

W.S. 1,149 ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRÉ MILEATA 1913-21.
No. W.S. 1,149

ROINN  COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 1,149.....

Witness

Lieut.-Col. John M. MacCarthy,
"Dunard",
225 Cabra Road,
Dublin.

Identity.

Adjutant East Limerick Brigade;
Vice Divisional O/C. and Adjutant
4th Southern Division I.R.A.

Subject.

Execution of alleged spy, Patrick D'Arcy,
June 1921.

Conditions, if any, Stipulated by Witness.

Nil

File No. S.523.....

Form B.S.M. 2

W.S. 1, 149
ORIGINAL

STATEMENT BY LIEUT.-COLONEL JOHN M. MacCARTHY,
"Dunard", 225 Cabra Road, Dublin.

I have already recorded a comprehensive statement for the Bureau of Military History - W.S.883.

Here I deal with a single episode - the execution by the I.R.A. of an alleged spy, Patrick D'Arcy, in June, 1921, in West Clare. My association with that event was to serve as one of the links - possibly the opening link - in the chain of circumstances leading to D'Arcy's conviction as a spy or informer.

In the latter half of May, 1921, we (East Limerick Brigade, I.R.A.) seized a quantity of documents contained in a captured British aeroplane. Among these documents were a number of copies of a "top secret" bulletin, issued over the signature of Major-General Strickland, the Commander of the British 6th Division at Cork. This secret document was entitled, "Weekly Intelligence Summary" and dated 17th May, 1921. It covered the province of Munster, mainly under the headings of the various I.R.A. Brigades therein, and comprised Intelligence data gathered by the British in relation to those Brigades and their personnel.

I extracted the relevant entries in the document and transmitted them to all the Brigades concerned. This was done within a day or two of 17th May, 1921. Among the entries relating to West Clare Brigade, and transmitted to that Brigade, was the following:-

"Willie Haugh and 20 others had been living in a dug-out in a bog in the Moyasta-Shragh district."

This quotation is from the original copy of the "Summary" in my possession. (A further original copy of the "Summary" has been deposited by me with the Bureau of Military History, and it will also be found ~~deposited~~ ^{reprinted} as an appendix to "No Other Law", a book by Major Florence O'Donoghue, to whom I loaned my copy and gave permission to reprint it.)

In recent years, I have heard the question of D'Arcy's execution raised in one form or another. Being aware that one of these re-openings of the issue resulted in enquiries being set on foot by the Intelligence Section, Army Headquarters, I arranged with the Director of Intelligence to have the result of those enquiries made available to me.

In consequence of that arrangement, the confidential Intelligence Section file, G2/5335, was passed to me, with permission to extract therefrom such papers as I thought relevant and to substitute certified true copies thereof on the file. This was done, the file being returned to Intelligence Section and the extracted documents comprise ^d eight (8) statements or memoranda, as follows:

- (1) Statement by 413837, Corporal Michael Russell.
- (2) Statement by Commandant Thomas Marrinan.
- (3) Statement by Major C. Whelan.
- (4) Letter from Commandant J. Barrett.

- (5) Memorandum (in the handwriting of Colonel D. Bryan) of a statement by Captain Martin Chambers.
- (6) Memorandum (in the handwriting of Colonel D. Bryan) of a statement by Commandant Liam Haugh.
- (7) Carbon copy of a report to Minister (i.e., Minister of Defence) by Colonel D. Bryan, dated 29th May, 1945.
- (8) Carbon copy of a similar report, dated 8th March, 1946.

I subjoin biographical data as to the five of the above-mentioned persons known to me.

SIGNED:



(J.M. MacCarthy)

DATE:

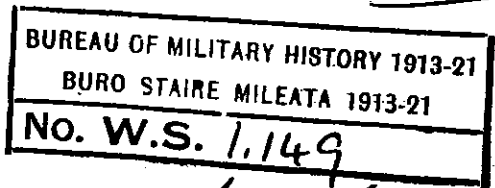
29. 4. 55.

WITNESS:

M. F. Ryan Comdt.
(M. F. Ryan) Comd't.

BIOGRAPHICAL DATA.

	<u>Status at date of his statement or memo.</u>	<u>Previous status and associations.</u>
Col. D. Bryan	Director of Intelligence, Army Headquarters.	Volunteer, Dublin Brigade, I.R.A.
Major C. Whelan	Staff Officer, Army Headquarters.	Officer, West Clare Brigade, I.R.A.
Commdt. Liam Haugh	Retired Army Officer.	Officer, Flying Column and West Clare Brigade, I.R.A.
Commdt. T. Marrinan	Officer, Cavalry Corps, Defence Forces.	Officer, West Clare Brigade, I.R.A...
Capt. Martin Chambers	Officer, attached Western Command, Defence Forces.	Officer, Flying Column, and West Clare Brigade, I.R.A.



