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They shall not grow old . . .

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By RON KIRWAN

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They shall not grow old . . .

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Sport

THE first soldier to die in battle in the Great War of 1914-1918 was Sergeant Francis Hayes, from Hospital. The last man to die was Private Michael Keaty, from Dromlara, Pallasgrean. The first soldier to be executed for disobedience was Private Patrick Joseph Downey from Limerick city.

An excerpt from a soon-to-be-published book on Limerick men who died in the Great War reveals that Pte Downey had failed to fall-in on parade when ordered by his sergeant-major on November 26, 1915, and had refused to put on his cap when ordered by a captain.

The 19-year-old Vizes Field man pleaded guilty at his trial on December 1, and was executed by firing squad on December 27.

But Pte Downey should never have been allowed to plead guilty, historian Pat McNamara believes.

The author of *The Widow's Penny: Limerick city and county men who died in the Great War* has uncovered evidence that senior British army officers knew that P J Downey's guilty plea should never have been accepted by the court martial--but wanted the death sentence to set an example.

Following the case in February of the same year of Pte Joseph Byers, an instruction was issued that a plea of guilty was not to be accepted in court martial "irrespective of a soldier's wish".

But the guilty plea was accepted by the court martial panel in Pte Downey's case.

Lieutenant-General Mahon, Commander of the British Forces in Salonika, wrote to General Monroe, the commander-in-chief, that he would have hesitated to recommend the death sentence because the "plea of guilty has erroneously been accepted by the court".

But poor discipline in the battalion warranted making "an exemplary punishment highly desirable", he wrote.

General Monroe confirmed the death sentence, despite the concerns to its legality. The deputy judge advocate, commenting in his War Diary noted that the sentence was particularly requested by General Mahon, "in view of the marked tendency towards insubordination".

 Features

"It was judicial murder in my eyes," said author Pat McNamara, "I'm not a judge and I'm not a solicitor, but I'm capable of putting it together."

The Limerick-born historian has uncovered the stories of a total of 1,050 Limerick men by trawling through hundreds of thousands of service and computer records and correspondence over the past four years.

 Farm Leader

"I decided to find the Limerick men who died in the Great War," said the Parteen historian.

 Archive

"I found 840 Limerick men in the records and then I went through the records of the Limerick Leader and the Limerick Chronicle to come up with the remaining 210."

 Search
Archive

The book, due to be published shortly, details the regiments, followed by a timeline of the events and facts surrounding the Great War, and the details of the Limerick men who died and where they are buried, from here to Hong Kong.

 Feedback

Let us know what you think

Trying to trace the records of war-dead is a daunting task but when it comes to executions it becomes a near impossible task.

In Soldiers died in the Great War contained in 80 volumes, there are only records of 14 men out of a total of 346 executed during the period. It would appear that the 14 entries were inserted in error.

 Home

Published after World War 1, it contains the records of over 635,000 soldiers and 37,000 officers of the Great War.

"My interest was to try and locate details of any Limerick man to suffer death by execution," said Pat McNamara.

"Unfortunately, I found one, Private Patrick Joseph Downey, son of Mary Downey, 1, Kelly's Range, Vizes Field, Limerick City.

"He had enlisted as a volunteer in September 1914 at the age of 18. He was serving with the 6th Battalion Leinster Regiment, part of the 10th (Irish) Division in Salonika.

"For some reason, which was not explained, he stood fast when, on November 26, 1915, Company Sergeant Major Bagnall had ordered him to fall in on parade, and then had refused to put on his cap when Captain Cradock had ordered him to do so.

"Private Downey was then charged with 'On active service disobeying a lawful command in such manner as to show wilful disobedience of authority given by his superior officer in the execution of his duty'."

Army regulations regarding field general court martial required a field officer preside over the case. Brigadier General R Vandeleur, the convening officer, stated that there was no field officer available. The panel consisted of a captain and two second lieutenants. The entire proceedings were recorded on three pages of notepaper.

It is doubtful if Patrick realised that by pleading guilty of the offence, it would be tantamount to suicide, but the court accepted the plea, hence the statement in Mahon's--the officer commanding British Forces in Greece--letter to General Munroe, that the plea of guilty was erroneously accepted.

Pte Downey should have been made to plead "not guilty". This instruction was issued after the court martial of Pte Joseph Byers, who was executed at Loche on February 6, 1915.

The instruction came about because it was felt that irrespective of a soldier's wish, a plea of "not guilty" would be entered and the case heard as normal with witnesses giving evidence under oath.

The court sentenced Patrick to suffer death by firing squad. On hearing the sentence, Downey was alleged to have laughed, saying: "That is a joke, you let me enlist and then bring me out here to shoot me".

The sentence passed by the court was agreed unanimously and the proceedings were referred to Lt General Brian Mahon, officer commanding British Forces in Greece. Before forwarding the papers to General Munroe, commander-in-chief, Mediterranean Expeditionary force, Mahon remarked: "Under ordinary circumstances I would have hesitated to recommend that the capital sentence awarded be put into effect as a plea of guilty has erroneously been accepted by the court, but the conditions of discipline in the battalion is such as to render an exemplary punishment highly desirable and I therefore hope that the commander-in-chief will see fit to approve the sentence of death in this instance.-B Mahon, Lieutenant General Commanding, HQ British Forces, Salonika, 12th December 12, 1915.'

Monroe confirmed the sentence on December 18 despite concerns as to its legality.

It would appear that the inexperienced officers, who constituted the court martial panel did not realise that procedures had changed as a consequence of the Byers case. If the correct procedure had been adopted, they should never have accepted the plea of guilty.

Patrick Downey was tried at Hasanli on December 1, 1915. On that date, five other soldiers were tried for similar offences and were sentenced to a variety of punishments, but Patrick Downey was to be the scapegoat who paid the supreme price for the battalion's indiscipline.

A firing party drawn from the Durham Light Infantry under the command of Capt Charles Villers, assistant provost marshal, 10th (Irish) Division, executed him shortly after dawn on Monday, December 27, 1915, at Eurenjik.

Patrick was only 19 years old. Hearsay suggests that his execution provoked uproar in the ranks of the Division. He is buried in Mikra British Cemetery, Kalamaria, Greece in grave 1386.

The deputy judge advocate of the Mediterranean Expeditionary force, wrote in his war diary at the end of December 1915: "During the month of December two death sentences were ordered by the C-in-C to be carried out: 1st, 16743 Private H. Salter, 6th East Lancashire Regiment tried on November 22 for desertion; 2nd, 6/227 Private PJ Downey, 6th Leinster Regiment sentenced on December 1 for wilful defiance. The latter was a case from Salonika and it was particularly requested by the GOC that this sentence be carried out in view of the marked tendency towards insubordination, which has recently been evident from the proceedings of courts martial in that command. These are the only two death sentences that have been carried out in the MEF since I joined the force in September and only one had been carried out before that. Between April 25 and December 31, 1,012 men had been sentenced to death but in every case except those mentioned above the C-in-C had refused to confirm the death sentence."

During the Great War five men were executed for disobedience. Pte Patrick

Joseph Downey, 6th Battalion Leinster Regiment, was the first.

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