans and a 'T' shirt? - A. Yes.
- Q. And from your view of him he was wearing training shoes? - A. So were half the others who were there. I think the general description would probably fit the vast majority of the people there that day.
- Q. That is why I put it, because it was a fair guess he was wearing training shoes? - A. As far as I recall on that particular day that was an accurate description of the youth

that I saw.

- Q. It seemed to me a moment ago you were trying to say it was a male arm coming up and (inaudible). Which is right? - A. As I say, from what I can recall of the incident that day, the youths were coming towards us. An arm went up from what I believe was the youth responsible, and the brick came and hit me. As far as I can recall he was the one who was responsible for throwing the brick.
- Q. How did he throw it? Did he lob it up in the air? - A. It was just an arm movement and a brick came over.
- Q. From as near as that, and he did not get it as far as? - A. Sorry.
- Q. From as close as that, and he did not get the brick far, it bounced? - A. It bounced off the floor and hit me, yes.
- Q. You are sure this brick hit the floor and bounced off? - A. I am absolutely positive, yes.
- Q. I suggest that and the throw are both wrong? - A. As far as I recall, the throw was there and the brick definitely hit my
- Q. Among the names which Mr. Taylor this gentleman here read to you was a Mr. Curran (?) who you recognised as an Officer in your PSU? - A. Yes.
- Q. I think he is more than that, he is in the same ten as you? - A. He may well have been. We had only assembled that same evening and got to Orgreave on the Monday morning.
- Q. Mr. Curran is responsible for making a particular arrest with which I am concerned, and there is a photograph of him walking his prisoner down.

MRS. BAIRD: Your Honour I would ask the witness to look please at exhibit 21, photograph eight:

- Q. Can you see the background group, Mr. Curran who is nearest the camera with glasses? - A. The Officer with the glasses on.
- Q. Yes. The Officer with the glasses on is Curran. Can you tell us who the other Officer is at all? I think he is also from your unit? - A. No.
- Q. Is that Mr. ? because you did not know him? - A. I cannot recognise him from the photograph.
- Q. Mr. Kearns when you were doing this series of four charges that you mentioned, could you personally see any point in running forward and then retreating? - A. I could not see the point in running forward. I could not really see the point in retreating, because we were just giving back the ammunition that had been thrown at us.

Q. And doing exactly the same thing? - A. That is right.

Cross-examined by MISS RUSSELL

Q. Mr. Kearns just a few questions. You arrived, if I understand it, from Merseyside in a group of three vans. Is that right?
- A. Our particular unit had two transit vans and an equipment van.

Q. Would it be right that they were driven by P.C's Brunning (?) Beaty (?) and Wright? - A. Brunning I remember, Wright I remember. I do not remember the other fellow.

Q. You do not remember Beaty? - A. No.

Q. Can you say which of those two were driving the van when you stepped in that morning? - A. It was-Brunning was our driver.

Q. Brunning was your driver? - A. Yes, I think.

Q. So Brunning was the driver of your van which had ten Officers in it? - A. Yes.

Q. I am only concerned with this. You had been involved in something earlier that morning. There came a time when you were sitting in your van, and up until that point you had not been involved in anything in the top side area. That is right, is not it? - A. Nothing initially, your Honour at the holding area. We had not been involved in anything at that stage.

Q. On your arrival at Orgreave you maybe deployed on something, and then you come back to your van in the holding area? - A. No. We were at the vehicles in the holding area initially. We were then deployed to go into the coking plant itself, and then we come out of the coking plant and wait up at the mouth of the coking plant prior to being deployed on the bridge.

Q. It is the time from when you finish up at the mouth of the coking plant, that is the only time I am concerned with. Up until that point you had not been involved in anything? - A. No.

Q. Now, you are sitting in your van with your ten fellow Officers? - A. Yes.

Q. Are you actually sitting with them? - A. Some were sat in the van, some were stood outside.

Q. Just waiting in the entrance to the coking plant. You obviously know about your ten. What about the other ten, were they there as well? - A. Yes.

Q. So we have two ten's of Officers from Merseyside waiting in the mouth of the coking plant by your van? - A. Yes.

- Q. And order comes through for you to equip yourselves with short shields? - A. Yes.
- Q. Do you know how many short shields there were in the equipment van? - A. Not offhand. I would think the number would probably be 20 which is the full compliment of the PSU.
- Q. Can you remember what order for example
- (The shorthand writer requested counsel to talk slower)
- THE WITNESS: No.
- Q. So that when you are (inaudible) presumably by your Inspector who is Inspector Owen. Is that right? - A. Mr. Owen, yes.
- Q. Over all Inspector Owen (inaudible) to be deploying short shield units to equip.....? - A. Yes. We were able to get out all the shields.
- Q. JUDGE COLES: You were? - A. Able to get out the short shields..
- Q. MISS RUSSELL: Presumably what we have then at that point is something like 20 Officers around the equipment van getting their equipment? - A. Yes.
- Q. You can only speak for yourself. Did you equip yourself with a short shield? - A. Yes.
- Q. And then you leave the entrance of the coking plant on foot? - A. Yes.
- Q. And go straight up to the railway bridge? - A. Yes.
- Q. Now you said I think in evidence on Friday, that sometimes as it were a unit of 20 goes up split half and half? - A. Yes.
- Q. But certainly the ten would not be further split up, would they until there was an order to that effect? - A. It could happen but unlikely.
- Q. It is unlikely? - A. Yes.
- Q. Particularly when you are just being deployed if you see what I mean? - A. Yes.
- Q. It may happen as time goes on if people make arrests (inaudible), but when you are going from that point where you have been standing or sitting in the van at the coking plant entrance to the railway bridge, one would anticipate you would be sticking together as ten? - A. As best as possible, yes.
- Q. I think what you are saying it would probably have been 20 of you? - A. Yes, more than likely.

- Q. If you could turn to exhibit nine? - A. Yes.
- Q. As far as you can remember it is in fact the two tens that set off to go up the hill here? - A. There was our PSU plus other Officers.
- Q. There would have been other Officers, but I am concerned with your PSU? - A. Yes.
- Q. You are moving presumably in your group of ten up the hill? - A. The hill area. There were Officers milling about. It was just a question of pushing through and making our way through.
- Q. I appreciate that. If we can (inaudible). Did you go in the road as far as you can remember? - A. Yes.
- Q. Straight up on to photograph two? - A. Yes.
- Q. On to photograph three? - A. Yes.
- Q. And in fact if we can get to it, you get in the area of the bridge, photograph four? - A. Yes.
- Q. And that is all one movement? - A. Yes, as far as
- Q. Apart from, as it were going round other Officers who maybe moving more slowly, that is all one movement by your PSU. Certainly there is no question of any pickets over, as far as you can tell, this side, in other words the coking plant side of the bridge at that stage when your PSU went up? - A. There were a few individuals, but whether they were pickets or members of the public I do not know.
- Q. JUDGE COLES: There was no resistance? - A. No.
- Q. MISS RUSSELL: So it is a straight up movement from your van at the entrance to the coking plant to the railway bridge (inaudible) in and out of Officers? - A. Yes.
- Q. And the only time you came across, as it were, pickets in any numbers, I am not talking about those who may have been left behind or stood to one side, or something like that, but the only time you came across pickets in any numbers was on the other side of the railway bridge? - A. Yes.

MISS RUSSELL: I have no further questions.

Cross-examined by MR. GRIFFITHS

- Q. Could you take that bundle of photographs, Mr. Kearns, and look at photograph number seven. I think you told us on Friday, and you were asked again today about this wire, that you recollected it went right across the road at one stage. Did I note you correctly to say that it was tied to the first lamp post on the right hand side in photograph seven? - A. As far as I recall, yes.

- Q. And it ran across the road to a point, and it may have been tied to one of the small trees I think you said? - A. Something of that nature, yes.
- Q. Let us be quite clear about this, you only saw one such wire running across the road at any time that day, did not you? - A. Yes.
- Q. This wire then if you are right Mr. Kearns, must have been put up there between one of the four charges carried out by you and your squad? - A. Yes.
- Q. I think you told us it would have to be up after the first charge and before the second charge? - A. Possibly. It certainly was not there on the first charge.
- Q. During the period between the first and second charges, again did I understand you correctly to say that you were in either the front line or very close to the front? - A. Close.
- Q. To the front line at the bridge? - A. Yes.
- Q. Would you have been able to have the sort of view during the two charges that we see in photograph number seven? - A. Yes, I think so.
- Q. So your view is not substantially obscured by anything. I think you told us that after the first charge - I am just checking my note, that after the first charge the leading pickets came back to a point approximately no further you told his Honour than the lamp post on the right? - A. Yes.
- Q. But I do not understand, and can you explain to the members of the Jury, if that is right, how could it be that somebody tied that wire from that lamp post which you did not see being tied? Do you understand? - A. As far as I recall, the wire was possibly on the lamp post. There was definitely a wire across that road when we went up the road on one of those charges.
- Q. I am asking you these questions because it maybe that the Jury will find you might be mistaken as to where this wire was. Will you listen to me again? - A. Yes.
- Q. What you told his Honour as I recall it on Friday, that after the first charge the pickets returned almost to square one, and they were no nearer than the line to that lamp post on the right hand side. You have told the Jury that somebody if you are right, tied a wire from that very same lamp post which you say there was not any pickets. What I am asking you is, how could that have been done without you seeing it if it really was done? - A. When I saw the pickets come on a line across that lamp post, they may well have come a couple of feet in front. That is the lamppost I am using as an approximation, somewhere along the line this wire appeared, and as far as I recall it was on the lamppost.

- Q. Could it be that possibly later that day in general conversation that your colleagues did mention that somebody had seen a wire tied up, and you have got it wrong as to where it was? - A. No. As I said earlier on
- Q. Let us leave that then. As far as your charges are concerned I am not going to go into it except to deal with one aspect of it. You are clear, are you not, that there were four charges by the Police to chase the pickets back? - A. As far as I recall, yes.
- Q. Would you agree that it is easier to remember the charges themselves as opposed to precisely how far you went and how far you retreated. Would you agree with that? - A. Probably, yes.
- Q. According to your evidence so far, you have told the court on each of these four charges no horses were used, and the furthest you got, as I understand it except on one occasion when you went into the yard, was no further than the second lamppost in photograph number seven (?). Am I right about that or not? - A. That would be about right.
- Q. Is that really what you are saying, that you got not much further than the second lamppost, let me put it that way, on the right hand side in photograph number seven? - A. We certainly did not get - it would have been about as far as somewhere past the tree and up to the lamppost.
- Q. Where did you then emerge? I think it was the third occasion you went through the scrap yard and emerged back on the road? - A. We came back on to the road probably just round about the brow of the hill.
- Q. Would you have a look at the aerial photograph. Let us be as clear as we can about it. See if you can orientate yourself. You see the bridge there over the railway? - A. Yes.
- Q. See the white car (?) that is near there? - A. Yes.
- Q. And if you
- (The shorthand writer requested counsel to talk slower)
- Q. That could be the darker area in photograph seven of the road so it helps you link it, and then one has to go quite some way up to the brow of the hill? - A. Yes.
- Q. Where you can see the bungalow there? - A. Yes.
- Q. Which has trees round it. At the time when this aerial photograph was taken that would be the first house on the right hand side, approximately where the brow of the hill is. According to you you have not on any of these charges reached that bungalow. Is that really true? - A. As I say we went up somewhere along the right. We

- Q. Look at this unit? - A. Yes, I can see it.
- Q. We have walked round this scrap yard (inaudible), looks rather white on your plan? - A. Yes.
- Q. Do you see it? - A. Yes.
- Q. That is the raised area (inaudible). Did you come out the way? - A. We came back out, and we rejoined the road.
- Q. JUDGE COLES: Did you walk round the back of the building or not? - A. We went round the back of one of the buildings your Honour, and at one point there were people climbing over the wiremesh fence. Once they cleared that fence we came back.
- Q. MR. GRIFFITHS: Let me put another possibility. I am not suggesting you have come here to mislead anyone, but memory can play tricks on people. Do you think that your charges and retreating did not occur from the bridge up to the point where you say, but the charges occurred further up the road round about the brow of the hill, pushing further in behind the houses, and dropping back somewhere short of that (inaudible) on photograph seven? - A. No. On each charge we ended up re-grouped by the bridge.
- Q. What you are saying is your unit was sweeping that part of the road (inaudible)? - A. As we went up all the people went back. We just dropped back down to the bridge. That is as far as we have gone up.
- Q. You did sweep it those four times and then after that it was the horses, and you went up with the horses? - A. Yes.
- Q. If you did do that sweep four times, do you remember an ambulance coming into that area where you were sweeping and picking up a rather celebrated person, a well known person, namely Mr. Scargill? - A. No. I never saw no ambulance coming up.
- Q. On any (inaudible) you followed up with horses? - A. Yes.
- Q. Did you see an ambulance come into that area which you say you swept four times? - A. No. I cannot recall. I donot remember seeing an ambulance.
- Q. I want you to see some photographs now, exhibit number 21. You should have it there? - A. Yes.
- Q. First of all let me tell you this. On none of those photographs, and the majority of them are taken above the bridge, are any horses shown, and so far as it is possible to establish at this stage, these photographs were taken before the last ^{main} horse manoeuvre took place, everyone up to the junction, all right. We are dealing with that period if the evidence we have heard so far is correct before the last main move, a lot of horses going all the way up

and pushing demonstrators back to the junction. So these events that are shown here may have occurred at some stage ...

MR. WALSH: With great respect my learned friend can put evidence to the witness, but the evidence does not disclose when these photographs were taken before the horses went up to the brow of the hill, because one of the answers elicited was that photograph ten must have been taken, or was probably taken, after the horses had gone up and were beyond the brow of the hill.

JUDGE COLES: That shows the cordon.

MR. GRIFFITHS: I was very careful in what I put. Before the last main move of horses of course there was the overrun we understand and there is

MR. WALSH: Not overrun your Honour. The witnesses have said that photograph ten will have been taken when the group of Officers were on the brow of the hill with the horses ahead of them. It is just the way my learned friend put it which would make this witness think that no horses had gone to the brow of the hill by the time these photographs were taken.

JUDGE COLES: It is right to say no horses had gone up in that photograph other than

MR. WALSH: I am sorry.

JUDGE COLES: That is the only photograph, photograph ten where there is evidence that the horses were up to the brow of the hill and beyond. It is right to say all the other photographs were taken before that last manoeuvre, is not it?

MR. GRIFFITHS: According to the evidence of Mr. Hale, and or Mr. Povey, the horses had in fact gone out before photograph ten, and had returned, so the horses were back, and they were back whilst the rest of those photographs were taken.

JUDGE COLES: Am I right or wrong, that photograph ten may well have been taken after the horses either were at or had been to the brow of the hill

MR. GRIFFITHS: And had returned.

JUDGE COLES: But all the photographs in this bundle are described by you as being taken before the horses went down.

MR. GRIFFITHS: Perhaps I should have put it in a different way.

JUDGE COLES: Please do.

MR. GRIFFITHS: What has been established so far is that

according to some witnesses horses had been used and had gone up the stretch shown in photograph number ten, but in all probability, photograph number ten was taken after those particular horses had returned. I will check my note of my cross-examination, but that photograph had been taken after the initial horses had returned, and so we are looking from photograph number ten through to the last photograph in this bundle at that push when there were no horses at the brow of the hill, but they were behind the Police lines. I was careful in dealing with that when I cross-examined I think Mr. Hale. Perhaps it can in due course be checked.

JUDGE COLES: Let us check it now.

MR. WALSH: Can I assist with my recollection. I think the furthest we have established thus far is that photograph ten was taken at a time when Officers were at the brow of the hill having followed the horses up to that point. My recollection is that Mr. Povey or Mr. Hale said that their opinion is at the time this photograph was taken the horses would be beyond, but I do not think anybody has established whether that is so or whether the horses had come back I think at that particular point. All that has been established is that the Officers with their backs to us on photograph ten had followed the horses up to that point.

