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# GEORGE PLANT AND THE RULE OF LAW — THE DEVEREUX AFFAIR 1940 - 1942

*By Michael Moroney*

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In the civil war which took place after the acceptance in 1922 by Dail Eireann of the Anglo-Irish Treaty, over 700 people were killed and 3,000 wounded.<sup>1</sup> Atrocities were committed by both sides in the course of this bitter conflict. The Government of the Irish Free State carried out 77 executions of opponents, many of these for minor offences and some of persons who were shot by military firing squads without any proper trial.<sup>2</sup>

However, it is often forgotten today that, after the Cosgrave government was succeeded by that of Fianna Fail under Eamonn de Valera in 1932, a similar campaign was waged against the Irish Republican Army by the new regime during the Emergency of World War II in the 1940s. Opponents of de Valera, both in the IRA and in the Dail itself, were quick to point out that the Government now executing IRA men was composed of men who, little more than a decade earlier, had themselves been members of the IRA.

From 1938 until his departure in 1939 for the United States to raise funds to finance the IRA's bombing campaign in Britain in 1939, the Chief-of-Staff of the IRA was Sean Russell.<sup>3</sup> Fifteen years earlier in 1923 Russell had been accompanied to Russia, to purchase arms for use by the IRA against the Free State forces, by none other than Gerald Boland, now in the 1930s Minister for Justice in the de Valera Government — whose brother Harry had died in the Civil War from injuries received when shot by Free State forces.<sup>4</sup>

Some of the executions carried out during the Civil War by the Free State Government undoubtedly pose questions about the operation of the rule of law by the Cosgrave regime of that time. The same, however, can be said about some of the executions of IRA men by the de Valera regime in the 1940s. One of the more controversial of these concerned what came to known as the Devereux Affair, which took place between August 1940 and March 1942.

Michael Devereux was a 24-year-old lorry driver employed in 1940 by the Shell-Mex company in Wexford. A native of Ballyboker, Tomhaggard, county Wexford, eight miles south of Wexford town, he lived with his wife and infant child at Maudlinstown, close to Wexford town. A member of the IRA in his own locality, Devereux held the rank of Quartermaster in the Wexford Battalion. It has been suggested that this title was less a symbol of authority than a means of access for the IRA to Devereux's lorry.<sup>5</sup>

When travelling to Dublin Devereux regularly carried messages to IRA headquarters, where a fellow Wexford man, Stephen Hayes (of whom more later), a former Commanding Officer of the IRA in Wexford, was now Chief-of-Staff.<sup>6</sup> Hayes had succeeded Sean Russell when the latter left for the United States in the Spring of 1939.

On 24 August 1940, while delivering documents to premises occupied by the IRA at Lansdowne Road, Dublin, Devereux was arrested during a swoop on the house by Gardai. He was held for three days, and then released without any charge. Shortly afterwards Gardai discovered an arms dump in county Wexford, in circumstances that suggested to the IRA there that, while in custody, Devereux had revealed the location of this dump to the Gardai.<sup>7</sup>

This suspicion was strengthened by information received at IRA headquarters by two members. The first report had come from a man named James Crofton. After working in New York during the 1920s, Crofton had returned home when Fianna Fail came to power and



joined the Broy Harriers.\* Crofton had become disenchanted with the Special Branch of the Garda Síochána, however, and when the campaign by the Government against the IRA was intensified in 1939 he began to give information to the IRA.<sup>8</sup> It was this man who now told the IRA that, under pressure from a Special Branch man named Denis O'Brien, Devereux had "talked" before his release. The second report came from an IRA man who had occupied a cell adjoining that of Devereux.<sup>9</sup>

Satisfied, (incorrectly, it is since widely believed) that Devereux had turned informer, the IRA now decided to execute him, and an order to this effect was received by the Divisional Officer for the area including county Wexford, Joseph O'Connor, a native of Brosna, county Kerry. O'Connor selected two men to carry out the execution — George Plant and Michael Walsh.<sup>10</sup>

Michael Devereux left his home near Wexford town on the night of Monday 23 September 1940, having told his wife he was meeting a friend.<sup>11</sup> She never saw him alive again. A year later, almost to the day, his decomposed body was discovered on the slopes of Slievenamon mountain near Grangemockler in County Tipperary. After the finding of Devereux's body three men — Plant, Walsh and Patrick Davern, were arrested and charged with the murder of Devereux.

A protracted legal process followed, culminating in a trial by a military court held at Collins Barracks, Dublin. All three were found guilty and sentenced to death. However, the sentences on Walsh and Davern were commuted to life sentences; but at Portlaoise Jail on 5 March 1942 George Plant was executed by a firing squad composed of members of the military police.

