

Q Twenty I also understood you to say this morning that you had never intentionally tried to injure an opposing down player; is that correct?

A Forget Yes -- in the regular course of the game I never did.

Q Ray Do you remember kicking Ray Bray in the groin?

MR. SULLIVAN: If the Court please, I object of me, just flying.

to this question, sir. er to protect myself I put my foot

up and flipped THE COURT: Overruled. was put out of the

game. I was THE WITNESS: It is all according to what you mean by kicking.

A I was Can I explain the incident, Your Honor?

Q Well, now This happened about ten years ago -- I don't

think you people know who Ray Bray is. He is an all pro

guard, a real good football player, and we were playing

in Akron, we were playing a pre-season game, and it was

toward the -- it was in the latter quarter and we just and

scored a kickoff and I got down under the kickoff next.

At the time our kickoff man was Joe Muha and, of course,

Ray Bray is a guard and he is up within, right about 12

yards off the kickoff line, and I see this ball zooming.

I could tell by the sound and the kick, I looked up high

and I knew that was going out of the end zone, so I just

relaxed. I knew the ball would be brought out to the



twenty. So Ray Bray came at me and I saw him, I put my hands on him and my feet tangled up and I got knocked down.

BY MR. SHERBINO: On these plays sometimes the official forgets to blow the whistle. But, anyway, apparently Mr. Bray didn't hear the whistle and he comes, jumps on top of me, just flying. After he knocks me down he gets up

and jumps off. In order to protect myself I put my foot up and flipped him over. For that I was put out of the

game. I was fined for being put out of the game.

Q All right.

A I was fined --

Q Well, now, wait a minute. We are just dealing with the incident, Mr. Kilroy.

A Yes.   
 place, aren't you?

MR. SULLIVAN: If Your Honor please, --

A Akron.   
 THE WITNESS: I asked to tell my story and they told me I could tell it.

A Ten years.   
 THE COURT: Apparently what you are about to tell now is what penalty was or was not imposed. You were not asked that question. You were asked about the incident itself. You have testified, and, as I understand it, fully, as to what happened between you and Bray. Have you described that fully?



BY MR. STRUBING: THE WITNESS: Yes, Your Honor.

Q Would it be right to say that the game was

BY MR. STRUBING:

Q You would not agree then that a fair description of that was that it was a vicious kick in a very vulnerable spot? You didn't remember where the game was but you remember the

MR. SULLIVAN: I object, sir.

A So would THE COURT: Overruled: game that I was ever thrown out of, THE WITNESS: I don't know, I see wrestlers do it all the time, flip fellows over. That was the best way I knew how to defend myself. After all, I was on the ground. you were fined \$150?

BY MR. STRUBING: play the rest of the season?

Q By the way, you are mistaken on where the game took place, aren't you, Mr. Kilroy?

A Akron. no money was paid to Mrs. Kilroy?

Q Aren't you mistaken on that?

A Ten years ago. Let me think, I will tell you. it not?

A It was. It was in a hot place, wherever it was, because we were playing in 105 degrees.

Q Just tell me Not Akron. Where is Bowling Green?

THE COURT: Kentucky. a question is was it.

THE WITNESS: No, that is not it, the college.



BY MR. STRUBING: THE WITNESS, Was it? Yes. No, it wasn't,

Q Would it help you if I suggested that the game was at Indianapolis?

A Yes. Wherever it was, I knew it was hot. I thought it was at Akron. I am sorry. 1955 season was \$7500 as an

Q You didn't remember where the game was but you

remember the incident very clearly? as the player --

A So would you. It was the first game that I was ever thrown out of, ever disqualified for. the opening game, was

Q It was not the last, though, was it?

A No. I was thrown out of one other. Philadelphia in 1955, the

Q Now, you were fined \$150? it was.

A Right. Didn't play the rest of the season?

Q Three \$50 fines?

A Right. the next season you received the same pay?

Q And the money was paid to Mrs. Kilroy? See, I have

A The money was what?

Q The money was turned over to Mrs. Kilroy, was it not?

A It was. Can I explain why the money was paid to

Mrs. Kilroy? THE COURT: Sustained.

Q Just tell us whether it was. I think he has answered the

question. THE COURT: First the question is was it.

THE COURT: All right.



THE WITNESS: Was it? Yes. No, it wasn't,  
it was paid to the League first and then it was paid to

Mrs. Kilroy.

