

The Eighth Man: William Joseph Fegan and the Darlinghurst Seven

by Jeff Kildea*

In June 1918 Commonwealth and State police raided the homes of seven members of the Irish National Association (INA) in Sydney, Brisbane and Melbourne and arrested them under the War Precautions Regulations. The men were taken to the Military Detention Barracks at Darlinghurst, an inner-city suburb of Sydney, where they were held until war's end. The government claimed they were members of the Irish Republican Brotherhood who through links to America and Germany were seeking to aid an armed revolution in Ireland. A public judicial inquiry into the internments found that the government was justified in continuing to detain the men. They were eventually released after the war ended.

This story is reasonably well known. Patrick O'Farrell wrote about their internment in his book *The Irish in Australia*, first published in 1986, as well as in a chapter on the IRB in Australia in Oliver MacDonagh's *Irish Culture and Nationalism*, published in 1983. In 1997 an article by Garrath O'Keeffe, 'Australia's Irish Republican Brotherhood', appeared in the *Journal of the Royal Australian Historical Society*, while in 2005 John Ainsworth wrote an article on the Brisbane internee Thomas Fitzgerald for the *Australian Journal of Irish Studies* and in 2016 Keith Harvey contributed a piece on the internees to the online magazine *Tinteán*. In addition, there are references to the internments in numerous works on the Irish in Australia, most recently in *A New History of the Irish in Australia*.¹

Initially dubbed the 'Irish Seven', in more recent times they have come to be known as the 'Darlinghurst Seven'. So, this photograph in *The Irish in Australia* captioned 'The I.R.B. prisoners in Darlinghurst Gaol, 1918', puzzled me because there were eight men in the picture not seven. I will mention that photograph again a little later. But here is another photograph, similar to the one in the post card, which also shows eight men. So, while researching the history of the INA, I decided to find out who the eighth man was and what his relationship was with the Darlinghurst Seven.

To cut to the chase, the eighth man in the photo (back row on the right) is William Joseph Fegan, who along with Thomas Fitzgerald (front row on the right) and George McKitterick (who might also have been interned had he not died in April 1918) established a branch of the INA in Brisbane in August 1916, which they called the Austral Irish National Association until the 'Austral' was dropped a year later.²

Fegan was born in Dublin in 1876 and emigrated to Australia in 1914 with his wife Mary and five children. The two older children were by his first wife Catherine, who had died in 1904. William and Mary had married in Dublin in 1907 and in Australia they had two more

¹ Patrick O'Farrell, *The Irish in Australia*, New South Wales University Press, Kensington (NSW), 1992, pp. 273-279; Patrick O'Farrell, 'The Irish Republican Brotherhood in Australia: the 1918 Internments' in Oliver MacDonagh et al., *Irish Culture and Nationalism, 1750-1950*, St Martin's Press, New York, 1983, pp. 182-193; Garrath O'Keeffe, 'Australia's Irish Republican Brotherhood', *Journal of the Royal Australian Historical Society*, Vol. 83 Pt 2, 1997, pp. 136-152; John S. Ainsworth, 'Thomas Fitzgerald, the Irish National Association of Queensland and Australian national security, 1916-21', *Australian Journal of Irish Studies*, Vol. 5, 2005, pp. 66-80; Keith Harvey, 'The Darlinghurst Seven', *Tinteán*, 6 May 2016 (<https://tintean.org.au/2016/05/06/the-darlinghurst-seven/>); Elizabeth Malcolm and Dianne Hall, *A New History of the Irish in Australia*, NewSouth, Sydney, 2018, p.324.

² Extracts from the Minute Book of Queensland INA, 27 August 1916 (NAA: A8911 216). After a year it dropped 'Austral' from its name (CPS 6 September 1917, 28). See also Ainsworth 2005.

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children, twins born in 1917. In Ireland William had worked as a solicitor's managing clerk and then a school attendance inspector. On his arrival in Australia he became secretary of the Prison Warders and Asylum Employees' Union.³

William came to the notice of the authorities following the publication on 22 June 1917 of a letter he wrote to Brisbane's *Daily Mail*. Fegan was a prolific newspaper letter-writer, argumentative in tone. This particular letter owes its origins to the death of Major William Redmond at the Battle of Messines in Belgium on 7 June 1917. Major Redmond was the brother of John Redmond, leader of the home rule party in the House of Commons, and himself a member of parliament for East Clare. His death triggered a by-election on 10 July which became a test of strength between Redmond's Nationalist Party and the newly emerging Sinn Féin party, whose candidate Eamon de Valera won the seat.