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George Plant was born in 1904 at St. Johnstown, Fethard, county Tipperary, the second son of protestant parents, Albert Plant a Wicklow man, and Kathleen Hayden of St. Johnstown, into whose 80 acre farm Albert had moved on their marriage. George's brother Edward described the family as "a strict kind of Protestant family, as were most Irish Protestants", and not politically involved. After the death in 1913 of a three-year-old child, Albert Plant developed alcoholism and, leaving the family farm, returned to his native Wicklow. His wife raised the remaining seven children and ran the farm on her own, so that from an early age the children had to share the work at home and on the land.

One Sunday morning in 1916 the Plant family attended church as usual in Killenaule village. After the service George and brother James wandered out of the churchyard, while their mother chatted with a friend. As the boys were passing the adjoining police barracks they were suddenly grabbed by policemen and taken inside the barracks. The police questioned the two boys (aged 12 and 13) about Sean Hayes and Dan Breen.

Sean Hayes was a prominent local nationalist, who later became a Fianna Fail senator. Dan Breen was also a noted nationalist; from Donohill in West Tipperary, he later achieved fame in the War of Independence and in the Civil War, becoming a Fianna Fail T.D. Hayes was a neighbour of the Plant family, whom the two boys had often met at the local forge. Breen, who often visited Hayes and stayed at his home, was not known to them.

The RIC in Killenaule had become convinced that the two Plant boys could tell them about Hayes and Breen, although the boys genuinely did not have any information about either and told the RIC this. However, the RIC apparently did not believe them, and ill-treated the boys so severely that on their return home their hair was partly pulled out and their clothes torn; they

\* *The Broy Harriers* was the name popularly given to members of the IRA who had been drafted into the Garda Síochána to form a new Special Branch, on the election of Fianna Fail in 1932. The name *Broy* referred to Col. Eamonn Broy, the new Commissioner of the Garda Síochána.

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were dirty from head to foot, as if they had been dragged along the ground. Despite (or because of) their ill-treatment, the boys became unco-operative and obstinate, telling the police that even if they did know anything of Hayes or Breen they would not tell.

By 1918 George and James Plant had both joined the local branch of Fianna Eireann, a youth or boy-scout section of the Irish Volunteers, which had been re-organised after the 1916 Rising. George became particularly active in the Fianna and, because of his treatment by the police in 1916, was inclined to be put to the forefront of in the organisation. According to his sister this was due to "his own connivance; he was more than pleased to be in the forefront".

In due course George graduated to the IRA, as the Volunteers came to be known following the establishment in January 1919 of Dail Eireann after Sinn Fein's victory in the 1918 general election. His superiors found him to possess qualities that they used to the full. He became a fearless soldier, who carried out this orders diligently, whether or not he agreed with them.



*One of only two photographs  
of George Plant known to have  
survived*

In the Civil War, George, who was a member of the seventh battalion of the famous Third Tipperary Brigade, took the republican (or anti-Treaty) side. Towards the end of the War he was imprisoned in Templemore Jail, whence he escaped, making his way home across country after having been briefly sheltered by a friend in Thurles.

When hostilities ceased George and his brother James went, by way of Scotland, to Canada or the United States. Both are believed to have worked in the wheat fields in Canada. For a long time George later had a job on a plane that smuggled food into the U.S. The two brothers eventually made their way to Mexico, from where they were deported back to Ireland. George stayed briefly at home, before returning again to either Canada or the U.S.<sup>12</sup>

At some stage in the late 1920s George resided in Toronto. This is proved by an undated letter addressed to him from Frank Aiken, who was Chief-of-Staff of the IRA from April 1923 to November 1925\*<sup>13</sup> In 1928, at the request of the IRA, George and James Plant came home to carry out a bank robbery. With a third IRA man the two Plant brothers robbed a bank in Tipperary town. Shortly after this they were captured, and both received prison sentences. On their release both returned to the United States.<sup>14</sup>



In the late 1930s George Plant returned to Ireland when he heard of the appointment in April 1938 as Chief-of-Staff of the IRA of Sean Russell.<sup>15</sup> It is believed that Plant expected that Russell would be more militarily active than his immediate predecessors in that post. In any event, at the time of Devereux's disappearance in 1940 Plant was a full-time IRA member.<sup>16</sup>

Michael Walsh, the other man selected to carry out the order to execute Devereux, was a local IRA training officer in Kilmacow, County Kilkenny. The son of a creamery manager, he had been dispossessed by his father of a farm because of a friendship with a girl of whom his father disapproved. It seems that following this family dispute he was unable to find unemployment, and somehow drifted into the IRA.<sup>17</sup>

Patrick Davern, the third man convicted of Devereux's murder, was a farm labourer living in Grangemockler, county Tipperary, near where the body was found in 1941. A native of Waterford, his father was from county Tipperary and the family had moved there when Patrick was quite young. He had been in the IRA during the War of Independence, and during the Civil War had been a member of the same flying column (led by Michael Sheehan) as George Plant, Michael Davern and Noel Davern, a former member of the European Parliament for Munster, were distant relations of Patrick.