JUDGE COLES: With reference to photograph ten, you say that of course comes before, and was taken before photograph 11 to the end of the book?

MR. WALSH: Yes. I think to be fair to everybody, it has not been clearly established whether photograph ten, the horses which had preceded those Officers over the brow were necessarily still there or had returned. It maybe I know not, but some assistance might be given to my learned friend from the colour photographs that the defence have put in, namely exhibit 17, photograph number three, if that is the photograph of the horses returning.

MR. GRIFFITHS: With great respect to my learned friend I have allowed him to continue, but we had established if that is the photograph of any horses returning that would have been the overrun. If your Honour has a note of my cross-examination of Mr. Hale, when I dealt with photograph ten, I was establishing so far as it is possible so to do, that these photographs were taken, that is this particular bundle

JUDGE COLES: Your cross-examination of?

MR. GRIFFITHS: Mr. Hale. It is my recollection your Honour that I put the question to Mr. Hale that in all probability photograph number ten was taken after the initial horses, that he says preceded the first designed move, had been sent back.

JUDGE COLES: My notes goes on leaving it in the air.

MR. GRIFFITHS: I of course was on my feet, your Honour.

JUDGE COLES: I cannot see when you put photograph ten.

MR. WALSH: The very first question my learned friend put to Mr. Hale.

JUDGE COLES: That is photographs three to nine.

MR. WALSH: Four to nine.

JUDGE COLES: Then photograph three, "Is this the overrun of short shields from the bridge to the brow?", and the Officer said, "It might be".

MR. WALSH: It seems to me the Officer was not there, because Mr. Hale was ahead and not looking back. It maybe the only person who can help specifically in answering my learned friend's question is the person who took the photograph.

JUDGE COLES: He did also say with respect to photographs four to nine, he said he was hold of the bridge. "It was about ten minutes. It maybe the horses are behind the embankment in photograph three", but he said, "I just do not know".

MR. WALSH: He said, "Photograph three, the horses could be obscured".

JUDGE COLES: "By the embankment".

MISS RUSSELL: My note later on in cross-examination, he is referring at this stage to photograph eight, "I know the horses will havewheeling round". We had one of our breaks at that point, so it is much later on in cross-examination.

MR. WALSH: But it is photograph eight and exhibit nine that he is talking about, not photograph eight and exhibit 21.

MISS RUSSELL: Then he deals with the movement up the road, and there is a later reference to horses after that.

JUDGE COLES: There is reference to the horses just before the break. He said, "I do not recollect and we entrenched at the bridge". One thing does seem clear and that is the picture is not here.

MR. GRIFFITHS: Let us see if we can get this witnesses help on that matter, your Honour:

Q. Look at photograph number ten? - A. Yes.

Q. I think what we can safely say to you, and I hope my learned friend will agree with this, that this photograph was taken before the large group of horses was sent up and went ultimately to the junction, well beyond this photograph; if that is right then the photograph is taken at some point

before the main horse manoeuvre that you have referred to. Would you agree? - A. I do not know.

MR. WALSH: I do not think he is referring to the main horse manoeuvre. He is referring to going up behind some horses

JUDGE COLES: I have said nothing, but this four time manoeuvre mentioned by this witness is not the easiest thing to fit into the sequence of events in my mind, and the fact that the whole procedure is incomplete because of his injury makes it all the more difficult to fit in.

MR. GRIFFITHS: It maybe difficult (inaudible).

JUDGE COLES: Explore the possibility by all means.

- Q. MR. GRIFFITHS: Let us put it in this way. That is a photograph of the Police line which was about the brow of the hill in the area of the bungalow on the right hand side? - A. Yes.
- Q. According to you, no Police lines have been there in that position before you went up with the horses. Now am I right about that? - A. As far as I can recall, other than going into units on the left I never saw anybody up there. As I say we were facing demonstrators, and as they start to go back and we go back, you are moving backwards, so what was really behind you I do not know.
- Q. I am not talking about what is behind you, I am talking about what is in front of you. You do remember as I understand it the car? - A. I can vaguely recollect a car on the left as we were going up
- Q. Do you remember a car being in the position you see ten to ten? - A. I do not recall it being there.
- Q. At any time? - A. It does not come to mind.
- Q. Do you remember seeing (inaudible) to the right hand side leaning up against the wall? Look at photograph number 34? - A. Top right hand corner?
- Q. Yes. Is that what you mean, perhaps (inaudible) back to your left as you walked back? - A. The only thing I can recall is on the left and that was this.
- Q. JUDGE COLES: On the left going up? - A. That is correct, your Honour.
- Q. You say that was this. What are you looking at when you say that was this? - A. The only recollection I have of any car or anything that resembled a car was on the left hand side as we were going up, whether that was before it ended up in its present position I do not really know. There was something there on the left hand side. I certainly do not recall it being so prominent on the right. If it was

there it does not come to me.

- Q. MR. GRIFFITHS: According to you it was (inaudible) about an hour after you were deployed on the bridge that you got injured? - A. It was around there.
- Q. Are you able to say the length of time (inaudible) before you were in the ambulance? Can you give us some idea? - A. It would have been maybe 20 or 30 minutes.
- Q. In other words (inaudible) longer before your accident than afterwards, is not as though you were injured half way through? - A. I was doing more than one charge prior to going for treatment.
- Q. And when you went for treatment you left the bridge? - A. Yes.
- Q. Can you give us some idea how long it was before you actually (inaudible) the ambulance in which you were travelling and left the area? - A. As I got into the back of the ambulance the injury was playing up a bit. It was possibly ten maybe 15 minutes, I do not know.
- Q. You met others in the ambulance 10 or 15 minutes before you set off? - A. Yes.
- Q. Were you delayed in any way walking from the bridge down? - A.
- Q. After the ambulance went was it delayed in any way before it got to the hospital? - A. Yes. We stopped at Poplar Way at the bottom.
- Q. Approximately how long? - A. To pick up an injured picket.
- Q. Just a few minutes? - A. Yes, not a great length of time.
- Q. From my learned friends cross-examination on Friday it seems that you arrived at the hospital at 1.15. Does that ring a bell? - A. I would have thought it would have been earlier but as you say time on that day was my last priority.

(The shorthand writer requested both counsel and witness to talk slower)

JUDGE COLES: Will you slow down please.

- Q. MR. GRIFFITHS: As I was saying it took about ten minutes or so to drive the ambulance from the area to the hospital. Let us assume 1.15 is right, what time do you think it would have been working back that you would have, so to speak, clocked off duty? - A. Working on that time and what my colleague said earlier about being deployed at 11.25 and actually getting to the hospital at quarter past one, if that was the case it would have been somewhere round about 12.30 quarter to one.
- Q. Had you been at the bridge for any length of time before leaving the bridge, or did you go straight down from

the alleyway that you have referred to? - A. I then walked straight back down over the bridge and back towards the ambulance. I think I may well have stopped and seen somebody and said I was going for treatment, but I certainly did not

- Q. Concentrate for the moment on the time when you went up with the horses. There is only one occasion you went up with a number of horses. Do you know how many or you did not count them no doubt? - A. No.
- Q. Just seemed a largenumber to you? - A. Yes.
- Q. You went up with the other PSU's up to the brow and beyond as I understand it? - A. Up to a point on the brow when I went in the alleyway, came back, by which time I would have probably
- Q. Look at the aerial photograph please. It maybe easier if you look at those houses. There is the bungalow first of all? - A. Yes.
- Q. Then we have got four houses together, and then five houses together, and then finally (inaudible)? - A. Yes.
- Q. Doing the best that you can when you came up to the (inaudible), I think the furthest point you went is the alleyway, is not it? - A. Yes. As far as I can recall there was an alleyway which ran between the first group of detached houses and the back end of the
- Q. You would have passed the bungalow to your right, passed the two houses, the semi detached houses, and the alleyway to the best of your recollection, and next into? - A. Yes.
- Q. Is that right? - A. As far as I can recall it was, yes.
- Q. Did you go down the alleyway? - A. Just to make sure there was nobody down there.
- Q. Did you run after anyone down there? - A. No.
- Q. At any of these charges you were running at the crowd, were you running to arrest anyone? - A. More than anything it was to disperse the crowd.
- Q. Were you trying to get to a particular individual that you had seen throwing stones for instance? - A. No.
- Q. I suppose the situation was such it was very difficult to keep track of one. Would you agree with this, once the charge started, and the people you had formerly seen throwing stones turned and ran, it was very difficult then in those circumstances to keep track of any particular individual that you may have seen. Did you manage to do it? - A. No.
- Q. You were one of the front runners, were not you? - A. Yes.

- Q. On four occasions? - A. Yes.
- Q. And not once were you able to catch, and you would have been on the front line as I understand it? - A. Yes.
- Q. And not once were you able to catch any particular person? - A. No.
- Q. When you came out of that alleyway which you have described, I think you told us on Friday that the horses were further down? - A. Yes.
- Q. And did they ^{reach} the junction that we see? - A. As far as I could recollect in one of the other photographs there was a post and some of the horses ^{were} down there.
- Q. We take it at that point you turned round and walked back down - A. I made my way back towards the bridge.
- Q. As you were walking back down the hill, were the other Officers streaming past you going up the road in the direction of the horses? - A. There were still Officers coming up, and there were Officers - the whole road was full of Police Officers.
- Q. Were people moving generally in the direction back where you had (inaudible)? - A. Yes. They were going back towards the brow of the hill in the direction the horses had gone.
- Q. Let me put this final suggestion. When you refer to these four charges as being limited to the bridge (inaudible) a short distance, what I suggest to you is that memory is playing tricks on you, and that in all probability these four charges occurred further up near the brow of the hill with Officers running and chasing pickets deep into the area where the houses are. That is what I am suggesting to you in all probability happened? - A. As far as I can recall the starting point for each of these charges was the bridge.

Cross-examined by MR. REES

- Q. I won't keep you more than about 30 seconds. There is nothing unique about the clothing that you were wearing, it was standard issue for your particular force. You went out everyday in this sort of helmet. These makes of helmets were standard issue for a PSU unit? - A. For this sort of situation, yes.
- Q. You can only talk about your own Force, but each man, subject to a difference in rank, would have a similar helmet? - A. All the helmets were the same, yes.
- Q. I am grateful. So far as the Liverpool helmets are concerned, I think we get a good view of some in the photograph album you have been looking at, exhibit 21? - A. Yes.
- Q. Would you look at the fifth photograph, and perhaps the Officer can be given this helmet here? - A. What number

photograph, sorry?

Q. Number five? - A. Yes.

JUDGE COLES: Exhibit 21?

MR. REES: Your Honour, yes:

- Q. You can take it from me that the two arresting Officers shown on that photograph are Liverpool Officers. One can see the helmets. There area number of features, in particular you have this neck padding, we can see that? - A. Yes.
- Q. Then there is the checkerboard marking across the back? - A. Yes.
- Q. If you look closely at the visor it seems to be completely plastic; there is no metal strip across the top of it? - A. Yes.
- Q. You can also see on the very front of the helmet the word Police? - A. Yes.
- Q. Take the helmet behind you. That is a South Yorkshire helmet, you can see SYP on the back? - A. Yes.
- Q. There is no neck padding with that one, right? - A. Yes.
- Q. The checkerboard motif is not on that helmet? - A. Yes.
- Q. The visor has a metal fastening on the top? - A. Yes.
- Q. A plastic visor fastened to a piece of metal, and it does not have the word Police on the front. It is on the metal not on the helmet itself? - A. It is on the metal, not on the helmet, no.
- Q. I think you referred somewhere in your evidence last week to there being another, at least one other Liverpool PSU from Admiral Street? - A. I knew there were other Officers from the Merseyside Force there.
- Q. They would be from the same Force as you? - A. Yes.

MR. MANSFIELD: Your Honour, may I just ask a few questions

JUDGE COLES: Yes.

Cross-examined by MR. MANSFIELD

- Q. I just want to pick up a point if I may. You said this morning, and you said it on Friday, you were the front runner, one of the front runners at the bridge up Highfield Lane towards the brow on four occasions? - A. Yes.

Q. On those four occasions where in the road were you? Were you towards the industrial side of the road or the housing side of the road as you went up to the brow? - A. On one occasion we are on the left nearest to the industrial side. On one occasion I was on the road, and on another two times I was virtually in the middle.

MR. MANSFIELD: Mr. Moore, would you stand up, please. Thank you. Would you sit down again:

Q. That is somebody that I represent, and I want you, if you would, to look at exhibit 21 again. You have been looking at photograph four, and it has not so far been established but that front person there with no shirt on and jeans, is in fact, Mr. Moore? - A. Yes.

JUDGE COLES: Photograph four.

MR. MANSFIELD: Photograph four; that is David Moore:

Q. Firstly, do you recognise the Officer with him? - A. Not really. His hand covering his face-just about make out he is wearing glasses.

Q. He is in fact a Merseyside Officer? - A. Yes.

Q. He is, in fact, in the same unit as yourself, and in the same squad of ten, namely that is Mr. Brunning. Does Mr. Brunning normally wear glasses? - A. Yes, to the best of my recollection he does.

Q. Look at it more closely. We have not heard evidence yet, but I think it is going to be suggested that is Mr. Brunning having arrested Mr. Moore? - A. Yes.

Q. But you cannot take it further - look at the photograph - whether it is Brunning or not? - A. No, his hand is covering his face. I can't make out, but he was wearing glasses. He was the only Officer wearing glasses as I recall.

Q. You do not get a very good picture of Mr. Moore because you only get the back of his head there, but you have seen him in court, and that is what he looked like on the day. Now, it is in relation to that that I want to ask you some more questions if I may. It is a long time ago, but it was four charges up the road, was it, you were on the left hand side of the road, the industrial side as you go up, the first, second, third or fourth? - A. I think it would have been on the third which is when I got injured. I would have been on the left hand side.

Q. Reading the notes of what you have said, it is on the occasion when you have already lost your shield? - A. Yes.

Q. That was on the left hand side of the road? - A. Yes.

Q. Just working backwards from that. On the second occasion when

you went up the road, you did not go into the industrial estate or the housing - where were you on that occasion, left? - A. We were in the centre that time, because that was at the time we virtually came to grief on the wire.

- Q. JUDGE COLES: You were on which side? - A. I was in the centre, your Honour.
- Q. MR. MANSFIELD: Just to go back to the first occasion, were you at the centre then? - A. As far as I can recall I was round the centre, yes.
- Q. I am going to deal with the first occasion. I can only suggest it at the moment, it is not easy to pin it down (inaudible) the initial charge up the road when you are in the centre of the road, you obviously have Officers to your left, do not you? - A. Yes.
- Q. And from what you said on Friday, I hope it is right, you indicated that the charge involved 40 Officers? - A. Possibly 40 or 60.
- Q. I am not going to pin you down. 40 or 60 Officers charged. You are right up in the middle front or second rank? - A. Yes.
- Q. Not everybody ran away, did they; some people moved out of the way, quite a lot did not; quite a lot had their backs to you? Do you remember that? - A. I think I did mention that not everybody ran away. There were some still milling about.
- Q. What happened to the ones milling about who did not run away as you charged up the hill? - A. I do not know because where we went sort of central at that disturbance, what happened left or right I do not really know.
- Q. I appreciate the difficulties in remembering, and also the difficulties of perhaps taking everything in, but I am going to suggest what happened. You may have seen - I will put it to you clearly - a group of four or five Officers surrounding a man in that photograph number four, he having been hit by a shield, went down. Now, did you see anything like that? - A. No.
- Q. The Officers did not stick to the road, did they, they actually were on the verge? As they charged up a number of Officers did not stick to the road? - A. Once we moved out we spread.
- Q. You say you did not see this? - A. No.
- Q. You know what Mr. Scargill looks like I am sure, do not you? - A. From photographs. I have never actually seen him in person.
- Q. I want to ask you this. When you were standing on the front

line or second line on any of the four occasions, did you see Mr. Scargill on the left hand side up that banking? - A. No.