Statement made by 413837 Corporal Michael Russell, 7th Field Coy Military Police on 17th April 1945 at the Department of Defence.

I am a native of Cree, Co. Clare and was a member of the Cree "6" Coy, 3rd Battalion I.R.A. West Clare Brigade in 1921. I cannot now recollect the exact dates but have them at home and can furnish them later if necessary. I remember a number of incidents about Patrick Darcy, School Teacher of Booraclare who was teaching in Doonbeg and who was executed as a spy. I remember the circumstances under which Shanahan who was in charge of the Police and Lt. Namara who was a Captain were captured by the British Forces. It was general comment at the time that information was given about them by somebody who had inside information. I was a Transport Officer on the run and I knew nothing about the general investigations as to the leakage of information to the British Forces, I do know, however, that suspicion was aroused about an ex-R.I.C. man named Sheehan who had a public house in Kilrush. This suspicion was due to the fact that R.I.C. and Tans were accustomed to drinking in Sheehan's public house, he also had a farm at Kilwinhill Co. Clare which he visited occasionally. At a date which I cannot remember I was present when Sheehan was detained and questioned about giving information to the British Authorities. He was eventually very frightened

II

and in my presence made a statement denying that he ever gave information but accused Patrick Darcy of doing so, Sheehan stated that Patrick Darcy had given the information in his (Sheehan's) house. I know that immediate measures were taken to arrest Pat Darcy and I took part in them myself, he was not located that day, however, I know, but not first hand that it was discovered that Darcy was in Ennis, I have heard but do not know of my personal knowledge that there was a failure to arrest him at Doonbeg station on his return from Ennis. I understand but do not know first hand that he returned to his house from Doonbeg station by an unusual route. I and another man shortly afterwards arrested Darcy in his own house in Booraclare. When we entered the house he was going out the back door - at that time and now I believe Darcy was trying to evade arrest.

Darcy was then taken away to a courtmartial in Bree, I was not present at the courtmartial but heard immediately afterwards that he was sentenced to death. I suggested at the time that the execution should be adjourned for the purpose of confronting Darcy with Sheehan, and volunteered to go to Kilmuckish for Sheehan, but no action was taken on my proposal. - the execution was carried out shortly afterwards. I know nothing about any subsequent enquiries into this case. I know that Darcy was a volunteer and continuously associated with them, I know Darcy was missing from his school & district for some days

III

and have heard that he was in Ennis to see his brother who had been wounded in an ambush. I do not know anything about the referring of this case to G.H.Q. or any details except those I have mentioned. I know of no new information that has ^{since III &} come to light affecting this case. I know of no reason why anyone should suggest I could give information that would now be of assistance in clearing Pat Darcy's name. I know that Darcy protested that he was innocent prior to his execution. Although at the time I made the proposal of confronting Darcy with Sheehan I had complete confidence in the justice of my superiors, and nothing that has come to my knowledge since has altered my opinion.

I have made this statement freely and after mature consideration, and with an understanding of its importance.

Signed Michael Russell bpl.

No. 413834

7th Field Coy M.P.S.

Witnessed by: Jan Bryan A/Cpl
17/4/45
Shenny A/Capt.
17/4/45

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Patrick Darcy, Cooraclare, Co. Clare.

Statement taken from Comdt. Thomas Murrinan:

After the lapse of a quarter of a century I am not quite certain of the details which led up to the death of Patrick Darcy. Further I wish to state that I am not aware of the investigation into the incidents which led to his arrest, but I am aware that he was tried by a Court consisting of five officers, four of whom were members of the Brigade Staff and one the Battalion Commander. By unanimous vote of the Court he was found guilty of the charges and sentence was duly executed.

Some short time after Darcy's execution this case was re-opened on representations from O.C. Mid-Clare Brigade. This investigation into the Findings of the original Court was conducted by the late General Eoin O'Duffy.

I am positive that during this investigation no evidence was put forward that would in any way reflect on any member of the Court and I can further state that after the investigation the late General O'Duffy expressed to me the opinion that Darcy's sentence was justified.

I remained in Clare for some years after this and at no time did I hear any suggestion that doubt had been cast on the Findings of the Court.

I know of no reason why it should be suggested that I could assist in or give any information that would be of use in clearing Patrick Darcy's name.

Thomas Murrinan Comdt.