Not surprisingly, the leaders of the Queensland INA wanted Sinn Féin to win and, at a meeting of the association on 13 June, Fegan proposed a resolution that a cable be sent to the Mayor of Dublin in the following terms: 'Irish National Association of Queensland repudiates Redmond. Support Plunkett and independence'. At the time Sinn Féin's principal spokesman was Count George Plunkett, whose son Joseph was one of the rebel leaders executed after the Easter rising. The minutes recorded that the motion was passed 'unanimously by over 200 members present'.⁴

The following week Father Jeremiah O'Leary told a less well attended meeting of the Austral INA's Irish language group that he took strong exception to the previous week's resolution, which, he claimed, was 'passed without notice'. He also objected to the cable, which he said was an insult to John Redmond and a slight on the memory of William Redmond 'who had laid down his life on the battlefield in the interests of a united Ireland'. O'Leary moved that the cable be withdrawn. After discussion the meeting reached a compromise, with Fegan's son, William Thomas Fegan, successfully moving that the association send a cable of condolence to John Redmond: 'Please convey sincere sympathy Austral-Irish National Association to Mrs W.E. Redmond on recent sad bereavement—Fitzgerald, secretary'.⁵

The next day the *Brisbane Courier* and the *Daily Mail* carried reports of the meeting, prompting the secretary Thomas Fitzgerald to write to both papers expressing surprise at the publication of 'an unauthorised report of last night's meeting ... of which I had no knowledge'. He added that he had received a rescission motion so that the cable of condolence would not be sent until that motion had been dealt with.⁶ In a separate letter published in the *Daily Mail*, William Fegan senior advised it was he who had given notice of the rescission motion and then delivered the following broadside:

³ Biographical details derived from Ireland Births and Baptisms, 1620-1881; Census of Ireland 1911; Australia, Queensland, Immigration indexes, 1864-1940; Queensland Register of Births, Deaths and Marriages. His employment is referred to in a copy circular letter 9 November 1917 from Thomas Fitzgerald seeking funds to assist Fegan's family (NAA A8911 229 Thomas FITZGERALD (Secretary Irish National Association- Sinn Feiner).

⁴ Extracts from minute book of Austral Irish National Association (NAA: A8911 216 Sinn Fein – Queensland). Plunkett had won the seat of North Roscommon for Sinn Féin in a by-election in February 1917 (Michael Laffan, 'The Unification of Sinn Fein in 1917', *Irish Historical Studies*, Vol. 17 No. 67, 1971, pp. 353-379).

⁵ Extracts from minute book of Austral Irish National Association (ibid.); *Brisbane Courier* 21 June 1917, p. 8; *Daily Mail* (Brisbane) 21 June 1917, p. 4.

⁶ *Brisbane Courier* 22 June 1917, p. 8; *Daily Mail* (Brisbane) 22 June 1917, p. 4.

I may state that I was one of the founders of the association, which cannot, consistently with its principles, have any sympathy with men of Irish birth who get killed in the service of Ireland's enemy, and personally I have no sympathy whatever with their fate. ... The founders of the association have got no time for pro-British or anti-Irish Irishmen.⁷

Although the editor of the *Daily Mail* published Fegan's letter, he added a comment deploring its sentiments as 'not only discreditable to a supposed loyal subject of the Crown, but a bitter insult to the memory of a dead hero. They will be repudiated by the great bulk of Englishmen and Irishmen alike'.

Fegan fired back the next day: 'I cannot conceive why you should describe me as "a supposed loyal subject of the Crown", which is a description I indignantly resent, and have never deserved either in my native land or here'. Once again Fegan's letter was published with an editorial comment rejecting his viewpoint.⁸

In the meantime, Fegan's son had written to the *Courier* explaining that in moving the compromise motion expressing sympathy with Mrs Redmond he had acted only from charitable motives and that the previous cable repudiating Redmond 'has my entire support and, I believe, that of the majority of the members of the Austral-Irish National Association'.⁹ As if to confirm that assessment, the Redmondite, Fr O'Leary, resigned from the INA.¹⁰

The *Daily Mail's* editor was not the only one to repudiate Fegan's point of view: correspondents wrote letters to the *Mail* expressing their disgust;¹¹ indignant empire loyalists wrote to the government demanding it take action against Fegan;¹² the censor noted in his weekly intelligence report that the AINA's cable repudiating Redmond, 'indicates disloyalty in the Irish National Association of Queensland';¹³ and the military authorities recommended that the government prosecute Fegan.¹⁴

As a result, on 31 August 1917 he was prosecuted, convicted and fined £10 for making a statement likely to prejudice recruiting. The matter might have ended there but for the fact that during the court hearing the unrepresented Fegan gave evidence to explain his motives in writing the letters. In doing so he expanded on his anti-English opinions, which only made matters worse. A report in the *Grafton Argus* of Fegan's conviction was headlined 'A Disloyal Fenian'.¹⁵

⁷ *Daily Mail* (Brisbane) 22 June 1917, p. 4.