Q. Or any verge? - A. No.

Q. Or on the roadway? -A. No.

Q. You did not see him at all? - A. I never saw him on that day.

Q. Now Mr. Rees just a moment ago, the last counsel to ask you questions before me, asked about equipment. As I understand it you have identified this shield in front of me now with the black edging as being the type of shield that you carried? - A. Yes.

Q. Would it be right that the rest or at least your unit from Merseyside under Mr. Stone, that is the two lots of ten, if they had short shields they would be carrying that kind of short shield, or would they be given a different short shield? - A. I had one of those shields, so I should imagine all the shields would have been the same.

Q. Would it be fair to say this, as far as you can recall, there was at least your unit from Merseyside, the two lots of tens who are likely to have had the same shield with the black edging? - A. I would think so, yes.

Q. JUDGE COLES: Do you know? - A. From what I can recall I had one of those shields, so I should imagine the rest of the shields would be the same as that one. That was what came out of the back of the van, so they would have been the shields that we used.

Q. MR. MANSFIELD: I wonder if you could have that one photograph, exhibit eight please? - A. Number 21.

MR. MANSFIELD: I am sorry, it is not in there. It is a single photograph, exhibit eight.

JUDGE COLES: It is the coloured one.

MR. MANSFIELD: That one. It maybe in your bundle now.

JUDGE COLES: I think it is actually

MR. MANSFIELD: Six photographs.

JUDGE COLES: It seems to have got mislaid.

MR. WALSH: Would the witness like to look at my copy. I can have it back.

MR. MANSFIELD: I am obliged. Thank you very much:

Q. It is only with regard to the difference not obvious in the background there. The two Officers on the banking there not only are clearly wearing Merseyside helmets, but they

appear to be carrying the very shield we are talking about?
- A. Yes.

- Q. I know you have looked at it already, and I think you say you cannot, because the faces are not clear, recognise seven? - A. That is right.
- Q. The one on the right is a Metropolitan Officer with an helmet of the same kind, but he has got a different kind of shield, has not he? - A. Yes.
- Q. Is that the sort of shield that might be issued to a senior Officer as opposed to a junior one? - A. No, not necessarily. Some shields get mixed up. It is just a variation.
- Q. The sum total of what you are saying then with regard to that photograph, you saw none of your fellow Officers in contact with a single demonstrator, is that right? - A. Not that I can recall, no.
- Q. I am going to suggest to you that has at the very lowest got to be wrong, Officer because they charged into, and I put it neutrally, at least two people who were there, Moore is one of them and Mr. Scargill is the other? - A. That maybe, but it was not something that I saw.

MR. MANSFIELD: I have no other questions, thank you.

Re-examined by MR. WALSH

MR. WALSH: Would you mind if I had that back please:

- Q. Mr. Kearns, you have been asked a lot of questions about times and when things happened? - A. Yes, sir.
- Q. To what extent were you on that day paying any attention to the actual time of the day that it was? - A. I was
- Q. 10, 11, 12, that sort of thing? - A. None at all.
- Q. I do not know, is it easier for you to place what is happening to you in the context of other things that are going on at the same time, so that we can try and put in the right order when your events are happening? - A. Where my timings have come from is the very starting out of the journey, and obviously at Orgreave, then I estimate the time of travel, and the time that each incident has occurred, and then just work back really to cover that time.
- Q. Do you think that is likely to be accurate or not? - A. In my estimates I would think it would be within an hour or so probably.
- Q. That maybe one of the drawbacks if it is, only right to within an hour or so? - A. It is certainly not absolutely accurate, no.

- Q. We think we know approximately what time certain things took place. I am not going to trouble you with them. I am going to try and ask you to put what happened to you in the context of certain events of which we know. Do you follow? For example, the last question asked by my learned friend Mr. Mansfield about Mr. Scargill, you never saw him you have told us at any time? - A. I did not, no.
- Q. That day. Well now, the last piece of action in which you were involved, you have told us, was when you had gone down the alleyway at the top of the brow of the hill? - A. Yes.
- Q. And you came out, and you felt your hand or arm throbbing? - A. Correct.
- Q. And you decided you had better go and get some treatment? - A. Yes.
- Q. And you went back down? - A. Down towards the ambulance.
- Q. Now approximately how long before that had you last left the area of the bridge? - A. Probably about ten minutes I would think.

JUDGE COLES: What was ten minutes after you left the bridge?

MR. WALSH: The last time he left the area of the bridge before his hand started to throb and he came off duty was about ten minutes. He came out of the alleyway, felt his hand throbbing, and decided to leave. The last time prior to that that he left the bridge was approximately ten minutes.

JUDGE COLES: My note of his evidence in chief - he talked about being struck, and then he says he ran up and down the road a couple of times after that, but his hand was bleeding at that stage, and he agreed to withdraw.

MR. WALSH: I am starting backwards from the point where his hand is throbbing so much that he decided to come off duty.

JUDGE COLES: Decides to leave definitely.

- Q. MR. WALSH: You say that your last departure from the bridge was as best you can say, about ten minutes before the moment when you decided, "I have had enough. I am going to get some treatment"? - A. Yes, sir.
- Q. On your way down you are walking down hill. Just so we can see the sort of journey you are making, look at photograph ten purely for descriptive purposes. You are walking there towards the camera on photograph ten. During that journey was there any scene on what is his left hand side, your right as you came down the hill, of a group of people gathered round an injured man or a man with a baseball cap, or an ambulance man? - A. I never saw anything of that nature when I was coming back down.

- Q. Was any press photographer taking photographs? - A. There were a couple of photographers milling about as I was coming back down.
- Q. But was there any scene of a press photographer trying to photograph an injured man being assisted either by the Police or ambulance men or anything like that? - A. Not that I saw, no.
- Q. Again on your route from the bridge to the alleyway on this last occasion, had there been any horsemen? - A. We followed the charge of the horsemen through.
- Q. Prior to that had you followed behind any horsemen on the far side of the bridge? - A. No.
- Q. JUDGE COLES: Just the one? - A. Just the one charge, yes.
- Q. MR. WALSH: So the time you went up the hill on the last occasion was the only time you followed up behind the horses? - A. Yes.
- Q. When you went back with your injured hand, you obviously went to some place initially to report for treatment or something of that sort? - A. There were some Officers on the left. I cannot recall exactly who I saw, but I can vaguely recollect having told somebody where I was going. Obviously if I had gone missing they would want to know where I was. It was just a fellow Officer just to pass that information on to the Inspector. I did tell somebody I was going for treatment.
- Q. When you walked back, you went down the road to the bridge you have told us? - A. Yes.
- Q. What was the scene at the bridge so far as the Officers were concerned? - A. There was still a lot of Officers milling about in the area, some were coming up towards me, and others were going back down, just those people milling about in that area.
- Q. Again, looking for example at photograph ten, as you walked back down to the bridge, did you see either the wrecked motor car that we see taking up half of the roadway or that upturned door and other bits of motor car on the other side? Did you notice either of those when you walked back down the hill, injured and off duty? - A. I do not recall having seen a carⁿ so prominent a place screened with debris of the car, does not spring to mind.
- Q. JUDGE COLES: Do you mean you did not see it at all or did not see it there? - A. I do not recall it being there.
- Q. You did not see it at all? - A. Not in that position.
- Q. MR. WALSH: Did you see it at all? - A. As far as I can recall there was a shelf (?) on the left hand side, sort of half on the verge and half on the road.

- Q. When you say left in that photograph? - A. Left going up.
- Q. That is left to anybody going uphill? -A. Yes.
- Q. JUDGE COLES: It was on the grass side? - A. Yes, sir, on the verge.
- Q. MR. WALSH: Do you remember which side of the road you came back down on? - A. I came back down, the wall was on my left, so looking at the photograph I came back down on the right hand side of the road.
- Q. Right hand side of photograph then we can see there is a pavement in fact on the right hand side, or right as we look at it. Were you on the right or the pavement? - A. As far as I can recall I came back down on the right hand side. Whether it was on the right hand side of the road or the pavement I am not really sure to be honest.
- Q. Other than the throbbing in your hand, were you as it were disabled in any other way? - A. No.
- Q. Face or anything like that? - A. I do not think so, no. I was tired.
- Q. You say you did not see the car in the position shown in the photograph. Could that have been in the position shown in the photograph, and you walking down in the way that you did, could you not have noticed it do you think? - A. It is possible it could have been there. It is just that it does not spring to mind.
- Q. Now you went back and you got some treatment? - A. Yes.
- Q. At any time before you left in the ambulance for hospital, did you become aware from anything that there had been an injury to Mr. Scargill? - A. It was when I got to the hospital.
- Q. I said at any time before you left Orgreave? - A. No.
- Q. I think you have perhaps answered my next question. When was it that you first became aware that anything was said, any injury was said to have occurred to Mr. Scargill? - A. That was at the hospital.
- Q. How long had you been there when you found that out? - A. We got there. I booked in and sat down, and then there were rumours abound.
- Q. You did not see Mr. Scargill at the hospital? - A. No. I never saw him at all.
- Q. Now trying to look at the timings another way, you obviously arrived at your unit at Orgreave sometime in the morning, and as you have said to various counsel, you spent sometime with your unit on duty at the back of the coke

- works? - A. Yes, sir.
- Q. And I think you have said not using your short shields? - A. We had the equipment with us. It was not actually put into use.
- Q. Where was the equipment? - A. That was with us in the vehicle.
- Q. What were you doing at the back of the coke works? - A. When we arrived there, there were some people who had broken through at the back, but when we got there, there were in fact sufficient Officers there coping with the situation.
- Q. So you were not needed? - A. We just stayed there for a while just to make sure that the situation was in fact under control.
- Q. Where had you left your vehicle, at the front? - A. No. We had taken the vehicles down with us.
- Q. Actually to the back? - A. Yes.
- Q. Can you recall approximately what time your unit reached Orgreave in the first place? - A. It was the early hours of the morning, might have been six, half past six.
- Q. When you arrive - you can only speak of what you saw happening yourself? - A. Yes.
- Q. Did you have to report or check in with anybody or any place? - A. As far as I am aware the Inspector informed control, whoever was on the control that we had in fact arrived.
- Q. Until the time came when you were sent to the back of the coke works, what were you doing? - A. We were sat in the holding area in and around the vehicle.
- Q. We know that there was a convoy of lorries that came into the coke works, loaded up and then left. Where were you first of all when the lorries arrived, or perhaps I should preface that by saying did you become aware of the lorries arriving? Did you know they were there? - A. No.
- Q. Did you become aware of them leaving? - A. By then from what I can gather I never saw any wagons either arriving or leaving the coke plant.
- Q. If you had been in the holding area at the time of their arrival or when they left near to the road - were you at the holding area? - A. I suppose it would depend really on which way they came. We were down at the bottom, at the bottom side of Poplar Way. There is a big grassed area at the side of that, and we were in that area.
- Q. We know that the lorries came along Poplar Way, and turned right up the hill towards the gates? - A. In that case then when we were there was the field, there was a lane I think and then the roadway, so we had not seen them. It is quite possible we may have heard them.

- Q. You may have heard them? - A. May well have heard them.
- Q. Did you become aware of them at any stage? - A. No.
- Q. What I am interested in is this. Are you able to say whether at the times the lorries have arrived or departed you were still in the bottom holding area, or whether you had already gone to the place at the back of ^{the} coke works? - A. I cannot recall.
- Q. JUDGE COLES: You think you would have heard them you say? - A. Yes, your Honour.
- Q. If you had been in the holding area when they came or left you think you would have heard them? - A. Quite possibly from the quantity of vehicles involved.
- Q. But you did not hear them? - A. No, sir.
- Q. MR. WALSH: Did you take any part on a cordon just up hill of the main gates of the coke works when any pushing to break through the line occurred? - A. No. The only time we were deployed was when we were deployed on to the bridge.
- Q. You had not been involved at that point before? - A. No.
- Q. Again just to try and put it in context of time, approximately how long had you been at your vehicle, having been released from your work at the rear of the coking plant, before you received the order to go up to the bridge? - A. About 20 or 30 minutes.
- Q. You were asked a lot of questions on Friday, I do not intend to go into them at any length, about the sort of training that you had received, and you were asked if you could tell the court the rules relating to the use of truncheons by any of your Force? - A. Yes.
- Q. And you were able to tell us? - A. Yes.
- Q. How well do you know what you should or should not do with a truncheon? - A. Very well I should think.
- Q. Do you need before going into any form of action, a senior Officer to read over the standard orders to you about truncheons so that you know what to do? - A. No.
- Q. You said, and I took a note from the shorthand writer so that we could get it correctly, and I will read this to you as your answer, "The purpose of us being there then he would make an arrest. The purpose of our being there". Now, in the light of the questions you were asked about training and instructions, who told you that was the purpose of your being there? - A. That was what we gathered as we were going up to the bridge. The point of us being there was to stop the situation developing further, and to stop the men coming the other side of the bridge.

- Q. And if you could see people committing offences to make an arrest if you could. That is what you said? - A. That is what I said, yes.
- Q. That was your purpose in being there beyond the bridge for those reasons? - A. I have said that actually - you have related those words, but that was the way I interpreted it. Our position was to go and hold the bridge, and if it was possible to be in a position to make arrests to do so.
- Q. JUDGE COLES: That is using your commonsense? - A. Yes, sir.
- Q. MR. WALSH: To what extent is commonsense involved in the required training that you were doing? - A. I should think a fair bit. You cannot train for the situation as it develops. You can go through certain manoeuvres, and that is what you would do in that situation, but what you actually do in certain situations it is a different matter.
- Q. To what extent do you have to adapt as the situation confronting you develops? - A. A whole number of things. I think the ferocity of the attack is something you cannot train for. The actual position where we were forming the cordon (inaudible), and the number of Officers pushing up from the back to the front, made the situation probably worse than it possibly could have been or should have been.
- Q. You said on Friday when somebody cross-examined you about the way you were trained in this manoeuvre and whether you used this manoeuvre there on the particular day, that the system used that day was not one of the tactical manoeuvres in the book, and you said because the situation on the ground was spread out over a much wider area than the one you had been trained for? - A. Yes.
- Q. Would you just explain that please? - A. Where normally with the long shields they are for standing in a line, for a street clearance where the situation would develop having terraced houses on either side or whatever, you would run across the street and advance down the street pushing people in front of you back along the road. The pickets were more spread that what we were, having come from the narrow confines of the bridge. Once we got out it was a question of fanning out and going towards the pickets.
- Q. Again I ask you because you were the person cross-examined about it, would it have made any sense in your mind to have used the specific textbook manoeuvres that were put to you by Mr. Taylor in cross-examination on Friday? - A. No, because had we done that, once we had gone forward ten abreast or whatever, the left hand side would have been wide open so anybody would have been able to penetrate us on the left.
- Q. And the final matter, I think, it was suggested to you by one or more of my learned friends I think not directly but

by sort of inference, that when you went into the industrial premises on your left, although this was not put to you in terms, the hint was that you received your injury not by a brick striking you but because perhaps you had got involved in some hand to hand exchange with one of the demonstrators; that was the gist of the questioning although it was not put to you in those terms. What do you say about that? - A. No. The injury occurred by a brick thrown at me. We never actually came into contact with anybody in that particular area. As we got in there there were people just climbing over the fence, and then they disappeared back to the road.

Q. As Mrs. Baird reminded you when you made your statement on the 25th June, did you give a description of the person who threw that object at you? - A. That is correct, yes, as best as I could recollect it.

Q. Again you were asked a number of questions about the occasions where you saw Officers come into contact with demonstrators and so forth on any of these charges. About how far away were the demonstrators when you actually started each of these runs or charges or whatever you call them? - A. They were getting pretty close when we actually charged, probably up to the front bench or second bench of the Jury. They were getting that close.

MR. GRIFFITHS: About 20' your Honour.