20/12/45

15
Sept. of defence

21/4/45

Savery's work done.
West Clare Area.

The following are the facts as known to me. Early in the year 1921 certain information came into the possession of the Brigade Commander West Clare Brigade which connected Savery with the giving of information to Enemy Forces. Further enquiries were made & the matter followed up. On the completion of enquiries the whole matter was submitted by the Brigade Commander to J. B. O. Dublin & some time afterwards the Brigade Comdr received instructions from J. B. O. to have Savery executed. He was executed in April 1921.

In Sept. or Oct. 1921 the late Genl. O'Sullivan investigated all the circumstances & following this investigation I was informed by the Brigade Comdr. that he, Genl. O'Sullivan, was satisfied that

• The action taken against Sarge was justified.

During the period of 24 years which has elapsed since Sarge's execution no fact has come to my knowledge which would indicate that Sarge was an innocent man.

C. Whelan Major

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~~Confidential~~

Govt Buildings 16
 Merrion St.
 Dublin.

24th April 1945

Col D Bryan,
 G. S. O. G. H. Q.

Shooting of Patrick Darcy - May '21

Sir,

I have the honour to refer to our conversation in connection with the above mentioned matter & to state that I inquired from the late General Owen O'Duffy, after he had investigated this case in late summer of 1921 how the matter stood.

He stated that it was a similar case to Dalton's of Kimerich, & would be treated in the same way.

I have the honour to be,

Sr,
 Yours obt servant
 J Barrett-Kormack

Statement re Patk Dacey made by
 Capt Martin Chambers H. 2nd Western Command
 formerly an officer in the A.S.U. West Coast
 Brigade to General Power ^{Western Command} on 2/5/45

(1) Chambers has no direct knowledge of the whole
 business all his information is hearsay. except
 item No 2

No 2 Dacey went to Ennis to identify and claim the
 remains of Shanahan & McKamra. Before going
 he called to Chambers House and was extremely very
 worried and sorry about the shootings, actually
 hysterical about the incident. At the same time he
 inquired where Bill Haugh and Chambers were staying
 an inquiry for which there was no reason or explanation
 and which led to comment by Chambers post. At
 this time there was no suspicion of Dacey.

No 3 Although Chambers has no special knowledge of
 the matter it was commonly stated in informal
 volunteer circles that the first suggestion as to
 Dacey's activities came from a policeman in
 Ennis whose name is thought to have been
 Mushy

No 4 It was commonly alleged or stated that Dacey had
 asked the school children where Haugh was staying,
 this accusation evidently became of considerable
 importance when the note re Haugh was found
 in the crashed plane. Chambers' actual words were
 that Bill Haugh and 6 others were staying in

~~Sh~~ Sheeha at Monmore at Shragh. where in fact there were dugouts. This incident happened between 1st & 19th of March ^{to May} according to Chambers the Digouts were searched for the following day - See Haugh's story which does not agree w/ an incident involving both men.

No 5 Chambers was detailed to deal with Sheehan ~~the~~ probably on a Sunday in the week before Darcy was executed. Sheehan did not come the road expected.

No 6 Re No 4 It should be mentioned that the school children often brought food to Haugh, Chambers etc and as a result would have known where they were staying.

No 7 The Sheehan mentioned in No 5 (and other reports) is alleged to be a relative of Seán Moylan, who is alleged to have given some one described as Seán Hogan given Sheehan's family v/c work in Cork as good, and that Sheehan w/ his family had given a lot of arms to a Cork Brigade. This was before the truce.

No 8 Chambers and Shanahan (Cork) had only collected at Sheehan's house (when tanks were in it) revolvers that had been bought through Sheehan (Note that are rumours about other "black" dealings in arms in which Sheehan would seem to have been concerned.)

No 9

Chambers has met a policeman named Hurley who had been stationed in Doonbeg and later in other posts in West Cork. Hurley states that the letter giving the information re Shanahan & McNamee was posted in Doonbeg to Larry Nolan and a man stated then in Ennistown and he in turn posted to Sgt Sullivan in Kilkee (at Kilrush). There was no evidence as to who posted it but a theory as to a person who might have had a grievance. (Note Sullivan is alive his location is known)

No 10

Chambers states

Shanahan & McNamee were arrested in a house (Reddy's) soon after leaving a wake. No other houses in the vicinity were searched and as a matter of fact eight other wanted men were sleeping in a house across the bog road (Murray's) and were not touched. (Note it is not known if Shanahan & McNamee had previously or often stayed in Reddy's).