⁸ *Daily Mail* (Brisbane) 23 June 1917, p. 8.

⁹ *Brisbane Courier* 22 June 1917, p. 8; 23 June 1917, p. 8.

¹⁰ Extracts from minute book of Austral Irish National Association (NAA: A8911 216 Sinn Fein – Queensland).

¹¹ *Daily Mail* (Brisbane) 22 June 1917, p. 4.

¹² Letter 25 June 1917 from Grand Secretary, Loyal Orange Institution of Queensland to Prime Minister Hughes; Letter 27 June 1917 from State Recruiting Committee to Secretary to Director General of Recruiting (NAA: MP367/1 527/21/496 W J Fegan)

¹³ Extract from Brisbane Censor's Intelligence report for week ended 16 June 1917 (NAA: MP367/1 527/21/496 W J Fegan).

¹⁴ Memorandum 23 June 1917 from Commandant 1 MD to Secretary of Defence; Opinion of Crown Solicitor 5 July 1917 (NAA: MP367/1 527/21/496 W J Fegan).

¹⁵ *Brisbane Courier* 1 September 1917, p. 6; *Grafton Argus* 3 September 1917, p. 2. Fegan had been charged under *War Precautions Regulations 1915*, reg. 28 (making a statement likely to prejudice recruiting) and reg. 43 (attempting to cause disaffection among the civilian population) in respect of the letter of 22 June 1917. On

The military authorities seized upon Fegan's remarks to recommend he be interned or deported. On 13 October 1917 Minister for Defence Senator George Pearce signed a warrant for Fegan's detention under the *War Precaution Regulations*. Twelve days later Fegan was arrested and transferred by train from Brisbane to Sydney. When he arrived at Sydney's Central Station under escort, Albert Dryer, secretary of the New South Wales INA, was there hoping to speak to him. But he could not get close enough because, in Dryer's words, Fegan 'was in charge of two big burly khakied British swine'. From the station Fegan was taken to the Darlinghurst Detention Barracks, formerly Darlinghurst Gaol.¹⁶

Following Fegan's internment the INA began to agitate for his release by enlisting the assistance of sympathetic members of parliament and trade unions as well as making personal representations and calling meetings.¹⁷ In January Dryer and Fitzgerald travelled to Melbourne to speak to Labor members of parliament and to lead a deputation to see Pearce. When they arrived Pearce was on leave and Acting Defence Minister Littleton Groom declined to see them. However, through the good offices of Queensland Labor Senator Myles Ferricks, Groom accepted a letter from the INA representatives requesting Fegan's release, but he declined to act on it, telling Ferricks it should await Pearce's return.¹⁸ However, in February Pearce approved the Chief of the General Staff's recommendation that Fegan not be released.¹⁹

In the meantime, Fegan's large family remained without its principal breadwinner. Because the government paid only a small allowance to families of detainees 'if they are destitute', the Queensland INA set up a fund for the sustenance of Mrs Fegan and the children.²⁰ Adding to the family's concerns was the poor state of Fegan's health. Despite numerous letters from family and friends requesting proper medical care and despite his being medically examined in November, it was not until July 1918 that his condition was finally

his being convicted under the first charge, the prosecution did not proceed with the second. The case was heard before Mr C.D. O'Brien PM in the City Summons Court in Brisbane. A transcript of the proceedings is in NAA: MP367/1 527/21/496 W J Fegan. The Brisbane Irish held a benefit night to help Fegan defray the expenses (*Daily Standard* (Brisbane) 6 October 1917, p. 8).

¹⁶ Letter 1 November 1917 from Albert Dryer to Maurice Dalton (NAA: A3932 SC417 Sinn Fein Propaganda in Australia). Fegan was detained under *War Precautions Regulations 1915*, reg. 56A (NAA: MP367/1 527/21/496 W J Fegan).