Q. MR. WALSH: When you started off on your charge towards them, did you get any nearer than that gap or not? - A. No. The nearest we ever got to them on that particular day was the incident with the brick. Certainly I never got any closer to them than I have previously stated.

Q. What do you say to the suggestion canvassed in effect on behalf of the defendants, that what you and your colleagues were doing were just charging willy-nilly into the crowd taking the nearest person that you could get to and arresting people who were doing nothing at all? - A. No, that is

Q. We will take them in stages. What do you say to the suggestion that you and your colleagues were first of all running into the crowd to get anybody whatever he was doing? - A. No, that is not true.

JUDGE COLES: That is still a double questions. Can we have one question at a time. Perhaps you could establish first of all whether the Officers were charging willy-nilly and then establish whether they were striking people. We might even find out whether they were charging first into the crowd willy-nilly or at all.

MISS RUSSELL: Your Honour I am on my feet for this reason, I have always understood re-examination to be in relation to points I put in cross-examination. I am not clear who it is who suggested it in these terms to this Officer. I would be grateful if Mr. Walsh could tell me

MR. WALSH: Clearly there are inferences in my learned

friend Mr. O'Connor's cross-examination.

JUDGE COLES: I think you are paraphrasing, are not you?

MR WALSH: Yes. I am not suggesting my learned friend Mr. O'Connor used the word willy-nilly. I will try and take it in short stages:

Q. What do you say to the suggestion that on these charges you and your colleagues ran at the demonstrators intending to strike with your batons?

Q. JUDGE COLES: What do you say to that? - A. That is not the case.

Q. MR. WALSH: Intending to use violence to people? - A. Certainly not, no.

Q. Intending to arrest people whether they were doing anything or not? - A. No.

MR. O'CONNOR: I put not a word of those three suggestions

JUDGE COLES: If there is doubt about what the defence case is on this - I do not know whether you want to clarify it.

MR. O'CONNOR: I put not a word of those three suggestions to this witness. My learned friend is imagining it.

JUDGE COLES: It maybe that you remember very clearly what you said, Mr. O'Connor. I am trying to check my note. I do not think it can be done very comfortably before one o'clock.

MR. WALSH: I donot think I have got anymore questions but one for this Officer.

JUDGE COLES: Very well put it and be done.

Q. MR. WALSH: Mr. Kearns, you have said, and I will be corrected by a battery of people if I am wrong, that the amount of training you did, the PSU training to give it this shorthand, was whilst you were on the Police Force, I think you said once a month or sometimes less? - A. I think I said once every three months.

Q. I think you said it was once every three months before Toxeth? - A. Yes.

Q. Did it become more frequent after that? - A. No.

Q. And so apart from the once every three months when you were doing that, what were you doing for the rest of your time on the Police Force? -A. I was a normal everyday Constable that people see walking round the streets or driving cars whatever.

Q. Normal constabulary work? - A. Walking on my beat or driving a car, just a normal everyday Police Officer.

Q. In uniform? - A. Yes.

MR. WALSH: Thank you.

JUDGE COLES: Thank you very much, Mr. Kearns. you are free to go now.

THE WITNESS: Thank you very much, sir.

JUDGE COLES: I think we will adjourn until - shall we say five past two.

(Mid-day adjournment)

CHIEF INSPECTOR ALAN VAUTREY Sworn

Examined by MR. KEEN

Q. Your name, rank and Police Force please? - A. It is Alan Vautrey. I am a Chief Inspector in the West Yorkshire Metropolitan Police at present in Wakefield.

Q. Were you at Wakefield in June of last year? - A. That is correct.

Q. This court is dealing with an incident at Orgreave on the 18th day of June. I want to ask you about two days before then starting the 16th June. Were you in Wakefield on that day? - Yes, sir.

Q. During the course of the morning were you on duty or not? - A I was off duty as my rest day.

Q. Did there come a time when you saw a procession within Wakefield? - A. Yes, sir.

Q. What procession was that? - A. It was the annual miners' gala of the Yorkshire area of the N.U.M.

Q. What was the time, did you see? - A. It would be about 10.15 a.m. in the morning.

Q. Whereabouts did you see it? - A. I was in Wood Street in Wakefield which is in the town centre.

Q. They were parading past you were they? - A. They were parading past me on their way, as I understand it, to Clarence Park where there was a further gathering of demonstrators.

Q. Was it confined^{to}/the miners of Yorkshire so far as you could see? - A. As far as I am aware I think there was a

contingent from Nottingham, but I cannot remember precisely on that. It was primarily Yorkshire miners.

- Q. For how long did you watch the procession? - A. Some 10 to 11 minutes.
- Q. Presumably there would be the normal banners and things with the various miners lodges on them? - A. That is correct, sir.
- Q. Did you notice any other sort of banner or placard? - A. I noticed one in particular which was directly in regard to Orgreave.
- Q. What do you recall of that one? - A. I recall the words were to the effect, "Turn Orgreave into Saltley".
- Q. Was it just one placard you saw saying that or more than one? - A. There was more than one. There was several, sufficient for me to notice they were being displayed.
- Q. JUDGE COLES: When you say there was sufficient, were they hand printed or? - A. That I have had all on to recall. I would have said they were printed placards of about approximately that size but I cannot be too precise. I was not asked to recall it until recently, sir.
- Q. You have indicated with your hand something like 3' by 2', a little less perhaps? - A. Yes, to be carried in front of the sir.
- Q. MR. KEEN: Did you appreciate the significance of Saltley? - A. I did, sir.
- Q. Did you appreciate the significance of that being connected with Orgreave? - A. I did, sir.
- Q. As a result of seeing those placards did you do something? - A. Later in the day as a result of something else, I passed on what I had seen to a representative of the South Yorkshire Police Force.
- Q. How did you pass that on; are we talking about telex, telephone? - A. A telephone conversation during the course of which I had mentioned what I had seen.
- Q. You say that was the same day; do you remember if it was in the morning, afternoon or evening? - A. It was the afternoon because at that time I was recalled to duty in connection with other matters.

Cross-examined by MR. MANSFIELD

- Q. Mr. Vautrey, just a few questions. First of all, did you actually attend Clarence Park gala itself? - A. No, sir.
- Q. Just so the Jury may follow what I am going to ask you, and your Honour as well, exhibit 14, the second page, did you

say anything to anyone on the telephone that day when you were talking about what you had seen, did you say anything that could have been interpreted along the following lines, if you would just listen carefully? Did you tell anybody in South Yorkshire that you heard an announcement being made urging miners to attend Orgreave on the 18th June? Did you say anything that sounded anything like that? - A. Not to my recollection sir.

- Q. Did you say anything on the telephone which could be interpreted as seeing a banner urging miners to attend Orgreave on Monday, 18th June? - A. That may well be possible, but I cannot be more precise on it. I would have been taking a general assumption to the placards that I had seen.
- Q. Did you see any placard as opposed to banners, did you see any placard urging miners to go on the 18th June? - A. No, sir.
- Q. So, so far as you are aware you would not have said anything on the telephone about a placard or banner urging miners to go to Orgreave on the 18th June, would you? - A. As far as I am aware I have not referred to the 18th June.
- Q. Did you say anything on the telephone to indicate that you heard a speech made at the gala referring to Orgreave becoming Saltley? - A. No conversation about a speech as far as I am aware sir.
- Q. Now then, just dealing with what you did see, when was it - I think you have said in passing a moment ago that you were only asked to recall what you had seen in early-May of this year? - A. That is correct, sir.
- Q. I am not suggesting you should have, but it would appear obviously you did not make any notes at the time or anything like that? - A. I have not recorded the incident. The only thing I have got is the fact I was recalled to duty on that day for duties in the command room.
- Q. You are standing in the street and there is the procession which in your statement you have described, although you have not today, except it goes without saying is an utterly peaceful one? - A. That is correct, sir.
- Q. Now the description you gave with your hand of the size, indicates that it was not really a banner that you saw, it was really a poster size placard, was not it? - A. I would accept that, sir.
- Q. A poster type placard you saw. I am going to put to you, if it is the same one, it was not a poster that had been designed or manufactured by any branch of the N.U.M. or the N.U.M. itself, was it? Did you look at it carefully? - A. I have tried to recall, sir. I want to be careful about not mislead anybody or confusing other signs that I have seen throughout the course of the dispute and saying that is the one. That is why I have been vague and purposefully so, because I cannot be precise on the exact form that banner took. There were

other banners as you well appreciate, other placards. I cannot be precise in saying who produced that particular one or whether there was an indication as to who did produce it sir.

- Q. May I make a distinction. The miners' banners, those very large ones that are carried on two poles, we are not talking about that kind of banner? - A. I am talking about a placard, some of which refer to coal not dole, and those sort of printed placards, but I cannot be sure of which.
- Q. That is precisely what I was going to put to you, this poster size. If the poster on one side had, "Victory to the miners", and on the back of it had, "Turn Orgreave into Saltley", and the wording at the top of that placard was "Socialist Worker", do you recall it? - A. No. I cannot say whether it was "Socialist Worker", because in the course of the dispute I have seen some which have had "Militant" and some which have had "Socialist Worker". I cannot say the one I saw about Orgreave and Saltley whether the banner was under the heading of "Socialist Worker" or "Militant" or "N.U.M.". I cannot be precise.
- Q. I am going to be precise, it was a placard that certainly was not under the heading of N.U.M. Would you agree that? - A. I cannot say, sir under whose heading if any were all the banners I saw referring to Saltley and Orgreave.

JUDGE COLES: Are you putting that this was printed on both sides?

MR. MANSFIELD: I cannot put it is printed on both sides. It is black on white, "Victory to the miners" on one side with the words "Socialist Worker" along the top and on the back and printed or handwritten, "Turn Orgreave into Saltley" on some posters.

JUDGE COLES: What I was trying to find out was whether it was manufactured or whether it was a manufactured poster which somebody had done with a pencil or pen or something written on.

MR. MANSFIELD: I think these were manufactured with "Turn Orgreave into Saltley" on the back of the poster so you could see both sides as it went along:

- Q. You have agreed you only saw this at the top of this particular poster. I do not suppose you could say who was carrying it or anything of that kind? - A. I would not venture an opinion as to who was carrying that, sir.

JUDGE COLES: Any other cross-examination?

MR. GRIFFITHS: No questions.

Cross-examined by MRS. BAIRD

- Q. Inspector, you did not see any of the defendants on that rally did you? - A. Not that I can recall, sir.

JUDGE COLES: He has not said he had. Any re-examination?

Re-examined by MR. WALSH

- Q. When you saw these placards being carried, where were you, on the road, on the pavement or what? - A. On the edge of the footpath in Wood Street.
- Q. You cannot remember how many but you said you saw some of these posters? - A. There was quite a few sir in the course of the time I was there.
- Q. Just tell us about that please. How long were you stood in one place?

MR. MANSFIELD: I am trying to cut down the length of this trial. I do not see how it arises out of what has been asked. I concede there were some there.

MR. WALSH: I want to know what opportunity this witness had for seeing both sides of the posters so we may explore what my learned friend Mr. Mansfield is putting.

JUDGE COLES: Very well.

- Q. MR. WALSH: How long were you there approximately? - A. Ten to 15 minutes.
- Q. You are on the footpath or on the road. Dealing with the point that has been made, did you see as it were, both back and front of these posters or not? - A. It does come as a surprise to me they were reversible, and so I would have said both possibly. I did not appreciate the possibility they were prior on the reverse.
- Q. Did you notice anything as it were on the opposite side of the posters that you saw? - A. No, sir.

JUDGE COLES: I may have misunderstood the position. I thought it was put one side had "Victory to the miners" on it and the other side had "Turn Orgreave into Saltley".

- Q. MR. WALSH: Did you see any posters in that form with one side saying "Victory to the miners", and the other side saying, "Turn Orgreave into Saltley"? - A. I did not see any reversible ones, sir, to my knowledge.
- Q. As you stood there, did you just stand facing in one direction all the time seeing the march coming towards you and then disappear behind you, or did you turn round and follow the march at any time? - A. I tended like with most processions to watch the procession coming from my right. Obviously I would have watched them going away, because there was a time when there was so many people coming down as opposed to the side and the front you would tend to look down the road to the left, but we tended, as I did on that day, to concentrate on the procession approaching from the right.

MR. WALSH: Thank you very much.

JUDGE COLES: Thank you very much. You are free to go.

POL CON. ROBERT ARTHUR MARSH Sworn

Examined by MR. KEEN

- Q. Your name rank and Police Force please? - A. I am Robert Arthur Marsh, P.C. with the Greater Manchester Police.
- Q. Are you attached to the mounted branch of the Police Force? - A. I was your Honour.
- Q. You were? - A. I was, yes.
- Q. Were you so attached in June of last year? - A. Yes, I was.
- Q. On the 18th June last year, a Monday, together with other mounted colleagues, did you come to Orgreave? - A. I did.
- Q. Which other Officers came with you from Greater Manchester in the mounted division? - A. There were three other Officers, the Officer in charge Police Sergeant Flannery. The numbers of the other two I do not know; one was P.C. Ross, and one was P.C. - I am trying to think of his name. His number is 2002, Fred (?) Morris.
- Q. Morris? - A. Yes.
- Q. This court is interested in what happened at topside? - A. Yes, your Honour.
- Q. Did there come a time when you were at topside? - A. Yes, there did.
- Q. Are you able to assist the court with times? - A. I am unable to assist the court with any times.
- Q. I will try to deal with it another way then. Were you aware that the lorries were going in and out of the plant? - A. Yes, I was.
- Q. Did you go topside before or after the lorries went in? - A. We went topside after the first lot of lorries had been in and gone out.
- Q. JUDGE COLES: After the lorries had been in and out? - A. The first convoy of lorries your Honour.
- Q. MR. KEEN: The first time. We know they went out at approximately 25 minutes past nine. How long after them leaving was it that you went topside? - A. I cannot recollect a time. I can only tell you what happened to me. We were stood down momentarily to have refreshments which I did not have, because we were immediately stood back up again to relieve other Officers from another mounted branch which I do not know, at topside.
- Q. JUDGE COLES: You were stood down after the convoy left?

- A. After the first convoy had left your Honour, we were stood down for refreshments.
- Q. MR. KEEN: How long after the lorries had left would that have been that you were stood down, approximately? - A. 20 minutes perhaps.
- Q. JUDGE COLES: 20 minutes after? - A. Perhaps, yes.
- Q. MR. KEEN: Are we to understand from what you understood you were not stood down for very long before you went out again? - A. We were stood down for what was only a chocolate bar and a soft drink.
- Q. JUDGE COLES: You got time for that did you? - A. Just, yes, your Honour.
- Q. MR. KEEN: After those refreshments, whereabouts were you deployed topside? - A. We were deployed topside behind the line of Officers that were keeping the pickets away from the plant.
- Q. How many mounted Officers were deployed at that time? - A. That I could not say. There was definitely the four of us, and I would say something in the region of another six, approximately ten.
- Q. Something like ten Officers there? - A. Yes, your Honour, something like ten.
- Q. Did there come a time when you eventually went through the Police line? - A. Yes, there did.
- Q. How long were you behind the lines before you went through, again approximately? - A. I would not say very long because at the time people were being stood down for refreshments, so whatever time you have got for refreshments, that is the time we were stood behind.
- Q. What I am interested in knowing is for how long you were on your horse behind the lines before you went through them. Do you understand? - A. Yes. Not very long. Maybe, and it is only a guess because time eludes you when you are working those sort of hours, I would say something in the region of about ten minutes.
- Q. During those ten minutes what did you see happening? - A. It was a red hot day, and I saw Officers in groups being stood down for refreshment. Some Officers were sat down but not taken away from the picket line, but were sat down on the grass taking their tie off, sitting down, trying to get five minutes. The pickets before this were sat down on a banking if I remember rightly and (inaudible). As the Officers were being taken away for refreshments it of course thinned the group of bobbies at the front protecting the plant. I saw a number of pickets get up and start to walk forward, look round at the various people as if to encourage

them to walk forward.