No 11

Chambers states but only from hearsay that Gen O'Duffy held an inquiry into this matter at Ashlure Ho (The Barrett's Residence) near Ennis, between the Truce and the split, date suggested as about April 1922 before sides were taken. C. understood that inquiry was held at instigation of Mid-Cork Brigade and Ingham O'Neill (later a ~~Commandant~~ ~~in the army~~ now dead). C. knows nothing first hand of inquiry or result but was told by Jack (or Seamus) O'Dea

a census by the New that it had been proved that Darcy was guilty. (Note it is understood that a police named Melea (or Melee) a native of New Naas now an insurance agent now Manchester that identified Ghanahim & McNamara when they were arrested about 16th Dec. This is no indication that Melea knew anything as to how the information was procured)

Note the date of Darcy's shooting is tent as the 6th of June (Friday) 1921

Statement made by Captain James Haugh to General Power. Western Command

- (1) Captain Haugh was not present at trial which was conducted by the Brigade Staff - Haugh then being O.C. A.S. U.
- (2) Haugh was not in any way directly concerned in the investigation but heard that what brought suspicion on Darcy was a remark by a member of the Kilrush Garrison.
- (3) Haugh was informed by a volunteer reliable now somewhat mental ~~and~~ that Darcy had inquired from the School children ~~what~~ if they heard their parents say what Bill Haugh was sleeping.
- (4) Haugh was aware of Gen O'Daly's injury but was not present as he was then seriously ill. Haugh however was informed that on the Wednesday morning that O'Daly remarked the man should be shot half a dozen times over.
- (5) Haugh always understood that Darcy was not found guilty merely because of the remarks of the member of the Kilrush Garrison but because there was definite information connecting him with the information re the Mc Namara & Shanahan case, but does not know what the details were.
- (6) Haugh in discussing this case refers to the information got in the captured plan in Limerick (See p. 19 of his account of the Brigade) and hinted that the British would not let the boys were they before acting. This information

Ernest Haugh

h. 2. 21

was attributed to Darcy. Haugh directs attention to the fact that searches and activity by the British continued until Darcy's death when they ceased.

RB

7 Ernest Haugh on the negative given always believed in Darcy's guilt and knows of no other source of water about the case. He states that the person who knows the whole case is the Brigadier O. C. (Liddy)

Minister.

Patrick Darcy, Cooraclare, Co. Clare.

Sir,

I have now seen all the officers and other military personnel mentioned in certain correspondence as being able to give information which would clear or assist in clearing Patrick Darcy's reputation. None of the persons mentioned had any such information to give and knew of no information which had come to light since 1921 which would in any way alter or affect the decision and action then taken with regard to Patrick Darcy. Statements to this effect have with one exception been obtained from all the personnel concerned. None of the personnel interviewed were familiar with the complete details of the case from start to finish, although they were practically all familiar with certain aspects of the matter. Some of them were in addition rather hazy on details after the lapse of a quarter of a century and none of them could supply dates.

The statements taken, with one or two exceptions, do not deal with the circumstances in so far as they are known to the military personnel and merely state that the personnel concerned know of no new information affecting the case. In the case of Corporal Russell, who had to be specially brought from Limerick, a more detailed statement was obtained. In the case of Commdt. Haugh, no written statement was obtained for special reasons but notes of the information which he had is available. It afterwards transpired that although he was a principal in certain aspects of the case, he was not in fact a principal in the prior investigations and therefore was unable to supply anything like the information anticipated when it was decided to send an officer specially to interview him.

Most of the military personnel mentioned had heard of an investigation or enquiry conducted by the late General O'Duffy into this case some months after the Truce and evidently on the same occasion that he visited Clare for the purpose of organising the 1st Western Division. None of the personnel interviewed by me were present at the enquiry but they state that they were informed at the time that General O'Duffy found that the action taken with regard to Darcy was justified. They further state that at the time there was no action taken or suggestion made which would in any way indicate that General O'Duffy did not confirm or approve of the action taken with regard to Patrick Darcy and that further the enquiry was held at least some months before the split or civil troubles which might have distracted attention from this investigation. One of the officers mentioned - Commdt. Marrinan - was not actually present at the enquiry or called as a witness. He has given me a statement attached (Appendix "A") in which he states that after the enquiry General O'Duffy expressed the opinion to him that the sentence imposed on Darcy was justified. On the other hand, Commdt. Joseph Barrett, formerly of the Mid-Clare Brigade, has given me a statement attached (Appendix "B") in which he states that General O'Duff made another statement on the Darcy case. Commdt. Barrett also states he obtained some other information on the case from a person in Clare now dead. In the event of a general re-investigation being made of this case it will be necessary to have this information considered. It is briefly that a Solicitor in Clare who had contacts with the British military

authorities.....

authorities in Clare mentioned he had reason for believing that Darcy was not guilty.