REDIRECT EXAMINATION

BY MR. STRUBING:

Q Your salary for the 1955 season was \$7500 as an the  
Eagle player?

A Yes. I received extra compensation as the player --

Q And that was the year that you were hurt early in  
the year and didn't play after what, the opening game, was  
it?

A The New York Giants game in Philadelphia in 1955, the  
League opener, I believe, yes, it was.

Q You didn't play the rest of the season?

A No. I wear a mask at this time?

Q And the next season you received the same pay?

A I don't know, I thought I got a raise. See, I have  
a funny -- rubber end was wore off it.

MR. STRUBING: I will have to object to any  
further elaboration.

THE COURT: Sustained. The rubber end was wore off it  
apparently during play.

MR. STRUBING: I think he has answered the  
previous play.

question. The rubber protective over the steel was probably grafted

and the steel THE COURT: All right.



BY MR. SULLIVAN: MR. STRUBING: Excuse me just a minute.

Q Did that That is all, just your face when you fell  
down in this play? REDIRECT EXAMINATION

BY MR. SULLIVAN: ve a small nick there where it made me bleed;

Q Good Mr. Kilroy, you were asked by Mr. Strubing about the  
incident with Ray Bray. How big a man is Mr. Bray?

Q How long THE COURT: ay Is or, was ten years ago?

A He was in MR. SULLIVAN: ei Was. I was and I was in the  
League since 19 THE COURT: t Ten years can bring a lot of  
changes. He year before; I know he was on the all pro teams.

He was consider THE WITNESS: ti He was over six foot and he was  
240 pounds; i football and a lot of other ones.

BY MR. SULLIVAN: I show you a program of the game between

Q He Did he wear a mask at this time? ed skins marked

Arigley Yes! eid, December 1, 1957, and call your attention

Q the What was the condition of the mask? on.

A The rubber end was wore off it. strongest and toughest  
lineman. Take MR. STRUBING: I didn't get that answer.

Cadillac. THE WITNESS: The rubber end was wore off it  
apparently during the play in scrimmage, in one of the he  
previous plays, it probably snagged some place, and it  
is a rubber protective over the steel was probably grafted  
and the steel bar was showing. are not asked to memorize it,  
just look at it.



BY MR. SULLIVAN:

Q Did that mask rub against your face when you fell down in this play?

A I still have a small nick there where it made me bleed; blood was rolling in my eyes when I was on the ground. It is more of a stun.

Q How long had Mr. Bray been playing at that time?

A He was in the League before I was and I was in the League since 1943 and that is 1948. He was the old pro guard the year before; I know he was on the all pro teams. He was considered, in my estimation, the best guard in

professional football and a lot of other ones.

Q Mr. Kilroy, I show you a program of the game between the Chicago Bears and the Washington Redskins marked Wrigley Field, December 1, 1957, and call your attention to that picture in the advertisement thereon.

A "Ray Bray, formerly the Bears' strongest and toughest lineman. Take it from Ray. Every man is a king in a Cadillac."

Q That is MR. STRUBING: If Your Honor please, all he was asked to do is look at the picture.

Q Over a period of time, THE WITNESS: I am sorry, I was reading it.

A Yes. In the Dallas, Texas game I was -- the center  
THE COURT: You are not asked to memorize it, just look at it.



BY MR. SULLIVAN: cross-block on me and he stepped on my foot

Q Mr. Kilroy, that appeared in an advertisement for, an automobile agency, does it not?

A This is for Cadillacs, an automobile agency or a Cadillac motor itself. It says "Cadillac Motors." State,

MR. SULLIVAN: Mark this Plaintiff's Exhibit No. 3, please.

(A page from the official program of the game between Chicago Bears and Washington Redskins, dated December 1, 1957, was marked Exhibit P-3 for identification.)

BY MR. SULLIVAN: RE-CROSS-EXAMINATION

Q Mr. Kilroy, how many times were you ejected from a football game during the 13 years you have played in the National Professional Football League?

A The incident with Ray Bray, and I was suspended from the Dallas, Texan game in Philadelphia. I can't recall the date but I remember the Dallas, Texan game. 1952

Q On two occasions?

A Two occasions, yes.

Q That is the total?

A Yes.

Q Over a period of 13 years?