- Q. JUDGE COLES: You said they did that when they saw the Police line thinning? - A. Yes, your Honour.
- Q. MR. KEEN: We have got to the stage where some pickets are moving forward and looking round them, and you formed a certain impression. What did you see those people do then? - A. I saw them start to pick up stones or objects. -I was a little bit far away to just check exactly what they were - and start to throw them in the direction of the foot bobbies who were on the line. As this was going on, where the others came from I do not know, but they started to come wholesale, bodies and bricks towards us.
- Q. I will ask you a little more about that in a moment. When people first started throwing you have described, what numbers are you talking about? - A. It is hard to recollect. At the time I would say something in the region of about 30. About 30 started the original throwing I would think, although that is a guess.
- Q. I appreciate that. You described things changing, what were the numbers like as things changed? - A. It just went to what I can only describe as many thousands.
- Q. That is many thousands of pickets? - A. Of pickets.
- Q. What about the throwing, what was that like? - A. The throwing then just rained. It was not raining, coming down, it was bricks and bottles or objects. I would not describe them as bricks or bottles, objects were coming down on us.
- Q. You have described just before this started, Officers stood down and sitting down on the ground with their ties undone. What happened to the Police line? - A. Well the Officers immediately on the line as it started, realised that would have to re-group, and got up and formed the line that they originally had before all this started. As that happened activities increased on the Police line, and men who had just been stood down for refreshment started coming back, together with Officers carrying short shields.
- Q. Did you see anything of any senior Police Officers at about this time? - A. I saw a Superintendent who appeared to be in charge of the bobbies on foot.
- Q. Do you know that Superintendent? - A. No.
- Q. What happens from there? The Police line is now reinforced, what happens next? - A. What happened then is they did not stop coming at us. We were sufficiently behind, mounted at that time not being a part of it. We were not having to duck or anything. We could see over the tops on to the pickets, and the situation that was happening. We were out of stones throw at that time. I can remember they continued to try and break the line.

- Q. Just stop there would you. Would you describe for the benefit of the Jury what you mean by trying to split the line, break the line? - A. Break the line, leaning over. If I remember rightly, trying to reach over the shields and grab the shields at the same time, that is the long shields at the front.
- Q. When you say trying to reach over you made a fist with your right hand. Is that how they were trying to reach them? - A. Whether it was fist or open hand I cannot be sure because I see it that way.
- Q. Did you remain in your position at the back of the line? - A. Yes, we did.
- Q. For how long were you watching this sort of activity do you think? - A. Hard to tell again, but I would say something in the region of - a minute. is a long time when that is happening, so I would say something in the region of three or four minutes.
- Q. Did there come a time when you moved from your position behind the line? - A. There did come a time, yes, your Honour.
- Q. How did that come about? - A. It came about when, if I believe rightly, they were starting rolling things down. I am not sure, but there was a barrel at one stage. They were rolling some down. The bobbies were having to step to one side. They were having to let it go through or they would have been on top of it. The Superintendent from what I could see had decided the bobbies on the front line protecting the plant were not sufficiently angled to hold the pickets coming forward.
- Q. So what happened? - A. He came to us and he said to us, "I want you to disperse the pickets. Don't hit them about the head. I want you to disperse them 30 yards up the main road and then return to your position behind the foot bobbies". He then went over to the foot bobbies and directed them to break rank to allow the mounted men through.
- Q. Is this still approximately ten mounted Police Officers? - A. There are still just ten of us.
- Q. JUDGE COLES: I am sorry, I missed what you said, just going 30 yards up the road then what? - A. Then return behind the foot bobbies, your Honour.
- Q. That is return to your original position? - A. More or less, yes.
- Q. MR. KEEN: Having given you that instruction did you see the Superintendent go to other Police Officers? - A. I did.
- Q. What happened to the Officers on the line, did they remain together? - A. I am sorry, yes. He said to them, "Break rank", and he said, "Here and here", indicated to them to move to the sides to allow us through.

- Q. At that stage you went through? - A. We did, yes.
- Q. Were your truncheons drawn or not? - A. That I cannot remember I cannot remember.
- Q. You have mentioned short shield units? - A. Yes.
- Q. Did anyone other than the horses go through the line at this time? - A. I cannot be certain, but I have a feeling that the short shields followed us up.
- Q. Once you were going through the Police line what sort of pace did you move forward at? - A. We moved forward at a canter.
- Q. What did the crowd do? - A. The ones immediately in front of us turned and ran, the ones that were further back and we could not have approached, they continued to throw. The ones that ran, they did not all run away from us, some of them ran to either side of us.
- Q. What was happening to you, the mounted division as you went forward? - A. What was happening to us? As we went forward that was probably the time we least got hit with stones to be perfectly honest.
- Q. JUDGE COLES: The time you least? - A. Yes. As we got to what we considered to be approximately 30 yards, our objective was to disperse the pickets, and it was about 30 yards, the instructions of my Sergeant who was in charge at the time, Sergeant Flannery, he said, "Turn round and we will go back to our original position".
- Q. MR. KEEN: I think I failed to ask you, up until now, whether you were on the road or on foot when you were carrying out this manoeuvre? - A. I cannot quite remember, but one thing that does centre in my mind, I was acutely aware of the horse on the road. It is the least best grip you can get on a road.
- Q. JUDGE COLES: That is at some stage or other, or do you remember it all being like that? - A. I seem to recollect we never came off the road.
- Q. MR. KEEN: You were telling the Jury that Sergeant Flannery told you to turn round and go back? - A. Yes. He said, "Let's go back behind the line".
- Q. Did anything happen as you were going back? - A. Yes, probably that was, I would like to say, our biggest mistake. The mistake we made was when the pickets moved to the side. They were not dispersed further to the side because as we came back that was when we were - for want of a better situation - a coconut in a coconut shy. They just threw everything at us wholesale from the side.
- Q. Were you able to see what sort of things were being thrown at you? - A. No, I could not see anything. I made the mistake

which I won't make again of putting my elbows up to shield my face, although I had a crash hat on, and that is when I was injured by an object. I cannot say what it was. I do not know.

- Q. JUDGE COLES: You covered your face? - A. With the two reins in your hand your Honour, you are restricted as to what you can do with your hands, so you have to use any part of your body that you can, so I put my elbows up whilst we were going into the line, because we were at least going in the direction of the line of Policemen.
- Q. MR. KEEN: You injured your left elbow? - A. Yes.
- Q. Something hit it? - A. Yes.
- Q. JUDGE COLES: If it had not been where it was presumably your face would have been hit? - A. Hopefully not, because we wear a crash hat with a vizor, and possibly it may have skimmed my cheek.
- Q. MR. KEEN: Did you eventually get back behind the Police line? - A. I did, yes.
- Q. Did you have an opportunity of looking at your elbow? - A. What happened was I had done approximately three of these manoeuvres towards the pickets, and it was on the third one I think that this happened. I felt up my anorak sleeve and when it came down there was blood on my hand.
- Q. I am going to have to take you back a little bit in time. You say this was the third time that you carried out this manoeuvre? - A. The third time approximately for me.
- Q. Were the two earlier times on topside? - A. Yes, they were your Honour.
- Q. You have told the members of the Jury how you were deployed topside after the lorries had left for the first time? - A. Yes.
- Q. Do you recall saying that? - A. Yes.
- Q. Had you made any movements forward towards the crowd before that? - A. Before the lorries had come into the?
- Q. Before the lorries had left? - A. Yes, but that was at the topside.
- Q. I am only speaking of topside? - A. No.
- Q. JUDGE COLES: You did not go topside at all until after the lorries had gone? - A. No, your Honour.
- Q. MR. KEEN: Topside you made three moves towards the crowd? - A. I did three, yes.
- Q. We had better find out about all those. The first movement

- forward, do you understand? - A. Topside?
- Q. Road or field? - A. Road from what I can think of.
- Q. Was that any different to the manoeuvres that you have just described to the Jury? - A. No. It was no different at all.
- Q. Was the reaction of the demonstrators as you rode back towards the Police line any different to that which you have described? - A. Yes. I would say the first time there was not quite as much stone throwing back at us. The second time it increased, and the third time for me it just went worse and worse.
- Q. I think you have answered those questions by implication. The second time, was that any different to the time you have described to the Jury other than the level of throwing as you returned? - A. No, it was
- Q. JUDGE COLES: Did you go the same distance each time? - A. Yes, we did unfortunately. I think that was another mistake. We should have varied our distance.
- Q. MR. KEEN: When you say varied your distance, do you mean going further or less far? - A. Both. Once you create a distance, those people realise you are going to turn at that point.
- Q. Just help with this would you. You have told the members of the Jury that as you go towards the crowd, the crowd lies ahead and to left and right of you? - A. Yes.
- Q. The first time you made that move towards the crowd and came back what happened to the crowd? - A. The crowd started to re-group, but I cannot say it started to re-group as I was coming back, I did not see it. When I got behind the line I could see they had re-grouped.
- Q. Was the result any different the second time you went towards the crowd? - A. No. I have the feeling each incident was the same, which was the running and going towards the crowd. There was no difference each time from what I can gather. It was the returning from the crowd that got increasingly worse.
- Q. You were telling the members of the Jury about your arm and you received this injury coming back the third time? - A. Yes, your Honour.
- Q. Did you notice some blood on your arm? - A. Yes, your Honour.
- Q. Having noticed that blood what did you do about it? - A. I turned to Sergeant Flannery and said to him, should we be required again I was injured, but should we be required again I would go and do the job I was required to. If at the end of it I had to say I am sorry I am sufficiently injured I cannot go on, would he understand, to which he said, "Yes". I went in once again.

- Q. Any different to the other two occasions? - A. No. The only difference was that in each progressive manoeuvre the pickets were being moved closer and closer over the bridge.
- Q. JUDGE COLES: The pickets were moved? - A. We were pushing them further and further towards the bridge.
- Q. MR. KEEN: So every time you went forward in the manner you have described, what happened to the Police line behind you, did it stay where it was or did it move? - A. I can only assume under that they must have moved forward or we would have ended up where we started off in the first place.
- Q. JUDGE COLES: And you did not? - A. I am sorry.
- Q. And you did not? - A. Move forward?
- Q. No? - A. That I cannot be sure of.
- Q. MR. KEEN: You did not stay where you were; the line gradually moved forward is what his Honour is suggesting? - A. Yes.
- Q. JUDGE COLES: Although you went ^{the} same distance it was not the same ground? - A. No. We were further in and further up the road, yes.
- Q. MR. KEEN: After the third time in did you go and get some treatment to your arm? - A. Yes. I could not hold on to the reins by that time.
- Q. Did you go to an ambulance? - A. I did. I went to an ambulance. yes.
- Q. What was the nature of the injury to your arm? - A. The injury at first was described as perhaps a swelling and about an inch and a quarter cut I think she said. She wanted to dress it and take me to Rotherham Hospital.
- Q. Just wait a moment would you. We know that a second convoy came and went that morning into the afternoon. Can you help us as to when you left Orgreave in relation to that second convoy? - A. I can help you in as much as I did not leave Orgreave at the time. I will describe the situation. She said, "I want to dress it for you and take you to Rotherham Hospital". I said, "Unlike foot bobbies, I cannot leave the horse. There is no one to take him off me". All the mounted men were being used. I have always been told to look after my horse first before myself, so in other words what I would do was walk my horse down on foot with my good hand, all the way down Orgreave Road to the horsebox which is at the bottom near Poplar Way. I started to walk, and I got about 100/150 yards maybe more down the road with the intention of putting the horse away and coming straight back for the ambulance to take me to Rotherham. As I got down the road - I am wearing a personal radio - I heard "Five minutes for the second convoy, five minutes for the second convoy to come in".

- Q. Just pause there would you. That was the convoy coming in?
- A. That was the second convoy coming in.
- Q. We know it arrived at about ten minutes past 12? - A. I do not know.
- Q. Did you eventually go off to hospital? - A. I eventually went to hospital.
- Q. Did you then receive some treatment at hospital? - A. I received one stitch.
- Q. During the course of the night did your arm get a little worse? - A. During the course of the night I broke out into a profusion of sweats, and I lost all the feeling in my hand and my arm, and my arm started to swell up.
- Q. Perhaps I can lead you on this, I will be stopped if I cannot. The following day did you go to your local clinic?
- A. I went to my local clinic where I saw a male nurse who said to me that he did not like the way it was going, and I put it to him could it be a tight bandage, because when I had the stitch in it was still swelling out. They could have tightened it really tight. He said, "It could be, but I am going to re-dress it. If your arm does not go down I want you to come back and see me in the morning, and I will make sure that one of our doctors sees you.
- Q. Did the swelling reduce? - A. No.
- Q. The following day did you go to the clinic and see Doctor Gardner? - A. Yes. I went to see Doctor Gardner.
- Q. Was your arm x-rayed? - A. What he said to me was, "On that day"
- Q. Do not worry about that. Was your arm x-rayed? - A. Yes.
- Q. Was it found that you had sustained a fracture to your left elbow? - A. It was.
- Q. Were you transferred to the consultant at the hospital, and operated upon the following day, Thursday 21st June? - A. Yes, from going in for an x-ray I stayed until
- Q. Did you have a screw inserted into your elbow joint? - A. Yes I did.
- Q. And your arm encased in plaster? - A. Yes, I did your Honour.
- Q. How long was it like that for? - A. It was like that for approximately - I was off work for nine weeks in all. The plaster was taken off and then
- Q. JUDGE COLES: How long were you in plaster about? - A. About three or four weeks I think it was.

Cross-examined by MR. TAYLOR

- Q. Mr. Marsh, had you been to this particular place before the 18th June? - A. Never.
- Q. So your involvement then with topside begins just after the convoy leaves about half past nine? - A. I cannot remember the time, but if you say
- Q. We know that the first convoy left at 25 past nine, something like that. We are talking about when you were brought up in the line of mounted Officers. Were you positioned in the roadway? - A. I cannot remember exactly where we were. I do not think we were on grass. I do not think we were on Orgreave Road. I think we were on a road at the side near a building.
- Q. You are looking across to your left where the field was and seeing another line of mounted Officers in that position on the field, on the grass? - A. On the grass just in front of us.
- JUDGE COLES: To the left.
- Q. MR. TAYLOR: Across to your left? - A. No, I cannot
- Q. At that stage when you first arrived would it be right to say, after the first convoy left, that the mood of the demonstrators was reasonable? - A. I would say it was very reasonable to me.
- Q. Were there people, because it is quite a big field, and bearing in mind you are up on the horse and you can see a fair distance, cannot you? - A. Yes, you can.
- Q. Were people actually in the field sitting down, some of them? - A. Yes, they were.
- Q. Did you see anybody playing football? - A. You have got me on that one, I am sorry, I do not know.
- Q. Did you see any people sunbathing? - A. That I would not like to say. As you looked round, the whole picture was, as you are trying to make out, a bit calm.
- Q. Like a bank holiday? - A. It is not my idea of a bank holiday but yes, like a bank holiday.
- Q. But looking at the crowd if the Police had not been there it could have been Whitsun. I am just talking about impressions at this stage? - A. I suppose it could have been, yes.
- Q. Now you say that sometime later, and I appreciate it is difficult thinking back over this length of time, but at some time later the same day 30 or so people began to throw stones - A. What happened

- Q. I am just thinking about the time span? - A. What happened, I am sat on my horse with my arms crossed thinking like everybody else, "What am I doing here". I watched the bobbies stood down for refreshments. As you say there were people sat on the field. I think some would have shirts off; it was that warm a day. I cannot describe the people if they came in now. I would not be able to say that was him, that was her. I remember assessing the situation as they stood down. There were people on the hillside. They looked up and they looked round, and then they got up having a good look round, I presume to see how many bobbies there were being taken away.
- Q. Could I ask you this. You are at the front of this cordon of Police when you first arrive, was there a line of men holding shields like that? - A. That one I cannot remember.
- Q. Can you remember presumably Policemen from the cordon coming out as well? - A. Yes.
- Q. And everyone
- (The shorthand writer requested both counsel and the witness to talk slower)
- Q. Where were they taken away to? - A. I presume they were taken to the meal (inaudible) for refreshment.
- Q. You did not see where they went? - A. They went out and went down the side
- Q. Out of your view? - A. Yes.
- Q. When you say they are taken away for refreshment, you are just assuming that it what it was for? - A. I could hear it on the radio.
- Q. To what (inaudible)? - A. I cannot answer you.
- Q. Why did you have one? - A. Because I was issued with one. The Sergeant gave me one. The other two (?) Officers had one. Whether there would be enough radios to go round I do not know.
- Q. You and your two fellow colleagues from Greater Manchester? - A. All four of us had radios.
- Q. When you say you could hear them on the radio, do you mean you could hear them-not each drinking, but you could hear them dishing out the food? - A. No. The instructions are something like-it is a number I heard, "PSU numbers 11, 12 and 13 stand down and take refreshment".
- Q. When you say that, did you actually see that number of men leaving the Police line? - A. I do not know what number of men are in a PSU, but I saw a group of men
- Q. If we assume there are 20 in a PSU, how many did you see leaving? - A. I would say two or three PSU's.