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To enable them to carry out the order to execute Devereux, George Plant and Michael Walsh were supplied with revolvers and ammunition on 19 September 1940<sup>18</sup>. Thomas Cullimore, the Commanding Officer of the Wexford Battalion, made arrangements for Devereux to be "set up". When he arrived for a meeting that had been arranged for the night of Monday 23 September, Devereux found Plant and Walsh waiting for him with the "news" that Cullimore had been killed and that they had to leave Wexford at once.

Devereux agreed to drive them, and set off in the direction of Kilmacow, with his two appointed executioners as passengers and Walsh's bicycle tied to the back of the car. Driving through the night, they reached Grangemockler early on Tuesday 24 September.<sup>19</sup> Around 7 a.m. they called to the home of John Nolan, a farmer of Heathview, South Lodge. According to local tradition they were expected, because Nolan had burned the furze bushes at the entry to his lane to indicate his house.<sup>20</sup>

Nolan himself received the party with his sister Ellen, who lived with him. All had a meal and then retired to bed. This same house had, many years before, sheltered Eamonn de Valera during the Civil War. Later that day three local men — James Quinn, James Landy and Patrick Davern — who had been in the IRA in the 1920s arrived at Nolan's house.<sup>21</sup>

By now it appears that Plant and Walsh had convinced Devereux that he would be blamed for Cullimore's "death", and that it would be dangerous for him to return home. It was agreed that the car would be hidden, and that the three would go "on the run". Later that day Landy guided Walsh and Devereux to a safer house, that of James Burke of Glenaskough, Grangemockler, on the foothills of Slievenamon. Accompanied by Davern, Plant brought the car to its hiding-place on the farm of William Phelan of Coolarkin, where it was covered with hay. They then returned to Burke's house, where the entire party (Plant, Walsh, Davern, Devereux, Landy and Quinn) sat around a fire until morning.

In the morning the three local men (Davern, Landy and Quinn) returned to their homes; according to one account, Walsh also departed then.<sup>22</sup> During that week O'Connor arrived,

*\*Aiken was later Fianna Fail T.D. for Louth, and Minister for Foreign Affairs.*

*- Editorial note*



and departed after speaking for some time with Plant and Devereux.<sup>23</sup> Late on Friday night 27 September Plant, Davern and Devereux left and made their way up the slope of the mountain.

According to Davern, he was to lead the party over the mountain to another and safer house at Rosegreen near Cashel, and did not know that Devereux was to be killed that night.<sup>24</sup> A contemporary account, however, states that Davern and Quinn were on guard on Friday night and gave an alarm to the effect that a party of detectives was approaching Burke's.<sup>25</sup>

Before Plant and Davern had got very far uphill, Plant turned to Devereux and accused him of being a spy and of giving information to the Gardai. Devereux denied this, and told Plant that if given time he could prove his innocence. He was not to get this opportunity. Plant, who was standing on higher ground than Devereux, put his gun to Devereux's head and pulled the trigger. Devereux fell dead.

Plant and Davern then placed the body in a small pit or hole and covered it with rocks, heather and ferns. They then separated, Plant giving Davern a gun which he told him to give to its owner in Carrick-on-Suir.<sup>26</sup> Meanwhile, Burke had gone into Carrick-on-Suir to do shopping, and did not return until Saturday 28 September. When seen on the road outside the town early on Saturday morning he appeared anxious that passing traffic should see him, as if he was providing himself with an alibi at the time of the killing.<sup>27</sup> When he returned home his visitors had all gone.

Six months later, in March 1941, an S.O.S. message was broadcast by Radio Eireann asking for knowledge of the whereabouts of Devereux. The I.R.A. now became alarmed and sent men to Phelan's farm to dismantle the car, which had lain hidden under the hay since the previous September. Parts of the car were taken away, and Phelan got a local carpenter to convert into kitchen seats the seats of the car. The body of the car was buried on the farm and a bed of onions planted over it.<sup>28</sup>

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In the Spring of 1941 some of his fellow-officers began to suspect that Stephen Hayes, the Chief-of-Staff of the IRA, had become an informer and was working with the Government secretly to undermine the military organisation.<sup>29</sup> This suspicion appears to have been based on recent set-backs suffered by the IRA, such as the increasing number of arrests of members and the recovery by the Gardai of the entire of the enormous amount of ammunition taken by the IRA in a sensational raid in December 1939 on the Magazine Fort in the Phoenix Park, Dublin.

