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THE IRA IN WEST TIPPERARY IN 1931

The Assassination of Superintendent Curtin

By Denis G. Marnane

We will not have two governments in this country, and
we will not have two armies in this country.

(Kevin O'Higgins in the Dail, 1923)

What government was in power five years ago?
The Republican government.

(Reply of IRA member during trial in Co. Tipperary, 1931)¹

These two quotations reveal the central dilemma of Irish politics since 1921, which was at the heart of the events which led to the assassination of Superintendent Sean Curtin near Tipperary town on Friday, 20 March, 1931. After the founding of Fianna Fail in 1926 Sinn Fein was marginalised, so that the IRA was left guardian of militant republicanism, and the commitment of the IRA to the republic was absolute.

However, its social and economic policy revealed some diversity of opinion. In general terms, the IRA supported the social and economic aspirations of the 1916 Proclamation and the Democratic Programme of the First Dail; but there were tensions within the movement as to how it should respond to the reality of poverty within the Free State of the 1920s. The comment of the Minister for Industry and Commerce, Patrick McGilligan, in 1924, "that it is no function of government to provide work for anybody", indicates that there was a fruitful pool of discontent ripe for exploitation.²

Through the 1920s there was pressure from people like Peadar O'Donnell to move the IRA to the left and capture this constituency so neglected by Cumann na nGaedheal. Following the business collapse of 1929 and the ensuing world-wide Depression, this emphasis within the IRA was accelerated. Increasingly, the IRA involved themselves in land agitation — in Tipperary for example, by playing a role in various local campaigns for the distribution of Land Commission estates.

The Depression also had the effect of reducing emigration, thereby adding to the pressure on land and the reservoir of discontent from which the IRA could draw recruits.³ In 1931 a confidential garda report commented (none too subtly) "that the extremist movement in this country is a strange mixture of political revolutionaries and social revolutionaries". It went on to note that in the same organizations could be found "intellectuals living on the dividends of the capitalist system and corner-boys who have no other driving force behind them than discontent with their condition in life".⁴

This point could perhaps be put less dismissively, namely, that, apart from any political agenda, organizations like the IRA offered excitement and a means of kicking against the narrow and stultifying certainty of an establishment dominated by middle-class values, buttressed by the clergy — in Professor J.J. Lee's phrase, "strong farmers in cassocks"⁵.



In 1931, at a meeting of Clonmel Corporation, there was a discussion about three library books destroyed by the "censorship committee". This focussed not on the morality of burning books but on the waste of money in buying them in the first place! "Burn them if they cost £10" (a substantial sum then) was one contribution.⁶

Tipperary Background

Tipperary had a strong republican tradition, and in the aftermath of the War of Independence the Third Tipperary Brigade was vigorous in its campaign against the Treaty.⁷ However, in the General Election of 1923 the republican share of the vote in the county was unusually low at 29 per cent, reflecting defeat in the Civil War. In the June election of 1927 Fianna Fail only won two of the seven seats and 28 per cent of the vote. Dan Breen stood unsuccessfully as an Independent; but, even if his vote is taken into account, the figure stands at 31 per cent.

In the September 1927 election Fianna Fail won three seats and 34 per cent of the vote. Over the following five years the republican vote increased substantially, so that in the 1932 election Fianna Fail won four seats and just over 50 per cent of the vote.⁸ This upsurge in the republican vote owed something to the economic situation and not a little to the fact that even hardline IRA sympathizers could bring themselves to vote, in spite of the fact the De Valera had entered the Dail. The day after he assumed power in 1932 IRA prisoners were released from Arbour Hill prison in Dublin.

This increase in republican support in the county was mirrored in the level of IRA activity, with of course the crucial difference that the latter is very difficult to measure. The armed attack or bank robbery compels attention, just as a geyser serves as a reminder of water bubbling beneath the surface.

In the immediate aftermath of Curtin's assassination in 1931 the Garda Commissioner General Eoin O'Duffy made much of the fact that of the ten murders of members of the force (including Curtin) since its foundation in 1922, half had occurred in Tipperary. Guard Harry Phelan was shot dead in Mullinahone, the only member of the force to be killed during the Civil War.⁹ In May 1924 two guards were shot dead near Carrick-on-Suir.¹⁰

Towards the end of 1926 the IRA planned to raid a number of police stations throughout the country, mainly in order to get arms. Twelve barracks were attacked and two unarmed Guards were killed, one in Cork and the other in Hollyford, county Tipperary. Twenty-nine-year-old Guard Hugh Ward was killed in the Hollyford raid on 14 November. The station was ransacked and £30 stolen. A common public response was the unrealistic, though understandable, attitude that such deeds had nothing to do with the local community. In the words of the local parish priest: "I am fully satisfied that no person in Hollyford or in the whole parish of Kilcommon had any part" in the crime.¹¹

On Thursday, 18 April 1929, the Bank of Ireland branch in Tipperary town was raided by three armed men who assaulted the manager and got away with about £850. Three days later, a number of arrests were made, including the brothers George and James Plant, natives of Fethard who had recently returned to Ireland from North America. During the trial the defendants pleaded guilty and were sentenced to seven years' penal servitude each, with a provision for reduction if the money was returned. George Plant, a notorious IRA activist, was executed for murder in 1942.¹²

An interesting sidelight reveals something about public attitudes to such IRA activities. In the immediate aftermath of the bank robbery, word was sent to outlying Garda stations to check on the movements of known IRA activists and sympathizers. In Cappawhite the guards had no car of their own but would usually borrow or hire one. However, in the words of the sergeant stationed in the village at the time:



"At this particular time, it was rather difficult to procure a car in Cappawhite and it was alleged that, for some reasons best known to themselves, some of the car-owners in the village dismantled their cars rather than allow them to be used by the Guards".¹³

There was undoubtedly an increase in IRA membership in 1929-30, which was reflected in Tipperary. Eleven of the witnesses in the illegal drilling case which led to Curtin's assassination stated when they had joined the Solohead Company of the IRA. In all but one instance the dates referred to various months in 1930, so that the company was probably formed (or reformed?) early in that year.