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shields

- Q. All carrying / like that? - A. That I did not notice.
- Q. You have described sometime later you began to notice a large group of people. Were they all together in one group? - A. No.
- Q. What were (inaudible)? - A. If it had been a group (inaudible) I would have said they were just a group of people come to have a dig, but it was - as one stood up it started to ricochet off the bank.
- Q. Again doing the best you can, what time are we up to? - A. I do not know.
- Q. About 9.30 the convoy leaves, you get called up, and you say you were sitting there for ten minutes or so? - A. Yes.
- Q. When you say 30 or so began to gather together, what time roughly do you think it would have been? - A. I do not know.
- Q. Coming up to ten o'clock? - A. I do not know. The first convoy we saw out, then we went to the middle holding
- Q. The first convoy you saw out, what do you mean? - A. The first convoy had gone.
- Q. You watched it go? - A. We were down on Poplar Way.
- Q. When it passed you by? - A. When it passed us by.
- Q. You are down on Poplar Way at 9.30 then? - A. If that is the time.
- Q. Were you called up topside after it had gone? - A. No, we were called to middle holding then.
- Q. What did you do there? - A. We watched then.
- Q. For how long? - A. I am sorry but I cannot remember the time.
- Q. I am not asking you to be accurate to the minute? - A. Not long, quarter of an hour, but then you could tell me an hour and I would agree with you. I do not know.
- Q. An hour? - A. If you want me to say an hour.
- Q. JUDGE COLES: What you are really saying is, "I cannot be accurate to within 45 minutes"? - A. I cannot your Honour, no.
- Q. MR. TAYLOR: Yet if you were there for an hour, you would be leaving middle side about half past ten? - A. If that is the agreed time
- Q. We will move on. What I want you to tell the court if you can, is how long it was that the build up took. You start off with 30 coming down, you have been there on your evidence so far for a quarter of an hour or more? -A. Yes.

- Q. How long does this build up take to become many thousands?
- A. I would be taking a guess at the time. I would not say more than ten minutes.
- Q. Ten minutes to build up from 30 to many thousands? - A. Approximately ten minutes before they came over the top. They were like lemmings coming over the top. I have never seen as many people gathered.
- Q. Where did they come from? - A. I presume from the housing estate or from the roadway. I never got further than the bridge.
- Q. You never went over the bridge? - A. I went over the bridge once as I remember. This was my last one. As I went over the bridge I looked to my left and I thought, "Oh no", because I believe there is a scrap yard there, and I thought, "I am on the wrong side here",
- Q. You said you had never been to Orgreave before that day? - A. No.
- Q. When you say you believe there was a scrap yard on the left, is that something you noticed on that day? - A. There are certain things which as a mounted Officer are dangerous, things that I try and pick up right away
- Q. Have you read reports in the various newspapers? - A. You cannot help but read about things in the newspapers.
- Q. Have you seen reference to a scrap yard in the newspaper? - A. Not really, no.
- Q. Getting back to the time when you were at the beginning. You are behind lines. This is before your first deployment? - A. Yes.
- Q. Would it be right to say that if you were on the road, the three times you moved up on the road you never went on to the field? - A. I cannot remember going on to the field, no. I think I
- Q. Those three movements up, were there horses on the field that you saw on that day? - A. I never looked at anyone but the immediate people around me.
- Q. You never looked at anyone? - A. I never looked at anyone for a start other than the people that were immediately at the side of me. ^{are they?} Those on my left, those on my right, do I know them, ^{are they?} as sound as a pound
- Q. Police Officers? - A. Are they good Officers, do I know them .
- Q. JUDGE COLES: You said, "Are they as sound as a pound"? - Yes.
- Q. MR. TAYLOR: They would all be as sound as a pound? - A. Yes, if you know people at the side of you, if you are going

up in numbers, if you know their names you can shout to them .

- Q. JUDGE COLES: You had sound people round you. Did you notice whether you were advancing on the road, and others were advancing on the field? - A. I do not your Honour.
- Q. MR. TAYLOR: Did you realise that you were moving up?
- A. As far as I was concerned it was just to take the pressure off us and sort it out from there.
- Q. You said you were given an order by a Superintendent who said, "I want you to disperse the pickets, do not hit them about the head"? - A. Yes.
- Q. Is that something that you remember actually being said? - A. Yes.
- Q. It would be fair then to say, would not it, that you may have had your staffs drawn at that stage? - A. No it would not be fair to say that. It is not necessary. It would be at their own discretion or a directive of a senior Officer, I think it is the ACC, but I am not sure what he was. This was the job in hand, and your sole objective was to move them up the road and return without any aggravation.
- Q. Do you recall the words, "Go 30 yards and return quick"? - A. I do, yes.
- Q. Do you recall who was in charge of your mounted Officers?
- A. It was a case of looking round, not knowing the other Forces you cannot recognise who is in charge, so I assumed Mike (?) Flannery who is our Sergeant, he was the only one we could see with a stripe on, he would take charge.
- Q. If we take our time from the convoy? - A. Yes.
- Q. There is no dispute about this, the convoy would leave somewhere around 9.30? - A. Yes, 9.30.
- Q. Can you give the court some indication of when it was that you first went through the cordon and up the road? - A. I cannot.
- Q. If I say to you that was in all probability about ten past ten to half past ten? - A. If you say that is in all probability I cannot say it was not, so I will be guided by you.
- Q. Does it sound reasonable? - A. I would say it could sound reasonable.
- Q. I wonder if you could find exhibit 11a please.

JUDGE COLES: The large aerial photograph not the big one.

- Q. MR. TAYLOR: I wonder if you could turn that to the Jury so they can see what it is you are looking at. Do you see any horses on that particular photograph? - A. Yes, I

see a number.

- Q. When you first went up to behind the line, the position that you were in, how does that correspond with the position first shown on the photograph? Have you got your bearings from that photograph? - A. Yes, I have got my bearings. It is so long ago, the actual position I would not like to say.
- Q. Judging by the number of demonstrators on the field? - A. Yes.
- Q. Would you say that that is the beginning of your three stage operation or towards the end of it, or before it started; if you cannot say from where I will move on to something else? - A. I cannot say.
- Q. When you were first called up from the middle holding area to the top what were you called up for? - A. To stand by, just to relieve some other mounted Officers that were wanting refreshments.
- Q. When the PSU's were taken from the cordon were they also replaced by others? - A. No.

MR. TAYLOR: I do not know whether that is a suitable moment for a break if your Honour intends to have one, because I am going to move on to something else.

JUDGE COLES: Yes, very well, we will have a break now, members of the Jury for 15 minutes.

Later

- Q. MR. TAYLOR: Mr. Marsh, it is the three stage movement up the field that I want to deal with? - A. Right.
- Q. I do not think I am going to get anywhere with you on the timings of it? - A. I would assist you if I could.
- Q. Do you remember when you were returning and coming back in through the cordon being applauded by other Policemen? - A. Of their clapping?
- Q. Policemen clapping as you came back through? - A. Yes.
- Q. I am sure you are a brave sort of fellow, but do you know why they were clapping? - A. I never spoke to any of them who were clapping.
- Q. When you were through the cordon on your way out, did you have a certain formation or did you just go through? - A. We did not have a formation as such. Who happened to be at the front was at the front, but we stayed close together.
- Q. You stayed close if you possibly could? - A. If we possibly could.
- Q. In that group can you remember thinking about the first time

- through, were you at the front or were you at the back? - A. I was somewhere in the middle.
- Q. Does that apply to the second time and third time as well?
- A. I think the first time and the last time I had been in front.
- Q. The first time you were in the middle, the last time you were at the front or near the front, the second time? - A. I went to the middle or the front.
- Q. So you had moved up a little bit, and then by the last time out you were one of the front ones? - A. Yes.
- Q. Can you describe the scene that you saw as you were ordered to go through. The Police line parted to let you through, what did you see as you went through? - A. Not a lot because although you are going in the general direction you are doing this, even though you have got your crash hat on you are automatically coming down.
- Q. What was your impression of the number of demonstrators? - A. In what way do you mean?
- Q. Perhaps a lot? - A. A lot I would say, yes.
- Q. In hundreds or in thousands? - A. I would say immediately around me
- Q. I am really asking about the bridge. You cannot see up round the bridge, it is too far? - A. No.
- Q. Just (inaudible) outside your vision? - A. Yes. I would say many hundreds.
- Q. Many hundreds. What had happened then to the many thousands that you described earlier on when coming back you presumed from the? - A. They moved to the side. I would have thought some, if they had been sensible, would have moved away, away from it all right to the side.
- Q. If you werethinking about looking up the hill, would they have gone over the wall down into that field there? - A. Yes, I think some did if I remember right.
- Q. Going up the field, would they have gone into the next field on the left? - A. I cannot think now. You tend to notice what is happening in your middle area and not what is happening further afield.
- Q. After the first time you did not stop there. The cordon moved up and you did not stop there? - A. No.
- Q. You did the same manoeuvre again? - A. Yes.
- Q. Why was it necessary to do it again? - A. Because they were coming back at us.
- Q. How many came back? - A. From what I could see, again I

will have to guess, approximately the same perhaps that originally came at us.

- Q. Do you mean many thousands? - A. When you are assessing the whole situation it is easy to say many thousands, but when you are dealing with the bridge you only see hundreds. You are not looking that way, you are not looking that way, that is the area to which you are looking to.
- Q. Before the first time you went through the cordon you said that people were being stood down and so on, and then 30 or so scattered about started to throw things, and they developed into many thousands throwing? - A. Yes.
- Q. Is that right? - A. Yes, I would say that was right.
- Q. Is that right, were there many thousands throwing? - A. Initially.
- Q. Initially, before your first push through? - A. Again it is hard to say in a group who is throwing and who is actually stood still, but there were many many missiles coming over.
- Q. And there were many thousands there? - A. Yes.
- Q. Before you went through the second time? - A. Yes.
- Q. You may have been on your horse behind the line? - A. Yes.
- Q. In the same position (inaudible) just in front of the cordon? - A. Yes.
- Q. What did you see before the second time through? - A. I saw the crowds again.
- Q. Still many thousands? - A. I would say not enough to say they had gone sufficiently not to require our presence.
- Q. How close did they advance towards the front of the Police line? - A. I do not know. I could be wrong, I am not sure whether they advanced as close as they did the very first time they advanced at us in the field.
- Q. So the first time how close did they get? - A. Right up.
- Q. Eyeball to eyeball? - A. More or less.
- Q. So you could talk to them over the shields? - A. I could not talk to anyone I was far back.
- Q. But the first line, could they? - A. I would have thought so.
- Q. The second time, how close did they come that time? - A. I could not say to be perfectly honest. I could not be precise about small things, apart from the fact what was happening to me.
- Q. That is not a small thing? - A. I did not mean a small

incident as such.

- Q. What I am asking you now is, you were stood behind the cordon, before you go through the second time how many people were there, and how close did they get; two questions. Take the first one first. How many people? - A. I would say hundreds.
- Q. Were they in one place on the road or field or both? - A. After the first run they were pretty well spread about a little bit.

JUDGE COLES: I am finding it difficult to make a sensible note of this. It has been the pattern for some days that witnesses are finding it very difficult to tell the difference between hundreds and thousands. I just wonder how useful it is asking.

- Q. MR. TAYLOR: The third push, can you say now how many have moved, gone way up the field, and how many people were there facing you? - A. Hundreds again I would think. It is the third time. I was at the front and I would say there were hundreds.
- Q. Each time could you see what the crowd was doing? - A. As an individual person or as per crowd?
- Q. Were they throwing things? - A. Yes, they were throwing things.
- Q. Lots? - A. Yes.
- Q. Were those big shields still there or cannot you say? - A. I cannot say.
- Q. When you were riding back? - A. When we turned round I am pretty sure the shields were there in front, and when we came back they moved to the side to let us in.

MR. TAYLOR: Thank you. Will you wait there please.

Cross-examined by MR. MANSFIELD

- Q. Now Officer, I am going to deal with it as quickly as possible. I am really only concentrating on the three charges up the road. Now first of all do you agree that when you charged up the road on the three occasions, you did, to use your own words, at a very brisk pace? - A. Yes.
- Q. Were the horsemen, and perhaps since we have been using terms like trotting, cantering and gallop you know precisely which method it was? - A. Yes, hopefully.
- Q. Which one is it for describing the pace at which you went up the road? - A. Canter.
- Q. Cantered up the road? - A. The first three times.
- Q. I am not going to ask you to demonstrate the three times,

but it is faster than trotting but not as fast as cantering. Am I right? - A. Yes. It is faster than trot. It depends on which horse you are on. I know horses which can trot a lot faster than some can canter.

- Q. Which kind of horse did you have? - A. One that cantered about normally.
- Q. So you had got a normal cantering horse? - A. Yes.
- Q. I appreciate the difficulty in estimating numbers and distance and so on, but I want to approach it this way, and there is a reason, but before I do I just want to ask you, do you think that the descriptions you have given of what the situation was before you charged up in the first place have been exaggerated by quite a long way? Do you think that is possible? - A. No. I do not think that is possible.
- Q. You do not think it is possible? - A. No.
- Q. I want to approach it in this way. Would you look please at both album five and album nine. Album five is showing Highfield Lane coming up to the bridge. It is just the first photograph which will be helpful. The other one nine you can read alongside it. If you look at the first photograph in that as well? - A. Album nine, photograph one?
- Q. Yes. There are two shots of the same stretch of road, one looking up, that is the one in nine, and the other one in five looking down. Do you see that? - A. Yes.
- Q. Now you were shown an aerial photograph a moment ago, but I want to begin by suggesting to you that before your first charge, the cordon from behind which you came was, if you look at photograph one in album five, stretching across Highfield Lane by those three bushes towards the coking plant. Do you see that? - A. Yes, I see that.
- Q. There was a cordon across there just behind those three bushes, and you horsemen were behind them on the road. Would that be about right? - A. Having said I was on the grass, I do not think I would be - that could possibly be so.
- Q. That is where the cordon started from the point of view of your evidence. I am not saying where it started that day, but from where you came on to the scene. You are behind the cordon stretching across the road by those bushes as shown in the aerial photograph. Now, before you moved up the road, this is the first time you do, you have described the general picture, this is not the bit you are concentrating on as to coming up the road, of many hundreds or thousands, a very large number of demonstrators, would you agree, faced you at that point? - A. Before we advanced?
- Q. The first time you charged up the road before you told us you yourself concentrated on that bit of road ahead of you? - A. Yes.