On the other hand, neither of these factors of itself required an informer inside the IRA. Both were just as likely to have been the result of greater success by the Government in its policy of curbing IRA activity. In the case of the Magazine Fort raid, it has since been suggested that the sheer size of the haul made it impossible for local units of the IRA to conceal it properly.<sup>30</sup>

As for the apparently increased determination by the Government to crack-down on the IRA, the international situation that had developed by 1941 could explain that. After the outbreak in September 1939 of World War II, the Fianna Fail Government had adopted a policy of neutrality between the opposing belligerents, and was supported in this line by all parties in the Dail. The Government was aware that the IRA had been in touch with the regime in Nazi Germany seeking its support, and in such circumstances it is understandable that it was believed in government circles that a continuation of such contacts could compromise this country's position as a neutral State.

It was against this background that in 1939 and 1940 special emergency legislation was enacted. Under an Emergency Powers Act passed in July 1940, the Government took power to try persons, charged with offences specified in a Government Order, before a court



composed only of three military officers. Moreover, if such a court found an accused person guilty, it could only impose a death sentence, and no appeal could be made against the conviction or the sentence. It was this legislation that was to be used to convict Plant, Walsh and Davern of the murder of Devereux.

Nobody in the IRA was more convinced of Hayes's duplicity than Sean McCaughey, the Officer in Command of its Northern Command, who persuaded his colleagues in that area that action had to be taken against Hayes. Around April 1941, accompanied by Pearse Kelly (a Tyrone man later also to be Chief-of-Staff), McCaughey made his way to IRA Headquarters in Dublin. There, after a brief exchange with Hayes, they took him prisoner and brought him north.\* For some nine weeks he was held captive in various parts of the country, until eventually in July, in a house in Castlewood Park in Rathmines, Dublin, he was court-martialled, found guilty after lengthy proceedings and sentenced to death.<sup>32</sup>

At this stage, however, Hayes obtained what amounted to a postponement of his execution by agreeing to write out a complete confession of his services to the Government against the IRA. By composing a long statement over a period of weeks, he apparently lulled his captors into carelessness, and eventually on September 8, although partly manacled, he managed to escape and made his way to Rathmines Garda station nearby.<sup>33</sup>

Two days later, on September 10, details of Hayes's confessions were published in a "Special Communique" issued by the Army Council of the IRA. This, amongst other allegations, implicated prominent members of the Government in Hayes's work as an informer. This allegation was promptly denied on behalf of the Government and the Ministers concerned.

What, the reader may well ask at this stage, has (or had) this bizarre episode inside the IRA to do with the Devereux Affair? The answer is two-fold. First, a plausible case can be made (and was made at the time) for the proposition that it was Hayes who, as Chief-of-Staff, had ordered Devereux's execution (without any pretence of a trial such as Hayes himself was accorded), and that he did so in order to divert the suspicion of his colleagues in the IRA away from his own activities as an informer. Secondly, it is incontrovertible that hardly had Hayes reached the comparative safety of Garda custody than the Devereux mystery was solved. Within weeks the latter's car and body were found.

It was not only the IRA at the time that held the view that it was Stephen Hayes who gave the order for Devereux's killing. The relevant Cabinet File (now available in the Public Record Office) shows that this view was also then held by the Gardai.<sup>34</sup> It can be argued too that Hayes's subsequent co-operation with the Government, in particular his testimony in court against McCaughey, lends credence to the view that he was in collusion with the Government. However, it has to be borne in mind too that, in a magazine article ten years later, Hayes denied that his confession to the IRA in 1941 was a true one.<sup>35</sup>

The summary execution of Devereux may be a crucial piece in this whole jigsaw. Until then it had invariably been the practice of the post-1922 IRA to hold "trials" of its own offenders, on the presumption that the organisation was the legitimate successor of the pre-Treaty Dail Eireann. However, to have court-martialled Devereux would have presented him with an opportunity to prove his innocence — something his remark to Plant, moments before he died on Slievenamon mountain on September 1940, suggests he seemed certain he could do.<sup>36</sup>

\* *McCaughey died on hunger-strike in Portlaoise Jail in 1946. Kelly later held senior journalistic posts in RTE and in Independent Newspapers.* *Editorial note*



In late August or early September 1941 Patrick Davern was taken in for questioning by the Gardai. No mention of Devereux was made during this questioning, and when he was released after a day or two Davern felt he had nothing to fear.