On an evening in February 1931, when police raided a farm in Knockphelagh on the Tipperary-Limerick border, about 21 men were gathered for drilling exercises. A police estimate for national membership of the IRA in January 1931 was about 1,300 officers and 3,500 men.¹⁴ Another police report of July 1931 noted companies, all actively drilling, in Corroge (35 men), Kilfeacle (35-40 men) and Dundrum (two companies of 18 men each). The local Detective Sergeant described the O/C there as a "murderer".

Tipperary town was said to have 40 men, and the company involved in the drilling trial 35. Other places such as Carhue, Hollyford, Annacarty and Ballykisteen were also noted as having active service units. The brigade O/C lived and worked in Tipperary town and had played an important role during both the War of Independence and the Civil War. The police were not flattering in their assessment of his character.¹⁵

One of the most persistent sources of local agitation was land — specifically, who was to benefit from the disposition of those estates which had "missed the boat" under the 1903 legislation and which were compulsorily acquired by the state under the Land Act of 1923, the "Hogan Act". Between 1923 and 1931 the Land Commission had been busy in Tipperary. About 35,000 acres had been acquired, of which 30,000 had already been divided as follows: 18,500 acres had been utilised for the enlargement of 800 uneconomic holdings and 11,500 acres had created 365 new holdings.

A further 40,000 acres were being processed in 1931, so that, compared with other counties, Tipperary was doing quite well.¹⁶ The problem by 1929-31 was the speed of the processing by the Land Commission and the direction of their largesse. Politics, of course, played a part in such decisions. At a public meeting in February 1930, a number of estates in the vicinity of Tipperary town were discussed. With regard to one of them, a property of about 450 acres, attention was focussed on the fact that when it had been taken over by the Land Commission some years earlier, some 25 men had lost their jobs and the land remained undivided.

J.J. Hassett from North Tipperary, a Cumann na nGaedheal T.D. for the county, aroused some ire when he claimed that the poverty and unemployment in the locality was due to the "ranches" in Lattin, Ballinard and Ballywire and that the government, through the Land Commission, would in time sort out this problem. He was sharply reminded by the chairman of Tipperary Urban District Council how Tipperary town and environs had suffered during the Land War and Troubles and that the government appeared to ignore what was due to the area.¹⁷

Seven months later eight men appeared in court charged with conspiracy, intimidation and assault, arising from agitation over the Ballywire estate. By then, however, the Land Commission was dividing the land. The defendants got off with a warning.¹⁸

There was trouble on the Ballinard property of about 300 acres in 1931. This land had been bought by the Land Commission two years previously; pending division, it had been let for grazing and meadowing. In an attempt to force the hand of the Land Commission and to protest against the condition into which the land had been allowed to fall, a number of farm labourers in June 1931 drove cattle off the land in question. In this, as on other estates, agitation over who would benefit - local farmers, local labourers or outside farmers - was a fruitful ground for IRA intervention.¹⁹



The estate where these factors came into play in an acute form was that of Wilfred Bagwell Purefoy at Greenfields, Cappawhite.²⁰ Purefoy died in March 1930, and the estate workers resisted the pressure from local farmers for division. There was also opposition to certain farmers getting farms that were considered too big. In other words, whatever way the cake was divided, there were going to be losers!

One of the people who purchased a farm was Michael Kelly, who bought about 45 acres in May 1930. He and some other farmers were unpopular with those who wanted the estate divided in its entirety. There was a class element in the agitation. As a judge remarked in March 1931 about the opposition to Kelly: "It is apparently the most incompetent type who are looking for these and other lands".²¹

Incompetent or not, dissatisfied claimants organized themselves into a committee to agitate for division and attracted the support of the local IRA.²² This involvement by the IRA led to an intensification of the dispute. Early in January 1931 Kelly received a warning on behalf of those pressing for division of the estate, and then on 30 January some of his property was burned and shots were fired.

Given the upsurge in IRA activity (especially illegal drilling) in the area, this very public demonstration of force must have put pressure on the Guards to take action. This increase in IRA activity was nation-wide. On the same day as the attack on Kelly's property at Philipstown, the IRA in Dublin carried out an official execution of one of their own members who had been passing information to the police.²³

Illegal Drilling Case

In the latter part of 1930 and early in 1931, the "Solohead Company" of the IRA had been meeting, drilling and (later in this period), having obtained some guns, taking part in target practice.²⁴ It is difficult to believe that the authorities had no knowledge of what was happening over these months. Yet, when the police eventually struck, hoping to arrest as many members of the company as possible and especially its leaders, it was more than likely that they were acting on a tip-off.