A Yes. In the Dallas, Texan game I was -- the center



tried to put a cross-block on me and he stepped on my foot and really hard on it, and to knock him off I went bang, just hit him on the helmet and shoved him off and the official, who is one of my best friends, tossed me out of the game. Hinkey Haines, the fellow from Penn State, is the official's name, and he tossed me out of the game. He was 30 yards away.

MR. SULLIVAN: That is all, got fined is you

went into the MR. STRUBING: May I ask a few more questions?

officials." THE COURT: Yes, I never dispute officials.

You know RE-CROSS-EXAMINATION --

BY MR. STRUBING:

Q Do I understand then that neither ejection from the game was justified, Mr. Kilroy?

A Yes, I do. I will tell you why. I went -- I got fined \$150 and do you know what that other \$100 fine was for?

For my going into the official's dressing room in a pre-season game, trying to argue my case, and I thought that I was right. That is what I got fined for.

Q Well, were you shown a telegram or a copy of a telegram from Mr. Bell, the Commissioner, to Charles Ewart, of the Philadelphia Eagles, with regard to that incident?

A No, I wasn't. He just told me that I was fined \$150



and I inquired why.

BY THE COURT: were very strong?

Q Who told you? for a man to say that he is strong.

A It is Charles Ewart, the General Manager and Assistant Coach of the Philadelphia Eagles. And I said I never heard of anybody being fined that much for being thrown out of a game. Well, you didn't regard yourself as a weakling, did you?

A No. He said, "The reason you got fined is you went into the dressing room and you were disputing the officials." So since that time I never dispute officials.

BY MR. STRUBING: You know, you can be thrown --

BY MR. STRUBING: nt, you would agree that a vicious kick in the groin? Now with respect to the size of Mr. Bray? How big are you, Mr. Kilroy? n't that right?

A Now? MR. SULLIVAN: I object to that.

Q Yes. Wait a minute. Well I won't embarrass you. How big were you in 1948? LLIVAN: You may answer.

A I would say I was around, I might have been less than 250 and I might have been a few pounds over. Around 250.

Is that reasonable? uld I get rid of him? Am I going to

BY THE COURT: on me? He apparently didn't hear the whistle

Q r the To what? didn't blow because he didn't get penalized

A or it 250 pounds? one who got penalized.



BY MR. STRUBING:

Q And you were very strong?

A It is not nice for a man to say that he is strong.

It is an embarrassing question.

Q Well, in any event --

BY THE COURT:

Q Well, you didn't regard yourself as a weakling, did you?

A No.

Q How tall were you?

A Over six foot two, just a little over six two.

BY MR. STRUBING:

Q In any event, you would agree that a vicious kick in the groin isn't justified merely because of the size of the man you kick; isn't that right?

MR. SULLIVAN: I object to that.

THE COURT: Overruled.

MR. SULLIVAN: You may answer.

THE WITNESS: I wasn't trying to kick him, I was trying to ward him off. The man was trying to jump on me. How else could I get rid of him? Am I going to let him jump on me? He apparently didn't hear the whistle or the whistle didn't blow because he didn't get penalized for it, I was the one who got penalized.



Q Mrs. Kilroy MR. STRUBING: That is all the children Mr.

Kilroy referred MR. SULLIVAN: That is all, Mr. Kilroy.

A Yes, six.

Q Mrs. Kilroy MR. SULLIVAN: Is Mrs. Kilroy in the room?

time the picture Will you come up, please? Exhibit No. 1

A Could I ask you a question?

Q May you DOROTHY MARIE KILROY, having been duly sworn, was examined and testified as follows:

First, were DIRECT EXAMINATION his picture

BY MR. SULLIVAN: THE COURT: You can have a confidential

Quest: Mrs. Kilroy, what is your address? to ask you some-

Answering 1223 Wakeland Street, Frankford, judicial but may

Q And you are the wife of Frank Kilroy? fore we proceed.

A Yes. MR. SULLIVAN: Thank you, Your Honor.

Q Who just stepped down from the witness stand? the

Answer Yes, I am.

Q Y MR. How long have you been married to Mr. Kilroy?

A It will be 18 years in June. picture shown on Plaintiff's

Exhibit No. 1 THE COURT: She will know then whether she

was strong in 1948, without embarrassing Mr. Kilroy.

BY MR. SULLIVAN: present.

Q Was he strong in 1948? circumstances surrounding the

A He was always strong.