Late one night a short time after his release a knock came to Davern's door. When he answered it a man in ragged clothes who appeared to be "on the run" asked for food, water, a wash and a shave. Having been admitted, the stranger whispered to Davern that he was a despatch-rider for the IRA, and produced papers to prove this. Since Davern was illiterate the papers meant nothing to him.

After some time the stranger intimated to Davern that IRA headquarters wanted Devereux's car to be removed from its hiding place. Davern initially refused to admit any IRA involvement or knowledge of the location of the car. After some hours, when the stranger had convinced Davern that he was from the IRA, Davern agreed to take him to where the car was hidden. The two left the house at 2 a.m. and made their way to Phelan's farm at Coolarnkin, five miles away.

Phelan dressed and came out; by then Davern was already showing the visitor where the car had been buried. The stranger said he would have arrangements made to have the car removed elsewhere. He remarked that it would also be safer to have the body removed.

Davern then began to speak about the body, but Phelan signalled him to be silent. The stranger suddenly put his hands in his pockets, and appeared to cover Davern and Phelan with two guns. Reversing down the laneway to where he had left his bicycle, he cycled off fast to Callan, eight miles away. There he reported at the Garda station. The stranger was a detective posing as an IRA messenger.<sup>38</sup> He had broken the Devereux case.

According to local tradition in Grangemockler, the detective's name was O'Brien; he was later shot dead in Dublin, and the men who shot him were those who had shot Kevin O'Higgins.<sup>39</sup> If this tradition is accurate, the detective was Denis O'Brien, who had questioned Devereux when he was in police custody in August 1940 and when questioned he was believed to have informed on the IRA.

O'Brien was, in fact, shot dead outside his home in Ballyboden, Rathfarnham, Dublin on 9 September 1942. One of the four involved in this shooting was Archie Doyle, who had been involved in the assassination at Blackrock, Dublin in July 1927 of Kevin O'Higgins, a Minister in the Cosgrave Government.<sup>40</sup>

On September 17, 1941, the morning after the incident at Phelan's farm, a lorry-load of soldiers arrived there, dug up the car and took it away. Davern, Quinn, Nolan, Phelan and a brother-in-law of Phelan named O'Brien were all arrested. Nolan's sister and others were taken in for questioning.

For over a week detectives questioned, searched and dug in the area. Eventually, back in Clonmel on September 27, Davern broke down and gave a detailed account of the imprisonment and shooting of Devereux. He then led detectives to the spot on the mountainside where Devereux's body had been left.<sup>41</sup>

Two days later on September 29 an inquest was opened in Fethard before Dr. P.J. Stokes, coroner. On the application of Superintendent J. Kelly of Clonmel it was adjourned, as is usual in such cases. That night, after Dr. John McGrath, the State pathologist, had completed his investigations, the body was handed over in Clonmel to Devereux's relatives. On the evening of Tuesday 30 September, 1941, his remains were buried in St. Ann's cemetery, Tomhaggard, County Wexford.<sup>42</sup>





The discovery of Devereux's car at Phelan's farm and the finding of Devereux's body in the mountainside set in train a lengthy series of legal proceedings. They were to end some six months later with the execution of George Plant.

At Collins Barracks, Dublin on 11 November 1941 George Plant and Joseph O'Connor were charged — Plant with Devereux's murder and O'Connor with conselling, procuring or commanding Plant to commit the murder.<sup>43</sup> When the trial opened on December 9 both men pleaded not guilty. A request by their defending counsel, Mr. Sean MacBride, for separate trials was refused, and the State opened the case by recounting the events leading to Devereux's death and those leading to the finding of his car and body.

On the second day the three principal State witnesses — Davern, Walsh and Simon Murphy of Wexford town — refused to give evidence. The court then ordered their arrest, Davern being charged with Devereux's murder and Walsh with having procured it. Prosecuting counsel now indicated that the State would enter a *nolle prosequi*\* in the case against O'Connor, who was discharged although later re-arrested.

The following day another "nolle" was entered in the charge against Plant, and Murphy was given six months for contempt of court. Like O'Connor, Plant although discharged was re-arrested.

The trial of Davern and Walsh had been fixed for 6 January 1942. However, on 31 December 1941 the Government made an order (No. 41F) under the emergency legislation, directing that Plant, O'Connor, Walsh and Davern be tried before a military court. On the day this order was made, Mr. MacBride argued that it was a fundamental rule of law that a person could not be put in jeopardy twice for the same offence.