At about 7 p.m. on the evening of Friday, 6 February 1931, members of the Solohead IRA Company began to arrive at the farm of Con O'Brien at Knockphelagh, a townland in Solohead on the border with Limerick and a fairly isolated area. One of the group, John Breen of Drumwood, who was sent along the road as a look-out, was picked up by the Guards. Some of the company had gathered in an out-house on the farm, where attention was focused on the few arms in possession of the company.

Suddenly word came that the Guards were arriving. Immediately lights were extinguished and the company scattered across the fields under cover of darkness. Three arrests were made and subsequently a fourth man was charged. Over that week-end, 15 others were taken in for questioning.

At a special court before a Peace Commissioner in Tipperary on Saturday evening (7 February) Superintendent Sean Curtin sought to have four men remanded to the next sitting of the District Court. These four were



Supt. Curtin

John Ryan (Cat) of Cappawhite, labourer; Con O'Brien, Knockphelagh, farmer; John Harding of Cauteen, farmer; and Thomas Ryan (Liamogues) of Monard, labourer. Curtin explained the circumstances of the arrests and stated that guns and ammunition had been found at the scene.

Charges were being brought under section 6 of the 1925 Treasonable Offences Act, 1925. This had been steered through the Dail with some difficulty by Kevin O'Higgins to replace an earlier Public Safety Act. The 1925 Act imposed the death penalty on those found guilty of levying war against the state. Section 6 dealt with the formation of "pretended military or police forces", and declared this a misdemeanour with, as a penalty, a fine of not more than £200 or penal servitude for up to five years.²⁵ O'Higgins was later (in 1927) assassinated.

Superintendent Curtin was a farmer's son from near Newmarket in county Cork, and at 29 years of age had had a very successful career in the Garda Siochana, which he had joined in April 1922. In October of that year he was promoted to sergeant and in June 1923 to inspector. In July 1926 he became a superintendent and served in Killarney prior to his transfer to Tipperary in April 1930.

During the eleven months he was in Tipperary, he played little part in the social life of the community and lived first at Limerick Junction before renting accommodation at Friarsfield, a short distance outside Tipperary town. His wife, whom he had married in Killarney, was expecting their first child.

The IRA had an attitude that their conflict was with the Criminal Investigation Division (the 'CID') rather than the ordinary Guards, whose business they liked to think was only concerned with "ordinary" police work. Curtin was not, however the type of man to make a distinction between the breaking of one law and another, and it was unlikely he would have been transferred to Tipperary had his superiors not judged him capable of dealing with an area with a "reputation". He had been threatened by letter in November 1930, but ignored it and continued to go round unarmed.²⁶

At the court sitting on Saturday 7 February, only one witness, William Ryan a farm labourer, was produced, who explained how he had joined the IRA. At Solohead in 1930 he had been asked by John Ryan, one of the defendants. He had attended four or five meetings of the "Volunteers" and confirmed he had seen the box of revolvers produced in court at Con O'Brien's. He admitted to being drilled by two of the defendants, Thomas Ryan and Harding, and described how he had taken part in shooting competitions, each man putting up two pence towards the prize money.

Apart from the guns, Curtin's prize exhibit was what he claimed to be the roll-call book of the company, kept by Harding. When the witness William Ryan was asked by Curtin if he was "afraid of somebody", he declared pointedly that Curtin already knew the identity of those at the meeting at Knockphelagh, before he (the witness) revealed anything.

The hearing ended with an argument between Curtin and the men's solicitor (Robin Frewen) over bail. The Peace Commissioner was inclined to allow bail and was resentful at being forced to make a decision one way or the other. Curtin left the court in no doubt that he would do anything to oppose bail, not least because of what he considered would be the threat to the life of his witness. In the event, the four defendants were remanded to the next sitting of a District Court sitting in Dungarvan the following Wednesday. The accused were removed to Limerick Jail.²⁷

At the court hearing in Dungarvan on Wednesday 11 February Curtin again prosecuted and produced three witnesses, all of whom had been involved in the Solohead Company. To put the matter as some of these witnesses did, a group of men had met over a period of several months, but this did not mean that they were engaged in illegal activity!

The first of these witnesses was Philip Doherty, who worked as a farm labourer for his uncle at Clonbrick. He had made a statement to the police at around 4.30 a.m. on the previous Monday morning. Although this witness seemed forthcoming as to detail, on two crucial matters he was



very vague. With regard to the guns found at the scene, he admitted that there was a box, but stated that he did not see what was in it. Secondly, he claimed not to be able to identify the roll-call book because he was illiterate. Five of the witnesses were to make use of this claim.

John Tuohy of Ballykeevin was the second witness. Some months earlier he had applied unsuccessfully to join the Guards. Tuohy had made a statement at around 8.30 a.m. on the previous Monday morning, but in court he retracted its important elements. He claimed that he first heard that the IRA had a company at Solohead and Seskin just before Christmas and that he was never in the IRA until the previous Friday night, the night of the police raid. Having previously described seeing Con O'Brien with guns, he now claimed that this was a lie and that it had been too dark to see anything.

The next witness, Michael Coffey, a farmer's son from The Tillery, Solohead, also retracted his earlier statement. He freely admitted membership of the IRA since 1926, when he was 18. (It was not a crime to be a member of the IRA until October 1931.) In his statement, he had admitted that all four defendants had taken part in drilling; he now claimed that this had been forced out of him at the Garda barracks.