- Q. I appreciate what you are saying about that is your head is down, but you are looking round? - A. Vaguely.
- Q. And the general picture you get is of a large number of demonstrators coming up the road up to the Police line. I am not going to pin you to it, but your evidence so far is ...
- A. I can say to you wherever the line was we were a few lines behind them, and the pickets came nose to nose with wherever those lines were.
- Q. I am going to suggest at the very least you are totally exaggerating them, are not you? - A. No, I am not.
- Q. You say you recall those many demonstrators nose to nose do you? - A. Yes, I do.
- Q. I think at one stage you indicated leaned over the shields, is that right? - A. Reached over the shields, yes.
- Q. You remember that do you? You are not just, as it were, elaborating a bit? - A. No, I do not think so.
- Q. So when you charged through the lines, or rather you go through and then charged up the road, the pickets on this first occasion - I am not asking you about the areas you cannot see because your head is down - must have been pretty close to the cordon by the time you got through it. Is that right? - A. I would say they were not - you are asking me to remember a lot of things I understand that, but if I was on the other side and I heard the Superintendent saying "We are going to put the horses in, move to one side", I would not be standing waiting, I ^{would be} thinking about moving away from the situation slightly.
- Q. To the side? - A. Or back up the road.
- Q. I am going to suggest to you the horses are going through on the road. Just look at photograph one in the other bundle I do not really mind, the nearest picket anywhere near, and I am going to suggest only a handful was anywhere or by the wall on the right hand side looking down, and on the left hand side as you look up.

JUDGE COLES: That is when you say the cordon was near the bushes.

MR. MANSFIELD: That is when the cordon was near those three bushes:

- Q. And the nearest picket upon that photograph, the broken wall on photograph one, you see? - A. This one?
- Q. Yes, that one. When you actually came through the line, the nearest pickets and only a handful of them were parallel or near that end of that wall. That is the closest point they were. Do you think that is right as you went through the cordon? - A. I cannot remember.

- Q. I want you to think carefully. They have been nose to nose, hundreds/thousands, and I am suggesting it is a handful which are the closest at the end of that wall? - A. I cannot remember the position where they were. I remember that they came nose to nose with the bobbies that were on foot wherever they were.
- Q. In the course of while they are doing that, there is a hail of missiles coming over. Is that right? - A. I do not think (inaudible), but there was quite a bit.
- Q. Have you got quite a fertile imagination? - A. Not particularly.
- Q. I am going to suggest to you in the clearest terms that you are imagining quite a bit of what you are suggesting to this court, are not you? - A. I am imagining nothing of what I am suggesting to this court.
- Q. Anyway, just to go back to the question. At the time they are nose to nose according to you. Then a hail of missiles is it? - A. It is.
- Q. The sort of thing nobody could possibly miss. The sky would be, as it were, ablaze with missiles? - A. I would not have thought you would be able to miss them, no.
- Q. You go back down the road after the first charge, and really the next two you say are pretty well the same? - A. Yes.
- Q. I am going to make it plain to you, on each occasion the pickets that you are charging through are really nowhere near the front line of Police, are they? - A. On the second and third?
- Q. That is right? - A. On the second and third they are not given time to get anywhere close.
- Q. They are nowhere near, are they? - A. They are not given time. They are down the side. They did not need to come any closer.
- Q. Where are they down the side? Just point out on these photographs where you say they are on the second and third occasions? - A. I presume it has got to be in the field at the side. I cannot say anymore than that. I am too busy just getting on with what I am doing.
- Q. When you were hit yourself by something, where were you, up near the bridge? - A. I was just the other side of the bridge.
- Q. We have got photographs of that so we can position it. Photograph six, album nine. Does that help you, or seven or eight, as to where you got to on this last occasion? - A. I certainly did not get as far as eight, nine, and seven.
- Q. So it is six, is it? - A. I would say it would tend to be, yes, five and six are the ones I remember mostly.

- Q. I am not going to pin you to feet, somewhere round the bridge or just fractionally to the corner, somewhere there. I thought you were saying that it was as you were returning to the line you had to put your arms up? - A. I did.
- Q. So you had actually turned round had you on the bridge, put your arms up and something hit you? - A. I think we had just cleared the bridge and then we turned round.
- Q. And then something hit you?
- Q. JUDGE COLES: Is that right, you were hit? - A. When we turned round I was hit. I cannot say categorically I was hit by a number of pickets just after the bridge, that side of it, or just before the bridge on our return. I cannot pin point it. I was hit by so many things.
- Q. MR. MANSFIELD: The reason I am asking you is, at one stage before that time, had you been hit by any missile in earlier charges either up or down? - A. Yes, we had.
- Q. You personally, we will come to whether anybody else was. Were you hit by any missile up to the bridge or back from the position of the bridge on the earlier charges? - A. I cannot be sure, but yes, I think I was.
- Q. JUDGE COLES: When or both? - A. To be perfectly honest I think we were hit by missiles from the side, returning somewhere before we got to the back ranks of Policemen.
- Q. You say we, do you mean on each occasion once, or when your team received a blow, or that you personally received a blow on each occasion; what are you saying? - A. I am saying one or other received blows.
- Q. MR. MANSFIELD: What I am going to put to you is that this missile throwing that happened so far as you were concerned happened once you got up to the demonstrators and were turning round, then one or two missiles came over towards you, and on the last occasion you got hit. It was not a question of riding back down the road through a hail of missiles from people at the side. was it? - A. Can you repeat the question?
- Q. The missile throwing that occurred when mounted Officers charged towards demonstrators occurred when they got up to the demonstrators, finally got there, and there was a turn round, then there was some missile throwing. That is the position, is not it? - A. No.
- Q. Did you hear someone shout "missiles" as you charged up the road? - A. No. I never said (inaudible). I said the last time we got hit by missiles was when we went up the road.
- Q. Missiles did not come about until you were at the demonstrators having charged up the road, that is right, is not it? - A. Missiles did come about when we were going up here, but did not to the same extent as when we were re-grouping.

- Q. At the top? - A. Behind the Police lines.
- Q. Wait a minute, you are re-grouping behind the Police lines, and then missiles get thick and fast do they? - A. No. We have obviously misunderstood. We regrouped at the end of our objective.
- Q. Re-grouped towards the bridge? - A. Yes.
- Q. Whether you have got there or you have not, that is when the missiles happened? - A. More
- Q. As you go back down the road there are (inaudible?
- A. I could not say if you are asking me who threw the bricks at me.
- Q. I am just asking you for a general description of what you could see down the road? - A. On the roadway itself?
- Q. Yes? - A. At the side. I met a line of pickets stood up on whatever banking they could get on or whatever height they could get throwing.
- Q. Many of them again? - A. You cannot tell, because once you see missiles coming over your instinct is to get your head down and get back to where you are coming from.
- Q. I hope I have made it clear to you. What I am suggesting is on each occasion you charged up, there are no demonstrators closer than the position I have pointed out on that first photograph, and the missiles if they came are sporadic and came from where a few demonstrators are towards the bridge. Do I make it clear? - A. Yes, sporadic
- Q. Yes, sporadic ones from up there? - A. Sporadic ones way up there, maybe.
- Q. Looking at the over all position, I am going to suggest there was absolutely no need for you to charge up the road in the first place at all, was there? - A. There certainly was.
- Q. Which is? - A. To move the pickets further along the road because they were in danger of collapsing the front line and coming back down the road.
- Q. JUDGE COLES: When do you say more missiles were thrown at the horses? - A. On our return to the line your Honour.
- Q. What do you mean on your return? - A. When we reached the end of our initial objective which was to go approximately 30 yards up the road, as the order came to turn, "We will turn round and go back", that is when we got the majority of missiles.
- Q. When you were in the advanced position, when you were turning round to come back? - A. In retreat.

- Q. You say you got the major source of missiles at that time?
- A. Yes, your Honour.
- Q. Was it just then or did it continue? - A. After we got back? It continued as we went back to the Police line.
- Q. MR. MANSFIELD: I want you to look at the bundle. These are photographs taken by a photographer standing in the top field looking at the top Policeline when these three charges occurred. I want you to look through and see whether any of these photographs agree with what you have described a minute ago.
- JUDGE COLES: Which photographs are these?
- MR. MANSFIELD: These have not been produced yet, but they will be and proved by the photographer who took them. I have got some copies. I am going to wait and see if the witness can identify them first of all.
- THE WITNESS: Can I hazard a guess?
- Q. MR. MANSFIELD: I do not want you to hazard any guess. If there is a photograph in there which is of yourself or a scene that you remember, because they depict mounted Officers going up the road, please specify which one it is. They are all numbered. If there is not a photograph which shows yourself and or a scene you remember or a scene you have just described which warranted the first charge, then please tell me? - A. These photographs are not very good as such. They show masses, but they do not show direct incidents. If I had to pick one out I would say
- Q. Take it in stages. Is there a photograph amongst all of them that shows thousands or hundreds of pickets nose to nose with the front line of Police Officers? - A. No.
- Q. The answer to that is no? - A. No, possibly on photograph three.
- Q. Photograph three. If you look at it you will see there is quite a gap between the pickets or demonstrators and the front line, if you look at it closely? - A. To the right there is. I cannot see past to the left.
- Q. The bit that you can see clearly on that photograph does not show thousands of pickets trying to break through Police lines, does it? - A. No. I think it does to the left.
- Q. You think it does? - A. Yes, I do.
- Q. So photograph three the Jury can see, you say, we will just make a note of it, shows thousands of pickets trying to break through the Police lines.
- Q. JUDGE COLES: It is the picture showing nose to nose situation? - A. Yes.

- Q. MR. MANSFIELD: Taking it again in stages, you will see there is a photograph there of horses coming through. I suggest it is the first time they do. Photograph seven? - A. Yes.
- Q. Is there any photograph there that shows that pickets are closer than the point I indicated on the bundle the Jury have, than that bush when the horses first come through or just before? - A. I would suggest to you that when they heard that the horses
- Q. Just answer the question. Is there any photograph there that shows pickets closer to the Police line just before the horses come through let alone when they are coming through? They are all taken in order, photograph six, seven. Are they closer than the position I have pointed out to you? - A. No.
- Q. Do you recall the pickets running away yourself when the order was given? - A. Yes I do.
- Q. Where were they running when you heard the order given to get ready? Just answer the question. Were the pickets running up the road or in front of the cordon when the order given if you remember? - A. I think, and it is only a guess, they were running in any direction that was convenient to them.
- Q. You have looked through those earlier photographs, they do not show the pickets running up the road, do they in front of the cordon before the horses come out? - A. You have got to appreciate
- Q. Just take it in stages. Are there any photographs in the bundle that indicate pickets running up the road before the horses come out? - A. Not in these photographs.
- Q. I do not want you to guess or assume anything, do you understand? - A. Yes, I understand.
- Q. Now look through the photographs as a whole. Is there a single photograph in there showing a hail of missiles directed towards the Police cordon prior to the horses coming out? - A. Not according to these photographs.
- Q. Two other questions I want to ask you, one relates to the photographs, and one does not. The third or fourth, I cannot pin it down to which it is, charge up the road, was it preceded by short shield Officers or either of them preceded, on your recollection, by short shield Officers? - A. I cannot remember.
- Q. Might that be the case? - A. I cannot remember.
- Q. So if I wanted to take you through the various stages about the numbers of shields out and how much line was exposed you won't remember then? - A. No.

MR. MANSFIELD: I won't do it with you.

JUDGE COLES: Are we to see the photographs?

MR. MANSFIELD: That is the last question on the photographs. Perhaps I ought to ask whether there is any scene in here that he recognises. He has not said so:

Q. Is there a photograph in there that you recognise that you have described, in this bundle I have got here; if there is I will hand them in, if there is not?

MR. WALSH: I think he did say possibly photograph three.

THE WITNESS: Yes.

JUDGE COLES: He said it was the closest to establishing something he described.

THE WITNESS: Yes, I think photograph three.

Q. MR. MANSFIELD: Photograph three is the closest one? - A. Yes.

Q. I know a lot of them are after and over the bridge. There are one or two close ups of the horses. Are you there? - A. It is very difficult to pick them out with the markings.

Q. I appreciate that. It maybe you cannot recollect yourself Officer? - A. No.

MR. MANSFIELD: I am quite happy to hand in - we have got two. I can have them made up unless the Crown have some objection.

MR. WALSH: Not having seen them I do not know if I have any objection or not.

MR. MANSFIELD: There is a copy for my friend there. Perhaps your Honour would like a copy. There is another copy. They are in the same order. If there is no objection perhaps one could be passed round the Jury. Perhaps I could indicate for assistance, it is to be said that these are taken after ten o'clock by a photographer on the top side looking down towards the line.

MR. WALSH: I wonder whether in answer to my learned friend's query, possibly the sensible thing, bearing in mind this witness has only been asked about part of them, is to show photograph three which is about the only one he says he can recognise. Clearly the rest of them he has not been asked about nor does he purport to say anything about them at all.

JUDGE COLES: I suppose that must be right, Mr. Mansfield.

MR. MANSFIELD: That is what we have done on previous occasions, but it means the bundle gets broken up.

JUDGE COLES: We can give them an exhibit number with an undertaking they be subsequently proved.

MR. WALSH: Your Honour, what I would suggest is as the Jury clearly will now see photograph three, if the album could be open at that point and passed round to them.

JUDGE COLES: There are such a large number of photographs here.

MR. WALSH: It need not be taken up. It can be left as it were for the moment.

JUDGE COLES: Yes, because it is going to be proved.

MR. MANSFIELD: They are going to see it anyway, so I do not mind what procedure is adopted. I wonder if my learned friend would be kind enough to pass his bundle round the Jury. The numbers are on the back.

JUDGE COLES: I await with interest the relevance of photograph number 25. Yes, the Jury have now seen that, Mr. Mansfield.

- Q. MR. MANSFIELD: Now the only other question I was going to ask you is, as you are part of the mounted branch of the same Officers there on horseback, were you aware there was another group of horsemen standing not only behind the line on the field, but actually further over, again into the further field? Perhaps it will be easier if we look at the aerial photograph? - A. I cannot answer that.
- Q. They might have been there but you did not see them? - A. They may have been there.

Cross-examined by MR. O'CONNOR

- Q. I have only one or two brief questions to ask. You for the moment are the only mounted Officer that will be called. May I ask you to take us up, as it were, through the gears of a horse, because I am not very familiar with them, and many people may not be. The first gear presumably is the walk, is it? - A. The first thing you have to understand are things they can do when they are born. They can walk, they can trot, and they can gallop. That is geared into them because of their nature. Horses want to get away from things, so when it is born it is built for moving away rather than staying in one place. The horse is taught by man to canter.
- Q. I understand? - A. So you have got a walk.
- Q. First gear? - A. First gear, trot
- Q. Second gear? - A. Canter.
- Q. Yes? - A. Gallop. There are other bits inbetween. There is the extended canter, but basically canter, and gallop.

- Q. Canter is sort of third gear? - A. I would say so.
- Q. Can you help us and give us some idea of the sort of speed a horse, that is a fully matured horse when it is galloping. Can such a horse be going at 30 miles an hour? - A. No, I would not have thought 30 miles an hour, not our type of horses.
- Q. Perhaps 25, 20? - A. Perhaps but really I could not say. It depends from horse to horse, but I would guess something in the region of about 14 perhaps.
- Q. That is very precise. At a gallop you say 14? - A. I think so. Horses are like people; they are built for various things. Ours are built basically to stand still.
- Q. We have seen them used, and we have seen they are sturdy animals. They are not for racing? - A. Hopefully Police horses are sturdy.
- Q. I probably cannot take it any further. The only other matter I want to ask you about, after the first ^{time} you are advancing, were you given an order? - A. In what respect?
- Q. The Sergeant? - A. The horses go in if I remember rightly from the first.
- Q. JUDGE COLES: You are not being asked what the order was you were given, you are being asked was it given each time? - A. Yes.
- Q. MR. O'CONNOR: On your last advance towards the bridge? - A. Yes.
- Q. Can you remember what your order was? - A. No, apart from what was said each time, horses in, and then right, we will turn round. My Sergeant said, "Right, turn round, and we will go back to the ranks".
- Q. Were you given an order as to exactly where to go? - A. Yes.
- Q. What was that then? - A. 30 yards at a time.
- Q. On that last advance? - A. Yes.
- Q. You are before the bridge and you are told to go about 30 yards? - A. About 30.
- Q. Did you in fact go more than 30 yards on that advance do you think? - A. I could not tell. I was too interested about my arm.
- Q. If you only advanced 30 yards on that last advance, when you started off you must have been practically at the entrance to the bridge, must not you, or is it that on that last advance you went considerably further than you were ordered to? - A. No.