The president of the court indicated that he could not question the Government order. The four men were charged and kept in custody, their trial being fixed for 6 January. On 1 January in the High Court MacBride applied for a habeas corpus order for the four, and the authorities were directed to produce the four in the High Court on 13 January. Meanwhile on 5 January a further possible bar to the trial in the military court was removed, when the State entered a *nolle prosequi* against Walsh and Davern in the special court. These two were taken into custody by the military court.

The High Court proceedings for habeas corpus, which also sought an order prohibiting the military court from going ahead with its trial, took four days. On 15 January the Court refused the application. Counsel for the four accused men now appealed to the Supreme Court against the High Court decision. Here the proceedings lasted a further five days. On 27 January the Supreme Court dismissed the appeal and affirmed the High Court order.

Eventually, on 12 February 1942, the trial of the four men for the murder of Devereux began before the military court in Collins Barracks, Dublin. The State was represented by J.A. McCarthy, S.C., R. McLoughlin, S.C. and G. Murnaghan. Sean MacBride, S.C. appeared for Plant and O'Connor, Barra O Briain, S.C. for Davern, and P.J. Roe, S.C. for Walsh.\*

*\*McCarthy, later a Circuit Court judge, was the father of Mr. Justice McCarthy of the present Supreme Court; McLoughlin was later first a High and then a Supreme Court judge; Murnaghan became a High Court judge. MacBride was later Minister for Foreign Affairs; O Briain became president of the Circuit Court; Roe (father of Judge Frank Roe) became a Circuit Court judge.*

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\*A *nolle prosequi* is a stay on a prosecution, not an acquittal.

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On several occasions during the trial, powers which had been taken by the Government under another emergency powers order (No. 139) of 1941 had to be invoked, to permit the taking and giving of vital evidence that would otherwise not have been permissible. On 13 February Simon Murphy refused to give evidence, whereupon a statement he was alleged to have made was put in and accepted instead. On 16 February three more statements by Murphy were similarly admitted.

On 19 February Davern alleged that his statement to the Gardai had been made after he had been beaten and threatened with being shot. Two days later this evidence was contradicted by Garda witnesses, and on 24 February the statements of both Davern and Walsh were read and accepted in evidence, after both men had given evidence of alleged intimidation.

This unprecedented departure from normal legal procedure was permissible under order No. 139. Amongst other things it provided that "if, on any occasion during a trial . . . (a military court) considers it proper that it should not be bound by any rule of evidence", it could in effect disregard any such rule.

On 27 February, after a ten-day hearing, the officers comprising the military court took less than 45 minutes to reach a decision. The president announced that, because of inadequate corroboration of evidence relating to O'Connor, the court found him not guilty. He was discharged, and as he left he shook hands with the other three.

In the cases against the other three, the president announced that the court found them guilty, and passed the death sentence on all three, the only sentence permitted by the law in question. As he left the court, O'Connor was re-arrested.

In the days after the end of the trial many petitions, letters and telegrams were received by the Government urging clemency for Plant, Walsh and Davern. Amongst those who sent such messages were many public representatives and trade union organisations. One member of the Catholic hierarchy, Bishop Collier of Ossory, pleaded for clemency for Walsh, on the ground that he was the least culpable of the three.<sup>45</sup>

The Government did not delay in making a decision. At a Cabinet meeting held on 2 March it was decided to commute to sentences for life the sentences on Walsh and Davern, but not to remit or commute the death sentence on Plant.<sup>46</sup> Three days later at Portlaoise Jail George Plant was executed by a firing squad composed of military policemen.

Six years later in 1948, when a coalition government had replaced that of Fianna Fail, Plant's body was exhumed in Portlaoise jail. Having lain overnight in Christ Church Cathedral, Dublin, it was re-interred at St. Johnstown, Fethard. Patrick Davern, who is still alive, and Michael Walsh, served four years of their sentences, being released in 1946 while Fianna Fail were still in power.<sup>47</sup>

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Not surprisingly, several aspects of the Devereux Affair caused disquiet at the time. Indeed, almost 50 years after Devereux's death the episode is still probably capable of arousing controversy.

In legal circles the action of the Government in making the two Orders was widely regarded, at least by its opponents, not only as unprecedented but also as flouting the rule of law, on which the whole democratic system rests.<sup>48</sup> One Order (41F) switched a trial on a capital charge from one court to another after the trial had commenced. The other (No. 139) implicitly made for the purpose of the impending trial of Plant and the three others, went close to dictating to

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the members of the military court what they could (or should) receive as evidence.\* To Sean MacBride, a distinguished lawyer although admittedly actually involved in the case (and hence hardly free from bias), the Government action was, as recently as 1986, still felt to be indefensible.