He denied all knowledge of guns, or that he had told the police where to find a box of rifles hidden on Con O'Brien's farm. A somewhat surreal element was that Coffey took the police to this farm early on Monday morning. According to the police, he offered to do this if he was allowed wear "a strange hat". According to Coffey, he was forced to go "at the point of a revolver" — Curtin's revolver. Coffey denied helping the police to search for the rifles or that he had said that he would be shot if seen.

When this witness had been taken in for questioning, his mother told him: "Don't come back home again if you let the accused men down". The witness claimed that his purpose in going to Con O'Brien's on Friday night was to help in organizing a dance to be held in Cauteen, but that he did not see anyone else present at this meeting. Coffey's evidence in denying his earlier statement was full of contradictions, and when he refused to sign his earlier statement District Justice Troy ordered him to be arrested. This concluded the hearing in Dungarvan and the five prisoners were taken to Waterford Jail.

The case resumed in Clonmel on Friday 13 February. The four defendants were faced with two new charges, namely, an armed attack on the residence of Michael Kelly of Philipstown, and arson. Two of the accused, O'Brien and Thomas Ryan, had a new solicitor, James G. Skinner of Clonmel, while Robin Frewen of Tipperary town continued to appear for the remaining pair. Skinner, who later in life became a District Justice himself, was to be much more combative than his colleague and had numerous clashes with Curtin in the course of the hearings.

The first witness in Clonmel was John Breen, a labourer from Drumwood. He had acted as look-out at the meeting and had been picked up by the Guards. He stated that no force had been used to get him to make a statement, and admitted that the four accused had been at the meeting.

The next witness was Malachi Hogan, a farmer, also from Drumwood. He claimed that he had never been sworn into the movement and that he was a "stranger to the locality;" consequently he did not know the people at the meetings. He admitted that John Harding had been in charge of drilling and roll-calling. Skinner's question to him: "Did you know, being a member of this organization, that in these statements you were betraying your fellows?" - was disallowed.

Skinner continued to sting the witnesses with his contempt. To the next witness, Thomas Sullivan, a labourer from Drumwood, he commented sourly - "a great soldier for Ireland". Patrick O'Neill, a labourer from Ballykeevin, gave contradictory evidence, saying that there had been no drilling, but allowed his earlier statement confirming drilling to stand!

Martin Connors, also a labourer from Ballykeevin, was closely questioned by Superintendent



Curtin, who in all of his questions was anxious to establish the exact hierarchy of the unit. From various witnesses it emerged that, of the four defendants, Harding, John Ryan and O'Brien were respectively numbers one, two, three in the Solohead company.

Following Connors, Michael Coffey reappeared in court, having been arrested for perjury two days earlier in Dungarvan. Coffey's dilemma was to say enough to get off the perjury hook, but not so much as would impale him on a far more lethal IRA hook. The clerk of the court in Tipperary, who had been present when Coffey made his original statement, was in court and made some amendments to the original, which Coffey then signed. Ironically, the court clerk in question was Michael O'Callaghan, who in 1916 had shot and killed two members of the RIC before fleeing to America.²⁸

The final witness to be heard in Clonmel was John Allen, a labourer from Glassdrum, who denied that he had signed any earlier statement, in spite of sworn evidence from a witness that he had signed it. At this stage the case was adjourned to Tipperary on Tuesday 17 February.

In Tipperary, the court-room was crowded, the most distinguished spectator being Maud Gonne MacBride, the widow of the executed 1916 leader Major John MacBride and mother of Sean MacBride. She made no secret of her sympathy for the defendants - for example, giving them cigarettes during the lunch-break.

The trial continued where it had ended in Clonmel, with the evidence of John Allen, who was faced with the same dilemma as Michael Coffey. He admitted that his original statement was authentic, but claimed that it had not been voluntary. He denied knowledge of any guns and gave an unlikely story about being sworn into the IRA by an unnamed man who was about five feet tall.

James Ryan, a farmer's son from Boherdotia in county Limerick, went further than previous witnesses in claiming that his earlier statement was "false" and that named detectives had taken him to his uncle's barn and assaulted him, threatening to shoot him. They also, he claimed, offered him money for the requisite evidence. His credibility was not helped when he said that, even though he was a member of the IRA, he did not know the difference between a rifle and a revolver!

On the issue of police brutality, one may wonder if Curtin would have put his entire career in jeopardy by allowing such disregard for procedure. Following the murder of Garda Ward in Hollyford and another Guard in Cork in November 1926, Republican prisoners in Waterford were assaulted by members of the force. This had resulted in a sworn inquiry, when the men responsible were severely disciplined. The Government made it clear that such behaviour would not be accepted.²⁹

John Ryan (Alty), a farm labourer who worked on a farm at Ayle, told the court how he had joined the IRA the previous September and had attended up to a half-dozen meetings at Con O'Brien's. He confirmed that the officers of the Solohead Company were the four defendants and that he had been sworn in by one of them, Thomas Ryan. The witness confirmed that he gave a statement while in custody and denied that any force had been used.

The response of the defence solicitor to Ryan — "I suppose he will be drummed out now", was in the light of later events, an ill-chosen remark. There may have been another interpretation of the fact that John Ryan was not arrested until the evening of Tuesday 10 February.