¹⁷ Letter 6 November 1917 from AT Dryer to the Minister for Defence (NAA: MP367/1 527/21/496 W J Fegan); Copy letter 10 January 1918 from Dryer to Dalton (NAA: A8911 246 Maurice DALTON and Francis (Frank) McKEOWN (Irish National Association)); Letter 15 January 1918 from Fitzgerald and Dryer to Groom (NAA: MP367/1 527/21/496 W J Fegan); Letter Senator Ferricks to AT Dryer ((NLA: MS 6610 Box 1, Series 1, Folder 6)). In July 1918 the federal government's internment of Queenslanders, including Fegan, was debated in the Queensland Legislative Assembly (*Queensland Parliamentary Debates* 23 July 1918, pp. 1139-1167).

¹⁸ Letter 6 November 1917 from AT Dryer to the Minister for Defence (NAA: MP367/1 527/21/496 W J Fegan); Copy letter 10 January 1918 from Dryer to Dalton (NAA: A8911 246 Maurice DALTON and Francis (Frank) McKEOWN (Irish National Association)); Letter 15 January 1918 from Fitzgerald and Dryer to Groom (NAA: MP367/1 527/21/496 W J Fegan); Letter Senator Ferricks to AT Dryer ((NLA: MS 6610 Box 1, Series 1, Folder 6)).

¹⁹ Minute Paper, Department of Defence signed by Lt Gen. Legge 18 January 1918 and endorsed by G.F. Pearce 11 February 1918 (NAA MP367/1 527/21/496 W J Fegan).

²⁰ Copy letter 14 November 1917 from T. Trumble (Acting Secretary of Defence) to WT Fegan (NLA: MS 6610 Box 1, Series 1, Folder 6); *Daily Standard* (Brisbane) 20 November 1917, p. 8. Copy circular letters 9/11/1917 from Thomas Fitzgerald for the INA Queensland to Irish and labour organisations, respectively, seeking contributions; Copy letter 28 November 1917 from Thomas Fitzgerald to Albert Dryer (NAA A8911 229 Thomas FITZGERALD (Secretary Irish National Association- Sinn Feiner)).

diagnosed as a stomach ulcer and treatment given.²¹ Representations that he be transferred to a detention centre in Brisbane to be near family and friends were also rejected by the government.²²

In February 1918 Fitzgerald requested Dryer to take immediate proceedings in the High Court on behalf of Mrs Fegan for the release of her husband, stating, 'As regards the costs we have a guarantee from a responsible party for the payment of same'. He said he would advise the name through another channel 'as it must be kept perfectly secret'. On the same day Fitzgerald sent to Dryer by hand another letter in which he advised that the litigation would be funded by the Queensland government, led by the prominent Irish-Australian anti-conscriptionist T.J. Ryan, whose ministry included the outspoken Irishman John Fihelly.²³ However, the following month, after receiving legal advice, Dryer cabled Fitzgerald: 'Counsel's opinion not hopeful. Recommends parliamentary action. Am suspending further action in view [of] encouraging letter [from] Glynn'.²⁴ Irish-born Patrick McMahon Glynn, Minister for Home Affairs, had been talking and writing to Pearce with a view to Fegan's case being reconsidered. He had just written to Dryer, 'I hope, within a week or so, to let you know the result'.²⁵ However, events soon overtook Dryer's and Fitzgerald's efforts to secure Fegan's release when in June 1918 they themselves ended up in Darlinghurst Gaol.

Fegan's case is of concern for many reasons. Firstly, notwithstanding he had been prosecuted and convicted for what he had written to the *Daily Mail*, he was detained two months after conviction and four months after publication, not for any subsequent behaviour, but for the anti-English statements that had led to his prosecution. Secondly, the warrant for Fegan's arrest had been issued under regulation 56A, which authorised detention of a person if in the opinion of the minister it was expedient to do so to secure the public safety and defence of the Commonwealth in view of the person's 'hostile origins or associations'. As Fegan was a British subject by birth the former category did not apply and as the actions leading to his detention were the public expression of his opinions in letters to the press and in court testimony, it is difficult to see how the minister could have formed the opinion he was a person of hostile associations. The Crown Solicitor had advised the government that the statements in Fegan's letters that he was one of the founders of the INA and that the founders of the association had no time for pro-British or anti-Irish Irishmen amounted to evidence that Fegan was a person of hostile associations.²⁶ If that analysis is correct then all members of the INA were persons of hostile associations and liable to internment whether they chose to express their opinions in public or not. Yet, in the judicial inquiry into the Darlinghurst Seven, the government disavowed the idea that

²¹ Copy letter 25 October 1917 from WT Fegan to the Defence Minister (NLA: MS 6610 Box 10 Series 9 Folder 37); Copy letter 22 November 1917 from Medical Officer, Victoria Barracks to Intelligence Section; Letter 1 July 1918 from WT Fegan to Minister for Defence; Minute Paper 9 August 1918 from Commandant 2nd Military District to Secretary of Defence (NAA MP367/1 527/21/496 W J Fegan).