However, even before the trial began at all, it had taken on political undertones which saw several much more conservative politicians than MacBride express concern over the Government Orders. On January 6, 1942, the Labour Party instructed its Dail Deputies, William Norton (later Tanaiste in a coalition Government), William Davin and Dr. Joseph Hannigan, to table a motion for the annulment of Order No. 139, that relating to evidence.<sup>49</sup>

On 28 January the Dail met specially to discuss the motion, and prominent members of Fine Gael as well as the anglo-phile James Dillon (a future Minister) joined with Labour in strong criticism of the Government action. These included Professor Patrick McGilligan (a past and future Minister) and John M. O'Sullivan, who had been in the Cosgrave Government of the 1920s. However, the motion for annulment was lost 71 votes to 20.

On 4 February a similar motion in the Seanad was defeated by 35 votes to 8. Amongst the 35 Senators on the Government benches was none other than Senator Sean Hayes, about whose youthful nationalist activities in 1916 the teenage George Plant had been questioned and ill-treated in Killenaule RIC barracks!

To this day former associates and friends of Plant insist that the Government singled him out for special treatment. In support of this view are the facts that O'Connor got off on a technicality, and that Davern and Walsh had their sentences commuted. On the other hand, it was Plant, after all, who actually pulled the trigger that ended Devereux's life. Moreover, as already indicated, considerable doubt persists about whether Devereux had informed on the IRA.

The role played by the late Senator William Quirke of Clonmel has never been satisfactorily explained. He and Plant had been comrades in the IRA up to 1923, and had later spent some time together in the United States.<sup>51</sup> By the 1940s Quirke had risen to a position of prominence in the Fianna Fail organisation, and was widely believed to have great influence with Eamonn de Valera.

Both during the trial and after it ended, Sean MacBride was in touch with Quirke, with a view to obtaining clemency for the three convicted men. Moreover, MacBride had been given to understand by Quirke that his efforts were making progress, to say the least.<sup>52</sup> Yet the Cabinet file provides little evidence that Quirke had interceded for Plant, apart from a brief letter enclosing submissions Quirke had received and recommending sympathetic consideration by the Government. When told of this in 1986, Mr. MacBride expressed considerable surprise.<sup>53</sup> It is, perhaps, significant that the Cabinet papers reveal that it "was not intended originally that Walsh and Davern should be put on trial on a capital charge, as it was felt that they had not participated in the murder conspiracy to the same degree as Plant and O'Connor".<sup>54</sup> Yet this extraordinary attitude produced the bizarre result that, although the Government felt that the involvement of this pair did not merit their standing trial for murder, it later charged them (and had them tried and convicted for murder) when (or because?) both refused to inform on Plant and O'Connor.

Finally, the insensitive treatment of Plant's family — his mother was still alive — by the authorities aroused considerable bitterness. They got no opportunity to visit him in the short

\* *This Order, entitled the Emergency Powers (No. 139) Order, 1941, is No. 578 of the Statutory Rules and Orders of 1941, and its full text may be found at pp. 2893-2895, Vol. 20ii, S.R.&O., 1941.*  
*Editorial Note.*



week between his conviction and his execution. A request by Plant to see his infant son George was agreed to, on condition that a screen separate them. Since he understandably wished to hold his child in his arms for the last time, Plant refused. Plant's widow (who later settled and re-married in New York) and his son reside today in Bantry, County Cork, and his daughter resides in the United States.

The first news Plant's family heard of his death in 1942 was on the radio. An official telegram arrived on the morning he faced the firing squad — but after his death.

## A Note on Sources, Etc.

This article is a revised version of history coursework submitted in part-fulfillment of the regulations for the grant of a B.Ed. degree by the Mary Immaculate College of Education, Limerick, in 1986.

The sources used were of five principal types: contemporary newspaper reports; oral evidence; Cabinet files and minutes relating to the subject; papers held by the Plant family; and published works.

The newspapers reports consulted were mainly those of the *Irish Times*, containing accounts of happenings such as the discovery of Devereux's body and the subsequent court hearings.

Oral accounts of aspects of the case were taped from members of the Plant family, from comrades of Plant in the early IRA days, and from local people in his native neighbourhood and in the parish of Grangemockler. Of particular value were the accounts given by Plant's sister Elizabeth, and by Patrick Davern, the only survivor of those convicted for the murder of Devereux. It was also of value to speak to the late Mr. Sean MacBride, who was Senior Counsel for the defence.

In evaluating the information which the oral evidence collected, an effort was made to allow for possible bias inherent in the individual accounts concerned.