In contrast, the next witness was extremely unforthcoming. Edmond Ryan of Monard, who had joined the "Volunteers" in April 1930, denied that there were roll-calls or drilling or that he had been sworn in. On the evening in question he was merely attending a meeting to organize a dance. The next (and penultimate) witness was also a Ryan, James Ryan of Seskin, a 21-year-old farmer's son, who also "sang dumb". He had "always" been in the IRA; he was often at Con O'Brien's house; there were no meetings; his earlier statement (given on oath) was not true and was forced from him!

The last of these witnesses who had been involved in the Solohead Company of the IRA was Tim



Buckley of Clonbrick, a farm labourer. Like most of the others, he had been put forward as a State witness, based on his sworn statement. Like many of his associates, he now denied the veracity of that statement. In court he claimed that he had never joined the IRA; the only meetings he attended were to organize a dance. He knew the four defendants but could not say if they had been at meetings because it had been too dark; there was no drilling and no roll was called. He claimed that he did not even know what this dance was in aid of, and that the information he gave in his statement was due to Curtin "knocking him about a bit".

Buckley had, in fact, been on his way to the meeting at Con O'Brien's when he was picked up by the Guards, who brought him to that farm and locked him in an outhouse for three hours before he was taken to Tipperary barracks. This was the last of the evidence heard in Tipperary, and the case was adjourned to Clonmel on the following Friday, 20 February.

In Clonmel evidence was taken from eight Guards, mainly detectives, and based in Cappawhite, Cahir, Thurles and Tipperary. Evidence was given regarding the events of Friday 6 February and the finding "on a fence" of an open box with five revolvers (two loaded) and a number of rounds of ammunition. On the question of police brutality, there were bitter clashes between Skinner and Curtin over what Curtin categorised as "foul filth" and allegations that blood had to be wiped off the floor of the barracks.

At the conclusion of the evidence Curtin applied to have the four accused returned for trial at the next sitting of the Circuit Court in Clonmel. District Justice Troy (himself the son of a leading Cork Fenian of an earlier era) agreed, and refused bail. He also issued a vehement condemnation of the amount of perjury in the case, especially in the evidence of Michael Coffey, James Ryan and Tim Buckley, all of whom had contradicted their sworn evidence, citing police brutality as their reason. This willingness of witnesses to perjure themselves was so marked a feature of trials with a political aspect that a number of bishops spoke out about it, including Archbishop Harty of Cashel.³⁰

The actual trial of the four defendants, which opened in the Circuit Court (Judge Sealy presiding) in Clonmel of Wednesday 18 March, was something of an anti-climax. Perhaps the most significant fact was that the case was tried before a jury. In picking a jury, Curtin was seen to object to a number of people, in spite of protests by the defence counsel that police should be involved.

Prosecuting for the Gardai were Thomas Finlay, K.C. (father of the present Chief Justice) and John L. Esmonde later (when Sir John Esmonde) a Fine Gael T.D.; appearing for the accused Harding, O'Brien and John Ryan were Joseph O'Connor K.C. (later a Circuit judge) and Alec Lynn, a formidable Louth criminal lawyer.

The defendants were charged under the 1925 Treason Act on six counts relating to the period 1 September 1930 to 7 February 1931. Evidence was given by six of the men already referred to, namely, John Breen, Malachi Hogan, Thomas Sullivan, Patrick O'Neill, John Ryan and Martin Connors.

Compared with his earlier story, Breen now claimed that the meeting on 6 February was in order to "learn a play". Hogan admitted joining an organization the previous autumn, "the name of which he did not know", and the purpose of which was to organize dances, excursions and hurling matches. Sullivan stuck to much the same line.

O'Neill admitted that there was "some sort of drill at meetings", describing it as "codding with bits of sticks". Regarding his supposed rank in the "Volunteers", he declared that "the Superintendent [Curtin] told me I was sergeant". Of these six witnesses, the most forthcoming was John Ryan, who admitted that there had been meetings, at which the four defendants were present. Drilling led by Harding had taken place, and the latter also had charge of the roll-book.³¹

A number of police gave evidence, with emphasis on the finding of guns. Such was the pressure on the earlier witnesses that the story presented by the six on behalf of the prosecution was a great



deal weaker than what they had outlined in their original statements. Defence counsel did not bother producing any witnesses; in effect, these six had done the job for them.

In their closing speeches, defence counsel ridiculed the whole notion of there being an active IRA unit in Solohead and suggested that the guns found had been planted. One counsel declared that the witnesses gave no evidence that they were even capable of drilling, some of them "not knowing one foot from the other".

The judge in his summing-up made an emotional appeal to the jury, on the basis of keeping guns out of politics; if this was not put down, it would spread, he said. He directed that there was no evidence for the administration of oaths, but that it was impossible to get away from the presence of the guns. With reference to the idea that these guns had been planted, "he had never heard such an astonishing statement".

After twenty minutes' deliberation, the jury returned a verdict of not guilty on all counts.

Superintendent Curtin's Death

Curtin was disappointed at the outcome of the case, but he can hardly have been surprised. The fact that 16 individuals were rejected as jurors by the state was an indication of popular Republican feeling. Another such pointer noted by the police was the high volume of sales of the republican newspaper *An Phoblacht* in the Tipperary district.³² On Friday 20 March, two days after the ending of the illegal drilling case, Curtin expressed his opinion to the Commissioner of the Special Branch:³³

"On the whole it is useless to have anything in the nature of a political case ever again tried in this South Riding of Tipperary. The result of this case should, I respectfully suggest, give rise to serious thought to abolish the jury system in cases of political nature. As far as the Garda were concerned in this case all possible was done at every stage of the case to make it successful and no pains were spared."