²² NAA: MP367/1 527/21/496 W J Fegan.

²³ Telegram and letters 21 February 1918 from Fitzgerald to Dryer (NLA: MS 6610 Box 1, Series 1, Folder 6).

²⁴ Copy telegram 16 March 1918 from Dryer to Fitzgerald (NLA: MS 6610 Box 1, Series 1, Folder 6). Curiously, the written legal advice in the Dryer papers advises there are grounds for challenging the detention (Memorandum of advice 15 March 1918 by Hubert O'Reilly of counsel (ibid.)). Perhaps there was oral advice in conference that was less sanguine.

²⁵ Letter 13 March 1918 from PM Glynn to AT Dryer (addressed AS Dwyer) (NLA: MS 6610 Box 1, Series 1, Folder 6).

²⁶ NAA: MP367/1 527/21/496.

members of the INA were persons of hostile associations merely because of their membership of the association. The government's case was that the seven had used the INA as a cloak for their IRB activities. Thirdly, like the Darlinghurst Seven, Fegan's internment had more to do with curbing dissent than securing 'the public safety and defence of the Commonwealth'. The extent to which the Hughes government was prepared to use the intelligence services and censorship against Irish and working-class organisations to suppress perceived disloyalty and to thwart the anti-conscription movement, has been well documented.²⁷ But, unlike his co-internees, Fegan was not given the opportunity to clear himself at a judicial inquiry.

Fourteen months after Fegan's arrest, Acting Prime Minister William Watt authorised the release of the Irish internees, including Fegan but not Dryer, who remained in custody until February 1919.²⁸

Freed on 21 December 1918, William Fegan was unrepentant, continuing his active support of an Irish republic, particularly in letters to the press. In an echo of his 1917 *Daily Mail* correspondence, he wrote to the *Daily Standard* in August 1922 complaining that cables of condolence sent by the Queensland executive of the Self-Determination for Ireland League following the deaths of Arthur Griffith and Michael Collins were dispatched for improper pro-Treaty purposes.²⁹ For four decades Fegan kept up his barrage of letters to the press, often but not exclusively related to Ireland, until his death on 29 September 1962 aged 86. He is buried in the Hemmant Cemetery, Brisbane.³⁰

A postscript about the photographs: On 28 July 1918 Melbourne trade unionist Fred Riley addressed a meeting of 2000 people at the Yarra Bank organised by Trades Hall, during which he showed the audience a photograph of the Darlinghurst Seven. It was one of a series taken with a camera that Dryer had arranged to be smuggled into the gaol. Riley told his audience, 'that instead of seven there were nine interned'.³¹ The eighth man, as we have seen, was William Fegan. The ninth was Michael Kiely, who appears in the photograph in *The Irish in Australia*. The son of Irish immigrants, Kiely was arrested in Tasmania on 25 June 1918 after allegedly making 'disloyal utterances' during an argument in a Devonport hotel. Although not a member of the INA, Kiely was transferred to Sydney and imprisoned with the eight INA men. His ordeal is perhaps more troubling than Fegan's, providing further evidence of the oppressive national security regime that emerged in Australia in the latter part of the First World War. But that is a story for another day.

²⁷ Kevin J Fewster, 'Expression and Suppression: Aspects of Military Censorship in Australia during the Great War', PhD thesis, UNSW, 1980; Justin McPhee, 'Spinning the secrets of state: The history and politics of intelligence politicisation in Australia', PhD thesis, RMIT University, 2015; Justin McPhee, 'The deadliest enemies of Australia: the politics of intelligence during the Australian conscription controversies of 1916–1917', *Journal of Intelligence History*, Vol. 16 No. 1, 2017, pp. 1–22.

²⁸ Minute Paper, Attorney-General's Department (NAA: A456, W26/241/93 Unrest in Queensland - Bolshevism, 'Sinn Fein'); NAA: MP367/1 512/1/907 Mr Justice Harvey's report re cases of Irish internees; DTS 27 September 1918, p. 5.

²⁹ *Daily Standard* (Brisbane) 30 August 1922, p. 6. The letter also appeared in the *Telegraph* (Brisbane) 31 August 1922, p. 12.

³⁰ Australia, Death Index, 1787–1985; *Telegraph* (Brisbane) 1 October 1962, p. 21.

³¹ Report 29 July 1918 by Detective WP Jones (NAA B741 V/20 Peace propaganda and the arrest of 7 Irish - Intelligence Section reports); O'Farrell, 'The IRB in Australia', p. 192.