- Q. You think you only went about 30 yards on that last advance?
- A. I can assure you that any order that was given to me on that day or any mounted people, it was carried out as precisely as was required of us.
- Q. Would Sergeant Flannery have said, "Stop"? - A. Because otherwise (inaudible). You cannot guess a yard when you are galloping. He is the over all Officer who told us to turn round.
- Q. He is not the over all Officer, he is? - A. He was the Officer in charge of the situation at the time.
- Q. Are you saying he was the Officer in charge of all the horse advances, he is in charge of you?- A. No, (inaudible) he was the only Sergeant.
- Q. Yes? - A. I would hazard to say of mounted men. I would say foot men would turn to an Officer of higher rank whoever decides to take the initiative. They would take their orders from him. He was the only Sergeant there.
- Q. So you are saying he was in charge of all the advancing horses - A. Yes.

MR. O'CONNOR: Thank you.

Cross-examined by MR. GRIFFITHS

- Q. I would like to take up one or two matters raised by my learned friend Mr. O'Connor. Sergeant Flannery was in charge of all the horses on those three stages. That is what you are saying? - A. I am saying that as far as I could see he was the only - no other Officer or no other Sergeant said, "No, I am here, we will make the decision! He was near the front, and he more or less took charge, because the Inspector or Chief Inspector in charge of the mounted had already been stood down at one time for his refreshments.
- Q. Officer, it has been suggested that your memory about this particular day maybe a little cloudy or you might have been exaggerating. You have heard it suggested to you? - A. I have heard the suggestion made to me.
- Q. Are you certain at no time did you advance more than 30 yards on anymore than these three stages? - A. I cannot be certain.
- Q. I am not going to hold you down, 40 minutes perhaps, but no more than that, is that what you are saying? - A. I am saying I advanced to what I thought was 30 yards approximately or until the Officer in charge said, "Turn round", which I assumed again he would tell it would be 30 yards.
- Q. Take your mind back to the last - you have mentioned four charges. I am not going to hold you down to whether it is

two or four, the last charge that took you to the bridge. Are you able to help us as to the length of travel of your horse under you before you arrived at the bridge? - A. No.

- Q. Look at the aerial photograph, Officer. Have you seen this before or not? - A. No.
- Q. I cannot remember if you have been asked to look at it during the course of your evidence? - A. No.
- Q. Just familiarise yourself with it, first of all. Do you see the bridge in the centre, the bridge over the railway line? - A. Yes.
- Q. Do you see houses on the right hand side, the houses in Highfield Lane? Do you see them? - A. Over the bridge?
- Q. Yes? - A. Yes.
- Q. To the right of the? - A. Yes, over the bridge.
- Q. That is the bridge where you arrived at? - A. Yes.
- Q. Is that right? - A. Yes.
- Q. Go a little further down and travelling back towards the coking plant, do you see large industrial premises at the top right hand corner? - A. Yes.
- Q. Have you got yourself familiarised now? - A. Yes.
- Q. We have heard that the building on the left hand side that is near the coking works, on the left hand side of the road as you look at it, is the command post. Did you know it as such on that day? - A. Yes, as middle holding.
- Q. Near the middle holding area. Have you got it sufficiently clear in your mind now? I have taken you through that so you can familiarise yourself with it. All right? - A. Yes.
- Q. Do you see as you come up the command post, that is a relatively straight road? - A. Yes, it is.
- Q. As you come up that road to your left, what you are coming up is the top side holding field is it not? - A. Yes.
- Q. Can you picture that in your mind? - A. Vaguely.
- Q. Do you see as we look at that top side holding field, bushes which you have already been referred to, although not on this photograph. Do you see the three bushes together and then a gap, and then a further one? - A. Yes, here.
- Q. Alongside the road. Follow the road up towards the bridge, follow it back from the bridge? - A. Yes.
- Q. As you are going back down do you see the isolated bush and these three bushes together? - A. Here.

- Q. Do you see them? - A. Yes.
- Q. That is the side of the top side holding field adjacent to the road? - A. Yes.
- Q. What if I were to tell you that so far as we can gather in this case, the line, whether it is the third or fourth, the line moved up to the bridge, that is of the Police cordon, the horses going through the Police cordon started at about that isolated bush? - A. Yes.
- Q. We have a sketch plan. It is exhibit number three. If you would like to have a look at the sketch plan? - A. Yes.
- Q. It is a good 200 metres from that bush to the road? - A. Yes

JUDGE COLES: To the road.

MR. GRIFFITHS: I am sorry, from that bush to the bridge.

THE WITNESS: Yes.

- Q. What would you say if I were to tell you we have been told in the course of this trial that the last push up to the bridge of the Police cordon following the horses and the like started at that bush, and indeed was at or about the bridge, in other words a movement for some 200 metres? How does your evidence that you only moved so far as you can tell 30 yards at a time tie in with that if that other evidence is right? - A. It does not, does it?

MR. WALSH: Is not this another of those questions where this Officer has to be part of?

JUDGE COLES: He is, Mr. Walsh.

MR. GRIFFITHS: I am giving this Officer the opportunity to deal with the evidence we have heard.

- Q. JUDGE COLES: You think that person is wrong or do you now change your view of what you say? - A. I cannot say it is wrong. I can only say we did not advance further than 30.
- Q. MR. GRIFFITHS: What I would like to do is give you another opportunity to answer the question put to you by Mr. O'Connor. Remember the last movement, I am not bothered about whether it is the third or the fourth, what were you to do, Officer? How far were you told to go or cannot you now say? - A. I cannot now say. What are you suggesting that has been said?
- Q. It is your case that you were just told to clear the area and clear them over the bridge. Does that ring a bell?
- Q. JUDGE COLES: However far you went on that last occasion do not worry about that. What were your orders? - A. Our orders were to go about 30 yards up, move them back, and

then return to behind the Police lines.

Q. MR. GRIFFITHS: This move of 200 metres, you obviously did not stick to those orders then, did you? - A. Obviously we went a little bit further.

Q. Would you like to look at the colour photographs?

MR. GRIFFITHS: May he be shown- I cannot remember the exhibit number, I think it maybe exhibit nine. It is the bundle with five photographs. It is the buff coloured bundle with about five photographs:

Q. Would you look at the photographs in that bundle? - A. Yes.

Q. That is a shot looking back down towards the coking plant of the retreating pickets? - A. Yes.

Q. As they are being driven up towards the bridge. That is another one as you can see of them pouring down the cutting. They are taken in sequence? - A. Yes.

Q. Then we see in the photograph Police Officers coming into the village? - A. Yes.

Q. The next shows some mounted Officers, does not it? - A. Yes.

Q. It is not the clearest of photographs. Look at that and do your best despite the difficulty you may have, do you see yourself for instance in that photograph on your horse or any of your colleagues? I can understand if you cannot, but I want to give you the opportunity of? - A. I cannot. I am sorry.

Q. Did you get this far across the bridge? - A. We have gone through the coking plant, gone across the bridge.

Q. This is a shot now looking up towards the houses? - A. We have crossed the bridge.

Q. This is a shot taken from possibly standing right alongside the bridge looking up towards the houses? - A. Not to my recollection. I did not get that far.

Q. When you got to the bridge were you the first leading horse or were you behind others? I am not asking you about time. This is the first time you got to the bridge? - A. This is the first time we got to the bridge.

Q. As I understand it you only got there on one occasion, the first time that you

JUDGE COLES: You used the word first.

Q. MR. GRIFFITHS: This is the very first time on this day that you arrived at the bridge, and in fact the only time that day you arrived at the bridge. Would you like to help

us as to whether you were at the front, how many horses were with you, and what happened to the other horses? - A. As far as I was concerned we all re-grouped and came back.

- Q. Did you see any horses go up the road which could have corresponded to the group we see in this photograph coming back? - A. I did not see anything like that.
- Q. When you got to the bridge were any short shield Officers in front of you? - A. I did not see any if they were.
- Q. When you say you did not see any, could it be they were in front and you cannot now remember? - A. It could have been. It cannot remember.

MR. GRIFFITHS: Thank you.

MR. REES: No questions.

JUDGE COLES: Any re-examination?

Re-examined by MR. WALSH

- Q. Whilst you have got that photograph in front of you, and just to make sure we know which one we are talking about, it is the one of the horses for the most part walking down the hill? - A. Yes.
- Q. That is the photograph you have got? - A. Yes.
- Q. Do you recognise where it is before anybody asks anymore questions about it? - A. Only the fact that they have moved across the bridge and gone up towards the housing estate.
- Q. Did you ever get as far across the bridge yourself as any of the horses shown on this photograph? - A. No, not to my knowledge I did not.
- Q. What about Sergeant Flannery, I think you said in your little group there was about ten of you, you thought four of you from Manchester, plus I think you said about? - A. Six.
- Q. Can you recall whether any of them went this far across the bridge? - A. That I do not know. The reason I do not know, and I cannot be sure, is because I was taken out of it whilst it was still going on.
- Q. Is that because of the? - A. Because of the elbow, so I cannot really say
- Q. Perhaps you can help us along these lines. You said in answer to one of my learned friends that the position in which you were when you received the blow on the elbow that caused the fracture, you said you cannot remember whether you were on the far side of the bridge or the near side of the bridge? - A. No, I cannot.

- Q. I think you did say you knew in what direction at any rate you were riding when you received that injury? - A. Yes. I was going home as you might say. I was going back behind the bobbies.
- Q. From which direction did the object come that struck you on the elbow? - A. I can only assume it must have come from the left hand side, because it got me somewhere about there. Had I come up from there or down there, but it could not have come from any other way.
- Q. Following your receiving that blow, you have told us that you said to Sergeant Flannery that you were injured? - A. Yes.
- Q. And you could go on if need be? - A. Yes.
- Q. And you did go on for a fourth time? - A. I went one more time in case it was bruised and it just numbed it.
- Q. On this fourth move forward how far did you get? - A. I did not. I could not hold the reins properly and I kept near the back ready for the return.
- Q. Doing the very best that you can, and looking at exhibit nine, the album of photographs, and photographs five, six, and seven, what is the furthest forward position, that is away from the coking works that you reached on your horse? - A. I really cannot say. I would say if I have to have a guess, and it is only a guess, I would say six, and it is only a guess.
- Q. Do you actually remember riding on to and being on the bridge itself? - A. Vaguely, yes being on the bridge.
- Q. But your recollection is not before that? - A. No.
- Q. You were asked a few questions by Mr. Mansfield about the album of photographs that he put to you, and that you looked at? - A. Yes.
- Q. And you said one or two things I would just like to ask you about. You said the photographs are not very good as such. They show masses, and I do not think I have written it down correctly, direction, or something like that at any rate. What was it that you were going to say about the album of photographs that Mr. Mansfield showed you? - A. I was basically wanting to say
- Q. Could you keep your voice up? - A. I thought

MR. MANSFIELD: Your Honour, my friend cannot have it both ways, photograph three to the Jury, and the whole album to the Officer. I would prefer the Jury to see the whole album

MR. WALSH: I do not mind the Jury seeing them at all. It struck me if they were going to look at numbers 25 to 30 they are going to have to do it at some later stage, it is going to take up some time

JUDGE COLES: That is what I thought. What was the question?

MR. WALSH: There are a couple of questions.

JUDGE COLES: What is wrong with the rest of the pictures.

MR. WALSH: "The photos are not very good as such, they show masses and not" and I have written down the word direction.

JUDGE COLES: I did not write anything down about that.

MR. WALSH: And then on another occasion I do not think this related specifically to whether the Jury should see the photographs or not, my learned friend asked questions about whether the photograph showed people either running in a particular direction or whether there was a photograph showing a hail of missiles. In view of the fact he asked the question and received an answer I am entitled to ask questions in re-examination.

JUDGE COLES: The Jury are going to see these photographs. It is a matter of perhaps some indifference if they want to see them now

MR. WALSH: I do not know.

JUDGE COLES: Or tomorrow morning.

MR. MANSFIELD: I would ask in view of that re-examination and the questions I put to the Officer, the Jury should see the whole bundle.

MR. WALSH: Would it be all right if they saw the first half dozen or ten, I think the rest are all taken, I think my learned friend said rather later.

MR. MANSFIELD: Yes, rather more than that.

JUDGE COLES: One does not want to break the bundle.

MR. MANSFIELD: I think about the first 17.

JUDGE COLES: Let the Jury see them.

MR. MANSFIELD: The first 18 are of the three charges.

MR. WALSH: I was hoping perhaps I could finish with this witness this evening.

JUDGE COLES: I was hoping you would.

MR. WALSH: If the Jury could look at them hopefully quickly.

JUDGE COLES: I do not think you are going to be asked

to look carefully at any one photograph. For the time being get the over all impression.

MR. WALSH: I am not going to ask this evening about any of those specific questions. It is just the general over all impression if the Jury want to look.

JUDGE COLES: I am sure at this stage of the case, members of the Jury, you will get the drift quite quickly. Would it help if they borrowed my copy as well. I have not marked them. I think those are mine, yes.

- Q. MR. WALSH: You can look at them again, but I do not think it is necessary to do so, can you still remember what you were going to say? The photographs are not very good as such they showed masses and not something or another. What was the point you? - A. They do not show - if you look at photograph number three it shows masses, but as you go in depth to where the masses are collecting you cannot see so very well on the photograph.
- Q. The next thing was Mr. Mansfield was questioning you about where the pickets/miners were when the horses actually went through the cordon? - A. Yes.
- Q. And you said when they heard the order given the pickets ran. Do you follow? - A. Yes.
- Q. You said a little earlier to Mr. Mansfield, "If I were on the other side, and heard the Superintendent say, 'We are going to put horses in', I would not stay". Now, what was the order - if you cannot remember the precise words but as near as possible - that was given before the horses moved and before the cordon opened? - A. To the Police?
- Q. Yes? - A. I cannot remember verbatim but it was something like "Just hold it lads" or whatever, "I'm going to have a word with the horses and we are going to put the horses in".
- Q. How did the cordon break? What instructions were given to the cordon? - A. I think he just put - I am not sure. I think he put his hand up and everyone parted back.
- Q. How long did it take for the cordon to open out and the horses to go through? - A. Not very long.
- Q. From your elevated position what happened to the crowd as the cordon opened? - A. Started running.
- Q. The other thing you said, and I do not say deliberately, accidentally cut off in mid sentence in relation to these photographs and what was happening, you said, "You have got to appreciate" and then Mr. Mansfield asked the next question. Was there something you wanted to say? - A. I think if I can remember rightly what I was suggesting, that the pickets withdrew as the instructions were given consequently making a no man's land.

MR. MANSFIELD: I did interrupt because the Officer had already said he had not really seen - that is what he was saying to me, he had not seen because his eyes were down, so I assumed

JUDGE COLES: Pickets withdrew as instructions were given.

Q. MR. WALSH: And you are saying you saw that happen? - A. Yes, saw bits what was happening.

Q. You have been asked quite a number of questions about where the Police cordon was at the time before the very first occasion you rode through it. Do you have any recollection yourself of where that cordon was, that is to say how far up the field or how far down the field? - A. No.

MR. WALSH: Thank you very much.

THE WITNESS: Thank you.

MR. WALSH: Your Honour, hopefully the witness need not have to come back tomorrow.

JUDGE COLES: Unhappily we shall. You are released. Thank you very much indeed. Ten o'clock tomorrow morning.