A few hours later he was dead. At about 10.15 p.m. that Friday night Curtin arrived at the gates of his home at Friarsfield in his Morris Cowley car. Unusually, the gates were closed; so, with his headlights on and engine running, Curtin got out of his car to open the gates.

About five shots were fired at him. He lay on the ground dying for nearly two hours before his sister-in-law, who was staying with them, went to investigate the car lights, and with the help of neighbours carried Curtin into house. He died at about 1 a.m. without regaining consciousness. No one in Friarsfield heard the shots. Curtin was unarmed.

The inquest was held at Friarsfield that Saturday evening. One neighbour gave evidence of having heard shots around 10.15 p.m. the previous night, but did not see any lights other than from Curtin's car. This individual had not reacted in any way. On Monday 23 March Curtin's body was brought to Clonfert cemetery, near Newmarket in county Cork. At the graveside, the Garda Commissioner General O'Duffy spoke pointedly about the way in which Tipperary people gave shelter to "gunmen" and emphasised the sad record of Garda fatalities in the county.

There was no doubt in people's minds that Curtin's assassination was connected with the illegal drilling case just ended. Had Curtin won that case, IRA retaliation might have been expected; but it seemed that the IRA judged that Curtin would be more determined than ever to enforce the law against them.

An Phoblacht repeated the standard view that their conflict was with the CID and not the uniformed Guards, but that Curtin had made the enforcement of anti-republican legislation "his hobby". This newspaper cited Curtin's determination not to allow bail, the allegations of police brutality and the extent of police challenge to jurors as evidence against Curtin. The implication was that it had been legitimate to shoot members of the RIC a decade earlier and that the situation had not changed.³⁴



An *Phoblacht* also attacked the Fianna Fail newspaper *The Nation*, which had described the murder as an "act of utter cowardice". In part this attitude of Fianna Fail was prompted by an attempt by Cumann na nGaedheal to make de Valera and his party share in the guilt of the crime, in that they had links with the IRA.³⁵ A section of republican opinion reacted badly to what they perceived as a betrayal by *The Nation*. Following the condemnatory editorial in that newspaper, the residence of its editor was plastered with copies of the offending issue, while on the pavement in front was inscribed the message "The Nation Felon-Sets".³⁶

Locally in the Tipperary area there was a mixed reaction to the murder. A police report dating from July, some months after the murder of Curtin (and just after the murder of John Ryan, one of the witnesses in the illegal drilling case), commented that, as a result of these crimes, the attitude of the "ordinary citizen" had changed towards the Guards and that people now kept their distance from members of the force.³⁷ It is not clear if this changed attitude was supposed to be due to republican sympathy or fear of republican reprisal.

In any event, such a comment by the police may be seen as an over-reaction, and perhaps part of an attempt on their part to get the Government to bring in legislation (such as Curtin himself had indicated) allowing them deal more effectively with the IRA. In October 1931 precisely this happened, with the Constitution (Amendment No. 17) Act, 1931, which established military tribunals to try cases of sedition, illegal drilling and membership of illegal organizations.

Tipperary (S.R.) County Council passed a resolution of outrage at Curtin's murder, but this did not prevent complaints about police activity, especially in Clonmel. There, it was claimed, "men of character and men of ability were pounced on" by police, who in the absence of evidence were stirring the republican pot in the hope that something might float to the surface.³⁸

The police, of course, had their suspicions but no evidence. One name mentioned in a confidential report was Tom Bellew, one of the leaders of the Tipperary town company of the IRA. Bellew was not a native of the area, having come to the town to work as a tin-smith in New Tipperary. The police may not have had more to go on than the fact that he had been missing from his home for weeks following Curtin's death.³⁹ Another report from September 1931 declared that a source in the IRA had revealed that the men responsible for the murder were known in Tipperary and were seen by locals prior to the shooting who were afraid to speak.⁴⁰

One of the manifestations of republican attitude that particularly aroused clerical ire was a leaflet issued by Cumann na mBan, declaring that the men of Tipperary had vindicated their right to take arms and drill. Much was made of the allegations of "torture" against Curtin, and the spirit of Soloheadbeg and 1919 was invoked.⁴¹

Apart from its contents, this leaflet caused particular offence as it was produced and distributed by women and was brutally direct in its opinion. "The men of Tipperary, true to the traditions of their forefathers, proud of the lead they gave in 1919 in ambush, have shown that they will not allow a Free State police Superintendent to stand between them and freedom".

Other indications of republican sympathy included the reaction to Clanwilliam Rugby Club, who on 28 March passed a resolution condemning Curtin's murder. This resulted in an attempt to burn down the club's pavilion at Rosanna.⁴²

Also, following Curtin's death, shots were heard at night in various parts of the countryside and some members of the police force were issued with rifles. Because of this, together with periodic police raids and searches, and the fact that agitation continued on a number of estates, an atmosphere of nervous expectation seemed to settle on the locality.

Also, of course, there was increased IRA activity elsewhere in the country during the months following Curtin's death. The fact that yet again no arrests were forthcoming following the murder of a member of the force cannot have helped Garda morale.⁴³





The funeral of Supt. Curtin leaving St. Michael's Church, Tipperary.