The papers on the case held by Miss Elizabeth Plant provided factual information about George's life, from his involvement with the IRA in the early 1920s to the time of his death. They also provided "leads" from which other information could be gleaned.

In addition to the five main types of sources, many cuttings and notes were made available by people with an interest in the case. The most valuable of these was a 17-page account of the whole affair written at the time by Fr. Peter Dower, a curate in Grangemockler. This document, now in the archives of the Waterford and Lismore Diocese, gave a coherent account of events in that parish and also yielded facts that had been concealed by other sources.

The writer wishes to record his sincere appreciation to his Research Supervisor, Dr. Maura Murphy, and to the following: The Plant family (including George Plant, jun., Bantry), Patrick Davern (Dublin), Patrick Duggan (Drangan), Mrs. Mary Healey (Fethard), Larry Holohan (Grangemockler, deceased), Patrick Kennedy (Clonmel), Donncha Lehane (Dublin), James Meagher (Grangemockler), Fr. Sean Melody (Waterford), Sean MacBride, S.C. (Dublin, deceased), John Reddy (Drangan), Richard Tobin (Glenbower), Kevin Wilson (Drangan), Enda O'Riordan (Clonmel), to the writer's sister Helen, who typed the work and to the editor of the *Tipperary Historical Journal* (Mr. Marcus Bourke) for his help and advice.



## FOOTNOTES

1. Tierney, Mark: *Modern Ireland 1850 - 1950* (Dublin, 1972).
2. Kee, Robert: *Ireland, A History*, (London, 1982), p. 201.
3. Bowyer Bell, J: *The Secret Army* (London, 1979), p.65 (cited hereafter as Bell).
4. Bell, p. 159: McInerney, M., in *Irish Times* (hereafter "IT"), 17 October 1968.
5. Bell, p. 187: IT, 1 October 1941.
6. Bell, p. 159; oral statement by Patrick Davern on 23 November 1985 (cited hereafter as Davern).
7. Dept. of Justice Memorandum to Government, 7 November 1945, Cabinet File No. S12741, S.P.O. Dublin Castle.
8. Bell, pp. 182-183.
9. *Ibid.*
10. See n7.
11. IT, 1 October 1941.
12. The information in the preceding paragraphs of this chapter was supplied orally by Edward & Elizabeth Plant on 4 August 1985 and October, 1985, respectively.
13. Copy of letter in writer's possession.
14. Statement by Patrick Kennedy, Clonmel, 28 October 1985.
15. See Cronin, S.: *The McGarrity Papers* (Tralee, 1972), p.166.
16. See n7.
17. *Letter to Eamonn de Valera from Richard Walsh, 27 January 1941, in Cabinet File No. S. 12741.*
18. See n7.
19. *IT, 3 December 1941.*
20. "*The Devereux Affair*", MS by Fr. Peter Dower, C.C. Grangemockler 1941-42, now deposited in Waterford Diocesan Archives (cited hereafter as Dower).
21. *Dower.*
22. *Davern.*
23. *Dower.*
24. *Davern.*
25. *Dower.*
26. *Davern.*
27. *Dower.*
28. *Ibid.*
29. *Bell, p.199.*
30. *Ibid, pp. 174-175.*
31. *Ibid, p. 186.*
32. *Ibid, pp. 201-207.*
33. *Ibid.*
34. See n7.
35. *Hayes, Stephen: "My Strange Story", The Bell, July and August 1951.*
36. Davern; also Dower.
37. Dower.
38. *Ibid.*
39. Statement of James Meagher, Grangemockler, on 3 November, 1985.
40. MacEoin, U: *Harry* (Dublin 1985), p.103.
41. Dower; see also n7.
42. IT, 1 & 2 October 1941.
43. The accounts of the legal proceedings given in this chapter are based on the reports in the *Irish Times* from 12 November 1941 to 6 March 1942.
44. Cabinet minutes G 2/324 of 30 December 1941, in S.P.O.
45. Cabinet file No. S 12741, S.P.O.
46. Cabinet minutes G 2/342 of 2 March, 1942, S.P.O.
47. Cabinet minutes G.C 4/124 of 4 December 1945, S.P.O.
48. IT, 6 January 1942.
49. *Ibid*, 7 January 1942.
50. *Ibid. 26, 29, & 30 January 1942 & 5 February 1942.*
51. Statement of Elizabeth Plant, 23 November 1985.
52. Statement of Sean MacBride, 14 March 1986.
53. *Ibid.*
54. See n7.
55. Statements of Elizabeth & Edward Plant, 23 November 1985 & 4 August 1985, respectively.