The only officer from outside the 1st Western Division who was with General O'Duffy on the occasion he organised the Division, which would also appear to be the occasion on which he conducted the enquiry, is now Commdt. Breen of the Army Medical Service and he never heard of the Darcy case.

Most of the regretted and considerable delay in this case has been due to the effort to trace any records General O'Duffy might have had or more particularly officers who might have had some knowledge of those records. From the initiation of the enquiries it was realised that generally speaking there are few or no records in the Department of Defence going further back than approximately June, 1922. The only information with regard to the West Clare Brigade in Military Archives is an account of the Brigade's activities compiled years afterwards by one of the officers mentioned in the correspondence as being familiar with the case. In this account the officer concerned only refers in a guarded and remote way to the Darcy incident and his execution in the account is regarded as completely justified. The investigations would tend to confirm the view widely held at the time of General O'Duffy's death that he had in his possession a considerable number of papers relative to his national activities at various periods. On the other hand, an officer who had something to do with his staff at the time does suggest that General O'Duffy would after his return from Clare only have held and kept in his files papers relative to his duties as Deputy Chief of Staff and Director of Organisation. This officer suggests that any papers he brought to Clare relative to the Darcy case and any report he submitted on it on his return would have been passed to the officer responsible for initiating the further enquiry in the Darcy case. That officer might have been the Minister for Defence; the Chief of Staff; the Director of Intelligence; or possibly the Adjutant General. The prospects of finding in the Department of Defence or otherwise any records kept by General O'Duffy are therefore exceedingly remote.

In view of the conflict of evidence as to his actual decision after his enquiry in the Darcy case it would seem that certain senior Army officers of that date not now in service might be able to give some information on this particular issue.

(Dan Bryan). COLONEL.

C.S.O. G.2 BRANCH.

29th May, 1945.

Confidential.

Minister.

Patrick Darcy, Cooraclare, Co. Clare.

Sir,

This note is intended to briefly recapitulate the result of my investigations in this case.

Originally I was only given the job of investigating two particular points by the Taoiseach. These were -

- (1) If a number of specifically named officers still serving in the Army knew of any reasons which had arisen since Darcy was shot which might alter the original decision in the case, and
- (2) If it were possible to trace any official notes or records of the enquiry which General O'Duffy held in connection with this incident at some period after the Truce in 1921.

I have since seen all the officers originally mentioned and a number of other officers and individuals. With the exception of Commandant Joseph Barrett, they all state that no information has come to their notice why the original decision in the case of Patrick Darcy should be altered.

I again attach as Appendix 'A' a copy of Commdt. Barrett's report to me. I should state that while I really know nothing about the Dalton case, I understand he was a Volunteer from Limerick who was executed as a spy or at least for persistent association with enemy forces. After the Truce I understand his (Dalton's) case was re-investigated and it was decided he should not have been executed. Commdt. Barrett also states he has some other new information on the Darcy case, which of course would require consideration if there is a general re-investigation of it.

On the other hand I again also attach as Appendix 'B' a copy of Commandant T. Marrinan's statement in which he states General O'Duffy told him after the investigation that the sentence on Darcy was justified.

The only personal opinion I will express is the view that if General O'Duffy's investigation did clear Darcy, it is surprising that the result of his investigation did not become generally known at least in higher Volunteer circles at that time.

I have made extensive enquiries as to the existence of a note or record of General O'Duffy's investigation or its result but cannot trace such a document. I cannot, however, exclude the possibility that such a document is amongst old unsorted records in this or other Departments or in private hands. I know that a considerable number of papers formerly held by General O'Duffy are in the hands of private

Capt K

*Get R. To make a
Official file & P.A*

*in a closed envelope
DB*

individuals.

It must be remembered that the Department of Justice and the Garda have conducted other enquiries in this case. The Commandant of the West Clare Brigade at the time of the incident is a Garda officer and I understand he is the person who suggested that the records of General O'Duffy's enquiry should be in the Department of Defence. In addition, practically all the officers interviewed stated he was the person who knew all the facts.

Generally, I must state that, although as a result of suggestions many other people have been approached and certain people are still exploring one or two possible sources of information, I have no more information as to the O'Duffy enquiry than that given in my report of the 29th May, 1945. Further, I am not hopeful that any more information will be forthcoming.

DB

COLONEL.

(Dan Bryan).

C.S.O. G.2 BRANCH

ST
March, 1946.

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