John Ryan's Death

John Ryan, who was in his early twenties, worked as a farm labourer at Breen's of Ayle since about 1926. He was a native of Cappawhite and, together with his brother William, had given evidence in the illegal drilling case. On Sunday 19 July Ryan attended Mass in Cappawhite and afterwards visited his parents. That evening he went to a dance in Annacarty, returning to Breen's around midnight.

A short time later Ryan answered a knock on the door and, according to Patrick Breen, the following exchange took place:

"Is this Mrs Breens and are you Ryan Alty?

We want you; there is a general round up of all the lads again tonight."

To which Ryan replied:

"I don't know you - how is it that you didn't bring one of the local Guards with you?"

One of the men told Ryan:

"Dress and come on. We have Billy Ryan [his brother] and Sean Allen up here on the road in a car with us."

The two men identified themselves as Detectives Lavin and Cullen and, according to Patrick Breen, Ryan did not seem reluctant to go with them — even though the previous April he had



received a threatening letter from the IRA ordering him to leave the country. This letter purported to come from "the H.Q. of South Tipperary Brigade IRA", and declared that, if found in any part of Ireland after 17 May, his life would be forfeited.

Ryan, the letter stated, had been found guilty of treachery. He had shown the letter to Patrick Breen, who later said Ryan did not appear to take it seriously, though he did give it to the police.⁴⁴

At around 6 a.m. on Monday morning the body of John Ryan was discovered at Ayle Cross. It was in a sitting position, leaning against the roadside fence. Around the neck was some string, and attached to the string was an envelope with the inscription: "Spies and Informers, Beware! IRA". He had been shot seven times.

John Ryan was buried in Toem cemetery on Tuesday 21 July. People there still remember the dramatic scene when his father cried out over the coffin of his son: "The murder gang have got their toll. Now may the Lord wither from the arm to the shoulder the hand that fired the bullets".

It could be said that the three wise monkeys syndrome operated in Tipperary at this time. As in the case of Curtin, no one was brought to account for Ryan's murder. Sean Russell, a leading member of the IRA and Chief of Staff in the late 1930s, was in the area at the time and, in fact, attended a meeting with about 14 other "Volunteers" near Tipperary town on the day Ryan was buried.

However, it is unlikely that he was involved in the murder; certainly police intelligence intimated nothing of the sort. The fact that Russell was in the area might suggest that the killing of Ryan was a local operation. Confidential police reports named a prominent member of the local company, a man not involved in the illegal drilling case.⁴⁵

Following the murder Archbishop Harty issued a letter to be read at all Sunday Masses. The Guards made it their business to note how various priests reacted to this. Many condemned the murder; others merely read the letter and made no comment. Fr. Matt Ryan, P.P. of Knockavilla ("the General", a "title" dating back to the Land War in the previous century!) did not read the letter, but said: "I have a letter from the Archbishop concerning the shooting of Ryan and he asks your prayers for him and those who shot him".⁴⁶

Throughout 1931 the republican movement, both political and military, became increasingly assertive. An illustration of this was the interview given in August by Frank Ryan, editor of *An Phoblacht* to Leslie Randall, a journalist with the English *Daily Express*. Randall first explained his difficulty in getting the interview, and then described how these objections persisted from some quarters, even after he arrived at the office of *An Phoblacht*. He professed amazement at how candidly Frank Ryan spoke to him. About Curtin, Ryan explained how the Guards were not supposed to concern themselves with politics, but that Curtin had exceeded his duty. "He went out of his way to persecute the IRA". Ryan made the usual distinction between the Guards and the CID, and declared that trouble from the latter was entirely expected and even acceptable. Regarding John Ryan, he was categorical: "Take the case of the farm labourer who gave evidence for Curtin. He was nothing else than a traitor".⁴⁷

According to T.P. Coogan, this interview with Frank Ryan, coming after the other events of 1931, especially the murder of Curtin, persuaded the Government to take more drastic action against the IRA. As the Tipperary illegal drilling case illustrated, jury trials could no longer be relied on. Moreover, on a broader front the strength and popularity of Fianna Fail, now that a general election could not be far off, gave encouragement to republicans (including the IRA) that their day would soon come.⁴⁸

The Government's answer to the challenge posed by the IRA was the Constitution (Amendment No. 17) Act, which became law on 17 October. In the few months before the general election on 16



February 1932 this Act allowed a measure of success against the IRA. Then in February 1932 the whole political scene changed. Attitudes became more dramatically polarised with the founding of the Army Comrades Association — the “Blueshirts” — and the formation of the first Fianna Fail Government.

FOOTNOTES

1. *Dail Debates*, x, col. 280; *The Nationalist*, 14 Feb. 1931, (hereafter “Nat.”)
2. J.J. Lee: *Ireland 1912-1985* (Cambridge, 1989), p.127.
3. See *The Tipperaryman*, 4 July 1931. (hereafter “Tipp.”)
4. Confidential Memorandum from Minister for Justice to members of Executive Council, 4 April 1930 (D/T, S 5864A, National Archives, Dublin).
5. Lee, op. cit., p.159.
6. *Nat.*, 4 Feb. 1931.
7. See *Tipperary Historical Journal* 1991, pp. 35-49. (hereafter “THJ”).
8. *The Magill Book of Irish Politics* (Dublin, 1981), pp. 316-17.
9. C. Brady: *Guardians of the Peace* (Dublin, 1974), p. 81.
10. *Ibid.*, p. 114.
11. J. Bowyer Bell: *The Secret Army* (Sphere ed., 1972), pp. 76-7; *Garda Review* (December 1926).
12. *Nat.*, 20, 24 April, 11 May, 12 June 1929; for Plant, see *THJ* 1988, pp. 1-12.
13. Statement of Sergeant A. Cullen (D/J, H 235/80/67, National Archives, Dublin).
14. Memorandum regarding the activities of certain organizations, Sept. 1931 (D/T, S 5864B, National Archives, Dublin). See also H. Patterson: *The Politics of Illusion - Republicanism and Socialism in Modern Ireland* (London, 1989), p. 48.
15. Report on illegal drilling by General O’Duffy, 27 July 1931 (D/T, S 5864B, National Archives, Dublin).
16. *Nat.*, 25 July 1931; 67.5 per cent of Irish agricultural holdings were valued at under £15 p.a.; see Patterson, op. cit., p. 41.
17. *Nat.*, 5 Feb. 1930.
18. *Nat.*, 6 Sept. 1930.
19. *Tipp.*, 20 June, 11, 18 & 25 July 1931.
20. For Purefoy, see P. Mathieu: *The Druid’s Lodge Confederacy* (London, 1990).
21. *Tipp.*, 28 March 1931.
22. *Nat.*, 11 Feb. 1931.
23. *Tipp.*, 28 March 1931; Bell, op. cit., p. 104.
24. Details of the illegal drilling case were widely reported in both the local and national press. Coverage in individual newspapers varied, local papers especially being selective about detail, especially criticism of the police. In some cases the local press excluded the evidence of certain witnesses. Specific citation is not given.
25. *Acts, Irish Free State, 1925/18.*
26. *Garda Review*, April 1931; *Tipp.*, 21 March 1931; *Cork Examiner*, 23 March 1931; *An Phoblacht*, 28 March 1931.
27. This witness, William Ryan, was a brother of John Ryan who was murdered on 20 July 1931. William Ryan did not appear again as a witness. See comment in *Nat.*, 22 July 1931, where these two brothers appear by the writer to be confused with each other.
28. See Marnane: *Land and Violence* (Tipperary, 1985), p. 121; also *THJ.*, 1991, pp. 14-15.
29. Brady, op. cit., pp. 144-47. It should be pointed out that two of the detectives involved in the illegal drilling case (one in Tipperary and the other in Thurles) had incidents of assaulting prisoners on their records.



30. *Nat.*, 13 May 1931. It is an interesting comment on the times that Harty in his remarks appeared equally concerned about that episcopal obsession of the period, dancing!
31. A month after the conclusion of this case seven of the State witnesses were charged with perjury. These were Michael Coffey, Malachi Hogan, Tim Buckley, James Ryan, Thomas Sullivan, Martin Connors and John Allen.
32. *An Phoblacht*, 28 March 1931; O'Duffy report, 27 July 1931 (D/T, S 5864B, National Archives).
33. Quoted in Bell, *op. cit.*, p. 105.
34. *An Phoblacht*, 28 March 1931.
35. *An Phoblacht*, 25 April 1931; *The Nation*, 28 March 1931; *Cork Examiner*, 23 March 1931.
36. Memo., certain organisations, Sept. 11931 (D/T, S5864B, National Archives).
37. O'Duffy report, 27 July 1931 (D/T, S 5864B, National Archives). There was public sympathy for the fact that, about a month after her husband's death, Mrs. Curtin gave birth to twins, neither of whom survived. In June she was awarded £6,000 (about eleven times her husband's annual salary) to be levied off the Tipperary S.R. Co. Council area. Mrs. Curtin never remarried, and died in the mid 1970s.
38. *Tipp.*, 4 April 1931.
39. O'Duffy report.
40. Sergeant J. Scully to Superintendent, Detective Dept. Dublin, 1 Sept. 1931 (D/T,S 5864A, National Archives, Dublin).
41. Copy of leaflet, 26 March 1931 (D/T, S5864B, National Archives, Dublin); *Nat.*, 1 April 1931; *Tipp.*, 27 June 1931.
42. Marnane: *Clanwilliam F.C. 1879-1979* (Clonmel, 1979), p. 29.
43. This mood of uncertainty also affected the Government and, with the appearance of Saor Eire in alliance with the IRA, the Government attempted to enlist the support of the hierarchy. It is difficult to resist the conclusion that up to October 1931 the police were in retreat. See R. Fanning: *Independent Ireland* (Dublin, 1983), pp. 103-5; Brady, *op. cit.*, pp. 156-58.
44. *Tipp.*, 25 July 1931; Summary of Outrages from 1 Jan 1931, 30 April 1931 (D./T, S5864A, National Archives Dublin).
45. O'Duffy report.
46. *Ibid*; for Fr. Matt Ryan, see *Foundations*, Autumn 1990; also *Duchas 1986-1989* (Dublin, 1990).
47. *Daily Express*, 24 August 1931; S. Cronin: *Frank Ryan - The Search for the Republic* (Dublin, 1980), p. 43.
48. T.P. Coogan; *The IRA* (Fontana ed., 1971), p.88.

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